

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

**RECORD PACKET COPY**

Filed: 7/17/96  
49th Day: 9/4/96  
180th Day: 1/13/96  
Staff: TAD-VNT TAD.  
Staff Report: 7/25/96  
Hearing Date: August 13-16, 1996  
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-025

APPLICANT: Mark Jason

AGENT: Donald W. Schmitz Jr. -  
The Land & Water Company

PROJECT LOCATION: 20556 Betton Drive, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construction of a new 4,800 sq. ft., 25'-0", 2 story single family residence, with a swimming pool, involving 696 cubic yards of grading. The project also involves improvements to a 1,790' access road involving paving, the installation of 3 rip-rap drainage devices and approximately 3,016 cubic yards of grading.

Lot area: 2.6 acres  
Building coverage: 4,800 sq. ft.  
Pavement coverage: 2,800 sq. ft.  
Landscape coverage: 2,000 sq. ft.  
Parking spaces: 4  
Ht abv fin grade: 25'-0"

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department, Los Angeles County Department of Health Services, Los Angeles County Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Preliminary Soils and Engineering Geologic Investigation, dated November 20, 1995, prepared by California GeoSystems; Phase One Cultural Survey, dated January 1996, prepared by Environmental Research Archaeologists; Significant Ecological Area Study, England and Nelson (1976); Significant Ecological Areas of the Santa Monica Mountains, Friesen, Los Angeles County Museum of Natural History; CDP 4-96-021(Anderson); CDP 4-92-122(Andrews); CDP 4-94-124(Geer); CDP 4-95-031(Lesavoy).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding; future development, final geologic review, wildfire wavier of liability, a road maintenance agreement, residential drainage plans, and California Department of Fish and Game approval.

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. 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. 4-96-025; 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.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Soils and Engineering Geologic Investigation, dated November 20, 1995, prepared by California GeoSystems, 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.

3. 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.

4. 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 Skyhawk Lane, Chard Road and Betton Drive.

## 5. 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 one (1) year 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 sheetflow 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.

## 6. Required Approvals

Prior to the issuance of a coastal development permit, the applicant shall provide to the Executive Director of the Commission; a copy of a valid California Department of Fish & Game Streambed Alteration Agreement, or evidence that such an agreement is not required.

## IV. Findings and Declarations.

### A. Project Description

The applicant is proposing the construction of a 4,800 sq. ft., 25'-0", 2 story, single family residence (SFR) with a swimming pool. The construction of this SFR will require 696 cubic yards of grading and the installation of a 1,200 gallon septic system. The project also involves improvements to an existing 1,790' access road involving approximately 63,020 sq. ft. of paving, the installation of 3 rip-rap drainage devices, 6' x 12', 5' x 10' and 3' x 4' in size, and approximately 3,016 cubic yards of additional grading. These improvements will slightly impact a designated "blue line" stream; specifically the installation of a 5' x 10' rip-rap drainage device within the stream course. These improvements are to occur on Skyhawk Lane, Chard Avenue, and Betton Drive and are a requirement of the Los Angeles County Fire Department prior to their final approval of the project. The proposed development is to occur on a 2.6 acre moderately sloping parcel that is located in the Tuna Canyon Significant Watershed. The project site is located several hundred feet from Tuna Creek and will not have a direct impact on this ESHA.

The improvements to the existing access road discussed above are proposed to occur across an existing road that crosses 14 parcels adjacent to the applicant's parcel. However, the applicant has provided evidence of his ingress and egress access easement over the road. Furthermore, on one of these parcels the road improvements will occur outside the scope of the applicant's easement. For this portion of the project the applicant has submitted evidence that a new easement has been granted to Mr. Jason by the property owners, Edward Barth, Marian Olson, Gerald Sayles and Golden Quest, Inc. In regards to the other property owners across whose property the proposed development is located within, these individuals have been notified of said 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 14 property owners were notified of the pending permit action under Section 30601.5 (Exhibit 7). In response, one owner indicated his willingness to become a co-applicant. A number of others responded with requests for additional information or other comments. Staff has received no objections to the project proceeding across the easement from those notified.

**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. 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.

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 Tuna Canyon Significant Watershed. Tuna Creek, a Commission designated ESHA, is located several hundred feet south of the project site but is not directly affected by the development. Although the single family residence does not directly impact this ESHA a USGS designated "blue line" stream will be impacted by the proposed road and drainage improvements. These impacts involve the installation of a 5' x 10' rip-rap drainage device within the stream course.

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 within, 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, 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 is proposing the construction of a 4,800 sq. ft., 25'-0", 2 story single family residence, with a swimming pool. The construction of this SFR will require 696 cubic yards of grading and the installation of a 1,200 gallon septic system. The project also involves improvements to a 1,790' access road involving approximately 63,020 sq. ft. of paving, the installation of 3 rip-rap drainage devices, 6' x 12', 5' x 10' and 3' x 4' in size, and approximately 3,016 cubic yards of additional grading. The proposed project is to be developed on a 2.6 acre moderately sloping parcel that is located in 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, 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. In this case the proposed building pad is to be no larger than 7,350 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 200' 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 696 cubic yards of grading is proposed. The structure is designed to follow the natural slope of the project site, thus minimizing the need for a large flat building pad. Additionally, the proposed structure is to be located within 80' feet of Betton Drive, an existing dirt road and the legal easement for 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 3,016 cubic yards of grading proposed along this easement, grading will occur along a 1,790' section of an existing roadway and is judged to be the minimum necessary in order for the applicant to comply with the requirements of the Los Angeles County Fire Department. Furthermore, as the the proposed grading is to take place 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 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.

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. The proposed project site is located on a lot that is 1/4 mile from the boundary of the Tuna Canyon Significant Watershed and SEA. This area of the SEA contains other single family residences and in the past the Commission has granted permits for development in this portion of the watershed; specifically, Anderson (4-96-021), Lesavoy (4-95-031), Geer (4-94-124) and Andrews (4-92-122).

Furthermore, the proposed project site is accessible due to an easement across a series of existing dirt roads, and although this project does include improvements to this easement which will impact an existing streambed, specifically the installation of a 5' x 10' rip-rap drainage device within a USGS designated "blue line" stream, these improvements are designed to reduce the velocity of runoff and to prevent soil erosion and sedimentation within

the watershed. Additionally, this "blue line" stream originates at this location which is high in the Tuna Canyon watershed and is not considered a riparian corridor as it does not contain any riparian vegetation. Furthermore, 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, for the review and approval of the Executive Director, erosion control and drainage plans that illustrate how runoff is conveyed from the project site in a non-erosive manner. 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. Furthermore, 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 drainage improvements are proposed to take place within a USGS designated blue line stream. Furthermore, as development will take place in a blue line stream, the Commission finds it necessary to require the applicant to submit a valid California Department of Fish & Game Streambed Alteration Agreement or evidence that such approvals are not required. Therefore, the project is found to be in conformance with the LUP Table 1 policies that pertain to locating development close to the periphery of designated watersheds and 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 future impacts on coastal resources that might occur with any further development of the subject property. Specifically, the expansion of development would require that currently undisturbed vegetation would be impacted by fuel modification required by the Fire Department. Further, 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 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.

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 in such a way 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 has submitted a Preliminary Soils and Engineering Geologic Investigation, dated November 20, 1995, prepared by California GeoSystems. This report states:

It is the finding of this firm that the proposed building and or grading will be safe and that the property will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County code, provided our recommendations are followed.

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. 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 insure 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, for the review and approval of the Executive Director, site drainage plans. 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. Additionally, 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 waiver 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. 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.

If a project is not properly surveyed prior to construction activities, archaeological resources can be degraded. 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 and natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Additionally, 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 numbers and diversity to predict the ultimate significance of these unique resources.

The applicant has submitted a Phase One Cultural Survey, dated January 19, 1996, and prepared by Environmental Research Archaeologists, for the proposed project site. This report states as follows:

In terms of the intense site survey, the road areas and the cleared house pad areas were 100% site surveyed. No artifacts or ecofacts were observed. Next some large flat sandstone outcrops along the dry wash were observed for any bedrock mortars or other data but none were observed. Also the irregular pocked-marked sandstone "spine" was carefully surveyed for bedrock mortars or any petroglyphs or pictographs but none were seen. Those areas were thus completely surveyed. No artifacts, ecofacts or human burial material were seen in any area of the entire parcel.

Despite the fact that the literature search indicated a good potential for the occurrence of cultural resources (sites and artifacts, possibly human burials in the area), the intense site survey did not locate any cultural data, let alone data of significance. Based on these negative findings, further cultural resources management (CRM) measures would not be relevant to the project. That recommendation would change, however, if any artifacts or bone material were to be encountered during the planned house construction work. 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 CRM 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 that follows the natural slope associated with the project site, and thus has minimized the need to create a large flat building pad. The entire building pad area for this site is 7,350 sq. ft. Furthermore, the placement of the structure on the northwest side of a knoll located on the subject parcel will shield the view of the structure from all but the upper most northwestern corner of the watershed boundary, an area that contains numerous existing single family residences.

In regards to the proposed improvements to the applicant's easement along Skyhawk Lane, Chard Avenue, and Betton Drive, these improvements will all occur along an existing dirt roadway, and the grading associated with this development, approximately 3,016 cubic yards, will be spread out along a 1,790' 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 highly visible except from a limited 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. Further, the grading plans that the applicant has submitted indicate that the largest single amount of grading will occur in an area directly adjacent to the proposed residence in a low section of the road which is difficult to view even within this remote section of the watershed.

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 softens 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 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection.

Therefore, the Commission finds that the project as proposed is the least visually damaging alternative. Therefore, the Commission finds that the proposed project, as conditioned, 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 private septic system 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 as conditioned, 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).

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, archaeology, 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).



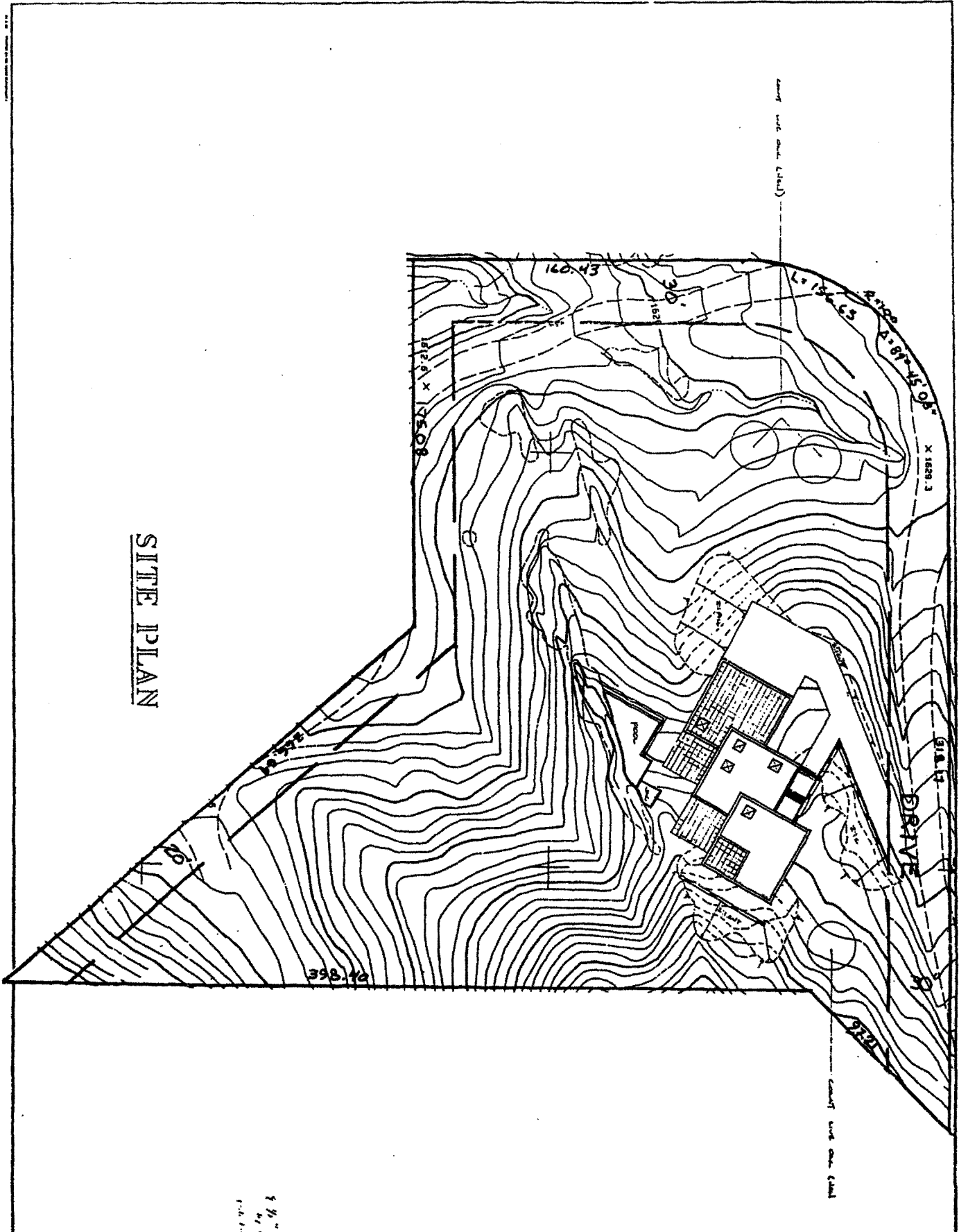
H. CEQA

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.

TAD-VNT  
2100M



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b>
<b>4-96-025</b>

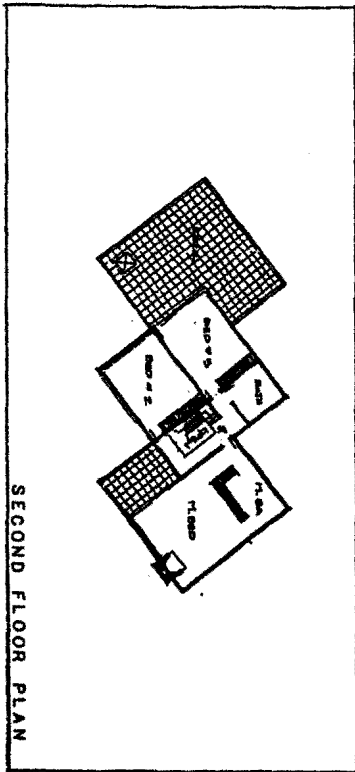


**SITE PLAN**

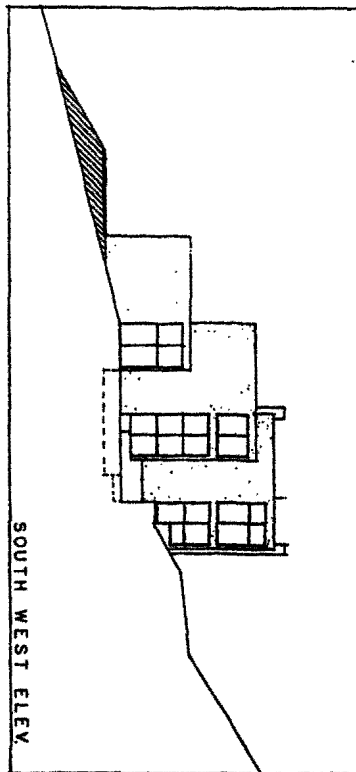


DATE	11/11/02	PROJECT	PROPOSED SINGLE FAMILY RESIDENCE FOR MR. MARK JESON & MS. ROBERTA H. REICHMAN 20384 SEABOARD ROAD MALIBU CAL 90272
DRAWN BY	JEFF BOWEN	CLIENT	MARK JESON & ROBERTA H. REICHMAN
CHECKED BY	MARK JESON	DATE	11/11/02
SCALE	AS SHOWN	DESIGNER	MALIBU DESIGN
		ADDRESS	325 PALM DA HARBOR DR MALIBU CAL 90264
		PHONE	(310) 974-7777

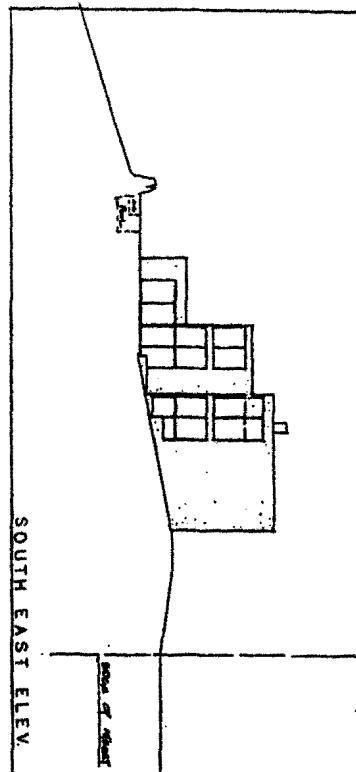
<b>EXHIBIT NO. 2</b>
APPLICATION NO.
<b>4.96-023</b>



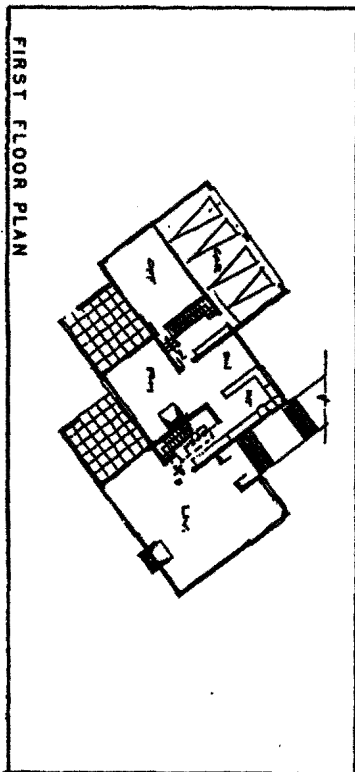
SECOND FLOOR PLAN



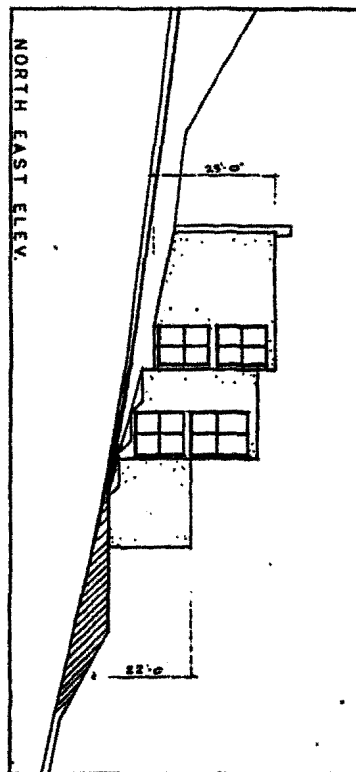
SOUTH WEST ELEV.



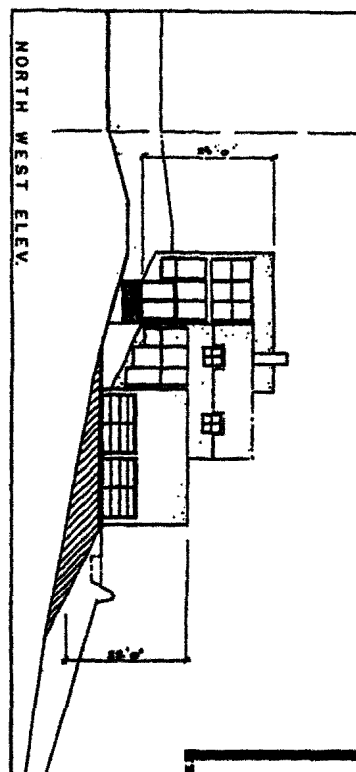
SOUTH EAST ELEV.



FIRST FLOOR PLAN



NORTH EAST ELEV.



NORTH WEST ELEV.

**EXHIBIT NO. 3**  
APPLICATION NO.

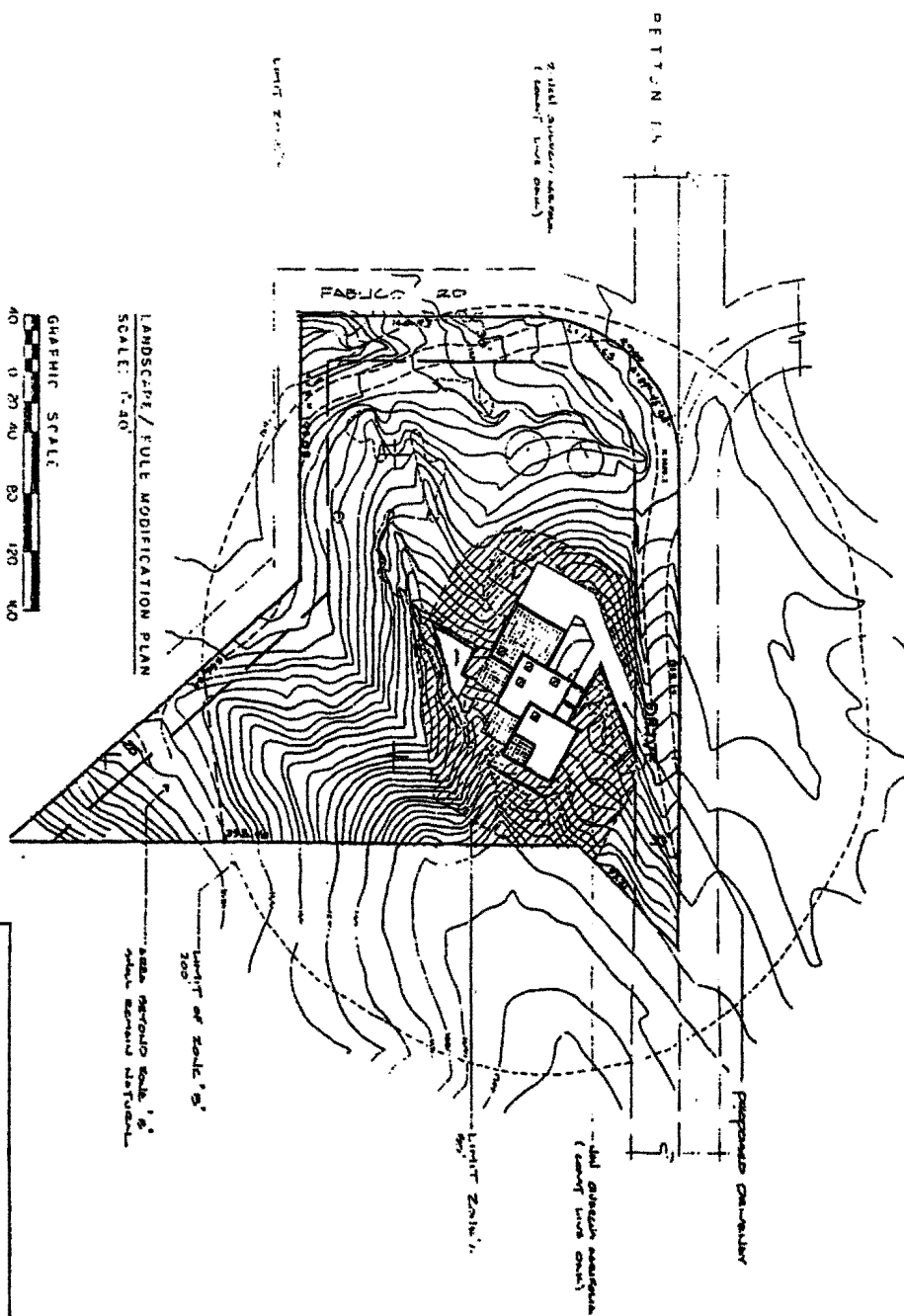
**4-96-023**

2

PROPOSED

PROPOSED SINGLE FAMILY RESIDENCE FOR  
MR. MARK JACOB & MR. ROBERT H. RICHMAN  
20564 SANDHORN ROAD  
MALIBU CAL 90272

PREPARED BY MALIBU DESIGN INC.  
THE LAND & WATER CO.  
DESIGN BY JEFF BROWN (310) 974  
525 BLVD DE HERMAN BEACH  
CAL 90254



LANDSCAPE / RULE MODIFICATION PLAN  
SCALE: 1"=40'



**LEGEND**

	Zone 'A' IDENTIFICATION ZONE
	Zone 'S' IDENTIFICATION THICKLINE

**NOTES**

1. **INTRODUCTION**  
This plan modification shall be subject to the same conditions and restrictions as the original plan modification. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies.
2. **PLANNING CODES**  
The applicant shall comply with all applicable planning codes and ordinances. The applicant shall also be responsible for obtaining all necessary permits and approvals from the appropriate agencies.
3. **GENERAL NOTES**  
The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies.
4. **CONSTRUCTION AND EROSION CONTROL**  
All grading work shall be done in accordance with the requirements of the applicable planning codes and ordinances. The applicant shall also be responsible for obtaining all necessary permits and approvals from the appropriate agencies.
5. **UTILITIES**  
The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies.
6. **ENVIRONMENTAL PROTECTION**  
The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies.
7. **ALL OTHER NOTES**  
The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies.

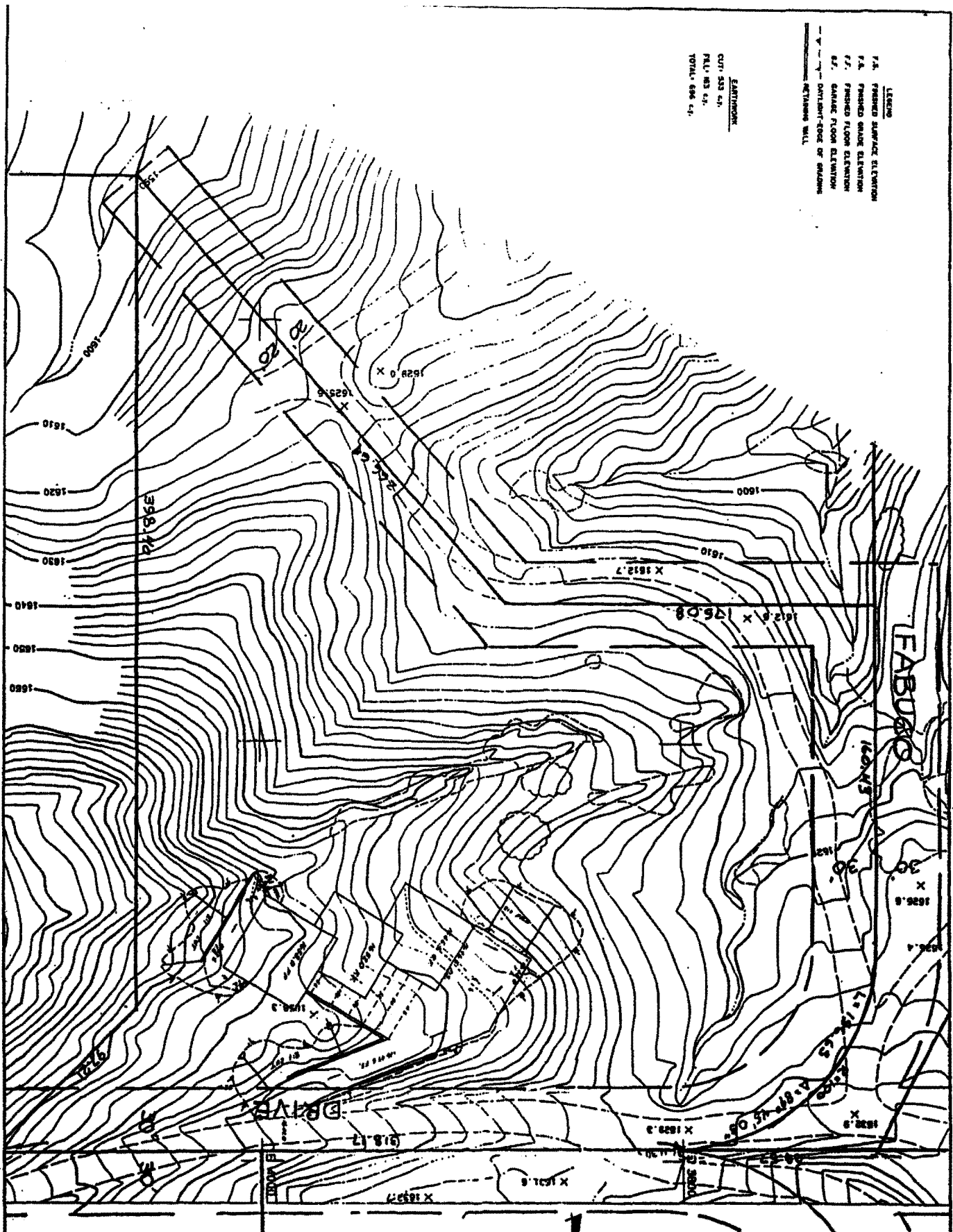
**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**4-96-025**

PREPARED BY: MURRAY DENNIS FOR THE LANDS & UTILITIES CO. CONSULTED BY: JEFF DUNN (503) 974-7084 320 FAULT DR. HEARST CA 94554

DATE: 11/21/00  
MR. JOHN JONES & MRS. ROSEMARY J. ZIEGLER  
20504 SERRANO ROAD HEARST CA 94512

LEGEND  
 1. FINISHED GRADE ELEVATION  
 2. FINISHED GRADE ELEVATION  
 3. FINISHED FLOOR ELEVATION  
 4. GARAGE FLOOR ELEVATION  
 5. OUTLET FLOOR OR GROUND  
 6. RETAINING WALL

EARTHWORK  
 CUT: 583 cu yd  
 FILL: 813 cu yd  
 TOTAL: 230 cu yd



**EXHIBIT NO. 5**  
 APPLICATION NO.  
**A-96-025**

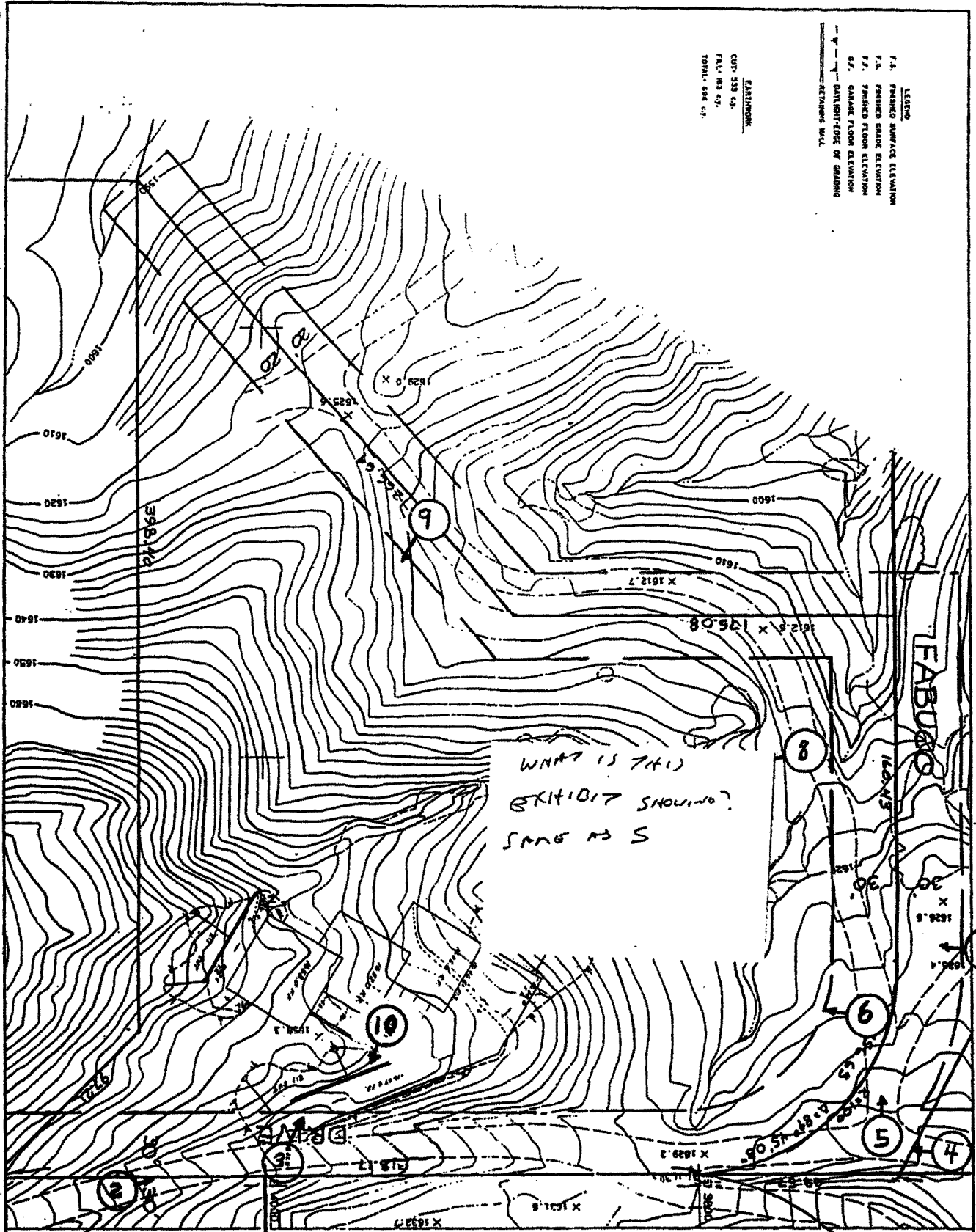
DATE	0-20-52
BY	R. H. K.
CHECKED	V. A. H.
SCALE	AS SHOWN

**Vantage Engineering Co., Inc.**  
 74 GUYTON AVENUE, NEWPORT PARK, CALIF. 91320  
 (805) 499-0800

SEE PLAN

LEGEND  
 F.A. FINISHED SURFACE ELEVATION  
 F.B. FINISHED GRADE ELEVATION  
 F.F. FINISHED FLOOR ELEVATION  
 G.F. GARAGE FLOOR ELEVATION  
 O.F. OUTSIDE EDGE OF GARAGE  
 R.F. RETAINING WALL

EARTHWORK  
 CUT: 333 cu. yd.  
 FILL: 483 cu. yd.  
 TOTAL: 816 cu. yd.



WHAT IS THIS  
 EXHIBIT SHOWING?  
 SAME AS S

1

<b>EXHIBIT NO. 6</b>
APPLICATION NO.
<b>4-96-025</b>

Photo Key

DATE	DESIGNED	Vantage Engineering Co., Inc. 74 SEVENTH AVENUE, HENNINGTON PARK, CA. 91304 (800) 499-0000	GR.
SCALE	DRAWN		
CHECKED	IN CHARGE		
DATE	PROJECT		

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 89 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 641-0142



June 24, 1996

Mr. & Mrs. Hawk  
 1919 Skyhawk Lane  
 Topanga, CA 90290

RE: Coastal Development Permit Application No. 4-96-025; Mark Jason

Dear Mr. & Mrs. Hawk,

This office has received an application for the construction of a 4,800 sq. ft., 25'-0", 2 story residence at 20556 Betton Drive. This application has been completed for filing and is anticipated to be scheduled for hearing in July, 1996. In addition to the proposed residence the application seeks the approval for improvements to a 1,900' easement, involving paving, the installation of 5 drainage culverts and approximately 3,016 cubic yards of grading. These improvements will take place along Skyhawk Lane, Chard Ave., Betton Dr., Fabuco Rd., and Black Pine Rd. 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 indicate that you are the owner of a fee interest in the property across which the road paving, grading and drainage structures are proposed, the Commission is notifying you of the application pursuant to section 30601.5. Should you desire additional information about this project application and the work proposed, you should contact Troy Alan Doss of our South Central District office at (805)641-0142. By this letter, we are inviting you to join 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. Please feel free to call should you have any questions.

Sincerely,

Troy Alan Doss  
 Coastal Program Analyst

Agreed:

\_\_\_\_\_  
 Name (Print)

\_\_\_\_\_  
 Name (Signature)

\_\_\_\_\_  
 Property Address

JACK:TAD

EXHIBIT NO. 7

APPLICATION NO.

4-96-025