

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 5/21/99  
49th Day: 7/9/99  
180th Day: 11/17/99  
Staff: MB-V  
Staff Report: 6/24/99  
Hearing Date: 7/13-16/99  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-056

**APPLICANT:** Barry and Kirsty Leneman

**PROJECT LOCATION:** 21348 Hillside Drive, Topanga (Los Angeles County)

**PROJECT DESCRIPTION:** Construct one story, 12 ft. high, 744 sq. ft. guest house. Grading of 95 cu. yds. for removal and recompaction and landscaping.

<b>Lot area:</b>	12.5 acres
<b>Building coverage:</b>	744 sq. ft.
<b>Pavement coverage:</b>	no change, 4,000 sq. ft. existing
<b>Landscape coverage:</b>	1 acre, 4 acres existing
<b>Parking spaces:</b>	no change, 4 covered existing

**LOCAL APPROVALS RECEIVED:** Los Angeles County: Department of Regional Planning, Approval in Concept, 4/20/99; Environmental Health Department, Approved for Design Purposes, 4/8/99.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Land Use Plan; Pacific Geology Consultants, Inc., Update Engineering Geologic Report, January 20, 1999. Coastal development permit 5-86-889 (Leneman).

**SUMMARY OF STAFF RECOMMENDATION**

The applicant proposes to construct a one story, 12 ft. high, 744 sq. ft. guest house with minor grading (95 cu. yds. for removal and recompaction and landscaping) west of Topanga Canyon Creek on a plateau on a secondary ridge. The project will utilize the existing septic system. Staff recommends approval of the project with special conditions relating to: ***cumulative impacts of development, conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, and wild fire waiver of liability.***

## **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

### **I. Approval with Conditions**

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

### **II. Standard Conditions**

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

**7. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**III. Special Conditions**

**1. Future Improvements**

- a. This permit is only for the development described in coastal development permit No. 4-99-056. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a)-(b) shall not apply to the permitted structure (guest unit). Accordingly, any future improvements to the permitted structure (guest unit), including but not limited to clearing of vegetation or grading, shall require an amendment to Permit No. 4-95-210-A-2 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- b. 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, reflecting the above restrictions on development in the entire parcel. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. 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.

**2. Plans Conforming to Geologic Recommendations**

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Pacific Geology Consultants, Inc., Update Engineering Geologic Report, January 20, 1999 shall be incorporated into all final design and construction plans including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any

substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal development permit.

### 3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

#### A) Landscaping Plan

- 1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All disturbed areas shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 5) Vegetation within 50 feet of the proposed structure may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively

thinned in order 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 plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 6) Landscaping shall be confined to the fuel modification area referenced in condition 5) above.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by site preparation, construction activities and landscaping and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should site preparation, construction activities and landscaping take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should site preparation, construction activities, site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These

temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

**4. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surroundings, the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

**5. Waiver of Liability**

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

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicant proposes to construct a one story, 12 ft. high, 744 sq. ft. guest house. with minor grading. 15 cu.yds. cut is proposed to be used for landscaping and 80 cu. yds. is proposed for excavation and recompaction. The project will utilize the existing septic system. One acre of landscaping is proposed in addition to the four acres of existing landscaping, and is addressed in the section below on geologic hazards and erosion.

The subject property is on a site which is a relatively flat plateau along a secondary ridgeline on the west side of Topanga Canyon. The site is approximately 1000 ft. west of Topanga Canyon Creek, which is a designated blue line stream and environmentally sensitive habitat area. The area adjacent to the stream is a disturbed oak woodland as designated on the Malibu/Santa Monica Mountains Land Use Plan. Approximately two hundred feet to the west of the site is a fire road which is used as a trail route, but which is not a designated trail in the Land Use Plan. The site is a mixture of native vegetation and introduced garden plants, with the steeper slope to the south in native scrub and chaparral. Surrounding development is a mixture of single family residential development and undeveloped land.

The project site was subject to a coastal development permit for construction of a single family dwelling, studio (also identified as a barn), water well, and septic system (5-86-889, Leneman). Although involving the same parcel, the address was 21349 Will Geer Road. The permit was subject to a condition regarding waiver of liability from hazards. The permit was issued and development took place.

The proposed development is not in a location on the site visible from the surrounding area, public land, or trails. The proposed development is in an area where single family development is taking place, interspersed with vacant land, and is in character with the surrounding area. For these reasons, the project does not raise an issue relative to visual resources under PRC Section 30252.

##### **B. Guest Unit**

The proposed project is construction of a one story, 12 ft. high, 744 sq. ft. guest house. The project design includes a studio, living room, bedroom, bath and patio. Such development is defined under the Coastal Act as new development. New development

raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of this guest house, which may become a potential second residential unit on a site where a primary residence exists, will intensify the use of the site and impacts on public services, such as water, sewage, electricity and roads.

Section 30250 of the Coastal Act addresses the cumulative impacts of new development Act and states:

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

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

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

In addition, the Coastal Act requires that new development, including accessory structures, be permitted only where public services are adequate and only where coastal resources will not suffer adverse cumulative impacts from such development. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects.



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

The Commission examines the potential future impacts on coastal resources that might occur with any further development of the proposed structure or any change to residential use. Impacts such as traffic, sewage disposal, recreational uses, and grading can affect the scenic quality and natural resources of the area and are associated with the enlargement of existing residential structures or the development of an additional unit. Limiting the size and use of appurtenant structures generally reduces the impacts on services such as roads, water and sewage disposal.

The Commission has approved many similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The proposed 744 sq. ft. guest house is consistent with the Commission's certification of the Malibu/Santa Monica Mountains LUP and past permit actions allowing for such structures in the Malibu area. The project is consistent with the 750 sq. ft. maximum guest unit limitation in these decisions. The project design, however, as a detached structure with three rooms and a bath is of the type which could encourage conversion to full time habitable space for use. Such conversion would create potential future impacts on coastal resources as noted above.

The previous coastal permit permitted a barn on the project site which is presently used as an artist's studio and contains a small restroom. The barn is not subject to this application and any conversion to full time habitable space would require Commission review.

Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction which limits future development subject to the Commission's review. This will ensure that no additions or improvements are made to the guest house that may further intensify the use without due consideration of the potential cumulative impacts. Recordation of such a document requires the applicant to obtain an amended or new coastal permit if additions or improvements to the development (guest house) are proposed in the future as required by *Special Condition number one (1)*. Thus, the findings attached to this permit and *Special Condition number one (1)* ensures that the proposed development results in the development of the site consistent with and conforming to the Chapter 3 policies of the Coastal Act.

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

**C. Geologic Stability and 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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed development is located in the Santa Monica Mountains, an area considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The prominent geomorphic features in the area are Topanga Canyon to the east and Greenleaf Canyon and Henry Ridge to the west. Slope in the immediate vicinity of the proposed guest house dips gently toward the north.

**1. Geology**

The applicant has submitted a Pacific Geology Consultants, Inc., Update Engineering Geologic Report, January 20, 1999 which states.

... construction of a guesthouse is feasible from a geologic standpoint. ... Providing the recommendations contained in this report are followed, the guesthouse will be safe from landslide hazard, settlement and slippage. In addition, the proposed construction will not adversely affect off-site properties from a geologic standpoint. All specific elements of the County of Los Angeles Building Code shall be followed in conjunction with design and future construction work.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in *special condition number two (2)* for the final project plans for the proposed project.

## 2. Erosion

The above geologic and geotechnical report recommends that a comprehensive grading plan be developed including a roof and gutter system, avoidance of ponding, non-erosive devices, maintenance, and waterproofing. Surface drainage needs to be collected and dissipated to avoid erosion impact which may affect the site or the surrounding area. In addition, although the disturbance of soil will be minor, i.e. 15 cu.yds. cut is proposed to be used for landscaping and 80 cu. yds. is proposed for excavation and recompaction, there will still be some impacts associated with this work.

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site, which will increase both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site, which could destabilize the development and impact upon the nearby stream by increasing erosion and sedimentation.

The Commission finds that these potential impacts are mitigated if the applicant submits a landscape and erosion control plan. Therefore, the Commission finds it necessary to require the applicant to submit a detailed landscape and erosion control plan for the proposed development for several reasons. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary parts of this plan to minimize the potential for erosion and disturbed soils and thereby ensure site stability and stream protection. Further, one acre of additional landscaping is proposed. While this is equivalent to the fire clearance area, restriction to the fuel modification area is necessary to avoid disturbing any natural vegetation other than what is needed for fire protection. Conformance with *special condition number three (3)* is necessary, therefore, so that the landscape and erosion control plan can ensure site stability and avoidance of the potentially adverse impacts of erosion and sedimentation on the blue line stream in a manner consistent with PRC Section 30253.

In addition, *special condition number four (4)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place without implementation of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation.

### 3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *special condition number five (5)*. The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

**D. Local Coastal Program**

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

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

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

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

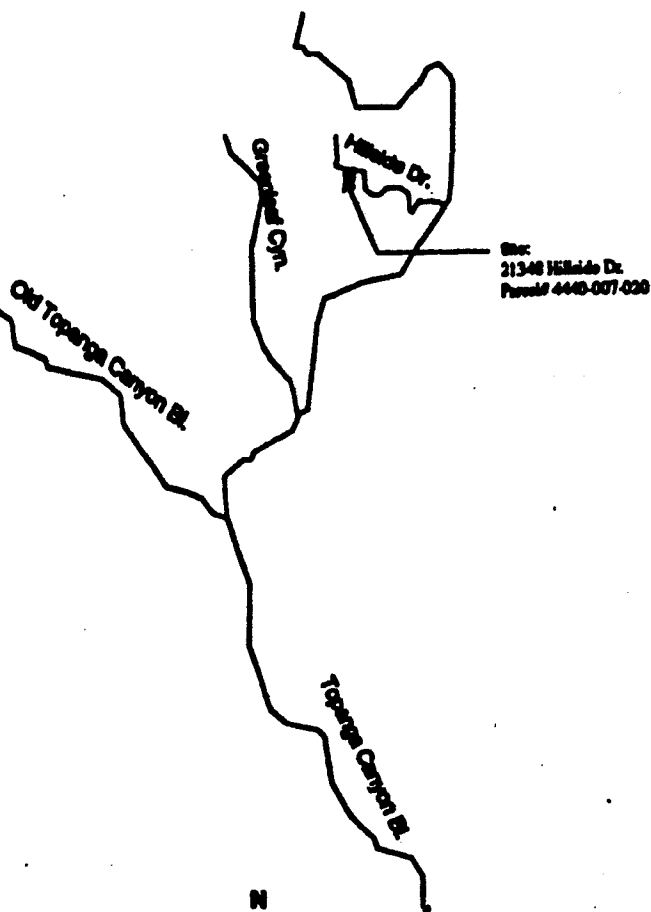
**E. California Environmental Quality Act**

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

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

# Locator Plan

NTS



Contractor

## Integrated Commercial Contractors

21348 Hillside Dr.  
Topanga, Ca. 90290  
(310) 466-3271

Project

### Leneman Guest House

21348 Hillside Dr.  
Parcel# 4440-007-020

Revisions

Stamp

Exhibit 1:
Application 4-99-056
(Leneman)
Project Location

Date

November 25, 1998

Job Number

98801

Scale

1/4" = 1'-0"

Sheet Title

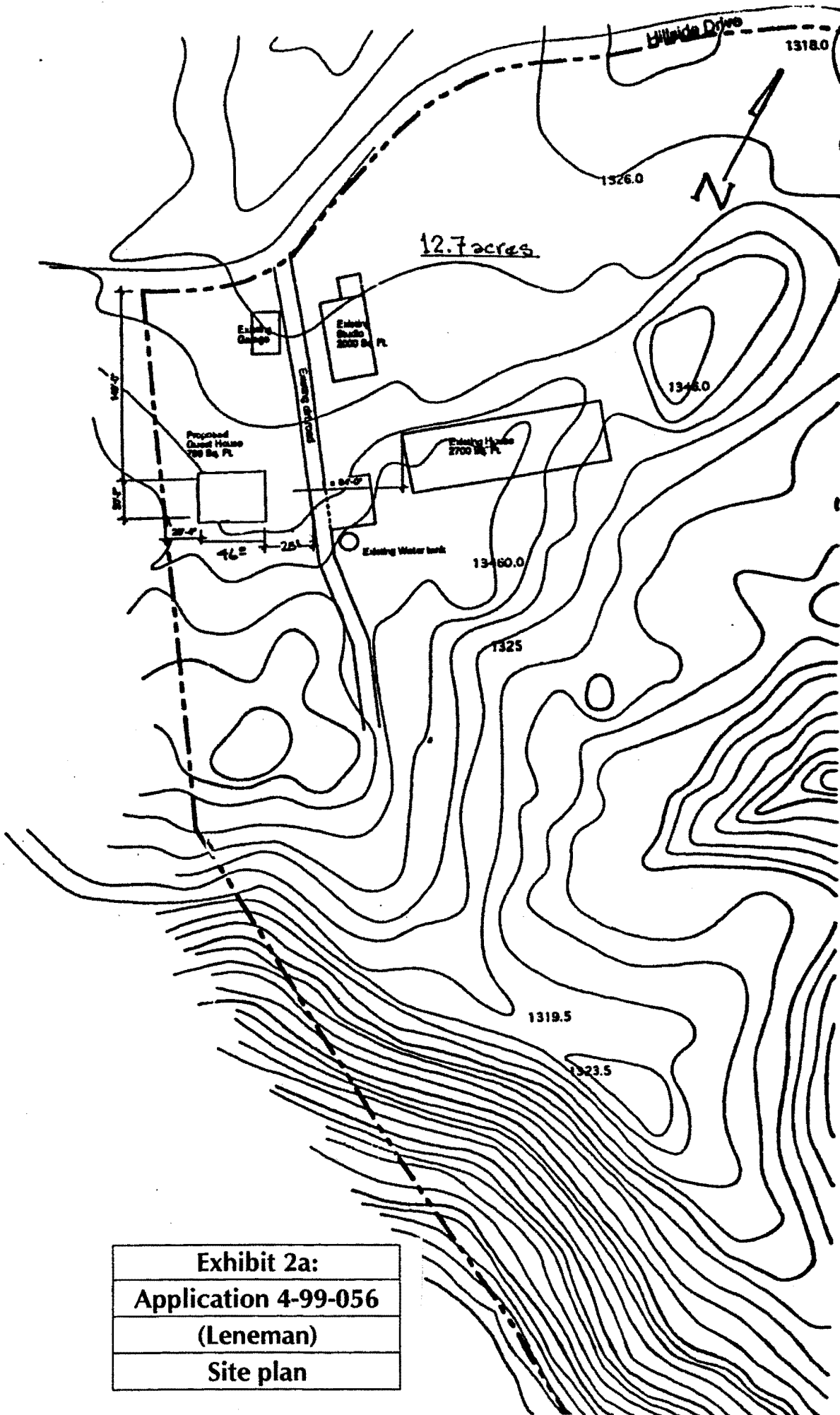


Exhibit 2a:
Application 4-99-056
(Leneman)
Site plan

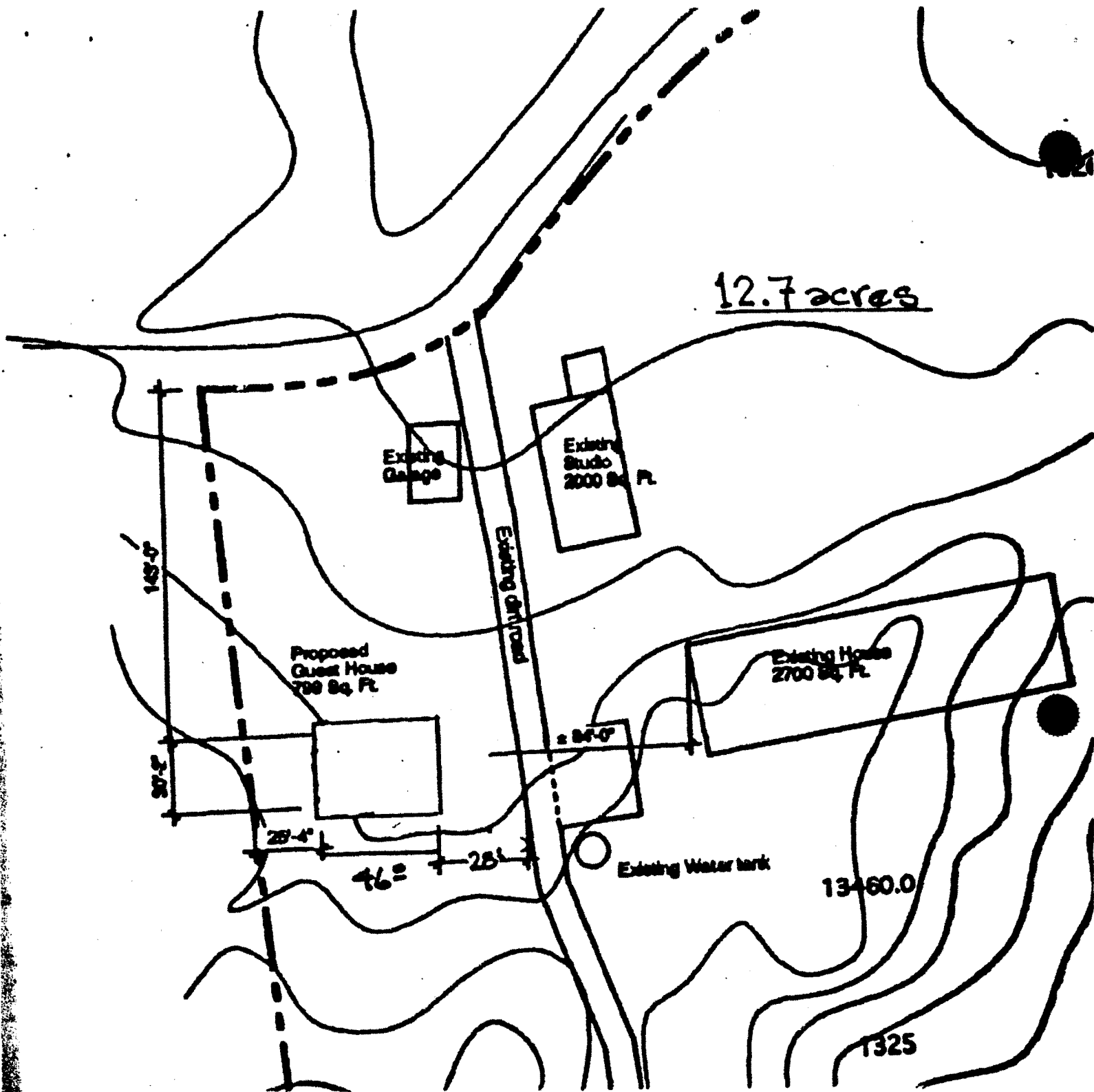
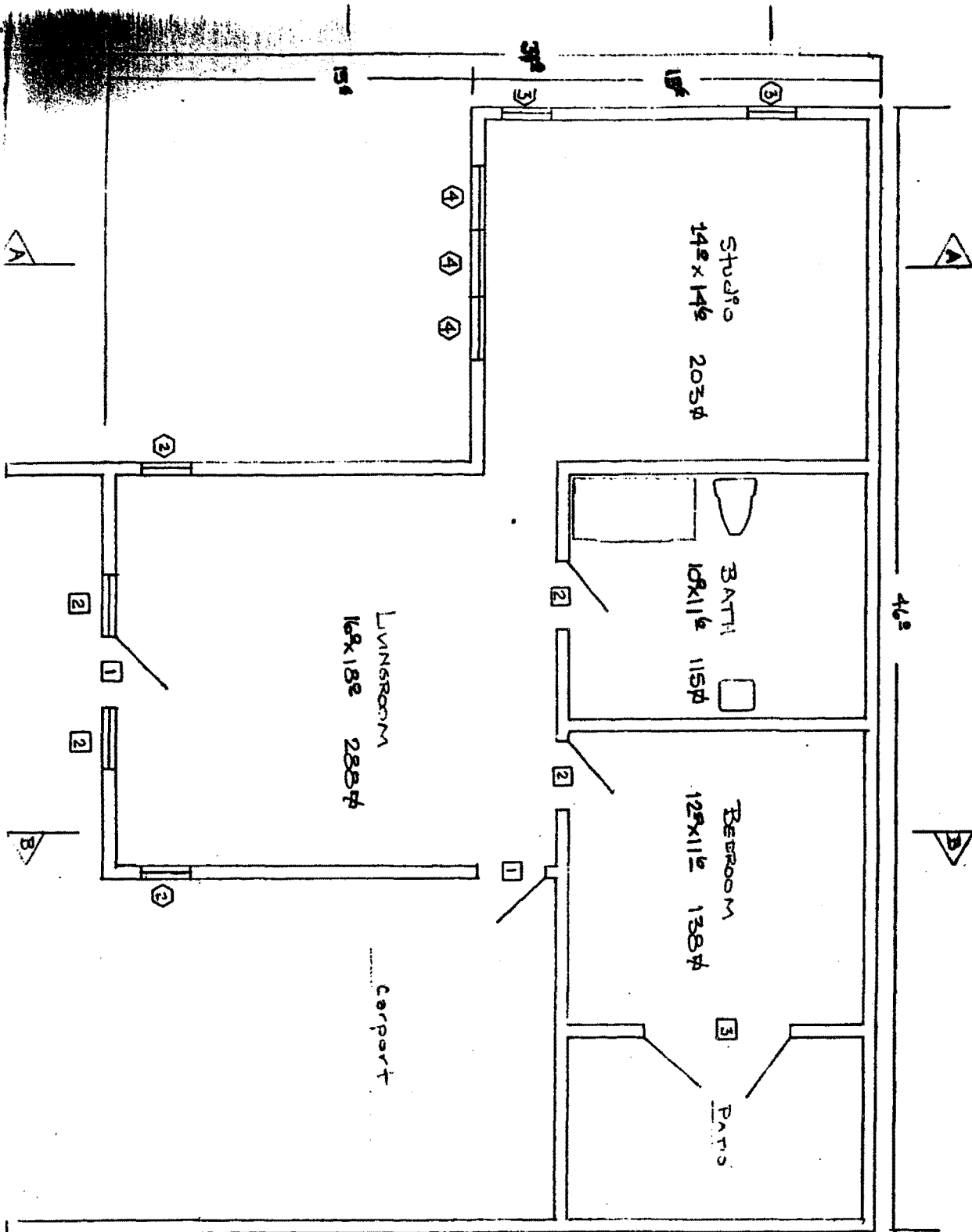
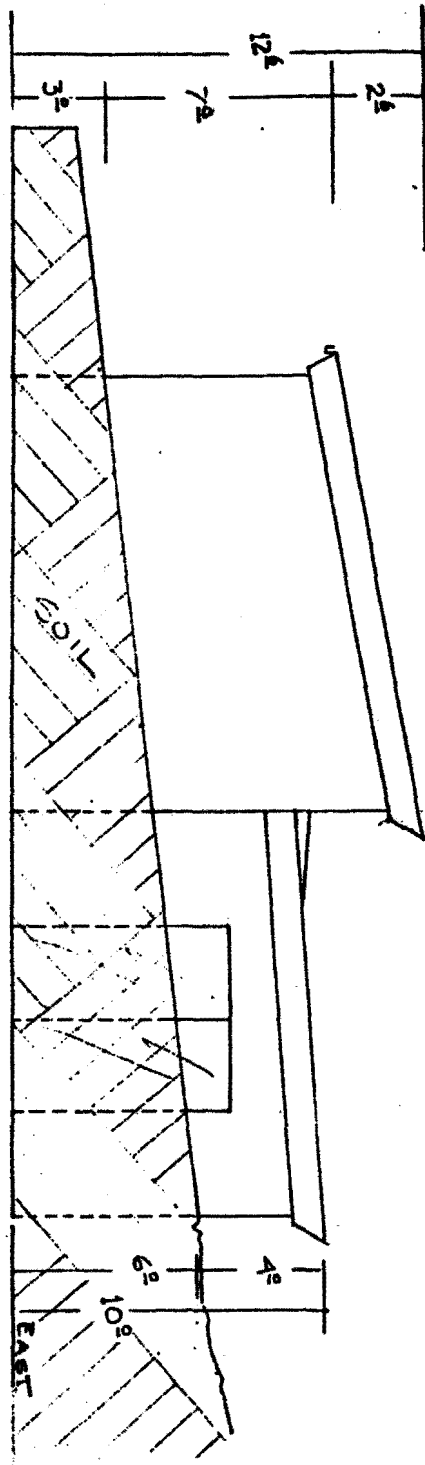
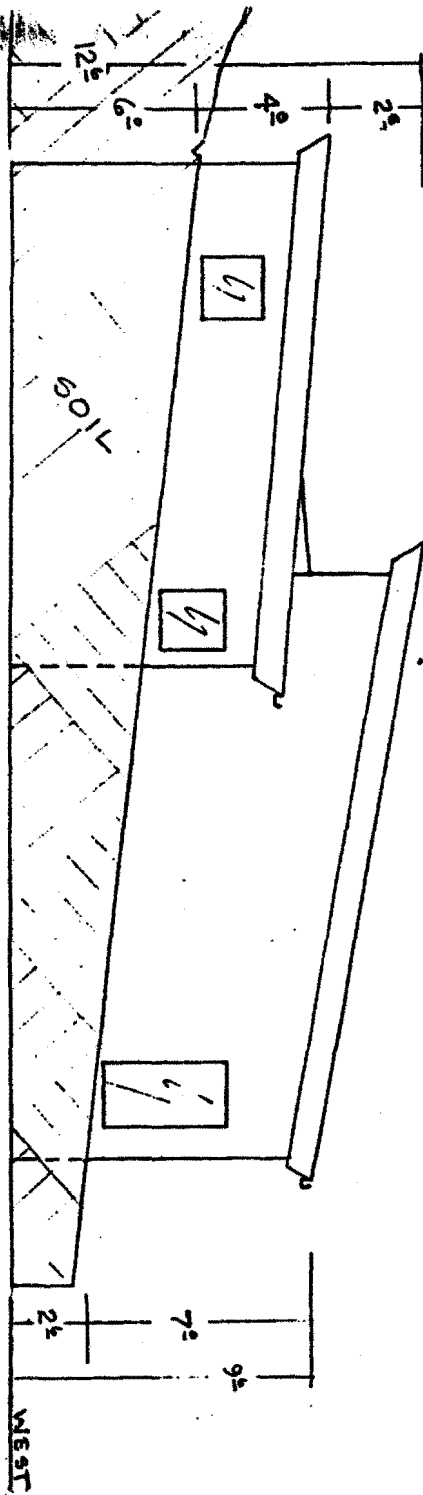


Exhibit 2b:
Application 4-99-056
(Leneman)
Site plan

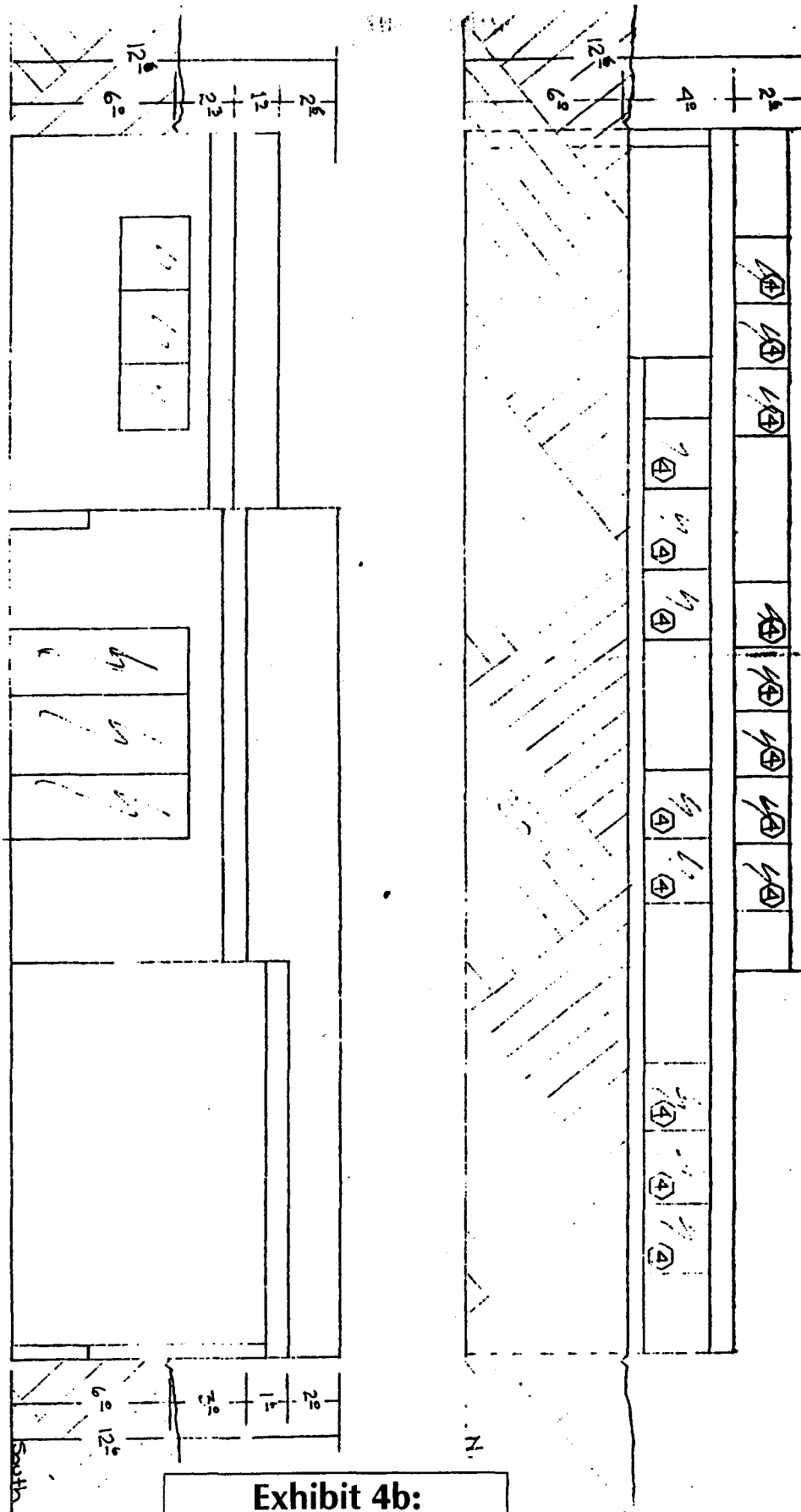




<b>Exhibit 3:</b>
<b>Application 4-99-056</b>
<b>(Leneman)</b>
<b>Floor Plan</b>



<b>Exhibit 4a:</b>
<b>Application 4-99-056</b>
<b>(Leneman)</b>
<b>Elevation</b>



<b>Exhibit 4b:</b>
<b>Application 4-99-056</b>
<b>(Leneman)</b>
<b>Elevation</b>

