

**CALIFORNIA COASTAL COMMISSION**

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# Th17f

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Staff: D. Venegas-V  
Staff Report: 11/20/14  
Hearing Date: 12/11/14

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-13-0413

**Applicant:** Cloris Leachman

**Agent:** Lynn James Heacox

**Project Location:** 21344 Colina Drive, Topanga, Santa Monica Mountains, Los Angeles County (APNs: 4445-023-050)

**Project Description:** After-the-fact approval of an 1,805 sq. ft. addition to an existing 1,000 sq. ft. single family residence, water tank, and concrete swale. In addition, the project includes the remodel of the existing 2,805 sq. ft. single family residence; construction of a 75 linear feet retaining wall with 30 cu. yds. of associated grading, septic system, and demolition of an existing unpermitted shed.

**Staff Recommendation:** Staff recommends **approval** of the proposed development with nine special conditions.

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## SUMMARY OF STAFF RECOMMENDATION

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

The project site is located on a 1-acre property at 21344 Colina Drive, in the Old Post Office Rural Village, in the Santa Monica Mountains area of unincorporated Los Angeles County (APN: 4445-023-050) (Exhibits 1-3). The applicant requests after-the-fact approval of a 1,805 sq. ft. addition to an existing 1,000 sq. ft. single family residence, water tank, and concrete swale. The applicant also proposes the exterior and interior remodel of the existing 2,805 sq. ft. single family residence; construction of a retaining wall 6 ft. in height and totaling 75 linear feet with

30 cu. yds. of associated grading (30 cu. yds. of cut, 0 cu. yds. of fill), septic system, and demolition of an existing unpermitted shed.

The subject property is accessed from a private driveway that extends from Colina Drive at the northwestern corner of the site and is surrounded by existing residential development to the north, south, west, and east and is located approximately 25 feet west from undeveloped areas of Topanga State Park. Topographically, the property occupies a portion of the middle-to-upper slopes defining Topanga Canyon. The existing residence is situated along the toe of an easterly ascending slope. The sloping property contains several coast live oak trees and other native and non-native plantings and trees throughout the entire property; however none of the oak trees will be encroached upon.

Although the site does contain some native vegetation, the majority of this vegetation is located within the existing 200 ft. fuel modification zones for the neighboring residences to the east, west, south and north of the subject site. Moreover, because the subject site is surrounded by existing development on all four sides, the portion of the site currently vegetated with native plants is isolated and is not part of a larger contiguous area of native vegetation and does not, therefore, constitute a sensitive environmental resource areas (SERA) in the SMM LCP (the equivalent of environmentally sensitive habitat area (ESHA) under the Coastal Act). Thus, the subject site does not contain SERA/ESHA. In addition, because the proposed development is surrounded by existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the existing residence with proposed as-built additions will not result in any new vegetation clearance in offsite areas and will not result in any loss of SERA/ESHA.

The proposed new development will result in an increase in impervious surfaces. 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 to ensure the proposed development will not adversely impact water quality or coastal resources.

The standard of review for the proposed development is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP). As conditioned, the proposed project is consistent with all applicable policies of the Santa Monica Mountains LCP.

This application was filed on July 3, 2014. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is December 30, 2014. As such, the Commission must act on Coastal Development Permit Application No. 4-13-0413 at the December 11, 2014 Hearing.

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## APPENDICES

Appendix 1 Substantive File Documents

## EXHIBITS

Exhibit 1.	Vicinity Map
Exhibit 2.	Parcel Map
Exhibit 3.	Aerial Photo
Exhibit 4.	Site Plan
Exhibit 5.	Proposed Floor Plan
Exhibit 6.	Proposed Elevations
Exhibit 7.	Proposed Sections

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, dated March 11, 2013; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated April 11, 2013.

## 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. 4-13-0413 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 the Santa Monica Mountains Local Coastal Program. 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. 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).

#### **2. 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.

#### **3. Permanent Drainage and Polluted Runoff Control Plan**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, 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) The plans incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate. BMPs should be prioritized in the following manner:

- 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.
- (3) Landscaping materials shall consist primarily of non-invasive, native species, and other low-maintenance plant selections which have low water and chemical treatment demands. 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.
- (4) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.
- (5) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed in critical locations.
- (6) 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.

#### **4. 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 should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible. 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.

## **5. 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.

## **6. 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, 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.

## **7. 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.

## **8. 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.

## **9. Condition Compliance**

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The applicant, Cloris Leachman, requests after-the-fact approval of a 1,805 sq. ft. addition to an existing 1,000 sq. ft. single family residence, water tank, and concrete swale. The applicant also proposes the exterior and interior remodel of the existing 2,805 sq. ft. single family residence; construction of a retaining wall 6 ft. in height and totaling 75 linear feet with 30 cu. yds. of associated grading (30 cu. yds. of cut, 0 cu. yds. of fill), septic system, and demolition of an existing unpermitted shed.

The project site is located on a 1-acre property at 21344 Colina Drive (previously known as 21342 Colina Drive), in the Old Post Office Rural Village, in the Santa Monica Mountains area of unincorporated Los Angeles County (APN: 4445-023-050). Rural Villages (previously known as “small lot subdivisions”) refer to concentrations of smaller lots in rural mountain areas, many of the lots which were created in the 1920s and which often lack a basic physical infrastructure meeting current development standards. It’s important to note that prior to the certification of the Santa Monica Mountains LCP, this project site was not located within a “rural village” or “small lot subdivision.”

The subject property is accessed from an unpaved private driveway that extends from Colina Drive at the northwest corner of the site and is surrounded by existing residential development to the north, south, west and east, and is approximately 25 feet west of undeveloped areas of Topanga State Park. Topographically, the property occupies a portion of the middle-to-upper slopes defining Topanga Canyon. The existing residence is situated along the toe of an easterly ascending slope. Slopes ascend from the east margin of the building pad 60 to 70 feet to a topographic ridge at slope ratios ranging from 2:1 to 3:1 (H:V, horizontal: vertical). Grades slope away from the residence to the west approximately 10 feet to Colina Drive at a 5:1 (H:V) slope ratio. Elevations on the property range from approximately 1,160 to 1,240 feet above mean sea level from the top of the relatively flat undeveloped knoll down to the gently sloping developed portion of the site. The sloping property contains several coast live oak trees and other native and non-native plantings and trees throughout the entire property.

The applicant submitted an Oak Tree Report, listed in the Substantive File Documents, depicting the location of oak trees and their protected zones within the vicinity of the proposed project. The Oak Tree Report determined that the proposed development has been sited to avoid any encroachment into the protected zone of any oak tree on site. Furthermore, the oak tree report indicated that the protected zone of one oak tree reached close to the roof and west side of the house, however this oak tree required pruning for fire safety and therefore the oak's protected zone is located far back enough that the as-built development does not encroach within the protected zone of the oak tree.

Although the site does contain some native vegetation, the majority of this vegetation is located within the existing 200 ft. fuel modification zones for the neighboring residences to the east, west, south and north of the subject site. Moreover, because the subject site is surrounded by existing development on all four sides, the portion of the site currently vegetated with native plants is isolated and is not part of a larger contiguous area of native vegetation and does not, therefore, constitute an environmentally sensitive habitat area (ESHA). Thus, the subject site does not contain ESHA. In addition, because the proposed development is surrounded by existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the existing residence with proposed as-built additions will not result in any new vegetation clearance in offsite areas and will not result in any loss of ESHA.

The proposed development will have a maximum height of 28 feet above finished grade. The development has been clustered together and designed to reduce landform alteration and removal of native vegetation. The proposed development is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (30 feet above natural or finished grade, whichever is lower) allowed under the certified policies of the Santa Monica Mountains LCP. In addition, the development would be partially screened by existing vegetation on site. As such, the proposed development is sited and designed to minimize impacts to visual resources to the extent feasible.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP.

## **B. PAST COMMISSION ACTION**

On June 6, 1978, the Commission issued Exemption Determination No. E-68 for a single family residence and guest house at 21342 Colina Drive. The South Coast Regional Commission found that the single family residence and guest house were in substantial lawful construction prior to January 1, 1977 and therefore was exempt from the permit requirements of the Coastal Act. On October 18, 1977, Commission staff received Coastal Development Permit (CDP) Application No. P-77-2164 requesting a land division of a five-acre parcel into two lots at 21342 Colina Drive. On November 18, 1977, the application was withdrawn by the applicant.

Moreover, on October 12, 1978, the Coastal Commission approved Coastal Development Permit No. P-8-23-78-3868, for the same land division previously applied for in CDP Application No. P-77-2164 which was withdrawn by the applicant. Specifically, Commission-approved CDP No. P-8-23-78-3868 authorized a land division of a five-acre parcel into two lots; a one-acre lot (Parcel 1) contained an existing 1000 sq. ft. guest house and the four-acre lot (Parcel 2) contained an existing single family residence at 21342 Colina Drive. Parcel 1 containing the existing 1,000 sq. ft. guest house is now known as 21344 Colina Drive (APN: 4445-023-050) and Parcel 2 containing the existing single family residence retained the address of 21342 Colina Drive (APN:4445-023-051). Furthermore, the permit was approved with one (1) special condition regarding the recordation of a deed restriction on the property. Specifically, Special Condition 1 required the applicant to record, prior to issuance of the permit, a deed restriction: 1) noting that no further land divisions are permitted on either of the to-be-created parcels unless the final adopted Los Angeles County Local Coastal Program indicates a higher intensity use; and 2) agreeing that Coastal Commission permit number P-78-3863 is only for the proposed development and that future additions, or improvements to the property, including clearing of vegetation and grading, will require a Coastal Commission permit, or its successor agency; clearing of vegetation up to 100 ft. around the residence to mitigate fire hazard is permitted. On December 22, 1978, the applicants recorded the required deed restriction (deed restriction recorded as Document No. 78-1426250) and the coastal development permit was issued on January 3, 1979.

Lastly, on March 14, 2013, Commission staff found Exemption Determination No. 4-13-008-X, for the interior remodeling and after-the-fact approval of a 973 sq. ft. as-built unpermitted addition to an existing single family residence, was not exempt from obtaining a coastal development permit on the basis that CDP No. P-8-23-78-3863, as noted above, required the recordation of a deed restriction that required the property owner to obtain a coastal development permit for any future additions or improvements to the property. Thus, as a result of the denial of the exemption request noted above, the applicant is now requesting a coastal development permit for same development previously found not to be exempt and additional proposed development.

### **C. HAZARDS AND GEOLOGIC STABILITY**

The Santa Monica Mountains Local Coastal Program (LCP) contains the following development policies related to hazards that are applicable to the proposed development:

- SN-1 All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.
- SN-11 New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- SN-12 Site, design and size all new development to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level.

SN-16 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

SN-17 New development shall not increase peak stormwater flows.

SN-20 Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.

SN-21 Design and site new development in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.

SN-24 Structures shall be constructed with appropriate features and building materials, including but not limited to: fire-resistant exterior materials, windows and roofing, and eaves and vents that resist the intrusion of flame and burning embers.

SN-25 Structures that require fuel modification shall be set back 200 feet from adjoining vacant lands, where feasible. If it is not feasible to provide a 200 foot setback, then structures shall be set back to the maximum extent possible. However, a lesser setback may be approved where it will serve to cluster development, minimize fire hazards, or minimize impacts to coastal resources.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.2102 “Development Standards,” in relevant part, states:

A. All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.

...

D. All recommendations of the consulting licensed professional and/or the County geotechnical staff shall be incorporated into all final design and construction...

...

G. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a qualified licensed professional that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with the LID requirements of this LIP.

...

K. As a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of the Coastal Development Permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

The proposed development is located in the Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Therefore, to address these hazards, the SMM LCP includes a number of policies and provisions related to hazards and geologic stability. Policies SN-1, SN-11, SN-12 and SN-20 require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. Policies SN-16 and SN-17 require that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams and new development shall not increase peak stormwater flows.

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, and pursuant to LIP Section 22.44.2102 (D), 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.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. Pursuant to LIP Section 22.44.2102(G), the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Policies SN-21, SN-24, and SN-25 require that all new development is sited and designed in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance encourages the clustering of residential structures both on individual lots and on multiple adjacent lots to provide for more localized and effective fire protection measures such as consolidated of required fuel modification and brush clearance. As previously mentioned above, because the proposed development is surrounded by existing residential development on neighboring properties with overlapping fuel modification zones, the fuel modification requirements for the existing residence with proposed as-built additions will not result in any new vegetation clearance in offsite areas.

Although the conditions described above render the project sufficiently stable to satisfy the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP, 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. Pursuant to LIP Section 22.44.2102 (D), 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. Additionally, consistent with

LIP Section 22.44.2102(K), 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.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP and as a response to the risks associated with the project:

- Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
- Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
- Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
- Special Condition 7: Deed Restriction

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with the applicable geologic, fire and flood hazard policies of the Santa Monica Mountains LCP.

#### **D. WATER QUALITY**

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of water quality:

- CO-2 Site, design, and manage new development and improvements, including: but not limited to: landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit's Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.
- CO-3 To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour storm event for volume-based BMPs and/or the 85<sup>th</sup> percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increase in storm water or dry weather flows.
- CO-4 Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

CO-5 Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.

CO-30 Site new OWTS and require them to be designed so that impacts to sensitive environmental resources are minimized, including grading, site disturbance, and the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect H1 habitat and surface waters from lateral seepage from the sewage effluent dispersal system and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise.

CO-76 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

CO-92 Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay and other native trees. The County shall ensure that new leachfields and seepage pits permitted by the County comply with applicable Water Resources Control Board requirements. The LCP may be updated, pursuant to an LCP amendment that is certified by the Coastal Commission, to reflect new Water Resources Control Board.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.1340 “Water Resources,” in relevant part, states:

B. Water wells, geologic testing, and on-site wastewater treatment systems (OWTS).

...

3.New OWTS shall comply with all current County Environmental Health OWTS standards and Water Resources Control Board requirements. Coastal development permit applications for OWTS installation and expansion, where groundwater, nearby surface drainages or slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OWTS on groundwater level, quality of nearby surface drainages, and slope stability...

a. New OWTS shall be sited so that impacts to sensitive environmental resources are minimized including grading, site disturbance, and the introduction of increased amounts of water. To the extent feasible, OWTS shall be sited within the approved building site area and/or the associated irrigated fuel modification zones, and in an area that can be accessed from existing or approved roads for maintenance purposes;

...



- E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales). When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be required, in addition to site design and source control measures. The design of BMPs shall be guided by the current edition of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development, and specific to a climate similar to the Santa Monica Mountains.
- ...
- H. Construction Runoff and Pollution Control Plan (CRPCP) is required for all development projects that involve on-site construction to address the control of construction-phase erosion, sedimentation, and polluted runoff. This plan shall specify the temporary BMPs that will be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials.
- ...
- I. A Post-Construction Runoff Plan (PCRP) is required for all development that involves on-site construction or changes in land use (e.g., subdivisions of land) if the development has the potential to degrade water quality or increase runoff rates and volume, flow rate, timing, or duration.

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. LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. To reduce runoff and erosion and provide long-term, post construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize polluted runoff. New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4 and CO-5).

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 commonly found in runoff associated with residential use 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.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the LUP Policy CO-3 and LIP Section 22.44.1340, require 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. Thus, the Commission requires Special Condition Four (4), for the submittal of an interim erosion control plan and construction responsibilities which incorporates BMPs during the construction and post-development stages of the project.

Much of the Santa Monica Mountains is served by onsite wastewater treatment systems (OWTS). Many of the private systems employ state-of-the-art technology, but some failures have been reported in older systems. Failures of OWTS can adversely impair water quality, human health, biological communities in the surrounding watershed, and other coastal resources. 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. To ensure that on-site wastewater treatment systems (OWTS) prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources, Policy CO-30 requires that new OWTS minimize impacts to sensitive resources, including grading, site disturbance, and the introduction of increased amounts of water. Policy CO-92 states that leachfields shall be located at least 100 feet, and seepage pits 150 feet, from the outer edge of a stream's riparian canopy, or from the stream bank. Consistent with LUP Policy CO-92 and LIP Section 22.44.1340, the proposed seepage pits are located at least 150 feet from any stream, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay and other native trees. 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.

In addition, to ensure that excess excavated materials are moved off site so as not to contribute to unnecessary landform alteration, the Commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept the material, as specified in Special Condition Eight (8).

The following special conditions are required, as determined in the findings above, to assure the project's consistency with water quality policies of the Santa Monica Mountains LCP and as a response to the risks associated with the project:

- Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
- Special Condition 8: Removal of Excavated Materials

Therefore, the Commission finds that the proposed project, as conditioned, consistent with the applicable water quality policies of the Santa Monica Mountains LCP.

## E. CUMULATIVE IMPACTS

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to minimizing cumulative impacts to coastal resources:

- LU-1 New residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
- LU-2 Retain the area's natural setting, rural and semi-rural character, and scenic features.
- LU-13 Minimize the individual and cumulative impacts to coastal resources incurred by the buildout of existing parcels in sensitive and constrained areas and allow for new development in less-constrained areas. This shall be achieved by using one or more of the following strategies:
- Slope intensity formula;
  - Using tax defaulted properties for public purposes;
  - Offering certain tax defaulted properties for sale to contiguous owners within requirement that the parcel be deed restricted to open space and combined into one parcel with the contiguous parcel(s);
  - Lot merger program;
  - Expedited reversion to acreage process;
  - Surplus public land reporting process; and
  - Transfer Development Credits program.
- LU-24 The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, stable, workshop, gym, studio, pool cabana, office, or tennis court structures are clustered to minimize required fuel modification. Certain confined animal facilities may be allowed outside of the building site area consistent with Policy CO-103. Second residential units (guesthouse, granny units, etc.) shall be limited in size to a maximum of 750 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Garages provided as part of a second residential unit shall not exceed an additional 750 square feet (3-car) maximum.
- LU-25 Notwithstanding any inconsistencies of existing development with the LCP, lawfully-established uses or structures established prior to the effective date of the Coastal Act or pursuant to a validly issued coastal development permit that conform to the conditions on which they were legally established are considered by the County to be legal conforming uses or structures that may be maintained and/or repaired. Additions and improvements to such structures, including reconstruction, may be permitted provided that (1) the

additions and improvements comply with current LCP policies and standards and do not increase any existing inconsistencies; and (2) any inconsistencies of the existing legal structure with the LCP are rectified when (a) additions increase the square footage existing structure by 50 percent or more, or (b) any demolition, removal, replacement and/or reconstruction results in the demolition of more than 50 percent of either the total existing exterior wall area or the existing foundation system, or where the sum of the percentages of each that is demolished exceeds 50 percent. Reconstruction of existing law-fully established structures following a natural disaster is exempt from this policy and may be permitted.

LU-31 Within Rural Villages, limit the mass, scale, and total square footage of structures to minimize grading, landform alteration, and protect environmental and scenic resources.

LU-32 Restrict the mass, scale, and total square footage of structures within Rural Villages to avoid the cumulative impacts of development of small constrained parcels on coastal resources by applying the Slope Intensity Formula to residential development. The Slope Intensity Formula shall not apply to the Upper Latigo Rural Village.

LU-33 Require that new development be compatible with the rural character of the area and the surrounding natural environment.

LU-43 Limit exterior lighting, except when needed for safety. Require that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) section is specifically applicable in this case.

LIP Section 22.44.2140(A)(3)(g), in relevant part, states:

22.44.2140(A)(3)(g) Any CDP approved for the construction of a structure(s) in a Rural Village shall include a condition requiring that any future improvements to the approved development will require an amendment or new CDP. The condition shall require the applicant to record a deed restriction free of prior liens, including tax liens and encumbrances which the Director determines may affect the interest being conveyed that applies to the entirety of the project site(s), that state that any future structures, future improvements, or change of use to the permitted structures shall be subject to a minor CDP, including but not limited to, any grading, clearing or other disturbance of vegetation shall require the approval of an amendment to the CDP or the approval of an additional CDP, and that the exemptions otherwise provided in subsections A.1 or A.2 of Section 22.44.820 shall not apply and that the entirety of the development on the site shall be limited by the GSA. The permittee shall provide evidence that the deed restriction appears on a preliminary report issued by a licensed title insurance company for the project site.

The applicant is seeking after-the-fact approval of an 1,805 sq. ft. as-built addition to an existing 1, 000 sq. ft. single family residence. The proposed addition will result in a 2,805 sq. ft. single

family residence. Under the certified Santa Monica Mountains LCP, the subject property's land use designation is "Rural Village" and the site is located within the Old Post Office rural village. Rural villages, previously known as "small lot subdivisions," are those areas in the unincorporated Coastal Zone that have developed into small, integrated communities. Typically these areas were subdivided into very small urban scale parcels, often less than 4,000 to 5,000 square feet in size, prior to modern subdivision requirements, and have experienced a relatively high level of development. The principal permitted use in the Rural Villages land use designation is low-density single-family detached homes.

The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Policy LU-32 of the certified Santa Monica Mountains LUP, requires that new development in rural villages comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. The Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in rural village areas, to minimize the cumulative impacts of such development, consistent with the policies of the certified Santa Monica Mountains LCP. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characters of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

**Slope Intensity Formula**

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The proposed project site is located in the Old Post Office Rural Village, an area subject to the provisions of the Slope Intensity Formula. As previously stated, the subject property consists of a 1-acre parcel and the proposed project includes after-the-fact approval of a 1,805 sq. ft. as-built addition to an existing 1,000 sq. ft. single family residence. The resulting 2,805 sq. ft. single family residence is consistent with the minimum gross structural area (GSA) calculation for the subject property.

As mentioned above, the proposed project conforms to the GSA allowed for the parcel, thereby minimizing cumulative impacts to coastal resources. However, future improvements on the subject property could cause cumulative impacts on the limited resources of the rural village. Thus, Santa Monica Mountains LIP Section 22.44.2140(A)(3)(g), requires that any CDP approved for the construction of a structure in a Rural Village shall include a special condition requiring that the property owner obtain a coastal development permit for any future improvements to the approved development that may otherwise be exempt from coastal permit requirements. This is to ensure that any future project on the site is reviewed for consistency with the resource protection policies and provisions of the Santa Monica Mountains LCP.

As previously mentioned above, approved Coastal Development Permit No. P-8-23-78-3863 imposed a special condition on the project site stating that CDP No. P-8-23-78-3863 was only for the proposed development and that any future additions or improvements to the property would require a coastal development permit, however this special condition was record prior to the project site being subject to the provisions of the slope intensity formula. Therefore to be consistent with LIP Section 22.44.2140(A)(3)(g), and to assure that all future improvements to the property conform to the slope intensity formula, the Commission finds that a future improvements special condition is required to find the project consistent with the policies and provisions of the Santa Monica Mountains LCP and minimize cumulative impacts within rural villages.

In addition, the Commission has found that night lighting of sensitive areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Specifically, Santa Monica Mountains LUP Policy LU-43 requires that new exterior lighting installations use best available Dark Skies technology to minimize sky glow and light trespass, thereby preserving the visibility of a natural night sky and stars and minimizing disruption of wild animal behavior, to the extent consistent with public safety. Therefore, pursuant to LU-43, the Commission requires Special Condition Five (5) Lighting Restriction. Special Condition 5 limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

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.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with water quality policies of the Santa Monica Mountains LCP and as a response to the risks associated with the project:

Special Condition 5: Lighting Condition

Special Condition 6: Future Development Restriction

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable cumulative impact policies of the Santa Monica Mountains LCP.

## **F. UNPERMITTED DEVELOPMENT**

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes 1) 1,805 sq. ft. addition to the existing 1,000 sq. ft. single family residence, 2) construction of a concrete swale, pond, and water tank. No evidence could be found that any of the unpermitted development received a coastal development permit from the Commission. This application includes the request for after-the-fact approval for the as-built 1,805 sq. ft. addition, concrete swale, and water tank.

The remaining unpermitted development on the subject property that is not being addressed in the subject application, includes, but is not limited to, a landscaping pond. The Commission's Enforcement Division will consider further enforcement options to resolve the remaining unpermitted development after the Commission's action on this item.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. Special Condition Nine (9), Condition Compliance, is required to assure the project's consistency with all applicable policies and provisions of the certified Santa Monica Mountains LCP.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies and provisions of the Santa Monica Mountains LCP. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will evaluate further actions to address this matter.

## **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 consistency with the Local Coastal Program 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 Certified Local Coastal Program. 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 9

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**

Santa Monica Mountains, Local Coastal Program; “Limited Geologic & Soils Engineering Investigation Report,” prepared by Subsurface Design Inc., dated January 2, 2013; “Percolation Test Results,” prepared by Subsurface Design Inc., dated November 30, 2012; “Oak Tree Report,” prepared by Rosi Dagit, dated February 2014; Exemption Determination No. 4-13-008-X; Coastal Development Permit No. P-8-23-78-3863; Exemption Determination No. E-68.



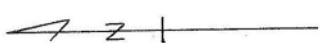


**Exhibit 1**  
**Vicinity Map**  
**CDP No. 4-13-0413**

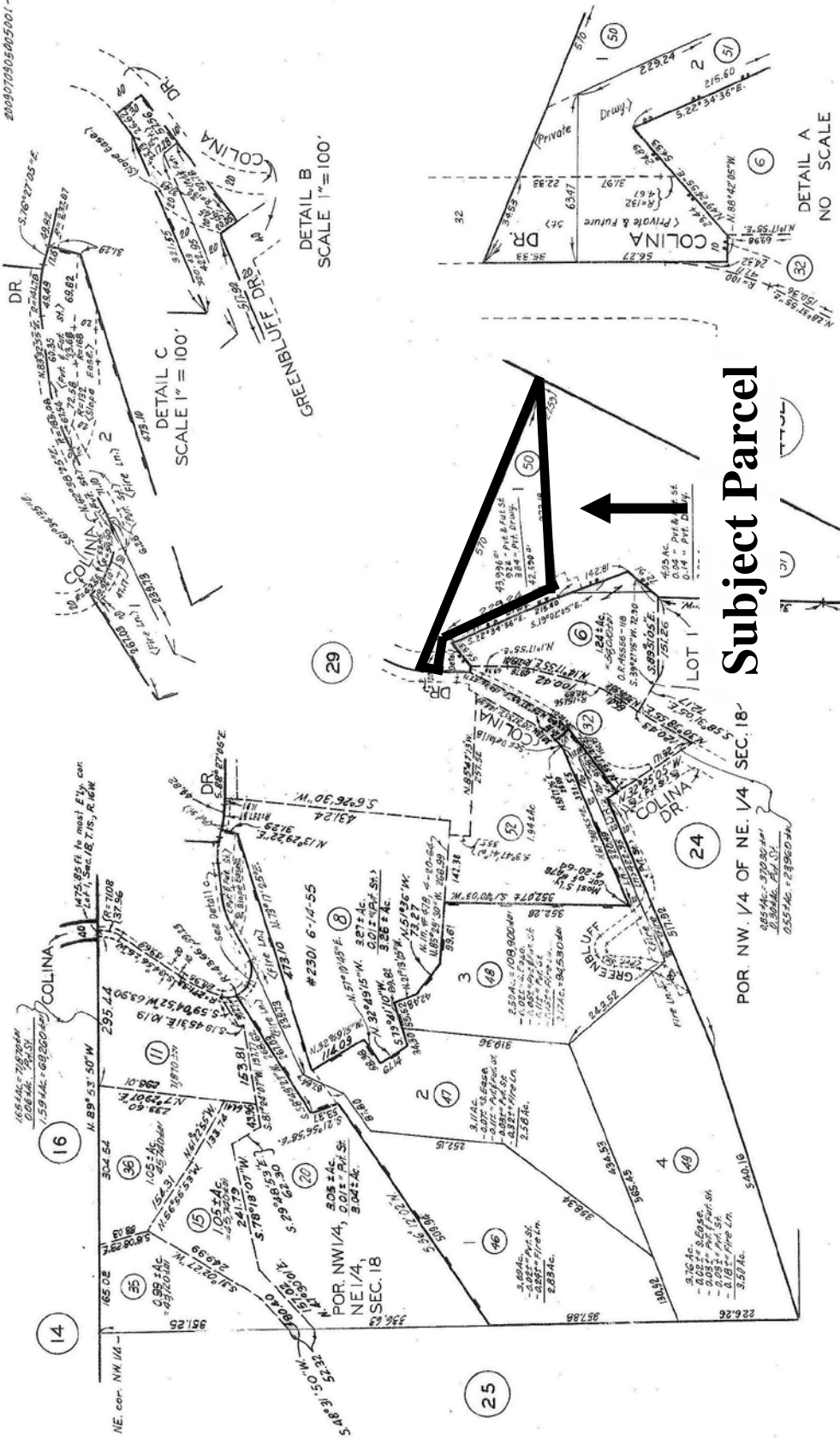


4445 23  
SCALE 1" = 200'

2010



800107702  
2009070505002001-07



Subject Parcel

DETAIL A  
NO SCALE

DETAIL B  
SCALE 1" = 100'

DETAIL C  
SCALE 1" = 100'

T. 1 S., R. 16 W.  
PARCEL MAP - P. M. 74 - 92 - 94  
PARCEL MAP - P. M. 119 - 51 - 52

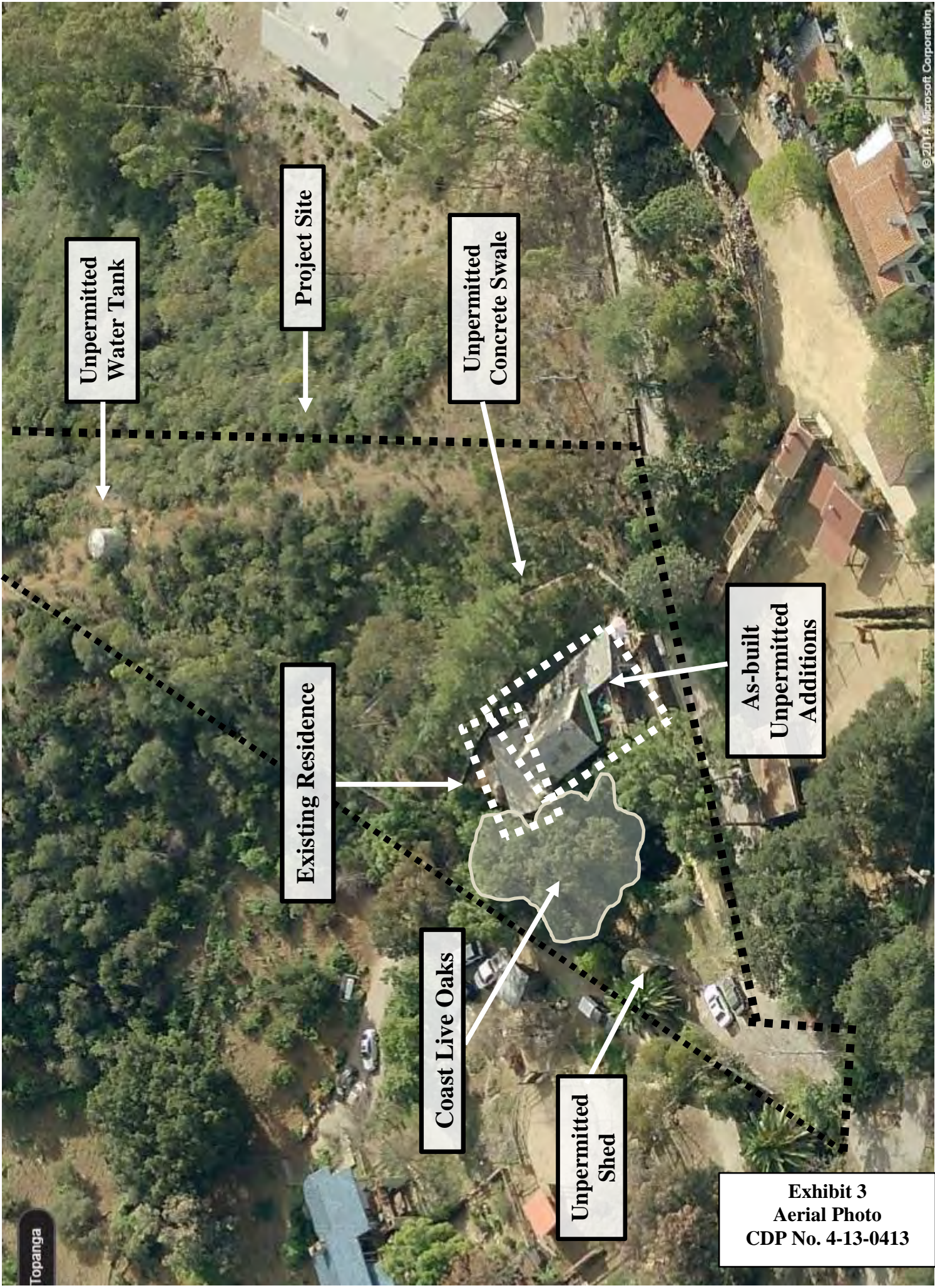
PREV. ASSM'T. SEE:  
45-23

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

DE  
53

Exhibit 2  
Parcel Map  
CDP No. 4-13-0413





Unpermitted  
Water Tank

Project Site

Unpermitted  
Concrete Swale

Existing Residence

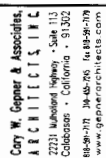
Coast Live Oaks

Unpermitted  
Shed

As-built  
Unpermitted  
Additions

Exhibit 3  
Aerial Photo  
CDP No. 4-13-0413





Sheet Title

PROJECT  
STATISTICS  
SITE PLAN  
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Job Name

LEACHMAN  
ADDITION • REMODEL

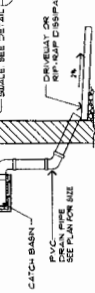
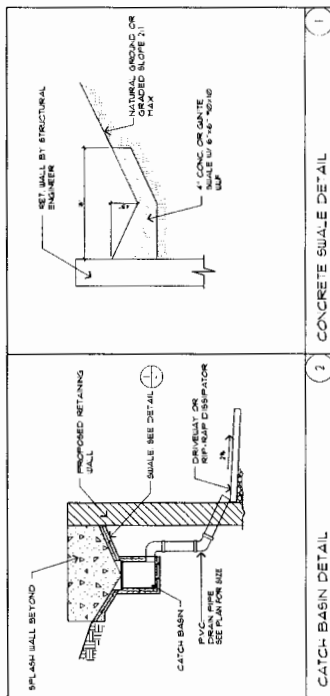
21344 COLINA DRIVE  
TOPANGA, CA 90790

Copyright

Date-Rev

Sheet

A-1 of 4



## ATCH: BASIN DETAIL

CONCRETE SWALE DETAIL

**EASEMENT STATEMENT:**

AS CIVIL ENGINEER AND SURVEYOR OF THE PROJECT I HAVE REVIEWED AND VERIFIED LOCATIONS AND PURPOSES OF EASEMENTS, AND THEY ARE ACCURATELY DEPICTED ON THESE PLANS. I HAVE VERIFIED THE PROPOSED CONSTRUCTION DOES NOT INTERFERE WITH AND COMBATS WITH THE INTENDED USE OF THE EASEMENT.

## DRAINAGE NOTES:

1. PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
2. OWNER WILL MAINTAIN DRAINAGE DEVICES AND KEEP FREE OF DEBRIS.

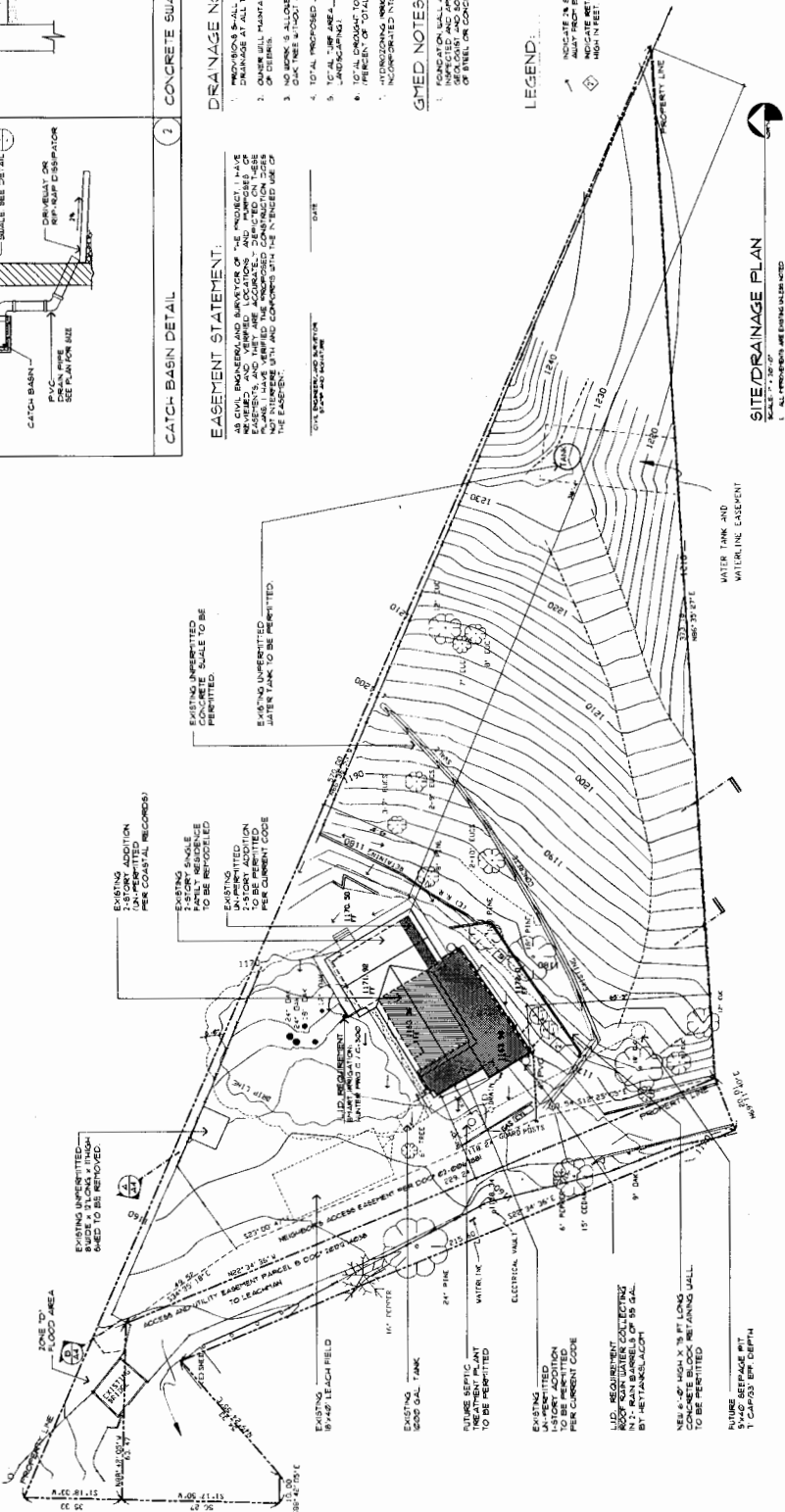
**NAMED NOTES:**

1. FOUNDATION WALL AND POOL EXCAVATIONS MUST BE INSPECTED AND APPROVED BY THE CONSULTING GEOLOGIST AND SOILS ENGINEER PRIOR TO THEIR ACING

LEGEND:

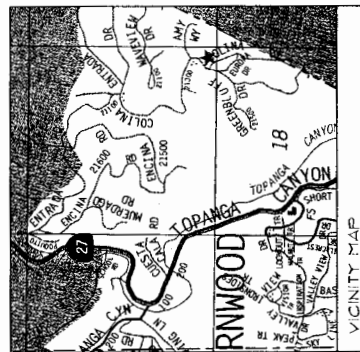
INDICATE 20' SLUG  
AWAY FROM BUS

INDICATE RETAIN  
HIGH IN FEET.



## SITE/DRAINAGE PLAN

TABLE 1.  $\alpha$  AND  $\beta$  VALUES



## VICINITY MAP

[illegible]

**Exhibit 4**  
**Site Plan**  
**CDP No. 4-13-0413**



Gary W. Gaynor & Associates,  
ARCHITECTS, INC.  
2231 Mainland Highway, Suite 113  
Culver City, California 91502  
818-947-7172 310-452-2626 fax 818-947-7178  
www.gaynorarchitects.com

Sheet Title

LOWER  
UPPER & LOFT  
FLOOR PLANS  
1/4" = 1'-0"

Job Name

LEACHMAN  
ADDITION-REMODEL

73541 COLMAN DRIVE  
TOLAND, CA 95760

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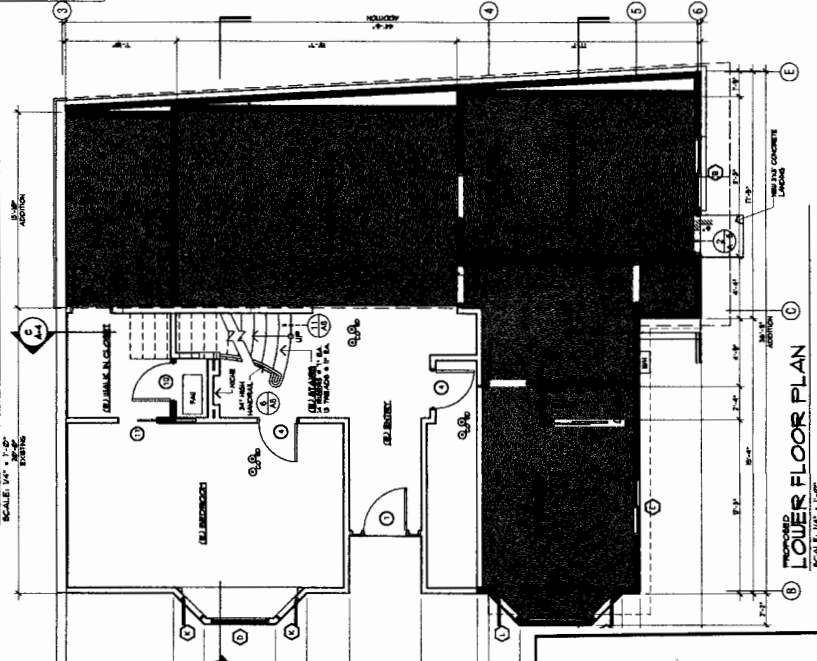
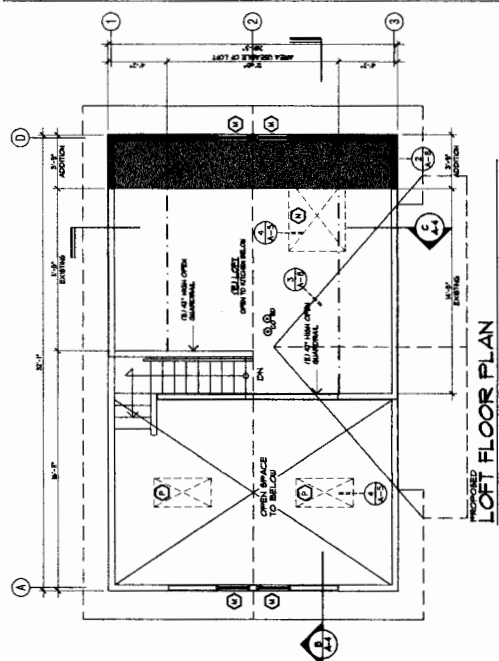
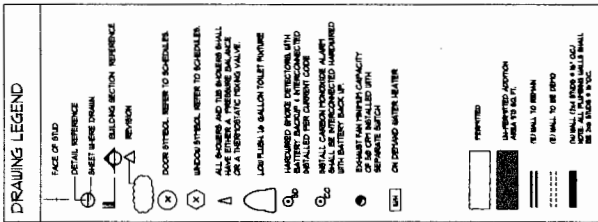
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Date-Revis.

DATE: 02-18-2003  
BY: GGG  
CHECKED: GGG  
NO REVISION

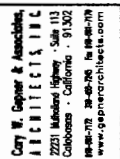
Sheet

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of 4



PROPOSED UPPER FLOOR PLAN  
SCALE: 1/4" = 1'-0"

Exhibit 5  
Floor Plan  
CDP No. 4-13-0413



**Sheet Title**

## ELEVATIONS

14-00000

Job Name

LEACHMAN  
ADDITION-REMODEL

21344 COLINA DRIVE  
TOWNSHIP, CA 90790

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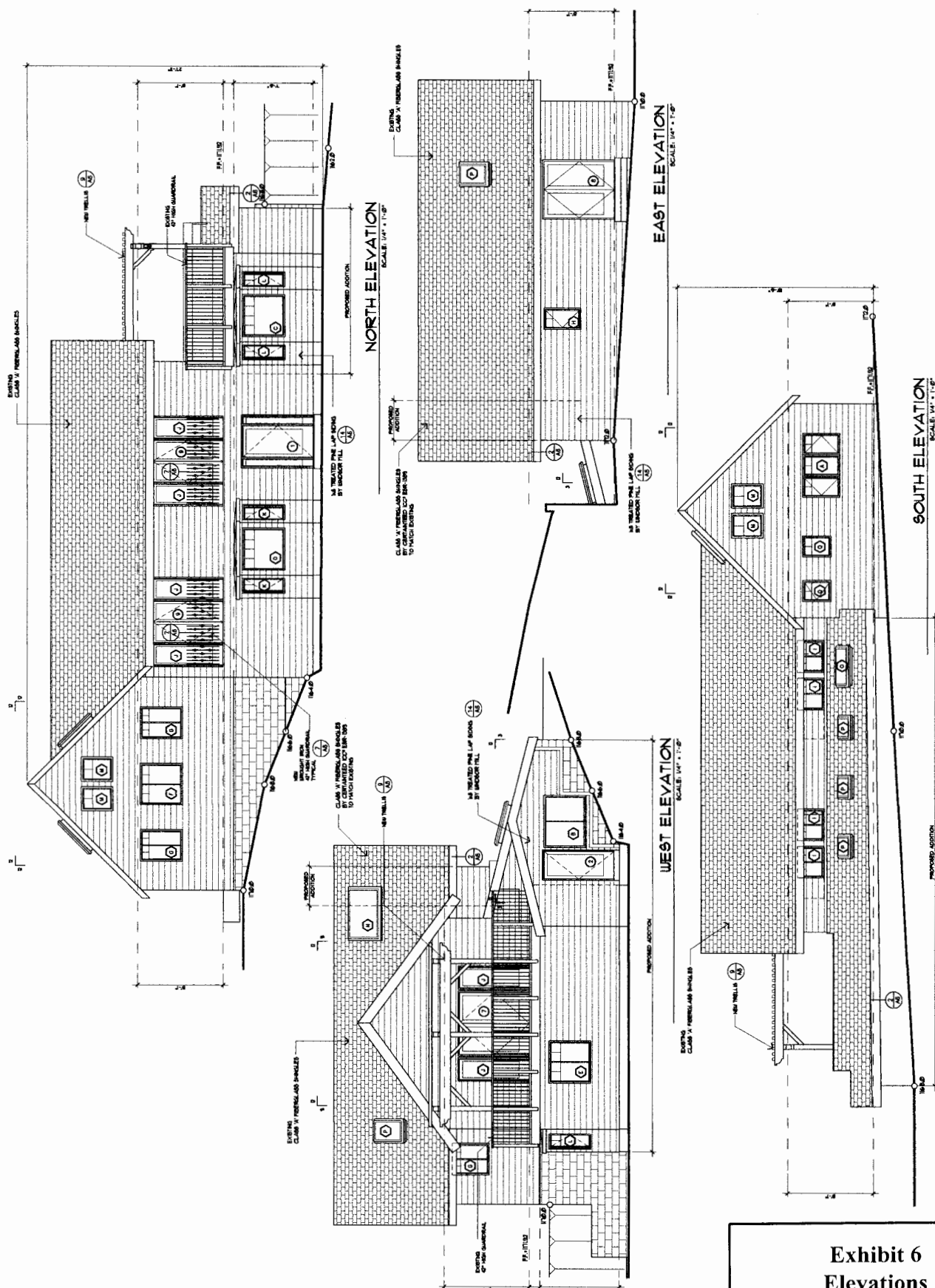
Date-Revs.

12-19-2012	FFFLN	
07-08-2013	PCBT	
03-08-2013		
0-20-2013		NO REVISION

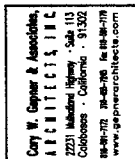
Sheet

A-3

of 4



**Exhibit 6**  
**Elevations**  
**CDP No. 4-13-0413**



Sheet Title

**SITE SECTIONS  
GEOLOGY  
RECOMMENDATIONS**

Job Name

LEACHMAN  
ADDITION-REMODEL

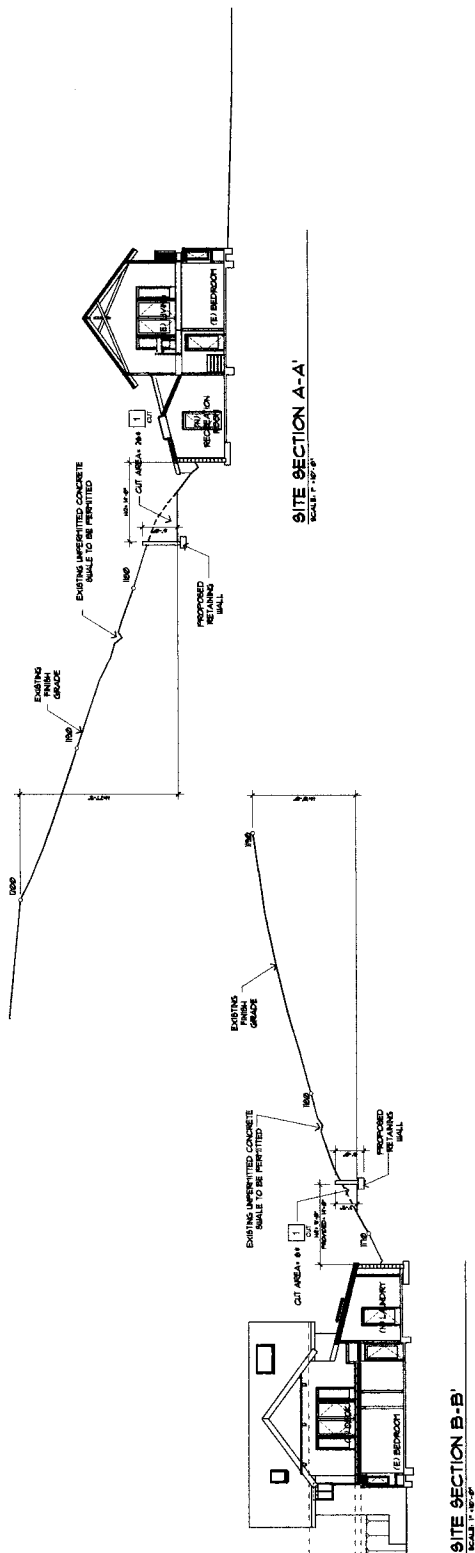
21844 COLINA DRIVE  
TOPANGA CA 90730

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Date-Revs.

FLN	POST
7-18-2012	
07-08-2013	
09-09-2013	
0-28-2013	

Sheet

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of 4

**Exhibit 7**  
**Sections**  
**CDP No. 4-13-0413**