

## CALIFORNIA COASTAL COMMISSION

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Staff: J. Johnson *for*  
Staff Report: 11/18/99  
Hearing Date: 12/9/99

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NO: 4-97-015-A-1****APPLICANT: Gerald and Shirley Sayles****PROJECT LOCATION: 20580 Betton Drive, Topanga, Los Angeles County****DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construct a new 4,592 sq. ft., two story single family residence with three car garage, swimming pool, septic system, and landscaping. Extend private road and water main improvements about 340 feet beyond approved road to parcel and proposed driveway. Grade a total of 927 cubic yards of material for residence and access road.**DESCRIPTION OF AMENDMENT:** Revise road improvements to construct a larger three foot diameter culvert with a rip-rap dissipater rather than use the existing two foot diameter culvert, install erosion control swales along top of cut slopes, increase approved grading from 87 cubic yards to 428 cubic yards on Betton Drive to access approved residence at 20580 Betton Drive. Install temporary construction/security trailer on building site.**LOCAL APPROVALS RECEIVED:** Los Angeles County Regional Planning Department, "Approval in Concept", dated 12/30/96; Los Angeles County Department of Health Services, dated 2/11/97; Preliminary Approval, Los Angeles County Fire Department, dated 1/28/97; Los Angeles County Building and Safety/ Land Development Division, "Approved", dated May 5, 1999.**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit No. 4-97-015, Sayles; Coastal Development Permit No. 4-96-025, Jason; Coastal Development Permit No. 4-96-025-A-1, Jason; Coastal Development Permit No. 4-99-164, Olson; Los Angeles County Malibu/Santa Monica Mountains certified Land Use Plan.

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change, or
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code Section 13166). The Executive Director determined that this proposed amendment will be processed as a material amendment.

**SUMMARY OF STAFF RECOMMENDATION:**

*The Commission continued this amendment from the Commission's October 12, 1999 meeting to allow staff to address three issues. These issues are: how can urban pollutants be controlled, will this project as amended have significant adverse environmental impacts on Tuna Canyon, and will the proposed realigned intersection Betton Drive and Fabuco Road adversely effect a red rock formation? As a result, an additional condition is added to address residential pollutants. Regarding the red rock formation, it is not affected by the project and the project as conditioned will not create any significant adverse environmental impacts in Tuna Canyon.*

Staff recommends that the Commission determine that the proposed development with this proposed amendment, as conditioned, is consistent with the requirements of the Coastal Act. *A total of three additional special conditions are recommended to address the removal and disposal of any excess excavated material, the removal of the temporary construction trailer, and a polluted runoff control plan.*

**STAFF NOTE**

This revised report addresses the issues raised by the Commission at the October 12, 1999 meeting. Changes to the staff report and findings are identified by *italics* for the ease of the reader.

*The issue of conceptual project plans and final detailed plans (working drawings) was raised at the October 12, 1999 Commission meeting. The development review process within a local government jurisdiction along the coast that does not have a Certified Local Coastal Program, such as the County of Los Angeles*

is a three step review process. The first two steps are conceptual in nature, while the third step is detailed in nature. The first review step for a project is to obtain conceptual approval from the Los Angeles County Department of Regional Planning or the Los Angeles County Planning Commission. This step may also include obtaining a recommendation from the Los Angeles County Environmental Review Board. A project at this initial stage is usually conceptual in nature. Once local approval in concept is obtained, a project may proceed to the California Coastal Commission for the second review step. The second review step by the Commission is also conceptual in nature since the review is based on the plans approved in concept by the County of Los Angeles. However, the coastal development permit process often requires a greater level of project detail with regards to issues such as grading, erosion control, landscaping and habitat protection. The third review step is before the Los Angeles County Department of Building and Safety. The third step is more detailed because detailed drawings are reviewed for consistency with the Uniform Building Code. It is at this time that detailed working drawings are developed from the conceptual County and Commission approved plans. Due to the evolving nature of project plans, it is not uncommon for some projects to require amendments to coastal permits, after the final detailed or working drawings are completed and approved by the Local Building Department. After Los Angeles County completes a certified Local Coastal Program thereby allowing the Commission to delegate Coastal Permit authority to the County, this project review process will become a two step process in this area.

The issue of piecemeal development was also raised at the October 12, 1999 Commission meeting. The majority of existing parcels in the Santa Monica Mountains are owned by individual or separate property owners. The development of these parcels is anticipated to occur when these individual or separate owners decide to pursue permit applications. As a result, development of most parcels in this area will be done on what appears to be a piecemeal basis, although there is a great deal of information with regards to biological resources and the adverse cumulative impacts that will occur as development in the Santa Monica Mountains occurs.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission APPROVE the permit amendment application with special conditions.

**MOTION**

Staff recommends a YES vote on the following motion and adoption of the following resolution and findings:

***I move the Commission Approve with special conditions the coastal permit amendment # 4-97-015-A-1 per the staff recommendation as set forth below.***

*A majority of the Commissioners present is required to pass the motion.*

**I. Approval with Conditions**

The Commission hereby approves the amendment to the coastal development permit, 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 effects on the environment within the meaning of the California Environmental Quality Act.

**STAFF NOTE:** All Standard (No. 1-7) and Special Conditions (No. 1-6) attached to the original permit (Exhibit 6) shall remain in effect and are incorporated herein. The applicant has met these Special Conditions and the Coastal Permit has been issued. *Three* new Special Conditions, Number Seven, Eight, and *Nine* below, are added as a result of this Amendment.

**A. STANDARD CONDITIONS:**

See Exhibit 6

**B. SPECIAL CONDITIONS:**

See Exhibit 6 for No. 1 – 6.

**7. Removal of Excavated Material (New)**

The applicant shall remove all excess excavated or cut material consisting of approximately 324 cubic yards of material to an appropriate disposal site located outside of the Coastal Zone, or an approved site located in the Coastal Zone with a valid coastal development permit for disposal of fill material.

**8. Removal of Temporary Construction Trailer (New)**

With the acceptance of this coastal permit, the applicants agree that the temporary construction trailer on the site shall be removed within two years of the issuance of this Coastal Permit Amendment or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the

Coastal Zone or a site with a valid coastal development permit for the installation of a temporary construction trailer.

**9. Polluted Runoff Control Plan (New)**

*Prior to issuance of the Coastal Development Permit Amendment, the applicant shall submit, for the review and approval of the Executive Director, a Polluted Runoff Control Plan, which, when implemented, will serve to minimize the discharge of pollutants from residential runoff into surface water drainage, and maintain post-development peak runoff rate and average volume, at levels that are similar to pre-development levels, by incorporating structural and nonstructural Best Management Practices (BMPs) into final approved grading, paving and drainage development plans. Appropriate BMPs include, but are not limited to, the following:*

- *Protecting existing vegetation and natural drainage systems;*
- *Incorporating silt traps, catch basins, and oil/water separators into the design of development that increases impermeable surfaces, including private roads and driveways;*
- *Incorporating a BMP maintenance agreement which states that by acceptance of this Coastal Development Permit Amendment, the applicant/owner or successor interests agrees to be solely responsible for regular maintenance including inspection and regular cleaning of these approved BMPs to ensure their effectiveness prior to and during each rainy season from November 1 through April 31 of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start the winter storm season, no later than October 15th each year.*

**II. Findings and Declarations**

The Commission finds and declares:

**A. Project Description and Location**

The applicant proposes to revise approved road improvements to construct a larger three foot diameter culvert with an rip-rap dissipater rather than the existing two foot diameter culvert, install erosion control swales (*a total of about 175 feet long*) at the top of a cut slope, increase approved grading for the road from 87 cubic yards to 428 cubic yards on Betton Drive to access the approved residence at 20580 Betton Drive. (Exhibits 1 - 4). The applicant also proposes to install a temporary construction/security trailer on the building site. The grading now proposed to construct the road improvements consists of 332 cubic yards of cut and 96 cubic yards of fill. Approved grading for the road consists of about 52

cubic yards of cut and 35 cubic yards of fill, a total of 87 cubic yards of material. The proposed additional grading is necessary to meet Los Angeles County Fire Department and Public Works Building and Safety Division requirements for the realignment of the intersection of West Betton Drive and Fabuco Road *with a fire hydrant*, to replace the existing drainage culvert, and complete the erosion control swales. The width of the Betton Drive road improvements remains at twenty feet wide.

Total grading approved for the entire project is 927 cubic yards of material. The approved grading for the residence includes about 840 cubic yards of material consisting of 464 cubic yards of cut and 376 cubic yards of fill. The applicant now proposes to dispose of the excess cut material, consisting of about 324 cubic yards, at an approved disposal site located outside the Coastal Zone or an approved disposal site with a coastal permit located in the Coastal Zone. This road accesses the parcel where a single family residence is approved by the Commission in Coastal Permit No. 4-97-015.

Road improvements along the eastern portion of Betton Drive and along Chard Avenue and Skyhawk Road are necessary to access the applicant's property. A portion of these road improvements have been approved in Coastal Permits 4-96-025 and 4-96-025-A-1, Jason. An amended request to revise these road improvements is the subject of Coastal Permit Amendment Application Number 4-96-025-A-2 which is also on the Commission's *December 7 - 10, 1999 agenda*. Another portion of these road improvements were approved in Coastal Permit No. 4-99-164, Olson, for the segment of Betton Drive between the approved Jason road improvements and the subject Sayles road improvements. The subject site is located within the Tuna Canyon Significant Watershed, southwest of Tuna Canyon Road and Skyhawk Lane. (Exhibit 1)

In May 1997, the Commission approved Coastal Permit Number 4-97-015 for certain road improvements along a dirt road leading to a vacant lot and a new residence. The approved road improvements consist of paving 340 feet of an existing dirt access road (Betton Drive), grading about 87 cubic yards of material, and installing a water line extension. The Commission also approved a proposed residence consisting of a 4,592 sq. ft. two story structure with a three car garage, pool, and septic system. On June 15, 1997, the applicant complied with all the conditions required prior to the issuance of the coastal development permit, as a result, the permit was issued to the applicant. A portion of these road improvements have been completed, consisting of the grading and the removal of the existing *(18 inch diameter)* drainage culvert. The applicant now requests approval for the replacement of the *approved* two foot diameter drainage culvert with a three foot diameter drainage culvert and construction of a erosion control swale. *The erosion control swale is located along a 175 foot long section of the top of a cut slope. This cut slope is located along a portion of the southern side of Betton Drive and a Fire Department turnaround area (Exhibit 3).*

The location of the proposed drainage improvement is located on two parcels that are not owned by the applicant. However, the applicant has provided evidence of his ingress and egress access easement over the road. The property owners, whose property the road easement and proposed road improvement are located have been notified by letter of this development pursuant to Section 30601.5 of the Coastal Act. Section 30601.5 of the Coastal Act states that: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." These property owners, Trollope F. and Frances S. Anderson (APN 4448-007-084) and John & Helen Lyons (APN 4448-007-085) have not responded to these letters at this time (Exhibit 5). Any response received by staff to these letters will be provided at the Commission meeting.

**B. Environmentally Sensitive Resource Areas**

The Coastal Act includes a policy protecting environmentally sensitive habitat areas from disruption of habitat values. Section 30240 of the Coastal Act states:

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

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

Section 30231 of the Coastal Act is written to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

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

The area's habitat values within the Tuna Canyon Significant Watershed are well documented in the staff reports and findings for Coastal Development Permit Number 4-97-015, Sayles, and more recently Coastal Permit Number 4-99-164, Olson. Applicable policies of the Malibu/Santa Monica Mountains Land Use Plan (LUP) are also identified, including policies protecting watersheds and ESHA's from individual and cumulative impacts.

*The subject site is located in the Santa Monica Mountains, an area characterized by the formation of several steep coastal canyons, many of which contain significant blue-line streams which often drain several hundred acres of watershed. The project site is located in one such area, within the Tuna Canyon Significant Watershed. The site is located about twelve hundred (1,200) feet from Tuna Canyon Creek as close as about 500 feet from the Tuna Canyon designated Environmentally Sensitive Habitat Area (ESHA) to the west, and about 750 feet from the designated ESHA to the south. Although the ESHA is nearby, as described below, the proposed project will not have a direct impact on this ESHA. However, polluted runoff resulting from residential development can significantly impact surface water quality in coastal watersheds, which in turn can lead to poor water quality conditions in coastal bays, lagoons, and estuaries which act as the receiving waters for rivers and streams in the coastal zone.*

Since this area burned in the 1993 Malibu Fire, the re-growth of chaparral vegetation is occurring. Because the subject site is located between the uppermost tributaries of Tuna Canyon Creek, a blue line stream, additional protection is provided by the Malibu Santa Monica Mountains Land Use Plan. However, the tributaries in the vicinity of Betton Drive are not considered riparian corridors as they do not include riparian vegetation. The tributaries to the southwest and to the east are the 'blue line' designated stream. These tributaries are located at minimum about the same distance from the project site, about 1,200 feet. Further, the surrounding chaparral vegetation will not be affected as the proposed enlarged drainage culvert, and erosion control swales and additional grading, all which will be located entirely within the existing dirt roadway.

The applicant proposes to increase the grading proposed for the construction of the road improvements from a total of 87 cubic yards to about 428 cubic yards of material. This additional 341 cubic yards of grading is necessary to meet Los Angeles County Fire Department and Public Works Building and Safety Division requirements for the realignment of the intersection of Betton Drive and Fabuco Road *adjacent to a proposed fire hydrant*, replacement of the existing drainage culvert, and the construction of the erosion swales along Betton Drive. The width of the Betton Drive road improvements remain twenty feet wide. This increased amount of grading is judged to be the minimum necessary in order for the applicant to complete the road improvements and minimize future erosion consistent with the requirements of the Los Angeles County Fire Department and

Building and Safety Division. The additional cut material for the road improvements in addition to the excess cut material for the building pad and driveway, about 324 cubic yards, will be removed and disposed of offsite. In addition, Coastal Permit Number 4-97-015 includes conditions addressing a landscape/erosion control and drainage plan and a road maintenance agreement that remain in effect to further reduce erosion of the road. The total amount of grading proposed for this project including the proposed road improvements is about 1,268 cubic yards of material with an export of about 324 cubic yards. Special Condition Number Seven (7) requires the applicant to export all excavated material, except for material proposed to be used for fill on site, to an appropriate disposal site located outside in the Coastal Zone or a site located in the Coastal Zone approved for disposal with a valid Coastal Development Permit.

The applicant proposes to increase the size of the existing drainage culvert with a rip-rap dissipater to carry water from a drainage that crosses beneath Betton Drive. This *approved* drainage culvert is two feet in diameter. The County of Los Angeles Building and Safety Department has required the applicant to replace *the proposed two foot* drainage culvert with a larger three foot diameter culvert and rip-rap dissipater to adequately carry water and debris flow without clogging and backing up water flow from the drainage area uphill against the north embankment located along Betton Drive. *The unnamed drainage where the proposed enlarged culvert is located is not located on a "blue line stream", although the drainage leads to the "blue line stream" about 1,200 feet to the south. This unnamed drainage drains a 5.5 acre watershed of the uppermost portion of the Tuna Canyon. The applicant submitted a letter from Danny Holmes, a registered engineer, with Holmes Enterprises that identified the hydrology calculations of this watershed. Mr. Holmes calculated that the watershed is relatively small at about 5.5 acres in size (Exhibit 7). In addition, Mr. Holmes confirmed that the drainage devices proposed for the road are designed so that there will be no increase in storm water velocities from present conditions.*

*The proposed project also includes a drainage swale that is located along the top of a cut slope along the road. The purpose of the swale is to collect water runoff from areas above the cut slope, channel the water so it will not flow down the steepened cut slopes (1 ½: 1 cut slope) and erode the cut slope after it has been hydroseeded. Water from the swale is then drained directly onto the paved roadway to sheet flow across the road to the nearest drainage area leading from the roadway. The effect of the drainage swale is to reduce erosion and sedimentation as a result of widening the roadway.*

Since this area burned in the 1993 Malibu Fire, the re-growth of chaparral vegetation is occurring. Because the subject *road improvements* are located *along* the uppermost tributaries of Tuna Canyon Creek, a blue line, additional protection is provided by the LUP. However, the tributaries in the vicinity of

Betton Drive are not considered a riparian corridor as they do not include riparian vegetation. These tributaries to the southwest and to the east are the 'blue line' designated stream. These tributaries are located at minimum about the same distance from the project site, about 1,200 feet. Further, the surrounding chaparral vegetation will not be significantly affected as the proposed erosion control swale, enlarged drainage culvert, *increased grading, and construction trailer* will be located along the road and the construction trailer on the building site. *The proposed additional grading is the minimum necessary to meet Los Angeles County Fire Department and Building and Safety Department requirements.* In addition, Coastal Permit No. 4-97-015 includes conditions addressing a landscape/erosion control and drainage plan and a road maintenance agreement that remain in effect to further reduce erosion of the road.

*Polluted runoff resulting from residential development can significantly impact surface water quality in coastal watersheds, which in turn can lead to poor water quality conditions in coastal bays, lagoons, and estuaries which act as the receiving waters for rivers and streams in the coastal zone. The proposed development includes expansion of the diameter of a culvert located beneath the private road, Betton Drive, an increase in the proposed grading, a drainage swale, which provide access to the applicant's approved residence, and a construction trailer. This enlarged culvert and drainage swale will serve to convey drainage from the applicant's subject property, the private road and upstream areas in the watershed. Major pollutants such as petroleum hydrocarbons can be found from roads and driveways. The Commission finds that controlling pollutants contained in runoff draining from existing and future roads and driveways, will serve to minimize impacts associated with new development, on coastal resources. The subject driveway includes a fire department emergency vehicle turnaround and a surrounding cut slope which is part of the reason additional grading is requested in this amendment application. Therefore, Special Condition No. Nine (9) is necessary to require the applicant to submit a Polluted Runoff Control Plan that incorporates appropriate Best Management Practices and the applicant's/owner's maintenance responsibilities into the final approved project plans for the roadway improvements. Improper maintenance is one of the most common reasons for water quality controls to not function as designed or to fail entirely. It is important to consider who will be responsible for maintenance of a permanent BMP, and what equipment is required to perform the maintenance properly, therefore it is necessary for the applicant to agree to the maintenance provisions in the Polluted Runoff Control Plan to ensure that they function appropriately, as required by Special Condition No. Nine (9).*

Lastly, since the proposed revised road improvements will be located along an existing dirt road that has been approved for grading and paving improvements, no significant new impacts will occur to habitat located downstream from the

roadway. There are no sensitive habitats known along this roadway that will be affected by this proposed grading necessary to improve the road.

The applicant's proposed temporary construction trailer will be located on the building site during construction to assist in the construction of the residence and provide site security. Water and sewage service for the trailer is self contained. The Commission finds it necessary to require the removal of this trailer to an appropriate disposal site within two years of the issuance of this Coastal Permit Amendment or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from Los Angeles County, whichever is less, as required by Special Condition Number Eight (8). The removal of this trailer is necessary to avoid the potential conversion to a second dwelling unit and potential cumulative impacts on public services such as road capacity, sewage disposal, water, electricity as well as erosional and sedimentation impacts to the downstream Tuna Canyon Creek environmentally sensitive habitats.

Therefore, the Commission finds that the proposed project is consistent, as conditioned, with the protection of environmentally sensitive habitats and creeks as required by Coastal Act Sections 30231 and 30240.

**C. Geologic and Erosion Hazards**

The Coastal Act includes a policy to protect existing and proposed development from hazards. Section 30253 of the Coastal Act states in part that new development shall:

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

The proposed development is located in the Santa Monica Mountains near the upper portion of Tuna Canyon Road, an area that is generally considered to be subject to a high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include soil stability concerns, landslides, and erosion. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all vegetation, thereby contributing to an increased potential for erosion and landslides on property.

As previously stated, the applicant proposes to increase the grading proposed for the construction of the road improvements from a total of 87 cubic yards to about 428 cubic yards of material. This additional amount of grading was necessary to meet Los Angeles County Fire Department and Public Works Building and Safety Division requirements for the realignment of the intersection of West Betton Drive and Fabuco Road, to replace the existing drainage culvert, and complete erosion control swales.

The Commission finds that if this project is constructed during the winter storm season, minimizing site erosion will improve the stability of the site and reduce potential sedimentation into Tuna Canyon Creek that leads to the Pacific Ocean. Erosion during the winter rainy season from November 1 through March 31 can be minimized by requiring the applicant to install sediment basins on site prior to or concurrent to the initial grading necessary to construct the road improvements and maintained through the development process to minimize sediment from runoff waters during construction. Special Condition Number One c (1. c.) of Coastal Permit Number 4-97-015 includes a provision for the installation of sediment basins to ensure erosion and sedimentation is controlled and minimized if construction occurs during the rainy season. In addition, Special Condition Number One b (1. b.) of this same permit requires that all cut and fill slopes 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. This requirement shall apply to all disturbed soils including existing graded roads and pads. This condition will remain in effect and apply to this proposed Amendment to Coastal Permit Number 4-97-015. The replacement drainage culvert also includes a rip-rap dissipater which is designed to reduce the velocity of water flow as it exits the culvert, thereby further reducing potential for erosion. The project, as conditioned, will minimize any adverse effects of erosion and sedimentation deposition into the drainages leading to Tuna Canyon Creek.

Therefore, the Commission finds that the proposed project, as conditioned to address geologic and erosion hazards, is consistent in Section 30253 of the Coastal Act.

**D. Visual Resources and Landform Alteration**

The Coastal Act includes a policy to protect public views from development to and along the coast and to minimize the alteration of natural landforms. Section 30251 of the Coastal Act states that:

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

The proposed amended project site is located within the roadway of an existing dirt road, Betton Drive and the building site where a temporary construction trailer will be located. The proposed increase in road grading will increase the previously approved alteration of natural landforms and has the potential to increase public visual impacts. In addition, the installation of the temporary construction trailer also has the potential to increase public visual impacts. The project site where the temporary trailer will be located and the road improvements will be visible for a limited degree from public roads, Saddle Peak Road and Tuna Canyon Road. Its visibility will be limited to a short section of Saddle Peak Road and a turnout and along a few sections of Tuna Canyon Road. The only vehicle turnouts along Tuna Canyon Road are located south of the intersection with Las Flores Heights; these turnouts are located about 2,000 feet from the temporary construction trailer. The sections of the Tuna Canyon Road where the trailer is visible are sections where adequate vehicle turnouts do not exist. In addition, the Malibu/Santa Monica Mountains Land Use Plan designates both Roads priority 2 scenic highways. The project site and temporary construction trailer is visible to a limited degree from a number of public locations along Tuna Canyon Road. However, these locations where public views are located are short in length, occur along the roadway where few roadway turnouts are located, and do not occur at any public turnouts designated in the Malibu/Santa Monica Mountains Land Use Plan as an important viewpoint warranting public viewshed protection. It is important to note that the construction trailer may be visible from certain private properties located along Tuna Canyon Road and Saddle Peak Road. Since the Coastal Act only addresses visibility from public locations, the Commission does not address visibility from private property. Issues of visibility from private property to the subject site are between private property owners. Its important to note that the construction trailer is only temporary during the construction and will be removed shortly after the Certificate of Occupancy is issued for the new house, or no more than two years after this Coastal Permit Amendment is issued. After one of these dates, whichever occurs sooner, the trailer will be removed as required by Special Condition Number Eight (8). Further, the Commission has approved a much larger structure than the temporary trailer; the approved residence will be a

two story 4,592 sq. ft. structure visible from this same location approved with a Special Condition addressing Design Restrictions to minimize visual impacts of the project. Such residential development is common in this area. The proposed amended road improvements will not change the visual impacts as the road width is the same twenty feet. The new drainage culvert of three feet in diameter with a rip-rap dissipater located south of Betton Drive is a minimal increase in size of the pipe and the dissipater's public visibility on the south side of Betton Drive will be limited. In addition, the reconfiguration of the intersection of Betton Drive and Fabuco Road does not substantially affect its public visibility. *The reconfiguration of this intersection was a requirement of the County of Los Angeles Fire Department and Building and Safety Department to increase the size of the intersection to allow additional roadway area in the vicinity of a fire hydrant. There is a red rock formation located to the southeast (larger rock outcrops) and southwest (small rock outcrops) of the intersection of Betton Drive and Fabuco Road. The proposed drainage improvements and these existing and improved roads are not located near nor will they affect these red rock outcrop formations. The reconfiguration of the road does not significantly change its public visibility.* Therefore, within this setting, the public visibility of the proposed project will be very limited and will not adversely impact visual resources. For these reasons, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

**E. Violation**

Although development that has taken place prior to the filing of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

**F. Local Coastal Program**

Section 30604 of the Coastal Act states that:

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

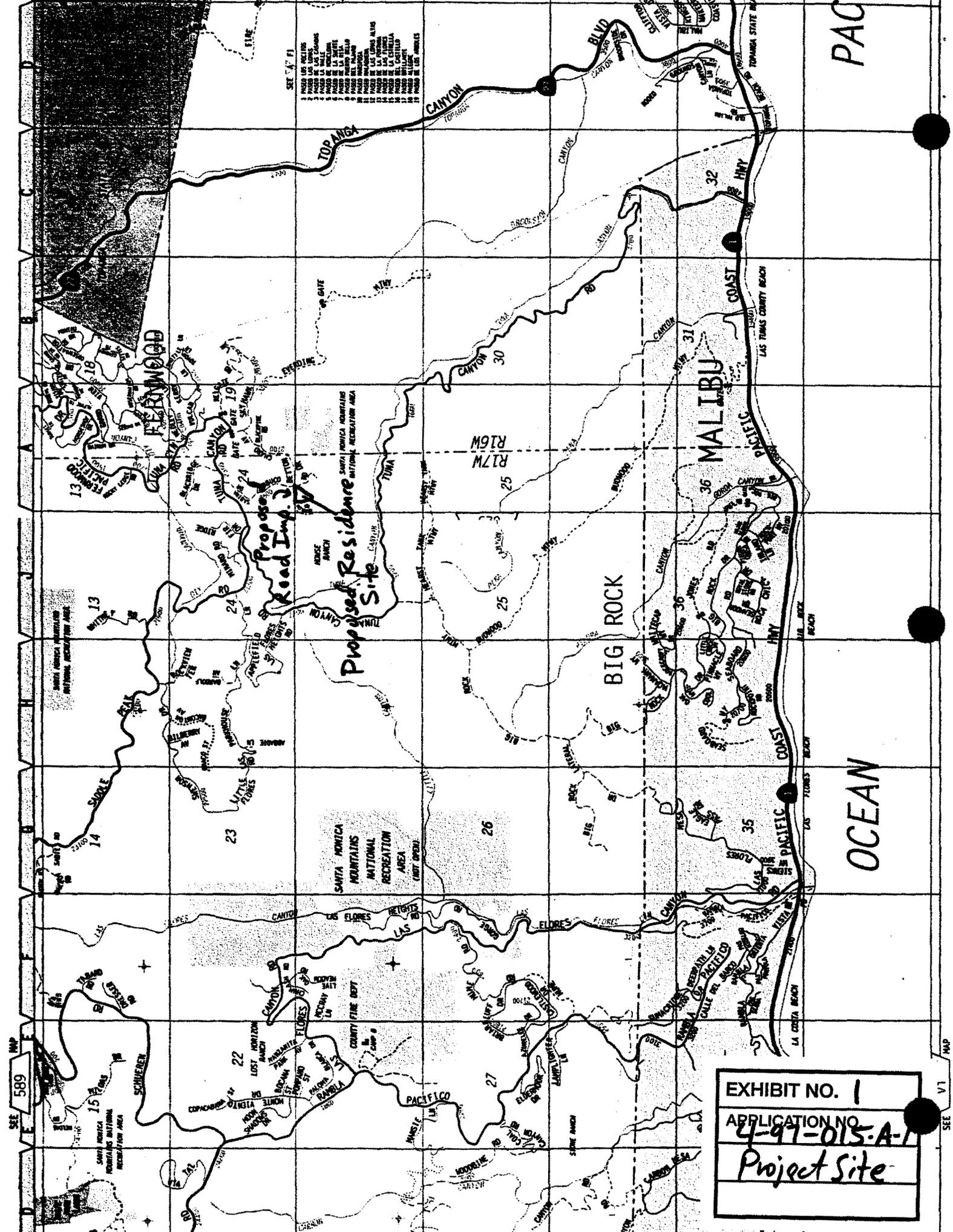
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which

conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed amendment will be in conformity with the provisions of Chapter 3, if certain conditions are incorporated into the project and accepted by the applicant. The proposed amendment 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 amendment, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**G. California Environmental Quality Act (CEQA)**

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

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



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  - 15 PAVED LAS LOMAS
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  - 28 PAVED LAS LOMAS
  - 29 PAVED LAS LOMAS
  - 30 PAVED LAS LOMAS
  - 31 PAVED LAS LOMAS
  - 32 PAVED LAS LOMAS

Proposed  
Road Imp.

Proposed  
Residence  
Site

EXHIBIT NO. 1  
APPLICATION NO.  
4-97-015-A-1  
Project Site

SEE 589 MAP

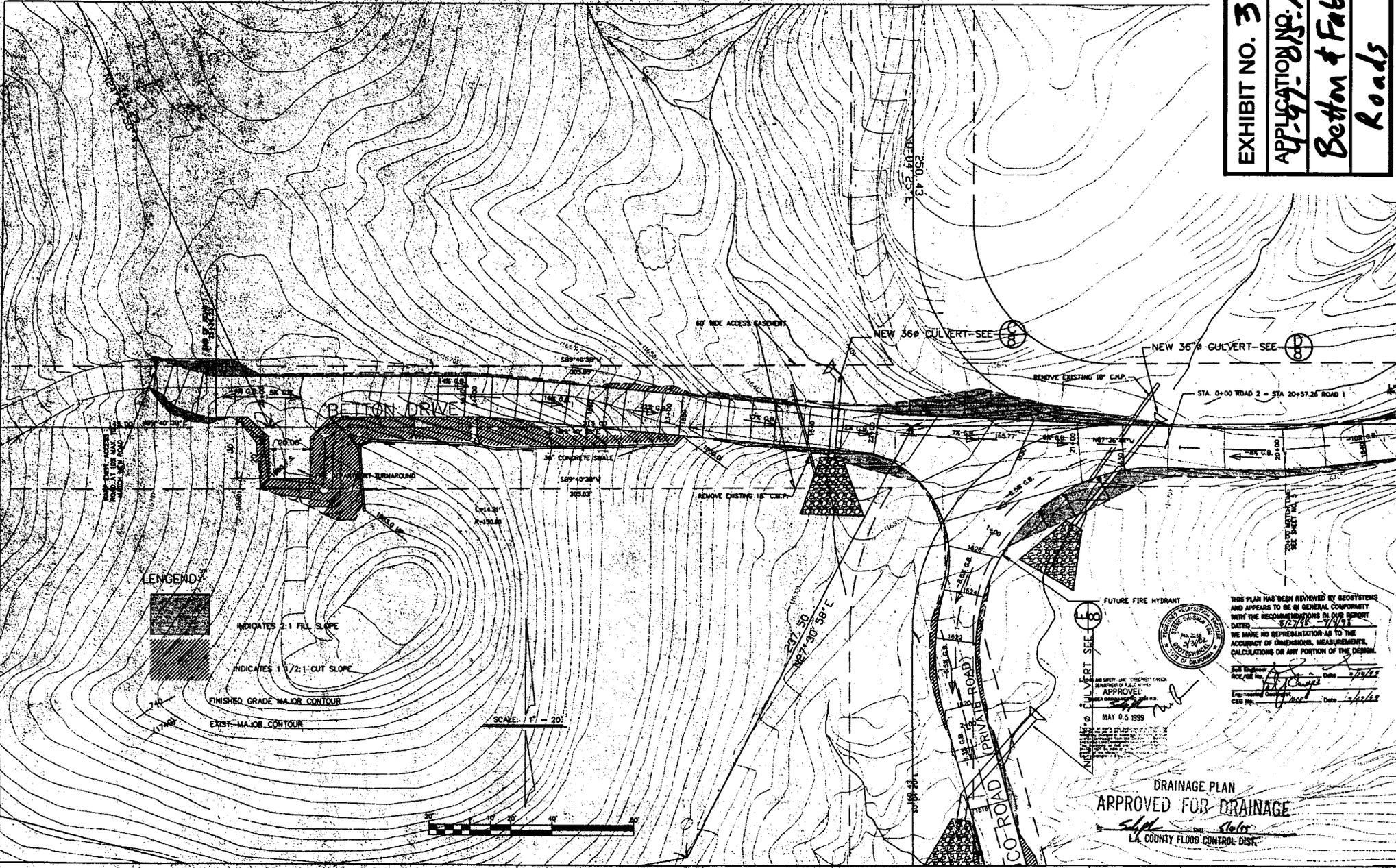
SEE V1 MAP

PAC

OCEAN



EXHIBIT NO. 3  
 APPLICATION NO. 4-97-818-A1  
 Bottom & Faburo  
 Roads



**LEGEND**

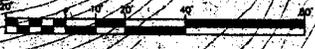
INDICATES 2:1 FILL SLOPE

INDICATES 1 1/2:1 CUT SLOPE

FINISHED GRADE MAJOR CONTOUR

EXIST. MAJOR CONTOUR

SCALE: 1" = 20'



FUTURE FIRE HYDRANT

LL100

APPROVAL

DATE: 3/22/98

DATE: 3/22/98

DATE: 3/22/98

THIS PLAN HAS BEEN REVIEWED BY GEOSYSTEMS AND APPEARS TO BE IN GENERAL CONFORMITY WITH THE RECOMMENDATIONS IN OUR REPORT DATED 3/22/98. WE MAKE NO REPRESENTATION AS TO THE ACCURACY OF DIMENSIONS, MEASUREMENTS, CALCULATIONS OR ANY PORTION OF THE DESIGN.

DRAINAGE PLAN  
 APPROVED FOR DRAINAGE

L.A. COUNTY FLOOD CONTROL DIST.



Holmes Enterprises Inc.  
 Structural and Civil Engineering  
 200 Wicks Rd. Moorpark, CA. 93021  
 (805) 532-1571  
 fax: (805) 532-1596



ROAD 1 STATION 20+00 TO 25+20.83

SCALE: 1" = 20'

DATE: 1-14-98

DATE: 3/22/98

ROAD PLAN FOR PORTIONS OF SKYHAWK LANE, CHARD AVE, BETTON DRIVE, AND FABURO ROAD, HALLIQUIN, CA

ENGINEER: SATELLES, D. SATELLES AND J. SATELLES

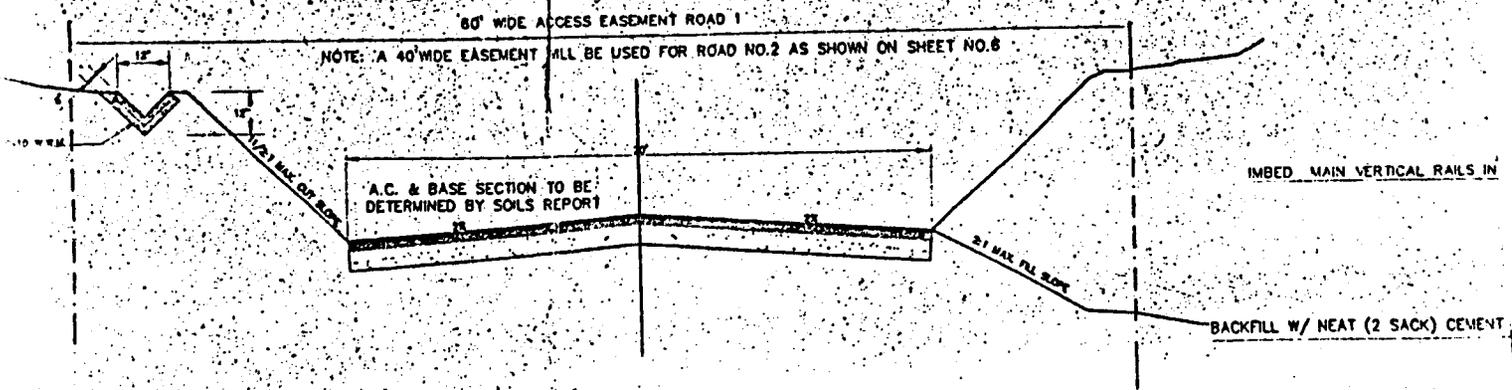
C/O GERALD SATELLES 43143 23rd STREET

LANCASTER, CA 93336 805-943-1777

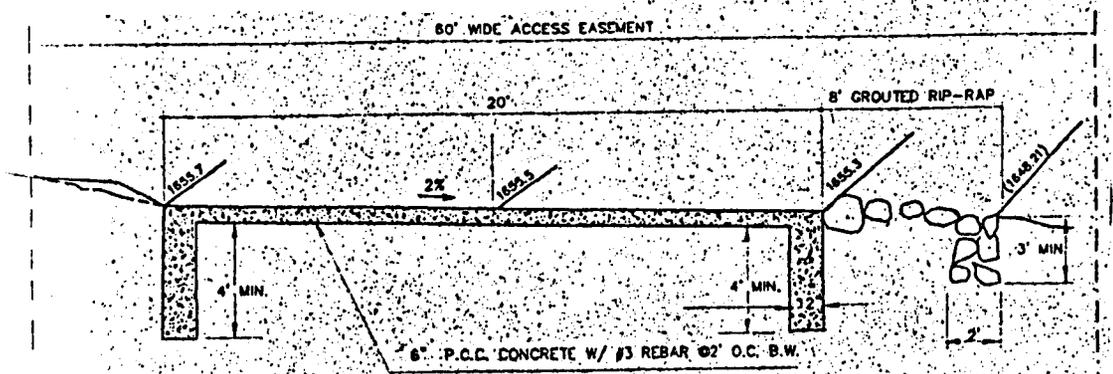
SHEET 6 OF 8

EXHIBIT NO. 4
APPLICATION NO. 47-815-A1
Road Details

CONC. DRAIN AS SHOWN BELOW AT THE TOP OF ALL CUT SLOPES.  
 SHALL HAVE A MIN. LONGITUDINAL SLOPE OF 2%  
 INDIVIDUAL SHEETS FOR DRAIN LOCATIONS AND OUTLET POINTS  
 5'x5' CONC. PAD W/ GROUTED RIP-RAP AT ALL OUTLETS



TYPICAL ROAD SECTION

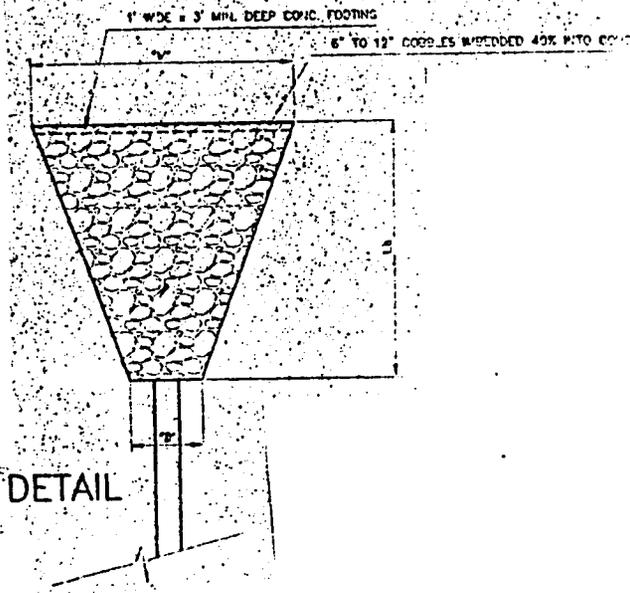


NOTE: FOOTINGS TO MEET LACPWS STANDARDS.

CROSS SECTION

STA B+88

ARIZONA CROSSING



OUTLET DETAIL

8

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641 - 0142



September 22, 1999

Trollope F. and Frances S. Anderson  
2218 Margaret Ct.  
Redondo, Beach, CA 90278

RE: Coastal Development Permit Amendment Application No. 4-97-015-A-1, Gerald & Shirley Sayles, 20580 Betton Drive, Malibu

Dear Trollope F. and Frances S. Anderson;

This office has received an Amendment Application from Gerald & Shirley Sayles to revise road improvements to construct a larger three foot diameter culvert rather use the existing two foot diameter culvert, install erosion control swales along top of cut slopes, increase approved grading from 87 cubic yards to 428 cubic yards on Betton Drive to access approved residence at 20580 Betton Drive. The applicants also proposed to install 'unpermitted' temporary construction/security trailer on building site. The application is filed and scheduled for a public hearing at the Coastal Commission's October 12 - 15, 1999 meeting.

The applicants request the approval of revised road improvements noted above along Betton Drive to serve the proposed residence. These road improvements are located along an approximate 340 linear feet section of Betton Drive.

Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because our records in the application file indicate that you are the owner of a fee interest in the property across which the road paving, grading and drainage improvements are proposed, the Commission is notifying you of the application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application and the proposed project, please call me at the number above.

Sincerely,

John Ainsworth  
Permit Supervisor

AGREED:

\_\_\_\_\_  
Names (Print)

\_\_\_\_\_  
Signatures

\_\_\_\_\_  
Property Address

cc: Donald Schmitz  
497015A1saylesco

EXHIBIT NO. 5
APPLICATION NO. 4-97-015-A-1
Co-Applicant
Letter

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
 (805) 641-0142



Page 1 of 4  
 Date: June 15, 1998  
 Permit No. 4-97-015

COASTAL DEVELOPMENT PERMIT

On May 13, 1997, the California Coastal Commission granted to Gerald & Shirley Sayles this permit subject to the attached Standard and Special conditions, for development consisting of:

Construct a 4,592 sq. ft., 2 story single family residence with three car garage, swimming pool, septic system, and landscaping. Extend private road and water main improvements about 340 feet beyond approved road to parcel and proposed driveway. Grade a total of 927 cubic yards for the residence and access road, more specifically described in the application on file in the Commission offices. The development is within the coastal zone in Los Angeles County at 20580 West Betton, Malibu.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
 Executive Director

By:  JAMES JOHNSON  
 Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

\_\_\_\_\_  
 Date

A6: 8/95

\_\_\_\_\_  
 Signature of Permittee

EXHIBIT NO. 6
APPLICATION NO. 4-97-015-A-1
Coastal Permit 4-97-15
page 1 of 4

COASTAL DEVELOPMENT PERMIT

Page 2 of 4  
Permit No. 4-97-015

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 pro and conditions.

SPECIAL CONDITIONS:

III. Special Conditions

1. LANDSCAPE/EROSION CONTROL AND DRAINAGE PLAN

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a revised landscape/erosion control plan designed by a licensed landscape architect and a drainage plan designed by a licensed engineer. The plan 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 thirty (30) 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

EXHIBIT NO. 6
APPLICATION NO. 4-97-015-A-1
Coastal Permit 4-97-15
page 2 of 4

COASTAL DEVELOPMENT PERMIT

Page 3 of 4  
Permit No. 4-97-015

of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains," dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- b) All cut and fill slopes 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. This requirement shall apply to all disturbed soils including existing graded roads and pads.
- c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- d) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel and along the roadway will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

2. ROAD MAINTENANCE AGREEMENT

By acceptance of this Coastal Development Permit, the applicant agrees that should the proposed improvements to the access road or the proposed drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be solely responsible for any necessary repairs and restoration along the entire length of the access road as it crosses West Benton Drive.

3. 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 that any future structures, additions or improvements to including but not limited to clearing of vegetation, tha

EXHIBIT NO. 6
APPLICATION NO. 4-97-015-A-1
Coastal Permit 4-97-15
Page 2 of 4

COASTAL DEVELOPMENT PERMIT

Page 4 of 4  
Permit No. 4-97-015

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 is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Geologic / Geotechnical Engineering Report, dated August 22, 1996, prepared by Gold Coast GeoServices, shall be incorporated into all final design and construction plans including foundation systems, retaining walls, cut slopes and excavations, and site drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

5. WILDFIRE WAIVER OF LIABILITY

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

6. DESIGN RESTRICTIONS

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject residence, garage and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

0361e/cdp/sm

EXHIBIT NO. 6
APPLICATION NO. 4-97-015-A-1
Coastal Permit 4-97-15
page 4 of 4



Holmes  
Enterprises inc.

(805) 532-1571

FAX (805) 532-1596

May 5, 1999

Mr. Jerry Sayles  
43143 23<sup>rd</sup> Street West  
Lancaster, CA 93536

RE: Chard, Betton and Fabucco Road Plans

Dear Mr. Sayles:

Please be advised that the drainage devices incorporated in our road repair plans referenced are designed so that there is no increase in storm water velocities from present conditions.

Very truly,

Danny P. Holmes  
RCE 24769

RECEIVED

MAY - 6 1999

Calabasas Distri  
Building and Safe  
Development E

EXHIBIT NO. 7
APPLICATION NO 4-97-015
Drainage
Letter pg 1 of 2

# HOLMES ENTERPRISES, INC.

Structural and Civil Engineering

200 Wicks Road • Moorpark, CA 93021 • (805) 532-1571

PAGE 1 OF 1

PROJECT FABUCCO RD

LOCATION SKYHAWK / CHARD, ET AL TOPANGA

DATE 1-12-98

## HYDROLOGY CALCS

### DRAINAGE AREA

AREA 1 FABUCCO & BETTON WEST  
 AREA 2 " " EAST  
 AREA 3 SKYHAWK @ BLACK PINE

5.5 AC.  
 5.6 AC.  
 20.5 AC.

### RUNOFF

7.8 CFS  
 8.0 CFS  
 29.2 CFS

### CULVERT SIZE

24" Ø  
 24" Ø  
 ARIZONA

\* AREA DETERMINED USING SATDESKE

HYDROLOGICAL  
 PIPE SIZE  
 USE ETC

USE A DIST. FOR OVERLAND FLOW OF 700' & AVE SLOPE = .07% W/MANNING  
 N.E.O.K. FOR LIGHT BRUSH

$$\therefore T_c = (1.93 \times 700^{.4} \times .4^{.4}) (1.49 \times .07^{.3}) = 14.2 \text{ MIN.}$$

FOR ZONE M & 50 YEAR STORM, I = 3.56 IN./HR.

USE C = 0.4 (95% UNDEVELOPED)

$$\therefore Q = CIA = 0.4 \times 3.56 \times A = 1.42A$$

FOR CULVERTS, MAX. HEADWATER DEPTH = 2' ;  $HW/d \approx 1.0$

FROM BUREAU OF PUBLIC WORKS CHART, FOR 8 CFS. &  $HW/d = 1$

$W/Q = 10 \text{ CFS}$ ,  $D = 20"$  - USE 24" Ø

FOR SKYHAWK @ BLACKPINE, THERE IS NOT ENOUGH DEPTH FOR CULVERT ;

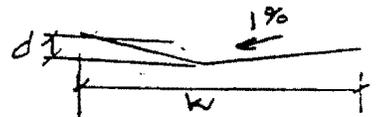
USE ARIZONA CROSSING

$$\textcircled{C} 29.2 \text{ CFS} \neq V = 3 \text{ FPS, AREA REQ'D} = 9.7 \text{ \#}$$

$$\text{FOR A } 1\% \text{ SLOPE, } A = 2 \left[ \frac{W(d + 0.01W)}{2} \right]$$

LET  $D = .5'$

$$\textcircled{C} W = 12', A = 2 \times \frac{12}{2} \times (.5 + 0.01 \times 12) = 7.4 \text{ \#}$$



PROCESSED FROM  
 CENTERLINE - 30' WIDE  
 5% SLOPE

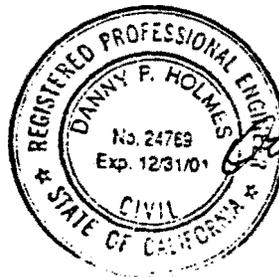


EXHIBIT NO. 7  
 APPLICATION NO.  
 4-96-025-A-C  
 Drainage  
 Letter 192 of 2