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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800

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Staff:	K. Kemmler
Staff Report:	8/22/02
Hearing Date:	9/10-13/02
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-02-085

APPLICANT: PCH-Tyler Associates, Inc.

AGENTS: Goldman & Firth Architects, Attn: Ann Jones & Ron Goldman

PROJECT LOCATION: 24683 Pacific Coast Highway, Malibu (Los Angeles County)

APN NO.: 4458-030-043, lot 1

PROJECT DESCRIPTION: Construction of a new stepped two story, 18 ft. high, 6,618 sq. ft. single family residence with 672 sq. ft. attached garage, swimming pool, raised terrace, trellis, stucco walls, gravel driveway and car court, entry gate at common driveway, installation of new septic system, and performance of 1,230 cu. yds. grading (290 cu. yds. cut, 940 cu. yds. fill).

Lot area	1.83 acres
Building coverage	6,864 sq. ft.
Pavement coverage	15,435 sq. ft.
Landscape coverage	53,101 sq. ft.
Height Above Finished Grade	18 ft.
Parking spaces	3

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, July 8, 2002; City of Malibu Geology Review, Approval in Concept, September 21, 2001; City of Malibu Environmental Health, Approval in Concept, September 17, 2001; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, February 4, 2002; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, May 29, 2002.

SUBSTANTIVE FILE DOCUMENTS: "Limited Geologic Soils and Engineering Investigation," GeoConcepts, Inc., September 13, 2000; "Limited Geologic and Soils Engineering Investigation," GeoConcepts, Inc., June 20, 2001; "Compaction Report," GeoConcepts, Inc., February 22, 2002; "Private Sewage Disposal System," GeoConcepts, Inc., August 9, 2001; "A Phase 1 Archeological Study", Historical, Environmental, Archeological Research Team, December 1999; "The Results of Additional Archeological Monitoring", Historical, Environmental, Archeological Research Team, November 27, 2000; Coastal Development Permit No. 4-01-046 (PCH-Tyler Associates, Inc.).

Summary of Staff Recommendation

Staff recommends ***APPROVAL*** of the proposed project with ***EIGHT (8) SPECIAL CONDITIONS*** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) wildfire waiver, (5) future improvements, (6) color restriction, (7) archeological resources and (8) deed restriction.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-02-085 pursuant to the staff recommendation.***

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the Limited Geologic Soils and Engineering Investigation dated September 13, 2000, Limited Geologic and Soils Engineering Investigation dated June 20, 2001, Compaction Report dated February 22, 2002 and Private Sewage Disposal System dated August 9, 2001 prepared by GeoConcepts, Inc. shall be incorporated into all final design and construction including *foundations*, *grading*, *sewage disposal* and *drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal 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.

2. Drainage and Polluted Runoff Control Plans

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (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.

3. Landscaping and Erosion Control Plans

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

A. Landscaping Plan

(1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

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

(3) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence to minimize impacts of the development on public views from Pacific Coast Highway located south of the site.

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

(5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive

Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

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

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained 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 geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved

pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. 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, and 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 wildfire exists as an inherent risk to life and property.

5. Future Improvements Restriction

This permit is only for the development described in coastal development permit No. 4-02-085. Pursuant to Title 14 California Code of Regulations §13250(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-02-085, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Three (3), shall require an amendment to Permit No. 4-02-085 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Color 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 4-02-085. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-02-085 if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. Archeological Resources

A. By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and Native American monitor present onsite during all grading, excavation, and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy be developed, by the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant consistent with CEQA guideline and subject to review and approval of the Executive Director.

B. All recommendations contained in the reports prepared by Historical, Environmental, Archeological, Research, Team entitled "A Phase 1 Archeological Study" dated December 1999 and "The Results of Additional Archeological Monitoring" dated November 27, 2000, as well as any additional recommendations developed by the archaeologist(s) during project monitoring, shall be incorporated in to all final design and construction. If the consulting archaeologists' recommendations, based on discovery of significant archaeological remains, require a substantial modification or redesign of the proposed project plans, an amendment to this permit is required.

8. Deed Restriction Condition

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is proposing to construct a new stepped two story, 18 ft. high, 6,618 sq. ft. single family residence with 672 sq. ft. attached garage, swimming pool, raised terrace, trellis, stucco walls, gravel driveway and car court, entry gate at common driveway, installation of new septic

system, and performance of 1,230 cu. yds. grading (290 cu. yds. cut, 940 cu. yds. fill) (Exhibits 3 & 4).

The subject site is Lot 1 of a previously approved subdivision via CDP No. 4-01-046 (PCH-Tyler Associates, LLC) including: subdivision of a 6.46 acre parcel into four lots (Lot 1: 1.83 acres, Lot 2: 1.0 acres, Lot 3: 1.03 acres, Lot 4: 2.6 acres); construction of a 635 ft. long, 24 ft. wide paved common access driveway and cul-de-sac plus a 90 ft. long, 20 ft. wide easement from the cul-de-sac to Lot 4 for future access, with 70 lineal ft., 0-6 ft. high retaining wall at driveway entrance and 200 lineal ft., 0-6 ft. high retaining wall at cul-de-sac, and 3,272 cu. yds. of grading (1,906 cu. yds. cut and 1,366 cu. yds. fill); construction of two earth berms (5 ft. high on Lot 3 and 7 ft. high on Lot 4) with 540 cu. yds. fill (220 cu. yds. on Lot 3 and 320 cu. yds. on Lot 4); and installation of drainage facilities and water and utility lines to serve the proposed parcels. The CDP was approved with 8 special conditions regarding geologic recommendations, drainage and polluted runoff control, landscaping and erosion control, color restrictions, archeological resources, cumulative impact mitigation, future development of subdivision, and an encroachment permit.

The project site is currently vacant and is located on the north side of Pacific Coast Highway east of Puerco Canyon and just west of John Tyler Drive in the City of Malibu (Exhibit 1). The subject parcel is bordered on the south by Pacific Coast Highway, on the west by three vacant residential lots adjacent to Puerco Canyon, on the north by numerous residences, and on the east by the Malibu Water Reclamation Plant (Exhibit 2). Topographically, the project site is situated on steep slopes ascending to the north. Existing vegetation on site consists of a mix of native and exotic species including, but not limited to, native grasses, coastal sage scrub, chaparral, and trees. However, the development area contains primarily exotic grasses that are disked on an annual basis pursuant to fire department requirements. Puerco Canyon drainage, which is a blueline stream, is located south and west of the western extension of the subject parcel. The area surrounding the project site is characterized as a built-out portion of Malibu consisting of similar residential development, although the area to the southeast consists of a state park and recreation area with a public hiking trail. The site is located on Pacific Coast Highway and across from Malibu Bluffs Park and Recreation Area, thus, the site will be visible from a designated scenic highway and public viewing areas.

B. GEOLOGY AND WILDFIRE HAZARD

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

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.***

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 proposed residence is a moderate sized, stepped two-story design. As such, the Commission notes that the proposed development is designed to minimize the need for grading and excessive vegetation removal on the slopes of the property, as well as avoid direct development on sloped terrain, and therefore will reduce the potential for erosion and geologic instability.

Furthermore, the applicant has submitted a Limited Geologic Soils and Engineering Investigation dated September 13, 2000, Limited Geologic and Soils Engineering Investigation dated June 20, 2001, Compaction Report dated February 22, 2002 and Private Sewage Disposal System dated August 9, 2001 prepared by GeoConcepts, Inc., which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's consulting geotechnical engineer states in the Limited Geologic and Soils Engineering Investigation dated June 20, 2001 prepared by GeoConcepts, Inc.:

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

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Limited Geologic Soils and Engineering Investigation dated September 13, 2000, Limited Geologic and Soils Engineering Investigation dated June 20, 2001, Compaction Report dated February 22, 2002 and Private Sewage Disposal System dated August 9, 2001 prepared by GeoConcepts, Inc. contain several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant 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 consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control

plans certified by the geotechnical engineer, as specified in **Special Conditions No. Two and Three (2 & 3)**.

Furthermore, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Three (3)** 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 No. Three 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 notes 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. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition No. Three.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

Wildfire

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 No. Four (4)**, 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 No. Four, 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 §30253 of the Coastal Act.

C. WATER QUALITY

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

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

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

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

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which,

insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. Two (2), and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition No. Three (3) is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an onsite private sewage disposal system to serve the residence. The Commission notes that the new septic system has received approval-in-concept from the City of Malibu Environmental Health Specialist as conforming with all minimum requirements of the Uniform Plumbing Code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. VISUAL RESOURCES

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.***

To assess potential visual impacts of projects, the Commission investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and roads. The Commission also examines the site and the scale of the proposed development in relation to nearby scenic resources. The subject site is located adjacent to Pacific Coast Highway, and is thus, visible from a designated scenic highway. The proposed project site is also located northwest of Malibu Bluffs, a state park and recreation area with a public hiking trail (see Exhibit 1).

In past actions, the Commission has provided for protection of visual resources when reviewing development proposals in the Santa Monica Mountains. For example, the Commission has found that new development shall be sited and designed to protect public views from scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands. In addition, the Commission has found that structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. Furthermore, in highly scenic areas and along scenic highways, the Commission has found that new development shall be sited and designed to protect views to and along the ocean and to

and along other scenic features, minimize the alteration of natural land forms, conceal graded slopes, be visually compatible with and subordinate to the character of the setting, and not intrude into the skyline as seen from public viewing areas. Finally, in past actions, the Commission has also found that structures shall be sited to conform to the natural topography of the site, as is feasible.

There are existing single family residences to the north and a large university to the northeast of the site. Malibu Country Estates is a densely developed small lot subdivision with lots 10,000 sq. ft. in size or less. Malibu Bluffs State Park lies to the south of the site , thus, the proposed project will provide a transition between the vacant land seaward of Pacific Coast Highway and the densely developed subdivision just north of the subject site. As such, the proposed project will be consistent with the character of the surrounding area. The split level design of the residences design serves to minimize landform alteration and intrusion into the skyline as seen from public viewing areas.

Visual impacts associated with proposed structures, can be further reduced by the use of appropriate and adequate landscaping. Special Condition No. Three (3), the landscaping plan, requires that vertical screening elements be incorporated into the landscape plan to soften views of the proposed residence from Pacific Coast Highway. In addition, Special Condition No. Three requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of Special Condition No. Three, therefore, will help to partially screen and soften the visual impact of the development as seen from scenic areas near the subject site. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition No. Three also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

The Commission also finds it necessary to require that the proposed development be subject to the specific color restrictions set forth in **Special Condition No. Six (6)**. The purpose of this restriction is to reduce the impacts of the proposed project on scenic views. These restrictions limit the color of the proposed structures to colors compatible with the surrounding environment. This condition will further reduce the negative impacts from the proposed development on the visual resources from the above mentioned public viewing areas.

Finally, regarding future developments or improvements, certain types of development on the property, normally associated with a single family residence which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, §30251 of the Coastal Act. **Special Condition No. Five (5)** the future development restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with §30251 of the Coastal Act. In addition, **Special Condition No. Eight (8)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

In summary, the proposed project, as conditioned, will not result in a significant adverse impact to the public views. Thus, the Commission finds that the proposed project, as conditioned, is consistent with §30251 of the Coastal Act.

E. ARCHEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

> ***Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.***

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains, which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact.

The archaeological reports prepared by Historical Environmental Archeological Research Team (HEART) entitled "Phase I Archeological Study" dated December 1999 and "The Results of Additional Archeological Monitoring" dated November 27, 2000 assess the potential for archaeological resources on the proposed project site. The subject site is within the boundaries of a prehistoric site. The report entitled "Phase I Archeological Study" dated December 1999 states:

> ***The results of the Phase I archeological reconnaissance confirmed the presence of a prehistoric archeological site. The site is a light scatter of predominantly quartzite lithic materials and a quartzite hammerstone situated on a terrace overlooking the Pacific Coast Highway. The site location conforms to the original configuration provided on the back of site form CA-LAN-31. The site encompasses a large area trending east-west from the Puerco Canyon drainage to an existing reclamation facility and small drainage... Most likely the site continued to the south where the PCH now runs, connecting to a similar terrace to the south which eventually reaches the Pacific Ocean.***

This report also finds:

> ***The site is roughly 500 feet east-west by 120 feet north-south, and appears to be surface in nature, although Dr. Chester King remarked seeing cultural material in the PCH road cut on the southern edge of the site as it drops down to the***

> ***highway... The site appears to be temporally or spatially related to CA-LAN19/263 just west of the Puerco Canyon drainage, or CA-LAN-479 on the same terrace to the south across the Pacific Coast Highway.***

The report also discusses preservation of the site by avoiding cultural resource remains and delineates an area where there shall be no surface/subsurface disturbance. This includes, but is not limited to, proposed roads, placement of construction equipment, grading, landscaping, utility placement, or other subsurface construction and improvements which will lead to accessing the proposed site area.

Chester King, Archaeologist for the City of Malibu, imposed several conditions on the project regarding monitoring, inspection, discovery, collection, and avoidance. The report entitled "The Results of Additional Archaeological Monitoring" dated November 27, 2000 addresses those conditions and discusses further investigation results. This report states:

> ***No significant cultural resource remains, including intact features were discovered during the monitoring of the geologic testing on the subject property.***

The report concludes that additional testing operations performed on the subject parcel shall require an archeological consultant to monitor activity.

As a main area of an archaeological site appears to be on the subject property, the proposed development has the potential to adversely impact cultural resources. The proposed development is outside of the delineated archeological monitoring area, however, there is the possibility that archaeological artifacts are present outside of this area. Therefore, to ensure that impacts to archaeological resources are minimized, **Special Condition No. Seven (7)** requires that the applicant have a qualified archaeologist(s) and appropriate Native American consultant(s) present onsite during all grading, excavation, and site preparation in order to monitor all earth moving operations. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the archaeologist(s) and the Native American consultant(s), in consultation with the City of Malibu Archaeologist, consistent with California Environmental Quality Act (CEQA) guidelines.

The Commission further finds that it is necessary to require the applicant to implement all other recommendations contained in reports entitled "Phase I Archeological Study" dated December 1999 and "The Results of Additional Archeological Monitoring" dated November 27, 2000 prepared by HEART. Further, any recommendations developed by the consultants as part of any necessary data recovery plan shall be incorporated into the project. Finally, if the recommendations require a substantial modification or redesign of the proposed project, the applicant shall be required to submit an amendment to this permit.

Thus, the Commission finds that based on the findings of the archaeological reports and other available evidence, the proposed development, as conditioned to monitor the site during earth moving activities and to incorporate the recommendations of the archeological consultant(s) to mitigate any adverse impacts on archaeological resources, is consistent with §30244 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

> ***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 of the Coastal Act. 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 Malibu area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

G. 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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any 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.

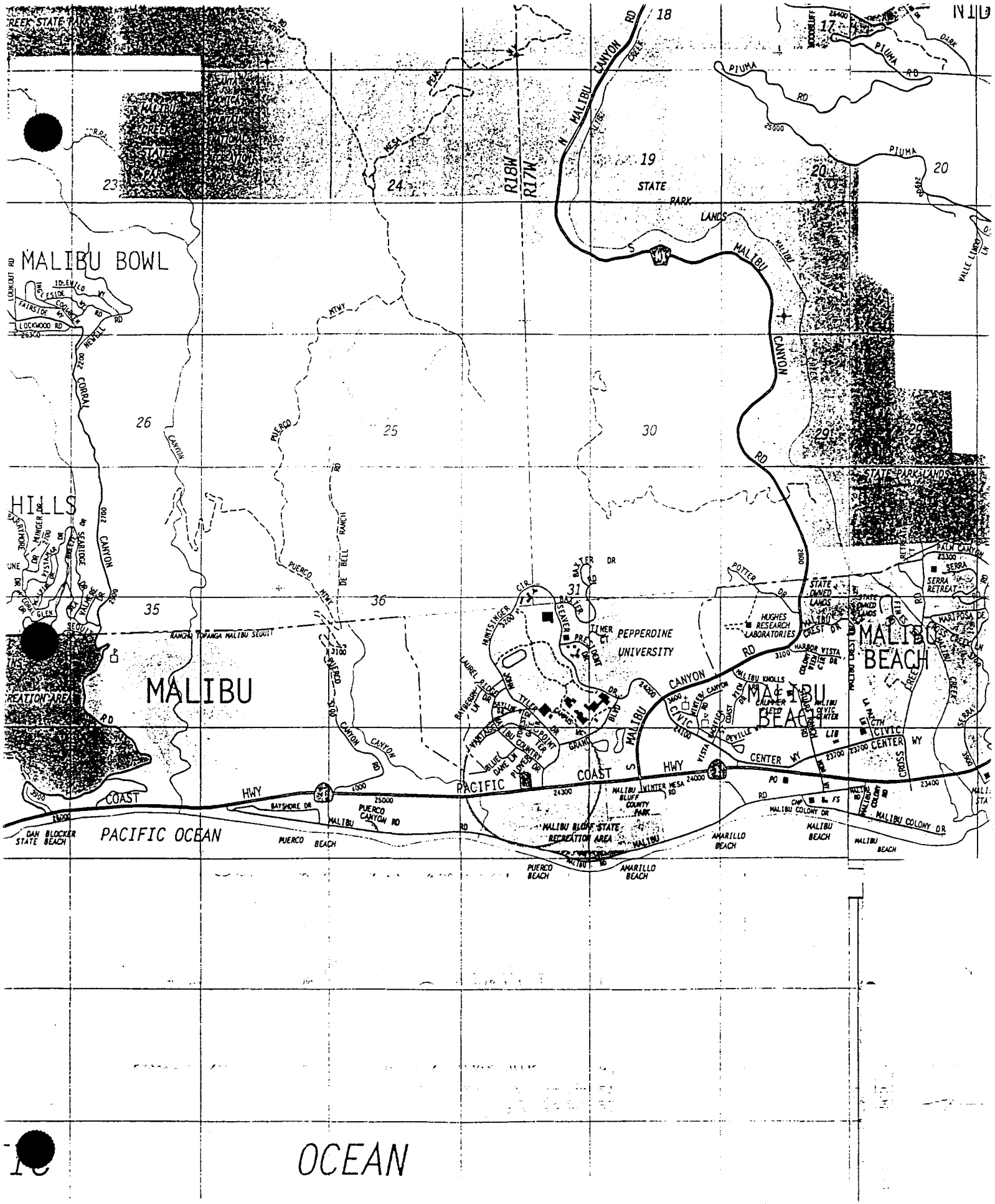
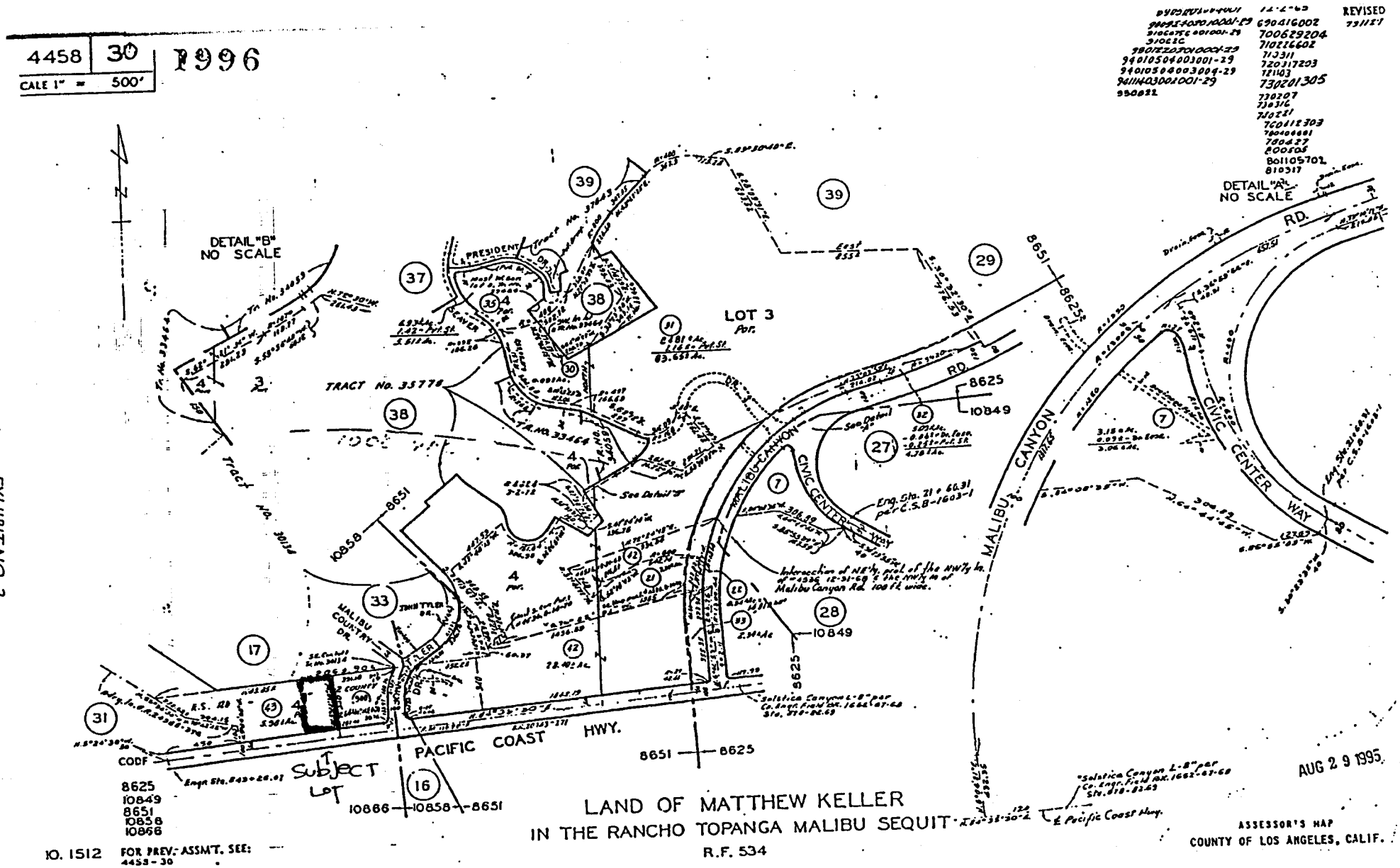


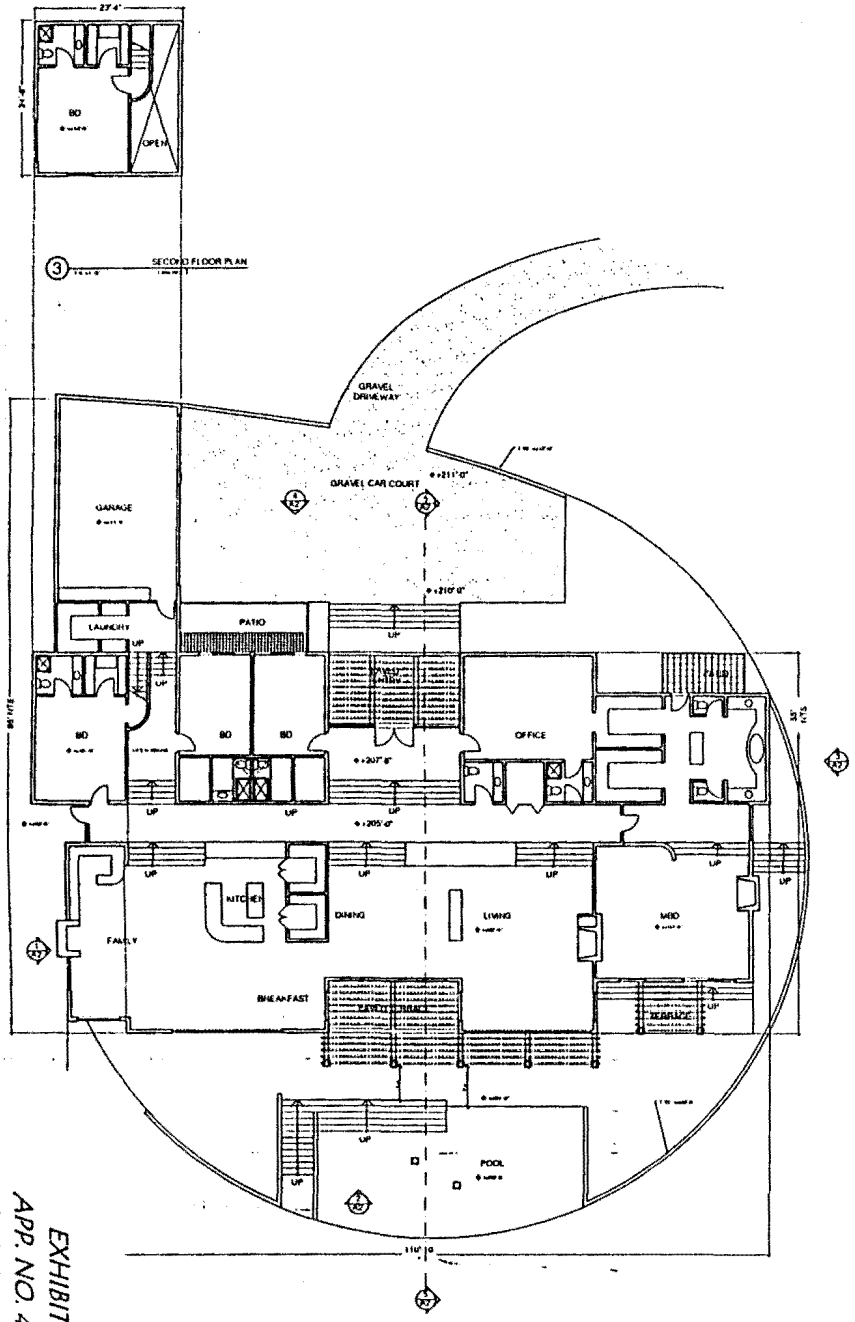
EXHIBIT NO. 1
APP. NO. 4-02-085
VICINITY MAP

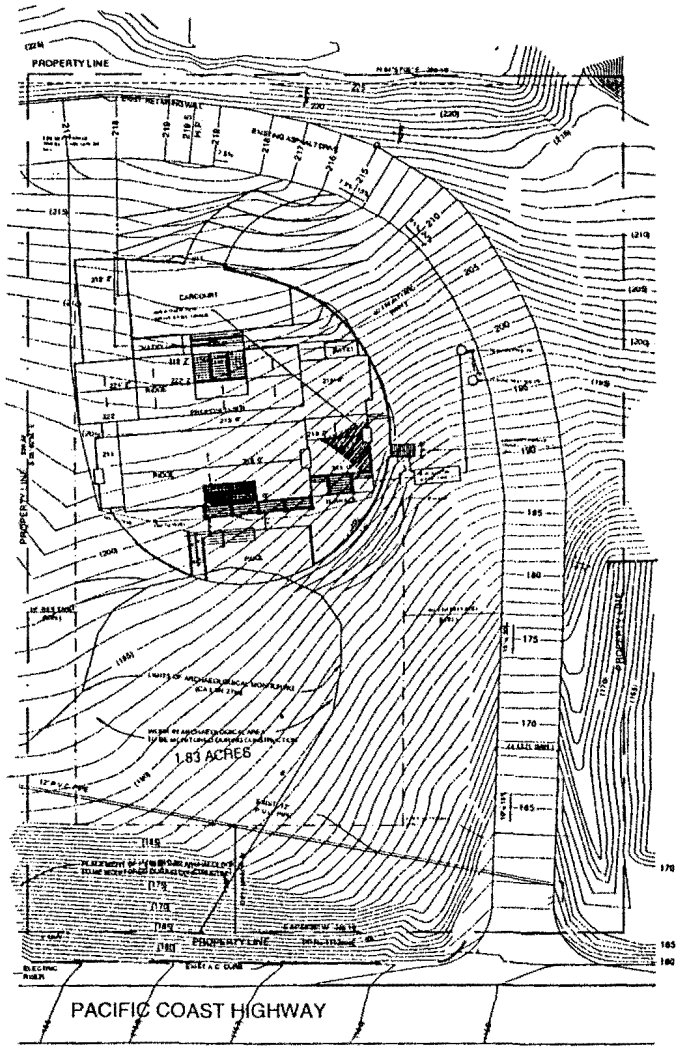
LOT 1

24683

EXHIBIT NO. 2
APP. NO. 4-02-085
PARCEL MAP







SHEET INDEX

A.1	COVER SHEET PLANS
A.2	ELEVATIONS-SECTIONS
C.1	GRADING PLAN
L.1	LANDSCAPE PLAN

PROJECT DATA

ADDRESS:
24663 PACIFIC COAST HIGHWAY
MALIBU CA 90265

OWNER
PCH TYLER ASSOCIATES, LLC
24663 PACIFIC COAST HIGHWAY STARR
MALIBU CA 90265
(310) 456-1531

LEGAL DESCRIPTION
POL 1, TRACT NO 26566
24663 PACIFIC COAST HIGHWAY
CITY OF MALIBU
APN NO 4458-006-044

PROJECT DESCRIPTION
NEW 2 STORY 36 HT (MAX)
SINGLE FAMILY RESIDENCE w ATTACHED 3 CAR GARAGE
ZONE RR
BUILDING CODE 1998 CALIFORNIA BUILDING CODE
OCCUPANCY R 3 / U 1
CONSTRUCTION TYPE V B
LOT SIZE 79 866 SQFT
LOT AREA 1 834 ACRES
HOUSE ALLOWABLE 8 419 SQFT
HOUSE PROPOSED 7 296 SQFT

	1st Fl	2nd Fl	TOTAL
HOUSE (R-3)	6 861 SQFT	435 SQFT	6 297 SQFT
GARAGE (U-1)			642 SQFT
TOTAL DEVELOPMENT AREA			7 939 SQFT

2.3 RULE 8 SQFT (AREA UNDER 18 FT)
6666 SQFT (AREA OVER 18 FT)
-10%

BUILDING SETBACKS
FRONT 40
REAR 42 6"
SIDE 15'

IMPERMEABLE ALLOWED 22 290 SQFT (50 % 79 866 SQFT)
IMPERMEABLE EXISTING 11 145 SQFT (GRAVEL)
IMPERMEABLE PROPOSED 11 175 SQFT (+1 030 SQ. 0 000 SQFT)
(HARDSCAPE + 306 SQFT)
TOTAL IMPERMEABLE 22 290 SQFT

MAX BUILDING HEIGHT 36
ACTUAL BUILDING HEIGHT VARIES

CONSULTANTS

JON & E GEOLOGY
GEO CONCEPTS INC
14401 CA MONE ST #200
VAN NUYS CA 91401
TEL 818 994 8868
FAX 818 994 6809

CIVIL ENGINEERING
INNOVATIVE ENGINEERING DESIGN
3604 PARK MONICA
CALABASAS CA 91302
TEL 818 591 7462
FAX 818 591 7463

LANDSCAPE
MANDALL LANDSCAPE DESIGN
1011 LINCOLN ST #6
SANTA MONICA CA 90403
TEL 310 396 2619
FAX 310 396 2266

VICINITY MAP

PROJECT SITE

GOLDMAN - FIRTH
ARCHITECTS
24656 Pacific Coast Highway, Suite A202 Malibu, CA 90265
(310) 456 1931 fax (310) 456 7690 www.gfarchitects.com

These drawings and specifications are the property and copyright of the architect and shall not be used on any other work except by agreement in writing with the architect. Written dimensions shall take precedence over scaled dimensions and shall be verified on the job by the contractor before ordering materials or proceeding with the work. Notify the architect of any discrepancy in the commencement of any work.

DRAWING TITLE
SITE & FLOOR PLANS

JOB TITLE
PCH-TYLER

JOB ADDRESS
24663 PACIFIC COAST HIGHWAY MALIBU, CA 90265

DATE 4 1 02
SCALE AS NOTED
DRAWN BY

JOB NO

DRAWING NO
A1

REVISION NO

EXHIBIT NO. 3
APP. NO. 4-02-085
SITE PLAN & FLOOR PLAN

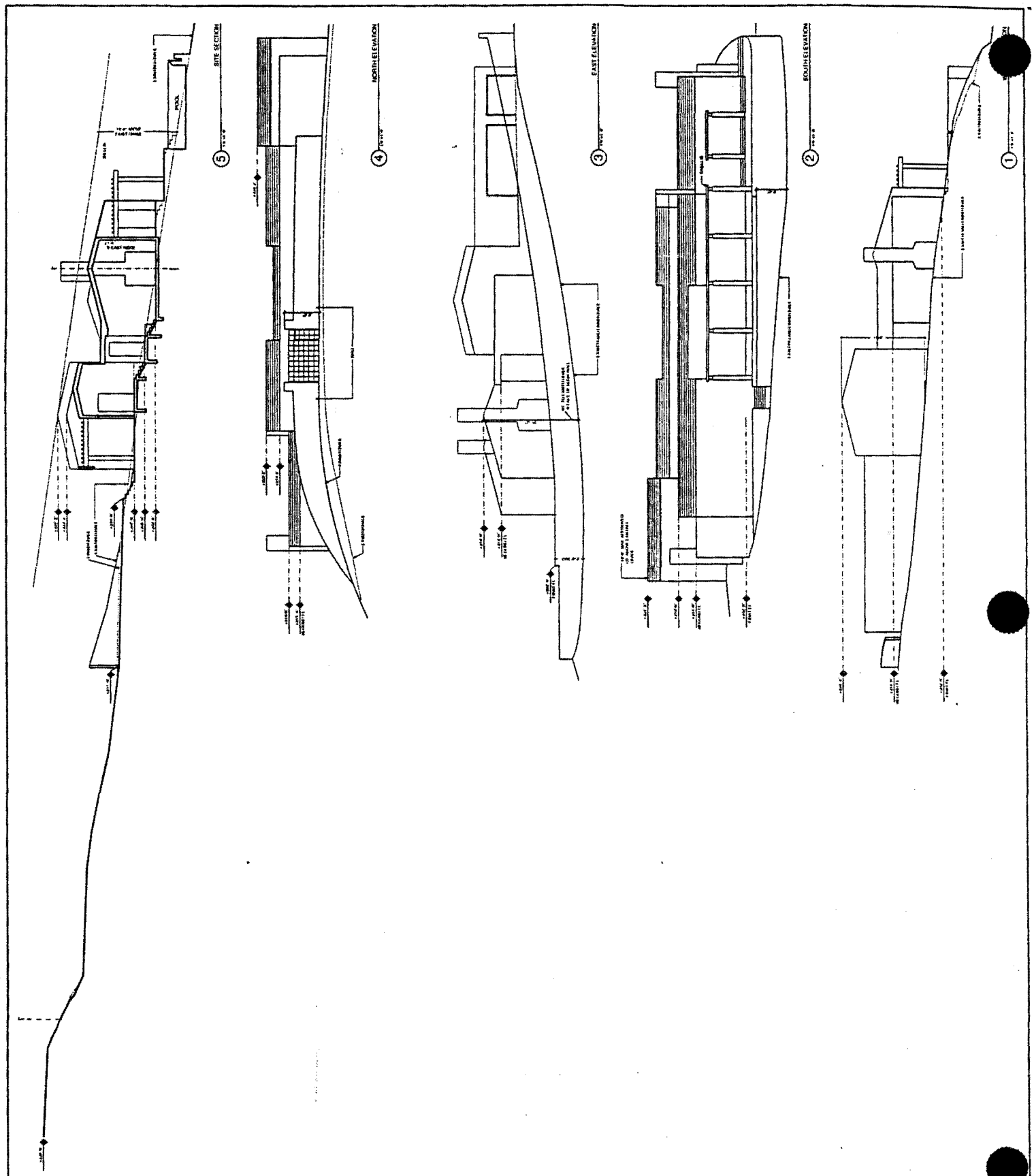


EXHIBIT NO. 4
APP. NO. 4-02-085
ELEVATIONS