

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

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Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 4-99-262**APPLICANT:** Jim and Nanci Goyjer**PROJECT LOCATION:** 20335 Skyhawk Lane, Topanga, Los Angeles County.**PROJECT DESCRIPTION:** Construction of a two-story, 35 ft. high, 2,990 sq. ft. single family residence with basement, new septic system, retaining walls, 350 cu. yds. of cut grading, and after-the-fact approval of a water well, 5,000 gallon water tank, and temporary construction trailer.

<b>Lot Area:</b>	2.64 acre
<b>Building Coverage:</b>	1,312 square feet
<b>Paved Area:</b>	2,800 square feet
<b>Landscaped Area:</b>	500 square feet
<b>Height:</b>	35 feet

**LOCAL APPROVALS RECEIVED:** County of Los Angeles, Department of Regional Planning, Approval in Concept, 10/06/99; County of Los Angeles, Department of Health Services, Approval in Concept, 01/19/01; County of Los Angeles, Fire Department, Fire Prevention Bureau, Preliminary Fuel Modification Plan Approval 06/05/01; and County of Los Angeles, Fire Department, Approval in Concept, 12/13/00.**SUBSTANTIVE FILE DOCUMENTS:** Limited Geologic and Soils Engineering Investigation, dated 07/06/99, GeoConcepts, Inc.; Supplemental Report, dated 07/27/99, GeoConcepts, Inc.; Engineering Geologic Memorandum/Seepage Pit, dated 11/06/00, GeoPlan, Inc.; Letter regarding percolation test and seepage pit type, dated 10/13/00, Lawrence Young, Registered Environmental Health Specialist; Supplemental Report, dated 08/02/01, GeoConcepts, Inc.; and the certified Malibu/Santa Monica Mountains Land Use Plan, 12/11/086.

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed project with **eleven special** conditions regarding 1) geologic and engineering recommendations, 2) drainage and polluted runoff control plans, 3) landscape and erosion control, 4) removal of natural vegetation, 5) disposal of excess grading material, 6) assumption of risk, 7) future improvements, 8) color and design restriction, 9) removal of temporary construction trailer, 10) county geology review and approval, and 11) condition compliance.

The applicants are proposing to construct a two-story, 35 ft. high, 2,990 sq. ft. single family residence with basement, new septic system, retaining walls, 350 cu. yds. of cut grading. The applicants are also requesting and after-the-fact approval of a water well, 5,000 gallon water tank, and temporary construction trailer

The project site is located in Topanga within the Santa Monica Mountains of Los Angeles County (Exhibits 1,2). The subject site is a parcel located in a moderately developed subdivision approximately 2 miles inland of the coastline in Tuna Canyon. Existing development at the site includes a unpermitted water well and water storage tank, unpermitted construction trailer, and two roughly graded access roads, for which the applicant has provided substantial evidence indicating that the roads existed prior to the Coastal Act. The subject site is a hillside parcel underlain by an ancient landslide. Thus, the proposed project has been designed to incorporate several structural recommendations of the project's geotechnical consultant and county geologist to ensure the relative stability of the development and site.

No designated environmentally sensitive habitat area exists at the subject site. The subject site is located just outside the northeastern periphery of the designated Tuna Canyon Significant Watershed Area, which extends south-easterly of the subject site (Exhibit 12). However, the project site is situated just below a ridgeline that drains northeasterly into a blueline stream, and eventually to Topanga Creek (Exhibit 12). The area surrounding the project site is moderately developed with single family residences. Vegetation at the subject site consists of natural grasses and brush, indigenous chaparral, and oak trees. The proposed project is designed and located so as not to encroach within any dripline of oak tree canopy located on or near the site. The subject site is situated on a descending slope on the north side of Skyhawk Lane just below a significant ridgeline designated as such by the certified Santa Monica Mountains Land Use Plan (LUP). Given the location of the project site just below a significant ridgeline, the proposed project will be visible from portions of Topanga State Park, which is situated north of the project site (Exhibit 12).

As conditioned, the proposed project is consistent with all applicable policies of the Coastal Act.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-99-262 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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 Recommendation

All recommendations contained in the Limited Geologic and Soils Engineering Investigation, dated 07/06/99, prepared by GeoConcepts, Inc.; Supplemental Report, dated 07/27/99, prepared by GeoConcepts, Inc.; the Supplemental Report, dated 08/02/01, prepared by GeoConcepts, Inc.; and the Engineering Geologic Memorandum/Seepage Pit, dated 11/06/00, GeoPlan, Inc.; shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the coastal development permit the applicants shall submit for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

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.

#### 2. Drainage and Polluted Runoff Control Plans

*Prior to issuance of the coastal development permit*, the applicants shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary; prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

### **3. Landscaping and Erosion Control Plans**

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

#### **A) Landscaping Plan**

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation and to screen and soften the visual impact of development, 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 February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site;
- 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 ninety (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 fifty (50) feet of the proposed house may be removed to mineral earth, vegetation within a two hundred (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 (50) foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 6) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence, water tank, and retaining walls to minimize potential impacts of public views from Topanga State Park.

**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, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site 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 thirty (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.
- 4) In addition to other fencing/flagging requirements, as set forth in subparagraph B 1) above, the plan shall require the placement of temporary fencing along the outermost limits of the driplines of the oak canopies within or adjacent to the construction area. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas.

### **C. Monitoring**

Five (5) years from the date of the receipt of the Certificate of Occupancy for the residence, the applicants 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 applicants, 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 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. Removal of Excavated Material**

*Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.*

**6. Assumption of Risk**

- A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. *Prior to issuance of the coastal development permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' 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.*

**7. Future Developments**

This permit is only for the development described in Coastal Development Permit No. 4-99-262. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcels. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-99-262, including any fencing, grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 3, shall require an amendment to Permit No. 4-99-262 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.



*Prior to the issuance of the coastal development permit* the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include legal description of the applicant's entire parcels. 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.

#### **8. Color and Design Restriction**

*Prior to the issuance of the coastal development permit*, the applicants shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by approval of Coastal Development Permits 4-99-262. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit 4-99-262 if such changes are specifically authorized by the Executive Director as complying with this special condition.

*Prior to the issuance the coastal development permit*, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

#### **9. Removal of Temporary Construction Trailer**

With the acceptance of this coastal permit, the applicants agree that the temporary residential trailer on the site shall be removed within two years of the issuance of this coastal development permit or within thirty (30) days of the applicants' receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary residential trailer.

#### **10. County of Los Angeles Geology Review and Approval**

*Prior to the issuance of the coastal development permit* the applicants shall submit for review and approval by the Executive Director, evidence of the County of Los Angeles, Department of Public Works, Land Development Division, Soils Engineering Review and Geologic Review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, 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.

#### **11. Condition Compliance**

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

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

The Commission hereby finds and declares:

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

The applicant proposes to construct a new two-story, 35 ft. high, 2,990 sq. ft. single family residence with basement, new septic system, retaining walls, and 350 cu. yds. of cut grading. The applicants are also requesting after-the-fact approval of a water well and 5,000 gallon water tank, and temporary construction trailer.

The project site is an irregularly shaped, 2.64-acre parcel located at 20335 Skyhawk Lane in Topanga within the Santa Monica Mountains of Los Angeles County (Exhibits 1,2). The site is a legal parcel located in a moderately developed subdivision approximately 2 miles inland of the coastline in Tuna Canyon. The subject site will be accessed directly via Skyhawk Lane from Tuna Canyon Road. The subject site consists of hillside terrain which descends northerly from Skyhawk Lane with an average gradient of 2:1. The project's geotechnical consultant has concluded that an ancient landslide underlies the project site. In order to ensure geologic stability of the proposed development the consultant has recommended that the proposed residence be

constructed on a caisson foundation and that a soldier pile wall be constructed at the site to stabilize the potentially unstable hillside (Exhibit 10).

The project site is presently developed with an unpermitted water well and water tank, an unpermitted 432 sq. ft. construction trailer, and two roughly graded access roads (Exhibit 3). The applicant's have submitted substantial evidence for review by staff which indicates that the existing access roads constitute pre-coastal development, as the roads were graded prior to 1973. The access road that traverses the property northeasterly from Skyhawk Lane is abandoned. The applicant's are requesting after-the-fact approval for the existing unpermitted development described above.

The subject site is located just outside the northeastern periphery of the designated Tuna Canyon Significant Watershed Area (Exhibit 12). However, the project site drains northeasterly to small tributary, designated as a blueline stream by the U.S. Geological Survey, which eventually flows to Topanga Creek (Exhibit 12). Vegetation at the subject site consists of natural grasses and brush, indigenous chaparral, and oak trees. Staff's review of aerial photographs suggests that vegetation at the project site has historically been disturbed by human activity and remains, to some extent, disturbed by yearly brush clearance requirements for fire protection of homes on adjacent properties. The applicant has submitted a cumulative fuel modification exhibit (Exhibit 11), which indicates that a regularly required 200 ft. fuel modification radius imposed for the proposed residence will extend beyond the south and west property boundaries of the subject site onto adjacent properties by approximately 40-50 ft. However, the Commission notes that adjacent properties to the south and east of the site are developed with single family homes, thus the sites are presently subject to fuel modification requirements associated with existing development on these adjacent lots. As such, the proposed project will not result in offsite impacts to naturally vegetated areas adjacent to the subject site. The proposed project is designed and located so as not to encroach within any dripline of oak tree canopy located on or near the site. Additionally, the applicants have submitted a fuel modification plan with preliminary approval of the County of Los Angeles Fire Department indicating that irrigated zones required for fire protection of the proposed residence will not encroach into any dripline area of oak canopy. The subject site is situated on a descending slope on the north side of Skyhawk Lane just below a significant ridgeline designated as such by the certified Santa Monica Mountains Land Use Plan (LUP). Given the location of the project site just below a significant ridgeline, the proposed project will be visible from portions of Topanga State Park, which is situated north of the project site (Exhibit 12).

The proposed project, as conditioned, is consistent with all applicable Chapter Three policies of the Coastal Act.

#### **B. Geology and Wildfire Hazard**

The proposed development is located in the Santa Monica Mountains area, 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 area 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.

Section 30253 of the Coastal Act states in pertinent 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.***

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and to minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted a Limited Geologic and Soils Engineering Investigation, dated 07/06/99, Supplemental Report, dated 09/27/99, and Supplemental Report, dated 08/02/01, prepared by GeoConcepts, Inc., and an Engineering Geologic Memorandum/Seepage Pit, dated 11/06/00, GeoPlan, Inc.; which evaluate the geologic stability of the subject site in relation to the proposed development. The geotechnical consultant has found that the project site is suitable for the proposed project, however, the consultant concludes that landslide debris exists beneath the site. The Limited Geologic and Soils Engineering Investigation, dated 07/06/99, prepared by GeoConcepts, Inc., provides the following findings and recommendation:

*Landslide debris was encountered in both borings ranging from (33.5) to (35) feet in thickness. Contact between the landslide debris and the underlying bedrock was exposed within the exploratory boring. Landslide debris consists of fill, soils and disturbed bedrock.*

*Stability analysis was performed for the portion of the landslide beneath and upslope of the proposed residence. The portion of the landslide beneath and upslope of the proposed residence will be stabilized by soldier piles...*

*The proposed residence should be supported on foundations embedded into bedrock below the landslide debris.*

Based on the evaluation of the project site in relation to the proposed development the geotechnical consultant has determined that the project site is appropriate for the proposed development and, provided their recommendations are incorporated into the proposed project, conclude in the Limited Geologic and Soils Engineering Investigation, dated 07/06/99:

*It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County code are followed and maintained.*

In addition to the findings and recommendations described in the Limited Geologic and Soils Engineering Investigation, dated 07/06/99, the geotechnical consultant provides supplementary findings and recommendations regarding the proposed sewage disposal system. The Supplemental Report, dated 08/02/01, prepared by GeoConcepts, Inc., states:

*A geologic report by GeoPlan, Inc. dated November 6, 200 indicated that an evaluation of the groundwater was determined by drilling and downhole logging a (51) foot deep boring. The report concludes with Kowalewsky that the proposed private sewage disposal system is outside of the mapped landslide...*

*A plot map depicting the proposed development and seepage pit is attached. A geologic cross section and regional geologic map depicting the seepage pit is also attached. Based on the above information, it appears that the proposed seepage pit will not adversely affect the development or existing landslide.*

The Limited Geologic and Soils Engineering Investigation, dated 07/06/99, Supplemental Report, dated 09/27/99, and Supplemental Report, dated 08/02/01, prepared by GeoConcepts, Inc., and the Engineering Geologic Memorandum/Seepage Pit, dated 11/06/00, GeoPlan, Inc.; include a number of recommendations regarding construction, design, drainage, and sewage disposal to be incorporated into the proposed project and to therefore ensure the stability and geologic safety of the project site. To ensure that the recommendations of the geotechnical consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Additionally, prior to issuance of the coastal development permit, the Commission, as specified in **Special Condition 10**, requires the applicant to submit evidence to the Executive Director indicating that all project plans have been reviewed and approved by the County of Los Angeles Department of Public Works, Land Development Division, relative to Soils Engineering and Geologic review. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultant or County reviewers shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will add to the geologic stability of the project site and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 2 and 3**.

The proposed project will require approximately 350 cu. yds. of cut grading to prepare the site for the proposed residence resulting in an excess of 350 cu. yds. of graded earth material. The Commission finds that large stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 5** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize loose soil and enhance and maintain the geologic stability of the site. Therefore, **Special Condition 3** requires the applicant to submit landscaping plans which utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. Non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition 3**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition 4** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and full implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with

the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly 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. Additionally, the typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Therefore, the Commission can only approve the project if the applicants assume the responsibility and liability from the risks associated with developing the project as required by **Special Condition 6**. This responsibility is carried out through the recordation of a deed restriction. The assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of **Special Condition 6**, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or 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 from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous wildfire and geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question. The Commission has required such deed restrictions for other development with similar risks throughout the Malibu/Santa Monica Mountains region.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

### **C. Sensitive Resources**

Section 30230 of the Coastal Act states:

***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that***

*will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*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 of the Coastal Acts states:

*(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.*

Sections 30230 and 30231 require that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, the Coastal Act defines environmentally sensitive habitat areas (ESHA) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only when the location of the proposed development is dependent upon those habitat resources and when such habitat is protected against significant reduction in value.

The project site is located just outside of the northeastern periphery of the Tuna Canyon Significant Watershed Area (Exhibit 12), however the subject site does not drain to the significant watershed area. The project site is a parcel comprised of moderately sloped hillside terrain that drains northeasterly to a tributary that is identified as a blue line stream by the U.S. Geological Survey, which eventually flows to Topanga Creek. Vegetation at the subject site consists of natural grasses and brush, indigenous chaparral, and oak trees. Staff's review of aerial photographs taken in 1977 suggests that vegetation at the project site has historically been disturbed by human activity and



remains, to some extent, disturbed by yearly brush clearance requirements for fire protection of homes on adjacent properties. No designated environmentally sensitive habitat areas exist onsite, however, eleven (11) oak trees exist onsite within a 200 ft. radius of the proposed residence.

To assist in the determination of whether a project is consistent with Section 30230, 30231, and 30240 of the Coastal Act, the Commission has relied on the certified LUP, which contains numerous policies designated to protect sensitive resource areas from the individual and cumulative impacts of development. The certified LUP has been found to be consistent with the Coastal Act and provides specific standards for development in Malibu and the Santa Monica Mountains.

As mentioned, the proposed project is not located in a designated environmentally sensitive habitat area. However, as previously mentioned oak trees are present at the site. In concert with Sections 30230, 30231, and 30240 of the Coastal Act, the certified LUP offers numerous policies as guidance for permitting development where sensitive resources such as oak trees exist. Table 1 of the certified LUP sets forth guidelines and standards for significant oak woodland areas. Table 1 of the certified LUP states:

***Encroachment of structures within an oak woodland shall be limited such that at least 90% of the entire woodland is retained. Leachfields shall be located outside the dripline of the existing oak trees. . . . Clustering of structures shall be required to minimize the impacts on natural vegetation. . . . Land alteration and vegetation removal shall be minimized. . . . Structures shall be located as close to the periphery of the oak woodland, as feasible, including outside the oak woodland, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging. . . . Structures shall be located as close as feasible to existing roadways and other services to minimize the construction of new infrastructure. . . . Site grading shall be accomplished in accordance with the stream protection and erosion policies.***

As stated previously, the applicant is proposing to construct a new two-story, 35 ft. high, 2,990 sq. ft. single family residence, new septic system, and 350 cu. yds. of cut grading. The applicants are also requesting after-the-fact approval for a water well and 5,000 gallon water tank, and temporary construction trailer. The proposed development will be located immediately adjacent to the access road, Skyhawk Lane. Furthermore, the applicant has minimized the amounts of grading required for the proposed project and minimized landform alteration on the site. The applicant is proposing a minimal amount of grading, 350 cu. yds. of cut grading, which is conditioned to be exported to an appropriate location for disposal.

As required by the Coastal Act and the certified LUP, the proposed project will be adequately set back from all oak trees located at the site and will minimize adverse impacts on the resources in the area through site design. The proposed project is designed and located so as not to encroach within any dripline of oak tree canopy located on or near the site. All proposed development at the site will be setback a minimum of 5 ft. from the dripline of any oak tree. Additionally, the applicants have

submitted a fuel modification plan with preliminary approval of the County of Los Angeles Fire Department indicating that irrigated zones required for fire protection of the proposed residence will not encroach into any dripline area of oak trees on the site. Additionally, the Commission finds that no construction, grading, staging, or materials storage shall be allowed within the dripline of any oak tree canopy during the construction period to ensure protection of the sensitive oak trees onsite. As such, oak trees located on the subject site will be afforded additional protection from construction activities and erosion through installation of a temporary fence during construction activities, as required by **Special Condition 3**.

Direct impacts of the proposed project, such as grading, vegetation removal and hardscaping of the formerly natural areas of a developed lot, will be minimized through implementation of applicable special conditions. Appropriate landscaping of disturbed and graded areas of the subject site with native plant species will assist in preventing erosion and the displacement of native plant species by non-native or invasive species. Invasive, non-indigenous plant species tend to supplant species that are indigenous to the Malibu and Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Due to these considerations, **Special Condition 3** requires a landscape plan comprised primarily of native plant species, in conjunction with an interim erosion control plan.

The Commission finds that the value and quality of sensitive marine resources and the riparian habitat established in the coastal mountain canyons down slope of the subject site is directly related to the water quality of the coastal tributaries that nourish these habitat areas. As such, the Commission finds that potential adverse effects of the proposed development on sensitive coastal resources may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural tributaries within the watershed. Therefore, the Commission requires **Special Condition 2**, the Drainage and Polluted Run-off Control Plan, which requires the applicants to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, building pad area, and horse corral is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. Water Quality for a more detailed discussion of coastal water quality). **Special Condition 3** also provides for interim erosion control during construction and grading activities. To ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition 4**. This restriction specifies that natural vegetation shall not be removed until building permits have been secured and construction of the permitted structures has commenced, preventing

excess erosion and runoff absent adequately constructed drainage devices and unnecessary disturbance of the area.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition 7**, the future development deed restriction, has been required.

The Commission finds that, as conditioned, the proposed project is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

#### **D. Visual Resources**

Section 30251 of the Coastal Act states:

***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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a moderately developed area characterized by expansive, naturally vegetated mountains and hillsides. The subject site is situated on a descending slope on the north side of Skyhawk Lane just below a significant ridgeline designated as such by the certified Santa Monica Mountains Land Use Plan (LUP). The building site for the proposed project is located at the top of the descending hillside adjacent to Skyhawk Lane where the highest elevation contours of the property are located. The project site will not be visible from public scenic viewing areas along portions of Tuna Canyon Road, a designated scenic highway. However, Topanga State Park is located north of the project site and includes a wide range of recreational areas including public hiking trails from which the proposed project will be visible (Exhibit 12).

The applicants propose to construct a two-story, 2,990 sq. ft. single family residence, new septic system, retaining walls, and 350 cu. yds. of cut grading. The applicants are

also requesting after-the-fact approval of a water well and 5,000 gallon water tank, and a temporary construction trailer. Grading for the project is proposed only 350 cu. yds. of cut grading within the immediate area of the existing building pad to prepare the site for construction of the new development, therefore no significant landform alteration of the site will result from the proposed grading. The proposed development will be consistent with existing development in the surrounding area of the project site. The proposed residence, however, will be visible from some locations within Topanga State Park located directly north of the project site (Exhibit 12). Due to the visible nature of the project site from public scenic viewing areas within State Parklands, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The Commission finds it necessary to require the applicant to record a deed restriction providing specific limitations on the materials and colors acceptable for the development on the subject site, as specified in **Special Condition 8**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, **Special Condition 8** will ensure that development of the site will be as visually unobtrusive to visual resources of the area as possible.

Visual impacts associated with proposed grading, retaining walls, and the structure itself can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition 3**, the landscaping and fuel modification plan, requires that vertical screening elements be incorporated into the landscaping plan to soften views of the proposed residence from Topanga State Park. In addition, **Special Condition 3** requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of **Special Condition 3** will help to partially screen and soften the visual impact of the development as seen from scenic viewing areas near the subject site. In order to ensure that the final approved landscaping plans are successfully implemented, **Special Condition 3** also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single family residence which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 7** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

The Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

#### **E. Water Quality**

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also 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:

***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.***

As described above, the proposed project includes the construction of a new two-story, 2,990 sq. ft. single family residence, new septic system, retaining walls, and 350 cu. yds. of cut grading. The applicants are also requesting after-the-fact approval of a water well and 5,000 gallon water tank, and temporary construction trailer. The conversion of the project site from its natural state will result in an increase in the amount of impervious surface and reduction in naturally vegetated area. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from septic systems.

Removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Additionally, infiltration of precipitation into soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they may be filtered. The reduced volume of runoff takes longer to reach streams and the pollutant load of runoff will be greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation are also minimized. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject site. This plan is required by **Special Condition 2**. Such a plan will allow for the infiltration and filtration of runoff from the developed areas of the site and will capture the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season, making the capture of the "first flush" flow a vital component of the drainage and polluted runoff control plan. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the applicant proposes to construct a new 1,500 gallon septic tank and disposal system to service the single family residence. The applicant's geologic consultant has performed percolation tests and evaluated the proposed septic system and determined that the proposed system is adequately located and suitable to serve the proposed residence. The County of Los Angeles Environmental Health Department has also given in concept approval for the sewage disposal system. This 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 conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

## F. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

***The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to retain an existing 432 sq. ft. construction trailer onsite throughout the construction phase of the proposed project. The proposed trailer is not proposed to be used as a second residential unit, however, the subject trailer, if retained onsite subsequent to completion and occupation of the proposed residence, could potentially be converted for residential use in the future.

The second unit issue has been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without

separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing a temporary trailer for construction staging purposes. As proposed, the cumulative impacts derived from the temporary residence trailer will be of a temporary nature and therefore such impacts have not been evaluated for the potential cumulative impacts as discussed above. However, the Commission notes that there is an increased potential for a permanent second residence on the site when a temporary structure of this type is approved. In order to ensure that potential cumulative impacts associated with maintaining a residence trailer onsite during construction are temporary, the Commission finds it necessary to impose **Special Condition 9**, which requires the applicant's to remove the temporary trailer within two years of the date that this permit is issued, or within 30 days of the issuance of the final occupancy notice (whichever is the lesser period of time). The Commission finds therefore, that as conditioned by **Special Condition 9**, the proposed project is consistent with Coastal Action Sections 30250 and 30252.

#### **G. Violation**

Unpermitted development has taken place prior to submission of this permit application including installation of a water well and water tank, and placement of a 432 sq. ft. trailer on the site. The applicant requests after-the-fact approval for the unpermitted development described, and approval to construct a new two-story, 2,990 sq. ft. single family residence, new septic system, retaining walls, and 350 cu. yds. of cut grading. The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition 11** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

#### **H. Local Coastal Program**

Section 30604 of the Coastal Act states:



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

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

#### **I. CEQA**

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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

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

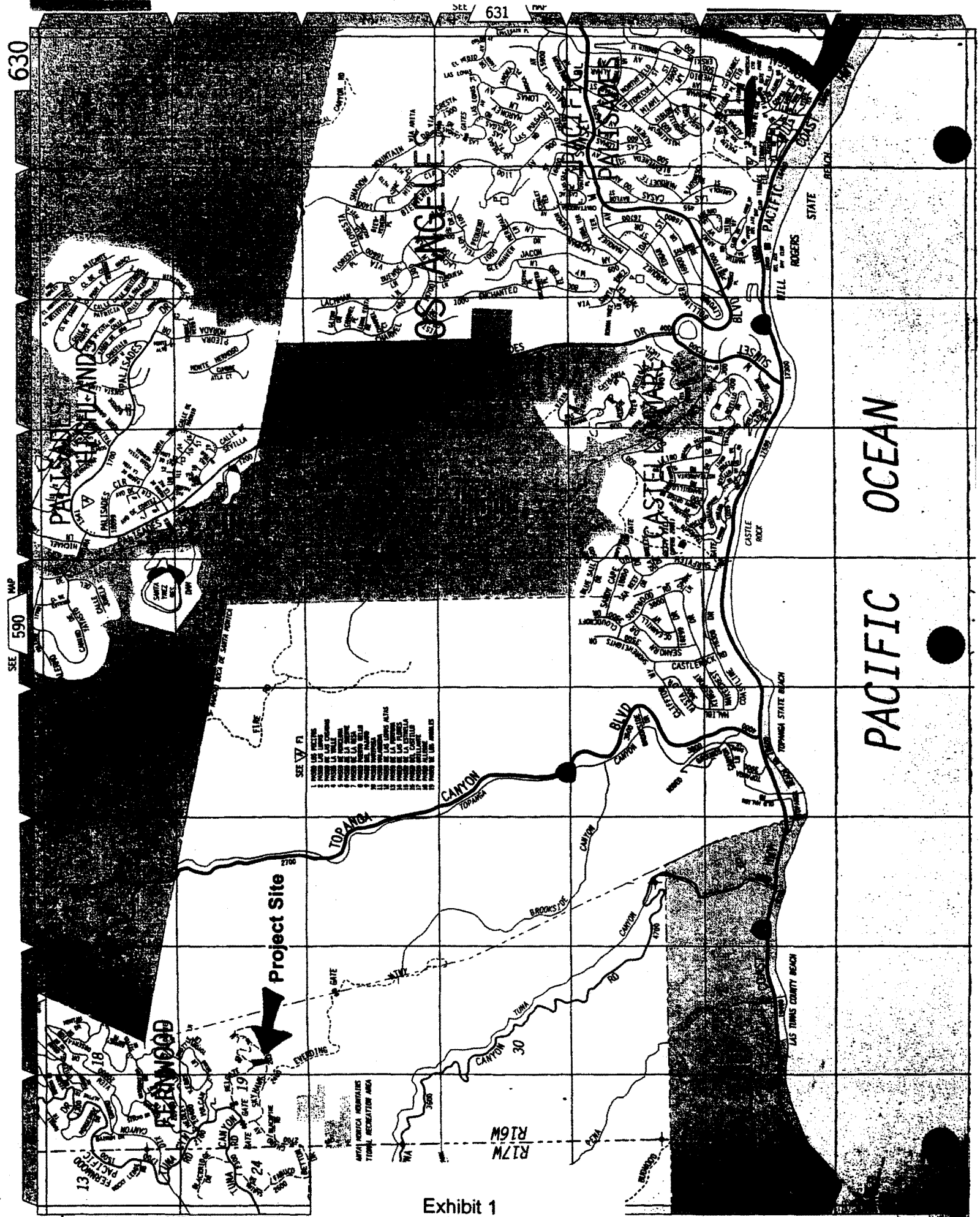
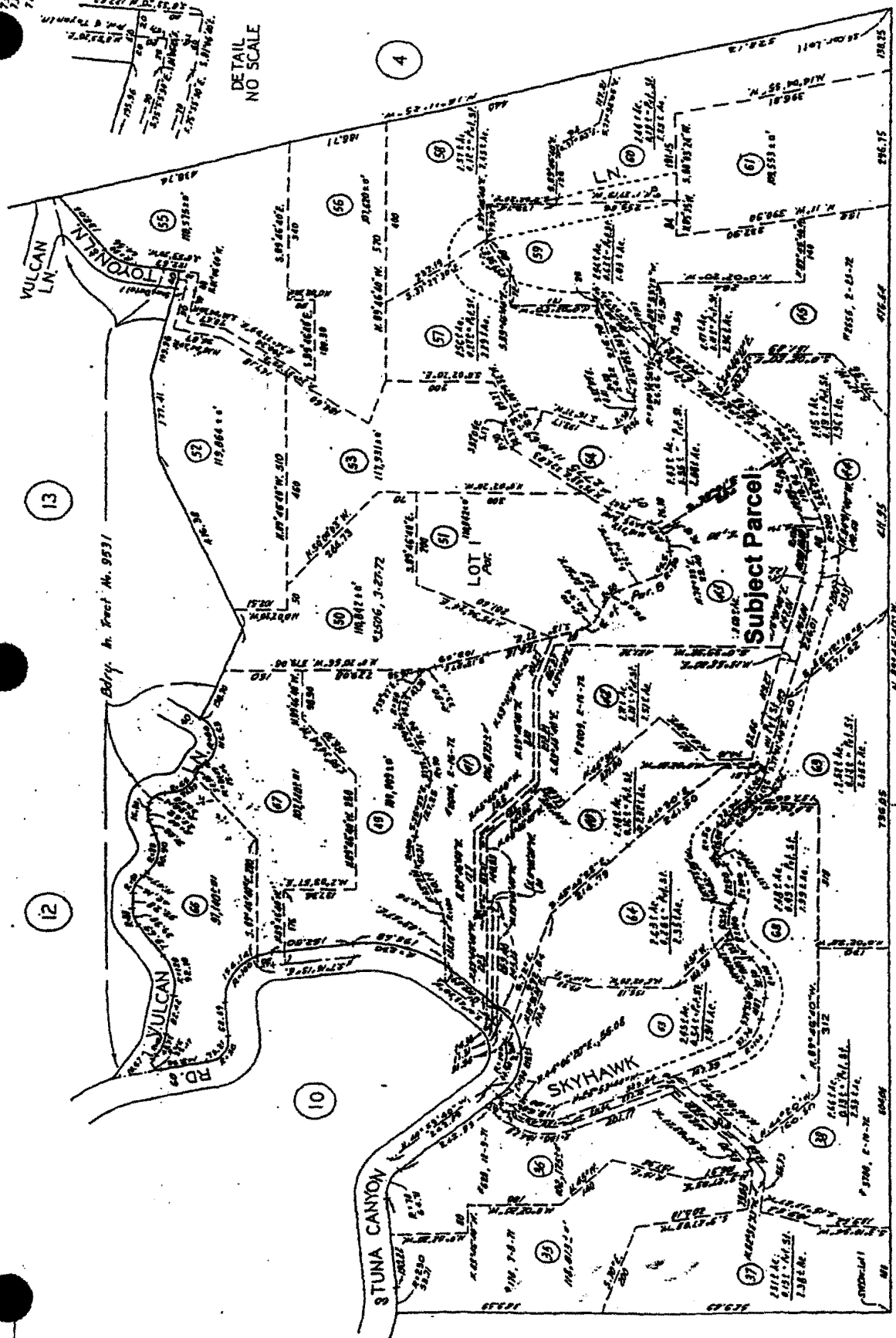


Exhibit 1  
 4-99-262  
 Vicinity Map

SCALE 1" = 200'

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DETAIL  
NO SCALE



PROGRESSIVE TITLE COMPANY, INC. 2496 ON LCVRL  
THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO  
LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER  
LAND. NO LIABILITY IS ASSUMED BY REASON OR RELIANCE THEREON.  
9

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2  
4-99-262  
Parcel Map

CODE  
6983

FOR PREV. ASSMNT SEE:  
4448 - 9

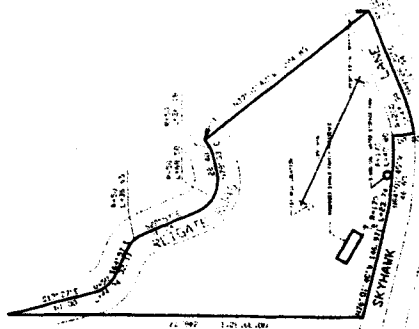
HAYNE ARCHITECTS  
 1637 ELECTRIC AVENUE, UNIT B  
 VENICE, CA 90291  
 PHONE 310-396-6045  
 FAX: 310-396-1712

GOYER RESIDENCE  
 2035 SKYHAWK LANE  
 LOS ANGELES, CA

SITE PLAN

DATE: 3/19/80  
 SCALE: AS NOTED  
 DRAWN BY: GBR  
 PLOT NO.: 80-06-CPL-18-1/30

A 1.0



PROPERTY DETAIL  
 1987 30 12 47

THE DEPARTMENT GENERAL NOTES:  
 1. The site is located within the 100' lot line to the north.  
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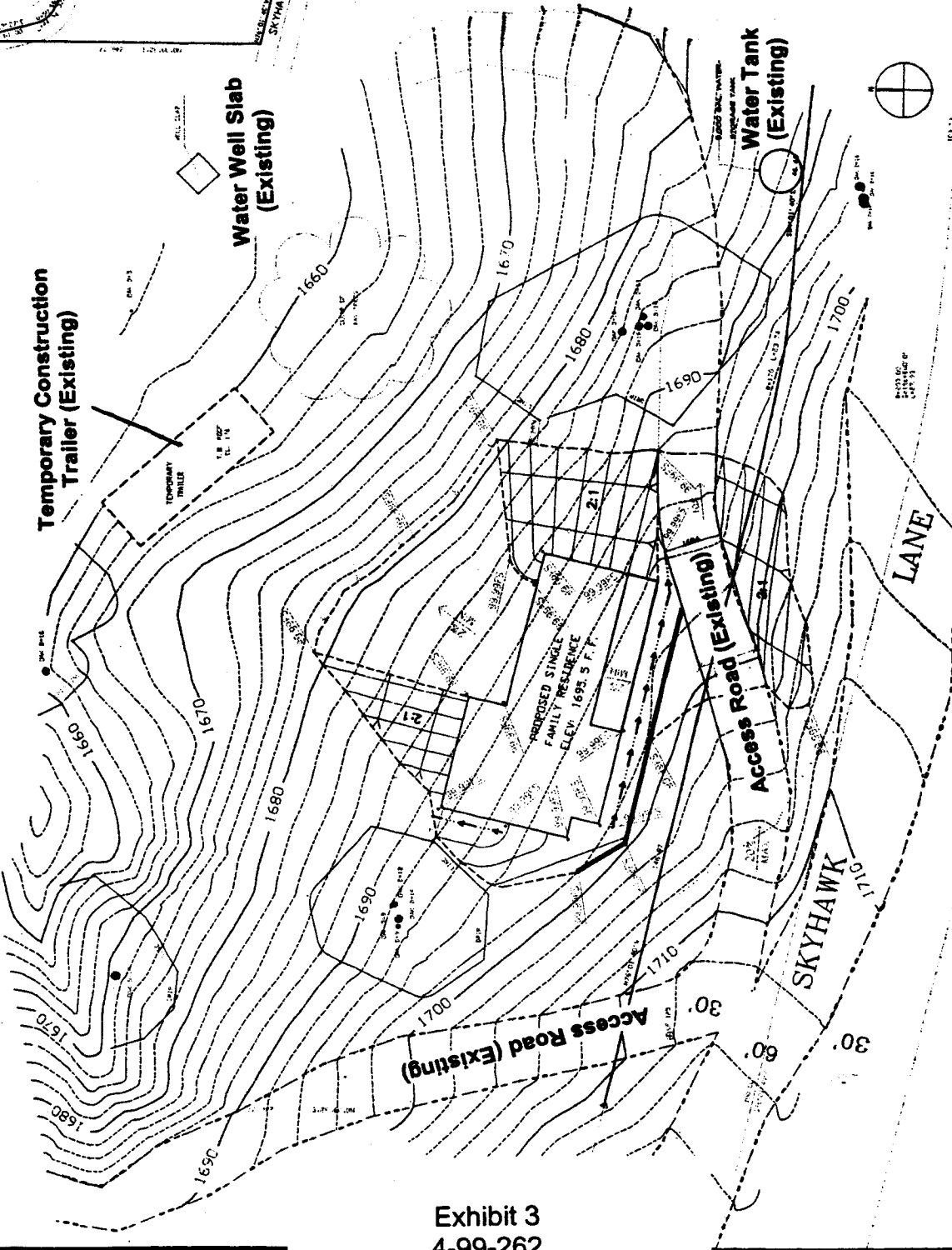


Exhibit 3  
 4-99-262  
 Site Plan

SITE PLAN

SCALE: 1/4" = 1'-0"

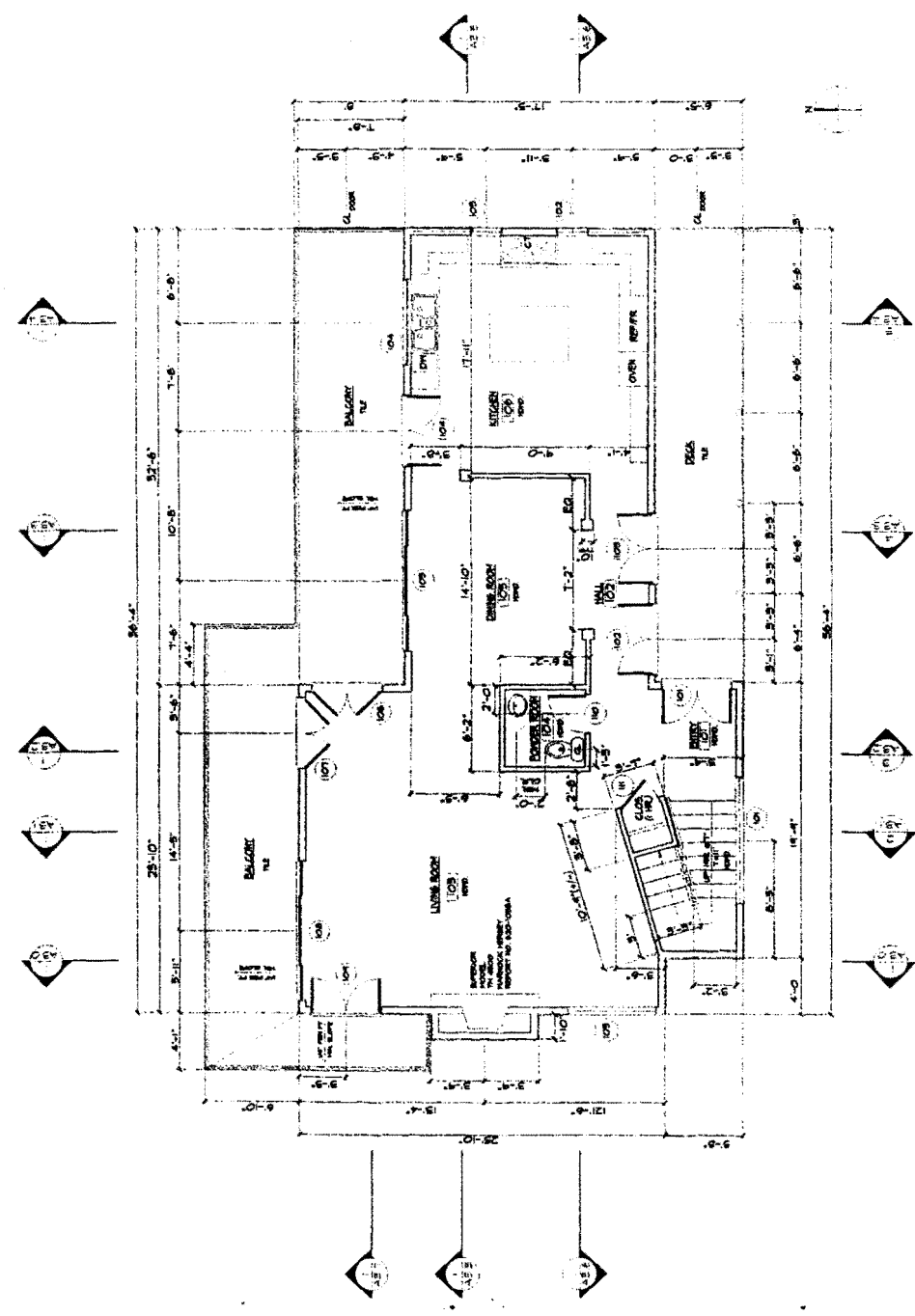
HAYNE ARCHITECTS  
 1637 ELECTRIC AVENUE, UNIT B  
 VENICE, CA 90291  
 PHONE 310-396-6045  
 FAX: 310-396-1712

COYER RESIDENCE  
 20335 SKYHAWK LANE  
 LOS ANGELES, CA

FIRST FLOOR

DATE: 07/00  
 SCALE: AS NOTED  
 DRAWN BY: GOR  
 4/2/00  
 FILE: GOUTR/PL/FLR/1/1

A 1.1



- NOTES
1. IDEA TILE TO BE THIN SET OVER APPROVED UNDERLAYMENT. MESHING 1/2" X 1/2" OR EQUAL.
  2. SMALL COVERS SHALL BE FILE OR APPROVED EQUAL TO COVER ABOVE DRAIN, SINK OR THE FLOOR. WATER IS TO BE DRAIN TO THE MAIN DRAIN LINE AND SHALL NOT BE REUSED. ALL SINKS, TUBS, SHOWERS AND BATHS MUST BE LABELED CLEARLY IN SHOWN DOWNS DRAINAGE. AREA OF FLOOR MUST BE SMOOTH TO THE MAIN DRAINAGE.
  3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLAN AND THE SCHEDULE. THE LOWER WORK SHALL BE A MINIMUM OF 1/2" ABOVE THE SCHEDULE.
  4. HANDS AT DOOR SHALL HAVE A LEAD-IN TO THE DOOR.
  5. DOOR AND SERVICE DOOR.
  6. STUDY SHALL HAVE WATER CLOSET AND SET TO WORK UNIT TO BE VENTILATED.
  7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLAN AND THE SCHEDULE.
  8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLAN AND THE SCHEDULE.
  9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLAN AND THE SCHEDULE.
  10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PLAN AND THE SCHEDULE.

FIRST FLOOR SCALE 1/4" = 1'-0"

Exhibit 4  
 4-99-262  
 First Floor Plan

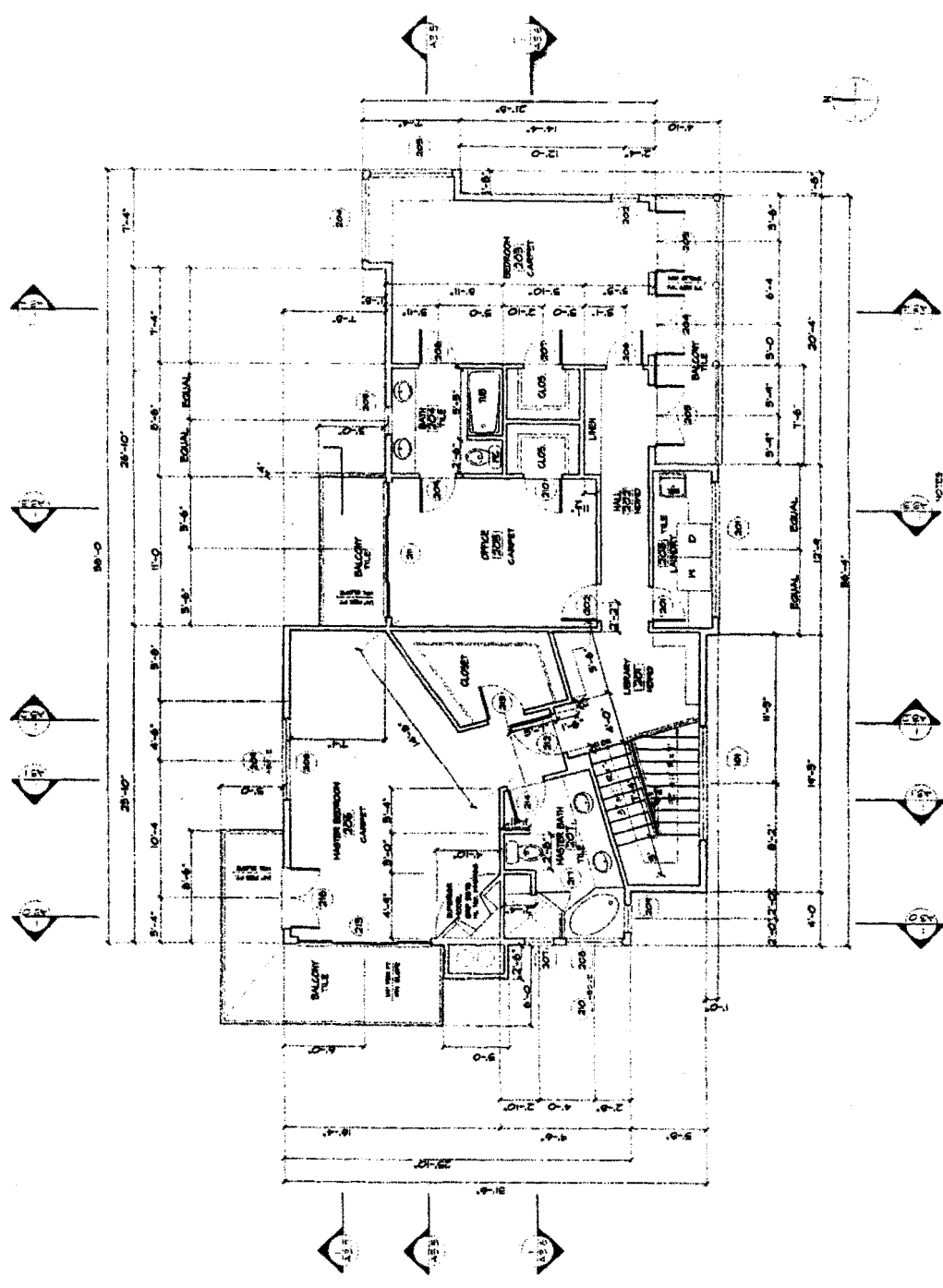
HAYNE ARCHITECTS  
 1637 ELECTRIC AVENUE, UNIT 8  
 VENICE, CA 90291  
 PHONE 310-396-6045  
 FAX 310-396-1712

COYER RESIDENCE  
 2035 SKYHAWK LANE  
 LOS ANGELES, CA

SECOND FLOOR

DATE 01/96  
 SCALE AS NOTED  
 DRAWN BY GBE  
 CHECKED BY GBE  
 P.L.E. GOTOYAN/PLM/BEAU

A 12



NOTES  
 1. CHECK ALL TO BE WITH MET. CLOS. APPROVED MATERIALS  
 2. ALL DOOR AND WINDOW THRESHOLDS TO BE 1/2" HIGH  
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SECOND FLOOR SCALE 1/8"=1'-0"

Exhibit 5  
 4-99-262  
 Second Floor Plan

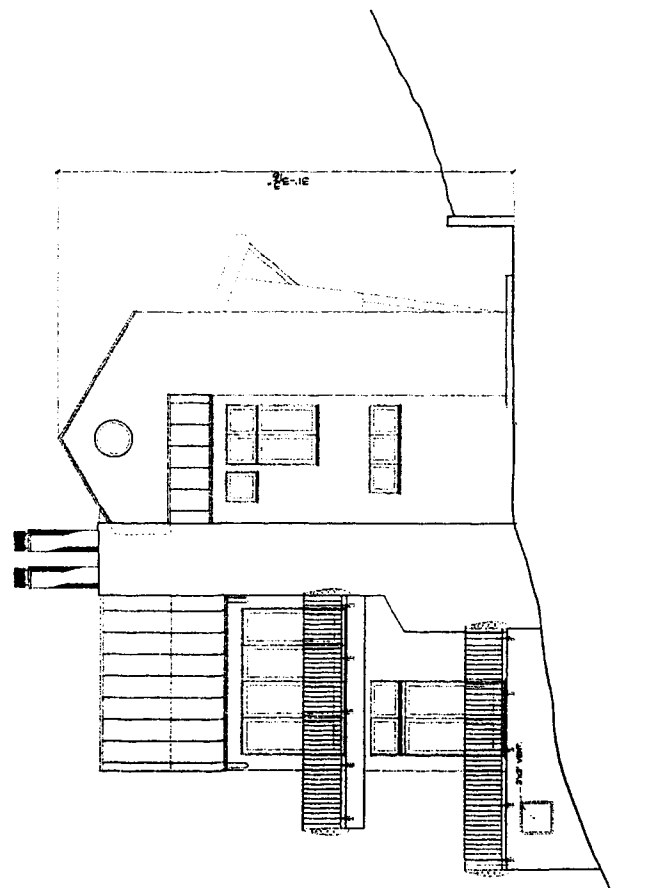
HAYNE ARCHITECTS  
1637 ELECTRIC AVENUE, UNIT B  
VENICE, CA 90291  
PHONE: 310-396-6045  
FAX: 310-396-7712

COYER RESIDENCE  
20335 SKYHAWK LANE  
LOS ANGELES, CA

WEST ELEVATION

DATE: 08/00  
SCALE: AS NOTED  
DRAWN BY: GJR  
CHECKED BY: GJR  
FILE: COYER.00/EL/ELEV-102

A 2.3



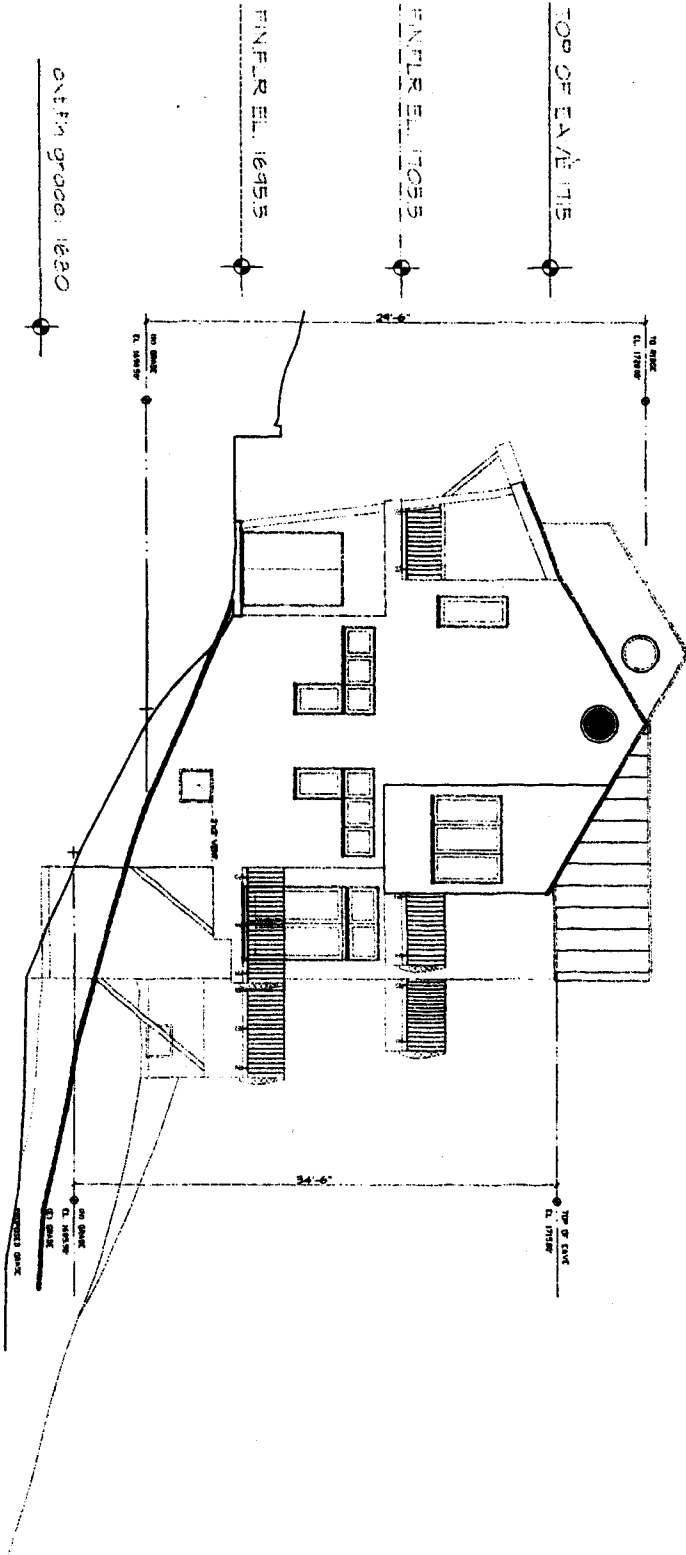
NOTE: TOTAL IS 86 FT. INFORMATION VENTILATION NEEDS FOR 800 SQ FT. FLOOR AREA. (SEE COMMENTS REGARDING THE LIGHT COEFFICIENT)

MAN. EL. 1122.07  
TOP OF EAVE 1115  
FIN. EL. 1055  
FIN. EL. 1045  
ext Fin grade: 1030

SCALE: 1/4" = 1'-0"  
WEST ELEVATION

Exhibit 6  
4-99-262  
West Elevation

East Elevation  
4-99-262  
Exhibit 7



EAST ELEVATION

SCALE 1/8"=1'-0"

A.2.2

DATE: 01/19/88  
SCALE: AS SHOWN  
DRAWN BY: DM  
CHECKED BY: DM  
P.L.E. 007-008/01/02/03/04/05/06/07/08/09/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

EAST ELEVATION

**GOYER RESIDENCE**  
20335 SKYHAWK LANE  
LOS ANGELES, CA

**HAYNE ARCHITECTS**  
1637 ELECTRIC AVENUE, UNIT 8  
VENICE, CA 90291  
PHONE 310-396-6045  
FAX: 310-396-1712



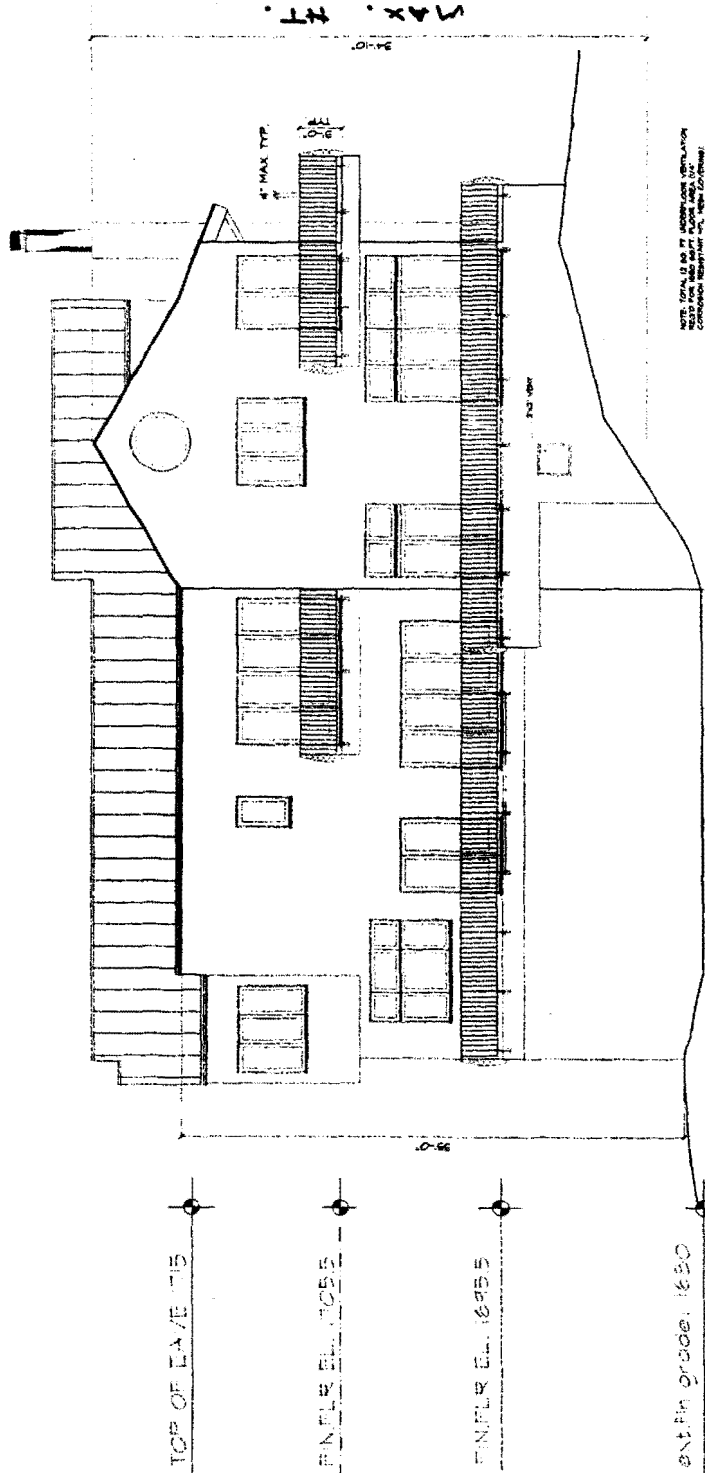
HAYNE ARCHITECTS  
 1637 ELECTRIC AVENUE, UNIT B  
 VENICE, CA 90291  
 PHONE 310-396-6045  
 FAX: 310-396-1712

GOYER RESIDENCE  
 20335 SKYHAWK LANE  
 LOS ANGELES, CA

NORTH ELEVATION

DATE: 5/20/08  
 SCALE: AS NOTED  
 DRAWN BY: GUR  
 SALED  
 FILE: G01\_ARCH\_PLOT/ELEVATION

A 2.1



NORTH ELEVATION SCALE 1/4"=1'-0"

Exhibit 8  
 4-99-262  
 North Elevation

HAYNE ARCHITECTS  
 1637 ELECTRIC AVENUE, UNIT B  
 VENICE, CA 90291  
 PHONE 310-396-6045  
 FAX 310-396-7172

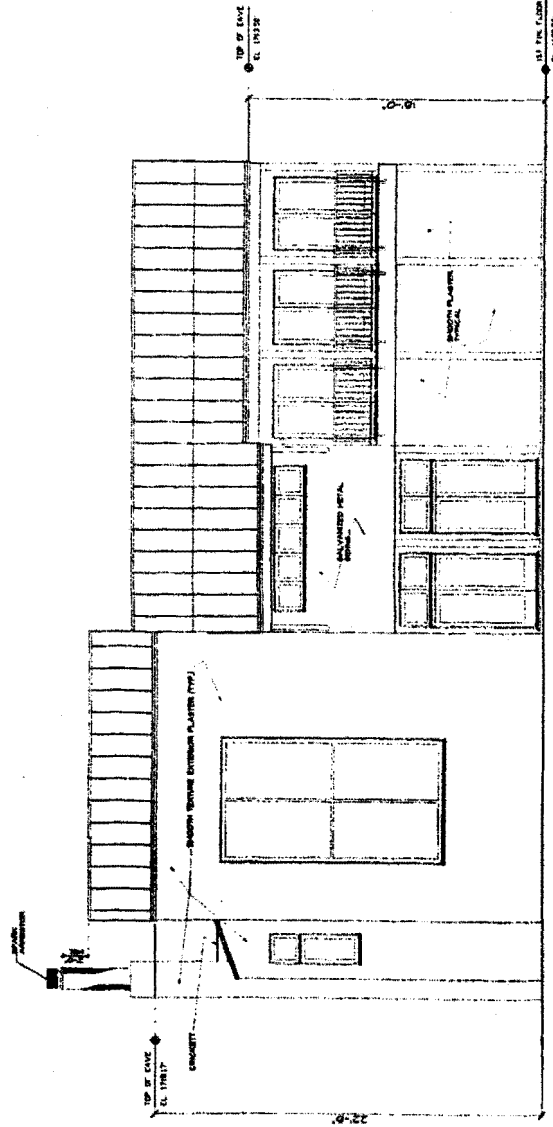
GOYER RESIDENCE  
 20335 SKYHAWK LANE  
 LOS ANGELES, CA

SOUTH ELEVATION

DATE: 07/20/99  
 SCALE: AS NOTED  
 DRAWN BY: BSA  
 CHECKED BY: BSA  
 P.L.E. GOYER/PLUMMER/SLY/ALB

A 2.0

SOUTH ELEVATION SCALE 1/8"=1'-0"



TOP OF EAVE EL. 11917  
 FIN FLOOR EL. 11915  
 FIN FLOOR EL. 11915  
 ENTRANCE GRADE: 11890

Exhibit 9  
 4-99-262  
 South Elevation

GeoConcepts, Inc.	
July, 1999	Project Number: 1669
Approximate Scale	1" = 20'
Project Address:	20335 Everding Motorway Malibu, California

Revised September, 1999  
May 1, 2001

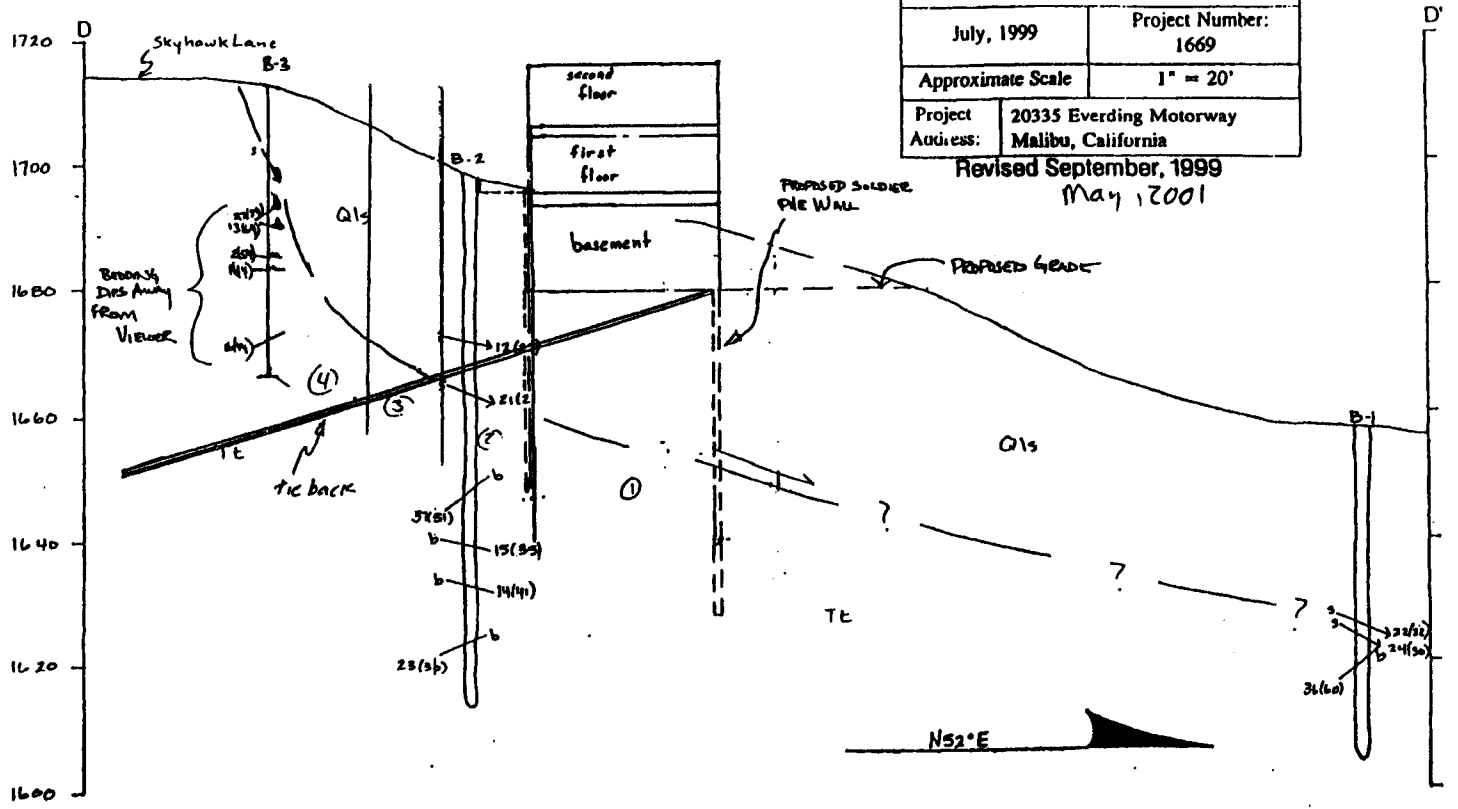


Exhibit 10  
4-99-262  
Foundation Design

TOPOGRAPHIC SURVEY OF A  
PORTION OF LOT 1 OF TRACT  
No. 9492 M.B. 133 63/64

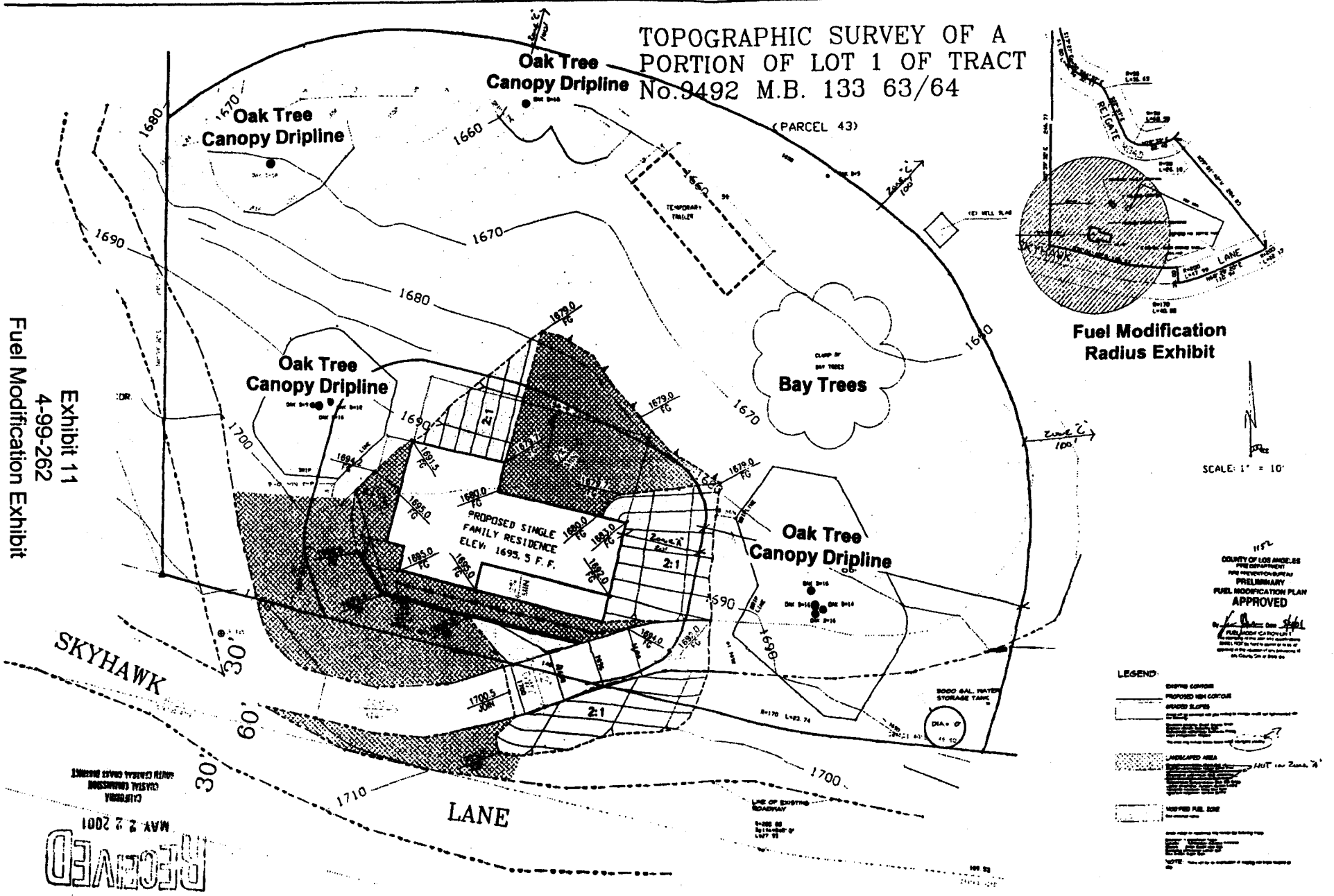
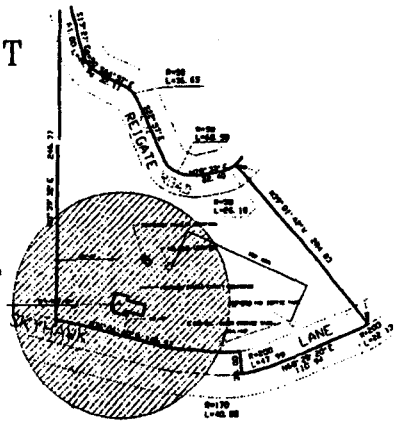


Exhibit 11  
 4-99-262  
 Fuel Modification Exhibit



SCALE: 1" = 10'

COUNTY OF LOS ANGELES  
 FIRE DEPARTMENT  
 PRELIMINARY  
 FUEL MODIFICATION PLAN  
 APPROVED  
 [Signature]  
 [Date]

- LEGEND:**
- EXISTING CONTOUR
  - PROPOSED NEW CONTOUR
  - GROUND SLOPE
  - LANDSCAPED AREA
  - PROPOSED FUEL LINE

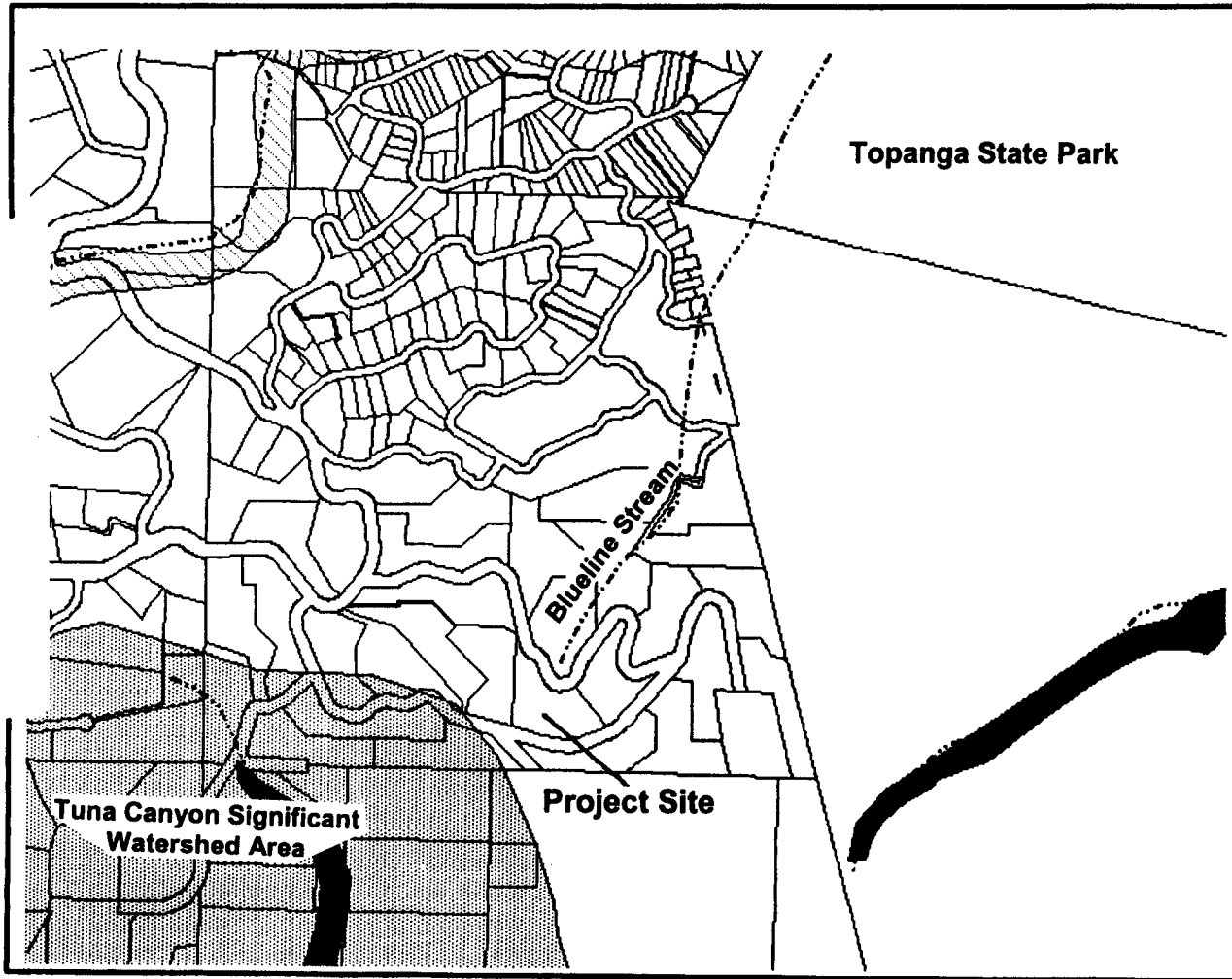
RECEIVED  
 MAY 2 2001  
 CALIFORNIA  
 CAPITAL COMMISSION  
 OFFICE GENERAL MANAGER

DATE	01/00
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LANDSCAPE/FUEL MODIFICATION PLAN	20335 SKYHAWK LANE (FORMERLY 2164 TUNA CYN.)
BY	
REVISION	
DATE	
DESCRIPTION	
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DESCRIPTION	
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DESCRIPTION	

**HAYNE ARCHITECTS**  
 1637 Electric Ave Unit B  
 Menlo Park, CA 94025  
 (310) 396-6045







ESRI ArcExplorer 1.1

### Coastal Resources Exhibit 4-99-262



StrmsCCC  
laprcls

esha (ESHA)

-  Coldcreek management area
-  inland
-  locally disturbed resources
-  oak woodlands and savannahs
-  significant watersheds
-  wildlife migration corridor

Coastal Resources Exhibit  
4-99-262  
Exhibit 12



Monday, Sep 17 2001

