

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

Filed:	12/20/99
49th Day:	2/23/00
180th Day:	7/3/00
Staff:	mb-V <i>for</i>
Staff Report:	1/26/00
Hearing Date:	2/15-18/00

**STAFF REPORT: PERMIT AMENDMENT****APPLICATION NO.:** 4-99-067-A1**APPLICANT:** Vista Point Properties, Inc.**AGENT:** Fereydoon Marshali**PROJECT LOCATION:** 20644 Medley Lane, Topanga (Los Angeles County)

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construct two story, 26 ft. 4 in. high, 2,768 sq. ft. single family residence with attached 462 sq. ft. garage, septic system, and grading of 500 cu. yds. (250 cu. yds. cut and 250 cu. yds. fill)

**AMENDMENT DESCRIPTION:** Revise building configuration and modify floor plan; move garage further underneath structure; realign retaining walls; revise roof design from 26.33 ft. high peaked roof with 26.33 ft. high flat roof; increase living area from 2,768 to 2,823 sq. ft.

**LOCAL APPROVALS RECEIVED:** County of Los Angeles: Fire Department approval in concept, dated 2/4/99; Department of Regional Planning, Approval in Concept, dated 6/3/99.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Mountain Geology, Inc., Update Engineering Geologic Report, January 21, 1999; Geo-Matrix, Inc., Preliminary Geotechnical Investigation, March 5, 1999.

**SUMMARY OF STAFF RECOMMENDATION**

Dr. Eric Schweitzer, an adjacent property owner, has objected to the determination that the proposed amendment is immaterial by the Executive Director, based on alleged view impacts. The amendment will increase the size of a proposed single family residence by 55 sq. ft. and change the shape of the building from a more rectangular to a more compact design. The project will not adversely affect coastal views or scenic and visual quality. Staff recommends approval of the amendment.

**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,
- 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.

In this case, an objection has been received objecting to the Executive Director determination that the proposed amendment was immaterial. The Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

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**I. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission approve Amendment No. 4-99-067-A1 pursuant to the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

**Staff recommends a YES vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.**

**RESOLUTION TO APPROVE THE AMENDMENT:**

**The Commission hereby approves an amendment to the coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.**

All conditions of coastal development permit 4-99-067 remain in effect.

### **III. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Project Description**

The applicant proposes to revise the building configuration and modify the floor plan, so as to move the garage further underneath structure and increase the living area from 2,768 to 2,823 sq. ft. The previously approved peaked roof will be replaced with a flat roof, although the height will remain the same at 26 ft. 4 inches. The previously approved project was to construct a two story, 26 ft. 4 in. high, 2,768 sq. ft. single family residence with attached 462 sq. ft. garage, septic system, and grading of 500 cu. yds. (250 cu. yds. cut and 250 cu. yds. fill).

The retaining wall configuration is redesigned with a net decrease in the length of walls. A wall is eliminated along the east property line, continuing across part of the frontage of the house above the driveway. A wall is to be added connecting two existing walls along the rear property line. No change in the amount of cut and fill is proposed.

The project is located in the Fernwood Pacific small lot subdivision, west of Topanga Canyon Boulevard. The site is east of Tuna Canyon Road on the southern slope of a minor ridgeline that parallels Medley Lane. Medley Lane is routed as a loop street, located north and south of the project. The project site has access off Medley Lane.

#### **A. Scenic and Visual Quality**

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.***

In addition, the certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance in the City of Malibu and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the

**Santa Monica Mountains: P129 Structures designed and located for attractive appearance and harmonious relationship with the surroundings; P 125 New development sited and designed relative to LCP-designated scenic highways, views to and along the shoreline, and scenic coastal areas; Siting and design to protect views to and along the ocean and other scenic features, minimize alteration of natural land forms, conceal raw-cut slopes, subordinate to the character the setting, and not intrude into the skyline; P134 Structures sited to conform to the natural topography.**

Dr. Eric Schweitzer, an adjacent property owner, has objected to the determination that the proposed amendment is immaterial by the Executive Director. Schweitzer's letter states that the proposed change does not remedy the alleged siting problem of the development on the highest point on the ridge on hiking trails and public land in Topanga State Park. Schweitzer also objects to the increase in size, which allegedly increases the adverse view impact of the project.

The subject site is situated on a southeast-facing slope, in a partially developed residential neighborhood, surrounded by residential structures. The redesign proposed by the amendment moves the proposed building approximately twenty feet to the south and further down the hillside away from the minor ridgeline.

The proposed redesign will key the project to a greater degree into the hillside by moving the garage further underneath the main living area. This will create a more compact shape for the proposed residence with less visible surface area exposed to potential views of the site from the surrounding area..

Because of intervening topography, the revised driveway and most of the residence will not be visible from Topanga State Park, located approximately one half mile to the east of the project. The proposed residence will not be visible from the sweeping views of Topanga Canyon from the north along the minor ridgeline. The site will not be visible from any public trails.

The increase in project size of 55 sq. ft. is insignificant because the project is similar in size, bulk and character to other single family residences in the area. The minor ridgeline, which parallels Medley Lane has been developed with single family residences. The proposal constitutes infill of an existing single family neighborhood. Past Commission actions have not required visual mitigation for similar development in the project area, as with several nearby residences recently approved (4-99-046, Niles and 4-99-068, Santa Monica Mountains Properties, LLC).

The proposed project amendment, for the above reasons, will not have any significant adverse visual impact on scenic areas to or views to or along the coast. Therefore, the project is consistent with PRC Section 30251.

## B. 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 project amendment will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed project amendment, 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).

## C. 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 amended project would not cause significant, adverse environmental effects, which would not be adequately mitigated by the conditions previously imposed by the Commission. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the

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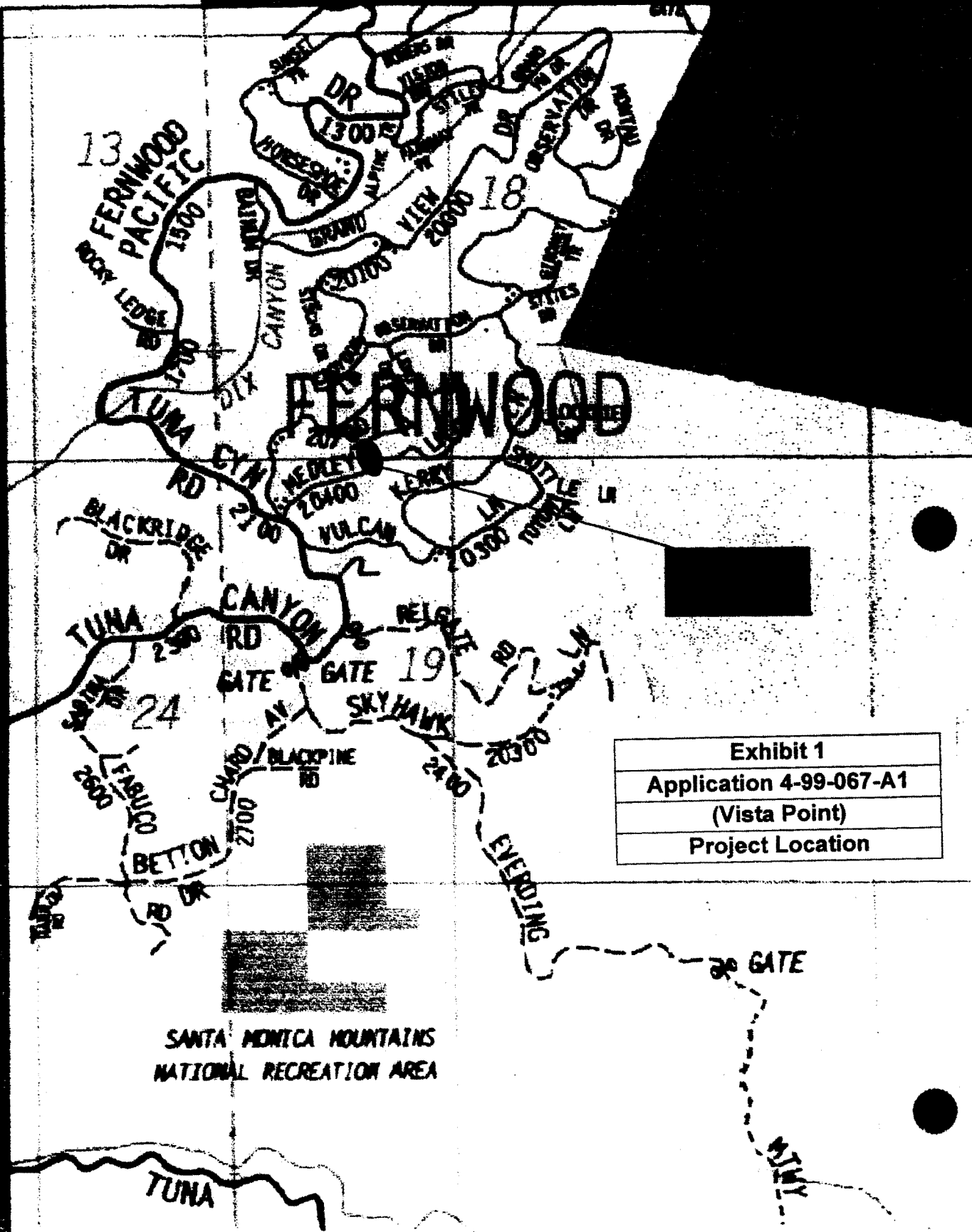
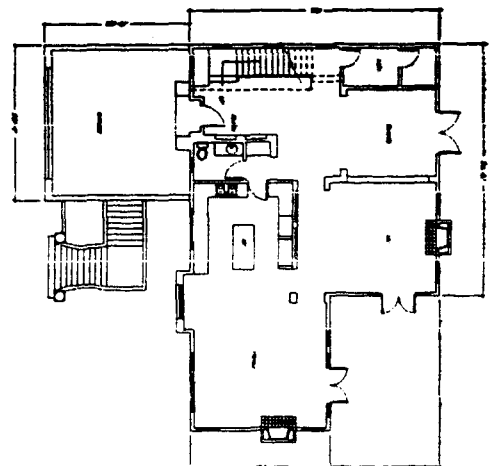
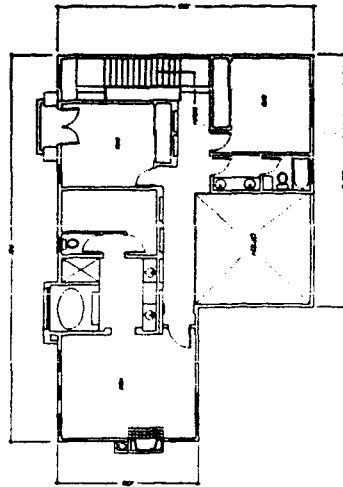
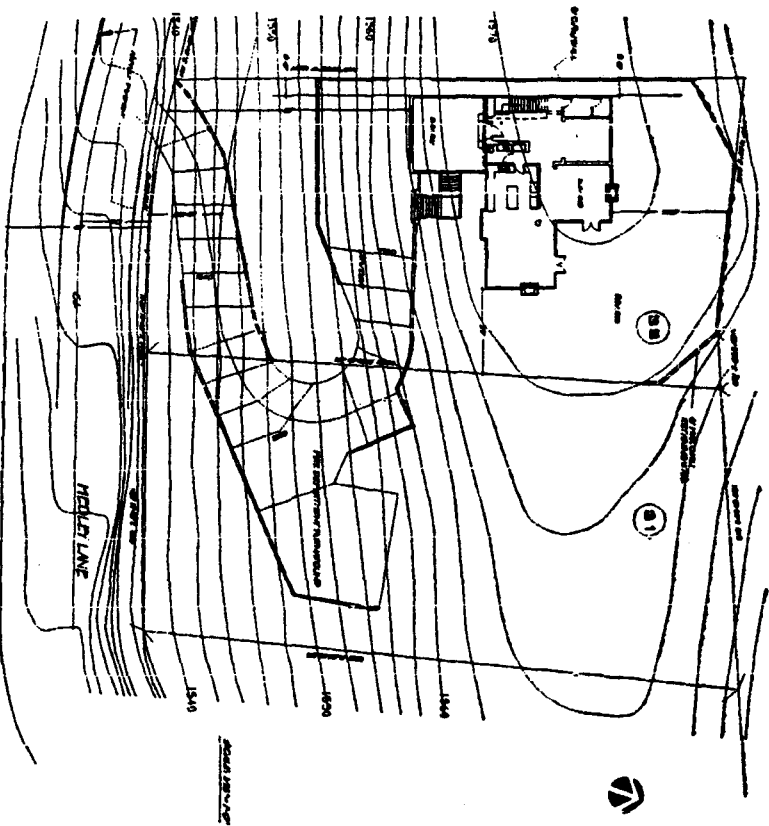


Exhibit 1
Application 4-99-067-A1
(Vista Point)
Project Location

SHEET NO. 1  
 PROJECT NO. 4-99-067-A1  
 DATE: 12/20/99  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



**Exhibit 2a**  
**Application 4-99-067-A1**  
**(Vista Point)**  
**Proposed Redesign**

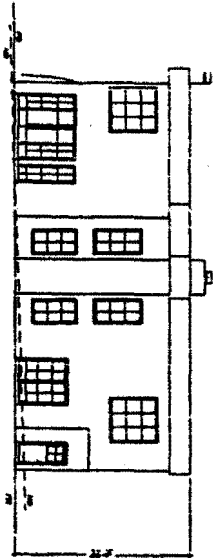
PROJECT:  
 DATE: 12/20/99  
 SHEET:  
**A-1**

**20644 MEDLEY LANE, TOPANGA**

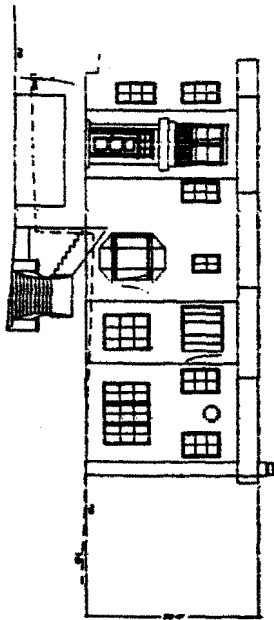
**VISTA POINT PROPERTIES LLC**  
**369 S. Doheny Drive, Suite 1240**  
**Beverly Hills CA 90211**

20644

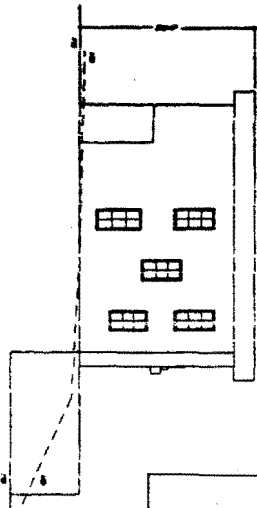
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

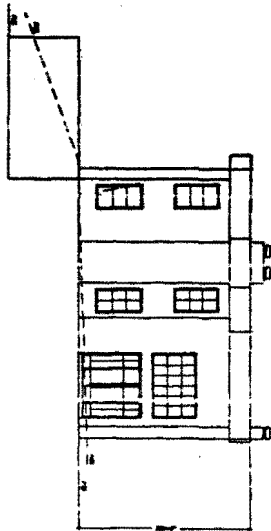


Exhibit 2b
Application 4-99-067-A1
(Vista Point)
Proposed Redesign

A-2

SHEET

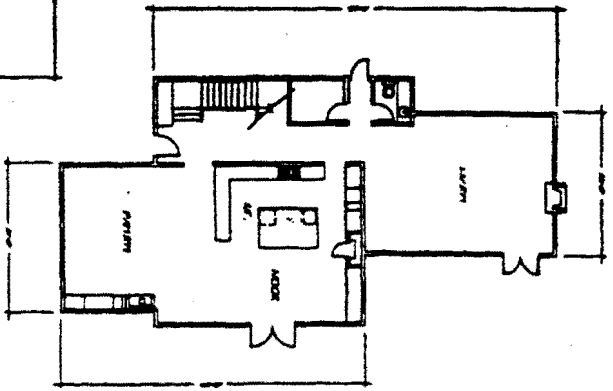
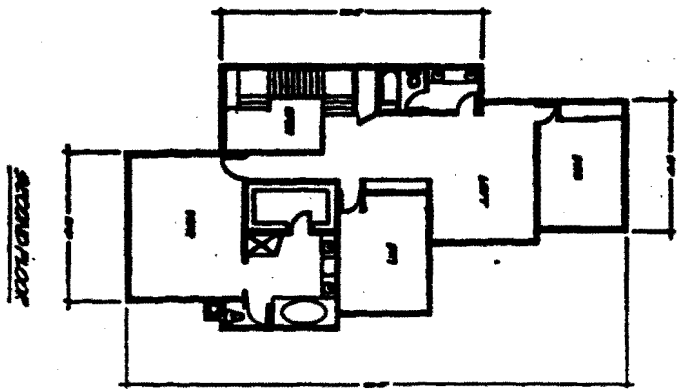
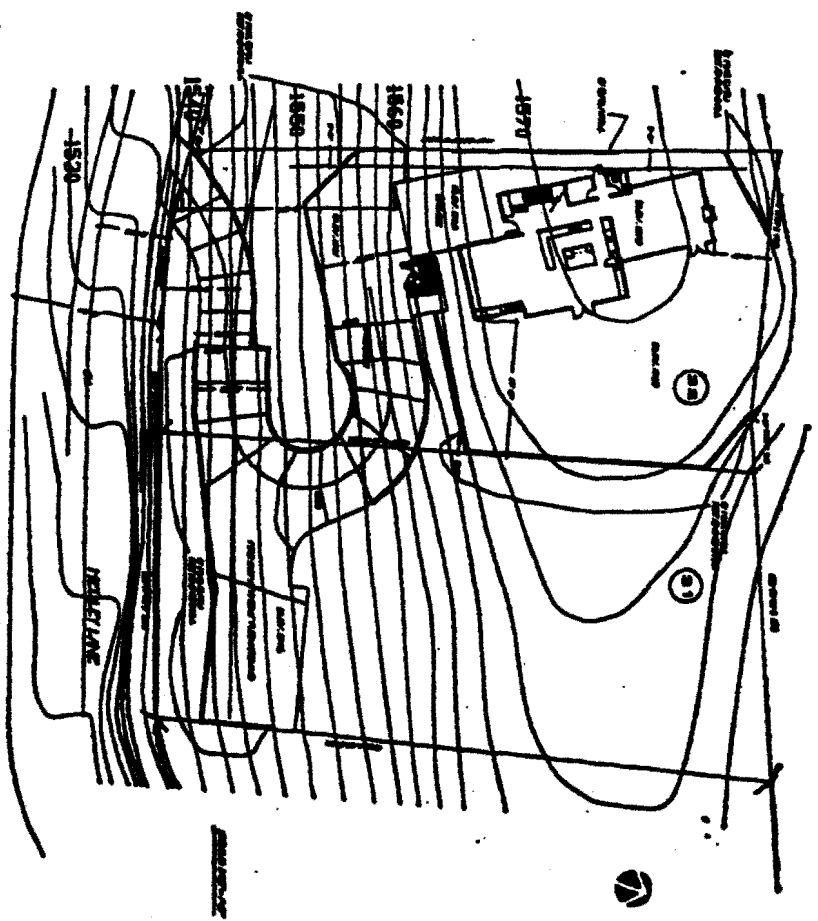
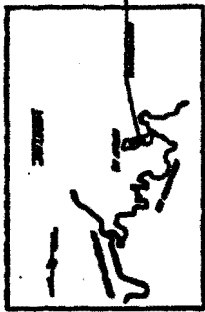
PROJECT

20644 MEDLEY LANE, TOPANGA

VISTA POINT PROPERTIES LLC  
365 S. DOHERTY DRIVE SUITE 1200  
BEVERLY HILLS CA 90211



ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 07/20/2010 BY 60322/UC/BAW  
 EXEMPT FROM GDS UNDER  
 EXECUTIVE ORDER 11652



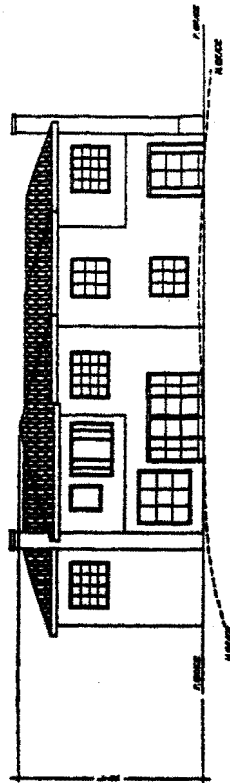
CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

FEB 12 2009  
**Exhibit 3a**  
**Application 4-99-067-A1**  
**(Vista Point)**  
**Previous Redesign**

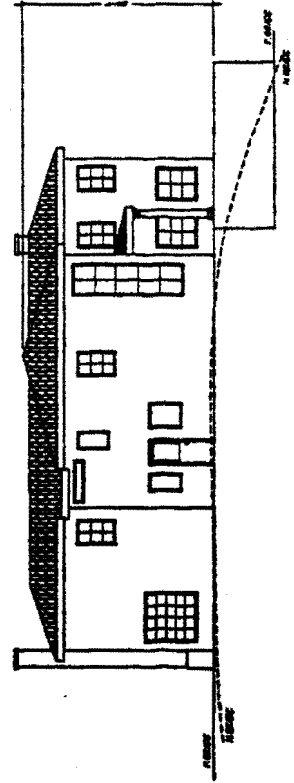
PROJECT  
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**20644 MEDLEY LANE, TOPANGA**

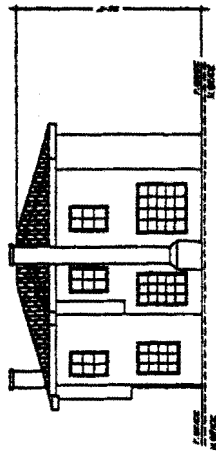
**VISTA POINT PROPERTIES LLC**  
**989 S. DOHENY DRIVE SUITE 1240**  
**BEVERLY HILLS CA 90211**



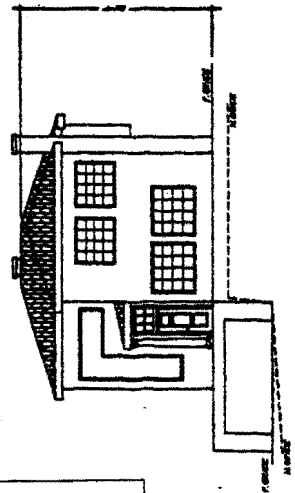
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

Exhibit 3b
Application 4-99-067-A1
(Vista Point)
Previous Redesign

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 4/5/99  
49th Day: 5/24/99  
180th Day: 10/2/99  
Staff: mb-V  
Staff Report: 6/23/99  
Hearing Date: 7/13-16/99  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-067  
**APPLICANT:** Vista Point Properties, Inc.  
**AGENT:** Fereydoon Marshali  
**PROJECT LOCATION:** 20644 Medley Lane, Topanga (Los Angeles County)

**PROJECT DESCRIPTION:** Construct two story, 26 ft. 4 in. high, 2,768 sq. ft. single family residence with attached 462 sq. ft. garage, septic system, and grading of 500 cu. yds. (250 cu. yds. cut and 250 cu. yds. fill)

**Lot area:** 14,000 sq. ft.  
**Building coverage:** 1,914 sq. ft.  
**Parking spaces:** 2 covered

**LOCAL APPROVALS RECEIVED:** County of Los Angeles: Fire Department approval in concept, dated 2/4/99; Department of Regional Planning, Approval in Concept, dated 6/3/99.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Mountain Geology, Inc., Update Engineering Geologic Report, January 21, 1999; Geo-Matrix, Inc., Preliminary Geotechnical Investigation, March 5, 1999.

**SUMMARY OF STAFF RECOMMENDATION**

The development is proposed on a private drive within an area between the north and south sections of Medley Lane at the south end of the Fernwood Pacific subdivision. The project design has been revised to provide a shared private drive with an easement off the southern loop of Medley Lane instead of an internal private drive along the minor ridgeline. Staff recommends approval of the project with special conditions relating to: ***future improvements restriction, conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, and wild fire waiver of liability.***

Exhibit 4
Application 4-99-067-A1
(Vista Point)
Previous Staff Report

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit 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 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.

**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 DEVELOPMENT DEED RESTRICTION

This permit is only for the development described in coastal development permit No. 4-99-067. 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 structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number three (3), shall require an amendment to Permit No. 4-99-067 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- A. PRIOR TO 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 restricted area. 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 GEOLOGIST'S AND ENGINEER'S RECOMMENDATIONS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the Mountain Geology, Inc., Update Engineering Geologic Report, January 21, 1999 including issues related to grading, retaining walls, foundation setbacks, excavations, sewage disposal and drainage shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic 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 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 graded & 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 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 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 house 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.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities 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 grading 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 control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 grading or 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 surrounding 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. WILD FIRE WAIVER OF LIABILITY**

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

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

The Commission hereby finds and declares:

#### **A. Project Description**

The applicant proposes to construct a two story, 26 ft. 4 in. high, 2,768 sq. ft. single family residence with attached 462 sq. ft. garage, septic system, and grading of 500 cu. yds. (250 cu. yds. cut and 250 cu. yds. fill). The project is located in the Fernwood small lot subdivision, west of Topanga Canyon Boulevard, east of Tuna Canyon Road on the downhill side or the southern portion of Medley Lane.

The project has a "hammerhead" for fire vehicle turnaround and switchback driveway shared with the adjacent project to the west, i.e. Application 4-99-068 (Santa Monica Mountains Properties, Inc.). As this building site is further off the public road, with no direct roadway access to Medley Lane, the recent amendment to the application



includes an easement across the adjacent property which is subject to concurrent application 4-99-068 for the single family residence to the east. Originally, a larger single family residence was proposed with access in the opposite direction off an internal private drive within the loop of Medley Lane off of Tuna Canyon Road.

The subject site is situated on a southeast-facing slope, in a partially developed residential neighborhood, surrounded by residential structures. The project redesign stepped the project down the hillside and away from a minor ridgeline, while keying the project into the hillside, reducing the size of the residence and moving the access to a lower elevation. Because of topography, the revised driveway and most of the residence will not be visible from Topanga State Park, located approximately one half mile to the east of the project. The design of the proposed residence will not be visible from the sweeping views of Topanga Canyon from the north along the minor ridgeline.

The project is similar in size, bulk and character to other single family residences in the area and represents infill of an existing single family neighborhood. Intervening topography will help to soften the visual impact of the proposed project. Past Commission actions have not required visual mitigation for similar development in the project area. The site will not be visible from any public trails. The proposed project, in summary, will not have any significant adverse visual impact.

## **B. Cumulative Impacts of New Development**

The proposed project involves the construction of a new single family residence which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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

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

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: Geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) requires that new development in small lot subdivisions comply with the Slope-Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development which may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on coastal resources.

**Slope-Intensity Formula:**

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

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

The proposed project is located in the small lot subdivision of Fernwood and involves the construction of a two story, 26 ft. 4 in. high, 2,768 sq. ft. single family residence with attached 462 sq. ft. garage, septic system, and grading of 500 cu. yds. (250 cu. yds. cut and 250 cu. yds. fill). The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP). This calculation arrived at a maximum GSA of 2,844 sq. ft. of habitable space. Therefore, the proposed 2,768 square feet of habitable space would be consistent with the maximum allowable GSA.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they cannot support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazards.

For all these reasons, and as this lot is within a small lot subdivision, further structures, additions or improvements to the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it

necessary for the applicant to record a future improvements deed restriction on this lot, as noted in *special condition number one (1)*, which would require that any future structures, additions or improvements to the property, beyond those now proposed, would require review by the Commission to ensure compliance with the policies of the Coastal Act regarding cumulative impacts and geologic hazards. At that time, the Commission can ensure the new project complies with the guidance of the GSA formula and is consistent with the Coastal Act.

The Commission therefore finds that the proposed project, only as conditioned, consistent with Section 30250(a) 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 which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The prominent geomorphic features in the area are Topanga Canyon to the east, Dix Canyon to the northwest, and the northeast-trending strike ridge on which the property is situated. The site is located on a moderately descending natural slope. Past grading on the site consisted of cutting along the southern property line to accommodate the construction of Medley Lane and the previously noted interior private access road.

Physical relief across the site from the ridge down slope to Medley Lane is on the order of thirty (30) feet. Slope drainage is by sheet flow runoff directed toward the south via the existing contours.

## 1. Geology

The applicant has submitted a Geo-Matrix, Preliminary Geologic Investigation, March 5, 1999 and Mountain Geology, Inc., Update Engineering Geologic Report, January 21, 1999.

The geologic stability of the site is favorable to the project, according to these reports, and no potentially active and/or active faults, adversely oriented geologic structure, or other hazards were observed by the consultants. An erosional remnant of a landslide has been mapped approximately 150' south and downhill of the subject property.

Based on the geotechnical consultant's site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data, limited subsurface exploration of the site, the engineering geologists have provided recommendations to address the specific geotechnical conditions related to grading, retaining walls, foundation setbacks, excavations, sewage disposal and drainage. In conclusion, the engineering geologic investigation states that:

*Based upon our investigation and experience with similar projects, the construction of the proposed custom single family residence is considered feasible from an engineering geologic standpoint provided the following recommendations are made a part of the plans and are implemented during construction. ... Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will not have any adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.*

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

Surface drainage on site is by sheet flow to Medley Lane and then by sheet flow approximately one quarter mile toward the south and east toward an unnamed blue line tributary of Topanga Canyon Creek. The tributary is an Environmentally Sensitive Habitat Area. The consulting geologist has stated that drainage should be dispersed in a non-erosive manner and preclude concentration of runoff and erosion.

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site, which increases 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 and affect site stability. Increased erosion may also result in sedimentation and degradation of riparian systems.

In the case of this project, the submittal has been amended to include erosion control measures utilizing the driveway, drains, splash walls and swales for conveyance of runoff to Medley Lane. This plan notes that it was based upon the geologic and geotechnical reports recommendations.

Although the applicant has submitted a drainage plan, the Commission finds it necessary to require the applicant to submit a landscaping and interim erosion control plan, as specified in *special condition number three (3)*, which provides for interim erosion control during construction and landscaping to stabilize graded and disturbed areas on the site. As conditioned, the proposed project will minimize the potential for erosion resulting from disturbed soils and thereby ensure site stability and stream protection in a manner consistent with PRC Section 30253, as well as Sections 30240 and 30231, relative to protection of ESHAs and the biological productivity and quality of coastal waters and streams.

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 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. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, 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 proposed septic system includes a 1,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, and found not to create or cause adverse conditions to the site or adjacent properties. A percolation test was performed on the subject property indicating that the percolation rate meets Uniform Plumbing Code requirements and is sufficient to serve the proposed single family residence.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

#### E. 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 effects 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).

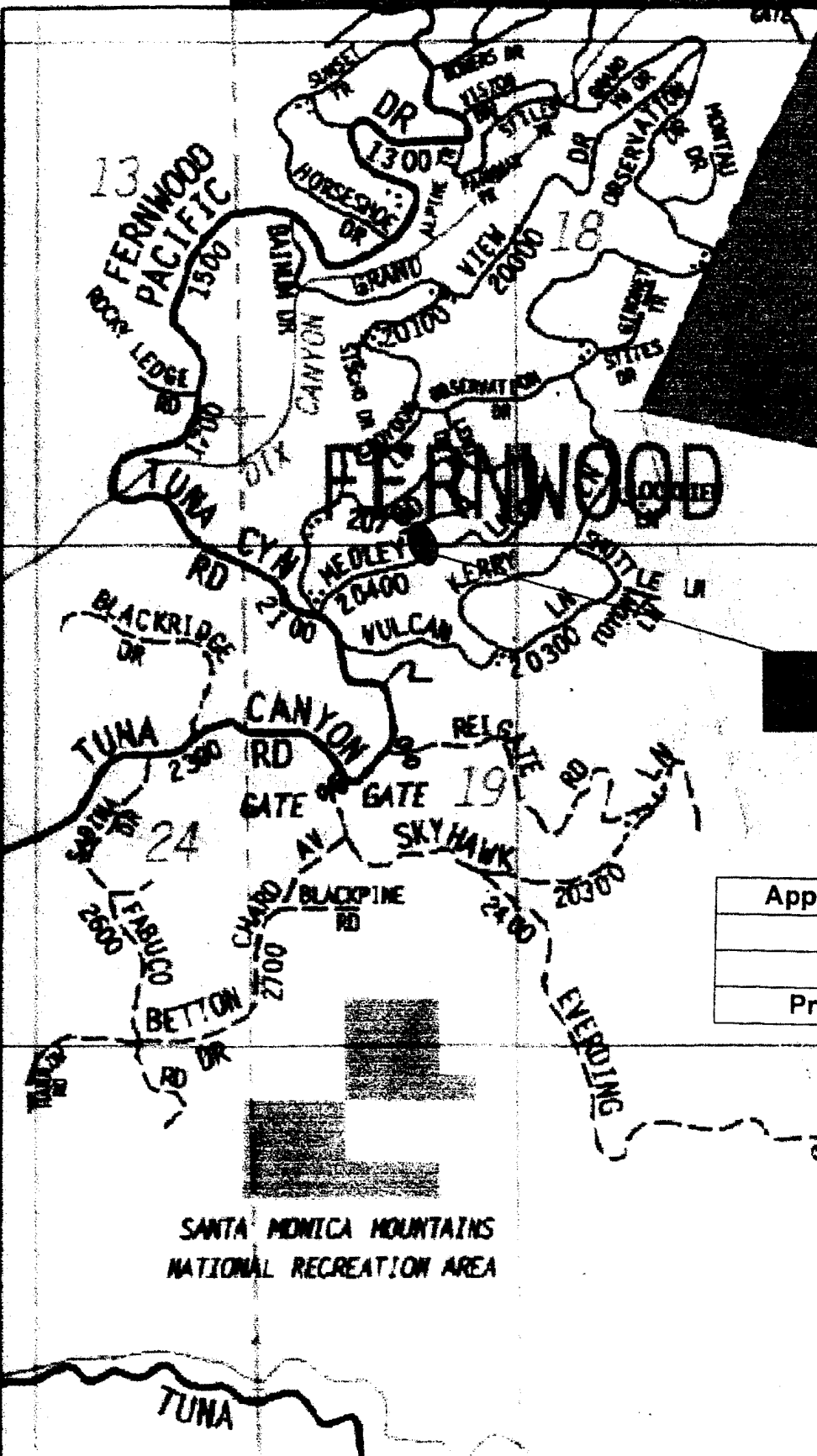
#### **F. California Environmental Quality Act**

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.



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Application 4-99-067
Vista Point
Exhibit 1
Project Location

SANTA MONICA MOUNTAINS  
NATIONAL RECREATION AREA

20782 Medley Lane  
Topanga, CA 90290  
January 14,2000

Mr. Merle Betz  
Coastal Commission  
89 South California St., Suite 200  
Ventura, CA 93001

Dear Mr. Betz:

I would like to register my opposition to granting approval to the amendment of Coastal Commission permit no. 4-99-067-A1, for 20644 Medley Lane, Topanga. I received just two days ago the notice dated January 5, 2000, and so must rush to file this objection to the proposed amendment. Please forgive me for noting that I was out of the country at the time the original permit application notification was sent out, and was therefore unable to raise any of the issues concerning the impact of this development at all at that time.

This amendment does not adequately remedy the problem with the proposed siting of the building on the highest point on the ridge, in prominent view of hiking trails and public land in Topanga State Park. Moreover, the proposed location and increase in size of the house continues and expands the adverse impact of this prominently sited house on the surrounding community, and would be an unprecedented infringement on the ridge line and visual environment. I would hope that any amendments to the previous plan would reduce rather than increase the undesirable impact of this house on the surrounding community and public lands.

I respectfully thank you in advance for your consideration of my concerns.

Exhibit 5
Application 4-99-067-A1
(Vista Point)
Schweitzer Letter

Sincerely,



Erik Schweitzer