

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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**RECORD PACKET COPY**

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Staff: MB-V
Staff Report: 1/24/00
Hearing Date: 2/15-18/99
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-132

APPLICANT: Jeffry and Lyn Rauls

PROJECT LOCATION: 22370 Swenson Drive, Topanga (Los Angeles County)

PROJECT DESCRIPTION: Construct a 30 foot, eight inch high, two story, 3,139 sq. ft. single family residence with attached 600 sq. ft. garage, driveway, swimming pool, septic system, and water well. Grading is proposed of 3,300 cubic yards (1,500 cu. yds. cut and 1,800 cu. yds. fill)

Lot area:	2.28 acres
Building coverage:	3,009 sq. ft.
Paved Area:	11,171 sq. ft.
Landscape coverage:	16,800 sq. ft.
Parking spaces:	3 covered

LOCAL APPROVALS RECEIVED: Los Angeles County: Environmental Management, Well permit approval, dated 1-4-99; Regional Planning Approval-in-Concept, dated 10/27/98, undated; Fire Department, Fire Protection Engineering approval, dated 3/10/99 and Approval in Concept, dated 3/10/99.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastline Geotechnical Consultants, Inc., Geotechnical Engineering Investigation Report, November 20, 1998; Pacific Geology Consultants, Inc., Report of Preliminary Engineering Geologic Investigation, October 30, 1998; Coastal Development Permit 4-98-169 (Connolly).

SUMMARY OF STAFF RECOMMENDATION

The proposed project is located on a small knoll against the visual backdrop of the higher Saddle Peak Ridge to the north. The proposed development is approximately two hundred feet west and south of a blue line stream, which is the upper reach of an unnamed tributary of Little Las Flores Creek. In the project vicinity, the tributary is not designated as an Environmentally Sensitive Habitat Area (ESHA) in the certified Malibu/Santa Monica Mountains Local Coastal Program Land Use Plan (LUP). Staff recommends **approval** of the proposed project with special conditions regarding drainage plan, geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, color restrictions, and future development restrictions.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit 4-99-132 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a 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.

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 term or 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. Plans Conforming to Geologic Recommendations

(a) All recommendations contained in the Pacific Geology Consultants, Inc., Report of Preliminary Engineering Geologic Investigation, October 30, 1998 and Coastline Geotechnical Consultants, Inc. shall be incorporated into all final project designs and plans. All plans must be reviewed and approved by the geotechnical consultant. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultant's 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.

(b) The final plans approved by the geotechnical 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 geotechnical consultant shall require an amendment to the permit or a new coastal permit.

The Executive Director shall determine whether required changes are "substantial."

2. 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.

3. Landscaping and Erosion Control Plan

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 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. Color Restrictions

- a. The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass. Night lighting shall be directed downward and shielded to limit visibility from off the site to the maximum extent feasible.
- 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. 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.

6. Future Development Deed Restriction

- a. This permit is only for the development described in coastal development permit No. 4-99-132. Pursuant to Title 14 California Code of Regulations Sections

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. 4-99-132 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. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 30 foot eight inch high, two story 3,139 sq. ft. single family residence with attached 600 sq. ft. garage, driveway, swimming pool, septic system, and water well.

Grading is proposed of 3,300 cubic yards (1,500 cu. yds. cut and 1,800 cu. yds. fill). Even though the fill exceeds the cut, there is no import of fill onto the site. Rather, according to the applicant, the difference is accounted for by (1) the "fluff" of organic, non-compacted material which is approximately 8 % of the cut, (2) approximately 80 cubic yards of foundation excavation, and (3) swimming pool excavation. (Note: The foundation excavation and swimming pool excavation are not otherwise counted as cut under current Commission practice.) The application originally contained a proposal for a guesthouse, which has since been deleted from the application.

The project site presently contains an unpaved driveway and a large travel trailer used for storage of construction materials. The applicant has indicated that the trailer is mobile, has not been placed on a permanent foundation, and will be relocated or re-parked as a recreational vehicle on site. The owners of the proposed residential site have easement for ingress and egress across the adjacent parcel to the subject site. In addition, the adjacent neighbor has been invited by Commission staff to join in the application if they so desire.. The driveway passes over an adjacent property to the west to reach Swenson Drive.

The unpaved driveway and partial pad is shown on the 1981 update of the USGS map and the 1986 Coastal Commission's aerial photo. The applicant has furnished staff with an geotechnical study map pre-dating the Coastal Act, i.e. dated March 18, 1965, which shows a graded road leading to the building site.

The project site is designated Rural land II, 1 du/10 ac in the certified LUP. Surrounding development is vacant land. There are single family residences approximately 500 ft. to the south and the north. The proposed project is located on a small knoll against the visual backdrop of the higher Saddle Peak Ridge to the north. The visual impacts of the project are discussed in greater detail below.

The proposed development is approximately two hundred feet west and south of a blue line stream, which is the upper reach of an unnamed tributary of Little Las Flores Creek. In the project vicinity, the tributary is not designated as an Environmentally Sensitive Habitat Area (ESHA) in the certified Malibu/Santa Monica Mountains Local Coastal Program Land Use Plan (LUP).

B. Geologic Stability; Stream Protection

Sections 30231 and 30240 of the Coastal Act require that development in and adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which significantly degrade those areas. Section 30231 requires the protection of coastal waters and aquatic ecosystems, through, among other means, controlling runoff (drainage management and erosion control, for example) and limiting the removal of natural vegetation that serves to buffer adverse impacts upon these resources.

Section 30231:

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

Section 30240.

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

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

Section 30253:

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, 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 subject to a number 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.

The proposed project in the Santa Monica Mountains is in 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.

The consulting geologist is concerned about the drainage associated with the proposal and recommended that drainage should be dispersed in a non-erosive manner, and preclude concentration of runoff and erosion. Surface drainage on site is predominately by sheet flow toward the south and away from the blue line stream to the east and north. As noted, the blue line stream is an unnamed tributary of Little Las Flores Creek. In the project vicinity, which is not designated as an Environmentally Sensitive Habitat Area (ESHA) in the certified Malibu/Santa Monica Mountains Local Coastal Program Land Use Plan (LUP).

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site 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. Increased erosion may also result in sedimentation of the nearby stream. However, the applicant has submitted a detailed drainage plan for the proposed development. The plan shows that drainage is collected from the site and conveyed to a rip rap energy dissipator above the terminus of the blue line tributary previously described at a distance of 200 feet to the northeast.

The applicant proposes, as noted above, to construct a 30 foot eight inch high, two story 3,139 sq. ft. single family residence with attached 600 sq. ft. garage, driveway, swimming pool, septic system, water well, and grading 3,300 cubic yards (1,500 cu. yds. cut and 1,800 cu. yds. fill). 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 applicant has submitted a Pacific Geology Consultants, Inc., Report of Preliminary Engineering Geologic Investigation, October 30, 1998 and Coastline Geotechnical Consultants, Inc. Geotechnical Engineering Investigation Report, November 20, 1998. Both reports contain recommendations as to grading, foundations, and drainage. The Pacific Geology report concludes that the subject property is considered a suitable site for the proposed development from a geologic standpoint. The report found that:

Provided the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the residence, guesthouse [since deleted] and swimming pool 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.

The Commission finds that it is necessary to impose *special condition one (1)* to ensure that all of the geotechnical consultant's recommendations are incorporated into the final project plans and designs.

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 *special condition two (2)*, the wild fire waiver of liability, the applicant acknowledges 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 two (2)* the applicant also agrees 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.

In addition, the Commission finds that the imposition of *special condition three (3) (landscape and erosion control plan)* and *special condition four (4)* will ensure that site disturbance is minimized by avoiding removal of natural vegetation until site development is undertaken and the landscape plan implemented. The landscape plan

requires the stabilization of graded areas with approved plantings of locally native species to control erosion. In addition, the landscape and erosion control plan must incorporate specific erosion control measures if grading is undertaken during the rainy season, thus avoiding gullyng, sediment runoff, and other adverse environmental effects that may occur if the site is not adequately managed and stabilized during construction. In addition, the use of native plant species further controls erosion by incorporating deeply rooted, drought tolerant species that require minimal artificial water application on fragile slopes and tend to provide superior slope stabilization upon maturity when compared to non-native species that may actually accelerate erosion (iceplant and other non-native succulents, for example, may weight slopes, increase salinity, and generally contribute to washouts and the retardation of preferable native plant species).

For the above reasons, the Commission finds that as conditioned by Special Conditions 1 through 4, the proposed is consistent with the geologic stability requirements of Coastal Act Section 30253. Further, the control of runoff and erosion through special condition one is consistent with the policies of Sections 30231 and 30240 of the Coastal Act.

C. Visual Resources and Landform Alteration

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 Land Use Plan contains policies protective of coastal visual resources. The Commission has relied on the policies of the certified LUP as guidance in reviewing past coastal development permit proposals in the Santa Monica Mountains.

The applicant proposes, as noted above, to construct a 30 foot eight inch high, two story 3,139 sq. ft. single family residence with attached 600 sq. ft. garage, driveway, swimming pool, septic system, water well, and grading 3,300 cubic yards (1,500 cu. yds. cut and 1,800 cu. yds. fill).

The Commission typically examines the building site, any proposed grading, and the size of the structure relative to the impact on visual quality. To evaluate potential visual

impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as parks and trails. The site is located approximately 800 feet east of the Tuna Canyon Trail, and is visible from along the route. The project is visible from the significant ridgeline to the west in the vicinity of Schueren Road, and from the City of Santa Monica through a gap in the hills to the east. The National Park Service Lands to the southwest are also visible from the site.

Staff conducted a site visit of the subject property and found the proposed building pad location and alteration of landform to be appropriate for the following reasons. The project site has been previously partly graded. Although the grading will result in an alteration of natural landform, the combined factors of the need for access to the site from an existing road and the steepness of the lot result in no other feasible safe project location for the proposed single family residence. The proposed amount of grading is the smallest amount practicable given the steepness of the lot and lack of alternative building sites. The applicant has minimized grading to the extent that the proposed pad is only large enough to accommodate the drainage and erosion control system, the residence, swimming pool, garage, and a small yard area on an 9,600 sq. ft. pad. In addition, the proposed residence contains a partial second story and a flat roof, which presents a lower profile than a potentially higher two-story residence with pitched roof, which lessens the cumulative impact on visual quality. Since the site will be visible from the locations described, the conditions of approval recommended below are necessary to ensure consistency with PRC Section 30251.

Use of native plant material, as previously recommended, will soften the visual impact of the project by incorporating the natural palette of the vegetation typical of the area in the landscape installation. In addition, as discussed previously, native species tend to be drought tolerant and deeply rooted, thus providing superior erosion control upon establishment and minimizing the amount of additional surface water that must be applied to plantings on sloping, graded areas. These factors combine to control or reduce the amount of erosion that might otherwise result from the grading proposed.

In addition, as recommended in *special condition three (3)*, there is a need to avoid visually intrusive colors in the residence of driveway, including white tones and bright colors. The use of earth tones for buildings, roofs and driveways minimizes the visual impact of structures and helps blend in with the natural setting. The Commission finds that a deed restriction through *special condition five (5)* is therefore necessary.

While the proposed residence is located in a manner which is consistent, as conditioned, with past Commission actions regarding visual quality, there is the potential that future development (including accessory structures and additions to the single family residence) which would otherwise be exempt from Commission review, would create additional visual impact. Therefore, *special condition six (6)* is required as necessary to ensure that such development is reviewed by the Commission for conformity with the visual resource policies of the Coastal Act.

In summary, the Commission finds that only as conditioned, will the project not adversely impact the natural landform, scenic public views and visual character in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Septic Disposal

The Commission recognizes that the potential build-out of lots in Malibu and the Santa Monica Mountains, 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 applicant proposes to construct a new, 1,500 gallon septic tank and disposal system as shown on the plans approved by the Los Angeles County Health Department, dated 2-19-99. The conceptual approval by the County indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

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. In addition, the applicant has submitted a percolation report prepared by a registered residential wastewater disposal system consultant indicating that the percolation tests performed on the site prove the property's percolation capacity is consistent with the requirements of the Uniform Plumbing Code.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

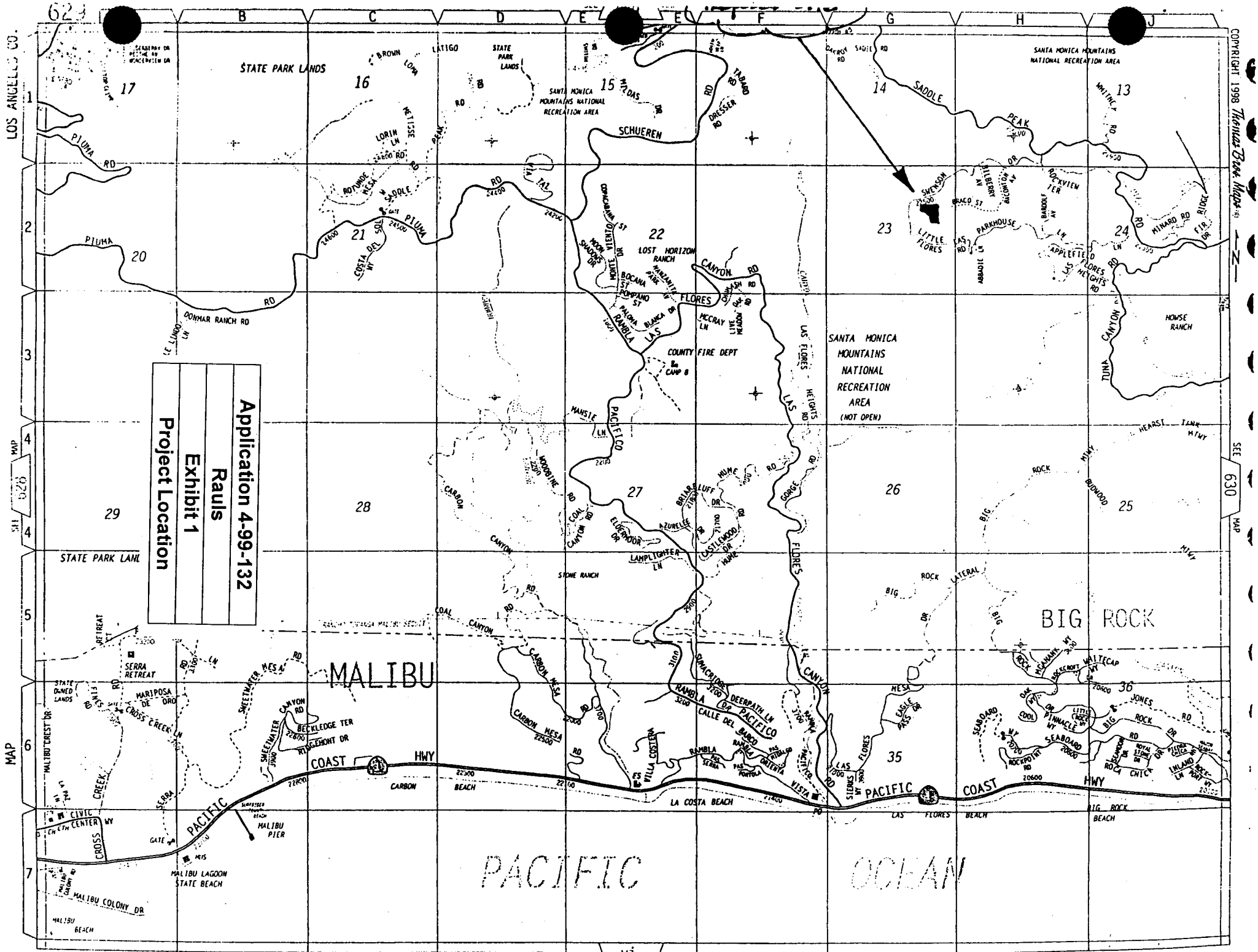
of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

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 unincorporated area of Malibu and the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



Application 4-99-132
 Rauls
 Exhibit 1
 Project Location

LOS ANGELES CO.

MAP 6270 115

MAP

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 SEE 630 MAP

Swenson Dr. (20' wide AC paved private road)

20' drive on 40' easement

Water well

Application 4-99-132
Rauls
Exhibit 2
Site Plan

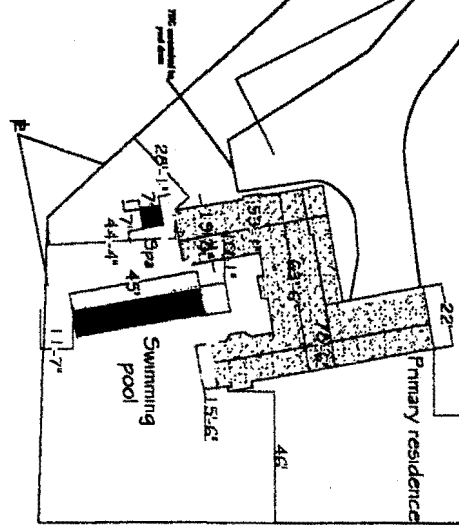
259'-3"

Primary residence

Swimming Pool

22370 Swenson Dr.
Parcel 4448-023-010

Area map
Not to scale



Rauls
Residence
22370 Swenson Dr.

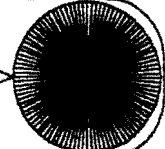
Assessors Parcel#
4448-023-010
2.28 Acres

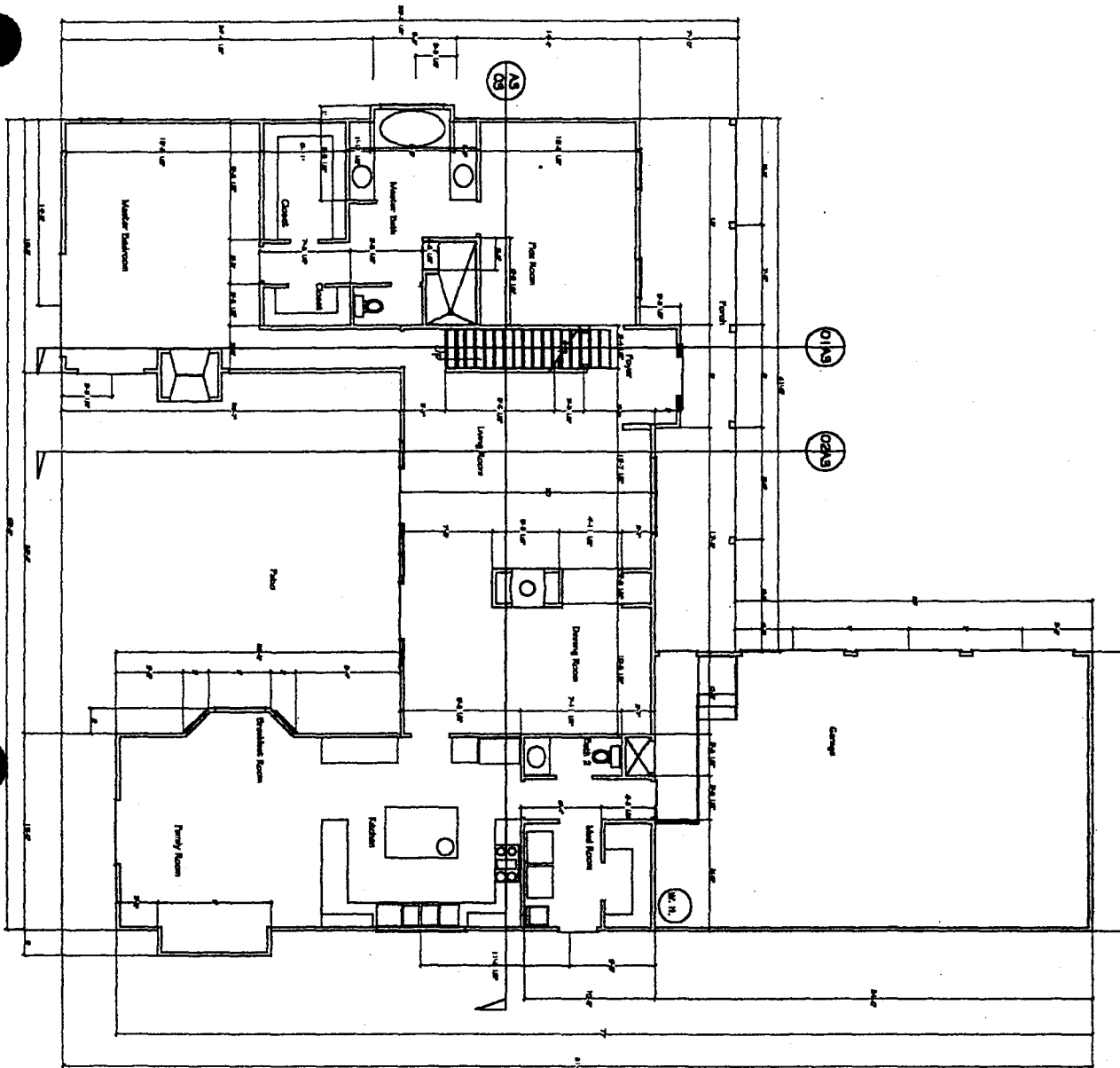
Date: 6/1/099

Type V
construction
Group R-3
occupancy

Site
Plan
scale 1"=20'

JRauls Designs





2100' First Floor Living area
 1100' Second Floor Living area
 5000' Total Living area
 750' Garage
 750' Utility
 3000' Total under roof

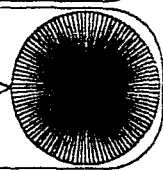
Application 4-99-132
Rauls
Exhibit 3a
Lower Floor Plan

Rauls
 Residence
 22370 Swenson Dr.

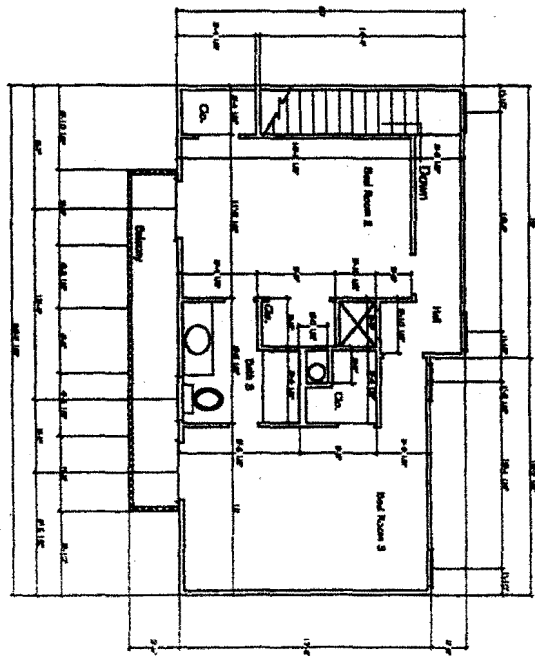
Assessors Parcel#
 4448-023-010

First Floor
 Plan
 Scale 1/4"=1'-0"

JRauls Designs



Second Floor Plan

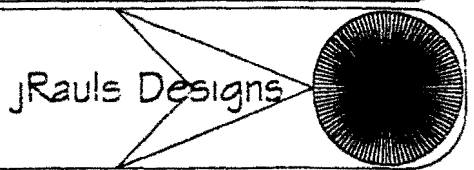


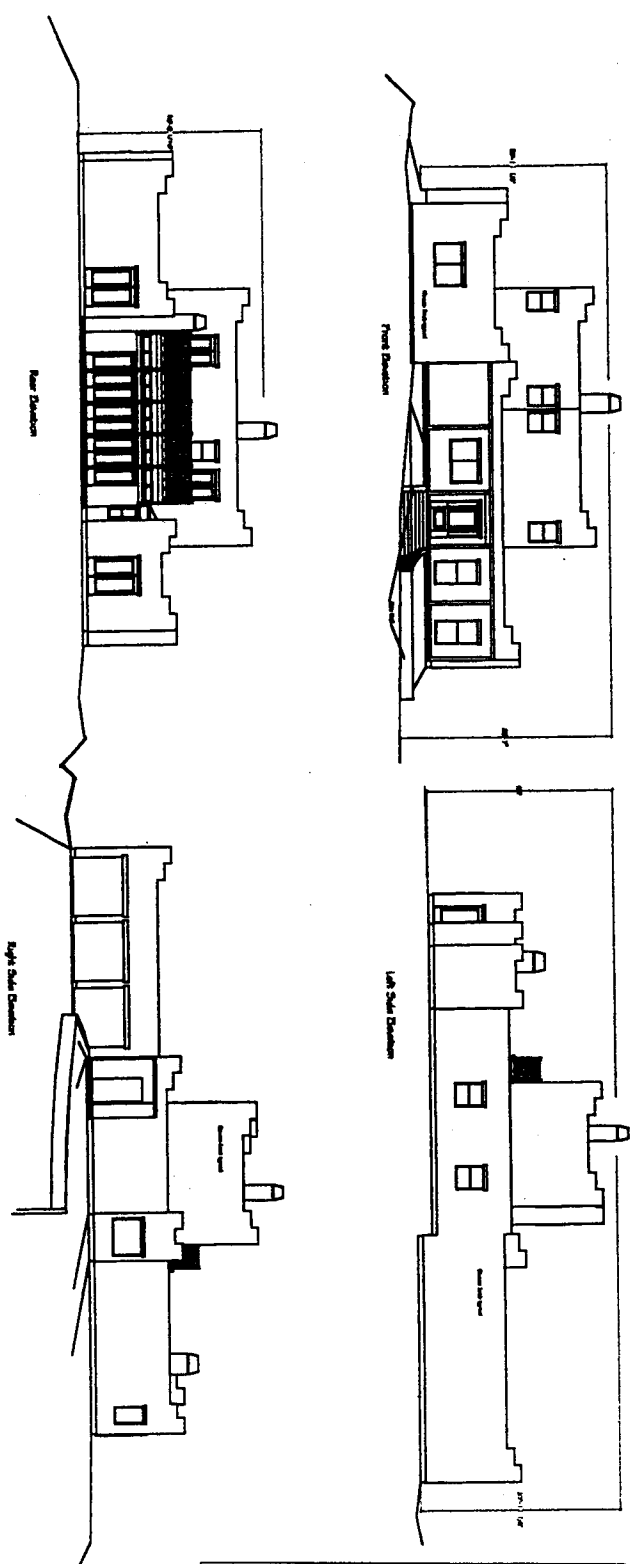
Application 4-99-132
Rauls
Exhibit 3b
Upper Floor Plan

Rauls
Residence
22370 Swenson Dr.

Assessors Parcel#
4448-023-010

Scale 1/4" = 1'-0"
Second
Floor
Plan





Elevations
Scale 1/8" = 1'-0"

Application 4-99-132
Rauls
Exhibit 4
Elevations

Rauls
Residence
22370 Swenson Dr.
Assessors Parcel#
4448-023-010

Elevations
Scale 1/8" = 1'-0"

JRauls Designs

