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CALIFORNIA COASTAL COMMISSION

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Commission Action:
7960A



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-210

APPLICANT: Mark S. Smith

PROJECT LOCATION: 20363 Skyhawk Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,218 square foot, two story, single family residence with attached 440 square foot, two car garage, fire suppression water storage tank, septic system, driveway, entry gate and wall, vineyard, and 314 cubic yards of grading. A number of unpermitted 'as built' developments exist on site including 360 sq. ft. deck, canopy and spa, extension of water service, and temporary port-a-storage. The spa will be relocated adjacent to the residence.

Lot Area	2.7 acres
Building Coverage	2,546 sq. ft.
Pavement Coverage	1,705 sq. ft.
Parking Spaces	2
Plan Designation	Rural Land I and II
Zoning	one du/ 10 and 5 acres
Project Density	1 du/2 acres
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Department of Regional Planning, dated 10/6/96; Approval in Concept, Los Angeles County Department of Health Services, dated 12/10/96; Preliminary Fuel Modification Requirements, Los Angeles Fire Department, Fire Prevention Bureau, dated 2/10/97; Preliminary Approval, County of Los Angeles, Fire Department, dated 11/18/96.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions addressing landscape/erosion control plan, future improvements, removal of storage structure, plans conforming to the geologic recommendations, wildfire waiver of liability, design restrictions, agricultural plan, and condition compliance to bring this project into compliance with the Coastal Act. The project site is not located within the Tuna Canyon Significant Watershed, but not adjacent to an environmentally sensitive habitat area. The site is accessed from Tuna Canyon Road and Sky Hawk Lane.

SUBSTANTIVE FILE DOCUMENTS: Preliminary Engineering Geologic Report, dated March 27, 1996, by Mountain Geology, Inc.; Preliminary Geotechnical Investigation, dated 4-6-96 by Miller Geosciences; Coastal Permit Number 4-96-162, Jobbins; Coastal Permit Number 4-97-015, Sayles; Coastal Permit Number 4-93-141; Goodwin; Coastal Permit Number 4-92-179, Prichett.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. 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. LANDSCAPE/EROSION CONTROL PLAN

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect. 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 according to the submitted landscape plan within ninety (90) 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 the existing graded driveway and pads. Plantings shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from Topanga State Park to the east.
- 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) Vegetation within 50 feet of the proposed residence may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200 foot radius of the residence, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and locations of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Los Angeles County Fire Department, Fire Prevention Bureau.

2. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-96-210; 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 consistent with special condition number one (1) 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.

3. REMOVAL OF STORAGE STRUCTURE

With the acceptance of this permit, the applicant shall agree that the "temporary storage structure or port-a-storage" on the site shall be removed within 60 days of the receipt of certificate of occupancy from Los Angeles County.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Preliminary Geotechnical Investigation, dated 4-6-96, prepared by Miller Geosciences, Inc., and Preliminary Engineering Geologic Report, dated March 27, 1996, by Mountain Geology, Inc. shall be incorporated into all final design and construction plans including grading, foundations, footings, temporary excavations, sewerage disposal, lateral design, expansive soils, retaining walls, floor slabs, and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's 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, storage shed, 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.

7. AGRICULTURAL PLAN

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an agricultural plan for the vineyard area within a 100-foot radius of the main residential structure. The plan shall include, but not be limited to the following requirements:

- a) As brush cover is removed it will be chipped on site and spread as ground cover to further protect slopes from erosion.
- b) The agricultural activities shall be operated consistent with the guidelines of the California Certified Organic Farmer organization.
- c) A drip irrigation system will be utilized to water the plants to minimize erosion from irrigation.
- d) No terracing of the site is permitted.

8. CONDITION COMPLIANCE

All requirements specified in the above conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 120 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The project site is located within a partially developed subdivision about two miles inland along a ridgeline within Tuna Canyon. The lot is accessed from Tuna Canyon Road along a few hundred feet of Skyhawk Lane. The building site is a 2.7 acre parcel located on the north side of Sky Hawk Lane along a ridge which also serves as a fire break. (Exhibits 1, 2, 3, and 4)

The applicant proposes to construct a 4,218 square foot, two story, single family residence with attached 440 square foot, two car garage, fire suppression water storage tank, septic system, driveway, entry gate and wall, 1,200 sq. ft. vineyard, and grading of about 314 cubic yards, 157 cubic yards of cut and 157 cubic yards of fill to be relocated on site. A number of 'as built'

developments exist on site including 360 sq. ft. deck, small wood and bamboo canopy and spa, extension of water service, and temporary port-a-storage. These later developments exist without benefit of a coastal development permit. The spa will be relocated to a site adjacent to the residence. (Exhibits 5 - 11)

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as Rural Land I and Rural Land II, allowing one dwelling per ten and five acres, respectively. Although this lot is smaller than the designated land use, this lot is legal non-conforming.

The subject property is surrounded by single family residences to the west, vacant lands to the north, east and south. To the south and southwest, about 150 feet across Sky Hawk Lane, are National Park Service lands managed by the Santa Monica Mountains National Recreation Area. (Exhibit 2) The site is not located within the designated Tuna Canyon Significant Watershed; the site drains to the northeast to Topanga Creek. (Exhibit 3) The residence, as proposed, is located on a gently sloping existing pad just below a LUP designated significant ridgeline.

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 Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHA's are among the strictest and most comprehensive in addressing new development. In its findings regarding the LUP, the Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The LUP includes numerous policies addressing this issue which have been applied as guidance by the Commission in the review of development proposals in the Santa Monica Mountains.

Other applicable Land Use Plan policies address: the protection of ESHAs against significant disruption of habitat values; locate new development close to existing roadways and services; and existing development to minimize the effects on sensitive environmental resources; cluster structures; minimize grading for access roads and driveways; minimize the alterations of hillside and ravines; protect the water quality of groundwater basins, nearby streams, or wetlands as a result from development; and pollutants and other harmful waste shall not be discharged into coastal streams or wetlands. Land Use Plan policies also address stream protection and erosion control by: minimizing grading; landscape plans shall balance long-term stability and minimization of fuel load, among other policies.

Past actions on coastal permits taken by the Commission generally reflect the goals and guidance provided in the certified LUP policies towards development in or near ESHA's. Where the Commission has found that single-family development 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.

The project site is located within a saddle of a significant visual ridge according to the Los Angeles County Land Use Plan. The subject lot descends to the northeast at an average gradient of 3:1 to an unnamed tributary, a blue line stream, leading into Topanga Canyon Creek. This tributary is designated as a riparian environmentally sensitive habitat area (ESHA) while Topanga Canyon Creek includes significant oak woodland and savannahs designated as ESHA in the Land Use Plan. (Exhibit 3) The site is separated by Sky Hawk Lane and is outside of the 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 northern tributary of Tuna Creek, a designated environmentally sensitive habitat area (ESHA), is located about 750 feet to the west and over the saddle of the ridge from the building site. However, because the site drains to the north into a tributary canyon, potential impacts to the ESHA in the Tuna Canyon Significant Watershed are not expected.

The designated ESHA within the tributary is located about 1,000 feet to the northeast of the subject lot. The subject lot includes four oak trees located at least 110 feet from the proposed residence. A portion of the lot also

includes chaparral species typically with broad-leaf sclerophyllous vegetation with some diversity in species composition. However, the site is mostly covered by grasses and coastal sage because the site and surrounding area burned in the 1993 Malibu Fire and emergency measures were taken by the Fire Department to expand the firebreak along Sky Hawk Lane to the north onto the subject property. Since the Fire, the chaparral and coastal sage vegetation appears to be returning. In addition, the building pad area of the site is located within a fire break area where the vegetation has been regularly removed by the Fire Department since at least 1986 as noted on a 5-10-86 aerial photograph.

The project was reviewed by the Los Angeles County Department of Regional Planning and approved in concept. The project was not reviewed by the Environmental Review Board for a recommendation on the project's consistency with the Malibu/Santa Monica Mountains Land Use Plan, because the development site not located within a sensitive environmental resource area or within 200 feet of an ESHA area.

The applicant proposes to construct a 4,218 sq. ft., two story single family residence, attached 440 sq. ft. garage, septic system, driveway, fire suppression water storage tank, entry gate and wall, and vineyard. Existing unpermitted 'as built' developments include a 360 sq. ft. deck, canopy and spa, extension of water service, and a temporary port-a-storage structure. The spa is proposed to be relocated to a site adjacent to the residence.

The building site is located on the southern portion of the parcel on a gently sloping building pad. It is accessed directly from Sky Hawk Lane by a short driveway about sixty feet in length. Constructing the residence and driveway will require grading of about 317 cubic yards of material, 157 cubic yards of cut and 157 cubic yards of fill to be relocated on site beneath the raised foundation. Topsoil will be used for landscaped areas.

The residential development is limited to one site and does not include other development such as tennis courts, or equestrian facilities. The applicant's site plan indicates 'future' developments including an art studio and horse stable which are not part of the proposed project by the applicant at this time. (Exhibit 4)

The Land Use Plan includes policies stating that in disturbed areas landscaping shall include native plants consistent with fire safety requirements by balancing the long-term stability while reducing the fire load. The applicant submitted a preliminary Fuel Modification Plan indicating areas where grass will be maintained at a half foot in height and areas where vegetation will be thinned. The Commission finds that the plan needs to be revised to include a landscape plan that indicates all disturbed areas will be planted with native species and maintained for erosion control and visual enhancement at the completion of the grading. In addition, the landscape plan needs to identify that the planting will be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. Further, 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 requirements in the landscape plan.

Additional LUP policies specify that grading activities be minimized and that development be designed to minimize grading and potential impacts to ESHA, and that said development is placed as close to existing services as possible. In the case of the proposed residence, no more than about 314 cubic yards of grading is proposed (157 cut and 157 fill). The building site is located on the flat graded portion of a small knob, thus minimizing the need for further grading to expand the flat building pad. Additionally, the proposed structure is to be located within about 60 feet of Sky Hawk Lane, an existing all weather gravel road. Therefore, this grading is determined to be reasonable in order for the applicant to construct the proposed project while consistent with the above LUP grading policies.

Furthermore, the proposed project includes about 4,251 sq. ft. of impervious surfaces and building coverage. The applicant has provided an adequate drainage plan prepared by a licensed engineer that illustrates how runoff is to be conveyed from the building pad of the proposed residence and how and where drainage will be conveyed beyond the pad and driveway. The drainage plan also illustrates that the drainage devices will reduce the flow of runoff generated by the proposed improvements and convey the flows into existing natural drainages. Should the residential project's drainage structures fail or result in erosion, the applicant and or landowner will be responsible for any necessary repairs and restoration. Lastly, these plans identify how erosion will be minimized during construction. Therefore, this plan will ensure drainage will be conveyed offsite in a non-erosive manner from the building site to a natural drainage area, thereby minimizing potential impacts to ESHA.

The proposed building site consists of about 5,000 sq. ft. of area for site development which includes a temporary port-a-storage structure, located adjacent to the proposed garage, to be used during construction. Once construction is complete this temporary structure will be removed and these areas landscaped as required by conditions three (3) and one (1) to slightly reduce the size of the building site by 208 square feet.

The applicant proposes to plant a vineyard of about 1,200 sq. ft. on a gently sloping area of the parcel within the 100 foot radius fuel modification area. The vineyard is proposed for non-commercial purposes; it is not an agricultural commercial operation. To avoid adverse impacts with the loss of native vegetation cover necessary to convert the chaparral and sage to agricultural use, the planting area should be limited to the radius of a 100-foot circle drawn around the main residence. The resultant vineyard area would fall within the fuel management zone and, thus, would minimize the impact of the agricultural use. The Commission finds that the adverse affects of agricultural conversion of existing vegetation on this sloping parcel would be significantly reduced by limiting the planting to the 100-foot radius, and by implementing the soil conservation measures and appropriate agricultural management practices required by Special Condition number seven (7). These practices include chipping brush and spreading the resultant material on the slopes, avoiding the use of chemical fertilizers and pesticides which would be discharged into Topanga Canyon Creek, utilizing a drip irrigation system to minimize erosion without the need to terrace the site. Special Condition number seven (7) requires that these measures be incorporated into an Agricultural Plan and that the plan be reviewed and approved by the Executive Director.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. The Commission's 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, 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 applicants submitted two geologic reports, the first is titled "Preliminary Engineering Geologic Report", dated March 27, 1996, prepared by Mountain Geology, Inc. This report states:

Based upon our exploration and experience with similar projects, construction of the proposed residence is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction.

Based upon our investigation, the proposed development is free and will be (sic) from geologic hazards such as landslides, slippage, active faults, and undue differential settlement provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction

The proposed development and installation of the private sewerage disposal system will have no adverse effect upon the stability of the site or adjacent properties.

The recommendations in this geology report address the following issues: grading, retaining walls, foundation setback, temporary excavations, sewerage disposal, drainage, and plan review.

The second geotechnical report titled "Preliminary Geotechnical Investigation", dated 4-6-96, prepared by Miller Geosciences, Inc. states that:

Based on the findings of our investigation, the site is considered to be suitable from a soils engineering standpoint for the construction of a custom, single family residence, provided the recommendations included herein are followed and integrated into the building plans.

The recommendations in this report address the following issues: foundations, lateral design, temporary excavation slopes, retaining walls, floor slabs, and drainage.

Based on the findings and recommendations of the consulting engineering geologist and engineer, 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 and engineer as conforming to their recommendations, as noted in condition number four (4) for the final project design and drainage 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 Topanga Canyon Creek. Therefore, the Commission finds that it is necessary to require the applicant to submit landscape and final fuel modification plans for the proposed development. These plans will 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. These plans will also illustrate that existing 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. Special condition number one (1) provides for such a landscape/erosion control plan prepared by a licensed landscape architect.

The applicant's drainage plan will adequately direct drainage from the residential building pad and convey water from the site and into the watershed in a non-erosive manner.

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 and is located within a fire break area. 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. Visual Impacts

Section 30251 of the Coastal Act states:

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 area 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 Malibu/Santa Monica Mountains Land Use Plan includes numerous policies which are applicable to the proposed development. These policies include: minimizing alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas 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; be visually compatible with and subordinate to the character of its setting; be sited so as not to significantly intrude into the skyline as seen from public viewing places; and site structures to conform to the natural topography, as feasible.

As previously stated, this project involves the construction of a 28 foot high, 4,218 square foot, two story single family residence on a sloping graded pad near where the highest elevation contours of the property are located. The site is located just below the saddle of the ridgeline and Sky Hawk Lane. This ridgeline is designated as a significant ridgeline on the Scenic Resources map in the Malibu/Santa Monica Mountains Land Use Plan.

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 (LUP) protects visual resources in the Santa Monica Mountains. Significant Ridgelines are given special treatment when evaluating potential visual impacts caused by new development. The project site is located along the northern side of a significant visual ridgeline.

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 parks and trails will be impacted.

The proposed two story residence will be visible from limited portions of upper Topanga Canyon Road and Old Topanga Canyon Road to the north. The proposed fire suppression water tank will be located east and behind the residence. It will not be visible from to the east and north of the site. The structure will also be visible from Topanga State Park and public trails to the east and north of the subject site. The structure will not be visible from Tuna Canyon Road to the southeast as the topography drops steeply from the ridgeline to a narrow and steep canyon where Tuna Canyon Road and Creek are located.

Regarding public trails, two existing hiking trails, the Topanga - Henry Ridge Trail and the Santa Maria Canyon Trail are located about one to one and one half miles east of the project site. Due to the distance, public views of the proposed residence will be limited.

Regarding landform alteration, the amount of final grading to prepare the building site is minimal, comprising only of 157 cubic yards of cut and 157 cubic yards of fill on site. The cut material will be spread on the site to fill altered portions of the site and the area under the structure, while exposed fill used as topsoil will be landscaped as required by condition number one (1) to minimize erosion of the fill material. The applicant's project will minimize grading and will not significantly alter the existing landform on the property; therefore, the proposed project is clearly consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

As previously stated, the proposed residence will be visible from Topanga State Park property to the east the project site. To conform with the policies of the Coastal Act and LUP regarding visual impacts, the Commission has in past permit actions required that structures not break ridgelines by siting them down the slope, in areas not visible, or when no other alternative is available, restricting the height of the structure. In this case, given the topography and size of the property, the relatively flat site adjacent to Sky Hawk Lane is the most suitable site on the property.

Because the site will be visible from portions of Topanga State Park, 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 and non-glare glass which helps the structure blend in with the natural setting. The Commission finds it necessary to impose condition number six (6), design restrictions, 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 to reduce visual impacts.

Furthermore, in order to ensure that future additions that might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by condition number two (2).

Although there is no way to fully screen the residence from Topanga State Park, it is possible to partially screen the proposed structure by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment and designed to screen and soften the visual impacts of the development. The Commission has found that the use of native plant materials, including vertical elements, in landscaping plans can soften the visual impact of new development 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. Condition number one (1) requires that the landscape plan be completed within thirty (90) 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. The landscaping plan shall include vertical elements to break up the view of the proposed structures as seen to the south and west. 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.

E. Septic Systems

The proposed development includes the installation of an on-site septic system to provide sewage disposal. 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, and minimizing alteration of natural streams.

In addition, the Malibu Land Use Plan includes policies addressing sewage disposal: wastewater management operations within Malibu Coastal Zone shall not degrade streams or adjacent coastal waters; the construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes; the County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The applicant proposes to install a 1,500 gal septic tank and leach fields 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 Building 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 coast, the depth of groundwater, etc.

The consulting engineer has reviewed the site and concluded that the construction of a septic system will not adversely affect the proposed site or the adjacent properties, provided the system is constructed in conformance with the requirements of Los Angeles County. The Commission therefore finds that the project is consistent with Section 30231 of the Coastal Act.

F. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Because a portion of the proposed project includes after the fact development (360 sq. ft. deck, small wood and bamboo canopy and spa, extension of water service, and temporary port-a-storage) and requires a coastal permit in order to be in conformance with the Coastal Act. The Commission finds it necessary to require the applicant to fulfill all of the special conditions as a prerequisite to the issuance of this permit, as required by special condition number eight (8) within a reasonable period of time, within 120 days of Commission action. Only as conditioned is the proposed development consistent Sections 30231, 30240, 30250, 30251 and 30253 of the Coastal Act.

G. Local Coastal Program.

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. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding visual impacts, geologic impacts, septic systems, and the protection of ESHA. As conditioned, the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed

development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. CEQA

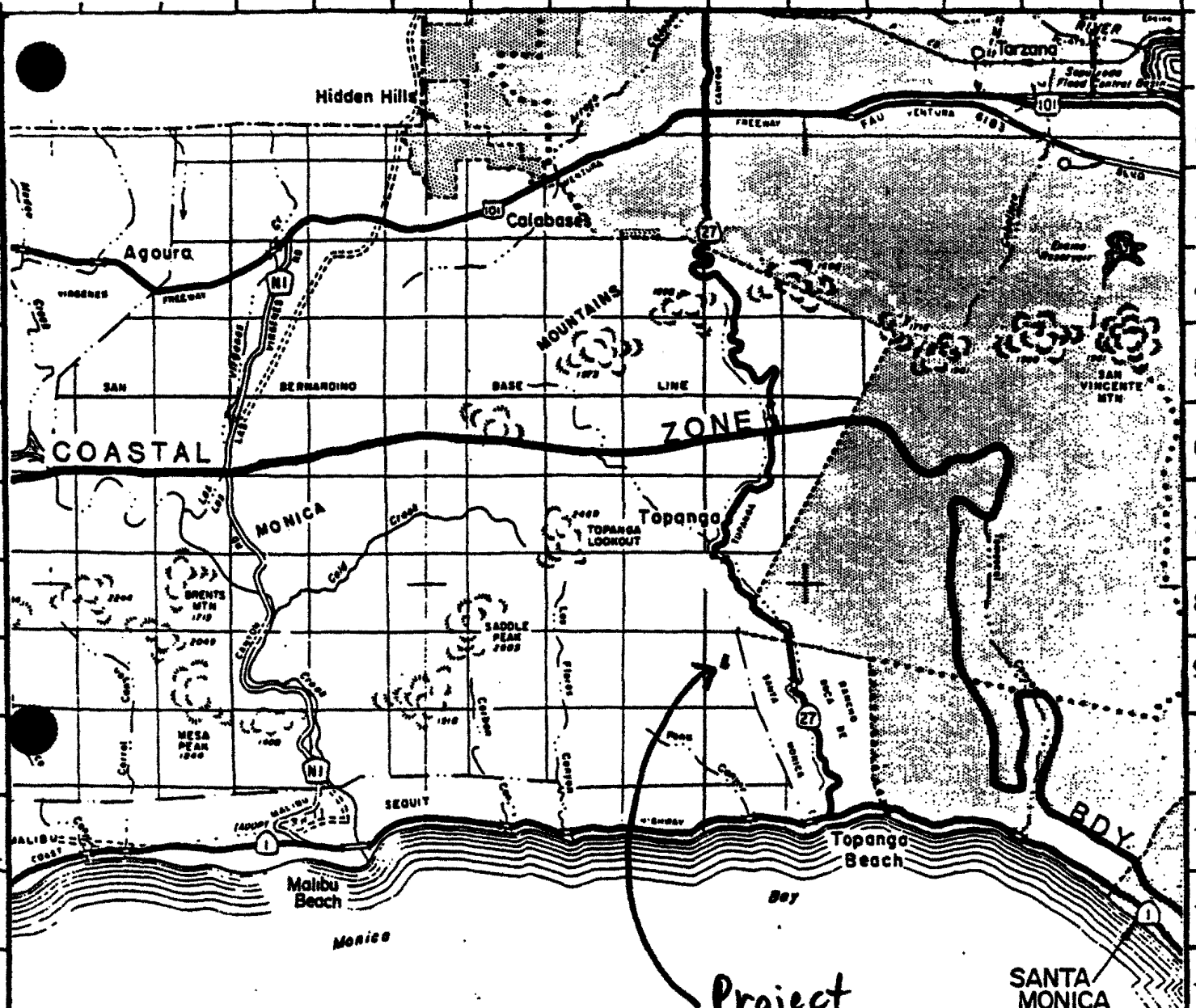
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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 conditions addressing coastal issues discussed above. As conditioned, there are no 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.

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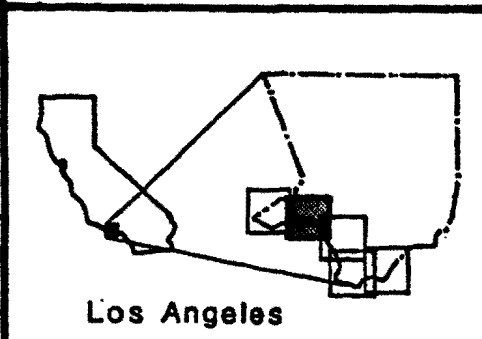
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Project Location

SANTA MONICA

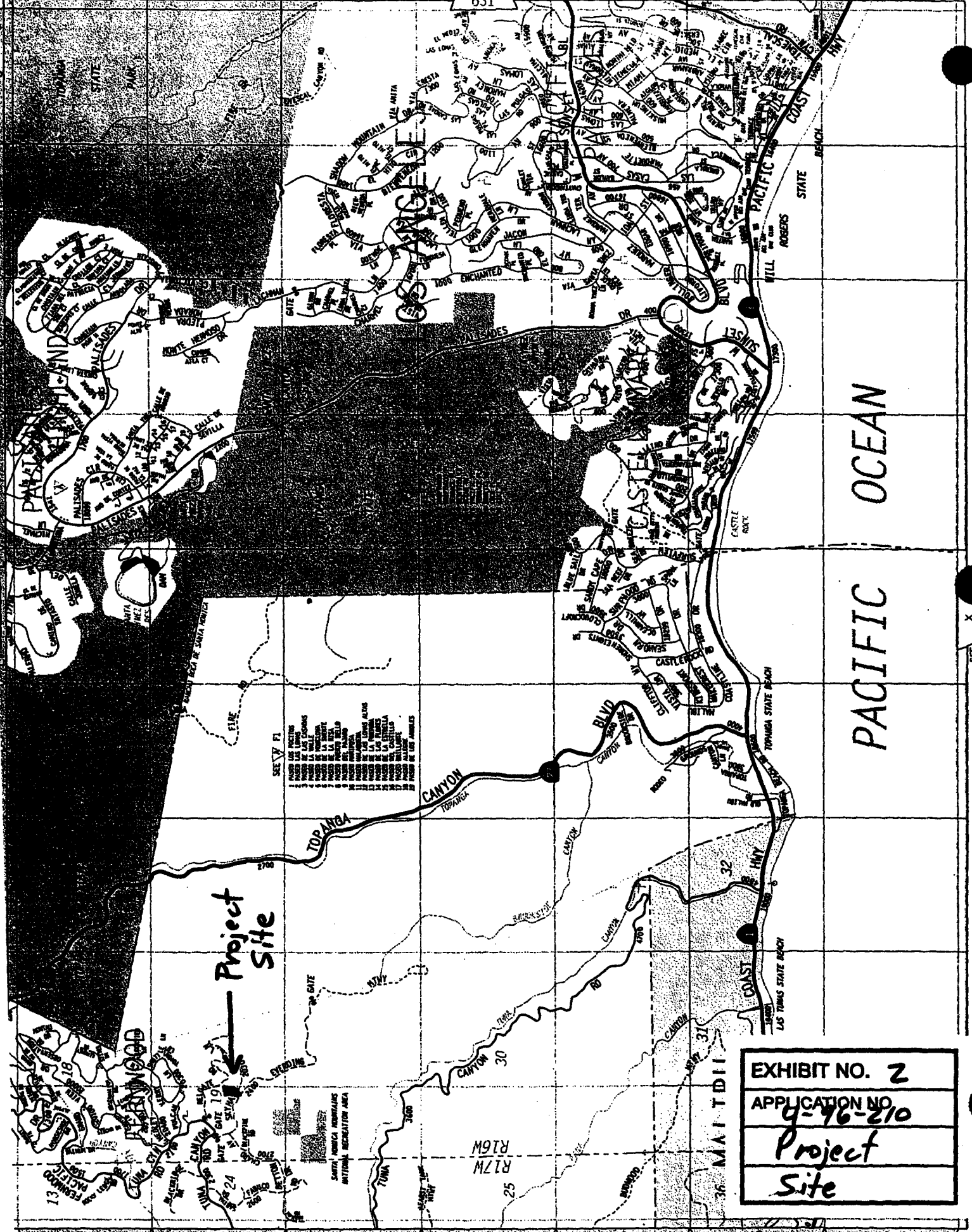


Los Angeles

EXHIBIT NO. 1
APPLICATION NO. 4-96-210
Project
Location

LOCATION MAP





SEE P. 1
 1. PASEO LAS TONAS
 2. PASEO DE LA VENTURA
 3. PASEO DE LA VENTURA
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 50. PASEO DE LA VENTURA

EXHIBIT NO. 2
APPLICATION NO. 9-76-210
Project Site



John Mac Neil
 Licensed Land Surveyor
 2330 N. Topanga Canyon Blvd.
 Topanga 90290
 310-455-2013



PORTION OF THE "SENSITIVE ENVIRONMENTAL
 RESOURCE OVERLAY ZONES" MAP SHOWING THE
 LOCATION OF 20363 SKYHAWK LANE (4-96-210)

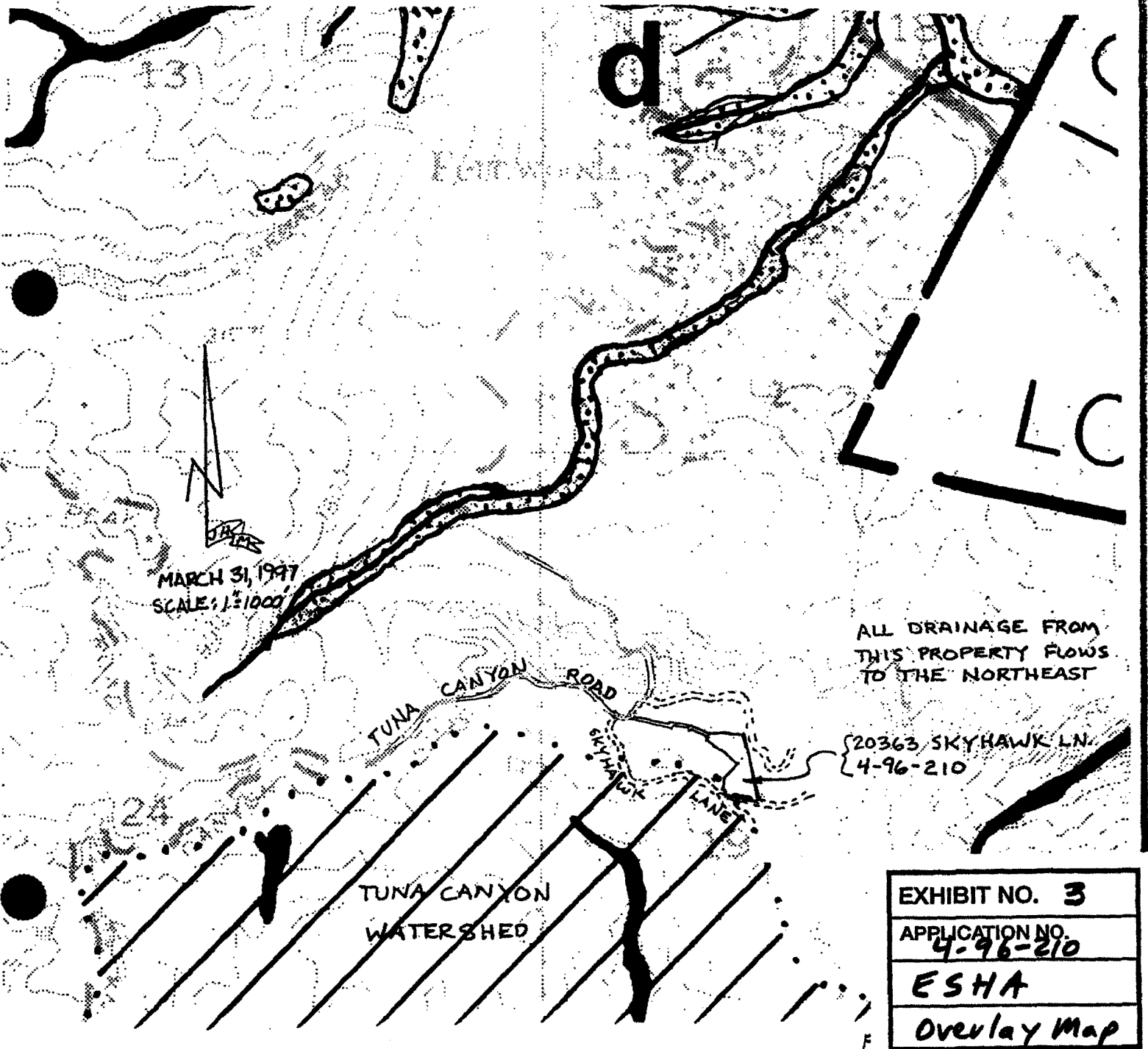


EXHIBIT NO. 3
APPLICATION NO. 4-96-210
ESHA
Overlay Map

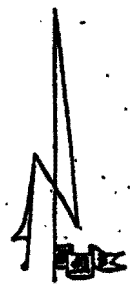
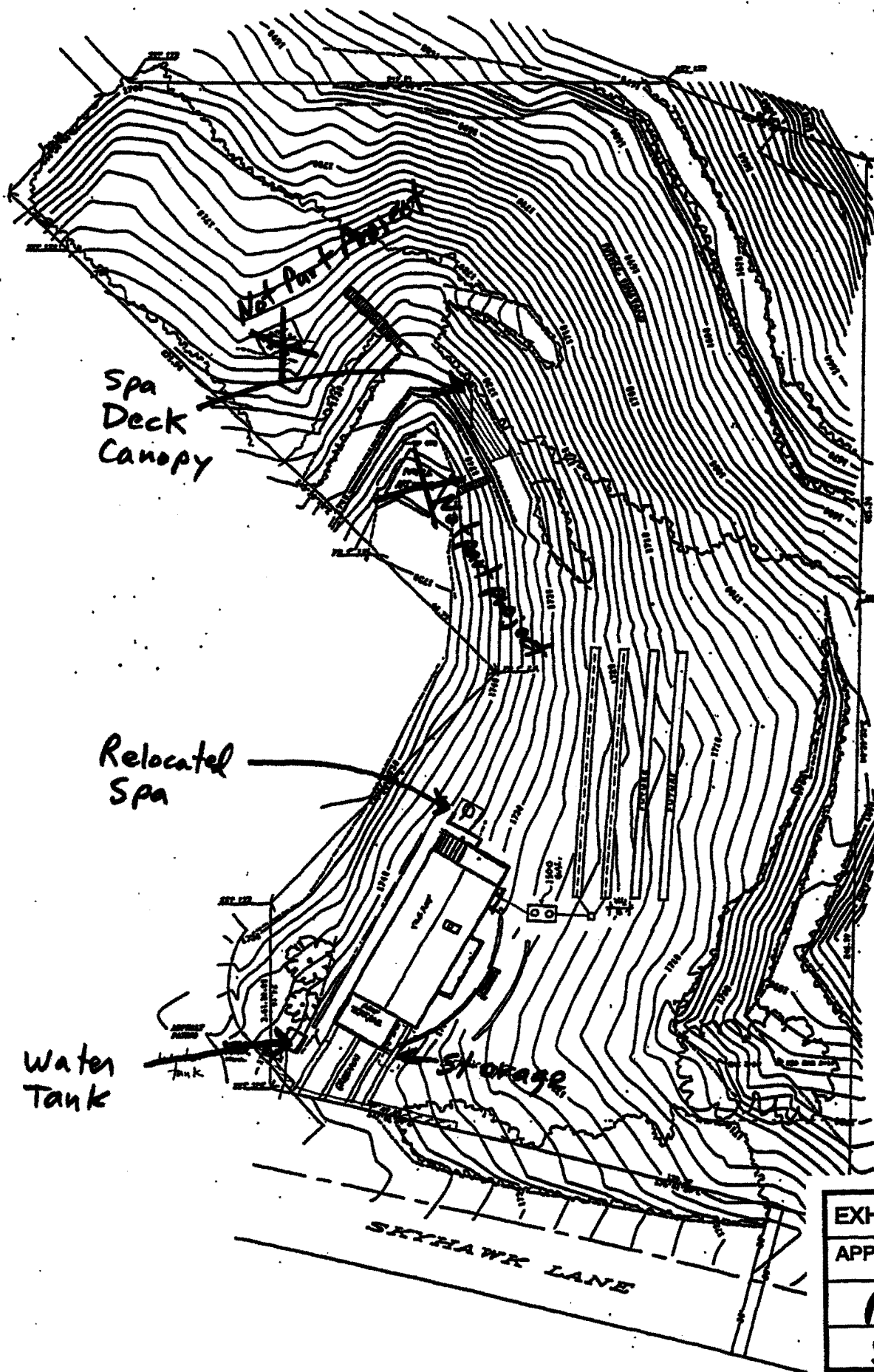
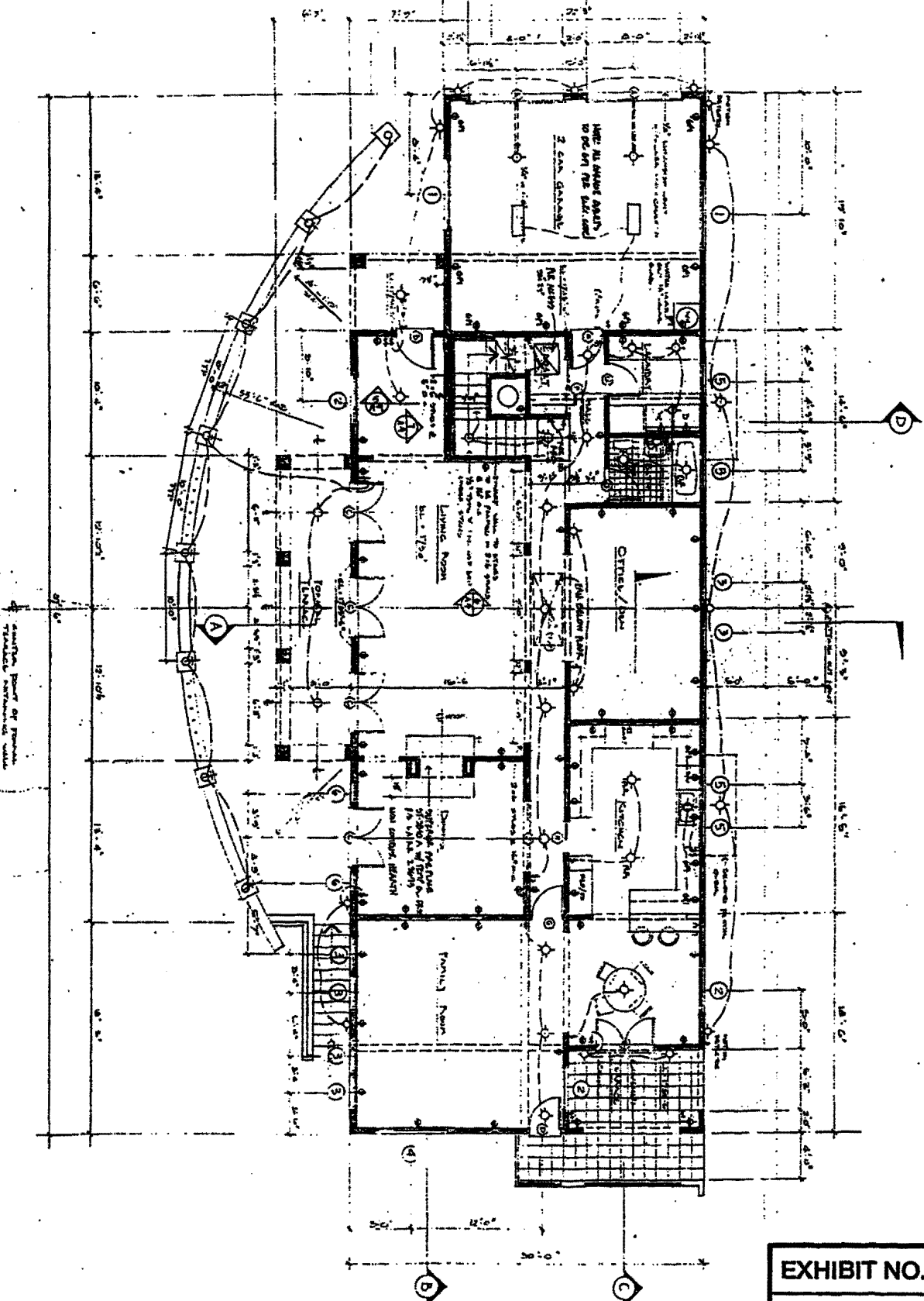


EXHIBIT NO. 4
APPLICATION NO. 4-96-210
Project
Site Plan



A-1

Ralf Konietzko Architect
 5742 Costello Ave.
 Van Nuys, California 91401
 818-901-1197

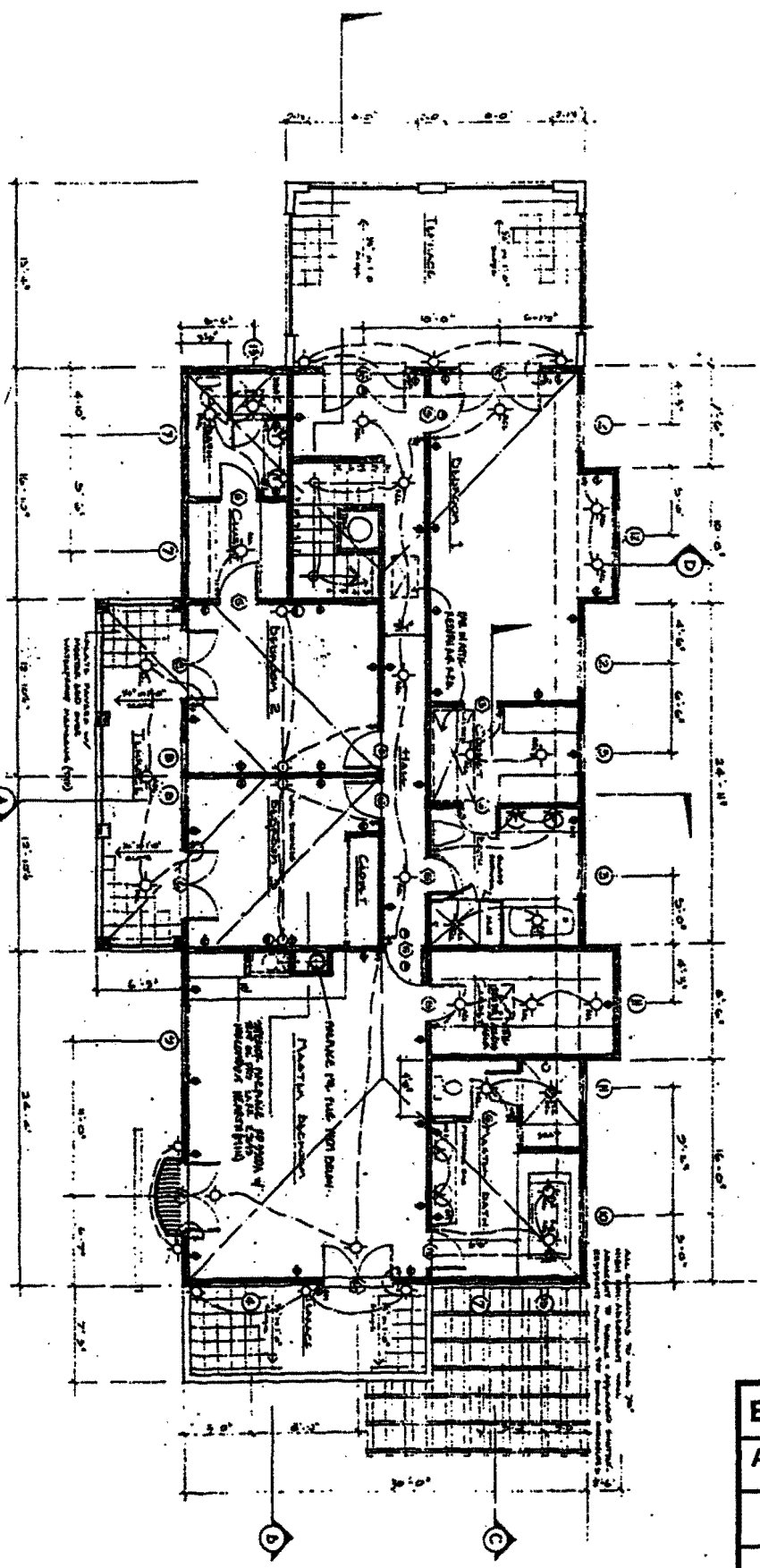
Mark Smith
 20363 Skyhawk Lane
 Topanga, California

New Tw
 FIRST FLC

EXHIBIT NO. 5
APPLICATION NO.
 4-96-210
First Floor
Plan

WINDOW SCHEDULE

NO.	SYMBOL	TYPE	FINISH	GLASS	SCREEN	OPERATION	MARKING	DATE
1	W101	Double Hung	White	Clear	Aluminum	Manual	W101	10/10
2	W102	Double Hung	White	Clear	Aluminum	Manual	W102	10/10
3	W103	Double Hung	White	Clear	Aluminum	Manual	W103	10/10
4	W104	Double Hung	White	Clear	Aluminum	Manual	W104	10/10
5	W105	Double Hung	White	Clear	Aluminum	Manual	W105	10/10
6	W106	Double Hung	White	Clear	Aluminum	Manual	W106	10/10
7	W107	Double Hung	White	Clear	Aluminum	Manual	W107	10/10
8	W108	Double Hung	White	Clear	Aluminum	Manual	W108	10/10
9	W109	Double Hung	White	Clear	Aluminum	Manual	W109	10/10
10	W110	Double Hung	White	Clear	Aluminum	Manual	W110	10/10



SECOND FLOOR PLAN
Scale: 1/4" = 1'-0"

DOOR SCHEDULE

NO.	SYMBOL	TYPE	FINISH	OPERATION	MARKING	DATE
1	D101	Swing	White	Manual	D101	10/10
2	D102	Swing	White	Manual	D102	10/10
3	D103	Swing	White	Manual	D103	10/10
4	D104	Swing	White	Manual	D104	10/10
5	D105	Swing	White	Manual	D105	10/10
6	D106	Swing	White	Manual	D106	10/10
7	D107	Swing	White	Manual	D107	10/10
8	D108	Swing	White	Manual	D108	10/10
9	D109	Swing	White	Manual	D109	10/10
10	D110	Swing	White	Manual	D110	10/10

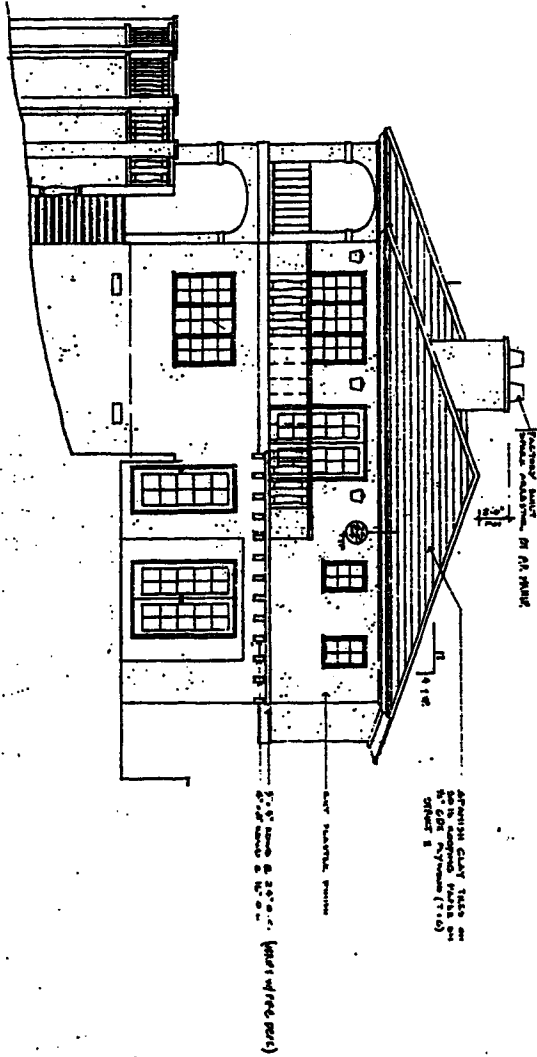
EXHIBIT NO. 6
 APPLICATION NO. 4-96-210
Second Floor Plan

A-2 Ralf Konietzko Architect
 5742 Costello Ave.
 Van Nuys, California 91401
 818-901-1197

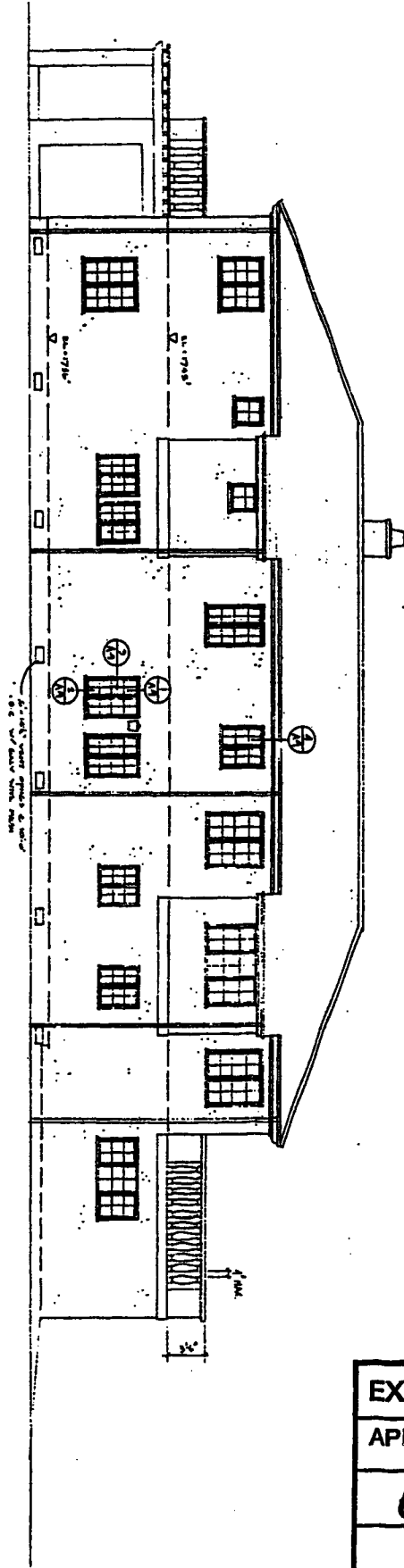
Mark Smith
 20363 Skyhawk Lane
 Topanga, California

New Two Story Residence
 SECOND FLOOR PLAN

SOUTH WEST ELEVATION
Scale: 1/8" = 1'-0"



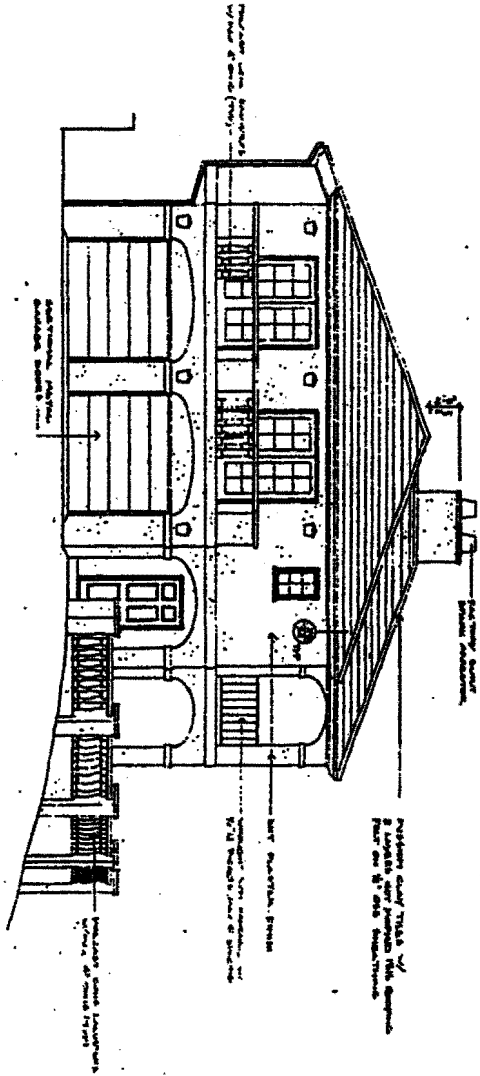
SOUTH EAST ELEVATION
Scale: 1/8" = 1'-0"



- NOTES:**
1. All work shall be in accordance with the City of Los Angeles Building Department and the California Building Code.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Los Angeles Building Department.
 3. The contractor shall be responsible for the removal and disposal of all existing materials and debris.
 4. The contractor shall be responsible for the installation of all new materials and finishes in accordance with the manufacturer's instructions.
 5. The contractor shall be responsible for the protection of all existing structures and utilities that are not to be removed.
 6. The contractor shall be responsible for the installation of all new windows and doors in accordance with the manufacturer's instructions.
 7. The contractor shall be responsible for the installation of all new roof tiles in accordance with the manufacturer's instructions.
 8. The contractor shall be responsible for the installation of all new exterior finishes in accordance with the manufacturer's instructions.
 9. The contractor shall be responsible for the installation of all new interior finishes in accordance with the manufacturer's instructions.
 10. The contractor shall be responsible for the installation of all new plumbing and electrical work in accordance with the applicable codes.
 11. The contractor shall be responsible for the installation of all new mechanical work in accordance with the applicable codes.
 12. The contractor shall be responsible for the installation of all new landscaping and site work in accordance with the applicable codes.
 13. The contractor shall be responsible for the installation of all new exterior lighting in accordance with the applicable codes.
 14. The contractor shall be responsible for the installation of all new interior lighting in accordance with the applicable codes.
 15. The contractor shall be responsible for the installation of all new fire protection work in accordance with the applicable codes.
 16. The contractor shall be responsible for the installation of all new safety work in accordance with the applicable codes.
 17. The contractor shall be responsible for the installation of all new accessibility work in accordance with the applicable codes.
 18. The contractor shall be responsible for the installation of all new energy efficiency work in accordance with the applicable codes.
 19. The contractor shall be responsible for the installation of all new sustainability work in accordance with the applicable codes.
 20. The contractor shall be responsible for the installation of all new green building work in accordance with the applicable codes.

EXHIBIT NO. 7
APPLICATION NO.
4-98-210
Elevations

NORTH EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH WEST ELEVATION
 SCALE: 1/4" = 1'-0"

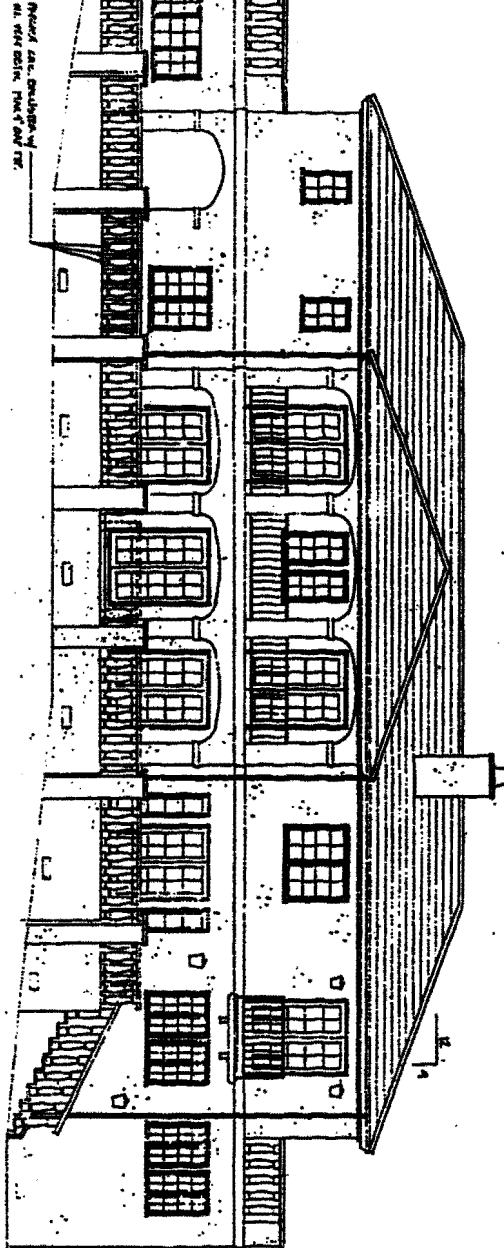
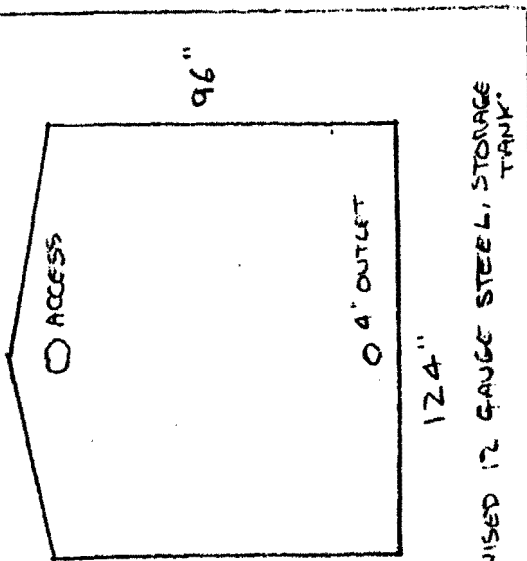


EXHIBIT NO. 8
 APPLICATION NO. 4-96-210
 Elevations

SECTION 1
 GENERAL NOTES
 1. All work shall conform to the specifications of the Building Code of the City of Los Angeles, California, and the specifications of the Building Code of the City of Topanga, California.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The contractor shall be responsible for obtaining all necessary insurance coverage.
 4. The contractor shall be responsible for obtaining all necessary bonding.
 5. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 6. The contractor shall be responsible for obtaining all necessary insurance coverage.
 7. The contractor shall be responsible for obtaining all necessary bonding.

WATER STORAGE TANK



GALVANISED 12 GAUGE STEEL STORAGE TANK

20063 SKYHAWK LANE - GATE AND WALL

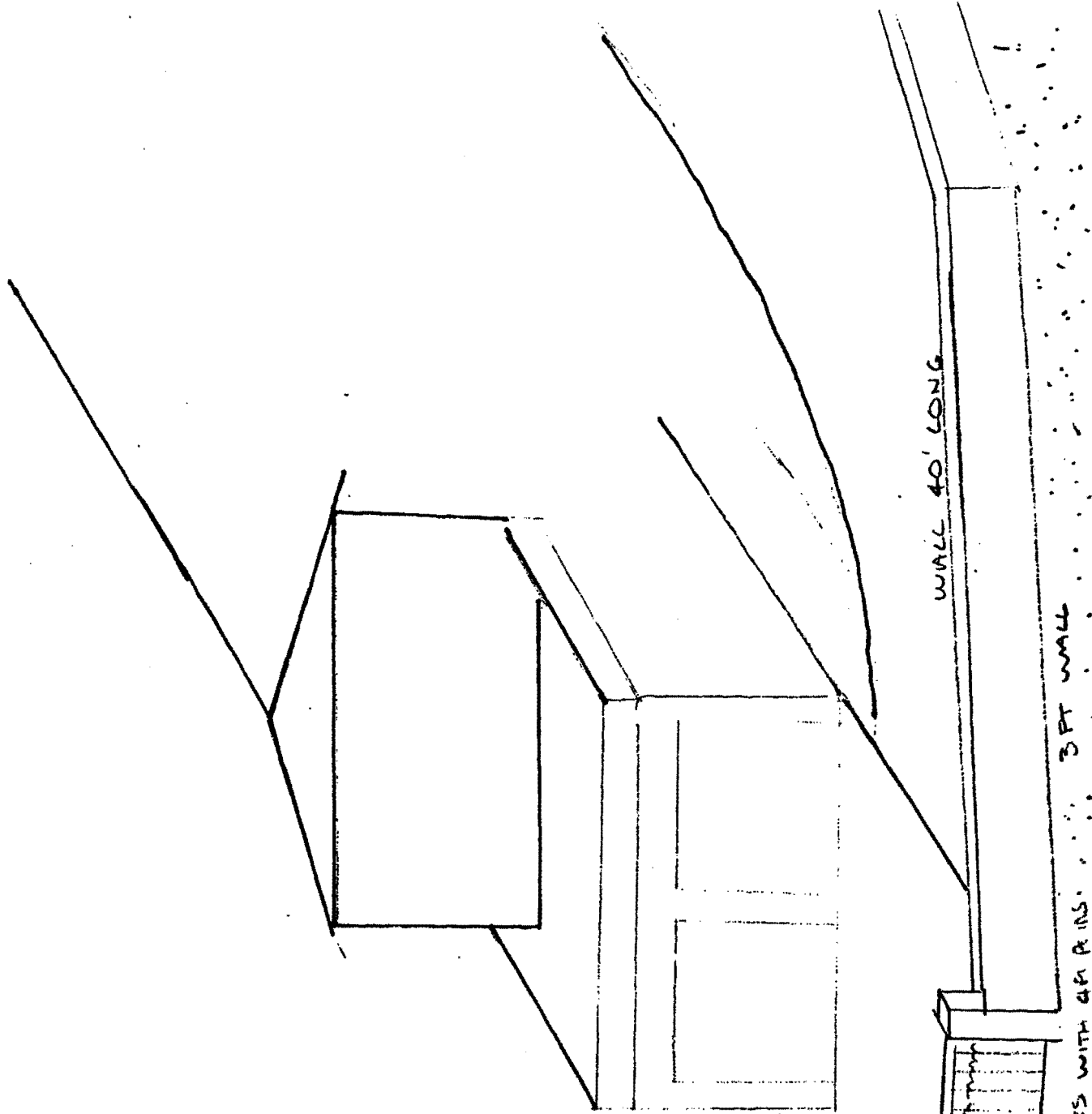


EXHIBIT NO. 9
APPLICATION NO. 4-96-210
Entry Gate
Wall & Fire Tank

WALL 25 FT LONG

4 FT GATES WITH 4 FT RAILS

WALL 40' LONG

3 FT WALL

PLAN OF TEMPORARY STORAGE
20363 SKYHAWK LANE

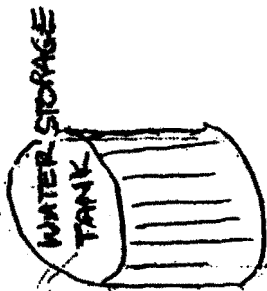
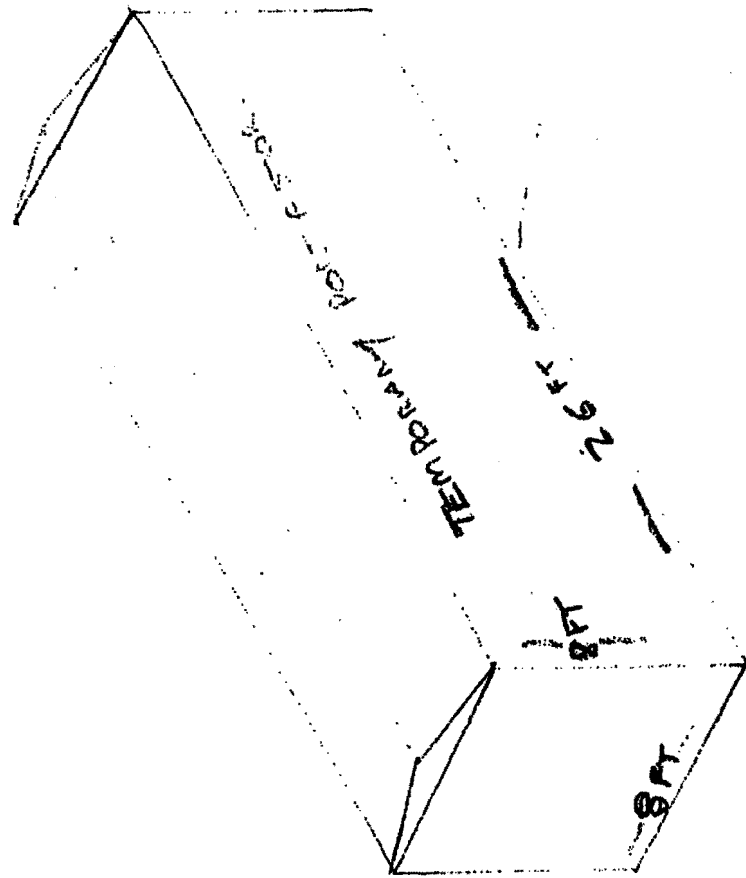


EXHIBIT NO. 10
APPLICATION NO. 4-96-210
Storage
Structure

PROPERTY LINE

SKYHAWK
LANE

20365
SKYHAWK LANE
MARK SMITH

PLAN OF USE SPAT CANOPY

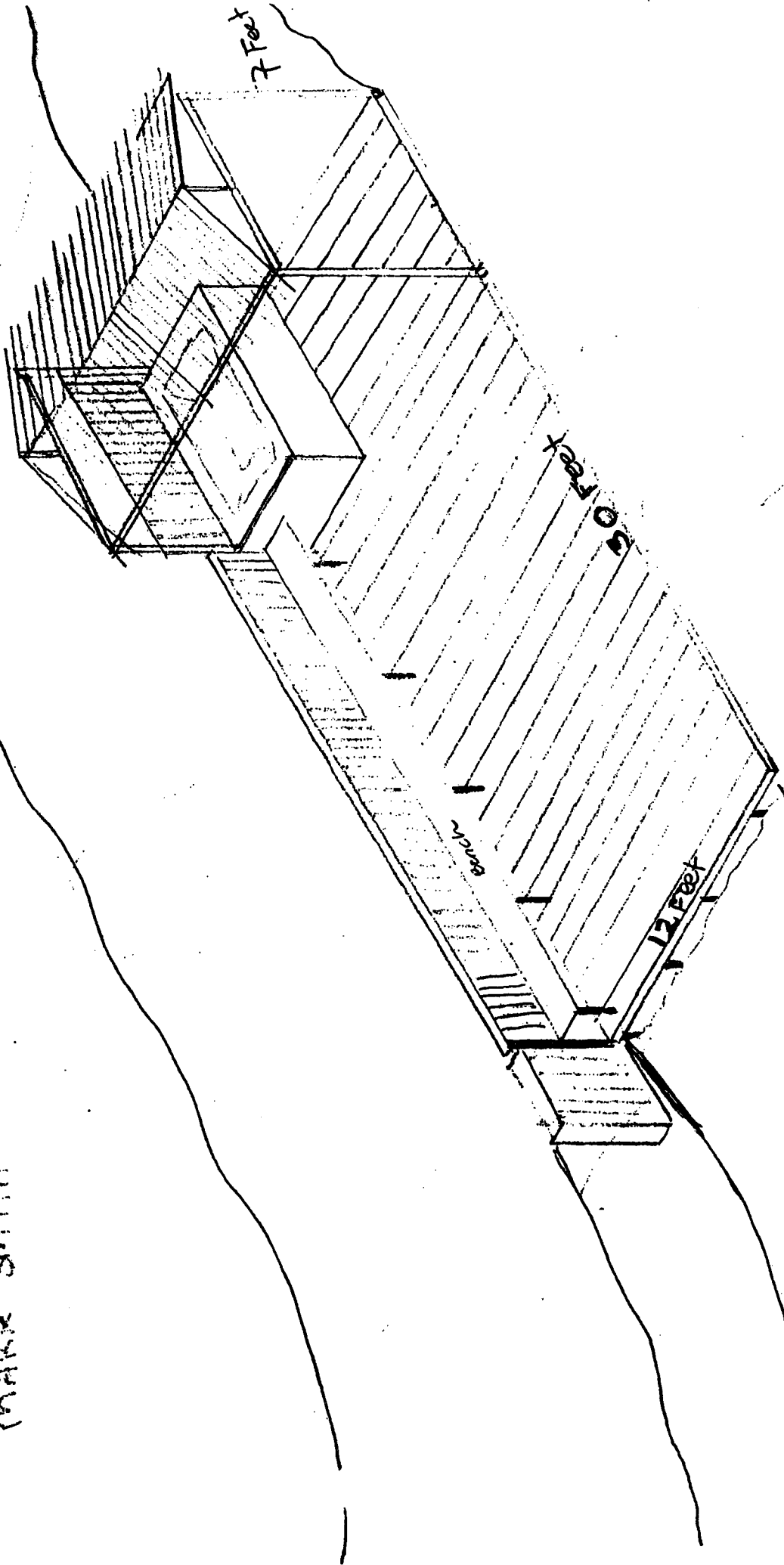


EXHIBIT NO. 11
APPLICATION NO. 4-96-210
Deck, Canopy Spa

WATER BOOSTER PUMP 2036'S SKYLINE CAMP

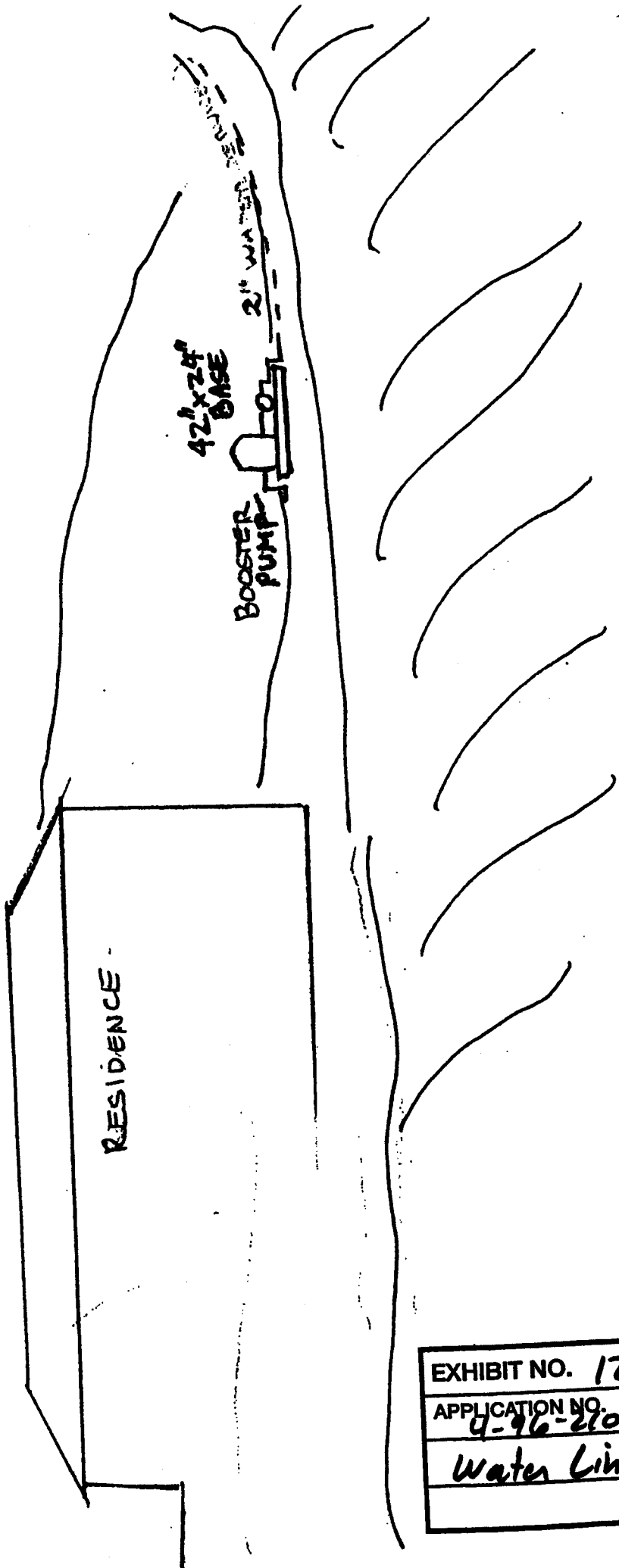


EXHIBIT NO. 12
APPLICATION NO. 4-96-210
Water Line