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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Commission Action:
7620A



STAFF REPORT: REGULAR CALENDAR

Th 14e

APPLICATION NO.: 4-96-172

APPLICANT: Marian Olson AGENT: Donald Schmitz, The Land & Water Company

PROJECT LOCATION: 2737 South Fabuco, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,000 sq. ft., 2 story single family residence with four car garage, swimming pool, septic system, and landscaping. Extend private road and water main improvements about 800 feet beyond approved road to adjoining parcel. Grade about 1484 cubic yards for the residence and access road.

Lot area:	2.37 acres
Building coverage:	4,000 sq. ft.
Pavement coverage:	2,200 sq. ft.
Landscape coverage:	3,000 sq. ft.
Parking spaces:	4
Ht abv fin grade:	29 ft.
Plan Designation:	Mountain Land
Zoning:	one du/ 20 acres
Project Density	one du/ 2 acres

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 9/24/96; Los Angeles County Department of Health Services, dated 8/1/96; Los Angeles County Fire Department, dated 6/25/96.

SUBSTANTIVE FILE DOCUMENTS: Geological/Geotechnical Engineering Report, dated May 6, 1996, and Percolation Data and Septic Design Report, dated May 1, 1996, prepared by Gold Coast GeoServices, Inc.; A Phase One Cultural Survey, dated January 19, 1996, prepared by Environmental Research Archaeologists; Coastal Development Permit No. 4-96-025, Jason.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project with five (5) Special Conditions addressing erosion control and drainage, road maintenance, future improvement restriction, and geology recommendations, as consistent with the requirements of the California Coastal Act. The project site is located within the Tuna Canyon Significant Watershed, but not near an environmentally sensitive habitat area. The site is accessed from Tuna Canyon Road by private roadways and an approved extension of Skyhawk, Chard, and Betton (Coastal Permit 4-96-025, Jason). Additional improvements, extending Betton and Fabuco roads about 800 feet, are proposed to access this site.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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. EROSION CONTROL AND DRAINAGE PLAN

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a erosion control and drainage plan designed by a licensed engineer. The plan shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within thirty (30) days of final occupancy of the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
- b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- c) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

2. ROAD MAINTENANCE AGREEMENT

By acceptance of this Coastal Development Permit, the applicant agrees that should the proposed improvements to the access road or the proposed drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be solely responsible for any necessary repairs and restoration along the entire length of the access road as it crosses Betton Drive and Fabuco Road.

3. FUTURE IMPROVEMENTS RESTRICTION:

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-96-172; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Geologic / Geotechnical Engineering Report, dated May 6, 1996, prepared by Gold Coast GeoServices, shall be incorporated into all final design and construction including foundation systems, retaining walls, cut slopes and excavations, and site drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit,

for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

IV. Findings and Declarations.

A. Project Description

The project site is located within an undeveloped subdivision about two miles inland northwest of Tuna Canyon and south of Fernwood area. The parcel is accessed about one quarter of a mile to the south of Tuna Canyon Road, to Skyhawk Lane, to Chard Avenue, to Betton Drive and lastly to Fabuco Road. (Exhibits 1, 2, 3, and 4) Although Chard, Betton and Fabuco are presently unimproved dirt roadways, a previous applicant, Mark Jason (Coastal Development Permit 4-96-025), has Commission approval to construct improvements to Skyhawk, Chard and Betton. The applicant now proposes to construct an approximate 800 foot extension of these road and water improvements along Betton and Fabuco to the project site. Fabuco Road ends at the eastern edge of this parcel. The roadway improvements provide for a maximum thirty foot wide roadway to the project site, requiring about 135 cubic yards of cut and about 201 cubic yards of fill. The project site is a relatively flat 2.37 acre parcel; the building site is located in the central portion of the parcel on a small knob hill.

The applicant proposes to construct a 4,000 sq. ft., 2 story, 29 ft. high, single family residence, attached four car garages, motor courtyard, septic system, and swimming pool. (Exhibits 5, 6, 7, 8 and 9) Constructing the residence will require grading of about 1016 cubic yards; 775 cubic yards of cut and 241 cubic yards of fill. Excess cut of about 468 cubic yards will be exported to a disposal site outside the coastal zone.

Although the subject parcel is located within Tuna Canyon Significant Watershed, the site is located about one thousand feet from Tuna Creek and about 500 feet from the Tuna Canyon designated environmentally sensitive habitat area and will not have a direct impact on this ESHA.

The improvements proposed by the applicant to the existing access roads discussed above, cross four parcels enroute to the applicant's parcel. However, the applicant has provided evidence of the ingress and egress access easement over the road. Regarding the four property owners, across whose property the proposed road improvements are located, these individuals have been notified of this development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." A total of four property owners were notified of the pending permit action under Section 30601.5 (Exhibits 4 and 10). Staff will provide any responses to the Commission at the scheduled public hearing.

B. Environmentally Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, 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.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams:

Section 30231 of the Coastal Act states as follows:

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The project site is located within the Land Use Plan designated Tuna Canyon Significant Watershed. Tuna Creek, a designated environmentally sensitive habitat area (ESHA), is located about one thousand feet to the south of the subject parcel; the designated ESHA is about five hundred feet south of the parcel. The proposed residence and road improvements will not directly affect this ESHA. Tuna Canyon is designated a significant watershed because of the relatively undisturbed nature and the presence of wildlife. A Significant

Watershed is not considered an ESHA under the Coastal Act definition of ESHA's because they are dominated by vegetation and wildlife common throughout the Santa Monica Mountains.

The habitat values contained in the Tuna Canyon Significant Watershed have been well documented. A consultant's report prepared for Los Angeles County in 1976 by England and Nelson designates the Tuna Canyon Significant Watershed as a Significant Ecological Area (SEA). The report describes the concept of an SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities.

Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible ...

If the biotic resources of significant ecological areas are to be protected and preserved in a pristine state, they must be left undisturbed. Thus, the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

A report prepared for Los Angeles County in 1976 by England and Nelson designates the Tuna Canyon Significant Watershed as a Significant Ecological Area (SEA). The reports states:

Tuna and Pena Canyons are the last drainages in the central and eastern Santa Monica Mountains that have not sustained development either in the watershed or between the canyon mouth and the coast. A year-round stream is present in Tuna Canyon. This resource is in itself limited in distribution in the Santa Monica Mountains, and most of Southern California. Due to this feature and its coastal exposure, the riparian woodland in the canyon bottom is in excellent health and supports healthy wildlife populations. Animals utilize the stream as a water source and forage in the chaparral and coastal sage scrub on adjacent hillsides.

The combined qualities of healthy vegetation, riparian woodland, surface moisture, no development, and an unobstructed opening to the coast are unique in the western Santa Monica Mountains and have caused the canyon to become an important area to migratory bird species. In addition to migratory songbirds, waterfowl have been seen in the canyon during migration.

The Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

...coastal canyons in the Santa Monica Mountains require protection against significant distribution of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Land Use Plan (LUP) includes several policies designed to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. These policies are used by the Commission as guidance during the review of applications for coastal development permits.

Protection of Environmental Resources

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of the LCP.

Table 1 states that for "existing parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed", residential uses are permitted: "at existing parcel cuts (build-out of parcels of legal record) in accordance with specified standards and policies... ." The Table 1 policies applicable to Significant Watersheds are as follows:

Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat.

Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location for 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.

Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and brush clearance required by the Los Angeles County Fire Department. The standard for a graded building pad shall be a maximum of 10,000 sq. ft.

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 through conditional use, provided that the Environmental Review Board and County Engineer determine that there is no acceptable alternative.

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 shall be accomplished by a bridge.

Other applicable Land Use Plan policies include:

P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.

- P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resources dependent use.
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

Stream Protection and Erosion Control

- 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, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.
- P88 In ESHAs and Significant Watersheds and 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.

- 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, hydrologic, water percolation and runoff) to the maximum extent feasible.
- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in ESHAs and Significant Watersheds. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted. Although the certified LUP takes a different approach than some past permit decisions by allowing some residential development within SEAs and Significant Watersheds, subject to conformance with the policies stated above, the goal of the LUP remains the same; the protection of watersheds as viable units.

The applicant proposes to construct a 4,000 sq. ft., two story single family residence, attached garages, motor courtyard, septic system, and swimming pool. Constructing the residence will require grading of about 1,016 cubic yards; 775 cubic yards of cut and 241 cubic yards of fill. The residential development is limited to one site and does not include other development normally associated with residential development, including tennis courts, or equestrian facilities. The project also includes an approximate 800 foot extension of road and water improvements along Betton and Fabuco to the project site. The roadway improvements provide for a maximum thirty foot wide roadway to the project site, requiring about 135 cubic yards of cut and about 201 cubic yards of fill. The project site is a relatively flat 2.37 acre parcel; the building site is located in the central portion of the parcel on a small knob hill within the Tuna Canyon Significant Watershed.

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act, the Land Use Plan and with Table 1 policies of the LUP, the project can be addressed relative to each policy. For instance, Table 1 specifies that grading and vegetation removal shall be limited and that the standard for a graded building pad shall be a maximum of 10,000 sq. ft. In this case, the proposed building pad is to be no larger than 10,000 sq. ft. at 9,975 sq. ft.. Furthermore, the applicant has submitted landscape and fuel modification plans for the proposed development. These plans illustrate how the areas disturbed by development activities on site will be revegetated to provide erosion control and how native plants associated with this site will be "thinned" rather than "cleared" in order to retain the erosion control properties of this vegetation. The removal of this vegetation is required, as per the Los Angeles County Fire Department's Fuel Modification Standards, and the applicant has submitted fuel modification plans which indicate that only vegetation specially designated as "high fire hazard" will be completely removed as a part of this project. Additionally, only that vegetation which is located within a 300' radius of the residential structure will be subject to the County Fire Department's fuel modification requirements. Therefore the project is in conformance with the Table 1 policies of the LUP as they pertain to the minimization of grading, vegetation removal, and the maximum allowable area of building pads.

Furthermore, Table 1 policies require that development be located close to existing roads and services, and that on-site access roads be limited to no more than 300' in length so that impacts to habitat are minimized. Additionally, LUP policies (P78, P82, P88, & P91) specify that grading activities be minimized and that development be designed to minimize landform alteration, and that said development is placed as close to existing services as possible. In the case of the proposed residence, no more than 336 cubic yards of grading is proposed. The building site is located on the flat portion of a small knob, thus minimizing the need for grading to create the flat building pad. Additionally, the proposed structure is to be located within 100' feet of Fabuco Road, an existing dirt road and the legal easement owned by the applicant. In regards to the proposed improvements on this easement, all development will occur on the existing dirt roadway within the applicant's legal ingress and egress easement. Although there is approximately 1,016 cubic yards of grading proposed along this easement, grading will occur along an approximate 800 foot section of an existing roadway. The road width will be no wider than 30 feet and in some locations less than 30 feet to limit grading due to topographical constraints. Therefore, this grading is judged to be the minimum necessary in order for the applicant to comply with the requirements of the Los Angeles County Fire Department. About 1800 feet of the section of this route to Skyhawk Lane

(beyond the road section to be improved proposed in this application) will be improved as part of the Commission approval of an adjoining parcel (Mark Jason, Coastal Permit 4-96-025). Furthermore, as the the grading is proposed along an existing dirt access road, no significant new impacts will occur to habitat adjacent to the project area. Therefore, the project is found to be generally in conformance with the LUP Table 1 policies that pertain to the proximity of new development to existing services and the minimization of landform alteration. These Table 1 policies are used as guidance by the Commission in the review of this application.

Table 1 policies also specify that development be located as close to the periphery of the designated watershed as feasible, and that streambeds, and ESHAs not be altered and that they are protected to the greatest extent possible. Additionally, LUP policy P96 specifies that water quality be protected from degradation resulting from development. The proposed project site is located on a lot that is about 500 feet from the boundary of the Tuna Canyon Environmentally Sensitive Habitat Area and about 1,000 feet from Tuna Canyon Creek. This area includes other single family residences, and in the past, the Commission has granted permits for development in this portion of the watershed; specifically, Jason, (Coastal Permit 4-96-025), Anderson (Coastal Permit 4-96-021), Lesavoy (Coastal Permit 4-95-031), Geer (Coastal Permit 4-94-124) and Andrews (Coastal Permit 4-92-122).

Furthermore, the proposed project site is accessible due to an easement across a series of existing dirt roads. The applicant has submitted a grading and drainage plan that illustrates how and where drainage will be conveyed following improvements to the existing access road. These plans illustrate that the above referenced drainage devices will reduce the flow of runoff generated by the proposed improvements and convey the flows into existing natural drainage patterns which currently handle flows from the unimproved access road. However, these plans do not illustrate how runoff is to be conveyed from the building pad of the proposed residence or how erosion will be minimized during construction. Therefore, the Commission finds it necessary to require the applicant to submit erosion control and drainage plans that illustrate how runoff will be conveyed from the project site in a non-erosive manner, as required by special condition number one (1). In addition, to ensure the access road and drainage improvements are maintained in the future, the Commission finds it necessary to require the applicant to be solely responsible for any necessary repairs and restoration resulting from this failure along the entire section of the access road proposed to be developed as a part of this permit. In addition, this condition is necessary to ensure the road improvements and drainage structures function properly in the future to prevent erosion and sedimentation of nearby streams, as required by special condition number two (2). Therefore, as conditioned, the project is found to be in conformance with the LUP Table 1 policies that pertain to locating development within designated watersheds and close to the periphery of designated ESHA's while protecting streams and ESHAs from alteration and disturbance to the greatest extent possible.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential development which would be exempt from CDP requirements. Specifically, the Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of building site and developed area would require

more vegetation removal as required for fuel modification by the Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Tuna Canyon watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the Coastal Act. Special condition number three (3) provides for a future improvements restriction.

Thus, the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted a geologic report titled "Geologic / Geotechnical Engineering Report", dated May 6, 1996, prepared by Gold Coast GeoServices, Inc. This report states:

It is the opinion of the undersigned that the proposed structure(s) will be safe against hazard from landslide, settlement or slippage, and the proposed construction will have no adverse geologic effect on offsite properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the proposed construction and that the property will be properly maintained to prevent excessive irrigation, blocked drainage devices, or other adverse conditions.

The recommendations in this geology report address the following issues: foundation systems, retaining walls, cut slopes and excavations, site drainage, and plan review. Based on the findings and recommendations of the consulting geologist the Commission finds that the development is consistent

with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations, as noted in condition number four (4) for the final project design, grading, drainage, and landscape and irrigation plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Tuna Canyon Creek. The applicant has submitted landscape and fuel modification plans for the proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species.

In order to ensure that drainage from the residential building pad is conveyed from the site and into the watershed in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit site drainage plans, as required by special condition number one (1). Furthermore, the Commission finds it necessary to require the applicant, should the proposed improvements to the access road or the proposed drainage structures fail or result in erosion, to be solely responsible for any necessary repairs and restoration resulting from this failure along the entire section of the access road subject to this permit. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. Archaeological Resources.

Section 30244 of the Coastal Act states that:

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

Policy 169 of the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied on as guidance in past land use decisions in the Topanga area, states that:

Site surveys performed by qualified technical personnel should be required for projects located in areas identified as archaeologically / paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigating measures for the project.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the

information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact. The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both number and diversity to predict the ultimate significance of these unique resources.

The applicant submitted an archaeological report for the development site on the parcel. The report dated January 19, 1996 was prepared by E. Gary Stickel for the footprint area of the residence. The project area is located in an area where 13 site surveys or excavations for cultural resources were done within a one mile radius.

Based on an evaluation of an intense site survey, no cultural resources were identified. Based on these negative findings, the consultant determined that further cultural resources management measures would not be relevant. That recommendation would change, however, if any artifacts or bone material were to be discovered during the construction of the residence. In such an event, construction work should cease until a professional archaeologist could inspect the parcel and assess the significance of any such finds. These are the appropriate Cultural Resources Management recommendations for the project in view of the findings of this research.

Therefore, the Commission finds that no adverse impacts on archaeological resources will occur as a result of the proposed development, and that the project, as proposed, is consistent with Section 30244 of the Coastal Act.

E. Visual Resources.

Section 30251 of the Coastal Act states that:

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 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 LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development:

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- 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 scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.
- 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 LCP.
 - minimize the alteration of natural landforms.
 - be landscaped to conceal raw-cut slopes.
- P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes to develop a residence on a small knob located on a relatively flat parcel in a manner that has minimized the amount of landform alteration and grading. The entire building pad area for this site is less than 10,000 sq. ft. in size.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. Tuna Canyon Road is recognized as a "second priority scenic area" which is given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted.

The siting, size and grading for the building pad will not be visible from Tuna Canyon Road. Tuna Canyon Road, a public roadway, encircles the vicinity of the project site to the south, west, and north. Because the residence is located on a flat south facing plateau below the peak of immediate area, the site does not appear to be visible from Tuna Canyon Road to the west or north of the site. The site will also not be visible from Tuna Canyon Road to the south as the topography drops steeply from the plateau to a narrow and steep canyon where Tuna Canyon Road and Creek are located. Therefore, there does

not appear to be any short range public views from public roads to the project site within a half mile of the building site.

In any event, the proposed grading for the building site is modest as the building pad will be cut into the top of a knob with a limited amount of fill placed along two flanks to create a flat building pad.

In regards to the proposed improvements to the applicant's easement along Betton Drive and Fabuco Road, these improvements will all occur along an existing dirt roadway, and the grading associated with this development, about 1,016 cubic yards, will be spread out along a 800 foot section of road. This grading is judged to be the minimum amount necessary to meet the requirements of the Los Angeles County Fire Department. Furthermore, no significant cut or fill slopes will result from the above referenced grading, and no adverse or significant visual impacts are anticipated as no sections of the existing road are visible except from a few properties located in the upper section of the Tuna Canyon Watershed. Additionally, these properties are, for the most part, located directly adjacent to the access road, however, these are considered private views as opposed to public views addressed by the Coastal Act.

Regarding public trails, a existing equestrian and hiking trail, the Tuna Canyon trail, is located about two thirds of a mile to one mile south and west of the project site. Due to the distance, public views of the project will be limited.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a landscape and fuel modification plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 300' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection.

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

F. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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 applicant is proposing the installation of a new 1200 gallon septic tank, and two seepage pits to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

G. Local Coastal Program

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

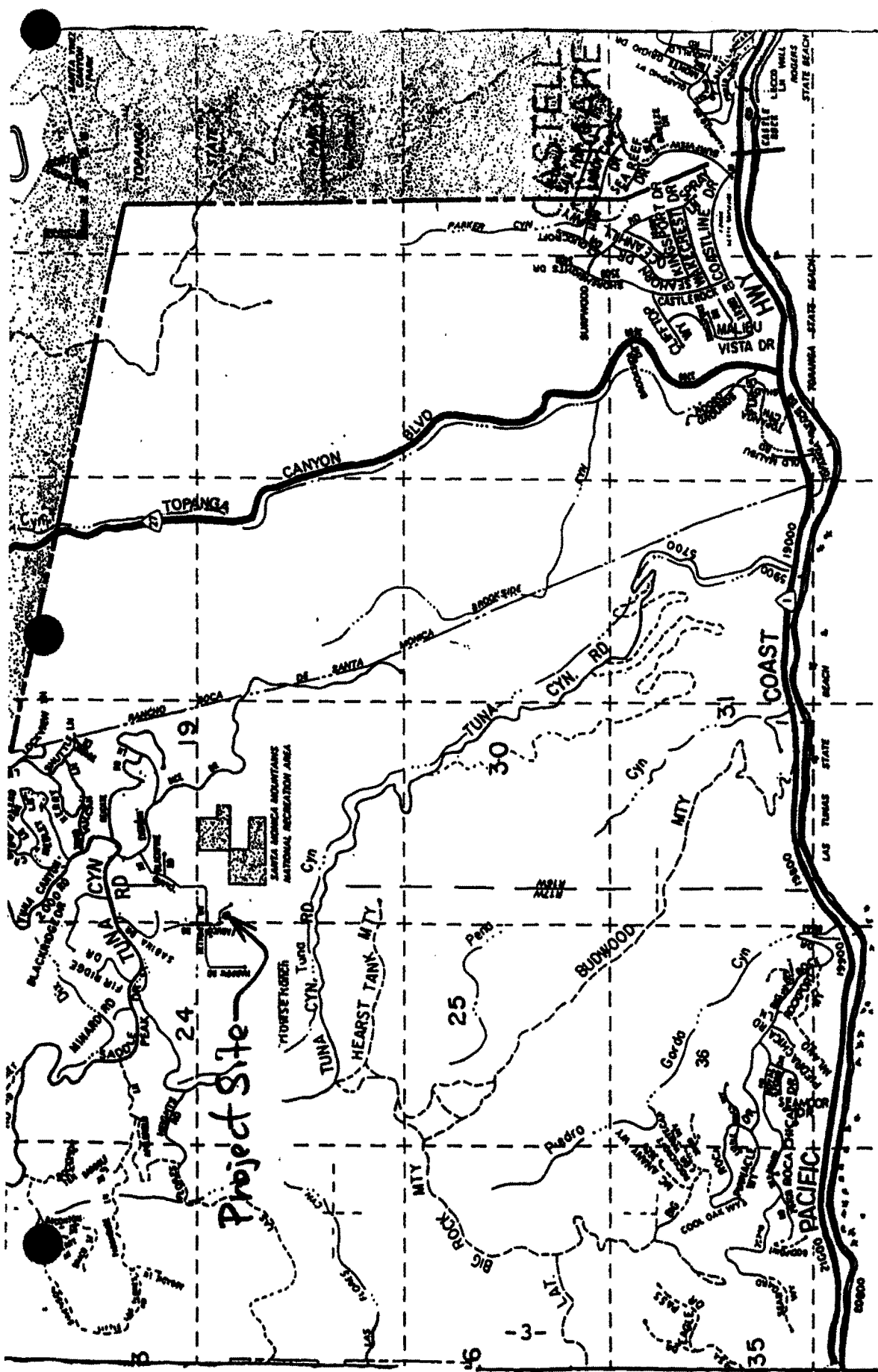
F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate plans addressing erosion control and drainage, road maintenance, future improvement restriction, and plans conforming to the consulting geologist's recommendations. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would 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, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

7620A



PACIFIC OCEAN

EXHIBIT NO. 2
APPLICATION NO. 4-46-172
Project Site

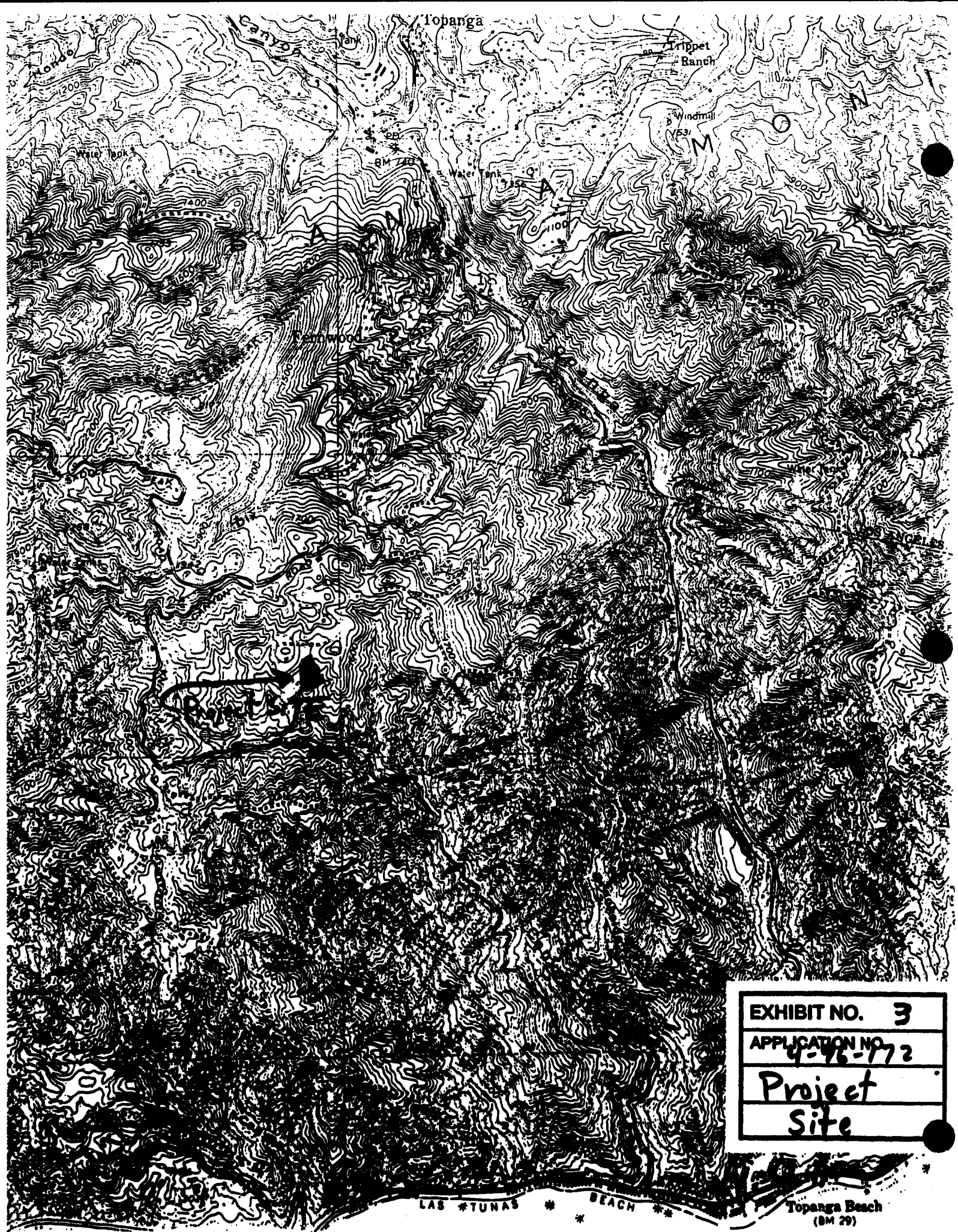
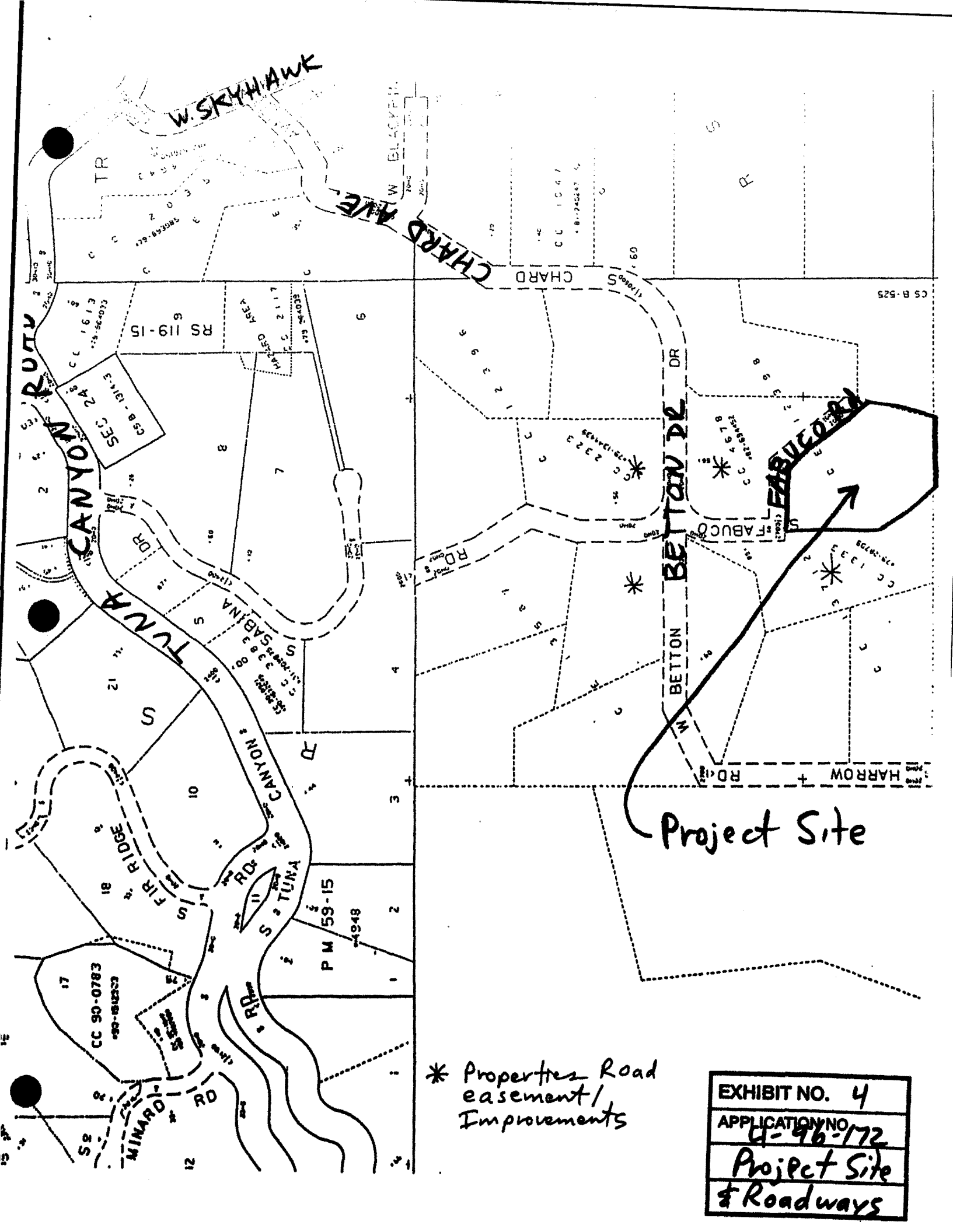


EXHIBIT NO. 3
APPLICATION NO. 4-76-772
Project
Site

LAS TUNAS

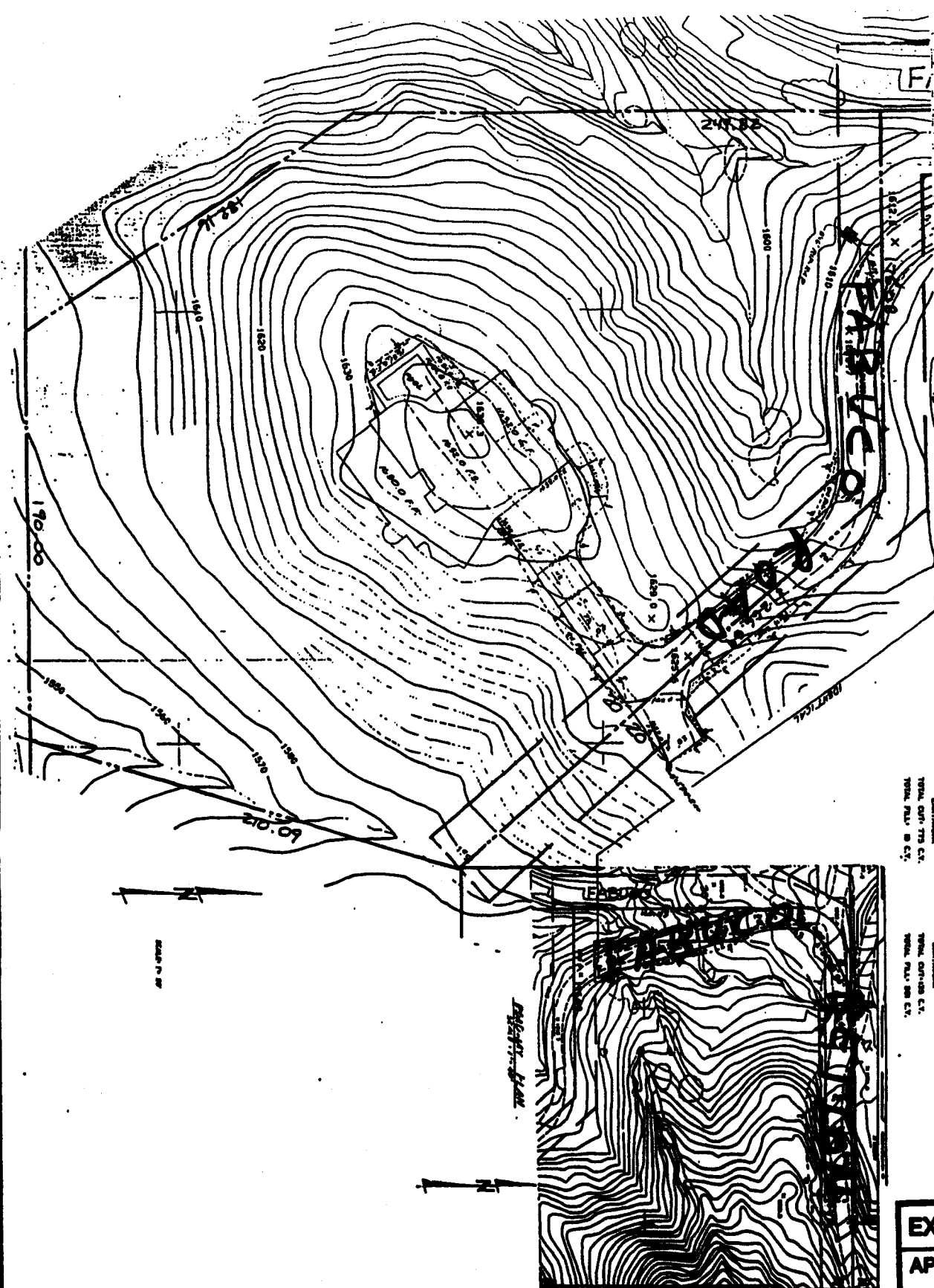
BEACH

Topanga Beach
(BM 29)



* Properties Road
easement/
Improvements

EXHIBIT NO. 4
APPLICATION NO. 4-96-172
Project Site
* Roadways



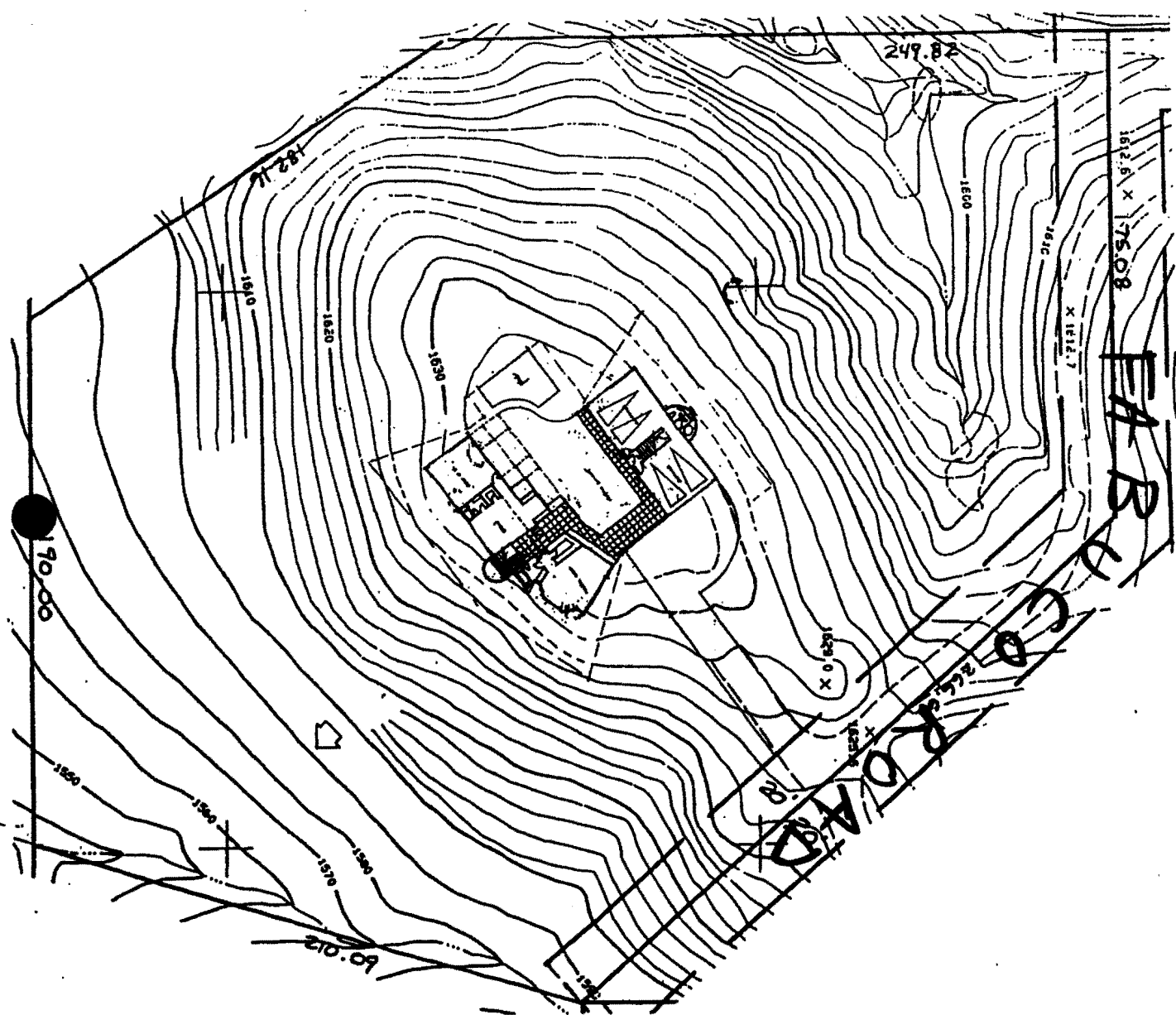
PLAN AND ELEVATION
 ELEVATION
 TOTAL CUT - 775 C.Y.
 TOTAL FILL - 88 C.Y.



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GRADING PLAN
 2737 Febuco Road
 PREPARED BY: [Name]

EXHIBIT NO. 5
 APPLICATION NO. U-96-192
 Grading Plan

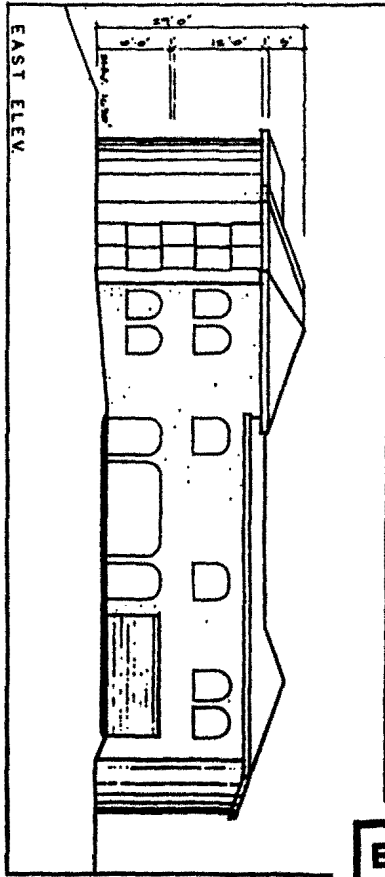
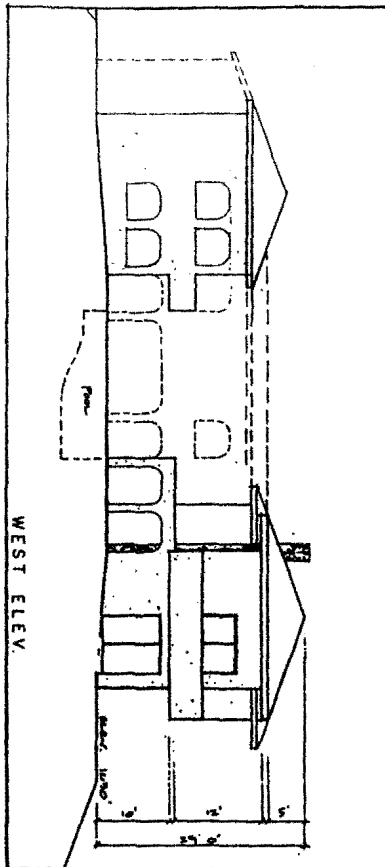
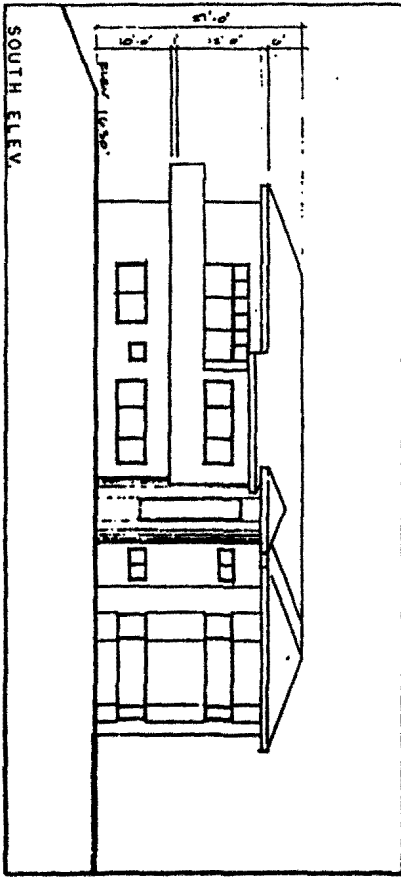
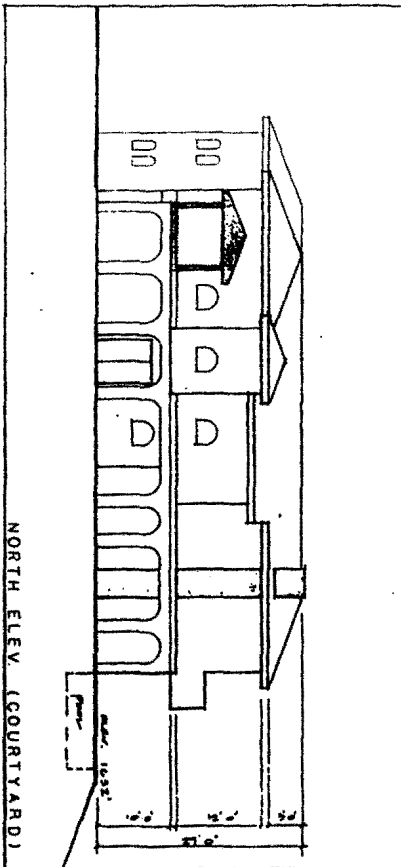
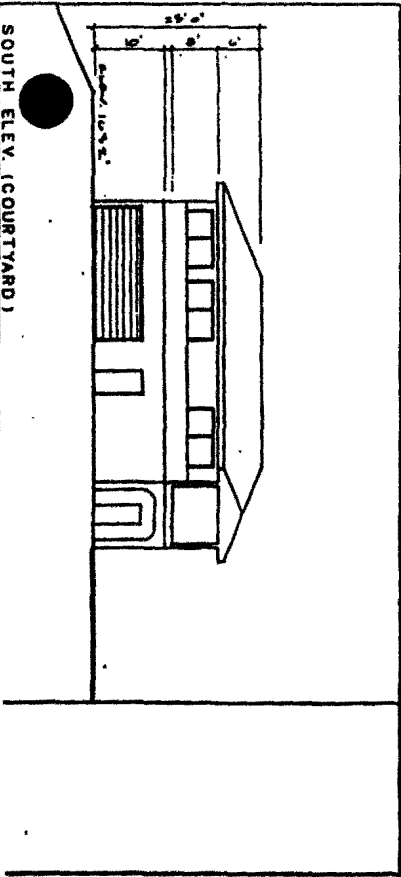
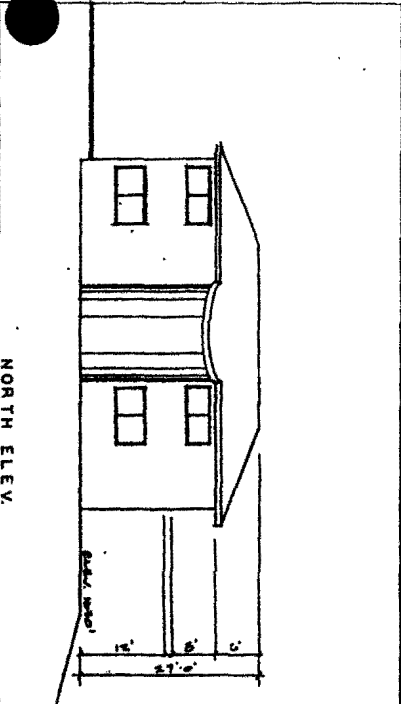


SITE PLAN

Scale 1" = 100'



EXHIBIT NO.	6
APPLICATION NO.	4-96-172
Site Plan	

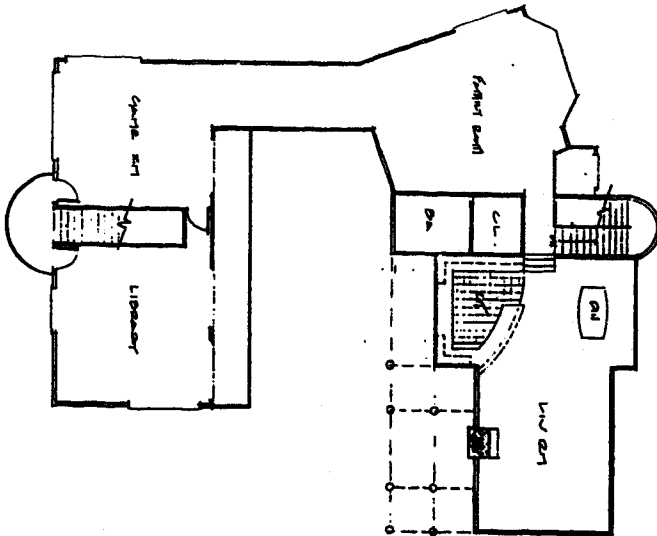


Prepared under former Resolutions re
 MS Martin Olson
 1501 Capital Drive - Y33
 Arlington, VA 22202

Prepared by
 Thomas Gentry & Davis
 Architects: Jeffrey A. Davis
 (301) 974-7004

EXHIBIT NO. 8
 APPLICATION 4-98192
 Elevations

SECOND FLOOR PLAN



FIRST FLOOR PLAN

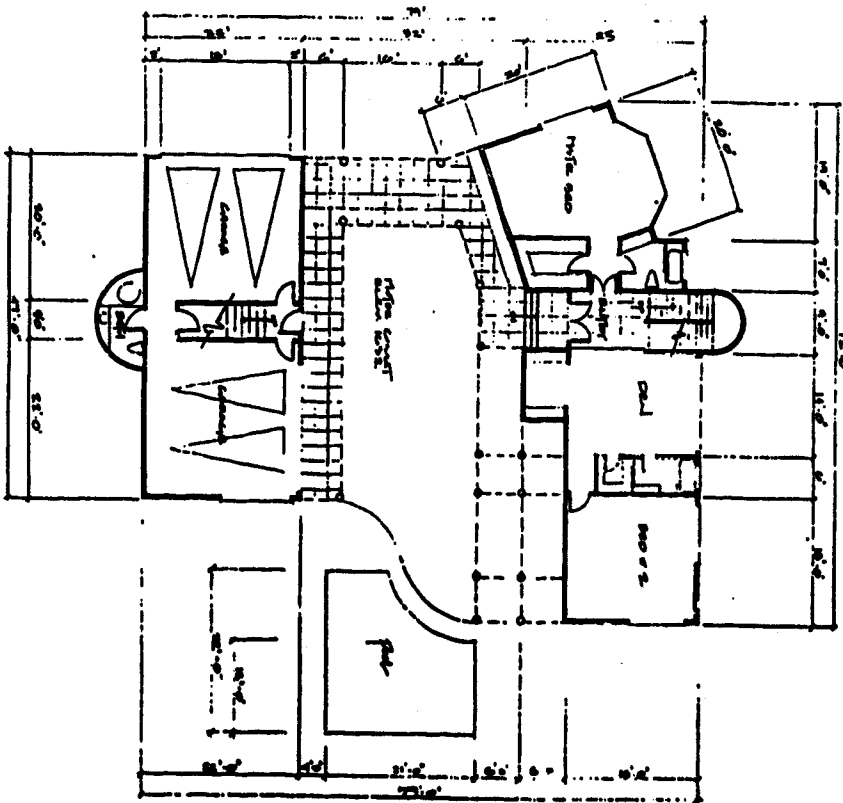


EXHIBIT NO. 9
APPLICATION NO. 26-96-72
Floor Plans

Prepared by: [illegible]
 Date: [illegible]
 Scale: [illegible]
 Project: [illegible]

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

89 SOUTH CALIFORNIA ST., SUITE 200

FURCA, CA 93001

641-0142



November 21, 1996

Robert Hentges and Catherine Sochacki
4319 Seminol Drive
Royal Oak, MI 48073

RE: Coastal Development Permit Application No. 4-96-172, Marian Olson, 2737 South Fabuco Road,
Malibu

Dear Robert Hentges and Catherine Sochacki;

This office has received an application from Marian Olson for the construction of a 4,000 sq. ft. two story single family residence with four car garage, swimming pool, septic system and landscaping at 2737 South Fabuco Road, Malibu. The application is filed and scheduled for a public hearing at the Coastal Commission's December 10 - 13, 1996 meeting.


In addition to the proposed residence, the applicant requests the approval of an extension of Betton Drive and Fabuco Road and water main improvements to serve the proposed residence. This extension of about 800 feet includes about 336 cubic yards of grading to pave the roadways.

Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because our records in the application file indicate that you are the owner of a fee interest in the property across which the road paving, grading and water main improvements are proposed, the Commission is notifying you of the application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application and the proposed project, please call me at the number above.

Sincerely,


James C. Johnson
Coastal Program Analyst

AGREED:

Signature

Print Name

Property Address

cc: Donald Schmitz
olsoncos.doc

EXHIBIT NO. 10
APPLICATION NO. 4-96-172
Road/Property
Interests

080000