

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MONTURA, CA 93001

(805) 641-0142

RECORD PACKET COPY

Filed: 3/2/98
49th Day: 4/20/98
180th Day: 8/29/98
Staff: JCJ/V
Staff Report: 3/18/98
Hearing Date: 4/7-10/98
Commission Action:
8377A

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-007

APPLICANT: John and Jeanne Thompson

PROJECT LOCATION: 23225 Saddle Peak Road, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 4,080 sq. ft., two story, 35 ft. high, single family residence with attached 3-car garage, driveway, septic tank and seepage pits. Grade about 950 cubic yards of cut material, fill 50 cubic yards, and export remainder to Calabasas Landfill located outside the coastal zone.

Lot Area: 3.39 acres
Building Coverage: 3,741 sq. ft.
Pavement Coverage: 3,450 sq. ft.
Landscape Coverage: 600 sq. ft.
Parking Spaces: 3
Plan Designation: Rural Land III
Zoning: 1 du/ 2 acres
Project Density: 1 du/ 3 acres
Ht abv fin grade: 35 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 11/6/97; Sewage Disposal System Approved, Department of Health Services, Los Angeles County, dated 10/30/97; Coastal Commission Approval Only, Fire Department, Los Angeles County, dated 11/20/97.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-96-090, Frazier; Coastal Permit 5-89-1136, Brenner; Coastal Permit No. 4-96-215, Zanini.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with five (5) Special Conditions; plans addressing the consulting geologist's and engineer's recommendations, a wild fire waiver of liability, a landscaping, drainage, and fuel modification plans, future improvements restriction, and design restrictions. The project site is located on the east flank below a significant ridgeline along the eastern side of Saddle Peak Road. The site drains to an ESHA designated tributary, located about 1,000 feet to the east, leading to Topanga Canyon Creek. There are two trails in the vicinity of the subject site, one is planned to be located on the opposite side of a ridge to the southwest, the Tuna Canyon Trail, the other exists along a steep ridge to the northwest, the Backbone Trail. Although, the

residence does not appear to be visible from these public trails, it will be visible from Saddle Peak Road, a designated scenic highway and surrounding national and state parklands. The project, as conditioned, will protect these environmental and visual resources.

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 in the application for permit, subject to any special conditions 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 project during its development, 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. 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 consultant's review and approval of all project plans. All recommendations contained in the three reports, 1) "Engineering Geology and Geotechnical Engineering Report", by Buena Engineers, Inc., dated November 1, 1989, 2) Update of Engineering Geology and Geotechnical Engineering Report, by Earth System Consultants, dated August 4, 1997, and 3) Code III Statement Report, by Earth System Consultants, dated February 10, 1998, shall be incorporated into all final design and construction including site grading, utility trenches, slope construction, conventional foundations, caisson and grade beam foundations, slabs-on-grade, frictional and lateral coefficients, and settlement considerations must be incorporated into the final plans. All plans must be reviewed and approved by the engineering geologist and geotechnical engineer consultants.

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 consultant shall require an amendment to the permit or a new coastal permit.

2. 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.

3. LANDSCAPE, DRAINAGE, AND FUEL MODIFICATION PLANS

Prior to issuance of the coastal development permit, the applicant shall submit a landscaping and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Fire Department for review and approval by the Executive Director. The applicant shall also submit a drainage/erosion control plan for the control of erosion prepared by a licensed engineer for review and approval by the Executive Director. These 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 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. Plantings shall include vertical elements to partially screen and soften the visual impact of the residence and garage as seen from Saddle Peak Road to the north, west and south of the subject site.

- b) All cut and fill slopes and disturbed soils 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.
- c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- (d) Vegetation within 50 feet of the proposed house 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 300' radius of the main structure, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Fire Department, Fire Prevention Bureau.
- e) The drainage/erosion control plan shall assure that run-off from the roof, patios, driveway 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 sheet flow runoff over the face of the slope which descends to a drainage area on the eastern portion of the parcel. The erosion control plan shall include revegetation of the building site with drought-tolerant, native species more specifically described in the landscape plan above. By the acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to insure that the system functions properly. Should the device fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

4. 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. 4-98-007; 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 three (3) is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens that the 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.

5. 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 structures and roofs to colors compatible with colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass.

The document shall run with the land, binding all successors and assigns, and shall be recorded free from prior liens that the 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.

IV. Findings and Declarations.

A. Project Description and Background

The applicants propose to construct a 4,080 sq. ft., two story, 35 ft. high from finished grade, single family residence including an attached 930 sq. ft. 3-car garage, driveway, and a septic system consisting of a septic tank and seepage pits. Regarding grading, about 950 cubic yards of cut is proposed. About 50 cubic yards of fill is proposed to create the northwestern portion of the driveway, the remaining 900 cubic yards is proposed to be disposed at the Calabasas Landfill, located outside the coastal zone (Exhibits 3 - 7). Domestic and fire hydrant water service is provided by water line located along Saddle Peak Road; a water meter exists on the property.

The project site of 3.39 acres is located within a small valley at the top of Saddle Peak Road between Stunt Road to the northwest and Tuna Canyon Road to the southeast (Exhibits 1 and 2). The proposed building site is located immediately east of the short section of Saddle Peak Road which leads south to north. The site is located within 26.5 feet of the Saddle Peak Road right-of-way and about 35 feet of the Road pavement. The residence will be cut into a descending slope in a manner that the floor of the upper floor and garage will be located about six (6) to seven (7) feet below the grade of Saddle Peak Road. The lower level floor will be located about seventeen (17) feet below the grade of Saddle Peak Road (Exhibits 6 & 7).

The subject site is lot 2 of a fourteen lot subdivision approved by the Commission as coastal permit 5-84-274 (Goodstein & Watson). That project included subdividing three parcels totalling 60 acres into the 14 lots. The permit was approved in September 1984 with conditions addressing a transfer of development credits for eleven lots, trail dedication, viewing area, and an open space easement. All conditions were met and the permit was issued.

The subject property appears to be located within the Rural Land III land use designation provided in the Los Angeles County Land Use Plan, a portion of the County Local Coastal Program. The Los Angeles County Land Use Plan Map encircles the subject lot and surrounding lots, but does not have a number indicating the land use designation. However, the Local Agency Review Form signed by the Los Angeles County Regional Planner indicates that the Local Coastal Plan designation is Rural Land III. Based on a review of the surrounding land use designations and lands with comparable topography, the Rural Land III designation appears to be correct. The Rural Land III allows for one dwelling unit for two acres of land. The applicant's lot is 3.39 acres in size thereby conforming to the land use designation allowing for one unit for two acres of land.

B. Geologic and Fire Hazards and ESHA

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.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

P154 Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic system.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

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

Section 30240

(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 Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. 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 existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Hillside residences are located on the nearby properties to the west and south in addition to numerous vacant lots in the vicinity along Saddle Peak Road. Since the subject lot is vacant, site drainage is now by sheet flow runoff directed towards the east into existing drainages.

1. Geologic Hazard

The property consists of a natural slope that descends east from Saddle Peak Road at a slope of about 2.5 : 1 horizontal to vertical. Total relief for the 3.36 acre lot is about 148 feet with elevations ranging from 2,444 to 2,296 feet above sea level. The proposed building site finished floor is located at 2,423 feet for the lower level and between 2,433 - 2,434 feet for the upper level. Saddle Peak Road adjacent to the building site is at the 2,440 foot elevation level. The finished floor of the upper level will be between six (6) to seven (7) feet below adjacent grade of Saddle Peak Road. Therefore, the majority of the residence will be located downslope of Saddle Peak Road.

Regarding the geologic and erosion hazard, the applicants submitted three geology reports titled, 1) "Engineering Geology and Geotechnical Engineering Report", by Buena Engineers, Inc., dated November 1, 1989, 2) Update of Engineering Geology and Geotechnical Engineering Report, by Earth System Consultants, dated August 4, 1997, and 3) Code 111 Statement Report, by Earth System Consultants, dated February 10, 1998. These reports addresses the geology and soil issues on subject lot 2 by stating:

Bedrock units underlying the site are portions of the Fernwood Member of the Miocene Age Topanga Formation. ... On Lot 2, bedding planes of the units dip into the hill, a condition typically considered as being a favorable bedrock orientation. ... Since no known faults trend into Lots 2 and 13, the possibility for fault rupture must be considered negligible.

A two story house with raised floors would be constructed near the top of the site, adjacent to Saddle Peak Road. By situating the home in this area, the house would most likely be entirely on cut, and founded into bedrock materials.

Based upon the findings of the referenced reports, and assuming that the recommendations provided in those reports are incorporated into the project, it is our professional opinion that the proposed development will not be subject to geologic hazard from landslides, settlement, or slippage. Furthermore, it is our professional opinion that, with the same provisions, the proposed project, including the grading for that project, will not adversely affect the geologic stability of adjacent properties.

The recommendations in these reports address the following issues: site grading, utility trenches, slope construction, conventional foundations, caisson and grade beam foundations, slabs-on-grade, frictional and lateral coefficients, and settlement considerations.

Based on the findings and recommendations of the consulting geologist and engineer, the Commission finds that the development is consistent with Section 30253, so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicants to submit the final project plans that have been certified in writing by the geology and engineer consultants as conforming to their recommendations, as noted in special condition one (1).

2. Erosion and ESHA

Minimizing the erosion of the site is also important to reduce geological hazards and minimize sediment deposition in an environmentally sensitive habitat area within a tributary leading into Topanga Canyon Creek. As noted above, the building site drains east into an existing drainage area, which leads to an unnamed tributary which then leads eventually into Topanga Canyon Creek. The riparian vegetation and habitat located in both the tributary and Topanga Canyon Creek are designated environmentally sensitive habitat areas (Exhibit 8). Since the project site and property are not located within any ESHA or Significant Watershed designated area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. Further, the recommendations of the consulting geologist and engineer emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site. For these reasons the Commission finds it necessary to require a drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite into this environmentally sensitive habitat area, as noted in special condition three (3).

To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. For these reasons, the Commission finds it necessary to require the applicant to submit a landscape plan to provide plantings primarily of native species as noted in special condition three (3).

3. Wildfire Hazard

The Coastal Act 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. The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed residence and other development is in an area subject to extraordinary potential for damage or destruction from wildfire.

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 special condition number two (2).

In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing and thinning the area up to 300 feet from the residence. The replacement plants provided in the landscape plan will minimize and control erosion, as well as screen and soften the limited visual impact of the proposed development from Saddle Peak Road. Special condition number three (3) also requires a landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements for all disturbed area on the site and the submittal of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if grading occurs during the rainy season.

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist and engineer, a wild fire waiver of liability, and a landscape, erosion control, and fuel modification plans, will the proposed project be consistent with Sections 30240 and 30253 of the Coastal Act.

C. Visual Impacts and Landform Alteration

Section 30251 of the Coastal Act states in part 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding protection of visual resources, which are used as guidance and 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.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to maximum extent feasible.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

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

- minimize the alteration of natural landforms.

- be landscaped to conceal raw-cut slopes.

- 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.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

In the review of this project, the Commission analyzes the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Malibu/Santa Monica Mountains Land Use Plan includes a Visual Resources Map. The vicinity of the subject site is designated as a "Scenic Area" which is given special treatment when evaluating potential impacts created by new development (Exhibit 9). The subject site's building pad is located below the top of Saddle Peak Road and the surrounding hilltops. Saddle Peak Road weaves among the hilltops in this area which is designated as a Significant Ridgeline. Portions of Saddle Peak Road have ocean views, other areas have inland views. Further, Saddle Peak Road is designated as a Scenic Highway. To the south and north are lands and a public trail owned by the various public agencies, including the Santa Monica Mountains Conservancy, Mountains Restoration Trust, and the National Park Service.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and attached 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. There are a few residences existing in the vicinity of the project site to the west and south.

1. Public Scenic Highway

The applicants propose to construct a two story 4,080 sq. ft. residence and garage on an building pad cut into the hillside below the adjacent grade of Saddle Peak Road. The subject site is located in an area with inland views of a small valley located at the top of Saddle Peak. The site is not located within an area having ocean views from existing roads. The garage portion of the structure will be located about 35 feet beyond the right-of-way and 26.5 feet from the paved roadway of Saddle Peak Road. A semi-circular driveway is proposed to access the garage (Exhibit 3). The maximum height of the residence will be 30 feet of which only about ten (10) feet will be above the adjacent grade of Saddle Peak Road. The majority of the residence will be located below the grade of Saddle Peak Road.

The residence and garage will be visible from Saddle Peak Road. Although the majority of Saddle Peak Road traverses west to east along this section of the Santa Monica Mountains, the subject property is located on the east side of a section of the road which traverses north to south (Exhibit 2). The building site and residence as viewed from the north, west, and south will be visible by travelers traversing either direction along Saddle Peak Road.

The proposed grading to create the building site will be about 950 cubic yards of cut to place the building pad into the slope. About 50 cubic yards of fill will level the northern portion of the driveway. Cutting the building pad into the hillside will reduce the visibility of the structure. Compared to the visibility of the residences upslope of the proposed project, public views of the structure will be limited.

2. Public Trails

Regarding public trails, there are two in the vicinity of the subject site, one exists, the other is planned for the future. The Backbone Trail is located as close as 1,500 feet to the north, which traverses west to east along a sloped area (Exhibits 10 and 11). The Tuna Canyon Trail is planned for the future to connect the Backbone Trail to Tuna Canyon and Pacific Coast Highway. The Tuna Canyon Trail is identified on the Los Angeles County Parks and Recreation, Malibu/Santa Monica Mountains Area Plan Trails System, dated June 1983 (Exhibit 10). The proposed residence and garage will not be visible from this planned trail, since the trail is to be located over the ridge to the south-west and downslope on the opposite side of Saddle Peak Ridge. In addition the site does not appear to be visible from the Backbone trail. The Backbone Trail is located along the north facing slope of Saddle Peak Ridge and drops into Hondo Canyon to the north of the subject site. Due to the topographic features, including two small intervening ridges, the subject site and proposed structure does not appear to be visible from the Backbone Trail.

To address potential visual impacts of the subject site, grading, and structure from Saddle Peak Road, appropriate drought resistant, and fire

retardant plants compatible with the surrounding vegetation need to be planted to partially screen and soften the public view of the structure. In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing up to a 50 foot area and selective thinning an area up to 300 feet from the structure. A landscape plan with replacement plants will minimize and control erosion, as well as screen with vertical elements and soften the visual impact of the proposed development as seen from Saddle Peak Road. The landscape plan provides for new plants which will blend with the surrounding native vegetation. Since the 1993 wildfire, the chaparral plant community is growing back on the subject site. Special condition number three (3) requires a landscape plan and fuel modification plan that requires the use of only native plant materials, provides for plant coverage and replanting requirements and submission of a fuel modification plan approved by Los Angeles County Fire Department.

In addition, future developments or improvements to the property have the potential to create visual impacts as seen from the public places noted. The Commission commonly requires that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. In this case, the residence will be cut into the downslope of a hillside locating the majority of the structure below the adjoining public roadway. As a split level residence and garage, the height ranges from seventeen (17) feet from finished grade for the garage to a maximum height of the residence at thirty (30) feet from the finished grade for the two story portion of the residence. Because the residence steps down the grade, the structure will extend only about ten (10) feet above the adjoining grade of Saddle Peak Road. The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan establishes a maximum height of 35 feet from finished grade for all new residential development. Therefore, because the residence and garage are proposed at a height below the maximum allowed by the LUP, the height of the structure could be increased with future additions or improvements. As a result, there is the potential to create future visual impacts as seen from Saddle Peak Road and surrounding parklands to the north, east, and south. In order to ensure that future additions or improvements that might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by special condition four (4).

In addition, because the proposed residence and garage will be visible to a limited degree from Saddle Peak Road and parklands, as noted above, it is necessary to ensure that the design of the project will not create visual impacts. To ensure that the colors of the structures and the potential glare of window glass will not create visual impacts, the Commission find it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass as required by special condition number five (5).

Therefore, the Commission finds that the development, as conditioned, will be sited and designed to protect public views to and along the ocean and scenic coastal areas, will minimize the alteration of natural land forms, and will be visually compatible with the character of surrounding areas. Thus, the proposed project, as conditioned, will not impact the scenic public views in this area of the Santa Monica Mountains and is consistent with Section 30251 of the Coastal Act.

D. Septic System

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.

In addition, the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan includes the following policies concerning sewage disposal, which are used as guidance:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...

P226 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 proposed development includes constructing a new septic tank and seepage pits to provide for sewage disposal. The applicants have submitted an approval for the sewage disposal from the Department of Health Services, Los Angeles County. This approval indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

E. 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).

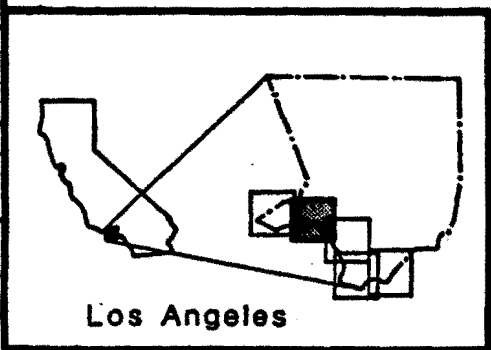
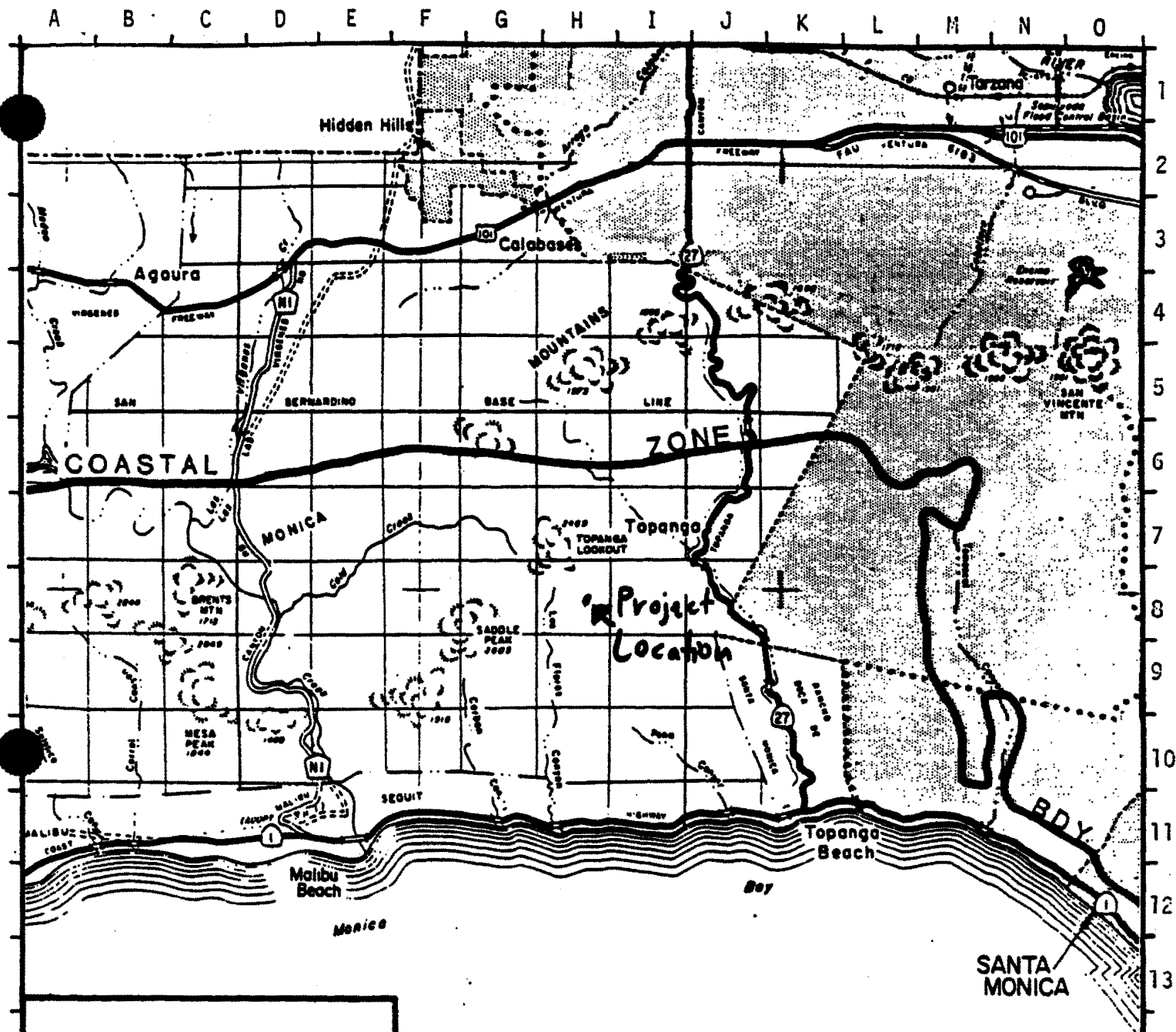
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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).

F. 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.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

8377A



| |
|--------------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. 4-98-007 |
| Project |
| Location |

California Coastal Commission

LOCATION MAP



County of Los Angeles

Sheet 2 of 5

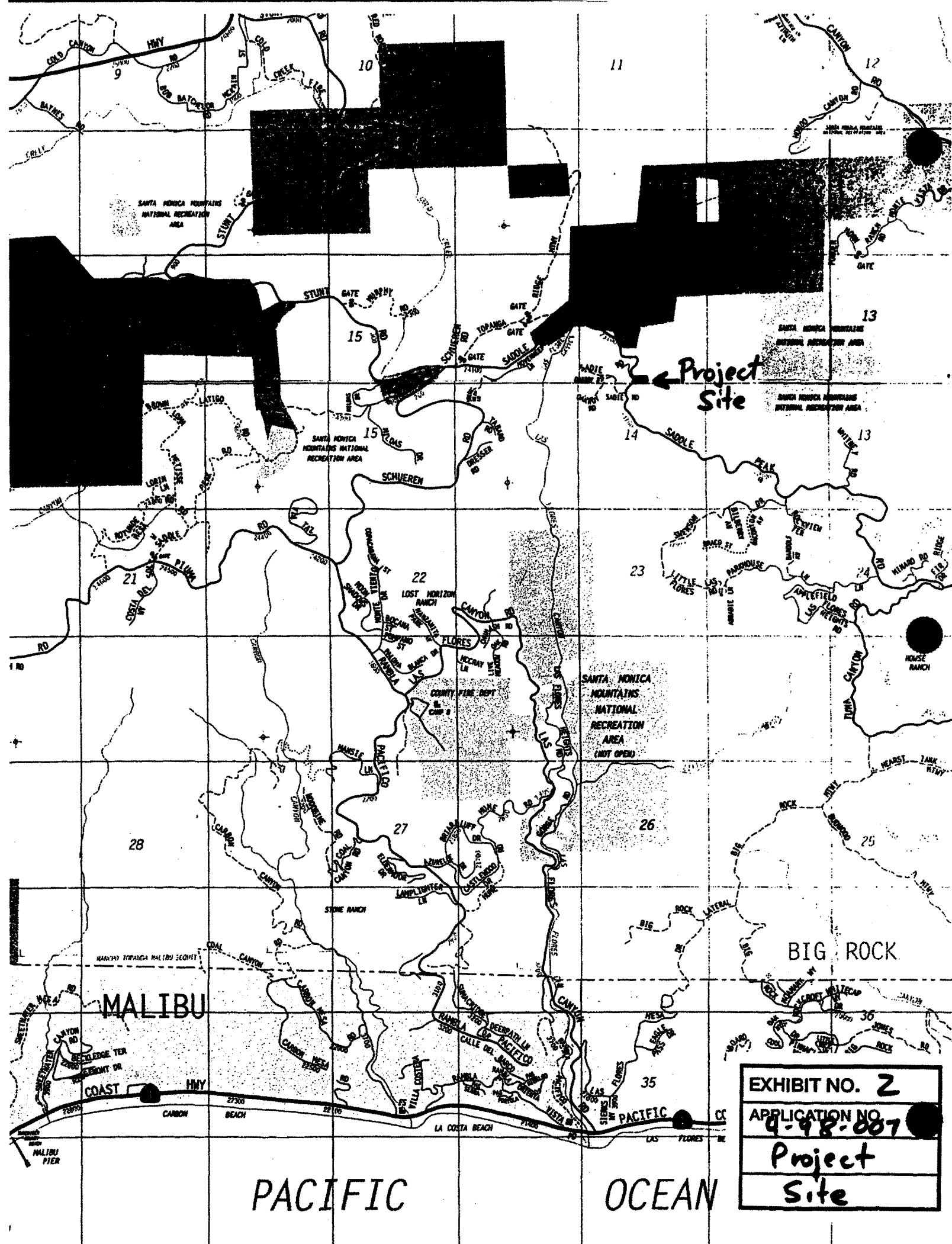
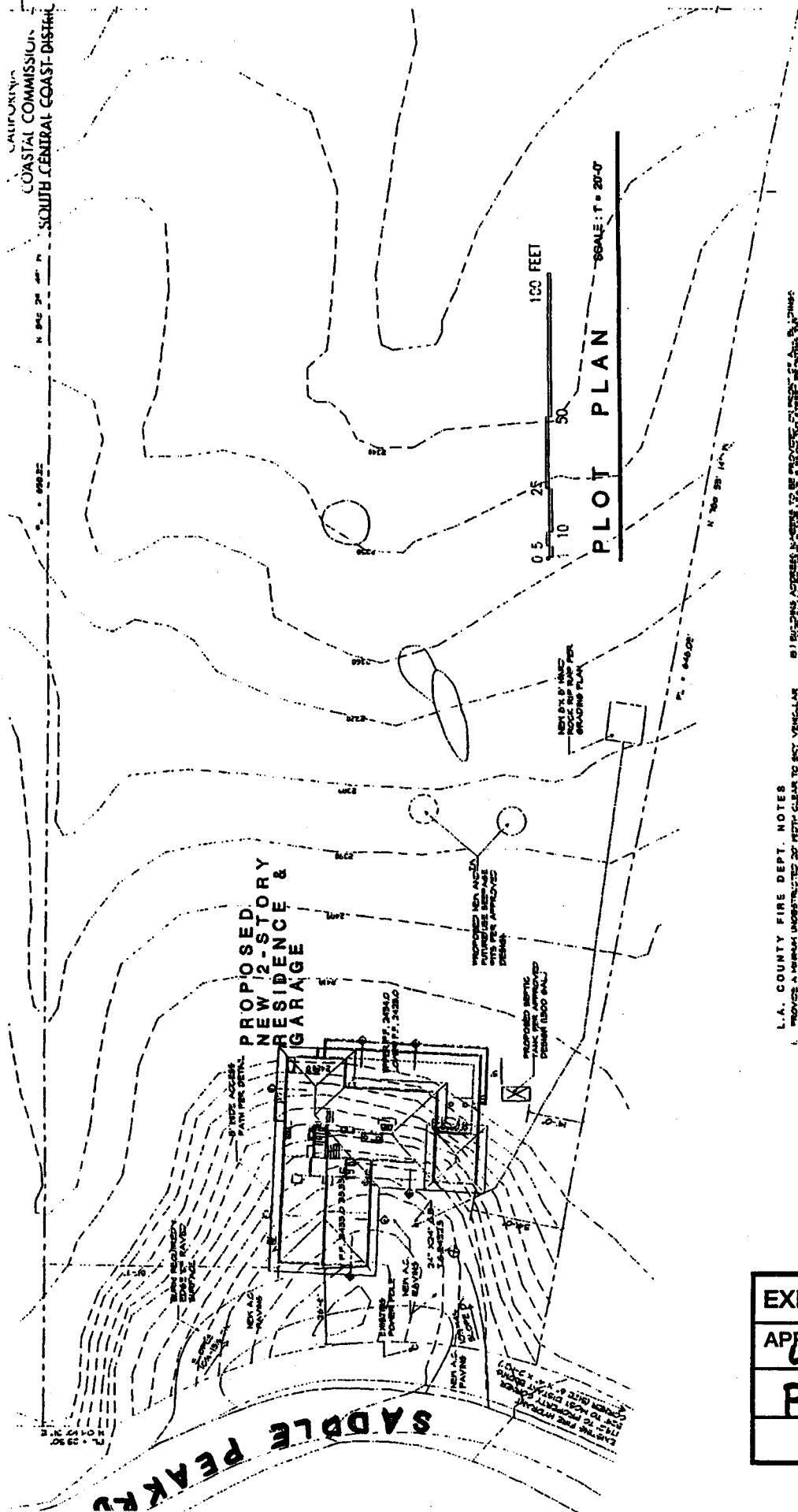


EXHIBIT NO. 2
APPLICATION NO. 9-98-007
Project Site

JAN 22 1998

COASTAL COMMISSION
CENTRAL COAST DISTRICT



L.A. COUNTY PUBLIC WORKS NOTES

L.A. COUNTY FIRE DEPT. NOTES

1. PROVIDE A MESSAGE UNREGISTERED FOR FORTH-CLEAR TO SIX VEHICLES
ACCIDENT TO WITHIN OF ALL PORTIONS OF THE EXTENSIVE HALLS.
2. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
3. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
4. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
5. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
6. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
7. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
8. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
9. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.
10. THE VEHICLES WERE USED FOR THE MAINTENANCE OF THE HALLS.

- 6) BULKY AUTOMATIC SECURITY GATES ARE PROPOSED IN FRONT OF THE MAIN ENTRANCE TO THE BUILDING. THESE GATES WILL BE INSTALLED AT THE MAIN ENTRANCE TO THE BUILDING. THE GATES WILL BE INSTALLED AT THE MAIN ENTRANCE TO THE BUILDING. THE GATES WILL BE INSTALLED AT THE MAIN ENTRANCE TO THE BUILDING.

EXHIBIT NO. 3

APPLICATION NO. **4-98-007**

Plot Plan

RECEIVED

JAN 22 1993

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

GREG FLEWIS
Planning & Design
222 W. 1st St., Suite 200
Santa Ana, CA 92701
Tel: 714/241-0000



Upper Floor Plan

Proposed Residence
for

John Thompson

Job Address

23226 Saddle

Peak Road

Tulare

Map No. 1008-90-04

Lot No. - 2

Tract No. - 84984

SE 1/4, Sect. 14

Map No. 1008-90-04

Tract No. - 84984

SE 1/4, Sect. 14

Map No. 1008-90-04

Tract No. - 84984

SE 1/4, Sect. 14

Map No. 1008-90-04

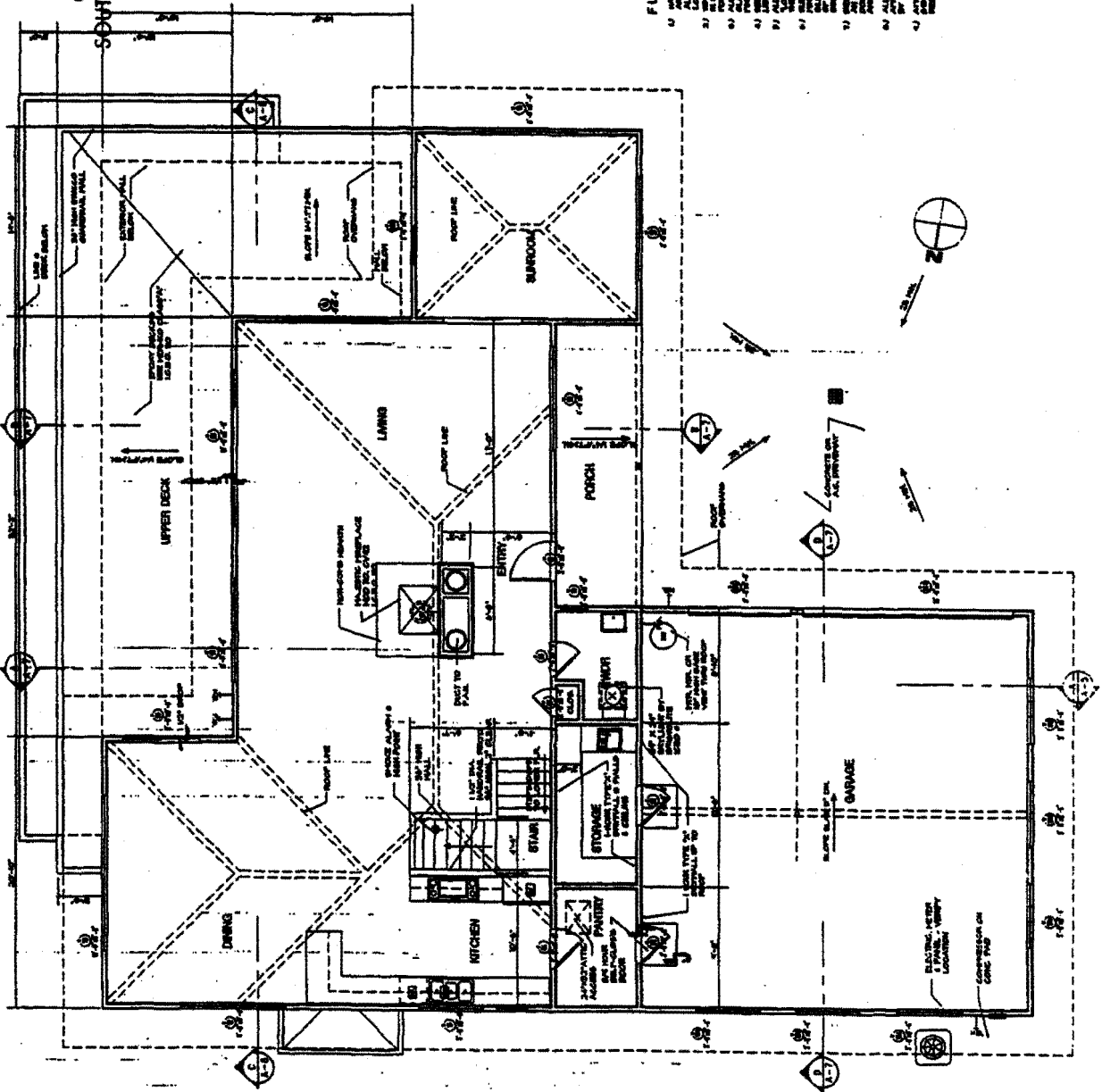
Tract No. - 84984

SE 1/4, Sect. 14

Map No. 1008-90-04

Tract No. - 84984

SE 1/4, Sect. 14



FLOOR PLAN NOTES

- 1) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 2) ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.
- 3) ALL FLOORS ARE 4" CONCRETE ON GRAVEL UNLESS OTHERWISE NOTED.
- 4) ALL ROOFS ARE 12:12 PITCH UNLESS OTHERWISE NOTED.
- 5) ALL WINDOWS ARE 6" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 6) ALL DOORS ARE 3" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 7) ALL STAIRS ARE 8" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 8) ALL HALLWAYS ARE 4" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 9) ALL BATHS ARE 6" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 10) ALL BEDROOMS ARE 10' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 11) ALL LIVING AREAS ARE 12' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 12) ALL DINING AREAS ARE 10' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 13) ALL KITCHENS ARE 10' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 14) ALL PORCHES ARE 6" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 15) ALL GARAGES ARE 12' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 16) ALL STAIRS ARE 8" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 17) ALL HALLWAYS ARE 4" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 18) ALL BATHS ARE 6" MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 19) ALL BEDROOMS ARE 10' MIN. CLEARANCE UNLESS OTHERWISE NOTED.
- 20) ALL LIVING AREAS ARE 12' MIN. CLEARANCE UNLESS OTHERWISE NOTED.



UPPER FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXHIBIT NO. 4
APPLICATION NO. 4-98-007
Upper Floor Plan

JAN 22 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

GREG FLEWIN
Planting & Deck
2221 6th Street, #1
Berkeley Marina, Calif. 94704
(415) 848-6800



Building Section

100% MONEY

**For
Proposed Rulemaking**

John Thompson

**23225 Saddle
Peak Road
Topanga**

10-68-8804 - ON day

10076 - ON 10076

44-38861-371-378
44-38861-371-379

44-38861-1000

Order No. 207741

Page No.: 5/52

THE UNIVERSITY OF CHICAGO

[illegible]

100

A-4

FLOOR PLAN NOTES

[illegible]

LOWER FLOOR PLAN

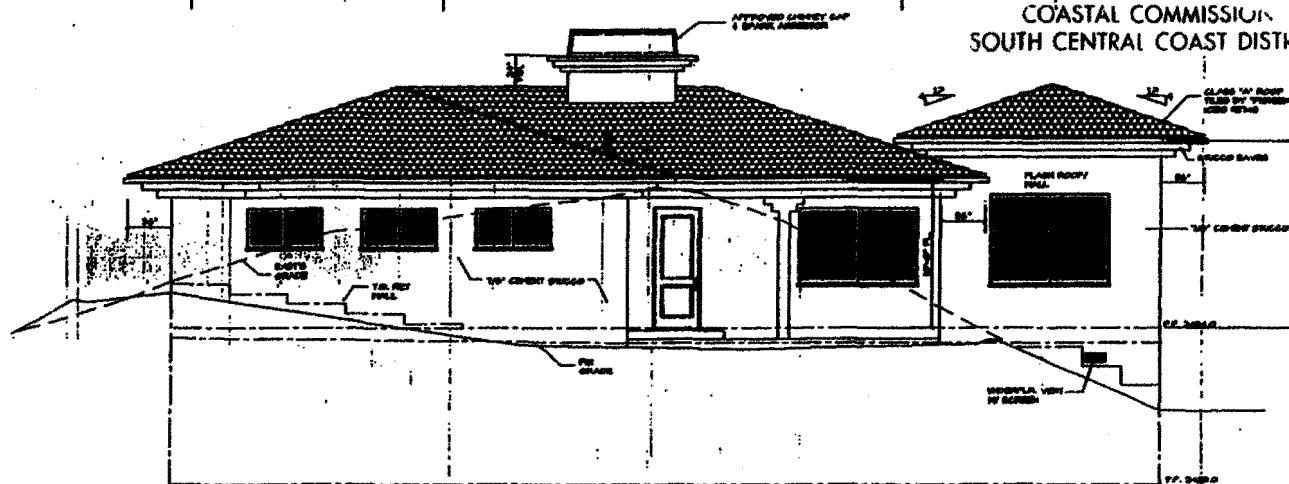
SCALE: V45 • 1-07

| |
|--------------------------|
| EXHIBIT NO. 5 |
| APPLICATION NO. 4-98-007 |
| Lower Floor Plan |

RECEIVED

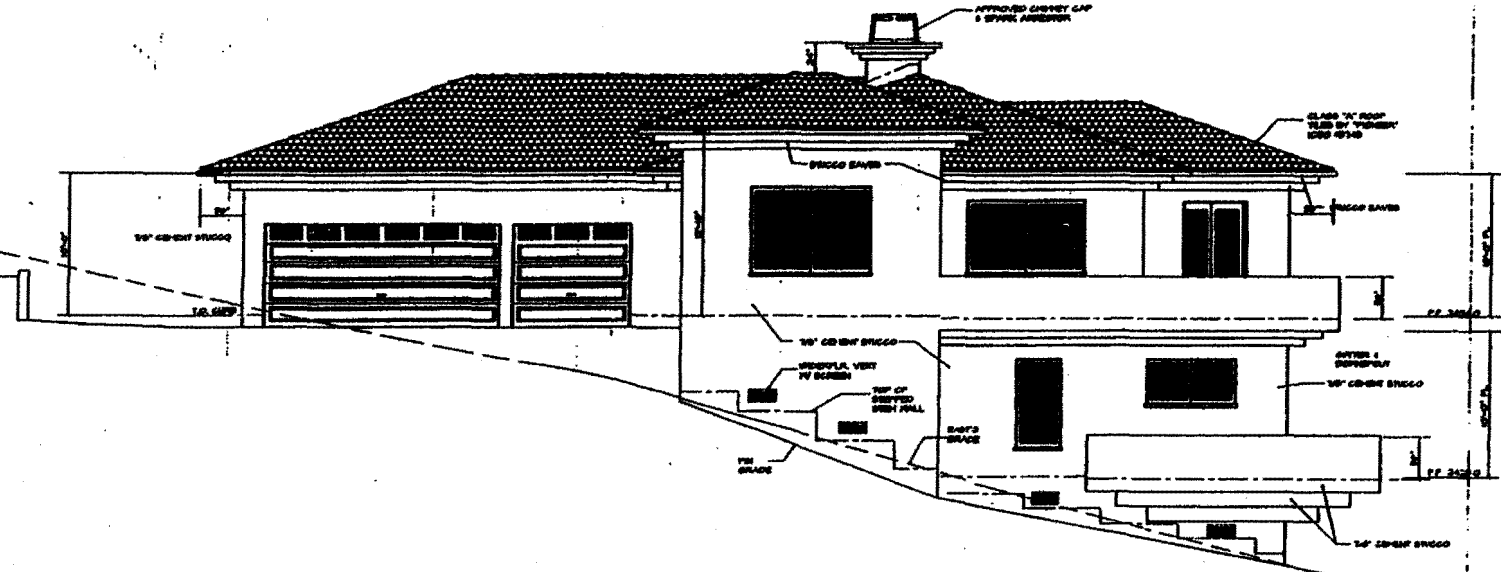
JAN 22 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



WEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

GREG FLEW
Planning & Design
1001 8th Street, #
Santa Monica, Calif. 90401
(310) 398-0000



ELEVATIONS
WEST & SOUTH

Proposed Redesigning
For
John Thompson
Job Address
23226 Saddle
Peak Road
Topanga

Map No. - 1000-SQ-P
Lot No. - 2
Tract No. - 84084
SE 1/4, Sect 14

AS Bld. 2017
Version No. 2-17-90
Plot No. 1-2001
Drawn By: FLEW
Checked By: Bldg. 201
Scale As NOTED

A-5

EXHIBIT NO. 6

APPLICATION NO. 448-887

W. & S. Elevations

RECEIVED

JAN 22 1963

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

GREG FLEWIN
Planning & Design
1001 San Diego Ave.
Santa Monica, Calif. 90404
Tel. 310-305-0071



Building Section

CLADDING
GUT & DOWN

Proposed Residence
for
John Thompson

Job Address
23226 Seddle
Peak Road
Topanga

Map No. - 1088-60-00
Lot No. - 2
Tract No. - 84084
BE 1/4, Sect 14

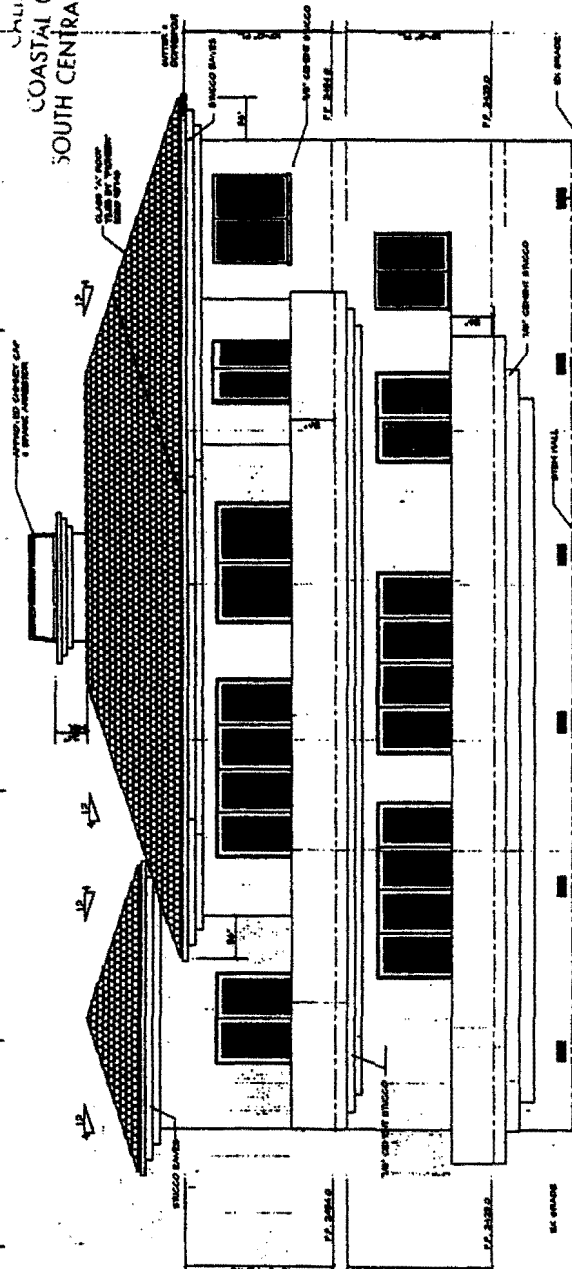
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Lot No. - 2
Tract No. - 84084
BE 1/4, Sect 14

Map No. - 1088-60-00
Lot No. - 2
Tract No. - 84084
BE 1/4, Sect 14

Map No. - 1088-60-00
Lot No. - 2
Tract No. - 84084
BE 1/4, Sect 14

Map No. - 1088-60-00
Lot No. - 2
Tract No. - 84084
BE 1/4, Sect 14

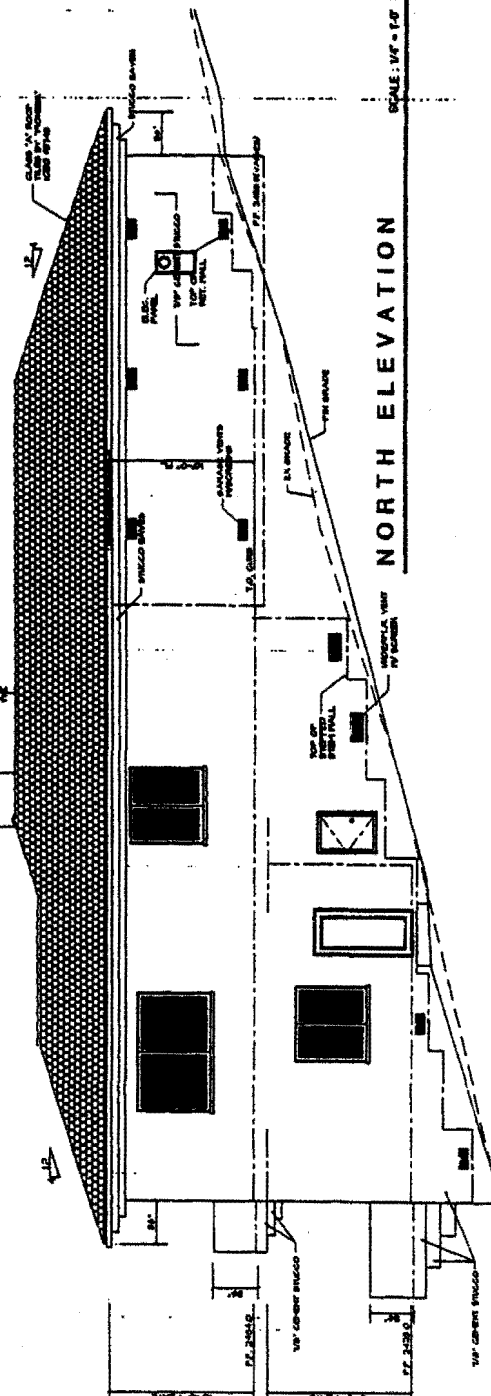
A-6



EAST ELEVATION

SCALE: 1/4" = 1'-0"

APPROVED CORNER CAP
& BRICK PAVEMENT

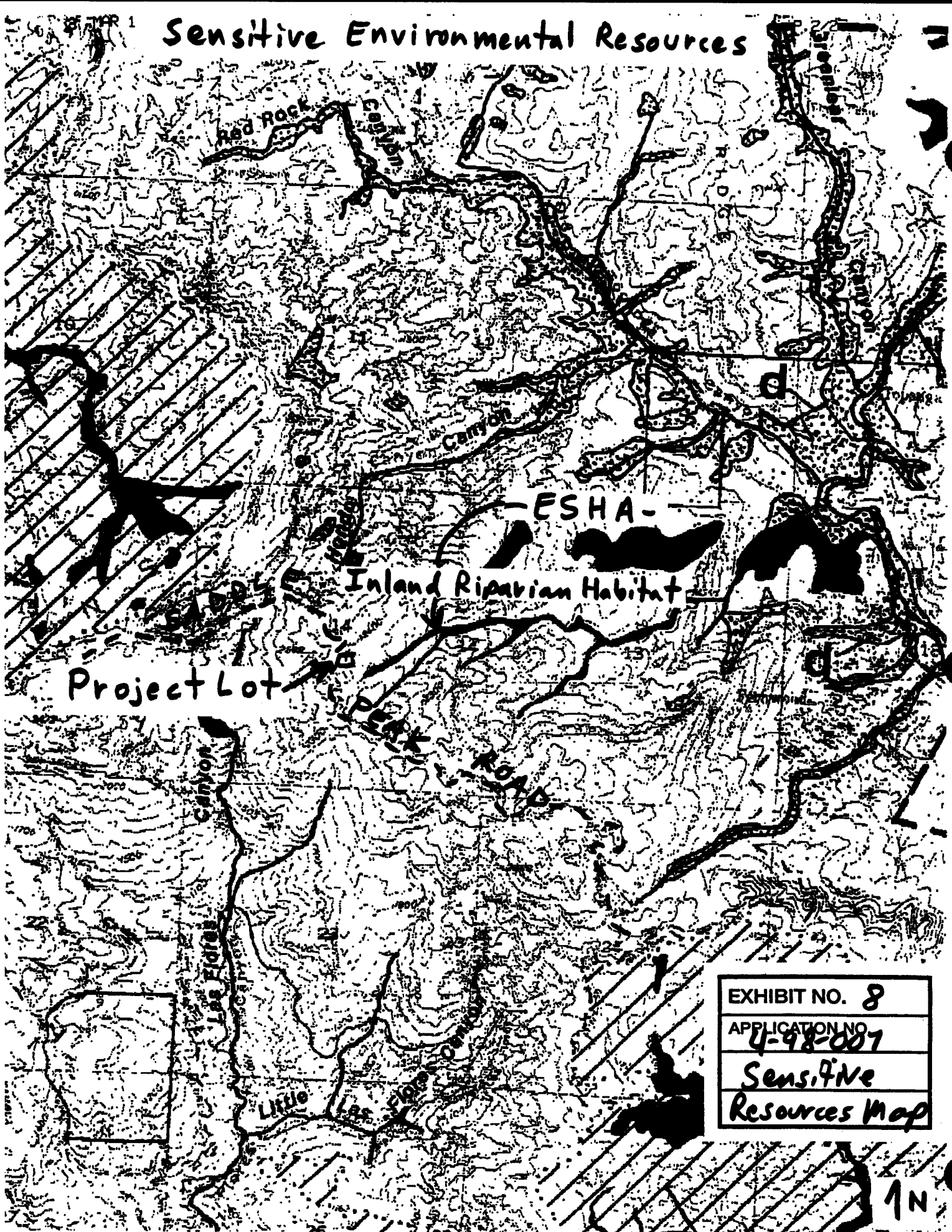


NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT NO. 7
APPLICATION NO. 4-98-007
E.N. Elevations

Sensitive Environmental Resources



UPPER TOPANGA CANYON

RD

Project
Lot

17

13

SCHUEREN

CARBON CANYON

22
a

TUNA CANYON

Malibu Local Coastal Program-VISUAL RESOURCES

SCENIC ELEMENT
(WITH NUMBERS
REFERENCED IN TEXT)

1N

..... SIGNIFICANT RIDGELINE

----- VIEWSHED BOUNDARY

----- SCENIC HIGHWAY

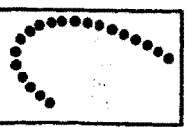
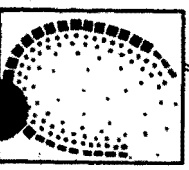
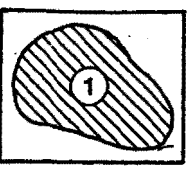
⊛ VISTA POINT

* PUBLIC VIEWING AREA

VIEWSHED

**AREA HAVING
OCEAN VIEWS**
(FROM EXISTING ROADS)

| |
|--------------------------|
| EXHIBIT NO. 9 |
| APPLICATION NO. 4-98-007 |
| Visual Resources Map |



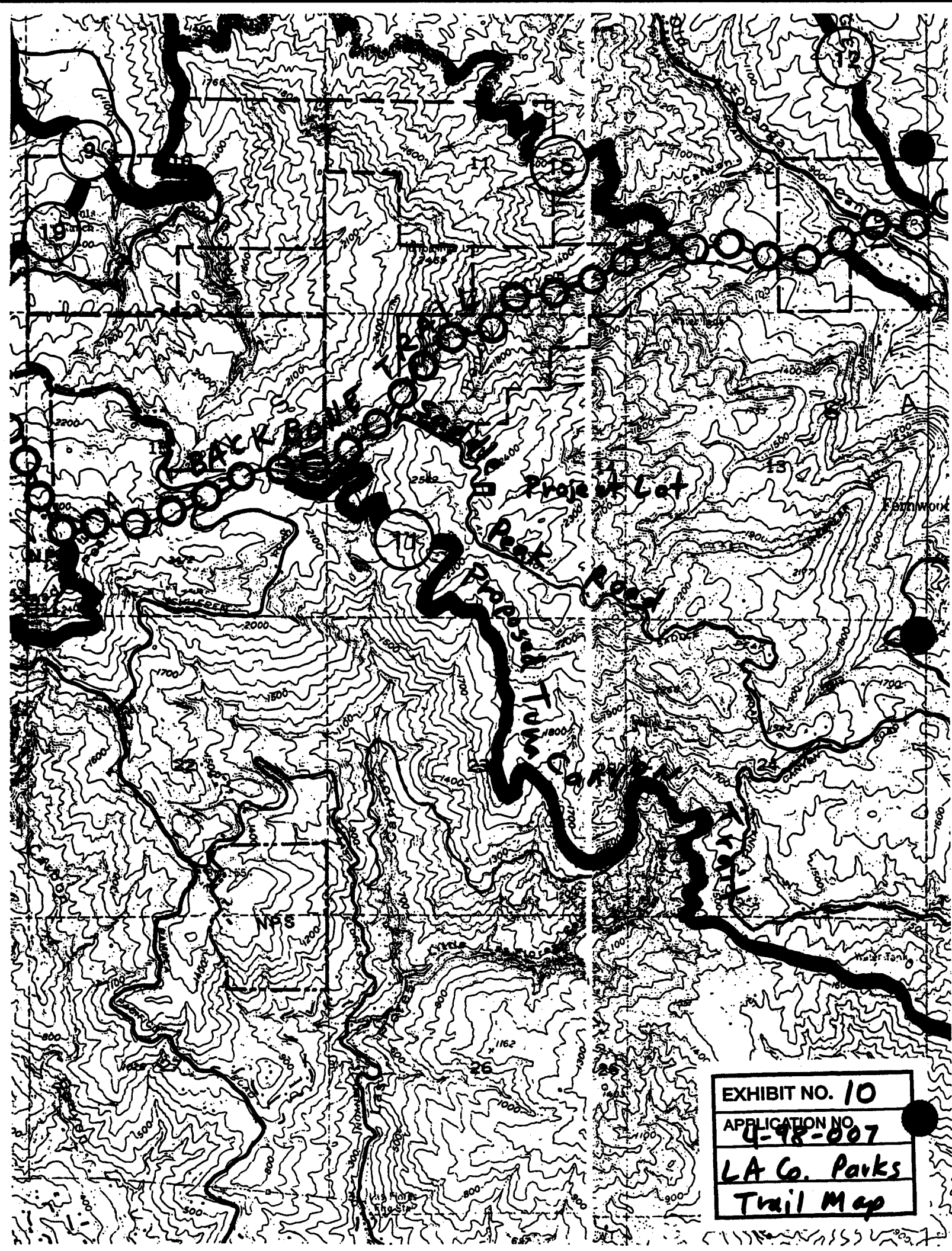
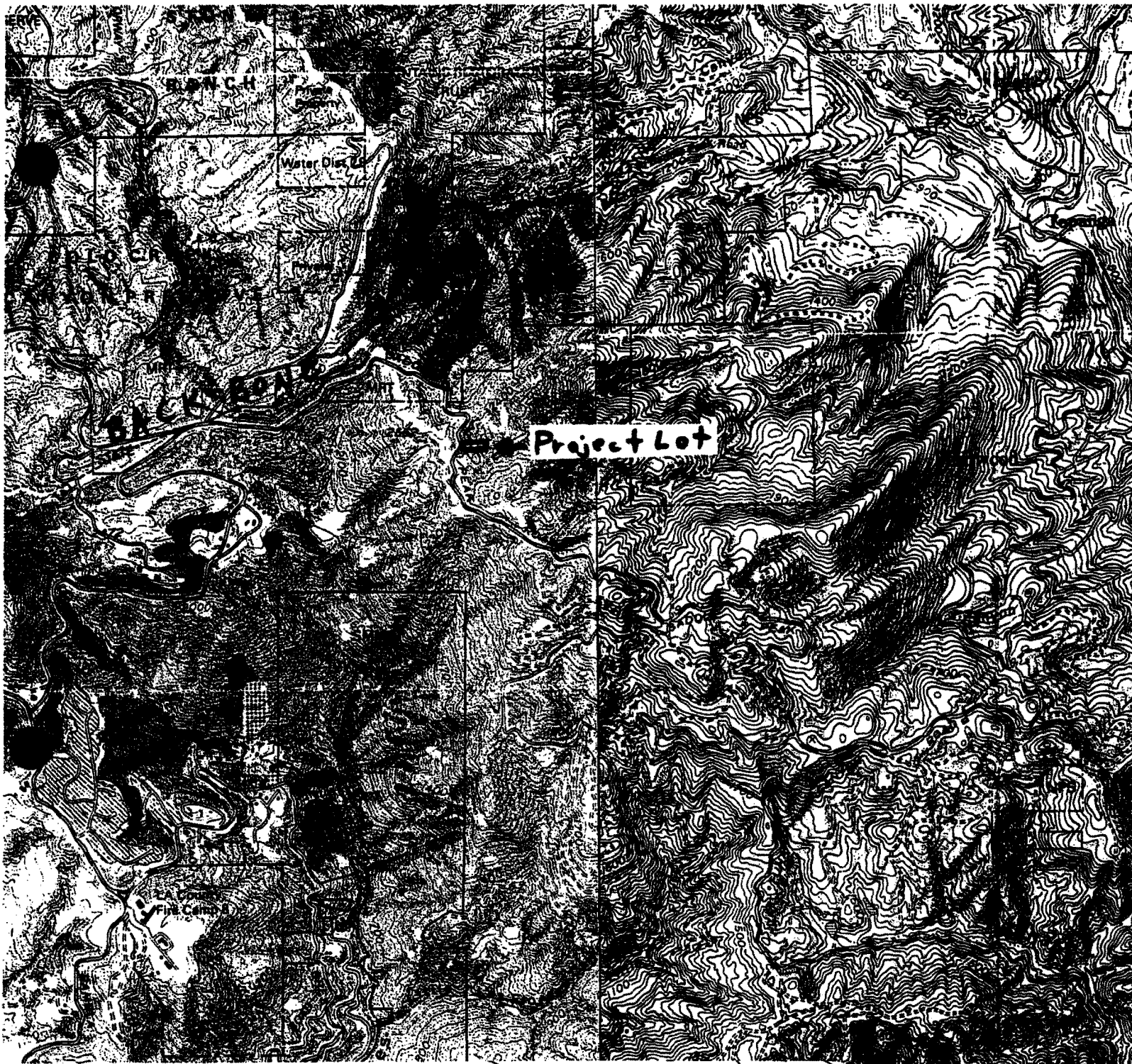


EXHIBIT NO. 10
APPLICATION NO.
4-98-007
LA Co. Parks
Trail Map

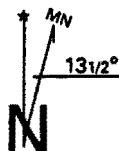


- Ranger Station/Visitor Center
- Trail Camp
- State Park/Santa Monica Mtns Conservancy/
Mountains Restoration Trust
- National Park Service
- City/County/Water District
- 1.2 Hiking Trail (no bikes) -mileage between points
- Backbone Trail-no bikes
- Hiking, Bicycling, Horse Route
- Unmaintained Trail
- Fire Road-bikes OK unless posted otherwise
- Locked Gate/Barrier-no private motor vehicles allowed

Topanga State Park
20825 Entrada Dr
Topanga CA 90290
(310) 455-2465

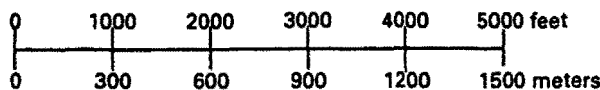
Will Rogers State Historic Park
1501 Will Rogers State Park Rd
Pacific Palisades CA 90272
(310) 454-8212

Mountain Parks Information
1-800-533-PARK
(1-800-533-7275)



contour interval 25 feet
1:24,000 1 inch represents 2000 feet

Tom Harrison
2 Falmouth Cove
San Rafael CA 94901
(415) 456-7940



Publisher assumes no liability for the safety or condition of roads or trails.
The representation of roads and trails outside Park boundaries does not
imply a public right-of-way.

ISBN 1-877689-38-6



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EXHIBIT NO. 11

APPLICATION NO. 9-98-007

Existing
Trails Map

