

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 89 SOUTH CALIFORNIA ST., SUITE 200  
 VENTURA, CA 93001  
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**ITEM:** TU 26a

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 Hearing Date: 3/9/99  
 Commission Action:

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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.** 4-94-137

**APPLICANTS:** Kathleen Kenny and Arthur Starz

**PROJECT LOCATION:** 19530 Cave Way, Topanga, Los Angeles County

**PROJECT DESCRIPTION:** The applicants request "after-the-fact" permit approval for the construction of a 742 sq. ft., single story, single family residence, stairway, and septic system, with no grading.

Lot area: 7,500 sq. ft.  
 Building coverage: 742 sq. ft.  
 Pavement coverage: none proposed  
 Landscape coverage: none proposed  
 Ht. above finished grade: 12 feet  
 Parking spaces: none proposed (parking on street)

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Regional Planning: plot plan review, dated April 20, 1995; Coastal Development Permit application Appendix B, Local Agency Review, dated April 20, 1995; County Health Department approval of septic disposal system.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit Nos.: 5-91-427 (Starz), 4-97-253 (Matare), and 4-98-096 (Rashby); "Preliminary Geologic Exploration Tract 8319, Lot 16 and a Portion of Lot 17 California," prepared by Jeffrey A. Johnson, Inc., dated February 22, 1983 (labeled "Part One"); "Geotechnical Investigation Proposed Single Family Residences, Cave Way, Lots 14, 16 and 17, Tract 8319, Topanga, California," prepared by G.C. Masterman & Assoc., Inc., dated March 29, 1983 (labeled "Part Two"); "Gross Stability Analysis of Cross Section by Jeffrey A. Johnson, Inc.," prepared by G.C. Masterman & Assoc., Inc., dated June 17, 1985 (labeled "Part Three"); "Addendum II Preliminary Geologic Exploration, Tract 8319, Lot 16 and a Portion of Lot 17, County of Los Angeles, California," prepared by Jeffrey A. Johnson, Inc., dated November 7, 1984

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. Fuel Modification, Landscape and Erosion Control Plan**

Prior to the issuance of the coastal development permit, the applicants shall submit a fuel modification, landscape, and erosion control plan prepared by a licensed landscape architect for review and approval by the Executive Director. In addition, the applicants shall submit evidence to the satisfaction of the Executive Director that the applicants' geological consultant has reviewed the fuel modification, landscape, and erosion control plan and has verified that the plan adequately incorporates all of the geological consultant's recommendations concerning landscaping, irrigation, erosion control, and site drainage management as set forth in the Jeffrey A Johnson, Inc., reports titled "Preliminary Geologic Exploration Tract 8319, Lot 16..." dated February 22, 1983, and "Addendum II Preliminary Geologic Exploration, Tract 8310, Lot 16..." dated November 7, 1984. In addition to these requirements, the fuel modification, landscape, and erosion control plan shall incorporate the following criteria:

- (a) Vegetation within fifty (50) feet of the proposed structure may be removed to mineral earth and vegetation within a two hundred (200) foot radius of the main structure may be selectively thinned to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification and landscape plan shall describe in detail the types, sizes and locations of plant materials to be removed, and how often, and by what method, thinning is to occur. Should additional landscape plantings be proposed in conjunction with the fuel modification plan, such plantings shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which

tend to supplant native species shall not be used. Irrigated lawn, turf, or ground cover planted within the 50-foot radius of the proposed house shall be selected from the most drought-tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains area. In addition, the applicants shall submit evidence to the satisfaction of the Executive Director that the fuel modification plan has been reviewed and approved by the County of Los Angeles Forestry Department, prior to submittal for the Executive Director's approval of the plan.

- (b) All methods of irrigation and associated drainage within the bounds of the subject site shall be specified in detail in the subject plan. Irrigation systems should be designed to apply the minimum amount of water consistent with the survival of the species comprising the approved planting plan; surface sprinklers shall not be used. Drip irrigation shall be the preferred means of providing artificial plantings on site, with the long-term goal of establishing drought-tolerant native vegetation with few requirements for supplemental irrigation. In addition, the plan shall specify site drainage collection and non-erosive runoff disposal measures sufficient to prevent long-term erosion of the site. Should the project's drainage structures fail or result in erosion, the applicants/landowners or successors in interest shall be responsible for any necessary repairs or restoration.
- (c) The final development approved herein shall be undertaken in substantial conformance with the approved fuel modification, landscape and erosion control plan. Any proposed changes to the approved final fuel modification and landscape plan shall require an amendment to the permit or a new coastal development permit. The Executive Director shall determine whether proposed changes are "substantial."

2. Plans Conforming to Geologic Recommendations

- (a) Prior to the issuance of the permit the applicants shall submit, for the review and approval of the Executive Director, evidence of a registered geologist's confirmation that the final project plans, including the fuel modification, landscape, and erosion control plan, and the existing structure, field inspected as-built by said consulting geologist, have incorporated all recommendations contained in "Preliminary Geologic Exploration Tract 8319, Lot 16..." prepared by Jeffrey A. Johnson, Inc., dated February 22, 1983, "Geotechnical Investigation Proposed Single Family Residences Cave Way, Lots 14, 16 and 17, Tract 8319..." prepared by G.C. Masterman & Assoc. Inc., dated March 29, 1983, and "Addendum II, Preliminary Geologic Exploration, Tract 8319, Lot 16..." prepared by Jeffrey A. Johnson, Inc., dated November 7, 1984, regarding: construction, excavations, review by a soils engineer of the stability of artificial fill on site and of surficial deposits identified as "Qc", drainage and maintenance, footings, landscaping and irrigation, erosion control, retaining walls, and sewage disposal.

- (b) All final plans and the project as built must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs. In addition, prior to the issuance of the coastal development permit, the applicants shall submit evidence to the satisfaction of the Executive Director that the geotechnical consultant has reviewed the project as built and confirmed that the project incorporates all recommendations referenced in (a) above.
- (c) The final plans and as-built structure approved and/or inspected by the consulting geologist shall be in substantial conformance with the plans approved by the Commission relative to construction and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the geotechnical consultant shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

3. Wild Fire Waiver of Liability

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

4. Future Improvements Deed Restriction

- (a) This permit is only for the development described in Coastal Development Permit No. 4-94-137. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structure, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control prepared pursuant to Special Condition 1, shall require an amendment to Coastal Development Permit No. 4-94-137 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by Policy 271 in the certified Malibu/Santa Monica Mountains Land Use Plan.

- (b) PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall secure recordation by applicant/landowner Kathleen Kenny of a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

5. Condition Compliance

Within ninety (90) days from the date of Commission action on this permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to the issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The applicants propose to construct a 742 sq. ft., single story, 12 ft. high above existing grade, single family residence, stairway, and septic system, with no grading and no removal of vegetation except vegetation thinning that may be required pursuant to the approved fuel management and landscape plan required by Special Condition 1. The building site, a 7,500 sq. ft. lot, is located on Cave Way within the Fernwood small lot subdivision. The subdivision is located within the Santa Monica Mountains, in Topanga Canyon just off Topanga Boulevard, in Los Angeles County. The area is generally developed with custom hillside residences. (See Exhibits 1-9.)

The subject lot is designated Residential 1 (1 dwelling unit per acre), on the certified Malibu/Santa Monica Mountains Land Use Plan Maps. The site is not located within a sensitive resource area, and no environmentally sensitive habitat areas are known to occur on the site. The Los Angeles County Department of Regional Planning plot plan review conditions, dated April 30, 1995 state that the project does not require Environmental Review Board review and recommendation: "...since the residence was occupied and could have received zoning clearance prior to the establishment in May, 1992, of zoning ordinance provisions requiring ERB review."

**B. Cumulative Impacts/Intensity of Development**

Section 30250(a) of the Coastal Act states:

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

Section 30105.5 of the Coastal Act defines the term "cumulatively," as used in Section 30250(a) as:

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

A number of areas in the coastal zone in the Malibu/Santa Monica Mountains area were divided into small "urban" scale lots in the 1920s and 1930s, often resulting in lots as small as 4,000 to 5,000 sq. ft. in area. The Fernwood area of Topanga Canyon, within which the proposed project is located, is among these so-called "small-lot subdivisions."

The Commission has recognized that buildout of these small-lot subdivisions would result in a number of adverse cumulative effects upon coastal resources. Among these potential adverse effects are geologic and fire hazards, limited road access, septic and water quality problems, and disruption of rural community character.

As a means of controlling the amount and size of development that may occur in small-lot subdivisions, and thus by extension to limit the potential cumulative effects that associated development may have upon coastal resources, the Commission developed the Slope Intensity Formula. The formula was incorporated into the Malibu/Santa Monica Mountains Land Use Plan, certified by the Commission in 1986. The Commission has since relied on the application of this formula as guidance in reviewing proposed development within small-lot subdivisions, thereby addressing the cumulative effects of such development in accordance with the requirements of Coastal Act Section 30250(a) set forth above.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan requires that new development in small-lot subdivisions comply with the Slope Intensity Formula for calculating the maximum Gross Structural Area (GSA) that may be allowed for a

residential unit. The basic concept of the formula assumes that the suitability of the development of small hillside lots should be determined by the physical characteristics of the building site, recognizing, for example, that development on steep slopes has a high potential for adverse effects upon coastal resources.

The applicants have performed and submitted Slope Intensity Formula calculations concluding that the allowable GSA for the subject site is 2,105.10 sq. ft., based in part on the assumption that the applicable slope is only 1 percent. Commission staff undertook for this application its own independent calculations for the Slope Intensity Formula based on the staff's analysis of the site's characteristics, including topography, size of lot area, etc., as specified in the formula, and has determined that the actual allowable GSA as correctly calculated for the subject site is 995 sq. ft. Commission staff calculated the applicable slope as 39 percent, using the criteria outlined in Policy 271(b)(2). The discrepancy between the staff slope analysis and that of the applicants' appears to arise from errors in the values selected by the applicants when they performed the calculations to determine the average slope of the site. This calculation must be performed before the resultant value can be used in the Slope Intensity Formula. Both formulas are shown below:

**Slope-Intensity Formula:**

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

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

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

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

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

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

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

A = the area being considered in square feet

It appears that the applicants selected the wrong value for L, which could not be only two feet, and that the applicants selected only four contour lines (the formula requires at least five). It is unclear why the applicants retained as much as 5,733 sq. ft. for the area of the

lot under consideration, since the applicants appear to have excluded the areas of highest topographic relief (the majority of the site) from the calculation.

Commission staff nevertheless relied on the applicants' estimate of lot area (7,892 sq. ft.) for the second portion of the calculation: the Slope Intensity Formula. The staff relied on the applicants' estimate of lot square footage in the place of the 7,500 sq. ft. area estimated by staff (which is also reflected by the assessor's parcel maps) of approximately 7,500 sq. ft. of lot area. Staff chose the more lenient number (to the applicants' benefit) because, as the applicants note, the lot is irregularly shaped and therefore the calculations necessary to estimate the lot area are more complex and are subject to a higher potential error factor in calculating lot area than would otherwise be true of a regularly shaped lot. In the interest of fairness, therefore, the staff relied on the applicants' estimate that the lot area is 7,892 sq. ft.<sup>1</sup>

The proposed project utilizes 742 sq. ft. of the allowable 995 sq. ft. total, and is therefore within the allowable GSA result. The staff calculations indicate that a remainder of 253 sq. ft., maximum, would be available for potential future additions to the proposed project, if such a proposal is otherwise consistent with the Coastal Act.

To ensure that future additions do not exceed the restriction of total allowable development of the site set forth above, and that the proposed development conforms with the guidelines of Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains Land Use Plan relative to the maximum size of residential structures in small-lot subdivisions, and is consistent with the requirements of Coastal Act Policy 30250 (a), the Commission finds it necessary to impose Special Condition 4 (Future Improvements). Special Condition 4 requires Commission review and approval of proposals for future improvements of the site.

For the reasons set forth above, the Commission finds that, as conditioned by Special Condition 4, the proposed development is consistent with Section 30250(a) of the Coastal Act.

### **C. Geologic Stability and Hazards**

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

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<sup>1</sup>County records (assessor's parcel map) and Commission staff calculations indicate that the lot size is approximately 7,500 sq. ft., which, if substituted for 7,892 sq. ft. in the Slope Intensity Formula, would yield a result of 971 sq. ft. The difference, therefore, between the more conservative calculation relying on a lot area of 7,500 sq. ft., and the more lenient calculation relying on a lot area of 7,892 sq. ft., is only 24 sq. ft. of additional GSA.



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

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

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan, upon which the Commission has relied as guidance in past permitting decisions, includes the following applicable policies regarding hazards (paraphrased): P147: evaluate impact on, and from, geologic hazard; P149: require a geologic report prior to approval; P154: not generate excessive runoff, debris, and/or chemical pollution that would adversely affect natural hydrologic systems; and P156: evaluate impact on fire hazard.

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. The applicants have constructed a 742 sq. ft., single story, 12 ft. high above grade, single family residence, including a stairway and septic disposal system. The applicants do not propose to construct a garage because vehicle access to the steep site is not possible. Parking can only be accommodated adjacent to Cave Way, from which pedestrian access to the site is possible. No grading is proposed.

The proposed development is located in the Santa Monica Mountains area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires frequently denude hillsides in the Santa Monica Mountains of all existing vegetation, and thereby not only imperil actual structures, but also contribute to an increased potential for erosion and landslides.

The applicants have submitted a series of reports concerning geologic and soils investigations of the proposed project site. These reports, cited as follows, include:

1. "Preliminary Geologic Exploration Tract 8319, Lot 16 and a Portion of Lot 17 California," prepared by Jeffrey A. Johnson, Inc., dated February 22, 1983 (labeled "Part One");
2. "Geotechnical Investigation Proposed Single Family Residences, Cave Way, Lots 14, 16 and 17, Tract 8319, Topanga, California," prepared by G.C. Masterman & Assoc., Inc., dated March 29, 1983 (labeled "Part Two");
3. "Gross Stability Analysis of Cross Section by Jeffrey A. Johnson, Inc.," prepared by G.C. Masterman & Assoc., Inc., dated June 17, 1985 (labeled "Part Three");

4. "Addendum II Preliminary Geologic Exploration, Tract 8319, Lot 16 and a Portion of Lot 17, County of Los Angeles, California," prepared by Jeffrey A. Johnson, Inc., dated November 17, 1984 (labeled "Part Four");
5. "Engineering Geologic Memorandum, Proposed Rehabilitation, 19530 Cave Way, Lot 16, Block 15, Tract 8319, Topanga, California," (geology update) prepared by Geoplan, Inc., John Merrill, President, dated May 19, 1995; "Report of Percolation Test and Seepage Pit Evaluation, Lot 16, block 15, Tract 8319, 19530 Cave Way, Topanga, Los Angeles County," prepared by Geoplan, Inc., dated October 23, 1996.

The referenced reports of the applicants' geologic consultant contain specific, detailed recommendations regarding excavations, review by a soils engineer of the stability of artificial fill on site and of surficial deposits identified as "Qc", drainage and maintenance, footings, landscaping and irrigation, erosion control, retaining walls, and sewage disposal.

The updated geotechnical report (Report No. 5), prepared by John D. Merrill, President, Geoplan, Inc., states that the site is suitable for the intended use provided that the recommendations of the geotechnical consultant are incorporated into the design and subsequent construction of the project. Specifically, the report, which incorporated the findings of Report Nos. 1-4, states that:

"...The purpose of Geoplan's review is to evaluate and summarize site conditions from an engineering geologic standpoint and to offer recommendations which may be utilized in obtaining a permit to rehabilitate the existing dwelling and its private sewage disposal system in compliance with the County Building Code.

... It is concluded that geologic conditions at 19530 Cave Way have been properly mapped and interpreted. The site is not within an ancient landslide nor is it affected by offsite landslide.

Accordingly, the improvements at 19530 Cave Way may be retrofitted with a building permit in compliance with the County Building Ordinance, taking into account that the site is free from hazard of landslide, settlement or slippage and that implementation of the permit will not affect neighboring property adversely."

The applicants' geologic consultant concludes, in Report No. 4 above, that:

" The site is underlain by the Fernwood Member of the Topanga Canyon Formation (Yerkes and Campbell, 1979 and 1980). According to Weber and Wills (1983) and Yerkes and Campbell (1980) landslides are common in the area and within the Fernwood Member. Both Yerkes and Campbell (1980) and Weber and Wills (1983) indicate that the bedrock at the site is part of a landslide or are landslide deposits.

As stated above in order to provide additional data on geologic conditions at lot 17 a boring was drilled and reconnaissance mapping east of Topanga Canyon Road was undertaken (Plates I and II).

Results of the studies indicate that the site is not underlain by a landslide or landslide debris and observed features suggestive of a gravity type failure are of tectonic origin."

The Johnson report addendum (Report No. 4) further concludes that:

"Geologists, like medical doctors, can not sell guarantees. However, within the limitations of our profession it is the opinion and findings of Jeffrey A. Johnson, Inc., that the site is suitable for the proposed project and if the recommendations of this addendum and our preliminary report are followed the building site for the proposed structure will be safe against hazard from landslide, settlement or slippage and the proposed project will not have an adverse effect on the stability of property outside of the building site."

Based on the findings and recommendations of the geotechnical consultants contained in the reports listed as 1-5 above, the Commission finds that the development is consistent with Coastal Act Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans as noted in Special Condition 2. In addition, because this is an "after-the-fact" permit approval, the proposed development has already been constructed and therefore the only way to confirm that some recommendations made by the geologic consultant have been incorporated into the project is by field checking the as-built structure. Therefore, Special Condition 2 (b) requires that, in addition to reviewing the final plans, a registered geologist must additionally supply field verification that the structure complies with all applicable recommendations in the reports listed as 1-5 above.

Section 30253 of the Coastal Act requires that development be designed so as not to create or contribute significantly to erosion. The proposed project will be located on a flat pad and no additional grading is proposed. The topographic relief of the site is significant, however, with an average slope of 39 percent.

The applicants' geology consultant, Jeffrey A. Johnson, Inc., in "Addendum II, Preliminary Geologic Exploration, Tract 8319, Lot 16 and a Portion of Lot 17," prepared by Jeffrey A. Johnson, Inc., dated November 7, 1984 (Report No. 4 cited above) recommends specific measures to control erosion on the subject site, including drainage management, irrigation methods, and the use of deeply-rooted, drought tolerant native plant species for landscaping, and to thereby control potential erosion and limit the amount of water inputs applied to the site. The conceptual plans provided by the applicants to date do not specify the incorporation of these recommendations. For example, the direction of site drainage, means of collection and non-erosive discharge of such drainage are not described on the plans submitted to date for review.

Although the applicants are not proposing any additional grading, the Los Angeles County Fire Department, Forestry Division, requires that vegetation within 20 feet of all

structures be cleared to mineral earth and the thinning of vegetation within a 200 ft. radius of the structure. Because the applicants must obtain approval of a fuel modification plan from the Forestry Division, the Commission finds it necessary to require the applicants to submit the approved fuel modification plan, landscape, and erosion control plan executed by the Forestry Division staff. Such submittal prior to approval of the final fuel modification, landscape, and erosion control plan ensures that the plan will be evaluated for potential impacts to coastal resources and that any requirements imposed by the Forestry Division are determined to be consistent with the requirements of Special Condition 1 prior to the issuance of the coastal development permit.

For these reasons, the Commission finds that a fuel modification, landscape and erosion control plan is required as set forth in Special Condition 1 herein. The preparation of an approvable plan will ensure that the erosion control, drainage management, and limitations on additional water inputs to the site landscaping have been adequately addressed. Therefore, in addition to requiring the preparation and submittal of the plan, the Commission finds it necessary to ensure that the specific concerns and recommendations of the applicants' consulting geologist are adequately addressed and incorporated into the fuel modification, landscape, and erosion control plan. Therefore, in addition to the requirement that the plan be prepared by a licensed landscape architect, Special Condition 1 also requires the applicants to submit evidence that the geological consultant has reviewed the plan and has verified, to the satisfaction of the Executive Director, that the plan incorporates all applicable recommendations contained in the referenced geologic reports of Jeffrey A. Johnson cited herein.

Finally, the proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through Special Condition 3, the wild fire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 3 the applicants also agree to indemnify the Commission, its officers, agents and employees against any and

all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

For all of these reasons, therefore, the Commission finds that as conditioned by Special Conditions 1, 2 and 3, the proposed is consistent with the geologic stability and hazard policies of Coastal Act Section 30253.

#### **D. Septic System**

The Commission recognizes that the potential build-out of lots in the Malibu-Topanga Canyon area, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The applicants propose to construct a septic disposal system relying on the use of a seepage pit as the means of wastewater disposal. The applicants have submitted a percolation test report for the subject site prepared by Geoplan, Inc., dated October 23, 1996. The report states that the existing seepage pit on site "has been deepened to 17 feet and will perform satisfactorily." The report further states that: "...Please note that the effective pit sidewall below the cap will be 10 feet and that it will comply with the UPC and County Health Department Regulations."

In addition, the applicants have provided evidence of septic system approval from the Los Angeles County Health Department. The Commission has determined in past permit actions that compliance with the County of Los Angeles health and safety standards minimizes any potential for wastewater discharge that could adversely impact coastal waters and streams. Therefore, in consideration of the favorable percolation test results referenced above, and the applicants' receipt of Health Department approval for the proposed septic disposal system, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### **E. Violation**

The construction of the 742 sq. ft. single family residence took place prior to submittal of this permit application (see staff notes, page 2). To ensure that the project is carried out

in a timely manner, Special Condition 5 requires that the applicants satisfy all conditions of this permit which are a prerequisite to the issuance of the permit within ninety (90) days of Commission action on this permit, or within such additional time as the Executive Director may grant upon a showing by the applicants of good cause for such delay.

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 development permit.

**F. 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 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 project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicants. 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 the Malibu/Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**G. 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

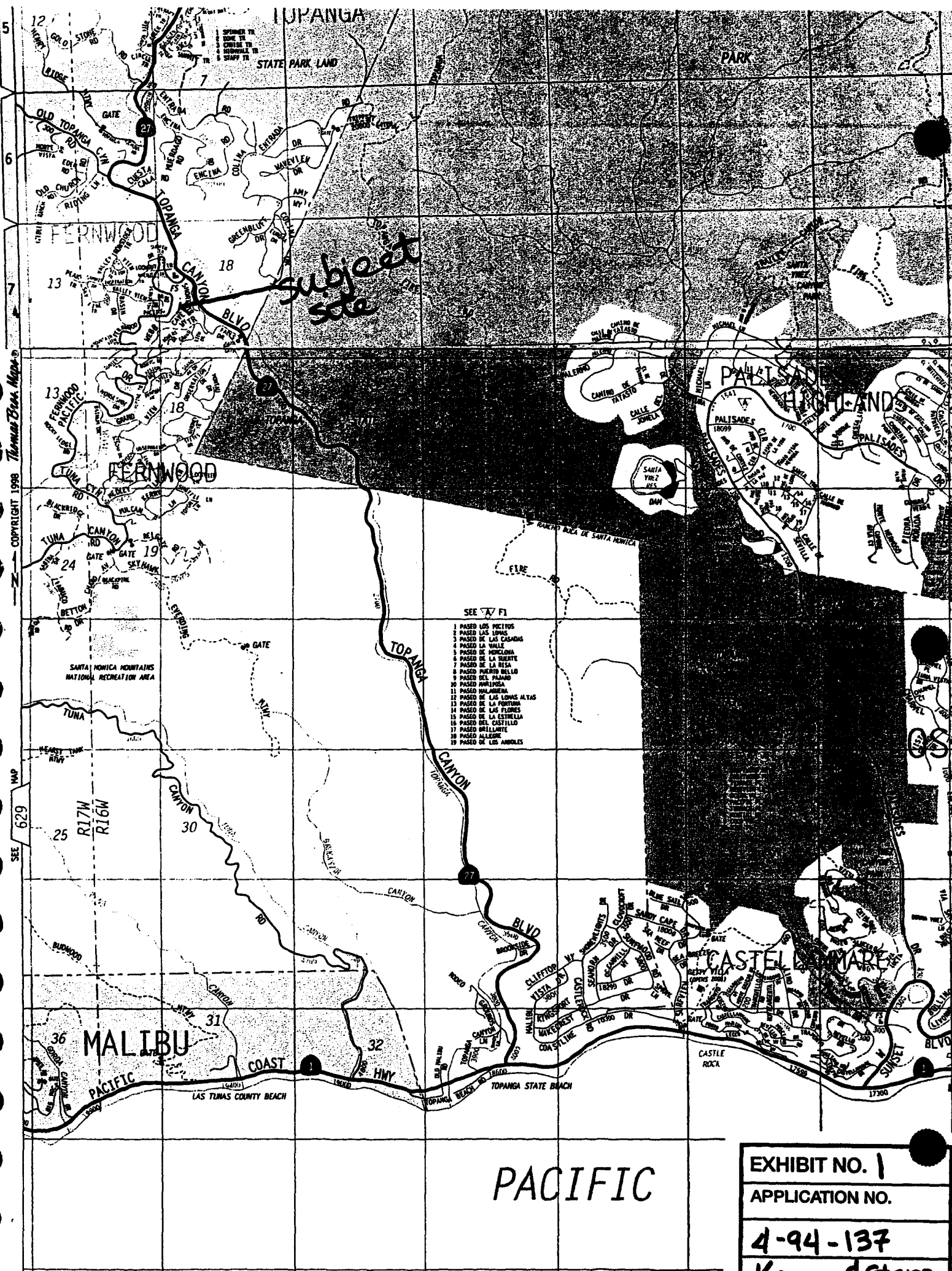
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there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would have on the environment.

The proposed project, as conditioned, will not have any 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 consistent with CEQA and the policies of the Coastal Act.



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MAP 629

*subject site*

SEE A/F 1

- 1 PASO LOS PEYROS
- 2 PASO LAS LOMAS
- 3 PASO DE LAS CASADAS
- 4 PASO LA VALLA
- 5 PASO DE MONCLOVA
- 6 PASO DE LA SIERRA
- 7 PASO DE LA VIEJA
- 8 PASO PUERTO BELLO
- 9 PASO DEL PABLO
- 10 PASO MALIBU
- 11 PASO MALADRENA
- 12 PASO DE LAS LOMAS ALTAS
- 13 PASO DE LA FORTUNA
- 14 PASO DE LAS FLORES
- 15 PASO DE LA ESTRELLA
- 16 PASO DEL CASTILLO
- 17 PASO BRILLANTE
- 18 PASO ALLEGRE
- 19 PASO DE LOS ANJOS

PACIFIC

EXHIBIT NO. 1  
APPLICATION NO.

4-94-137

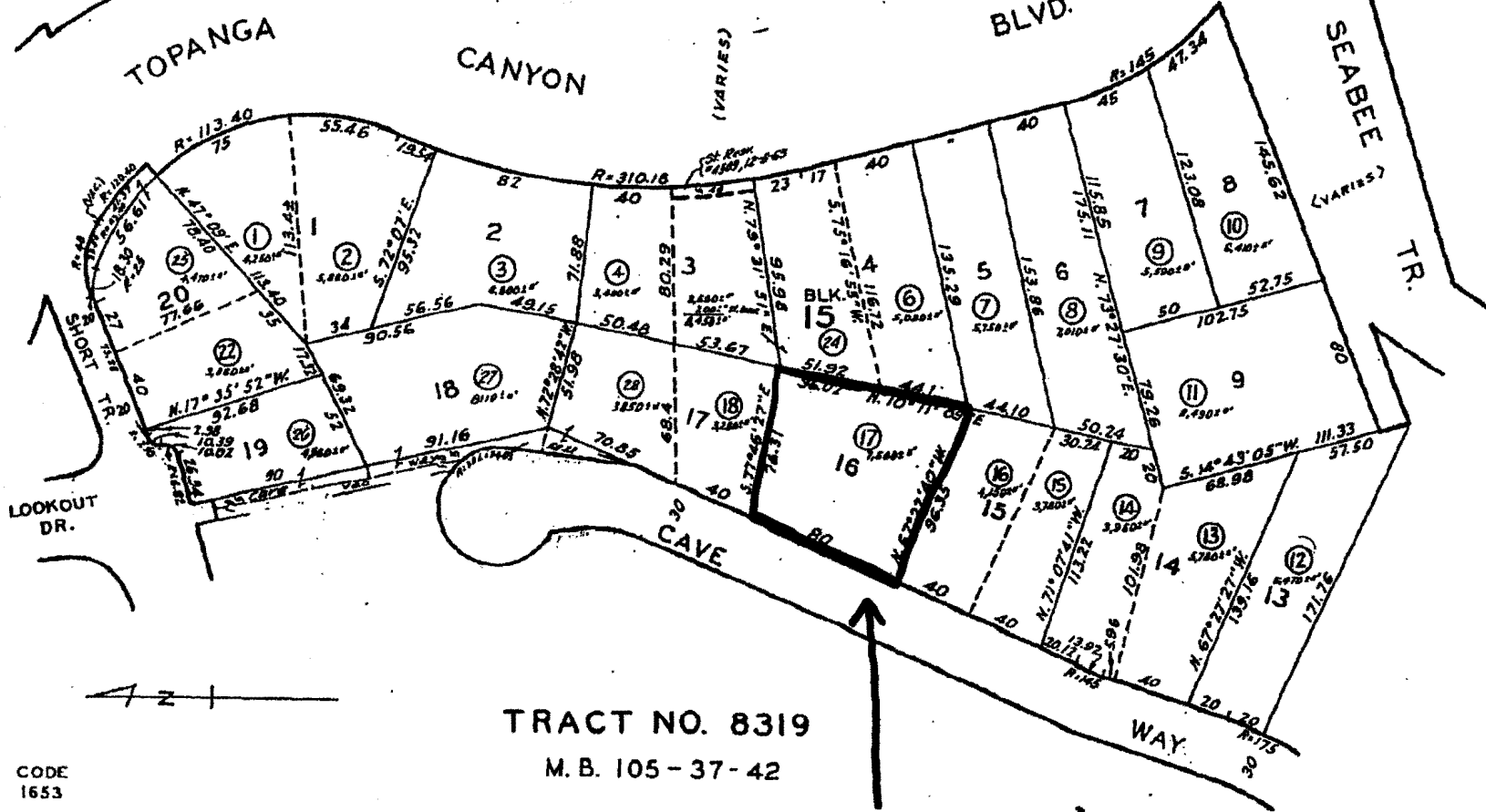
Kennu & Starz



4446 29 1993

SCALE 1" = 50'

TRW REDI Property Data: Los Angeles, CA 1993-94 - Parcel: 4446-029-017



CODE 1653

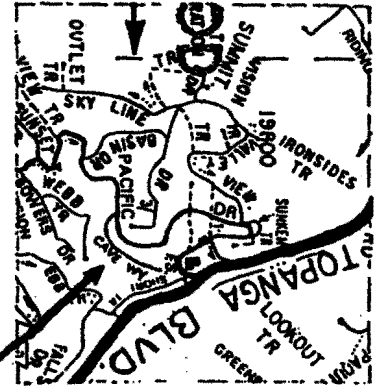
FOR PREV. ASSMT. SEE: 4446-29

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 2
APPLICATION NO.
A-94-137
Kenny & Starz



Assessor's map



Top. Sec. Map

subject site

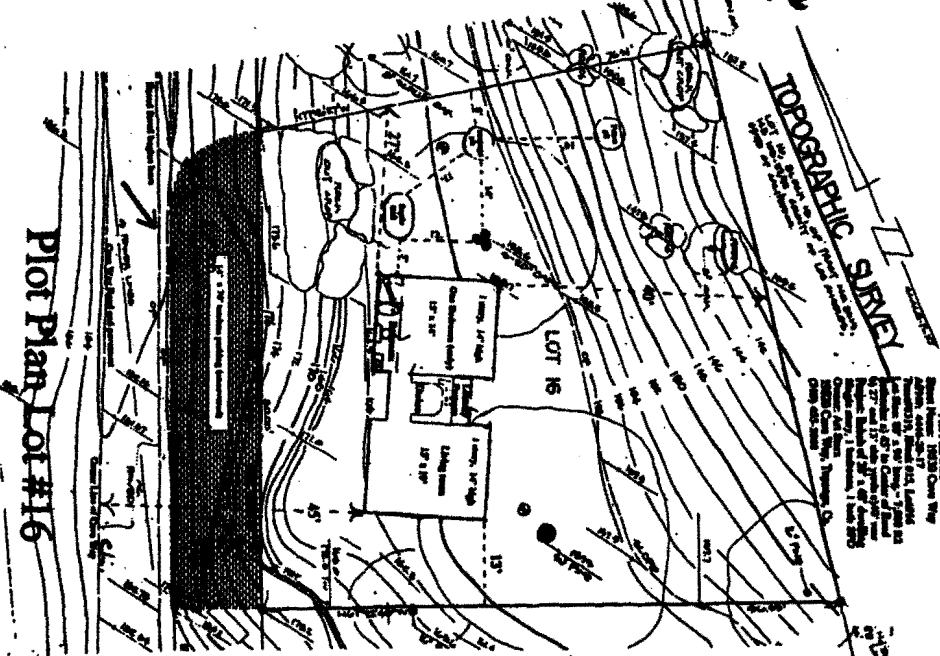
subject site

RESIDENTIAL PLAN GENERAL NOTES

1. The applicant has submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes. The applicant has also submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes. The applicant has also submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes.

PLANNING DEPARTMENT REQUIREMENTS

1. The applicant has submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes. The applicant has also submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes. The applicant has also submitted a set of plans for a residential development consisting of 16 lots, each of which is to be used for single-family residential purposes.



Plot Plan Lot #16

7427<sup>th</sup>, ONE STORY  
1 BEDROOM, 1 BATH SINGLE FAMILY WOOD FRAME

ARTHUR STARK  
19330 CAVE WAY  
TOPANGA, CA., 90290  
(310) 455-0843

NO 105-37/42

4446-29-17 TRACT#8319 BLOCK 15, LOT 16

EXHIBIT NO. 3  
APPLICATION NO.  
4-94-137  
Kenned & Stra

SURVEYOR'S CERTIFICATE:  
I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY SUPERVISION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AS THE RESULT OF MY OWN SURVEY.

*Thomas D. Jacobellis, L.S. 4574*  
Jacobellis & Associates

ENCLOSURE TO: MAIL 1" SCALE PLANS AT CIVIL ENGINEER'S OFFICE OF CIVIL WAY, ASSIGNED SURVEYOR OF 200-20

REMARKS: 1) ORIGINAL COPY OF THIS MAP IS BEING DEPOSITED WITH THE COUNTY CLERK FOR RECORDATION. 2) THIS MAP HAS BEEN PREPARED WITHOUT DUTY OF A TITLE INSURANCE COMPANY. 3) A TRACTOR FORM 1" SCALE PAPER TRACTS 100-4100



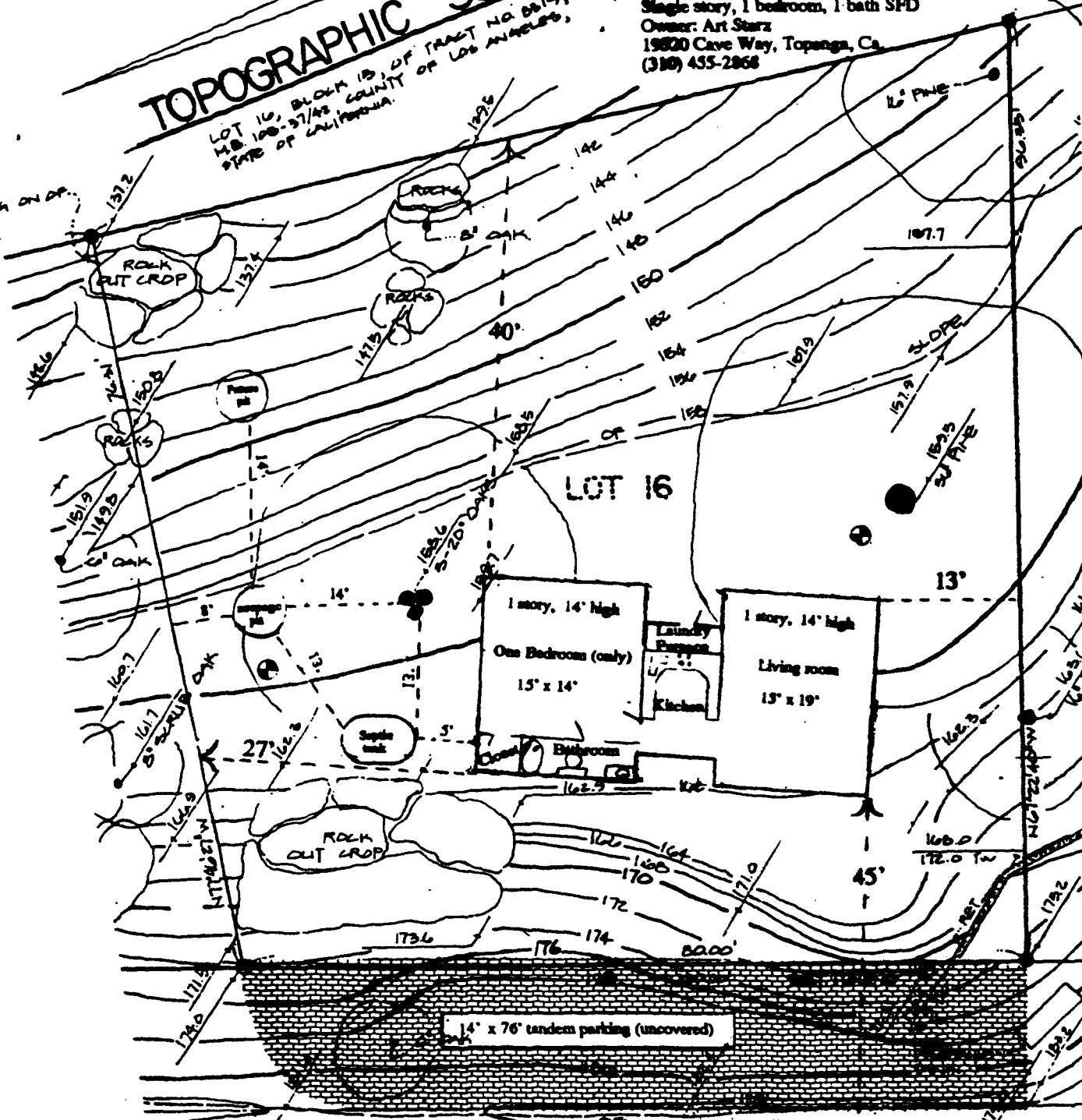
# TOPOGRAPHIC SURVEY

LOT 16, BLOCK 15, OF TRACT NO. 8819,  
M.B. 108-37/42 COUNTY OF LOS ANGELES,  
STATE OF CALIFORNIA.

**Plot Plan Data**

Street Name: 19530 Cave Way  
 APN#: 4446-29-17  
 Tract#8319, Block #15, Lot#16  
 Lot Size: 88' x 96' irreg. = 7,500 R2  
 setbacks: a) 45' to Center of Road  
 b) 27' and 13' side yards c) 40' rear  
 Project: Rehab of 20' x 40' dwelling  
 Single story, 1 bedroom, 1 bath SFD  
 Owner: Art Starz  
 19820 Cave Way, Topanga, Ca  
 (310) 455-2868

PO N 42° 04' 00" W  
 1372.2  
 1372.4



Paved Road begins here

POWER LINES  
 Cave Way Road and pavement

**Plot Plan Lot #**  
 4-94-137  
 16

EXHIBIT NO. 4
APPLICATION NO.
4-94-137
Kenned Starz

4-94-137

# REHABILITATION

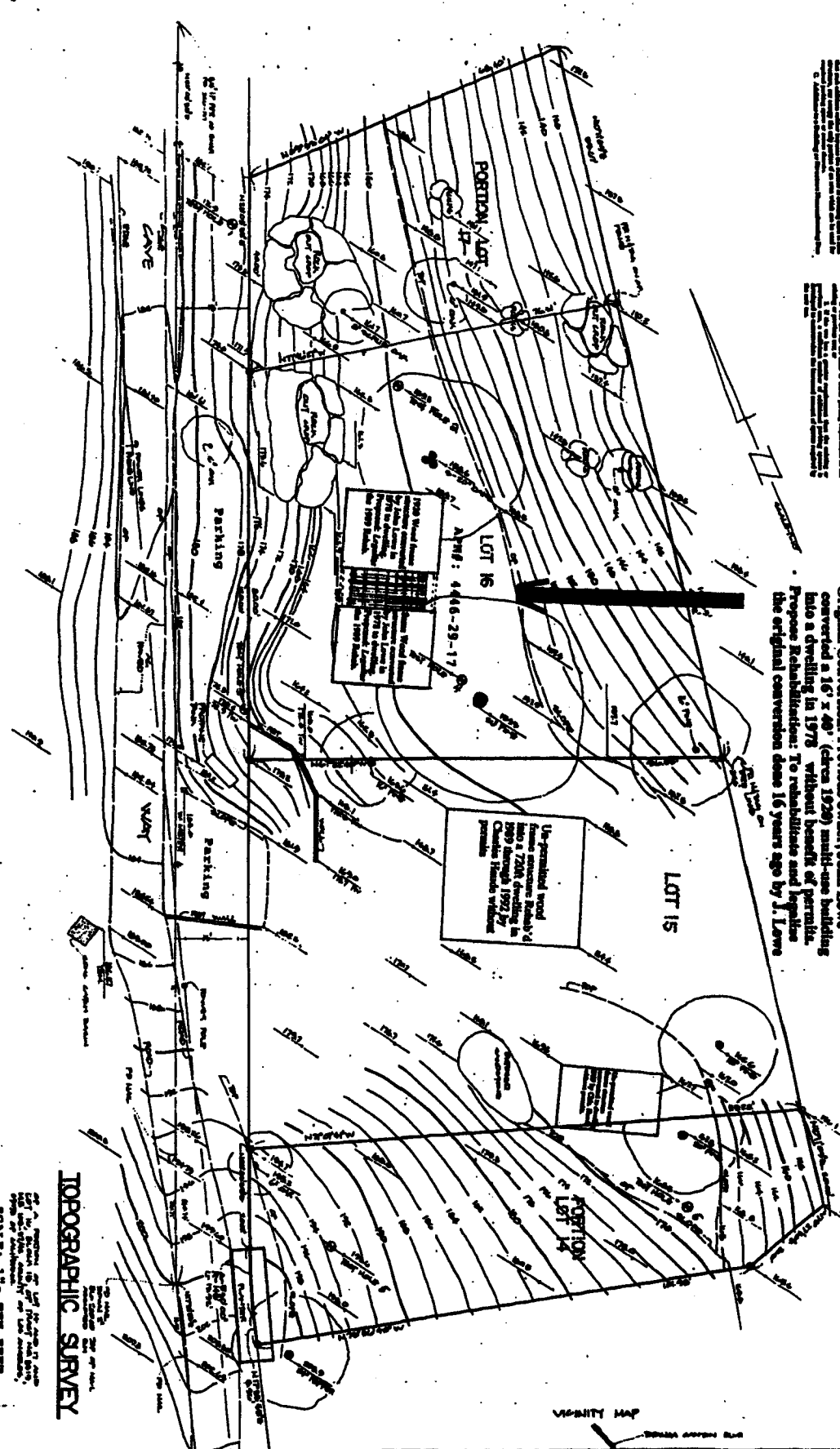
of  
 Hippie-squatter's dwelling to:  
 740 ft<sup>2</sup> habitable cabin

**GENERAL NOTES:**

1. The site is located in Block #15, Lots #16, Track #8319, of the subdivision known as "Hippie Squatter's Dwelling", as shown on the plat of subdivision recorded in the office of the County Clerk, San Diego County, California, under recording number 4446-29-17.
2. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
3. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
4. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
5. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
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7. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
8. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
9. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".
10. The site is bounded to the north by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the south by the boundary of the subdivision known as "Hippie Squatter's Dwelling", to the east by the boundary of the subdivision known as "Hippie Squatter's Dwelling", and to the west by the boundary of the subdivision known as "Hippie Squatter's Dwelling".

- Original footprint: 16' x 40'
- Proposed footprint: 16' x 40'
- Original sq. footage: 740 ft<sup>2</sup>
- Proposed sq. footage: 740 ft<sup>2</sup>
- Original parking: 10' x 40' tandem parking
- Proposed parking: 10' x 40' tandem parking
- Regional Planning Use: R-1 (Single family)
- Proposed Zone Use: R-1 (Single family)
- Original Conversion: Previous owner, John Love converted a 16' x 40' (circa 1978) multi-unit building into a dwelling in 1978 without benefit of permit.
- Proposed Rehabilitation: To rehabilitate and legalize the original conversion done 16 years ago by J. Love

**OLD Topographical map**  
 showing original structures, contours, parking for #15, #16, and #17. This rehabilitation project on contours the structures on Lot #16. (The two built on lot #15 have been rehabilitated from un-permitted wood frame structures into un-permitted dwelling Charles Brandt in 1969 through 1972.)



## TOPOGRAPHIC SURVEY

SCALE: 1" = 75 FEET

**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 4-94-137  
 Kennedy Starz

**PROFESSIONAL CERTIFICATE:**  
 I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION IN COMPLIANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

*John J. Starz*  
 JOHN J. STARZ  
 LICENSED LAND SURVEYOR

**REQUIREMENTS TO THIS MAP:**

1. THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION IN COMPLIANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.
2. THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION IN COMPLIANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.
3. THIS MAP WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION IN COMPLIANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

**BLOCK #15, LOTS 16, TRACK #8319**  
**APN# 4446-29-17**

1

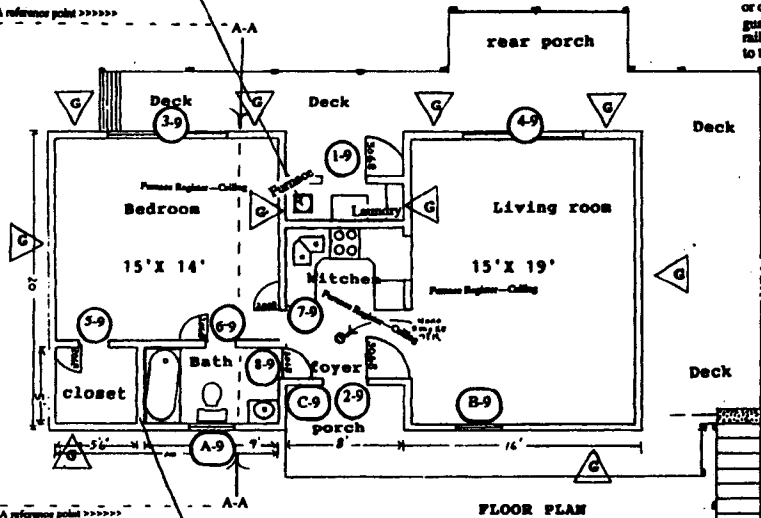
**G** = Shear Wall markers. The detail is located on this page directly below the floor plans to left side of page

**A-9 TO C-9** = window detail markers. The detail is located on Page #9: Window & Door Schedule

**1-9 TO 8-9** = Door detail markers. The detail is located on Page #9: Window & Door schedule.

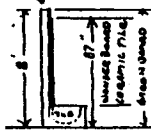
**Pgs 8** = Furnace marker for the Aqua-Therm furnace. The details for this furnace are located on page #8

SEE PAGE #4 FOR SECTION A-A DETAILS  
 Section A-A reference point >>>>>



FLOOR PLAN

Details For the Bathing Enclosure:  
 a) 94" high of Glass Board  
 b) 87" high of motorboard  
 c) 87" high of acrylic Fiberglass  
 d) No glass doors



**SHEAR WALLS**

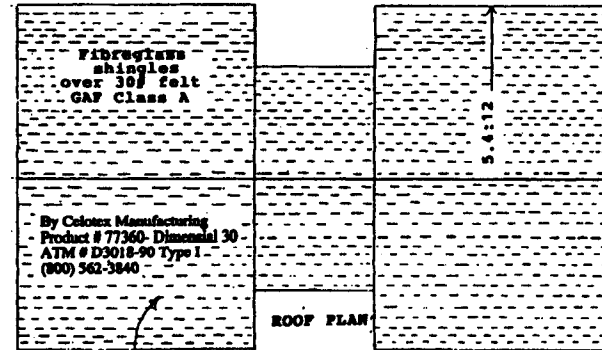


INSIDE 1/2" Drywall screws: 8d @ 8"

OUTSIDE 3/8" STRUC. II C-D 8d 6:6:6  
 sills-16d @ 8" Abs 1/2" @ 48"  
 Studs-16" o.c.

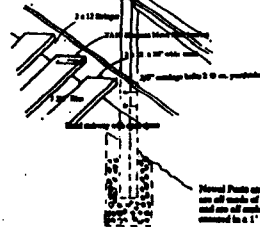
**- PORCH and DECK RAILINGS -**

Please note that this deck/porch contains no distances to either grade or floor or deck or porch more than 30 inches in height and thus is exempt from the guardrail requirement of section R-214.1 and R-214.2. There is a continuous rail around the deck that is 36" high, made of redwood, 4 x 4s and is identical to the railing you see in the exterior stairwell detail shown below.



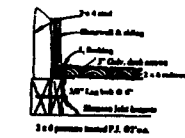
**B-7** SEE Detail "B" Page #7 also

**EXTERIOR STAIRS DETAIL**



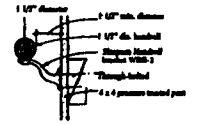
**4-7** SEE detail #4 Page #7 also

**PORCH AND DECK DETAIL**



Vertical Posts and baluster posts and deck posts are all made of 2 x 4 pressure treated material and are all embedded 2" into deck and then secured to a 1" x 2" diameter metal footing.

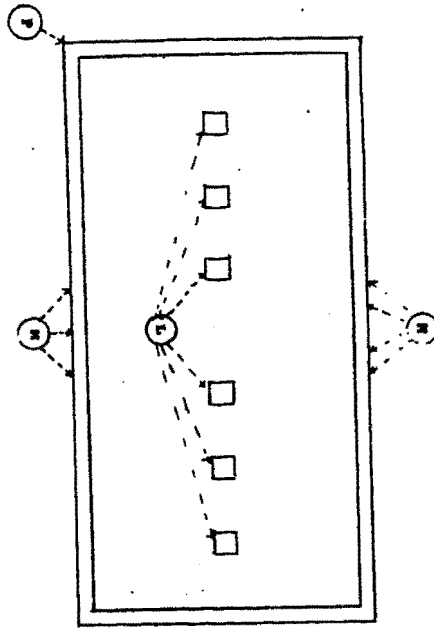
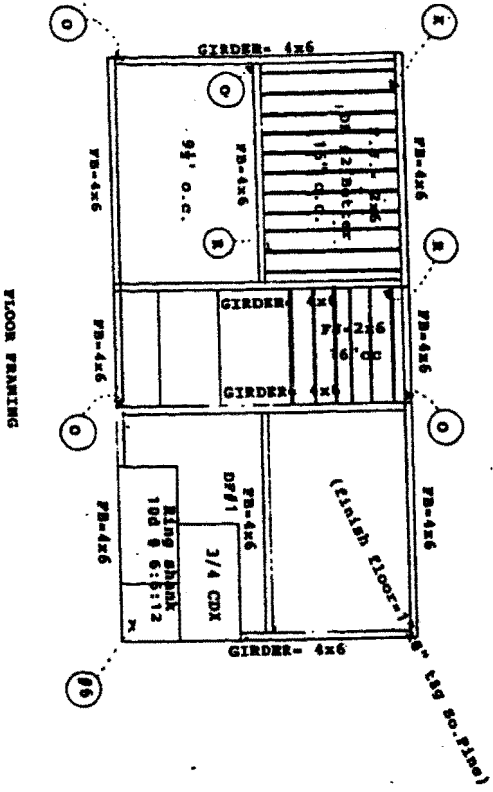
**HANDRAIL DETAIL ( runs full length—Post to post)**



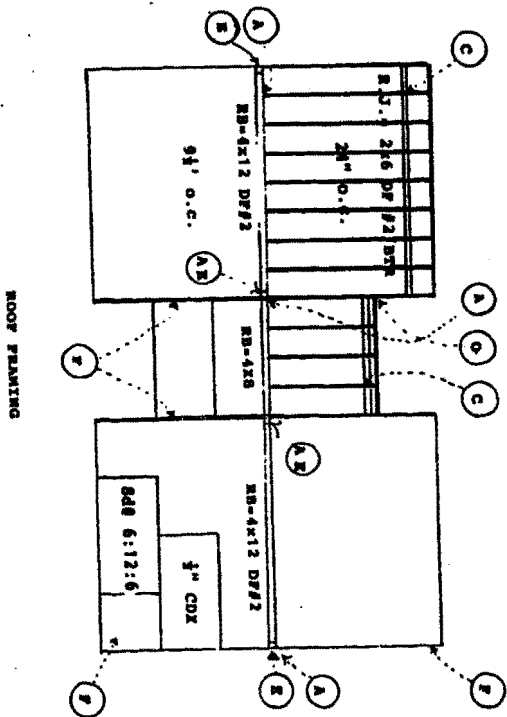
The handrail is 33" above top of each baluster.

Please note that this stairway contains no distances to either grade or floor or deck or porch more than 30 inches in height and thus is exempt from the guardrail requirement of section R-214.1 and R-214.2. It does have a requirement for a handrail and that is detailed on page #3. The details >>>

ARTHUR STARZ



FOUNDATION PLAN



CROSS SECTION A-A

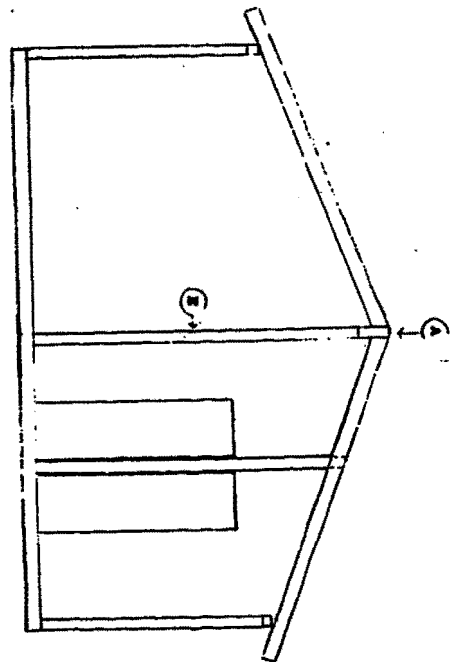
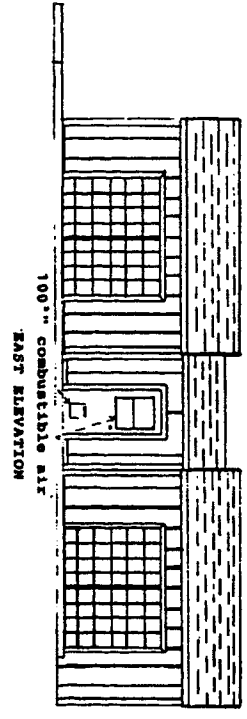
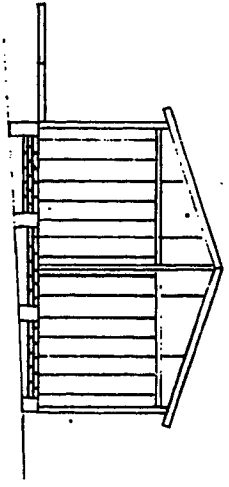


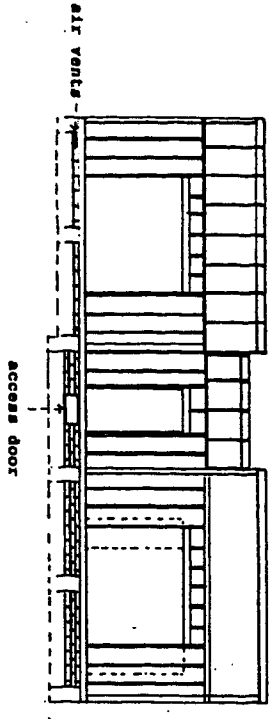
EXHIBIT NO. 7  
 APPLICATION NO.  
 4-94-137  
 Kenny & Starz



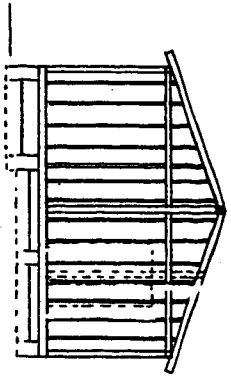
100% combustible air  
EAST ELEVATION



NORTH ELEVATION



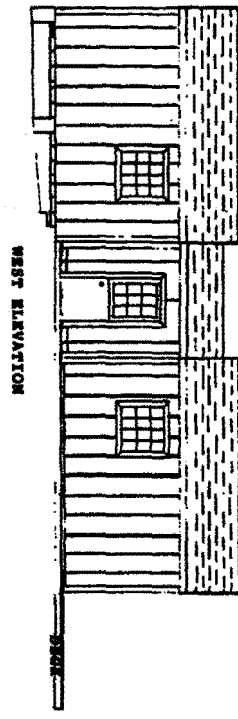
EAST FRAMING SECTION



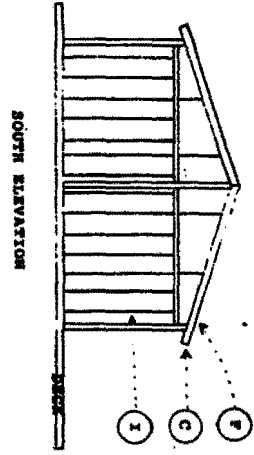
NORTH FRAMING SECTION

EXHIBIT NO. 8
APPLICATION NO.
4-94-137
Kennedy Street

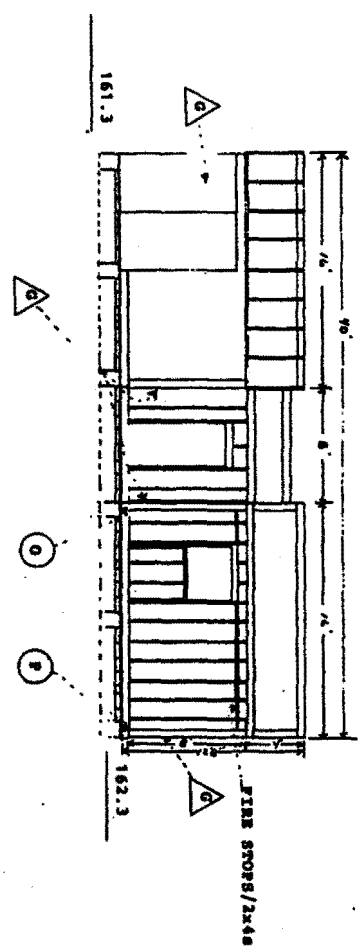
BREAKAWALL  
D



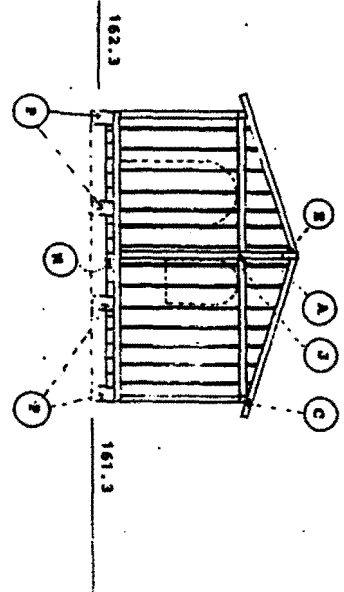
WEST ELEVATION



SOUTH ELEVATION



WEST FRAMING SECTION



SOUTH FRAMING SECTION

EXHIBIT NO. 9
APPLICATION NO.
4-94-137
Kenny Starz