

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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TU20d

Filed: 03/27/98
49th Day: 05/15/98
180th Day: 09/23/98
Staff: SMB-VNT
Staff Report: 06/15/98
Hearing Date: July 12, 1998

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-94-193

APPLICANT: Paul and Dorotheanne Henne

AGENT: Terry Valente

PROJECT LOCATION: 21655 Circle Trail Drive, Topanga; Los Angeles County

PROJECT DESCRIPTION: After-the-fact approval for the construction of a 650 sq. ft., 10 ft. high, detached two car garage with a 650 sq. ft., 6 ft. 11 in. upper storage unit, and a 40 ft. long, 16 ft. wide driveway. The proposed project requires 94.4 cu. yd. of grading (all cut).

Lot area:	23,200 sq. ft.
Building Coverage:	650 sq. ft. new proposed
Pavement Coverage:	1,050 sq. ft. new proposed
Parking Spaces:	2 new proposed
Landscape Coverage:	0 sq. ft. proposed
Ht. Above finished grade:	20 ft.

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning "Approval-in-Concept"; Los Angeles County Fire Department Fuel Modification Exemption Letter

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan; Geotechnical and Geologic Engineering Investigation by Ralph Stone and Co., inc. dated 6/30/94; Response to Geologic Review Sheet by Ralph Stone and Co., Inc. dated 12/30/94; Response to Geologic Review Sheet by Geoplan, Inc. dated 8/28/95; Update Letter by Geoplan, Inc. dated 2/3/98; Fuel Modification Plan Guidelines for Projects Located in Fire Zone 4 or Very High Fire Hazard Severity Zones, adopted in January of 1998 by the County of Los Angeles Fire Department Prevention Bureau Forestry Division Brush Clearance Section; Building Plans prepared by Cary W. Gepner & Associates, Architects.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is applying for an after-the-fact permit for a 650 sq. ft., 10 ft. tall, detached two car garage with a 650 sq. ft., 6 ft. 11 in. upper storage level, and a paved 40 foot long, 16 in. wide driveway. The project includes 94.4 cu. yd. of grading (all cut). As conditioned, the proposed project raises no adverse visual and environmental effects. Staff recommends that the Commission approves the project subject to special conditions regarding wildfire waiver of liability, a deed restriction for future improvements, assumption of risk, plans conforming to geologic recommendation, condition compliance, and implementation of approved plans.

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, as conditioned, 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 governments 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 effects 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 Fuel Modification Plans

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

- (a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist primarily of native/ drought resistant plants as listed by the California Native Plant Society, Santa Monica 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 that lend 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 two (2) years from the date of initial planting, and this requirement shall apply to all disturbed soils.
- (c) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with acceptable landscape requirements.
- (d) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

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, cost expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

3. Future Improvements

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction in a form and content acceptable to the Executive

Director, which shall provide that: Coastal Commission Permit 4-93-193 is only for the construction of a 650 sq. ft., 10 ft. high detached two car garage, 650 sq. ft., 6 ft. 11 in. high upper level storage area, and a 40 ft. long, 16 ft. wide driveway, and that any future additions or improvements to the detached garage will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of 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.

4. Assumption of Risk

Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that: (a) the applicant understands that the site may be subject to extraordinary hazard from landsliding or erosion, and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability against the California Coastal Commission, its officers, agents and employees relative to the California Coastal Commission's approval of the project for any damage due to natural hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of 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. Plans Conforming to Geologic Recommendations

Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Geotechnical and Geologic Engineering Investigation by Ralph Stone and Co., Inc. dated 6/30/94 and all supplemental reports prepared by Ralph Stone and Co., Inc. and Geoplan, Inc. shall be incorporated into all final design and construction plans including recommendations concerning foundations, slab-on-grade, lateral loads, shrinkage, construction, site prep, caving, pavement, retaining walls, backfill, seepage pit, and drainage. All plans must be reviewed and approved by the geologic consultants as conforming to their recommendations.

6. Condition Compliance

The requirements specified in the forgoing special conditions that the applicant is required to satisfy, as a prerequisite to the issuance of this permit must be fulfilled within 60 days of Commission action on this application or within such additional time as the Executive Director may grant for good cause. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

7. Implementation of Approved Plans

The applicant shall complete implementation of the approved building plans prepared by Cary W. Gepner & Associates, Architects (Exhibit 3-5) in accordance with such plans. The applicant

shall complete implementation of the proposed Building Plans within 60 days of the issuance of the coastal development permit. The Executive Director may grant additional time for good cause.

IV. Findings and Declarations:

A. Project Description and Background:

The proposed project site is located between Greenleaf Canyon and Topanga Canyon, in the unincorporated portion of Los Angeles County (Exhibit 1, 2). The site is located within the Topanga Woods small lot subdivision. The adjacent property located to the south of the subject site is National Parks Service land. The proposed development is to be constructed on properties (APN 444-027-004 and 4444-027-005), which are both owned by the applicant. The applicant is applying for an after-the-fact permit for a 650 sq. ft., 20 ft. tall two-car detached garage with a 650 sq. ft. upper level storage area (Exhibit 3,4,5). The project also includes 94.4 cu. yd. Of grading (all cut) and a 40 ft. long, 16 ft. wide driveway leading to Circle Trail Drive (Exhibit 6). The proposed garage is located approximately ten (10) feet above Circle Trail Drive on a westerly ascending slope. The rear wall of the structure is a retaining wall that supports the hillside. The applicant is not proposing any changes to the residence's existing septic system.

The property is designated as Rural Land II (1 du/ 5 ac.) in the Malibu/ Santa Monica Mountains Land Use Plan (LUP). The site contains a single family residence at the top of the westerly ascending slope with a stairway descending to the unpermitted garage. The single family residence was originally constructed in 1951 without any parking facilities. The house predates the Coastal Act and, therefore, the residence was not subject to any previous coastal development permits. In 1994, the applicant built a 22 ft. tall detached garage with a second story guesthouse on the subject property without the benefit of a coastal development permit. After meeting with representatives from Los Angeles County Building and Safety, the applicants were required to rebuild the second level of their proposed project from a guest unit into a storage area. The applicants are applying for an after-the-fact coastal development permit to legalize the unpermitted garage and to renovate the second floor from a guest unit into a storage unit.

B. Environmentally Sensitive Resources:

Section 30231:

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:

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

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

The certified Malibu/ Santa Monica Mountains Land Use Plan (LUP), which may be used by the Commission as guidance for this area in Los Angeles County in evaluating a project's consistency with Coastal Act Policy, and past Commission actions have designated the canyon slopes on the project site as a "disturbed sensitive resource area." The majority of the disturbed sensitive resource areas within Topanga Canyon are oak woodlands and savannas that have the same biological significance as an undisturbed environmentally sensitive habitat area (ESHA), but they are nonetheless sufficiently valuable to warrant protection from further impacts. Although these areas are no longer inhabited by the same diversity of wildlife as undisturbed areas, they continue to sustain large native wildlife populations, especially birds.

Section 30231 of the Coastal Act requires 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. The subject site is located within 300 feet west of Topanga Creek, which has been designated as a blueline stream by the United States Geologic Service (USGS). Therefore, increased erosion on site would result in an increase in the sedimentation of the stream. The minimization of site erosion will reduce the project's individual and cumulative contribution to sedimentation of the stream, adjacent properties, recreational sites, and disturbed sensitive resource areas. 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. 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 individual and cumulative contribution to sedimentation of the stream and surrounding areas.

In addition, Section 30240 of the Coastal Act states that the development in areas adjacent to environmentally sensitive habitat areas and parklands shall be designed to prevent impacts which would significantly degrade those areas. The site consists mostly of native savanna vegetation, primarily native grasses and shrubs. The site does not contain any oak trees, nor will the proposed project be located within the dripline of any neighboring oak trees. The proposed project does raise some issues, however, concerning the cumulative effect on the native vegetation due to brush clearance requirements enforced by the Los Angeles County Fire Department.

The Los Angeles County Fire Department requires that vegetation be thinned around all development as a means of prevention against brush fires. Excessive thinning on the slope may increase the potential for erosion as well as cause further disturbance to the surrounding

oak and woodland savannas. The proposed structure is located approximately 32 feet north of State Parks Land, while the existing residence lies approximately 20 feet north of the State Parks Land.

In addition, according to the "Fuel Modification Plan Guidelines for Projects Located in Fire Zone 4 or Very High Fire Hazard Severity Zones" adopted in January of 1998 by the County of Los Angeles Fire Department Prevention Bureau Forestry Division Brush Clearance Section, if the fuel modification zones cannot be fully located on the site, an alternative means of fire protection should be sought. One alternative method is to relocate the structure's orientation on the property. However, the current location of the proposed structure is 12 feet away from the road right-of-way and 29 feet away from the paved portion of Circle Trail Drive. According to the Department of Regional Planning, the typical front yard setback requirement for this area is 20 feet from the road right-of-way. The front yard setback requirement was modified in this case because of topographical constraints, therefore, the proposed project location for the detached garage is set back as far as feasible.

Because the application for the building permit was submitted on August 1, 1994, it predated the long-term fuel modification plan requirement in the LACO Fire Code that went into effect on January 7, 1996. Therefore, the Los Angeles Fire Department is not requiring review of the long-term fuel modification plan (Exhibit 8). On June 2, 1998 at the request of Commission Staff, Jose L. Martinez, Forestry Assistant of the Fuel Modification Unit, preliminarily reviewed the fuel modification plans submitted by the applicant (Exhibit 7). Mr. Martinez determined that no additional vegetation clearance would be required for the proposed garage beyond what is already required for the existing residence on site. Therefore, the proposed garage will not result in any vegetation clearance on State Parks property and will not result in any adverse impacts to parkland resources.

Thus, the Commission finds that only as conditioned is the proposed project consistent with Sections 30231 and 30240 of the Coastal Act.

C. Accessory Structure

The proposed project involves the construction of a 650 sq. ft. detached two car garage and a 650 sq. ft. upper level storage unit, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of an accessory structure on a site with a primary residence intensifies the use of the site. Section 30250 of the Coastal Act addresses the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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 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

the surrounding parcels.

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

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

In addition, the Coastal Act requires that the new development, including accessory structures, be permitted only where public services are adequate and only where coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions.

Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches is expected to grow tremendously. In addition, the presence of second units on each existing lot within the Coastal Zone would create adverse cumulative impacts on coastal resources and coastal access. The issue of second units on lots with primary residences consistent with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission.

The Commission notes that concerns about the potential future impacts on coastal resources might occur with any further development of the proposed structure or any change to residential use. Additional adverse impacts from additional occupants on traffic, sewage disposal, recreational uses, and resource degradation is likely to be associated with the enlargement of the proposed structure or the development of an additional unit in this area. Limiting the size and use of appurtenant structures generally reduces the impacts on services such as roads, water and sewage disposal.

The proposed 650 sq. ft. garage and storage building conforms to the Commission's past permit actions allowing for detached garages, barns, and accessory structures in the Malibu area. However, the Commission is concerned that potential future adverse impacts on coastal resources would occur with any further development of the proposed structure or change of use to a second residential unit, because of the existing and proposed level of development. Additional adverse impacts from additional occupants on traffic, sewage disposal, recreational uses, and resource degradation would be associated with conversion of this storage and garage into to residential use.

Specially, the Commission is concerned that the upper unit storage level will be converted into a livable unit as originally designed. Originally, the structure was designed in a flatter shaped roof and a 9 ft. tall second level. The proposed project includes an upper level only 6 ft. 11 in. in height with a triangle shaped roof, which diminishes the volume of the upper level and should preclude this area from being used as habitable space. Also, the proposed project will not contain any sewage or water facilities. In order to ensure that the detached garage and storage unit is not converted into a second habitable unit, the Commission finds it is necessary to require the applicant to include a future improvements deed restriction that limits future development and improvements subject to the Commission's review, as outlined in Special Condition Three (3).

Therefore, the Commission finds that as conditioned above, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

D. Geological Hazards

Section 30253 of the Coastal Act states:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Malibu/ Santa Monica Mountains certified Land Use Plan also provides policy guidance concerning geologic hazards, as follows:

- P147 Continue to evaluate all new development for impact on, and from, geologic hazard.*
- P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.*
- 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.*
- P150 Continue Hillside Management procedures as contained in Ordinance No. 82-0003 for proposed development on sites with an average slope greater than 25 percent (4:1). Grading and/or development-related vegetation clearance shall be prohibited where the slope exceeds 2:1, except that driveways and/or utilities may be located on such slopes where there is no less environmentally damaging feasible alternative means of providing access to homesites located on slopes of less than 50%, where no alternative homesites exist on the property, and where maximum feasible mitigation measures are taken.*

The proposed project is located in the Santa Monica Mountains, an area that 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. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act requires that new development be designed so as to neither create nor contribute significantly to erosion. The proposed two-car garage is located in Topanga Wood small lot subdivision within Topanga Canyon in the unincorporated area of Los Angeles County. Due to the fact that the proposed project is located in an area subject to an extraordinary high potential for damage or destruction from wildfire and landslides, the Commission can only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, as incorporated in Special Condition Two (2), the applicant acknowledges and assumes the risk of the fire hazard which exists on the site and which may affect the safety of the proposed development.

In addition to the threat of wildfire, there is an active landslide located approximately 50 feet east of the garage. The slide is bounded on the west by Circle Trail Drive and on the east by Topanga Canyon. On September 22, 1995, in response to Los Angeles County Department of Public Works Geotechnical Review Sheet, Ralph Stone and Co., inc. submitted a report which concluded:

"based upon data obtained as outlined in this geotechnical engineering report, that if constructed in accordance with our recommendations and the recommendations of the other project consultants, and properly maintained the proposed structures will be safe against hazard from landslide, settlement, or slippage, and that the proposed building or grading will have no adverse effect on the geotechnical stability of property outside of the building site."

Based on the findings and recommendations of the consulting geotechnical engineers and engineering geologist, the Commission finds that the development is consistent with Section 32053 of the Coastal Act so long as all geological recommendations regarding the proposed development are incorporated into the project plans. Therefore, as noted in Special Condition Five (5), the Commission finds that it is necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineers and engineering geologist as conforming to their recommendations.

Nevertheless, since the proposed project is located close to an active landslide area, the Commission can only approve the project if the applicant assumes the liability from the associated risks of developing on this site. Acknowledgment of this responsibility can be carried out through the recordation of a deed restriction as noted in Special Condition Four (4). The assumption of risk deed restriction to be recorded against the property will acknowledge that the applicant is aware of the nature of the hazards and assumes the risk of landslide and erosion that exists on the site which may adversely affect the stability or safety of the proposed development.

Uncontrolled runoff over the steep slopes can also result in erosion and destabilization of the canyon slopes and eventually the building site. According to the consulting geotechnical engineer:

"Hillside properties are subject to potential hazards not found in conventional flatland developments. These hazards include floods, debris flows, erosion, raveling of slopes, concentrated drainage and fires. The potential damage from these hazards can be greatly reduced by maintenance of slopes and drainage facilities..."

To ensure that drainage is conveyed off-site in a non-erosive manner, the applicant has

submitted drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations (Exhibit 9). In addition, the Los Angeles County Building and Safety Department has reviewed and approved these drainage plans certified by the consulting geotechnical engineer.

The applicant graded a 10 foot vertical cut into the hillside (94.4 cu. yd. of cut) for the building pad of the proposed project. The consulting geotechnical engineer has recommended that the existing gap between the retaining wall and the steep slope be filled to further stabilize the slope. The Commission finds that minimizing erosion on the site will also add to the stability of the hillside. Erosion can best be minimized by requiring the applicant to landscape all graded and disturbed areas of the site with primarily native plants, compatible with the surrounding environment. To ensure that the site is stable and will not contribute to or increase the amount of erosion and sedimentation to Topanga Creek, the disturbed sensitive resource areas, the property, and adjacent properties, the Commission finds that the project can only be approved with a landscaping condition that requires slopes to be revegetated. Accordingly, Special Condition One (1) requires that all disturbed areas are stabilized and vegetated to prevent the proposed structure from the hazard of slippage and landslides.

In order to ensure that any additions or improvements to the garage, which may be exempt from coastal permit requirements are reviewed by the Commission for conformity with Section 32053 of the Coastal Act, it is necessary to require a future improvements deed restriction as required in Special Condition Three (3).

The Commission finds that only as conditioned and by implementing the plans reviewed and approved by the consulting engineer will the project be consistent with Section 30253 of the Coastal Act.

E. Visual and Landform Alteration

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

According to Section 30251 of the Coastal Act, the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. This area is located in a rural setting characterized by a vegetated westerly sloping hillside. Although the site is not visible from any scenic highways or places of public recreation, the proposed structure will be visible from Circle Trail Drive, a public road. The Backbone Trail runs through the state parkland located adjacent to the southern border of the property. Due to heavy vegetation and topographical characteristics of the area, the proposed project is not visible from the hiking trail. However, future developments or improvements to the proposed property have the potential to create visual impacts. To ensure that any future developments or improvements

are reviewed by the Commission for compliance with the policies of the Coastal Act, the Commission finds it is necessary to require a deed restriction be recorded on the subject parcel which acknowledges that all future development proposed on the site must first be submitted to the Commission for its review. The deed will run with the land binding all successors and assigns and is further described within Special Condition Four (4).

The Commission finds that the proposed development will be sited and designed to protect the public view along the scenic coastal area and will be visibly compatible with the surrounding area. Therefore, the Commission finds only as conditioned is the proposed project consistent with Section 30251 of the Coastal Act.

F. Violation

The construction of a two car garage, second story guest unit, and 40 feet long, 16 ft. wide driveway have taken place prior to submission of this permit application. The applicant is now seeking a permit for the proposed remodeling of the second story from a guest unit to a storage unit and for the garage and driveway. To ensure that the project is carried out in a timely manner Special Condition Six (6) requires that the applicant satisfy all conditions of this permit which are a prerequisite to the issuance of the permit within 60 days of Commission action on this permit. In addition, Special Condition Seven (7) requires the applicant to complete implementation of the approved building plans within 60 days of the issuance of the Coastal Development Permit.

Consideration of the application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

SEE 630 MA

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CALE

GLENVIEW

TIN

TIS

Project
Site

FERNWOOD

LOS ANGELES

Exhibit No. 4-94-193 (Henne Area Map)

INVESTMENT 1007 *Swampy Hall House*

SEE 591 MAL

Exhibit No. 2
4-94-193 (Henn
Parcel Map

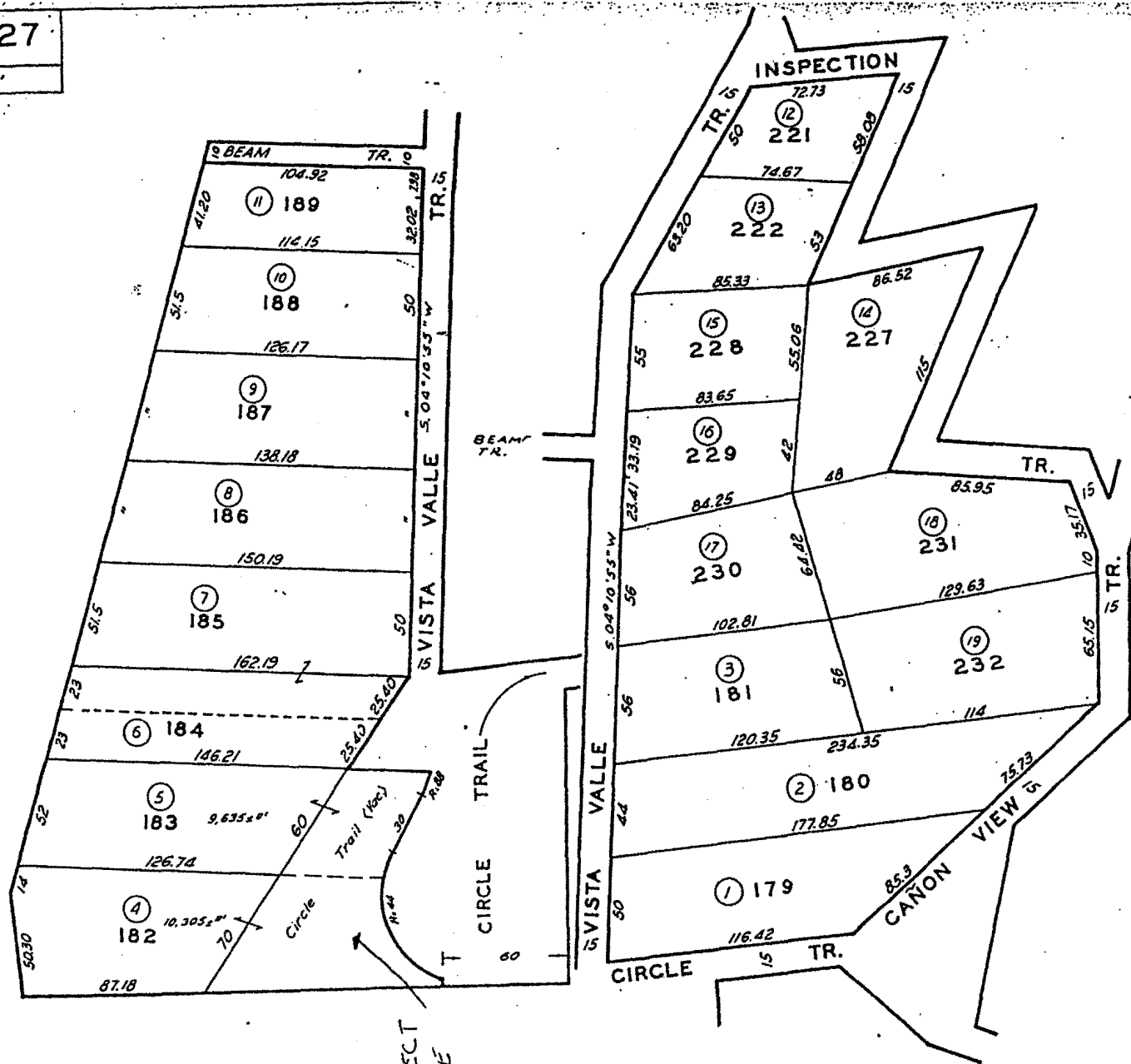
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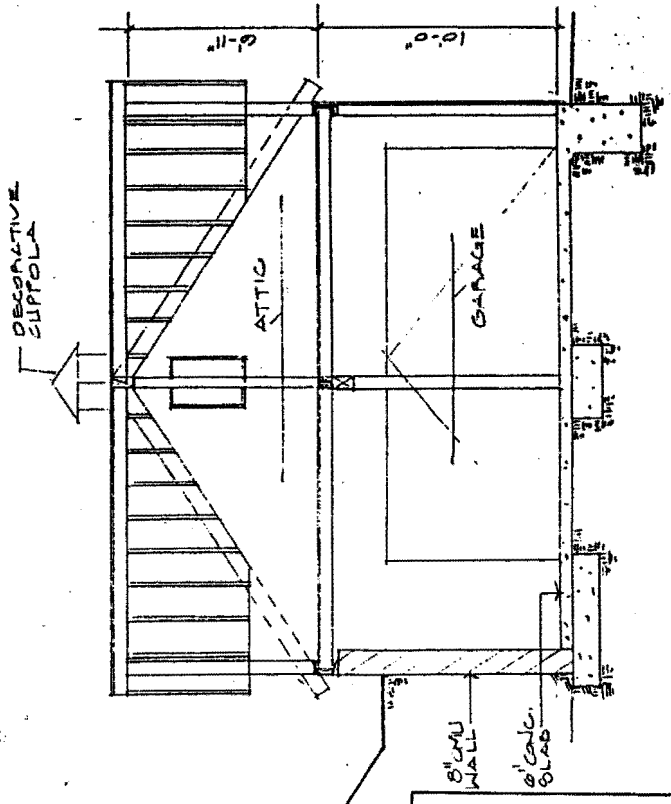
FOR PREV. ASSMT. SEE: 4444-27

TRACT NO. 6915
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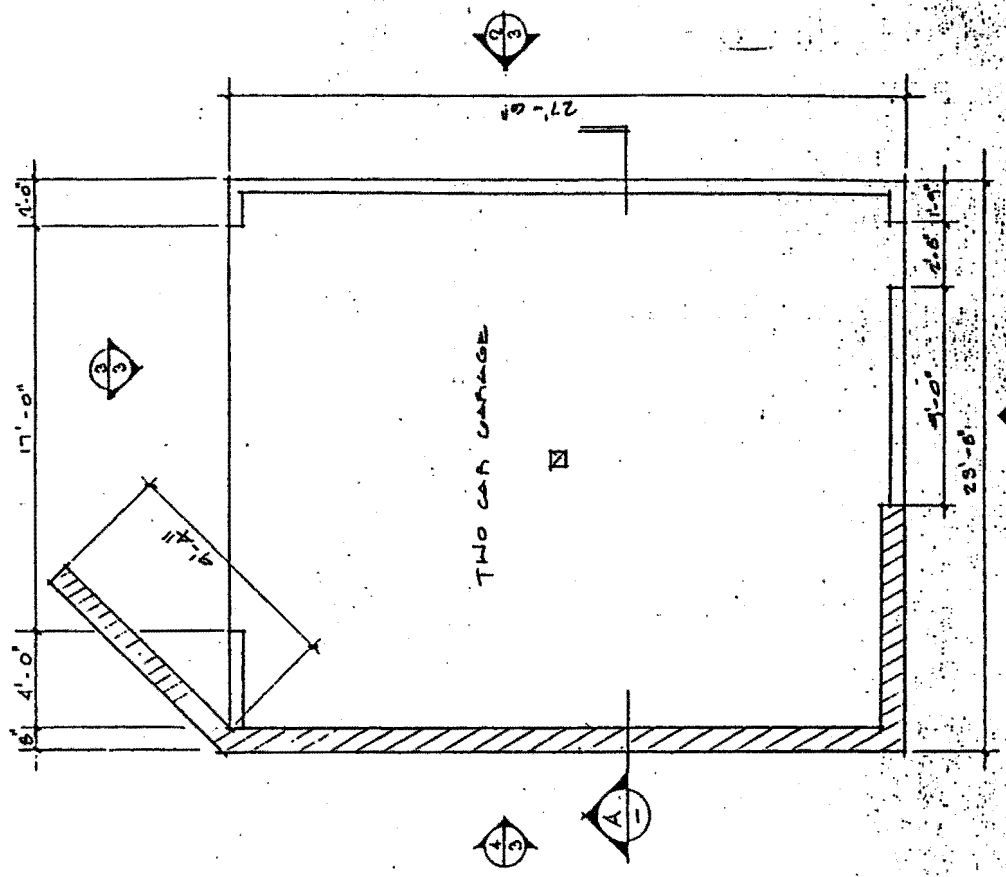


SEE STRUCTURAL DRAWINGS S-1, S-2
FOR FOUNDATION, RETAINING WALL &
FRAMING DETAILS.

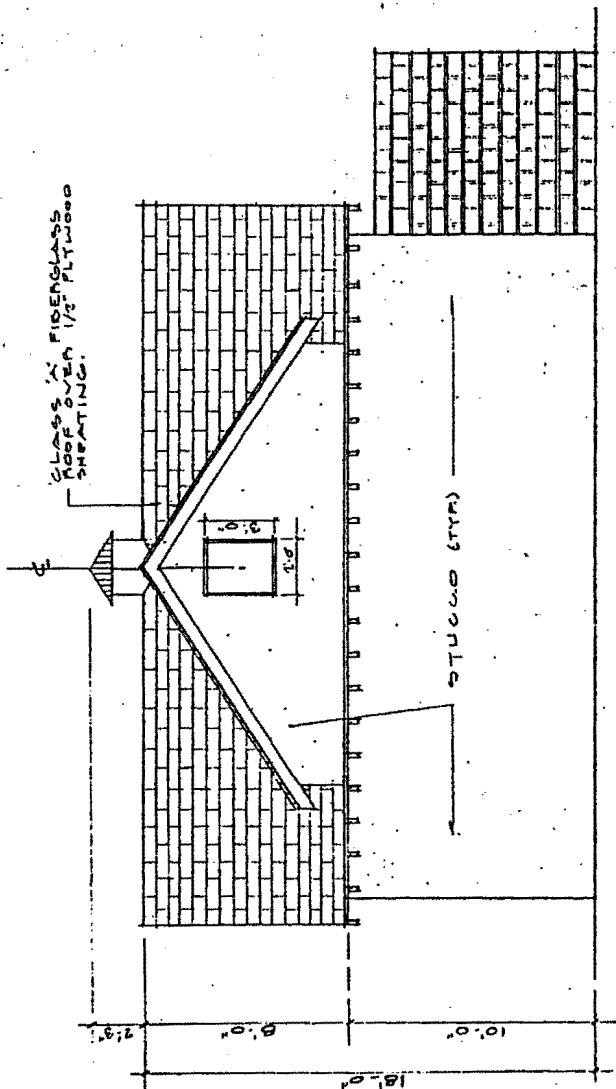
ALL DRAINAGE & BACKFILLING WORK TO
BE DONE AS REQUIRED BY GOVERNING CODE



SECTION
1/4" = 1'-0"

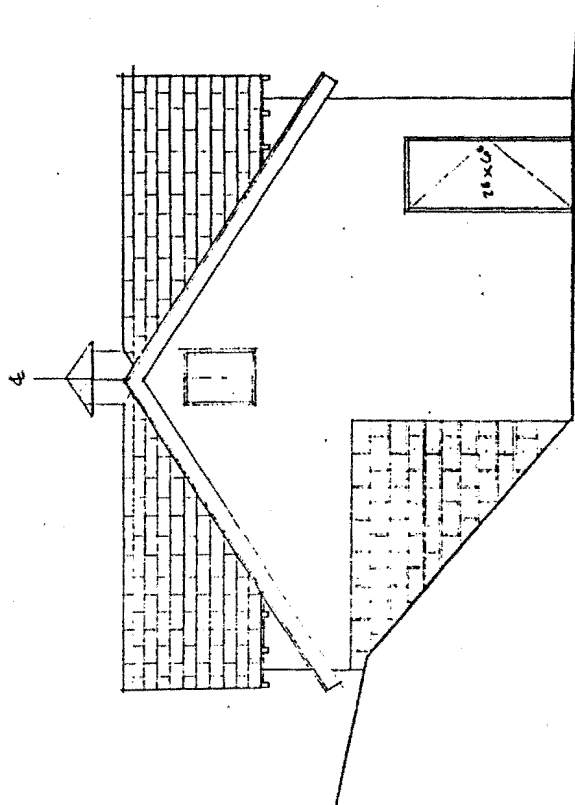


GARAGE PLAN
1/4" = 1'-0"



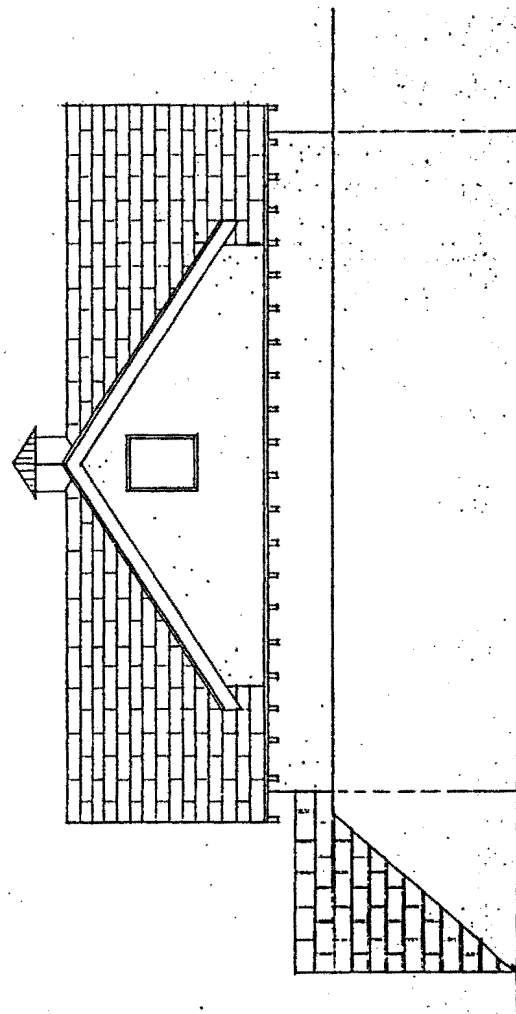
EAST ELEVATION 1/4" = 1'-0"

2



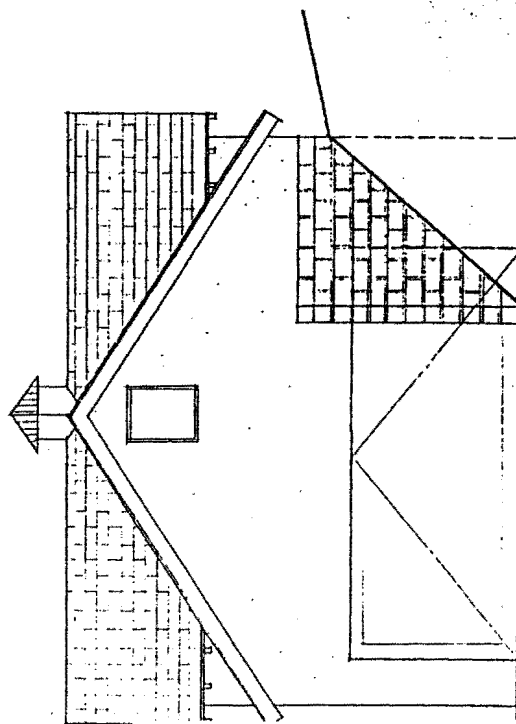
SOUTH ELEVATION 1/4" = 1'-0"

1



WEST ELEVATION 1/4" = 1'-0"

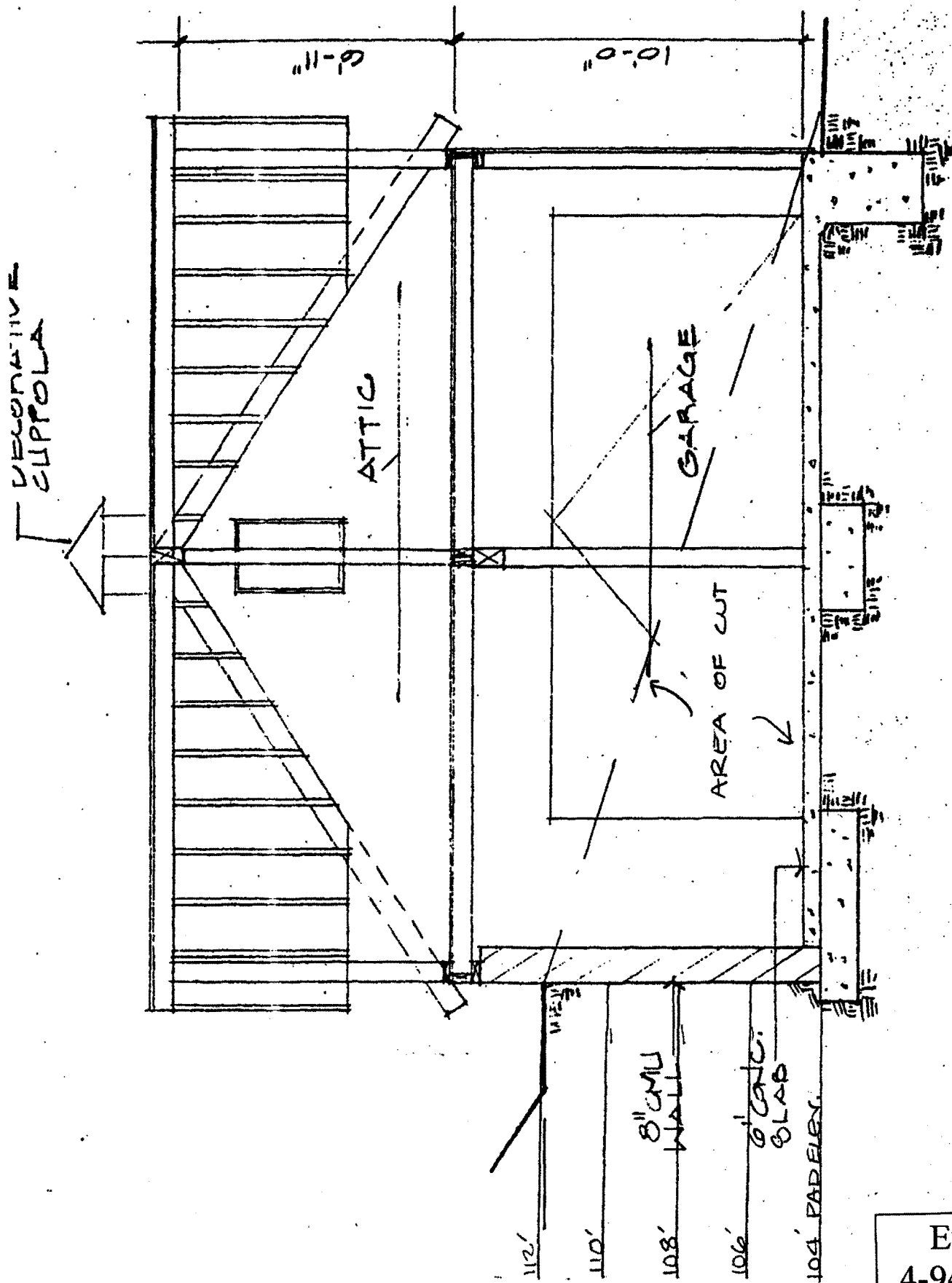
4



NORTH ELEVATION 1/4" = 1'-0"

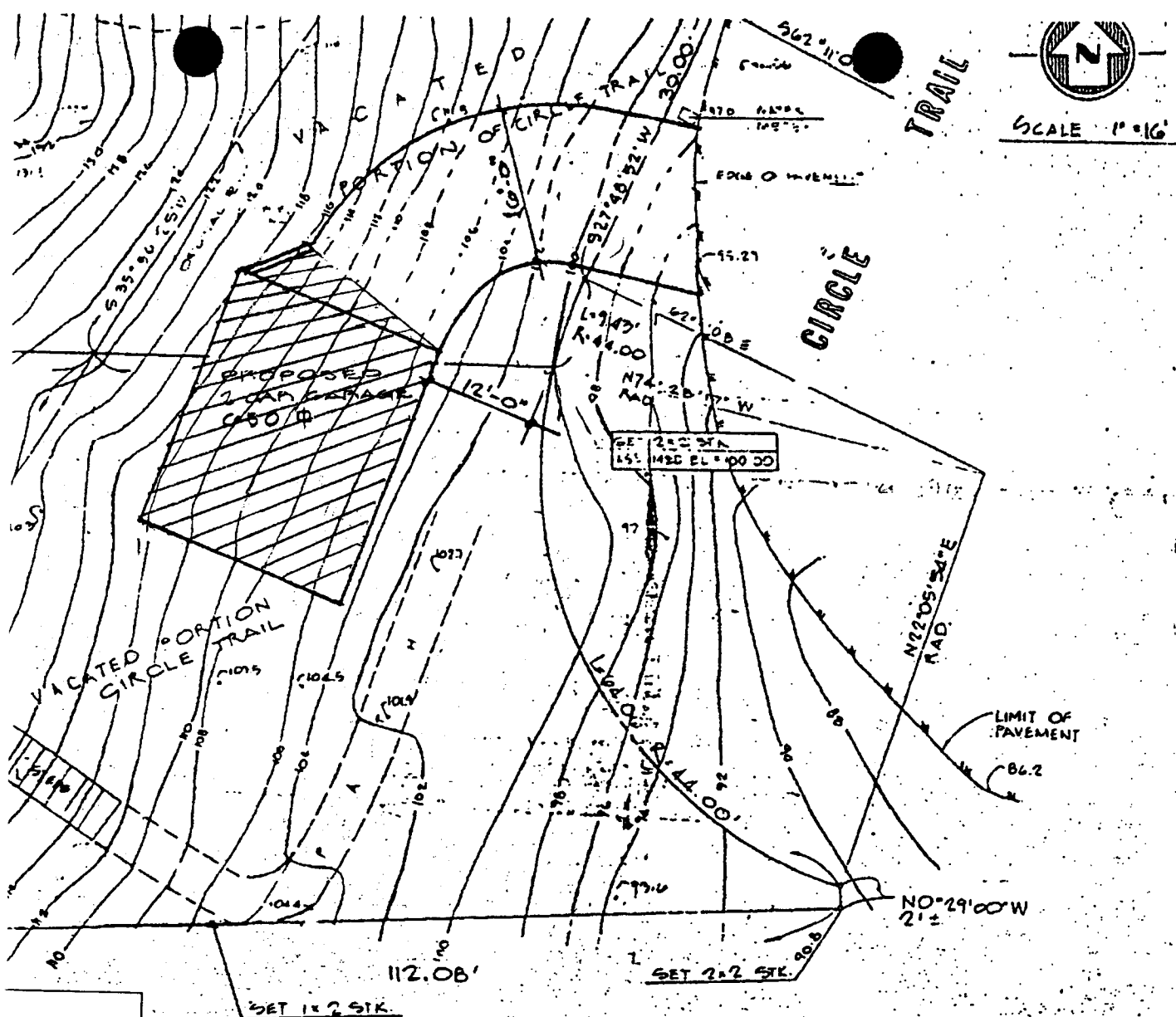
3

Exhibit No. 4
4-94-193 (Henne)
Elevations



SECTION

A $\frac{1}{4}" = 1'-0"$



Job Name

HENNE GARAGE

21655 Circle Trail
Topanga, Ca. 90290

Date-Revs.

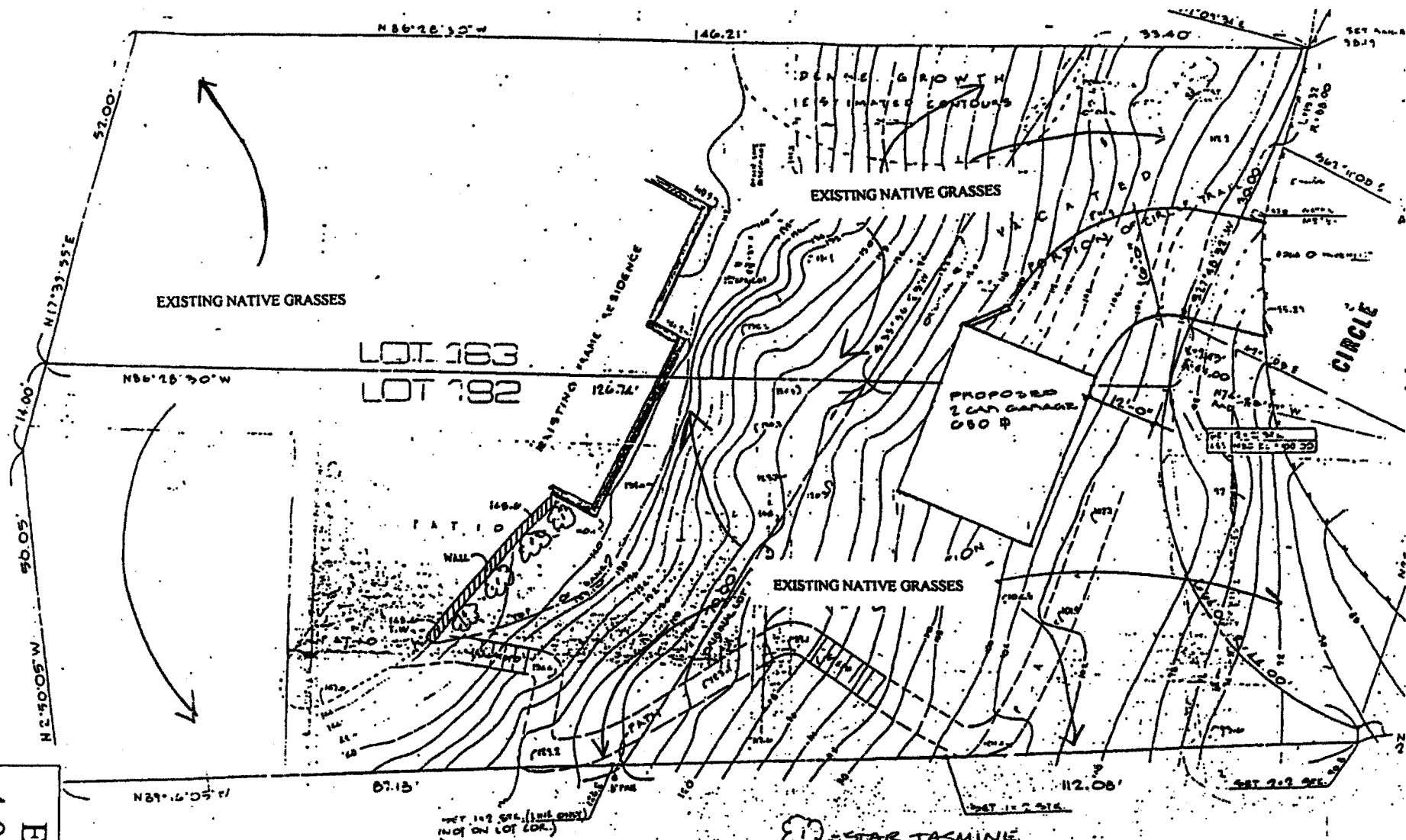
Sheet

Exhibit No. 6
4-94-193 (Henne)
Grading Plans

AREA OF CUT
94.4 CU. YDS

GAR. WIDTH 23.75' 7.9 YDS.
LENGTH 21.5' 9.2 YDS.
CUT HT 8.0' 2.6 YDS.
 $7.9 \times 9.2 = 72.68 \text{ sq. yd.}$
 $72.68 \times 2.6 \text{ YDS} = 189$
 $189 \div 2 = 94.4 \text{ CU. YDS.}$

Site Plan





COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1330 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90062-3294

March 25, 1998

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

Ms. Sue Brooker
California Coastal Commission
89 South California St. Suite 200
Ventura, CA 93001

Dear Ms. Brooker:

SUBJECT: FUEL MODIFICATION PLAN FOR 21655 CIRCLE TRAIL, TOPANGA

A fuel modification landscape or irrigation plan for the garage and 2nd floor storage at the address is not required. The application for building permit date of August 1, 1994 predates the fuel modification plan requirement in the LACO Fire Code. The current Fire Code went into effect January 7, 1996. If you need any additional information please call me at 310-317-1351.

Sincerely,

James O. Jordan
Fire Captain
Fire Prevention Division

Cc: Terry Valente

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
BAYVIEW
BELL
BELLFLOWER
BELL GARDENS
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
CUDAHY
DIAMOND BAR
DUARTE

GLENDORA
HAWTHORNE
HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
IRVINDALE
LA CANADA FLINTRIDGE

LAKEWOOD
LA MIRADA
LANCASTER
LA PUENTE
LAWDALE
LONITA
MALIBU
MAYWOOD

NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA
POMONA
RANCHO PALOS VERDES
ROLLING HILLS

ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA
SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY

WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

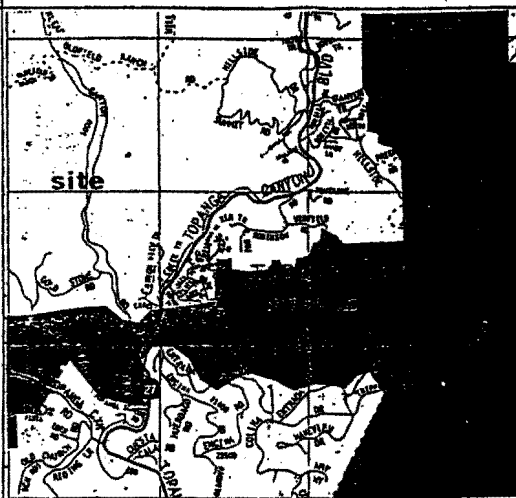
Exhibit No. 8
4-94-193 (Henne)
Letter

PROJECT OWNER
DORTCHANE & PAUL HENNE

PROJECT ADDRESS
21655 CIRCLE TRAIL
TOPANGA, CA. 90290

LEGAL DESCRIPTION

LOTS: 192, 193
TRACT: 6915
APN: 4444
PG: 27
PAR: 445



- 1 SITE PLAN
- 2 FLOOR PLAN & SECTION
- 3 ELEVATIONS
- 51 FOUNDATION & FRAMING PLAN
- 52 STRUCTURAL DETAILS

STATISTICS

VICINITY MAP

SHEET INDEX

Sheet Title

SITE PLAN

Job Name

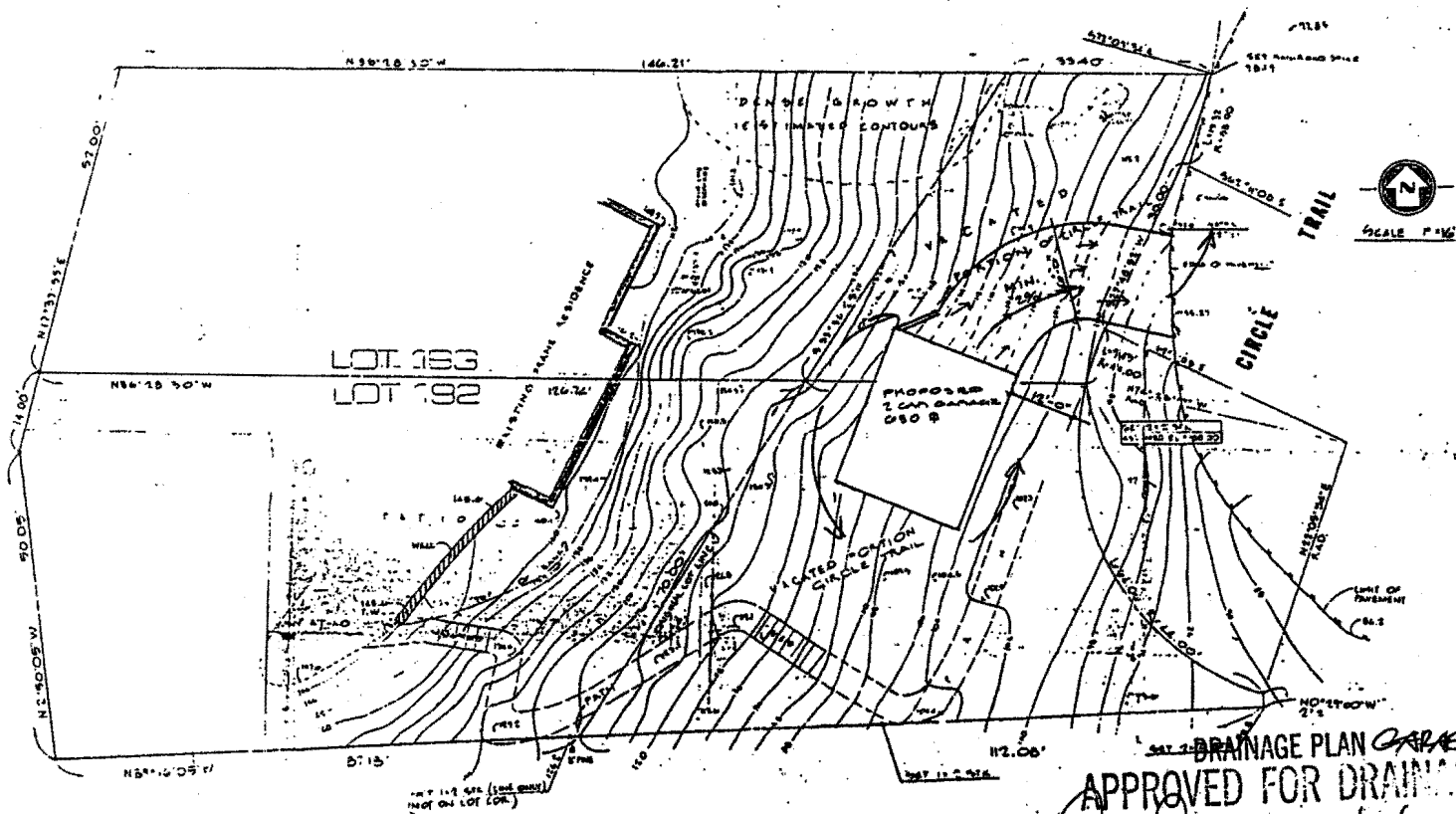
HENNE GARAGE

21655 Circle Trail
Topanga, Ca. 90290

Date-Revs.

Sheet

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DRAINAGE PLAN GARAGE
APPROVED FOR DRAINAGE
By: *M. Currell* Date: 1/30/57
LAND DEVELOPMENT DIV.

1. EXISTING DRAINAGE SHALL REMAIN

Exhibit No. 9
4-94-193 (Henne)
Drainage Plans

Site Plan