

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 OYUNA, CA 93001  
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 Staff Report: 8/21/97  
 Hearing Date: 9/9-12/97

## RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-091

APPLICANT: Katherine Hayles AGENT: None

PROJECT LOCATION: 22148 Monte Vista Road, Topanga Canyon, Los Angeles County

PROJECT DESCRIPTION: Construction of 31 ft. high, two story, 2500 sq. ft. single family residence with detached carport and septic system. 68 cu. yds. of grading (47 cu. yds. cut and 37 cu. yds. fill).

Lot Area	.99 acres
Building Coverage	2,900 sq. ft.
Pavement Coverage	1,600 sq. ft.
Landscape Coverage	none
Parking Spaces	2 covered
Plan Designation	Rural Land III, 1 du/2 ac
Project Density	1 du/ac
Ht abv fin grade	31 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning Approval in Concept dated 11/5/96; County of Los Angeles Department of Health Services approval for design purposes dated 3-4-97.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Homestead Geotechnical Consultants: Addendum Report No. 3 ... Percolation Testing, July 15, 1997; Addendum Reprt No. 2, Proposed Residence ... 22148 Monte Vista Road, March 6, 1997; Geologic and Soils Engineering Exploration, February 22, 1996; Coastal development permit no. 4-96-156 (Coulson and Duren).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with four (4) Special Conditions addressing landscape and erosion control plans, drainage plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

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

II. Standard Conditions

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

III. Special Conditions

1. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape plan prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To

minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- b) All disturbed areas shall be stabilized with planting at the completion of construction. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 2 years and shall be repeated, if necessary, to provide such coverage.
- c) Should construction take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial site preparation and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.

## 2. 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 run-off and erosion control plan designed by a licensed engineer which assures that run-off from the roofs, decks, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner. Site drainage shall not be accomplished by sheetflow runoff. Should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

## 3. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the reports, Homestead Geotechnical Consultants: Addendum Report No. 3 ... Percolation Testing, July 15, 1997; Addendum Reprt No. 2, Proposed Residence ... 22148 Monte Vista Road, March 6, 1997;; Geologic and Soils Engineering Exploration, February 22, 1996 including issues related to site preparation, foundations, and drainage, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

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

#### 4. WILD FIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### IV. Findings and Declarations.

##### A. Project Location and Description

The proposed development is located at the approximate 830 ft. elevation in the Topanga Canyon area just westerly of Old Topanga Canyon Road and a blue line stream. (Exhibit I) The proposal is the construction of a 31 ft. high, two story, 2500 sq. ft. single family residence with detached carport and septic system on vacant one acre parcel. (Exhibit II) The project includes 68 cu. yds. of grading (47 cu. yds. cut and 37 cu. yds. fill). No landscaping is proposed. A driveway and turnaround area is proposed adjacent to Monte Vista Road.

The project plans concentrate development close to the roadway and allow most of the site to remain in its present condition. The project site contains an old building foundation, several old graded roadways overgrown with vegetation, and a travel trailer. Most of the site is ruderal grassland and ungrooved eucalyptus trees. The project involves removal of some of the eucalyptus trees, but will not affect the two oak trees on the property.

The County found that the project was exempt from review by the County Environmental Review Board because it was over 200 ft. from the environmentally sensitive habitat area (ESHA) designated in the certified LUP. The area along the creek in Old Topanga Canyon and extending to the east to Greenleaf Canyon is designated as an Oak Woodland ESHA.

##### B. Geologic and Fire Hazards

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains

(paraphrased): P147: evaluate impact on, and from, geologic hazard; P 149: require a geologic report prior to approval; P 154: not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system; and P 156: evaluate impact on fire hazard.

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

The Commission reviews the proposed project's risks to life and property for development such as proposed in this application in areas where there are geologic, flood and fire hazards. The applicant has submitted a report -- Homestead Geotechnical Consultants: Geologic and Soils Engineering Exploration, February 22, 1996 -- which notes that:

Based on our explorations, it is our findings that construction of the proposed residence is feasible from a geologic and soils engineering standpoint provided our advice and recommendations are made a part of the plans and implemented during construction. The subject property is considered to be a suitable site for the proposed development from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslides, settlement or slippage and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our recommendations are followed during construction. ...

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans as noted in condition three (3).

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in nearby environmentally sensitive habitat area. The proposed project will significantly increase the amount of impervious surfaces on the subject site and, as staff observed during a site visit, the current site drainage system is inadequate, resulting in erosion and minor gullyng.

The impervious surfaces created by the residence will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. The consultant in the February 22, 1996 study noted that signs of significant erosion were not found on the property. However, both the County and subject report recommend that runoff from the site be collected, retained and dissipated on-site in a non erosive manner. The County also recommended that all graded slopes be replanted with native non-invasive vegetation. This will avoid erosion into the oak woodland and creek.

For these reasons, the Commission finds that Special Condition number one (1) is necessary for a landscape plan that provides for the use of native plant

materials, plant coverage and replanting requirements, and additional measure if grading extends into the rainy season. Special condition number two (2) for a drainage plan to minimize erosion and provide for surface discharge in a non-erosive manner, is required mitigate potential impacts on the nearby Environmentally Sensitive Habitat Areas.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

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

### C. Environmentally Sensitive Resource Areas

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

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

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

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

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

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

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

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

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

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

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

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

The site is located above the Topanga Canyon Disturbed Significant Oak Woodland which contains a blue line stream, located east in Old Topanga Canyon. The parcel in question drains across Old Topanga Road into the creek, a designated ESHA.

Section 30240 requires that development in areas adjacent to ESHAs shall be designed to prevent impacts which would significantly degrade such areas. In addition, Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion,...and minimizing alteration of natural streams.

In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the building will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. As previously noted, both the County and geotechnical consultant recommend that runoff from the site be collected, retained and dissipated on-site in a non erosive manner.

The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

The Commission finds that the drainage plan required (Condition 2 discussed under Geologic and Fire Hazards above) ensures that runoff will be conveyed off-site in a non-erosive manner and minimize the impact on the ESHA by controlling sedimentation and hydrological impacts. Furthermore, the landscaping plan required (Condition 1) will not only minimize erosion and ensure site stability, but also minimize any adverse affects of sedimentation on the habitat of the designated blue-line stream and offshore areas. These conditions therefor protect against disruption of habitat values and protect the stream and riparian corridor's biological productivity.

In summary, the Commission finds that only as conditioned in one (1) and two (2) above will the proposed project be consistent with the policies found in Sections 30231, 30240 and 30250(a) of the Coastal Act.

#### D. Visual Impacts

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded

areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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

The project site overlooks the south end of Old Topanga Canyon Road and is highly visible from this designated scenic highway. Further, the site is a few hundred feet south of and visible from the Backbone Trail, which crosses Old Topanga Road.

The surrounding area is characterized by smaller lots but the project is not located in a small-lot subdivision. The character of proposed development is consistent in character with surrounding residential development.

The view impact is further mitigated by the design which shows the residence being built in a location on the parcel lower than surrounding slopes. The building height of 31 ft. above finished grade is consistent with the certified LUP. As noted above, the project site is close to the road which minimizes visual impacts of the development compared to other potential building pad sites. In summary, the proposed development in the indicated site is consistent with the surrounding area, the most suitable location for a residence on this site, and minimizes the visual impact of the proposed project.

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

Therefore, the Commission finds that the project as conditioned minimizes impacts to public views to and along the coast. The Commission finds that the proposed project as conditioned will be consistent with Section 30251 of the Coastal Act.

#### E. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be

maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

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

The proposed development includes constructing a new septic system. This system was subject to review by the County of Los Angeles Department of Health Services for design purposes. The Commission has found in past permit actions that compliance with the County of Los Angeles health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### F. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

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

#### G. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of

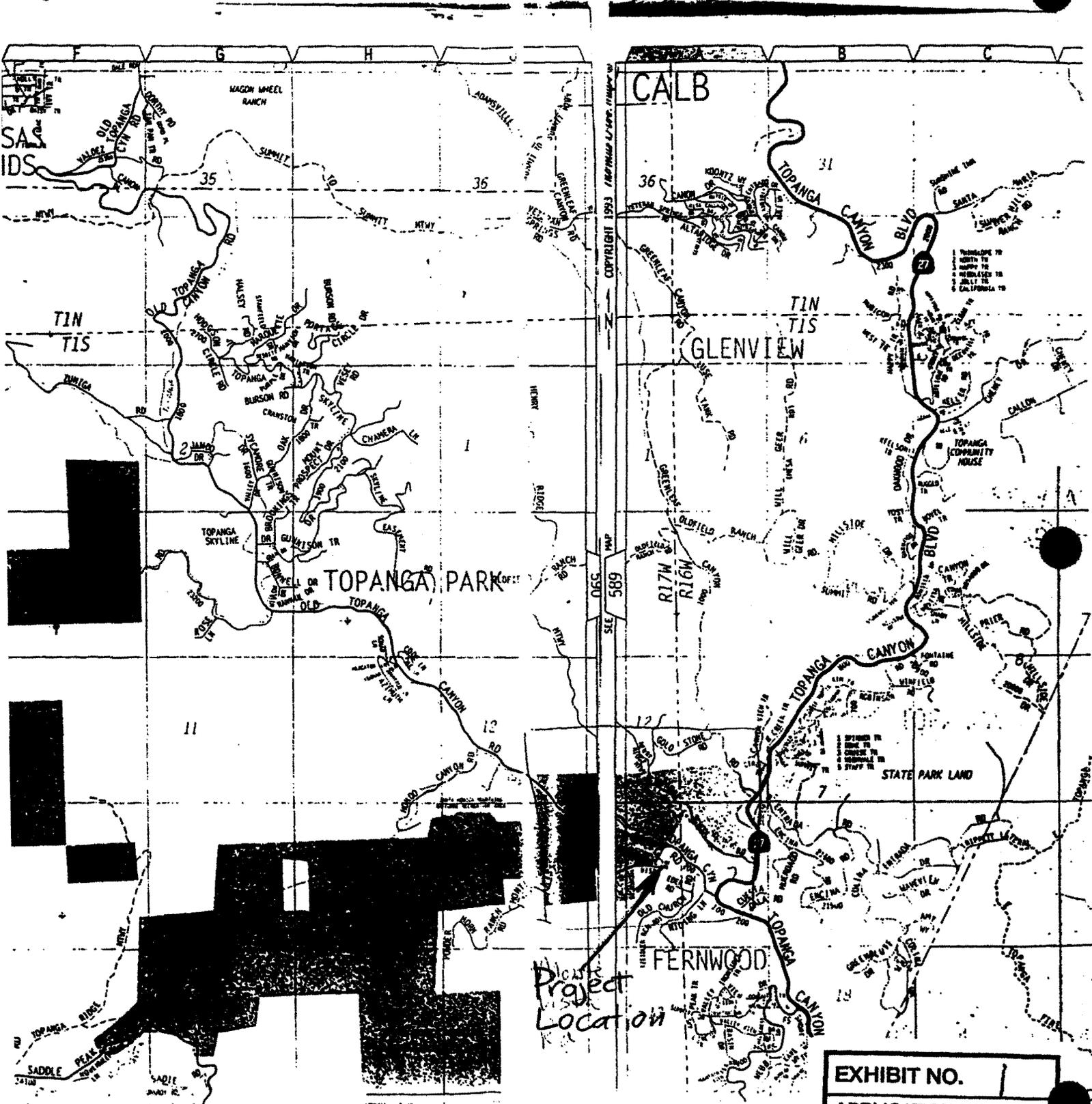
CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

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

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Hayles  
48 Monte Vista Rd.  
Topanga CA 90290

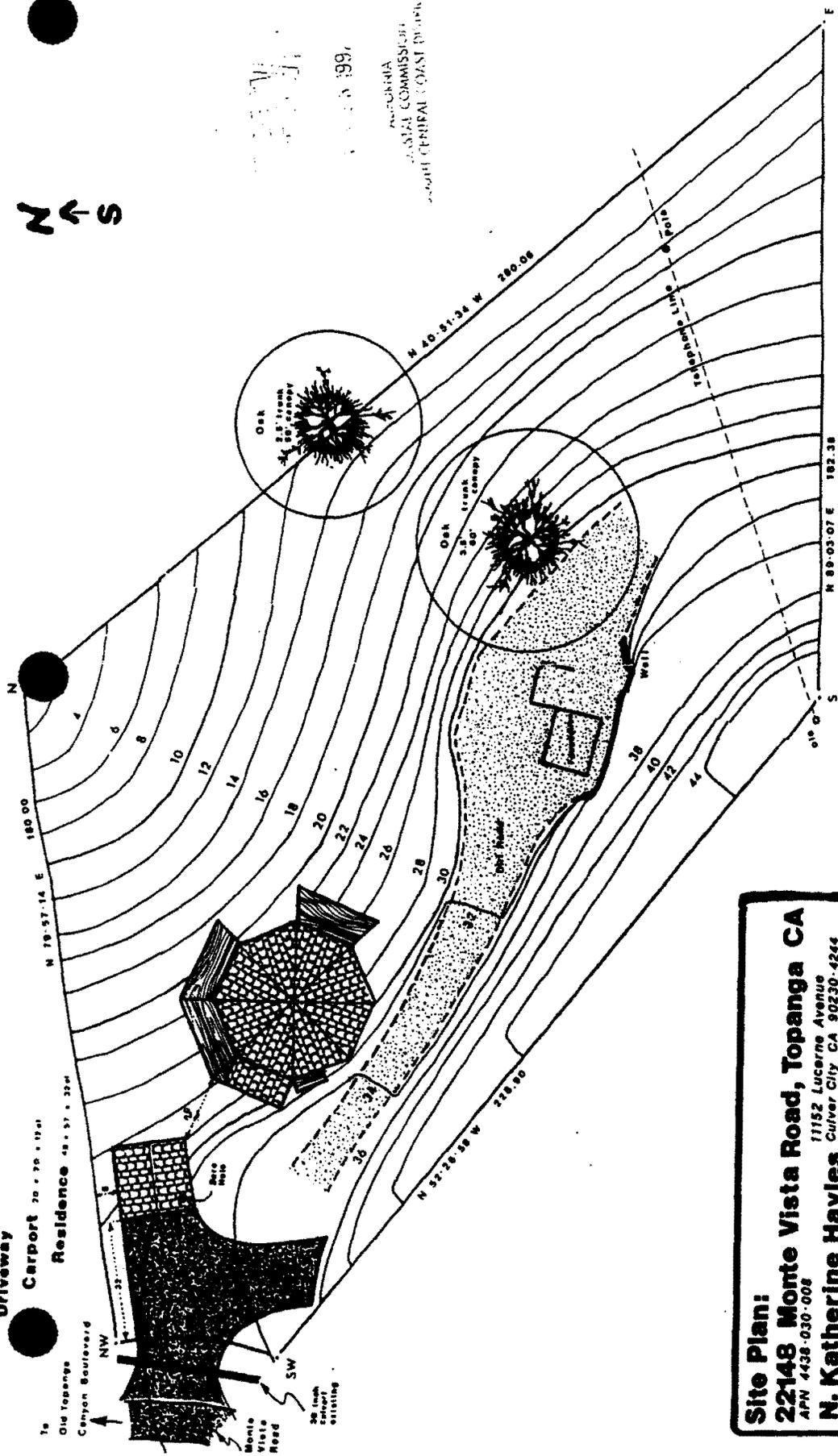
Thomson Guide  
pp. 589-90



Project Location

EXHIBIT NO.	1
APPLICATION NO.	4-97-190 (Hayles)
Project Location	

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APPROVED  
 FEBRUARY 15 1997  
 CALIFORNIA  
 STATE COMMISSION  
 COUNTY OF CALIFORNIA

**Site Plan:**  
**22148 Monte Vista Road, Topanga CA**  
 APN 4438-030-008  
**N. Katherine Hayles**  
 11152 Lucerne Avenue  
 Culver City CA 90230-4244  
 (310) 204-1721

EXHIBIT NO. 2
APPLICATION NO.
4-97-190 (Hayles)
Site Plan