

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA
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 Commission Action:
 7941A

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-162

APPLICANT: Charlie & Renee Jobbins

PROJECT LOCATION: 20370 Skyhawk Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,190 square foot, two story, single family residence with attached 660 square foot, three car garage, swimming pool, fire suppression water storage tank, septic system, driveway, entry gate, perimeter fencing around developed area, vineyard, and 400 cubic yards of grading, 200 cubic yards of cut and 200 cubic yards of fill retained on site. A number of unpermitted developments exist on site including a water well and pumping equipment, mobile home for temporary occupancy, 64 sq. ft. temporary storage shed, and temporary port-a-storage structure.

Lot Area	2.52 acres
Building Coverage	4,104 sq. ft.
Pavement Coverage	4,365 sq. ft.
Parking Spaces	3
Plan Designation	Mountain Land
Zoning	one du / 20 acres
Project Density	1 du / 2 acres
Ht abv fin grade	34 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Department of Regional Planning, dated 7/22/96; Approval in Concept, Los Angeles County Department of Health Services, dated 11/15/96; Preliminary Fuel Modification Requirements, Los Angeles Fire Department, Fire Prevention Bureau, dated 11/4/96; Revised Fuel Modification Approval, dated March 17, 1997; Preliminary Approval, County of Los Angeles, Fire Department, dated 11/21/96.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions addressing landscape/erosion control and drainage plans, future improvements, removal of mobilehome and storage structures, 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 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: Engineering Geologic Memorandum/Update, dated May 21, 1996, by Geoplan, Inc.; Preliminary Geotechnical Investigation, dated June 11, 1996 by Strata-Tech, Inc.; Tuna Canyon Significant Ecological Area: An Assessment of the Cumulative Impacts of Potential Maximum Development, prepared for Tuna Mesa Property Owners Association, by Phillips Brandt, Inc. dated January 9, 1978; 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 AND DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect and a drainage plan designed by a licensed engineer. 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 and disturbed areas 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. Plantings shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from National Park lands, Tuna Canyon Road, and public trails.
- 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.
- e) 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 applicants 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. 4-96-162; 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 MOBILEHOME AND TWO STORAGE STRUCTURES

With the acceptance of this permit, the applicant shall agree that the "temporary residential construction mobilehome and two storage structures" on the site shall be removed within 60 days of the receipt of a certificate of occupancy from Los Angeles County.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Preliminary Geotechnical Investigation, dated June 11, 1996, prepared by Strata-Tech, Inc., and Engineering Geologic Report and Memorandum/Update, dated January 7, 1990 and May 21, 1996, by Geoplan, Inc. shall be incorporated into all final design and construction plans including grading, foundations, footings, lateral design, expansive soils, retaining walls, floor slabs, drainage, and seismic design. 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 180 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 2.52 acre parcel located on the south side of Sky Hawk Lane along a ridge which also serves as a fire break. (Exhibits 1, 2, and 3)

The applicants propose to construct a 4,190 square foot, two story, single family residence with attached 660 square foot, three car garage, swimming pool, fire suppression water storage tank, septic system, driveway, entry gate, perimeter fencing around developed area, vineyard, and about 400 cubic yards of grading (200 cu. yds cut and 200 cu. yds. of fill to be relocated on site). (Exhibits 4 - 8)

The lot is currently developed with a number of unpermitted 'as built' developments on site including a water well and pumping equipment, mobile home for temporary occupancy, 64 sq. ft. temporary storage shed, and temporary port-a-storage.

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as Mountain Land, allowing one dwelling per twenty acres. Although this lot is smaller than the designated land use, this lot is legal non-conforming. The applicants have submitted a conditional certificate of compliance (Instrument # 93-1001122) and a certificate of compliance, clearance of conditions (Instrument # 95-2028445), to verify lot legality.

The subject property is surrounded by single family residences to the northwest, vacant lands to the west, north, east and south. To the south and southwest, adjacent to the subject site, are National Park Service lands managed by the Santa Monica Mountains National Recreation Area. (Exhibit 2) The site is located within the designated Tuna Canyon Significant Watershed and about 500 feet from the designated ESHA to the west within the northern tributary to Tuna Canyon. (Exhibits 9 and 10) The residence, as proposed, is located on a small knoll along a significant ridgeline and will be visible from both the adjacent National Park Service lands to the south and limited portions of Tuna Canyon Road, a designated scenic highway, to the west.

B. Environmentally Sensitive Resource and Park and Recreation 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 near the upper portion along the northeastern portion. 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 subject site is irregular in shape consisting of about 2.5 acres extending west from Sky Hawk Lane. The building site is located on the eastern portion of the property where a level pad exists about 15 feet above Sky Hawk Lane. From the building pad, the site slopes westerly down about 150 feet to a gully that leads to the northern tributary of Tuna Canyon Creek.

The northern tributary of Tuna Creek, a designated environmentally sensitive habitat area (ESHA), is located about five hundred (500) feet to the west of the building site; the geographic area designated as the Tuna Canyon ESHA is as close as about 200 feet to the southwest from the western edge of the property. (See Exhibits 9 and 10) Due to the distance, the proposed residence and other related improvements will not directly affect this ESHA.

Tuna Canyon is designated as 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 9) The chaparral dominated slopes (excluding riparian corridors) of Significant Watersheds are not considered an ESHA under the Coastal Act definition of ESHA's, requiring more stringent protection 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. 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 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 address: the protection of ESHAs against significant disruption of habitat values; locate new development close to existing roadways, 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 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 4,190 sq. ft., two story single family residence, attached 660 sq. ft. garage, 800 sq. ft. storage structure, septic system, swimming pool, driveway, fire suppression water storage tank, entry gate, perimeter fencing, and vineyard. The building site is accessed directly from Sky Hawk Lane by a driveway averaging about fifty feet in length. Constructing the residence and driveway will require grading of about 400 cubic yards of material, 200 cubic yards of cut and 200 cubic yards of fill on site. The fill material will be used for filling some irregular past grading around the pad and for topsoil within the landscaped areas.

The property is currently developed with several unpermitted 'as built' developments on site including a water well and pumping equipment, mobile home for temporary occupancy during construction, a 64 sq. ft. temporary storage shed, and temporary port-a-storage structure. The project site is a 2.52 acre parcel; the building site is located on the eastern portion of the parcel on a small knob hill within the northern boundary of the Tuna Canyon Significant Watershed.

2. 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 building site is located in the upper watershed area along the relatively level ridgeline within a disturbed area resulting from a long established fire break or cleared area. 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.. Further, 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 this case, the proposed building pad area is proposed to be no larger than 10,000 sq. ft. at about 9,000 sq. ft.. Grading necessary to construct the proposed residence and driveway will require about 400 cubic yards of grading, 200 cubic yards of cut and 200 cubic yards of fill to be relocated on site. Grading is minimal because the building site is located on the flat graded portion of a small knob, thereby minimizing the need for further grading to expand the building pad. Additionally, a corner of the proposed structure is

to be located within about 30 feet of Sky Hawk Lane, an existing all weather gravel road. The grading for the new on-site access driveway will be significantly less than 300 feet in length, the maximum provided in Table 1, at an average of 50 feet in length to the garage entry. The applicants propose to provide water from a water well on site and dispose of sewage with an onsite septic system. Therefore, this grading is determined to be reasonable in order for the applicant to construct the proposed project, the building pad is within the maximum allowable area, and adequate services are in nearby or onsite; thus, the project meets the above LUP grading, building pad, and new development service policies. Therefore, because the project site is located in the upper canyon with an existing gravel road leading to the subject parcel and building pad, significant unavoidable impacts are not expected.

Furthermore, the applicant has submitted preliminary fuel modification plan for the proposed development. This plan illustrates how the areas surrounded by development will affect the clearing of native plants within 50 feet of this site and within 200 feet of the site the plants 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 this fuel modification plan which indicates that only vegetation specially designated as "high fire hazard" will be completely removed as a part of this project. Additionally, the vegetation which is located to the southwest of the applicant's property, owned by the National Park Service (Santa Monica Mountains National Recreation Area), will not be subject to the County Fire Department's fuel modification requirements as discussed further below. Therefore the project is in conformance with the Table 1 policies of the LUP as they pertain to vegetation removal and protection of habitat and park lands.

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 along the periphery of the watershed along the ridgeline, and about 500 feet from the boundary of the Tuna Canyon Environmentally Sensitive Habitat Area and a tributary to Tuna Canyon Creek. Therefore, this project is located on the periphery of the significant watershed and will not require alteration of streambeds or ESHA's as required by Table 1 policies.

This area includes other single family residences, and in the past, the Commission has granted permits for development in the northern portion of the watershed; specifically, Sayles, (Coastal Permit 4-97-015), 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 preliminary fuel modification plan, approved by the Los Angeles County Fire Department which identifies fuel modification areas. The plan needs to be revised to include a landscape plan that indicates that all disturbed areas shall be planted with native plants and maintained for erosion control and visual enhancement at the completion of 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 revisions to the landscape plan.

Regarding drainage and erosion issues, the proposed project site includes about 7,469 sq. ft. of impervious surfaces and buildings. These impervious surfaces will prevent natural percolation of rainwater into the ground. To avoid the erosion resulting from sheet flow of water from these surfaces to natural drainage channels a drainage plan is needed. The Commission finds it necessary to require the applicant to submit a drainage plan that illustrates how runoff is to be conveyed from the building pad of the proposed residence, driveway, patios, pool deck, and walkways, and how and where drainage will be conveyed beyond the pad and driveway. The drainage plan also needs to illustrate that the above referenced drainage devices will reduce the velocity of water runoff flow generated by the proposed improvements and convey the flows to discharge points with energy dissipators into existing natural drainages. Without this plan, erosion of the site and drainage courses will create additional sediment flows into ESHA along creek and ultimately fill wetlands, adversely affecting habitat. Lastly, these plans need to identify how erosion will be minimized during construction. This drainage plan will illustrate how runoff will be conveyed from the project site in a non-erosive manner, as required by special condition number one (1).

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 within the Tuna Canyon Significant Watershed. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Fire Department and the potential removal of portions of the landscaped area provided by the landscape plan. 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 two (2) provides for a future improvements restriction.

3. Los Angeles County Environmental Review Board

Lastly, the County of Los Angeles Environmental Review Board (ERB) reviewed this project on May 20, 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 consistent with the policies of the County LUP. The reasons for this recommendation are not listed in the ERB minutes. Further, the ERB suggested a modification that the vineyard be incorporated in the fuel modification area surrounding the house. The applicants have consolidated the two vineyard areas to one site located within the 100 foot fuel modification zone northwest of the residence to meet the ERB suggested modification, and modified the project description to reflect this condition.

The ERB made four recommendations to County decision in order to find the project consistent with the County LUP. These recommendations include: 1) leaving the west portion of the lot as natural vegetation for better erosion control; 2) plant only native species on all slopes, use California Native Plant Society (CNPS) list for landscape species, landscaping to be consistent with current Fire Department standards; 3) proposed stable and storage shed exceeds allowable structures, recommend eliminating stable and moving shed closer to house; and 4) use earth tone colors of local area for house exterior, lighting to be directed downward and of low intensity. The applicants have modified their project description accordingly.

On July 7, 1996, the County Department of Regional Planning granted Approval in Concept of a revised project addressing these recommendations and the modification to eliminate the proposed stable, move the storage structure closer to the house and relocate the vineyard within the 100 foot fuel modification area. The County's approval included conditions addressing the ERB recommendations and additional conditions to mitigate potential habitat disruption by relocating the fences closer to the residence, removing the mobilehome from the site within 12 months of approval of the first construction building permit, unless a conditional use permit has been approved, limit site development to about 24,000 sq. ft. that has already been graded and is relatively level, and collect storm water runoff from impervious surfaces to be retained and dissipated so not to create erosion in natural areas. The 24,000 sq. ft. site development area includes temporary structures during construction including the mobilehome, and two temporary storage structures. Once construction is complete these temporary structures will be removed and these areas landscaped as required by conditions one (1) and three (3) to reduce the building site to about 9,000 sq. ft..

The applicants propose to plant an orchard/vineyard of about 5,000 sq. ft. on a gently sloping area of the parcel within the 100 foot radius fuel modification area. The orchard/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 orchard/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 the Tuna Canyon Significant Watershed, 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.

Therefore, the proposed project was found consistent with the County LUP, as determined by the County Department of Regional Planning and recommended by the County ERB.

4. Park Lands

In addition to Section 30240 of the Coastal Act cited above, the Malibu/Santa Monica Mountains Land Use Plan contains the following policy regarding park lands:

P75 Development adjacent to parks shall be sited to allow ample room outside park boundaries for necessary fire-preventive brush clearance.

As required by section 30240 (b) and Policy 75 of the LUP the Commission typically requires that development be adequately setback from parkland boundaries, where feasible, to ensure vegetation clearance does not extend onto parklands. However, in some cases due to the parcel configuration, site topography or other site constraints, it is not possible to provide a setback that will prevent vegetation clearance on park property. In this case the proposed residence has a building setback from National Park Service land of about 75 feet. Due to site topography and the relatively small and narrow lot configuration an alternative building site further from the park boundary is not feasible nor recommended in this case. The proposed building site is the preferred alternative on the site as it requires only minimal grading and site disturbance. In addition, it should also be noted that there is an existing large fire break directly adjacent to the the subject property on National Park Service land.

Initially, the applicant submitted a preliminary fuel modification plan approved in concept by the Los Angeles County Fire Department, Fire Prevention Bureau which illustrated that the 100 and 200 foot radius fuel modification zones extended onto NPS property but only into the area of the existing fire break. After further review of the site and proposed development by the County Fire Department and National Park Service it was determined that no

vegetation removal would be required on National Park Service land (Exhibit 11). Therefore, the proposed project, will not have impacts on NPS parkland and no mitigation is needed.

5. Conclusion

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. 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 or park lands. The Commission also finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA, will not be adversely impacted 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 applicants submitted three geologic reports, the first two are titled "Engineering Geologic Report and Memorandum / Update", dated January 7, 1990 and May 21, 1996, and prepared by Geoplan, Inc. The recent memorandum / update report states:

Proposed residential development is feasible and may be designed and implemented in compliance with the Uniform Building Code and the recommendations of the project consultants. Slopes flanking the site are grossly stable. Provided geologic conditions do not change and are the same at time of construction, it is inferred that the proposed building site will be free from hazard of landslide, settlement or slippage and that the proposed development will not affect neighboring property adversely.

The recommendations in this geology report address the following issues: graded slopes, footings, retaining walls, and plan review.

The third geology report titled "Preliminary Geotechnical Investigation", dated June 11, 1996, prepared by Strata-Tech, Inc., states that:

Development of the site as proposed is considered feasible from a soils engineering standpoint, provided that the recommendations stated herein are incorporated in the design and are implemented in the field.

The recommendations in this report address the following issues: grading, foundations, lateral design, expansive soils, retaining walls, floor slabs, drainage, and seismic design.

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 Tuna Canyon Creek. 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.

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).

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. 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 34 foot high, 4,168 square foot, two story single family residence on a small graded pad and knoll where the highest contours of the property are located. The site contains a previously disturbed flat knoll along a ridge on the northeast portion of the parcel. It is on this knoll that the applicants are proposing the residence. The amount of final grading to prepare the building site is minimal, comprising only of 400 cubic yards, 200 cubic yards of cut and 200 cubic yards of fill. The cut material will be spread on the site to fill previously altered portions of the site and landscaped as required by condition number one (1) to minimize erosion of the fill material. Minimizing grading and landform alteration 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.

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. Tuna Canyon is recognized as a "second priority scenic area" which is given special treatment when evaluating potential impacts caused by new development. The project site is located along the southern side of a significant visual ridgeline as designated in the LUP.

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 proposed two story residence will be visible from limited portions of Tuna Canyon Road to the west. Tuna Canyon Road, a public roadway, encircles the vicinity of the project site to the south, west and north. The structure 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, nor from Tuna Canyon Road to the north as a ridge blocks the view of the site.

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

As previously stated, the proposed residence is visible from the National Park Service property to the south 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 knoll is the most suitable site on the property.

Because the site is on a significant ridgeline and will be visible from portions of Tuna Canyon Road, the Tuna Canyon Trail, and clearly from NPS property, mitigation to address potential visual impacts is needed. The proposed two story residence, garage, and permanent storage structure will be less visually intrusive through the use of earth tones for the structures and roofs 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), 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.

Furthermore, in order to ensure that future additions, which 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 NPS lands or from Tuna Canyon Road and trail, 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 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 applicants propose to install a 1,500 gallon septic tank and seepage pit to accommodate the sewage of the proposed development. The applicants have 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 consulting engineering geologist has reviewed the site and performed percolation testing which resulted in favorable percolation for a sewage disposal system on this site. It has been concluded that a septic system could be constructed to handle effluent satisfactorily in conformance with County plumbing and Health Department standards. As a result, the proposed septic system will not adversely impact coastal waters and streams. 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 (water well and pumping equipment, mobile home for temporary occupancy, 64 sq. ft. temporary storage shed, 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 180 days of Commission action. Only as conditioned is the proposed development consistent with Chapter Three policies 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, park lands, geologic impacts, septic systems, and protection of ESHA's. 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 plans addressing landscape/erosion control and drainage plans, future improvements, removal of mobilehome and storage structures, plans conforming to the geologic recommendations, wildfire waiver of liability, design restrictions, agricultural plan, and condition compliance. 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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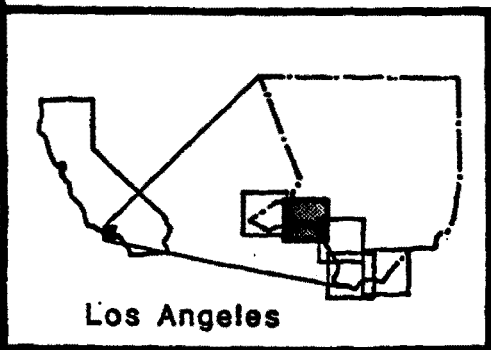
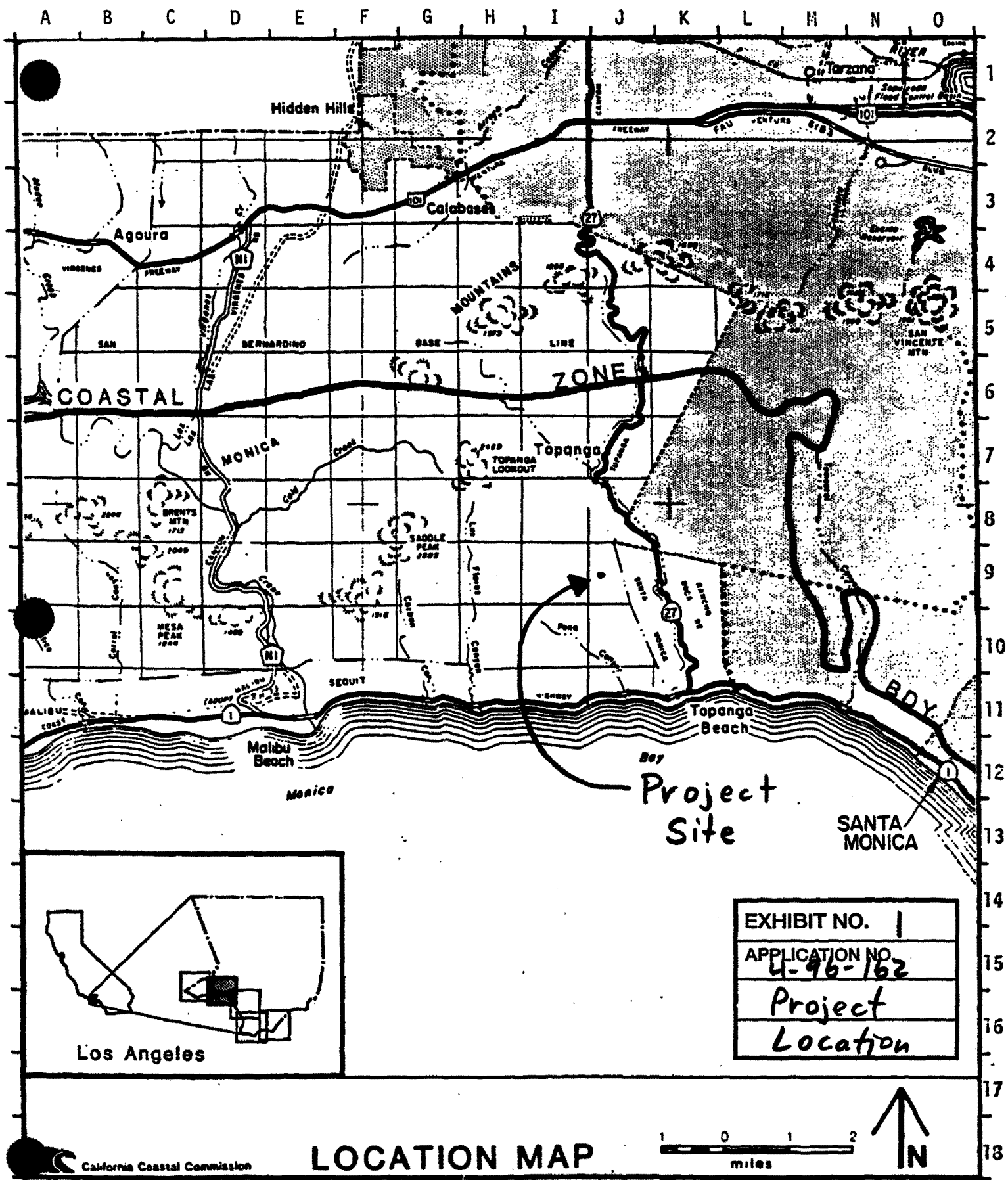
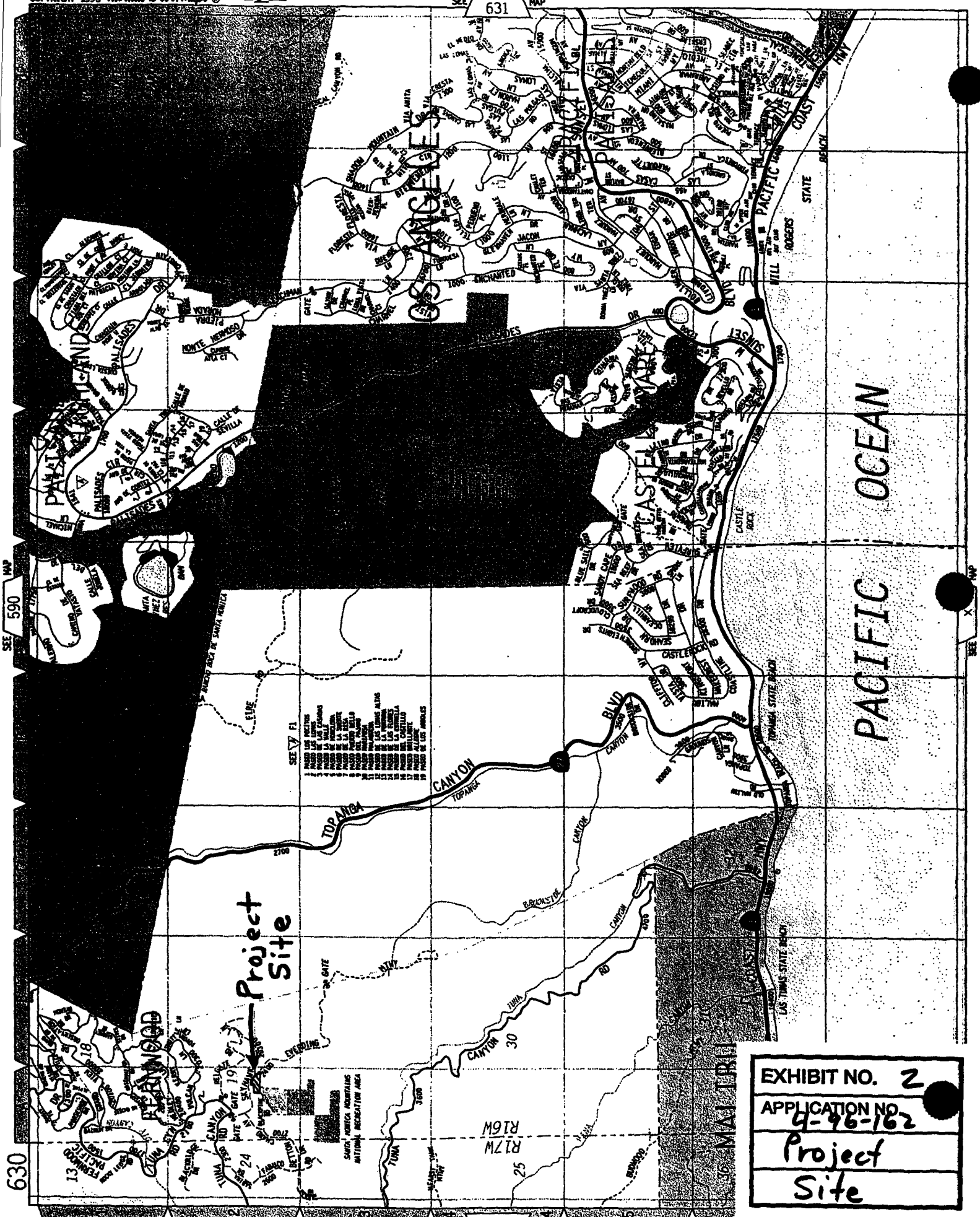


EXHIBIT NO. 1
APPLICATION NO. 4-96-162
Project
Location



Project Site

EXHIBIT NO. 2
APPLICATION NO. 4-96-162
Project Site

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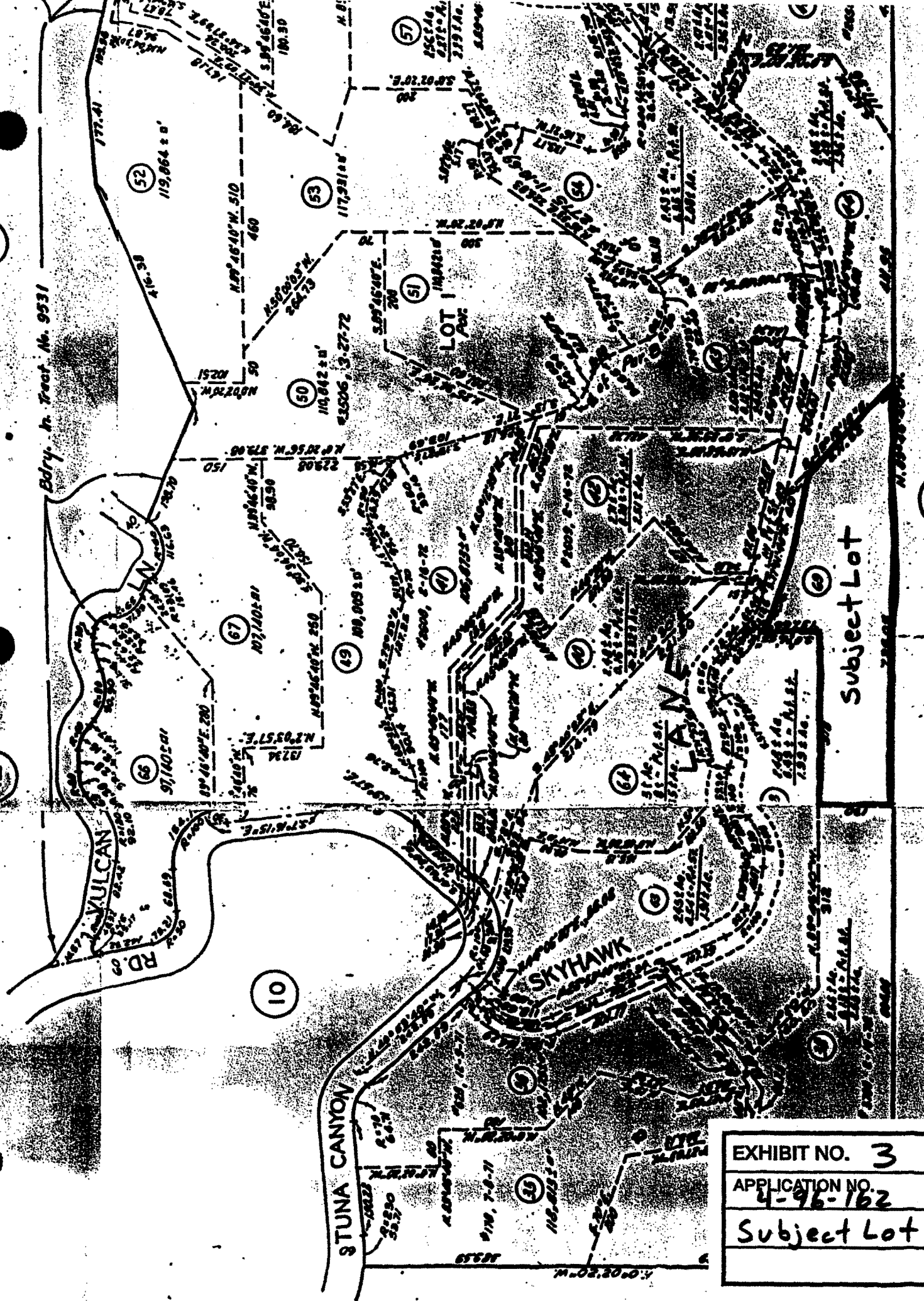
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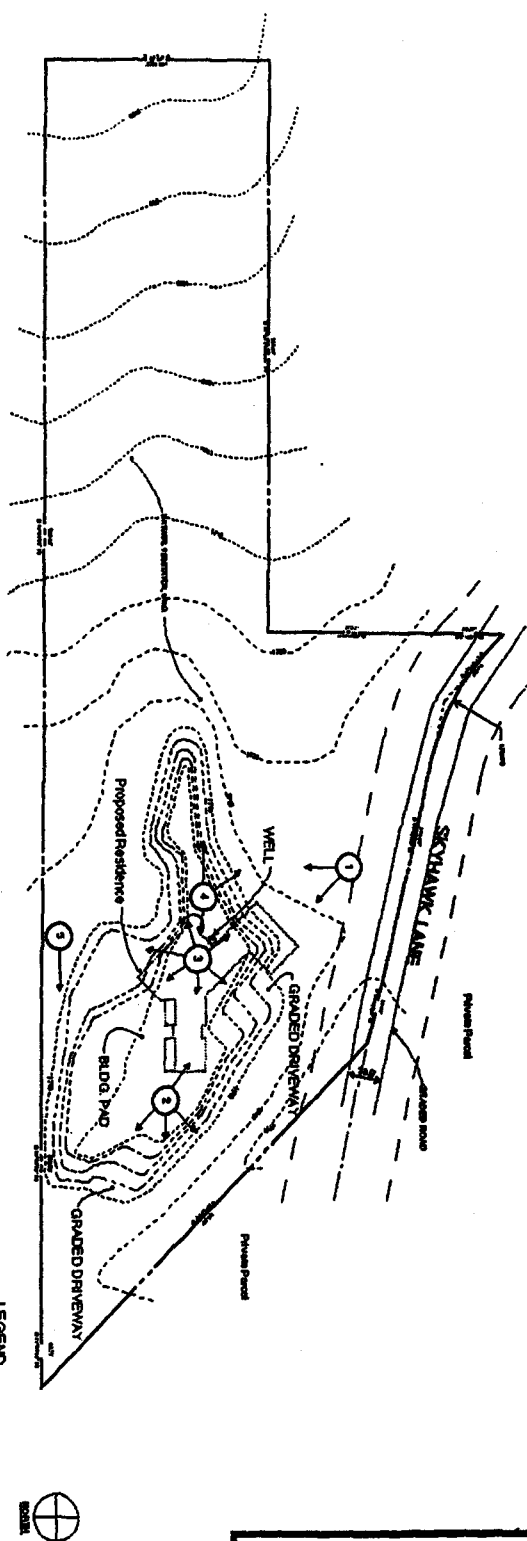
SKYHAWK

LOT 1

Subject Lot

EXHIBIT NO. 3
APPLICATION NO. 4-96-162
Subject Lot





PROJECT DATA

1. ADDRESS: 02192-2676, NUMBER: 444-011-689
2. LOT NUMBER: 18
3. TRACT NUMBER: 3482
4. CITY: BOSTON
5. EASE AREA: 3.2 ACRES (217,750 SQ. FT.)
6. BUILDING HEIGHT: 20 TO 34 FT.
7. GARDEN: 100 TO 150 FT.
8. TRAIL: 100 TO 150 FT.
9. RECREATION: 100 TO 150 FT.
10. ROOF: 100 TO 150 FT.
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LEGEND

1 PHOTODESCRIPTION AND DIRECTION



EXHIBIT NO. 4
APPLICATION NO. 4-96-162
Site Plan

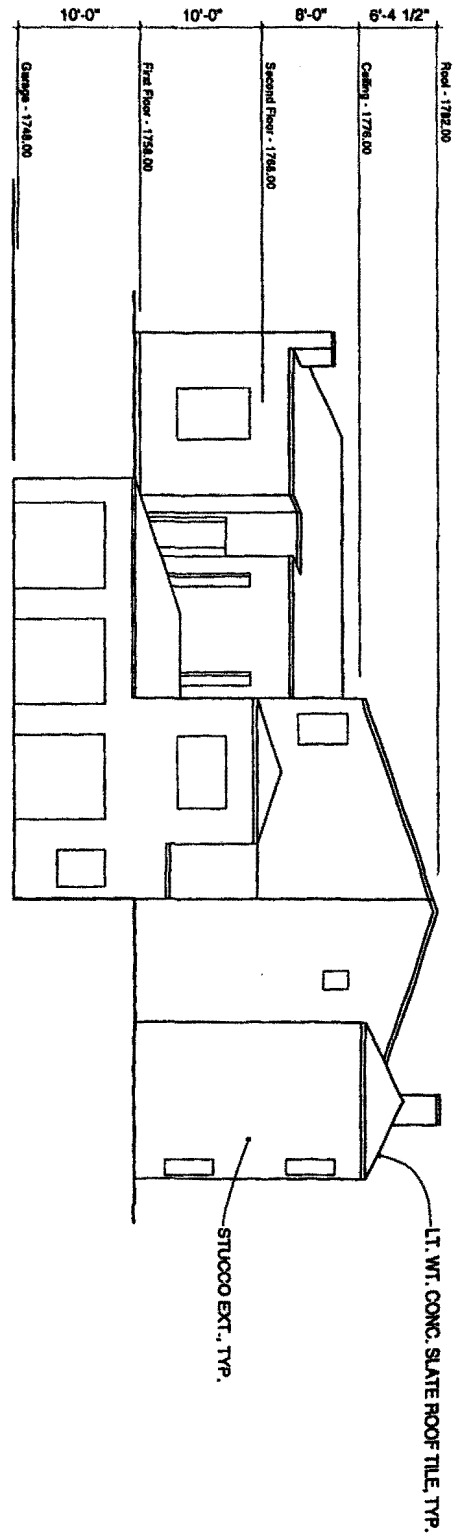
The Jobbins Residence

20370 Sky Hawk Lane - Topanga, California - (818) 248-9322

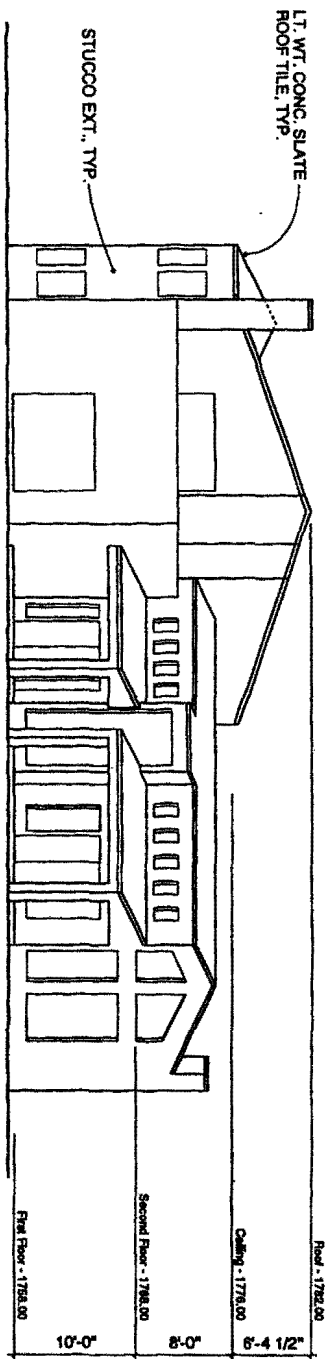
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NORTH WEST ELEVATION



SOUTH EAST ELEVATION

EXHIBIT NO. 5

APPLICATION NO. 4-96-162

Elevations

The Jobbins Residence

20320 Sky Hawk Lane - Topanga, California - (818) 248-9322

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Drawn by

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Notes

Revisions

Check by

Date

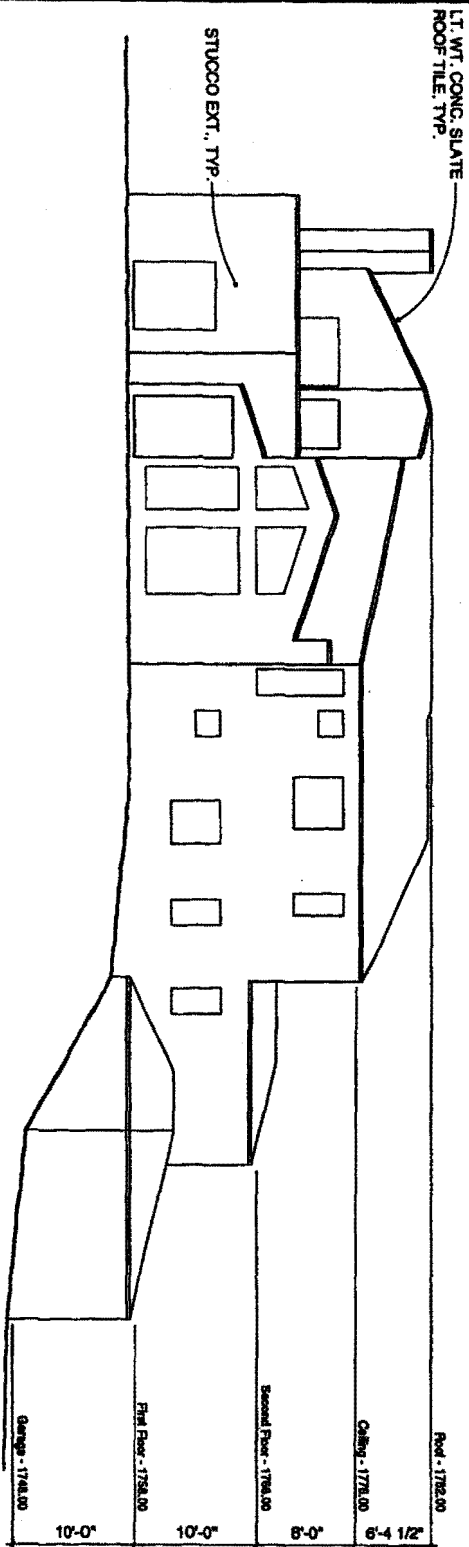
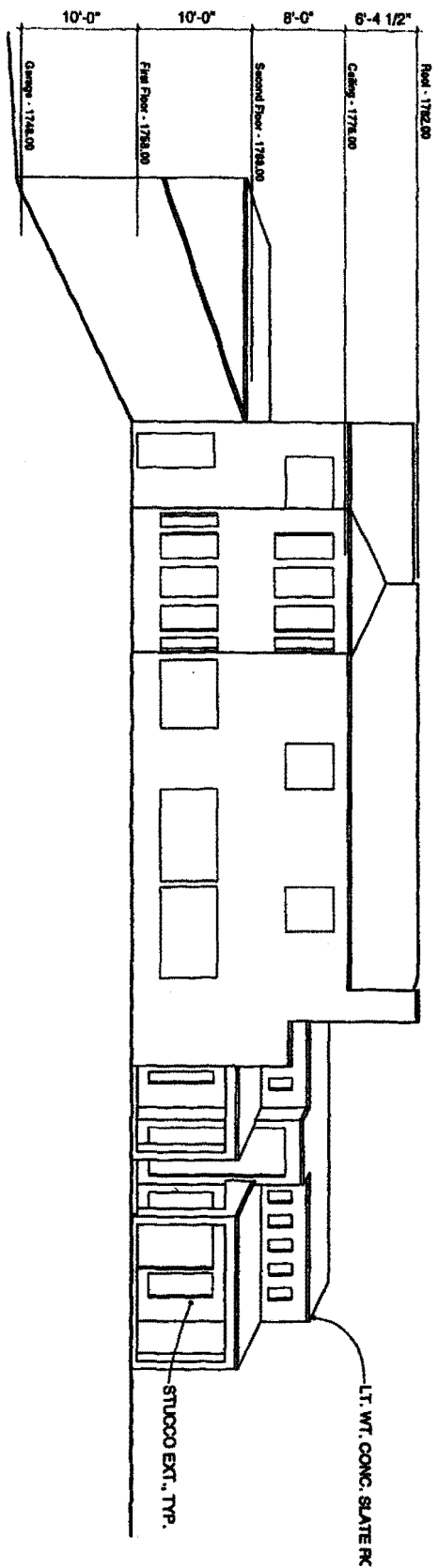


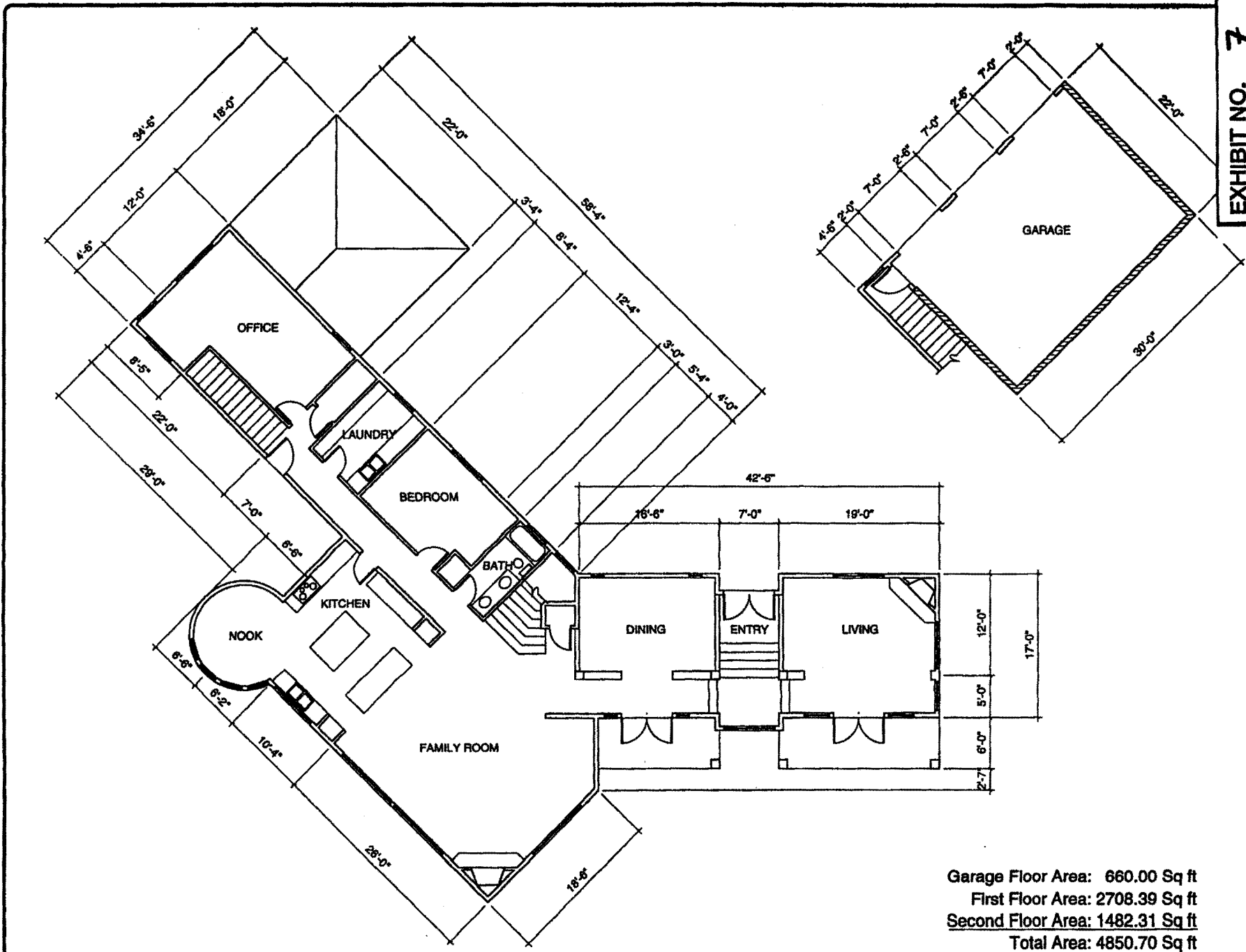
EXHIBIT NO. 6
APPLICATION NO. 4-96-162
Elevations

The Jobbins Residence

20320 Sky Hawk Lane - Topanga, California - (818) 248-9322

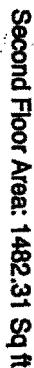
A3.1

EXHIBIT NO. 7
APPLICATION NO. 4-96-162
First Floor

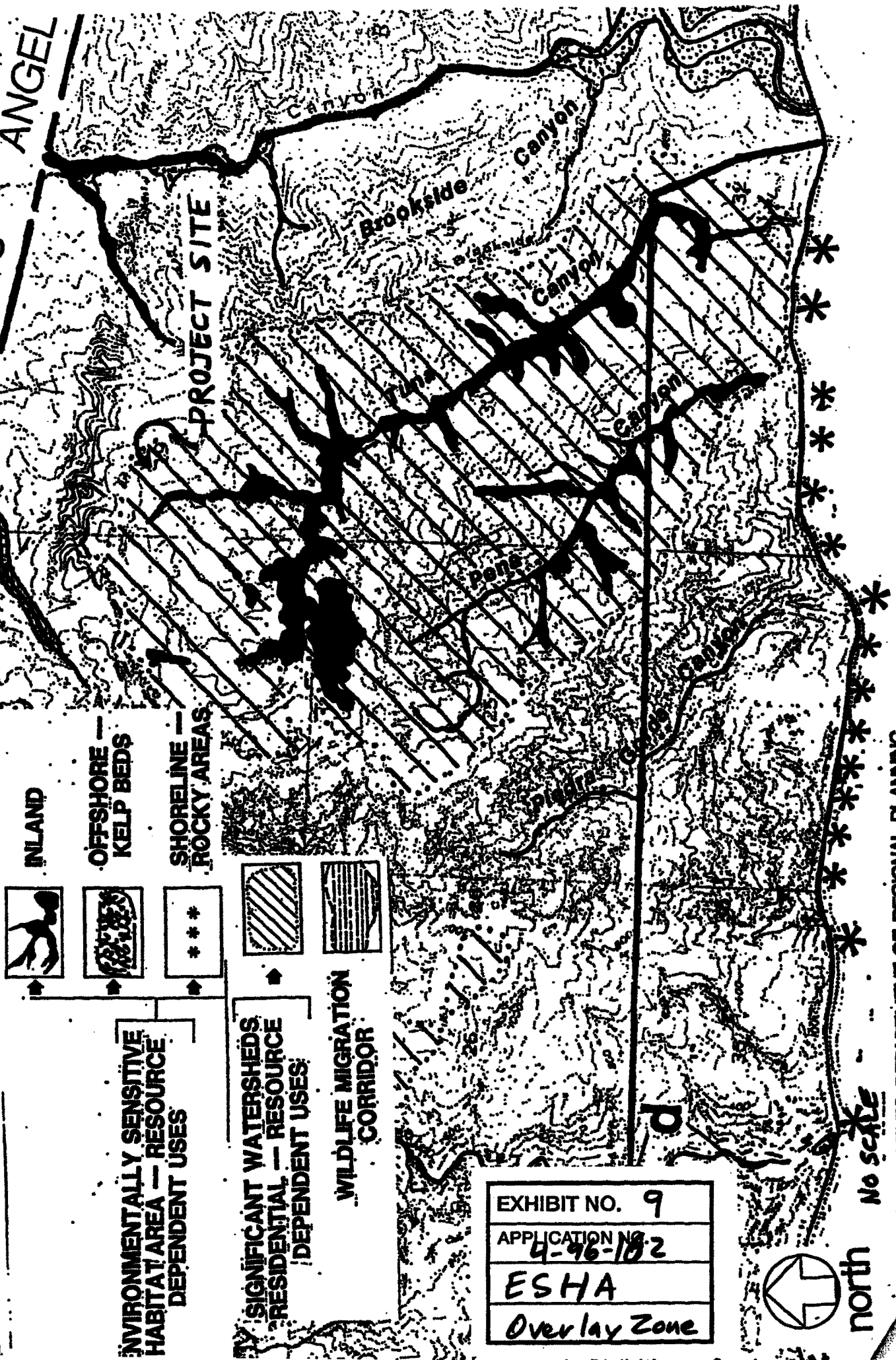


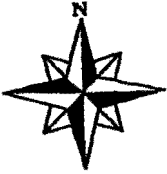
Garage Floor Area: 660.00 Sq ft
 First Floor Area: 2708.39 Sq ft
 Second Floor Area: 1482.31 Sq ft
 Total Area: 4850.70 Sq ft

The Jobbins Residence	
20320 Sky Hawk Lane - Topanga, California - (818) 248-9322	
DATE: 11/1/96	DRAWN BY: J. WHITE
CHECKED BY: J. WHITE	SCALE: AS SHOWN
SITE PLAN	
A2.1	



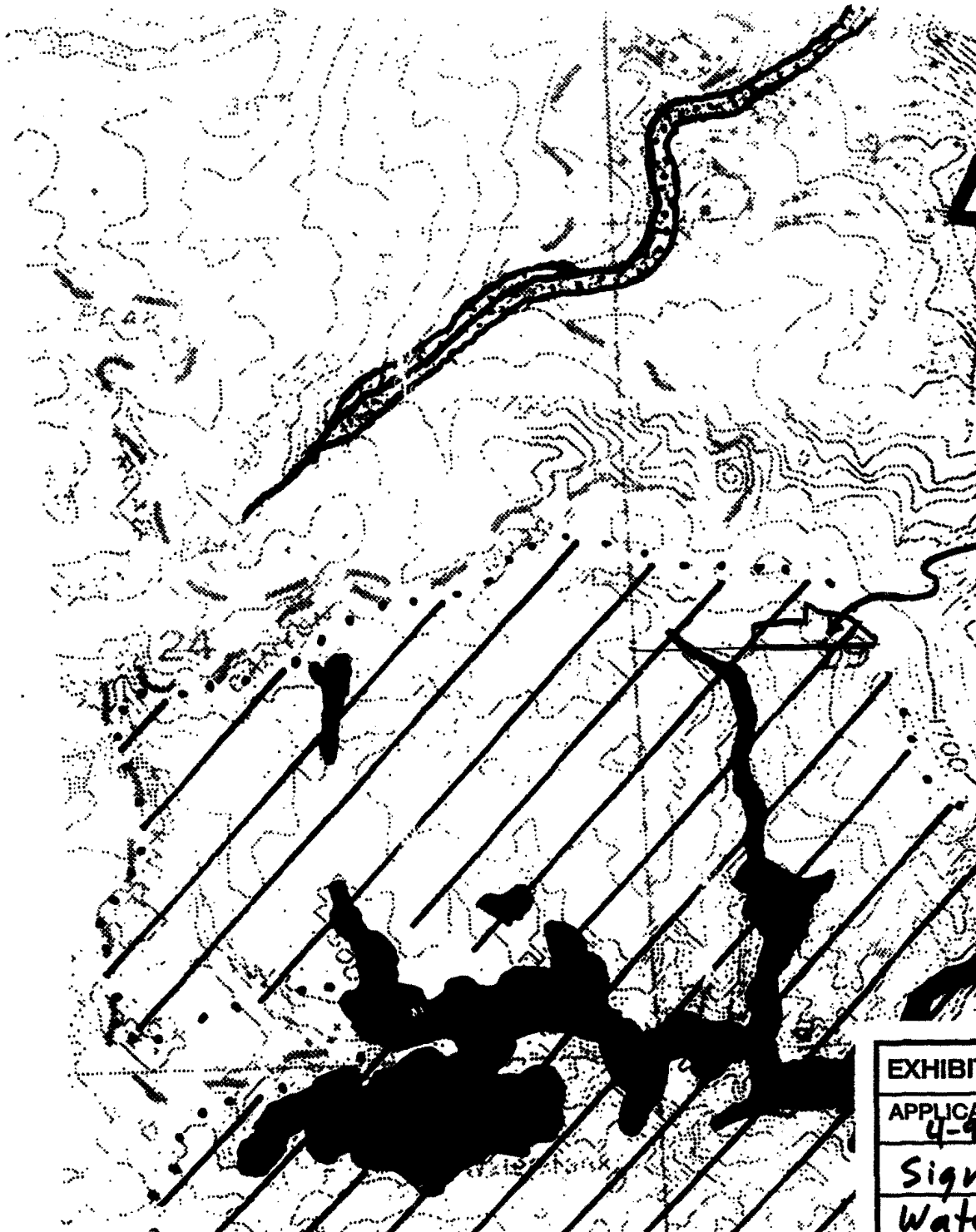
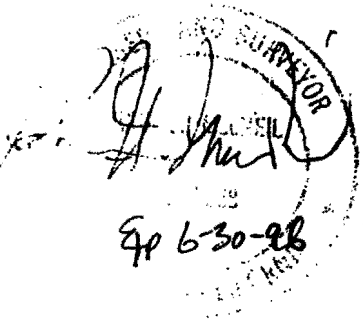
SENSITIVE ENVIRONMENTAL OVERLAY ZONES





SCALE: 1" = 1000'
APR. 3, 1996

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



Project
Site
20370
SKYHAWK
LANE

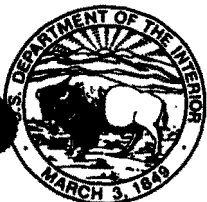
Tuna
Canyon
Significant
Watershed

EXHIBIT NO. 10

APPLICATION NO.
4-96-162

Significant
Watershed

4-96-162



United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
30401 Agoura Road, Suite 100
Agoura Hills, California 91301

IN REPLY REFER TO:

L76 (SAMO)

April 4, 1997

Charlie & Renee Jobbins
3353 Santa Carlotta St.
La Crescenta, CA 91214

RECEIVED

APR 07 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Charlie & Renee:

In response to your letter dated March 25, 1997, we concur with the prescription developed by the Los Angeles County Fire Department. Your letter and supporting documentation support that fuel modification plan does not affect National Park Service lands either directly or indirectly.

We contacted Forestry Assistant Keith Condon, Los Angeles County Fire Department Fuel Modification Unit and verified that no weed abatement will be required of the National Park Service. A copy of this letter will be sent to the California Coastal Commission. We consider this issue resolved and no "land donation" or "park impact fee" will be required.

Sincerely,

ARTHUR E. ECK

Arthur E. Eck
Superintendent

cc: James Johnson, California Coastal Commission,
89 South California St., Suite 200, Ventura, CA 93001

EXHIBIT NO. 11
APPLICATION NO. 4-96-162
NPS letter

