

CALIFORNIA COASTAL COMMISSION

1000 NORTH CENTRAL COAST AREA
 100 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
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 Hearing Date: 12/9-12/97

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-182

APPLICANT: Kevin J. Dunne AGENTS: Laurance Allen and Vic Beck

PROJECT LOCATION: 1273 Fernwood Pacific Drive, Topanga Canyon, Los Angeles County

PROJECT DESCRIPTION: Construction of 26.5 ft. high, two story, 2,440 sq. ft. single family residence with attached two car garage and septic system. 67 cu. yds. of grading (57 cu. yds. cut and 10 cu. yds. fill).

| | |
|--------------------|-----------------------------|
| Lot Area | 13,267 sq. ft. |
| Building Coverage | 2,440 sq. ft. |
| Pavement Coverage | 500 sq. ft. |
| Landscape Coverage | 2,000 sq. ft. |
| Parking Spaces | 2 open and 2 covered |
| Plan Designation | Residential I, 1 du/ac |
| Zoning Designation | R-1, 10,000 sq. ft. minimum |
| Project Density | .3 du/ac |
| Ht abv fin grade | 26.5 ft. |

LOCAL APPROVALS RECEIVED: County of Los Angeles: Department of Regional Planning Approval in Concept dated 8/20/96; Department of Health Services approval for design purposes dated 10/21/97; Oak Tree Permit No. 97-059 dated August 20, 1997.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; James Dean, Oak Tree Report Dunne Residence 1273 Fernwood Pacific Drive, April 9, 1997; Geoplan, Inc., letter response to Geologic Review Sheet, February 7, 1997; Strata-Tech Geotechnical Consultants, Response Memorandum to Geotechnical Engineering Review Sheet, Proposed Single Family Residence, 1273 Fernwood Pacific Drive, March 10, 1997; Coastal development permit no. 4-97-091 (Hayles).

SUMMARY OF STAFF RECOMMENDATION:

The proposal is for a single family residence as infill within a small lot subdivision. Staff recommends approval of the proposed project with four (4) Special Conditions addressing future improvements, landscape and erosion control plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 IMPROVEMENTS (Small Lot Subdivisions)

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development permit 4-97-182 is only for the proposed development and that any future additions or

improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by policy 271 in the Certified Malibu/Santa Monica Mountains Land Use Plan. Clearing of vegetation consistent with County Fire Department requirements 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. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plans 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. 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, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping 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 disturbed areas shall be stabilized with planting at the completion of construction. 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 90 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- c) Should construction 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 site preparation 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.

3. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the reports, Strata-Tech Geotechnical Consultants, Response Memorandum to Geotechnical Engineering Review Sheet, Proposed Single Family Residence, 1273 Fernwood Pacific Drive, March 10, 1997 and Geoplan, Inc., letter response to Geologic Review Sheet, February 7, 1997 including issues related to site preparation, foundations, and drainage, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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

4. WILD FIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant 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, operations, 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 Location and Description

The proposed development is located at the approximate 1145 to 1170 ft. elevations in the Topanga Canyon area adjacent to Fernwood Pacific Drive, a main arterial in this area. (Exhibit I) The proposal is the construction of a 26.5 ft. high, two story, 2,440 sq. ft. single family residence with attached two car garage, septic system, and 67 cu. yds. of grading (57 cu. yds. cut and 10 cu. yds. fill). 2000 sq. ft. of landscaping is proposed.

The project location is not within an environmentally sensitive habitat area or significant oak woodland. The proposal involves the removal of two eucalyptus trees. There are seven oak trees on the site. Footing excavations within the dripline will be done by hand. The project involves trimming of some of some oak trees and fertilizing of three trees may be necessary to relieve stress due to the development. All these measures are discussed in a report submitted with the proposal -- James Dean, Oak Tree Report Dunne Residence 1273 Fernwood Pacific Drive, April 9, 1997.

The project did not require review by the Environmental Review Board. Projects are not subject to review by the County Environmental Review Board if they are over 200 ft. from the environmentally sensitive habitat area (ESHA) or sensitive resource area designated in the certified LUP.

A previous coastal development permit (Administrative Permit 5-90-186, Dunne) allowed a 2,400 sq. ft., 21 ft. high single family residence with garage, detached carport and no grading. The permit was subject to conditions regarding future improvements (requirement of a subsequent permit for additions or improvements) and conformance with geologic recommendations. The permit has since expired.

B. Cumulative Impacts of Development

Section 30250(a) of the Coastal Act states:

(a) 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 only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

A number of areas in the coastal zone in the Malibu/Santa Monica Mountains area were divided into small "urban" scale lots in the 1920s and 1930s, typically with lots of 4,000 to 5,000 sq. ft. in area. The Commission has found that these subdivisions would result in a number of adverse cumulative impacts on Coastal resources. These impacts were further recognized in Commission permit decisions and the 1986 certified 1986 Malibu/Santa Monica Mountains land use plan, which is used as guidance in small lot subdivisions in the County of Los Angeles.

The Coastal Act requires that new development, including subdivisions and multi-family projects, 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. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. In addition, future build-out of many lots located in environmentally sensitive areas would create adverse cumulative impacts on coastal resources.

The Commission, in past permit action, has recognized certain development constraints common to small lot subdivisions including geologic and fire hazards, limited road access, septic and water quality problems and disturbance of the rural community character. As a means of controlling the amount and size of development in small lot subdivisions, the Commission has developed the Slope Intensity-Gross Structural Area Formula. A number of residences in the area of the proposed addition have conformed to the GSA formula through the coastal development permit process.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable gross structural area (GSA) of a residential unit. The basic concept of the formula assumes that the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development of steep slopes has a high potential for adverse impacts on coastal resources.

Pursuant to policy 271 of the Malibu/Santa Monica Mountains Land Use Plan, the maximum allowable gross structural area (GSA) as calculated, may be increased as follows:

- (1) Add 500 square feet for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.
- (2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

The subject lot is located within the Fernwood subdivision in Topanga Canyon. Residences in this area are limited in size by the GSA formula. The Coastal Commission in past decisions has applied this formula in a consistent manner to lessen the cumulative impact of development. The proposed development is construction of a 2,440 sq. ft. residence on a vacant lot, which raises the issue of allowable gross structural area. The maximum allowable GSA calculated under this application was determined to be 2,440 sq. ft.. Staff evaluated this calculation using material provided by the applicant and in accord with normal practice used for other parcels subject to the GSA program and found that the applicant's representative did properly calculate the allowable GSA for the subject site.

In order to ensure that future additions do not occur which would be inconsistent with Policy 271 of the certified LUP relative to the maximum size of residential structures in small-lot subdivisions and Section 30250(a) of the Coastal Act, special condition one (1) requiring Commission review and approval of proposals for future improvements on the site is necessary. The Commission finds that, only as conditioned, is the proposed development consistent with Section 30250 of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states, in part, that new development shall:

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

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains (paraphrased): P147: evaluate impact on, and from, geologic hazard; P 149:

require a geologic report prior to approval; P 154: not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system; and P 156: evaluate impact on fire hazard.

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

The Commission reviews the proposed project's risks to life and property for development such as proposed in this application in areas where there are geologic, flood and fire hazards. The nearest landslide to the property is 1250 ft. to the northeast at the Webb Trail. The applicant has submitted a report -- Geoplan, Inc., letter response to Geologic Review Sheet, February 7, 1997 -- which notes that:

Geoplan asserts that 1273 Fernwood Pacific Drive is suitable for residential development from an engineering geologic standpoint. The finding was confirmed by County Department of Public Works on 3-15-90 by a competent reviewer. ... Geoplan's findings conclude that 1273 Fernwood Pacific Drive is free from hazard of landslide, settlement or slippage and that the proposed development effected in compliance with the County Building Ordinance, the plans and specifications and the recommendations of the project consultants will not affect neighboring property adversely. ...

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans as noted in condition two (2).

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in nearby environmentally sensitive habitat area. The proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the residence will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff may result in increased erosion on and off site. Neither the consultant nor the County in their review have recommended that runoff from the site be collected, retained and dissipated on-site in a non erosive manner. Further, the applicant has submitted a drainage and erosion control plan indicating the direction of flow and various devices to control erosion including roof gutters, berms, catch basins, swales, and a energy dissipator at the lowest point on the lot. For these reasons, the Commission finds that a drainage and erosion control plan is not necessary.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Dix Canyon Creek. Therefore, it is necessary to require the applicant to submit landscape plans for areas disturbed by grading operations and development activities. These plans must incorporate native plant species and illustrate how these materials will be used to provide erosion control to those areas of

the site disturbed by development activities to specify plant materials, plant coverage and replanting requirements, and additional measures if grading extends into the rainy season. Special condition number three (3), recommended above, provides for such a landscape/erosion control plan prepared by a licensed landscape architect.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, recommended in condition number four (4), 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.

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, require a landscape and erosion control plan, and provide for a wild fire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Environmentally Sensitive Resource Areas

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

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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

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

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

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

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

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

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

The Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHAs 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 Certified Malibu/Santa Monica Mountains Land Use Plan, used as guidance in past Commission permit decisions, also contains a number of policies aimed at the protection of resources and stream protection and erosion control. P82 minimizes grading to minimize the potential negative effects of runoff and erosion. P96 avoids negative effects of runoff and pollutants to avoid discharge into or alongside coastal streams or wetlands.

The site is located approximately .4 miles above the Dix Canyon Disturbed Significant Oak Woodland which contains a blue line stream, located west of and tributary to Topanga Canyon. The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil.

These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

In this case, while the proposed project could significantly increase the amount of impervious surfaces on the subject site, but also contains an erosion control plan, as noted above. This plan will control and convey erosion off-site in a non-erosive manner. The Commission finds that this plan together with the landscaping plan required (Condition 2) will not only minimize erosion and ensure site stability, but also minimize any adverse affects of sedimentation on the habitat of the designated blue-line stream and offshore areas. The project as conditioned therefore protects against disruption of habitat values and protect the stream and riparian corridor's biological productivity.

In summary, the Commission finds that only as conditioned in one (1) above will the proposed project be consistent with the policies found in Sections 30231, 30240 and 30250(a) of the Coastal Act.

E. Visual Impacts

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 of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Los Angeles County Land Use Plan, used for guidance in past Commission decisions, includes policies protecting visual resources. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains (paraphrased): P 91: minimize impacts and alterations of physical features; P 129: attractive appearance and harmonious relationship with the surrounding environment; P 130: conceal raw-cut slopes, not significantly intrude into the skyline as seen from public viewing places; P 134: conform to the natural topography, as feasible, massive grading and reconfiguration discouraged.

The project site is located within the mass of existing development in a small lot subdivision in a built-out area. Views to the site from the State Park to the east, the trail in Topanga Canyon to the east, and the major ridgeline to

the north are not significantly affected because of the intervening topography, location below the ridgeline, and massing of similar surrounding development of similar character and visual impact.

The view impact is further mitigated by the design which shows the residence being built in a location on the parcel lower than surrounding slopes. The building height of 26.5 ft. above finished grade is consistent with the certified LUP. As noted above, the project site is close to the road which minimizes visual impacts of the development compared to other potential building sites further uphill.

In summary, the proposed development is consistent with the surrounding area, the most suitable location for a residence on this site, and minimizes the visual impact of the proposed project.

In addition, use of native plant material in the above-required landscaping plans can soften the visual impact of construction and development in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas not only reduces the adverse affects of erosion, but ensures that the natural appearance of the site remains after development.

Therefore, the Commission finds that the project as conditioned minimizes impacts to public views to and along the coast. The Commission finds that the proposed project as conditioned will be 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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, and minimizing alteration of natural streams.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a new septic system. This system was subject to review by the County of Los Angeles Department of Health Services for design purposes. The Commission has found in past permit actions that compliance with the County of Los Angeles health and safety codes will

minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

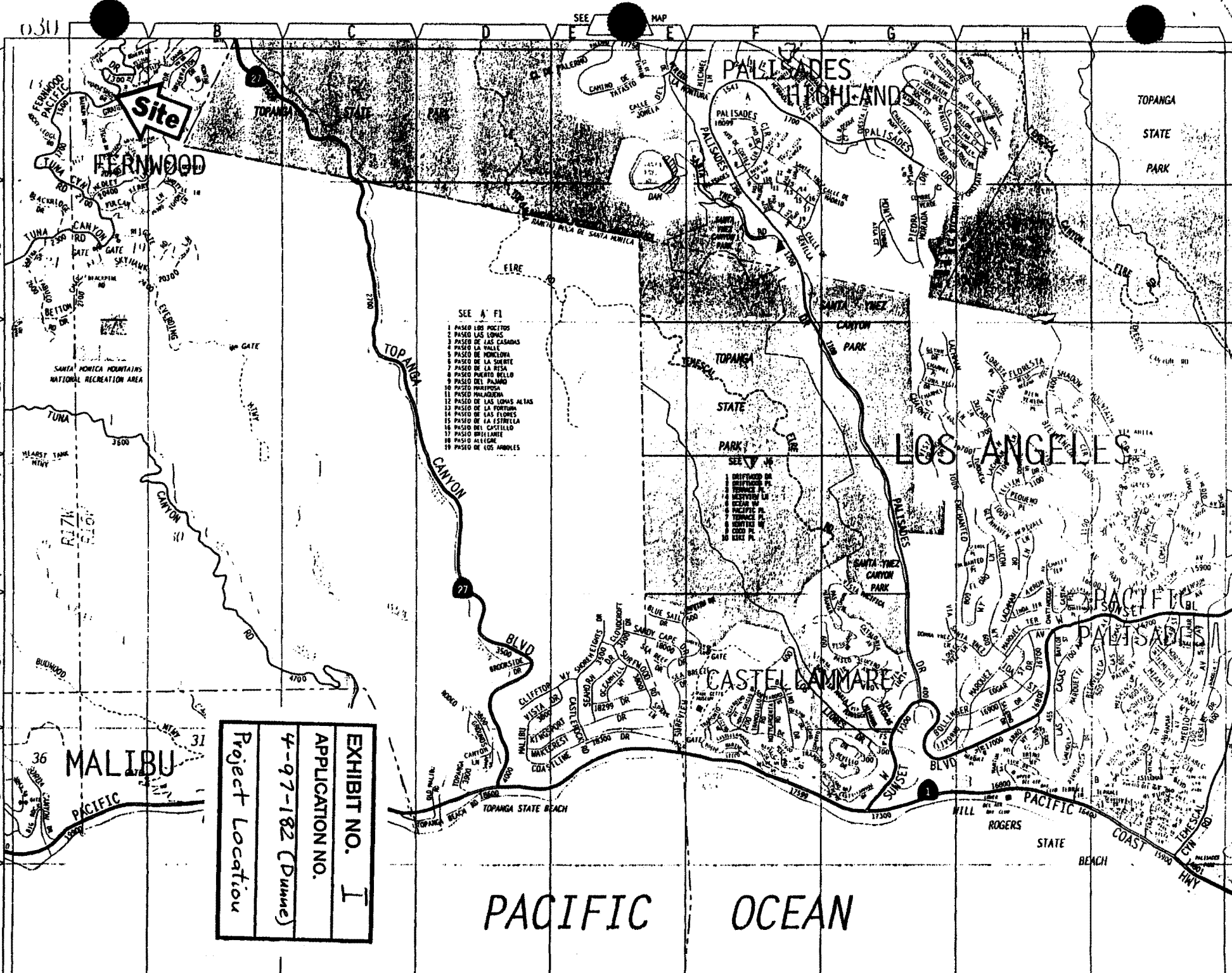
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

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

H. California Environmental Quality Act

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

As discussed above, the proposed project has been mitigated to incorporate landscape and erosion control plans, drainage plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project has been determined to be consistent with CEQA and the policies of the Coastal Act.



Site

FERNWOOD

SANTA MONICA MOUNTAINS
NATIONAL RECREATION AREA

MALIBU

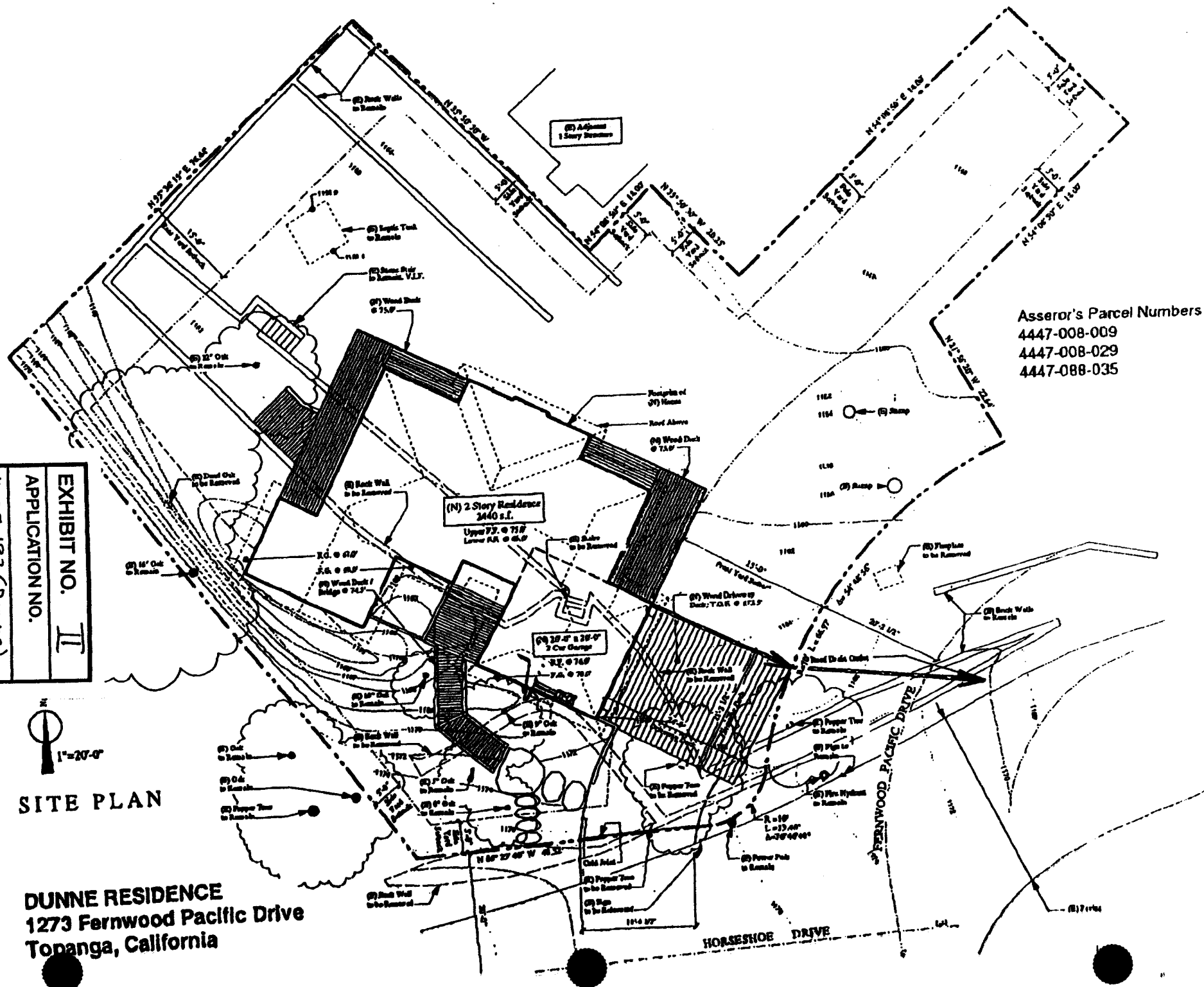
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| EXHIBIT NO. I |
| APPLICATION NO. |
| 4-97-182 (Dunn) |
| Project Location |

- SEE A F1
- 1 PASO LOS PICOTOS
 - 2 PASO LAS LOMAS
 - 3 PASO DE LAS CASAS
 - 4 PASO LA VALLA
 - 5 PASO DE MONCLARA
 - 6 PASO DE LA SUERTE
 - 7 PASO DE LA RESA
 - 8 PASO PUERTO BELLO
 - 9 PASO DEL PAMMO
 - 10 PASO MARIPOSA
 - 11 PASO PALADINO
 - 12 PASO DE LAS LOMAS ALIAS
 - 13 PASO DE LA PORTUNA
 - 14 PASO DE LAS FLORES
 - 15 PASO DE LA ESTRELLA
 - 16 PASO DEL CASTELLO
 - 17 PASO BRILLANTE
 - 18 PASO ALLEGRE
 - 19 PASO DE LOS ANGELES

PACIFIC OCEAN

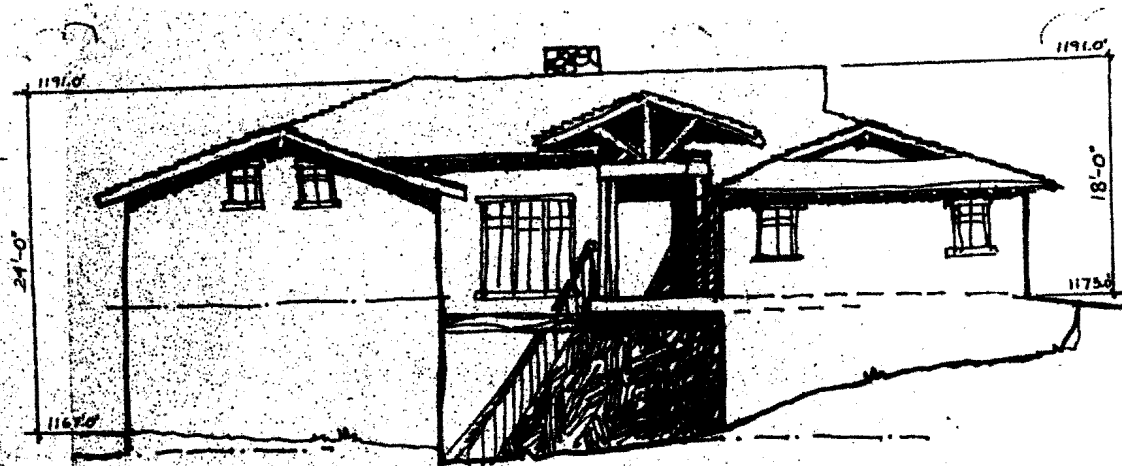
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| EXHIBIT NO. II |
| APPLICATION NO. |
| 4-97-182 (Dunn) |
| Site Plan and Drainage Plan |

DUNNE RESIDENCE
1273 Fernwood Pacific Drive
Topanga, California





NORTH ELEVATION



SOUTH ELEVATION

| |
|------------------|
| EXHIBIT NO. III |
| APPLICATION NO. |
| 4-97-182 (Dunne) |
| Elevations |

