

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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## RECORD PACKET COPY



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Commission Action:

STAFF REPORT: CONSENT CALENDAR

W12b

APPLICATION NO.: 4-96-021

APPLICANT: Larz Anderson AGENT: Cary Gepner

PROJECT LOCATION: 2930 Tuna Canyon Road, Topanga, Los Angeles County.

PROJECT DESCRIPTION: Construction of a 1,500 sq. ft., 24'-0" high, workshop on a site with an existing single family residence. The proposal includes the construction of a 195' long, 8'-12' high retaining wall and the grading of approximately 688 cubic yards. No plumbing is to be included as a part of this project.

Lot area:	179,600 sq. ft.
Building coverage:	1,850 sq. ft.
Pavement coverage:	2,520 sq. ft.
Landscape coverage:	950 sq. ft.
Parking spaces:	NA
Ht abv fin grade:	24'-0"

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning Department Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Report of Engineering Geologic Investigation, dated August 5, 1995, prepared by Pacific Geology, Consultants, and Limited Geotechnical Engineering Investigation Report, dated August 11, 1995, prepared by Coastline Geotechnical Consultants, Inc.; Significant Ecological Area Study, England and Nelson (1976); Significant Ecological Areas of the Santa Monica Mountains, Friesen, Los Angeles County Museum of Natural History.

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. Landscaping and Fuel Modification Plan.

Prior to issuance of permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 100 percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.
- (c) 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 dumping location.
- (d) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

#### 2. Drainage Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage plan, designed by a licensed engineer or equivalent, which illustrates how runoff is conveyed from the site. The drainage control plan shall include, but not be limited to, a system which collects run-off from the driveway and all impervious surfaces associated with the project, and discharges, on or off site, in a non-erosive manner. Should site drainage fail or result in any erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

3. Future Development:

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. 4-96-021; 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. Removal of vegetation consistent with special condition number 1(d) above 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 Report of Engineering Geologic Investigation, dated August 5, 1995, prepared by Pacific Geology, Consultants, and Limited Geotechnical Engineering Investigation Report, dated August 11, 1995, prepared by Coastline Geotechnical Consultants, Inc., shall be incorporated into all final design and construction including foundations, grading and 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.

5. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing the construction of a 1,500 sq. ft., 24'-0" high, workshop on a site with an existing single family residence. The proposal includes the construction of a 195' long, 8'-12' high retaining wall and the grading of approximately 688 cubic yards. No plumbing is to be included as a part of this structure. The total pad area for this project, existing and proposed, is 8,538 sq. ft. The project site is located on a 179,600 sq. ft.,

moderately sloping, lot located just inside the periphery of the Tuna Canyon Significant Watershed. The proposed workshop is to be sited on a section of the lot currently used as a front yard landscape, and nearly all of the lot remains undisturbed native chaparral habitat. A minor watercourse that drains into Tuna Canyon Creek flows through the middle of the lot, and is located approximately 100' west of the existing residence on the site. The proposed development is located approximately 150' from this watercourse. The proposed project has received local approval by the Los Angeles County Regional Planning Department.

#### B. Cumulative Impacts/Environmentally Sensitive Habitat 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted 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 the surrounding parcels.

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.

Sections 30231 and 30240 of the Coastal Act are 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.

Section 30240 of the Coastal Act further states:

(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 just inside the periphery of the Tuna Canyon Significant Watershed. Tuna Canyon Creek, a Commission designated ESHA is located east of the project site, but is not affected by the development. Although the proposed workshop does not directly impact this ESHA a minor watercourse that drains into Tuna Canyon Creek flows through the middle of the lot, and is located approximately 100' west of the existing residence on the site. The proposed development is located approximately 150' from this watercourse.

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 LUP contains several policies designated to protect the Watersheds, and ESHA's contained with, from both the individual and cumulative impacts of development:

#### 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 (buildout 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 LUP 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, which ever 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 is proposing the construction of a 1,500 sq. ft., 24'-0" high, workshop at a site of an existing single family residence. The project site is located just inside the periphery of the Tuna Canyon Significant Watershed and SEA. The proposal also includes the construction of a 195' long, 8'-12' high retaining wall and the grading of approximately 688 cubic yards. The total pad area for this project, existing and proposed, is 8,538 sq. ft.

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act, Land Use Plan and with Table 1 policies, one can address the project with regard to each policy in turn. 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. The proposed building pad is to be no larger than 3,958 sq. ft. As the existing pad for the residence is 4,580 sq. ft., the total pad area developed on the site will be 8,538 sq. ft. Furthermore, Table 1 policies require that development be located close to existing roads and services, and that on-site access road be limited to no more than 300' in length so the impacts to habitat are minimized. Additional, LUP policies (P78, P82, P88, & P91) specify that grading activities be minimized, that structures be clustered, 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 workshop, the structure is to be sited between Tuna Canyon Road and the existing residence in an area devoid of native vegetation and that is used as a front yard landscape. The existing access road (driveway) to the residence is to be used to service the proposed workshop, with only a small extension proposed to reach the new structure. Additionally, as the proposed structure is to be located between the existing residence and Tuna Canyon Road, no undisturbed habitat shall be removed or impacted by this project.

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 and water quality be protected from degradation resulting from development. As mentioned, the proposed project site is located on a lot that is just inside the periphery of the Tuna Canyon Significant Watershed and SEA. Tuna Canyon Road constitutes the borderline of the Significant Watershed and SEA in this area. Although the lot is bisected by a watercourse that drains into Tuna Canyon Creek, the workshop is to be site 150' from this watercourse in an area located between the existing residence and Tuna Canyon Road. Therefore, the project will not require that the watercourse be filled, crossed, and altered or graded in any way.

The Commission finds that minimization of site erosion will add to the protection of the adjacent ESHA and the Tuna Canyon Watershed. Erosion can be minimized by requiring the applicant to landscape all disturbed areas of the site with native, drought tolerant, and non-invasive, plants that are compatible with the surrounding environment. Therefore special condition number one has been drafted to ensure that all areas disturbed or graded as a part of this project, are stabilized and landscaped properly following construction activities. To ensure that no adverse impacts result from vegetation management activities, required by the Los Angeles County Fire Department, these plans shall also illustrate how fuel modification is implemented on site.

The proposed project involves the creation of an additional building pad, a driveway extension, and a retaining wall. This new development will result in a change in the intensity of site run-off due to the creation of additional impervious surfaces on site. Because water will not be able to filtrate into the soil, it will collect and add to the amount of run-off already generated by existing development, which may in turn increase the flows into the watercourse that bisects the subject lot, and thus will affect Tuna Canyon Creek. It should also be noted that increased flows can result in additional erosion and sedimentation within the watershed, which would be harmful to vegetation that is sensitive to sedimentation. To ensure that the increased flows generated by the proposed project are conveyed in such a manner that they do not significantly impact any watercourse or ESHA, the Commission finds it necessary to require the applicant to submit a drainage plan for the site. This plan shall indicate how drainage is conveyed on and off site, and shall assure that no adverse impacts will result from increased run-off generated by the proposed development.

The Coastal Act requires that new development, including accessory structures, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. Although the new development proposed is for the construction of a non-habitable workshop the project raises issues relative to the cumulative impacts associated with the construction of accessory structures. This is due to the potential for future expansions of the proposed workshop, which would be exempt from CDP requirements. The Commission notes that concerns about the potential future impacts on coastal resources and

coastal access might occur with any further development of the subject property because of the development already on the site. Specifically, the expansion of development would require that currently undisturbed vegetation would be impacted by fuel modification required by the Fire Department. Further, as mentioned above the addition of impervious surfaces to the site by the expansion of development 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. Thus the findings and special conditions attached to this permit will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent 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.

Section 30253 requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The applicant is proposing the construction of a 1,500 sq. ft., 24'-0" high, workshop. The proposal includes the construction of a 195' long, 8'-12' high retaining wall and the grading of approximately 688 cubic yards. The total pad area for this project, existing and proposed, is 8,538 sq. ft. The applicant has submitted Report of Engineering Geologic Investigation, dated August 5, 1995, prepared by Pacific Geology, Consultants, and Limited Geotechnical Engineering Investigation Report, dated August 11, 1995, prepared by Coastline Geotechnical Consultants, Inc.

The Report of Engineering Geologic Investigation, dated August 5, 1995, prepared by Pacific Geology, Consultants, states:

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer, are followed, the workshop is safe from landslide hazard, settlement or slippage. Furthermore, the proposed construction will not adversely affect off-site properties. All specific elements of the County of Los Angeles Building Code shall be followed in conjunction with design and future construction work.

The Limited Geotechnical Engineering Investigation Report, dated August 11, 1995, prepared by Coastline Geotechnical Consultants, Inc., states:

It is our opinion that construction within the building site would not be subject to geotechnical hazards from landslides, slippage, or settlement. Further, it is our opinion that the proposed building and anticipated site grading would not adversely effect the stability of the site, or adjacent properties.

Based on the recommendations of the consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the consultant's geologic recommendations 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.

The Commission also finds that minimization of site erosion will add to the stability of the site. Erosion can be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. These plans shall also illustrate the methods in which fuel modification is implemented on site to ensure that vegetation management activities do not adversely impact the Tuna Canyon SEA. Furthermore, as the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the wavier of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. 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 the construction of a 1,500 sq. ft., 24'-0" high, workshop on a site with an existing single family residence. The proposal includes the construction of a 195' long, 8'-12' high retaining wall and the grading of approximately 688 cubic yards, cut and fill. The proposed retaining wall and grading are designed to create a building pad area for the workshop of approximately 3,958 sq. ft. This building pad is to be located behind a small knoll, which creates the top of the slope associated with the site, and will not be in viewed from Tuna Canyon Road. As previously mentioned, the proposed building site is a disturbed part of a lot located between an existing residence on the lot and Tuna Canyon Road, and no native vegetation will be removed as a part of this project. There do exist areas on the lot that are more level and would require less grading to create a building pad; however, these areas are located within undisturbed chaparral habitat, and development in these areas would be highly visible from Tuna Canyon Road and the surrounding area. Furthermore, development in these areas would directly impact on the watercourse that drains through the center of the lot. Therefore, the Commission finds that the project as proposed is the least visually damaging alternative.

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 nearby ESHAs, and softens the appearance of development within areas of high scenic quality. Therefore, Special Condition number one has been drafted to require the submittal of a landscape plan for the site which incorporates the use of native, non-invasive, and drought resistant plant species.

Furthermore, the Commission finds it necessary to impose a future development restriction, special condition number three, on the proposed development to ensure that any future development that might otherwise be exempt from Commission permit requirements is reviewed by the Commission for conformity with the visual resource policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

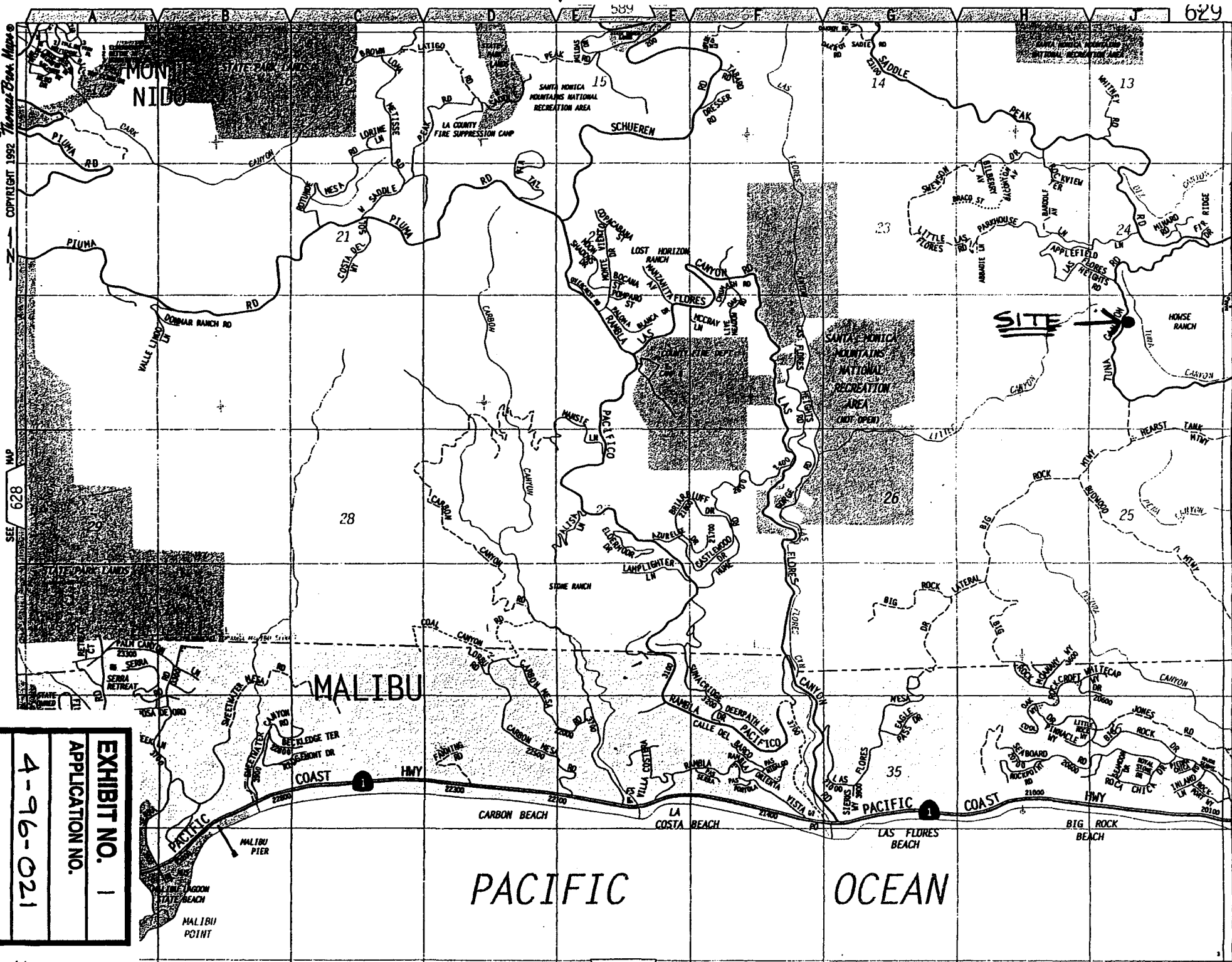
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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).

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding grading and visual impacts, geology, and septic systems. As conditioned the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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SEE 628 MAP

EXHIBIT NO. 1	APPLICATION NO.
A-96-021	

SITE PLAN

Proposed Workshop  
 2930 Tuna Canyon Rd.  
 Topanga, CA

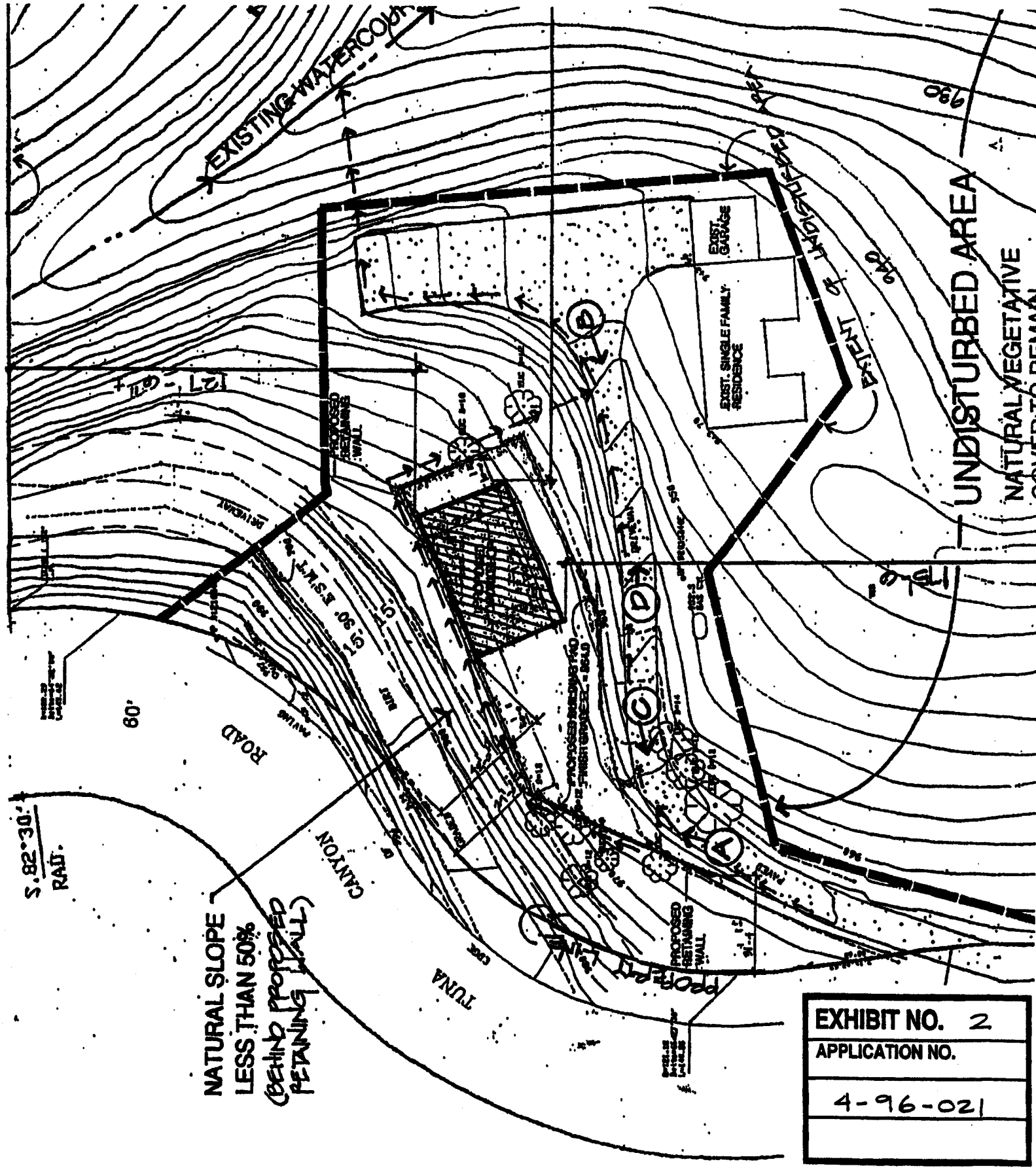
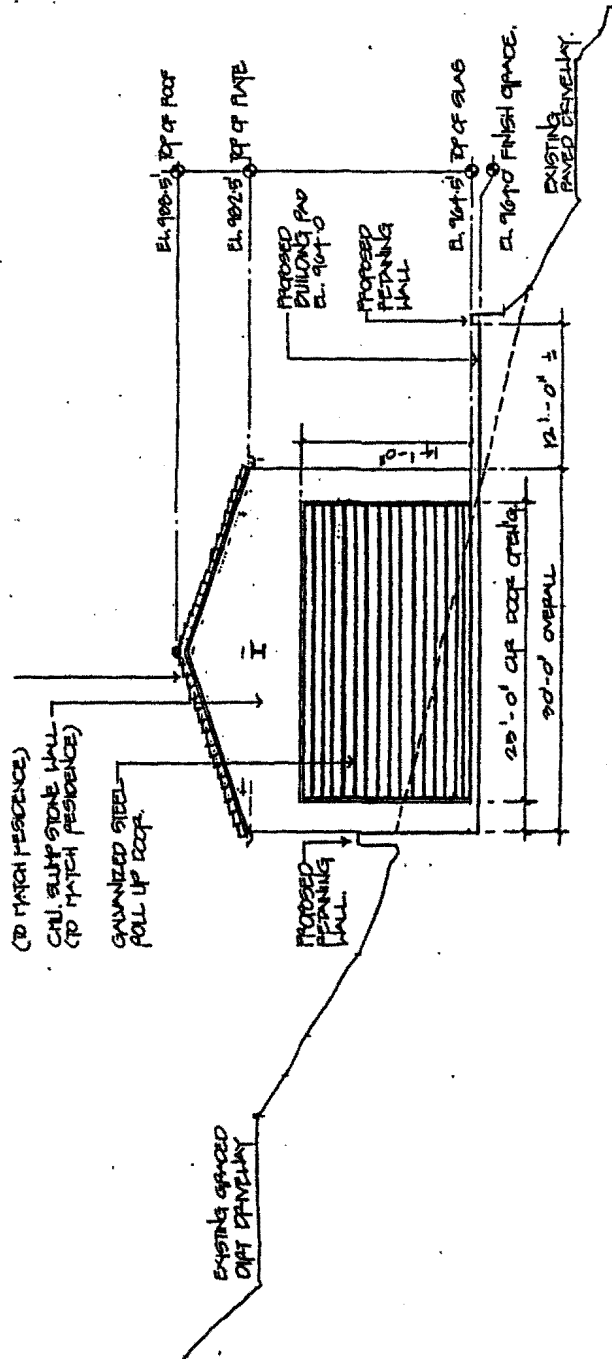


EXHIBIT NO. 2
APPLICATION NO.
4-96-021

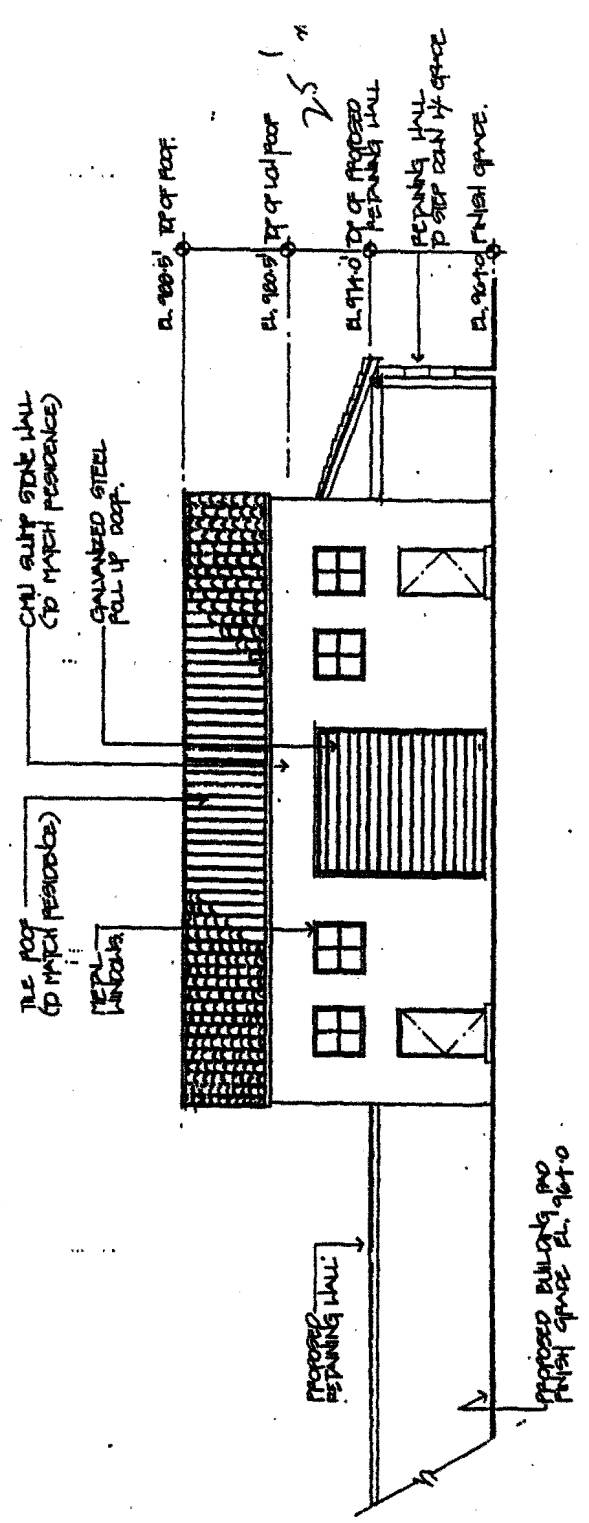




ELEVATION 'A'

SCALE 1" = 8'-0"

EXHIBIT NO. 3
APPLICATION NO.
4-96-021



ELEVATION 'B'

EXHIBIT NO. 4
APPLICATION NO.
4-76-021