

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
MALIBU, CA 93001
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Comm Action
7891A



STAFF REPORT: REGULAR CALENDAR

Tu 22c

APPLICATION NO.: 4-97-015

APPLICANTS: Gerald & Shirley Sayles, Trollope F. & Frances S. Anderson

AGENT: Donald Schmitz, The Land & Water Company

PROJECT LOCATION: 20580 West Benton, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,592 sq. ft., 2 story single family residence with three car garage, swimming pool, septic system, and landscaping. Extend private road and water main improvements about 340 feet beyond approved road to parcel and proposed driveway. Grade a total of 927 cubic yards for the residence and access road.

Lot area:	2.49 acres
Building coverage:	2,922 sq. ft.
Pavement coverage:	4,200 sq. ft.
Landscape coverage:	10,000 sq. ft.
Parking spaces:	4
Ht abv fin grade:	27 ft.
Plan Designation:	Mountain Land
Zoning:	one du/ 20 acres
Project Density	one du/ 2 acres

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 12/30/96; Los Angeles County Department of Health Services, dated 2/11/97; Preliminary Approval, Los Angeles County Fire Department, dated 1/28/97.

SUBSTANTIVE FILE DOCUMENTS: Geological/Geotechnical Engineering Report, dated August 22 1996, and Percolation Data and Septic Design Report, dated October 2, 1996, prepared by Gold Coast GeoServices, Inc.; A Phase One Cultural Survey, dated January 19, 1996, prepared by Environmental Research Archaeologists; Tuna Canyon Significant Ecological Area: An Assessment of the Cumulative Impacts of the Potential Maximum Development, prepared for Tuna Mesa Property Owners Association, by Phillips Brandt Reddick, Inc. dated January 9, 1978; Coastal Development Permit No. 4-96-172, Olson; Coastal Development Permit No. 4-96-025, Jason.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed project with six (6) Special Conditions addressing erosion control and drainage, road maintenance, future improvement restriction, geology recommendations, wildfire liability, and design restrictions is consistent with the requirements of the California Coastal Act. The project site is located within the Tuna Canyon Significant Watershed, but not adjacent to an environmentally sensitive habitat area. The site is accessed from Tuna Canyon Road by private roadways and two approved, but not yet constructed, paved improvements, of Chard Avenue and Benton Drive (Coastal Permits 4-96-025, Jason, and 4-96-172, Olson). Additional road improvements, extending West Benton about 340 feet further west, are proposed to access this site.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. LANDSCAPE/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 revised landscape/erosion control plan designed by a licensed landscape architect and a 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. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains," dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including existing graded roads and pads.
- c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- d) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel and along the roadway will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

2. ROAD MAINTENANCE AGREEMENT

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

3. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-97-015; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Geologic / Geotechnical Engineering Report, dated August 22, 1996, prepared by Gold Coast GeoServices, shall be incorporated into all final design and construction plans including foundation systems, retaining walls, cut slopes and excavations, and site drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

5. WILDFIRE 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.

6. DESIGN RESTRICTIONS

Prior to the 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 restricts the color of the subject residence, garage and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, 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.

IV. Findings and Declarations

A. Project Description

The project site is located within an undeveloped subdivision about two miles inland, northwest of Tuna Canyon, and south of Fernwood area. The parcel is accessed about one quarter of a mile to the south of Tuna Canyon Road, along Skyhawk Lane, Chard Avenue, and lastly, West Benton Drive. (Exhibits 1, 2, 3, and 4) Although Chard and Benton are presently unimproved dirt roadways, two previous applicants, Mark Jason (Coastal Development Permit 4-96-025) and Marian Olson (Coastal Development Permit 4-96-172), have Commission approval to construct improvements to Skyhawk, Chard and Benton Roads. The applicant now proposes to construct an approximate 340 foot extension of these road and water improvements along West Benton Drive to the project site. West Benton Drive ends at the western edge of the subject parcel. The roadway improvements provide for a maximum twenty (20) foot wide roadway to the project site, requiring about 52 cubic yards of cut and about 35 cubic yards of fill. The project site consists of a knob hill located in the central portion of the property with slopes descending that are gentle to moderate, while not exceeding an approximate 2:1 ratio. The building site of the 2.49 acre parcel is located on the top of the knob hill.

The applicant proposes to construct a 4,592 sq. ft., 2 story, 27 ft. high, single family residence, attached three car garage, septic system, and swimming pool. The residence, excluding the garage, is proposed to be 3,992 square feet in size. (Exhibits 5 and 6) Constructing the residence will require grading of about 840 cubic yards; 464 cubic yards of cut and 376 cubic yards of fill. The applicant proposes to pave a 340 foot extension of West Benton Drive and construct water main improvements within the road. Constructing the roadway will require grading of about 87 cubic yards; 52 cubic yards of cut and 35 cubic yards of fill. Excess grading materials will be exported to a disposal site outside the coastal zone.

Although the subject parcel is located within Tuna Canyon Significant Watershed, the site is located about twelve hundred (1200) feet from Tuna Creek and as close as about 500 feet from the Tuna Canyon designated Environmentally Sensitive Habitat Area (ESHA) to the west, and about 750 feet from the designated ESHA to the south. Although the ESHA is nearby, as described below, the proposed project will not have a direct impact on this ESHA.

The improvements proposed by the applicant to the existing access road discussed above, cross two parcels enroute to the applicant's driveway to the building pad. These parcels are located immediately north of the subject site and owned by the Andersons and Lyons, respectively. (Exhibit 3) However, the applicant has provided evidence of the ingress and egress access easement over the road. Regarding the two property owners, across whose property the proposed road improvements are located, these individuals have been notified of this development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." A total of two property owners were notified of the pending permit action under Section 30601.5 (Andersons and Lyons, Exhibit 3). The property owners for one parcel responded to these letters, Trollope F. and Frances S. Anderson, by returning the letter on April 4, 1997. The Andersons have agreed to join this application as a co-applicant (Exhibit 7). The Lyons have not responded to the letter as of the date of this report.

B. Environmentally Sensitive Resource Areas

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

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

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

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

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

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 Los Angeles County Land Use Plan designated Tuna Canyon Significant Watershed. The Tuna Canyon Significant Watershed Area includes about 1,524 acres of land in the coastal Santa Monica Mountains within the watersheds of Tuna and Pena Canyons. The terrain is extremely steep, generally greater than 30% slope, and rugged in this canyon. The majority of the subject site is sloping with gentle to moderate grades while the proposed building site on a small knob hill.

Tuna Creek, a designated environmentally sensitive habitat area (ESHA), is located about twelve hundred (1200) feet to the east of the subject parcel; the geographic area designated as the Tuna Canyon ESHA is as close as about 500 feet to the west, and about 750 feet to the south. (See Exhibit 8) Due to the distance, the proposed residence and road improvements will not directly affect this ESHA. Tuna Canyon is designated a significant watershed because of the relatively undisturbed nature and the presence of wildlife. It is important to note that the 1978 Nelson Report identified all of the Tuna Canyon watershed as a significant ecological area. However, the Los Angeles County Land Use Plan certified by the Commission in 1986 changed the terminology to the Tuna Canyon Significant Watershed for both Tuna and Pena Canyon watershed while narrowing the ESHA designation for the Tuna Canyon Significant Ecological Area to generally the riparian vegetation along the two creeks, Tuna Canyon and Pena Creeks. (Exhibit 8) A Significant Watershed is not considered an ESHA under the Coastal Act definition of ESHA's, requiring more stringent protection, as an example for riparian vegetation, because they are dominated by vegetation and wildlife common throughout the Santa Monica Mountains. However, the certified LUP did establish specific policies and development standards to protect the sensitive resources of these relatively undisturbed watersheds.

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.

A report titled "Tuna Canyon Significant Ecological Area: An Assessment of the Cumulative Impacts of the Potential Maximum Development," was prepared for the Tuna Canyon Property Owners Association by Steven Nelson, Director of Biological Science, Phillips Brandt Reddick, dated January 9, 1978. The purpose of the report was to provide a detailed resource inventory and analysis of the Tuna Canyon Significant Watershed to be used by decision makers as advanced and additional environmental input to their planning process. The report is an analysis and assessment of cumulative impacts resulting from the potential buildout of the area. Measures to partially or completely mitigate impacts were suggested. The subject site is mapped by the report as a chaparral biotic community typically with broad-leaf schlerophyllous vegetation with considerable diversity in species composition. Although, the subject site and surrounding area burned in the 1993 Malibu Fire; the chaparral and coastal sage vegetation appears to be returning.

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

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

The Land Use Plan (LUP) includes several policies designed to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. Many of these policies, particularly those in Table 1 were developed as a result of the information presented in the two above noted reports on Tuna Canyon Significant Watershed and Ecological Area. These policies are used by the Commission as guidance during the review of applications for coastal development permits.

1. Protection of Environmental Resources

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

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

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

Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act.

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

New on-site access roads shall be limited to a maximum length of 300 feet or one third of the parcel depth, whichever is smaller. Greater lengths may be allowed through conditional use, provided that the Environmental Review Board and County Engineer determine that there is no acceptable alternative.

Site grading shall be accomplished in accordance with the stream protection and erosion control policies.

Designated environmentally sensitive streambeds shall not be filled. Any crossings shall be accomplished by a bridge.

Other applicable Land Use Plan policies include:

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

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

2. Stream Protection and Erosion Control

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P84 In disturbed areas, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.
- P88 In ESHAs and Significant Watersheds and other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrologic, water percolation and runoff) to the maximum extent feasible.
- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

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

The applicant proposes to construct a 4,592 sq. ft., two story single family residence, attached garages, septic system, and swimming pool. West Benton Drive, a private road with proposed water main improvements will be extended about 340 feet beyond approved road extension by prior applicants, Jason and Olson, to the subject parcel and proposed driveway. Constructing the residence and road extension will require grading of 927 cubic yards of material.

The residential development is limited to one site and does not include other development normally associated with residential development, including tennis courts, or equestrian facilities. The roadway improvements provide for a maximum twenty foot wide roadway to the project site, requiring about 87 cubic yards of total grading (52 cubic yards of cut and 35 cubic yards of fill). The project site is a 2.49 acre parcel; the building site is located in the central portion of the parcel on a small knob hill within the Tuna Canyon Significant Watershed.

3. Cumulative and Individual Impacts of Development

The 1978 report by Nelson provided an analysis and assessment of cumulative impacts resulting from the potential buildout of the area. The report concluded that continuing development in this area to the potential maximum density of parcels would result in about a 50 % increase in the number of residences. The report admitted that this buildout may be an overestimate of the ultimate conditions of development, representing a worst case condition. A number of biological impacts were identified as a result of maximum development, however, due to the extremely low density of potential development in the area, some of these impacts are not expected to be significant. The Report states:

If the appropriate mitigation measures suggested in Section 6.0 (actually 7.0) are implemented, these impacts, and most others, can be effectively mitigated to levels that would not result in significant adverse impacts on a local or cumulative basis.

The report indicated that unavoidable adverse impacts are primarily related to the loss and degradation of habitat wildlife resources, and the destruction of valuable riparian habitat by severe erosion and siltation processes. Those areas where both of these effects are most likely to be minimized are the more level, generally disturbed areas in the watershed. The subject site is located in the upper watershed area where the canyon is relatively level and disturbed with existing dirt roads. The report concluded by stating:

If development is geographically restricted in this manner, and all development complies with all of the mitigation measures suggested, unavoidable adverse impacts should not be expected to have significant cumulative effects on valuable downstream resources.

The Nelson report was used by the County as the basis to develop the Table 1 policies as discussed below. These policies reflect the development constraints and mitigation measures identified in the Nelson report. The Table 1 policies were certified by the Commission as consistent with the Coastal Act.

To further address individual and cumulative impacts and appropriate mitigation measures 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 will be addressed. 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 with the paved area is proposed to be no larger than 10,000 sq. ft. at 7,122 sq. ft.. Furthermore, the applicant has submitted landscape and fuel modification plans for the proposed development. These plans illustrate how the areas disturbed by development activities on site will be revegetated to provide erosion control and how native plants associated with this site will be "thinned" rather than "cleared" in order to retain the erosion control properties of this vegetation. The removal of this vegetation is required, as per the Los Angeles County Fire Department's Fuel Modification Standards, and the applicant has submitted fuel modification plans which indicate that only vegetation specially designated as "high fire hazard" will be completely removed as a part of this project. Additionally, only that vegetation which is located within a 300' radius of the residential structure will be subject to the County Fire Department's fuel modification requirements. Therefore the project is in conformance with the Table 1 policies of the LUP as they pertain to the minimization of grading, vegetation removal, and the maximum allowable area of building pads.

Furthermore, Table 1 policies require that development be located close to existing roads and services, and that on-site access roads be limited to no more than 300' in length so that impacts to habitat are minimized. Additionally, LUP policies (P78, P82, P88, & P91) specify that grading activities be minimized and that development be designed to minimize landform alteration, and that said development is placed as close to existing services as possible. In the case of the proposed residence, no more than 927 cubic yards of grading is proposed, including the grading for the road. The building site is located on the flat portion of a small knob and along the downslope portion of the knob, thus minimizing the need for grading to expand the flat building pad. Additionally, the proposed structure is to be located within a maximum of 170' feet of West Benton Drive, an existing dirt road and the legal easement owned by the applicant. The grading for the new on-site access driveway will be less than 300 feet in length, at about 130 feet to the garage. 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 87 cubic yards of grading proposed along this easement, grading will occur along an approximate 340 foot section of an existing dirt roadway. The road width will be no wider than 20 feet across a 60 foot easement. Therefore, this grading is judged to be the minimum necessary in order for the applicant to comply with the requirements of the Los Angeles County Fire Department.

About 2,100 feet of this route to Skyhawk Lane and Tuna Canyon Road (beyond the 340 foot road section to be improved as proposed in this application) will be improved as part of the Commission's approval of two adjoining parcels (Mark Jason, Coastal Permit 4-96-025 and Marian Olson, Coastal Permit 4-96-172). Furthermore, as the grading is proposed along an existing dirt access road, no significant new impacts will occur to habitat adjacent to the project area. Therefore, the project is found to be generally in conformance with the LUP Table 1 policies that pertain to the proximity of new development to existing services and the minimization of landform alteration. These Table 1 policies are used as guidance by the Commission in the review of this application.

Table 1 policies also specify that development be located as close to the periphery of the designated watershed as feasible, and that streambeds, and ESHAs not be altered and that they are protected to the greatest extent possible. Additionally, LUP policy P96 specifies that water quality be protected from degradation resulting from development. The proposed project site is located on a lot that is about 500 feet from the boundary of the Tuna Canyon Environmentally Sensitive Habitat Area and about 1,200 feet from Tuna Canyon Creek. This area includes other single family residences, and in the past, the Commission has granted permits for development in this portion of the watershed; specifically, Olson, (Coastal Permit 4-96-172), Jason, (Coastal Permit 4-96-025), Anderson (Coastal Permit 4-96-021), Lesavoy (Coastal Permit 4-95-031), Geer (Coastal Permit 4-94-124) and Andrews (Coastal Permit 4-92-122).

The applicant has submitted a landscape and fuel modification plan, approved by the Los Angeles County Fire Department which identifies planting zones, a maintenance program, and landscaping and erosion control. The plan indicates that all graded areas shall be planted and maintained for erosion control and visual enhancement at the completion of grading. The plan needs to be revised to state that all disturbed areas shall be planted and maintained for erosion control and visual enhancement, rather than all graded areas. In addition, the plans need to identify that the planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage, rather than 90 percent coverage within 90 days, as indicated on the plans. The shorter time frame is not necessary at this site. Lastly, the plans need to identify that 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 and retain sediment on site. Condition number one (1) provides for these revisions to the landscape plan.

Furthermore, the proposed project site is accessible due to an easement across a series of existing dirt roads. The applicant has submitted a grading plan that illustrates where the cut and fill areas are located on the building pad and along West Benton Drive. However, these plans do not illustrate how runoff is to be conveyed from the building pad of the proposed residence or how and where drainage will be conveyed following improvements to the existing access road. The drainage plan also needs to 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. Lastly, these plans need to identify how erosion will be minimized during construction. Therefore, the Commission finds it necessary to require the applicant to submit a revised landscape/erosion control plan providing for replanting of all disturbed areas with 90 percent coverage within two years, and include provisions for sediment basins if grading is to occur during the rainy season. In addition, the Commission finds it necessary to require the applicant to submit a drainage plan that illustrates how runoff will be conveyed from the project site and roadway in a non-erosive manner, as required by special condition number one (1).

In addition, to ensure the access road and drainage improvements are maintained in the future, the Commission finds it necessary to require the applicant to be solely responsible for any necessary repairs and restoration

resulting from this failure along the entire section of the access road proposed to be developed as a part of this permit. Further, this condition is necessary to ensure the road improvements and drainage structures function properly in the future to prevent erosion and sedimentation of nearby streams, as required by special condition number two (2). Therefore, because the project site is located in the upper canyon with an existing dirt road leading to the site and building pad, significant unavoidable impacts are not expected.

Thus, as conditioned, the project is found to be in conformance with the LUP Table 1 policies that pertain to locating development within designated watersheds and close to the periphery of designated ESHA's while protecting streams and ESHAs from alteration and disturbance to the greatest extent possible.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential development which would be exempt from coastal development permit requirements. Specifically, the Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of building site and developed area would require more vegetation removal as required for fuel modification by the Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Tuna Canyon watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the Coastal Act. Special condition number three (3) provides for a future improvements restriction.

Lastly, the County of Los Angeles Environmental Review Board (ERB) reviewed this project in September 1996. The ERB meetings are working sessions where the appointed ERB members serve in an advisory capacity to the Regional Planning Commission (or the County decision makers) providing recommendations on whether or not the project conforms to the policies of the County LUP. LUP Policy P64 indicates that projects shall be approved for coastal permits only upon a finding that the project is consistent with all policies of the LUP.

The ERB evaluation and recommendation to the County decision makers (the Regional Planning staff in this case) concluded that the proposed project was inconsistent with the policies of the County LUP. The reasons for this recommendation are listed in the ERB minutes (Exhibit 9). These reasons include that the project is inconsistent with LUP Policies 63 (standards of Table 1 not followed), 64 (not consistent with all LUP Policies), 65 (proposal not located to minimize vegetation clearance, 74 (not located close to existing services), 88 (access road longer than 300 feet), and 150 vegetation clearance on greater than 2:1 slopes). Additional reasons include that the County should investigate implementing Policy 62 and that Policy 271-2a discourages development of "non-conforming" lots of less than 20 acres and this policy should be implemented. The ERB also stated that the cumulative impacts of an additional residence in Tuna Canyon Watershed are not addressed (e.g. vegetation removal for fuel modification, single means of access,

significant distance from existing services, wildlife habitat loss not fully mitigated) and could require the preparation of an EIR. The ERB also believed that the 4,000 square foot residence is out of place in this area. The ERB further suggested a modification that the den be directly attached to the remainder of the residence. In addition, the ERB made a number of recommendations, many of which were included as conditions of the County approval.

These reasons will be addressed one by one. Regarding the policy reasons, the project is consistent with the Table 1 standards noted in Policy 63 as noted above. Regarding Policy 64, the ERB has made a recommendation to the County decision makers that the project is inconsistent, however, the County Department of Regional Planning granted Approval in Concept in December 1996. Regarding Policy 65, the project is located on the logical building site which is flat and generally devoid of vegetation for the property, is located well within the 300 foot distance of West Benton Road, and thereby minimizes vegetation removal. Regarding Policy 74, the proposed residence is located between 60 feet and 170 feet of the existing roadway, West Benton Drive, and is near an existing road. Regarding Policy 150, the proposed project will not require the removal of vegetation on slopes greater than 2:1 as required by the fuel modification plan (the slopes do not exceed about 2:1), in any event, the plan also requires that the slope be replanted with native, low growing, low fuel volume plants. Regarding Policy 62, which requires that a mechanism should be established to compensate property owners for the loss of any potential development rights; with the County's approval of this project, there is no need to investigate implementing this policy. Furthermore, the County does not have any programs or ordinances to implement this policy.

Regarding Policy 271-2a which discourages development of "non-conforming" lots of less than 20 acres which are distant from existing services, the subject site is located near existing services which includes West Benton Drive. West Benton is connected to Tuna Canyon Road by private streets, Chard Avenue and Skyhawk Lane, which are existing roads. The County has previously recognized these rights of way as travelled ways through approved certificates of exception, records of surveys, certificates of compliance, etc.. As a result of the approval of two residences to the east of the subject site, the Jason property at 20556 Benton Drive, and the Olson property at 2737 South Fabuco, about 2,100 feet of roadway will be improved to Fire Department standards to Skyhawk Lane and Tuna Canyon Road in order to access the future Jason and Olson residences. The length of the driveway to the existing West Benton Drive from the proposed residence is less than 300 foot maximum allowed in Table 1 policies as noted above. The applicant is proposing to pave a 340 foot extension from the approved paved access to the Jason and Olson property on the existing but unpaved road, Benton Drive. Policy P271-2a also notes that ERB would determine that project potentially incurs a significant adverse impact on the ESHA's or Significant Watersheds. In this case, the ERB did not determine that a significant adverse impact on either ESHA's or Significant Watersheds would occur. In fact, the ERB made a number of recommendations to the County decision makers to consider during the review process. Many of these recommendations were incorporated into the project design or conditions of the County's approval. Therefore, the proposed project is consistent with the above policies, as determined by the County Department of Regional Planning and the Commission, even though the County ERB recommended otherwise.

Another one of the ERB recommendations suggested that the footprint of the residence be reduced as the 4,000 square foot residence is out of place in this area. The residence is designed to partially cut the lower level into the hillside while the second floor is located on the flat building pad at the top of the knob hill. The lower level is about one half the size of the upper level. This design reduces the footprint of the 4,000 sq. ft. structure to 2,922 sq. ft.. As an example to follow the ERB recommendation, further reducing the footprint to 2,000 sq. ft. would not substantially reduce the area for fire clearance as the maximum 300 foot fuel modification area surrounding the perimeter of the residence would not change significantly. The applicant's lot is about 2.49 acres in size. The applicant has submitted a landscape / fuel modification plan indicating that County Fire Department approval for the fuel modification will extend well beyond the applicant's parcel boundaries to achieve a selective thinning of natural vegetation. The County's approval recognized that portions of the property included heavily sloping land within a Very High Fire Hazard Severity Zone. The County required approval of a County Fire Department fuel modification plan that balances safety policies of the Malibu LUP with other LUP policies to minimize significant impacts on the natural habitat. The County recognized that enforcing the full 300 foot clearance requirement would result in modifying the entire subject property as well as offsite properties of others. It appears that the County approval also recognizes the non-conforming 2.49 acre size of the subject parcel. The certified Land Use Plan designates the subject site and surrounding area as Mountain Land, one dwelling unit per 20 acres. Because of the non-conforming size of the subject site, it is not feasible to meet the Land Use Plan Table 1 policy limiting land clearance to 10% of the lot area. Further, the 10% of the lot clearance limit was established when the County Fire Department only required a 100 foot radius clearance zone. As a result of numerous Santa Monica Mountain wildfires since 1986, the Fire Department has increased the approved fuel modification zone radius for new development to between a 200 to 300 foot radius with selective cleared areas.

Lastly, the ERB suggested a modification to the project; that the den be directly attached to the remainder of the residence. No specific reason was given for this modification. The den is located to the north of the residence about ten feet away from the remainder of the residence. However, the den is attached to the residence with a wall designed in part to reduce prevailing winds blowing across the building pad and to shelter a walkway along the east side of the structure and a patio between the den and kitchen. Relocating the den ten feet closer to the main structure will not substantially reduce the fuel modification area or grading quantity proposed. Therefore, it is not necessary to relocate the den to find the project consistent with relevant Coastal Act policies.

In conclusion, although the County ERB found the project inconsistent with the LUP, the ERB action was only a recommendation to the County decision makers. In this case, the County Department of Regional Planning staff found the proposed project consistent with the Los Angeles County Land Use Plan and approved it in concept with conditions. These conditions included recommendations by the ERB, such as, a landscape plan with native species consistent with current Fire Department standards.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. The Commission finds that the project meets the LUP and the Table 1 policies as discussed above, contrary to the recommendation of

the ERB. The Commission standard of review for this project are the policies of the Coastal Act. Therefore, Commission finds that the project is located near existing developed areas able to accommodate it with adequate public services. And further, the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Commission also finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA, will be protected as a result of the proposed project as conditioned.

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

C. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

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

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted a geologic report titled "Geologic / Geotechnical Engineering Report", dated August 22, 1996, prepared by Gold Coast GeoServices, Inc. This report states:

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

The recommendations in this geology report address the following issues: foundation systems, retaining walls, cut slopes and excavations, site drainage, and plan review. Based on the findings and recommendations of the consulting geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding

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

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

In order to ensure that drainage from the residential building pad is conveyed from the site and into the watershed in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit site drainage plans, as required by special condition number one (1). Furthermore, the Commission finds it necessary to require the applicant, should the proposed improvements to the access road or the proposed drainage structures fail or result in erosion, to be solely responsible for any necessary repairs and restoration resulting from this failure along the entire section of the access road subject to this permit. Condition number two (2) provides for such maintenance of the access roadways and drainage structures.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 can only approve the project if the applicant assumes the liability from these associated risks. In fact, the property burned in the 1993 Malibu

Fire. 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, as incorporated by condition number five (5).

The Commission finds that 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 this area, states that:

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

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact. The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both number and diversity to predict the ultimate significance of these unique resources.

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

Based on an evaluation of an intense site survey, no cultural resources were identified. Based on these negative findings, the consultant determined that further cultural resources management measures would not be relevant. That recommendation would change, however, if any artifacts or bone material were to be discovered during the construction of the residence. In such an event,

construction work should cease until a professional archaeologist could inspect the parcel and assess the significance of any such finds. These are the appropriate Cultural Resources Management recommendations for the project in view of the findings of this research.

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

E. Visual Resources.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

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

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

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

The siting, size and grading for the building pad will be visible from Tuna Canyon Road. Tuna Canyon Road, a public roadway, encircles the vicinity of the project site to the south, west, and north. The site will not be visible from Tuna Canyon Road to the south as the topography drops steeply from the plateau to a narrow and steep canyon where Tuna Canyon Road and Creek are located.

The proposed grading for the building site is modest as the building pad will be cut into the top of a knob with a limited amount of fill placed along the southern flank.

In regards to the proposed improvements to the applicant's easement along West Benton Drive, these improvements will all occur along an existing dirt roadway, and the grading associated with this development, about 87 total cubic yards of grading, will be spread out along a 340 foot section of road. This grading is judged to be the minimum amount necessary to meet the requirements of the Los Angeles County Fire Department. Furthermore, no significant cut or fill slopes will result from the above referenced grading, and no adverse or significant visual impacts are anticipated as the paved extension of West Benton Drive, now a dirt road, will be visible to a limited degree from Tuna Canyon Road.

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

Because the site will be visible from Tuna Canyon Road to the west and north, mitigation to address potential visual impacts is needed. The proposed two story residence and garage will be less visually intrusive through the use of

earth tones for the structures and roofs of the buildings, and non-glare glass which helps the structures blend in with the natural setting. The Commission finds it necessary to impose condition number six (6) to restrict the color of the subject structures to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows.

Further, 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 or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a landscape and fuel modification plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 300' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. Condition number one (1) requires that the landscape plan be completed within thirty days of residential occupancy and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast and thus, 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 applicants propose to install a new 1200 gallon septic tank, and two seepage pits to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

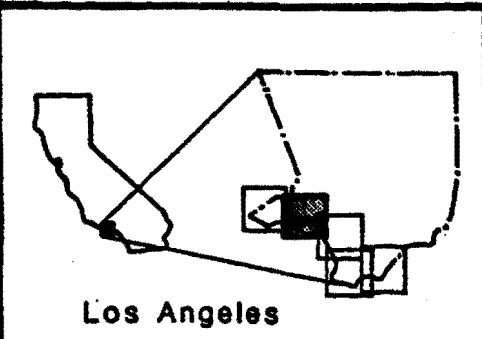
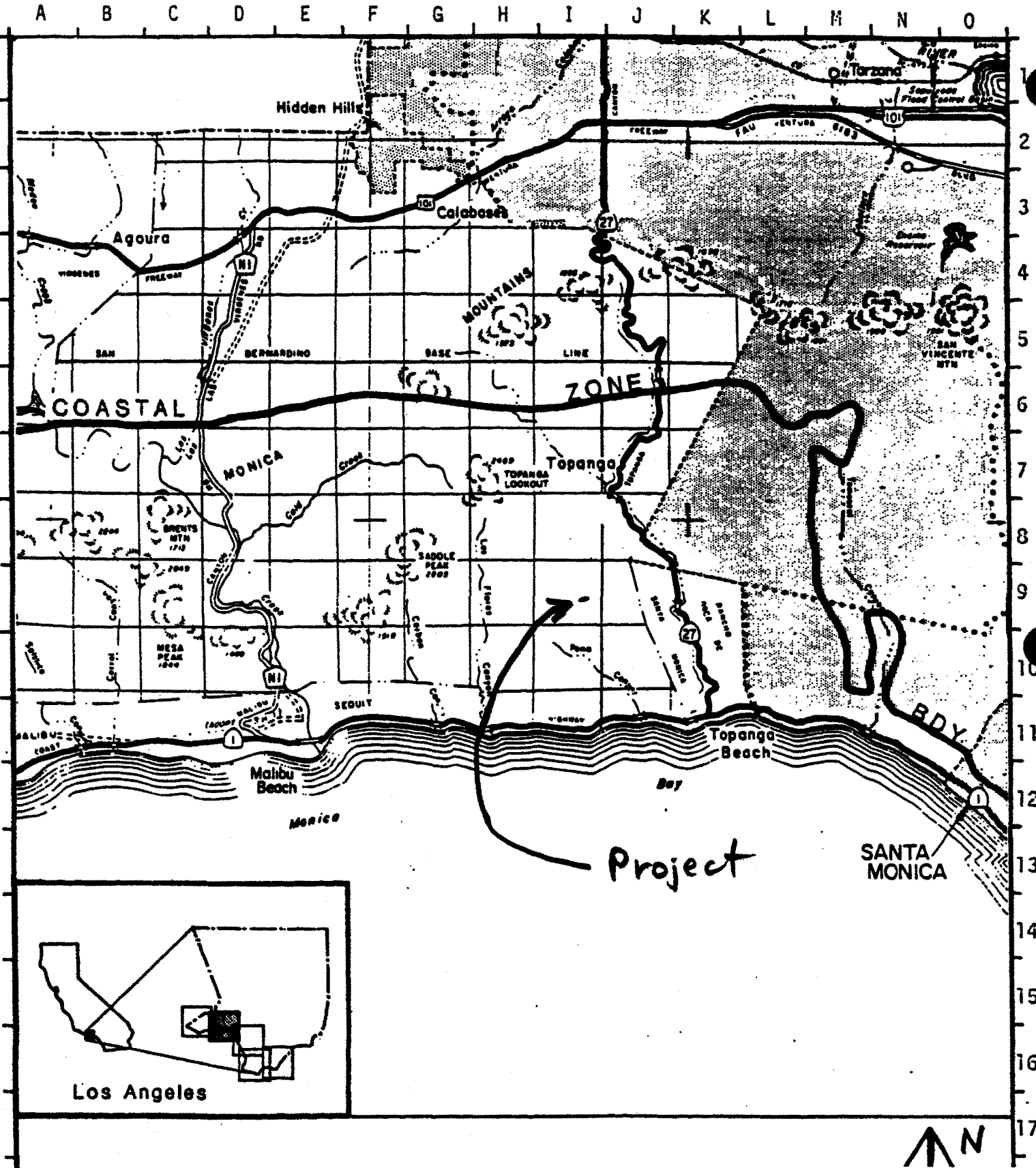
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

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

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 plans addressing landscape/erosion control and drainage, road maintenance, future improvement restriction, plans conforming to the consulting geologist's recommendations, a wildfire waiver of liability, and design restrictions. 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.



Los Angeles



California Coastal Commission

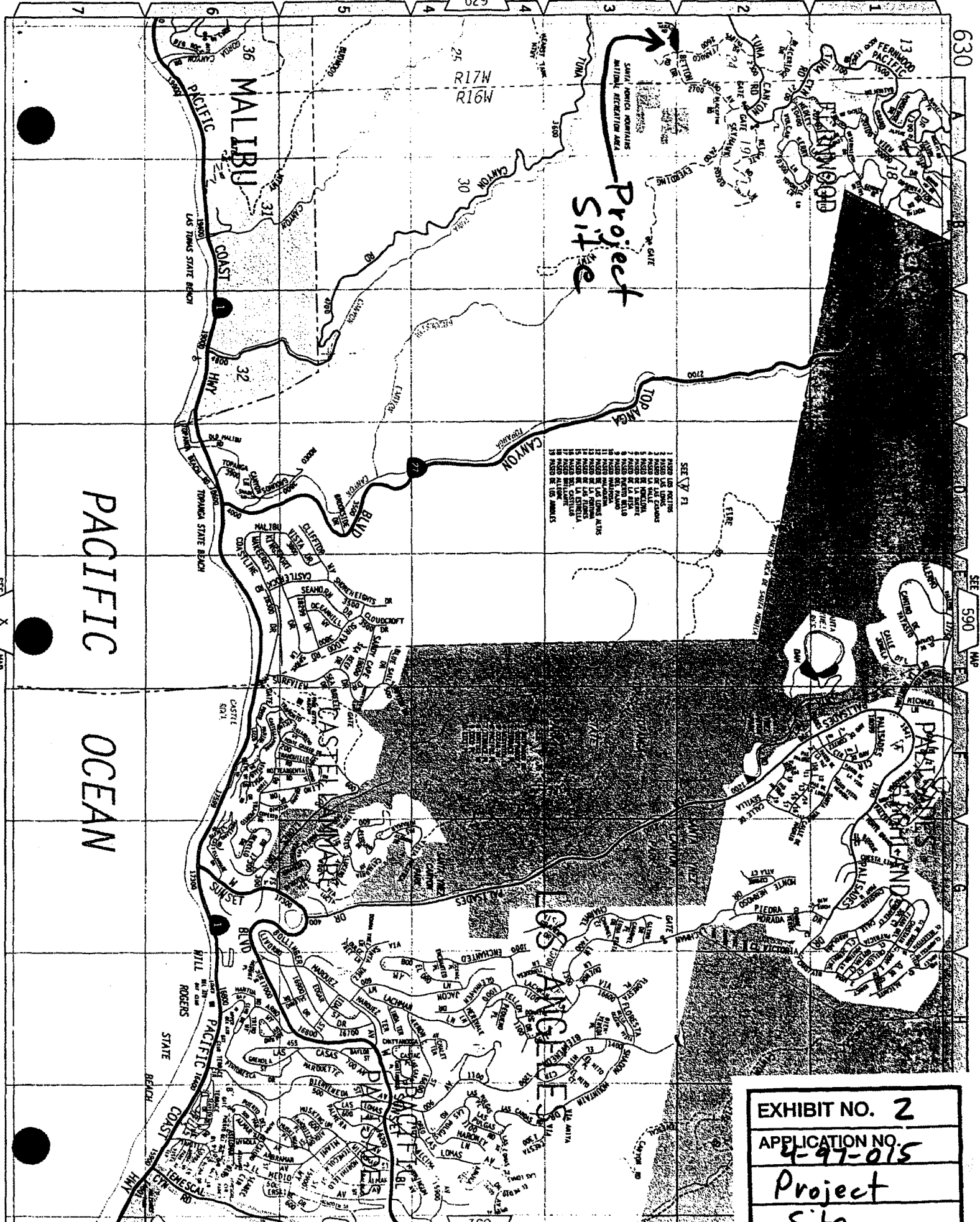
LOCATION MAP



County of Los Angeles

EXHIBIT NO.	1
APPLICATION NO.	4-97-015
Project	
Location	

630



Project Site

- SEE 'V' PL
- 1 ROAD USE PATENT
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EXHIBIT NO. 2
 APPLICATION NO.
 4-97-015
 Project
 Site

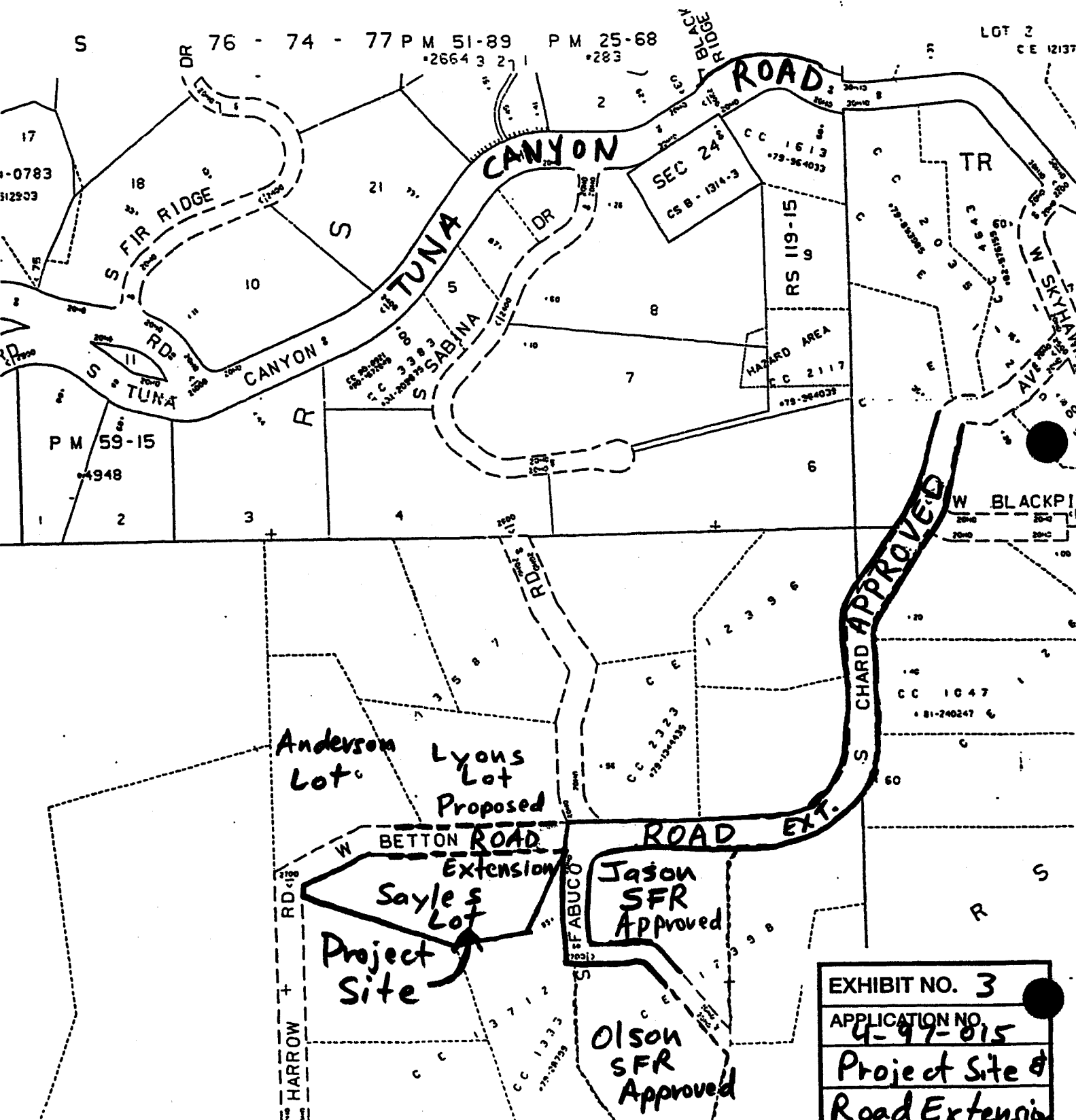
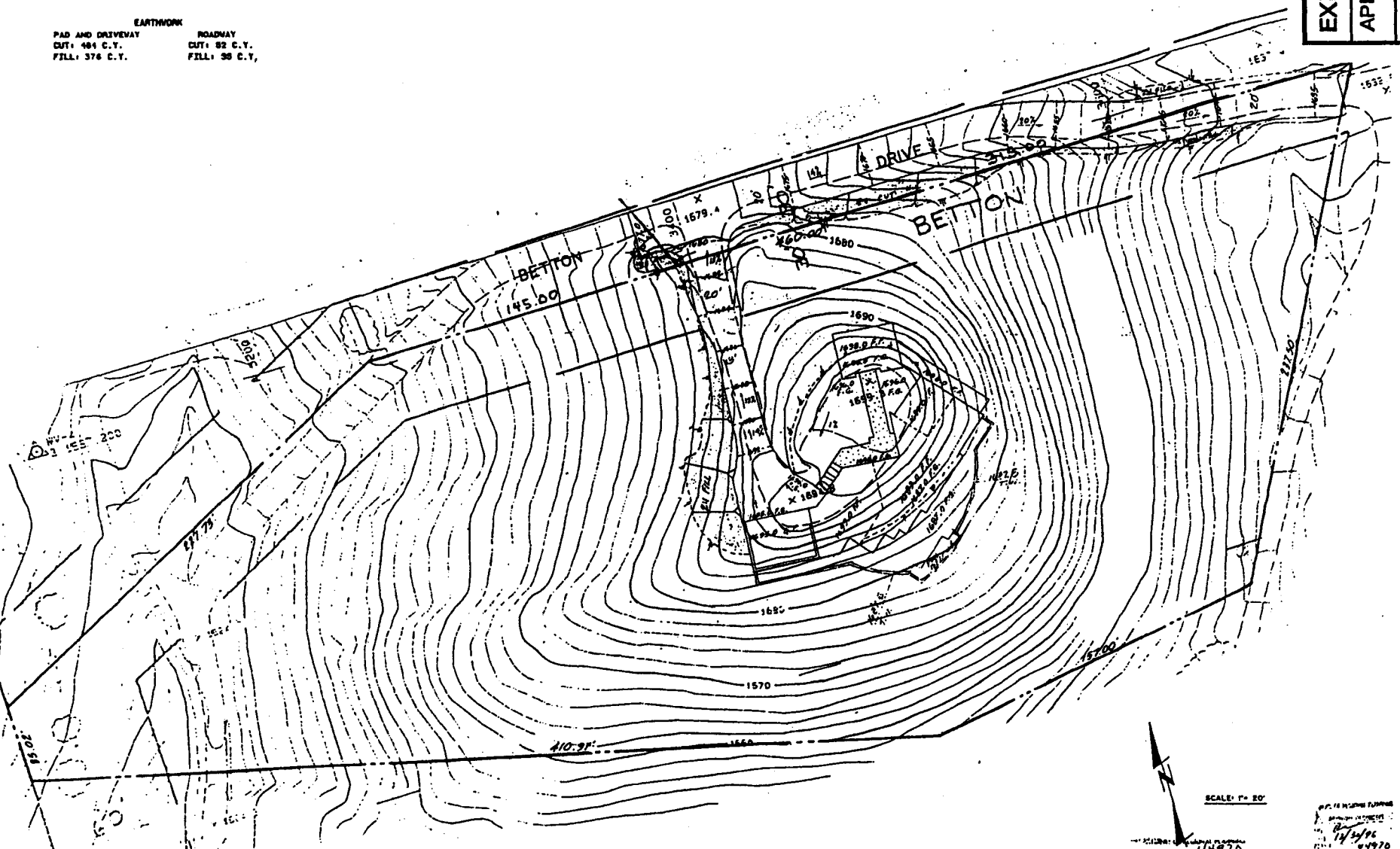


EXHIBIT NO. 3
APPLICATION NO. 4-97-015
Project Site &
Road Extension

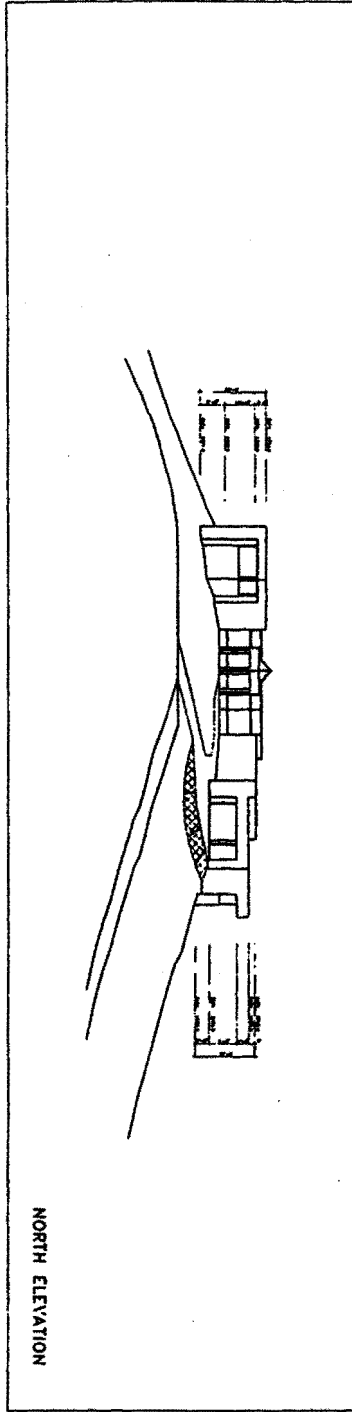
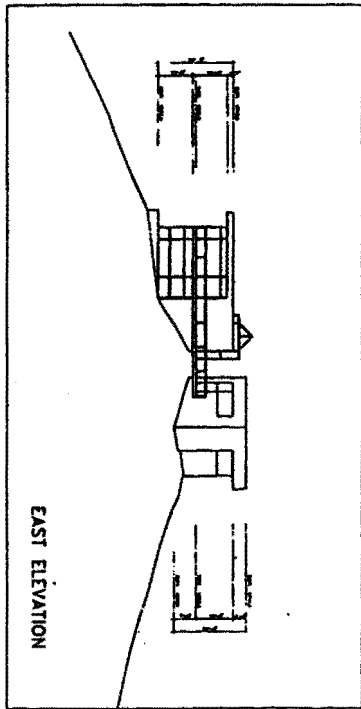
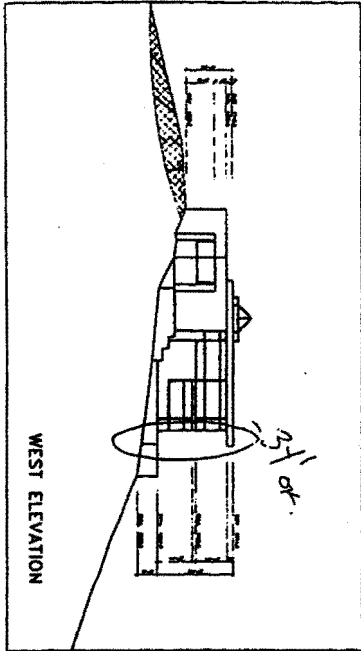
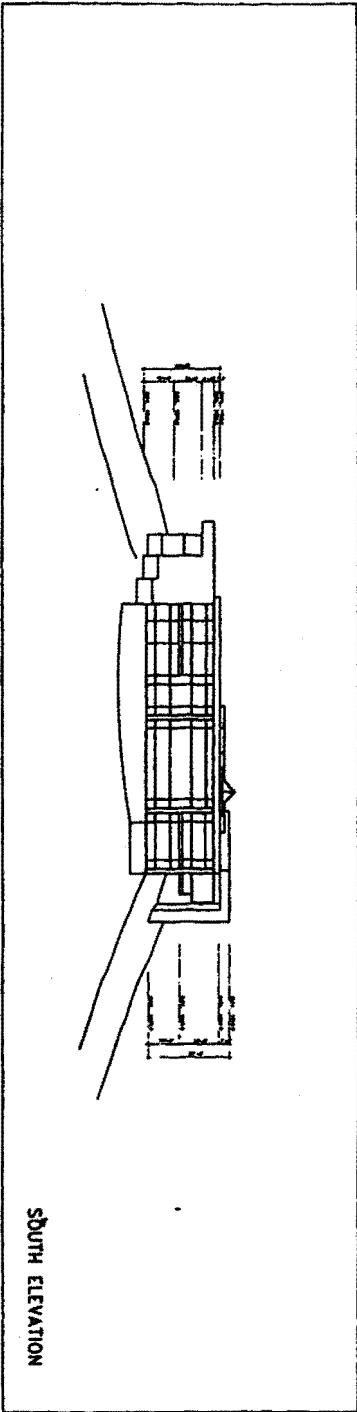
EXHIBIT NO. 4
 APPLICATION NO. 4-97-815
 Site Plan -
 Grading Plan

EARTHWORK
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 ROADWAY CUT: 82 C.Y.
 FILL: 376 C.Y.

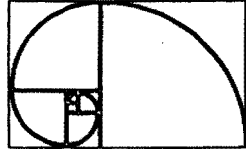


GRADING PLAN		20580 Betton Drive	
Prepared by: GERALD BATES		3312 25th Street West, Loveland, Co. 82526	
Ventage Engineering Co., Inc. 71 GERRY AVENUE, NEWPORT NEWS, VA 23606 PHONE: (804) 241-1000		SHEET NO. 1 TOTAL SHEETS 1	
DATE	SCALE	PROJECT	CLIENT
12/21/70	1" = 20'	20580 BETTON DRIVE	MR. & MRS. J. W. BATES
DRAWN BY	CHECKED BY	DATE	SCALE
G. BATES	G. BATES	12/21/70	1" = 20'

SCALE: 1" = 20'
 12/21/70
 44770
 12/21/70
 44770

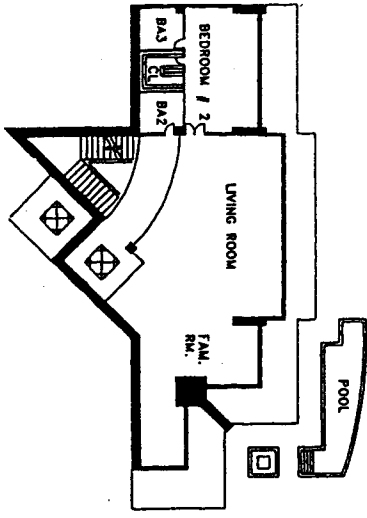


SCALE: 3/8"=1'-0"
 DRAWN BY: J.A.B.
 PROJECT # 003
 DATE: 10/18/98
 ARCHITECT & INTERIORS
 2120 Palm Drive
 Lancaster, CA 93534
 TEL. (310) 374-7084

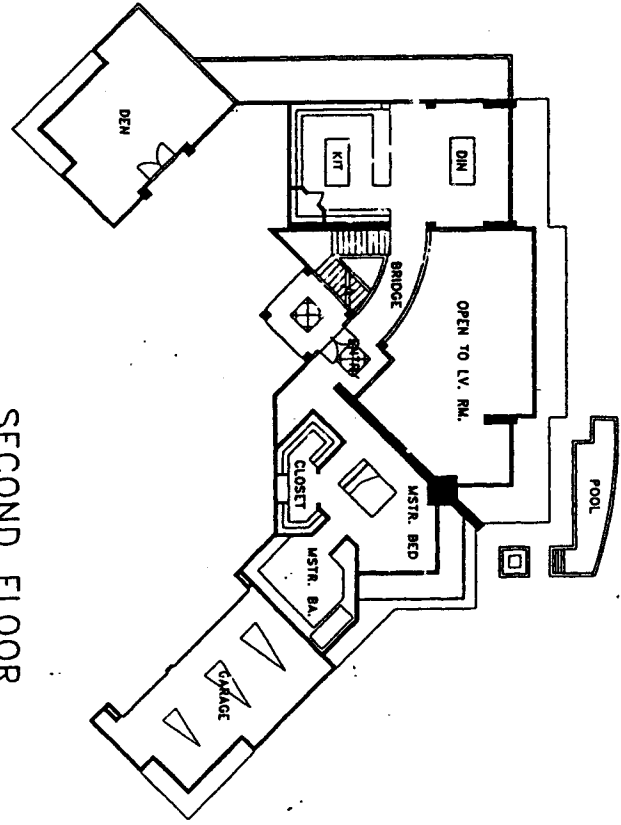


SINGLE FAMILY RESIDENCE for
 MR & MRS GERALD SAYLES
 43143 23RD ST WEST
 LANCASTER CALIF.
 93536

EXHIBIT NO. 5
 APPLICATION NO. 9-97-015
 Elevations

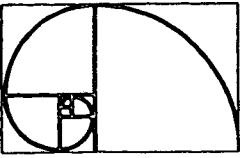
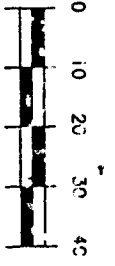


FIRST FLOOR



SECOND FLOOR

SQF 1,750 upper level
 SQF 572 den
 SQF 1,670 lower level
 SQF 3,992 total



SINGLE FAMILY RESIDENCE for
 MR & MRS GERALD SAYLES
 431-3 23RD ST WEST
 LANCASTER CALIF.
 93536

Jeffrey A. Bolen
 architect & consultant
 328 Palm Drive
 Lancaster, Oregon
 TEL. (510) 374-7084

SCALE: 1/8"=1'-0"

DRW. BY: J.A.B.
 PROJECT # 002
 SHEET NO. 2
 FLOOR PLANS
 DATE: 08/04/98

EXHIBIT NO. 6
 APPLICATION NO. 4-97-815
 Floor Plans

CALIFORNIA COASTAL COMMISSION

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

RECEIVED



APR 04 1997 March 31, 1997

Trollope F. and Frances S. Anderson
2218 Margaret Ct.
Redondo, Beach, CA 90278

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

RE: Coastal Development Permit Application No. 4-97-015, Gerald & Shirley Sayles, 20580 Betton Drive, Malibu

Dear Trollope F. and Frances S. Anderson;

This office has received an application from Gerald & Shirley Sayles for the construction of a 4,592 sq. ft. two story single family residence with two car garage, swimming pool, septic system and landscaping at 20580 Betton Drive, Malibu. The application is filed and scheduled for a public hearing at the Coastal Commission's May 13 - 16, 1997 meeting.

In addition to the proposed residence, the applicant requests the approval of an extension of Betton Drive and water main improvements to serve the proposed residence. This extension of about 340 linear feet and includes about 87 cubic yards of grading to pave the roadway.

Coastal Act Section 30601.5 states as follows:

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

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

Sincerely,

James C. Johnson
Coastal Program Analyst

AGREED: Trollope F. and Frances S. Anderson
Names (Print)

Trollope F. and Frances S. Anderson
Signatures

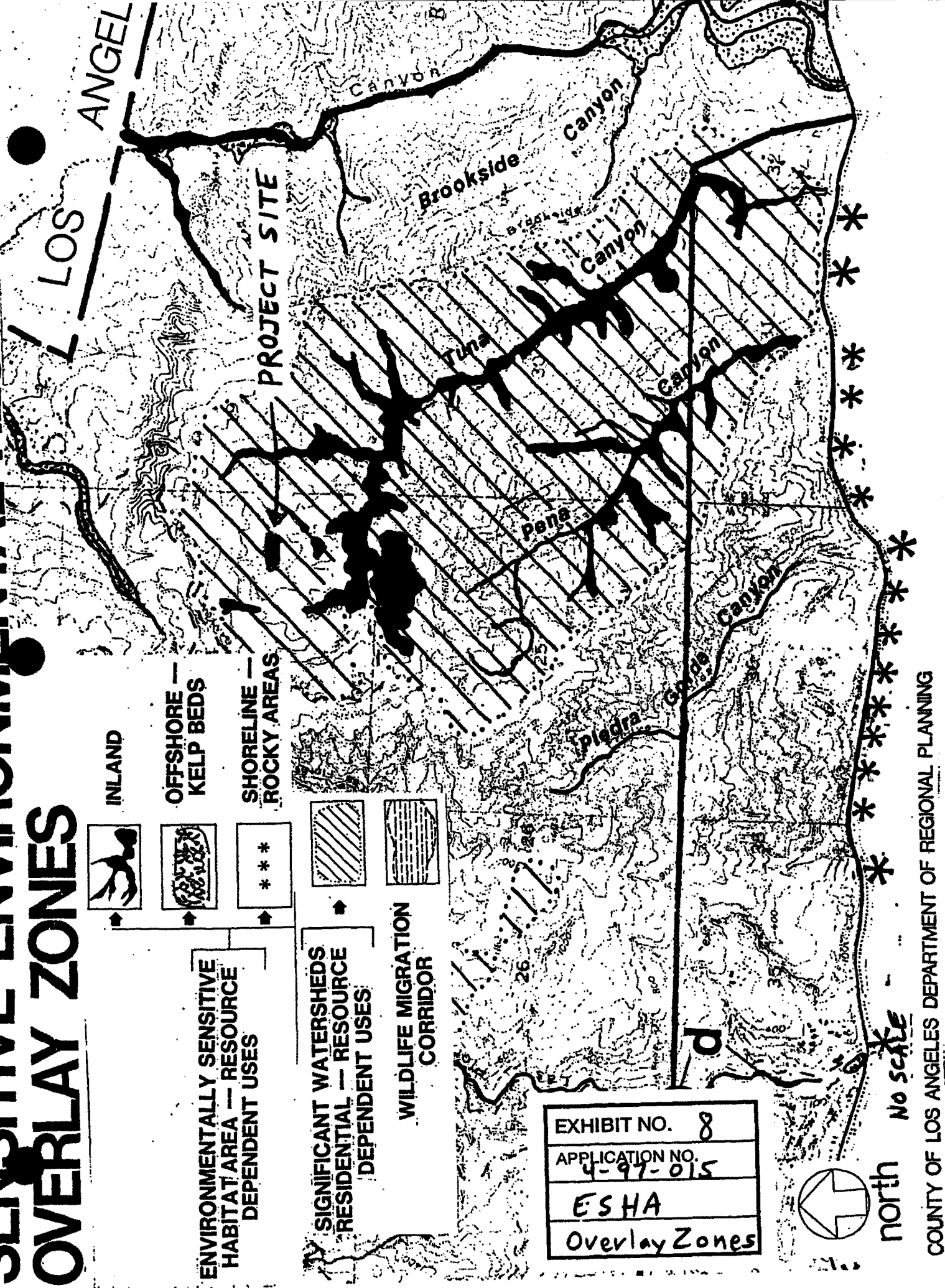
Betton Drive, Malibu

Property Address

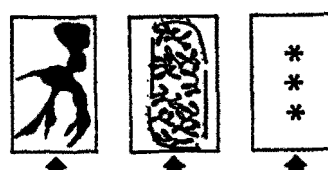
cc: Donald Schmitz
saylesco.doc

EXHIBIT NO. 7
APPLICATION NO. 4-97-015
Co-Applicants

SENSITIVE ENVIRONMENTAL OVERLAY ZONES



INLAND
OFFSHORE — KELP BEDS
SHORELINE — ROCKY AREAS



ENVIRONMENTALLY SENSITIVE
HABITAT AREA — RESOURCE
DEPENDENT USES

SIGNIFICANT WATERSHEDS
RESIDENTIAL — RESOURCE
DEPENDENT USES



WILDLIFE MIGRATION
CORRIDOR



EXHIBIT NO. 8
APPLICATION NO. 4-97-015
ESHA
Overlay Zones



north
No scale

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING



Los Angeles County
Department of Regional Planning

Director of Planning, James E. Harll, AICP



**MINUTES OF THE ENVIRONMENTAL REVIEW BOARD (ERB)
MEETING OF SEPTEMBER 16, 1996**

(Approved December 16, 1996)

PERSONS IN ATTENDANCE:

ERB MEMBERS

Noël Davis, PhD
Keith Deagon
Suzanne Goode
Ron Lacayo
Martha Witter, PhD

REGIONAL PLANNING STAFF

Dave Cowardin
Daryl Koutnik, PhD

Plot Plan 44970 Representative

Don Schmitz (818) 889-2460
Frank Angel (310) 470-9897

**MINUTES
SEPTEMBER 16, 1996**

AGENDA ITEMS

1. Goode moved and Witter seconded that the Minutes of the July 15, 1996 ERB meetings be approved as amended.

NEW BUSINESS

2. Plot Plan 44709 - See Attachment ERB Item 2.

NOTE:

ERB MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED AS VOLUNTEERS TO SERVE IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. MEETINGS ARE ALSO RECORDED ON TAPE WHICH ARE USED PRIMARILY AS A BACK-UP FOR STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE MEETING. NEW OR CLARIFIED INFORMATION PRESENTED IN 1 MAY RAISE NEW ISSUES AND REQUIRE FURTHER ANALYSIS. MINUTES APPROVED AT THE FOLLOWING MEETING. DRAFT MINUTES MAY BE REQI SUBJECT TO REVISION.

EXHIBIT NO. 9
APPLICATION NO. 4-97-015
ERB Minutes
pg 1 of 3

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 44970
Location 20580 Betton Drive, Malibu
Applicant Gerald Sayles
Request New Single-Family Residence and swimming pool
Resource Category Tuna Canyon Significant Watershed

ERB Meeting Date: September 16, 1996

Staff Recommendation: Consistent Inconsistent

Suggested Modifications: - Suggest attaching den directly to remainder of residence.

ERB Evaluation: Consistent Inconsistent

Recommendations: - Cumulative impacts of additional residence in Tuna Canyon Watershed not addressed (e.g., vegetation removal for fuel modification, single means of access, significant distance from existing services, wildlife habitat loss not fully mitigated) and could require the preparation of an EIR.
- 4,000 square feet residence is out of place in this area; smaller footprint makes setback from slope edge easier and requires less fire clearance; northeast corner of lot is better building site with less impacts; a smaller structure is recommended to limit impacts; runoff from driveway to be retained on-site.

EXHIBIT NO. 9
APPLICATION NO. 4-97-015
ERB Minutes
pg 2 of 3

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 44970
Location 20580 Betton Drive, Malibu
Applicant Gerald Sayles
Request New Single-Family Residence and swimming pool
Resource Category Tuna Canyon Significant Watershed

ERB Meeting Date: September 16, 1996

**ERB Recommendations
(continued):**

- Plant only indigenous native species in landscaping: use California Native Plant Society (CNPS) list for landscape species.
- Use earth tone colors of local area for house exterior: lighting to be directed downward and of low intensity.
- Inconsistent LUP Policies: 63 (standards of Table 1 not followed) 64 (not consistent with all LUP policies), 65 (proposal not located to minimize vegetation clearance), 74 (not located close to existing services), 88 (access road longer than 300 feet): and 150 (vegetation clearance on greater than 2:1 slopes).
- County should investigate implementation of Policy 62.
- Policy 271-2a discourages development of "non-conforming" lots of less than 20 acres and this policy should be implemented.

EXHIBIT NO. 9
APPLICATION NO. 4-97-015
ERB Minutes
pg 3 of 3