

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REQUEST FOR RECONSIDERATION

Application No.: 4-12-003-R

Applicant: Mark Rydings

Agent: Christopher Deleau, Schmitz & Associates Inc.

Project Location: 2525 Hawks Nest Trail, Topanga, Santa Monica Mountains, Los Angeles County (APN: 4448-011-035)

Project Description: Construction of a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement level), two-story, 26'8" high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 8 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,176 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill). In addition, the project includes minor widening of segments of Hawks Nest Trail and Skyhawk Lane as required by the Los Angeles County Fire Department.

Staff Recommendation: Denial

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **deny** the request for reconsideration because no new relevant information has been presented that could not, with reasonable diligence, have been presented at the December 2012 hearing, and no errors in fact or law have been

identified that have the potential of altering the Commission's decision. The motion and resolution to act on this recommendation follow below on page 6.

On December 13, 2012, the Coastal Commission denied, by a vote of five to five, a coastal development permit (CDP) for the proposed construction of a 8,180 sq. ft., two-story, 26'8" high single family residence with attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, retaining walls, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of associated grading. In addition, the project includes minor widening of segments of Hawks Nest Trail and Skyhawk Lane as required by the Los Angeles County Fire Department.

The grounds for reconsideration of a CDP denial are provided in Coastal Act Section 30627:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision.

The applicant contends: 1) that one commissioner inadvertently made an error of fact with regard to ridgeline development in the area; 2) this error of fact would have caused the Commission to take a different action; and 3) the applicant had new evidence that, in the exercise of reasonable diligence, could not be presented at the hearing. The applicant states the following as the basis for requesting reconsideration:

It is our position that but for Commissioner Blank's conclusion of fact, which were reached inadvertently in error, that Commissioner Blank (and possibly other Commissioners) would have voted to approve the applicant's project. Had Commissioner Blank found correctly that both staff's and the applicant's assertions were correct (reconcilable) and that the precedent for two-story homes along the Tuna Canyon and Saddle Peak ridgelines was correctly asserted by the applicant, by his own statements (see below) he would have approved the permit. Hence, an error in the findings of fact by Commissioner Blank occurred which led him, and possibly several other Commissioners, to vote against the project. Moreover, this error occurred after the close of the public hearing in which instance the applicant did not have a meaningful opportunity to respond to clarify the record; in this regard the applicant had relevant new evidence which could not have been presented to the Commission prior to the close of the public hearing.

During the hearing on the subject application, the applicant's agent presented many slides of existing ridgeline development in the vicinity of the project site that the applicant contended should constitute a precedent for the Commission's approval of the subject CDP. There were questions relating to the accuracy of the applicant's presentation. This presentation (also included in a briefing booklet provided to Commissioners, dated December 13, 2012) was not provided to staff prior to the hearing and therefore had not been analyzed by staff. When called upon to verify the accuracy of the information provided in the slides, staff

explained that they could not conclude in such a short amount of time whether the applicant's presentation examples were in fact located on "significant ridgelines" since making that type of determination requires a very in-depth analysis. Staff did provide analysis regarding the applicant's earlier (November 21, 2012) list of development examples on ridgelines, near scenic highways, and in scenic areas, that the applicant considered to be precedential. Although staff did not give any opinion on the accuracy of the examples shown in the applicant's slide presentation during the hearing on December 13, 2012, staff acknowledged that CDPs have, in fact, been approved in the past for two-story residences on designated "significant ridgelines."

The applicant contends that as a result of this exchange, Commissioner Blank made an error of fact in concluding that the homes shown in the slide presentation were **not** located on significant ridgelines. It is obvious that Commissioner Blank was expressing concern about the accuracy of facts presented by the applicant's representative. There was some confusion between staff's analysis of the examples submitted on November 21, 2012 and the examples shown at the hearing which staff had not analyzed. Commissioner Blank's final statement during the hearing indicated that he found there to be insufficient facts (presumably about the Commission's past approval of residences on significant ridgelines). However, the applicant is overstating the facts to assert that Commissioner Blank found, based on the discussion, that the Commission had not previously approved numerous residences on the significant ridgeline in the area of the project site. Commissioner Blank did not state any such conclusion or finding during the hearing. As such, there is no evidence in the record that the error of fact identified by the applicant occurred.

Had an error of fact occurred, which it did not, there is no evidence that it would have had the potential to alter the Commission's decision. The applicant contends that if Commissioner Blank had found that the examples shown in the applicant's slide presentation demonstrated that the Commission had previously approved numerous structures similar to the proposed residence, he would have voted to approve the project. Again, the applicant is overstating the facts in the record for the subject CDP. Commissioner Blank did not make any such conclusions or findings during the hearing. Thus, there is no evidence in the record that Commissioner Blank would have voted differently if he had found that, based on the applicant's presentation, the Commission had previously approved numerous residences on designated significant ridgelines.

Furthermore, Commissioners articulated several reasons to support the decision for denial. The decision was not based on or necessarily influenced by any confusion regarding the set of examples being discussed by the applicant's representative to make their case to the Commission that there is a precedent of previously approved two-story residences located on "significant ridgelines." Rather, the decision was based on several determinations, including: that the proposed development would be visually intrusive; that it would break the blue skyline (in other words that there is no other higher ridgeline behind the project site and therefore the view of the proposed residence would be silhouetted against the sky), that it would protrude/violate above the "significant ridgeline" as seen from public places; that the Commission's approval of the project could prejudice Los Angeles County's ability to

prepare a final LCP that is consistent with the Coastal Act; and that there are other feasible design and siting location alternatives that could reduce the project's obstruction into the skyline and minimize impacts from public viewing areas.

Finally, the applicant's representative contends that there is relevant new evidence, which could not have been presented to the Commission during the hearing. However, the applicant's representative did not provide any new evidence, or explain how it would have been relevant to the discussion. Further, the applicant does not explain why, if there were new evidence, it could not have been presented during the hearing in the exercise of reasonable diligence. While the Commission's discussion regarding the applicant's slide presentation did occur after the close of the public hearing, the applicant's representative was called to the microphone twice during this discussion to answer questions from the Commission. If there were new evidence, which there is not, the applicant's representative would have had the opportunity to provide it during the hearing.

In conclusion, the applicant has not pointed to any error of fact or law that could have altered the Commission's initial decision, and has not presented any relevant new evidence that, in the exercise of reasonable diligence, could not have been presented at the December 13, 2012 hearing. Thus the applicant's contentions present no basis for reconsideration pursuant to Section 30627(b)(3) of the Coastal Act.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

Exhibit 1.	Vicinity Map
Exhibit 2.	Aerial Photo
Exhibit 3.	Site Plan
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Exhibit 5.	Reconsideration Request Letter
Exhibit 6.	Visual Analysis Submittal No. 2
Exhibit 7.	Visual Analysis Submittal No. 3
Exhibit 8.	Applicant's Representation December 2012 Hearing PowerPoint Presentation

PROCEDURAL NOTE

The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of an application, or of any term or condition of a coastal development permit which has been granted (Title 14 Cal. Code of Regs., § 13109.2).

The regulations also state (*id.* § 13109.4) that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states, in part:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision [Cal. Pub. Res. Code § 30627(b)(3)].

Section 30627(b)(4) of the Coastal Act also states that the Commission "shall have the discretion to grant or deny requests for reconsideration."

The applicant submitted a request for reconsideration of the Commission's December 13, 2012 decision on January 11, 2013, stating the grounds for his request within the 30-day period following the final vote, as required by Section 13109.2 of the regulations. If a majority of the Commissioners present vote to grant reconsideration, the permit application will be scheduled for a subsequent Commission hearing, at which time the Commission will consider it as a new application (Title 14, Cal. Code of Regs., § 13109.5(c)).

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission grant reconsideration of Coastal Development Permit No. 4-12-003.

STAFF RECOMMENDATION TO DENY RECONSIDERATION:

Staff recommends a NO vote on the motion. Failure to adopt the motion will result in denial of the request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of the majority of Commissioners present.

RESOLUTION TO DENY RECONSIDERATION:

The Commission hereby denies the request for reconsideration of the Commission's decision on coastal development permit no. 4-12-003 on the grounds that there is no

relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, nor has an error of fact or law occurred which has the potential of altering the initial decision.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicants are requesting that the Commission reconsider its decision to deny the applicant's request for the construction of a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement level), two-story, 26 ft., 8 inch (as measured from existing grade) high single family residence with an attached 815 sq. ft. garage, driveway, hammer-head turnaround, 8 retaining wall, pool, spa, private septic system and private water main, vineyards, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill).

The proposed project is located on a vacant 2.78-acre ridge-top property at 2525 Hawks Nest Trail, within the unincorporated area of the Santa Monica Mountains in Los Angeles County (APN 4448-011-035). The subject property abuts Tuna Canyon Road along its northern boundary and Hawks Nest Trail, a private road, along its southern boundary. Topographically, the property is situated on the crest of an east-west trending ridgeline within the southeast portion of the Santa Monica Mountains. The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates this mountain ridge as a "significant ridgeline" relative to scenic coastal resources.

The project site has an existing, small, relatively flat graded pad straddling the crest of the ridgeline with steep slopes with a general gradient of 1.5:1 (H:V, horizontal: vertical) or steeper, descending to the north, south, and east of the pad. There is also an existing dirt access road at the site, with a general gradient of 1:1 (H:V) or less. Elevations on site range from 1,700 feet in elevation on the southern end, to 1,830 feet in the north. The southernmost portion of the property is within an area designated as "Significant Watershed" area (Tuna Canyon Watershed). The proposed residence and the majority of the proposed access road/driveway are located immediately north of the boundaries of the watershed.

B. COMMISSION DENIAL OF CDP APPLICATION

On December 13, 2012, the Commission considered the subject underlying CDP No. 4-12-003 application. Staff recommended approval of the permit application subject to 13 special conditions, including revised plans that would limit the height of the residence to 20 feet high above existing grade. The Commission deliberated and ultimately voted on the motion to approve the CDP per the staff recommendation. This motion failed by a tie vote of 5 to 5 and the CDP was therefore denied. Based on commissioner's statements made during the hearing, the Commission's denial of the application request was based on several

determinations, including: that the proposed development would be visually intrusive; that it would break the blue skyline (in other words that there is no other higher ridgeline behind the project site and therefore the view of the proposed residence would be silhouetted against the sky), that it would protrude/violate above the “significant ridgeline” as seen from public places; that the Commission’s approval of the project could prejudice Los Angeles County’s ability to prepare a final LCP that is consistent with the Coastal Act; and that there are other feasible design and siting location alternatives that could reduce the project’s obstruction into the skyline and minimize impacts from public viewing areas.

C. APPLICANTS RECONSIDERATION REQUEST

Background:

Prior to the December 2012 hearing, the applicant had been coordinating with staff regarding their application for a new single family residence. Staff raised concerns regarding the visibility of the proposed residence from public parklands to the south of the property, from Saddle Peak Road, and from multiple segments of Tuna Canyon Road, both of which are designated as scenic highways pursuant to the certified Malibu/Santa Monica Mountains Land Use Plan. The applicant’s representative responded by providing staff with three different visual impact analyses.

The first submittal, received on September 20, 2012, was submitted in response to staff’s request that the mass of the proposed structure be physically depicted by staking of the site with story poles. The submittal addressed the direct visual impacts of the proposed residence and included photographs of the project’s story poles taken from areas of concern.

The second submittal, dated November 6, 2012, was received in response to staff’s continued concerns regarding the proposed development visual impacts from public viewing areas. This submittal included fifteen (15) examples of single family residences that the Commission previously approved that the applicant claimed to be located on mapped “significant” ridgelines. Staff found some assertions in this submittal to be incorrect. Of the fifteen (15) examples listed in the analysis, one was constructed prior to the effective date of the Coastal Act (January 1, 1977) and therefore did not have (and was not subject to) Coastal Commission approval. The properties shown in the remaining fourteen examples are located on a designated “significant ridgeline.” However, out of the fourteen (14) residences cited by the application the majority (8 out of 14) of the residences had, in fact, actually been specifically located on the descending slopes below the significant ridgeline and had been specifically designed and limited in height (either proposed or conditioned to be reduced in height and/or designed to be stepped into the hillside) to ensure that no portion of the structure would extend or protrude above the ridgeline to completely avoid or minimize any adverse impacts to public views. The remaining six (6) examples were located on the crest of a “significant ridgeline.” It is important to note, two of these single family residence examples were also submitted in the applicant’s third submittal (noted below); and the majority of the fifteen examples were also used in the applicant’s representative slide presentation/briefing booklet (fourth submittal) during the December 13, 2012 hearing. Since the slide presentation/briefing booklet was provided to staff at the December hearing, staff could not review and analyze prior to the hearing and therefore staff was not in a

position to address questions regarding their accuracy when asked upon by the Commissioners during the hearing.

The third submittal, dated November 21, 2012, was submitted by the applicant's representative to staff via email in response to staff's further expressed concerns regarding the height of the proposed residence, its visual prominence from public viewing areas, its inconsistency with the policies found in the County's proposed Santa Monica Mountains LCP, and that approval of the subject proposed development would prejudice the County's ability to prepare an LCP consistent with the Coastal Act. The applicant's representative did not agree that the proposed project would be inconsistent with the Coastal Act, certified 1986 Malibu/Santa Monica Mountains Land Use Plan or the County's draft LCP. Furthermore, the applicant's agent asserted that the Commission has approved many residences in the Santa Monica Mountains that are not consistent with the provisions of the County's draft LCP and that the approval of the subject application would not prejudice the County's ability to prepare a certifiable LCP. This submittal included an analysis asserting that forty-seven (although only forty-six examples are included in the letter) single family residences that the Commission previously approved in the Santa Monica Mountains were located within 500 ft. of a "scenic highway" and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project. Staff reviewed all of the examples provided by the applicant and found that several assertions made by the applicant were incorrect. Even though staff did not directly reference submittals one and two in the CDP 4-12-003 staff report, staff did include a detailed response and analysis of the third submittal (dated November 21, 2012) which staff believed to be the most significant. Staff's conclusion regarding the November 12, 2012 analysis (attached as Exhibit 14 to the staff report) was that several of the applicant's assertions were inaccurate. This included the conclusion that many of the applicant's examples were not located on designated "significant ridgelines" and that many of those that were so located had been conditioned by the Commission to ensure that structures did not extend above the ridgeline (Exhibit 7).

The fourth submittal, dated December 13, 2012 was the slide presentation/briefing booklet that was provided to the Commissioners and staff at the hearing. These materials were not identical to the earlier submittals (although there was some overlap of the examples given in this presentation and examples previous provided in the applicant's second visual analysis submittal discussed in detail below) and were not analyzed by staff prior to the December 13, 2012 Commission hearing on the subject CDP application. During staff's review of the slide presentation/briefing booklet after the December hearing, it was determined that fifteen out of sixteen of the examples shown in the specific presentation slide titled "Neighborhood Context Map" appear to be the same fifteen examples previously listed in the applicant's second submittal. Although only six examples depicted in the "Neighborhood Context Map" slide had follow up slides that included site-specific photographs and addresses of the specific example, the remaining ten examples did not have follow up slides indicating the specific address or permit number for those examples in the presentation and therefore staff cannot definitively conclude that the examples previously submitted to staff in the second submittal are in fact identical to the examples shown in the applicant's presentation/briefing

booklet. Of the six examples specifically depicted in the presentation, four of the residences were located on descending slopes below the significant ridgeline and had been specifically designed and limited in height to ensure that no portion of the structure would extend or protrude above the ridgeline to completely avoid or minimize any adverse impacts to public views. The remaining two examples were located on the crest of a “significant ridgeline.”

Reconsideration Request:

The applicant’s request for reconsideration contends that an error of fact occurred which has the potential for altering the Commission’s initial decision and that there was relevant new evidence that could not be presented at the hearing. The applicant’s agent submitted a letter² (Exhibit 5), which states the following as the basis for requesting reconsideration:

It is our position that but for Commissioner Blank’s conclusion of fact, which were reached inadvertently in error, that Commissioner Blank (and possibly other Commissioners) would have voted to approve the applicant’s project. Had Commissioner Blank found correctly that both staff’s and the applicant’s assertions were correct (reconcilable) and that the precedent for two-story homes along the Tuna Canyon and Saddle Peak ridgelines was correctly asserted by the applicant, by his own statements (see below) he would have approved the permit. Hence, an error in the findings of fact by Commissioner Blank occurred which led him, and possibly several other Commissioners, to vote against the project. Moreover, this error occurred after the close of the public hearing in which instance the applicant did not have a meaningful opportunity to respond to clarify the record; in this regard the applicant had relevant new evidence which could not have been presented to the Commission prior to the close of the public hearing.

During the hearing Commissioner Blank raised concerns regarding what he perceived to be irreconcilable factual conflicts between the applicant’s PowerPoint presentation and the staff report. Specifically, part of the applicant’s presentation depicted (See Slides #10-18 of the attached presentation) several large two-story homes which had been approved by the Commission in past years directly atop of the mapped significant ridgeline (ridgeline development along Tuna Cyn Rd & Saddlepeak Rd. approved between 1986 and 2005). Commissioner Blank appeared perplexed by staff’s comments in its report which were directed towards a different set of homes which were all approved elsewhere after 2006.

In other words, the perceived factual conflict resulted from a comparison of homes approved in the immediate proximity of the applicant’s proposed residence along Saddlepeak and Tuna Canyon ridgelines (12 ridgelines homes approved pre-2005) and a series of 46 homes (20 of which staff noted were ridgelines properties) that were located in different locations throughout the Santa Monica Mountains and which were all approved after 2005.

² Please note, the applicants Request for Reconsideration Letter, dated December 27, 2012 includes a transcription of a portion of the December 13, 2012 hearing prepared by the applicant’s representatives, but there is no official written transcript of the subject hearing.

The applicant asserts that, during the hearing, Commissioner Blank perceived a conflict/confusion between the applicant's representative PowerPoint presentation slides, which depicted several examples of single family residences that the Commission previously approved that the applicant's representative claimed to be located on "significant" ridgelines, and the response in the staff report that was directed towards a review of a different set of examples submitted by the applicants in the third visual impact analysis submittal, submitted prior to the hearing. Staff's review of that third submittal concluded that the submittal contained several incorrect assertions, such as which residences were in fact located on "significant" ridgelines. According to the applicant, Commissioner Blank raised concerns during the hearing regarding what he perceived to be irreconcilable factual conflicts between the applicant's PowerPoint presentation slides and the staff report. The applicant concludes that the resultant confusion of facts led Commissioner Blank to infer that the applicant's presentation was factually incorrect. The applicant contends that Commissioner Blank made an error in concluding that the homes shown in the slide presentation were **not** located on significant ridgelines. Further, the applicant contends that if Commissioner Blank **had** found that the examples shown in the applicant's slide presentation demonstrated that the Commission had previously approved numerous structures similar to the proposed residence, he would have voted to approve the project. Finally, the applicant states that there is relevant new evidence, which could not have been presented to the Commission at the hearing.

D. ANALYSIS OF RECONSIDERATION REQUEST

The protection of visual resources, including the siting of development on a ridgeline, was the main policy at issue in this permit application and the primary focus of the Commission's discussion at the December 13, 2012 hearing. The applicant contends: 1) that one commissioner inadvertently made an error of fact with regard to ridgeline development in the area; 2) this error of fact would have caused the Commission to take a different action; and 3) the applicant had new evidence that, in the exercise of reasonable diligence, could not be presented at the hearing.

1. Error of Fact

During the December 2012 hearing on the subject application, the applicant's agent indicated agreement with the staff recommendation on the subject CDP application and presented many slides depicting development in the same area of the Santa Monica Mountains as the project site. It is true that there was some confusion relating to the applicant's slide presentation of several developments that the applicant contended should constitute precedents for the Commission's approval of the subject CDP. This presentation (also included in a briefing booklet provided to Commissioners, dated December 13, 2012) was not provided to staff prior to the hearing and therefore had not been analyzed by staff. When called upon to verify the accuracy of the information provided in the slides, staff explained that they could not conclude in such a short amount of time whether the applicant's presentation examples were in fact located on "significant ridgelines" since making that type of determination requires a very in-depth analysis. Staff did provide

analysis regarding the applicant's earlier (November 21, 2012) list of development examples on ridgelines, near scenic highways, and in scenic areas, that the applicant considered to be precedential. Although staff did not give any opinion on the accuracy of the examples shown in the applicant's slide presentation during the hearing on December 13, 2012, staff acknowledged that CDPs have, in fact, been approved in the past for two-story residences on designated "significant ridgelines."

The applicant contends that as a result of this exchange, Commissioner Blank made an error in concluding that the homes shown in the slide presentation were **not** located on significant ridgelines. The reconsideration request states that: "This factual inquiry was critical towards Commissioner Blank finding that the Commission had NOT previously approved numerous residences directly on top of the Tuna Canyon/Saddlepeak mapped significant ridgeline and that the project was therefore not consistent with other homes in the neighborhood." However, there is no evidence in the record that Commissioner Blank made such a finding. Commissioner Blank made several statements during the hearing regarding the accuracy of the applicant's slide presentation. Following are several of these statements:

Commissioner Blank: (Ref. 02:36:10 - 02:41:13 Commission December 13, 2012 Hearing Video³):

I'm glad we've come to an agreement on the staff report but I have to tell you that I was troubled in that one of the major claims the applicant made was, those wonderful PowerPoint slides showing all these houses on the ridgeline and staff disputing that these houses were on the ridgeline. So we have a veracity problem somewhere between the staff and the applicant and I'm not willing to vote yes on this until I understand.

...

Alright, I'm just really confused. This was a major claim of both applicant and staff's issue and somehow it doesn't seem to bother other Commissioners but it bothers me...

Whoa, whoa, whoa, wait a minute, well someone said let's approve it. I don't even have the basic facts yet about whether these are on major ridgelines or not and there seems to be a dispute.

...

I thought we had great PowerPoint and insufficient facts. Um, and I was just trying to understand the discrepancy between the two. I'm not going to be voting yes for this.

³ The December 13, 2012 Commission hearing video can be accessed at <http://www.cal-span.org/cgi-bin/media.pl?folder=CCC>.

It is obvious that Commissioner Blank was expressing concern about the accuracy of facts presented by the applicant's representative. There was some confusion between staff's analysis of the examples submitted on November 21, 2012 and the examples shown at the hearing which staff had not analyzed. Commissioner Blank's final statement during the hearing indicated that he found there to be insufficient facts (presumably about the Commission's past approval of residences on significant ridgelines). However, the applicant is overstating the facts to assert that Commissioner Blank found, based on the discussion, that the Commission had **not** previously approved numerous residences on the significant ridgeline in the area of the project site. Commissioner Blank did not state any such conclusion or finding during the hearing.

Therefore, the Commission finds that there is no evidence in the record that the error of fact identified by the applicant occurred. Thus this claim presents no basis for reconsideration pursuant to Section 30627 (3) of the Coastal Act.

2. Potential of Altering the Commission's Initial Decision

The applicant asserts that an error of fact occurred during the hearing which has the potential of altering the Commission's initial decision. The applicant's request for reconsideration states that:

Had Commissioner Blank found that the projects depicted in the applicant's presentation were in fact previously approved by the Commission on said designated significant ridgelines then, from the record of comments above, Commissioner Blank indicates he would have voted to approve the project. This simple and inadvertent mistake of fact, which the applicant did not have the opportunity to correct, led to the 5-5 denial of the applicant's project by the Commission.

Had an error of fact occurred, which it did not as discussed in detail above, there is no evidence that it would have had the potential to alter the Commission's decision. The applicant contends that if Commissioner Blank had found that the examples shown in the applicant's slide presentation demonstrated that the Commission had previously approved numerous structures similar to the proposed residence, he would have voted to approve the project. Again, the applicant is overstating the facts in the record for the subject CDP. Commissioner Blank did not make any such conclusions or findings during the hearing. Thus, there is no evidence in the record that Commissioner Blank would have voted differently if he had found that, based on the applicant's presentation, the Commission **had** previously approved numerous residences on designated significant ridgelines.

Furthermore, the Commissioners made several findings to support the decision for denial. The decision was not based on or necessarily influenced by any confusion regarding the set of examples being discussed by the applicant's representative to make their case to the Commission that there is a precedent of previously approved two-story residences located on "significant ridgelines." Rather, the decision was based on several determinations, including: that the proposed development would be visually intrusive; that it would break the blue skyline (in other words that there is no other higher ridgeline behind the project site

and therefore the view of the proposed residence would be silhouetted against the sky), that it would protrude/violate above the “significant ridgeline” as seen from public places; that the Commission’s approval of the project could prejudice Los Angeles County’s ability to prepare a final LCP that is consistent with the Coastal Act; and that there are other feasible design and siting location alternatives that could reduce the project’s obstruction into the skyline and minimize impacts from public viewing areas.

As summarized by Commissioner Shallenberger (Ref. 02:47:00 Commission December 13, 2012 Hearing Video³):

We don’t give up on ridgelines just because Commissions in the past have approved things, perhaps this Commission would not have approve...I also want to point out to the Commissioners, we often say times like this it’s not a precedent, we do it on a case by case, and the fact that the project’s proponent comes up and puts in front of us every single project that previous Commissions have approved and says in the name of fairness and precedent why we should approve it, is not a convincing argument for me, we really do need to take each one of these on a case by case...I find it hard to believe, and I disagree with staff on how could something that violates the ridgeline and violates the blue sky behind the ridgeline, how could it not prejudice the LCP...I think it would be a mistake for us to support it.

As discussed above, no error of fact occurred in the Commission’s denial of the subject CDP application. Furthermore, even if an error of fact had occurred, which it did not, there is no evidence that it would have had the potential to alter the Commission’s decision. Thus, this claim presents no basis for reconsideration pursuant to Section 30627 (3) of the Coastal Act.

3. New Evidence

Finally, the applicant’s representative has stated that there is relevant new evidence, which could not have been presented to the Commission at the hearing. The applicant’s request for reconsideration states that:

...this error occurred after the close of the public hearing in which instance the applicant did not have a meaningful opportunity to respond to clarify the record; in this regard the applicant had relevant new evidence which could not have been presented to the Commission prior to the close of the public hearing.

However, the applicant’s representative did not provide any new evidence or explain in detail what the applicant believed to be considered “new” evidence in his reconsideration request, or how it would have been relevant to the discussion. Further, the applicant does not explain why, if there were new evidence, it could not have been presented during the hearing in the exercise of reasonable diligence. While the Commission’s discussion regarding the applicant’s slide presentation did occur after the close of the public hearing,

³ The December 13, 2012 Commission hearing video can be accessed at <http://www.cal-span.org/cgi-bin/media.pl?folder=CCC>.

the applicant's representative was called to the microphone twice during this discussion to answer questions from the Commission. If there were new evidence, which there is not, the applicant's representative would have had the opportunity to provide it during the hearing. Therefore, this claim presents no basis for reconsideration pursuant to Section 30627(b)(3) of the Coastal Act.

E. CONCLUSION

For the above reasons, the Commission finds that the applicant has not pointed to any error of fact or law that could have altered the Commission's initial decision, and has not presented any relevant new evidence that, in the exercise of reasonable diligence, could not have been presented at the December 13, 2012 hearing. Consequently, there is no basis for reconsideration and the applicant's request for reconsideration must be denied. Moreover, pursuant to Section 30627(b)(4) of the Coastal Act, even if the applicant meets the criteria for reconsideration the Commission has the discretion to grant or deny the request. In this case, the applicant has not met the criteria for reconsideration, and the Commission denies the request.

APPENDIX 1

Substantive File Documents

CDP Application No. 4-12-003 Staff Report, dated November 29, 2012, and Staff Report Addendum dated December 10, 2012; Applicant Request for Reconsideration Letter, dated December 27, 2012; Certified Malibu/Santa Monica Mountains Land Use Plan; Malibu/Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982; "Preliminary Geologic and Soils Engineering Investigation," prepared by GeoConcepts, Inc., dated December 16, 2010; "Private Sewage Disposal System Report," prepared by GeoConcepts, Inc., dated December 17, 2012; "Engineering Feasibility Report for a New Onsite Wastewater System," prepared by EPD Consultants, Inc., dated February 21, 2011; "Biological Constrains Evaluation," prepared by Impact Sciences, Inc., dated May 2011; County Environmental Review Board Recommendations, dated February 25, 2008, June 9, 2008, and July 18, 2011; CDP No. 4-12-018 (Mukherjee); CDP No. 4-06-094 (Barrett); 4-05-069 (Dodds); 4-10-104 (ELN LLC)

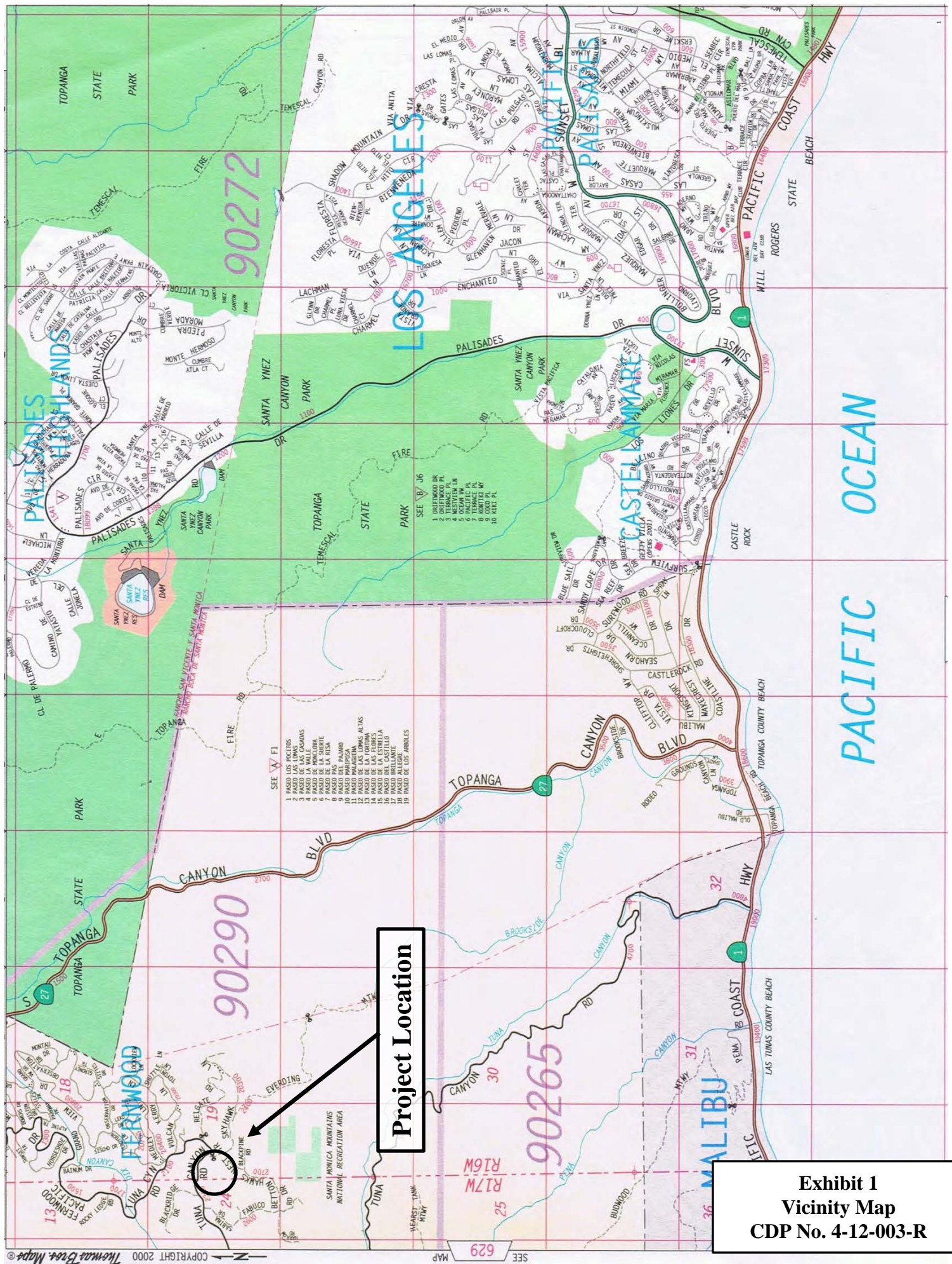


Exhibit 1
Vicinity Map
CDP No. 4-12-003-R



Public Parklands

Building Site

Exhibit 2
Aerial Photo
CDP No. 4-12-003-R

HEATH ARCHITECT - DESIGN, INC.
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Phone: 310.453.0309
 Fax: 310.453.0325
 E-Mail: info@heatharchitect.com

RYDINGS RESIDENCE

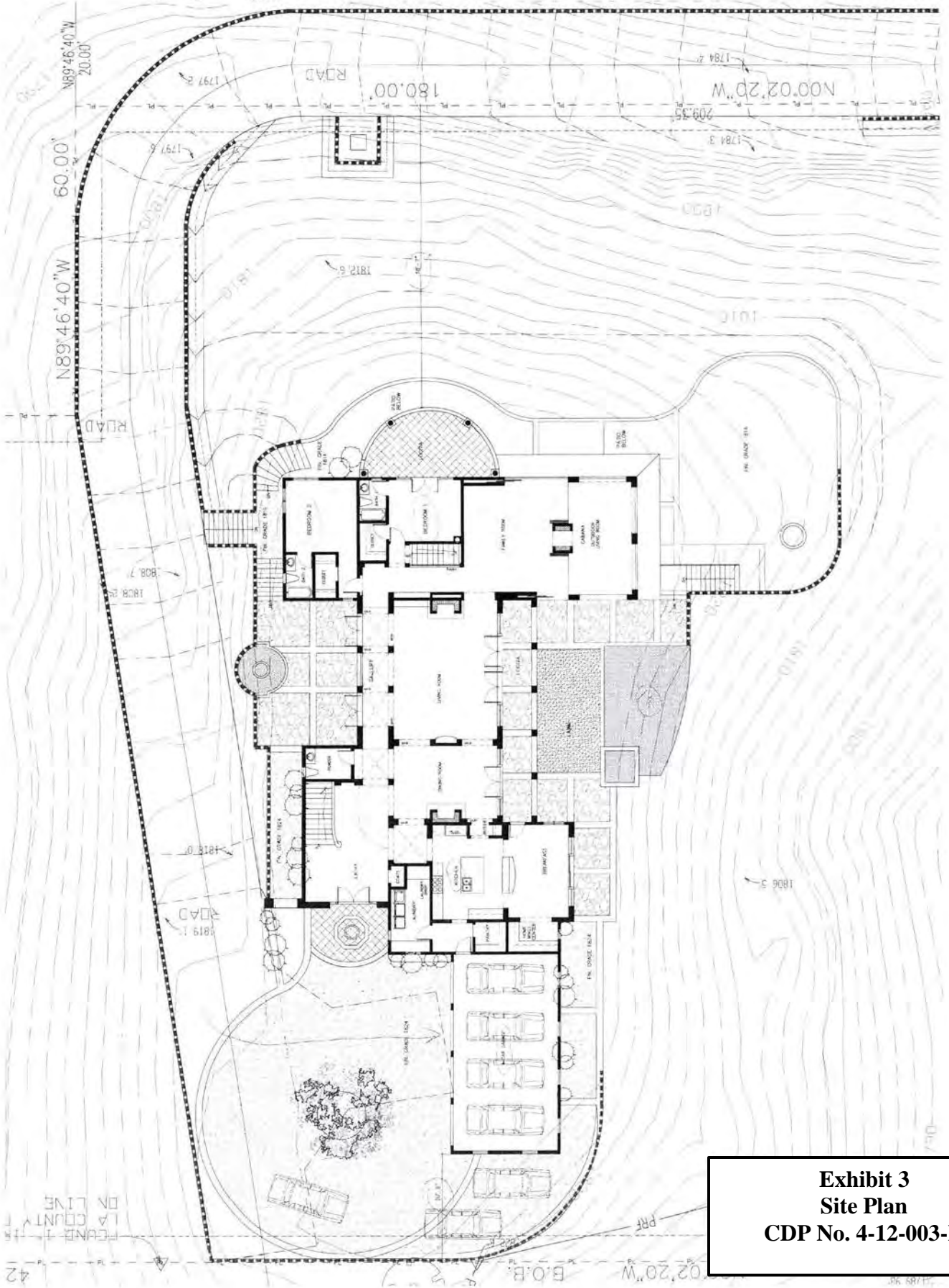
2525 Hawks Nest Dr.
 Topanga Cyn
 California

3	DESIGN FOR PERMITS	04/25/11
2	DESIGN FOR PERMITS	04/04/11
1	DESIGN FOR PERMITS	03/14/11
Rev.	Description	Date
1	1/8" = 1'-0"	04/03
2	1/8" = 1'-0"	04/03
3	1/8" = 1'-0"	04/03

SITE PLAN

Sheet Number **A0.1**

5/12/11



**Exhibit 3
 Site Plan
 CDP No. 4-12-003-R**

CALIFORNIA COASTAL COMMISSION

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



Th8a

ADDENDUM

DATE: December 10, 2012
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th8a, Application No. 4-12-003 (Rydings), Thurs., December 13, 2012

The purpose of this addendum is to revise Special Condition No. 1 of CDP 4-12-003 regarding revised project plans to change the requirement that revised plans must reflect a reduction in the maximum height of the residence to a maximum of one-story and no more than 18 feet above finished grade; to include more specific details concerning the analysis of the examples listed in the "Previous Permit Action Analysis" letter submitted by the applicant's representative; to correct an inadvertent error on Exhibit 11; and to attach documentation of an ex-parte communication received from Commissioner Zimmer (1 page).

Note: ~~Strikethrough~~ indicates text to be deleted from the November 29, 2012 staff report and underline indicates text to be added to the staff report.

- 1.) Staff is recommending that Special Condition No. 1 (Revised Plans) of CDP 4-12-003 be revised and clarified as follows, in order to change the requirement that revised plans must reflect a reduction in the maximum height of the residence to a maximum of one-story and no more than 18 feet above finished grade instead of existing grade to ensure the residence does not exceed 18 feet in total height and would therefore minimize adverse impacts to visual resources found on Pages 6 and 7 of the November 29, 2012 staff report (in addition, all other references to Special Condition No. 1 in the report are revised accordingly including on Pages 2, 22, and 23):

1. Revised Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans, landscaping plans and project description shall reflect the following:

- (1) Reduction in the maximum height of the residence to a maximum of one-story and no more than 18 feet above ~~existing~~ finished grade, v
The maximum amount of grading shall not exceed

Exhibit 4
CDP No. 4-12-003 Staff Report & Addendum
[For a colored electronic version of this
exhibit, go to <http://www.coastal.ca.gov/>
CDP No. 4-12-003-R

- (2) Revision to the landscaping plan and all other project plans to delete all references to and depictions of vineyards. The revised landscaping plan shall show only the installation of plant species consistent with Special Condition No. 2.

B. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

- 2) The following changes shall be made to the “Visual Resources” section within Section “IV. Findings and Declarations” found on page 22 of the November 29, 2012 staff report, to include more specific details concerning the analysis of the forty six (46) examples listed in the “Previous Permit Action Analysis” letter submitted by the applicant’s representative and to correct an inadvertent error:

Commission staff expressed concerns regarding the height of the proposed residence and its visual prominence from public viewing areas with the applicant. The applicant’s representative does not agree that the proposed project would be inconsistent with the Coastal Act, certified LUP or the County’s draft LCP, or that approval of the subject CDP would prejudice the County’s ability to prepare an LCP consistent with the Coastal Act. In response to staff concerns regarding the proposed 26 ft. and 8 inches in height, three-level single family residence, the applicant’s representative has submitted an analysis asserting that forty seven (although only 46 examples are included in the letter) previously approved single family residences in the Santa Monica Mountains were previously approved by the Commission within 500 ft. of a “scenic highway” and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project (Exhibit 14). However, upon review of the applicant’s analysis, several assertions by the applicant were found to be incorrect. Of the forty six (46) examples listed in the analysis, only ~~one-third~~ twenty (20) of residences were actually located on a property where a “significant ridgeline” was located. Moreover, of the 20 residences cited by the applicant on these properties the majority (18 out of 20) of the residences located on “significant ridgelines” had, in fact, actually been specifically located on the descending slopes below the significant ridgeline and had been specifically designed and limited in height (either proposed or conditioned to be reduced in height and/or designed to be stepped into the hillside) to ensure that no portion of the structure would extend or protrude above the ridgeline to completely avoid or minimize any adverse impacts to public views. For example, in the approval of CDP 4-10-104 (ELN LLC) at the Commission meeting in ~~November~~ October 2012, the Commission approved a new residence on a property where a significant ridgeline was located; however, in that case, the residence was not located on the ridgeline itself, but on the descending slope below significant ridgeline. Moreover, the Commission staff worked with the applicant’s representatives to specifically reduce the height of the residence in order to ensure that all portions of the residence would be sited entirely below the ridgeline in order to minimize impact to visual resources.

In addition, in past permit actions, the Commission has normally required that new residences be sited below ridgelines in order to avoid development breaking the skyline and to minimize

impacts to public views. However, in the event that siting a structure below the ridgeline is found to be infeasible, due to the steep hillside terrain on some sites, the Commission has approved some new residential structures on the crest of a significant ridgeline with the provision that the height of the residence be limited in height to reduce its obstruction into the skyline and minimize impacts from public viewing areas. For example, in a past permit action in the Santa Monica Mountains (CDP 4-05-069, Dodds) where the proposed residence was located on a knoll of a minor ridgeline (a ridgeline not designated as significant by the certified Malibu/Santa Monica Mountains LUP), Commission staff worked with the applicant to reduce the height of the residence to no more than 17 ft. in height above existing grade in order to reduce visual impacts from public viewing areas and thus reducing its obstruction into the skyline. Since each project location is site-specific, the Commission carefully analyzes all visual impacts to determine which mitigation measure is appropriate for each proposed project.

Of the remaining examples, ~~the majority~~ five (5) were located on a knoll or ridgeline not designated in the LUP as “significant” and located within 500 ft. of a “scenic highway;” nineteen (19) ~~The few~~ examples not located on any ridgeline or knoll were included because they were located within 500 ft. of a “scenic highway;” and two (2) were found to be neither on a ridgeline or knoll and not within 500 ft. of a “scenic highway.”

- 3.) The following change shall be made to Exhibit 11 of the November 29, 2012 staff report, to include correct an inadvertent error in the placement of the Public Viewing Area “star.” Currently, Exhibit 11 of the staff reports depicts the Public Viewing Area “star” north of Tuna Canyon Road, which is in the incorrect location and instead should be located south of Tuna Canyon Road. Attached to this addendum is a revised Exhibit 11 to reflect the change noted above.
- 4.) Attached to this addendum is documentation of an ex-parte communication received from Commissioner Zimmer dated December 10, 2012.

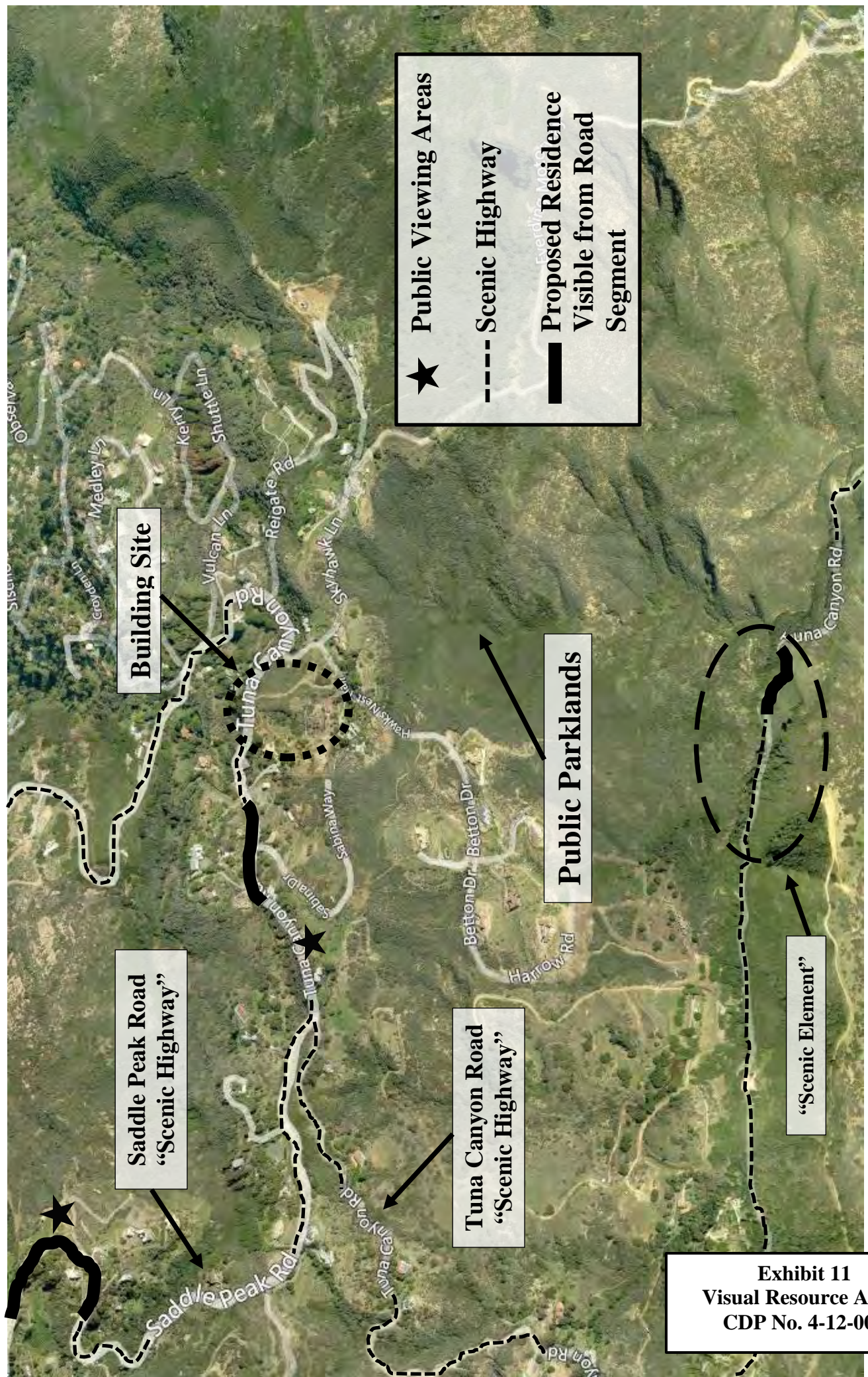


Exhibit 11
Visual Resource Areas
CDP No. 4-12-003

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Received

DEC 10 2012

California Coastal Commission
South Central Coast District

Name or description of project, LPC, etc.: Rydings SFR Th 8a

Date and time of receipt of communication:: December 10, 2012 10:00 a.m. -10:30 a.m.

Location of communication: Santa Barbara

Type of communication (letter, facsimile, etc.): telecon

Person(s) initiating communication: Don Schmitz for applicant

They will be sending their analysis to all Commissioners of the other applications mentioned but not included in the staff report.

In 1986 County and Coastal Commission certified the land use plan. County has been working on an LCP which was approved in 2006. It has policy revisions calling for a 20' tall house as a maximum on significant ridgelines. Staff references LCP, says its not a basis for their conditions, but goes on to say, but if the project is approved as submitted, it would prejudice the County's ability to adopt an LCP consistent with the Coastal Act. It has not been submitted. It would push development onto steeper more sensitive slopes.

Staff report references land use plan policies which are used as guide: prohibit breaking of ridgeline if feasible.

This is an area that has been intensely developed. There are a number of homes approved by coastal commission, at least 15 that have been approved along this ridgeline and they are all 28 - 35 feet tall, 2 or three stories in height. This would be the first time that an applicant would be required to reduce height along this particular section of ridgeline.

Earlier this year on the adjacent parcel, CCC approved a 24 ft tall house. Now staff is applying a different 'standard' than others that have been reviewed. Did not recall whether the same LUP policy P-130 was discussed in the staff report for that project. That house is not very visible. This one is not very visible, and what it looks like now. this is not a pristine ridgeline, visible to significant links of trails and scenic highways.

He believes but will check, that this is the last undeveloped parcel in this section of Tuna Canyon, the ridge runs along the top of Tuna Canyon.

The square footage analysis is not a Coastal Act issue. This house is roughly commensurate with what the Commission has approved. The Malibu City LUP has a square footage calculation that is based on size and slope of lot. This lot would be appropriate for a 9000 square foot house. But he said the City calculation does not take the visibility of the mass of the house into consideration, these are different policies.

Staff report indicates that because of the basement, it will appear as a 3 story home. Referenced Exh 12 that shows, due to topography that portion of the house is not visible from any public viewing area.

Staff agrees it is a good building site; graded pre coastal, flat. This property is not ESHA because it is not contiguous to other patches of vegetation, and there are overlapping fuel modification zones from prior coastal permit approvals.

12/10/12
Date

JANA ZIMMER
Signature of Commissioner

CALIFORNIA COASTAL COMMISSION

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



Th8a

Filed: 7/6/12
180th Day: 1/2/13
Staff: D. Venegas-V
Staff Report: 11/29/12
Hearing Date: 12/13/12

STAFF REPORT: REGULAR CALENDAR

Application No.: 4-12-003

Applicant: Mark Rydings

Agent: Christopher Deleau, Schmitz & Associates Inc.

Project Location: 2525 Hawks Nest Trail, Topanga, Santa Monica Mountains, Los Angeles County (APN: 4448-011-035)

Project Description: Construction of a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement level), two-story, 26'8" high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 8 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,176 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill). In addition, the project includes minor widening of segments of Hawks Nest Trail and Skyhawk Lane as required by the Los Angeles County Fire Department.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with conditions.

The proposed project is located on a vacant 2.78-acre ridge-top property at 2525 Hawks Nest Trail, within the unincorporated area of the Santa Monica Mountains in Los Angeles County. The subject property abuts Tuna Canyon Road along its northern boundary and Hawks Nest Trail along its southern boundary. The project site consists of an existing small, relatively flat graded pad straddling the crest of a Malibu/Santa Monica Mountains LUP-designated "significant ridgeline" with steep slopes with a general gradient of 1.5:1 (H:V, horizontal:vertical) or steeper,

descending to the north, south, and east of the pad. The southernmost portion of the property is within an area designated as “Significant Watershed” area (Tuna Canyon Watershed). The applicant proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), two-story, 26 ft., 8 inch high (as measured from existing grade) single family residence with an attached 815 sq. ft. garage.

Due to the steep hillside terrain on site, the project site is significantly constrained in terms of the potential areas to locate new residential development, and the relatively flat crest of the ridgeline is the most appropriate location for residential development to be located. The residence would be located atop the crest of a significant ridgeline in a scenic area and will be visible from segments of two LUP-designated “scenic highways,” Tuna Canyon Road and Saddle Peak Road. Additionally, the residence is also visible from two LUP-designated “public viewing areas” located northwest on Saddle Peak Road and to the west on Tuna Canyon Road and from several public parkland parcels located approximately 500 feet to the south.

The proposed two-story residence will be located on the crest of the significant ridgeline, with a partially subterranean basement level that is designed to be stepped into the steep hillside. The result of this design is that the residence has two stories that will protrude above the ridgeline/building pad, while the lower portion of the building contains a third story that is a basement with patio and lawn area that is approximately 9 feet below the bottom of the main residence. Submitted plans indicated that the residence would be 26 feet and 8 inches in height measured from the existing grade of the crest of the ridgeline, at any given point. However, from viewing points southeast of the residence on a southern segment of Tuna Canyon Road, the lower basement level will daylight and the visual effect of the structure (including three levels of living area and lawn area) will be a 35 ft. high residence located on top of a significant ridgeline. The proposed project would, therefore, intrude into the skyline (above the ridgeline) as seen from public viewing places and impact scenic vistas and visual resources in the area.

As such, Commission staff believes that a feasible design alternative is the reduction of the height of the residence to a single-story above grade (with an additional partially subterranean basement level) such that no portion of the structure is more than 18 feet above existing grade. Reducing the maximum height above existing grade to 18 feet would reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible. As such, to ensure that adverse impacts to visual resources are minimized, Special Condition One (1) requires the applicant to submit revised plans, for the review and approval of the Executive Director, that reduce the height of the residence to a maximum of 18 feet above existing grade.

In response to staff concerns regarding the height of the proposed single family residence, the applicant’s representative has submitted an analysis asserting that forty seven (although only 46 examples are included in the letter) previously approved single family residences in the Santa Monica Mountains were previously approved by the Commission within 500 ft. of a “scenic highway” and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project. Staff has reviewed all of the examples provided by the applicant and found that several assertions by the applicant were found to be incorrect. To the contrary, the Commission has required development on significant ridgelines to be located below the ridgetop where feasible and to

limit the height of structures where the only feasible development site is on the ridgetop. The applicant's letter is discussed in detail on Page 23 of the staff report.

Additionally, the applicant also proposes to plant the steep slopes descending from the building pad with vineyards. The vineyards are proposed on slopes steeper than 3:1, are approximately 150 feet away from the Tuna Canyon Watershed area and will be highly visible from the same scenic highways as the proposed residence noted above. Vineyards and other agricultural uses can have a negative impact on coastal resources, including increased erosion, sedimentation, and slope instability. For these reasons, the Commission in past permit actions has prohibited the conversion of vacant land on slopes steeper than 3:1 to vineyard and other agricultural uses in order to protect project site stability, minimize erosion and impacts to water quality. Therefore, to ensure that adverse impacts to visual resources are minimized, Special Conditions One (1) and Two (2) require the applicant to submit both revised project plans and revised landscaping plans, for the review and approval of the Executive Director that deletes all reference to and depictions of vineyards on the subject property, and instead incorporates native, drought tolerant plant species.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) serve as guidance.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Parcel Map
- Exhibit 3. Aerial Photo
- Exhibit 4. Grading Plan
- Exhibit 5. Landscaping Plan
- Exhibit 6. Site Plan
- Exhibit 7. South & East Elevations
- Exhibit 8. North & West Elevations
- Exhibit 9. Sections
- Exhibit 10. 1986 Malibu/Santa Monica Mountains LUP Figure 8 – Visual Resources Map
- Exhibit 11. Visual Resource Areas
- Exhibit 12. Proposed Residence Staking Photo
- Exhibit 13. Visual Impact from Scenic Highway Photo
- Exhibit 14. Previous Permit Action Analysis Submitted by Applicant's Representative

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated December 27, 2011; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated July 5, 2011; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated September 26, 2011; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated January 20, 2011.

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 4-12-003 pursuant to the staff recommendation.

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:

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 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. Revised Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans, landscaping plans and project description shall reflect the following:

- (1) Reduction in the maximum height of the residence to a maximum of 18 feet above existing grade, within the approved structure footprint. The maximum amount of grading shall not exceed the approved grading volumes.
- (2) Revision to the landscaping plan and all other project plans to delete all references to and depictions of vineyards. The revised landscaping plan shall show only the installation of plant species consistent with Special Condition No. 2.

B. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Revised Landscaping and Fuel Modification Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of revised landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) 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. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- (4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- (5) Vertical landscape elements shall be planted around the proposed residence and driveway to soften views of the development as seen from Tuna Canyon Road, Saddle Peak Road and public parklands. All landscape elements shall be native/drought resistant plants.

- (6) No agricultural plantings (including, but not limited to, vineyards and orchards) shall be planted on any slopes with a gradient steeper than 3:1 (H:V).

B) Fuel Modification Plans

Vegetation within 20 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 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.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Revised Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

Three years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit to 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 requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

3. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

4. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

- a. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.
- b. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.
- c. Treatment Control BMPs: Systems designed to remove pollutants from stormwater, by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins,

and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- (1) Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.
- (2) Post-development runoff rates from the site shall be maintained at levels similar to pre-development conditions.
- (3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
- (4) Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 2, Revised Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.
- (5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.
- (6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.
- (7) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary,

repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

- (9) For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.
- (10) 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 affected 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.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

6. Interim Erosion Control Plans and Construction Responsibilities

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices Plan, prepared by a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are in conformance with the following requirements:

1. Erosion Control Plan

- (a) 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 plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. 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, and shall 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. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.

- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) 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.
- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

- (g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

7. Structural Appearance

PRIOR TO 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 this Coastal Development Permit. 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 roofs, trims, exterior surfaces, driveways, retaining walls, and 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 this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

8. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

- (1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
- (2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60-watt incandescent bulb.
- (3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

9. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 2, Revised Landscaping and Fuel Modification Plans**, shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

10. Deed Restriction

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.

11. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

12. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50-foot zone surrounding the proposed structure(s) 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 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

13. Pool and Spa Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Mark Rydings, proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement level), two-story, 26 ft., 8 inch (as measured from existing grade) high single family residence with an attached 815 sq. ft. garage, driveway, hammer-head turnaround, 8 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,176 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyards, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill). In addition, the project includes minor widening of segments of Hawks Nest Trail and Skyhawk Lane in order to comply with Los Angeles County Fire Department requirements. The project includes 7,896 cu. yds. of total grading involving: 2,730 cu. yds. of grading (2,700 cu. yds. of cut and 30 cu. yds. of fill) for construction of the proposed residence; 5,150 cu. yds.

of grading (3,750 cu. yds. of cut and 1,400 cu. yds. of fill) for construction of the proposed driveway within the existing dirt access road along the eastern property boundary (Exhibit 4), and 16 cu. yds. of grading (5 cu. yds. of cut and 11 cu. yds. of fill) for minor widening of segments of Hawks Nest Trail and Skyhawk Lane.

The project site is located on a vacant 2.78-acre ridge-top property at 2525 Hawks Nest Trail, within the unincorporated area of the Santa Monica Mountains in Los Angeles County (APN 4448-011-035) (Exhibits 1-4). The subject property abuts Tuna Canyon Road along its northern boundary and Hawks Nest Trail, a private road, along its southern boundary. Topographically, the property is situated on the crest of an east-west trending ridgeline within the southeast portion of the Santa Monica Mountains. The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates this mountain ridge as a “significant ridgeline” relative to scenic coastal resources.

The project site has an existing, small, relatively flat graded pad straddling the crest of the ridgeline with steep slopes with a general gradient of 1.5:1 (H:V, horizontal:vertical) or steeper, descending to the north, south, and east of the pad. There is also an existing dirt access road at the site, with a general gradient of 1:1 (H:V) or less. Elevation on site ranges from 1,700 feet in elevation on the southern end, to 1,830 feet in the north. The southernmost portion of the property is within an area designated as “Significant Watershed” area (Tuna Canyon Watershed). The proposed residence and the majority of the proposed access road/driveway are located immediately north of the boundaries of the watershed. The applicant is proposing to plant the steep slopes descending from the building pad with vineyards.

Due to the steep hillside terrain on site, the project site is significantly constrained in terms of potential areas to locate new residential development, and the relatively flat crest of the ridgeline is the most appropriate location for residential development to be located. In addition, a substantial amount of grading and retaining walls will be required to construct the new driveway by widening the existing narrow dirt access road in order to comply with the Los Angeles County Fire Department requirements. The hammer-head turnaround will be located north of the residence and the driveway will wrap around the residence to the east and down the steep hillside to Hawks Nest Trail (Exhibit 4).

The existing pad and dirt access road on site were constructed prior to the effective date of the Coastal Act (January 1, 1977), based on a review of the Commission’s historical aerial photographs. The proposed residence and portions of the access driveway will be located within the existing disturbed areas. Existing residential development is located on the surrounding properties to the north, south, and west, and on the adjacent parcel to the east, a 2,002 sq. ft., 24 ft. high, two-story single family residence was approved by the Commission in May 2012 pursuant to Coastal Development Permit No. 4-12-018. Vegetation on the project site is a mixture of native and disturbed vegetation. Although the eastern portion of the subject property contains a small area of native chaparral vegetation, the majority of vegetation on site is located within the existing 200 ft. fuel modification zones for the neighboring residences to the west, north, and south of the project site. Moreover, because the subject site is surrounded by existing and recently approved development on all four sides, the portion of the site currently vegetated with native chaparral is isolated and is not part of a larger contiguous area of chaparral habitat and does not, therefore, constitute an environmentally sensitive habitat area (ESHA). Thus, the subject site does not contain ESHA. In addition, because the proposed residence is located near

existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the new proposed residence will not result in any new vegetation clearance in offsite areas and will not result in any loss of ESHA.

The proposed residence will be located atop the crest of a significant ridgeline in a scenic area and will be visible from public parklands to the south of the property, Saddle Peak Road, and multiple segments of Tuna Canyon Road, which is designated as a scenic highway pursuant to the certified Malibu/Santa Monica Mountains LUP. The proposed development will adversely impact these visual resources, but there are design alternatives that would reduce visual impacts, as further discussed below in Section IV. B. Visual Resources.

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

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission, as guidance in the review of development proposals in the Santa Monica Mountains, has applied these policies.

- P91 *All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*
- P125 *New development shall be sited and designed to protect public views from LCP-designated highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on a sloped terrain should be set below road grade.*
- P129 *Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*
- P130 *In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:*
- *Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LUP.*
 - *Minimize the alteration of natural landforms*

- *Be landscaped to conceal raw cut slopes*
- *Be visually compatible with and subordinate to the character of its setting.*
- *Be sited so as to not significantly intrude into the skyline as seen from public viewing places.*

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

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

The proposed residence will be situated on the crest of an east-west trending LUP-designated “significant ridgeline” and located in a scenic area. (“Significant ridgelines”¹ constitute a scenic resource of the coastal zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and whether they are clearly visible from scenic roads. The area between the scenic roadway and the significant ridgeline is also considered visually sensitive.) The visual impact of buildings, grading, or merely removing vegetation can be just as dramatic as the natural features themselves. Additionally, the project site will be visible from two LUP-designated “scenic highways,” Tuna Canyon Road² and Saddle Peak Road.³ (“Scenic highways”¹ are routes which provide views of highly scenic areas, scenic vistas of the ocean or interior mountains and provide access to major recreational areas.) Additionally, the project site is visible from two LUP-designated “public viewing areas” located northwest on Saddle Peak Road and to the west on Tuna Canyon Road. Further, the subject site is visible from several public parkland parcels located approximately 500 feet to the south that are owned by the State of California, National Park Service and Mountains Restoration Trust.

Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be adversely affected. In the review of this project, Commission staff reviewed the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. Staff examined the building site, the size and height of the proposed structure and alternatives to the size, bulk and scale of the structure. Commission staff also requested that the mass of the proposed structure be physically depicted by staking the site with story poles. Commission staff conducted two site visits on October 1, 2012, and November 7, 2012, to view the staked site and confirmed that the

¹ As defined in the Malibu/Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982.

² Tuna Canyon Road, runs from PCH to Fernwood Pacifica Drive. This road runs adjacent to a streambed for long stretches, and is often covered by a canopy of lush woodland vegetation. The road winds its way along a canyon wall; parts of the road are very steep and narrow, but affords aesthetic views of the canyon below.

³ Saddle Peak Road, intersects Stunt and Schueren Roads on the west; Tuna Canyon Road on the east. This route also parallels a portion of the Backbone Ridge, offering simultaneous views of the ocean, major canyons, and steep rocky slopes.

project site is highly visible from significant public viewing areas, including Tuna Canyon Road, Saddle Peak Road, and public park land.

In this case, the applicant is proposing a two-story residence with a third, partially subterranean, basement-level located on the crest of the significant ridgeline, which is the only relatively flat portion on the subject site (existing pad). Any alternative residence location scenario would result in a massive amount of grading into the hillside with large cut slopes. The applicant proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), two-story, 26 ft., 8 inch high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 8 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,176 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill).

The proposed two-story residence will be located on the crest of the ridgetop, with a partially subterranean basement level that is designed to be stepped into the steep hillside, the result of this cascading design is that the residence has two stories that will protrude above the ridgeline/building pad, while the lower portion of the building contains a third lower basement area with a proposed bedroom, bath, theater room, den, wine tasting room, wine storage room, patio and lawn area that is approximately 9 feet below the bottom of the main residence but which will be visible from public viewing areas to the south including public parkland and a section of Tuna Canyon Road. Submitted plans indicate that the residence would be 26 feet and 8 inches in height measured from the existing grade of the crest of the ridgeline, at any given point. However, from viewing points southeast of the residence on a southern segment of Tuna Canyon Road, the lower basement level will daylight and the residence will effectively appear to comprise three stories with a total height of approximately 35 feet from the highest point of the residence to the bottom of the lower third level and lawn (Exhibit 7). So, although the proposed residence will not exceed 26 feet and 8 inches in height above existing grade at any given point, the visual effect of the structure (including three levels of living area and lawn area) will be a 35 ft. high residence located on top of a significant ridgeline. In addition, developed vineyards would be visible an additional 50 feet downslope in elevation from the bottom of the lower basement level.

Development Effects on Visual Resources

The proposed residence will be visible from several segments of Saddle Peak Road to the northwest of the subject property and Tuna Canyon Road from the northwest and southeast. From viewing points along Saddle Peak Road to the northwest and along Tuna Canyon Road to the northwest, the proposed residence will be highly visible. There are several existing residences in the immediate vicinity that are also visible from this vantage point.

The proposed residence will be visible from an approximately 300 foot long section of Tuna Canyon Road, located southeast of the project site. In addition this segment of Tuna Canyon Road has been designated in the LUP as a “scenic element” due to its lush riparian woodland

area that forms a visually pleasing canopy over the road. (“Scenic elements¹” are defined as natural features of the landscape which exhibit a high scenic value. Landforms, areas of vegetation, and water-forms that are relatively distinct from the general landscape found throughout the coastal zone are considered as “scenic elements.”) From this viewing point facing towards the subject site, public parklands and Tuna Canyon¹, a canyon with the presence of healthy vegetation, well-developed riparian woodlands and year-round water are highly visible in the foreground. Although two other existing residences are also visible from this location, the majority of the residence to the west is screened from view by the intervening topography and the second residence, to the east, is a relatively low-lying one-story residence and not as visibly prominent as the multi-level residence proposed by this application would be. The proposed residence would be sited on the crest of the significant ridgeline between these two existing residences and will be the most visibly prominent and tallest building of the three residences mainly due to the proposed height of 26 ft., 8 inches and the multiple stories, which will make it effectively appear to be 35 ft. high from the top of the ridgeline from viewing points to the south, southeast and east. The residence will also be visible from two LUP-designated “public viewing areas” located along Saddle Peak Road and Tuna Canyon Road and public parklands located south of the project site. The proposed project would therefore, intrude into the skyline as seen from public viewing places and impact scenic vistas and visual resources in the area.

The Commission staff has analyzed the visual impacts of the proposed residence in relation to the surrounding residences within the community. Specifically, staff compared the proposed 8,180 sq. ft., two-story, almost 27-foot high structure (as measured from existing grade) and attached 815 sq. ft. garage to the height and visual prominence of other residential structures in the area surrounding the property to see whether the proposed development will be consistent with the size of other residences, as one measure of compatibility with the character of the surrounding rural area. This analysis showed the total square footage of single family residences directly adjacent to the subject property to range in size from 1,668 sq. ft. to 3,463 sq. ft. in size. Within a half mile radius of the project site the total square footage of surrounding single family residences ranged in size from 440 sq. ft. to 6,220 sq. ft. in size, with forty eight (48) percent of houses less than 2,000 sq. ft. in size, thirty four (34) percent between 2,000 sq. ft. to 3,000 sq. ft. in size, ten (10) percent between 3,000 sq. ft. to 4,000 sq. ft. in size and eight (8) percent between 4,000 sq. ft. to 6,220 sq. ft. in size. The proposed multi-level residence will be 8,180 sq. ft. in size and therefore, would be the largest residence located within the half-mile radius of the subject property. The Commission finds that reducing the height of the residence down to 18 ft. would modify the residence to contain at least 5,730 sq. ft. of habitable space and a 815 sq. ft. garage that would conform to the higher scale and character of the surrounding area and reduce impacts to scenic areas.

Consistency with Standard of Review

For the reasons stated above, the Commission concludes that the proposed siting, height, and bulk of the proposed residence will have significant adverse impacts to visual resources in the area, will not protect views of the significant ridgeline (a scenic coastal area) from scenic

¹ As defined in the Malibu/Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982.

highways or public viewing areas, and will not be visually compatible with the character of the surrounding area. As such, the project, as proposed, is not consistent with Section 30251 of the Coastal Act.

Further, the project, as proposed, is not consistent with the above-cited visual resource policies of the certified Malibu/Santa Monica Mountains Land Use Plan, which serve as guidance. Specifically, these policies require that new development be sited and designed to protect public views from LCP-designated highways to highly scenic areas including public parkland (P125). That policy also requires that where physically and economically feasible, development on a sloped terrain be set below road grade. The policies also require that structures be sited to conform to the natural topography, as feasible (P134). Where feasible, structures are prohibited from breaking the ridgeline view, as seen from public places (P131). Finally, structures in highly scenic areas must be sited so as to not significantly intrude into the skyline as seen from public viewing places (P130). The proposed project is not sited or designed to protect public views from LUP-designated “scenic highways” Saddle Peak Road and Tuna Canyon Road, to conform to the natural topography, to avoid breaking the ridgeline view, or to avoid significantly intruding into the skyline. It would be located on the crest of a significant ridgeline, in an area that will be visible from two LUP-designated scenic highways, two “public viewing areas” and public parkland.

In addition to the proposed development being inconsistent with Section 30251 of the Coastal Act and the policies found in the 1986 Malibu/Santa Monica Mountains Land Use Plan, which serves as guidance for development in the Santa Monica Mountains, the proposed development is also inconsistent with the policies found in the proposed Santa Monica Mountains Local Coastal Program (LCP). On October 30, 2007, the proposed Santa Monica Mountains LCP was approved by the Los Angeles County Board of Supervisors; however, it has not yet been officially submitted to, or certified by, the Commission. While the draft Santa Monica Mountains LCP has not been considered or certified by the Commission and therefore does not serve as guidance, the policies and provisions of the uncertified LCP do demonstrate how the County intends to protect visual resources in scenic areas.

The proposed Santa Monica Mountains LCP consists of the Coastal Zone Plan and implementing actions including the community standards district, amendments to Subdivision Ordinance and the Zoning Ordinance, Titles 21 and 22 of the County Code, and a zoning consistency program. The plan, once certified by the Commission, will replace the 1986 Malibu/Santa Monica Mountains Land Use Plan. The proposed LCP contains policies regarding the protection of visual resources that contain more protective and straight-forward policies regarding development on a significant ridgeline compared to the certified 1986 Malibu/Santa Monica Mountains Land Use Plan. More specifically, the proposed Santa Monica Mountains LCP Policy CO-53 states: “Prohibit development on designated Significant Ridgelines and require that structures be located sufficiently below Ridgelines so as to preserve unobstructed views of a natural skyline.” In addition, the proposed Santa Monica Mountains Implementation Plan, Section 22.44.605 Height Limits B. states: “Every residence and every other building or structure on a Significant Ridgeline, in a Scenic Element, or located within 500 feet of and visible from a Scenic Route, shall have a height not to exceed 20 feet above natural grade, excluding chimneys, solar panels and rooftop antennas.”

The proposed residence is located on a designated significant ridgeline, within 500 feet of and visible from a Scenic Route (Tuna Canyon Road) and nearby parkland. As previously described, the structure, as proposed, will not be sited below the ridgeline due to the steep hillside terrain on site and is proposed to be 26 ft. and 8 inches in height and thus inconsistent with the policies noted above in the proposed Santa Monica Mountains LCP. While these policies do not serve as guidance to the Commission in its consideration of the subject CDP, the Commission's approval of the project, as proposed, would be inconsistent with Section 30251 of the Coastal Act, the visual resource policies of the certified LUP, as well as these draft policies, and would prejudice the County's ability to prepare a final LCP that is consistent with the Coastal Act.

Alternatives

For the reasons stated above, the Commission finds that the project cannot be approved as submitted. The Commission has considered siting alternatives that would avoid and/or reduce significant adverse impacts to visual resources. In this case, the topography and parcel configuration of the project site is such that no feasible siting alternatives exist that would allow for the construction of a residence that would be located sufficiently below the ridgeline to preserve the ridgeline view from public viewing areas. There is an existing flat pad on the ridge and the remainder of the site contains very steep slopes. Siting a residence on the steep south-facing slope would reduce the visibility of the structure from Tuna Canyon Road, but would require significantly more landform alteration and retaining walls. Given the extremely steep slope of the existing, narrow, access driveway, providing the Fire Department-required driveway turnaround for a residence sited below the ridgeline would require an immense amount of grading and retaining walls, if it were technically feasible at all. Thus, the Commission finds that although siting a home on the ridgetop will result in the structure being visible from a scenic highway and will therefore have adverse impacts on visual resources, these impacts are unavoidable because there are no feasible siting alternatives available given the site-specific topographic constraints affecting the project site.

The Commission has also considered design alternatives to reduce visual impacts. In past permit actions, the Commission has required that new development located in highly visible, scenic areas be restricted in height and cut into the slope in order to protect visual resources. In projects where the only feasible development area location is on a ridge, the Commission has typically required all structures to be a limited in height that is appropriate for each proposed project. In this case, the proposed residence is quite large, at 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), with an attached 815 sq. ft. four-car garage. The project site is 2.78-acres in size, but the majority of the site is steep slope. As noted above, the proposed structure size is much larger than the majority of residences in the immediate area. As such, the Commission finds that a feasible design alternative is the reduction of the residence size such that no portion of the structure is over 18 feet above existing grade. Reducing the maximum height above existing grade to 18 feet would significantly reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible.

Commission staff expressed concerns regarding the height of the proposed residence and its visual prominence from public viewing areas with the applicant. The applicant's representative does not agree that the proposed project would be inconsistent with the Coastal Act, certified

LUP or the County's draft LCP, or that approval of the subject CDP would prejudice the County's ability to prepare an LCP consistent with the Coastal Act. In response to staff concerns regarding the proposed 26 ft. and 8 inches in height, three-level single family residence, the applicant's representative has submitted an analysis asserting that forty seven (although only 46 examples are included in the letter) previously approved single family residences in the Santa Monica Mountains were previously approved by the Commission within 500 ft. of a "scenic highway" and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project (Exhibit 14). However, upon review of the applicant's analysis, several assertions by the applicant were found to be incorrect. Of the forty six (46) examples listed in the analysis, only one-third of residences were actually located on a property where a "significant ridgeline" was located. Moreover, the majority of the residences located on "significant ridgelines" had, in fact, actually been specifically located on the descending slopes below the significant ridgeline and had been specifically designed and limited in height (either proposed or conditioned to be reduced in height and/or designed to be stepped into the hillside) to ensure that no portion of the structure would extend or protrude above the ridgeline to completely avoid or minimize any adverse impacts to public views. For example, in the approval of CDP 4-10-104(ELN LLC) at the Commission meeting in November 2012, the Commission approved a new residence on a property where a significant ridgeline was located; however, in that case, the residence was not located on the ridgeline itself, but on the descending slope below significant ridgeline. Moreover, the Commission staff worked with the applicant's representatives to specifically reduce the height of the residence in order to ensure that all portions of the residence would be sited entirely below the ridgeline in order to minimize impact to visual resources.

In addition, in past permit actions, the Commission has normally required that new residences be sited below ridgelines in order to avoid development breaking the skyline and to minimize impacts to public views. However, in the event that siting a structure below the ridgeline is found to be infeasible, due to the steep hillside terrain on some sites, the Commission has approved some new residential structures on the crest of a significant ridgeline with the provision that the height of the residence be limited in height to reduce its obstruction into the skyline and minimize impacts from public viewing areas. For example, in a past permit action in the Santa Monica Mountains (CDP 4-05-069, Dodds) where the proposed residence was located on a knoll of a minor ridgeline (a ridgeline not designated as significant by the certified Malibu/Santa Monica Mountains LUP), Commission staff worked with the applicant to reduce the height of the residence to no more than 17 ft. in height above existing grade in order to reduce visual impacts from public viewing areas and thus reducing its obstruction into the skyline. Since each project location is site-specific, the Commission carefully analyzes all visual impacts to determine which mitigation measure is appropriate for each proposed project.

Of the remaining examples, the majority were located on a ridgeline not designated in the LUP as "significant" and located within 500 ft. of a "scenic highway." The few examples not located on any ridgeline were included because they were located within 500 ft. of a "scenic highway."

Based on the analysis above, the Commission finds it necessary to impose **Special Condition One (1)**, which requires the applicant to submit revised plans, for the review and approval of the Executive Director, that reduces the height of the residence to a maximum of 18 feet above existing grade within the approved structure footprint. Only as so conditioned will the

development minimize the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible.

Additionally, the applicant also proposes to place vineyards, using the non-native European Grape (*vitus vinife*) plant species on the steep slopes on site, within the irrigated fuel modification area (Zone B), to the south and downslope of the proposed residence. The vineyards are proposed on slopes much steeper than 3:1 (H:V). As described in detail below, vineyards and other agriculture uses can have a negative impact on coastal resources, including increased erosion, sedimentation, and slope instability, if they entail the clearing of steep land to plant crops. This clearing not only requires vegetation removal and soil disturbance, but leaves areas between the rows of plantings bare. Additionally, because vineyards are a deciduous crop that will replace the evergreen cover of native chaparral on portions of the steep slope, in the winter even more ground would be exposed. In this case, the slope area south of the residence will be visible from the same areas of a scenic highway as the residence. The planting of vines, or other agriculture, in this area will create adverse impacts to visual resources. While the proposed vineyard would be within an area that is required to be planted with low-fuel plant species and irrigated for fuel modification (Fire Department-required Zone “B”), the Commission has consistently required such plant species in Zone B to be primarily native and drought tolerant. This provides for the plantings to blend visually with the natural vegetation on surrounding slopes. Vineyards, with a regular row pattern, bare areas between rows, and lack of leaf cover in winter, will stand out visually, in contrast to adjacent natural areas. Therefore, the Commission finds it necessary to impose **Special Condition Two (2)**, which requires the applicant to submit revised landscaping plans, for the review and approval of the Executive Director that deletes all reference to and depictions of vineyards on the subject property, and instead incorporates native, drought tolerant plant species.

To further minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

Additionally, the Commission 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 following special conditions are required to assure the project’s consistency with Section 30251 of the Coastal Act:

Special Condition 1: Revised Plans

Special Condition 2: Revised Landscaping and Fuel Modification Plans
 Special Condition 7: Structural Appearance
 Special Condition 8: Lighting Restriction
 Special Condition 9: Future Development Restriction
 Special Condition 10: Deed Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. HAZARDS AND GEOLOGIC STABILITY

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.*

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding minimizing risks to life and property in areas of high geologic, flood, and fire hazard and assuring stability and structural integrity. The Coastal Commission looks to these policies as guidance in the review of development proposals in the Santa Monica Mountains. Such policies relevant to the instant application include:

- P82 *Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.*
- P84 *In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHA's and Significant Watersheds, a native plant species shall be used, consistent with fire safety requirements.*
- P88 *In ESHAs and Significant Watershed and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:*
- *Structures should be clustered.*
 - *Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County*

Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

- *Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.*
- *Require all sidecast material to be recompacted to engineered standards, reseeded, and mulched and/or burlapped.*

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

The southernmost portion of the property is located within an LUP-designated "Significant Watershed" area (Tuna Canyon Watershed). The proposed residence will be located immediately north of the portion of the property designated as significant watershed; however, a portion of the access road/driveway will be located within the watershed area. The access road will exceed the maximum 300 feet length standard provided as guidance by the Malibu/Santa Monica Mountains LUP policy P88. However, given the configuration of the project site and the steepness of the slopes, there is no other feasible, less environmentally damaging alternative for siting the proposed residence or for designing the access road. The longer access road will allow the residence to be constructed on the only relatively flat area on the parcel, located atop the crest of the significant ridgeline. In addition, the access road/driveway has received "preliminary approval" from the Los Angeles County Fire Department, Fire Protection Engineering Division.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

The applicant proposes to plant vineyards on the steep slopes descending from the flat pad area residence. The applicant has submitted fuel modification plans for the residence with "preliminary approval" from Los Angeles County Fire Department Fire Prevention Bureau that proposes vineyards, specifically European Grape *vitus vinife*, a non-native species in the Santa Monica Mountains within the irrigated Fuel Modification Zone "B" which extends 20 to 100 feet from the structure. Additionally, the vineyards are proposed on slopes steeper than 3:1 (H:V) and are approximately 150 feet away from the Tuna Canyon Watershed area, a LUP-designated "significant watershed." Vineyards and other agriculture uses can have a negative impact on

coastal resources if they entail the clearing of steep land to plant crops. This clearing not only requires soil disturbance, but can compromise the stability of the slope. There are also indirect impacts on scenic resources caused by mass removal of vegetation and/or the terracing of a steep slope for vineyard installation. Additionally, because vineyards are a deciduous crop that will replace the evergreen cover of native chaparral on portions of the steep slope, in the Winter, when the ground is exposed to rain there will be an increase in erosion and can result in adverse effects to the stability of the project site. For these reasons, the Commission in past permit actions has prohibited the conversion of vacant land on slopes steeper than 3:1 (H:V) to vineyard and other agriculture uses in order to protect project site stability, minimize erosion and impacts to water quality. For example, in a past action in the Santa Monica Mountains (4-06-094, Barrett), the Commission denied a portion of the applicant's proposed project to plant vineyards on slopes steeper than 3:1 and the Commission required the applicant to submit revised landscaping plans which deleted all reference to and depictions of vineyards on the subject property. In addition, the certified City of Malibu Local Coastal Program, which is used as guidance, contains policies that prohibit the conversion of vacant land on slopes steeper than 3:1 (H:V) to vineyard and other agricultural uses. The proposed vineyards will require the clearing of existing vegetation on steep slopes steeper than 3:1 (H:V) for installation and therefore will increase site erosion and can compromise the stability of the slope. Therefore, the Commission finds it necessary to impose **Special Condition Two (2)**, which requires the applicant to submit revised landscaping plans, for the review and approval of the Executive Director, that deletes all reference to and depictions of vineyards on the subject property, and instead incorporates native, drought tolerant plant species. Additionally, **Special Condition One (1)** requires the applicant to submit revised project plans for the review and approval of the Executive Director, that delete all references to and depictions of vineyards.,

Further, 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, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

- Special Condition 1: Revised Plans
- Special Condition 2: Revised Landscaping and Erosion Control Plans
- Special Condition 3: Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 4: Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 5: Drainage and Polluted Runoff Control Plans
- Special Condition 6: Interim Erosion Control

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

D. WATER QUALITY

Section 30231 of the Coastal Act states that:

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

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The southernmost portion of the property is located within an LUP-designated "Significant Watershed" area (Tuna Canyon Watershed). The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants and pesticides commonly found in runoff associated with residential use and vineyard production can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health. Additionally, both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algaecides, chemical pH balancing, and other water conditioning chemicals).

The applicant also proposes to plant vineyards, using the non-native European Grape (*vitus vinife*) plant species on the steep slopes to the south and downslope of the proposed residence. The vineyards are proposed on slopes much steeper than 3:1 and would be located approximately

150 feet away from the Tuna Canyon Watershed area, a LUP-designated “significant watershed.” Vineyards and other agriculture uses can have a negative impact on coastal resources if they entail the clearing of steep land to plant crops. This clearing not only requires vegetation removal and soil disturbance, but leaves areas between the rows of plantings bare, all of which can lead to increased erosion and sedimentation downstream from the site. Additionally, because vineyards are a deciduous crop that will replace the evergreen cover of native chaparral on portions of the steep slope, in the winter even more ground would be exposed to rain further increasing the potential for erosion. For these reasons, the Commission, in past permit actions, has prohibited the conversion of vacant land on slopes steeper than 3:1 (H:V) to vineyard and other agriculture uses in order to protect project site stability, minimize erosion and impacts to water quality. The proposed vineyards would require the clearing of existing vegetation on steep slopes steeper than 3:1 (H:V) for installation and therefore will increase site erosion and downstream sedimentation, in an area just upstream of the Tuna Canyon Significant Watershed. Therefore, the Commission finds it necessary to require the applicant to submit revised landscaping plans, for the review and approval of the Executive Director that deletes all reference to and depictions of vineyards on the subject property, and instead incorporates native, drought tolerant plant species.

Further, in order to minimize the potential adverse impacts from the proposed residence to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant’s geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project’s consistency with Section 30231 of the Coastal Act:

- Special Condition 1: Revised Plans
- Special Condition 2: Revised Landscaping and Erosion Control Plans
- Special Condition 5: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 6: Interim Erosion Control Plans and Construction Responsibilities
- Special Condition 12: Removal of Natural Vegetation
- Special Condition 13: Pool Drainage and Maintenance

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal 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 Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the project, as proposed, will not be in conformity with the provisions of Chapter 3. Specifically, the development, as proposed, will create significant adverse impacts to visual resources, inconsistent with Section 30251 of the Coastal Act. Further, as previously discussed in detail, the project, as proposed, is not consistent with the guidance provided by the visual resource policies of the certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan. Finally, the project, as proposed, would not meet the requirements of the draft policies adopted by Los Angeles County in the uncertified draft Local Coastal Program for the Santa Monica Mountains.

The Commission's decision on the subject coastal development permit will set a precedent for similar residential development on significant ridgelines in the Santa Monica Mountains. The approval of the project, as proposed, would contribute to the visual character of development in the area and potentially allow for additional development of similar height on this significant ridgeline. As such, the Commission's approval of the subject coastal development permit, as proposed, without requiring consistency with the Coastal Act and LUP visual resource policies, would prejudice the County of Los Angeles' ability to prepare a Local Coastal Program that is consistent with the Chapter 3 policies of the Coastal Act. As described in detail above, there are no feasible siting alternatives that would allow for the construction of a residence on the property that is sited below the ridgeline. There are design alternatives that would reduce the height of the structure on the ridgeline to no more than 18 feet, thereby reducing the visual impacts of the proposed development and bringing the project into conformity with the Coastal Act, certified LUP, and draft Santa Monica Mountains LCP, to the greatest extent feasible. Therefore, the proposed project has been conditioned to reduce the height of the proposed residence down to 18 ft. high in order to be consistent with the applicable policies contained in Chapter 3 and the policies in the proposed Santa Monica Mountains Local Coastal Program. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 13

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area that 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 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 incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

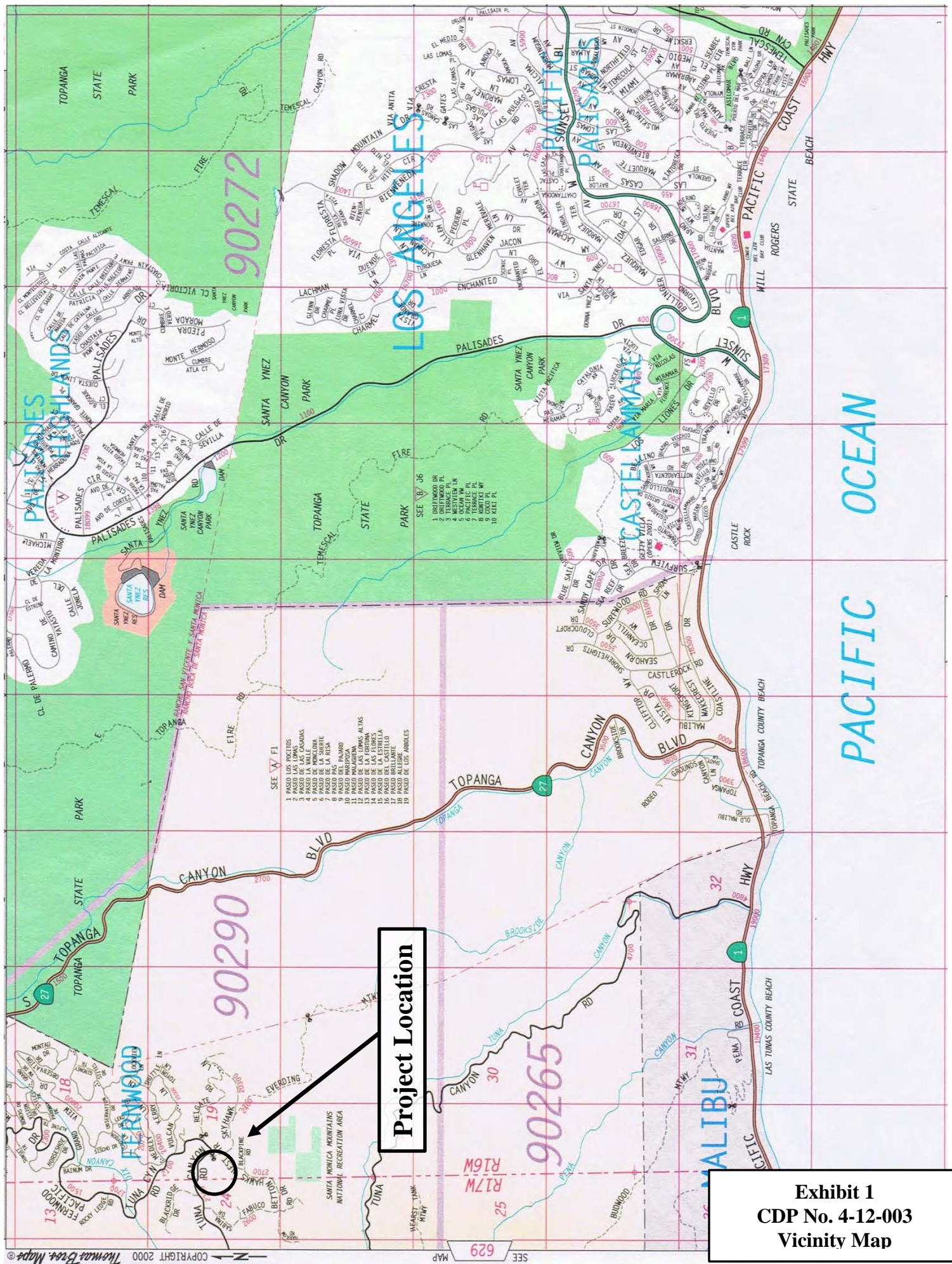
Special Conditions 1 through 13

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; Malibu/Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982; “Preliminary Geologic and Soils Engineering Investigation,” prepared by GeoConcepts, Inc., dated December 16, 2010; “Private Sewage Disposal System Report,” prepared by GeoConcepts, Inc., dated December 17, 2012; “Engineering Feasibility Report for a New Onsite Wastewater System,” prepared by EPD Consultants, Inc., dated February 21, 2011; “Biological Constrains Evaluation,” prepared by Impact Sciences, Inc., dated May 2011; County Environmental Review Board Recommendations, dated February 25, 2008, June 9, 2008, and July 18, 2011; CDP No. 4-12-018 (Mukherjee); CDP No. 4-06-094 (Barrett); 4-05-069 (Dodds); 4-10-104 (ELN LLC)





Building Site

Public Parklands

Exhibit 3
Aerial Photo
CDP No. 4-12-003

REVISIONS

GRAZING VOLUMES:
CUT: 8450 CU YDS
FILL: 1430 CU YDS
IMPORT: 0 CU YDS
EXPORT: 5020 CU YDS



AHSIRT
ENGINEERING
INC.
2525 HAWKS NEST DRIVE
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TEL: 818-761-0265
FAX: 818-761-0266

FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
PRELIMINARY GRADING AND DRAINAGE PLAN
TOPANGA, CA 90265



JOB NO. 07
DATE: FEB 2011
DRAWN BY: T.M.
CHECKED BY: T.M.
TAC

SHEET NUMBER
1 OF 1

LINE TYPE	DESCRIPTION
FF	FINISHED FLOOR ELEVATION
FS/FC	FINISHED SURFACE/GRADE ELEVATION
TM	TOP OF WALL ELEVATION
PH	PROPOSED WALL FROM FSEL
R	RADIUS
PRF	PLASTIC RAIL FENCE
---	PROPERTY LINE
---	EXISTING MAJOR CONTOURS
---	PROPOSED MAJOR CONTOURS
---	PROPOSED MINOR CONTOURS
---	CUT/FILL TRANSITION LINE
---	PROPOSED RETAINING WALL (BY OTHERS)

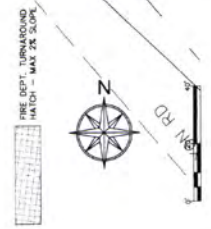
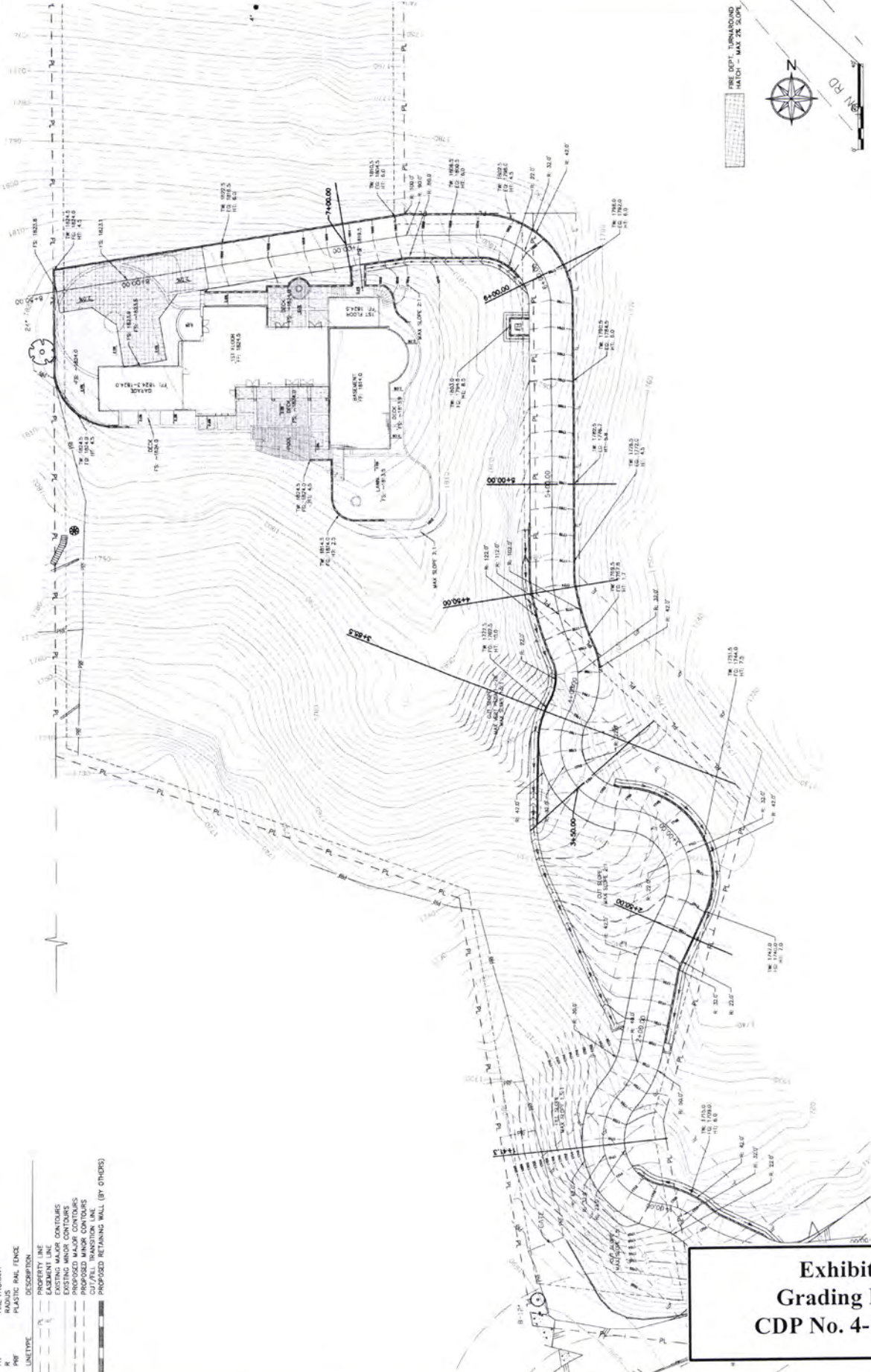
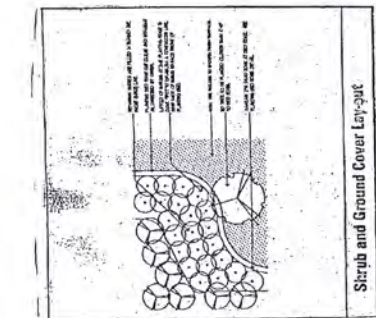
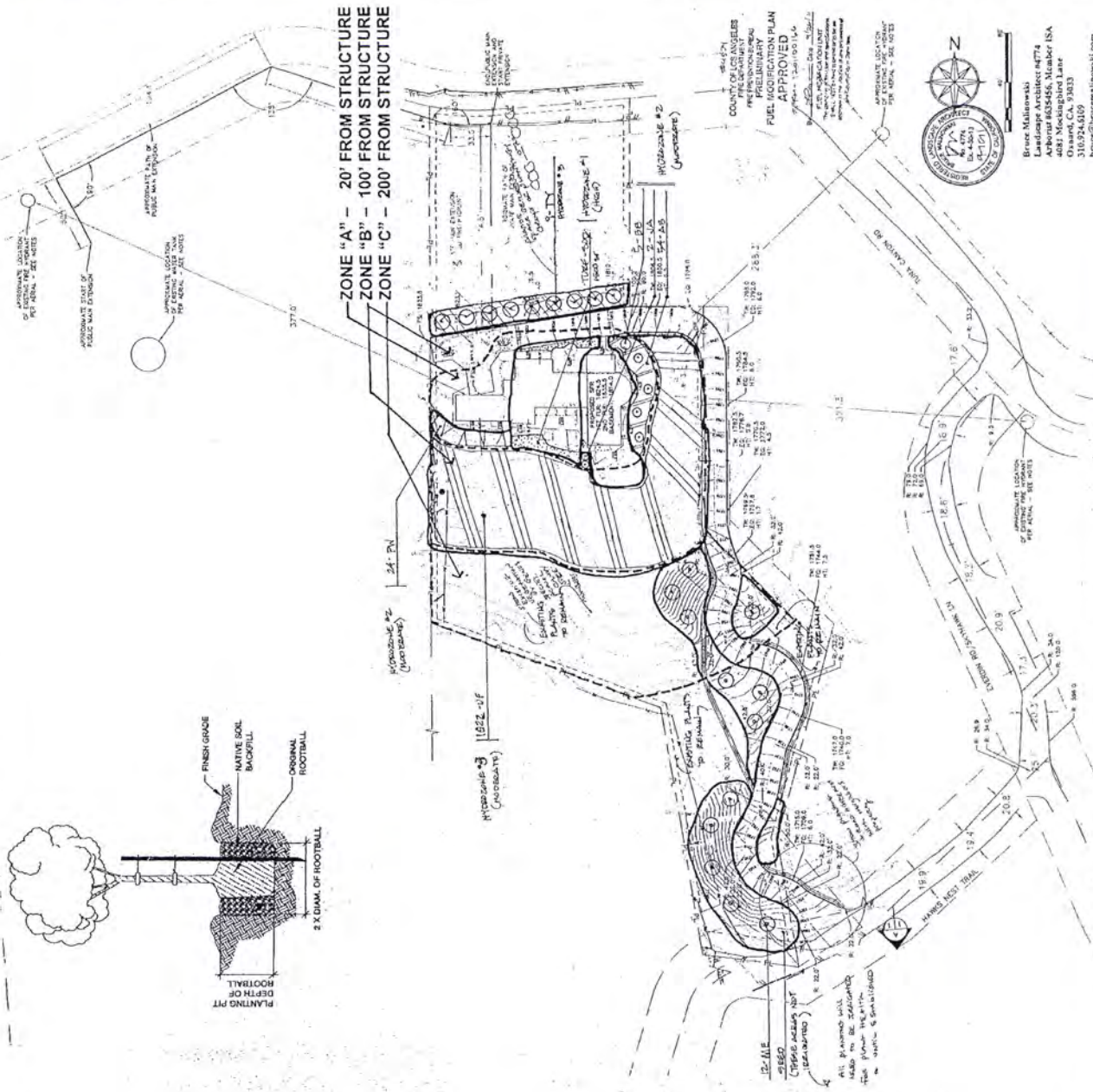


Exhibit 4
Grading Plan
CDP No. 4-12-003

The logo of the American Institute of Architects (AIA) is located in the bottom right corner. It features a circular seal with the text "AMERICAN INSTITUTE OF ARCHITECTS" and "FOUNDED 1917". To the right of the seal is a scale bar with markings for 0, 10, 20, and 30 feet.

[illegible]

ct 18774

in including surf:	38,500 of 1500 of
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apply in with water

are recommended for the formulation of active plant materials. The information is provided by the National Plant Society and Los Angeles County, California, for the purpose of providing information to the public. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product.

for non-active plants material. These additives will be in the form of plant growth regulators and will be in the form of plant growth regulators. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product. The information is not intended to be used as a substitute for the information provided by the manufacturer of the product.

as shall receive 2" of organic bark mulch.

Exhibit 5
Landscaping Plan
CDP No. 4-12-003

HEATH ARCHITECT + DESIGN, INC.
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90067
 Phone: 310.823.0359
 Fax: 310.823.0359
 E-Mail: info@heatharchitect.com

RYDINGS RESIDENCE

2525 Hawks Nest Dr.
 Topanga Cyn
 California

1	ISSUED FOR REVIEW	04/25/11
2	ISSUED FOR REVIEW	04/25/11
3	ISSUED FOR REVIEW	07/14/10
No. Description		Date
Drawn by	SH	
Scale	1/8"=1'-0"	
Project No.	TC 03	
Approved	SH	
Title		

SITE PLAN

Sheet Number **A0.1**

5/25/11

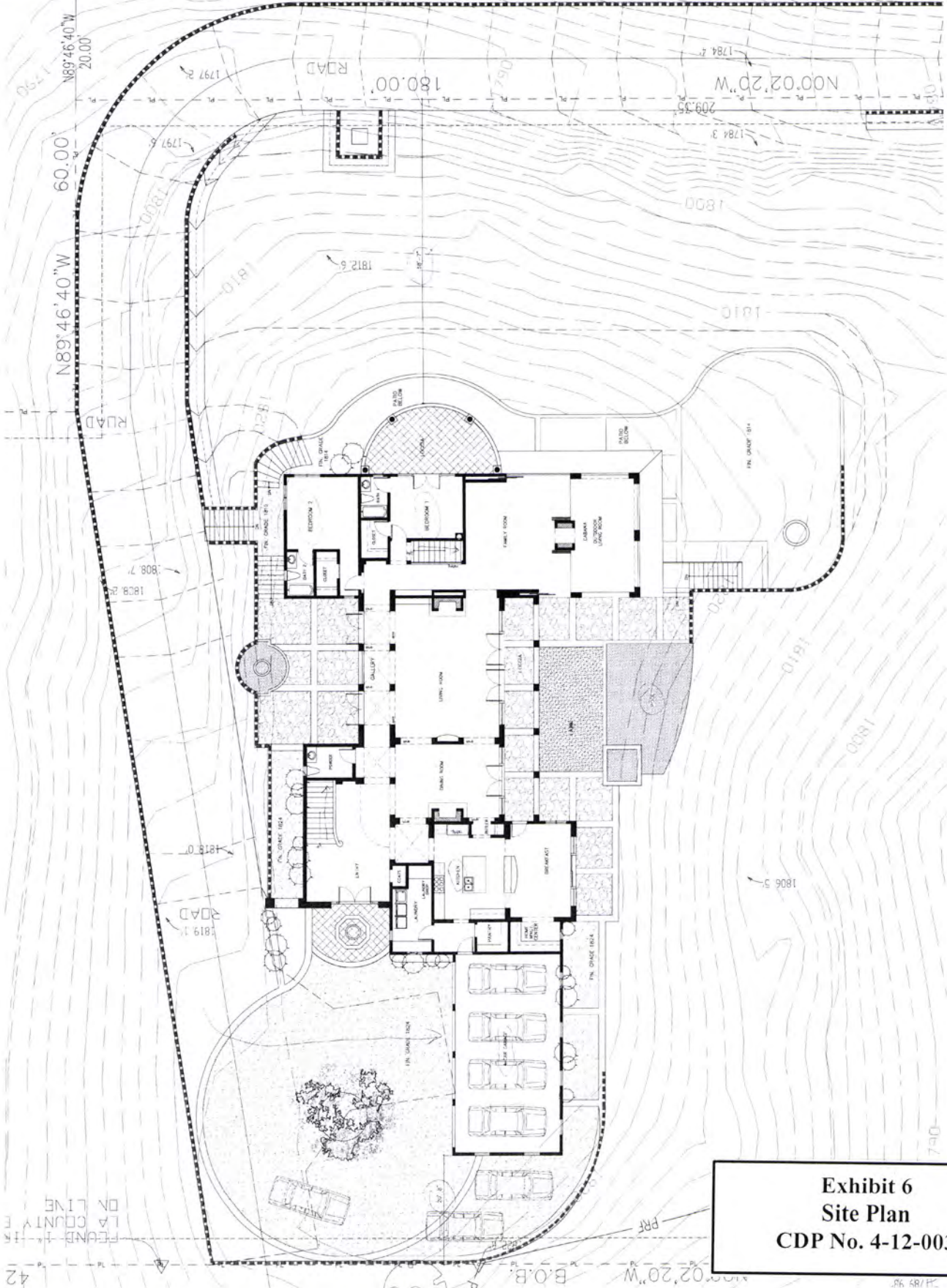
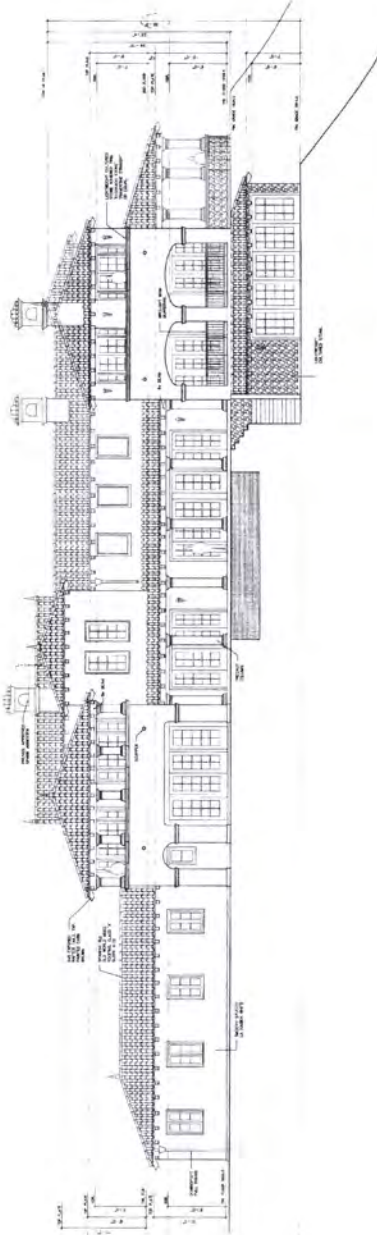


Exhibit 6
Site Plan
CDP No. 4-12-003

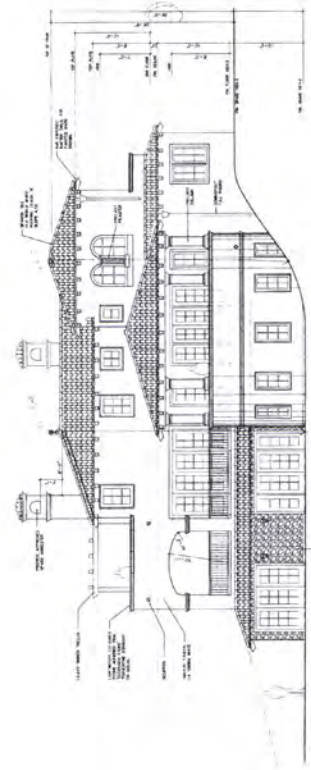
HEATH ARCHITECT • DESIGN, INC.
4133 Rockwood Ave. #204
San Diego, CA 92121
Phone: 310.823.0329
Fax: 310.823.0523
STUDIO@HEATHARCHITECT.COM

RYDINGS RESIDENCE

2525 Hawks Nest Dr.
Topanga Cyn
California



1 SOUTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"

3	ISSUED FOR REVIEW	08/25/11
2	ISSUED FOR REVIEW	02/04/11
1	ISSUED FOR REVIEW	01/14/10
No Description		Scale
Drawn by	SH	
Scale		
Project No.	10.003	
Approved	SH	

EXTERIOR ELEVATIONS

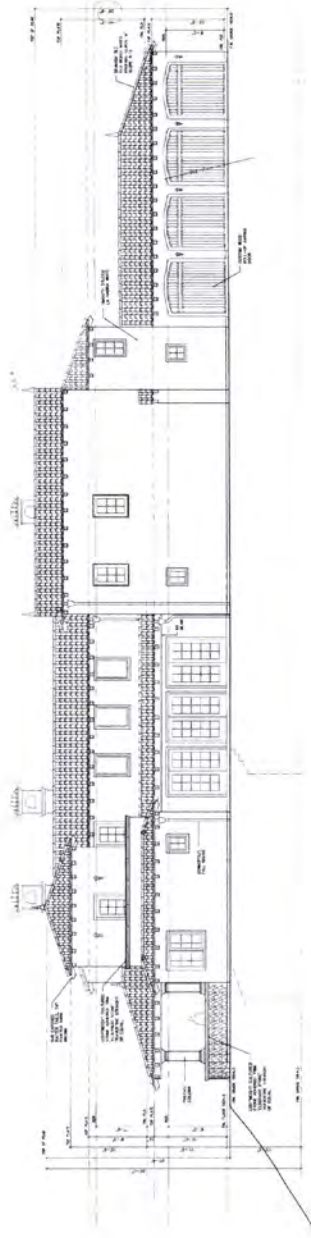
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Exhibit 7
South & East Elevations
CDP No. 4-12-003

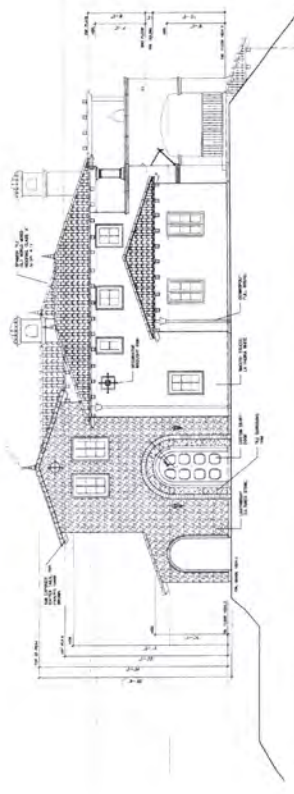
HEATH ARCHITECT - DESIGN, INC.
 4133 Redwood Ave. #202
 Los Angeles, CA 90048
 Phone: 310-851-0019
 Fax: 310-851-0523
 E-MAIL: HEATH@HEATHARCH.COM

RYDINGS RESIDENCE

2525 Hawks Nest Dr.
 Topanga Cyn
 California



1 NORTH ELEVATION



2 WEST ELEVATION

Exhibit 8
 North & West Elevations
 CDP No. 4-12-003

3	COULDS FOR REVIEW	02.25.11
2	COULDS FOR REVIEW	02.04.11
1	COULDS FOR REVIEW	07.14.10
No.	Description	Date
Prepared By	SH	
Scale	1/8" = 1'-0"	
Project No.	10-123	
Revised	SH	

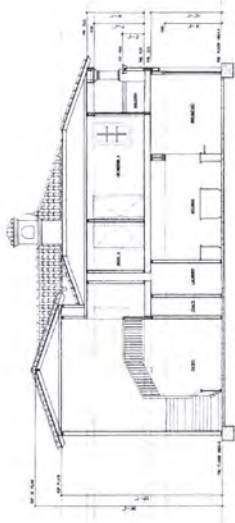
EXTERIOR ELEVATIONS

Sheet Number **A2.0**

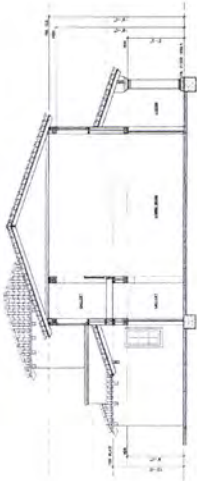
HEATH ARCHITECT - DESIGN, INC.
 12500 Wilshire Blvd. # 250
 Los Angeles, CA 90048
 Phone: 310.821.0309
 Fax: 310.821.0308
 WWW.HEATHARCHITECT.COM

RYDINGS RESIDENCE

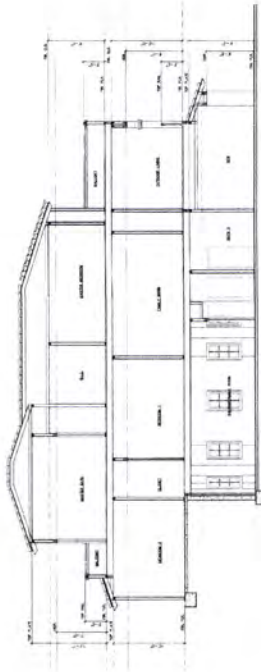
2525 Hawks Nest Dr.
 Torrance, Cyn
 California



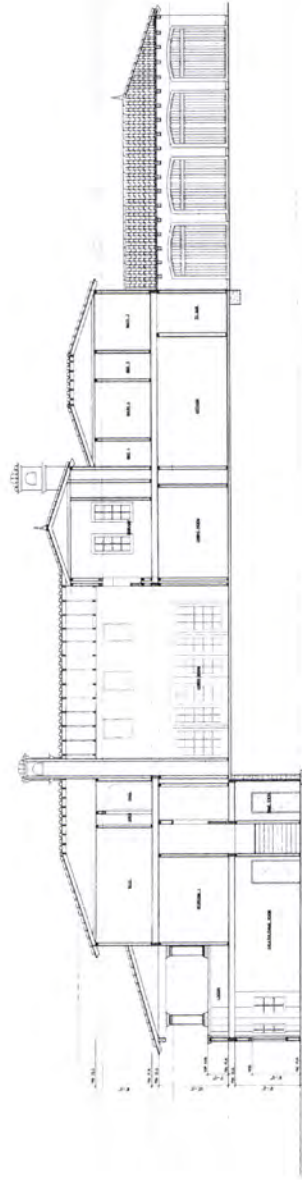
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 1/8" = 1'-0"



2 SECTION 2
 1/8" = 1'-0"



3 SECTION 3
 1/8" = 1'-0"



4 SECTION 4
 1/8" = 1'-0"

No.	Description	Date
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2	ISSUED FOR REVIEW	02/24/11
3	ISSUED FOR REVIEW	07/14/10
Drawn By: SH		
Scale: 1/8" = 1'-0"		
Project No: 10-02		
Approved: SH		

SECTIONS

Sheet Number: **A3.0**

Exhibit 9
 Sections
 CDP No. 4-12-003

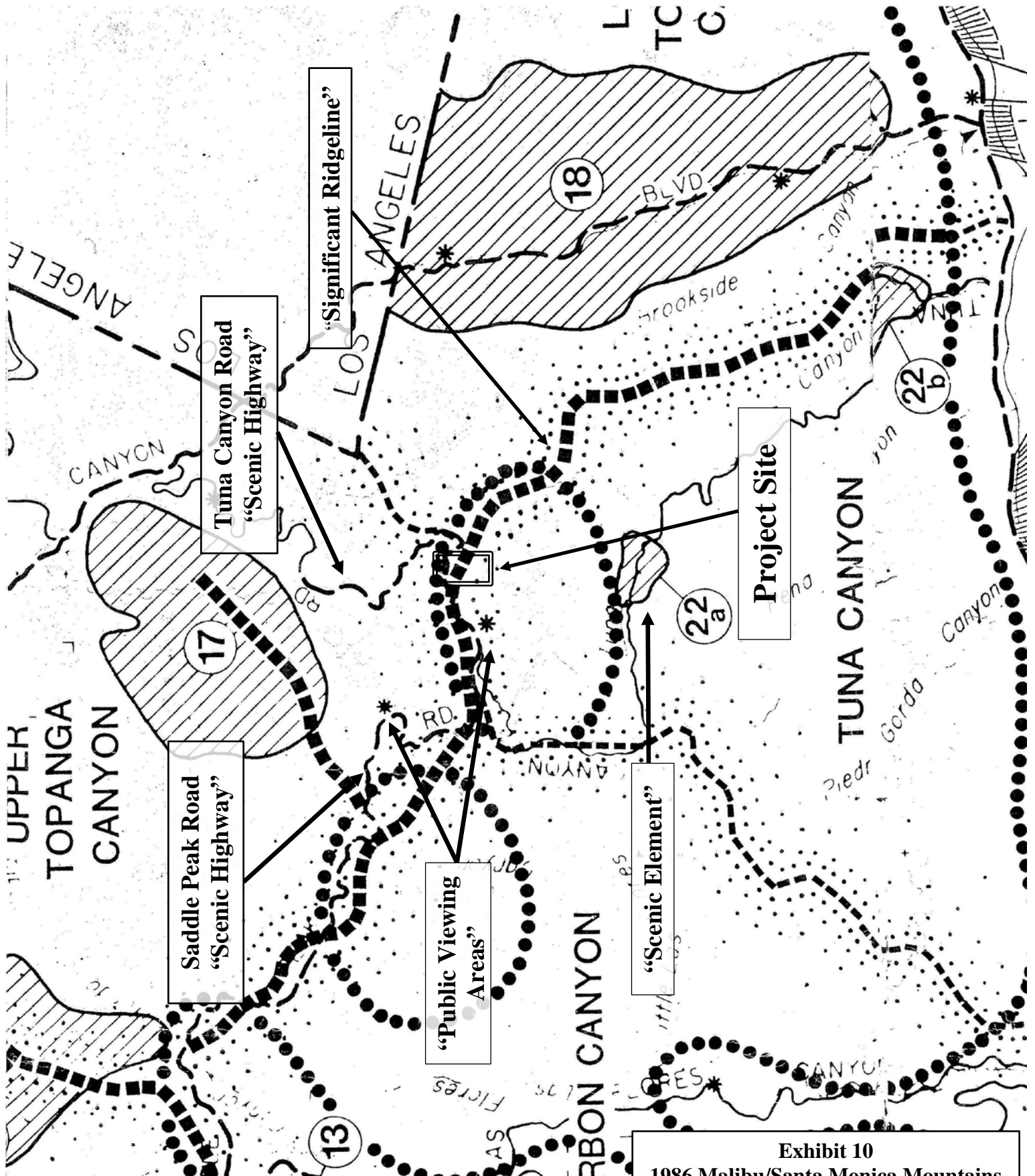


Exhibit 10
 1986 Malibu/Santa Monica Mountains
 LUP – Visual Resources Figure 8
 CDP No. 4-12-003

**20520 Betton Way
2-story, 5,062 sq. ft.,
Single Family Residence**

**2525 Hawks Nest Trail
Project Site
Proposed 26'8" ft. high,
2-story w/basement, 8,180 sq. ft.,
Single Family Residence**

**20400 Skyhawk Lane
1-story, 2,503 sq. ft.,
Single Family Residence**

**Exhibit 12
Proposed Residence Staking Photo
CDP No. 4-12-003**

Taken from Tuna Canyon Road looking North to Project Site

Taken from Tuna Canyon Road looking North to Project Site

Project Site



Segment of Tuna Canyon Road
Proposed Residence is Visible



Taken from Project Site looking South

Exhibit 13
Visual Impact from Scenic
Highway Photo
CDP No. 4-12-003

Received

NOV 21 2012

California Coastal Commission
South Central Coast District

November 21, 2012

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: CDP# 4-12-003 (Rydings): Response to Staff Regarding Permissibility & Propriety of Proposed Height of Proposed Residence

Dear Jack:

We have been made aware that staff has concerns over the heights of the proposed residence (26') provided that the home is being proposed on a mapped significant ridgeline. More specifically, your staff has advised us that they have concerns regarding the incompatibility of the proposed residence with section 22.44.605 of the "Uncertified" Los Angeles County Local Coastal Program.

As Don had discussed with you previously this code provision is not applicable as the LCP remains uncertified by the Commission at this time. Granted, we understand that staff's concern is that Commission approval of our client's proposal would somehow "prejudice" the County's ability to certify a Local Coastal Program.

In addressing staff's concern I would initially note that under the provisions of the Coastal Act the County may certify an LCP that has *more "stringent" environmental and development standards* than those mandated by the Chapter 3 policies of the Coastal Act. The County has in fact taken actions in adopting Sec. 22.44.605 of its uncertified LCP, that appear to do just that.

Since the adoption of the Coastal Act and specifically in recent years, the Commission has approved too many projects to list that do not conform to the requirements of sec. 22.44.605, although I have taken the opportunity in this letter to provide numerous examples of these permitting actions to illustrate the point.

Any permitting actions by the Commission allowing for residences to be constructed at heights greater than 20' prior to certification of the County's LCP would not in any way preclude the County from adopting Section 22.44.605 or otherwise certify its LCP. In fact, if the opposite were true as staff suggests, then the County would already be precluded from adopting 22.44.605 given the Commission's past precedent.

Section 22.44.605 of the County's uncertified LIP states as follows:

"Every residence and every other building or structure on a Significant Ridgeline, in a Scenic Element, or located within 500 feet of and visible from a Scenic Route, shall have a height not to exceed 20 feet above natural grade, excluding chimneys, solar panels and rooftop antennas."

Exhibit 14
Previous Permit Action Analysis
Submitted by Applicant's Representative
CDP No. 4-12-003

The County of Los Angeles (Board of Supervisors) approved its draft Local Coastal Program in 2006 (almost 7 years ago). Since that time the Coastal Commission has approved a total of forty-seven (47) projects that did not comply with the provisions of Sec. 22.44.605 of the County's Draft LCP. These 47 projects were all noticed hearing and voting items (not consent items). There may in fact be several more projects that were approved on consent which do not comply with this provision.

Sec. 22.44.605 proposes to limit building heights for any project located on ridgeline, near a scenic route or in a scenic area. As applied, this section would apply to virtually all new residential development projects in the Coastal Santa Monica Mountains; hence the 47 projects that we provide below.

To date, we are not aware of one (1) single project in the Unincorporated Los Angeles County Coastal Zone where a residential project has been limited to 20' and one story in height due to ridgeline or scenic constraints. Not one. I have personally reviewed the Commission's agendas for the past 7 years and can find only those decisions that are listed below in greater detail in this letter.

Since adoption of its Draft LCP I have found dozens of decisions made (permits issued) and no references made to Sec. 22.44.605. In light of this precedent and the fact that these prior actions (and our client's current application) do not in any manner prejudice the County's ability to adopt the more stringent standards contained in Sec. 22.44.605 we would ask staff to reconsider its position in this matter. Our client's project is entirely consistent with the past decisions of the Commission, the Certified LUP and the Chapter 3 policies of the Coastal Act. We would request only that staff consider our client's project in light of these factors and that our client's project be analyzed consistent with the Commission's past permitting actions.

In support of our client's application and our arguments listed above we offer the following 47 Coastal Commission decisions as precedent in support of our client's application and the position that approval of our client's project would not prejudice the Commission's ability to certify its LCP. Each and every one of the following 47 projects were approved by the Commission, many on consent and each of these projects was not consistent with Sec. 22.44.605 of the County's Draft LCP. These decisions are as follows in chronological order:

Jan. 2006: Application No. 4-04-118 (Zimmermann, Los Angeles Co.) Application of Karl Zimmermann to construct **25-ft-high 4,998 sq. ft. single-family home, attached 1,272 sq.ft. garage**, septic system, driveway and motorcourt, with 464 cu.yds. of grading, re-grade, restore and re-plant previously graded areas, and install native landscaping on graded pad, at 1500 Decker Canyon Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a Mapped Significant ridgeline running parallel to Encinal Canyon rd. Staff found that the project would be highly visible from a scenic route. Color & materials condition imposed.**

May 2006:

Application No. 4-05-43 (Sundher, Los Angeles Co.) Application of Kabir Sundher for **4,754 sq.ft. 37-ft-high single-family home**, 990 sq.ft. partial underground garage, motorcourt, driveway, pool, septic system, retaining walls, 2,993 cu.yds. of grading, and 650 cu.yds. of remedial work, at 21875 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Application No. 4-05-44 (Sundher, Los Angeles Co.) Application of Spoony Sundher for **6,052 sq.ft. 30-ft-high single-family home**, 875 sq.ft. garage, motorcourt, driveway, pool, septic system, retaining walls, and 5,470 cu.yds. of grading, at 21877 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Application No. 4-05-45 (Sundher, Los Angeles Co.) Application of Tej Sundher for **3,739 sq.ft. 29-ft-high single-family home**, 746 sq.ft. garage, motorcourt, driveway, pool, tennis court, septic system, retaining walls, 5,066 cu.yds. of grading, and 707 cu.yds. of remedial work, at 21865 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Aug. 2006: Application No. 4-05-203 (Sumner, Los Angeles County) Application of Hayley Sumner to construct **2-story, 3,670 sq.ft., 35-ft-high single family home** with attached 782 sq.ft. garage; detached 2-story, 1,354, 35-ft-high garage and exercise room (608 sq.ft. garage and 746 sq.ft. exercise room); septic system; driveway and turnaround; and 402 cu. yds. of grading (348 cu. yds. cut; 54 cu. yds fill; 294 cu. yds export) at 2343 Tuna Canyon Road, Topanga, Los Angeles County (MCH-V). [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is located on Tuna Canyon rd. a mapped scenic route. LCP mapped scenic routes.**

Oct. 2006: Application No. 4-05-153 (Stoney Heights LLC, Los Angeles County) Application of Stoney Heights LLC to construct **2-story, 6,221 sq. ft. single family home**, 566 sq. ft., detached 3-car garage, 2-story, 690 sq. ft. guesthouse, swimming pool, well, water tank, septic system, landscaping, driveway, improvements to Puerco Motorway, as-built stabilization of existing oak tree, and approximately 13,735 cu. yds. of grading at 2151 Puerco Motorway, Santa Monica Mountains, Los Angeles County. (LF-V) [APPROVED WITH CONDITIONS] **Note: Portions of the residence were sited on a mapped significant ridgeline. Project was highly visible from Backbone trail and other nearby trails and was determined to be located in a scenic area.**

Application No. 4-05-201 (Malibu Ocean Ranches, LLC, Malibu) Application of Malibu Ocean Ranches, LLC to construct **8,312 sq. ft., 28 ft. high, 2-story single family**

residence with detached 746 sq. ft., 3-car garage with 553 sq. ft. guest unit above, swimming pool, septic system, landscaping, temporary placement of construction trailer, and 4,850 cu. yds. of grading (4,300 cu. yds. of cut and 550 cu. yds. of fill with 3,750 cu. yds. of export) located at 2870 Corral Canyon Road, Malibu, Los Angeles County (JCJ-V). [APPROVED WITH CONDITIONS] **Building site is on a ridgeline.**

Jan. 2007: Application No. 4-06-003 (Kontgis, Los Angeles County) Application of William and Patricia Kontgis to construct a **32 ft. high, two-story, 4,650 sq. ft. single family residence** with attached 730 sq. ft., three car garage; retaining walls, septic system, pool, driveway, turnaround; water tank; approximately 600 cu. yds. of grading (all cut); and lot line adjustment at 22766 Saddlepeak Road, Topanga, Los Angeles County. (MCH-V). [APPROVED WITH CONDITIONS] **Located on a ridgeline. 307 feet from scenic route (Saddle Peak).**

Feb. 2007:

Application No. 4-05-144 (Sharma, Malibu) Application of Anil Sharma to construct **two story, 27-ft. high, 7,645 sq. ft. single family residence** with attached 724 sq. ft. three-car garage, pool, septic system, re-grade/restore as-built approximate 446 sq. ft. secondary building pad, including 7,820 cu. yds. of grading (2,150 cu. yds. of cut and 775 cu. yds. of fill, and 4,895 cu. yds. of as-built cut grading) and as-built access driveway with turnaround located at 23244 Paloma Blanca Drive, Malibu, Los Angeles County (JCJ-V) [APPROVED WITH CONDITIONS] **171' from a scenic route (Rambla Pacifica)**

Application 4-06-022 (Parker, Los Angeles County). Application of Andrew and Arlette Parker to construct a **32 ft. high, two story 1,152 sq. ft. single family residence** with attached 470 sq. ft. garage, retaining walls, driveway, and turnaround at 19942 Valley View Drive, Topanga, Los Angeles County. (MCH-V) **moved to consent calendar -** [APPROVED WITH CONDITIONS]. **Located within a scenic element area.**

Mar. 2007: Application 4-06-094 (Barrett, Los Angeles County). The applicant proposes to construct a **three story, 32 foot high, 4,886 sq. ft. single family residence** with attached 504 sq. ft. garage, pool, septic system, water well, retaining walls, driveway, turnaround, vineyards, and approximately 1,740 cu. yds of grading (1,630 cu. yds cut and 110 cu. yds fill. The applicant also proposes to abandon an unpermitted trail leading from the residence to the west side of the property. (MCH-V). [APPROVED WITH CONDITIONS] **Located on a secondary ridgeline, staff requested a reduction to a height of 26 feet. Located within 370' of a scenic route (Mulholland Highway)**

Apr. 2007: Application No. 4-05-141 (Biebuyck, Calabasas) Application of Jeff Biebuyck to construct **4,607 sq. ft., 28 ft. high, two-story single family residence** with attached 230 sq. ft. garage; 256 sq. ft. covered patio; detached 650 sq. ft., 24 ft. high garage with 600 sq. ft. guest house on second floor; 145 sq. ft. covered patio; pool and spa; retaining wall; drainage swales, driveway, septic system, temporary construction trailer, 4,783 cu. yds. of grading (3,756 cu. yds. cut; 1,027 cu. yds. fill) and 620 cu. yds. of additional grading for removal and recompaction; and restoration and revegetation of

as-built graded area at 24677 Dry Canyon Cold Creek Road, Calabasas, Los Angeles County (JCJ-V) [APPROVED WITH CONDITIONS] **Located within 329' of a scenic route (Mulholland Highway).**

Jun. 2007: Application 4-06-132 (Zadeh and Esplana, Los Angeles Co.) Application of Kianoush Zadeh and Lisa Esplana to **construct 35-ft high 3,991 sq. ft. single family home, attached 1,135 sq. ft. 2-car garage** and storage area, septic system, water well, water tank, improvements to dirt road, driveway, and turnaround, at 24803 Piuma Road, Malibu, Los Angeles County. (MCH-V) [APPROVED WITH MODIFICATIONS] **Stays along the Piuma Ridgeline. Staff recommended the elimination of the fifth story as a condition of approval. Directly adjacent to a scenic route (Piuma Road)**

Aug. 2007: Application 4-06-138 (Khalsa, Los Angeles County). Application of Jai Pal S. Khalsa, Didar S. Khalsa, and Siri Karm K Khalsa to **construct 5,279 sq. ft., two story, 31 ft. high single family home** with 800 sq. ft. garage; septic system; driveway; landscaping, pool, spa, decks, retaining walls, and 1,800 cu. yds. of grading at 24563 Piuma Road, Malibu, Los Angeles County. (MCH-V) [APPROVED WITH CONDITIONS, moved to Consent Calendar] **One condition was to reduce the height from 31 feet to 26 feet. Its on a ridgeline, but the issue is with viewing locations. Directly adjacent to a scenic route (Piuma Road) and within a scenic element area.**

Nov. 2007

Application No. 4-05-195 (Elliston, Malibu) Application of Doug and Diane Elliston to **construct 3,000 sq. ft., two story 28 ft.-high, single family residence** with a detached 682 sq. ft. two car lower level garage and 475 sq. ft. upper floor guest house, decks and balconies, driveway, septic system, gas tank, and 560 cu. yds. of grading (280 cu. yds. of cut and 280 cu. yds. of fill) at Ingleside Way and Coolglen Way, Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS, moved to consent calendar] **Located within 200' of a scenic route (Corral Canyon).**

Application No. 4-06-101 (Gray, Los Angeles Co.) Application of Terry Gray to **construct 6,473 sq. ft., 27-ft. high residence with attached 1,266 sq. ft. garage,** driveway, Fire Department turnaround, water storage tank, septic system, retaining walls, and 3,584 cu. yds. grading (1,472 cu. yds. cut and 2,112 cu. yds. fill.) at 34221 Mulholland Highway, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS, moved to consent calendar] **Adjacent to if not directly on, significant ridgeline. Directly Adjacent to a scenic route (Mulholland Hwy). Within a scenic element area.**

Application No. 4-06-102 (Early, Los Angeles Co.) Application of Mary Early to **construct 6,473 sq. ft., 27-ft. high residence with attached 1,266 sq. ft. garage,** driveway, Fire Department turnaround, septic system, retaining walls, and 2,702 cu. yds. grading (2,667 cu. yds. cut and 35 cu. yds. fill) at 34217 Mulholland Highway, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS, moved to consent calendar] **Near, if not directly on, significant ridgeline. Directly Adjacent to a scenic route (Mulholland Hwy). Within a scenic element area.**

Application No. 4-07-14 (Lane & Blake, Malibu) Application of Marc Lane and Samantha Blake to **construct 4,771 sq. ft., three story, single family residence with attached 1,917 sq. ft. basement garage**, solar photovoltaic panels 700 ft. long partially paved driveway, septic system, water tank, terraced gardens and landscaping, fire wall and fence, remove fence, and temporary residential trailer, 2 storage containers, and 2,320 cu. yds. of grading (1,160 cu. yds. of cut and 1,160 cu. yds. of fill) at 24071 Hovenweep Lane, Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Located at the crest of a ridgeline. A condition was approved setting the maximum height to 28 feet. Within 450' of a scenic route (Saddle Peak).**

Jan. 2008: Application No. 4-07-25 (Kingslow, Los Angeles Co.) Application of Yong Kingslow to **construct 2-story, 27-ft. tall, 2,280-sq. ft. single family home** with attached garage, septic system, auto court, pool, retaining walls, landscaping, and 710 cu. yds. of grading (690 cu. yds. of cut, 20 cu. yds. of fill) including removal of 174 linear ft. perimeter fence and 408 sq. ft. solar panel array on southwestern portion of property, at 330 Costa Del Sol Way, Los Angeles County. (JF-V) **[Moved to Consent Calendar, APPROVED WITH CONDITIONS]** **Directly on a significant ridgeline. Within 300' of a scenic route (Piuma Road) and within a scenic element area.**

Mar. 2008: Application No. 4-04-103 (Wave Enterprise, Los Angeles Co.) Application of Wave Enterprise to construct **2 story 35-ft. high 7,129 sq. ft. single family home** with attached 911 sq.ft. 3-car garage, 720-ft. driveway, septic system, pool/spa, and retaining walls, at 2520 Marby Drive, Malibu, Los Angeles County. (JJ-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **Located directly on a significant ridgeline.**

Apr. 2008: Application No. 4-07-001 (Hoang, Los Angeles Co.) Application of Bao Hoang to construct **2-story 35 ft. tall 3,045 sq. ft. single family home** with 5-car lower level garage and storage space, driveway, septic system, water well, retaining walls, and 1,100 cu. yds. of grading (690 cu. yds. cut and 320 cu. yds. fill) at 2388 Mar Vista Ridge Road, Malibu, Los Angeles County. (AT-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **"The subject property is located on steep slopes on a southern face of a prominent ridgeline in the Solstice Canyon Watershed."** **Located directly on a significant ridgeline.**

Jun. 2008: Application No. 4-06-167 (Kinyon, Los Angeles Co.) Application of Barry Kinyon to construct **2-story, 35 ft., 4,977 sq.ft. single family home** with 2 car garage, driveway, septic system, 1409 cu. yds. of grading (946 cu.yds. cut & 463 cu.yds. fill) at 24775 Saddle Peak Road, Malibu, Los Angeles County. (AT-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **Directly adjacent to a scenic route (Saddle Peak).**

Jul. 2008: Application No. 4-07-157 (Conn, Los Angeles Co.) Application of Gail Conn to **construct 3-story 35-ft. high 3,486 sq.ft. single family home** with attached garage, deck, pool, driveway, septic system, landscaping, retaining walls, and 367 cu.yds of

grading (101 cu.yds. of cut, 266 cu.yds. of fill), at 24744 Saddle Peak Road, Los Angeles County (JF-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] *"A significant east-west ridgeline lies north of the subject property and south of the Backbone Trail. The final elevation of the proposed residence would be below the elevation of this ridgeline; therefore, the proposed residence would not be visible by members of the public utilizing the Backbone Trail. The project site is located at the top of a ridge crest that is visible from Piuma Road, a designated scenic highway in the Malibu Land Use Plan. However, the proposed residence would not significantly alter the existing visual resources in the area."* Directly adjacent to a scenic route (Saddle Peak).

Application No. 4-07-126 (Mitchell, Los Angeles Co.) Application of Ian Mitchell to **construct 2-story 30-ft. tall, 3,021 sq. ft. single family home**, 755 sq. ft. attached garage, 65' x 15' bridge, driveway, retaining walls, septic system, and 510 cu.yds. grading (50 cu.yds. cut and 460 cu.yds. fill), at 869 Old Topanga Canyon Road, Topanga, Los Angeles County. (AT-V) [APPROVED WITH CONDITIONS] **Located directly on a scenic route (Old Topanga).**

Sep. 2008: Application No. 4-06-89 (Richardson, Los Angeles Co.) Application of Harold Richardson to **construct 2 story 24-ft. high 3,660 sq.ft. single family home** with attached 795 sq.ft. 3 car garage, underground water tank, septic system, 450-ft. long driveway with turnaround area, temporary construction trailer and residential mobile home, restore and replant about 200 lineal feet of existing driveway retaining 10-ft. wide maintenance driveway, restore and replant about 400 lineal feet of existing driveway and 6,609 cu.yds. of cut, 6,609 cu.yds. to be exported to offsite disposal site, at 21310 Saddle Peak Road, Topanga, Los Angeles County. (JJ-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Mention of ridgeline view preservation, but not a major issue toward approval. Located directly on a significant ridgeline and directly adjacent to a scenic route (Saddle Peak).**

Oct. 2008: Application No. 4-07-111 (Basile, Los Angeles Co.) Application of Arthur and Laura Basile to **construct 2-story 2,790 sq.ft. single-family home**, 660 sq.ft. detached garage with 660 sq.ft. upstairs guest unit, reflecting pool, septic system, retaining walls, driveway, and 1,810 cu.yds. of grading (1,250 cu.yds. cut, 560 cu.yds. fill), at 2315 S. Rambla Pacifico (25540 Mansie Lane), Santa Monica Mountains, Los Angeles County. (DC-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS]. **Located directly adjacent to a scenic route (Rambla Pacifico).**

Nov. 2008: Application No. 4-08-011 (Chelberg, Los Angeles Co.) Application of Kimberly Chelberg to **construct 2-story, 35-ft. high, 2,020 sq.ft. single family home** with attached 755 sq.ft. 3-car garage, septic system, 30-ft. long driveway, temporary construction trailer, 190 cu.yds. of cut, 77 cu.yds. of fill with remainder exported offsite, at 26540 Ocean View Drive, Malibu, Los Angeles County. (JJ-V) [APPROVED WITH CONDITIONS] **Located on significant ridgeline and within 200' of a scenic route (Latigo Canyon).**

Dec. 2008

Application No. 4-06-109 (Sandron, Los Angeles Co.) Application of Alessandra Sandron to **construct a 3 story, 5,704 sq.ft., 35 ft. high, single family home, detached garage with second floor guest unit**, driveway, septic system, pool, and 1,600 cu.yds. of grading, at 21941 Saddle Peak Road, Topanga, Los Angeles County. (AT-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] “The property is physically divided into two main sections by a 44 foot wide easement that traverses the site along a narrow prominent east-west trending ridgeline. The site consists of a relatively narrow ridgeline and steeply descending hillside terrain, with immediately adjacent slopes ranging from 1:1 to 2:1.” **Located directly on a significant ridgeline and directly adjacent to a scenic route (Saddle Peak).**

Application No. 4-07-106 (Turcios, Los Angeles Co.) Application of Jose Turcios to construct **35-ft. high, 4,759 sq.ft. single-family home, 822 sq.ft. attached garage**, 719 sq.ft. veranda, pool, septic system, extension of Maliview Drive access road, driveway, 2 gates, retaining walls, and 10,950 cu.yds. of grading (5,500 cu.yds. cut, 5,450 cu.yds. fill), at 25710 Mulholland Highway, Santa Monica Mountains, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS] “The proposed 35 ft. high, 4,759 sq. ft. single-family residence with attached garage is situated on a hillside slope below a secondary ridgeline in the northwestern corner of the subject property.” **Located directly adjacent to a scenic route (Mulholland Hwy.)**

Jan. 2009

Application No. 4-06-018 (Bonenfant, Los Angeles Co.) Application of Dan Bonenfant to construct **2-story 35 ft. 2,030 sq.ft. single-family home** with attached 600 sq.ft. 3 car garage, 2,546 sq.ft. balconies/deck, driveway, retaining walls, septic system, drainage improvements, and 188 cu.yds. of cut grading with 188 cu.yds. of export to a disposal site, at 4111 Maguire Drive, Malibu Vista Small Lot Subdivision, Los Angeles County. (JJ-V) [APPROVED WITH CONDITIONS, **moved to Consent Calendar**] **Located within 80' of a scenic route (Latigo Canyon)**

Feb. 2009: Application No. 4-07-132 (Bersohn, Los Angeles Co.) Application of David Bersohn to construct **3,003 sq.ft. 26-ft. high single family home, 720-ft. under house carport and workshop, 150 sq.ft. pump house with solar array**, water tank, driveway, septic system, outdoor patio, temporary construction trailer, and 1,625 cu.yds. of grading (1,279 cu.yds. cut and 346 cu.yds. fill) at 24810 Piuma Road, Malibu, Los Angeles County. (AT-V) [APPROVED WITH CONDITIONS] “The general topography of the southern site, where the residence is proposed to be located, is a ridgeline with moderate south and southwest facing slopes and steep erosional slopes occurring on the north and east boundaries of the site.” **Located on significant ridgeline and directly adjacent to scenic route (Piuma Road).**

Mar. 2009: Application No. 4-08-061 (April's Trust, Los Angeles Co.) Application of April's Trust to construct **28-ft. high, 1,960 sq. ft. single-family home** with 420 sq. ft. attached garage, deck, driveway, septic system, and Fire-Department access stairs at 799 Latigo Canyon Road, Santa Monica Mountains, Los Angeles County. (DC-V)

[APPROVED WITH CONDITIONS]. **Located directly adjacent to a scenic route (Latigo Canyon).**

Application No. 4-08-080 (Horsted, Los Angeles Co.) Application of Eric Horsted to construct **2-story, 35 ft. high, 5,788 sq. ft. single family home with 680 sq. ft. attached garage**, 123 sq. ft. balcony, swimming pool, septic system, driveway, retaining walls, 1,070 cu. yds. grading (680 cu. yds cut, 390 cu. yds fill), and request for after-the-fact approval for creation of subject lot that is proposed project site, at 2118 Rockview Terrace, Santa Monica Mountains, Los Angeles County. (DC-V) [**moved to Consent Calendar**, APPROVED WITH CONDITIONS]. **Located on a significant ridgeline and within 360' of a scenic route (Saddle Peak).**

Nov. 2009: Application No. 4-08-083 (Dell'Acqua, Los Angeles Co.) Application of Carlos Dell 'Acqua to construct **2-story, 35-ft. high, 1,000 sq.ft. single family home** and detached 404 sq.ft. 2-car garage with 1200 gallon septic system, entry bridge, and attached terrace and 25 cu. yds. of grading at 3015 Sequit Drive, Malibu, Los Angeles County. (ADB-V) [**moved to Consent Calendar**, APPROVED WITH CONDITIONS] "The residence is designed to be stepped into the hillside and it does not break the ridgeline" **Located within 480' of a scenic route (Corral Canyon).**

Nov. 2010: Application No. 4-07-122 (Arrow, Los Angeles Co.) Application of Alex Arrow to construct **3-story 35-ft. high 1,979 sq.ft. single-family home** with attached 748 sq.ft. 3-car garage, 1,282 sq.ft. balconies/decks, driveway, retaining walls, septic system, drainage improvements, and 22 cu.yds. of cut grading with 22 cu.yds. of fill, located at 26557 Ocean View Drive, Malibu Vista Small Lot Subdivision, Malibu, Los Angeles County. (JJ-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Located within 170' of a scenic route (Latigo Canyon).**

Dec. 2010: Application No. 4-10-027 (Finn, Los Angeles Co.) Application of Gregory Finn to construct **2-story, 32-ft. high, 2,229 sq.ft. single family home** with attached 2 car, 457 sq.ft., garage, supported on columns to allow main floor level and garage to exist at grade with Schueren Road, remove two 13,260 sq.ft. tennis courts and block wall, 20,900 cu.yds. of remedial grading, (10,091 cu.yds. of cut, 10,809 cu.yds. of fill), 2 solar panel arrays totaling 425 sq. ft., 600 sq.ft. potting shed, and septic system, located at 570 Schueren Road, Malibu, Santa Monica Mountains, Los Angeles County (JJ-V). [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Located a significant ridgeline and directly adjacent to a scenic route (Shueren Road).**

Jan. 2011: Application No. 4-10-034 (Duong, Los Angeles Co.) Application of Hinh Duong to construct **2-story, 35 ft. high, 768 sq.ft. single family home** with attached 370.5 sq.ft., 2-car garage, 558 sq.ft. rooftop patio, 583 sq. ft. of deck space, private 1,500 gal. septic system, and 565 cu.yds. of grading (185 cu.yds. of cut, 380 cu.yds. of fill, and 195 cu.yds. of import), 4043 Latigo Canyon Road, Malibu, Los Angeles County. (ADB-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] "The residence is designed to be stepped into the hillside and it does not break any nearby ridgelines." **Located directly adjacent to a scenic route (Latigo Canyon).**

February 2011: 4-02-220 A1 (Markham) 780 Schueren Rd., Malibu, CA 90265: **3752 sq. ft. 2 story 26' tall SFR** w pool and spa & 3827 cy cut; Previous permit (Sweeney) approved a 7,665 Sq. ft. SFR with 865 sq. ft. garage, pool and Jacuzzi. **Note: Project is located on a designated scenic route and is directly adjacent to scenic element—within 500' of Schueren Sandstone peak. Approved on Consent Calendar.**

March 2011: 4-09-037 (Anderson) 2127 Las Flores Rd. Malibu, CA: After-the-fact approval for the creation of the subject parcel and construction of **a three-story, 29 ft. high, 3,974 sq. ft. single-family residence** with a 560 sq. ft. attached three-car garage, decks, driveway, septic system, retaining walls, and 757 cu. yds. of grading (247 cu. yds. of cut, 510 cu. yds. of fill, and 263 cu. yds. of import). **Note: project is located on an LUP/LIP Designated Scenic Route.**

May 2011: 4-10-065 (Tadros) 4315 Ocean View Dr. Malibu, CA 90265: Construction of **a two-story, 35-ft. high, 1,228 sq. ft. single family residence with a 1,258 sq. ft. partially subterranean attached four-car garage**, 1,272 sq. ft. of decks and balconies, driveway, retaining wall, septic system, propane storage tank, and 491 cu. yds. of grading (426 cu. yds. cut, 65 cu. yds. fill) in the Malibu Vista small lot subdivision. **Note: Project is located 100' from Latigo Canyon Road a designated scenic route in the LUP and Proposed LCP and is visible therefrom. Project was approved on Consent Calendar.**

January 2012: 4-10-110 (Foy) 100 Mildas Dr. Malibu, CA 90265: Demolish and remove foundation and slab remnants of a previously existing single family residence and garage and **construct a 6,396 sq. ft., 27 ft. high from existing grade single family residence** with 370 sq. ft. of covered terraces, detached 375 sq. ft., 14 ft. high one car garage, detached 1,645 sq. ft. 22.5 ft. high. accessory structure (750 sq. ft. 2nd story guest house, 4 car 1st floor 895 sq. ft. garage), driveway, pool, septic system, and 2,125 cu. yds. of grading (1,425 cu. yds. cut and 700 cu. yds. fill) and storage of a temporary 168 sq. ft. construction trailer. **Note: The Project is located on a LACO Mapped Significant Ridgeline, was approved directly on top of a mapped scenic element (Schueren Rd. sandstone outcroppings), is visible from public parklands to the North, and is within a couple hundred feet of Schueren Rd., a scenic route (all resources identified on LACO Scenic Resources Map.). Additionally the BACKBONE TRAIL runs directly through the property. The applicant offered an OTD and the matter was APPROVED ON CONSENT.**

February 2012: 4-10-116 (Sadat, LLC) 4133 Maguire Dr., Malibu, CA 90265: Combination of two lots, retirement of development credits of two lots within the Malibu Vista small lot subdivision, and **construction of a two-story, 35-ft. high, 1,734 sq. ft. single-family residence** with 542 sq. ft. attached garage, 1,013 sq. ft. of unenclosed outdoor balconies, driveway, septic tank, seepage pits, retaining walls, and 43 cu. yds. of grading (43 cu. yds. cut). **Note: Project is located aprox. 100' from Latigo Canyon**

Road a designated scenic route in the LUP and Proposed LCP and is visible therefrom. Project was approved ON Consent Calendar.

May 2012:***4-12-018 (Mukherjee) 2515 Hawks Nest Trail, Malibu, CA 90265 (Topanga): Lot IMMEDIATELY Next door to our client. Construct a 2,002 sq. ft., 24 ft. high, two-story single family residence; a detached 324 sq. ft. two-car carport; retaining wall; driveway; stairway; septic system; temporary construction trailer; hammerhead turnaround; new fire hydrant; minor road improvements to Skyhawk Lane; a new water line; and 741 cubic yards of grading (520 cubic yards of cut and 221 cubic yards of fill). The project also includes the export of all excess cut earth materials (approximately 299 cubic yards of material) to a disposal site located outside the coastal zone and removal of an existing shed. **NOTE: This project is located on the SAME exact significant ridgeline that our client's house is proposed (only a couple hundred feet away): It was APPROVED ON CONSENT. It is also a couple hundred feet away from Tuna Canyon Rd., a designated Scenic Route.**

4-11-063 (Hansson) 850 Schueren Rd. Malibu, CA 90265: ***Construct 7,910 sq. ft., 33.5-ft. high single family home with 5,420 sq. ft. subterranean garage, pool, spa, septic system, 150-ft. long driveway, 102 ft. long, 0-5 ft. high driveway retaining wall, fire department turnaround, and 4,900 cu. yds. of grading (2,450 cu.yds. cut, 50 cu.yds. fill, and 2,400 cu.yds export). **NOTE: Project is located on Schueren Rd., a designated Scenic Route and is also within a couple hundred feet from the Scheuren rd. Sandstone outcroppings which is a designated scenic element.**

October 2012: 4-12-19 (Bersohn) 24810 Piuma Rd., Malibu, CA 90265: Application of David Bersohn to **construct new 3,003 sq.ft., 26 ft.-high single-family home, 720 ft. under house carport/workshop, 150 sq.ft. pump house with solar array, 2 water tanks, driveway, retaining walls, septic system, outdoor patio, temporary construction trailer, 20 ft.-long driveway gate, and 2,418 cu.yds. of grading (1,209 cu.yds. cut, 422 cu.yds. fill, and & 767 cu.yds. export) at 24810 Piuma Rd, Malibu, Los Angeles County. (AG-V) [Moved to Consent Calendar, APPROVED WITH CONDITIONS] NOTE: Project is located on designated Scenic Route (LUP/LCP) is a couple of hundred of feet away from a Designated Public Viewing Area, and is located below a designated significant ridgeline.**

Application No. 4-10-104 (ELN LLC, Malibu) Application of ELN LLC to construct **new 7,913 sq.ft., 3-level, 35 ft.-high single-family home, swimming pool, septic system, water well, two underground water tanks, underground cistern, fire wall, fire suppression sprinkler system, entry gate, retaining walls, improvements to 1.18 miles of existing access road, and 16,750 cu.yds. of grading (12,250 cu.yds. cut, 4,500 cu.yds. fill) at 27835 Borna Dr., Santa Monica Mountains, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS] Project was located directly on top of a mapped significant ridgeline.**

In conclusion, our office has provided staff with two separate visual analysis packets. Both assessments demonstrate that the proposed Rydings residence will not be prominently visible from any scenic highway, trail or public lands/viewing area. Additionally, our client's proposed residence is located directly between two existing residences on the same ridgeline (within a matter of feet) and both of those residences are equal to or taller in height than our client's proposed residence. In light of these facts we ask that you reconsider our client's application for approval.

Should you have any questions please do not hesitate to contact us. Thank you in advance for your time and consideration in this matter.

Best Regards,
Schmitz & Associates, Inc.

Christopher M. Deleau, JD, AICP
Special Projects Manager

December 27, 2012

RECEIVED

JAN 11 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
South Central Coast District Office
Attn: Jack Ainsworth, Deputy Director
89 South California St., Suite 200
Ventura, CA 93001-2801

**Re: Application for Reconsideration of Permit Denial for CDP#4-12-003 (Rydings)
Pursuant to PRC §30627 and Cal. Code of Regulations §13109 et. seq.**

SENT VIA HAND DELIVERY & EMAIL CORRESPONDENCE

Dear Mr. Ainsworth:

The applicant respectfully requests the California Coastal Commission ("Commission") reconsider his application in light of the provisions of Coastal Act §30627 which specifies the bases for permitting reconsideration by the Commission as follows:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision.

As you know our client's application was deliberated upon by the Commission on December 13, 2012 (Item 8A-Rydings) and was denied when the Commission reached a **5-5 tie vote** on a motion to approve the project. One additional vote would have resulted in approval of our client's project.

It is our position that but for Commissioner Blank's conclusions of fact, which were reached inadvertently in error, that Commissioner Blank (and possibly other Commissioners) would have voted to approve the applicant's project. Had Commissioner Blank found correctly that both staff's and the applicant's assertions were correct (reconcilable) and that the precedent for two-story homes along the Tuna Canyon and Saddle Peak ridgelines was correctly asserted by the applicant, by his own statements (see below) he would have approved the permit. Hence, an error in the findings of fact by Commissioner Blank occurred which led him, and possibly several other Commissioners, to vote against the project. Moreover, this error occurred after the close of the public hearing in which instance the applicant did not have a meaningful opportunity to respond to clarify the record; in this regard the applicant had relevant new evidence which could not have been presented to the Commission prior to the close of the public hearing.



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AG

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**Exhibit 5
Reconsideration Request Letter
CDP No. 4-12-003-R**

I. Background: Basis For Factual Discrepancy

Prior to hearing the applicant¹ had been coordinating with staff regarding his application for a new single family residence. Staff raised concerns regarding the visibility of the potential residence from LUP designated public viewing areas. The applicant responded by providing staff with two different written submittals depicting the project story poles and visibility from those areas of concern. Specifically, the applicant submitted a visual impact analysis dated September 20, 2012 (**EXHIBIT#1**).

Staff responded asserting that approval of a residence on this ridgeline would violate Section 22.44.605 of the County's draft LCP requiring that houses approved on ridgelines *or in highly scenic areas* to not exceed 20' in height. The applicant responded by submitting a second impact analysis dated November 6, 2012 which submittal showed that the CCC had already approved **12 homes directly on top of the SAME mapped ridgeline where the applicant proposed to site his home (EXHIBIT#2)**. *The applicant's PowerPoint slides at hearing were taken from this second letter to staff.*

The applicant then submitted on November 23, 2012 a third letter to Deputy Director Ainsworth (**EXHIBIT#3**) showing 46 homes that the Commission had approved since 2006 in designated scenic areas elsewhere in the Santa Monica Mountains. The purpose of the third letter was to demonstrate that on 46 prior occasions the Commission had approved homes larger than would be permitted in accordance with 22.44.605 of the County's Draft LCP and hence the LCP would not be prejudiced by the Commission's decision to approve the subject project.

Hence, the applicant submitted three different packages to staff. The staff report addressed the third letter asserting that not all 46 homes were located on ridgelines(**EXHIBIT#3**)². The applicant's presentation showed several of the 12 ridgeline homes that were depicted in the applicant's second letter to staff (**EXHIBIT#2**).

II. Errors of Fact:

During the hearing Commissioner Blank raised concerns regarding what he perceived to be irreconcilable factual conflicts between the applicant's PowerPoint presentation and the staff report.

Specifically, part of the applicant's presentation depicted (See Slides #10-18 of the attached presentation) several large two-story homes which had been approved by the Commission in past years directly atop of the mapped significant ridgeline (*ridgeline developments along Tuna Cyn Rd & Saddlepeak Rd. approved between 1986 and*

¹ Schmitz & Associates, Inc. on behalf of Mark Rydings (Applicant)

² None of the applicant's 3 submittals were included in the staff report as attachments. This may be yet another reason why there was confusion as to which homes were located on ridgelines and which were located only in highly scenic areas.

2005³). Commissioner Blank appeared perplexed by staff's comments in its report which were directed towards *a different set of homes which were all approved elsewhere after 2006⁴*.

In other words, the perceived factual conflict resulted from a comparison of homes approved in the immediate proximity of the applicant's proposed residence along Saddlepeak and Tuna Canyon ridgelines (12 ridgeline homes approved pre-2005) and a series of 46 homes (20 of which staff noted were ridgeline properties) that were located in different locations throughout the Santa Monica Mountains and which were all approved *after 2005*.

The result was a comparison of proverbial **"apples to oranges"** and a resultant confusion of facts which led Commissioner Blank to infer that applicant's presentation was factually incorrect when it was not (or as he put it, there was a **"veracity problem"**). It is evident from Commissioner Blank's comments that this factual conclusion (reached inadvertently in error) was key to his decision to vote to deny the application.

The fact remains that all 4 of the two-story homes shown in the applicant's presentation (slides 11, 13, 15, 16/18) were approved in the vicinity of the applicant's property and were sited directly on top of Significant Ridgelines designated in the 1986 LUP.

With respect to staff's assertion that only 20 of the 46 homes that were provided to staff in the applicant's November 21, 2012 submittal we don't disagree; however, we wish to note the following facts to clarify the record: 1. Most importantly, those were not the same homes that were depicted in the applicant's PowerPoint presentation and; 2. *the applicant never represented that all 46 homes were located on a significant ridgeline*; rather, the applicant maintained correctly that all 46 homes were *"either"* located on a "designated significant ridgeline", within 500 feet of a "designated scenic route" or within a "designated Scenic element". Section 22.44.605 of the County's uncertified LIP states as follows:

"Every residence and every other building or structure on a Significant Ridgeline, in a Scenic Element, or located within 500 feet of and visible from a Scenic Route, shall have a height not to exceed 20 feet above natural grade, excluding chimneys, solar panels and rooftop antennas."

The purpose of the applicant's November 21, 2012 submittal⁵ (to Jack Ainsworth) of the 46 home precedent package was to illustrate that, to be consistent with the draft LCP provision referenced above (and not prejudice LCP certification), all 46 homes should have been limited to 20' in height. I.e., that since the Los Angeles County Planning Commission adopted its Draft LCP in 2006 the Coastal Commission has routinely approved homes that were inconsistent with 22.44.605 and for this reason approval of the

³ These slides were taken from the applicant's second visual analysis (Exhibit #2).

⁴ Referring to a different and exclusive set of 46 homes contained in the applicant's third submittal (Exhibit#3).

⁵ Exhibit#3

applicant's project would not prejudice the certification of the County's draft LCP by running afoul of said provision. In the end however, the issue of prejudicing LCP certification had become moot after the applicant had voluntarily agreed to conform to the requirements of the County's Draft LCP provision and limit the structure height to 20' above existing grade.

The following is a verbatim transcription of the pertinent portion of the hearing wherein Commissioner Blank expresses his concerns that the applicant's presentation is not factually correct.

The pertinent excerpt from the hearing transcript reads as follows:

2:36:10: Commissioner Blank: I'm glad we've come to an agreement on the staff report *but I have to tell you that I was troubled in that one of the major claims the applicant made was, those wonderful PowerPoint slides showing all these houses on the ridgeline and staff disputing that these houses were on the ridgeline. So we have a veracity problem somewhere between the staff and the applicant and I'm not willing to vote yes on this until I understand.* One of the major claims that the applicant's made is that this is a, you know, common practice here, so maybe you can help me understand. Do we need to put up the applicant's slides and go through them one by one or is the applicant maybe willing to suggest that it isn't a major ridgeline. So let's start with the applicant. Are you still going to claim that these are all the major ridgelines? For every one of those houses?

Don Schmitz: Could I, I want to show the slide. *There were two (2) reports [3 reports were submitted] submitted and part of the confusion may be that the second [third] report...* (Interrupted by Chair)

Chair Shallenberger: I'm sorry but I need your name for the record.

Don Schmitz: Don Schmitz....The second report and this may be causing some confusion with staff, that we submitted was a number of slides... (Interrupted by Commissioner Blank)

Commissioner Blank: Let's go to the slides that you actually claim (interrupted by Don Schmitz)

Don Schmitz: Ok, very well...

Commissioner Blank: Indiscernible statement (talking over one another)

Don Schmitz: Commissioner Blank, the second report there was some dispute with staff in regards to the forty-seven (47) projects which we listed. *That was not these projects* (interrupted by Commissioner Blank)

Commissioner Blank: I just asked a very specific question. *You claimed in your presentation that these [referring to the applicant's PowerPoint slide showing several homes located along the mapped significant ridgeline following Tuna Canyon and Saddlepeak roads specifically] were all on major ridgelines and staff said their not⁶.* So are they on major ridgelines or are they not when you said that?

Don Schmitz: *They're absolutely on Major Ridgelines.*

Commissioner Blank: *Great, staff, you said they weren't., so I'm trying to understand how I should, uh, ... adjucate [adjudicate]this project⁷.*

Depty. Dir. Ainsworth: Yeah, I think [interrupted by Commissioner Blank]

Commissioner Blank: Thank you Mr. Schmitz.

Depty Dir. Ainsworth: I don't know if every one of these, *because this is the second batch, but I can tell you that we reviewed the information submitted by the applicant⁸* and while some of these may be on major ridgelines the developments were either pulled off or reduced in height in many cases. There were a few two-story on major ridgelines⁹ [interrupted by Commissioner Blank]

Commissioner Blank: Can we just go down a couple more slides. There were some great slides that had them uh, right through *[referring to applicant's PowerPoint presentation showing a slide of a residence located at 20370 Skyhawk Lane—CDP No 4-96-162 with a mapped significant ridgeline going through the middle of the residence.]* Is that one right there a major ridgeline or not?

Depty. Dir. Ainsworth: Yeah, I think that one is a major ridgeline.

Commissioner Blank: OK, next one *[referring to a slide in the applicant's PowerPoint presentation showing an aerial photograph of a residence located at 22766 Saddlepeak rd- CDP 4-97-227]*. Yes or no.

Depty. Dir. Ainsworth: Uh, I don't know on that one.

Commissioner Blank: Ok.

⁶ Staff never asserted that the homes shown in the applicant's PowerPoint presentation slides 10-18 were NOT located on ridgelines.

⁷ This comment illustrates the significance of the factual matter in dispute and its critical role in the decision making process.

⁸ Referring to the November 23, 2012 letter which was one of three (3) different submittals involving different homes and precedent in different locations throughout the mountains.

⁹ Depty. Dir. Ainsworth's comments here are directed toward the November 23, 2012 submittal (Exhibit#3) made by the applicant; whereas Commissioner Blank's question is directed towards the ridgeline projects depicted in the applicant's presentation (slides 10-18—Exhibit#4) which homes were not referenced in the November 23, 2012 letter. In this respect Dr. Ainsworth inadvertently responded with factually incorrect information.

Depty. Dir. Ainsworth: I can't...you know, without doing a very in-depth analysis [interrupted by Commissioner Blank]

Commissioner Blank: Ok, did staff have these slides? I'm really not [interrupted by DD Ainsworth]

Depty. Dir. Ainsworth: These were submitted later right? Mr. Schmitz?

Don Schmitz: No, this was the first [second] one that was submitted. It was not a [interrupted by Chair Shallenberger]

Chair Shallenberger: Name for the record please

Don Schmitz: I'm sorry, Don Schmitz.

Commissioner Blank: *Alright. I'm just really confused. This was a major claim of both applicant and staff's issue and somehow it doesn't seem to bother other Commissioners but it bothers me [interrupted by a raucous of speech by various members of the Commission—much of it not discernible]*

Commissioner Blank: Whoa, Whoa, Whoa, wait a minute *[over the noise]*, well someone said let's approve it. *I don't even have the basic facts yet about whether these¹⁰ are on major ridgelines or not and there seems to be a dispute.*

Unknown Commissioner [Bochco?]: It's moot

Commissioner Blank: I don't think its mute [moot]. Its my opinion that its not mute, moot [correcting himself], I respect your opinion Commissioner Bochco that it might be [moot] for you but for me *this is the major issue about whether these other houses are built currently on major ridgelines or not and I have insufficient facts and I still haven't heard from staff and I tend to start with I believe my staff but I [interrupted by Depty. Dir. Ainsworth]*

Depty. Dir. Ainsworth: Well this is what we addressed in our addendum.

Commissioner Blank: Ok.

Depty. Dir. Ainsworth: Of the forty-six (46) Examples listed in the analysis only twenty of the residents [residences] were located on property where significant ridgeline was designated; moreover, 20 residents [*residences*] cited by the applicant on these properties; the majority, eighteen (18) of the twenty (20) residents [*residences*] located on significant ridgelines had in fact actually been specifically located and designed, I mean, located on descending slopes, below the ridgeline and had been specifically

¹⁰ Again, referring to the homes depicted in the applicant's presentation slides 10-18 (Exhibit#4) and not the ones referenced in the applicant's November 23, 2012 letter to staff (Exhibit#3)

designed and limited in height either by proposed condition or reduction in height to be stepped into the hillside to ensure that no portion of the structure would protrude above the ridgeline. *There are some cases out there where a development was on a ridgeline. I think those were mistakes. So in our view, many of these, or our analysis shows, that they were not on significant ridgelines. The majority of them were not on significant ridgelines or they were brought down off of the ridgeline*¹¹.

Commissioner Blank: Thank you Mr. Ainsworth. And that was my issue. *I thought we had great PowerPoint and insufficient facts. Um, and I was just trying to understand the discrepancy between the two. I'm not going to be voting [indiscernible speech] for this [in favor of the motion to approve the application].*

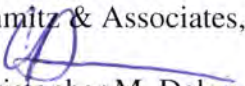
As is clear from the discussions referenced above, Commissioner Blank mistakenly inferred from his conversations with staff that the homes shown in the applicant's presentation (Slides 10-18) were not located on significant ridgelines (or the majority of them) because he confused the 12 ridgeline homes in the immediate vicinity of the project (**Exhibit#4**) with those other 46 homes referenced in the November 23, 2012 letter (**Exhibit#3**). This factual inquiry was critical towards Commissioner Blank finding that the Commission had NOT previously approved numerous residences directly on top of the Tuna Canyon/ Saddlepeak mapped significant ridgeline and that the project was therefore not consistent with other homes in the neighborhood¹².

This factual conclusion, reached in error, resulted in a tie vote and a denial of the permit. Had Commissioner Blank found that the projects depicted in the applicant's presentation were in fact previously approved by the Commission on said designated significant ridgelines then, from the record of comments above, Commissioner Blank indicates he would have voted to approve the project. This simple and inadvertent mistake of fact, which the applicant did not have an opportunity to correct, led to the 5-5 denial of the applicant's project by the Commission.

The applicant therefore respectfully requests that the Commission reconsider the subject application in light of these inadvertent errors of fact which were reached. The applicant greatly appreciates the Commission's time and consideration of the applicant's request.

Should you have any questions regarding this matter please do not hesitate to contact us.

Best Regards,
Schmitz & Associates, Inc.


Christopher M. Deleau, JD, AICP
Special Projects Manager

¹¹ Referring to the 46 homes listed in the applicant's November 23, 2012 letter to Deputy Dir. Ainsworth and not the homes located along the Tuna Canyon and Saddlepeak Ridgelines that Commissioner Blank was referring to.

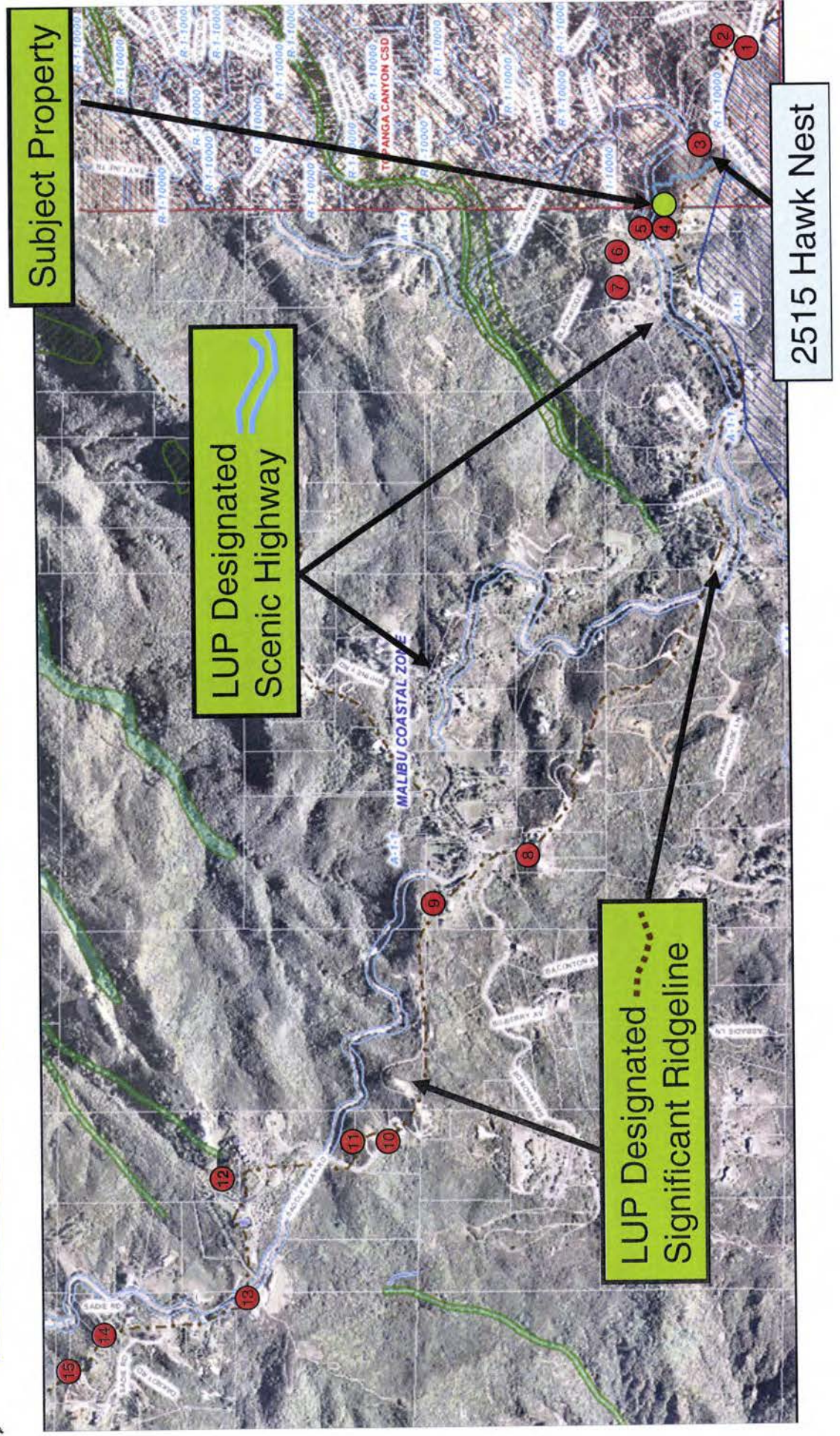
¹² This is the factual finding that was reached in error and which prejudiced the approval of the applicant's project.

2525 Hawks Nest Trail,
Topanga, CA 90290
Supplemental Visual Impact Assessment

November 6, 2012
Prepared by:
Schmitz & Associates, Inc.
5234 Chesebro Rd., Suite 200
Agoura Hills, CA 91301

Exhibit 6
Submittal No. 2 dated 11/6/12
CDP No. 4-12-003-R
[For a colored electronic version of this
exhibit, go to <http://www.coastal.ca.gov/>]

Existing Development Along Scenic Highway & Significant Ridgeline



Existing Permitted Development Along Mapped Ridgeline & Scenic Hwy

- ① 20370 Skyhawk Lane (2 story SFR)
- ② 20363 Skyhawk Lane (2 story SFR)
- ③ 2515 Hawks Nest Trail (2 story SFR- 26' tall)
- ④ 2250 Tuna Canyon Rd. (2 story SFR)
- ⑤ 2260 Tuna Canyon Rd.
- ⑥ 2303 Tuna Canyon Rd. (2 story SFR)
- ⑦ 2341 Tuna Canyon Rd. (2 story SFR)
- ⑧ 2119 Rockview Terr. (2 story SFR)
- ⑨ 22190 Saddlepeak Rd. (2 story SFR)
- ⑩ 22766 Saddlepeak Rd. (2 story SFR)
- ⑪ 22760 Saddlepeak Rd. (2 story SFR)
- ⑫ 22871 Saddlepeak Rd. (2 story SFR- 35' tall)
- ⑬ 23000 Saddlepeak Rd. (2 story SFR)
- ⑭ 23224 Saddlepeak Rd. (2 story SFR)
- ⑮ 560 Sadie Rd. (2 story SFR)

1 20370 Skyhawk Lane: 4,190
sq. ft. 2 Story SFR

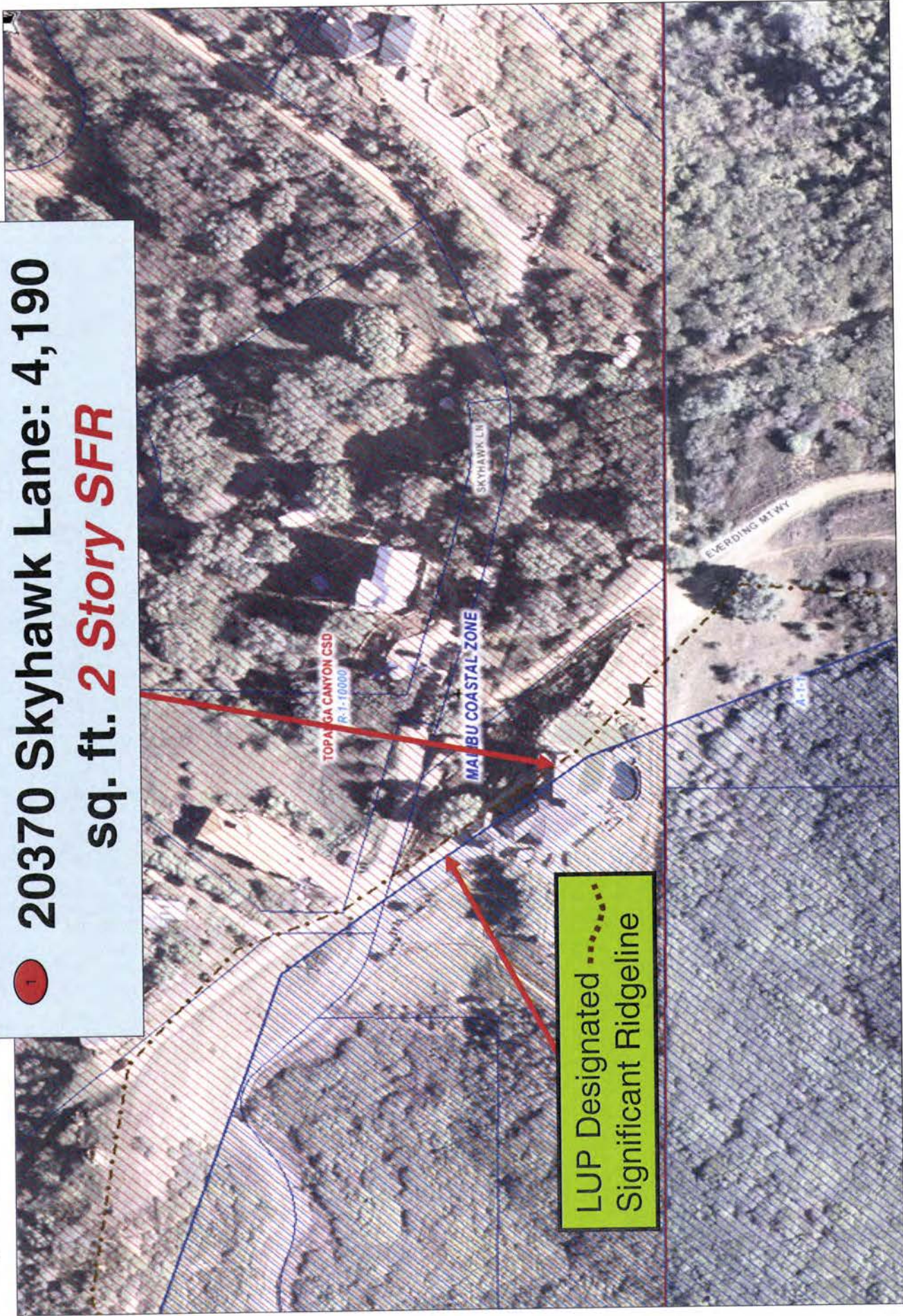
TOPANGA CANYON CSD
R-1-10000

MALIBU COASTAL ZONE

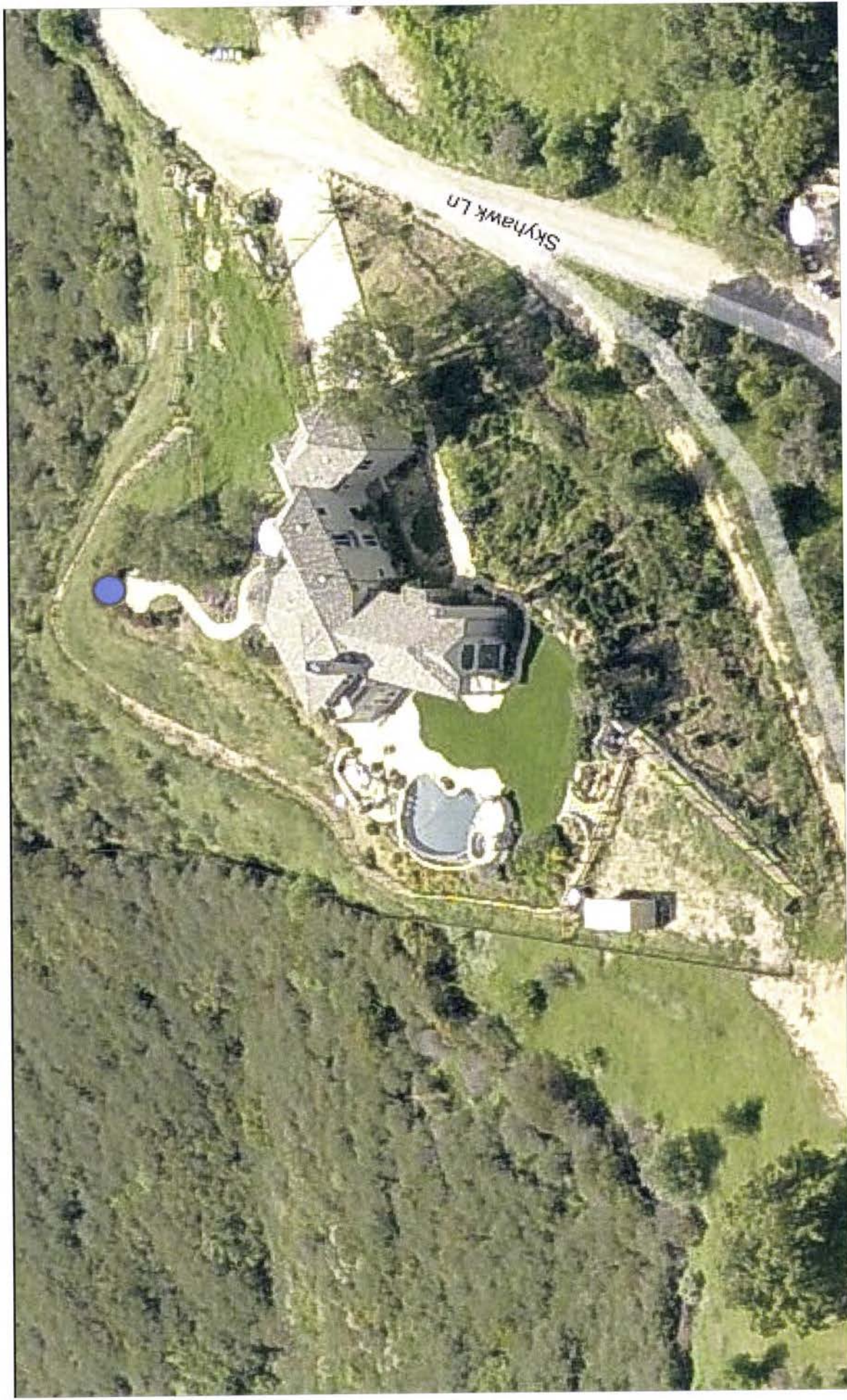
SKYHAWK LN

EVERDING MTWY

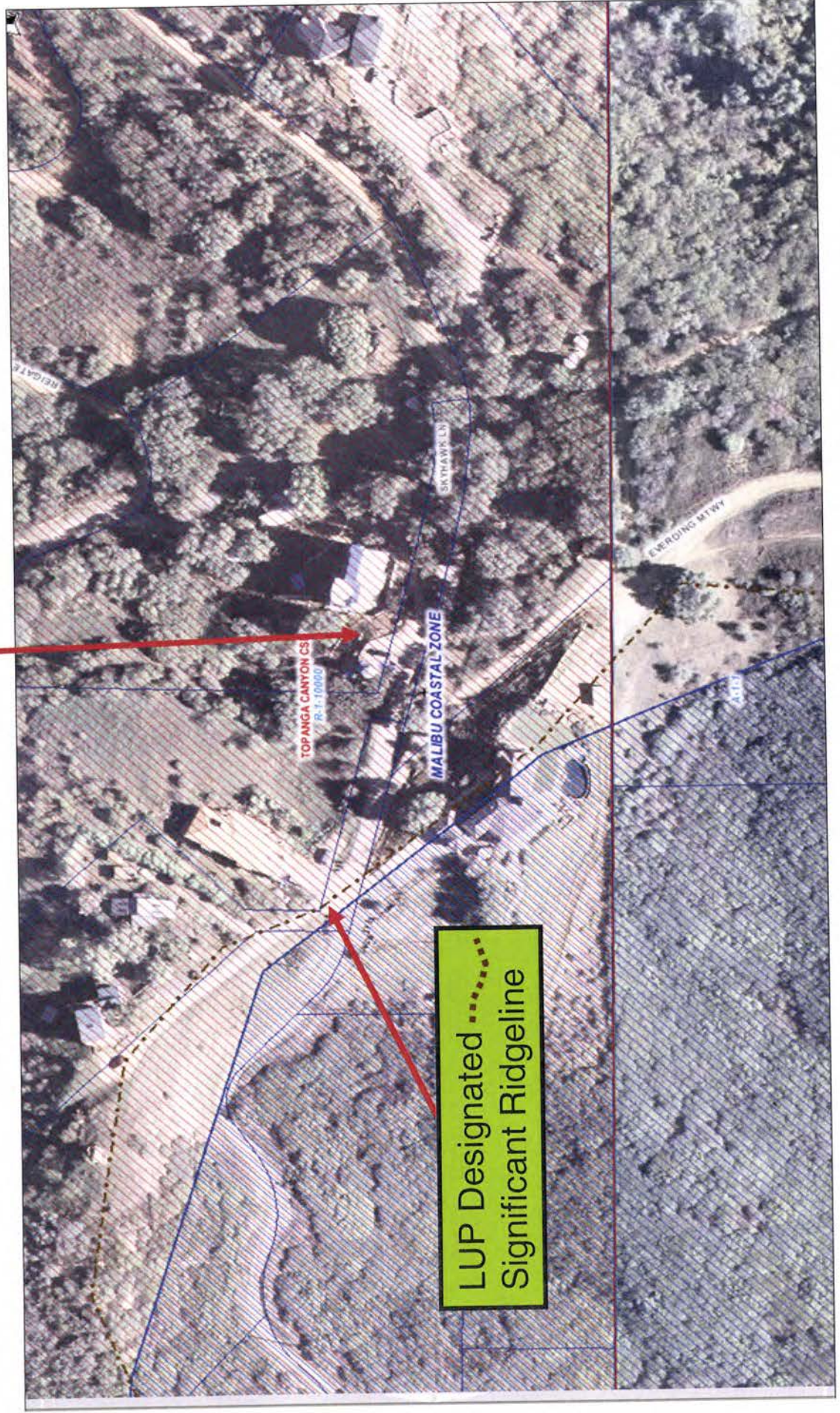
LUP Designated
Significant Ridgeline



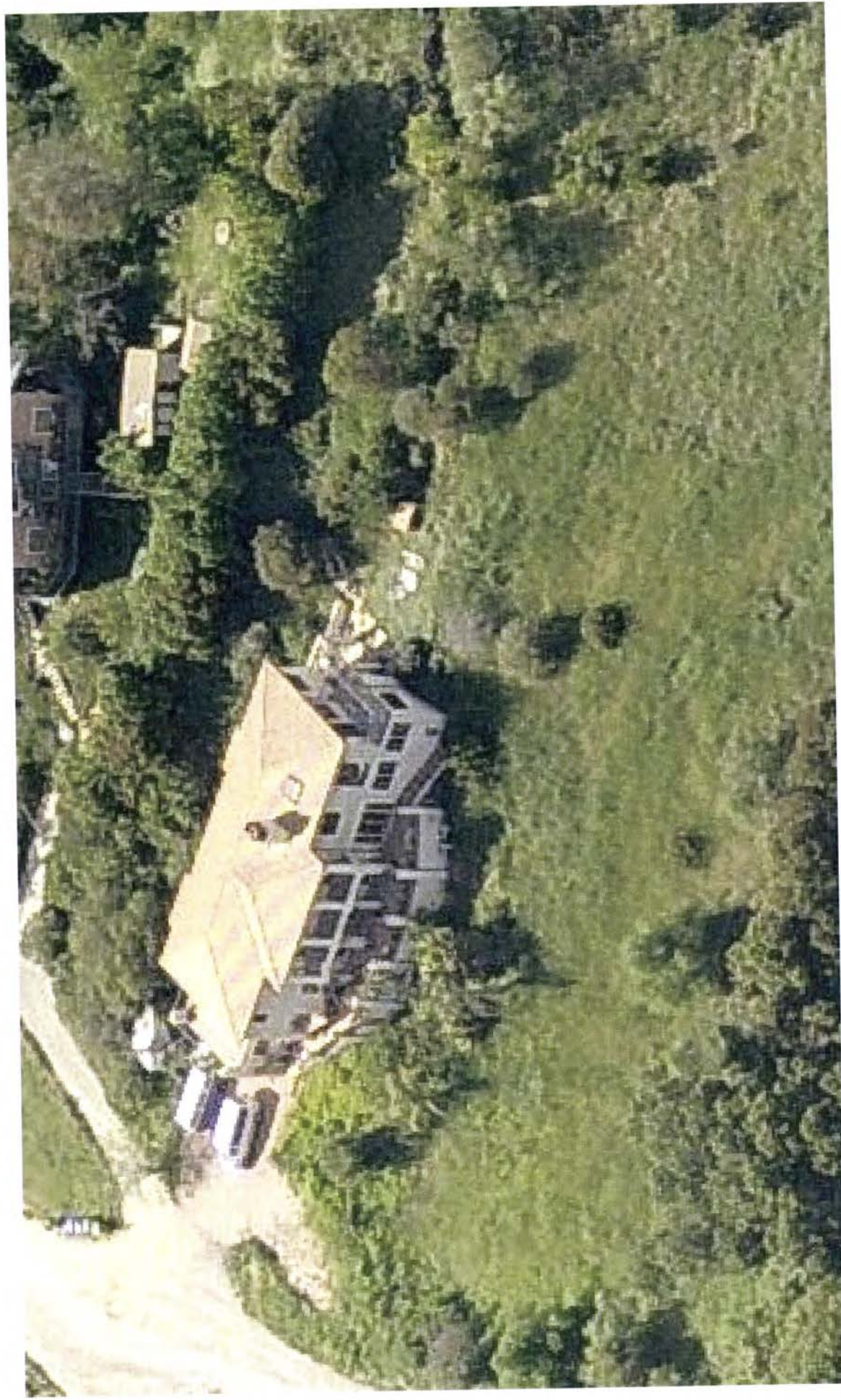
1 20370 Skyhawk Lane: 4,190
sq. ft. 2 Story SFR



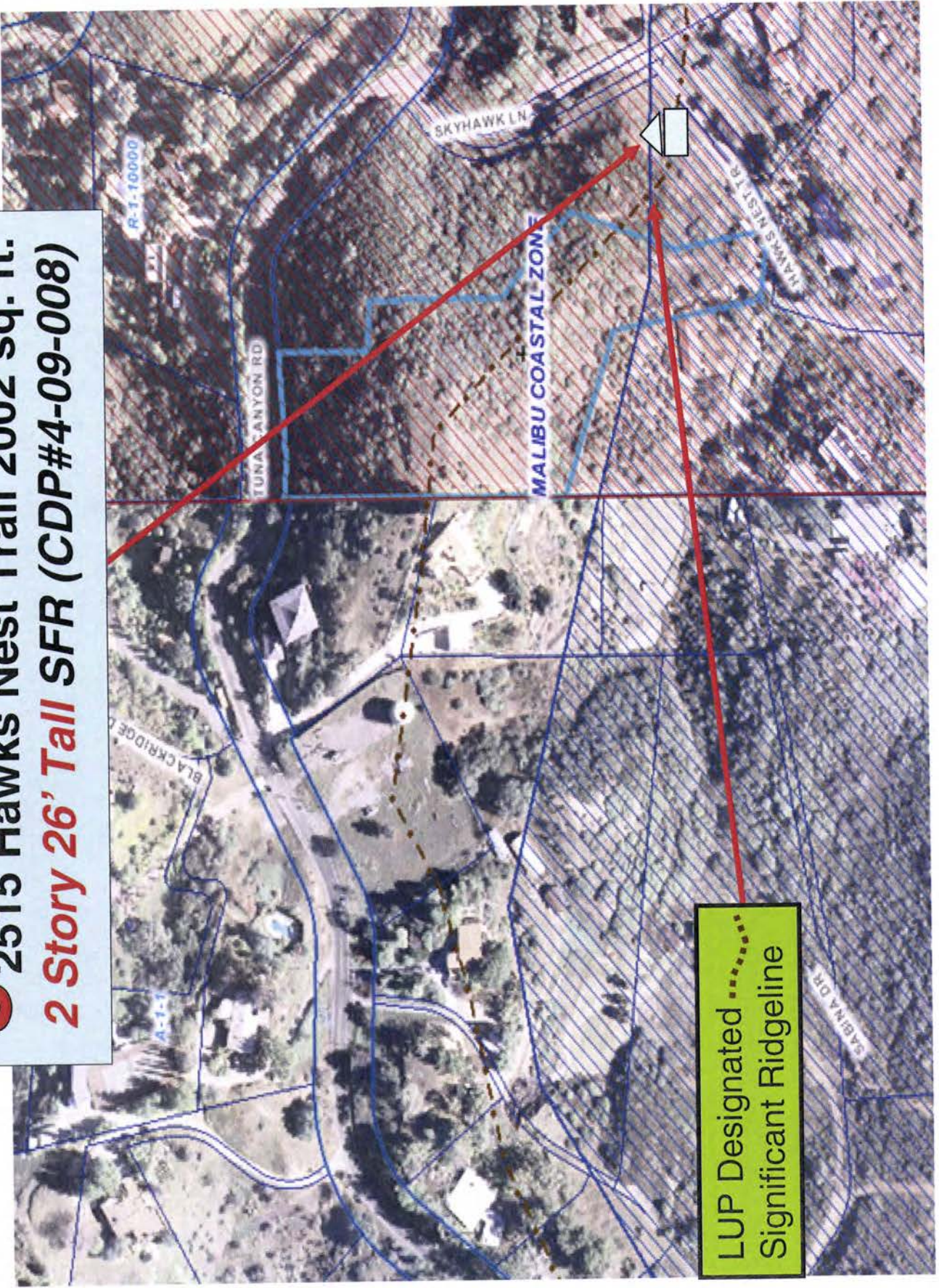
2 20363 Skyhawk Lane: 4,219
sq. ft. 2 Story SFR



2 20363 Skyhawk Lane: 4,219
sq. ft. **2 Story SFR**



3 2515 Hawks Nest Trail 2002 sq. ft.
2 Story 26' Tall SFR (CDP#4-09-008)



LUP Designated
Significant Ridgeline

3 2515 Hawks Nest Trail 2002 sq. ft. **2 Story**
26' Tall SFR (CDP# 4-12-008 Approved)

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

1001 CALIFORNIA ST., SUITE 100

VENTURA, CA 93001

(805) 583-1800

EDMUNDO G. BROWN, JR., Governor



Filed: 3/14/12
180th Day: 9/10/12
Staff: Denise Venegas
Staff Report: 4/19/12
Hearing Date: 5/09/12

W23c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-12-018

APPLICANT: Sarbojit Mukherjee

AGENT: N/A

PROJECT LOCATION: 2515 Hawks Nest Trail, Topanga, Los Angeles County

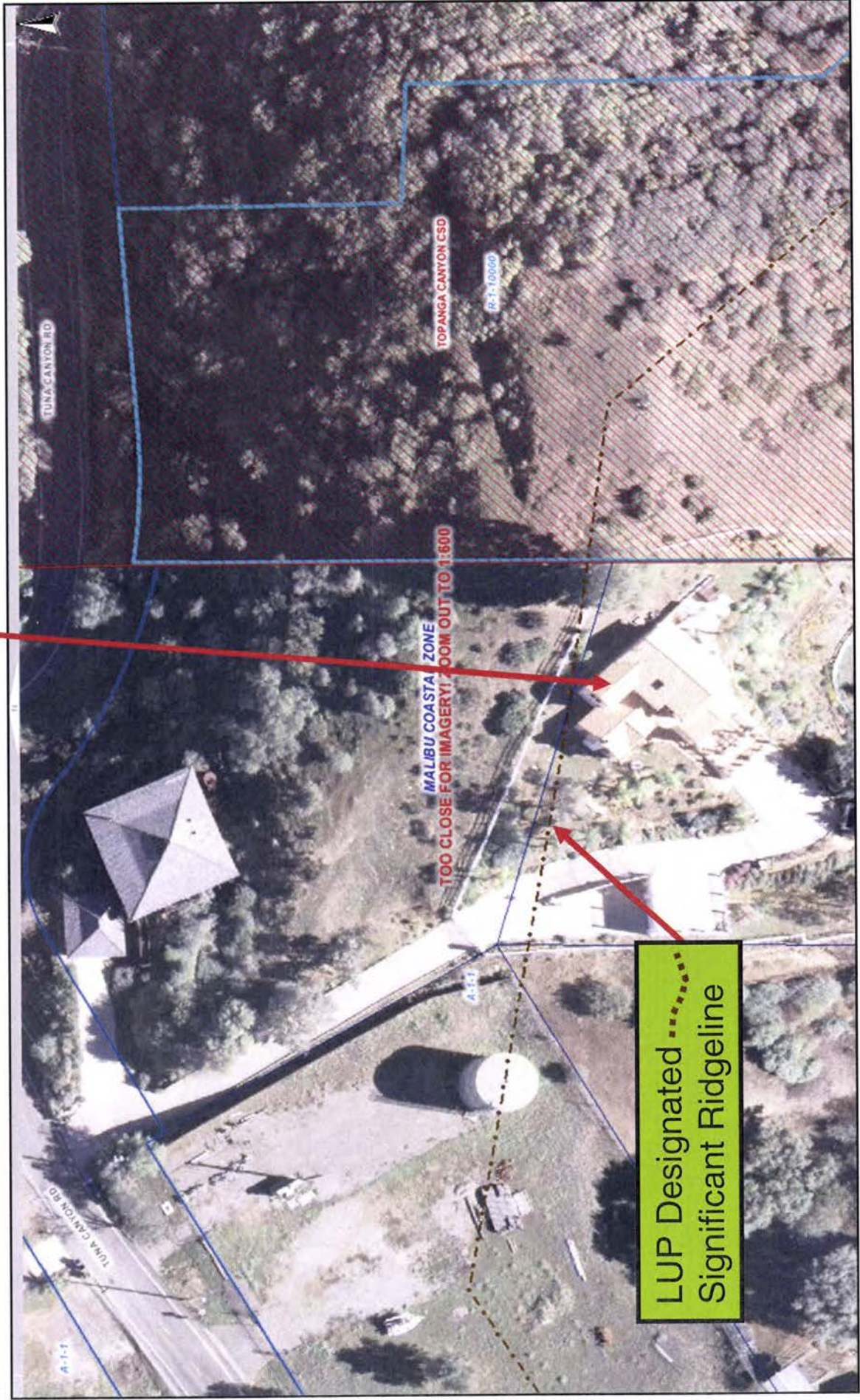
APN: 4448-011-036

PROJECT DESCRIPTION: Construct a 2,002 sq. ft., 2.4 ft. high, two-story single family residence; a detached 324 sq. ft. two-car carport; retaining wall; driveway; stairway; septic system; temporary construction trailer; hammerhead turnaround; new fire hydrant; minor road improvements to Chubbuck Lane and 741 Chubbuck Lane; and 741 Chubbuck Lane; and 741 Chubbuck Lane.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed development with thirteen (13) special conditions regarding (1) plans conforming to Geotechnical Engineer's recommendation, (2) assumption of risk, waiver of liability and indemnity, (3) drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) site inspection, (11) removal of excavated material, (12) removal of natural vegetation, and (13) removal of temporary trailer.

reduce visual impacts. The project is conditioned to minimize the visual impact by requiring the structure to be finished in a color consistent with the surrounding landscape, by requiring

4 2250 Tuna Cyn Rd. 2 Story SFR

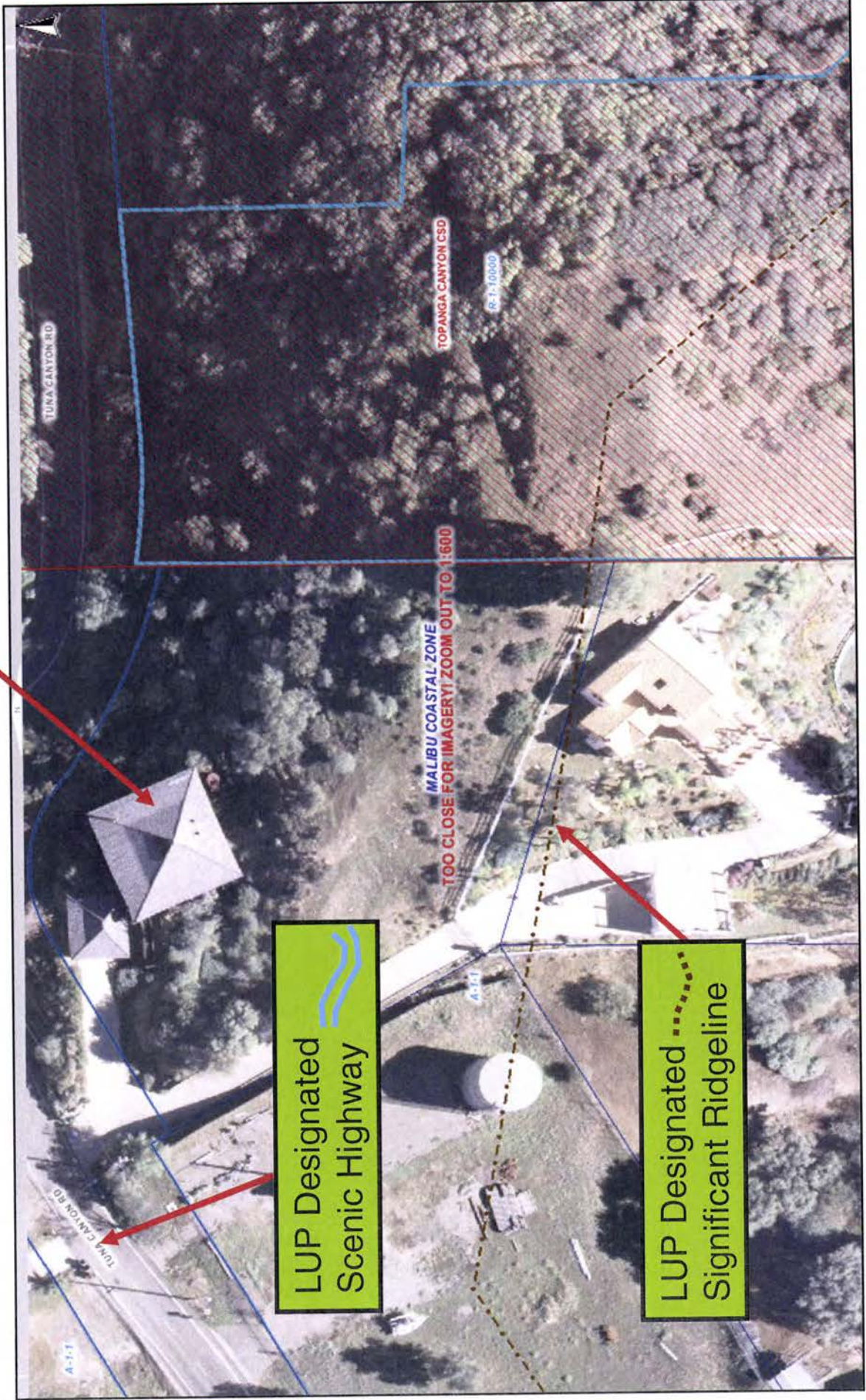


4 2250 Tuna Cyn Rd. 2 Story SFR



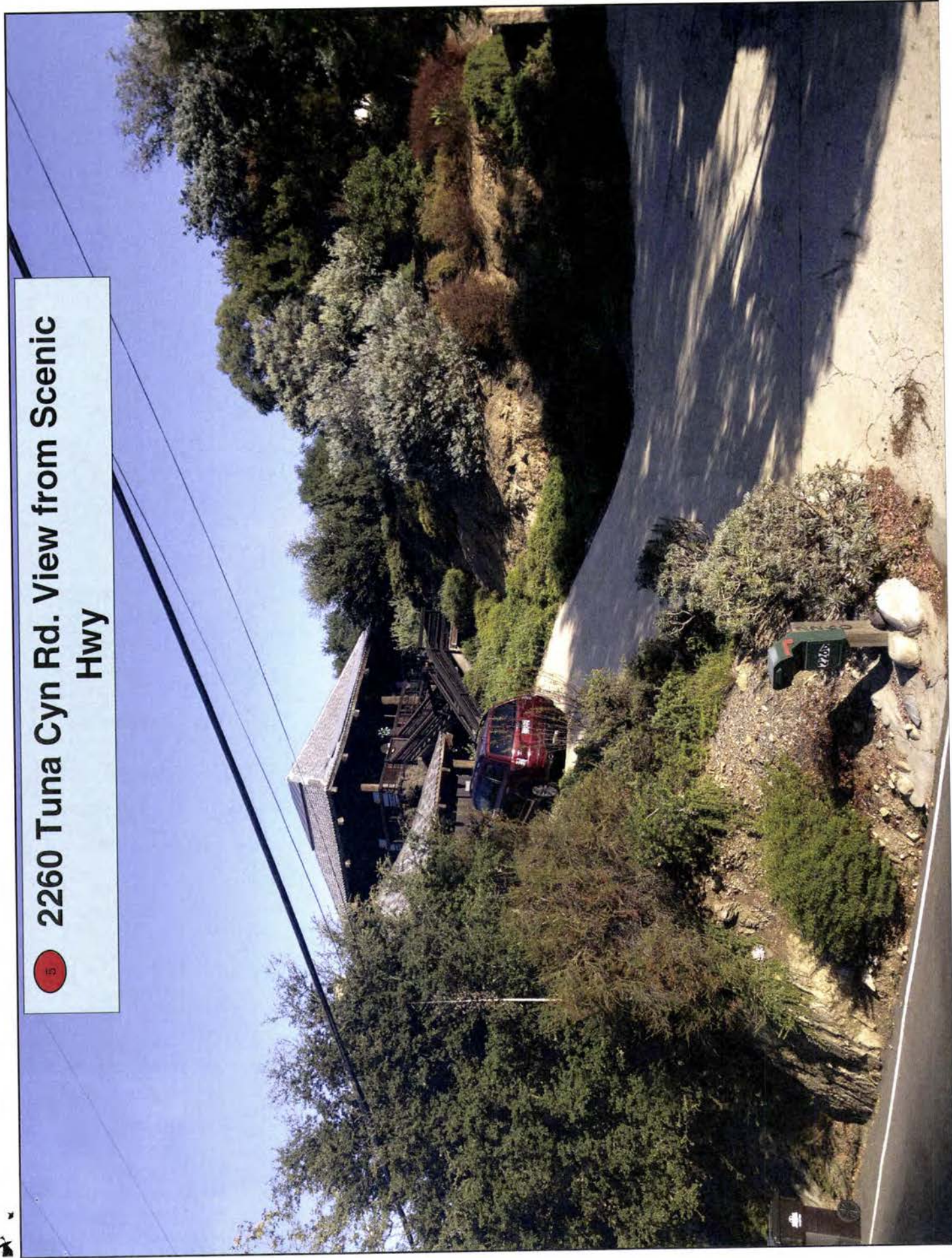


2260 Tuna Cyn Rd.



5

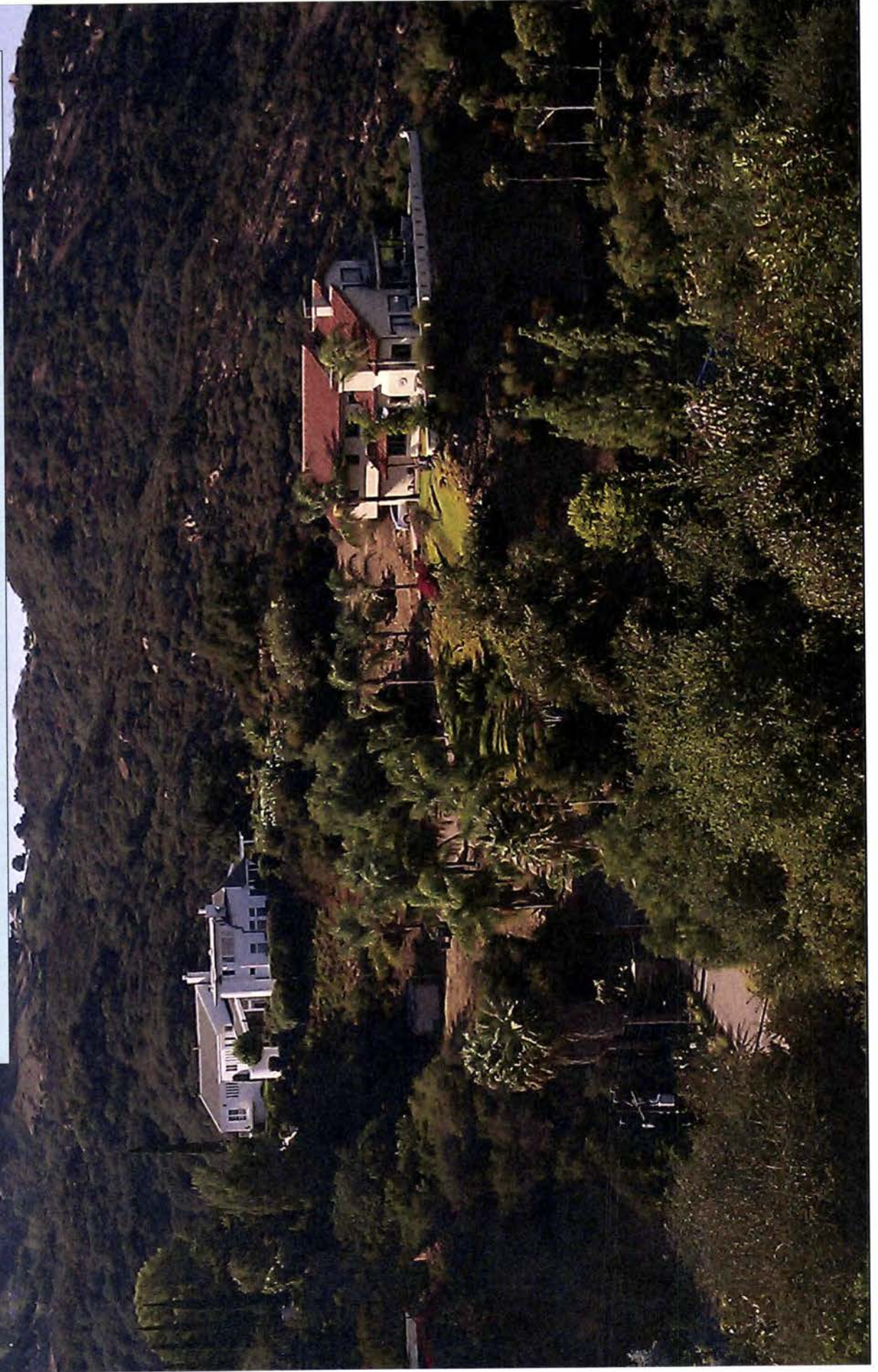
2260 Tuna Cyn Rd. View from Scenic
Hwy



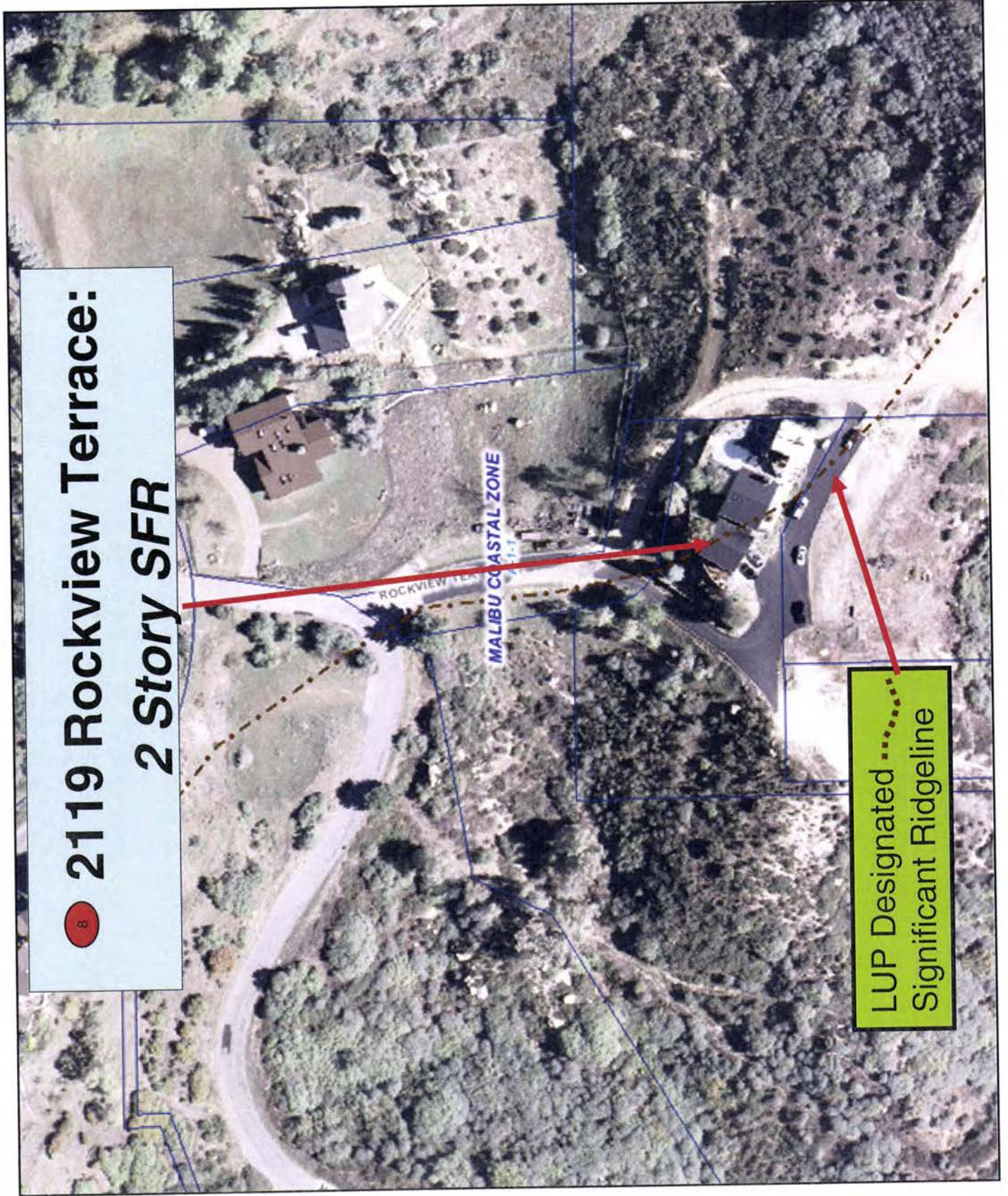
6 & 7 2303 & 2341 Tuna Cyn Rd.



6 7 2303 & 2341 Tuna Cyn Rd. Both 2 Story
SFRs



8 ● 2119 Rockview Terrace:
2 Story SFR



LUP Designated
Significant Ridgeline

8 ● 2119 Rockview Terrace:
2 Story SFR

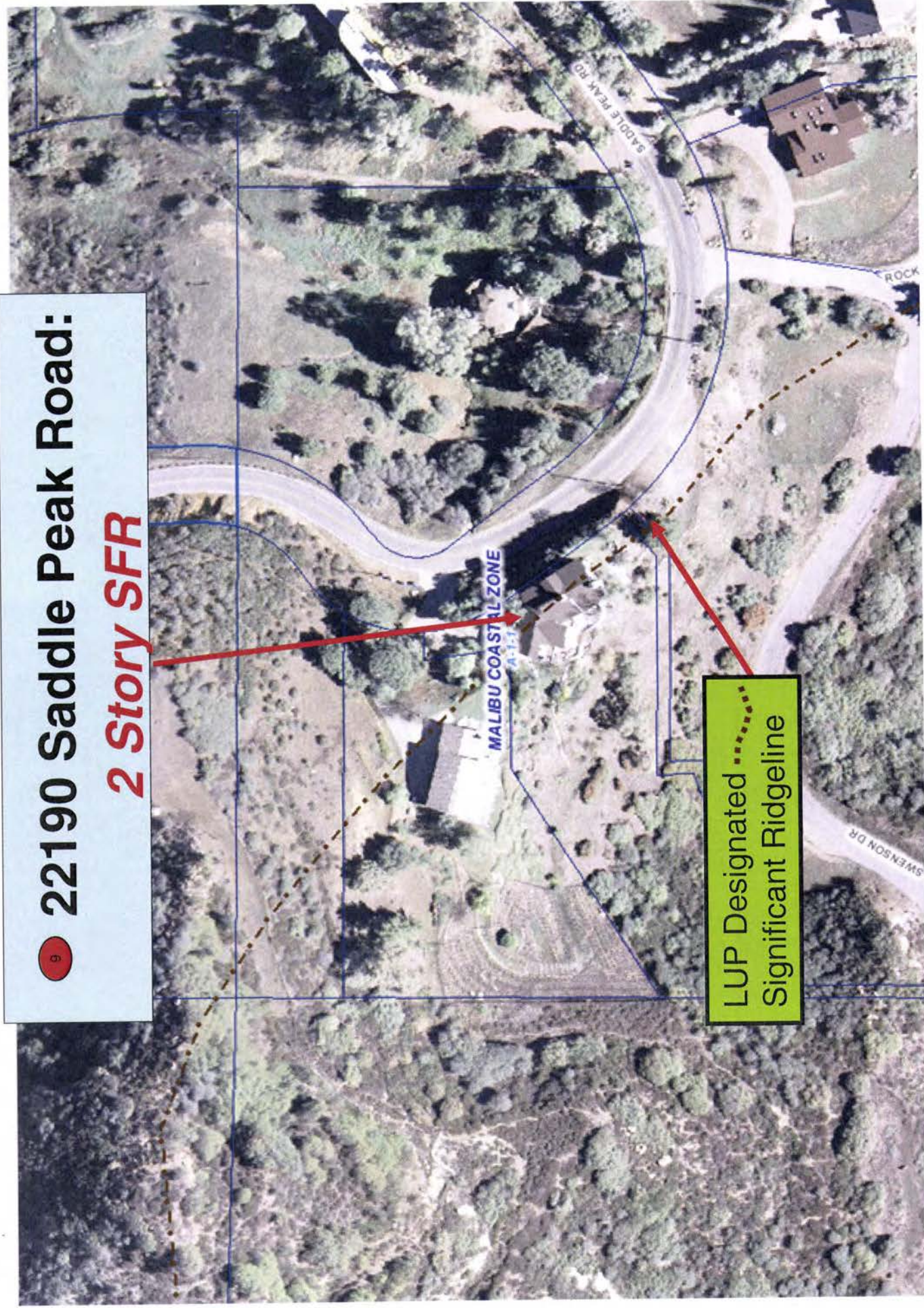


9 ● 22190 Saddle Peak Road:

2 Story SFR

MALIBU COASTAL ZONE
A-1-1

LUP Designated
Significant Ridgeline



● 22190 Saddle Peak Road:

2 Story SFR



10 22766 Saddle Peak Road:

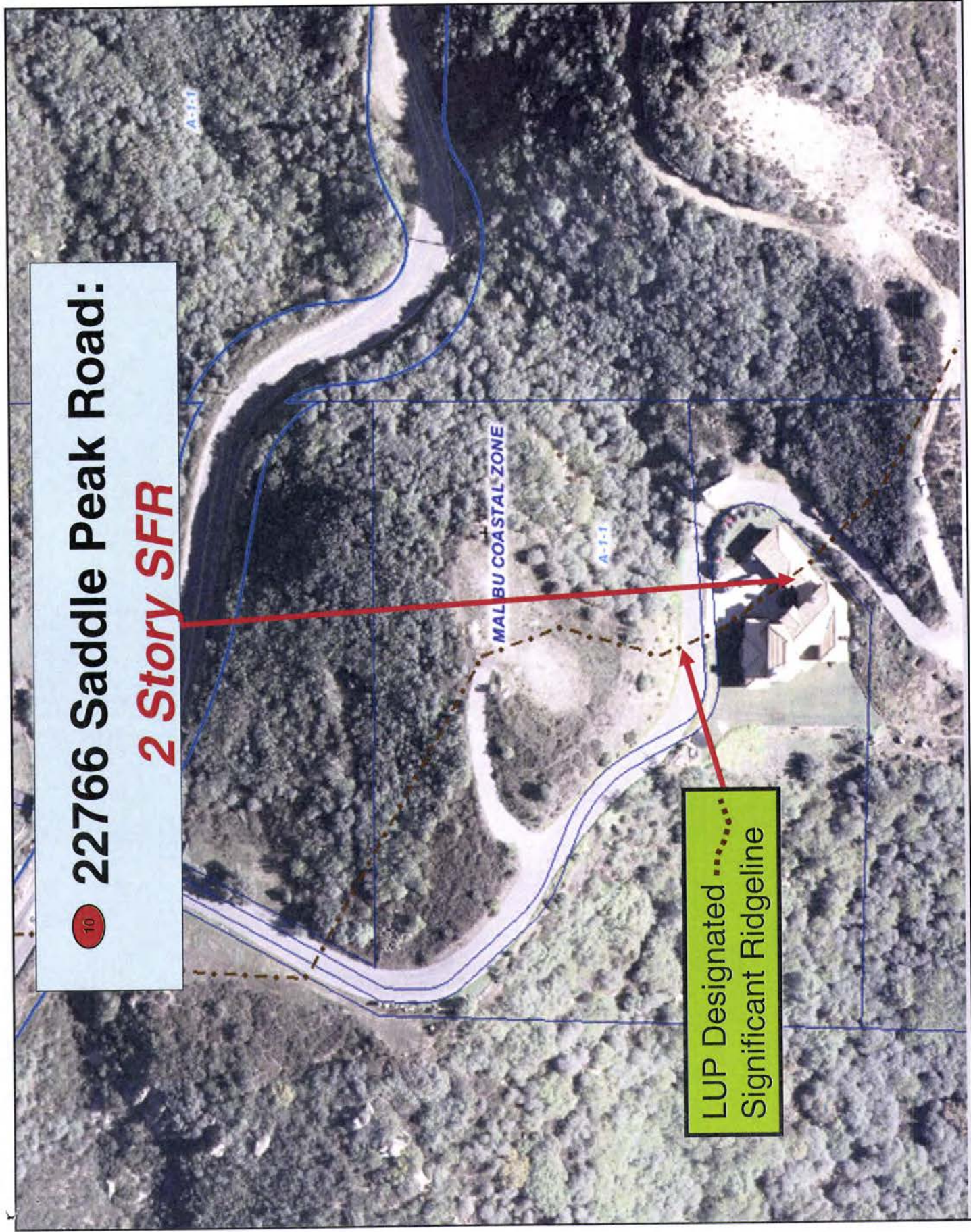
2 Story SFR

MALBU COASTAL ZONE

A-1-1

A-1-1

LUP Designated
Significant Ridgeline



10 ● 22766 Saddle Peak Road:

2 Story SFR



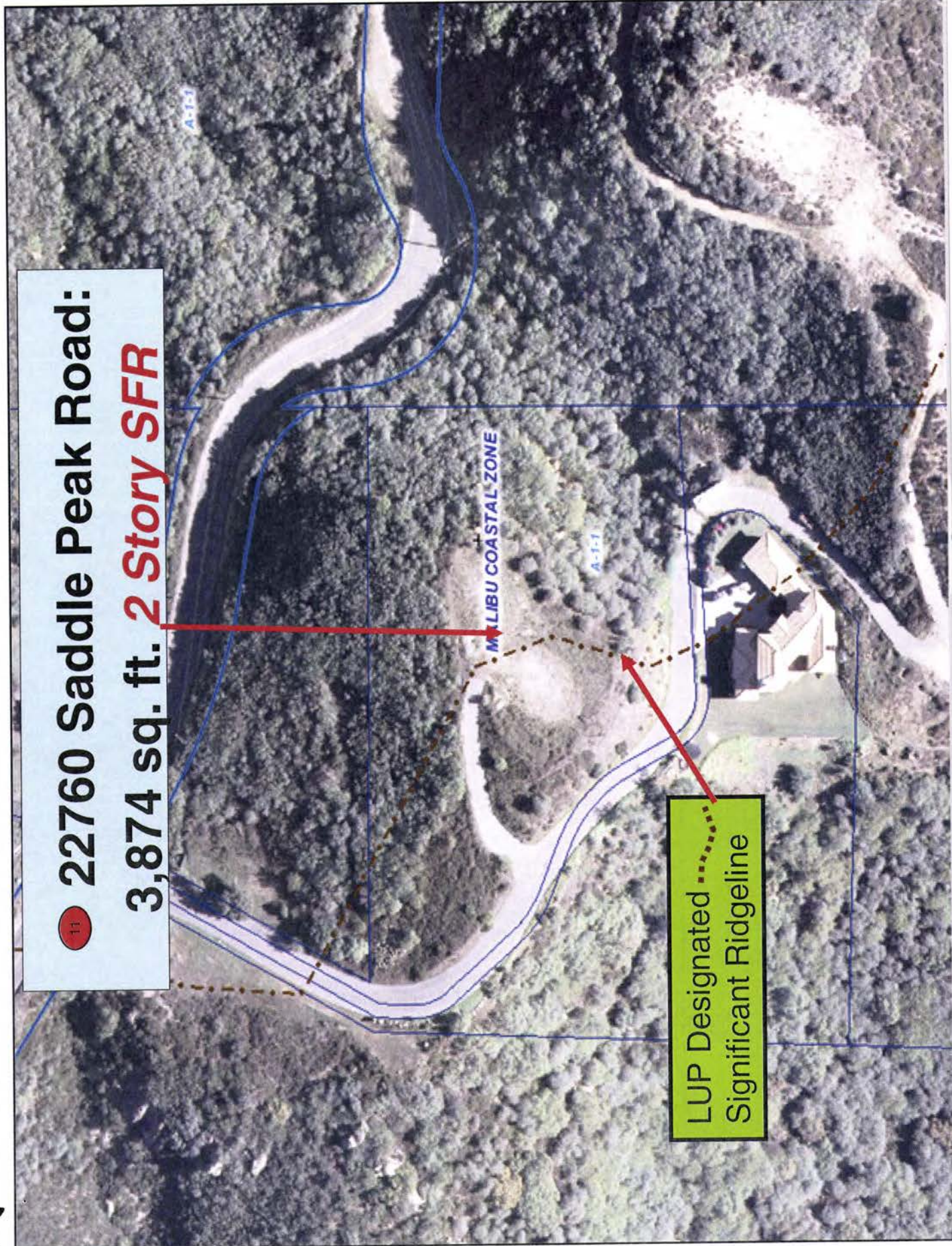
11 ● 22760 Saddle Peak Road:
3,874 sq. ft. **2 Story SFR**

LUP Designated
Significant Ridgeline

MALIBU COASTAL ZONE

A-1-1

A-1-1



11 ● 22760 Saddle Peak Road:
3,874 sq. ft. 2 Story SFR



 **22871 Saddle Peak Road:**

11,000+ sq. ft. 2 Story SFR

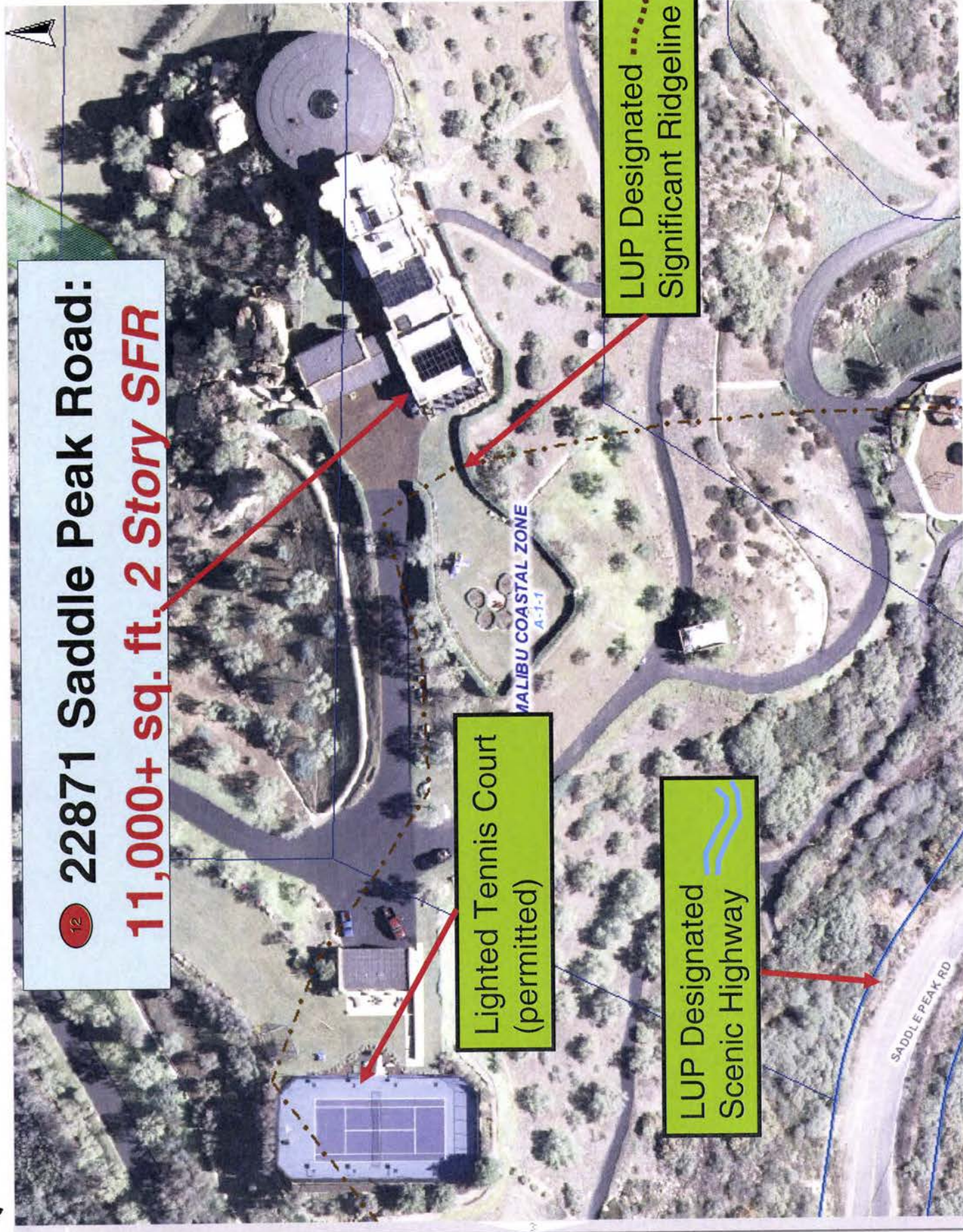
**Lighted Tennis Court
(permitted)**

**LUP Designated
Significant Ridgeline**


**LUP Designated
Scenic Highway**

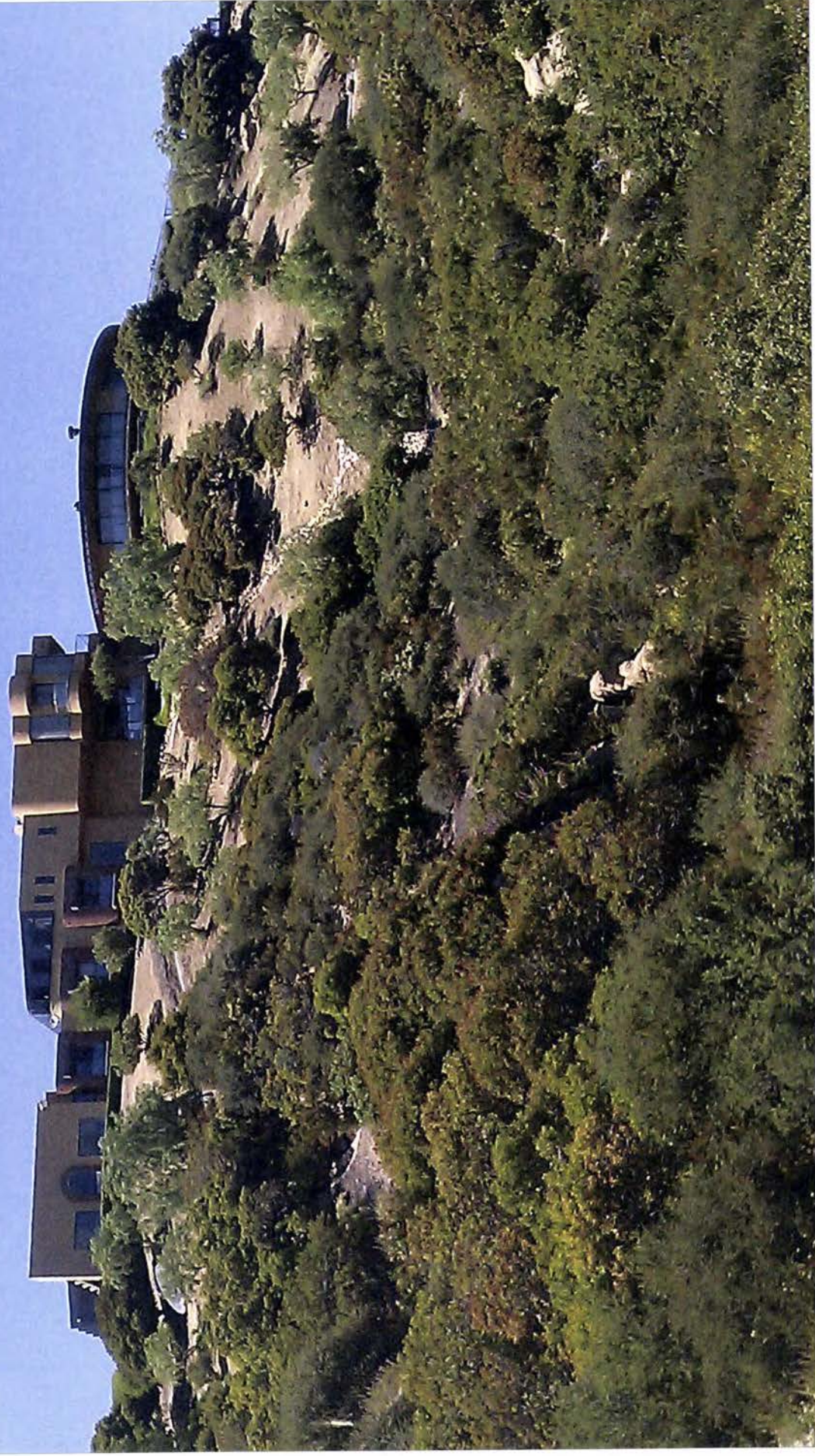
**MALIBU COASTAL ZONE
A-1-1**

SADDLE PEAK RD

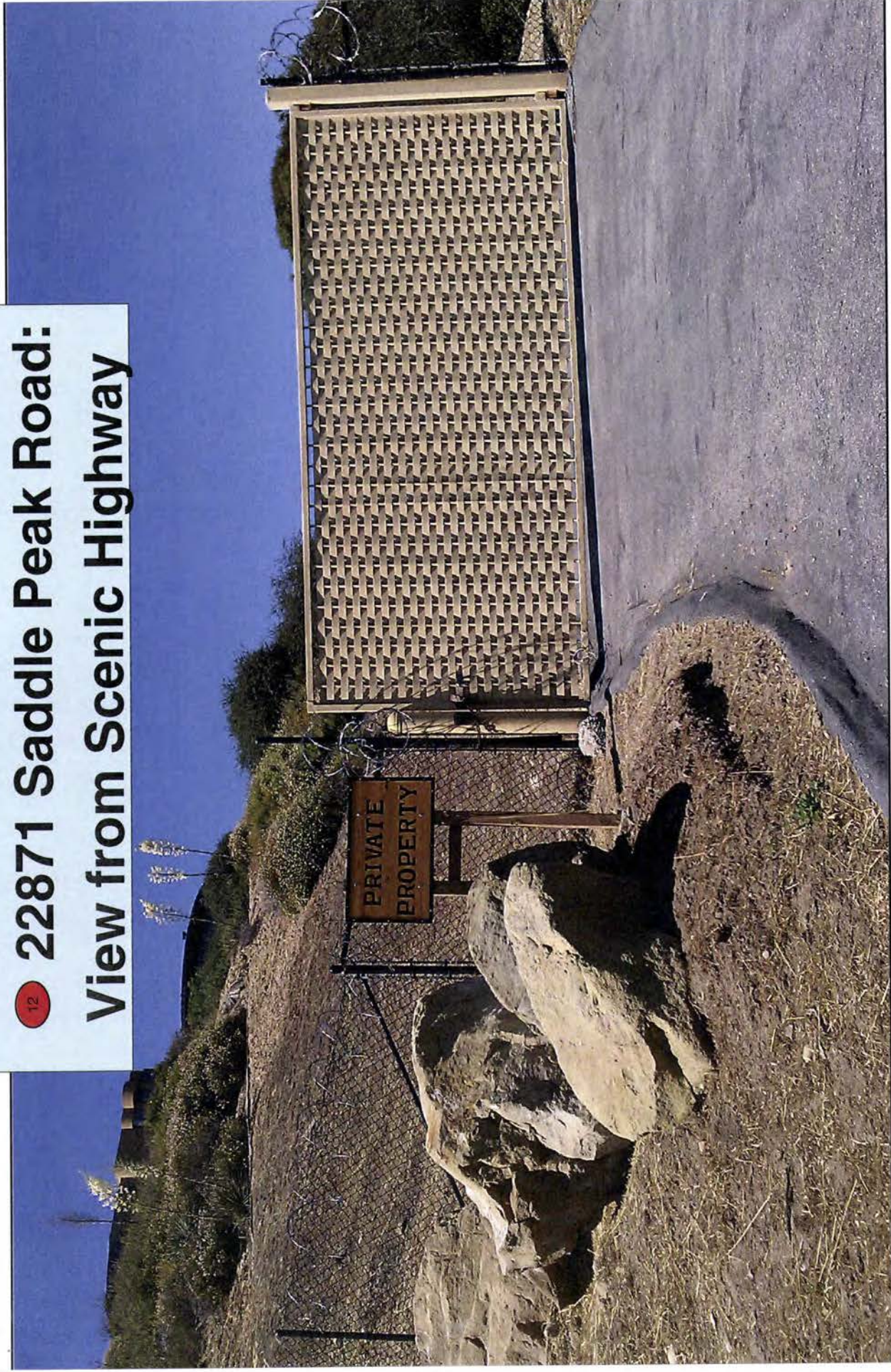


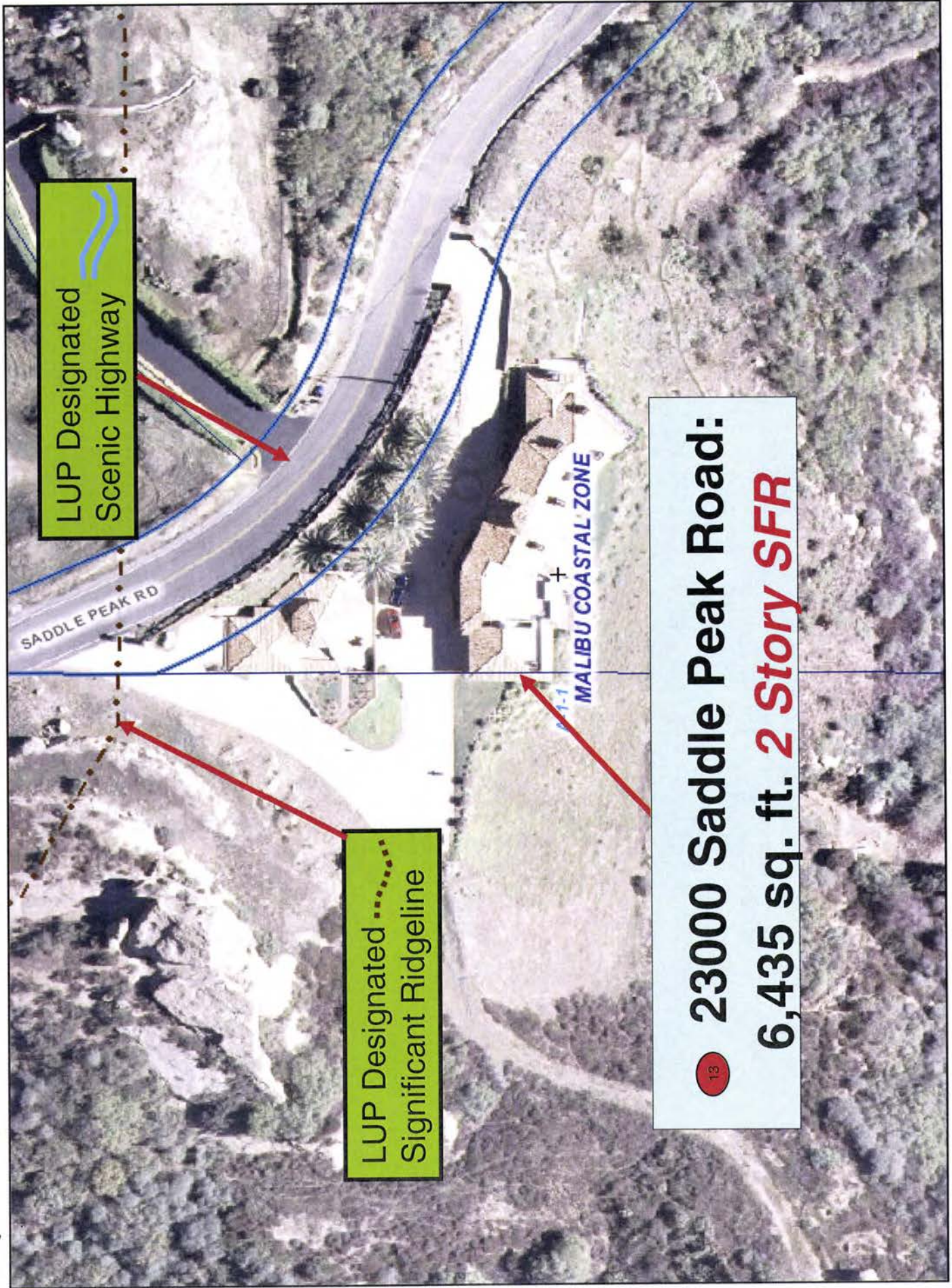
12

22871 Saddle Peak Road: View from Scenic Highway Looking NE (11,000+ sq.ft. permitted dev't on ridgeline)



**12 22871 Saddle Peak Road:
View from Scenic Highway**



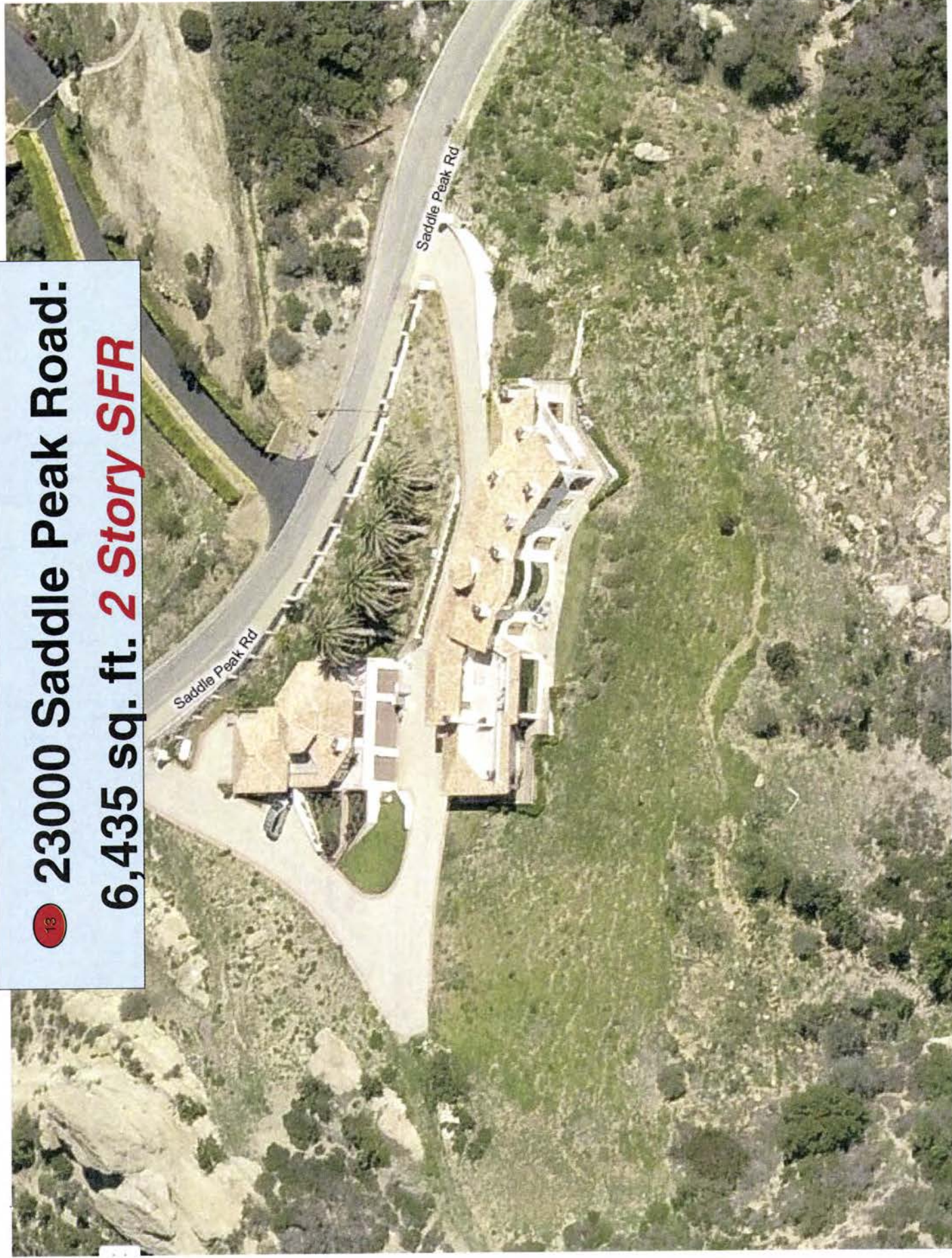


LUP Designated
Scenic Highway

LUP Designated
Significant Ridgeline

13 23000 Saddle Peak Road:
6,435 sq. ft. 2 Story SFR

13 ● 23000 Saddle Peak Road:
6,435 sq. ft. 2 Story SFR

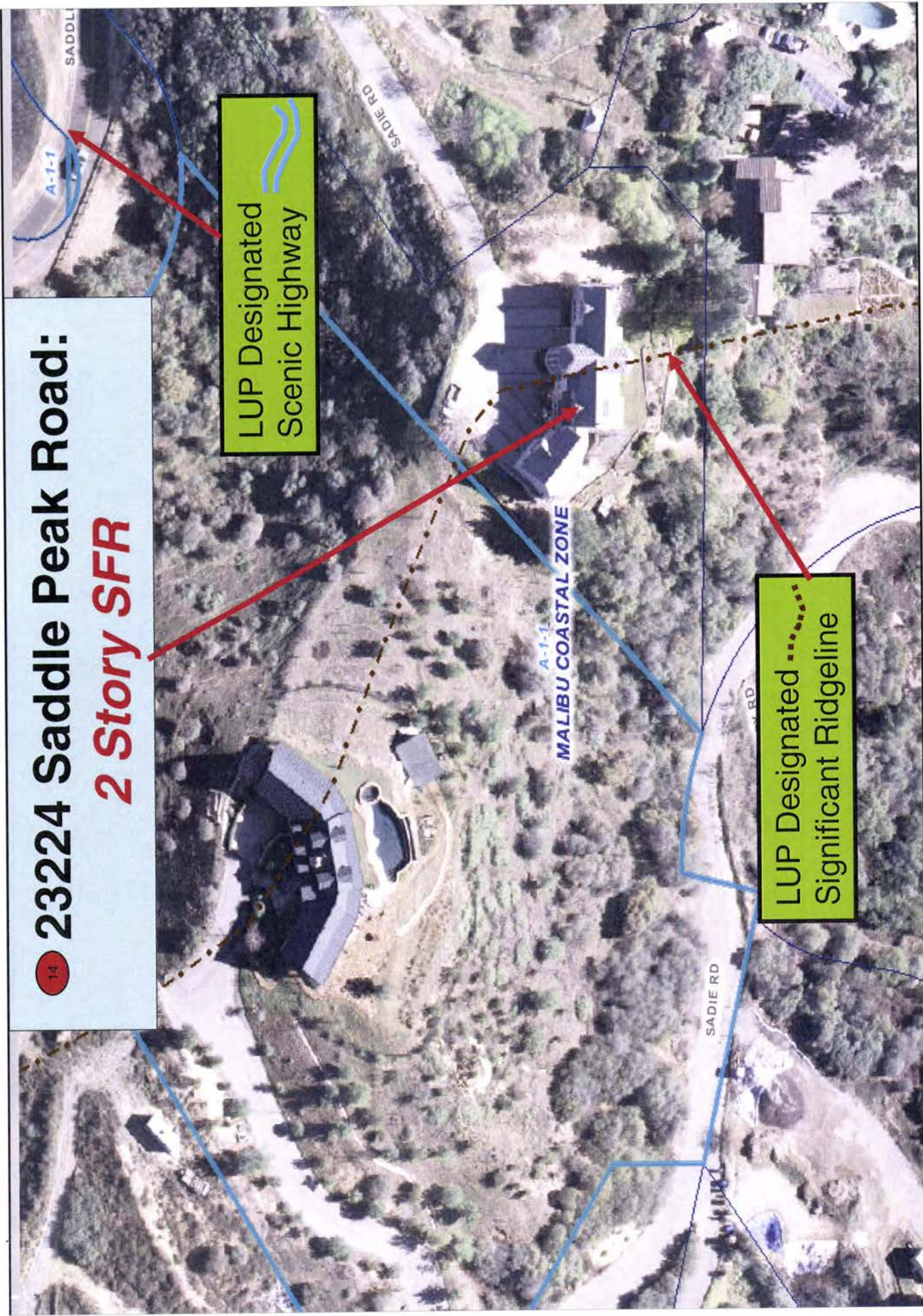


14 ● 232224 Saddle Peak Road:
2 Story SFR

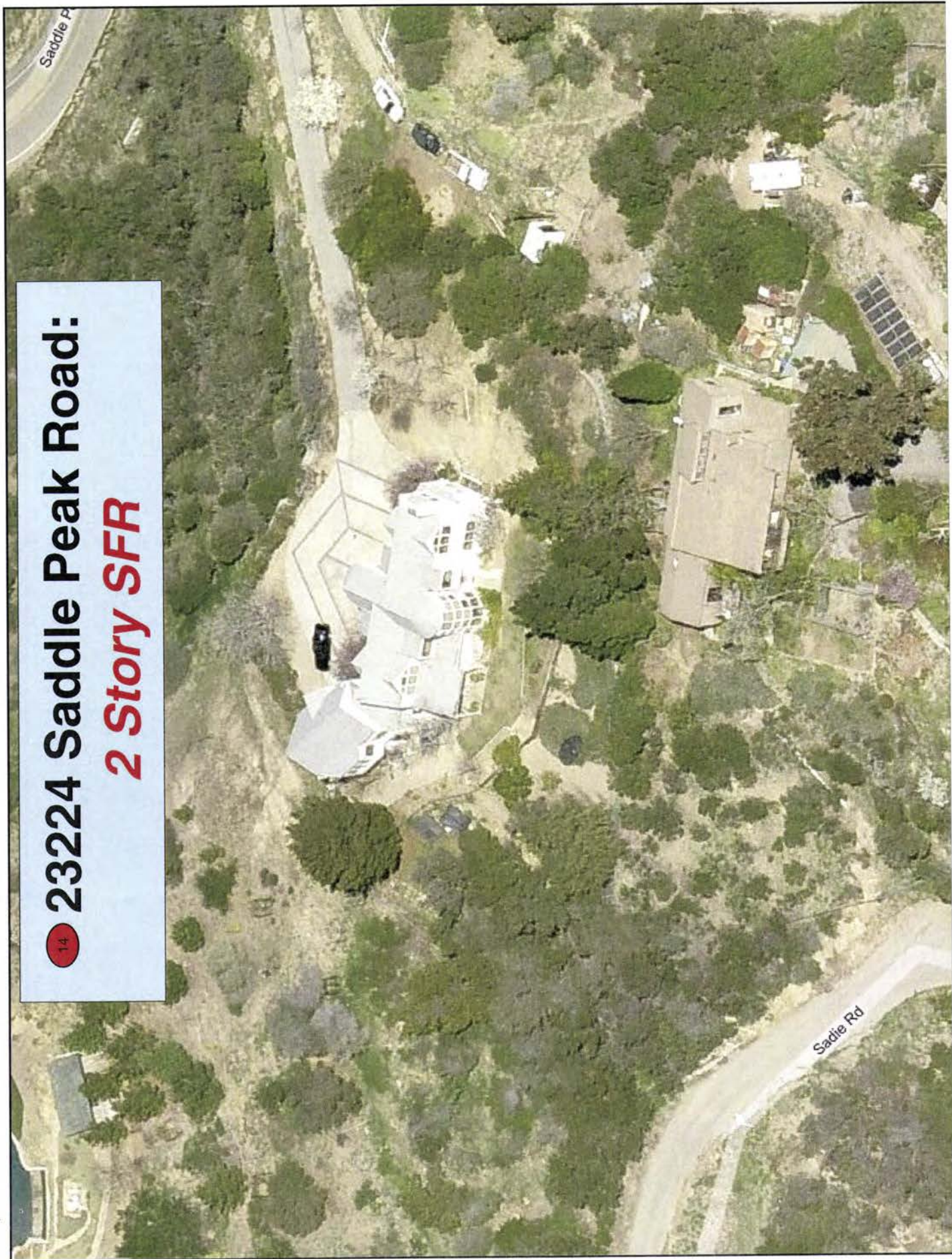
LUP Designated
Scenic Highway

LUP Designated
Significant Ridgeline

A-1-1
MALIBU COASTAL ZONE



14 ● 23224 Saddle Peak Road:
2 Story SFR



15 560 Sadie Road: 2 Story SFR

LUP Designated
Significant Ridgeline

A-1-1
MALIBU COASTAL ZONE

OAKROY RD

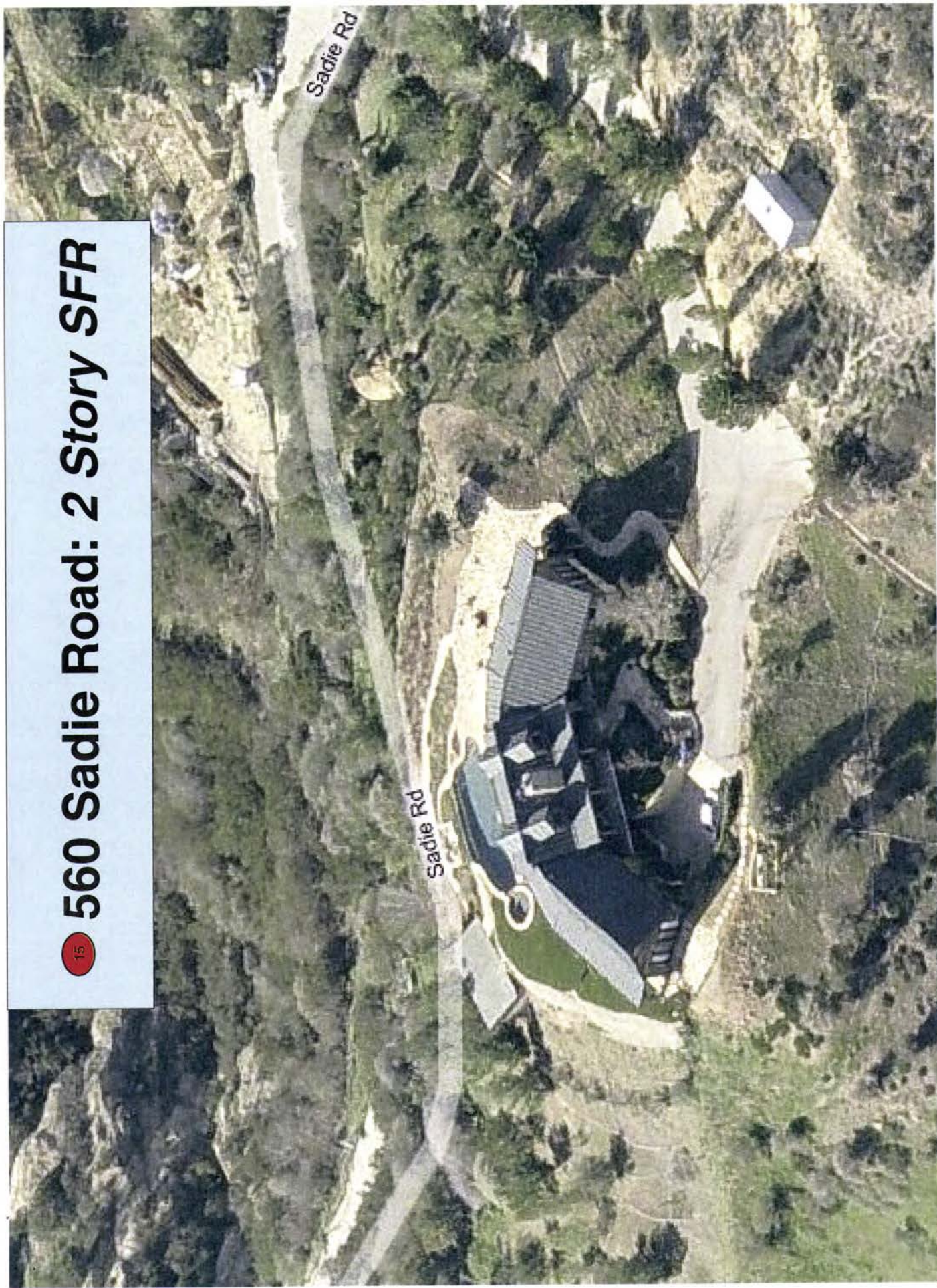
SADIE RD

SADDLE PE

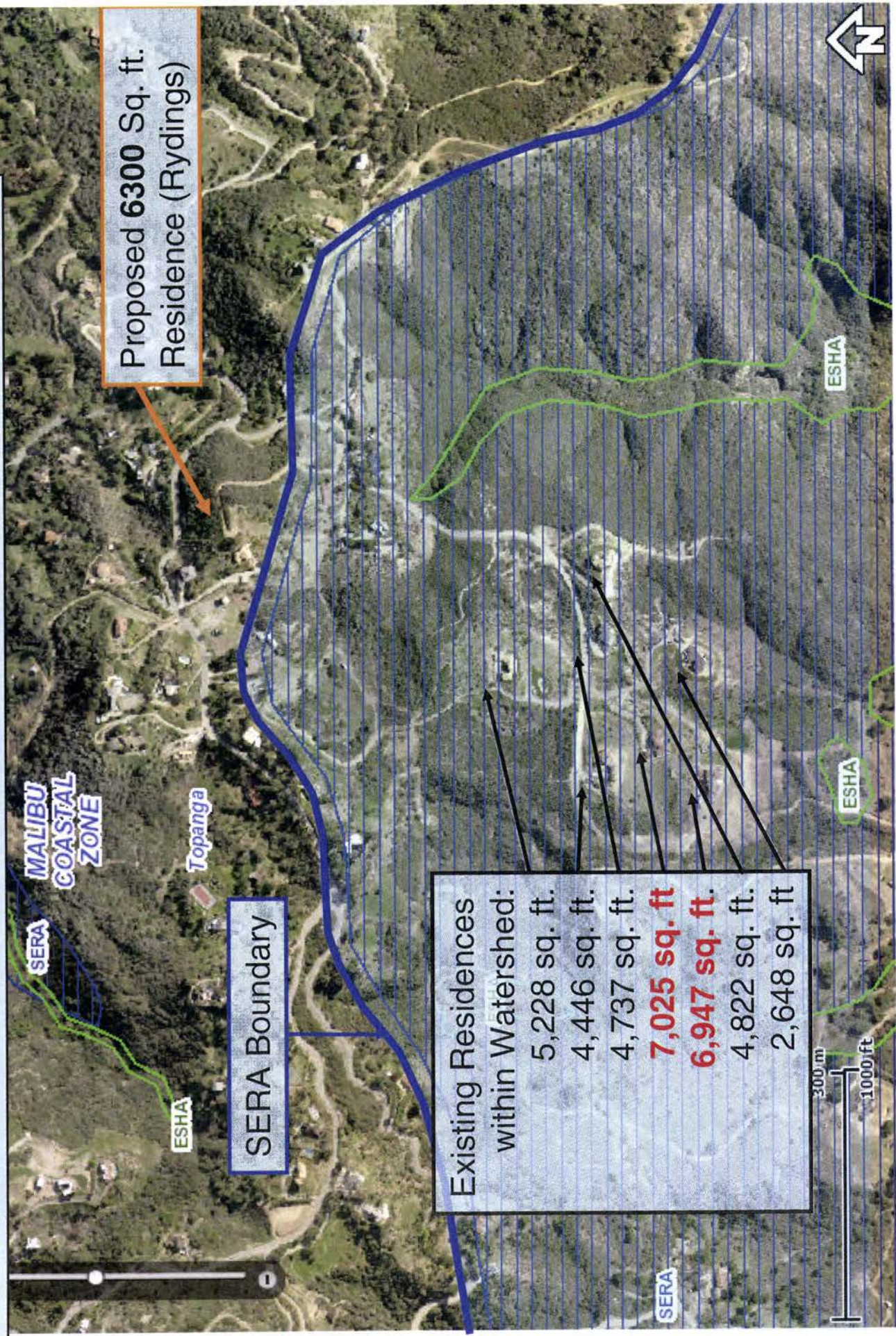
A-1-1

SADIE RD

15 ● 560 Sadie Road: 2 Story SFR



Adjacent Developments Approved by the Coastal Commission in Significant Watershed



Total Development Sq. ft. permitted per City of Malibu LCP (2002)

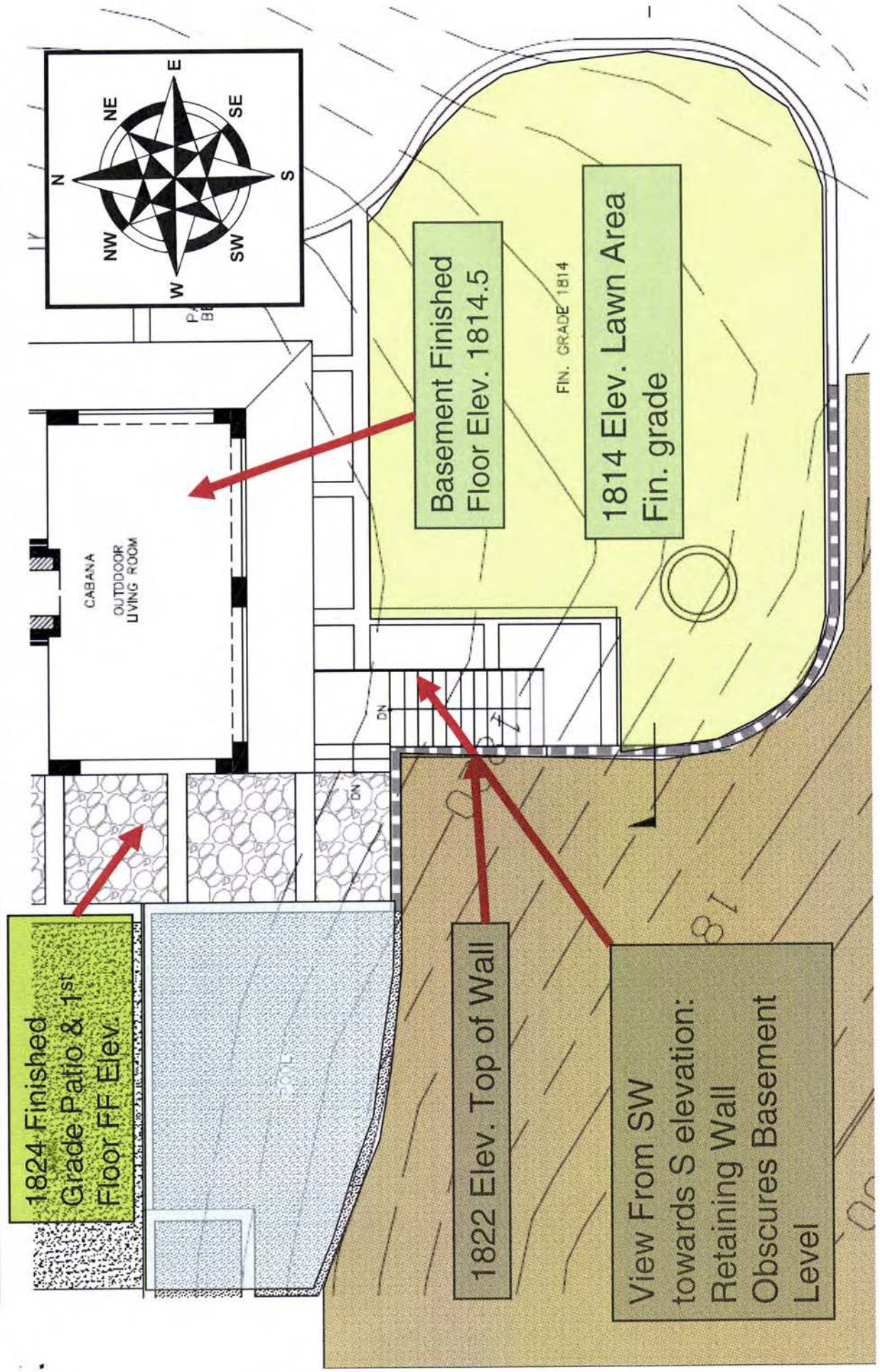
Total Development Square Footage
Calculator

Plug in Net Lot Area* here

>>>>	118813	<<<<
	n	subtotal
Up to 0.5 acre		4,855 s.f.
0.5 to 1 acre		2,178 s.f.
1 to 1.5 acres		1,089 s.f.
1.5 acres or more		1,069 s.f.
TDSF -->>>		9,192

*(Gross Lot Area minus <= 1:1 slopes and public and private access easements)

Basement level Not Visible from Any Public Viewing Areas



November 21, 2012

California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: CDP# 4-12-003 (Rydings): Response to Staff Regarding Permissibility & Propriety of Proposed Height of Proposed Residence

Dear Jack:

We have been made aware that staff has concerns over the heights of the proposed residence (26') provided that the home is being proposed on a mapped significant ridgeline. More specifically, your staff has advised us that they have concerns regarding the incompatibility of the proposed residence with section 22.44.605 of the "Uncertified" Los Angeles County Local Coastal Program.

As Don had discussed with you previously this code provision is not applicable as the LCP remains uncertified by the Commission at this time. Granted, we understand that staff's concern is that Commission approval of our client's proposal would somehow "prejudice" the County's ability to certify a Local Coastal Program.

In addressing staff's concern I would initially note that under the provisions of the Coastal Act the County may certify an LCP that has *more "stringent" environmental and development standards* than those mandated by the Chapter 3 policies of the Coastal Act. The County has in fact taken actions in adopting Sec. 22.44.605 of its uncertified LCP, that appear to do just that.

Since the adoption of the Coastal Act and specifically in recent years, the Commission has approved too many projects to list that do not conform to the requirements of sec. 22.44.605, although I have taken the opportunity in this letter to provide numerous examples of these permitting actions to illustrate the point.

Any permitting actions by the Commission allowing for residences to be constructed at heights greater than 20' prior to certification of the County's LCP would not in any way preclude the County from adopting Section 22.44.605 or otherwise certify its LCP. In fact, if the opposite were true as staff suggests, then the County would already be precluded from adopting 22.44.605 given the Commission's past precedent.

Section 22.44.605 of the County's uncertified LIP states as follows:

"Every residence and every other building or structure on a Significant Ridgeline, in a Scenic Element, or located within 500 feet of and visible from a Scenic Route, shall have a height not to exceed 20 feet above natural grade, excluding chimneys, solar panels and rooftop antennas."

Exhibit 7
Submittal No. 3 dated 11/21/12
CDP No. 4-12-003-R

The County of Los Angeles (Board of Supervisors) approved its draft Local Coastal Program in 2006 (almost 7 years ago). Since that time the Coastal Commission has approved a total of forty-seven (47) projects that did not comply with the provisions of Sec. 22.44.605 of the County's Draft LCP. These 47 projects were all noticed hearing and voting items (not consent items). There may in fact be several more projects that were approved on consent which do not comply with this provision.

Sec. 22.44.605 proposes to limit building heights for any project located on ridgeline, near a scenic route or in a scenic area. As applied, this section would apply to virtually all new residential development projects in the Coastal Santa Monica Mountains; hence the 47 projects that we provide below.

To date, we are not aware of one (1) single project in the Unincorporated Los Angeles County Coastal Zone where a residential project has been limited to 20' and one story in height due to ridgeline or scenic constraints. Not one. I have personally reviewed the Commission's agendas for the past 7 years and can find only those decisions that are listed below in greater detail in this letter.

Since adoption of its Draft LCP I have found dozens of decisions made (permits issued) and no references made to Sec. 22.44.605. In light of this precedent and the fact that these prior actions (and our client's current application) do not in any manner prejudice the County's ability to adopt the more stringent standards contained in Sec. 22.44.605 we would ask staff to reconsider its position in this matter. Our client's project is entirely consistent with the past decisions of the Commission, the Certified LUP and the Chapter 3 policies of the Coastal Act. We would request only that staff consider our client's project is light of these factors and that our client's project be analyzed consistent with the Commission's past permitting actions.

In support of our client's application and our arguments listed above we offer the following 47 Coastal Commission decisions as precedent in support of our client's application and the position that approval of our client's project would not prejudice the Commission's ability to certify its LCP. Each and every one of the following 47 projects were approved by the Commission, many on consent and each of these projects was not consistent with Sec. 22.44.605 of the County's Draft LCP. These decisions are as follows in chronological order:

Jan. 2006: Application No. 4-04-118 (Zimmermann, Los Angeles Co.) Application of Karl Zimmermann to construct **25-ft-high 4,998 sq. ft. single-family home, attached 1,272 sq.ft. garage**, septic system, driveway and motorcourt, with 464 cu.yds. of grading, re-grade, restore and re-plant previously graded areas, and install native landscaping on graded pad, at 1500 Decker Canyon Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a Mapped Significant ridgeline running parallel to Encinal Canyon rd. Staff found that the project would be highly visible from a scenic route. Color & materials condition imposed.**

May 2006:

Application No. 4-05-43 (Sundher, Los Angeles Co.) Application of Kabir Sundher for **4,754 sq.ft. 37-ft-high single-family home**, 990 sq.ft. partial underground garage, motorcourt, driveway, pool, septic system, retaining walls, 2,993 cu.yds. of grading, and 650 cu.yds. of remedial work, at 21875 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Application No. 4-05-44 (Sundher, Los Angeles Co.) Application of Spoony Sundher for **6,052 sq.ft. 30-ft-high single-family home**, 875 sq.ft. garage, motorcourt, driveway, pool, septic system, retaining walls, and 5,470 cu.yds. of grading, at 21877 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Application No. 4-05-45 (Sundher, Los Angeles Co.) Application of Tej Sundher for **3,739 sq.ft. 29-ft-high single-family home**, 746 sq.ft. garage, motorcourt, driveway, pool, tennis court, septic system, retaining walls, 5,066 cu.yds. of grading, and 707 cu.yds. of remedial work, at 21865 Briar Bluff Road, near Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is within 500' of both Shueren and Rambla Pacifico Rds. Both roads are LCP mapped scenic routes.**

Aug. 2006: Application No. 4-05-203 (Sumner, Los Angeles County) Application of Hayley Sumner to construct **2-story, 3,670 sq.ft., 35-ft-high single family home** with attached 782 sq.ft. garage; detached 2-story, 1,354, 35-ft-high garage and exercise room (608 sq.ft. garage and 746 sq.ft. exercise room); septic system; driveway and turnaround; and 402 cu. yds. of grading (348 cu. yds. cut; 54 cu. yds fill; 294 cu. yds export) at 2343 Tuna Canyon Road, Topanga, Los Angeles County (MCH-V). [APPROVED WITH CONDITIONS] **Note: Project is located on a mapped significant ridgeline and is located on Tuna Canyon rd. a mapped scenic route. LCP mapped scenic routes.**

Oct. 2006: Application No. 4-05-153 (Stoney Heights LLC, Los Angeles County) Application of Stoney Heights LLC to construct **2-story, 6,221 sq. ft. single family home**, 566 sq. ft., detached 3-car garage, 2-story, 690 sq. ft. guesthouse, swimming pool, well, water tank, septic system, landscaping, driveway, improvements to Puerco Motorway, as-built stabilization of existing oak tree, and approximately 13,735 cu. yds. of grading at 2151 Puerco Motorway, Santa Monica Mountains, Los Angeles County. (LF-V) [APPROVED WITH CONDITIONS] **Note: Portions of the residence were sited on a mapped significant ridgeline. Project was highly visible from Backbone trail and other nearby trails and was determined to be located in a scenic area.**

Application No. 4-05-201 (Malibu Ocean Ranches, LLC, Malibu) Application of Malibu Ocean Ranches, LLC to construct **8,312 sq. ft., 28 ft. high, 2-story single family**

residence with detached 746 sq. ft., 3-car garage with 553 sq. ft. guest unit above, swimming pool, septic system, landscaping, temporary placement of construction trailer, and 4,850 cu. yds. of grading (4,300 cu. yds. of cut and 550 cu. yds. of fill with 3,750 cu. yds. of export) located at 2870 Corral Canyon Road, Malibu, Los Angeles County (JCJ-V). [APPROVED WITH CONDITIONS] **Building site is on a ridgeline.**

Jan. 2007: Application No. 4-06-003 (Kontgis, Los Angeles County) Application of William and Patricia Kontgis to construct a **32 ft. high, two-story, 4,650 sq. ft. single family residence** with attached 730 sq. ft., three car garage; retaining walls, septic system, pool, driveway, turnaround; water tank; approximately 600 cu. yds. of grading (all cut); and lot line adjustment at 22766 Saddlepeak Road, Topanga, Los Angeles County. (MCH-V). [APPROVED WITH CONDITIONS] **Located on a ridgeline. 307 feet from scenic route (Saddle Peak).**

Feb. 2007:

Application No. 4-05-144 (Sharma, Malibu) Application of Anil Sharma to construct **two story, 27-ft. high, 7,645 sq. ft. single family residence** with attached 724 sq. ft. three-car garage, pool, septic system, re-grade/restore as-built approximate 446 sq. ft. secondary building pad, including 7,820 cu. yds. of grading (2,150 cu. yds. of cut and 775 cu. yds. of fill, and 4,895 cu. yds. of as-built cut grading) and as-built access driveway with turnaround located at 23244 Paloma Blanca Drive, Malibu, Los Angeles County (JCJ-V) [APPROVED WITH CONDITIONS] **171' from a scenic route (Rambla Pacifica)**

Application 4-06-022 (Parker, Los Angeles County). Application of Andrew and Arlette Parker to construct a **32 ft. high, two story 1,152 sq. ft. single family residence** with attached 470 sq. ft. garage, retaining walls, driveway, and turnaround at 19942 Valley View Drive, Topanga, Los Angeles County. (MCH-V) **[moved to consent calendar - APPROVED WITH CONDITIONS]. Located within a scenic element area.**

Mar. 2007: Application 4-06-094 (Barrett, Los Angeles County). The applicant proposes to construct a **three story, 32 foot high, 4,886 sq. ft. single family residence** with attached 504 sq. ft. garage, pool, septic system, water well, retaining walls, driveway, turnaround, vineyards, and approximately 1,740 cu. yds of grading (1,630 cu. yds cut and 110 cu. yds fill. The applicant also proposes to abandon an unpermitted trail leading from the residence to the west side of the property. (MCH-V). [APPROVED WITH CONDITIONS] **Located on a secondary ridgeline, staff requested a reduction to a height of 26 feet. Located within 370' of a scenic route (Mulholland Highway)**

Apr. 2007: Application No. 4-05-141 (Biebuyck, Calabasas) Application of Jeff Biebuyck to construct **4,607 sq. ft., 28 ft. high, two-story single family residence** with attached 230 sq. ft. garage; 256 sq. ft. covered patio; detached 650 sq. ft., 24 ft. high garage with 600 sq. ft. guest house on second floor; 145 sq. ft. covered patio; pool and spa; retaining wall; drainage swales, driveway, septic system, temporary construction trailer, 4,783 cu. yds. of grading (3,756 cu. yds. cut; 1,027 cu. yds. fill) and 620 cu. yds. of additional grading for removal and recompaction; and restoration and revegetation of

as-built graded area at 24677 Dry Canyon Cold Creek Road, Calabasas, Los Angeles County (JCJ-V) [APPROVED WITH CONDITIONS] **Located within 329' of a scenic route (Mulholland Highway).**

Jun. 2007: Application 4-06-132 (Zadeh and Esplana, Los Angeles Co.) Application of Kianoush Zadeh and Lisa Esplana to **construct 35-ft high 3,991 sq. ft. single family home, attached 1,135 sq. ft. 2-car garage** and storage area, septic system, water well, water tank, improvements to dirt road, driveway, and turnaround, at 24803 Piuma Road, Malibu, Los Angeles County. (MCH-V) [APPROVED WITH MODIFICATIONS] **Stays along the Piuma Ridgeline. Staff recommended the elimination of the fifth story as a condition of approval. Directly adjacent to a scenic route (Piuma Road)**

Aug. 2007: Application 4-06-138 (Khalsa, Los Angeles County). Application of Jai Pal S. Khalsa, Didar S. Khalsa, and Siri Karm K Khalsa to **construct 5,279 sq. ft., two story, 31 ft. high single family home** with 800 sq. ft. garage; septic system; driveway; landscaping, pool, spa, decks, retaining walls, and 1,800 cu. yds. of grading at 24563 Piuma Road, Malibu, Los Angeles County. (MCH-V) [APPROVED WITH CONDITIONS, moved to Consent Calendar] **One condition was to reduce the height from 31 feet to 26 feet. Its on a ridgeline, but the issue is with viewing locations. Directly adjacent to a scenic route (Piuma Road) and within a scenic element area.**

Nov. 2007

Application No. 4-05-195 (Elliston, Malibu) Application of Doug and Diane Elliston to **construct 3,000 sq. ft., two story 28 ft.-high, single family residence** with a detached 682 sq. ft. two car lower level garage and 475 sq. ft. upper floor guest house, decks and balconies, driveway, septic system, gas tank, and 560 cu. yds. of grading (280 cu. yds. of cut and 280 cu. yds. of fill) at Ingleside Way and Coolglen Way, Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS, moved to consent calendar] **Located within 200' of a scenic route (Corral Canyon).**

Application No. 4-06-101 (Gray, Los Angeles Co.) Application of Terry Gray to **construct 6,473 sq. ft., 27-ft. high residence with attached 1,266 sq. ft. garage,** driveway, Fire Department turnaround, water storage tank, septic system, retaining walls, and 3,584 cu. yds. grading (1,472 cu. yds. cut and 2,112 cu. yds. fill,) at 34221 Mulholland Highway, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS, moved to consent calendar] **Adjacent to if not directly on, significant ridgeline. Directly Adjacent to a scenic route (Mulholland Hwy). Within a scenic element area.**

Application No. 4-06-102 (Early, Los Angeles Co.) Application of Mary Early to **construct 6,473 sq. ft., 27-ft. high residence with attached 1,266 sq. ft. garage,** driveway, Fire Department turnaround, septic system, retaining walls, and 2,702 cu. yds. grading (2,667 cu. yds. cut and 35 cu. yds. fill) at 34217 Mulholland Highway, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS, moved to consent calendar]. **Near, if not directly on, significant ridgeline. Directly Adjacent to a scenic route (Mulholland Hwy). Within a scenic element area.**

Application No. 4-07-14 (Lane & Blake, Malibu) Application of Marc Lane and Samantha Blake to **construct 4,771 sq. ft., three story, single family residence with attached 1,917 sq. ft. basement garage**, solar photovoltaic panels 700 ft. long partially paved driveway, septic system, water tank, terraced gardens and landscaping, fire wall and fence, remove fence, and temporary residential trailer, 2 storage containers, and 2,320 cu. yds. of grading (1,160 cu. yds. of cut and 1,160 cu. yds. of fill) at 24071 Hovenweep Lane, Malibu, Los Angeles County. (JCJ-V) [APPROVED WITH CONDITIONS] **Located at the crest of a ridgeline. A condition was approved setting the maximum height to 28 feet. Within 450' of a scenic route (Saddle Peak).**

Jan. 2008: Application No. 4-07-25 (Kingslow, Los Angeles Co.) Application of Yong Kingslow to **construct 2-story, 27-ft. tall, 2,280-sq. ft. single family home** with attached garage, septic system, auto court, pool, retaining walls, landscaping, and 710 cu. yds. of grading (690 cu. yds. of cut, 20 cu. yds. of fill) including removal of 174 linear ft. perimeter fence and 408 sq. ft. solar panel array on southwestern portion of property, at 330 Costa Del Sol Way, Los Angeles County. (JF-V) **[Moved to Consent Calendar, APPROVED WITH CONDITIONS]** **Directly on a significant ridgeline. Within 300' of a scenic route (Puma Road) and within a scenic element area.**

Mar. 2008: Application No. 4-04-103 (Wave Enterprise, Los Angeles Co.) Application of Wave Enterprise to construct **2 story 35-ft. high 7,129 sq. ft. single family home** with attached 911 sq.ft. 3-car garage, 720-ft. driveway, septic system, pool/spa, and retaining walls, at 2520 Marby Drive, Malibu, Los Angeles County. (JJ-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **Located directly on a significant ridgeline.**

Apr. 2008: Application No. 4-07-001 (Hoang, Los Angeles Co.) Application of Bao Hoang to construct **2-story 35 ft. tall 3,045 sq. ft. single family home** with 5-car lower level garage and storage space, driveway, septic system, water well, retaining walls, and 1,100 cu. yds. of grading (690 cu. yds. cut and 320 cu. yds. fill) at 2388 Mar Vista Ridge Road, Malibu, Los Angeles County. (AT-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **"The subject property is located on steep slopes on a southern face of a prominent ridgeline in the Solstice Canyon Watershed."** **Located directly on a significant ridgeline.**

Jun. 2008: Application No. 4-06-167 (Kinyon, Los Angeles Co.) Application of Barry Kinyon to construct **2-story, 35 ft., 4,977 sq.ft. single family home** with 2 car garage, driveway, septic system, 1409 cu. yds. of grading (946 cu.yds. cut & 463 cu.yds. fill) at 24775 Saddle Peak Road, Malibu, Los Angeles County. (AT-V) **[APPROVED WITH CONDITIONS, moved to Consent Calendar]** **Directly adjacent to a scenic route (Saddle Peak).**

Jul. 2008: Application No. 4-07-157 (Conn, Los Angeles Co.) Application of Gail Conn to **construct 3-story 35-ft. high 3,486 sq.ft. single family home** with attached garage, deck, pool, driveway, septic system, landscaping, retaining walls, and 367 cu.yds of

grading (101 cu.yds. of cut, 266 cu.yds. of fill), at 24744 Saddle Peak Road, Los Angeles County (JF-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] “*A significant east-west ridgeline lies north of the subject property and south of the Backbone Trail. The final elevation of the proposed residence would be below the elevation of this ridgeline; therefore, the proposed residence would not be visible by members of the public utilizing the Backbone Trail. The project site is located at the top of a ridge crest that is visible from Piuma Road, a designated scenic highway in the Malibu Land Use Plan. However, the proposed residence would not significantly alter the existing visual resources in the area.*” **Directly adjacent to a scenic route (Saddle Peak).**

Application No. 4-07-126 (Mitchell, Los Angeles Co.) Application of Ian Mitchell to **construct 2-story 30-ft. tall, 3,021 sq. ft. single family home**, 755 sq. ft. attached garage, 65’ x 15’ bridge, driveway, retaining walls, septic system, and 510 cu.yds. grading (50 cu.yds. cut and 460 cu.yds. fill), at 869 Old Topanga Canyon Road, Topanga, Los Angeles County. (AT-V) [APPROVED WITH CONDITIONS] **Located directly on a scenic route (Old Topanga).**

Sep. 2008: Application No. 4-06-89 (Richardson, Los Angeles Co.) Application of Harold Richardson to construct **2 story 24-ft. high 3,660 sq.ft. single family home** with attached 795 sq.ft. 3 car garage, underground water tank, septic system, 450-ft. long driveway with turnaround area, temporary construction trailer and residential mobile home, restore and replant about 200 lineal feet of existing driveway retaining 10-ft. wide maintenance driveway, restore and replant about 400 lineal feet of existing driveway and 6,609 cu.yds. of cut, 6,609 cu.yds. to be exported to offsite disposal site, at 21310 Saddle Peak Road, Topanga, Los Angeles County. (JJ-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Mention of ridgeline view preservation, but not a major issue toward approval. Located directly on a significant ridgeline and directly adjacent to a scenic route (Saddle Peak).**

Oct. 2008: Application No. 4-07-111 (Basile, Los Angeles Co.) Application of Arthur and Laura Basile to construct **2-story 2,790 sq.ft. single-family home**, 660 sq.ft. detached garage with 660 sq.ft. upstairs guest unit, reflecting pool, septic system, retaining walls, driveway, and 1,810 cu.yds. of grading (1,250 cu.yds. cut, 560 cu.yds. fill), at 2315 S. Rambla Pacifico (25540 Mansie Lane), Santa Monica Mountains, Los Angeles County. (DC-V) [Moved to Consent Calendar, APPROVED WITH CONDITIONS]. **Located directly adjacent to a scenic route (Rambla Pacifico).**

Nov. 2008: Application No. 4-08-011 (Chelberg, Los Angeles Co.) Application of Kimberly Chelberg to **construct 2-story, 35-ft. high, 2,020 sq.ft. single family home** with attached 755 sq.ft. 3-car garage, septic system, 30-ft. long driveway, temporary construction trailer, 190 cu.yds. of cut, 77 cu.yds. of fill with remainder exported offsite, at 26540 Ocean View Drive, Malibu, Los Angeles County. (JJ-V) [APPROVED WITH CONDITIONS] **Located on significant ridgeline and within 200’ of a scenic route (Latigo Canyon).**

Dec. 2008

Application No. 4-06-109 (Sandron, Los Angeles Co.) Application of Alessandra Sandron to **construct a 3 story, 5,704 sq.ft., 35 ft. high, single family home, detached garage with second floor guest unit**, driveway, septic system, pool, and 1,600 cu.yds. of grading, at 21941 Saddle Peak Road, Topanga, Los Angeles County. (AT-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] “The property is physically divided into two main sections by a 44 foot wide easement that traverses the site along a narrow prominent east-west trending ridgeline. The site consists of a relatively narrow ridgeline and steeply descending hillside terrain, with immediately adjacent slopes ranging from 1:1 to 2:1.” **Located directly on a significant ridgeline and directly adjacent to a scenic route (Saddle Peak).**

Application No. 4-07-106 (Turcios, Los Angeles Co.) Application of Jose Turcios to construct **35-ft. high, 4,759 sq.ft. single-family home, 822 sq.ft. attached garage**, 719 sq.ft. veranda, pool, septic system, extension of Maliview Drive access road, driveway, 2 gates, retaining walls, and 10,950 cu.yds. of grading (5,500 cu.yds. cut, 5,450 cu.yds. fill), at 25710 Mulholland Highway, Santa Monica Mountains, Los Angeles County. (DC-V) [APPROVED WITH CONDITIONS] “The proposed 35 ft. high, 4,759 sq. ft. single-family residence with attached garage is situated on a hillside slope below a secondary ridgeline in the northwestern corner of the subject property.” **Located directly adjacent to a scenic route (Mulholland Hwy.)**

Jan. 2009

Application No. 4-06-018 (Bonenfant, Los Angeles Co.) Application of Dan Bonenfant to construct **2-story 35 ft. 2,030 sq.ft. single-family home** with attached 600 sq.ft. 3 car garage, 2,546 sq.ft. balconies/deck, driveway, retaining walls, septic system, drainage improvements, and 188 cu.yds. of cut grading with 188 cu.yds. of export to a disposal site, at 4111 Maguire Drive, Malibu Vista Small Lot Subdivision, Los Angeles County. (JJ-V) [APPROVED WITH CONDITIONS, **moved to Consent Calendar**] **Located within 80’ of a scenic route (Latigo Canyon)**

Feb. 2009: Application No. 4-07-132 (Bersohn, Los Angeles Co.) Application of David Bersohn to construct **3,003 sq.ft. 26-ft. high single family home, 720-ft. under house carport and workshop, 150 sq.ft. pump house with solar array**, water tank, driveway, septic system, outdoor patio, temporary construction trailer, and 1,625 cu.yds. of grading (1,279 cu.yds. cut and 346 cu.yds. fill) at 24810 Piuma Road, Malibu, Los Angeles County. (AT-V) [APPROVED WITH CONDITIONS] “The general topography of the southern site, where the residence is proposed to be located, is a ridgeline with moderate south and southwest facing slopes and steep erosional slopes occurring on the north and east boundaries of the site.” **Located on significant ridgeline and directly adjacent to scenic route (Piuma Road).**

Mar. 2009: Application No. 4-08-061 (April’s Trust, Los Angeles Co.) Application of April’s Trust to construct **28-ft. high, 1,960 sq. ft. single-family home** with 420 sq. ft. attached garage, deck, driveway, septic system, and Fire-Department access stairs at 799 Latigo Canyon Road, Santa Monica Mountains, Los Angeles County. (DC-V)

[APPROVED WITH CONDITIONS]. **Located directly adjacent to a scenic route (Latigo Canyon).**

Application No. 4-08-080 (Horsted, Los Angeles Co.) Application of Eric Horsted to construct **2-story, 35 ft. high, 5,788 sq. ft. single family home with 680 sq. ft. attached garage**, 123 sq. ft. balcony, swimming pool, septic system, driveway, retaining walls, 1,070 cu. yds. grading (680 cu. yds cut, 390 cu. yds fill), and request for after-the-fact approval for creation of subject lot that is proposed project site, at 2118 Rockview Terrace, Santa Monica Mountains, Los Angeles County. (DC-V) [**moved to Consent Calendar**, APPROVED WITH CONDITIONS]. **Located on a significant ridgeline and within 360' of a scenic route (Saddle Peak).**

Nov. 2009: Application No. 4-08-083 (Dell'Acqua, Los Angeles Co.) Application of Carlos Dell 'Acqua to construct **2-story, 35-ft. high, 1,000 sq.ft. single family home** and detached 404 sq.ft. 2-car garage with 1200 gallon septic system, entry bridge, and attached terrace and 25 cu. yds. of grading at 3015 Sequit Drive, Malibu, Los Angeles County. (ADB-V) [**moved to Consent Calendar**, APPROVED WITH CONDITIONS] "The residence is designed to be stepped into the hillside and it does not break the ridgeline" **Located within 480' of a scenic route (Corral Canyon).**

Nov. 2010: Application No. 4-07-122 (Arrow, Los Angeles Co.) Application of Alex Arrow to construct **3-story 35-ft. high 1,979 sq.ft. single-family home** with attached 748 sq.ft. 3-car garage, 1,282 sq.ft. balconies/decks, driveway, retaining walls, septic system, drainage improvements, and 22 cu.yds. of cut grading with 22 cu.yds. of fill, located at 26557 Ocean View Drive, Malibu Vista Small Lot Subdivision, Malibu, Los Angeles County. (JJ-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Located within 170' of a scenic route (Latigo Canyon).**

Dec. 2010: Application No. 4-10-027 (Finn, Los Angeles Co.) Application of Gregory Finn to construct **2-story, 32-ft. high, 2,229 sq.ft. single family home** with attached 2 car, 457 sq.ft., garage, supported on columns to allow main floor level and garage to exist at grade with Schueren Road, remove two 13,260 sq.ft. tennis courts and block wall, 20,900 cu.yds. of remedial grading, (10,091 cu.yds. of cut, 10,809 cu.yds. of fill), 2 solar panel arrays totaling 425 sq. ft., 600 sq.ft. potting shed, and septic system, located at 570 Schueren Road, Malibu, Santa Monica Mountains, Los Angeles County (JJ-V). [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] **Located a significant ridgeline and directly adjacent to a scenic route (Shueren Road).**

Jan. 2011: Application No. 4-10-034 (Duong, Los Angeles Co.) Application of Hinh Duong to construct **2-story, 35 ft. high, 768 sq.ft. single family home** with attached 370.5 sq.ft., 2-car garage, 558 sq.ft. rooftop patio, 583 sq. ft. of deck space, private 1,500 gal. septic system, and 565 cu.yds. of grading (185 cu.yds. of cut, 380 cu.yds. of fill, and 195 cu.yds. of import), 4043 Latigo Canyon Road, Malibu, Los Angeles County. (ADB-V) [**Moved to Consent Calendar**, APPROVED WITH CONDITIONS] "The residence is designed to be stepped into the hillside and it does not break any nearby ridgelines." **Located directly adjacent to a scenic route (Latigo Canyon).**

February 2011: 4-02-220 A1 (Markham) 780 Schueren Rd., Malibu, CA 90265: **3752 sq. ft. 2 story 26' tall SFR** w pool and spa & 3827 cy cut; Previous permit (Sweeney) approved a 7,665 Sq. ft. SFR with 865 sq. ft. garage, pool and Jacuzzi. **Note: Project is located on a designated scenic route and is directly adjacent to scenic element—within 500' of Schueren Sandstone peak. Approved on Consent Calendar.**

March 2011: 4-09-037 (Anderson) 2127 Las Flores Rd. Malibu, CA: After-the-fact approval for the creation of the subject parcel and construction of **a three-story, 29 ft. high, 3,974 sq. ft. single-family residence** with a 560 sq. ft. attached three-car garage, decks, driveway, septic system, retaining walls, and 757 cu. yds. of grading (247 cu. yds. of cut, 510 cu. yds. of fill, and 263 cu. yds. of import). **Note: project is located on an LUP/LIP Designated Scenic Route.**

May 2011: 4-10-065 (Tadros) 4315 Ocean View Dr. Malibu, CA 90265: Construction of **a two-story, 35-ft. high, 1,228 sq. ft. single family residence with a 1,258 sq. ft. partially subterranean attached four-car garage**, 1,272 sq. ft. of decks and balconies, driveway, retaining wall, septic system, propane storage tank, and 491 cu. yds. of grading (426 cu. yds. cut, 65 cu. yds. fill) in the Malibu Vista small lot subdivision. **Note: Project is located 100' from Latigo Canyon Road a designated scenic route in the LUP and Proposed LCP and is visible therefrom. Project was approved on Consent Calendar.**

January 2012: 4-10-110 (Foy) 100 Mildas Dr. Malibu, CA 90265: Demolish and remove foundation and slab remnants of a previously existing single family residence and garage and **construct a 6,396 sq. ft., 27 ft. high from existing grade single family residence** with 370 sq. ft. of covered terraces, detached 375 sq. ft., 14 ft. high one car garage, detached 1,645 sq. ft, 22.5 ft. high. accessory structure (750 sq. ft. 2nd story guest house, 4 car 1st floor 895 sq. ft. garage), driveway, pool, septic system, and 2,125 cu. yds. of grading (1,425 cu. yds. cut and 700 cu. yds. fill) and storage of a temporary 168 sq. ft. construction trailer. **Note: The Project is located on a LACO Mapped Significant Ridgeline, was approved directly on top of a mapped scenic element (Schueren Rd. sandstone outcroppings), is visible from public parklands to the North, and is within a couple hundred feet of Schueren Rd., a scenic route (all resources identified on LACO Scenic Resources Map.). Additionally the BACKBONE TRAIL runs directly through the property. The applicant offered an OTD and the matter was APPROVED ON CONSENT.**

February 2012: 4-10-116 (Sadat, LLC) 4133 Maguire Dr., Malibu, CA 90265: Combination of two lots, retirement of development credits of two lots within the Malibu Vista small lot subdivision, and **construction of a two-story, 35-ft. high, 1,734 sq. ft. single-family residence** with 542 sq. ft. attached garage, 1,013 sq. ft. of unenclosed outdoor balconies, driveway, septic tank, seepage pits, retaining walls, and 43 cu. yds. of grading (43 cu. yds. cut). **Note: Project is located aprox. 100' from Latigo Canyon**

Road a designated scenic route in the LUP and Proposed LCP and is visible therefrom. Project was approved ON Consent Calendar.

May 2012:*4-12-018 (Mukherjee) 2515 Hawks Nest Trail, Malibu, CA 90265 (Topanga): Lot IMMEDIATELY Next door to our client. Construct a 2,002 sq. ft., 24 ft. high, two-story single family residence;** a detached 324 sq. ft. two-car carport; retaining wall; driveway; stairway; septic system; temporary construction trailer; hammerhead turnaround; new fire hydrant; minor road improvements to Skyhawk Lane; a new water line; and 741 cubic yards of grading (520 cubic yards of cut and 221 cubic yards of fill). The project also includes the export of all excess cut earth materials (approximately 299 cubic yards of material) to a disposal site located outside the coastal zone and removal of an existing shed. **NOTE: This project is located on the SAME exact significant ridgeline that our client's house is proposed (only a couple hundred feet away): It was APPROVED ON CONSENT. It is also a couple hundred feet away from Tuna Canyon Rd., a designated Scenic Route.**

4-11-063 (Hansson) 850 Schueren Rd. Malibu, CA 90265: *****Construct 7,910 sq. ft., 33.5-ft. high single family home with 5,420 sq. ft. subterranean garage,** pool, spa, septic system, 150-ft. long driveway, 102 ft. long, 0-5 ft. high driveway retaining wall, fire department turnaround, and 4,900 cu. yds. of grading (2,450 cu.yds. cut, 50 cu.yds. fill, and 2,400 cu.yds export). **NOTE: Project is located on Schueren Rd., a designated Scenic Route and is also within a couple hundred feet from the Scheuren rd. Sandstone outcroppings which is a designated scenic element.**

October 2012: 4-12-19 (Bersohn) 24810 Piuma Rd., Malibu, CA 90265: Application of David Bersohn to **construct new 3,003 sq.ft., 26 ft.-high single-family home, 720 ft. under house carport/workshop,** 150 sq.ft. pump house with solar array, 2 water tanks, driveway, retaining walls, septic system, outdoor patio, temporary construction trailer, 20 ft.-long driveway gate, and 2,418 cu.yds. of grading (1,209 cu.yds. cut, 422 cu.yds. fill, and & 767 cu.yds. export) at 24810 Piuma Rd, Malibu, Los Angeles County. (AG-V) **[Moved to Consent Calendar, APPROVED WITH CONDITIONS] NOTE: Project is located on designated Scenic Route (LUP/LCP) is a couple of hundred of feet away from a Designated Public Viewing Area, and is located below a designated significant ridgeline.**

Application No. 4-10-104 (ELN LLC, Malibu) Application of ELN LLC to construct **new 7,913 sq.ft., 3-level, 35 ft.-high single-family home,** swimming pool, septic system, water well, two underground water tanks, underground cistern, fire wall, fire suppression sprinkler system, entry gate, retaining walls, improvements to 1.18 miles of existing access road, and 16,750 cu.yds. of grading (12,250 cu.yds. cut, 4,500 cu.yds. fill) at 27835 Borna Dr., Santa Monica Mountains, Los Angeles County. (DC-V) **[APPROVED WITH CONDITIONS] Project was located directly on top of a mapped significant ridgeline.**

In conclusion, our office has provided staff with two separate visual analysis packets. Both assessments demonstrate that the proposed Rydings residence will not be prominently visible from any scenic highway, trail or public lands/viewing area. Additionally, our client's proposed residence is located directly between two existing residences on the same ridgeline (within a matter of feet) and both of those residences are equal to or taller in height than our client's proposed residence. In light of these facts we ask that you reconsider our client's application for approval.

Should you have any questions please do not hesitate to contact us. Thank you in advance for your time and consideration in this matter.

Best Regards,
Schmitz & Associates, Inc.

Christopher M. Deleau, JD, AICP
Special Projects Manager

~~EXHIBIT #1~~



Rydings' Residence

CDP Application No. 4-12-003

Agenda Item Th8a

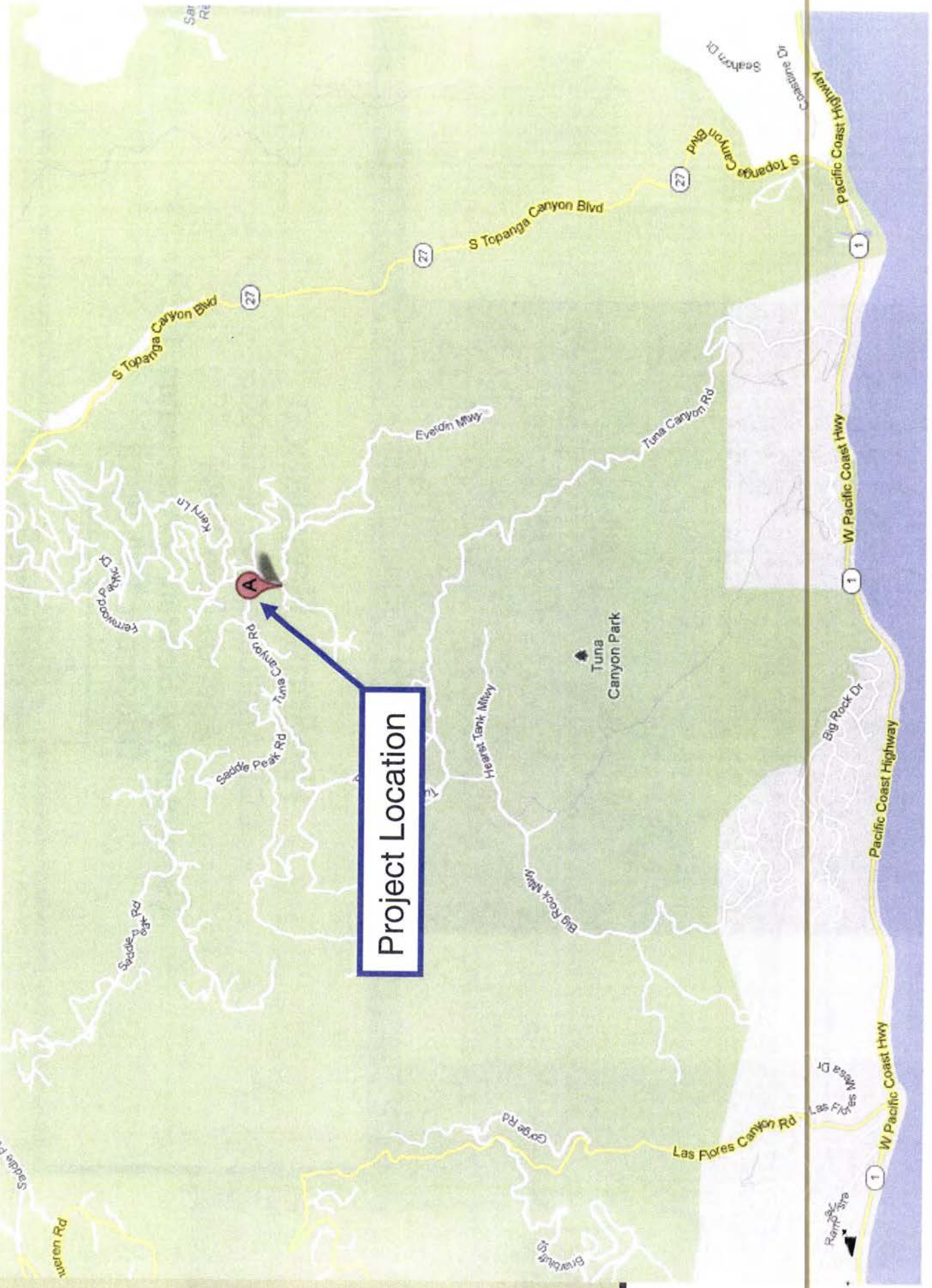
Presented by: Schmitz & Associates, Inc.
December 13th, 2012



Rece
JAN 1
California Coast
South Central

Exhibit 8
Applicant's Representative December
2012 Hearing PowerPoint Presentation
[For a colored electronic version of this
exhibit, go to <http://www.coastal.ca.gov/>]
CDP No. 4-12-003-R

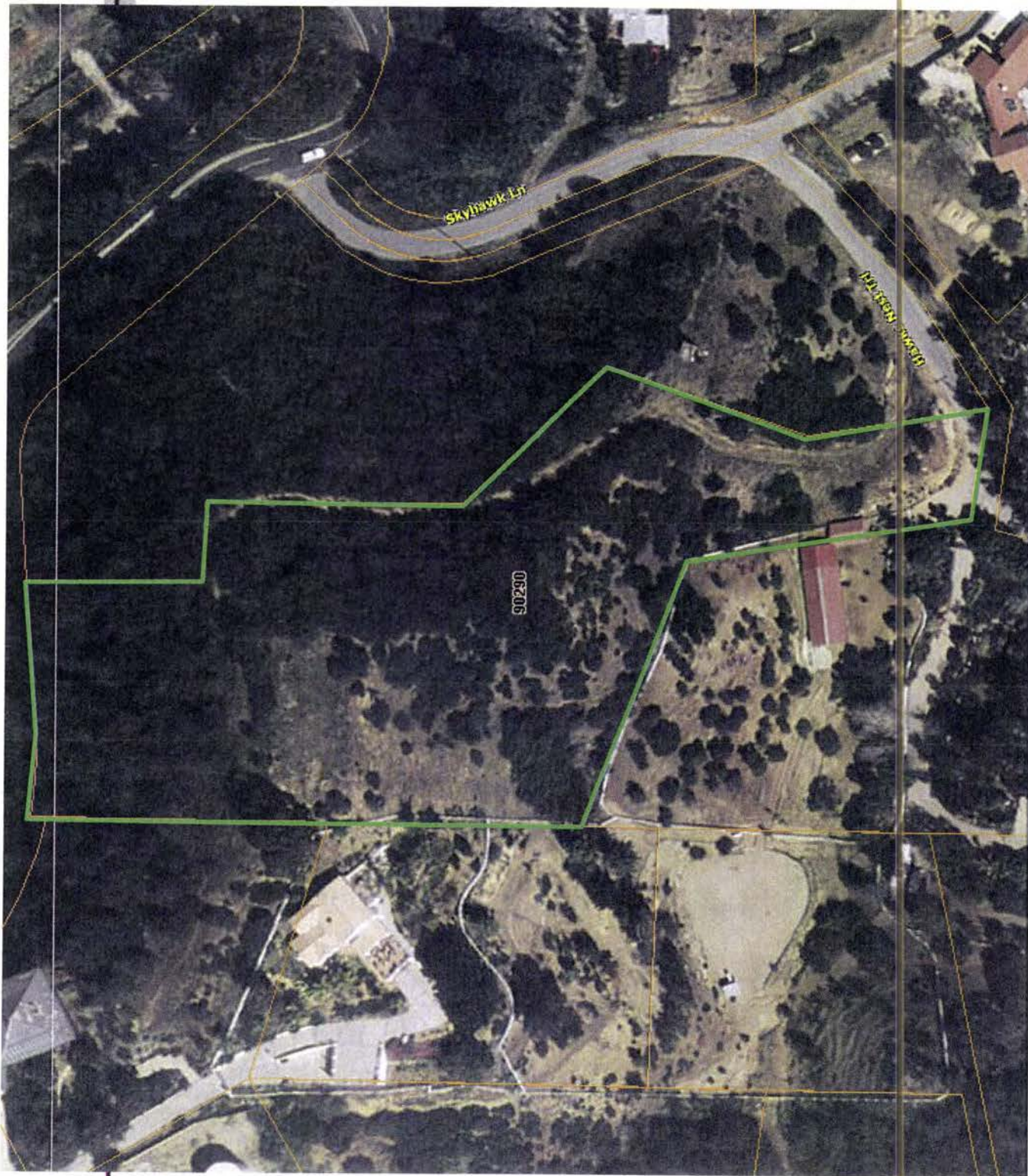
Vicinity Map



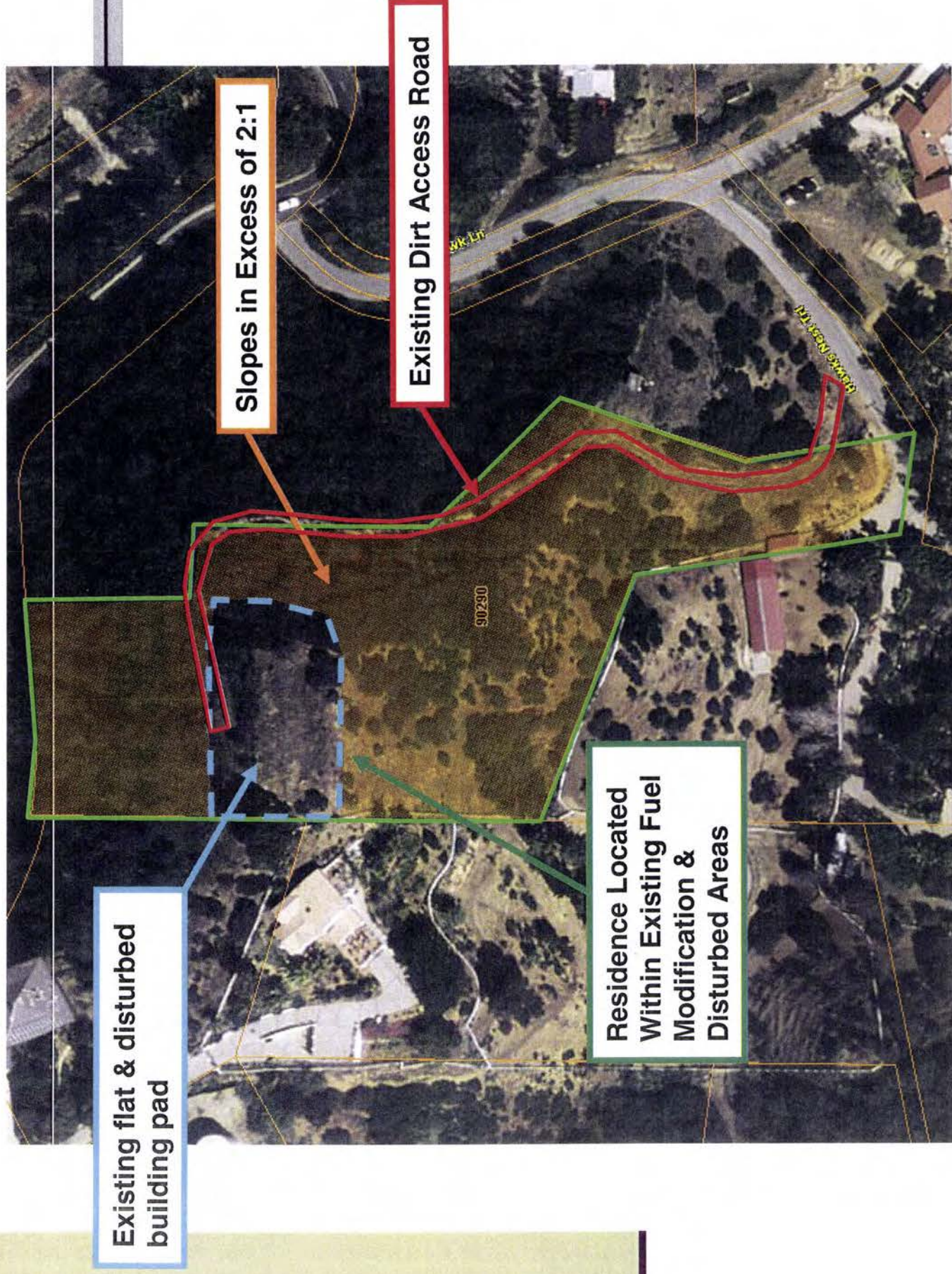
Surrounding Area



Subject Parcel



Subject Parcel Constraints







CCC Approved Neighborhood Development

CCC Staff Report

CDP 4-12-003 (Mark Rydings)

descending to the north, south, and east of the pad. The southernmost portion of the property is within an area designated as "Significant Watershed" area (Tuna Canyon Watershed). The applicant proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), two-story, 26 ft., 8 inch high (as measured from existing grade) single family residence with an attached 815 sq. ft. garage.

Due to the steep hillside terrain on site, the project site is significantly constrained in terms of the potential areas to locate new residential development, and the relatively flat crest of the ridgeline is the most appropriate location for residential development to be located. The residence would be located atop the crest of a significant ridgeline in a scenic area and will be visible from

CDP 4-12-003 (Mark Rydings)

limit the height of structures where the only feasible development site is on the ridgetop. The applicant's letter is discussed in detail on Page 23 of the staff report.

Additionally, the applicant also proposes to plant the steep slopes descending from the building pad with vineyards. The vineyards are proposed on slopes steeper than 3:1, are approximately 150 feet away from the Tuna Canyon Watershed area and will be highly visible from the same scenic highways as the proposed residence noted above. Vineyards and other agricultural uses can have a negative impact on coastal resources, including increased erosion, sedimentation, and slope instability. For these reasons, the Commission in past permit actions has prohibited the conversion of vacant land on slopes steeper than 3:1 to vineyard and other agricultural uses in

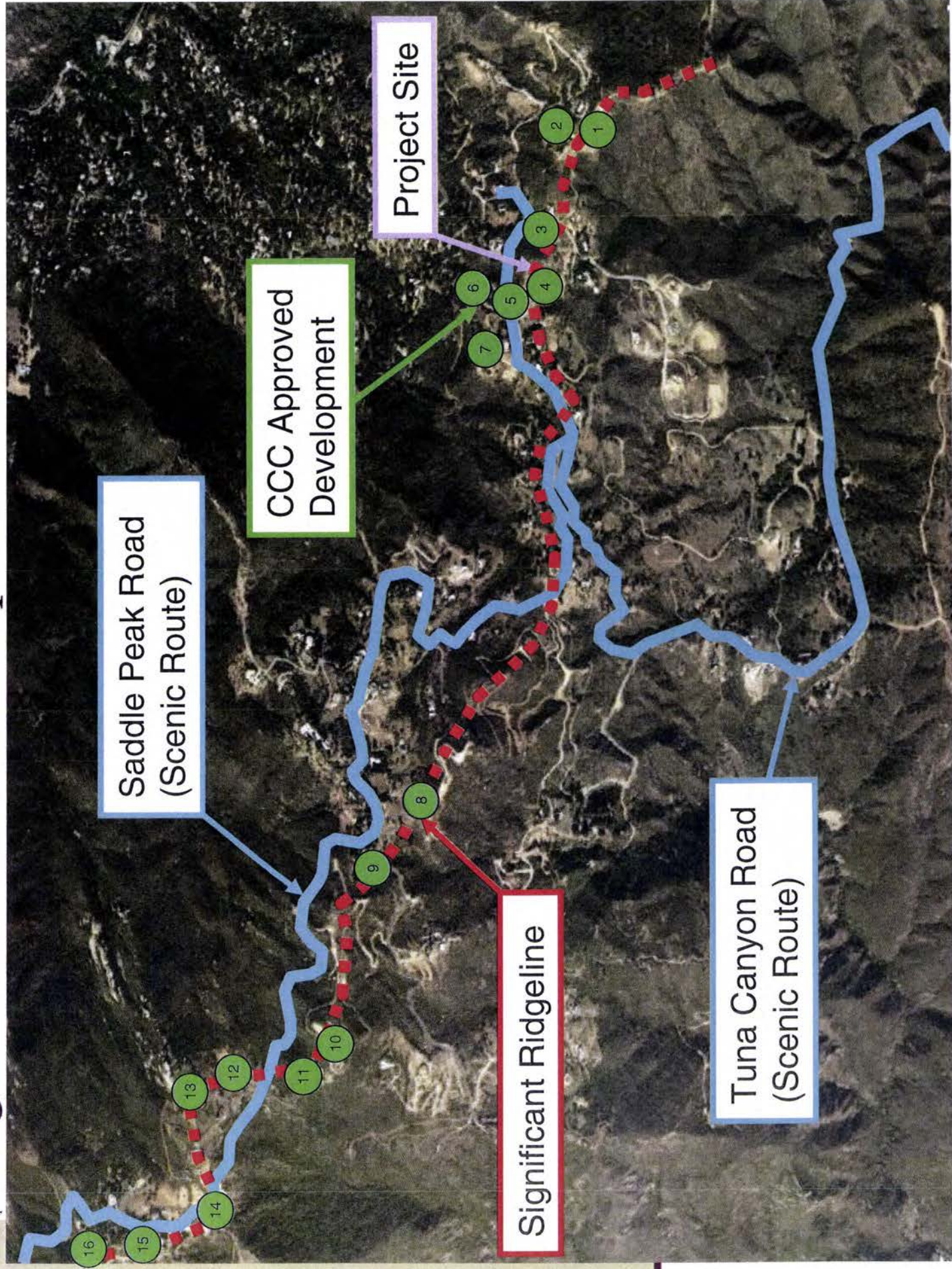
The Commission has required development on significant ridgelines to be located below the ridgetop where feasible and to limit the height of structures where the only feasible development site is on the ridgetop.

As such, Commission staff believes that a feasible design alternative is the reduction of the height of the residence to a single-story above grade (with an additional partially subterranean basement level) such that no portion of the structure is more than 18 feet above existing grade. Reducing the maximum height above existing grade to 18 feet would reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible. As such, to ensure that adverse impacts to visual resources are minimized, Special Condition One (1) requires the applicant to submit revised plans, for the review and approval of the Executive Director, that reduce the height of the residence to a maximum of 18 feet above existing grade.

In response to staff concerns regarding the height of the proposed single family residence, the applicant's representative has submitted an analysis asserting that forty seven (although only 46 examples are included in the letter) previously approved single family residences in the Santa Monica Mountains were previously approved by the Commission within 500 ft. of a "scenic highway" and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project. Staff has reviewed all of the examples provided by the applicant and found that several assertions by

the applicant were found to be incorrect. To the contrary, the Commission has required development on significant ridgelines to be located below the ridgetop where feasible and to

Neighborhood Context Map



20370 Skyhawk Lane:

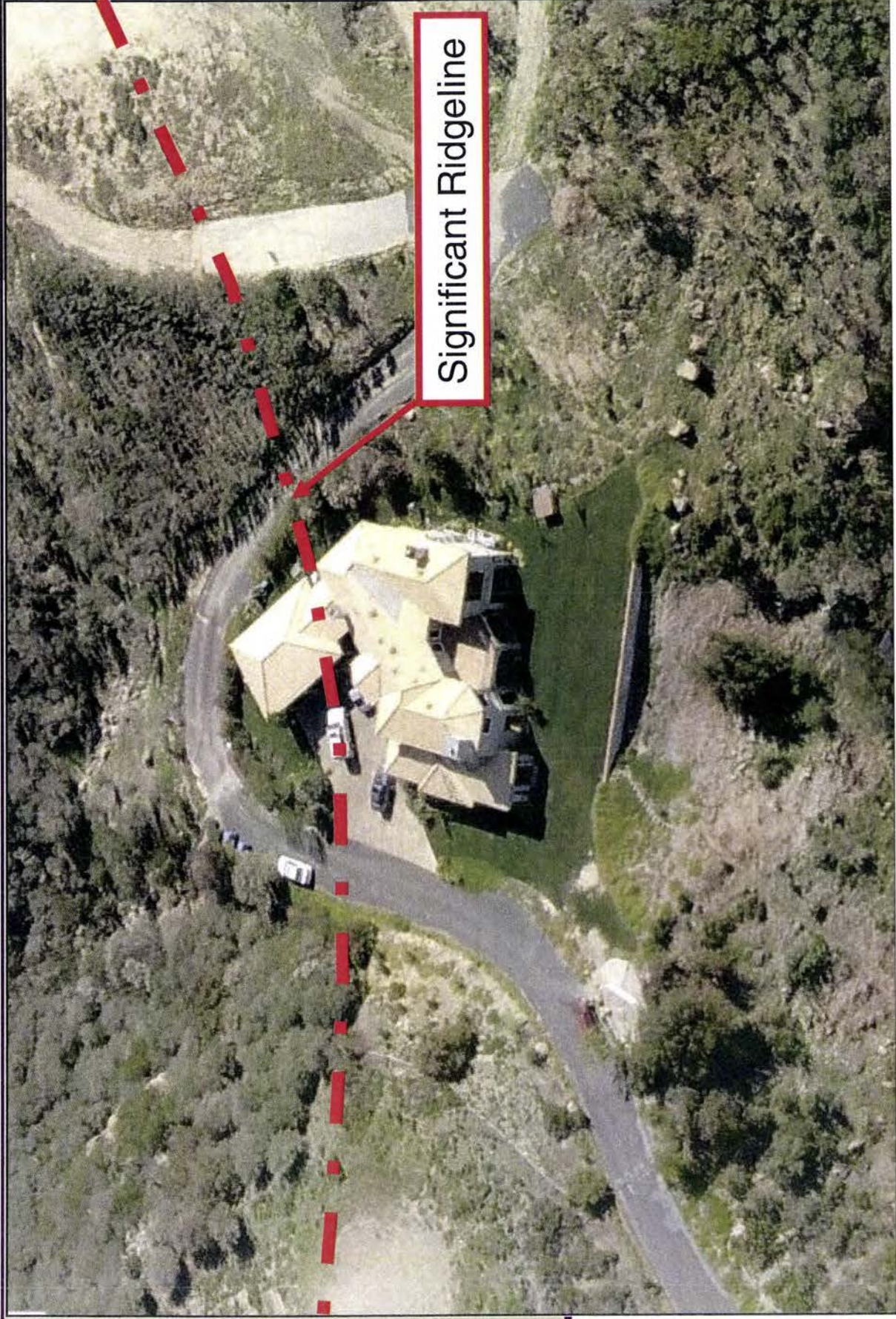
- 1 CDP No. 4-96-162
2 Story, 34' Tall SFR



22766 Saddle Peak Road:

11 CDP No. 4-97-227

2 Story, 31' Tall SFR

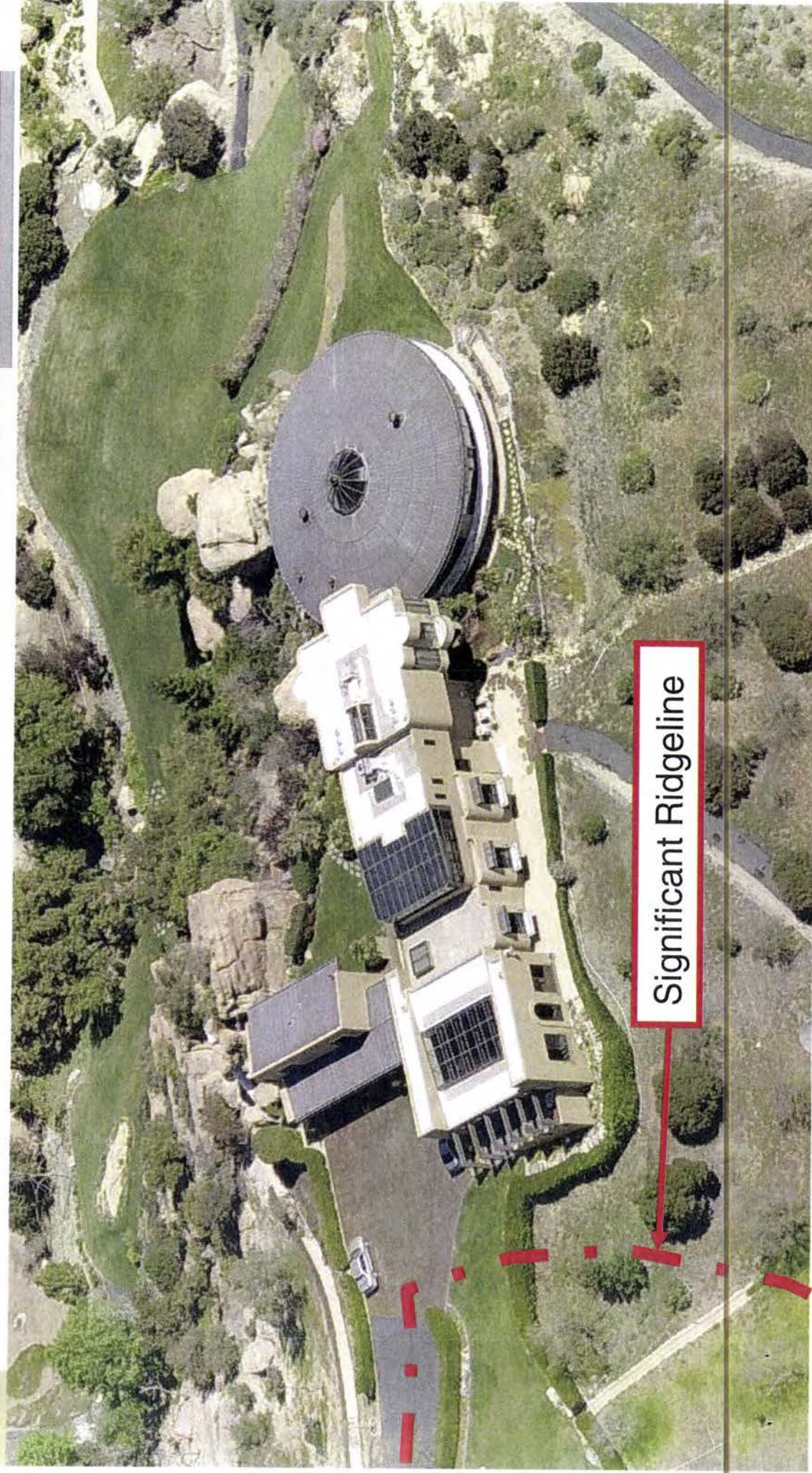


22871 Saddle Peak Road:

CDP No. 4-92-238

12

11,000 Sq. Ft., 2 Story, 35' Tall SFR

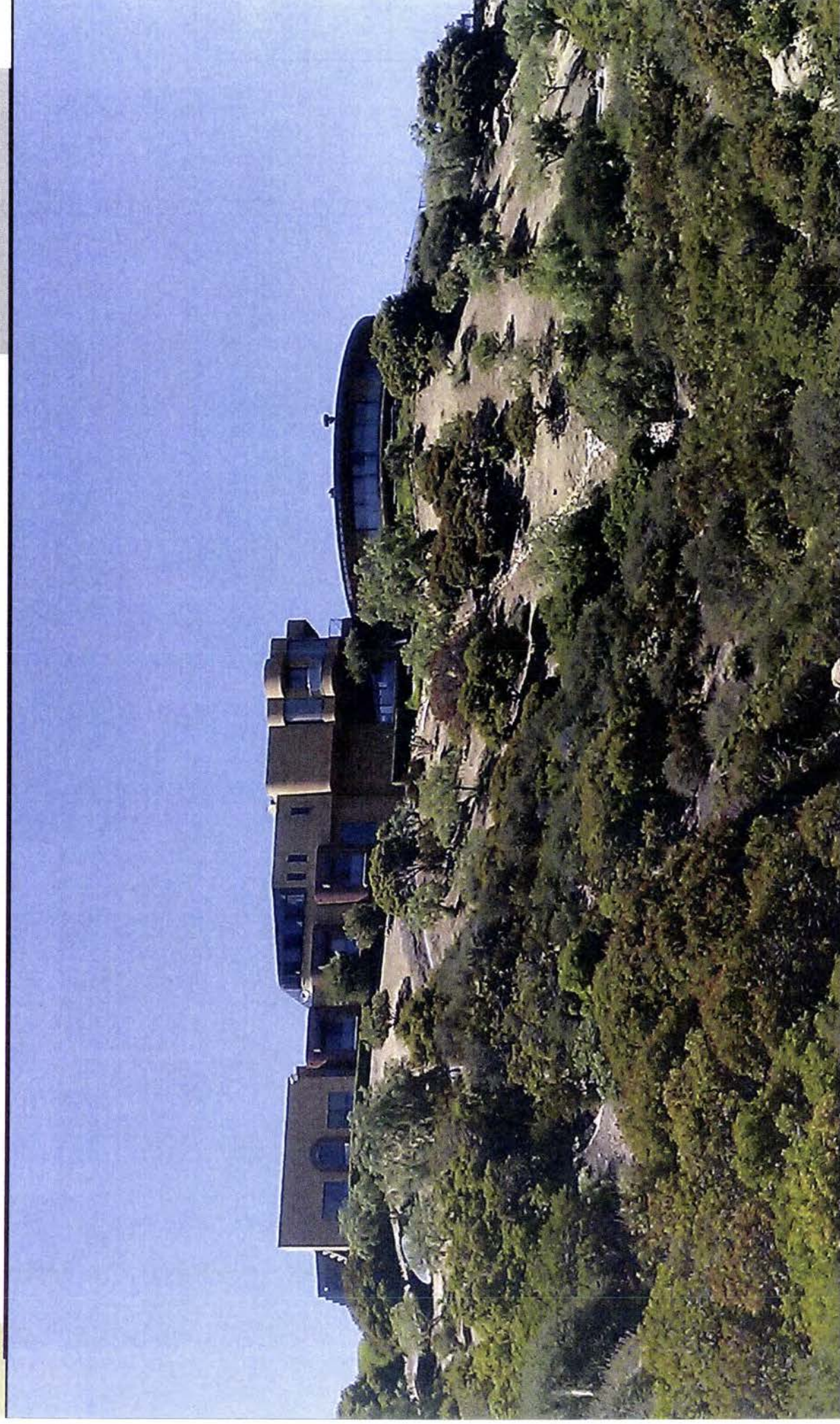


22871 Saddle Peak Road:

CDP No. 4-92-238

12

11,000 Sq. Ft., 2 Story, 35' Tall SFR



23224 Saddle Peak Road:

15

CCC Approved in 1989


2 Story SFR



The Commission has consistently approved two-story residences up to the maximum allowed 35' height directly on the subject significant ridgeline



Significant Ridgeline



CCC Approved Two-Story Betton Way Development

- Be landscaped to conceal raw cut slopes
- Be visually compatible with and subordinate to the character of its setting.
- Be sited so as to not significantly intrude into the skyline as seen from public viewing places.

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

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

The proposed residence will be situated on the crest of an east-west trending LUP-designated "significant ridgeline" and located in a scenic area. ("Significant ridgelines" constitute a scenic resource of the coastal zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and whether they are clearly visible from scenic roads. The area between the scenic roadway and the significant ridgeline is also considered visually sensitive.)

The visual impact of buildings, grading, or merely removing vegetation can be just as dramatic as the natural features themselves. Additionally, the project site will be visible from two LUP-designated "scenic highways," Tuna Canyon Road² and Saddle Peak Road.³ ("Scenic highways" are routes which provide views of highly scenic areas, scenic vistas of the ocean or interior mountains and provide access to major recreational areas.) Additionally, the project site

Project Site

Additionally, the project site will be visible from two LUP-designated "scenic highways", Tuna Canyon Road and Saddle Peak Road

scale of the structure. Commission staff also requested that the mass of the proposed structure be physically depicted by staking the site with story poles. Commission staff conducted two site visits on October 1, 2012, and November 7, 2012, to view the staked site and confirmed that the

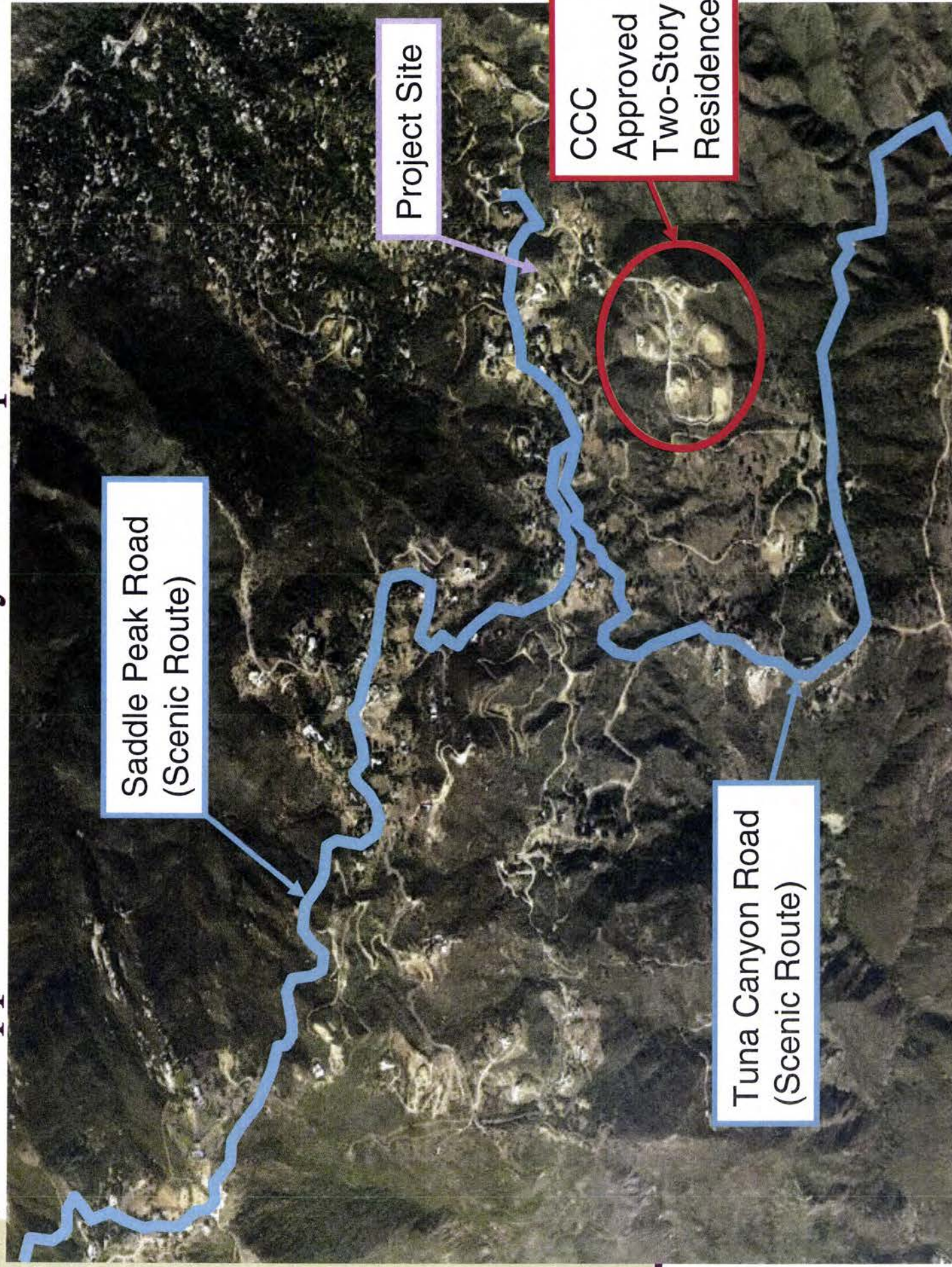
¹ As defined in the Malibu Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982.

² Tuna Canyon Road, runs from PCH to Fernwood Pacifica Drive. This road runs adjacent to a streambed for long stretches, and is often covered by a canopy of lush woodland vegetation. The road winds its way along a canyon wall; parts of the road are very steep and narrow, but affords aesthetic views of the canyon below.

³ Saddle Peak Road, intersects Stunt and Schuere Roads on the west; Tuna Canyon Road on the east. This route also parallels a portion of the Backbone Ridge, offering simultaneous views of the ocean, major canyons, and steep rocky slopes.

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CCC Approved Betton Way Development



CCC Approved Betton Way Development



Project Site

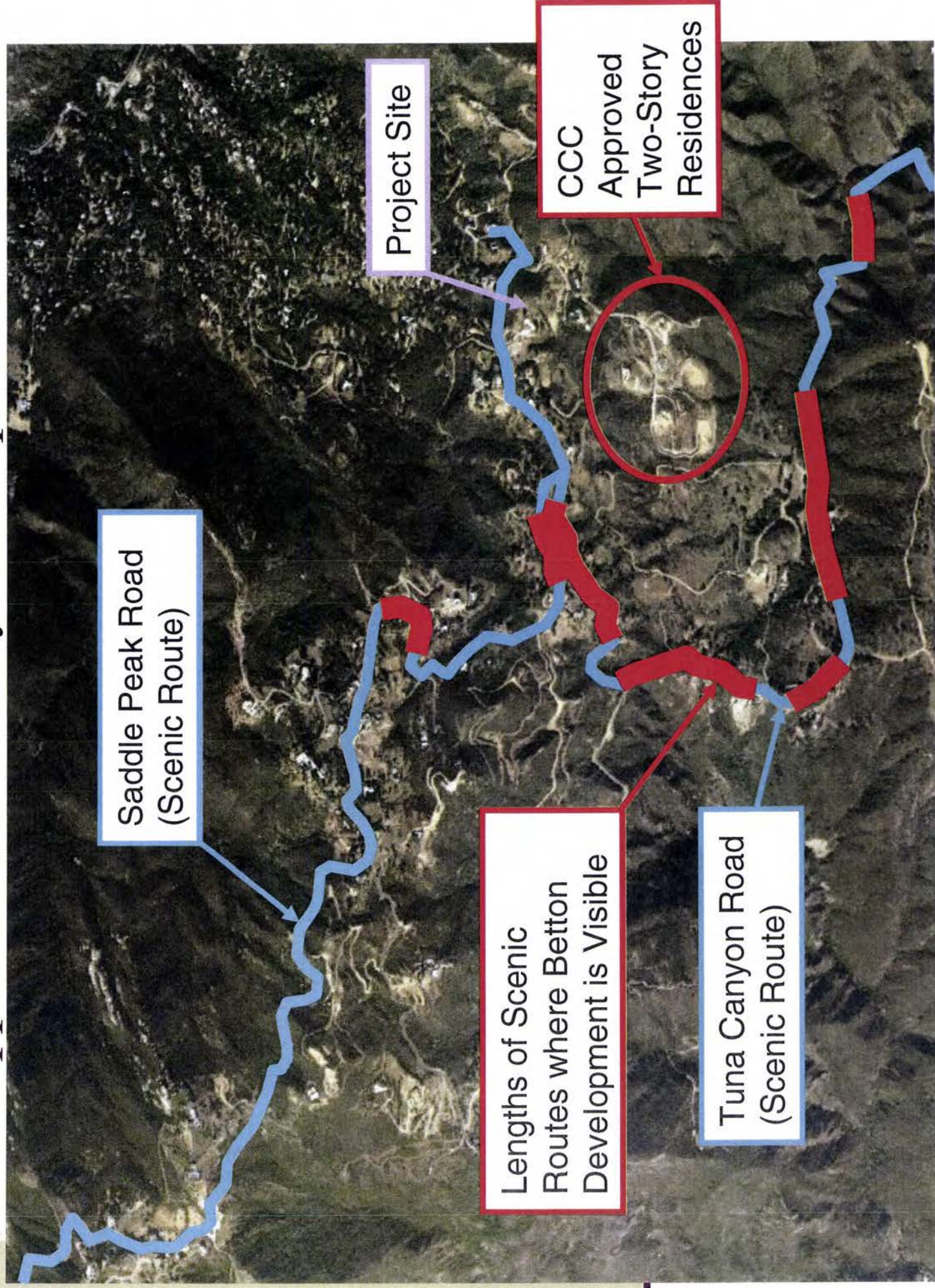
CCC Approved
Two-Story
Development

Tuna Canyon
(Scenic R...)

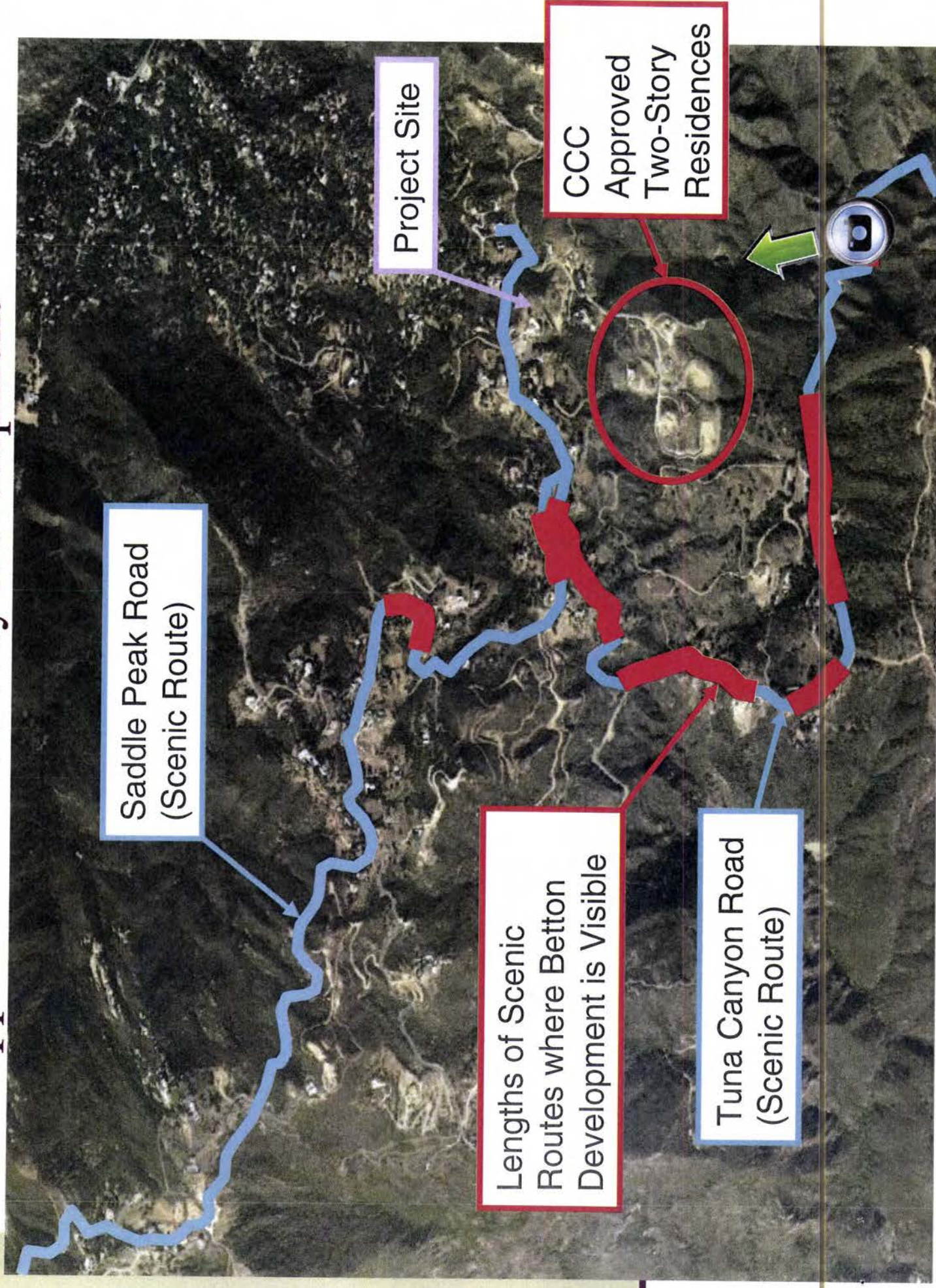
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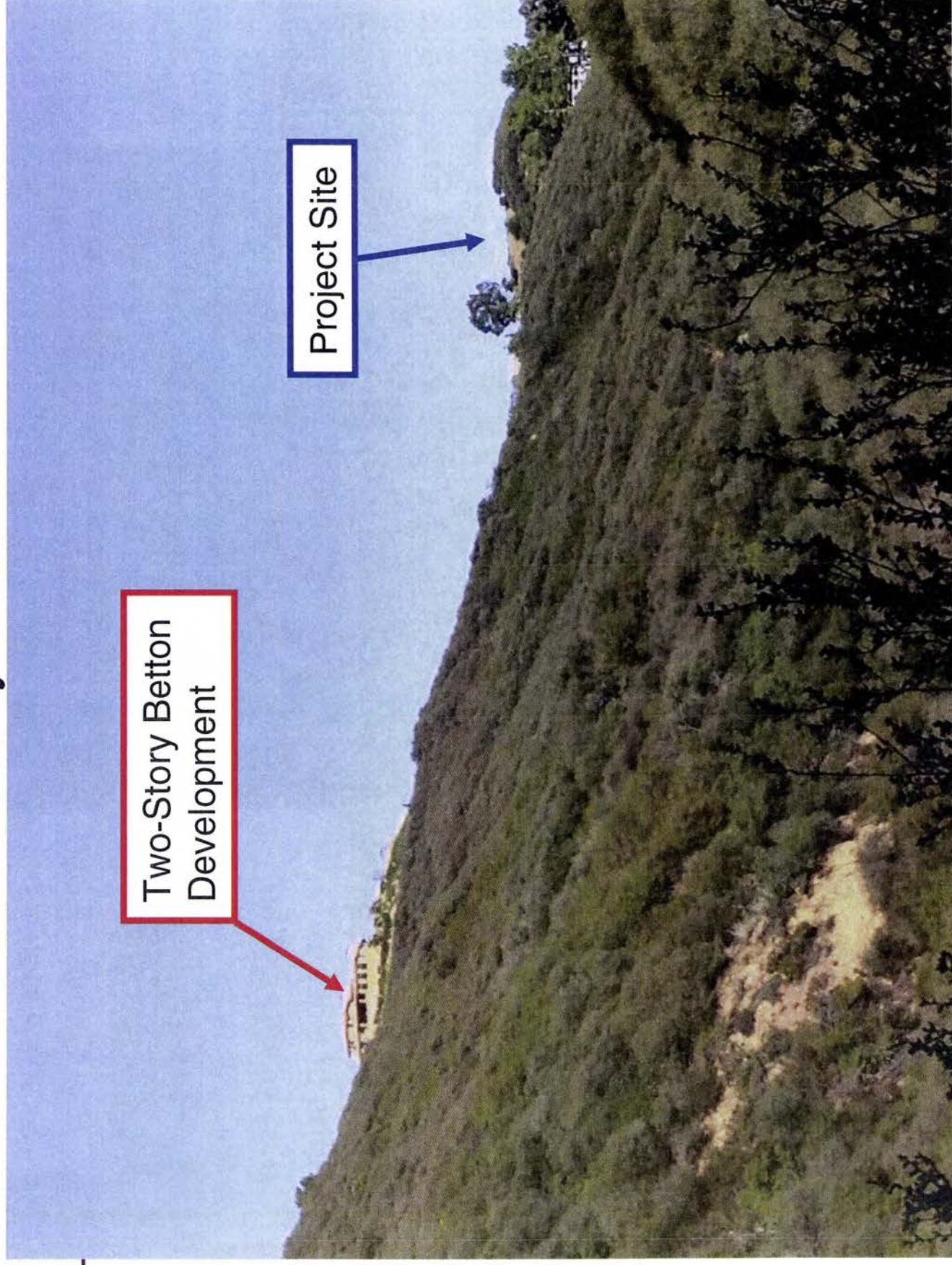
CCC Approved Betton Way Development



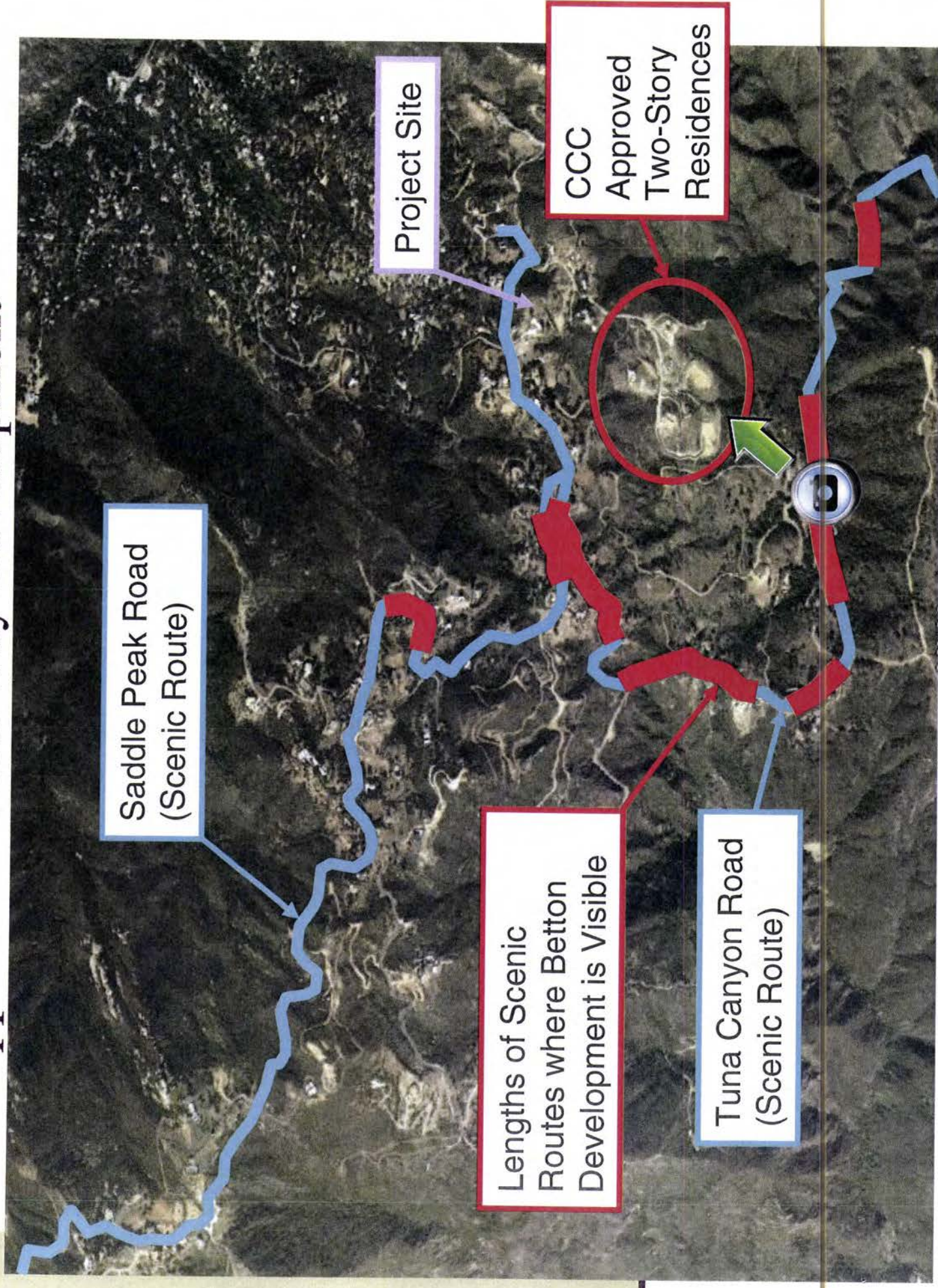
CCC Approved Betton Way Development



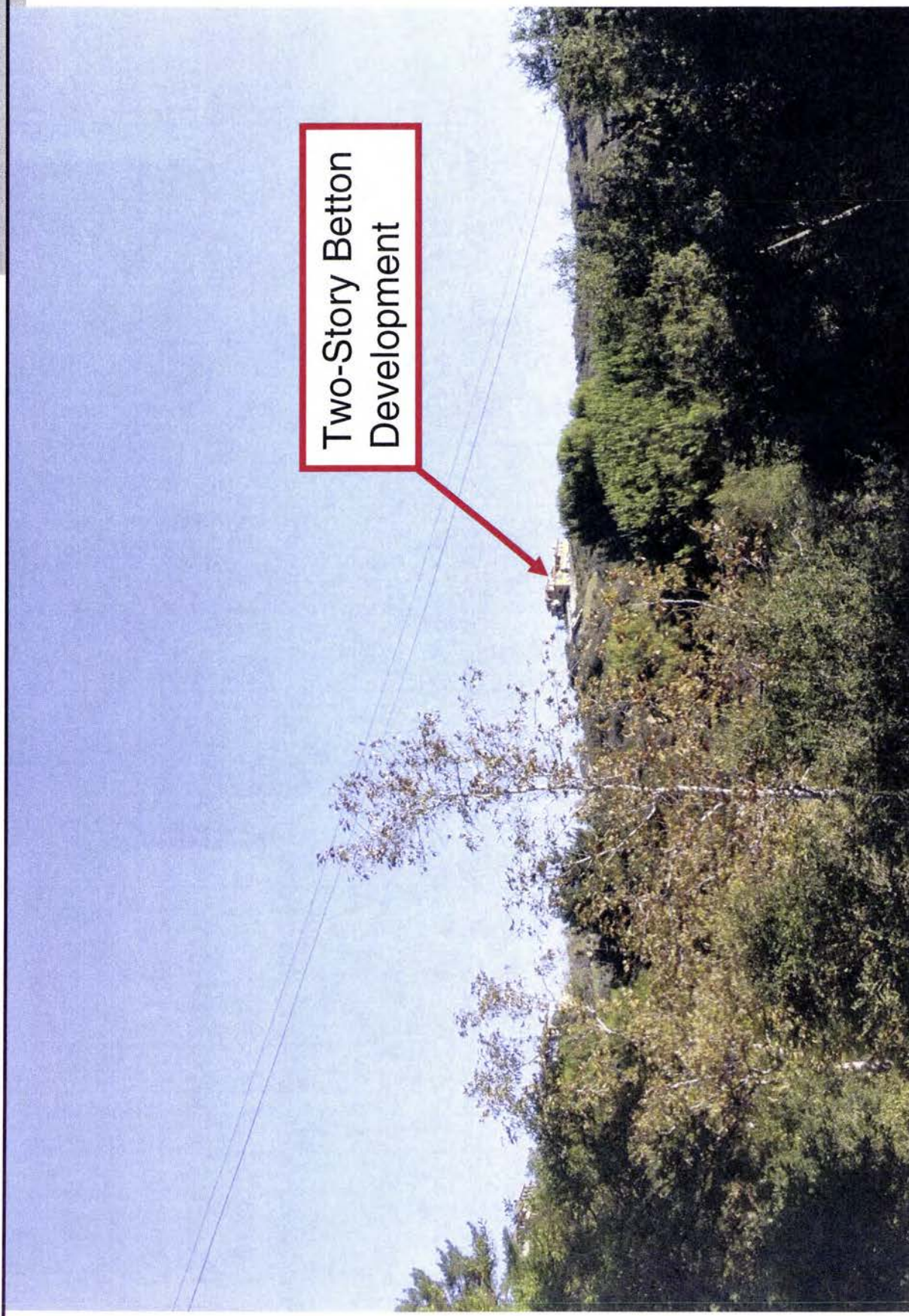
CCC Approved Betton Way Development Viewed from Tuna Canyon Road



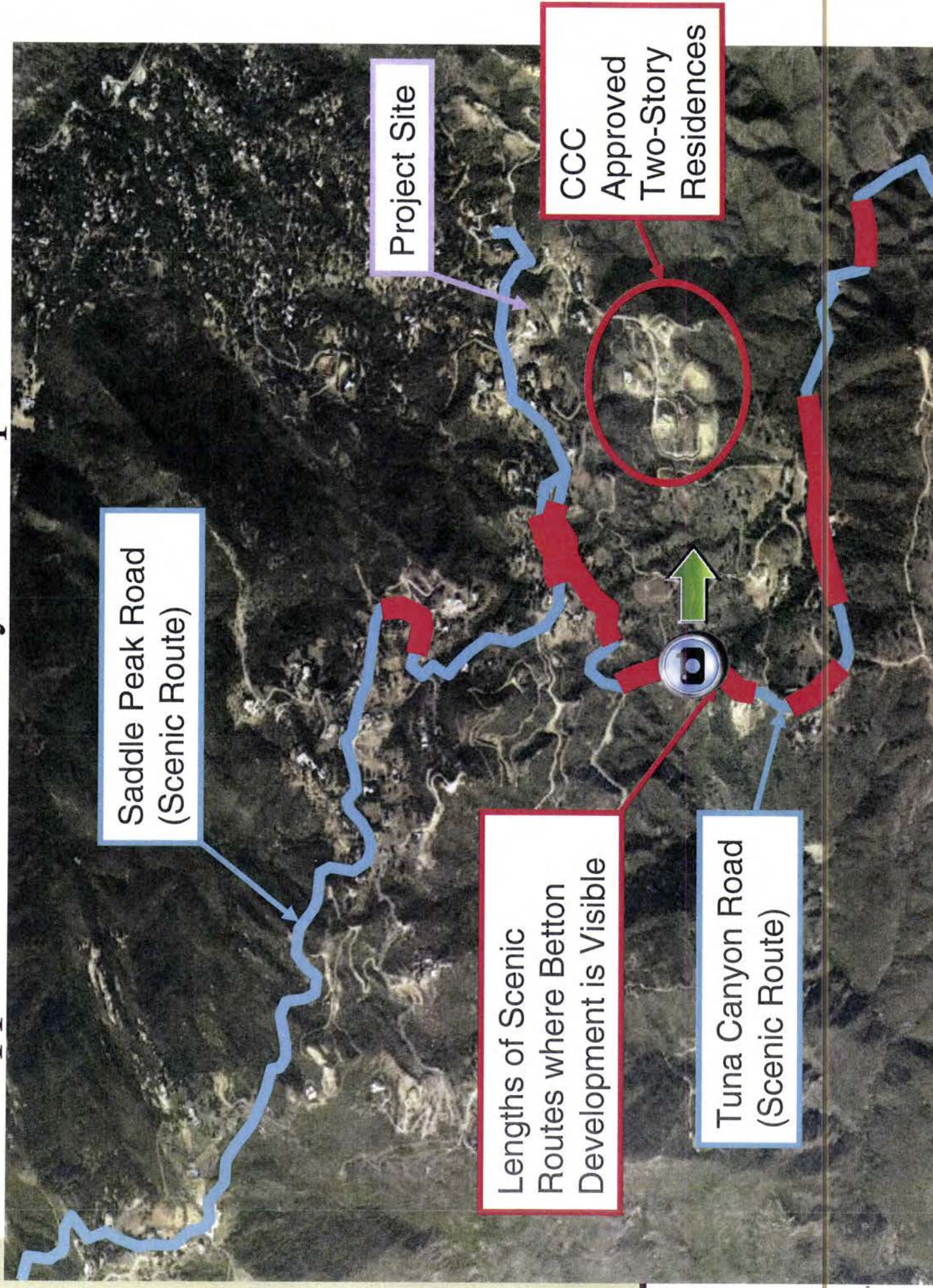
CCC Approved Betton Way Development



CCC Approved Betton Way Development Viewed from Tuna Canyon Road

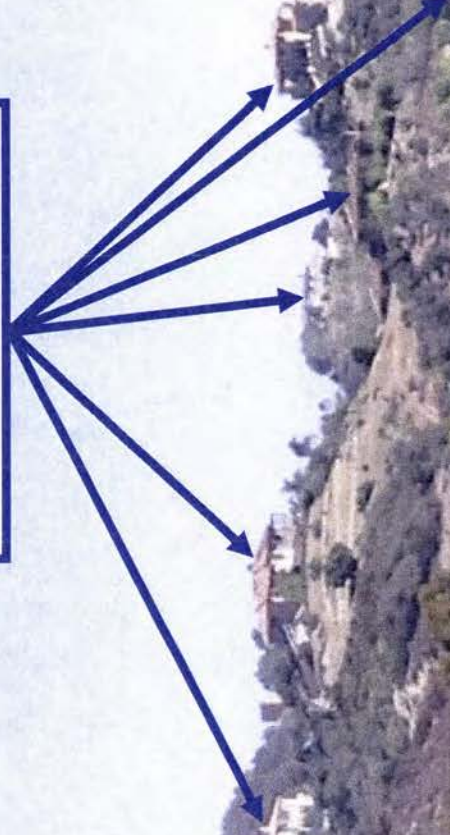


CCC Approved Betton Way Development



CCC Approved Betton Way Development Viewed from Tuna Canyon Road

Two-Story Betton
Development

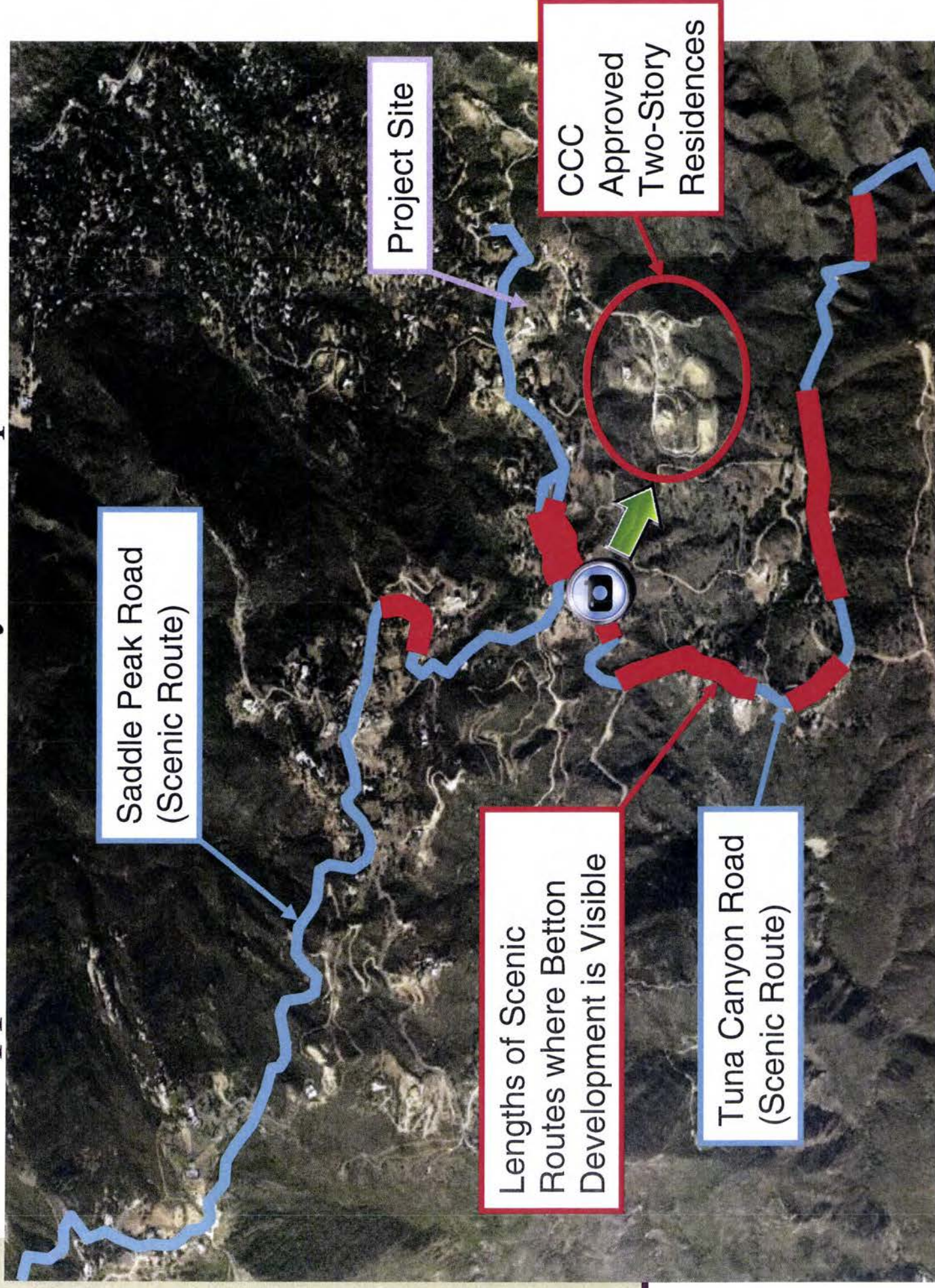


CCC Approved Betton Way Development Viewed from Tuna Canyon Road

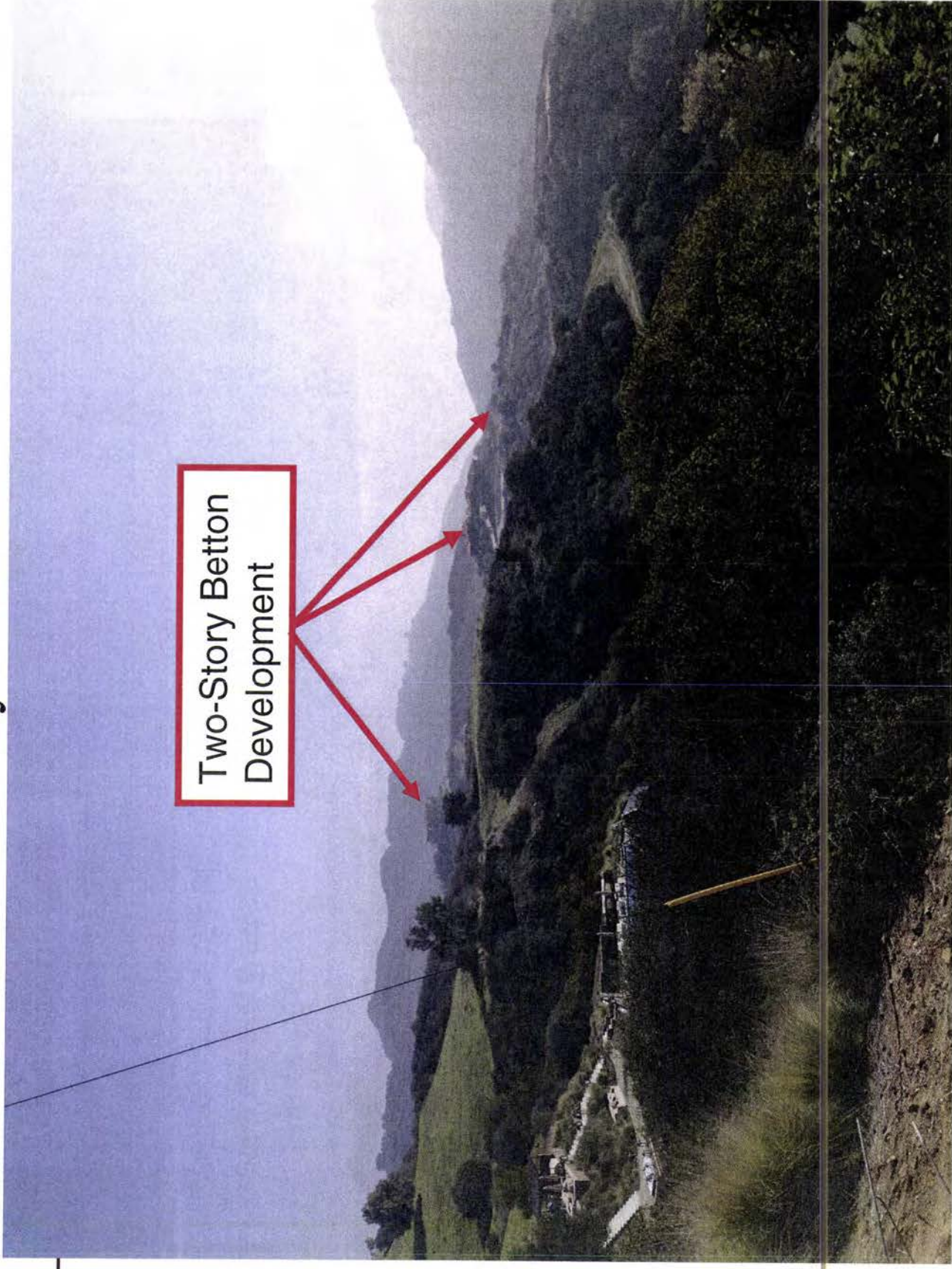
Two-Story Betton
Development



CCC Approved Betton Way Development



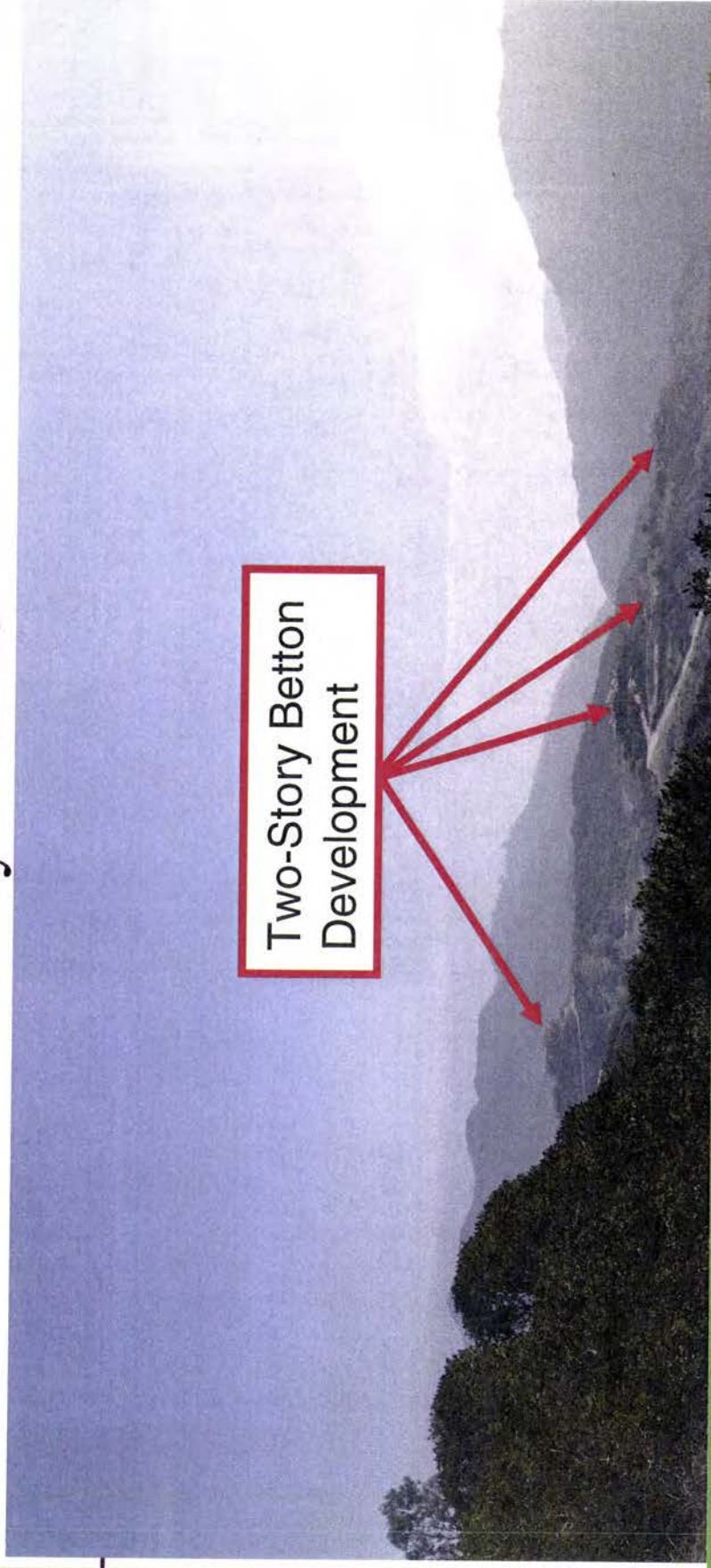
CCC Approved Betton Way Development Viewed from Tuna Canyon Road



CCC Approved Betton Way Development



CCC Approved Betton Way Development Viewed from Tuna Canyon Road



As shown, CCC has recently approved **two-story** projects visible from long lengths of Tuna Canyon Road and Saddle Peak Road.

CCC Approved Adjacent Residences



of grading (3,750 cu. yds. of cut and 1,400 cu. yds. of fill) for construction of the proposed driveway within the existing dirt access road along the eastern property boundary (Exhibit 4), and 16 cu. yds. of grading (5 cu. yds. of cut and 11 cu. yds. of fill) for minor widening of segments of Hawks Nest Trail and Skyhawk Lane.

The project site is located on a vacant 2.78-acre ridge-top property at 2525 Hawks Nest Trail, within the unincorporated area of the Santa Monica Mountains in Los Angeles County (APN 4448-011-035) (Exhibits 1-4). The subject property abuts Tuna Canyon Road along its northern boundary and Hawks Nest Trail, a private road, along its southern boundary. Topographically, the property is situated on the crest of an east-west trending ridgeline within the southeast portion of the Santa Monica Mountains. The certified Malibu/Santa Monica Mountains Land Use

Existing residential development is located on the surrounding properties to the north, south, and west, and on the adjacent parcel to the east, a 2,002 sq. ft., **24 ft. high, two-story** single family residence was approved by the Commission in May 2012 pursuant to Coastal Development Permit No. 4-12-018.

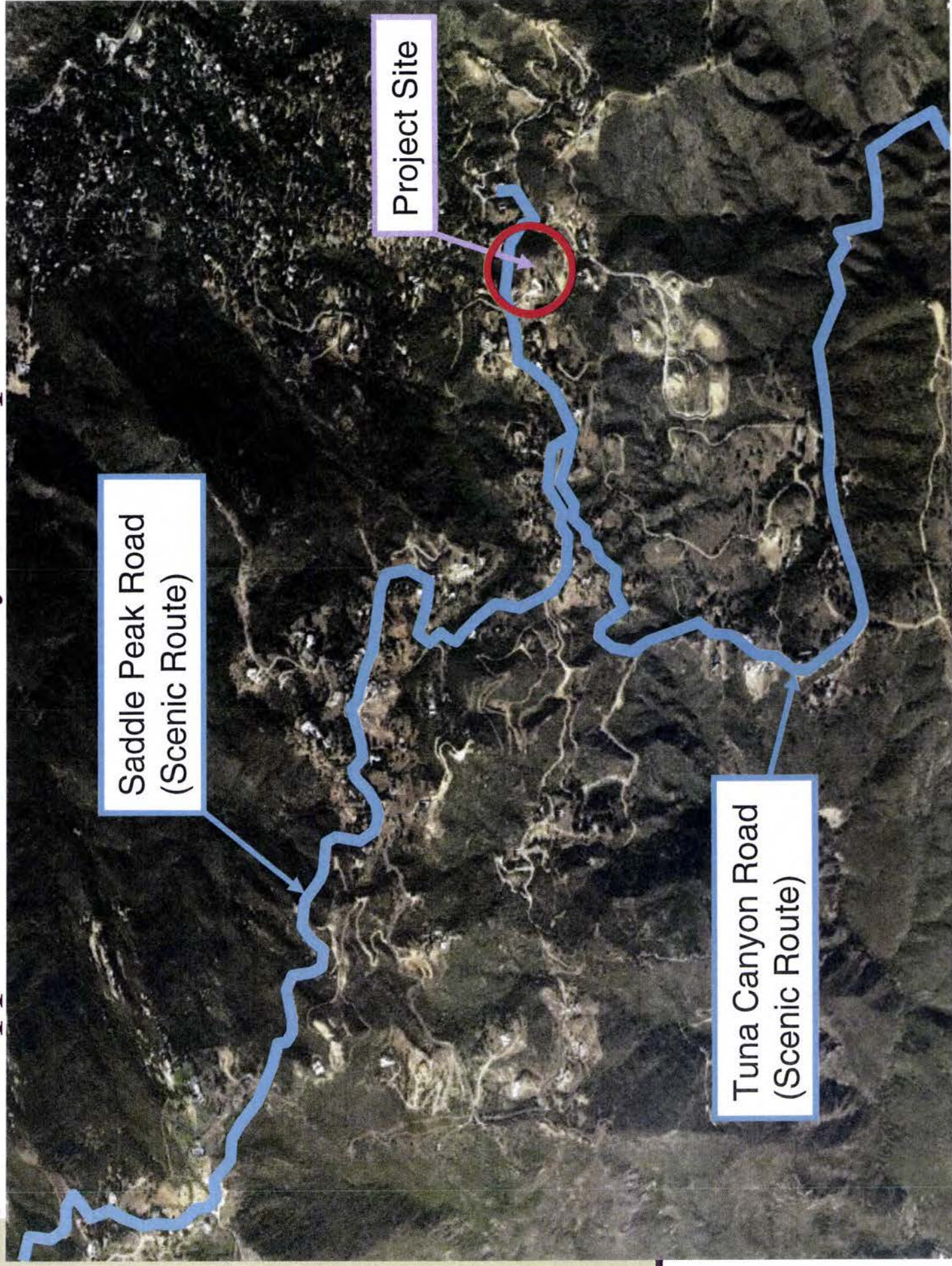


Tuna
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by widening the existing narrow dirt access road in order to comply with the Los Angeles County Fire Department requirements. The hammer-head turnaround will be located north of the residence and the driveway will wrap around the residence to the east and down the steep hillside to Hawks Nest Trail (Exhibit 4).

The existing pad and dirt access road on site were constructed prior to the effective date of the Coastal Act (January 1, 1977), based on a review of the Commission's historical aerial photographs. The proposed residence and portions of the access driveway will be located within the existing disturbed areas. Existing residential development is located on the surrounding properties to the north, south, and west, and on the adjacent parcel to the east, a 2,002 sq. ft., 24 ft. high, two-story single family residence was approved by the Commission in May 2012 pursuant to Coastal Development Permit No. 4-12-018. Vegetation on the project site is a mixture of native and disturbed vegetation. Although the eastern portion of the subject property contains a small area of native chaparral vegetation, the majority of vegetation on site is located within the existing 200 ft. fuel modification zones for the neighboring residences to the west, north, and south of the project site. Moreover, because the subject site is surrounded by existing and recently approved development on all four sides, the portion of the site currently vegetated with native chaparral is isolated and is not part of a larger contiguous area of chaparral habitat and does not, therefore, constitute an environmentally sensitive habitat area (ESHA). Thus, the subject site does not contain ESHA. In addition, because the proposed residence is located near

CCC Approved Betton Way Development



Saddle Peak Road
(Scenic Route)

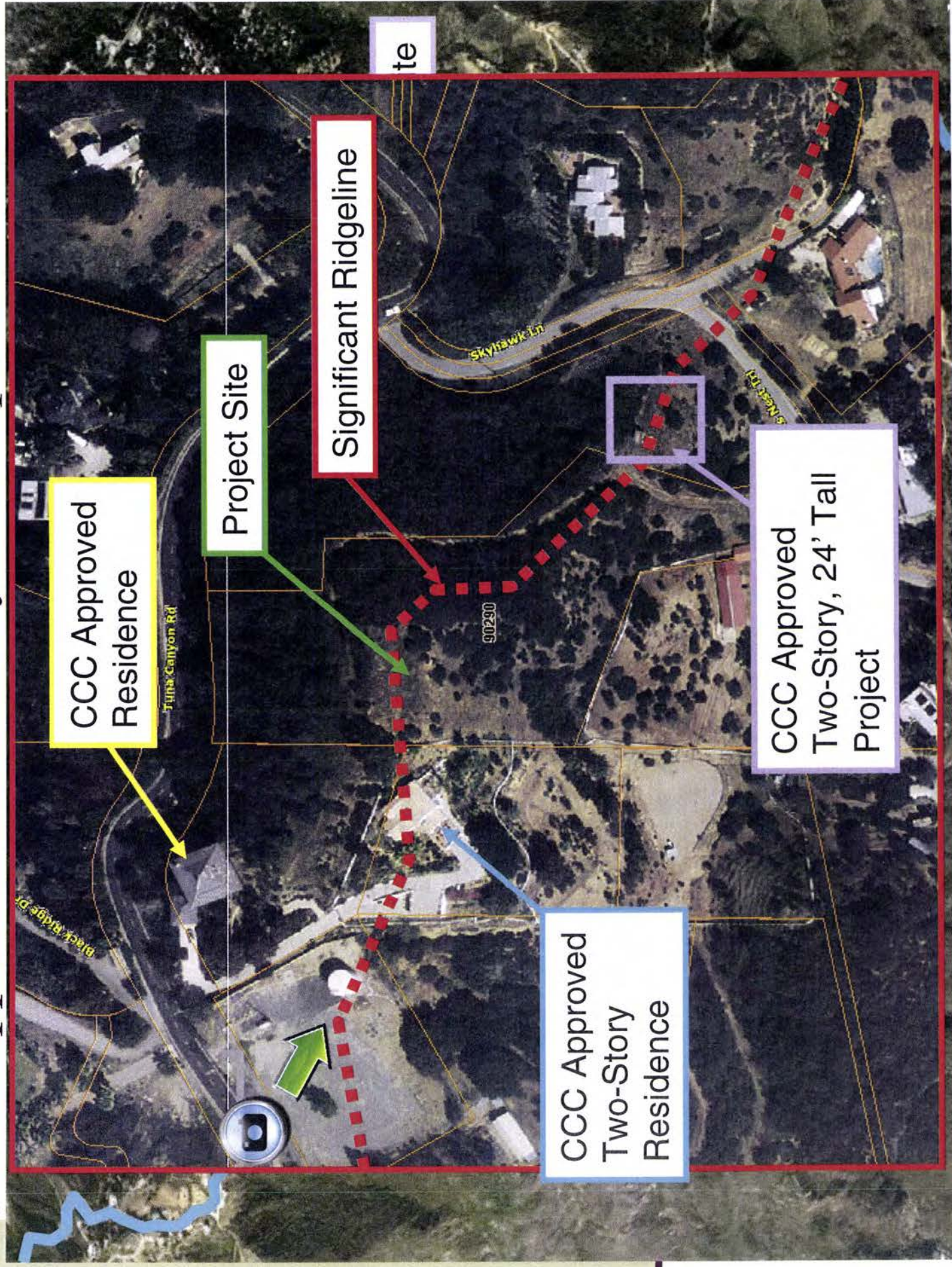
Tuna Canyon Road
(Scenic Route)

Project Site

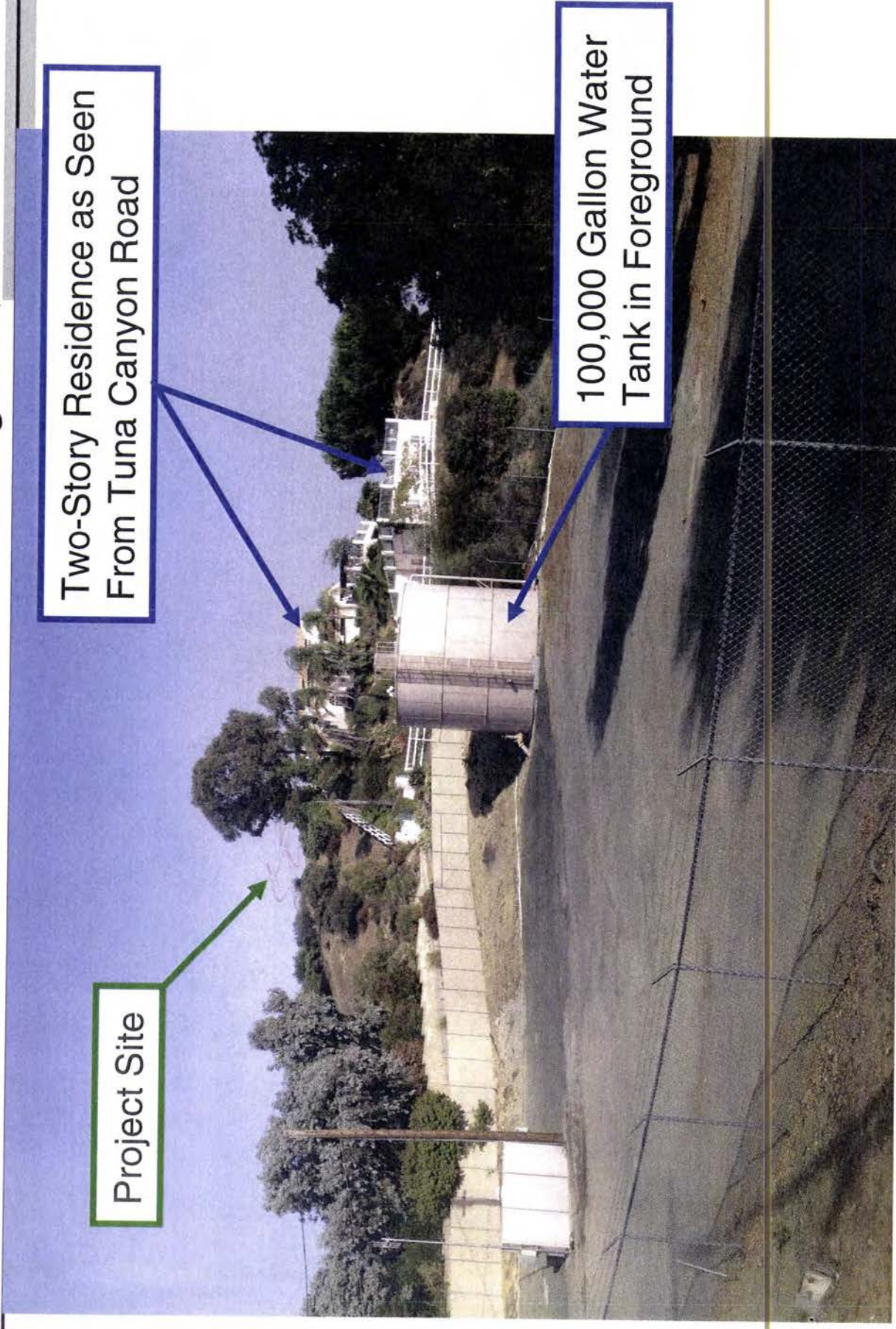
CCC Approved Betton Way Development



CCC Approved Betton Way Development



2250 Tuna Canyon Road (Adjacent to Proposed Project)



Project Site

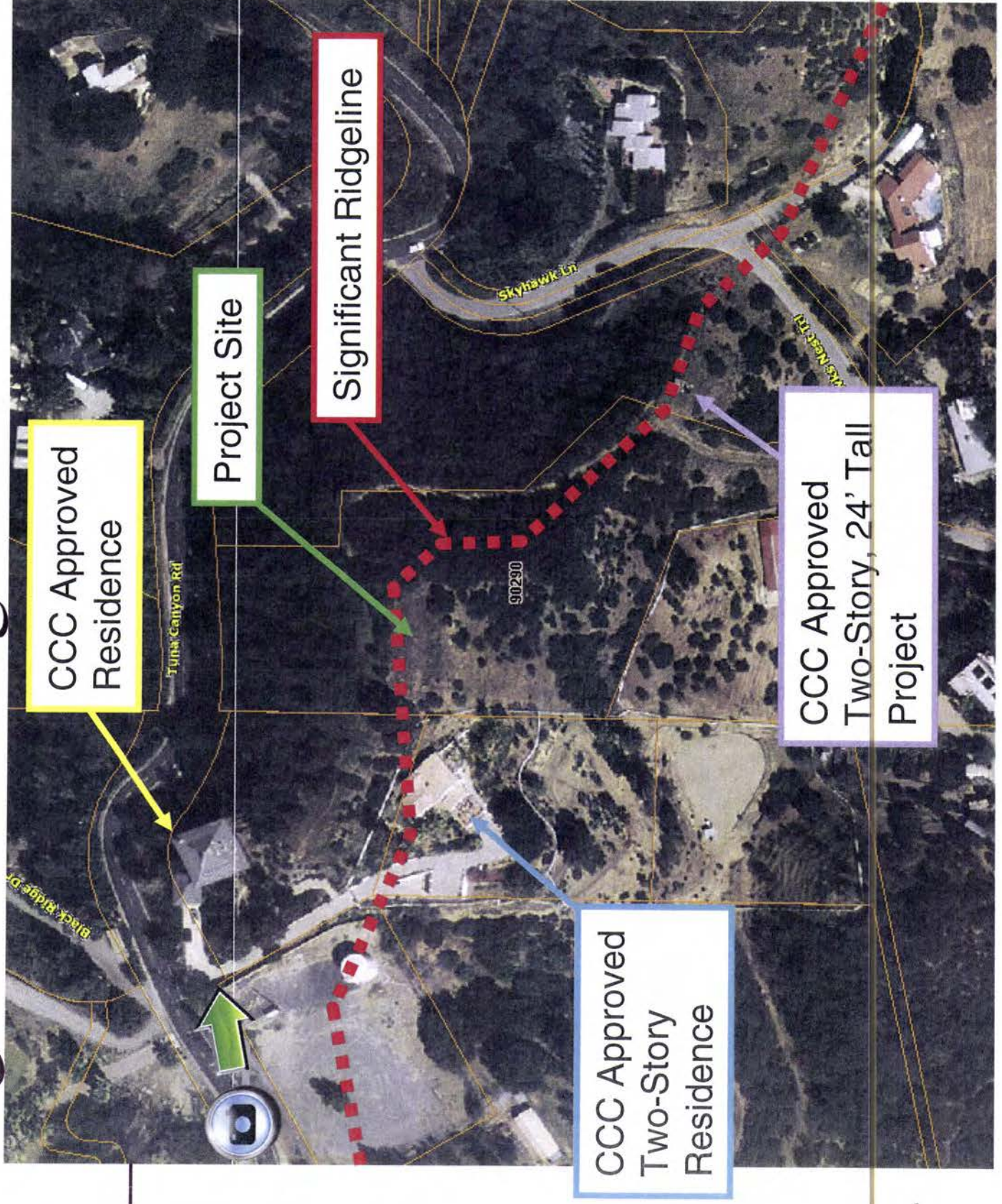
Two-Story Residence as Seen
From Tuna Canyon Road

100,000 Gallon Water
Tank in Foreground

2250 Tuna Canyon Road (Adjacent to Proposed Project)



Significant Ridgeline

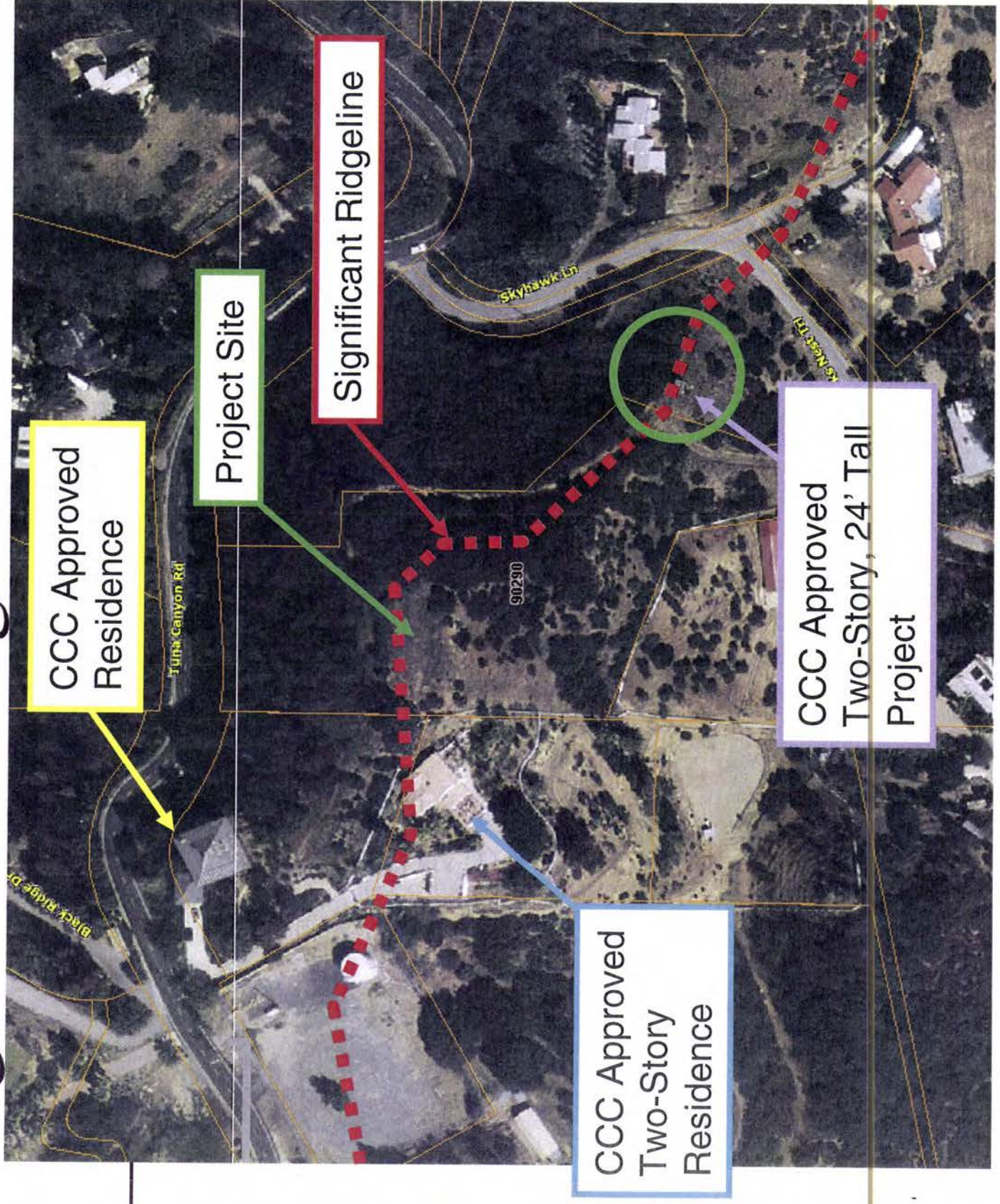


2260 Tuna Canyon Road (Adjacent to Proposed Project)

Highly Visible Residence Directly
Adjacent to Tuna Canyon Road



Significant Ridgeline



Sign



CCC Appr
Two-Story
Residence



W23c



Filed: 3/14/12
180th Day: 9/10/12
Staff: Denise Venegas
Staff Report: 4/19/12
Hearing Date: 5/09/12

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-12-018
APPLICANT: Sarbojit Mukherjee
AGENT: N/A

PROJECT LOCATION: 2515 Hawks Nest Trail, Topanga, Los Angeles County

APN: 4448-011-036

PROJECT DESCRIPTION: Construct a 2,002 sq. ft., 24 ft. high, two-story single family

PROJECT LOCATION: 2515 Hawks Nest Trail, Topanga

coastal zone and removal of an existing shed.

MOTION & RESOLUTION: Pages 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **thirteen (13) special conditions** regarding (1) plans conforming to Geotechnical Engineer's recommendation, (2) assumption of risk, waiver of liability and indemnity, (3) drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) site inspection, (11) removal of excavated material, (12) removal of natural vegetation, and (13) removal of temporary trailer.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu - Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following are the main issues raised by the project and how they are resolved by the staff recommendation:

- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are design alternatives that would avoid or reduce visual impacts. The project is conditioned to minimize the visual impact by requiring the structure to be finished in a color consistent with the surrounding landscape, by requiring



geline



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

The proposed structure is compatible with the character of other residential development in the area. The proposed structure height **is consistent the maximum height (35' above existing grade) that the Commission has permitted in past decisions** in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP.

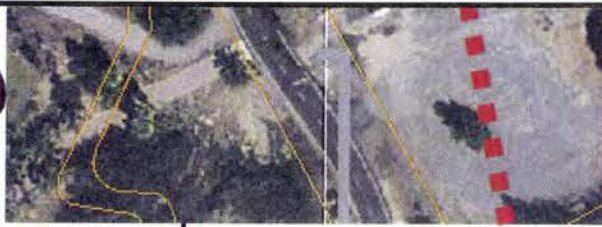
located on the northern end of the proposed driveway. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project and there are no siting alternatives where the building would not be visible from public viewing areas. Although the residence and carport are not clustered on the same pad area, the carport is sited on the lowest portion of the slope to minimize driveway grading. The proposed structures are sited and designed to minimize impacts to visual resources to the extent feasible.

The proposed structure is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed residence will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with

CCC Appr
Two-Story
Residence

Sign



E. VISUAL RESOURCES

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The proposed project site is located on a vacant 2.34-acre property within a low density rural area characterized by expansive, naturally vegetated mountains and hillsides. Site elevations range from approximately 1700 to 1790 feet above sea level. The site is accessed from Hawks Nest Trail, an existing road that extends west from Skyhawk Lane along the southern boundary of the subject property. There is an existing flat road on the property, which was graded prior to

the effective date of the Coastal Act (January 1, 1977). The project site is visible from Tuna Canyon Road, a public road, located approximately 250 feet to the north. Additionally, the development will be visible from public park land to the south; however, the proposed site is surrounded by existing residential development. Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and

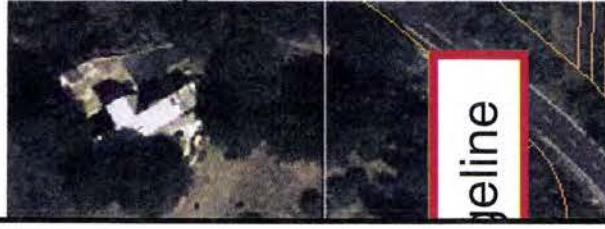
The project site is visible from Tuna Canyon Road, a public road, located approximately 250 feet to the north. Additionally, the development will be visible from public park land to the south; **however, the proposed site is surrounded by existing residential development.**

Residence

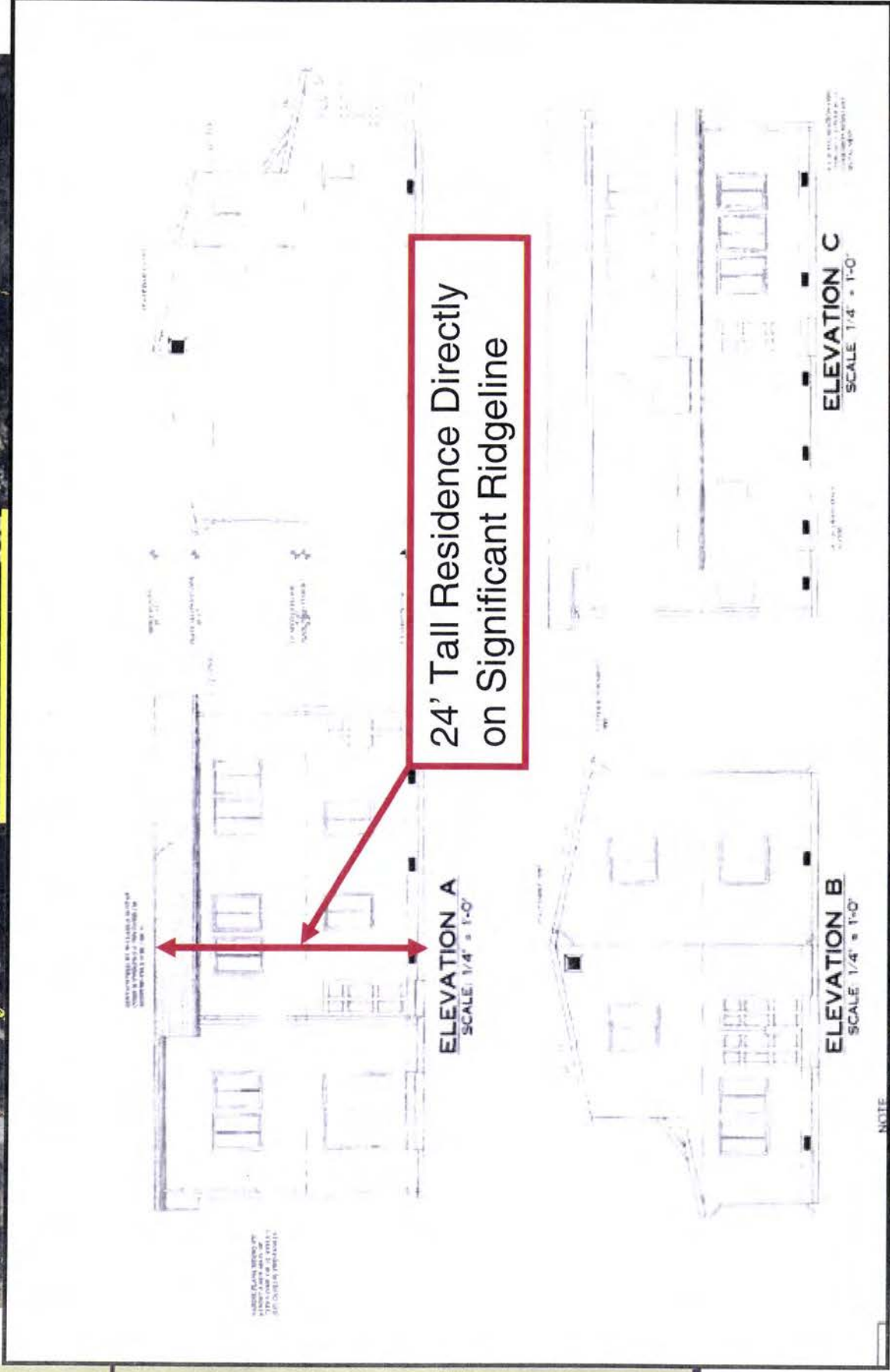


The proposed structure is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed residence will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with



Significant Ridgeline



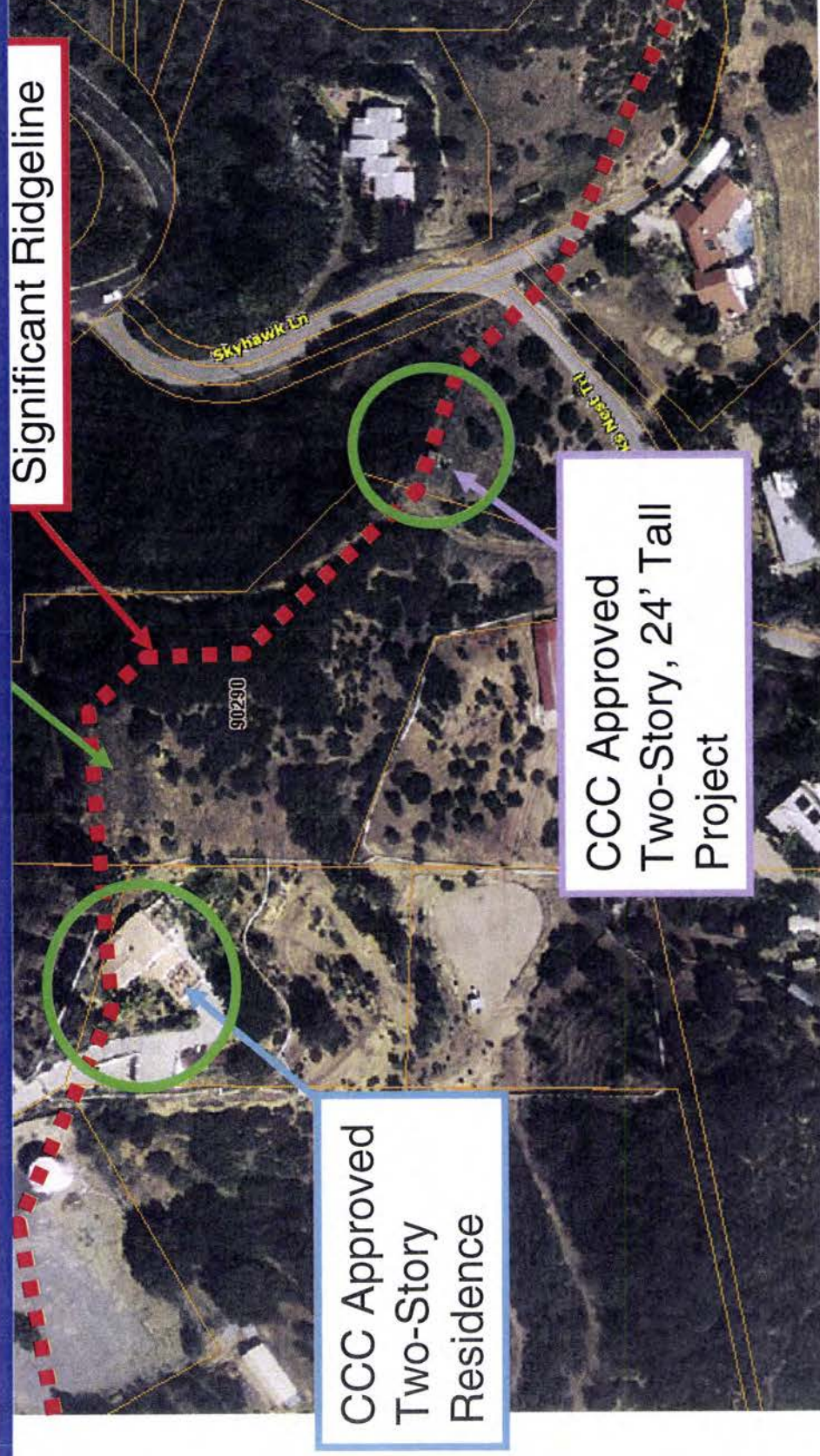
TWO-STORY, 24' Tall

Project

Significant Ridgeline



Two, two-story residences approved on significant ridgeline and visible from scenic routes directly adjacent to proposed residence





Potential for Visual Impacts from Proposed Residence

Propose



CDP 4-12-003 (Mark Rydings)

project site is highly visible from significant public viewing areas, including Tuna Canyon Road, Saddle Peak Road, and public park land.



In this case, the applicant is proposing a two-story residence with a third, partially subterranean, basement-level located on the crest of the significant ridgeline, which is the only relatively flat portion on the subject site (existing pad). Any alternative residence location scenario would result in a massive amount of grading into the hillside with large cut slopes. The applicant proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), two-story, 26 ft., 8 inch high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 8 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,176 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,896 cu. yds. of grading (6,455 cu. yds. of cut and 1,441 cu. yds. of fill).

The proposed two-story residence will be located on the crest of the ridgeline, with a partially

The project is highly visible from significant public viewing areas, including Tuna Canyon Road, Saddle Peak Road, and public park land.



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residence to the bottom of the lower third level and lawn (Exhibit 7). So, although the proposed residence will not exceed 26 feet and 8 inches in height above existing grade at any given point, the visual effect of the structure (including three levels of living area and lawn area) will be a 35 ft. high residence located on top of a significant ridgeline. In addition, developed vineyards would be visible an additional 50 feet downslope in elevation from the bottom of the lower basement level.

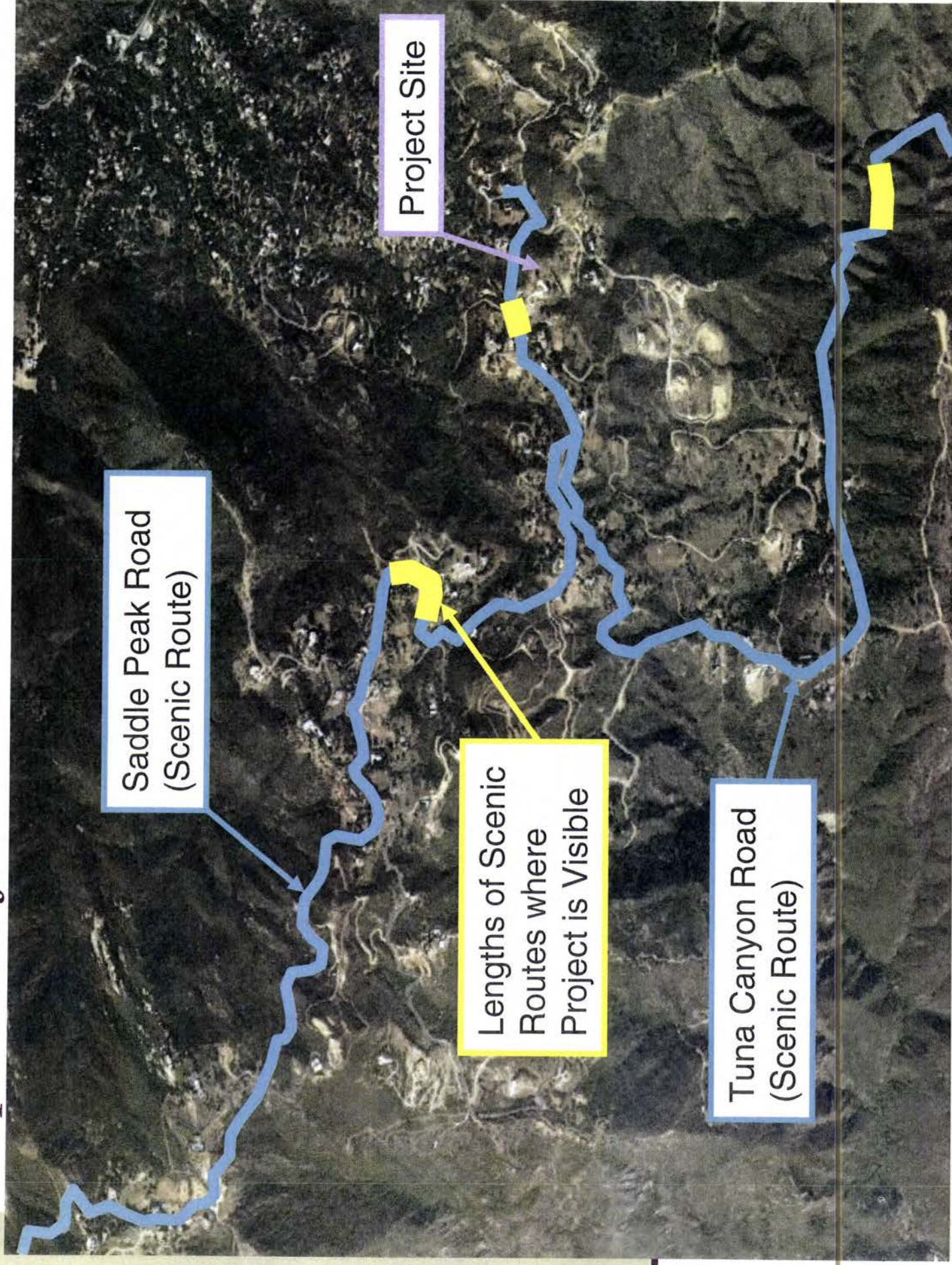
Development Effects on Visual Resources

The proposed residence will be visible from several segments of Saddle Peak Road to the northwest of the subject property and Tuna Canyon Road from the northwest and southeast. From viewing points along Saddle Peak Road to the northwest and along Tuna Canyon Road to the northwest, the proposed residence will be highly visible. There are several existing residences in the immediate vicinity that are also visible from this vantage point.

The proposed residence will be visible from an approximately 300 foot long section of Tuna Canyon Road, located southeast of the project site. In addition this segment of Tuna Canyon Road has been designated in the LUP as a "scenic element" due to its lush riparian woodland



Proposed Project



- Be landscaped to conceal raw cut slopes
- Be visually compatible with and subordinate to the character of its setting.

Additionally, the project site is visible from two LUP-designated “public viewing areas” **located northwest on Saddle Peak Road** and to the west on Tuna Canyon Road.

resource of the coastal zone due to their high visibility from many vantage points. Ridgelines can be defined as the line separating drainage basins. Significant ridgelines are those whose ridge silhouettes the sky or the ocean, and whether they are clearly visible from scenic roads. The area between the scenic roadway and the significant ridgeline is also considered visually sensitive.) The visual impact of buildings, grading, or merely removing vegetation can be just as dramatic as the natural features themselves. Additionally, the project site will be visible from two LUP-designated “scenic highways,” Tuna Canyon Road² and Saddle Peak Road.³ (“Scenic highways”⁴ are routes which provide views of highly scenic areas, scenic vistas of the ocean or interior mountains and provide access to major recreational areas.) Additionally, the project site is visible from two LUP-designated “public viewing areas” located northwest on Saddle Peak Road and to the west on Tuna Canyon Road. Further, the subject site is visible from several public parkland parcels located approximately 500 feet to the south that are owned by the State of California, National Park Service and Mountains Restoration Trust.

Development of the proposed residence raises two issues regarding the siting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be adversely affected. In the review of this project, Commission staff reviewed the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. Staff examined the building site, the size and height of the proposed structure and alternatives to the size, bulk and scale of the structure. Commission staff also requested that the mass of the proposed structure be physically depicted by staking the site with story poles. Commission staff conducted two site visits on October 1, 2012, and November 7, 2012, to view the staked site and confirmed that the

¹ As defined in the Malibu/Santa Monica Mountains Local Coastal Plan Research Analysis and Appendices dated December 28, 1982.

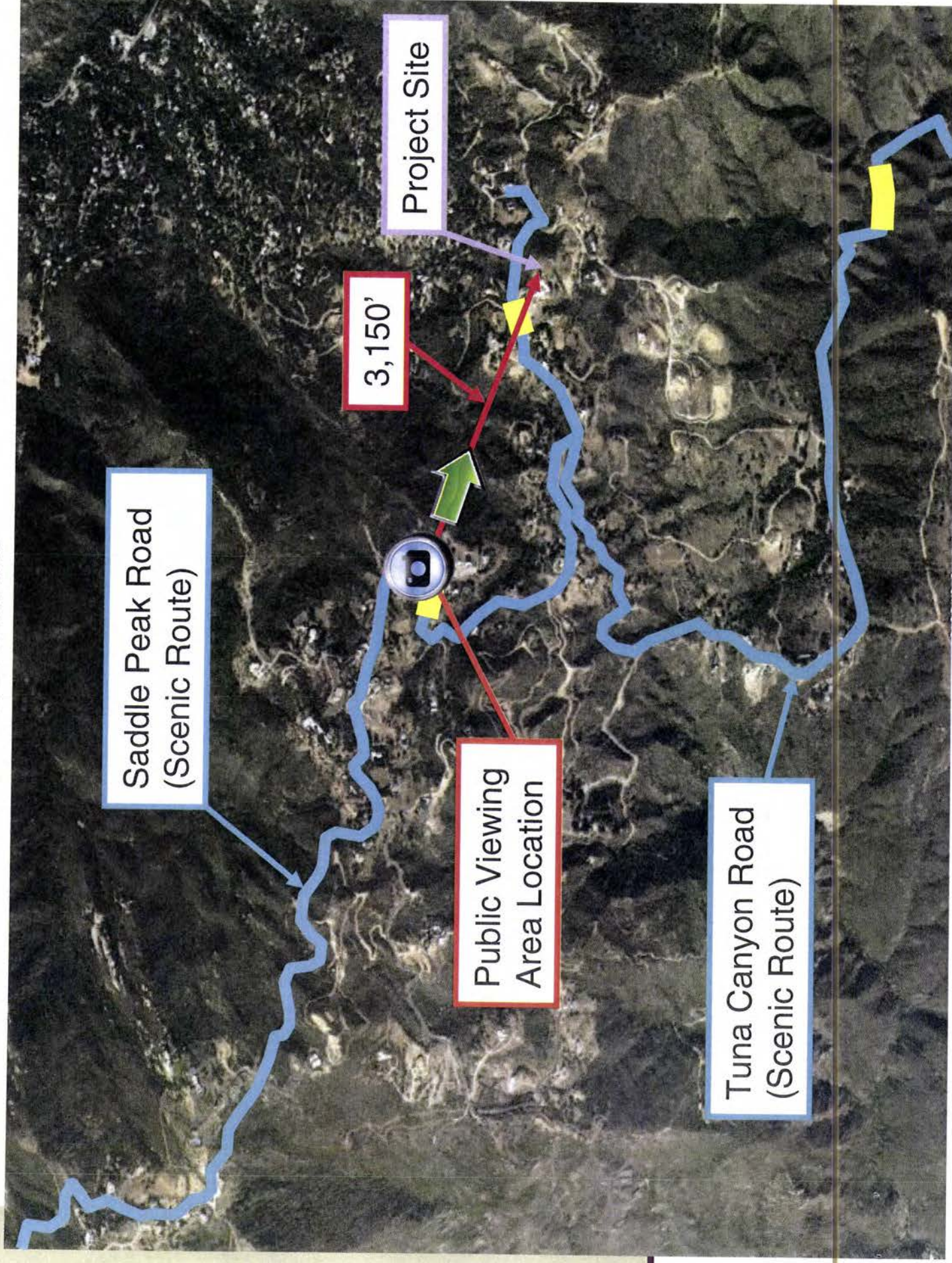
² Tuna Canyon Road, runs from PCH to Fernwood Pacifica Drive. This road runs adjacent to a streambed for long stretches, and is often covered by a canopy of lush woodland vegetation. The road winds its way along a canyon wall; parts of the road are very steep and narrow, but affords aesthetic views of the canyon below.

³ Saddle Peak Road, intersects Stunt and Schuere Roads on the west; Tuna Canyon Road on the east. This route also parallels a portion of the Backbone Ridge, offering simultaneous views of the ocean, major canyons, and steep rocky slopes.

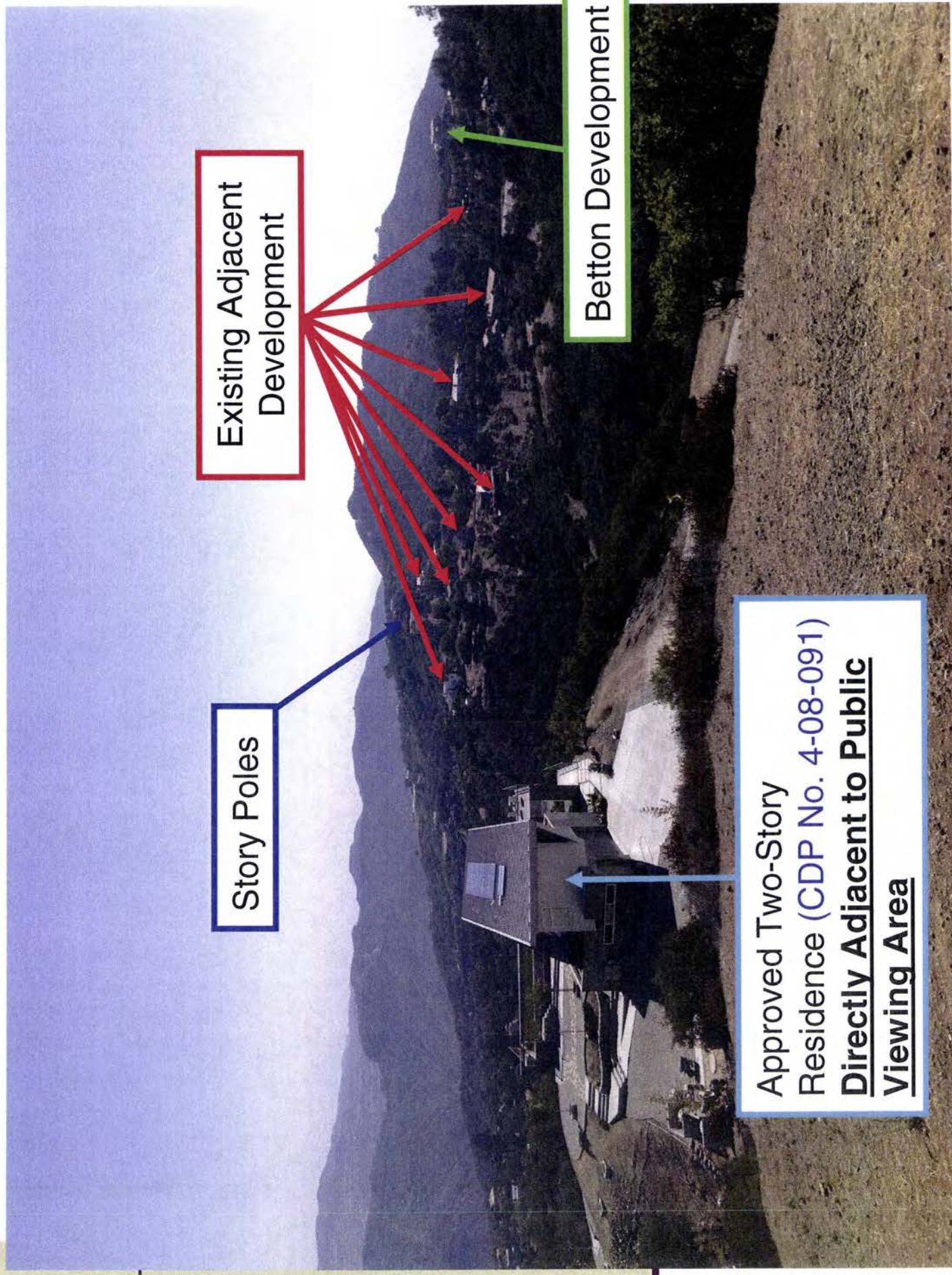
Project Site

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View from Saddle Peak Road



View from Public Viewing Area on Saddle Peak Rd.



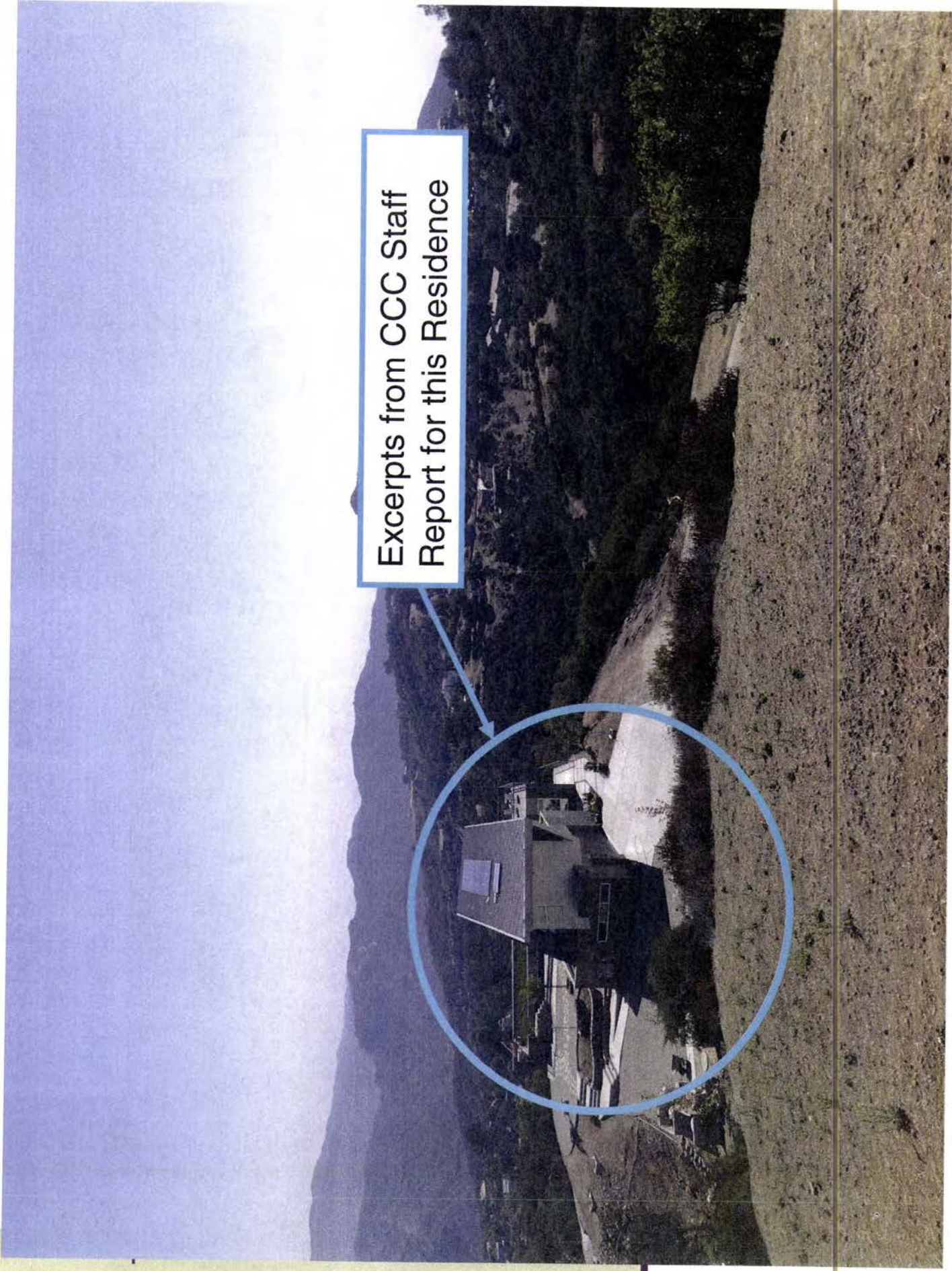
Existing Adjacent Development

Story Poles

Betton Development

Approved Two-Story
Residence (CDP No. 4-08-091)
**Directly Adjacent to Public
Viewing Area**

View from Public Viewing Area on Saddle Peak Rd.



Excerpts from CCC Staff
Report for this Residence

View of

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
88 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 263-1800



Filed: 1/8/09
180th Day: 7/7/09
Staff: D. Christensen
Staff Report: 4/16/09
Hearing Date: 5/6/09

W 8b

Peak Rd.

aff

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-08-091

APPLICANT: Jared Cook

AGENT: Janek Dombrowa

PROJECT LOCATION: 21683 Saddle Peak Road, Santa Monica Mountains, Los Angeles County (APN 4448-020-050)

PROJECT DESCRIPTION: Construction of a two-story, 27-ft. high, 2,877 sq. ft. single-family residence, 905 sq. ft. attached garage, decks, driveway, septic system, and 911 cu. yds. of grading (818 cu. yds. cut, 93 cu. yds. fill).

Lot area 5 acres
Building coverage 2,510 sq. ft.

PROJECT LOCATION: 21683 Saddle Peak Road, Santa Monica Mountains

PROJECT DESCRIPTION: Construction of a **two-story, 27-ft. high**, 2,877 sq. ft. single-family residence, 905 sq. ft. garage, decks, driveway, septic system, and 911 cu. yds. of grading (818 cu. yds. cut, 93 cu. yds. fill).

structure(s) is sited to minimize significant disruption of habitat values and the development area conforms to 10,000 square feet. The project is conditioned to require the grant of an open space easement in order to ensure that the remaining ESHA on the site will be preserved. Mitigation is required for the loss of ESHA due to the development and the required fuel modification around structures.



View from Public Viewing Area on Saddle Peak Rd

CDP # 4-08-091 (Cook)
Page 33

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

- Special Condition 5. Landscaping and Fuel Modification Plans
- Special Condition 8. Future Development Restriction
- Special Condition 9. Deed Restriction
- Special Condition 10. Habitat Impact Mitigation
- Special Condition 11. Open Space Conservation Easement
- Special Condition 12. Site Inspection
- Special Condition 13. Removal of Natural Vegetation

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

CDP # 4-08-091 (Cook)
Page 34

decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP.

The proposed development will be unavoidably visible from portions of Saddle Peak Road. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

is recognition that future development normally associated with a single family

The proposed structure is compatible with the character of other residential development in the area. **The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP.**

The proposed residence is 2-stories with a maximum height of 27 feet above finished grade at any given point. The residence is designed to be notched into a small knoll that has been previously disturbed and graded to create a building pad prior to the effective date of the Coastal Act. The development has been clustered on one pad area less than 10,000 sq. ft. in size and designed to reduce landform alteration and removal of native vegetation that is considered environmentally sensitive habitat. The proposed structure is sited and designed to minimize impacts to visual resources to the extent feasible.

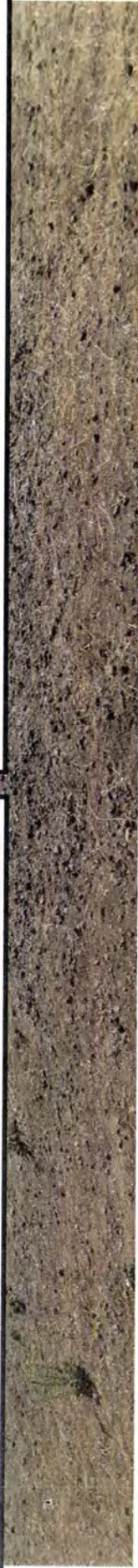
The proposed structure is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past

conditioned, is consistent with Section 30251 of the Coastal Act.

F. LOCAL COASTAL PROGRAM PREPARATION

Section 30604(a) 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 coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).



View from Public Viewing Area on Saddle Peak Rd.

Proposed Residence Height Comparison



descending to the north, south, and east of the pad. The southernmost portion of the property is within an area designated as "Significant Watershed" area (Tuna Canyon Watershed). The applicant proposes to construct a 8,180 sq. ft. (6,300 sq. ft. living area with 1,880 sq. ft. basement), two-story, 26 ft., 8 inch high (as measured from existing grade) single family residence with an attached 815 sq. ft. garage.

Due to the steep hillside terrain on site, the project site is significantly constrained in terms of the potential areas to locate new residential development, and the relatively flat crest of the ridgeline is the most appropriate location for residential development to be located. The residence would be located atop the crest of a significant ridgeline in a scenic area and will be visible from segments of two LUP-designated "scenic highways," Tuna Canyon Road and Saddle Peak Road. Additionally, the residence is also visible from two LUP-designated "public viewing areas" located northwest on Saddle Peak Road and to the west on Tuna Canyon Road and from several public parkland parcels located approximately 500 feet to the south.

Reducing the maximum height above existing grade to 18 feet would reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible.



As such, Commission staff believes that a feasible design alternative is the reduction of the height of the residence to a single-story above grade (with an additional partially subterranean basement level), such that no portion of the structure is more than 18 feet above existing grade.

Reducing the maximum height above existing grade to 18 feet would reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible. As such, to ensure that adverse impacts to visual resources are minimized, Special Condition One (1) requires the applicant to submit revised plans, for the review and approval of the Executive Director, that reduce the height of the residence to a maximum of 18 feet above existing grade.

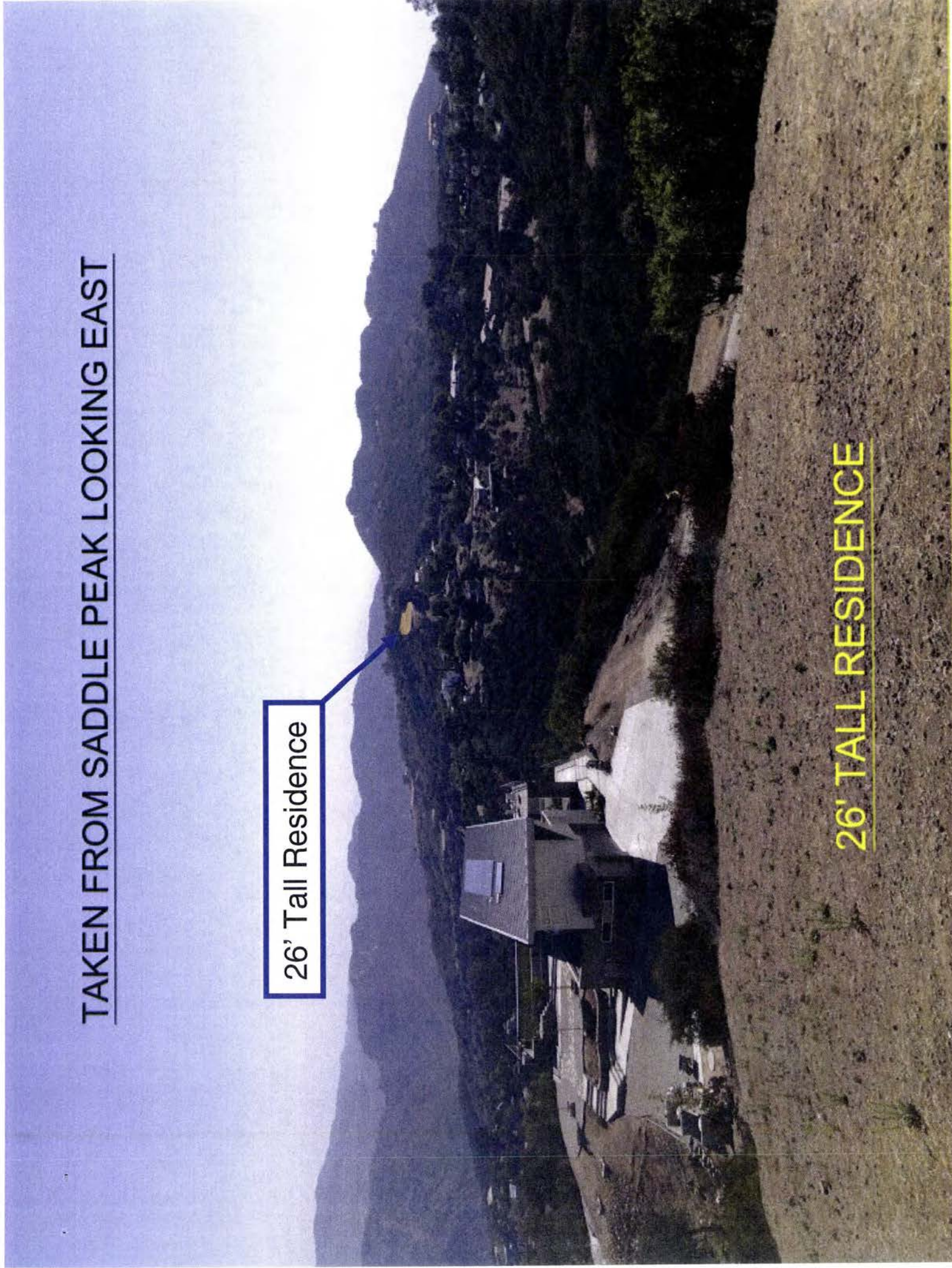
In response to staff concerns regarding the height of the proposed single family residence, the applicant's representative has submitted an analysis asserting that forty seven (although only 46 examples are included in the letter) previously approved single family residences in the Santa Monica Mountains were previously approved by the Commission within 500 ft. of a "scenic highway" and/or on the crest of a significant ridgeline or on descending slopes of a significant ridgeline which resulted in similar adverse impacts to public views as the proposed project. Staff has reviewed all of the examples provided by the applicant and found that several assertions by the applicant were found to be incorrect. To the contrary, the Commission has required development on significant ridgelines to be located below the ridgetop where feasible and to

CCC Staff Report for Proposed Project

TAKEN FROM SADDLE PEAK LOOKING EAST

26' Tall Residence

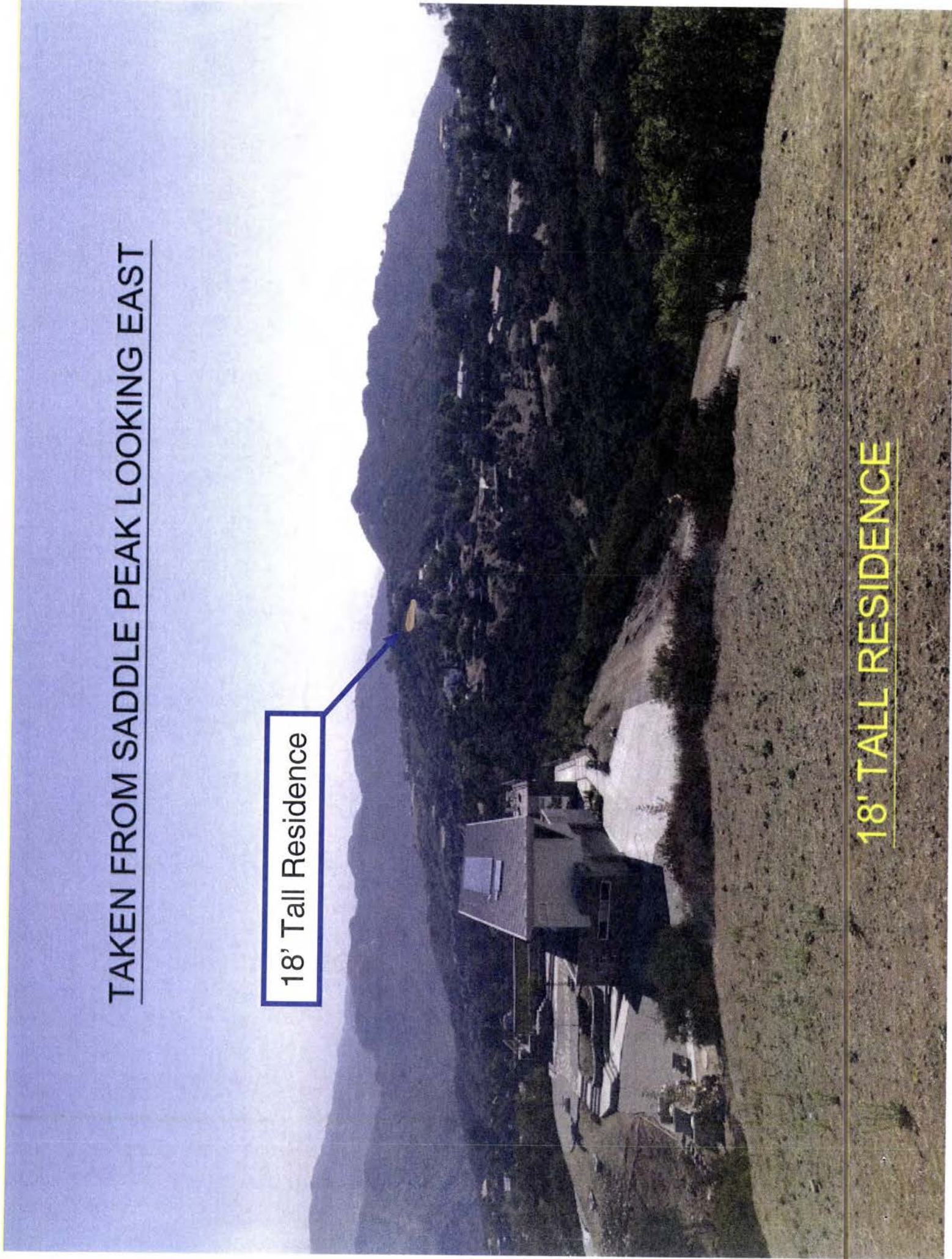
26' TALL RESIDENCE



TAKEN FROM SADDLE PEAK LOOKING EAST

18' Tall Residence

18' TALL RESIDENCE

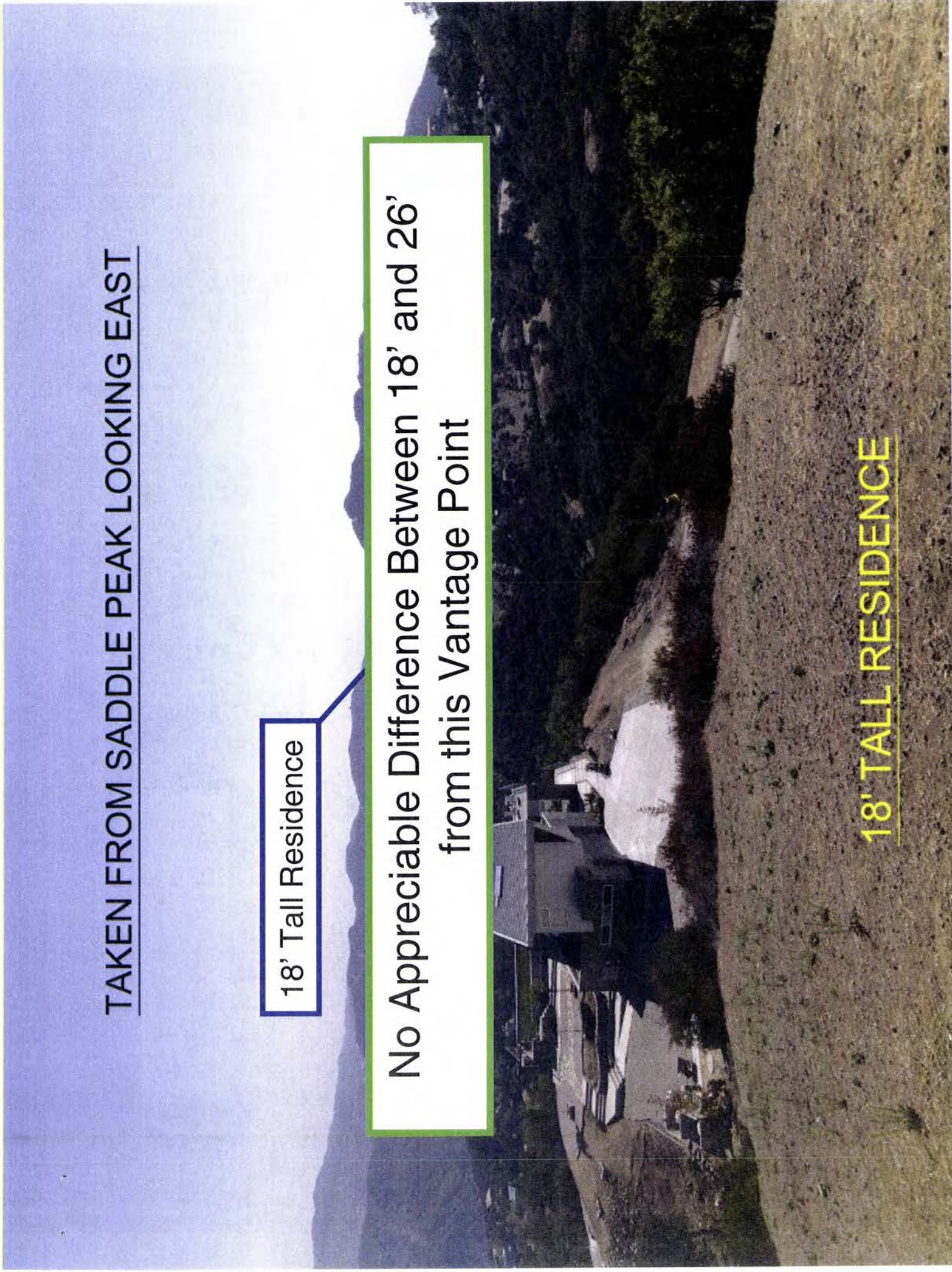


TAKEN FROM SADDLE PEAK LOOKING EAST

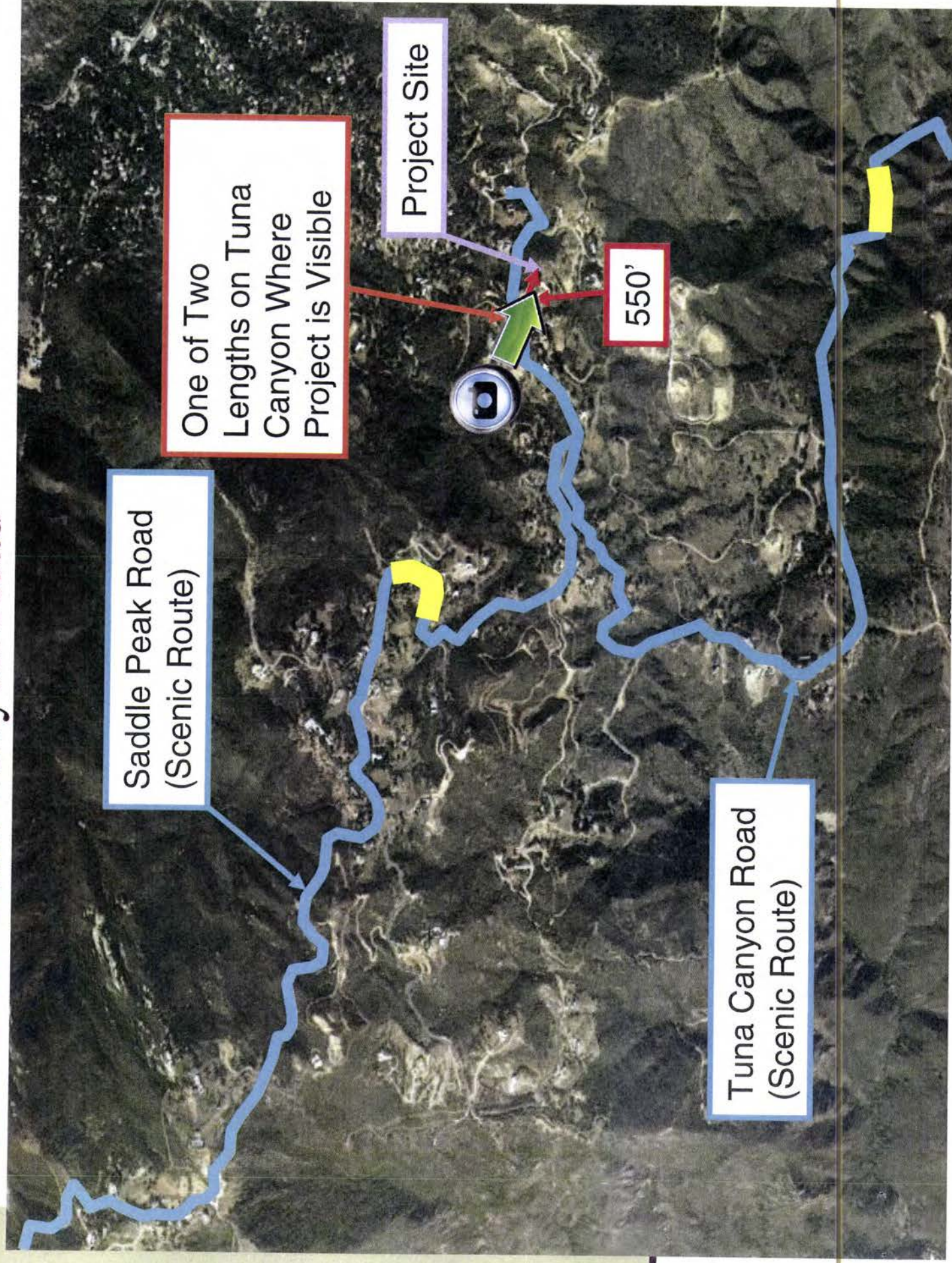
18' Tall Residence

No Appreciable Difference Between 18' and 26'
from this Vantage Point

18' TALL RESIDENCE



View from Tuna Canyon Road

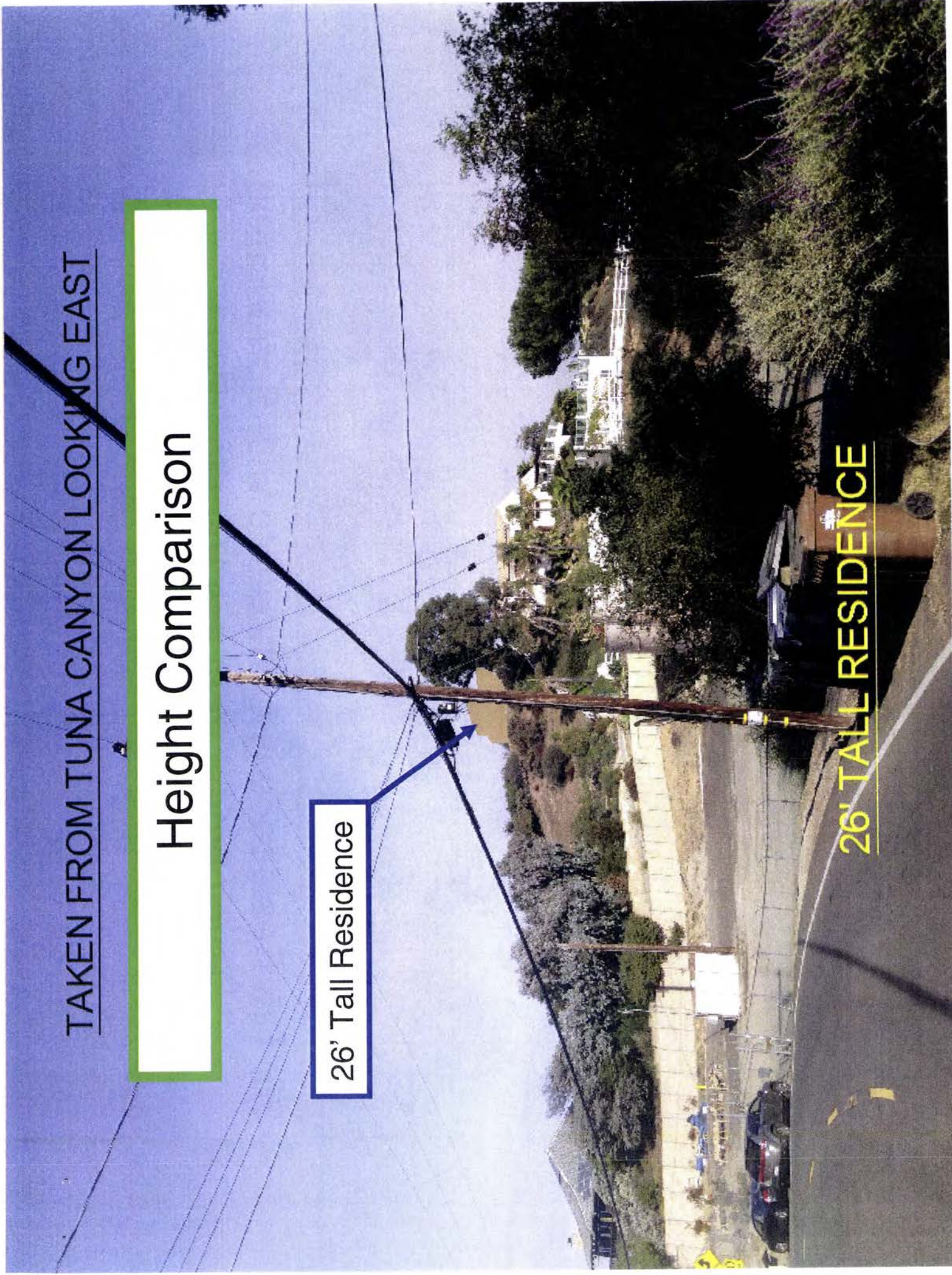


TAKEN FROM TUNA CANYON LOOKING EAST

Height Comparison

26' Tall Residence

26' TALL RESIDENCE

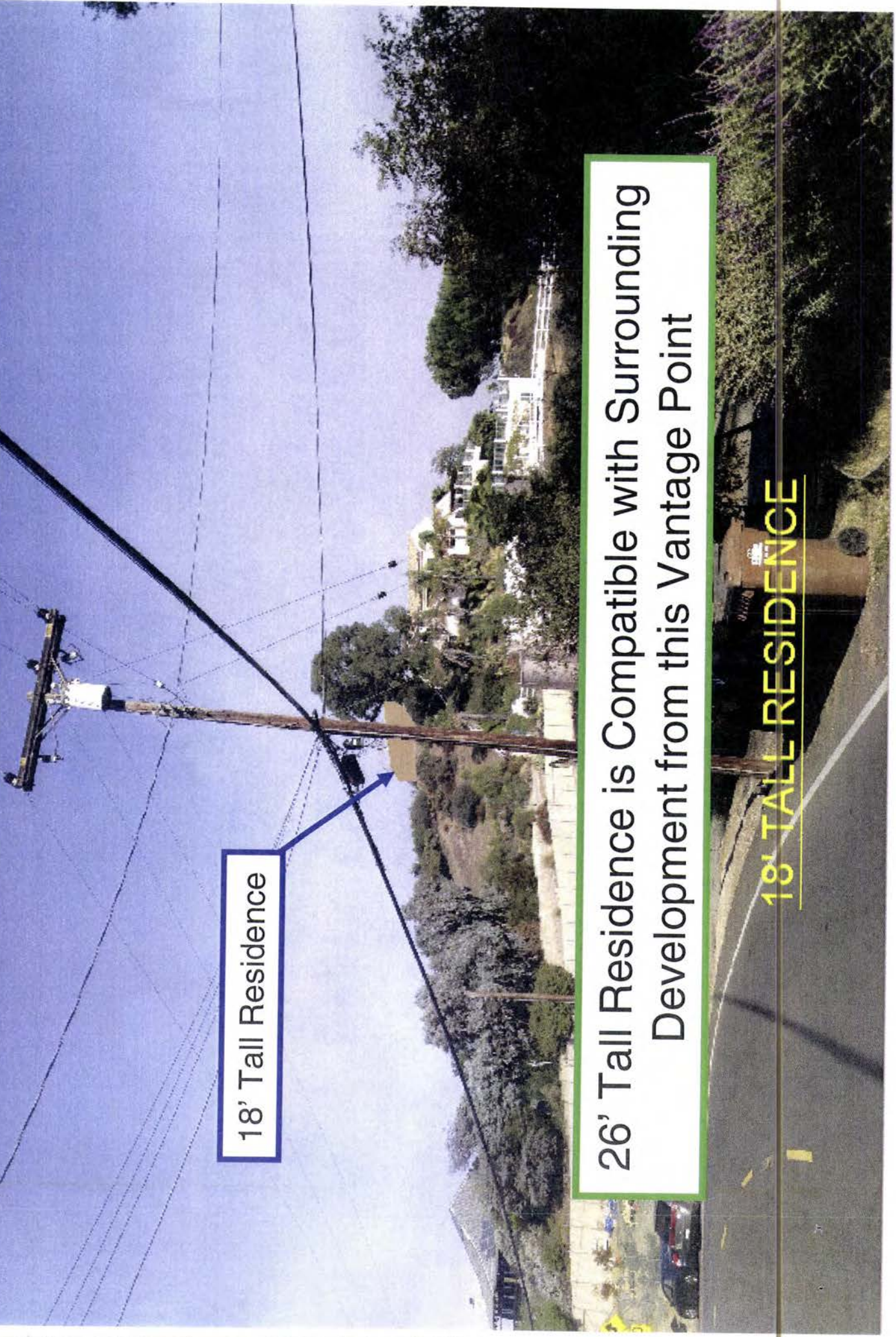


TAKEN FROM TUNA CANYON LOOKING EAST

18' Tall Residence

26' Tall Residence is Compatible with Surrounding
Development from this Vantage Point

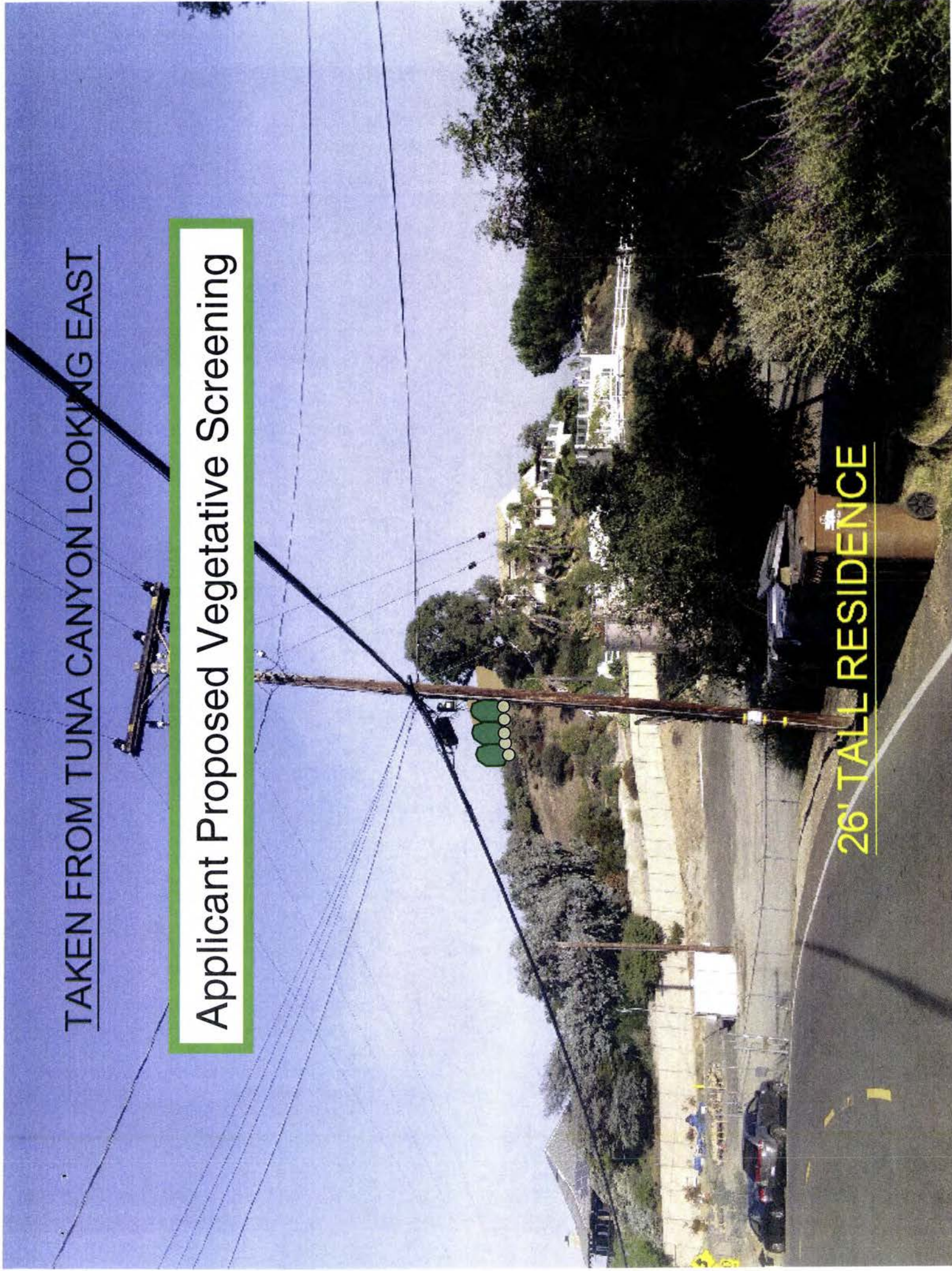
18' TALL RESIDENCE



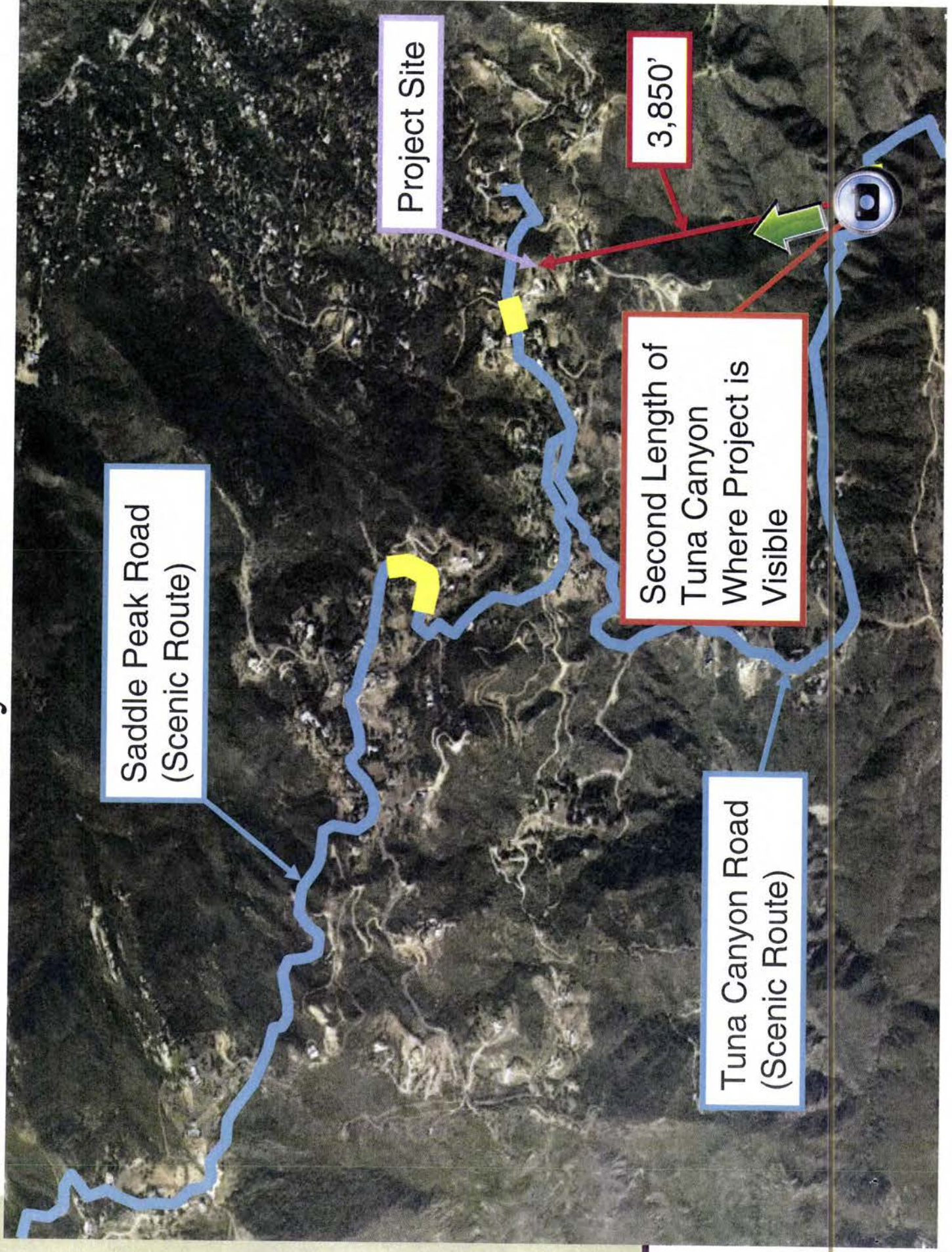
TAKEN FROM TUNA CANYON LOOKING EAST

Applicant Proposed Vegetative Screening

26' TALL RESIDENCE



View from Tuna Canyon Road



Taken from Tuna Canyon Road looking North to Project Site

Photo Taken by Staff

Betton Development
is Behind Bush

Project Site

Segment of Tuna Canyon Road
Proposed Residence is Visible

26' TALL RESIDENCE

Taken from Project Site looking South

Exhibit 13
Visual Impact from Scenic
Highway Photo
CDP No. 4-12-003

Photo Taken One Yard to the Right

Two-Story Betton
Development No Longer
Blocked by Bush

Existing One-Story
Development

Project Site

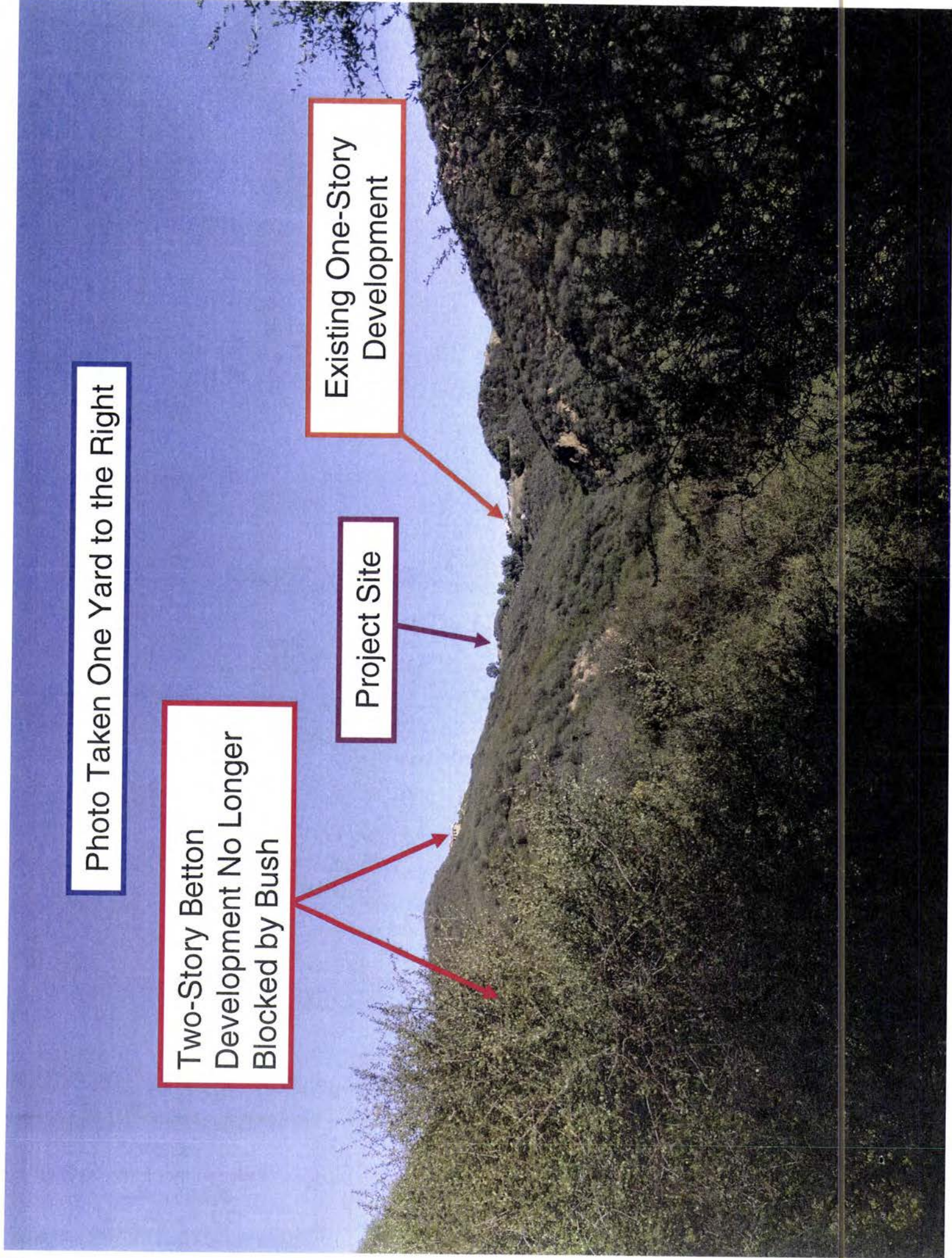


Photo Taken by Staff

Photo is Taken at
Full Zoom

20520 Betton Way
2-story, 5,062 sq. ft.,
Single Family Residence

2525 Hawks Nest Trail
Project Site
Proposed 26'8" ft. high,

Residence will **NEVER** Appear this Large to the Naked Eye

Single Family Residence

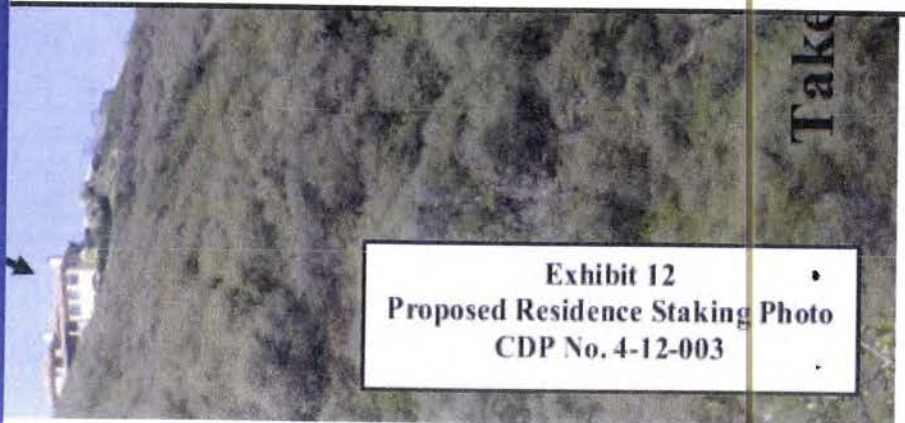
Photo Taken with
Telephoto Lens

Exhibit 12
Proposed Residence Staking Photo
CDP No. 4-12-003

Taken from Tuna Canyon Road looking North to Project Site

descending to the north, south, and east of the pad. The southernmost portion of the property is

However, from viewing points southeast of the residence on a southern segment of Tuna Canyon Road, the lower basement level will daylight and the visual effect of the structure (including three levels of living area and lawn area) will be a 35 ft. high residence located on top of a significant ridgeline.



ridgeline/building pad, while the lower portion of the building contains a third story that is a basement with patio and lawn area that is approximately 9 feet below the bottom of the main residence. Submitted plans indicated that this residence would be 26 feet and 8 inches in height measured from the existing grade of the crest of the ridgeline, at any given point. However, from viewing points southeast of the residence on a southern segment of Tuna Canyon Road, the lower basement level will daylight and the visual effect of the structure (including three levels of living area and lawn area) will be a 35 ft. high residence located on top of a significant ridgeline. The proposed project would, therefore, intrude into the skyline (above the ridgeline) as seen from public viewing places and impact scenic vistas and visual resources in the area.

As such, Commission staff believes that a feasible design alternative is the reduction of the height of the residence to a single-story above grade (with an additional partially subterranean basement level) such that no portion of the structure is more than 18 feet above existing grade. Reducing the maximum height above existing grade to 18 feet would reduce the visibility of the development from public viewing areas and thereby minimize adverse impacts to visual resources to the maximum extent possible. As such, to ensure that adverse impacts to visual resources are minimized, Special Condition One (1) requires the applicant to submit revised plans, for the review and approval of the Executive Director, that reduce the height of the residence to a maximum of 18 feet above existing grade.

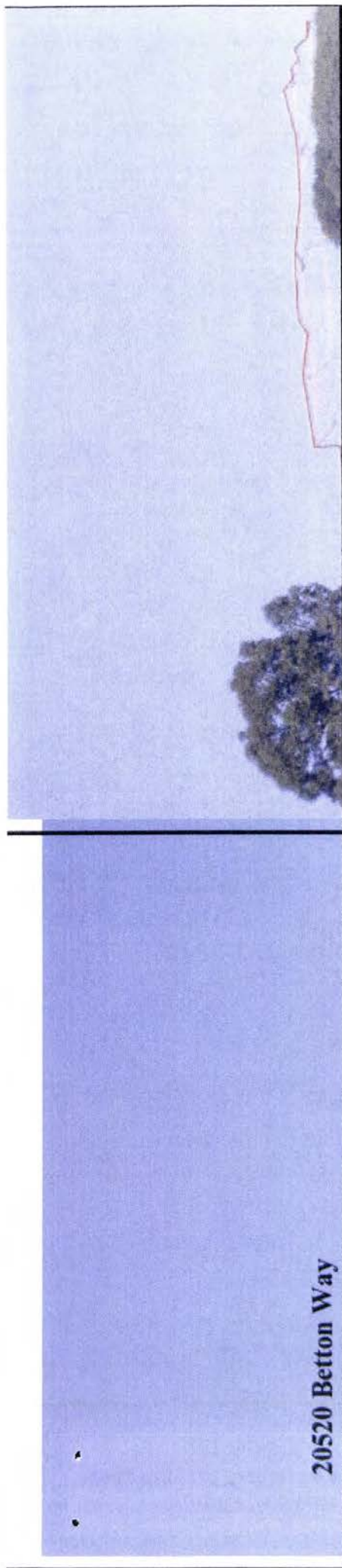
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Skyhawk Lane
ry, 2,503 sq. ft.,
Family Residence

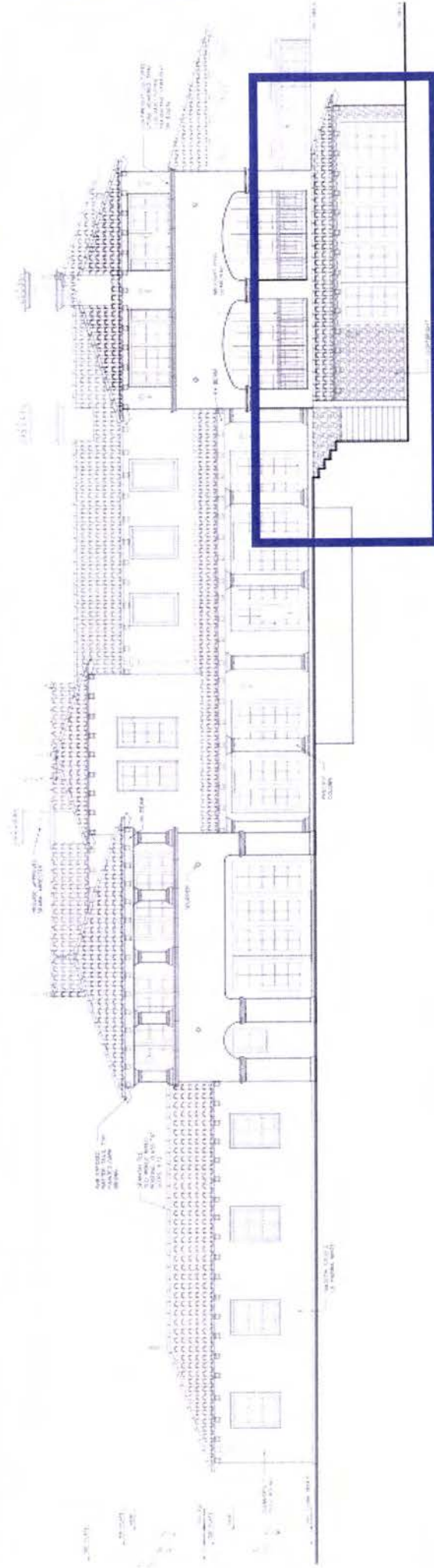


o Project Site

CCC Staff Report



20520 Betton Way



Proposed Basement Notched into Hillside

Exhibit 12
ed Residence Staking Photo
CDP No. 4-12-003

20520 Betton Way
2-story, 5,062 sq. ft.,
Single Family Residence

2525 Hawks Nest Trail
Project Site
Proposed 26'8" ft. high,

Therefore, the proposed residence will not
appear 35' tall from any scenic route

Exhibit 12
Proposed Residence Staking Photo
CDP No. 4-12-003

Intervening Topography Will Block
All Views of Proposed Basement

Taken from Tuna Canyon Road looking North to Project Site

• Taken from Tuna Canyon Road looking North to Project Site

Height Comparison

26' Tall Residence

Segment of Tuna Canyon Road
Proposed Residence is Visible

26' TALL RESIDENCE

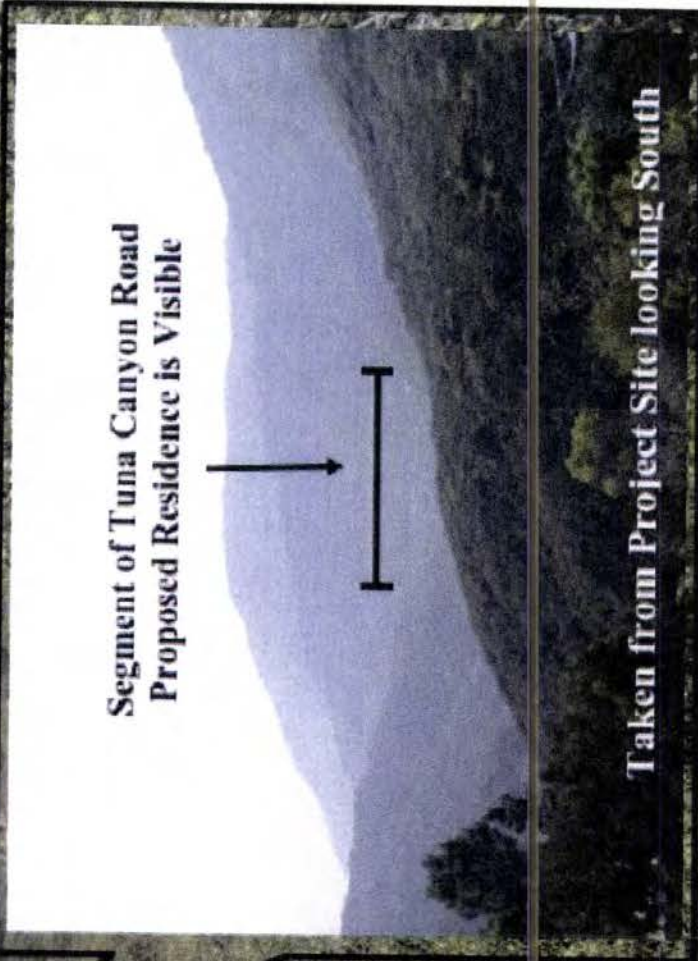
Exhibit 13
Visual Impact from Scenic
Highway Photo
CDP No. 4-12-003

Taken from Project Site looking South

Taken from Tuna Canyon Road looking North to Project Site

No Appreciable Difference between 26' and 18' in height from this distance

18' Tall Residence



Taken from Project Site looking South

18' TALL RESIDENCE

Taken from Tuna Canyon Road looking North to Project Site

Project Site

This Section of Tuna Canyon is a One-Way, One-Lane Road

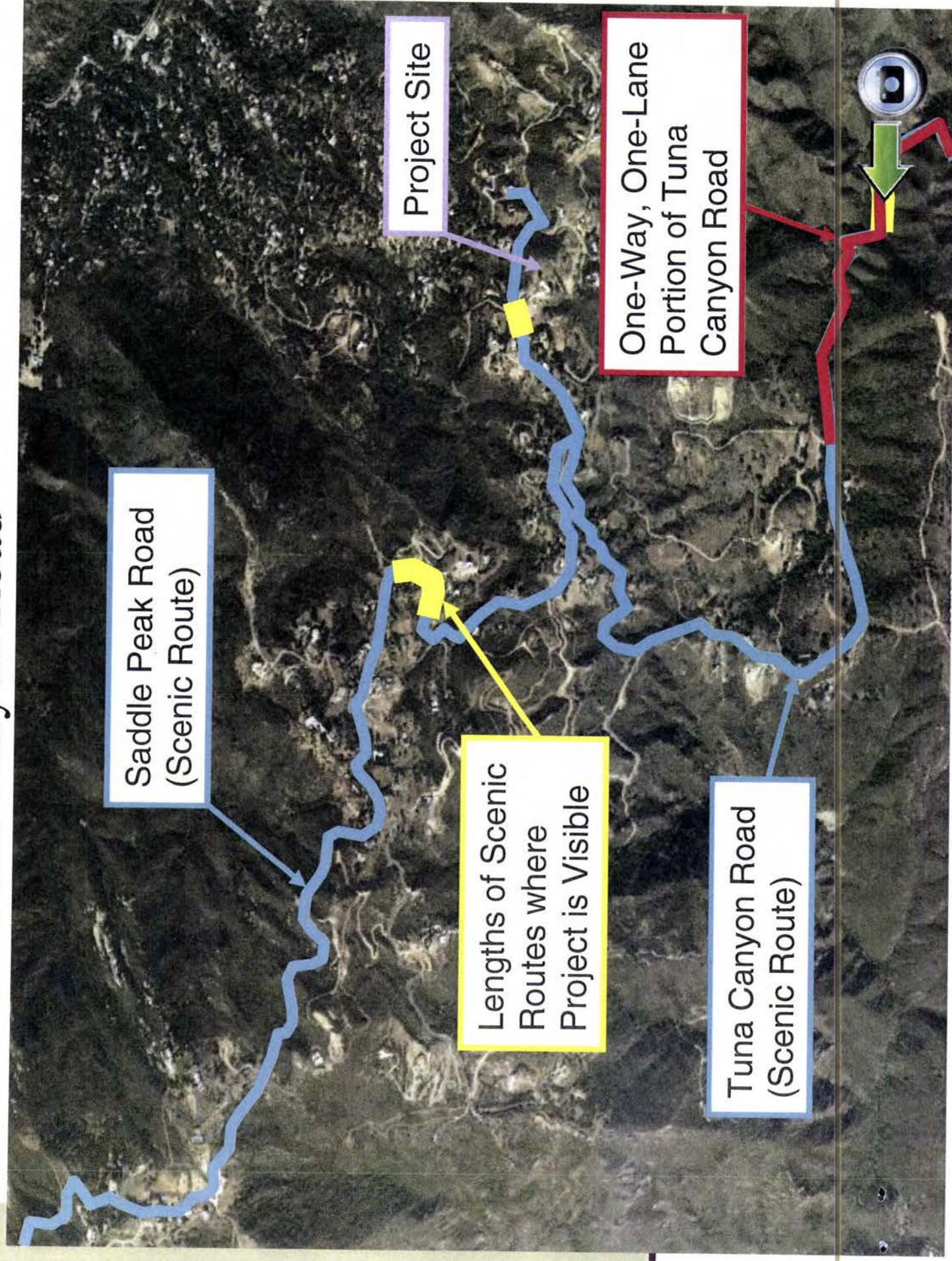
Segment of Tuna Canyon Road
Proposed Residence is Visible

18' TALL RESIDENCE

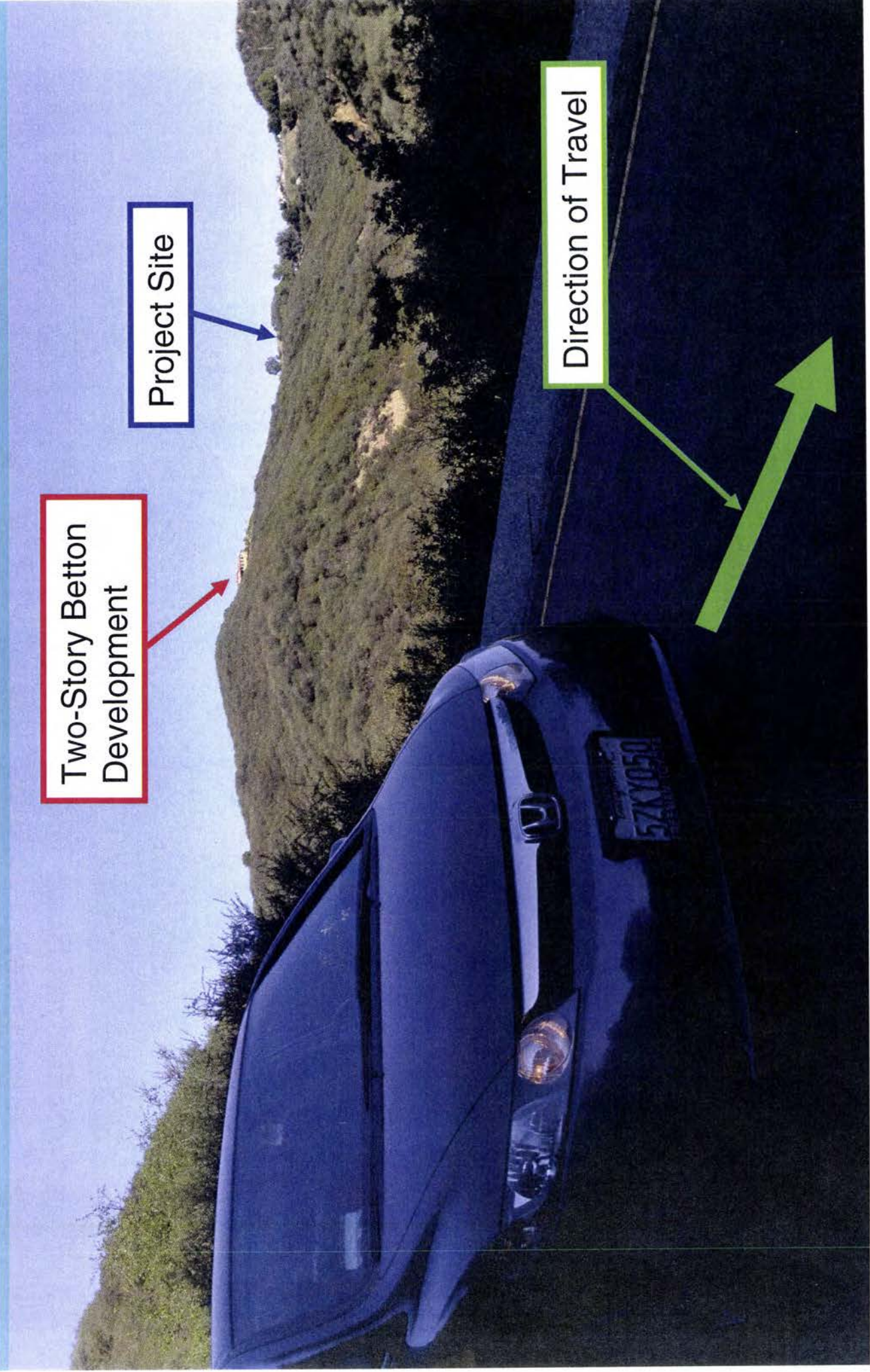
Exhibit 13
Visual Impact from Scenic
Highway Photo
CDP No. 4-12-003

Taken from Project Site looking South

View from Tuna Canyon Road



• • Driver **IS NOT FACING** Proposed Development
THEREFORE, IT WILL NOT BE SEEN

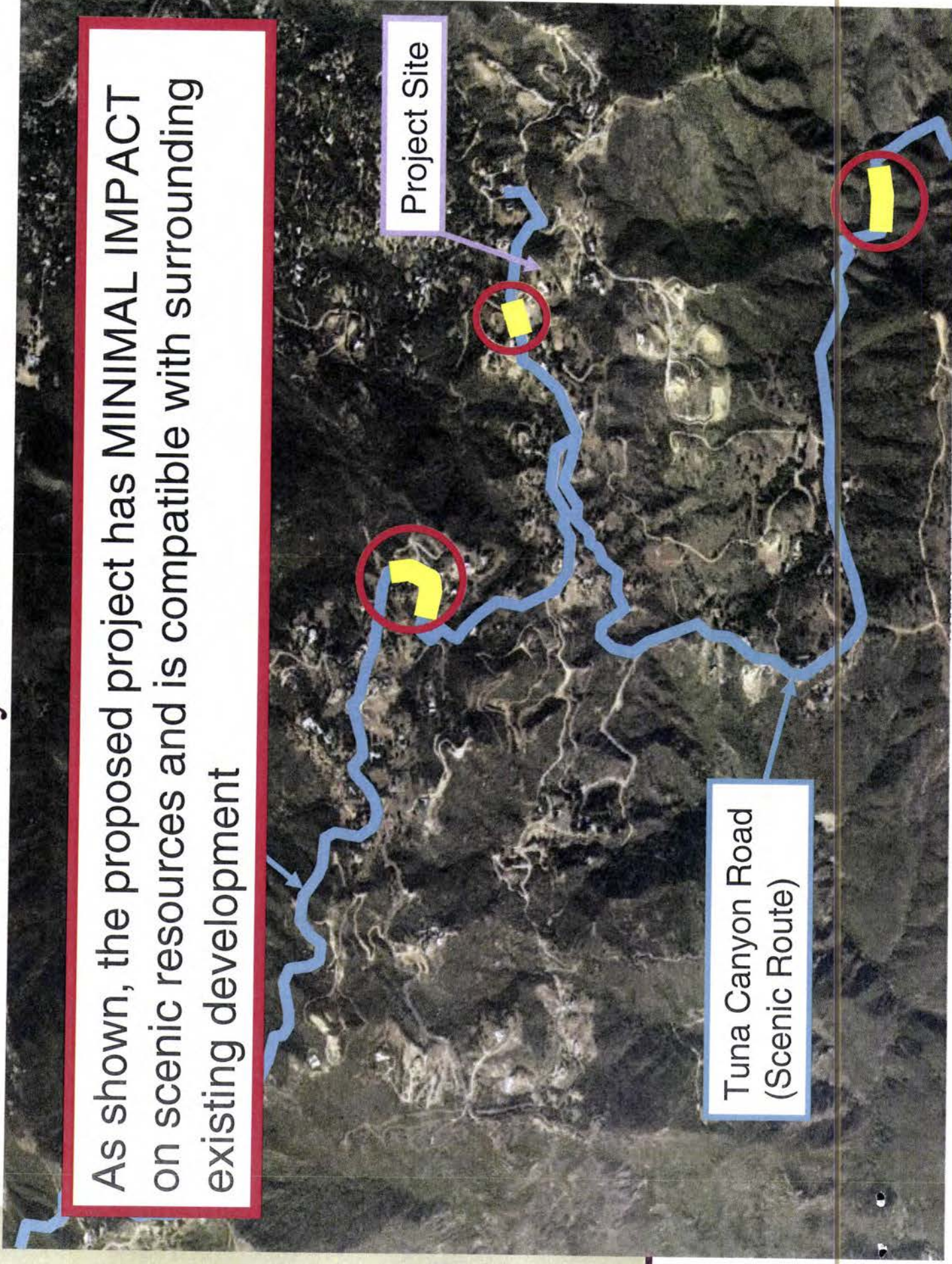


View from Tuna Canyon Road

As shown, the proposed project has **MINIMAL IMPACT** on scenic resources and is compatible with surrounding existing development

Project Site

Tuna Canyon Road
(Scenic Route)



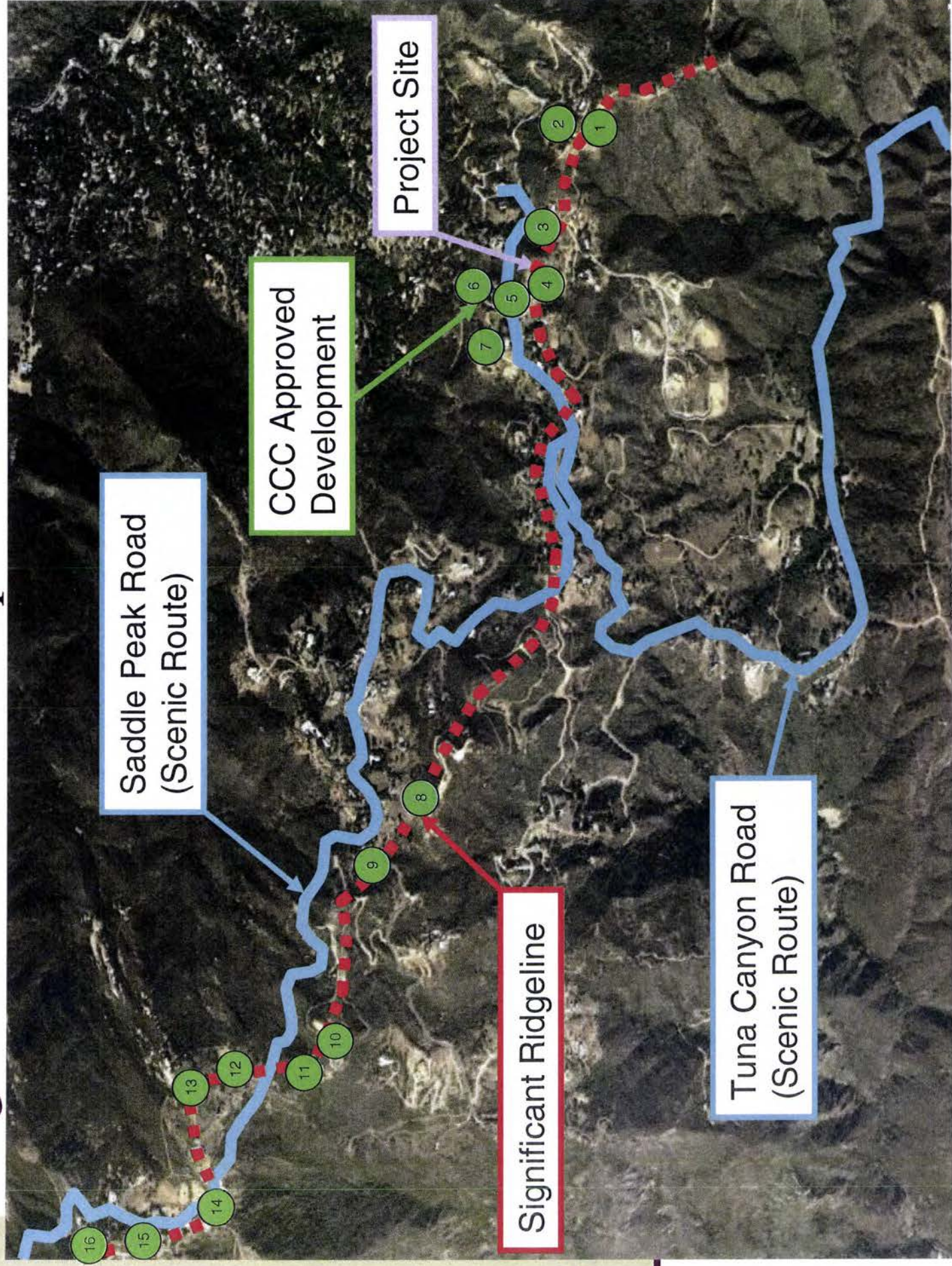


Adoption of Los Angeles County Local Coastal Program

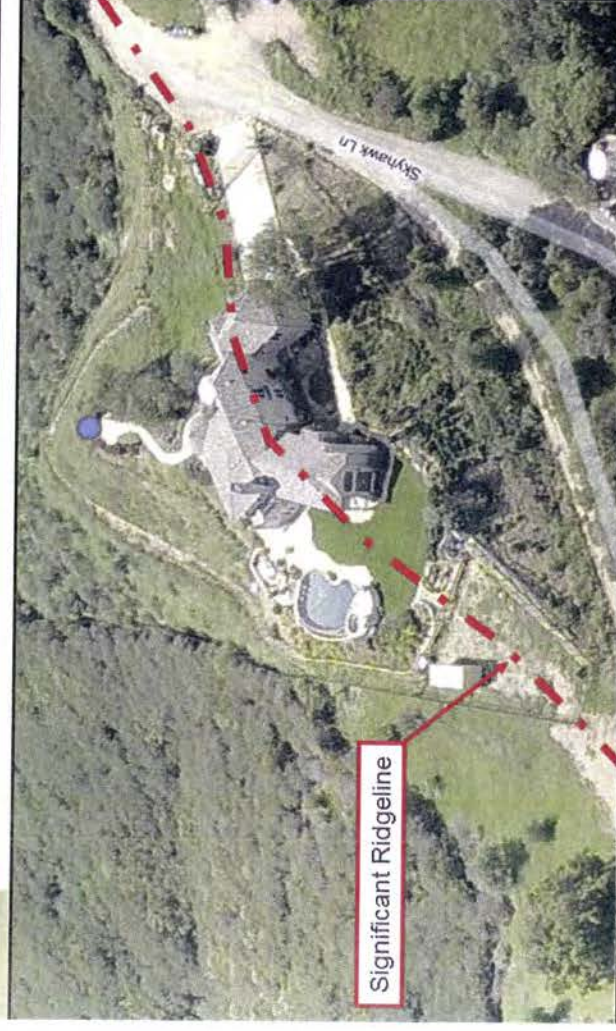
Coastal Act Section 30604(a)

- A CDP shall be issued if the Commission finds that the proposed development is in conformity with Chapter 3 and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3.

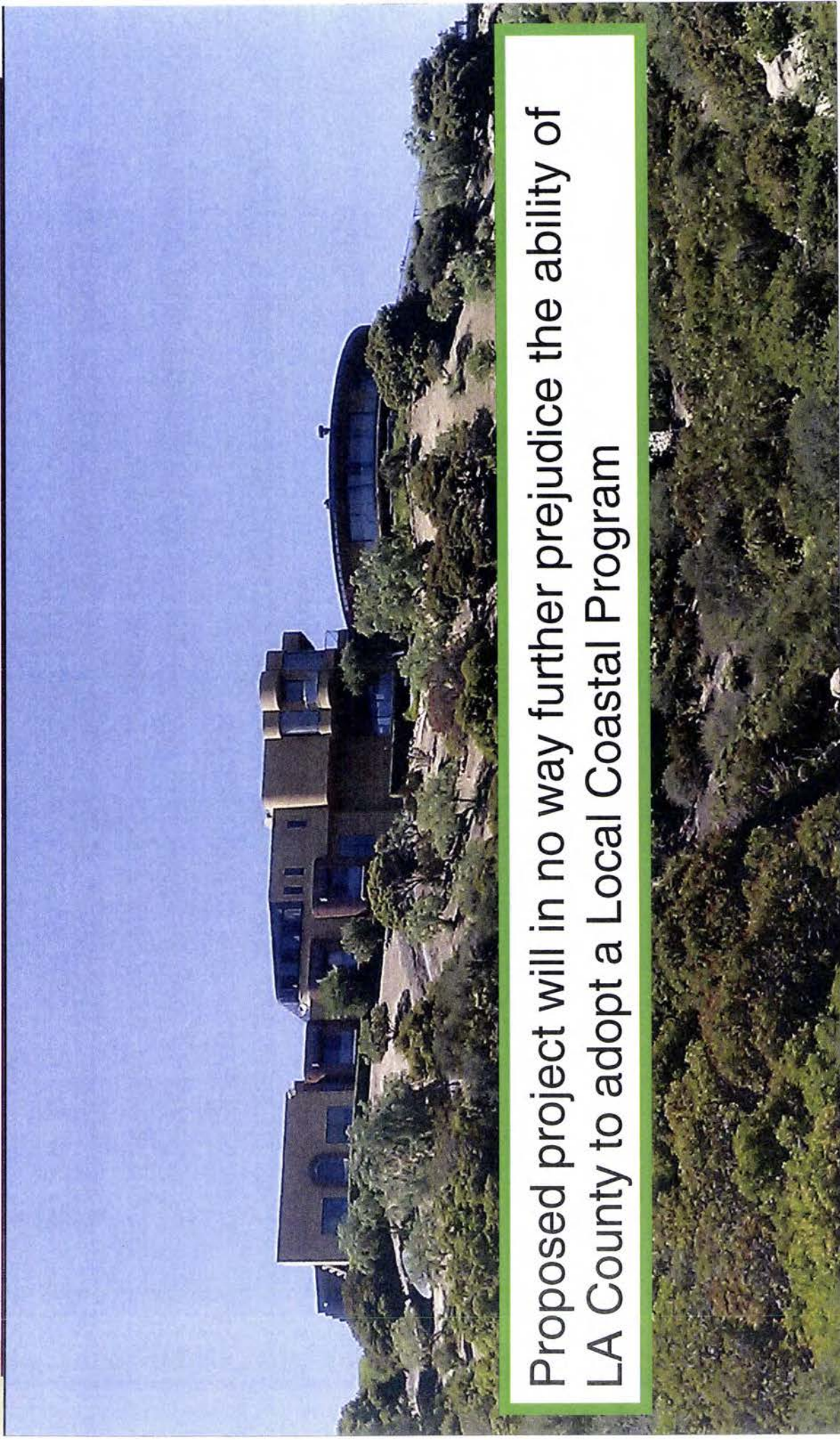
Neighborhood Context Map



Two-Story CCC Approved Projects on Significant Ridgeline



Two-Story CCC Approved Projects on Significant Ridgeline



Proposed project will in no way further prejudice the ability of LA County to adopt a Local Coastal Program

Conclusion

- Residence is located on the only flat and disturbed portion of the parcel
- Project is not proposed in ESHA or SERA
- Neighborhood development is consistently located on the subject significant ridgeline and is two-stories tall
- Project is only visible from three very short lengths of Tuna Canyon Road and Saddle Peak Road
- The basement will not be visible from any scenic routes, public viewing areas, or public lands
- Approval of the project will not in any way prejudice the ability of LA County to adopt a Local Coastal Program
- **Applicant requests a Special Condition limiting the house to 24' in height above existing grade**
- **Applicant requests a 2nd Special Condition requiring vegetative screening of views from scenic routes**