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

W37c

ADDENDUM

Click Here to Go to Staff Report

DATE: September 6, 2013

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item W37c, Application No. 4-13-0401 (Rydings), Wed., September 11, 2013

The purpose of this addendum is to (1) attach and respond to several public comment letters received since publication of the August 22, 2013 staff report, (2) include further clarification to the "Visual Resources" section within Section "IV. Findings and Declarations;" and (3) correct an inadvertent error regarding the number of attachments included in the alternative analysis dated July 16, 2013 and submitted by the applicant's representative.

1.) In the attached letters from property owners within the project's vicinity, received on September 6, 2013, the property owners' express concerns regarding the project's consistency with the visual and hazard-related policies of the Coastal Act and requested that the item be continued to a later hearing. Staff notes that the issues raised in the letter have already been fully addressed in the staff report for the project.

Specifically, property owners' raise concern that the proposed project is inconsistent with Section 30251 of the Coastal Act and the visual resource policies of the certified Malibu/Santa Monica Mountains Land Use Plan, since the proposed project would sit on the top of a Significant Ridgeline. As discussed in Section IV. Findings and Declarations C. Visual Resources of the staff report, there is no feasible siting alternative and the residence is 20 feet above existing grade maximum, which will minimize impacts to visual resources, including the Significant Ridgeline, Scenic Highways, and public viewing areas to the maximum extent feasible and assure the project's consistency with Section 30251 of the Coastal Act and guidance policies of the certified Malibu/Santa Monica Mountains Land Use Plan.

The property owners' also raise concerns that the construction and placement of such residential development on the ridgetop could lead to significant erosion on the site that could result in landslides. Staff would note that this issue is fully addressed in Section IV. Findings and Declarations D. Hazards and Geologic Stability of the staff report. The Geologic and Soils Engineering Investigation Report, prepared for the project concludes 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 report contains 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. Special Condition Three (3) Plan Conforming to Geotechnical Engineer's Recommendations of the staff report requires the applicant to comply with the recommendations contained in the geologic and soils report, 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. Additionally, Special Condition Five (5) Permanent Drainage and Polluted Runoff Control Plan and Special Condition Six (6) Interim Erosion Control Plans and Construction Responsibilities of the staff report requires the applicant to submit drainage and interim erosion control plans, certified by the geotechnical engineer, that include adequate drainage and erosion control measures to minimize erosion and ensure stability of the project site.

2.) The following changes shall be made to the "Visual Resources" section within Section "IV. Findings and Declarations" found on pages 23-27 of the August 22, 2013 staff report, to include further clarification:

Pages 23-24:
For the reasons stated above, the Commission concludes that the proposed siting, height, and bulk of the proposed residence have the potential to ~~will~~ have significant adverse impacts to visual resources in the area, to ~~will~~ not protect views of the significant ridgeline (a scenic coastal area) from scenic highways or public viewing areas, and to ~~will~~ not be visually compatible with the character of the surrounding area.

Further, the project, as proposed, raises issue with ~~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 raising issue ~~being inconsistent~~ with the provisions of 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 raises issue ~~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.

….

Page 27:
In this case, the Commission finds that it is not feasible to re-site the development on the descending slopes and off the top of the Significant Ridgeline. Such an alternative development would result in a substantial increase in grading and landform alteration. As such, the proposed location of the residence is the preferred site for development of the project site. The applicant has designed the residence to be a maximum of 20 feet above the existing grade of the ridgetop (with a portion of the structure at a maximum of 18 feet above existing grade). Given that there is no feasible siting alternative and the residence is 20 feet above existing grade maximum, the Commission finds that the proposed structure will minimize impacts to visual resources, thereby protecting views to scenic coastal areas, including the Significant Ridgeline, Scenic Highways, and public viewing areas to the maximum extent feasible.

To further protect views by minimizing ~~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.

3.) To correct an inadvertent error regarding the number of attachments included in the alternative analysis dated July 16, 2013 and submitted by the applicant's representative, the following changes shall be made to the August 22, 2013 staff report on Page 25 (~~Strikethrough~~ indicates text to be deleted from the August 22, 2013 staff report and underline indicates text to be added to the staff report):

In response to staff's request, the applicant's representative provided staff with an alternative analysis dated July 16, 2013 (Exhibit 15). This submitted alternative analysis evaluated two alternative siting locations for the residence. The first alternative location proposed siting the residence on the southern slope of the significant ridgeline and concluded that providing vehicular access to the southern slope of the significant ridgeline would require a 20-foot wide access road and result in massive amounts of grading (although no quantities were included) and tall retaining walls. Additionally, this location would require the construction of a multilevel, step-up design approach to accommodate the site's steep slopes which would also result in massive amounts (no specific quantity estimates provided) of grading. The second siting alternative location for the proposed residence that was evaluated was locating the residence on the northern descending slope adjacent to the significant ridgeline; the applicant's representative also concluded that this location could result in massive amounts of grading (no quantities provided). Additionally, this submittal included ~~two~~ four attachments; the first included a site plan of the proposed development showing the steepness of the surrounding slopes on site and

included five photographs showing the slope degree, ~~and~~ the second attachment included an aerial of the site and highlighted the location of the dense chaparral vegetation on site; the third included an exhibit of the County of Los Angeles County Fire Department fire apparatus turnarounds; and the four and final attachment included a site plan of the proposed development that depicted the location of retaining wall #4 extension.

Rodriguez, Barbara@Coastal

From:	Kristine Kidd <kiddkristine@gmail.com>
Sent:	Friday, September 06, 2013 9:36 AM
To:	deannachristensen@coastal.ca.gov; Rodriguez, Barbara@Coastal
Subject:	Oppose: Agenda Item 37c on 9/11 and Permit # CDP-4-13-0401
Attachments:	Letter to CCC.docx

Received
SEP 06 2013
California Coastal Commission
South Central Coast District

#37c on 9/11

#CDP-4-13-0401(Mark Rydings)

Agenda Item

Permit

Oppose
From:
Kristine Kidd

and Stephen Peck
2302 Tuna Canyon 89 South California
Topanga, CA 90290
9/6/2013
California Coastal Commission
89 South California Street, Suite 200
Ventura, California 93001-2801

Dear Commissioners,

We would like this letter included in the CCC staff report and read aloud during the public comment portion of the hearing in Eureka on September 11 since we cannot attend in person as we had virtually no notice of staff's reversal. We only received the staff's new recommendations last Friday, August 30, giving us only eight days to respond. Furthermore, we found out only by accident on September 5 that emails must be received by the Ventura office of the CCC by noon on September 6, giving us less than 24 hours to respond with photos. There appears to be an effort to rush through the approval of a questionable project that the Commission has already turned down, not once but twice. The Commission is making it very challenging for the public to respond.

It is our understanding that the CCC Staff report has recommended approval of this project. We are asking the Commission to turn down this project for a third time, or at the very least postpone the vote so that we can present our case and our evidence. We urgently ask for a minimum of four months more time and that the meeting be located in Southern California so that we can present our case for denial.

Before any vote, we ask that the commission consider a number of concerns we have about this project, and the staff report accompanying it; they are as follows:

1. The proposed 8,180 square foot house would sit on the top of a significant ridgeline, and that is not consistent with the Malibu/Santa Monica Mountains Land Use Plan or Section 30251 of the Coastal Act. . The Commission denied the permit application twice, finding that the proposed development would be visually intrusive.

2. We bought our house ago (across the street from this very large hill) just over 2 years for its view, confident that the CCC would uphold the LUP and prevent development on that significant ridgeline. The

significant ridgeline where the house is to be situated is a major part of our view. (see attached photos). We are very fearful that the attractiveness and value of our property will decrease. Furthermore, that huge house will dominate our view everyday. It will be the first thing to greet us in the mornings and the last thing we will see before we go to sleep, rather than the scenic view the CCC is there to protect.

3. We too are members of the public that the Coastal Act was meant to protect, and we, as well as our neighbors and our friends, would see the house more frequently than any other members of the public, as we drive up and down Tuna Canyon daily.

4. As staff notes in its detailed summary (pp. 17-23) of Applicant's past claims, the application is filled with exaggerations and misstatements.

5. The applicant has made only minimal changes in the third application. Has anything really changed other than they're now calling this a two-story house instead of a three-story house? They are supposedly lopping off almost seven feet. But it will still be a three-story house, and appear to be a three-story house from part of Tuna Canyon Road. It will still dominate a pristine, significant ridgeline, not only from the road but from adjacent parkland and all over the canyon.

6. The application refers to one level of the house as a "partially subterranean basement level" but describes the basement level as having a "patio and lawn." We wonder how there can there be a subterranean patio and lawn? This seems to be another misstatement by the applicant.

Again, respectfully, we are asking the Commission to turn down this project as it has wisely done twice before. It still does not comply with section 30251 of the Coastal Act. The "changes" included in this third submission amount to sleight of hand that does nothing to change the fact that the design submitted completely discounts the section of the act that states "development shall be sited and designed to protect views to and along the ocean and scenic coastal areas".

Thank you for your consideration of this request.

Sincerely,

Kristine Kidd
Stephen Peck
2303 Tuna Canyon Rd
Topanga, CA 90290

Rodriguez, Barbara@Coastal

From:	Sabine Niederberghaus-Lesavoy <sabinenbh@aol.com>
Sent:	Friday, September 06, 2013 9:40 AM
To:	deannachristensen@coastal.ca.gov; Rodriguez, Barbara@Coastal
Subject:	Letter of Opposition for Eureka Hearing 9/11/13 / CDP-4-13-0401 (Mark Rydings)
Attachments:	MALSNLLetter.docx

The letter is attached as a word document in addition to the text within this email !!!!!

Received
SEP 06 2013
California Coastal Commission
South Central Coast District

OPPOSITION LETTER TO

Agenda Item #37c on 9/11;
Permit# CDP-4-13-0401 (Mark Rydings)

Letter to Coastal Commission
By
Malcolm A Lesavoy, M.D.
Sabine Lesavoy
(18 yrs residents on)
2535 Hawks Nest Trail
Topanga, CA 90290
Tel (310) 455-0607

Topanga, September 5th, 2013

Email: deannachristensen@coastal.ca.gov and brodriguez@coastal.ca.gov .

Dear Commissioners of the California Coastal Commission:

This letter shall serve as a strong opposition to the above permit application, 4-13-0401, Applicant: Rydings, Agent: Schmitz, Address: 2525 Hawks Nest Trail, Topanga, CA 90290

We would like this letter included in the CCC staff report and read aloud during the public comment portion of the hearing in Eureka on September 11, since we cannot attend in person.

For the record, it is extremely unfair that we have had such little notice for us to provide this opposition letter. We did NOT receive the hearing notice until August 30, granting us only eight days to respond by Monday, Sept. 9. We found out by accident on September 5th, that any email submission must be received by CCC Ventura office by Friday, Sept. 6th at noon, giving us less than 24 hours to respond with photos.

We have been extremely concerned about this project from the very beginning prior to the first hearing and subsequent to the two CCC rejections of this application. It appears that this project is being ***improperly expedited for a third hearing*** to Eureka, which is 644 miles away from us, a meeting location unavailable geographically to neighborhood residents.

We live at 2535 Hawks Nest Trail, directly South, below of and adjacent to this project.

In reviewing the more than 100 pages of the CCC Staff report of 08/22/2013 we see there are ***innumerable inconsistencies*** with the Coastal Act. To address each one of these would require weeks of research and legal representation.

In addition to this letter of objection you will receive many other private resident letters of opposition with concerns over other inconsistencies and violations.

To only mention a few of our objections, this project is totally inconsistent with any private residence within miles of this site. Homes in this area range from 2000 to a maximum of 4500 square feet of living space. This proposed house is more than double in size. This will be a complete eyesore to this rural community and embarrassment to the local homeowners.

The two previous rejections of this monster house have not been addressed by Mr Schmitz. He has used subterfuge to make this new application. ***Nothing is new.*** Changing the amount of grading by a mere 100 cubic yards is just a paper shift. Changing a three story house to a two story house by declaring a "basement" – is still a three story house. It is still **8200 square ft** of living space **– are they building a hotel???**

The story poles that were erected caused anger and concern among the local residents all the way from Lower Tuna Canyon Road and PCH (Pacific Coast Hwy) to the South and impacted visual views from Topanga Canyon to the North.

As stated in the CCC report in Section "C", (Visual Resources, page 19), and Section "30251" of the Coastal Act, there is NOT one aspect of consistency of this project, as newly introduced that conforms to the following paragraphs of this Act – P91, P125, P129, P130, P131 and P134. If this section of the Coastal Act is to

be adhered to, then this project should be flatly denied (again), just based on the unacceptable ***visual degradation*** of the Santa Monica Mountains. The Act was passed after very thoughtful consideration by the Legislature for a reason. ***Violating*** the above sections will be unconscionable.

In reading portions of this 100+ page report of the CCC, Mr. ***Schmitz*** did not address many of the concerns and demands of the Costal Commission; he just ***ignored*** them as if YOUR concerns did NOT exist.

Moving this mansion to a more visually acceptable position on this magnificent ridgeline to either the North slope or South slope was not adequately addressed by Mr. Schmitz. Why not construct a beautiful house that is consistent with the ridgeline, the Coastal Act, and with surrounding homes within a 2-3 mile radius?

We understand that this is a free country and that anyone can build their dream home. But like all of us in the surrounding area, we had to comply with the laws of the land and the aesthetics of our neighbors. The proposed hill ***has deep slopes*** on either side, and attempting to put a ***watermelon on a toothpick*** makes absolutely no sense.

We have lived here for 18 years, ***we have lived THAT mountain*** for 18 years, and each year within ensuing rains and storms (not counting fires) we have learned MUCH. Each year we have had to install various ripraps and French drains to accommodate nature. This monster house will impact this environment with major unintended consequences. One does not have to be an expert in geology; one has to ***LIVE this land*** to understand it and having an 8200 square ft house on top of this mountain with its small building pad makes no sense. It will put us residents and animals directly beneath it in great danger.

We welcome Mr Rydings to come and speak to the neighbors, to get a feel for the community (that is very united) and for the feel for the land and nature.

The Coastal Commission was established to protect the beautiful and unique Santa Monica Mountains from destruction. This project would be similar to the visual effect of the absent twin towers in New York. It is a blight upon this canyon.

Respectfully submitted for your consideration,

Malcolm A Lesavoy, MD.
Sabine Lesavoy

Sabine Niederberghaus-Lesavoy
Ph: +1 (310) 980-9697
Email; SabineNbh@aol.com

Received
SEP 06 2013
California Coastal Commission
South Central Coast District

September 6, 2013

Agenda Item #37c on 9/11/2013

Permit# CDP-4-13-0401 (Mark Rydings)

Isabel S. and John H. Freeman, abutters

Opposed

Dear Commissioners of the California Coastal Commission:

We, Isabel S. Freeman and John H. Freeman, own and live in the house at 2260 Tuna Canyon Road, which immediately abuts Applicant's property. Our home is located about 100 yards directly down slope to the northeast from the crest on which Applicant proposes to build. See photo attached, which also shows the abutting Cevenini home to the southwest (upper right).

We request that this letter be included in CCC staff report of 8/22/2013 re Application # 4-13-0401 and read aloud during the public comment portion of the hearing in Eureka on September 11 since we cannot attend in person. A copy of this letter in Word format is attached.

Applicant's revised proposed development is so potentially problematic for us and the community that we feel we should have a chance to present our reasons for opposition in person. If it is not possible to reschedule this Agenda Item to a CCC meeting in Southern California, we urge the Commissioners to reject the application, for the following reasons:

1. Increased risk from much more extensive excavation. We are afraid such excavation, which may well wind up requiring blasting, could crack and weaken the crest and create the potential for very large land mass shifts if flooded or in the event of an earthquake. Please note that the Applicant's geology analysis, which was prepared many months ago, did not explicitly take into account Applicant's revised plan to do extensive excavation.

2. Risk of damage to our home from a mudslide. We are afraid that the Applicant's proposed driveway retaining wall could fail or overflow in a severe rainstorm and allow a terrible mudslide to fall onto our house. The slopes surrounding the crest are extremely steep: in fact a massive mudslide occurred about seven years ago at the back of our house just a few yards from the property line of this project. It spilled onto Tuna Canyon Road, requiring the previous owner to do expensive re-landscaping with anchoring plants.

3. Extent of visual intrusion. If the Commissioners could see how prominent the location of the Applicant's proposed development is-- it's on the topmost crest at the eastern end of a significant ridge line, and is visible from virtually all of Topanga Canyon to the north and east, including Topanga Canyon State Park and the Pacific Palisades, and also from Tuna Canyon State Park to the west-- it would become clear to them that the Applicant's revised plan would still result in a monumental unnatural visual intrusion into the sky that would be constantly in the faces of many thousands of people in the community all the time.

4. The CCC Staff's current rationale for approval contradicts their earlier conclusion that it is feasible to mitigate the visual impact. The Staff previously recommended that the house height

be limited to one story; now it asserts that the Applicant's current two-story+ plan should be approved because there's no feasible way to reduce further the visual impact. That doesn't make sense. Of course it can— by the Staff's original suggestion.

5. If adopted, the Staff's current rationale for approval would greatly compromise the Commissioners' power to protect the citizenry and the environment. Inability to reduce an intrusive visual impact can not itself be the justification for approval— if it were, anyone could choose to design an oversized house for a significant ridge line crest in such a way as to make reduction of visual impact impossible, which the CCC would be powerless to stop.

Respectfully submitted,

Isabel S. Freeman
John H. Freeman
2260 Tuna Canyon Rd
Topanga, CA 90290

Received
SEP 06 2013
California Coastal Commission
South Central Coast District

Agenda Item #37c on 9/11
Permit # CDP-4-13-0401 (Mark Rydings)
OPPOSE

From: Claudia Cevenini and Edward Greenberg
2250 Tuna Canyon Road
Topanga, CA 90290

Att: California Coastal Commission
89 South Street, Suite 200
Ventura, CA 93001

September 5, 2013

Dear Commissioners,

We are in receipt of your hearing notification dated August 27, 2013, which reached us on Friday August 30, and we are writing to oppose the above referenced.

We would like this letter included in the CCC staff report and read aloud during the public comment portion of the hearing in Eureka on September 11, since we cannot attend in person.

The project was already denied twice in previous hearings for extremely valid reasons, and now, with negligible modifications on the part of the developer, such reasons have been hastily set aside.

One of the main concerns was the marked ridgeline that runs through the property in question, above which a clearly visible structure would be erected; the immense mansion proposed for this narrow and high site will be extremely intrusive: it will jut up not just in Tuna Canyon, though that is bad enough, but will be visible to state parkland far to the west and north east, all the way to Topanga Canyon Boulevard.
The Los Angeles County Ridgeline Ordinance was passed in 2004: wasn't it conceived and passed to protect the Santa Monica Mountains from just such defacement?

Moreover, we have been living at our current address for the past ten years (a few yards just west and below this mansion's proposed four-car garage) and have learnt the hard way to negotiate both fires and mud slides - after the last heavy rains of a few years ago, no property was left unscathed, and we are concerned that such a massive project built on a small piece of flat land surrounded by very steep slopes could cause significant mudslides at the first heavy rains. If so, the immediate three houses underneath the proposed building site could be in significant danger.

While we are not opposed to welcoming new neighbors to be part of our tight-knit community, we are adamant a project of such scope be stopped and reconfigured appropriately. Thus, we trust the CCC will deny the application or, at the very least,

postpone the hearing so that many of us will be able to attend in the Southern California area early in 2014.

Respectfully,
Claudia Cevenini and Edward Greenberg

Received
SEP 06 2013
California Coastal Commission
South Central Coast District

September 5, 2013

RE:
Agenda Item #37 on 9/11/13
Permit #CDP-4-13-0401 (Mark Rudinge)
OPPOSED: Craig Houx

Dear Commissioners,

It has come to my attention that the California Coastal Commission is considering approving a permit to build an 8,100 sq. ft. hilltop home above Tuna Canyon Blvd., Topanga, Ca. 90290, on a scenic ridge line within the California coastal zone. Why did staff virtually within one week's time suddenly approve this application and schedule it for an immediate hearing? At whose direction? As other staff found twice before, this is a gargantuan structure that violates the Coastal Act. I am outraged that this has happened. I entrusted the California Coastal Commission to protect our coastline from such development.

This mansion will be visible from THREE, 300 feet stretches along Tuna Canyon Blvd., and from along almost a quarter mile of Saddle Peak Blvd. above it. The applicant misinformed the California Coastal Commission by grossly understating the distance for which most of this mansion will be visible from these scenic roadways. We measured the road both by pacing it off and with the car odometer. Please see the enclosed photos which prove our contention. (Where are the Applicant's photos of the road, by the way?)

It also puts several neighboring properties in danger from erosive water and mud runoff flooding and damaging their properties and homes. During the excavation phase and construction phase, which could last a year or two, or longer, there will be vast amounts of dust, big trucks going up and down a very narrow Tuna Cyn. Blvd. and Fernwood Pacific Blvd., creating a serious danger to residential and commuter traffic, which in itself poses a danger. The added very

loud and noisy intrusion of dump trucks, heavy equipment, and construction vehicles will create an unnecessary hazard to a community that deeply values its peace and quiet.

Clearly, there are already hundreds of huge homes dotting the Santa Monica Mtns. This project is just one more ax falling to destroy the quality of Nature that we residents seek in this precious and fragile region of the coast. At the rate the California Coastal Commission is granting building permits, eventually there will no longer be Nature, but suburbs, and the ghastly malls and traffic that follow them. Who in the hell wants to see in Topanga what has already happened to downtown Malibu near the Civic Center, as traffic lights and tourists slowly destroy its village character.

It is very expensive owning and maintaining property and a home in the Santa Monica Mtns. We are subject to mudslides, rockslides, and wildfires, and expend considerable money and energy averting these recurring disasters in order to enjoy the quality of life here. Sadly, more homes and more traffic only increases the possibility of damage from erosion and increases the chance of wildfires.

Please: either deny this application a third time or delay this hearing so that canyon residents can make the decent case for denial, with evidence, that someone has prevented us from making today.

Sincerely,

Craig Houx
2630 Tuna Cyn. Rd.
Topanga, Ca. 90290

September 5, 2013

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

W37c

Filed:	8/13/13
180th Day:	2/9/14
Staff:	D. Venegas-V
Staff Report:	8/22/13
Hearing Date:	9/11/13

STAFF REPORT: REGULAR CALENDAR

Application No.:	**4-13-0401**
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, 20 ft. high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 9 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,309 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,730 cu. yds. of grading (6,810 cu. yds. of cut and 920 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, 20 ft. high (as measured from existing grade) single family residence with an attached 815 sq. ft. garage. While the maximum height of the proposed residence is 20 ft. from existing grade, a portion of the structure will be 18 ft. high from existing grade

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 10 feet below the bottom of the main residence. Submitted plans indicated that the residence would be 20 feet 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 30 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.

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 a large 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.

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

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Exhibit 15. 1st Alternative Analysis Submitted by Applicant's Representative
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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. 4-13-0401 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) 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, 20 ft. high (as measured from existing grade) single family residence with an attached 815 sq. ft. garage, driveway, hammer-head turnaround, 9 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,309 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyards, hardscaping, landscaping, irrigation system and 7,730 cu. yds. of grading (6,810 cu. yds. of cut and 920 cu. yds. of fill). While the maximum height of the proposed residence is 20 ft. from existing grade, a portion of the structure will be 18 ft. high from existing grade. 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 7,730 cu. yds. of total grading involving: 3,220 cu. yds. of grading (3,200 cu. yds. of cut and 20 cu. yds. of fill) for construction of the proposed residence; 4,510 cu. yds. of grading (3,610 cu. yds. of cut and 900

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 at a significantly lower elevation 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, as further discussed below in Section IV. B. Visual Resources.

B. PAST COMMISSION ACTIONS

On December 13, 2012, the Coastal Commission denied, by a vote of five to five, a coastal development permit (CDP) No. 4-12-009 (Rydings) for the proposed 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 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 included minor widening of segments of Hawks Nest Trail and Skyhawk Lane. The applicant agreed to staff's recommended revised plans condition to reduce the maximum height of the structure to 20 ft. above existing grade. Notwithstanding this agreement, the applicant's agent submitted several analyses of visual impacts of the proposed development and of other structures near the project site and throughout the Santa Monica Mountains.

In response to staff concerns 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).

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 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 13). 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 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 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. Of the remaining examples, 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) 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."

The Commission denied the permit application finding 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 above the LUP-designated "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. The

written staff report for CDP No. 4-12-009 (Rydings) can be accessed at http://documents.coastal.ca.gov/reports/2012/12/Th8a-12-2012.pdf.

Additionally, on April 10, 2013, the Coastal Commission denied a request for reconsideration (CDP No. 4-12-003-R) of the Commission's denial of the permit noted above (CDP No. 4-12-003). The applicants requested that the Commission reconsider their decision to deny the applicant's coastal development permit application no. 4-12-003 contending that an error of fact occurred which had 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 Commission denied the reconsideration request finding that the applicant had not pointed to any error of fact or law that could have altered the Commission's initial decision, and did not present any relevant new evidence that, in the exercise of reasonable diligence, could not have been presented at the December 13, 2012 hearing. The written staff report for the request for reconsideration no. 4-12-003-R (Rydings) can be accessed at http://documents.coastal.ca.gov/reports/2013/4/W28a-4-2013.pdf.

Later, on May 16, 2013 the applicant submitted a coastal development permit application (CDP No. 4-13-0292) for substantially the same development prior to the six month waiting period from the date of the Commission's denial of CDP 4-12-003 and the Commission staff rejected the submitted application for filing and returned the application submittal to the applicant.

Subsequently, on June 12, 2013 the applicant submitted a new coastal development permit application (the subject CDP No. 4-13-0401) for substantially the same development after the six month waiting period from the date of the Commission's denial of CDP 4-12-003. The application that is the subject of this staff report represents the applicant's resubmittal of the denied permit (CDP No. 4-12-003) with some changes to the proposed development which include: a reduction of the maximum height of the residence to 20 feet (as measured from the existing grade) with a portion of the structure at 18 feet above existing grade; a reduction of the grading from 7,896 cubic yards to 7,730 cubic yards; and the addition of a retaining wall ranging in height from 0.5 ft. to 8.5 ft. high that would be 89 linear feet long.

C. 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 certified Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission has used these policies as guidance in the review of development proposals in the Santa Monica Mountains.

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 ridge and located in a scenic area. The LUP designates this ridge as a "significant ridgeline". "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 those that 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.

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

Additionally, the project site will be visible from two LUP-designated "scenic highways," Tuna Canyon Road [2] 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.) Further, 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. Finally, 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 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, 20 ft. high (as measured from existing grade) single family residence with an attached 815 sq. ft. four-car garage, driveway, hammer-head turnaround, 9 retaining walls ranging in height from 1.7 ft. to 10.5 ft. high and totaling 1,309 linear feet of retaining wall, pool, spa, private septic system and private water main, vineyard, hardscaping, landscaping, irrigation system and 7,730 cu. yds. of grading (6,810 cu. yds. of cut and 920 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 lower third-level basement area with a proposed bedroom, bath, theater room, den, wine tasting room, wine storage room, patio and lawn area that is approximately 10 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

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[2] Tuna Canyon Road, runs from PCH to Fernwood Pacific 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.

be 20 feet in height (as measured from the existing grade) above 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 30 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 20 feet 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 30 ft. high residence located on top of a significant ridgeline. In addition, the proposed 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 elements[1]" 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 Canyon[1], 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 20 and the multiple stories, which will make it effectively appear to be 30 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

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

8,180 sq. ft., two-story, 20-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 applicant's agent submitted a visual analysis of the proposed residence (Exhibit 14), dated July 15, 2013, that addressed the direct visual impacts of the 18-20 feet in height (as measured from the existing grade) proposed residence and included photographs of the project's story poles taken from areas of concern. Additionally, the analysis included examples of adjacent development.

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 highways or public viewing areas, and will not be visually compatible with the character of the surrounding area.

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 20 feet in height. As such, the proposed project would be inconsistent with the draft policy to prohibit structures on Significant Ridgelines noted above in the proposed Santa Monica Mountains LCP, although another draft policy provides a maximum height of 20 feet above natural grade where structures are approved on a Significant Ridgeline. 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 not be consistent with all of the visual resource policies of the certified LUP, or these draft policies, and could prejudice the County's ability to prepare a final LCP that is consistent with the Coastal Act.

Alternatives

The Commission has also considered siting 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. The obvious siting

alternative available to minimize visual resources would be structure that is located on a descending slope rather than on the ridgetop. In this case, the descending slopes on both sides of the ridge are quite steep and present constraints to the development of such an alternative.

As described above, the Coastal Commission's denial of CDP No. 4-12-003 was based on its findings that the proposed development (which is substantially the same development that is now being proposed in this coastal development permit application) would be visually intrusive; that it would break the blue skyline, that it would protrude above the "significant' ridgeline" as seen from public places; 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. During the hearing on this item, several Commissioners had questions regarding feasible project alternatives that could reduce or avoid visual resource impacts, particularly siting alternatives that included constructing the proposed residence on the south-facing slope below the ridgeline.

Commission staff requested that the applicant submit as part of the subject coastal development permit application an alternative analysis evaluating the feasibility of project alternatives, with detailed information regarding grading volumes necessary for building on the slope, and potential visual impacts of such alternatives. Specifically, Commission staff requested an alternative analysis that evaluated the feasibility of relocating the proposed single family residence closer to Hawks Nest trail and/or locating the residence off the crest of the significant ridgeline to reduce visual impacts and reduce landform alteration. This analysis should describe why the proposed location is more or less suitable, based on such factors as geologic stability, required grading and landform alteration, and include a visual representation of these proposed alternatives.

In response to staff's request, the applicant's representative provided staff with an alternative analysis dated July 16, 2013 (Exhibit 15). This submitted alternative analysis evaluated two alternative siting locations for the residence. The first alternative location proposed siting the residence on the southern slope of the significant ridgeline and concluded that providing vehicular access to the southern slope of the significant ridgeline would require a 20-foot wide access road and result in massive amounts of grading (although no quantities were included) and tall retaining walls. Additionally, this location would require the construction of a multilevel, step-up design approach to accommodate the site's steep slopes which would also result in massive amounts (no specific quantity estimates provided) of grading. The second siting alternative location for the proposed residence that was evaluated was locating the residence on the northern descending slope adjacent to the significant ridgeline; the applicant's representative also concluded that this location could result in massive amounts of grading (no quantities provided). Additionally, this submittal included two attachments; the first included a site plan of the proposed development showing the steepness of the surrounding slopes on site and included five photographs showing the slope degree, and the second attachment included an aerial of the site and highlighted the location of the dense chaparral vegetation on site.

After Commission staff's review of the submitted alternative analysis, staff requested a more detailed alternative analysis be submitted that included 1) a comparison of grading quantities for each project alternative; 2) conceptual site plan of each project alternative and 3) a visual representation of each project alternative showing how the alternative residence may look like from public viewing areas.

In response to staff's second request, the applicant's representative submitted an additional alternative analysis via email on August 21, 2013 and attached to this staff report as exhibit 16. This additional alternative analysis included policies of Table 1 of the Malibu/Santa Monica Mountains LUP, draft policies adopted by Los Angeles County in the uncertified draft Local Coastal Program for the Santa Monica Mountains and three attachments (two of the three were identical to the previously submitted attachments in the first alternative analysis and the third attachment titled "Fuel Modification Impacts to Mapped Watershed (SERA)" included, for illustrative purposes only, the southern slope alternative siting location of the proposed residence and the extent of the fuel modification zone area that the proposed alternative location would require. The applicant makes the assertion that locating the residence on the southern slope of the significant ridgeline would push the fuel modification zones into the mapped significant watershed and would result in adverse impacts to environmental resources however, upon review of the applicant's analysis; this assertion was found to be incorrect. As shown on the applicant's submitted fourth visual analysis (Exhibit 14) which included an overlapping fuel modification zone exhibit (page 7), there are several existing overlapping fuel modification zones to the south of the subject property and although the alternative siting location would extend the fuel modification zone area further south, the new area that would be subject to the required fuel modification zone area is already located within overlapping existing fuel modification zone areas and therefore would not result in any adverse impact to any environmentally sensitive habitat areas. This alternative analysis did not address staff's previous request of a comparison of grading quantities for each project alternative and did not included a visual representation of each project alternative showing how the alternative residence may look like from public viewing areas. However to help expedite this coastal development permit application, Commission staff has filed this application as being complete and has scheduled the application for the September 2013 hearing.

Although the applicant's representative has not submitted the detailed siting alternative analysis requested by staff, Commission staff 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 a large 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.

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.

In this case, the Commission finds that it is not feasible to re-site the development on the descending slopes and off the top of the Significant Ridgeline. Such an alternative development would result in a substantial increase in grading and landform alteration. As such, the proposed location of the residence is the preferred site for development of the project site. The applicant has designed the residence to be a maximum of 20 feet above the existing grade of the ridgetop (with a portion of the structure at a maximum of 18 feet above existing grade). Given that there is no feasible siting alternative and the residence is 20 feet above existing grade maximum, the Commission finds that the proposed structure will minimize impacts to visual resources, including the Significant Ridgeline, Scenic Highways, and public viewing areas to the maximum extent feasible.

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.

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.

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.

D. 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.

E. 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.

F. 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, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. 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).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission 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:

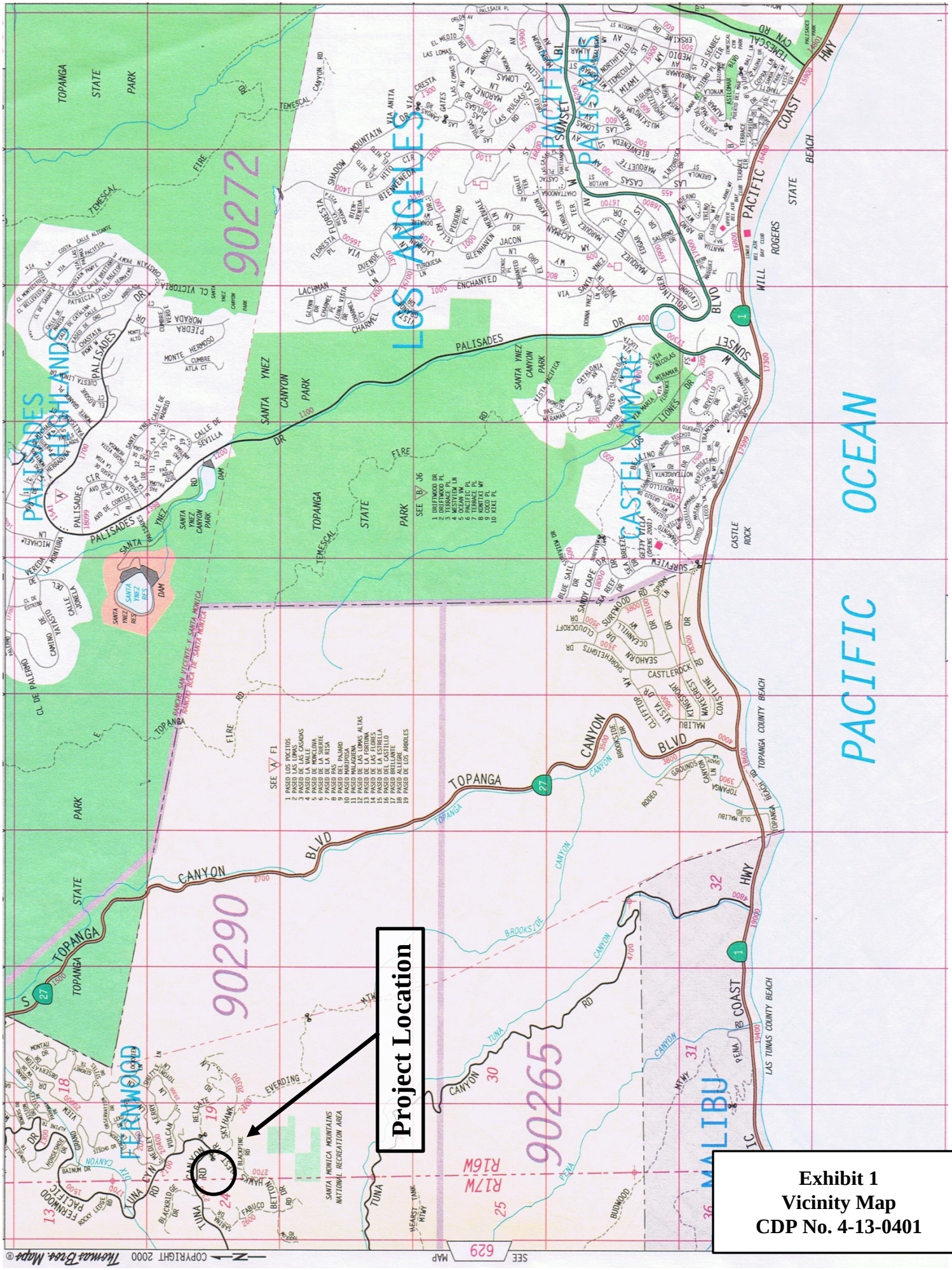
Special Conditions 1 through 13

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, 2011; "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); 4-12-003 (Rydings); 4-12-003-R (Rydings); 4-13-0292 (Rydings)


Project Location
PACIFIC OCEAN
LOS ANGELES
PALISADES
PACIFIC PALISADES
CASTELLAMMARE
MALIBU
FERNWOOD
PALISADES HIGHLANDS
TOPANGA STATE PARK
SANTA YNEZ CANYON PARK
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
90272
90290
90265
PALISADES
TOPANGA CANYON BLVD
PACIFIC COAST HWY
SUNSET BLVD
TUNA CANYON RD
R17W
R16W
Exhibit 1
Vicinity Map
CDP No. 4-13-0401

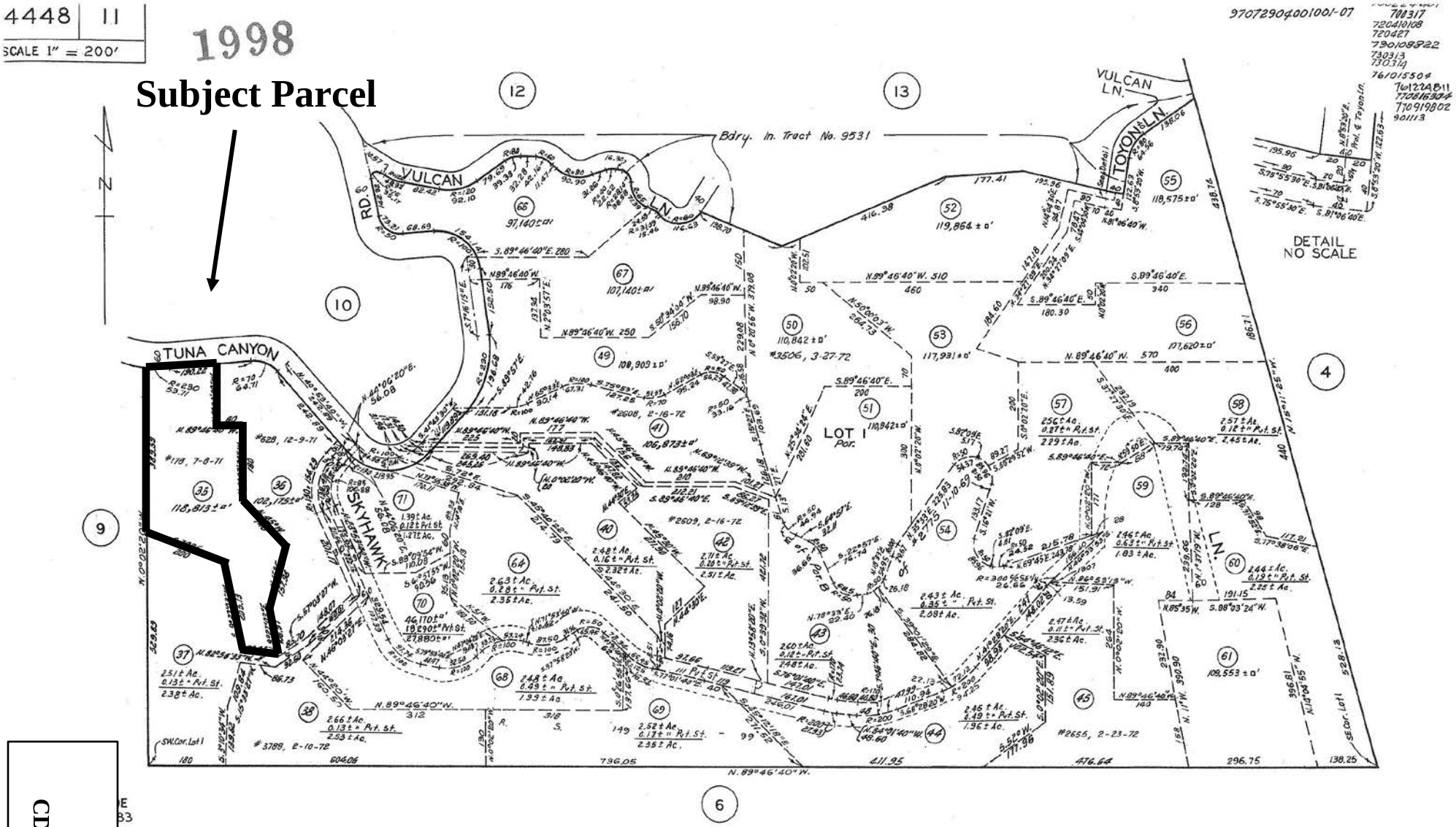


Exhibit 2
Parcel Map
CDP No. 4-13-0401

Exhibit 3
Aerial Photo
CDP No. 4-13-0401

LINETYPE	DESCRIPTION
FF	FINISHED FLOOR ELEVATION
FS/FG	FINISHED SURFACE/GRADE ELEVATION
TW	TOP OF WALL ELEVATION
HT	HEIGHT OF WALL FROM FSEL
FH	FIRE HYDRANT
R	RADIUS
PRF	PLASTIC RAIL FENCE

LINETYPE	DESCRIPTION
	PROPERTY LINE
	EASEMENT LINE
	YARD SETBACK LINE
	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	PROPOSED MAJOR CONTOURS
	PROPOSED MINOR CONTOURS
	CUT/FILL TRANSITION LINE
	CUT/FILL TRANSITION LINE
	PROPOSED RETAINING WALL (BY OTHERS)

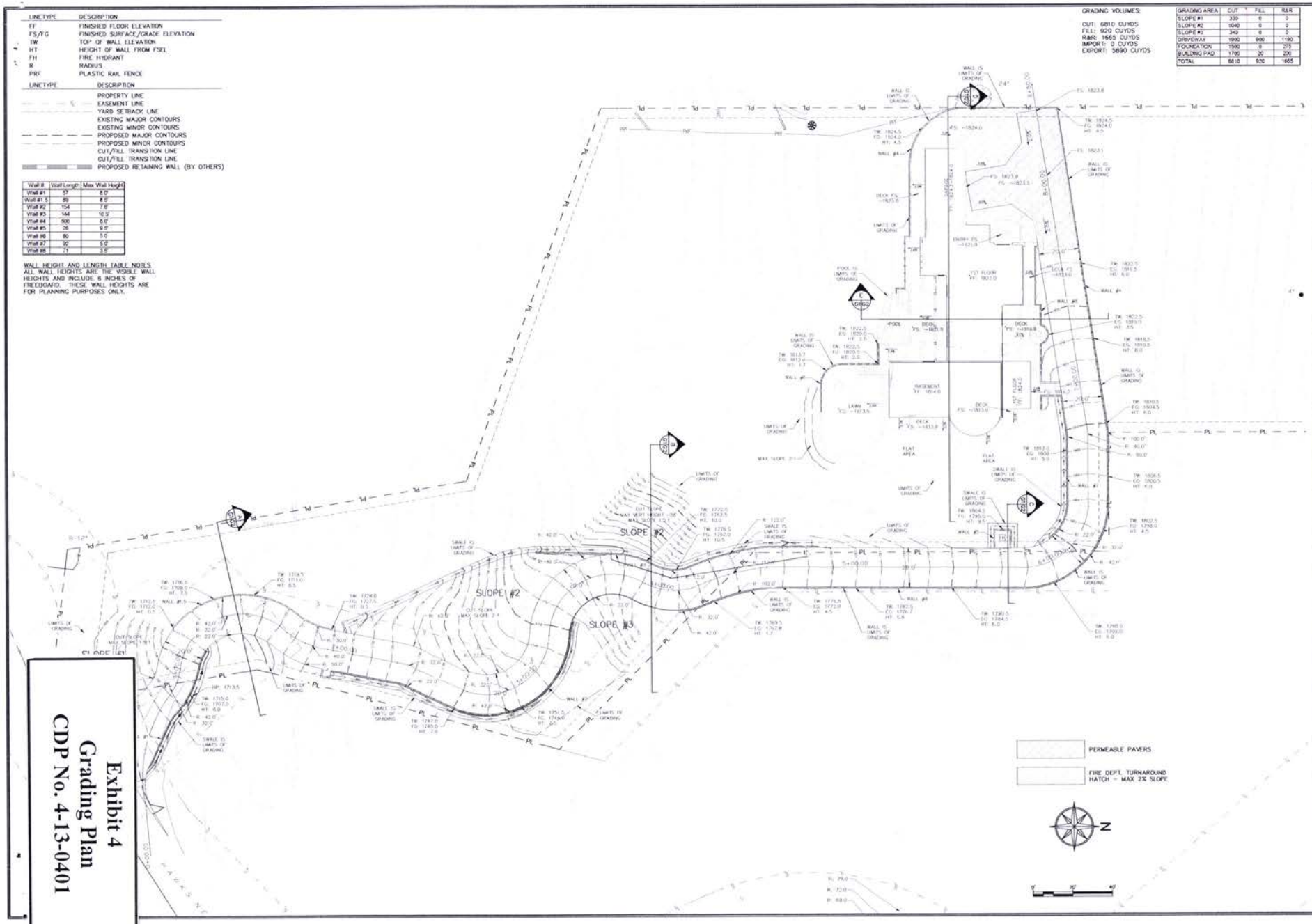
Wall #	Wall Length	Max Wall Height
Wall #1	57	6.0'
Wall #1.5	89	8.0'
Wall #2	154	7.0'
Wall #3	144	10.5'
Wall #4	606	8.0'
Wall #5	26	9.0'
Wall #6	80	5.0'
Wall #7	90	5.0'
Wall #8	71	3.5'

WALL HEIGHT AND LENGTH TABLE NOTES
ALL WALL HEIGHTS ARE THE VISIBLE WALL HEIGHTS AND INCLUDE 6 INCHES OF FREEBOARD. THESE WALL HEIGHTS ARE FOR PLANNING PURPOSES ONLY.

GRADING VOLUMES:

CUT: 6810 CUYDS
FILL: 920 CUYDS
R&R: 1665 CUYDS
IMPORT: 0 CUYDS
EXPORT: 5890 CUYDS

GRADING AREA	CUT	FILL	R&R
SLOPE #1	335	0	0
SLOPE #2	1040	0	0
SLOPE #3	340	0	0
DRIVEWAY	1900	900	1190
FOUNDATION	1500	0	275
BUILDING PAD	1700	20	200
TOTAL	6810	920	1665



REVISIONS
REV | BY | DATE

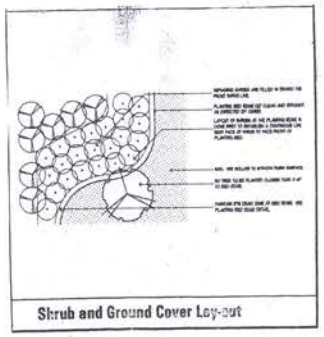
AHSIRT
ENGINEERING

PRELIMINARY GRADING PLAN
FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
2526 HAWKS NEST TRAIL
TOPANGA, CA 90265

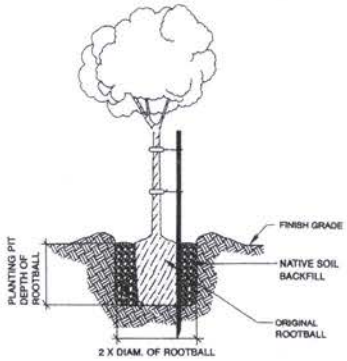
REGISTERED PROFESSIONAL ENGINEER
VIGNA A. COFFEY
67657
EXP 06/2015
CIVIL
STATE OF CALIFORNIA

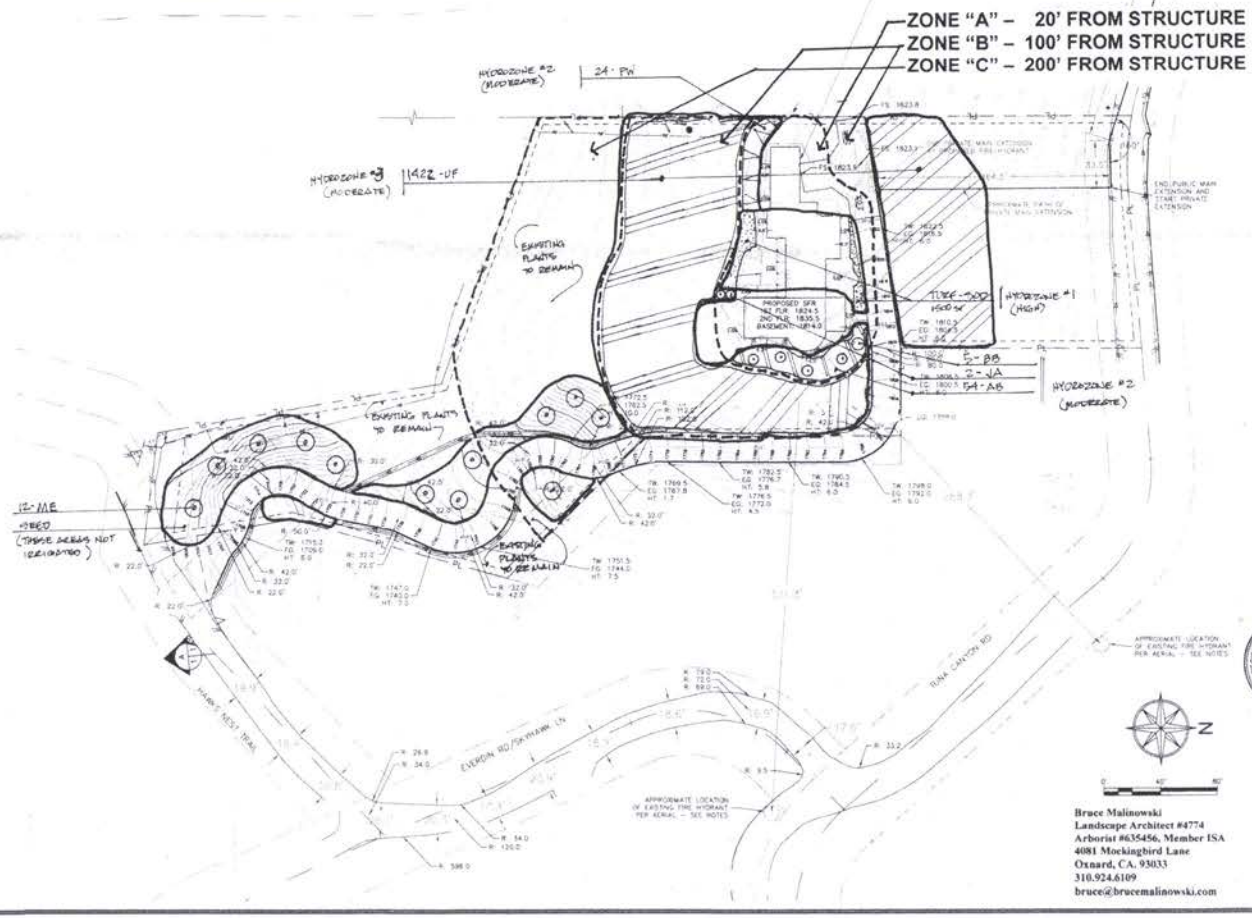
JOB #: 105-07
DATE: FEB 2011
DRAWN BY: TJM
CHECKED BY: TAC
SHEET NUMBER: 1 OF 2

Exhibit 4
Grading Plan
CDP No. 4-13-0401



Shrub and Ground Cover Lay-out





PLANT MATERIALS:

Symbol/Quantity	common/botanical name	size / spacing / hydrozone	WUCOLS
Zone A Plants			
Sod / 1500sf	California Fescue / Festuca californica	sod / #1	H
AB / 54	Prostrate Abelia / Abelia grandiflora 'Prostrata'	1 gal / 5' oc	M
GZ / 420	Trailing Gazania / Gazania rigen	1 gal / 5' oc	M
BB / 5	Bear's Breech / Acanthus mollis	5 gal / 10' oc	M
PW / 24	Wheeler's Dwarf Pittosporum / Pittosporum Tobira 'Wheeler's Dwarf'	5 gal / 5' oc	M
JA / 2	Japanese Aralia / Fatsia japonica	15 gal / 15' oc	M
Zone B Plants			
UF / 1422	European Grape / Vitus vinifera	1 gal / 5'oc	M
Zone C			
ME / 12	Mexican Elderberry / Sambucus Mexicana	5 gal / 25'oc	L
seed	Native Seed Mix		L

mplied with the criteria of the Landscape conservation ordinance and applied them for ost use of water in the landscape and irrigation design plans.

alinowski
pe Architect #4774

ndscape area including turf: 38,550 sf
a: 1500 sf

m water supply is well water
redundants are not recommended for the installation of native plant materials. This endation is supported by the Native Plant Society and Los Angeles County.
will be conducted by landscape contractor to evaluate nutrient additives required at the installation for non-native plants materials. These additives will be in the form of plant r tablets and/or prepared planting soil used in planting holes during installation.
; soil tests show that soil structure and organic content are not deficient.

ncape areas shall receive 2" of organic bark mulch.

Exhibit 5
Landscaping Plan
CDP No. 4-13-0401

Bruce Malinowski
Landscape Architect #4774
Arborist #635456, Member ISA
4081 Mockingbird Lane
Oxnard, CA. 93033
310.924.6109
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REVISIONS:

REV	BY	DATE

AHSIRT ENGINEERING INC

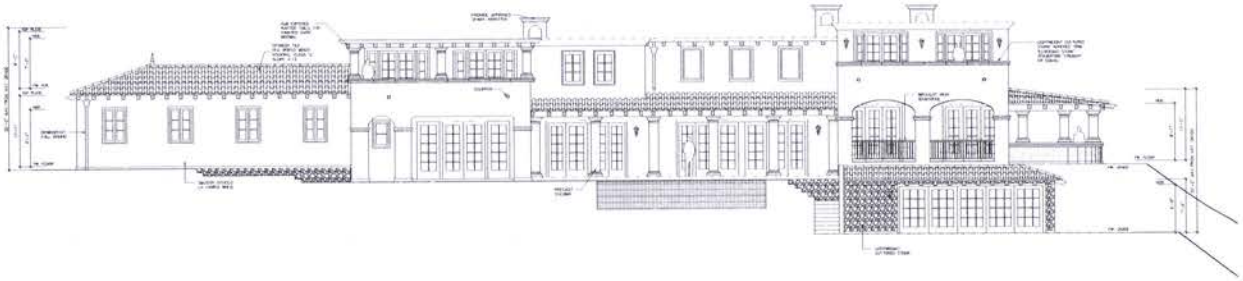
Landscape Plan
2525 HAWKS NEST DRIVE
MALIBU, CA 90265

REGISTERED LANDSCAPE ARCHITECT No. 4774 Exp. 4-30-11 STATE OF CALIFORNIA

JOB #:
DATE: REV. 3-16-11 1-16-11
DRAWN BY: BM
CHECKED BY:
SHEET NUMBER: 2

Exhibit 6
Site Plan
CDP No. 4-13-0401

Received
JUN 12 2013
California Coastal Commission
South Central Coast District



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

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

tammy edmonds DESIGN
1330 Factory Place Building D
Los Angeles, CA
90013

Phone: 213.624.0214
Fax: 213.624.6178

RYDINGS RESIDENCE

2525 Hawks Nest Dr.
Topanga Cyn
California

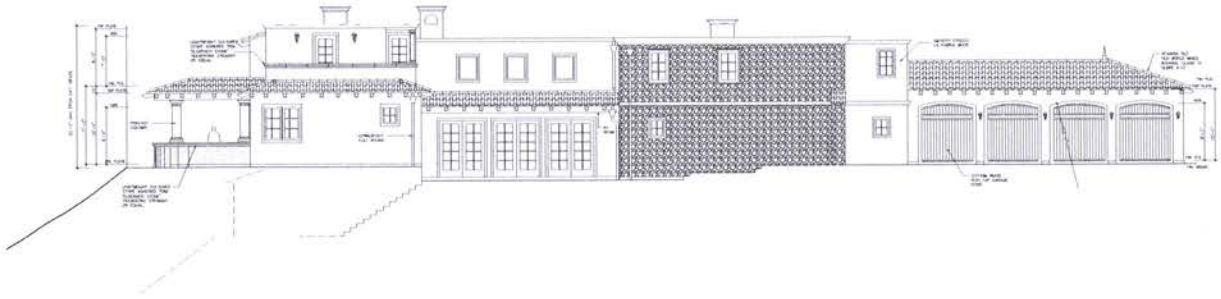
No.	Description	Date
1	ISSUED FOR REVIEW	05.01.13

Drawn By
Scale
Project No.
Approved

Title
EXTERIOR ELEVATIONS

Sheet Number
A2.1

Exhibit 7
South & East Elevations
CDP No. 4-13-0401



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

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

tammy edmonds DESIGN
1300 Factory Place Building D
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RYDINGS RESIDENCE

2525 Hawks Nest Dr.
Topanga Cyn
California

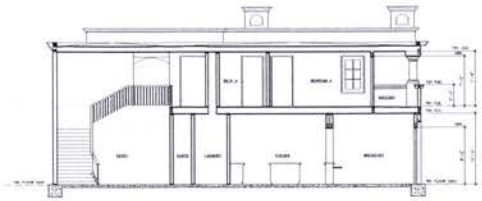
No.	Description	Date
1	ISSUED FOR REVIEW	05.01.13

Drawn By
Scale
Project No.
Approved

Title
EXTERIOR ELEVATIONS

Sheet Number
A2.0

Exhibit 8
North & West Elevations
CDP No. 4-13-0401



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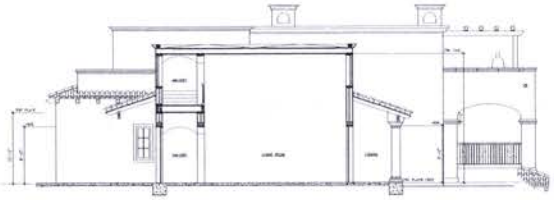

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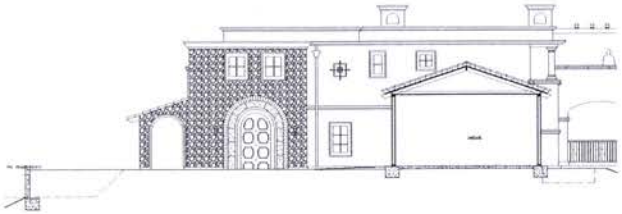

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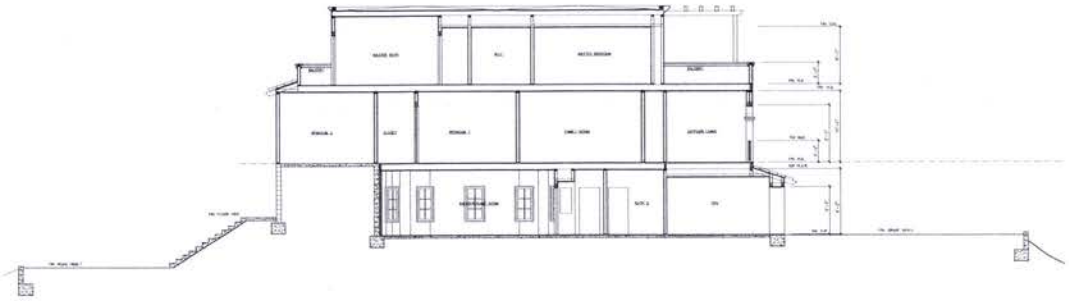


4 SECTION 4

Exhibit 9
Sections
CDP No. 4-13-0401

tammy edmonds DESIGN
1330 Factory Place Building D
Los Angeles, CA
90013

Phone 213.624.0714
Fax 213.624.6178

RYDINGS RESIDENCE

2525 Hawks Nest Dr.
Topanga Cyn
California

No.	Description	Date
1	ISSUED FOR REVIEW	05.01.13

Drawn By
Scale
Project No.
Approved

Title
SECTIONS

Sheet Number
A3.0

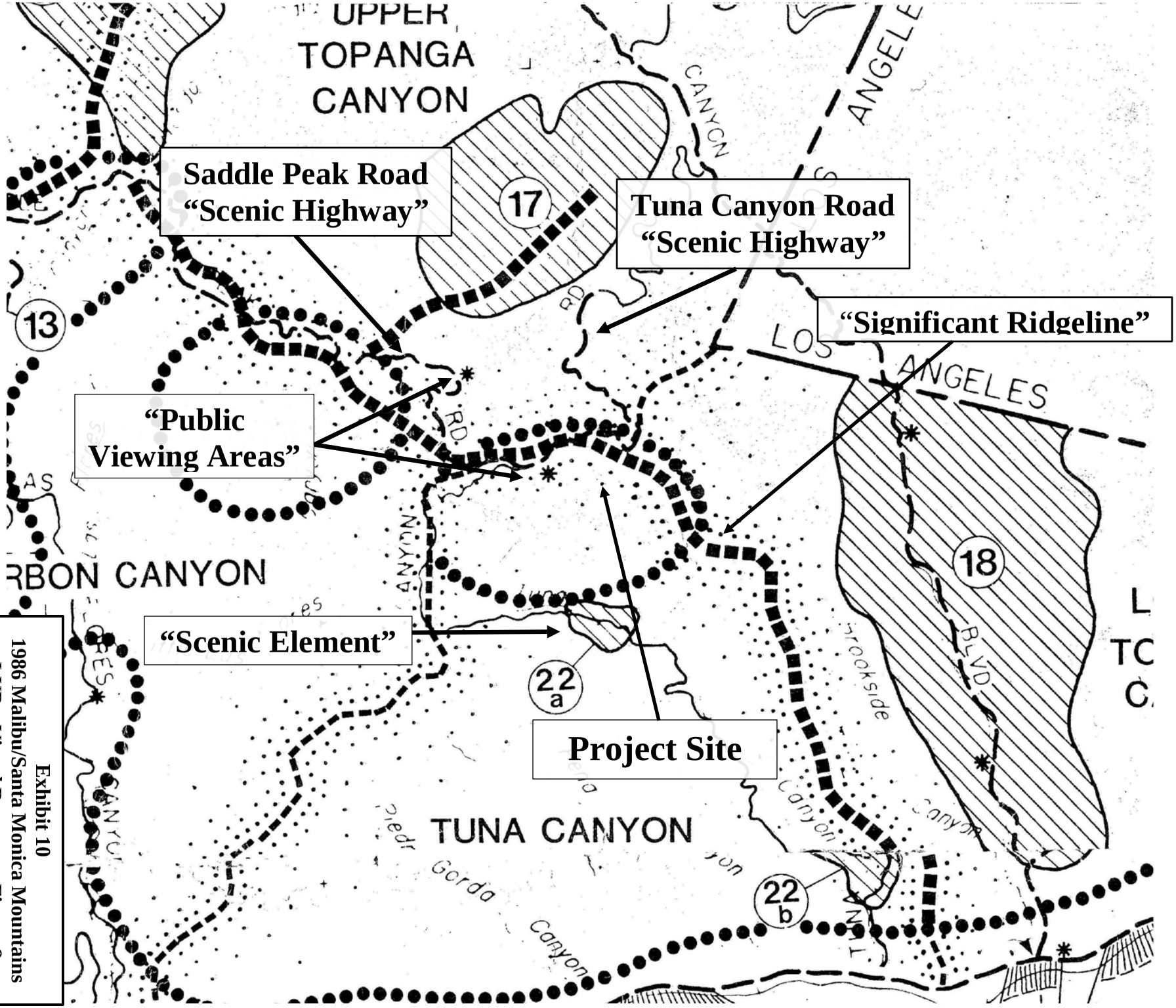


Exhibit 10
1986 Malibu/Santa Monica Mountains
LUP – Visual Resources Figure 8
CDP No. 4-13-0401

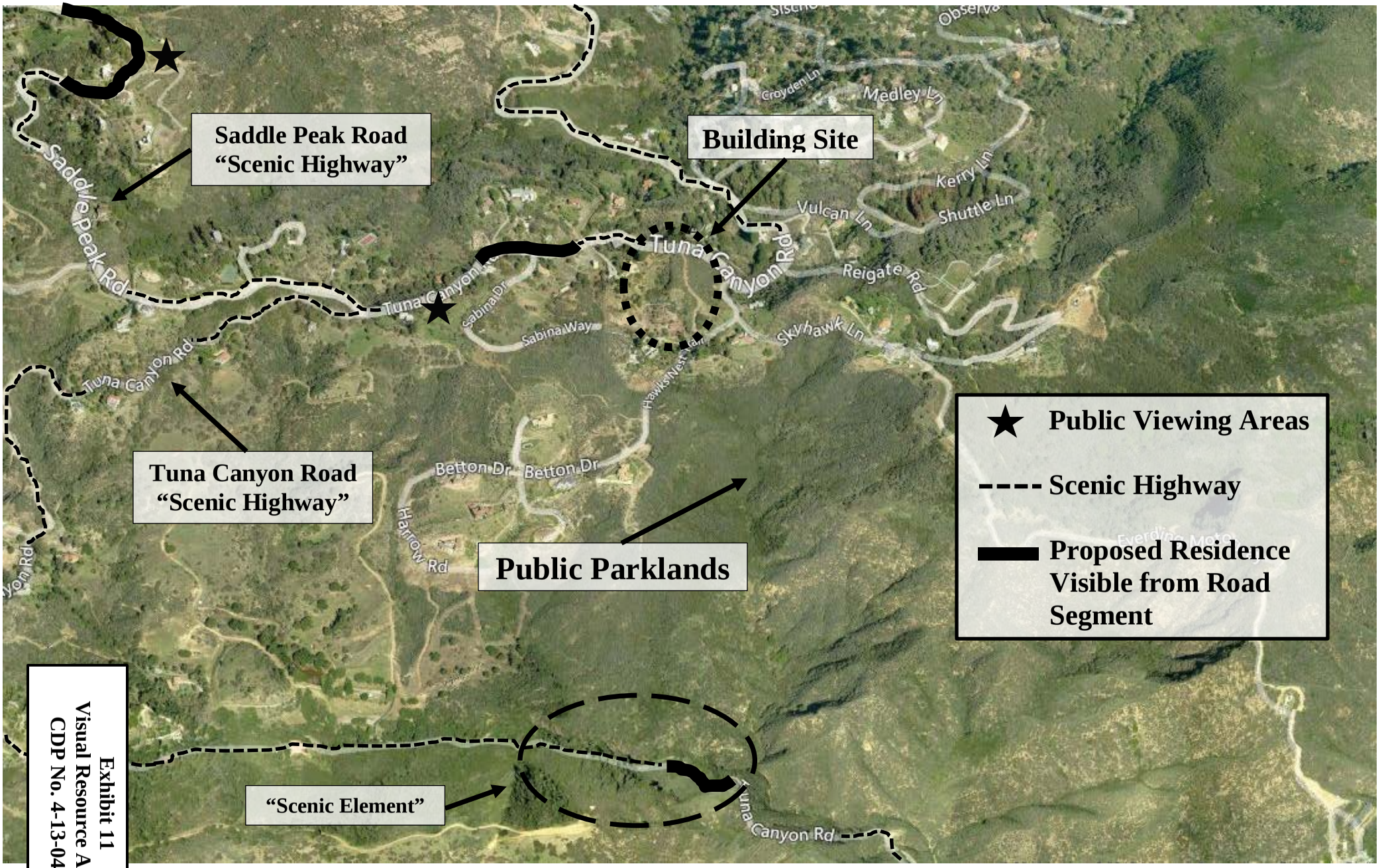


Exhibit 11
Visual Resource Areas
CDP No. 4-13-0401

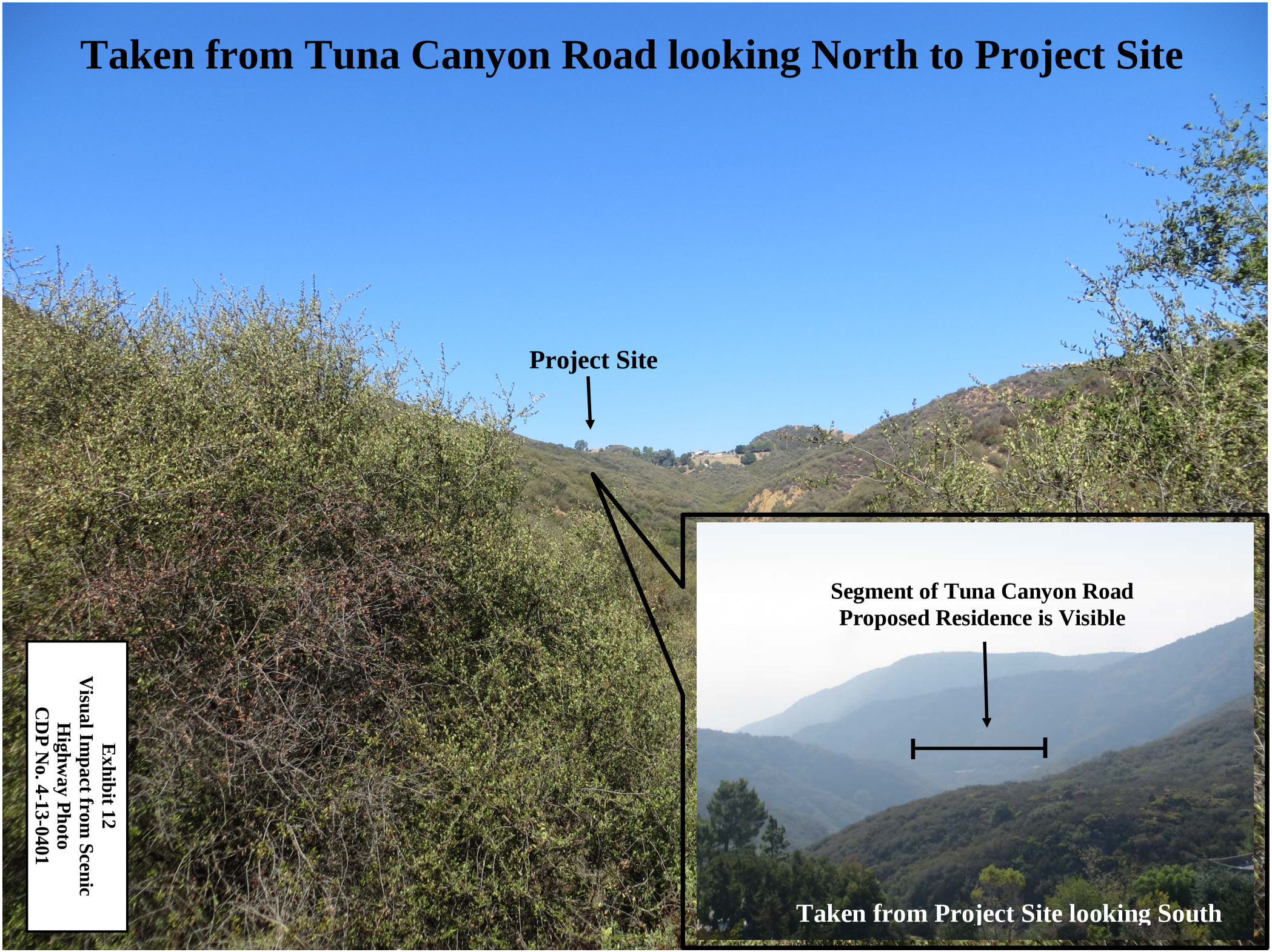


Exhibit 12
Visual Impact from Scenic
Highway Photo
CDP No. 4-13-0401

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 13
Previous Permit Action Analysis
Submitted by Applicant's Representative
CDP No. 4-13-0401

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 Blancha 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 Allessandra 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

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

July 15th, 2013

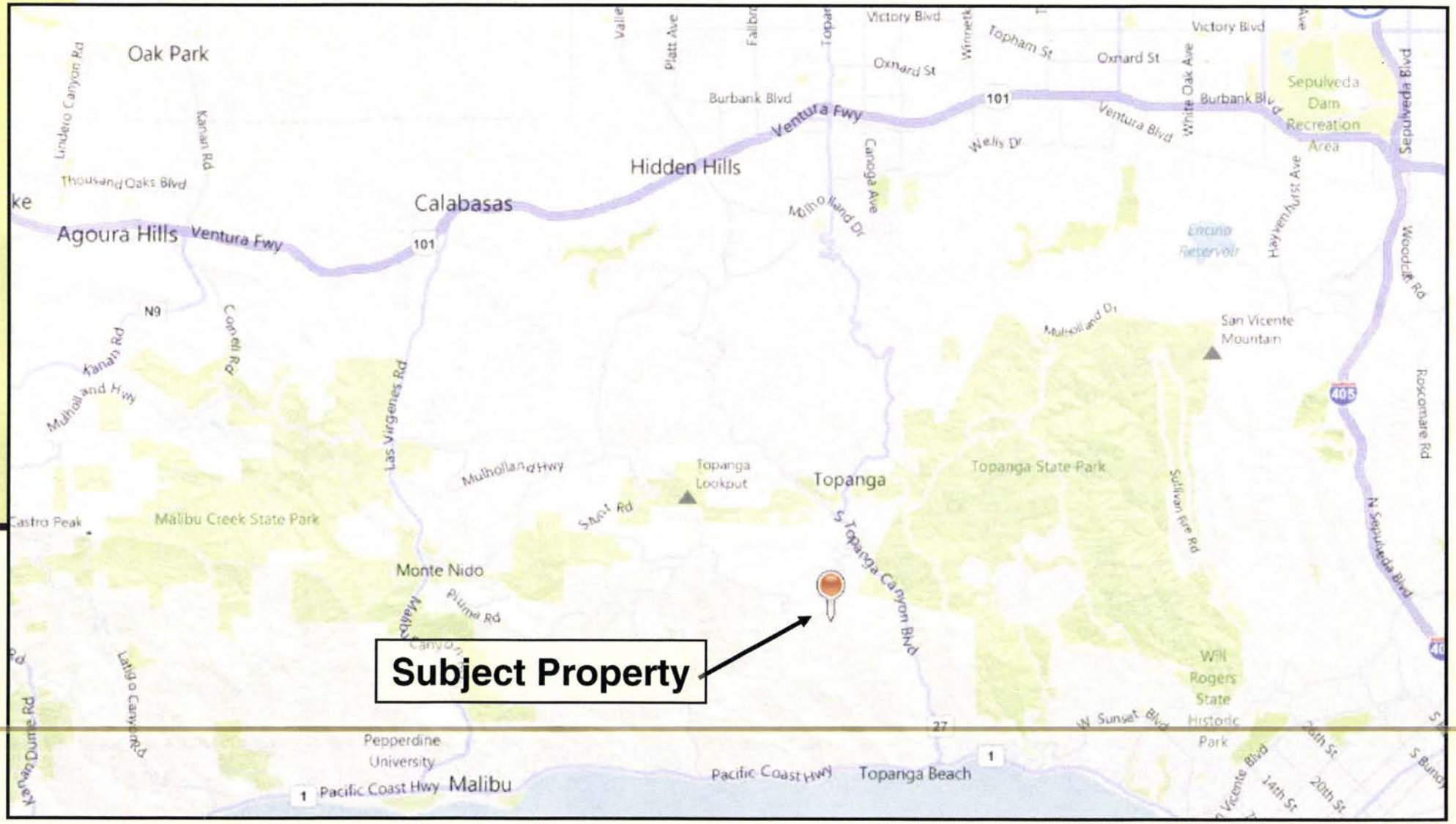
Prepared by:

Schmitz & Associates, Inc.
5234 Chesebro Rd., Suite 200
Agoura Hills, CA 91301

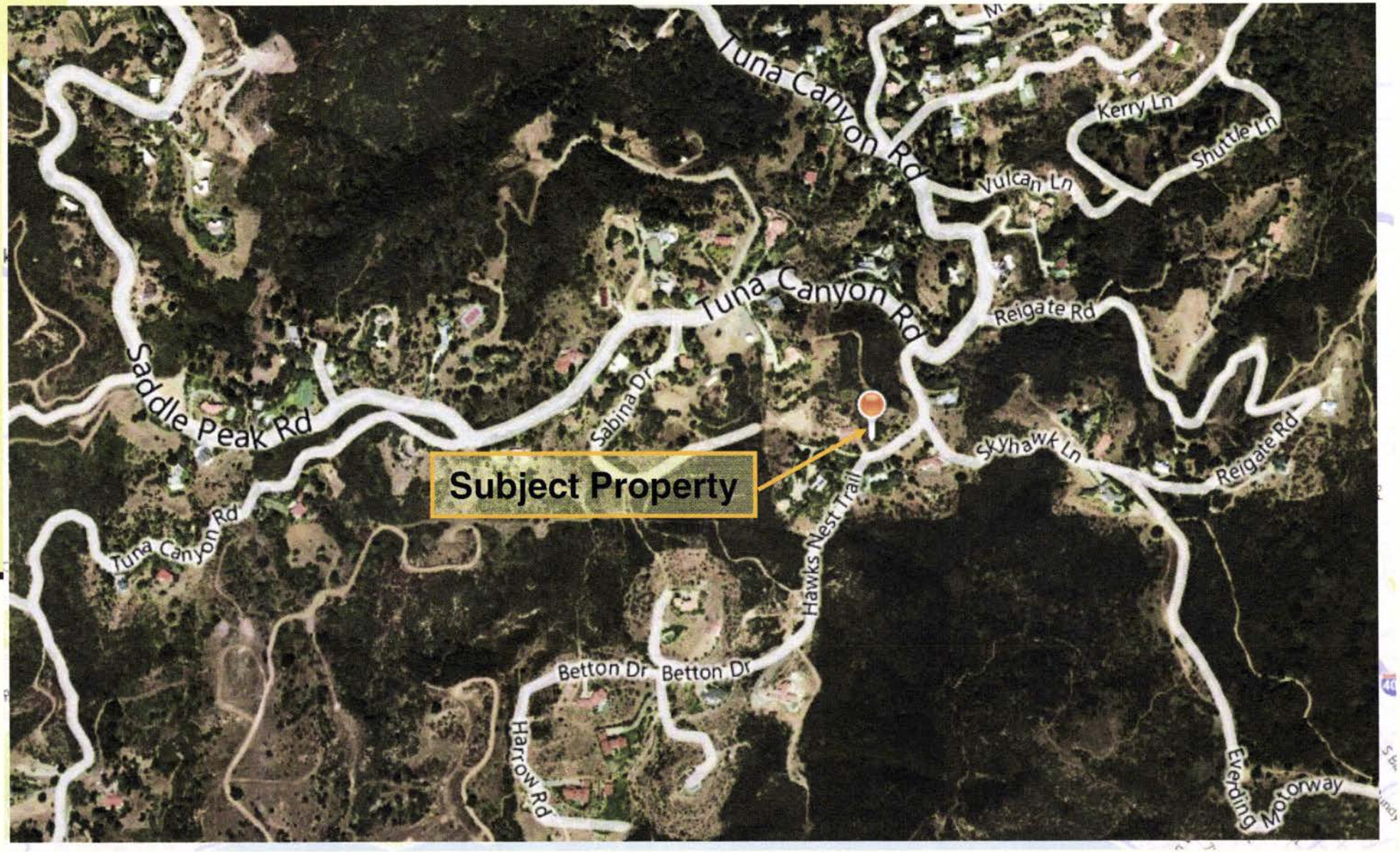
Received
JUL 18 2013
California Coastal Commission
South Central Coast District

Exhibit 14
Visual Impact Assessment
Submitted by Applicant's Representative
CDP No. 4-13-0401

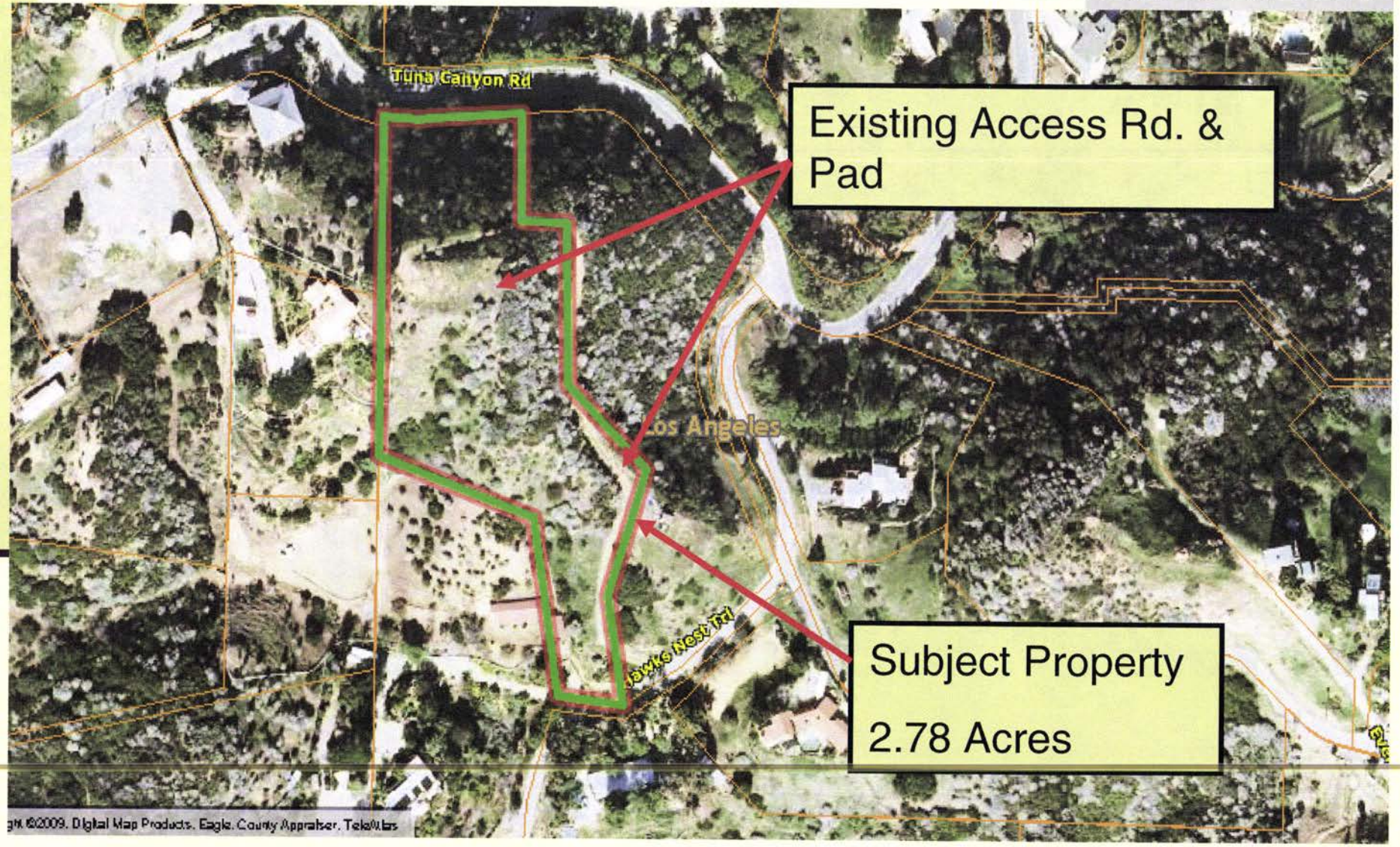
Vicinity Map



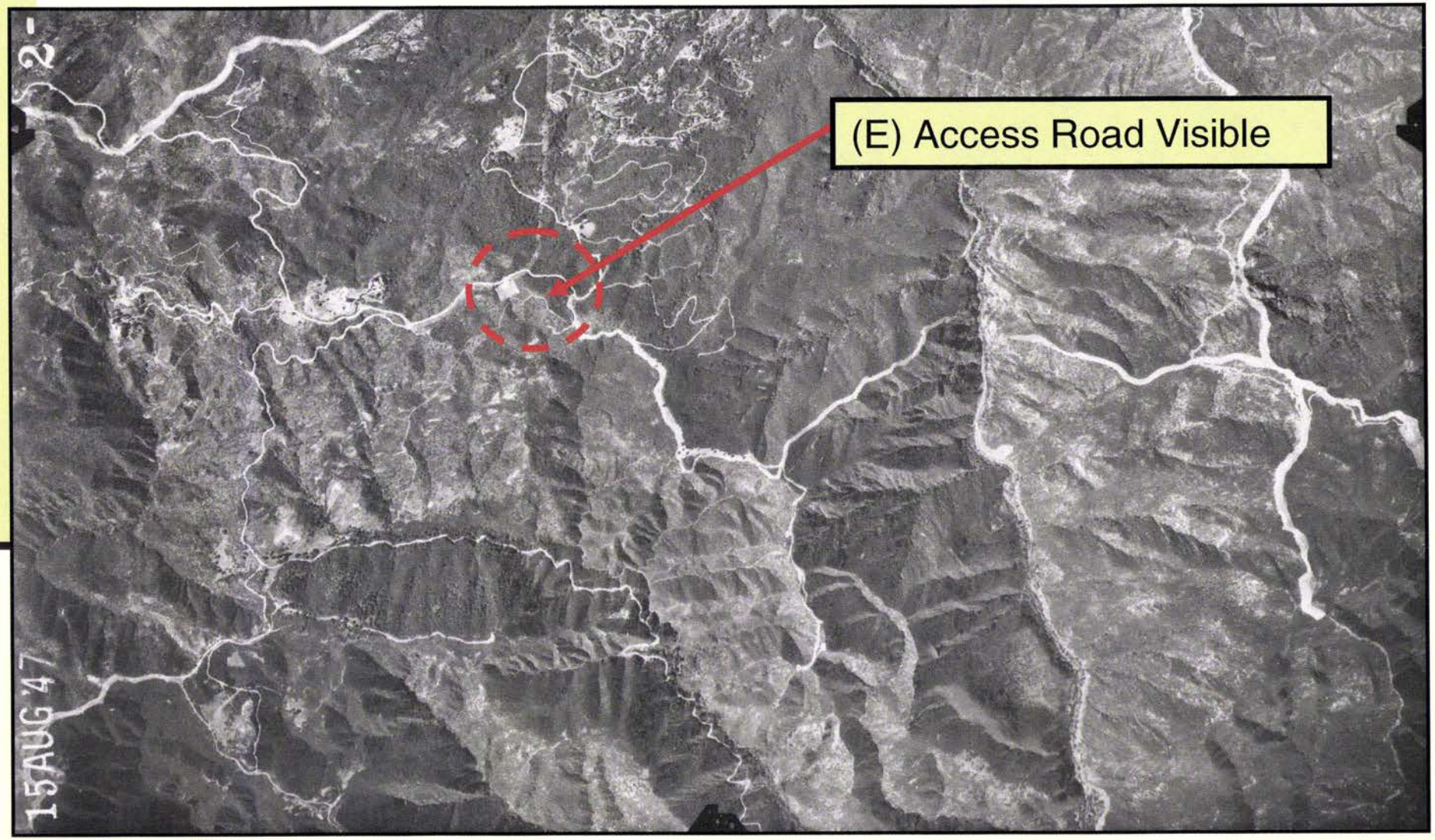
Vicinity Map



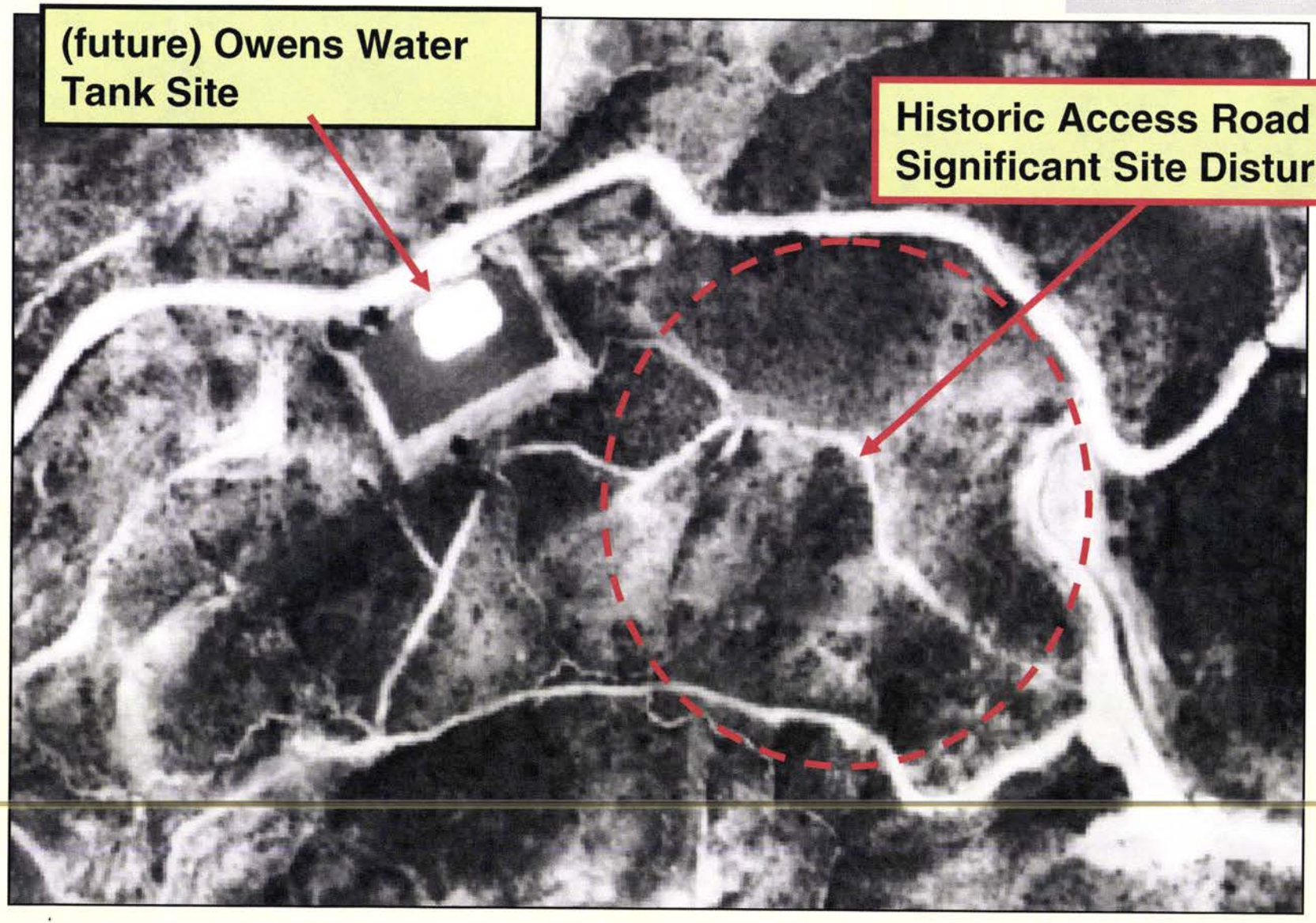
2009 Aerial – Subject Property



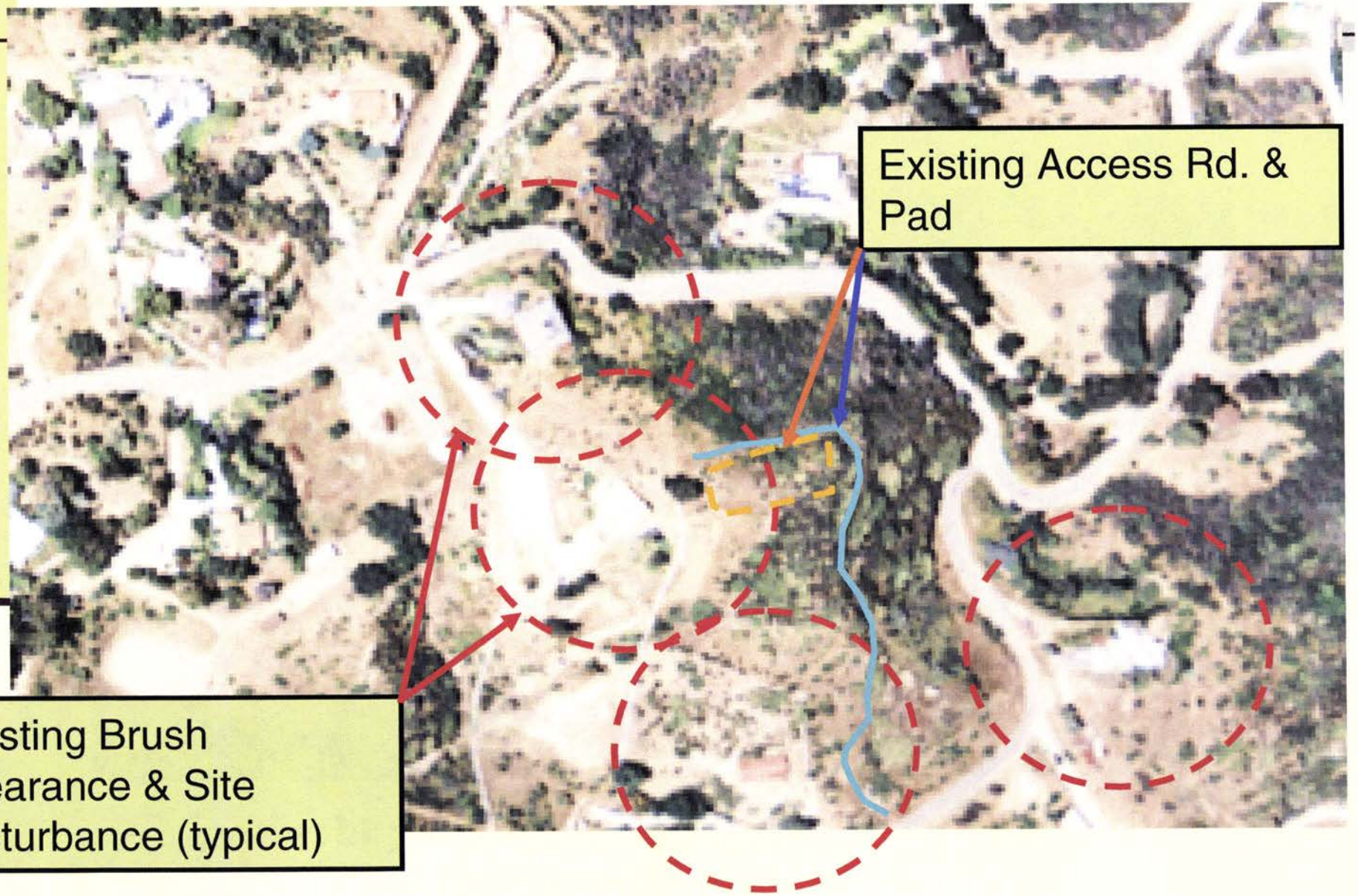
Existing Access Road – 1947 UCSB Aerial Photo



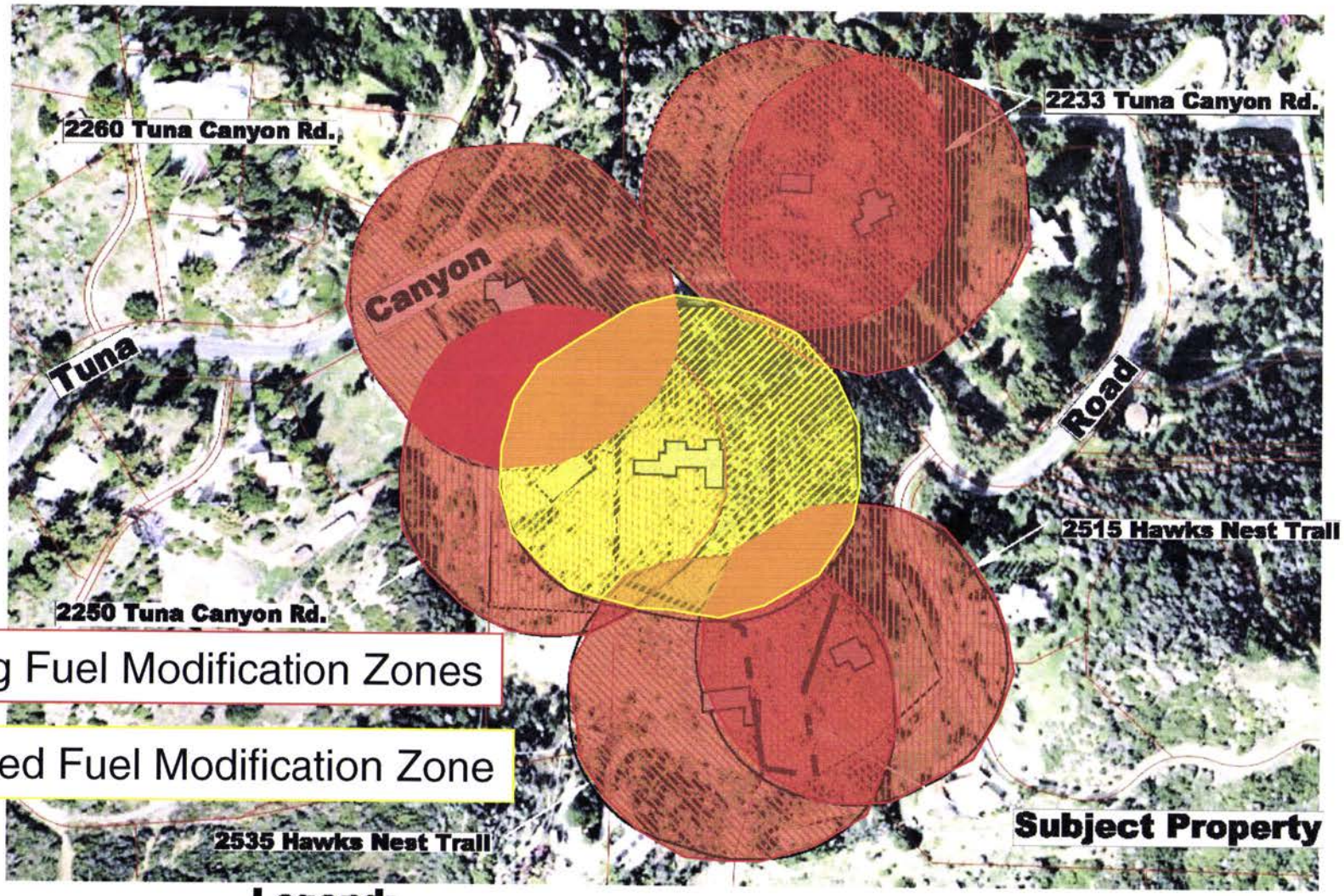
Existing Access Road – 1959 UCSB Aerial Photo



Existing Access Road & Pad – 1994 UCSB Aerial Photo



2525 Hawks Nest Trail
Overlapping Fuel Modification Zones Exhibit



Existing Fuel Modification Zones

Proposed Fuel Modification Zone

N

Scale: NTS

Legend:

Existing Fuel Modification Zones (Approximately 200 feet from Structure)

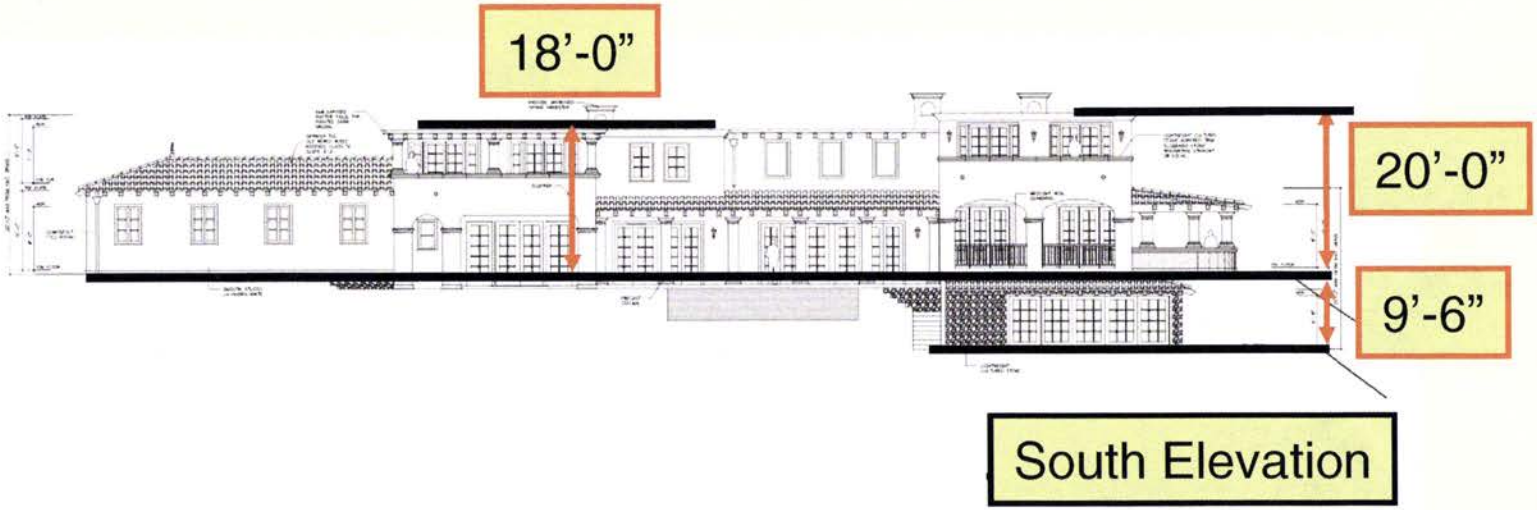
Proposed Fuel Modification Zone (Approximately 200 feet from Structure)

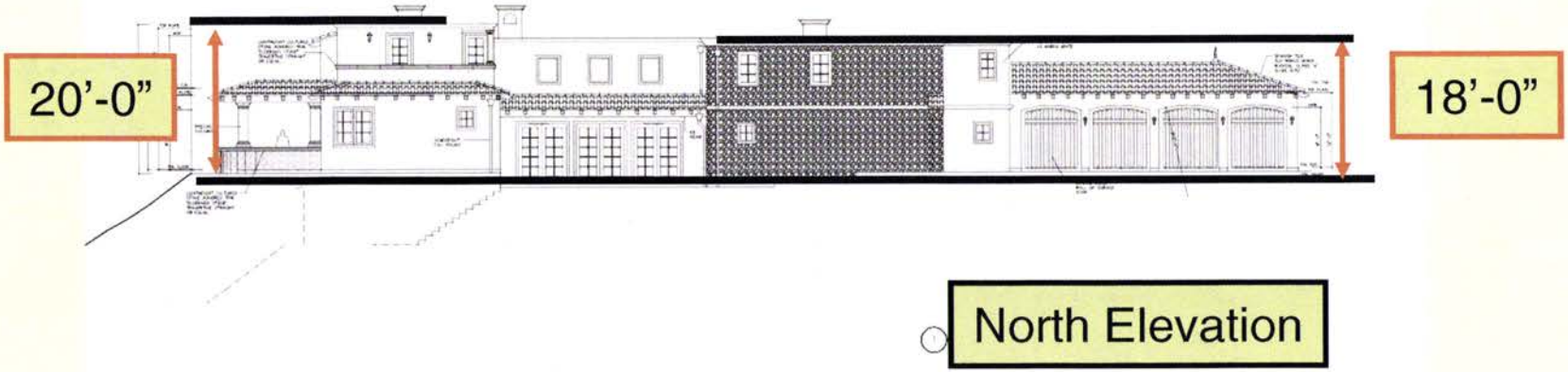
Subject Property

SCHMITZ & ASSOCIATES INC

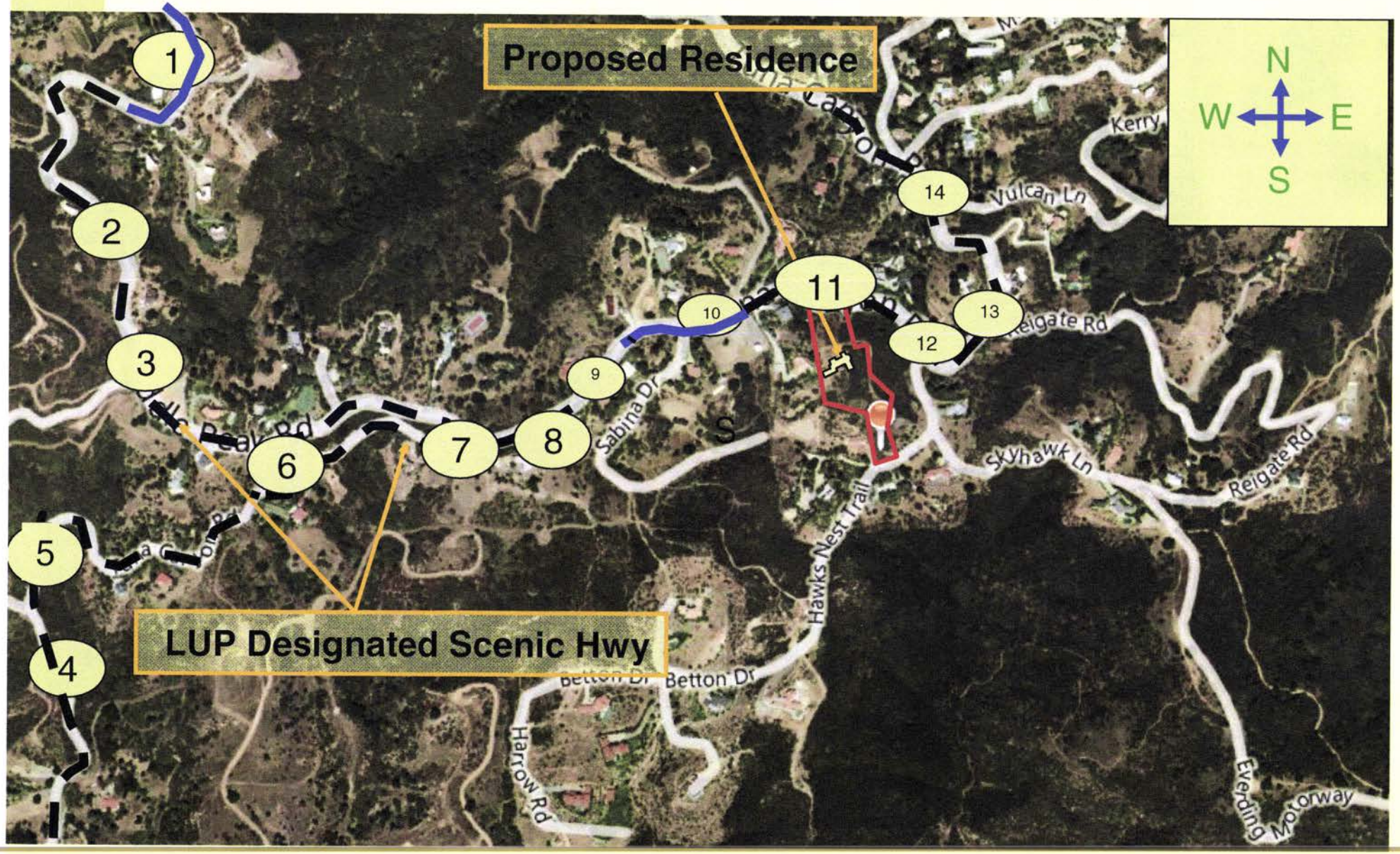
Providers of Land Use Planning for a Better Community

Proposed Development – Elevations





Visual Impact Assessment: Story Poles

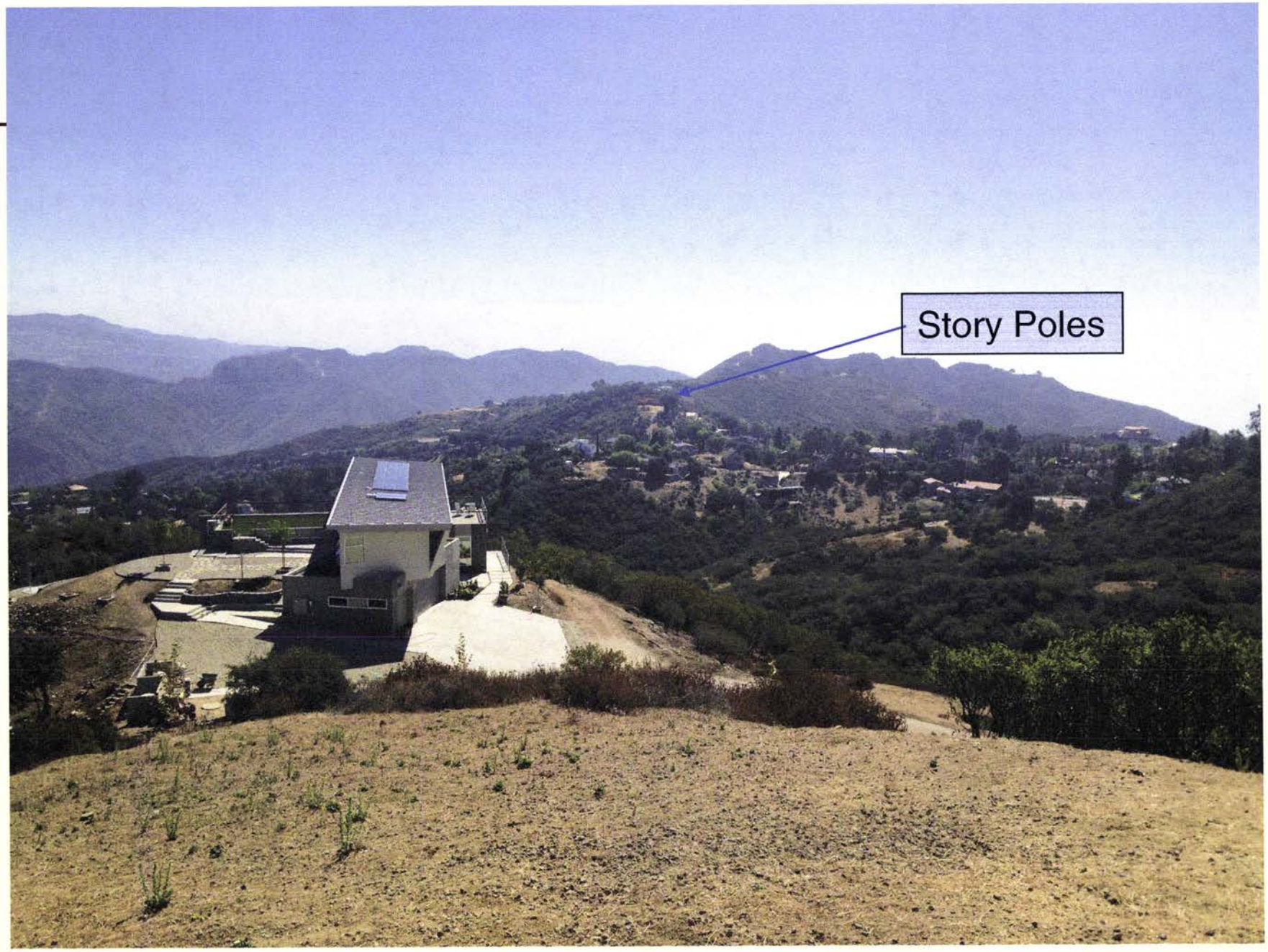


Segments of road where residence **is visible**

Segments of road where residence is **NOT** visible

8 View Point Looking Towards Residence

1 View from Saddlepeak Rd. Towards SE



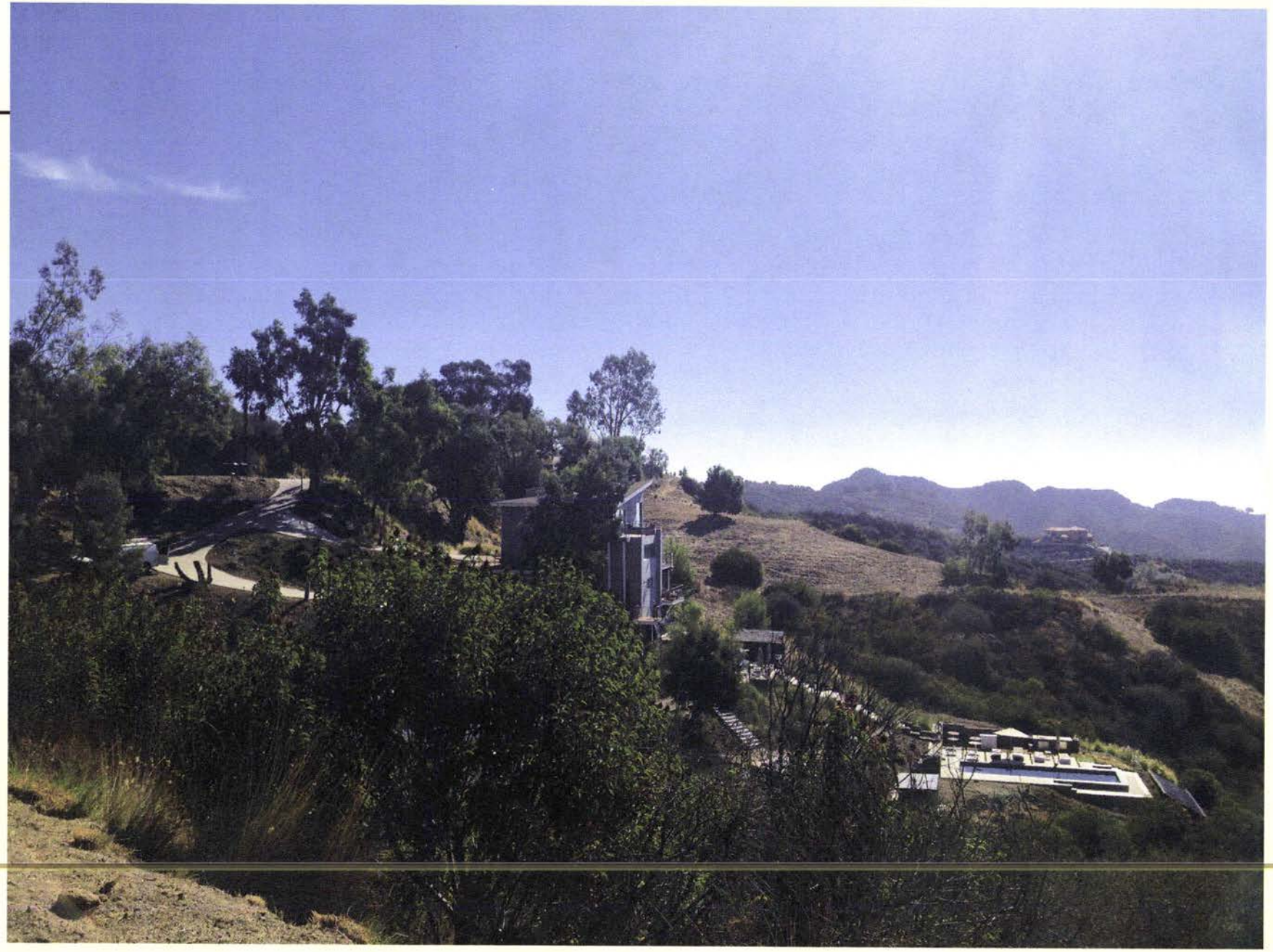
2 View from Saddlepeak Rd. Towards SE: Not Visible

3 View from Saddlepeak Rd. Towards East: Not Visible

4 View from Tuna Cyn Rd. Towards NE: Not Visible

5 View from Tuna Cyn Rd. Towards NE: Not Visible

6 View from Tuna Cyn Rd. Towards NE: Not Visible



7 View from Tuna Cyn Rd. Towards E: Not Visible

8 View from Tuna Cyn Rd. Towards E: Not Visible

9 View from Tuna Cyn Rd. Towards E: Not Visible

10 View from Tuna Canyon Rd. to the SE

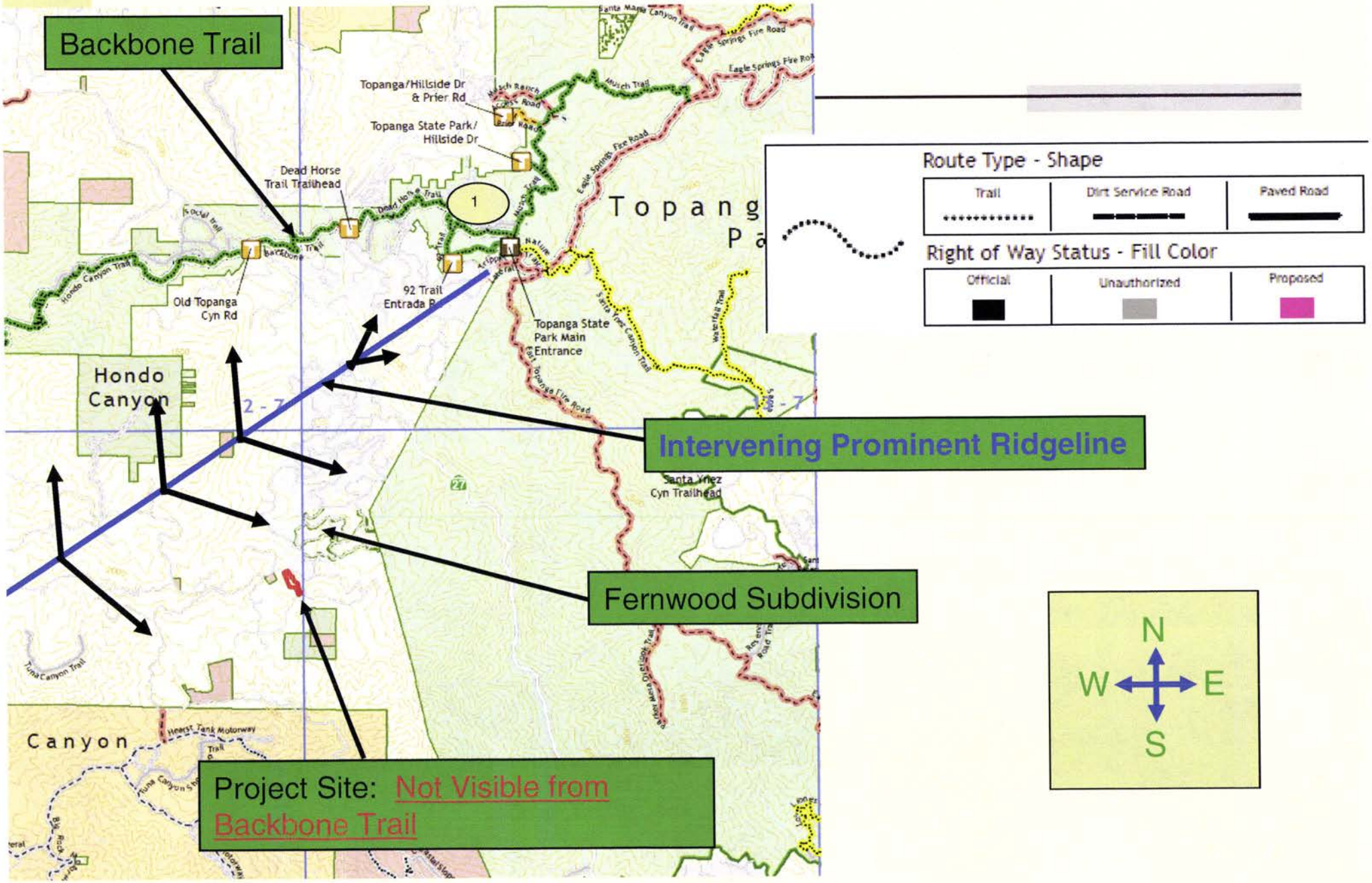
11 View from Tuna Canyon Rd. to the South: Not Visible

12 View from Tuna Canyon Rd. to the West: Not Visible

13 View from Tuna Canyon Rd. to the West: Not Visible

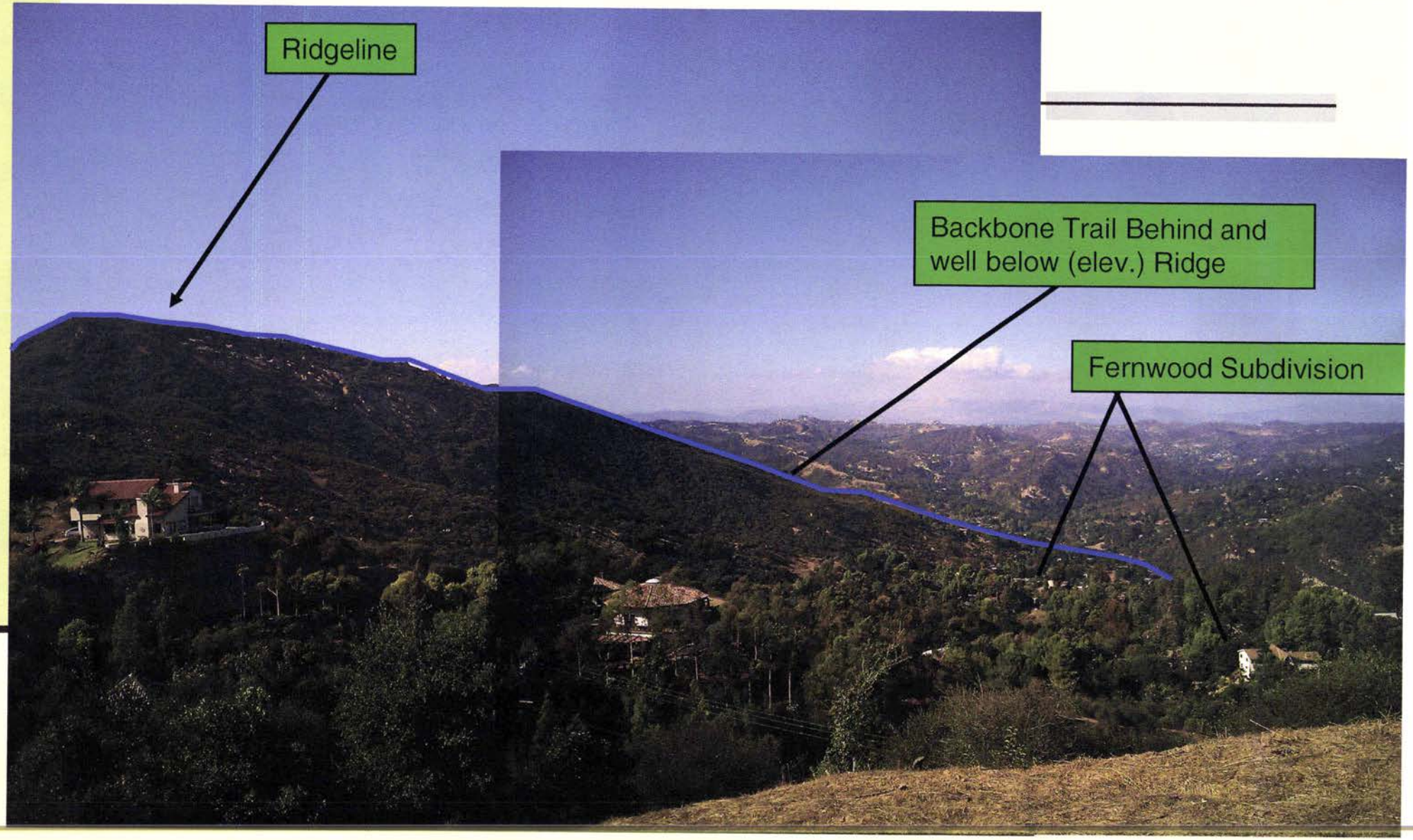
14 View from Tuna Canyon Rd. to the SW: Not Visible

Assessment of Views From Trails

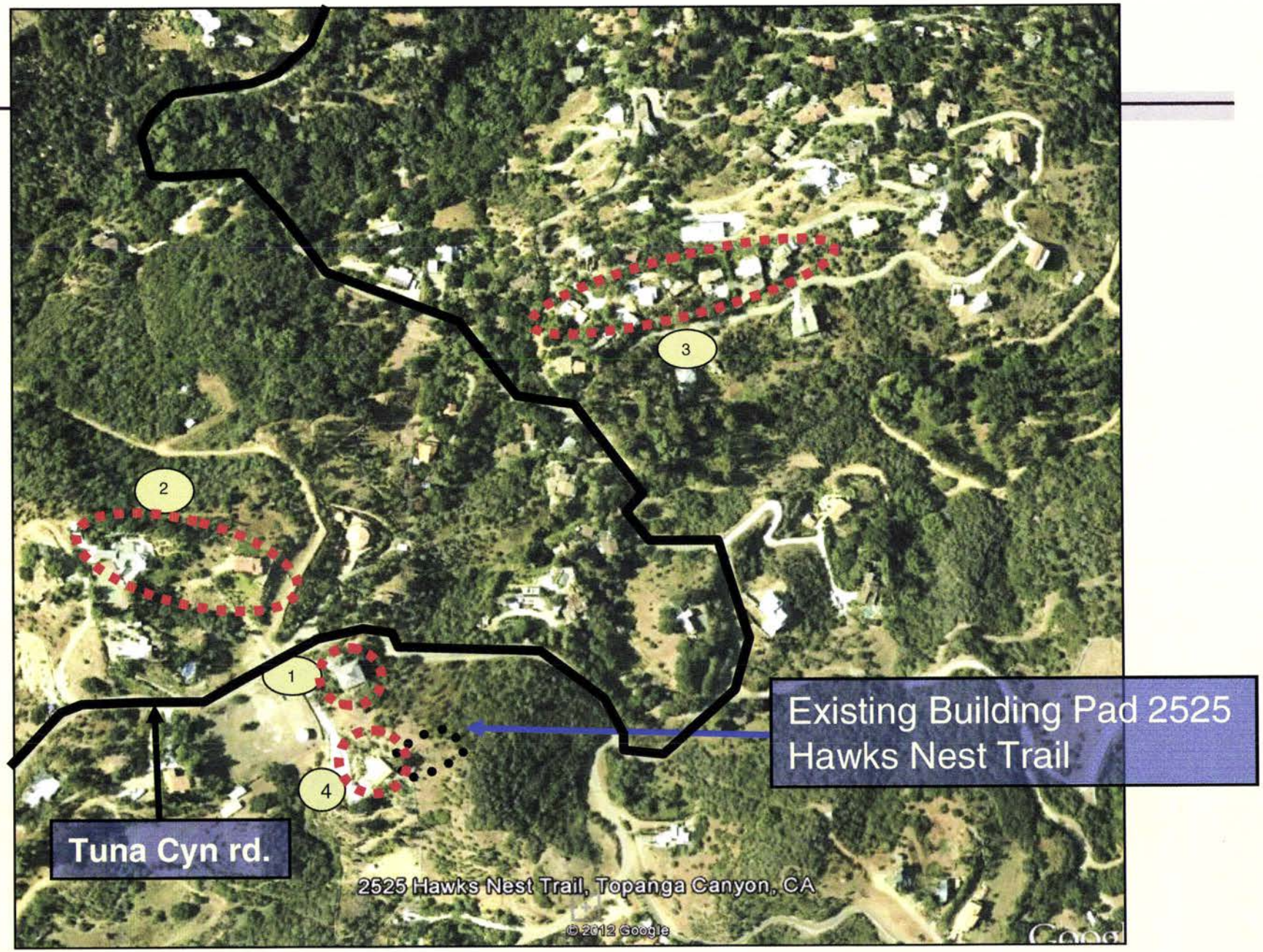


View Towards North from Project Pad Towards Backbone Trail

Site Not Visible From Trail



Examples of Adjacent Development



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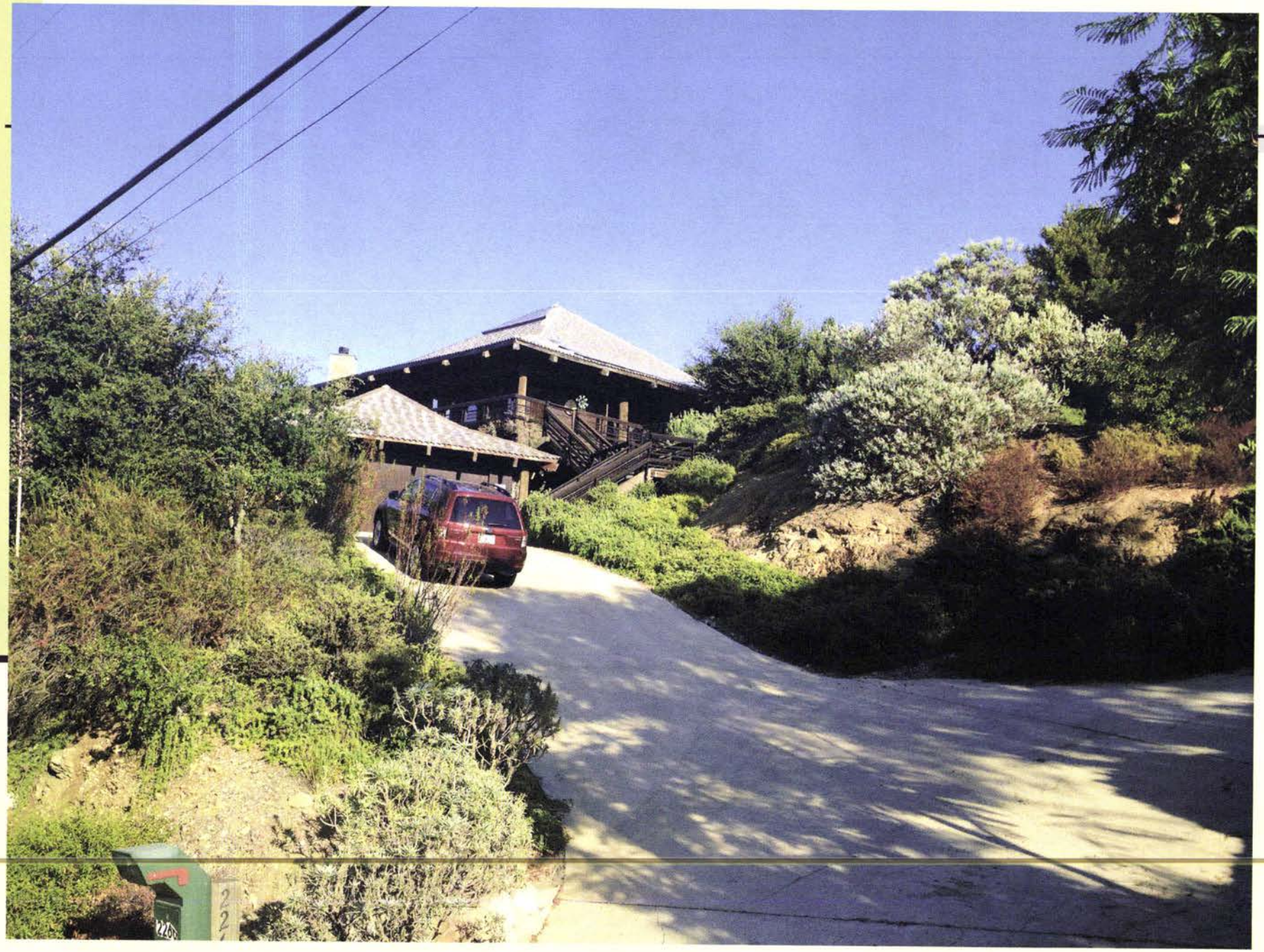

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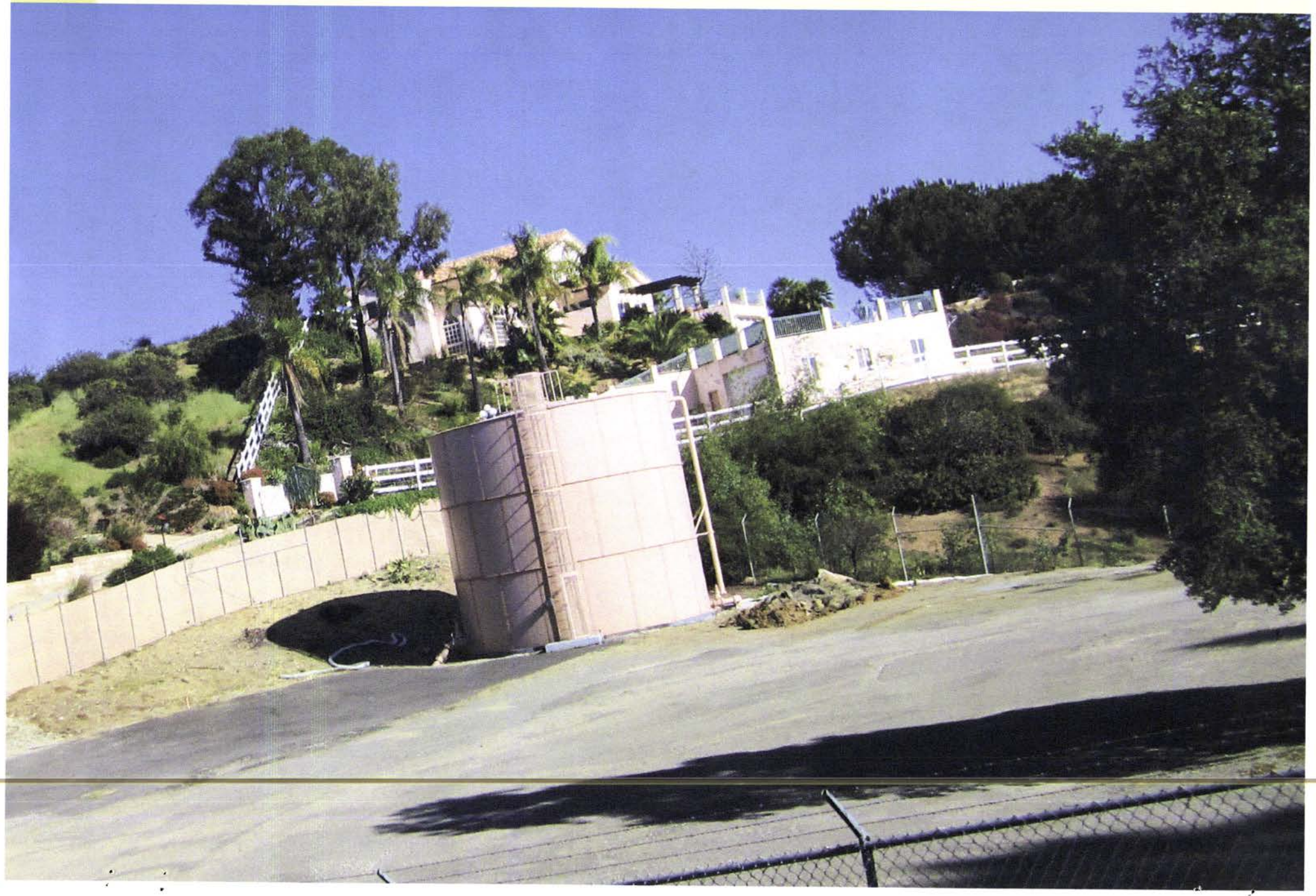


4

Received
JUL 18 2013
California Coastal Commission
South Central Coast District

July 16, 2013

California Coastal Commission
South Central Coast District Office
Attn: Denise Venegas, Coastal Analyst
89 South California St., Suite 200
Ventura, CA 93001-2801

Re: Alternatives Analysis for 2525 Hawks Nest, Topanga, CA (CDP No. 4-13-0401)

Dear Ms. Venegas:

On behalf of the owner of the subject property, Mark Rydings, we submit the following alternatives analysis for the construction of a single-family residence with attached garage, access road, hammerhead turnaround, pool, spa, and associated grading located at 2525 Hawks Nest Trail, Topanga, CA.

Alternatives Analysis:

Alternative: Locate Residence on Southern Slope of Significant Ridgeline

The southern slope of the significant ridgeline consists of very steep, rocky and rugged terrain with slopes averaging between 1.4:1 and 1.6:1 (see **Attachment A**). The eastern portion of this area consists of a hogback topographic feature running north to south with very steep descending slopes on its east and west side (see **Attachment A**). Furthermore, the eastern portion of this area consists of dense chaparral (see **Attachment B**).

Providing vehicular access to the southern slope of the significant ridgeline would require a 20-foot wide access road traversing very steep, undisturbed slopes resulting in massive amounts of grading and tall retaining walls. For example, on slopes equaling 1:1, a 20-foot wide access road designed to balance cut and fill would still result in a 10-foot tall cut retaining wall on the uphill side and a 10-foot tall fill retaining wall on the downhill side. As this entire area consists of steep slopes, the full length of an access road designed to reach a residence in this location would require a tall retaining wall on each side and very significant increases in grading quantities. Accordingly, this approach will result in increased landform alteration and significant degradation to scenic coastal resources.

Los Angeles County Fire Code section 503.2.3 requires a hammerhead turnaround be provided within 150' of the proposed residence (see **Attachment C**). The hammerhead must provide a minimum 70' long paved portion of road with a maximum cross-slope of 2%. The grading quantities associated with the construction of a flat hammerhead on these steep slopes would be very large and result in significant landform alteration. Additionally, the required retaining walls would be very tall and visible resulting in significant degradation of coastal scenic resources.

Exhibit 15
1st Alternative Analysis
Submitted by Applicant's Representative
CDP No. 4-13-0401

SCHMITZ & ASSOCIATES INC.
PROVIDERS OF LAND USE PLANNING
FOR A BETTER COMMUNITY
CORPORATE OFFICE
MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE
MALIBU, CA 90265
TEL: 310.589.0773 FAX: 310.589.0353
AGOURA HILLS, CA 91301
TEL: 818.338.3636 FAX: 818.338.3423

The construction of a single-family residence on these slopes would necessitate a multilevel, step-up design approach to attempt to accommodate the steep slopes. Utilizing this approach would require that very tall retaining walls be constructed into the rear of each level to cut a flat building pad area with enough depth to accommodate adequate living space. If these retaining walls were not constructed, the southern face of each level would be located approximately 15 to 20-feet above grade resulting in very tall and highly visible elevations. Additionally, California Building Code Section 1808.7.1 requires the foundation of a structure be setback a minimum of 15-feet from an adjacent ascending slope. Accordingly, an additional tall retaining wall at the rear of the residence would be required to provide the requisite setback resulting in even more landform alteration and impacts to scenic coastal resources.

Beyond the physical constraints outlined above which render the construction of a single-family residence in this location infeasible, there are regulatory restraints further rendering development in this area infeasible. The certified Santa Monica Mountains Land Use Plan (LUP) policy P82 states, "Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized." As described above, construction on these steep slopes would result in significant increases in grading creating the potential for adverse impacts from runoff and erosion. Additionally, policy P91 of the LUP states, "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." Development on these slopes would significantly increase the alteration of natural physical features and the potential of altering site processes such as runoff. Accordingly, the above policies of the LUP would prohibit development on these slopes.

Section 22.44.606(G) of the proposed Santa Monica Mountains Local Implementation Plan (LIP), which remains uncertified, states, "Grading in areas that have a slope of 50% or greater shall be prohibited, unless required for safety reasons or if it would be more protective of coastal resources." As shown in Attachment A, the slopes throughout the entirety of this area exceed 50% and the construction of a single-family residence in this location would significantly increase landform alteration and adverse impacts to scenic resources. Therefore, locating the single-family residence in this area would not be more protective of coastal resources and, accordingly, would be prohibited by section 22.44.606(G) of the LIP.

The only remaining alternative location would be to construct a residence on the northern descending slope adjacent to the significant ridgeline. The slopes in this area are just as steep as the slopes on the opposite side of the ridgeline and would result in the same, if not more, landform alteration and adverse impacts to coastal scenic resources (see **Attachment A**). Therefore, locating a residence on this slope is both physically infeasible and would not be consistent with the certified LUP.

In conclusion, the construction of a single-family residence on the southern slope adjacent to the significant ridgeline would result in significantly increased landform alteration and adverse impacts to coastal scenic resources. Additionally, the regulatory policies of the Santa Monica Mountains LUP and proposed LIP prohibit the construction of a residence in this location. Accordingly, the location for the single-family residence proposed in Coastal Development Permit (CDP) Application number 4-13-0401 is the only feasible location and is the most protective of coastal resources.

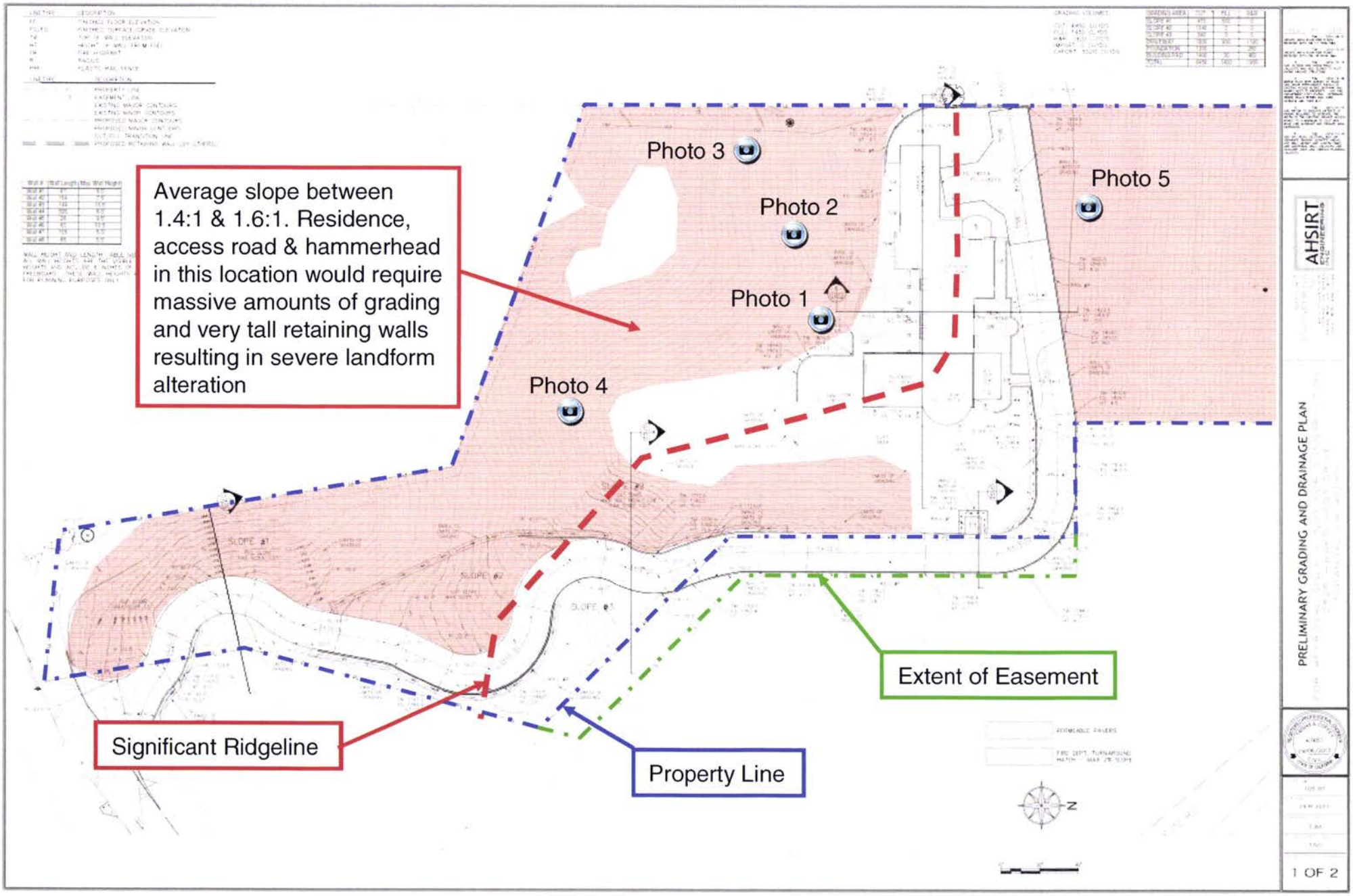
Thank you for your time and consideration of the above alternatives analysis. Should you have any questions, please do not hesitate to contact us at (818) 338-3636.

Sincerely,

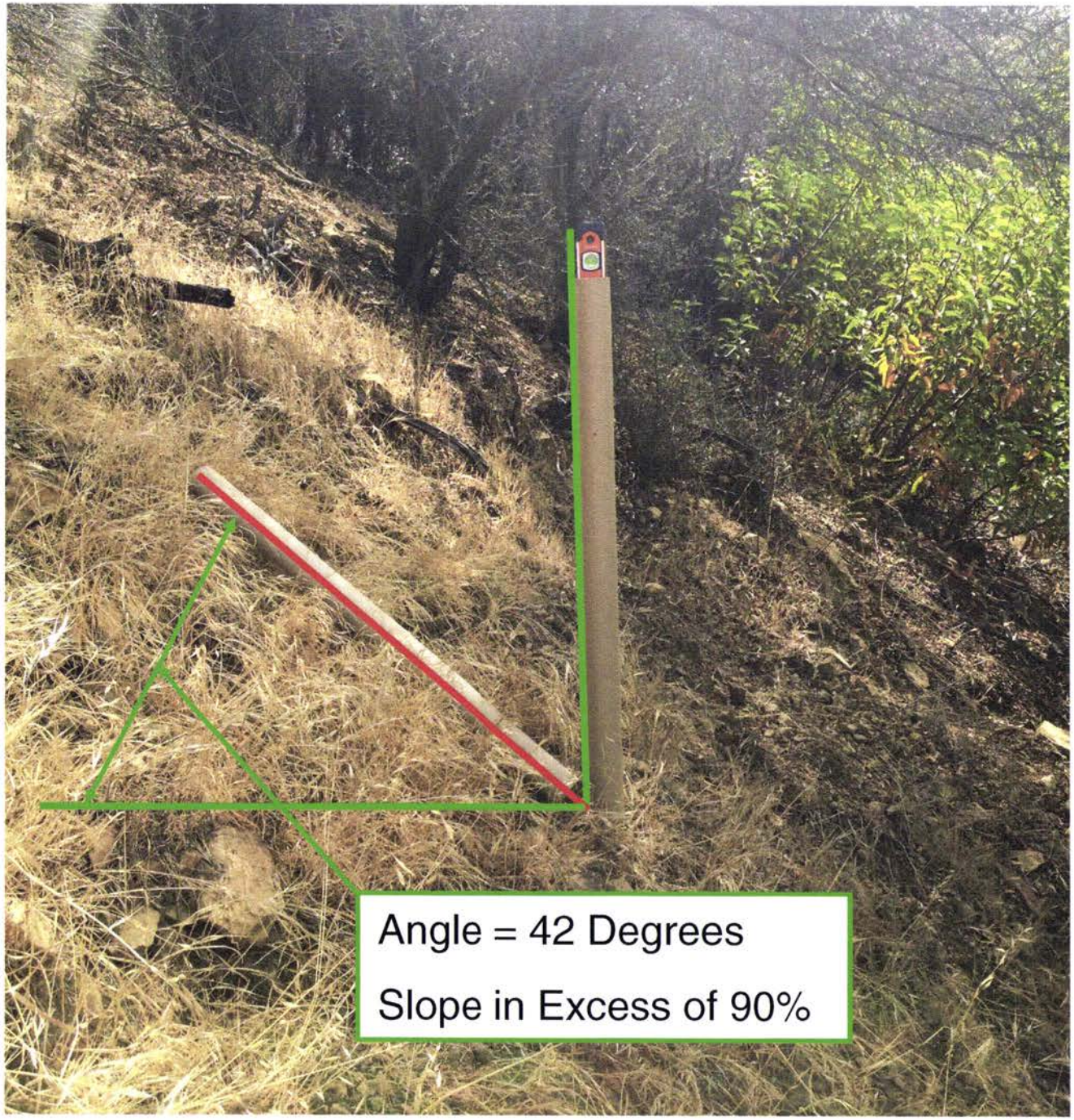
Christopher Townsend
Senior Planner

Schmitz & Associates, Inc.
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301

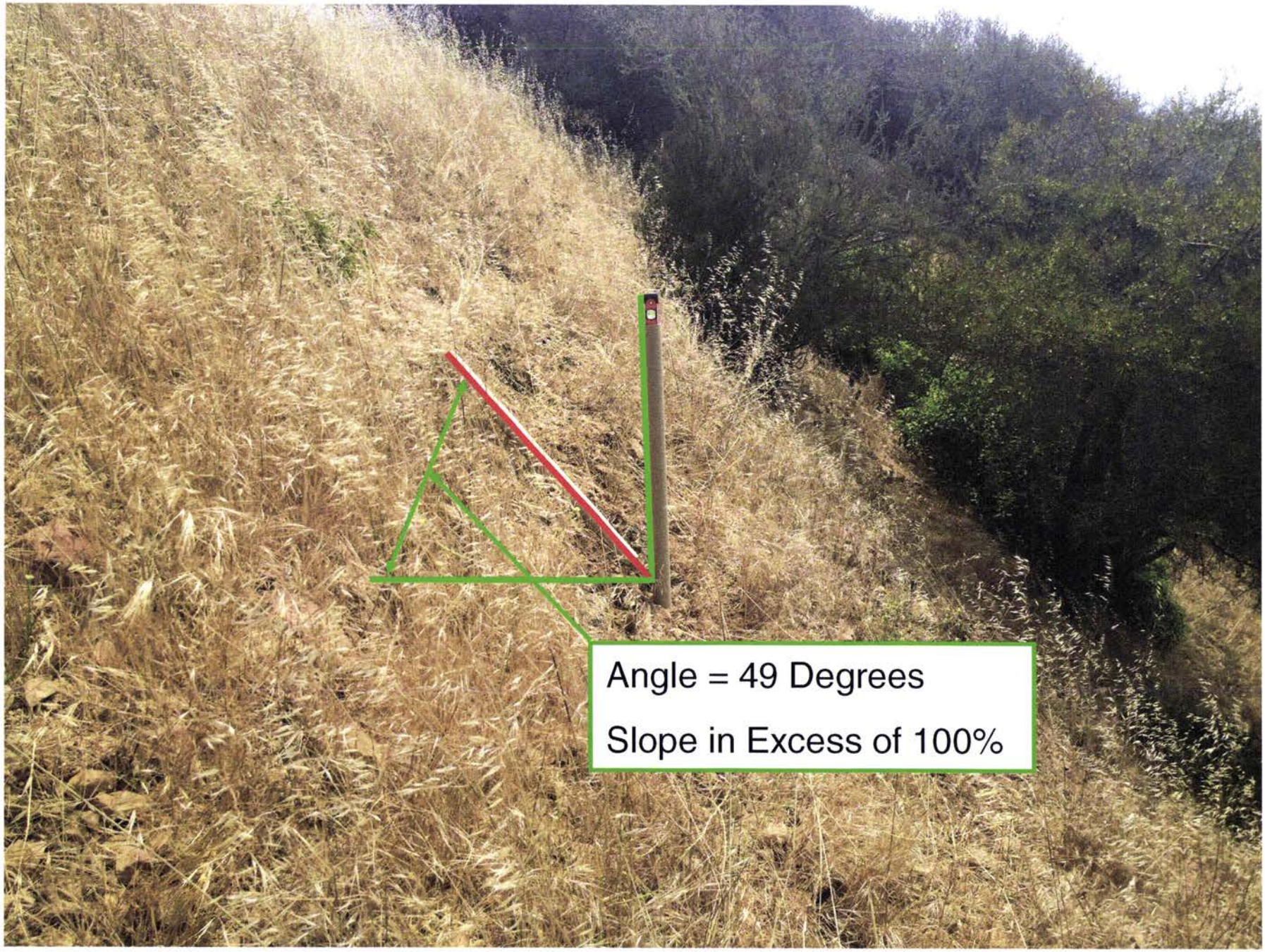
Attachment A: Slopes Adjacent to Significant Ridgeline



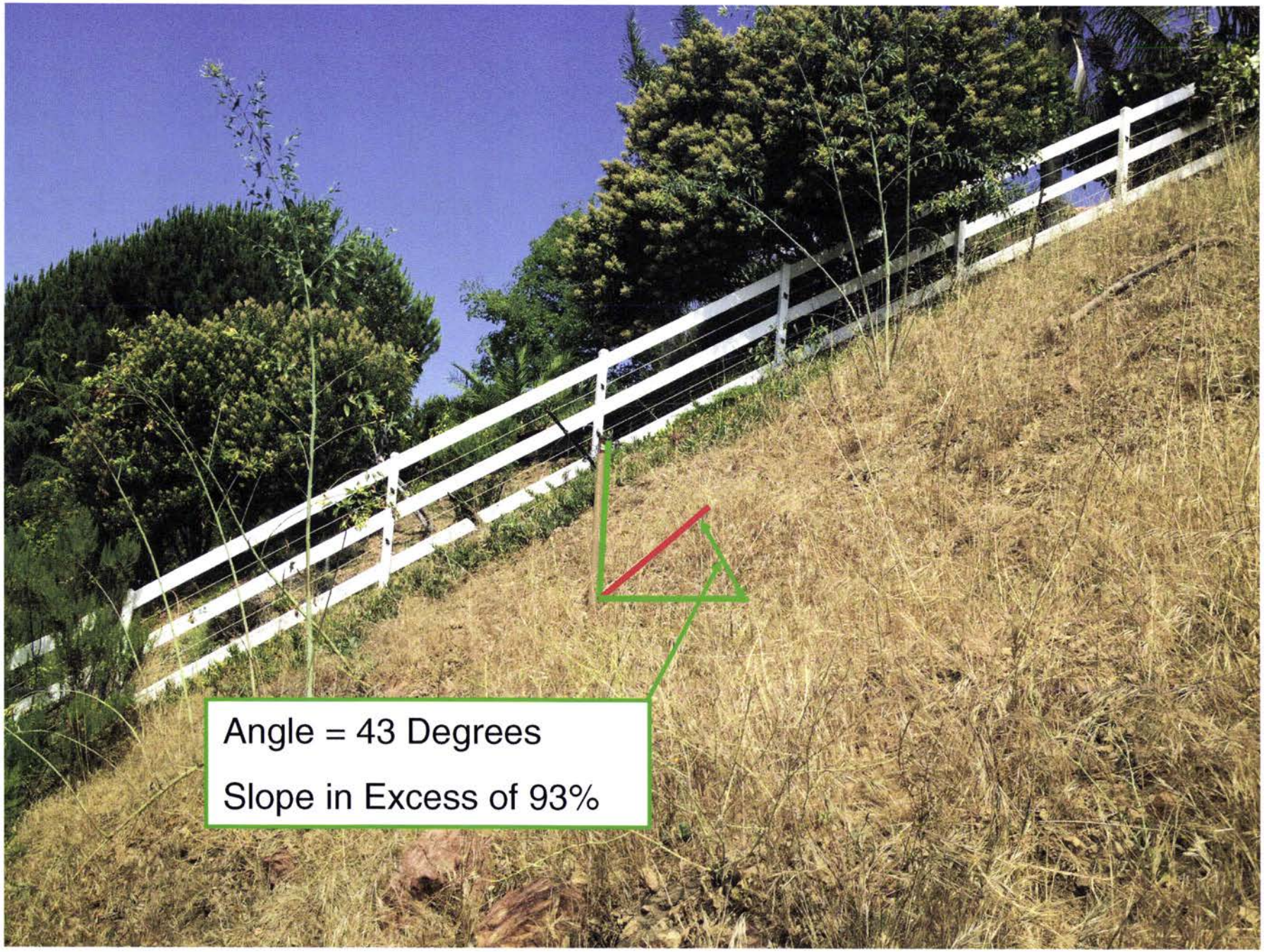
Attachment A: Photo 1



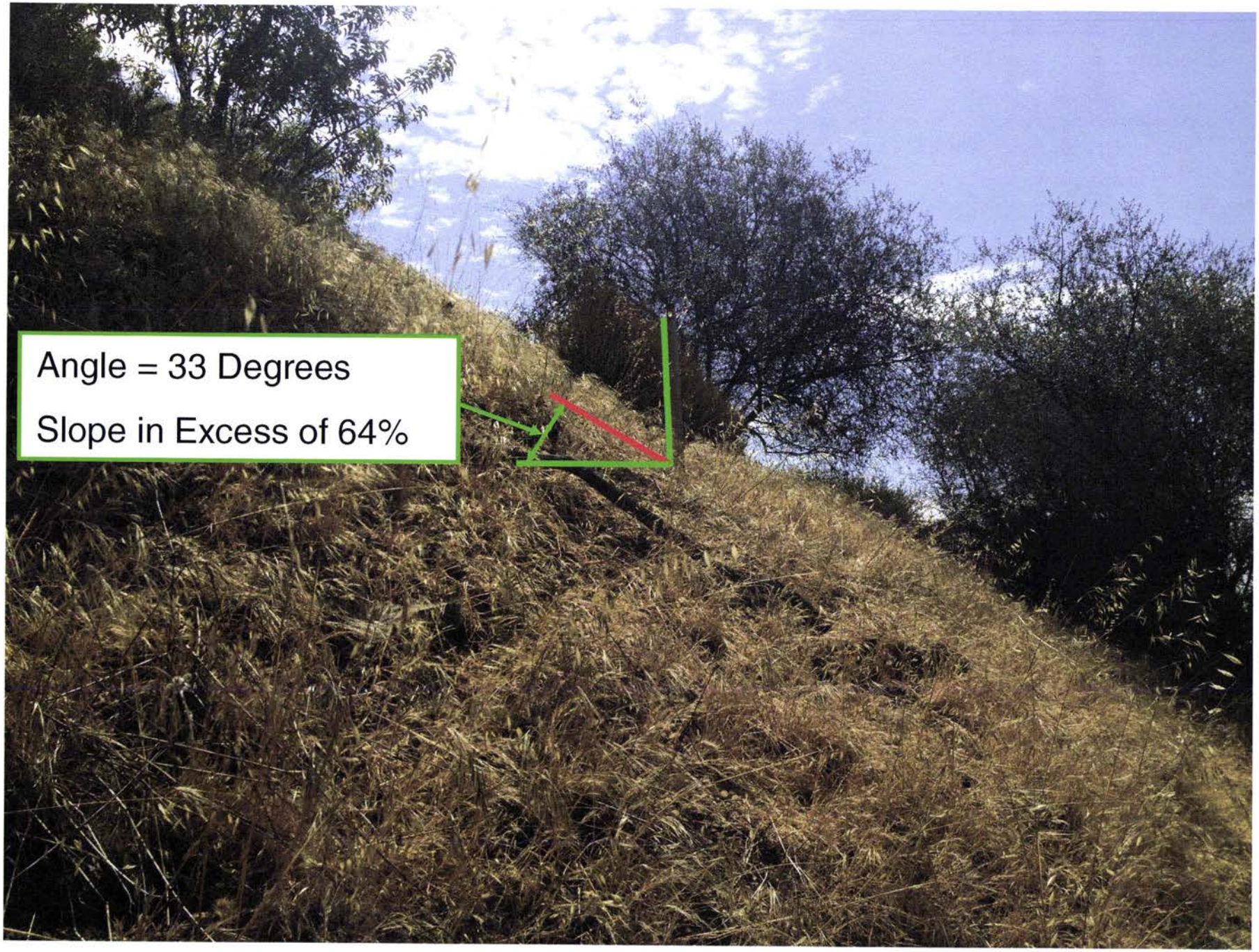
Attachment A: Photo 2



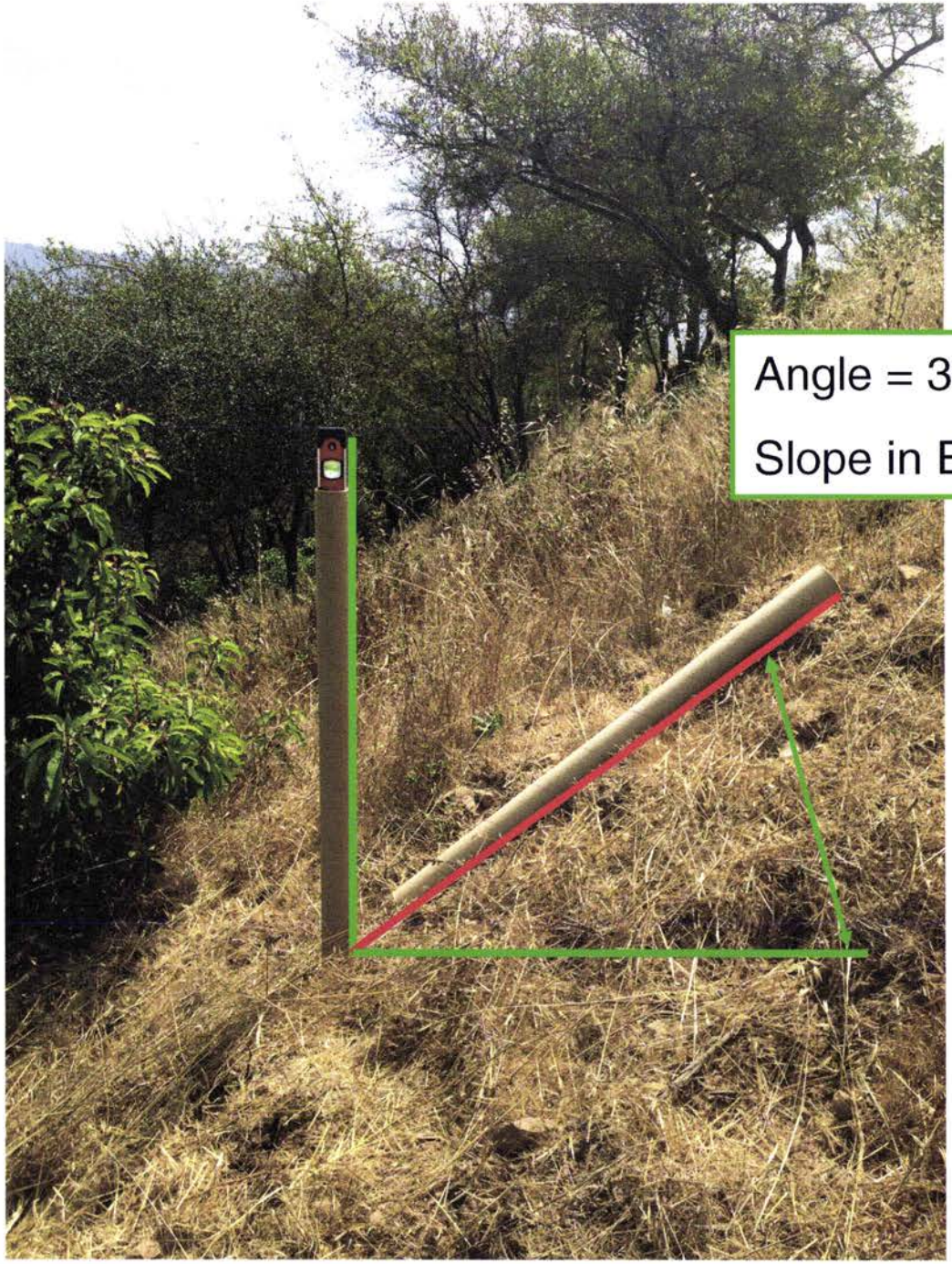
Attachment A: Photo 3



Attachment A: Photo 4

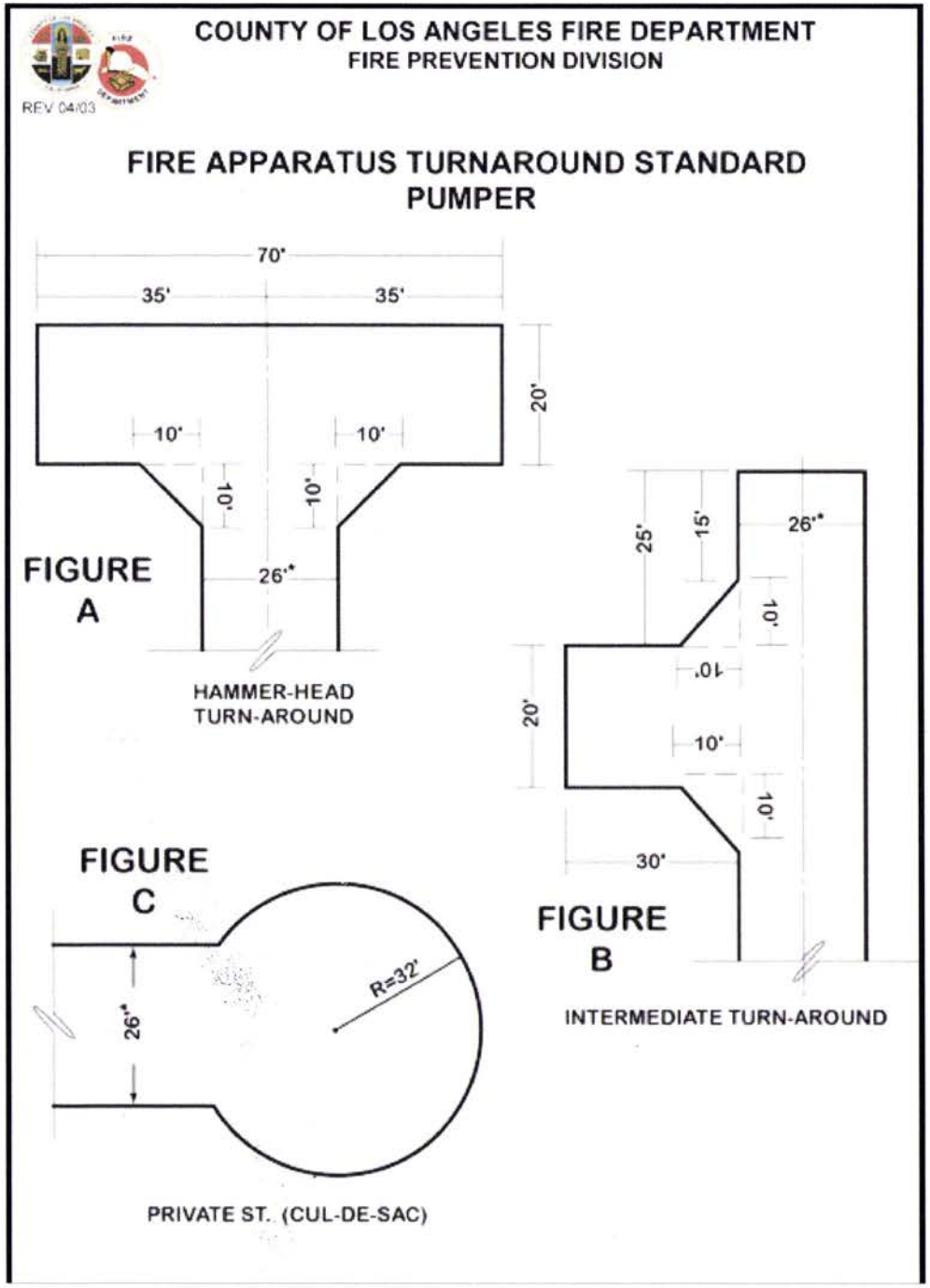


Attachment A: Photo 5



Attachment B: Site Aerial

Attachment C: Fire Department Turnaround Requirements

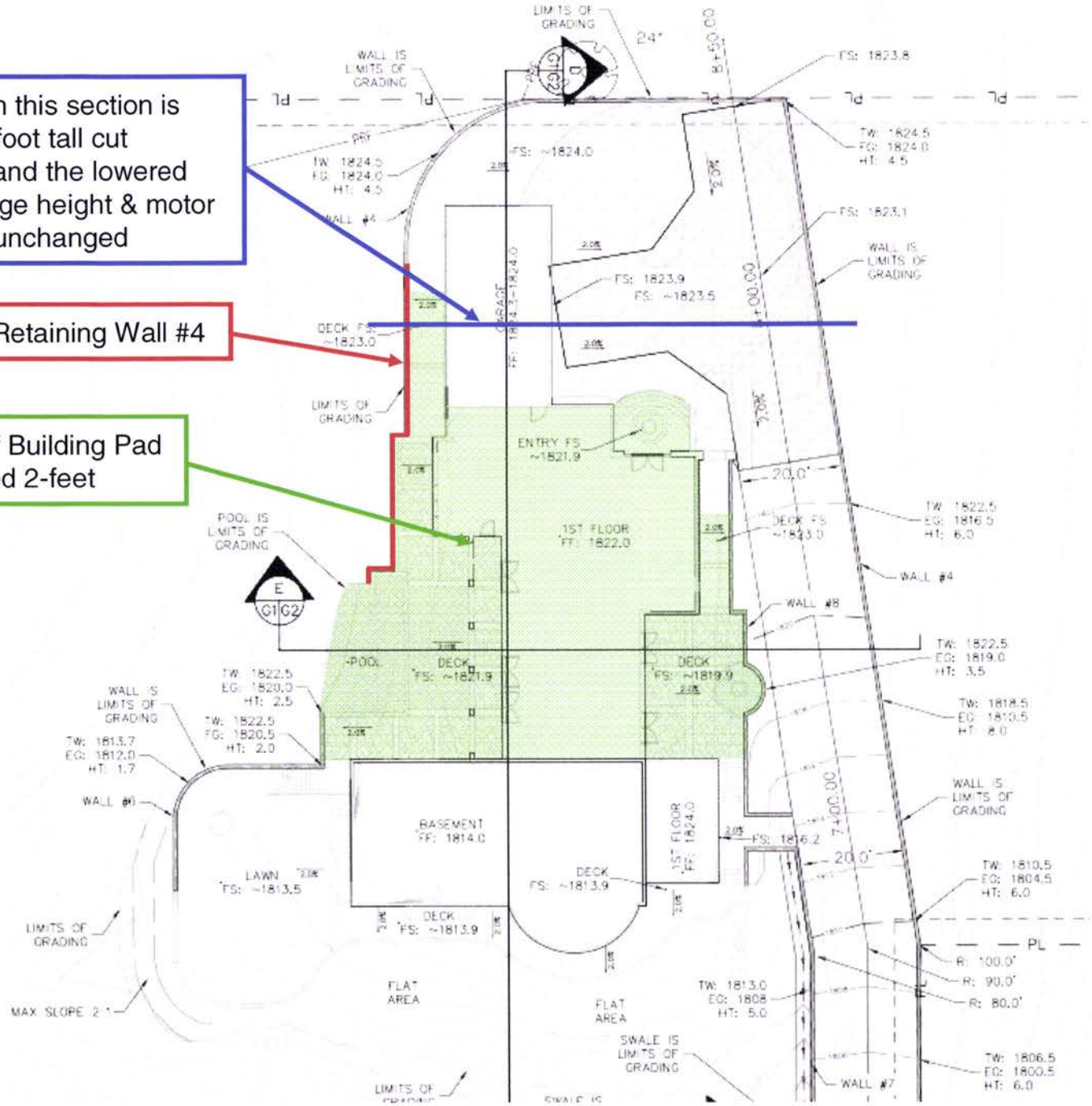


Attachment D: Extension of Retaining Wall #4

Only change in this section is the approx. 1-foot tall cut retaining wall and the lowered walkway; garage height & motor court grading unchanged

Extension of Retaining Wall #4

Area of Building Pad Lowered 2-feet



Venegas, Denise@Coastal

From: Christopher Townsend <ctownsend@schmitzandassociates.net>
Sent: Wednesday, August 21, 2013 12:39 PM
To: Venegas, Denise@Coastal
Cc: Hudson, Steve@Coastal; Ainsworth, John@Coastal; Carey, Barbara@Coastal; Chris Deleau; Don Schmitz; Kris Graves
Subject: Rydings Residence (4-13-0401)
Attachments: Alternatives Analysis Exhibits.pdf

Denise:

As Mr. Ainsworth requested in conversations with Don, please find attached photos, exhibits and LUP/LIP policies regarding our alternatives analysis for the Rydings project (CDP 4-13-0401) to use at your discretion.

As you will see in the attachment, the project site is significantly constrained by very steep slopes on the north and south side of the ridgeline. Construction of a single-family residence on these slopes would result in significant amounts of landform alteration from the grading and retaining walls that would be required. Furthermore, constructing a residence on these slopes would require a multi-level, tiered design approach which would increase visual mass and result in significant adverse impacts to nearby scenic resources. Additionally, locating the residence on the southern slope of the significant ridgeline would push the fuel modification into the mapped significant watershed (SERA) resulting in adverse impacts to environmental resources (see attached).

Policy **22.44.615(G)** of the uncertified Santa Monica Mountains LIP states, "**In locating building pads, public safety and environmental resource protection shall have priority over scenic resource preservation**." As demonstrated in the attached exhibits, locating the proposed residence on the southern slope would result in increased adverse impacts to environmental resources which would not be permissible under the proposed policy.

Policy **22.44.606(G)** of the LIP states, "Grading in areas that have a slope of 50 percent or greater shall be prohibited, unless required for safety reasons or if it would be more protective of coastal resources." As described above and in the attached exhibits, locating the residence on the steep slopes adjacent to the significant ridgeline would **not be more protective** of coastal resources due to the increased impacts to the significant watershed and the requirement that environmental resources be protected over scenic resources.

Additionally, the **Table 1** policies of the certified Santa Monica Mountains LUP state, "Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of the development will be less environmentally damaging." The attached fuel modification exhibits clearly demonstrate the proposed location for the residence will result in fewer impacts to the watershed than a residence located on the southern slope of the significant ridgeline.

Please review the attached photos, exhibits and policies and feel free to contact us with any questions or concerns.

Best Regards,

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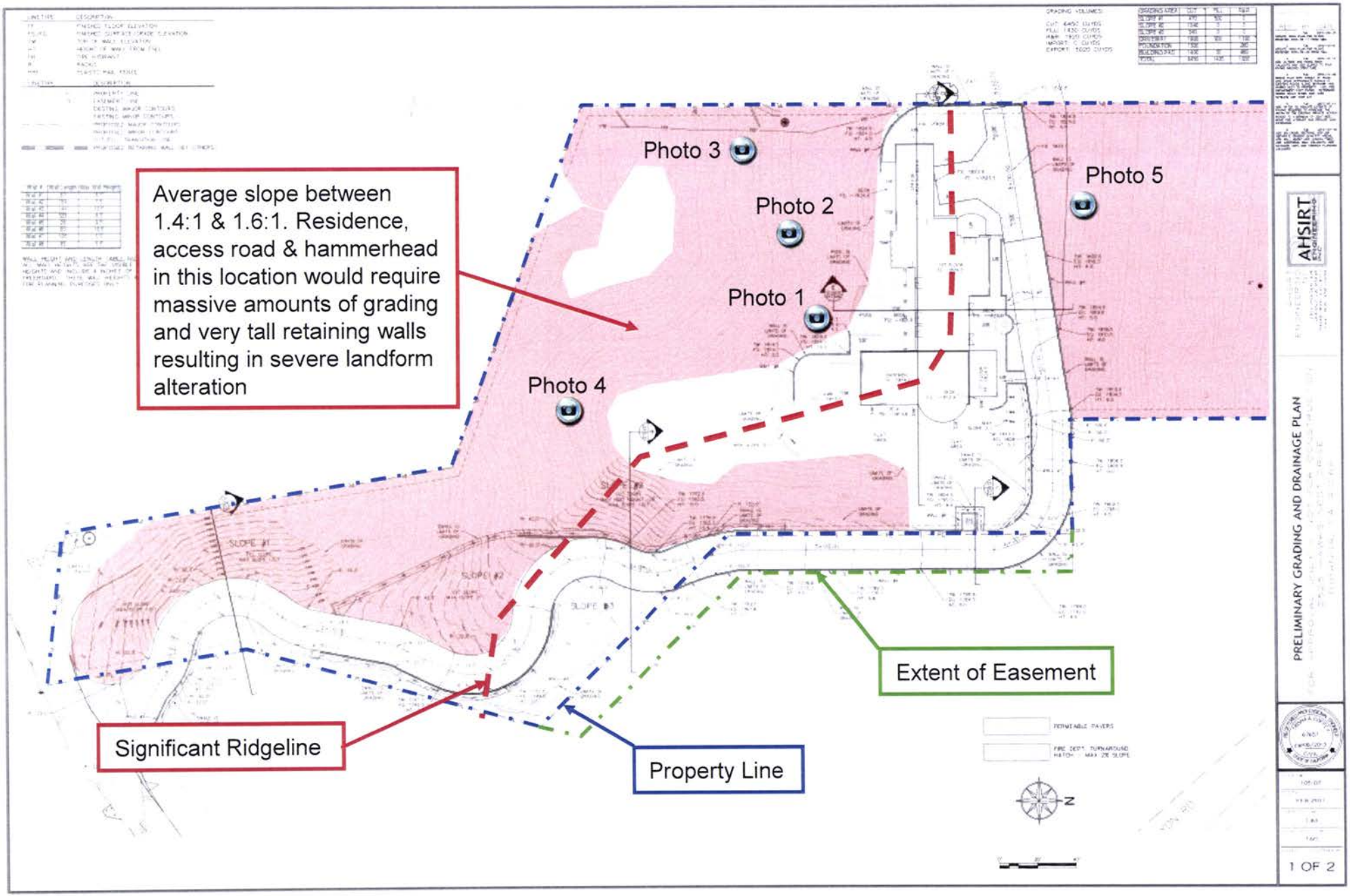
message.

Exhibit 16
2nd Alternative Analysis
Submitted by Applicant's Representative
CDP No. 4-13-0401

Attachment A: Slopes Adjacent to Significant Ridgeline

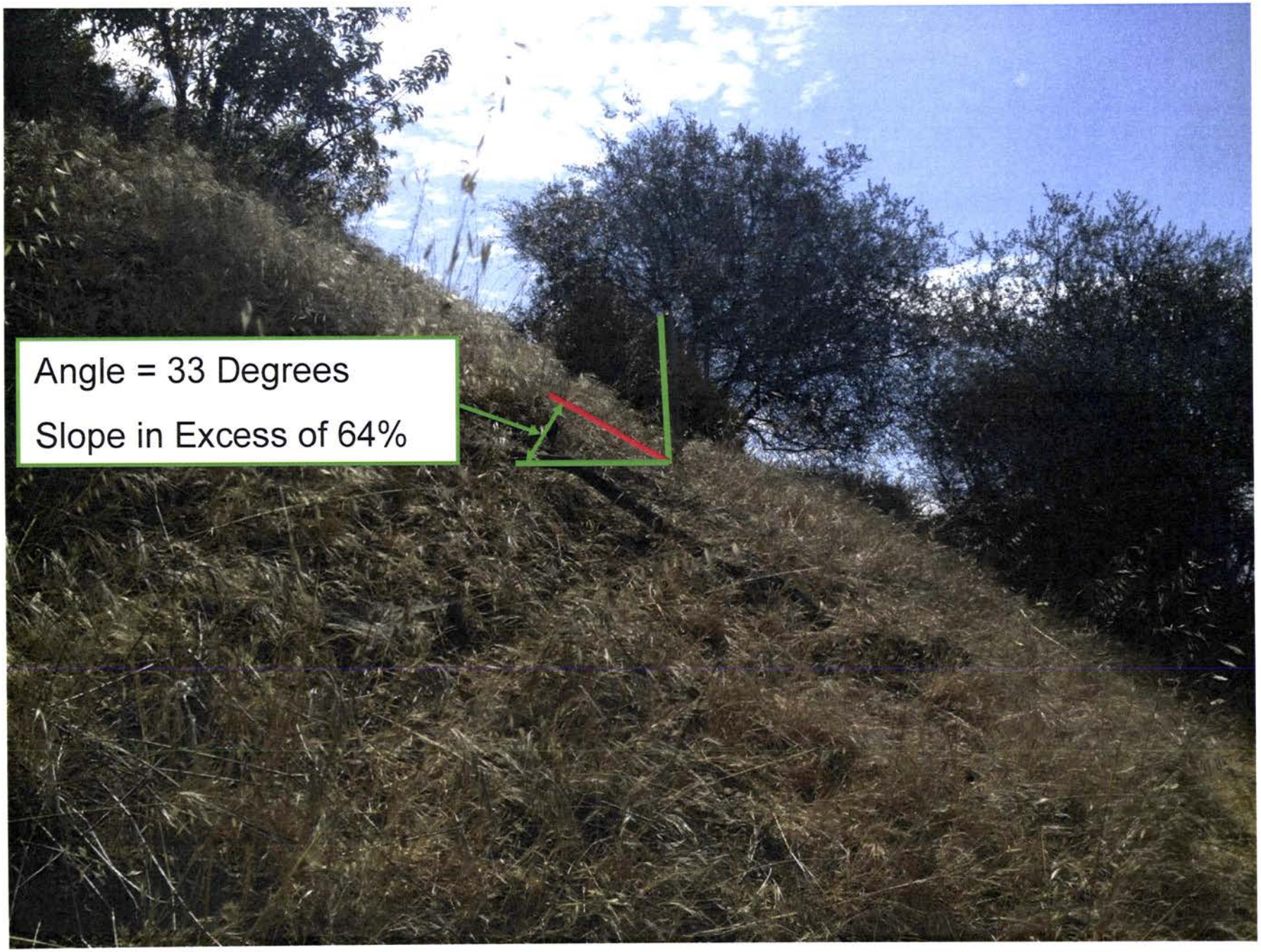


Attachment A: Photo 1

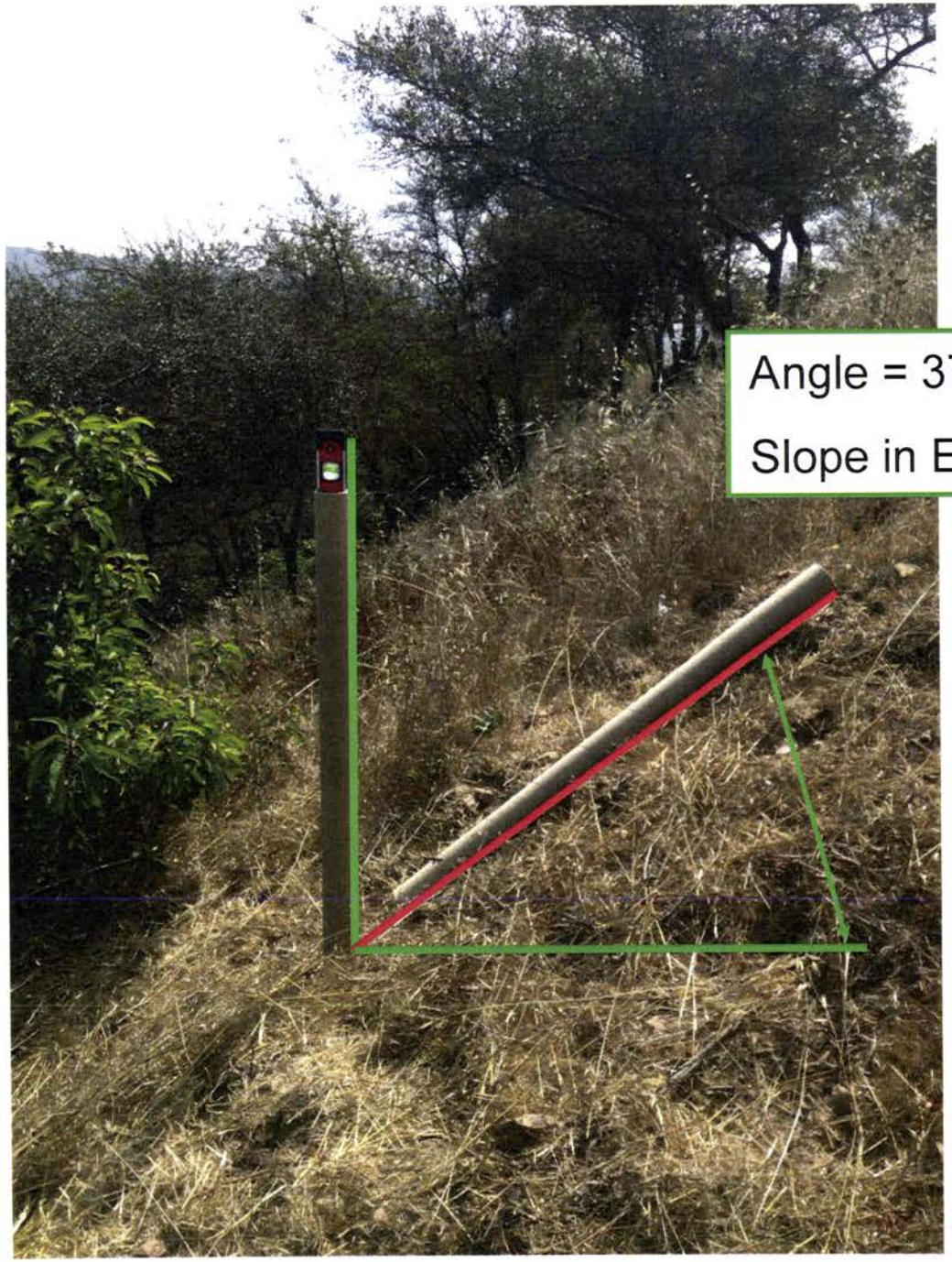
Attachment A: Photo 2

Attachment A: Photo 3

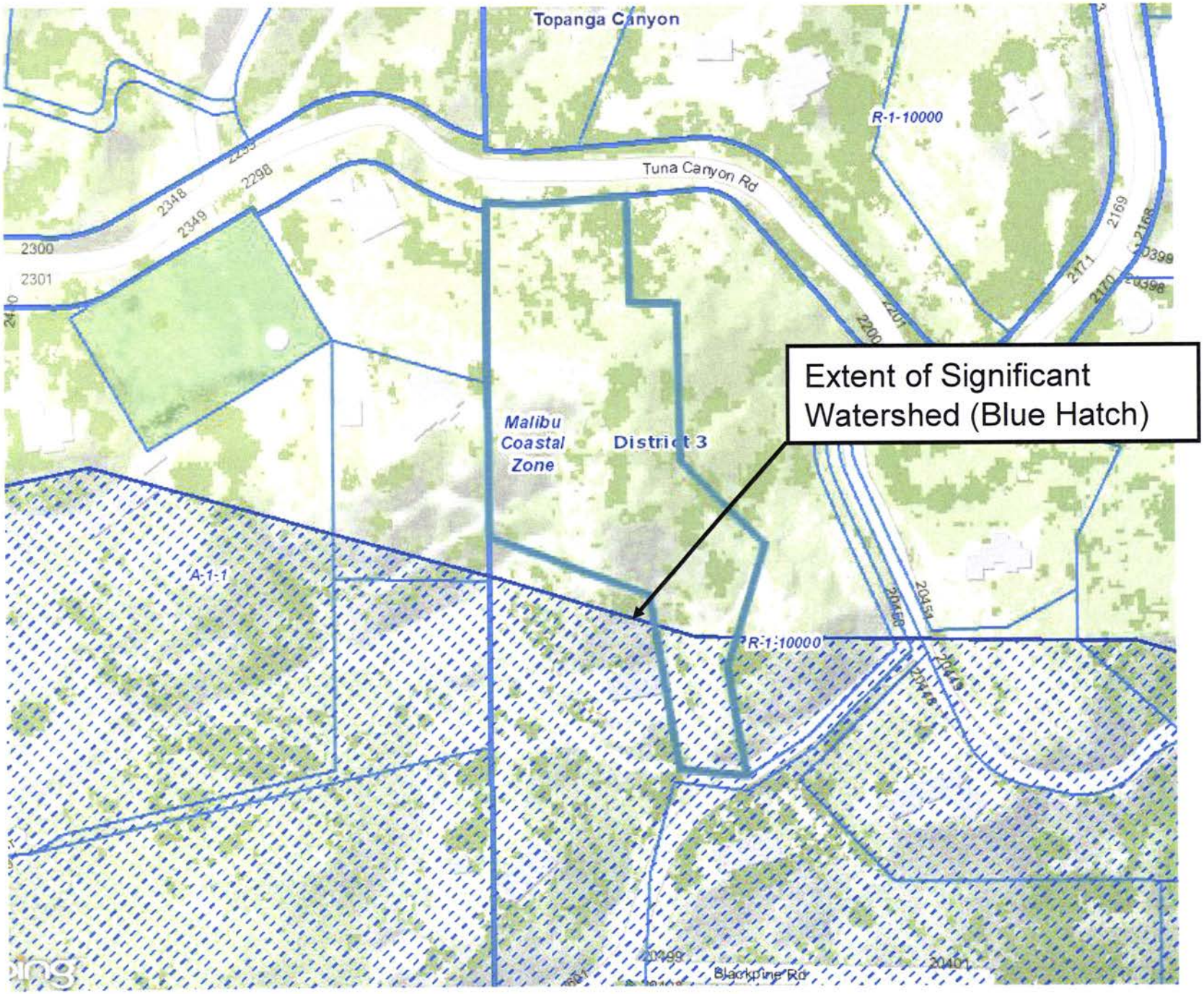
Attachment A: Photo 4



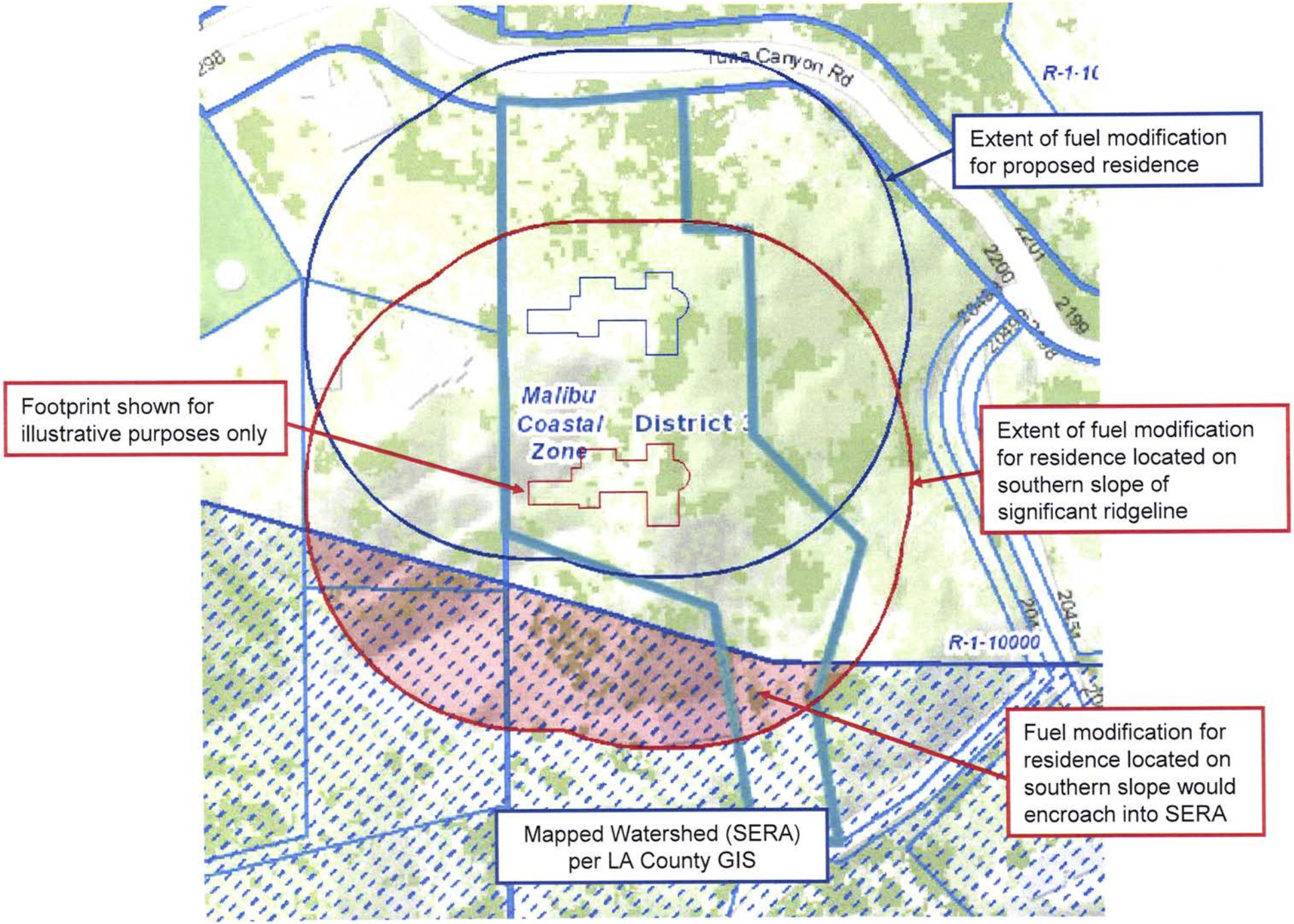
Attachment A: Photo 5



Significant Environmental Resource Area: Watershed



Fuel Modification Impacts to Mapped Watershed (SERA)



Santa Monica Mountains LUP: Table 1 Policies

Table 1 (continued)

Permitted Uses and Development Standards In,
Environmentally Sensitive Habitat Areas, Disturbed Sensitive Resource Area,
Significant Watersheds, Resource Management Areas, Wildlife Corridors and Significant Woodlands

HABITAT TYPE AND EXISTING PARCEL SIZE (if applicable)	PERMITTED USES WITHIN THE HABITAT AREA IN ACCORDANCE WITH SECTION 30240(a) OF THE COASTAL ACT	PERMITTED USES ADJACENT TO THE HABITAT AREA IN ACCORDANCE WITH SECTION 30240(b) OF THE COASTAL ACT	DEVELOPMENT STANDARDS/STREAM PROTECTION POLICIES. (Note: The following standards are established for development in sensitive environmental resource areas. Development proposals consistent with these standards shall be subject to normal review procedures. Variations from these standards will be considered on an individual basis according to their potential environmental effects as determined by the Environmental Review Board).
SIGNIFICANT WATERSHEDS			
a. EXISTING PARCELS 20 ACRES AND LARGER	• Resource-dependent uses such as: -nature observation -research/education -passive recreation including hiking and horseback riding	Uses consistent with LCP policies.	• Structures shall be clustered to minimize the effects on sensitive environmental resources. • Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging.
			• New on-site access roads shall be limited to a maximum length of 300 feet or one-third of the parcel depth, whichever is smaller. Greater lengths may be allowed provided that the County Engineer and ERB determine that there is not an acceptable alternative and that a significant impact will not be realized and shall constitute a conditional use. • The cleared area shall not exceed 10% of the area excluding access roads. • Site grading shall be accomplished in accordance with the stream protection and erosion control policies. • Designated environmentally sensitive streambeds shall not be filled. Any crossings should be accomplished by a bridge. • Approval of development shall be subject to review by the ERB.
b. EXISTING PARCELS SMALLER THAN 20 ACRES IN PROXIMITY TO EXISTING DEVELOPMENT AND/OR SERVICES, AND/OR ON THE PERIPHERY OF THE SIGNIFICANT WATERSHEDS	• Resource-dependent uses such as: -nature observation -research/education -passive recreation including hiking and horseback riding • Residential in accordance with recommended standards and policies (continued)	Uses consistent with LCP policies.	• Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on habitat. • Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging. • Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act.

Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of the development will be less environmentally damaging

Santa Monica Mountains LIP: Applicable Policies

- **22.44.606(G):** Grading in areas that have a slope of 50 percent or greater shall be prohibited, unless required for safety reasons or if it would be more protective of coastal resources.

- **22.44.615(G): In locating building pads, public safety and environmental resource protection shall have priority over scenic resource preservation.**

- **22.44.815(C).3:** Where structures on a lot or parcel of land cannot meet the standards prescribed by subsection C.2. above (setback from significant ridgelines), a variance is required as provided in Part 2 of Chapter 22.56. In addition to the requirements of Subsection A of Section 22.56.330, findings shall be made that (1) **alternative sites within the property or project have been considered and eliminated from consideration based on physical infeasibility or the potential for substantial habitat damage and destruction**, and (2) the proposed development maintains the maximum view of the related Significant Ridgeline through the use of design features that include, but are not limited to, reduced structural height, clustered structures, shape, materials, and color which allow the structure to blend in with the natural setting, minimized grading, and locally-indigenous vegetation for concealment.

Attachment C: Site Aerial