

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 9/15/98
49th Day: 11/3/98
180th Day: 3/14/99
Staff: S. Hudson
Staff Report: 9/24/98
Hearing Date: Oct. 13, 1998
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-96-103

APPLICANT: Mac Lachlan Family Trust

AGENT: Richard Champion

PROJECT LOCATION: 744 Old Topanga Canyon Road, Topanga; Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 1,855 sq. ft., 35 ft. high, two-story single family residence (SFR) with a 420 sq. ft. attached garage to replace a 1,155 sq. ft. SFR destroyed by fire. The project includes 360 cu. yds. of grading (275 cu. yds. cut, 85 cu. yds. fill) 250 cu. yds. of overexcavation for removal and recompaction of the building pad, and the demolition of four existing accessory structures approximately 330 sq. ft. in total combined size.

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|---------------------|--------|---------|
| Lot area: | 25,620 | sq. ft. |
| Building coverage: | 1,050 | sq. ft. |
| Pavement coverage: | 4,600 | sq. ft. |
| Landscape coverage: | 400 | sq. ft. |
| Parking spaces: | 3 | |
| Ht abv fin grade: | 35'-0" | |

LOCAL APPROVALS RECEIVED: Approval in Concept Los Angeles County Regional Planning Department, Approval in Concept Los Angeles County Department of Health Services (Septic), Approval in Concept Los Angeles County Fire Department.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 1/21/95; Update Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 8/5/96; Oak Tree Report by Rosi Dagit, Certified Arborist, dated 12/6/94, and Addendum to Oak Tree Report by Rosi Dagit, Certified Arborist, dated 9/9/97.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with eight (8) special conditions regarding landscape and erosion control plans, oak tree monitoring program, plans conforming to geologic recommendation, exported excavation material, drainage plans, removal of existing accessory structures, future improvements, and a wild fire waiver of liability. The subject site is located within the Old Topanga Small Lot Subdivision and within a significant oak woodland approximately 200 ft. from Topanga Creek and the Old Topanga Canyon environmentally sensitive habitat area located downslope from the subject site and on the opposite (western) side of Old Topanga Road. With the required special conditions, the project will be in conformance with the policies of the Coastal Act relating to new development, habitat protection, geologic hazards, and cumulative impacts.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

II. Standard Conditions

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

III. Special Conditions

1. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting environmental specialist or arborist consultants to ensure that the plans are in conformance with the consultant's recommendations, as well as all recommendations contained in both the Oak Tree Report dated 12/6/94 and the Addendum to Oak Tree Report by Rosi Dagit, Certified Arborist, dated 9/9/97. 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, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants 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 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 90 percent coverage within three (3) years, and this requirement shall apply to all disturbed soils;

(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 dumping location.

2. Oak Tree Monitoring Program

Prior to the issuance of the permit, the applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director to develop an oak tree monitoring program for the proposed project. The biological consultant or arborist shall be present on site during all grading activity and during the removal of the four accessory structures located in the north east corner of the property. All recommendations contained in both the Oak Tree Report dated 12/6/94 and the Addendum to Oak Tree Report by Rosi Dagit, Certified Arborist, dated 9/9/97 shall be incorporated into the monitoring plan. Protective fencing shall be used around all oak trees which may be disturbed during construction activities. The consultant shall immediately notify the Executive Director if unpermitted activities, or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permit 4-96-103. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

After the construction phase for the proposed project has been completed, a final detailed report shall be submitted for review and approval by the Executive Director. If this report indicates that

significant impacts or damage has occurred to the oak trees on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program shall be processed as an amendment to this coastal development permit.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 1/21/95 and the Update Engineering Geologic Report by Pacific Geology Consultants, Inc. dated 8/5/96 shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the geologic consultant. 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 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. Removal of Excavated Material

The applicant shall remove all excavated material from the site and shall provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

5. 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 roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. 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.

6. Removal of Existing Accessory Structures

With acceptance of this permit, the applicant agrees to remove all existing development, including the four accessory structures, walkways, and stairs, located within the 5,072 sq. ft. area of the project site indicated as "excluded area" on the Gross Structural Area (GSA) Map and Calculations prepared by John H. Mac Neil dated January 6, 1992, prior to the construction of the proposed single family residence.

7. Future Improvements

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 Coastal Development Permit 4-96-103 and that any additions to permitted or existing structures, future structures, or improvements to the property,

including but not limited to clearing of vegetation and grading that might otherwise be exempt under Public Resource Code Section 30610(a) will require a permit or permit amendment from the Coastal Commission or from the appropriate local government with a certified Local Coastal Program. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. 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, operation, 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

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing the construction of a new 1,855 sq. ft., 35 ft. high, two-story single family residence (SFR) with a 420 sq. ft. attached garage to replace a 1,155 sq. ft. SFR destroyed by fire, 360 cu. yds. of grading (275 cu. yds. cut, 85 cu. yds. fill) 250 cu. yds. of overexcavation for removal and recompaction of the building pad, and the demolition of four existing accessory structures approximately 330 sq. ft. in total combined size. Pursuant to Coastal Act Section 30610(g)(1), a coastal development permit is not required for the replacement of a structure destroyed by disaster if the structure does not exceed either floor area, height, or bulk of the destroyed structure by more than 10%. In this case, the proposed replacement single family residence will exceed the previous structure by 61% and, therefore, requires a coastal development permit.

The subject site is a 25,263 sq. ft. lot located within the Old Topanga Small Lot Subdivision on the eastern slope of Old Topanga Canyon adjacent to Old Topanga Canyon Road (Exhibit One). The subject site is also located within an area designated by the certified Malibu/Santa Monica Mountains Land Use Plan as significant oak woodland. In addition, Topanga Creek and the Old Topanga Creek environmentally sensitive habitat area (ESHA) are located approximately 200 ft. from the project site on the opposite (western) side of Old Topanga Road. Slopes on site descend a total vertical height of 280 ft. over a linear distance of 351 ft. from east to west at an approximate slope ratio (H:V) of 2:1 (26°) to 1.5:1 (33°). A level graded pad area constructed for the previously existing single family residence which was destroyed by a house fire is located approximately 35 vertical feet above Old Topanga Road with access provided by a brick driveway which

extends from the road to the building pad. The County of Los Angeles Fire Department has determined that the existing driveway is adequate for emergency access and has issued an approval-in-concept for the proposed project. An approximately 200 sq. ft. existing detached garage is located within the south west corner of the subject site adjacent to Old Topanga Road.

The applicant also proposes to remove four existing wooden accessory structures, constructed prior to the Coastal Act of 1976 that are approximately 330 sq. ft. in total combined size and located on a steep slope within the driplines of several oak trees in the north east corner of the property upslope from the building pad. The four accessory structures essentially constitute a single second residential unit consisting of one structure for a kitchen, one structure for a bedroom, one structure for a living room, and one structure for a bathroom connected by a wooden walkway and stairs. The accessory structures were constructed by the previous property owner prior to the passage of the Coastal Act and do not require a coastal development permit. However, staff notes that the structures were constructed without the required County of Los Angeles building permits. Therefore, the Los Angeles County Department of Regional Planning has required that the applicant remove the four accessory structures located in the north east corner of the property prior to the issuance of the County's building permit.

B. Environmentally Sensitive Habitat Area

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

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 30240 states:

(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.

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural 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:

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) indicates that the project site is located within a significant oak woodland and approximately 200 ft. from Topanga Creek and the Old Topanga Canyon environmentally sensitive habitat area (ESHA). The project site is separated from both the creek and the Old Topanga Canyon ESHA by Old Topanga Canyon Road. In past permit actions, the Commission has required that new development be setback a minimum of 50 ft. from the riparian canopy of streams in order to provide adequate protection of the riparian habitat. In the case of this project, all new development will be setback approximately 200 ft from the designated ESHA and riparian area. In addition, the Commission notes that Topanga Creek and the ESHA are separated from the project site by Old Topanga Road and that the proposed project will have an adequate buffer zone from Topanga Creek and the ESHA.

However, the Commission also notes that increased erosion on site would subsequently result in a potential increase in the sedimentation of the downslope Topanga Creek. The Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to sedimentation of Topanga Creek. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment and oak tree habitat. Therefore, Special Condition One (1) has been required to ensure that all proposed disturbed areas are stabilized and vegetated in order to minimize the proposed project's cumulative contribution to sedimentation of the stream. Special Condition Five (5) has also been required to ensure that project drainage be achieved in a non-erosive manner and that the applicant assume responsibility for the maintenance of all drainage devices on site.

Although occupying a larger footprint, the proposed single family residence will be located in the same general area as the previously existing structure and will not require the removal of any oak trees on site. The County of Los Angeles Department of Regional Planning has determined in their "approval-in-concept" that "the proposed construction will not further impact oak trees" and that neither further review by the County Environmental Review Board or an Oak Tree Permit are required for the proposed project.

However, the Commission notes that although no oak trees will be removed as part of the proposed project, the Oak Tree Report dated December 6, 1994, and the Addendum to the Oak Tree Report dated September 9, 1997, by Rosi Dagit, identify potential adverse impacts to several of the oak trees on the subject site which will result from the proposed project. In addition, staff notes that the four accessory structures which the applicant proposes to remove are physically touching or within the driplines of several oak trees. Although the removal of these structures from the driplines of the oak trees will be beneficial to the long-term health of the trees, the Commission notes that the potential for damage to occur to the oak trees from the demolition and removal activities does exist. Further, the consulting arborist has included a number of recommendations which will minimize any adverse impacts to the oak trees on site resulting from the proposed project. In order to ensure that any potential adverse effects to the oak trees on the project site are minimized, Special Condition Two (2) requires the applicant to submit an oak tree monitoring program for the proposed project which shall include all recommendations contained in both the Oak Tree Report dated 12/6/94 and the Addendum to Oak Tree Report by Rosi Dagit, Certified Arborist, dated 9/9/97. In addition, Special Condition Two (2) also requires the use of protective fencing around all oak trees and the presence of a biological consultant or arborist on site during all grading activity and during the removal of the four accessory structures to ensure the successful implementation of the monitoring program. Therefore, the Commission finds that the proposed amendment, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

C. Geologic Stability and Hazards

Section 30253 of the Coastal Act states 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.

The applicant is proposing the construction of a new 1,855 sq. ft., 35 ft. high, two-story single family residence (SFR) with a 420 sq. ft. attached garage to replace a 1,155 sq. ft. SFR destroyed by fire, 360 cu. yds. of grading (275 cu. yds. cut, 85 cu. yds. fill), 250 cu. yds. of overexcavation for removal and recompaction of the building pad, and the demolition of four existing accessory structures approximately 330 sq. ft. in total combined size.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains 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 vegetation, thereby contributing to an increased potential for erosion and landslide on the property.

Due to the fact that the proposed single family residence 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 the associated risks as drafted in Special Condition Eight (8). 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.

The applicant's geologic and engineering consultant has determined that no known landslides are located within or immediately adjacent to subject property and that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed project. The Engineering Geologic Investigation Report by Pacific Geology dated January 21, 1995, states that:

Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that the subject property is geologically feasible for construction of a single family residence, provided the recommendations contained herein and those provided by the Geotechnical Engineer, Strata-Tech Geotechnical Consultants, are followed both during design and construction.

The Commission notes that the geologic and engineering consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical consultant are incorporated into the project plans, Special Condition Three (3) requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

The Commission also finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment and oak tree habitat. Therefore, Special Condition One (1) is required to ensure that all disturbed areas are stabilized and vegetated. In addition, the Engineering Geologic Investigation Report by Pacific Geology dated January 21, 1995, also states that:

Positive pad drainage shall be incorporated into the final plans. In no case shall water be allowed to pond within the site, impound against structures, or flow in a concentrated and/or uncontrolled manner down the descending slope areas.

Therefore, to ensure that adequate drainage is incorporated into the project plans, Special Condition Five (5) requires that the applicant submit drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations.

In addition, the amount of cut proposed by the applicant is substantially larger than the amount of fill to be placed and will result in approximately 190 cu. yds. of excess excavated material. Excavated materials that are placed in stockpiles are subject to

increased erosion. The Commission notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on or off site, and that landform alteration is minimized, Special Condition Four (4) requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required. The Commission finds that the proposed project, as conditioned above, is consistent with Section 30253 of the Coastal Act.

D. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

A number of areas in the coastal zone within the Malibu/Santa Monica Mountains area were subdivided in the 1920's and 1930's into very small "urban" scale lots such as the proposed project site. These subdivisions known as "small-lot subdivisions" are comprised of parcels of less than one acre (often ranging in size from only 4,000 to 5,000 sq. ft.). The total buildout of these dense subdivisions would result in a number of adverse cumulative effects to coastal resources. Cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled "Cumulative Impacts of Small Lot Subdivision Development in the Santa Monica Mountains Coastal Zone." The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints including: geologic problems, road access problems, septic system water quality problems, disruption of rural community character, and the creation of unreasonable fire hazards.

Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development of small lots on hillsides, including the Slope Intensity/Gross Structural Area (GSA) Formula were incorporated into the Malibu District Interpretative Guidelines in June 1979. A nearly identical Slope Intensity/GSA Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan (LUP) under Policy 271(b)(2).

Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP requires that new development in small lot subdivisions comply with the Slope Intensity/ Formula for calculating the Gross Structural Area (GSA) allowed for a residential unit. The Malibu/Santa Monica Mountains Land Use Plan (LUP), including the Slope Intensity/GSA Formula for determining the maximum level of development which may be permitted in small lot subdivisions, has been certified by the Commission and determined to be consistent with the Coastal Act. The basic concept of the formula assumes that the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse effects on coastal resources.

Slope Intensity Formula

$$GSA = (A/5) \times [(50-S)/35] + 500$$

GSA = The allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = The area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = The average slope of the building site in percent as calculated by the formula.

$$S = I \times L/A \times 100$$

I = The contour level in feet, at not greater than 25 foot intervals, resulting in at least five (5) contour lines.

L = The total accumulated length of all contours of interval "I" in feet.

A = The area being considered in square feet.

The applicant is proposing to construct an 1,855 sq. ft. single family residence with a 420 sq. ft. attached garage on the subject site which is located within the Old Topanga Small Lot Subdivision. The applicant has submitted a GSA calculation utilizing a slope of 32% and an area of 20,191 sq. ft. The data for the calculation was derived from a five-foot interval topography map of the project site which excluded 5,072 sq. ft. of the lot from the usable buildable area. The accumulated length of all contour lines is 1,290 ft. Based on these parameters, the GSA (or maximum allowable size for a structure on the subject site not including a garage) is 2,576 sq. ft. The proposed 1,855 sq. ft. residence will not exceed the allowable GSA. In order to ensure that any future development or additions on the subject site are consistent with the allowable GSA, Special Condition Seven (7) requires the applicant to record a deed restriction providing that any future development, additions, or improvements on the subject site will require a permit from the Coastal Commission and shall be consistent with the allowable GSA.

In addition, the Commission notes that the four existing accessory structures which the applicant proposes to remove are located within the 5,072 sq. ft. area which has been excluded from the allowable buildable area for the project site for the purpose of the GSA map and calculation prepared by John H. Mac Neil dated January 6, 1992, and submitted by the applicant. Staff notes that if the excluded area (as defined by the applicant) was included as buildable area in the GSA calculation (as would be required if the existing accessory structures were not removed) the total allowable GSA for the project site would be limited to approximately 1,160 sq. ft. due to the steepness of the slope. Therefore, the Commission notes that the proposed construction of the 1,855 sq. ft. residence in addition to the existing 330 sq. ft. accessory structures would not be consistent with the allowable GSA for the subject site. As such, Special Condition Six (6) has been required to ensure that the applicant's proposal to remove the four accessory structures within the GSA exclusion area is implemented. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30240, 30250 and 30252 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 in the local area. Section 30231 of the Coastal Act states that:

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

The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The minimum health code standards for septic systems for Los Angeles County have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

SMH-VNT

File:smh/permits/consent/4-96-103

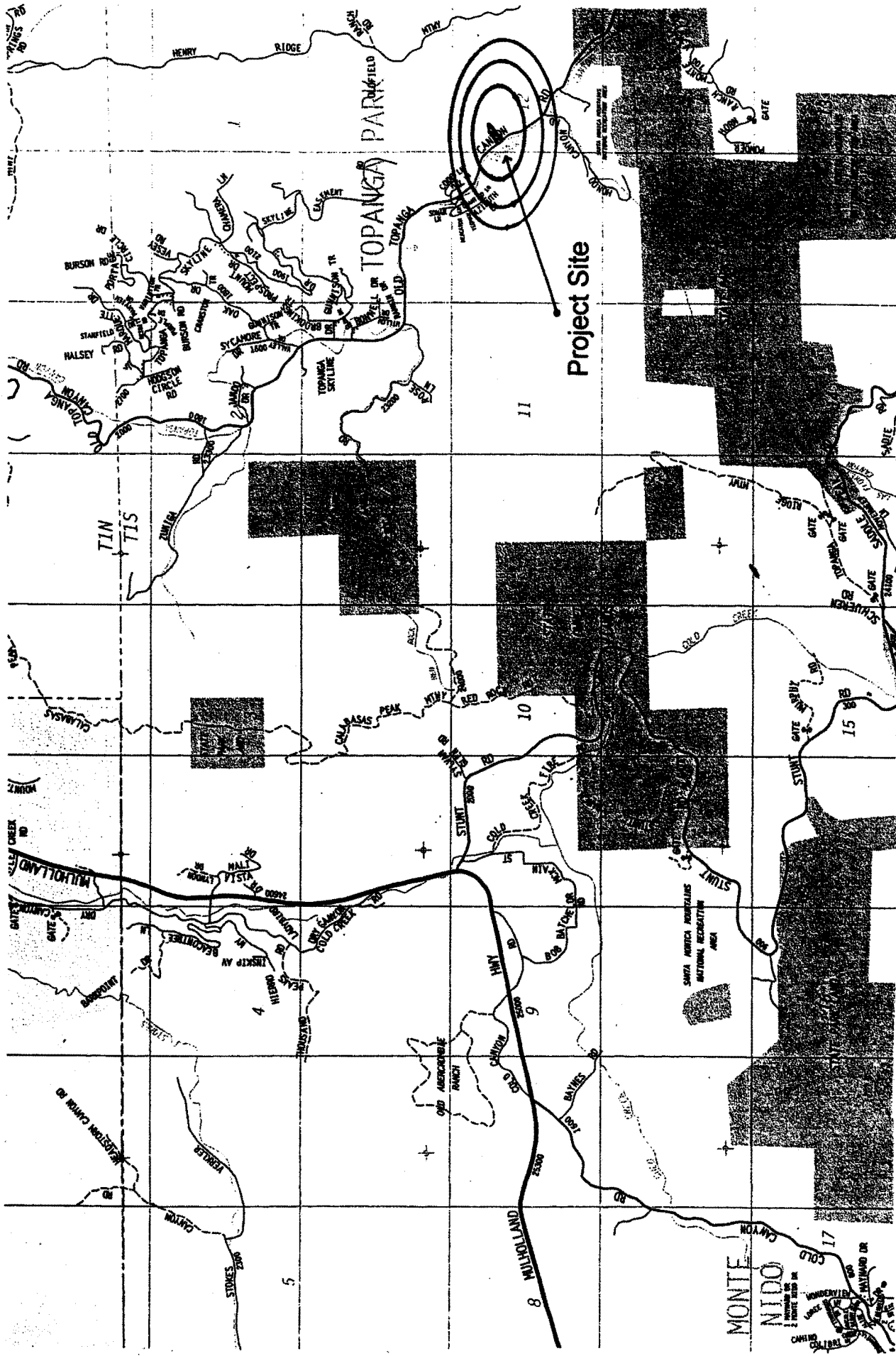
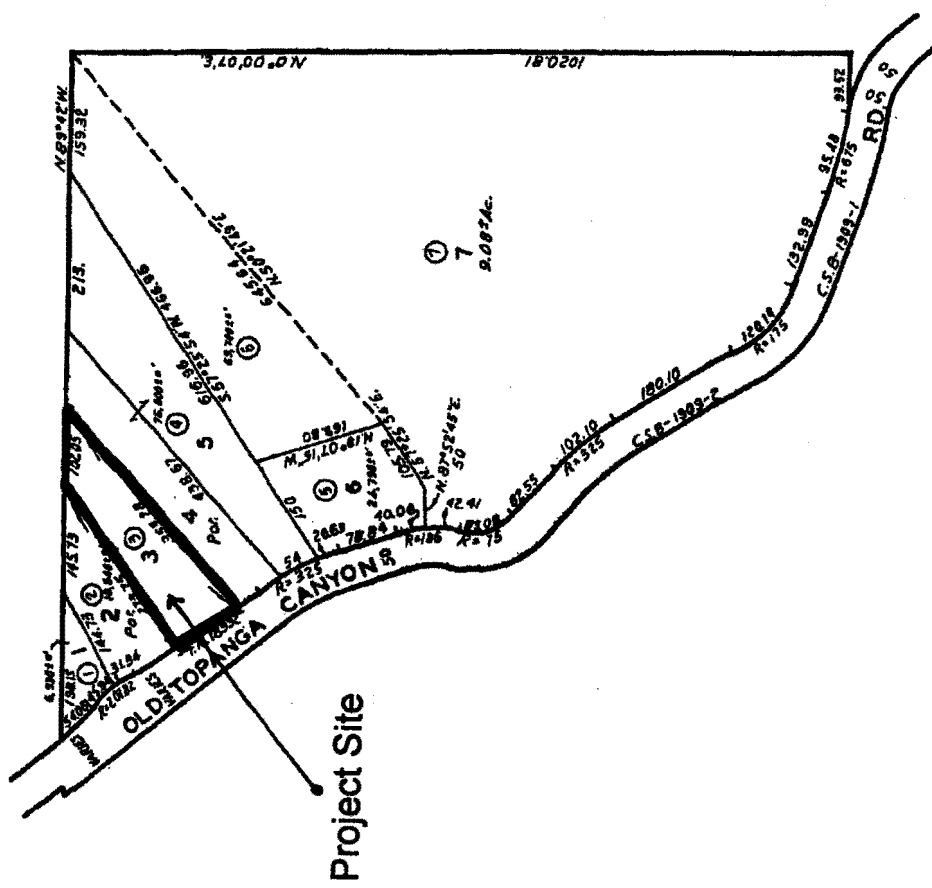


Exhibit No. 1: (4-96-103) Location Map



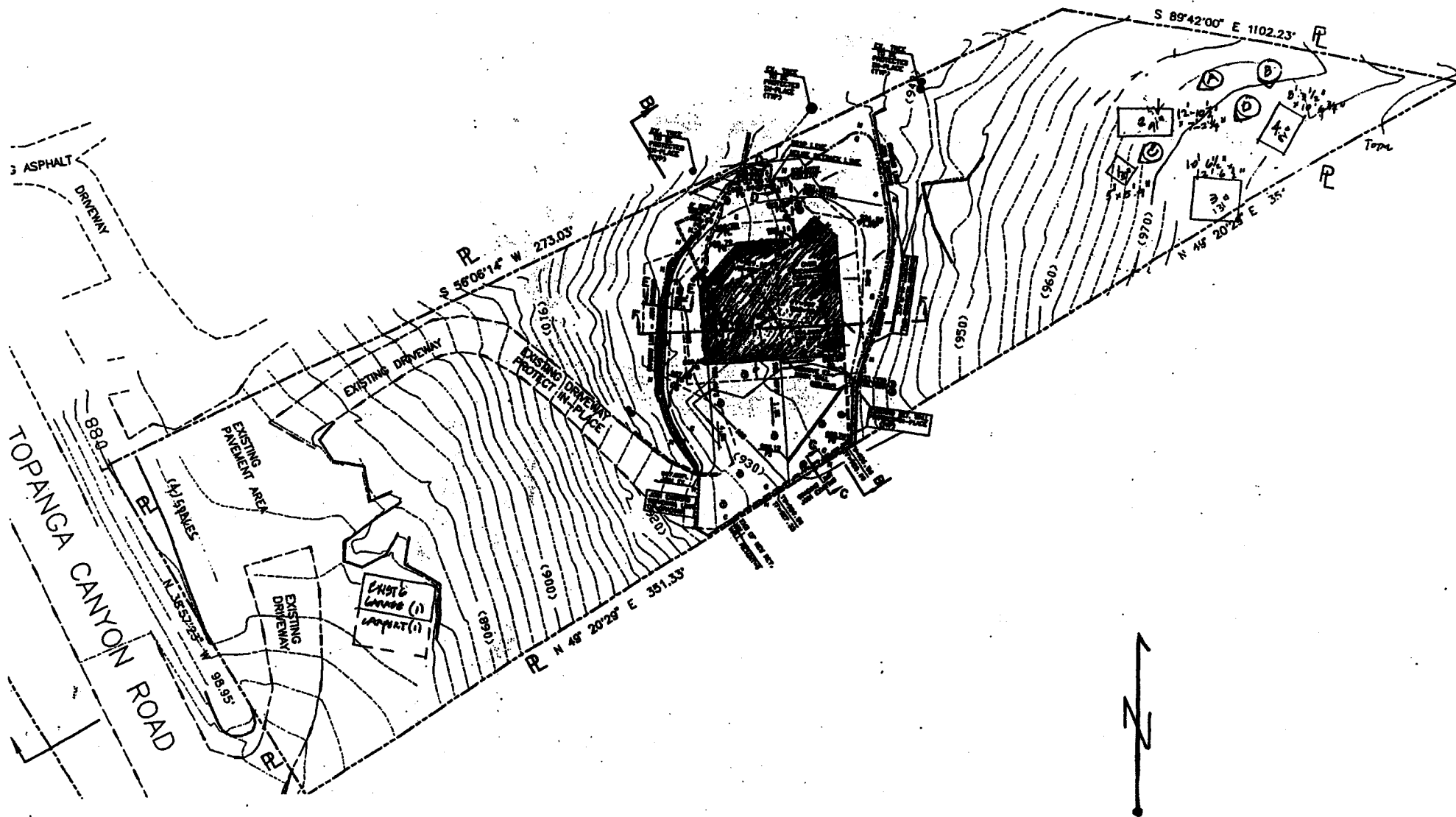
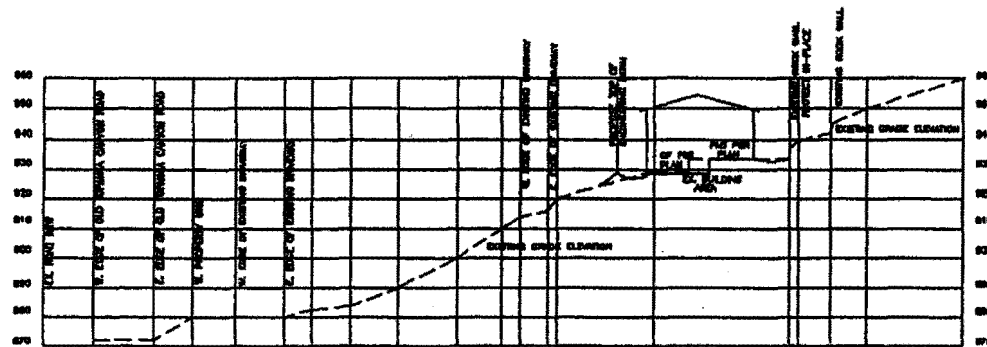
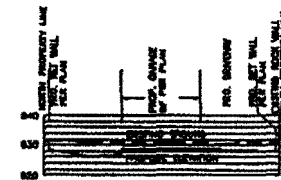


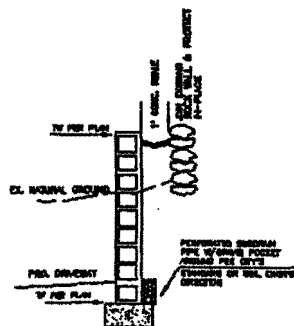
Exhibit No. 3: (4-96-103) Site Plan



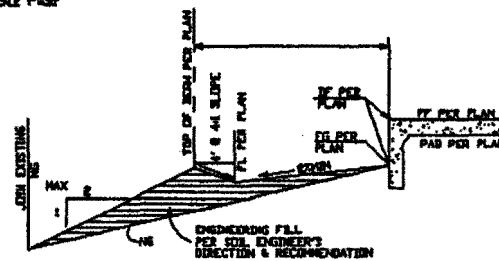
CROSS SECTION A-A
SCALE 1"=30'



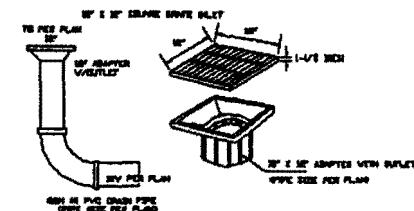
CROSS SECTION B-B
SCALE 1"=30'



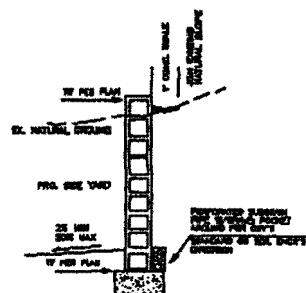
CROSS SECTION C-C
SCALE 1"=30'



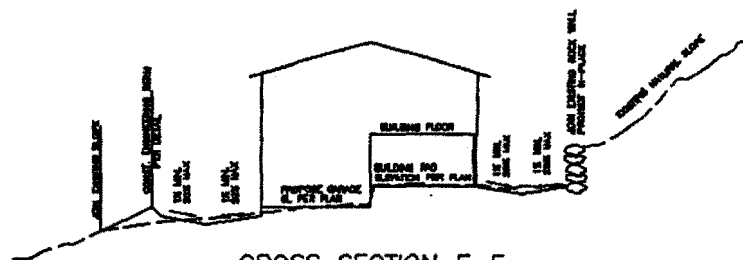
CROSS SECTION E-E
SCALE 1"=30'



NDS 12' X 12' GRATE DRAINAGE INLET
NDS



CROSS SECTION D-D
SCALE 1"=30'



CROSS SECTION F-F
SCALE 1"=30'

GP 000-000-0000

COUNTY OF LOS ANGELES

EXISTING SITE CONDITION
FOR
774 OLD TOPANGA CANYON ROAD

APPROVED

DATE

SHEET
2
OF
4

FOCUS ENGINEERING
CIVIL ENGINEER LAND SURVEYOR
20 HUNTERS, SUITE 310
BAYVIEW, CA 94025
TEL: (415) 488-0000
FAX: (415) 488-0000

BENCHMARK:
PER PROJECT SURVEYOR'S OFFICE
PROJECT SURVEYOR
JOHN H. HALL, LS 3088
2250 S. TOPANGA, SUITE 2
TOPANGA, CA 90260
OVR 488-0000

SOIL ENGINEER:
PACIFIC GEOLOGY
GEO. HENRY ADAMS
1000 N. 10TH, SUITE 100
SAN JOSE, CA 95128
TEL: (415) 488-0000

OWNER:
MR. & MRS. BRUCE MAC LACHLAN
1420 UNIVERSITY AVENUE, #2
SANTA MONICA, CA 90401
TEL: (310) 318-1111

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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[illegible]

BRUCE + MART ANN M LACHLAN
774 OLD TOWN CANYON ROAD
TOWN OF CA 90390

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| Case | Case 14, 15 | Case 16 | Case 17 | Case 18 | Case 19 | Case 20 | Case 21 | Case 22 | Case 23 | Case 24 | Case 25 | Case 26 | Case 27 | Case 28 | Case 29 | Case 30 | Case 31 | Case 32 | Case 33 | Case 34 | Case 35 | Case 36 | Case 37 | Case 38 | Case 39 | Case 40 | Case 41 | Case 42 | Case 43 | Case 44 | Case 45 | Case 46 | Case 47 | Case 48 | Case 49 | Case 50 | Case 51 | Case 52 | Case 53 | Case 54 | Case 55 | Case 56 | Case 57 | Case 58 | Case 59 | Case 60 | Case 61 | Case 62 | Case 63 | Case 64 | Case 65 | Case 66 | Case 67 | Case 68 | Case 69 | Case 70 | Case 71 | Case 72 | Case 73 | Case 74 | Case 75 | Case 76 | Case 77 | Case 78 | Case 79 | Case 80 | Case 81 | Case 82 | Case 83 | Case 84 | Case 85 | Case 86 | Case 87 | Case 88 | Case 89 | Case 90 | Case 91 | Case 92 | Case 93 | Case 94 | Case 95 | Case 96 | Case 97 | Case 98 | Case 99 | Case 100 |
|------|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------|

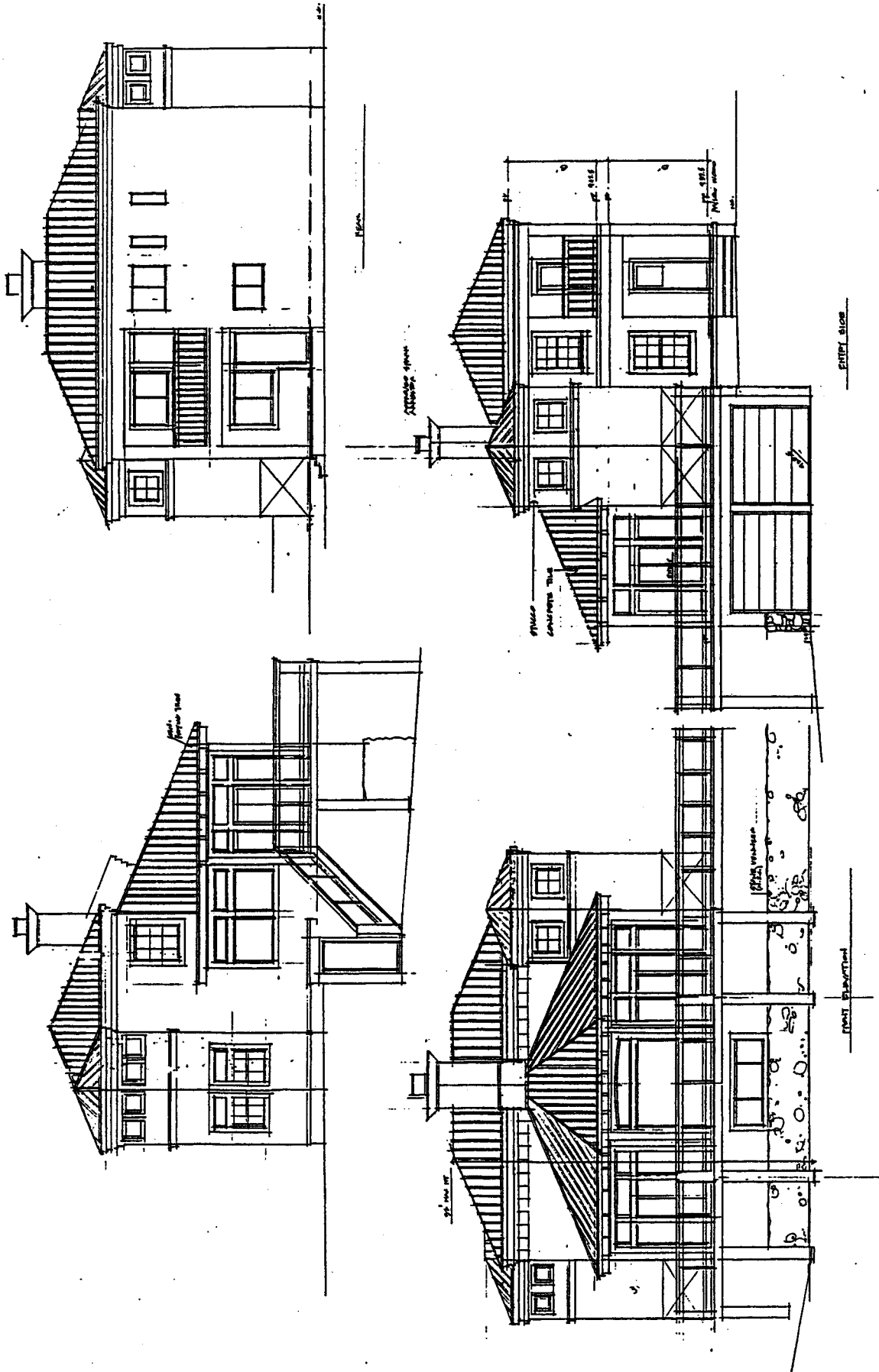


Exhibit No. 6: (4-96-103) Elevations for Proposed Single Family Residence

