

CALIFORNIA COASTAL COMMISSION

WITH CENTRAL COAST AREA
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**RECORD PACKET COPY**

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Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-188

APPLICANT: Marian Olson

AGENT: Donald Schmitz, Schmitz & Associates

PROJECT LOCATION: 2737 South Fabuco Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,992 sq. ft., 2 story, 27 ft. high, single family residence, four car garage, swimming pool with alternative purification system, septic system, landscaping, placement of a 12 x 24 ft. construction trailer, grade about total of 1,352 cubic yards for residence and access road, 634 cubic yards of total grading will be performed for the improvement of 554 lineal feet along Fabuco Road and 30 lineal feet along Betton Drive, 718 cubic yards to be graded for building pad and driveway, install one culvert and cut and fill slopes along Fabuco Road, and extension of utilities including a private water line with less than 15 cubic yards of material from intersection of South Fabuco Road and Betton Drive. Excess graded material will be exported to a landfill outside the coastal zone.

Lot area:	2.37 acres
Building coverage:	2,000 sq. ft.
Pavement coverage:	2,200 sq. ft.
Landscape coverage:	3,000 sq. ft.
Building Pad:	7,806 sq. ft.
Parking spaces:	4
Ht abv fin grade:	27 ft.
Plan Designation:	Mountain Land
Zoning:	one du/ 20 acres
Project Density	one du/ 2 acres

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that the proposed project with nine (9) Special Conditions addressing removal of excavated material, landscaping and erosion control plans, road maintenance agreement, drainage and polluted runoff control plan, pool drainage and maintenance, removal of temporary construction trailer, future improvements restriction, plans conforming to geologic recommendation, and wildfire waiver of liability, is consistent with the requirements of the California Coastal Act. The project site is located within the Tuna Canyon Significant Watershed, but not adjacent to any environmentally sensitive habitat area. The site is accessed from Tuna Canyon Road by private roadways and with paved road improvements existing nearby at the intersection of Betton Drive and Fabuco Road (Commission approved Coastal Permit No. 4-96-025, Jason). Additional road improvements, i. e., paving, will extend Betton Drive about 30 feet further west and Fabuco Road about 554 feet south to the subject site are proposed together with a water line extension from the intersection of Fabuco Road and Betton Drive to the building site.

As a result of the applicant's previously approved Coastal Permit No. 4-96-172, Coastal Permit Extension 4-96-172-E-1, and Coastal Permit Amendment No. 4-99-164, (which were vacated by the Commission in August 2000 pursuant to a court judgment) Betton Drive, Fabuco Road and the site driveway have been graded. The applicant has submitted a Final Fuel Modification Plan to reduce the size of the original fuel modification area approved in Coastal Permit No. 4-96-172 from a 300-foot radius to a 200-foot radius surrounding the proposed structure and increase Zone A from 10 feet to a 30 foot radius from the structures. In addition, one existing drainage culvert along Fabuco Road will be replaced with a larger culvert 40 inches in diameter as required by the Los Angeles County Building and Safety Department.

STAFF NOTE

This application, filed on September 21, 2000, is similar to the application for a single family residence and four car garage, pool, septic system, driveway, landscaping and extension of private road and water main improvements previously filed by the applicant on November 1, 1996 as Coastal Permit Application Number 4-96-172; it was approved by the Commission on December 12, 1996. Coastal Permit Number 4-96-172 was issued to the applicant on May 5, 1998. On December 11, 1998, the applicant requested an extension of Coastal Permit Number 4-96-172. Staff reviewed the request and determined that there were no changed circumstances affecting the project's consistency with the Coastal Act. Twelve written objections to this determination were received during the public notice period raising three issues; cumulative impacts of residential and road development projects, impacts on Steelhead Trout, and loss of one fire escape route, Tuna Canyon Road, to Pacific Coast Highway. The Commission held a public hearing on April 15, 1999; the Commission objected to the extension of Coastal Permit No. 4-96-172, resulting in the

expiration of this coastal permit. The applicant subsequently filed a new application for the same project as Coastal Permit Application No. 4-99-164 on April 15, 1999. The Commission approved the application on August 13, 1999. Coastal Permit Number 4-99-164 was issued to the applicant on March 29, 2000. The Commission's approval was challenged in a lawsuit. On January 2, 2000, the Court of appeal ruled in favor of the petitioners, the Topanga Association for a Scenic Community, et. al. who challenged the Commission's approval of this coastal permit. The Court of Appeal's action concluded that reversal of the Commission's action was required because the Commission's action was not consistent with the California Environmental Quality Act (CEQA). Subsequently the case was returned to the Trial Court which ordered the Commission to vacate its approval of Coastal Permit Number 4-96-172 and in effect Coastal Permit Number 4-99-164. As a result of the Court's action, the Commission vacated its approval of Coastal Permit Number 4-99-164 on August 8, 2000. On August 22, 2000, the applicant requested a new public hearing for a Coastal Permit for the same project previously approved by the Commission. The application for a new Coastal Permit was filed on September 21, 2000 as this subject application for Coastal Permit Number 4-00-188. On December 18, 2000, January 2, and 25, 2001, the applicant submitted additional information to further revise the proposed project.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 9/24/96; Los Angeles County Department of Health Services, dated 8/1/96; Los Angeles County Fire Department, Final Fuel Modification Plan dated 2/28/00.

SUBSTANTIVE FILE DOCUMENTS: Updated Geological/Geotechnical Engineering Report, dated July 10, 2000, Geological/Geotechnical Engineering Report, dated May 6, 1996, and Percolation Data and Septic Design Report, dated May 1, 1996, all prepared by Gold Coast GeoServices, Inc.; A Phase One Cultural Survey, dated January 19, 1996, prepared by Environmental Research Archaeologists; Tuna Canyon Significant Ecological Area: An Assessment of the Cumulative Impacts of the Potential Maximum Development, prepared for Tuna Mesa Property Owners Association, by Phillips Brandt Reddick, Inc. dated January 8, 1978; Coastal Development Permit No. 4-96-025, Coastal Permit Amendment Nos. 4-96-025-A-1, A-2, A-3, Jason; Coastal Development Permit No. 4-97-015 and Coastal Permit Amendment No. 4-97-015-A-1, Sayles, Coastal Permit No. 4-96-172, Olson; Coastal Permit Extension Request No. 4-96-172-E-1, Coastal Permit No. 4-99-164, Olson, Coastal Permit Application No. 4-00-162, Sayles.

STAFF RECOMMENDATION:

MOTION: I move that the Commission approve Coastal Development Permit No. 4-00-188 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution:

I. Resolution for Approval with Conditions

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any 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. REMOVAL OF EXCAVATED MATERIAL

The applicant is authorized to remove excess excavated or cut material consisting of about 434 cubic yards of material and this material shall be transported to an appropriate disposal site located outside of the Coastal Zone, or an approved site located in the Coastal Zone with a valid coastal development permit for disposal of fill material.

2. LANDSCAPING AND EROSION CONTROL PLANS

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The erosion control plans shall be reviewed and approved by the consulting engineering geologist and engineer 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 and along Betton Drive and Fabuco Road easements graded or disturbed by construction 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 February 5, 1996. 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 30 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 final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County in the event there are any substantial changes to this landscape plan to comply with this condition. Within the thirty (30) foot radius of the proposed house and garages native plants shall be selected from drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains together with limited areas may be planted with ornamental shrubs and trees and other landscaping that is non invasive and drought tolerant.

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, construction trailer site, 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 geo-fabric covers or other appropriate cover, install geo-textiles 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 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 geo-textiles 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.

3. ROAD MAINTENANCE AGREEMENT

By acceptance of this Coastal Development Permit, the applicant agrees that should the proposed improvements to West Betton Drive or the proposed drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be solely responsible for any necessary repairs and restoration of the road improvements conducted pursuant to this Permit and the drainage structures authorized or required by this Permit.

4. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 engineering 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 85th 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.
- (d) 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 30th 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 applicant 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.

5. POOL DRAINAGE AND MAINTENANCE

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written plan to use the proposed non-chemical water purification system and to mitigate the potential for leakage and discharge from the proposed swimming pool. The plan shall at a minimum: 1) provide a separate water meter for the pool to allow monitoring of water levels for the pool, 2) identify the materials, such as plastic linings or specially treated concrete to be used to waterproof the underside of the pool to prevent leakage, and information regarding past success rates of these materials, 3) identify methods to control pool drainage and to control infiltration and run-off resulting from pool drainage and maintenance activities, 4) identify methods for periodic disposal of pool water for maintenance purposes outside designated Significant Watersheds or Environmentally Sensitive Habitat Areas. The Permittee shall undertake development and maintenance in compliance with the mitigation plan approved by the Executive Director. No changes shall be made to the plan unless they are approved by the Executive Director.

6. REMOVAL OF TEMPORARY CONSTRUCTION TRAILER

With the acceptance of this coastal permit, the applicants agree that the temporary construction trailer on the site shall be removed within two years of the issuance of this Coastal Permit Amendment or within thirty (30) days of the applicant's 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 construction trailer.

7. FUTURE IMPROVEMENTS RESTRICTION

A. This permit is only for the development described and approved in Coastal Development Permit No 4-00-188. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the entire property. Accordingly, any future improvements to the single family residence, garage and entire property authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 4-00-188 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 a 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 supercede and replace the following document recorded in the County of Los Angeles: the Deed Restriction recorded on December 10, 1999, as Instrument No. 99-2285148. The deed restriction shall include a legal description 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 and any other encumbrances which the Executive Director determines may affect the enforceability of the restriction. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards is permitted. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the Updated Geological/Geotechnical Engineering Report, dated July 10, 2000, Geological/Geotechnical Engineering Report, dated May 6, 1996, and Percolation Data and Septic Design Report, dated May 1, 1996, all prepared by Gold Coast GeoServices, Inc., shall be incorporated into all final design and construction plans including foundation systems, retaining walls, cut slopes and excavations, and site drainage. All plans must be reviewed and approved by the

consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultants 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 consultants shall require an amendment to the permit or a new coastal permit.

9. WILDFIRE WAIVER OF LIABILITY

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

IV. Findings and Declarations.

A. Project Description

The project site is located within an undeveloped 16 lot subdivision about two miles inland northwest of Tuna Canyon and south of Fernwood area. The parcel is accessed about one quarter of a mile to the south of Tuna Canyon Road, to Skyhawk Lane, to Chard Avenue (also known as Hawks Nest Trail), to Betton Drive and lastly to Fabuco Road. (Exhibits 1, 2, 3, and 4) Although Chard Road and a portion of Betton Drive are now paved roadways, a portion of Betton Drive and the southern portion of Fabuco Road are graded dirt roadways. As a result of Coastal Development Permit No. 4-96-025, Mark Jason constructed about 1790 feet of road improvements along Skyhawk Lane, Chard Road and Betton Drive to access Mr. Jason's building site. As a result of Coastal Permit No. 4-99-164, the applicant has graded a 30 foot long portion of Betton Drive and a 554 foot long portion of Fabuco Road to access the subject site.

The applicant proposes to construct a 3,992 sq. ft., 2 story, 27 ft. high, single family residence, attached four car garage, motor courtyard, swimming pool with alternative purification system, septic system, landscaping, placement of a 12 x 24 ft. construction trailer, grade about total of 1,352 cubic yards for residence and access road, 634 cubic yards of total grading will be performed for the improvement of 554 lineal feet along Fabuco Road and 30 lineal feet along Betton Drive, 718 cubic yards to be graded for building pad and driveway, installation of one culvert and cut and fill slopes along Fabuco Road, and 420 foot extension of utilities including a private water

line from intersection of South Fabuco Road and Betton Drive to the applicants driveway with less than 15 cubic yards of cut for the trench to install the two inch water line with the cut material backfilled into the trench. The excess graded material will be exported to a landfill outside the coastal zone. These road improvements are proposed to comply with Los Angeles County Fire Department and Building and Safety Department standards (Exhibits 5, 6, 7, 8 and 9).

The project site is a relatively flat 2.37 acre parcel; the building site is located in the central portion of the parcel on a small knob hill (Exhibit 6). Although the subject parcel is located within Tuna Canyon Significant Watershed, the site is located about one thousand feet from Tuna Creek, a designated Environmentally Sensitive Habitat Area (ESHA) and about 300 feet from the geographic area designated as the Tuna Canyon ESHA. The proposed project will not have direct or indirect significant impacts on this ESHA.

The improvements proposed by the applicant to the existing access roads discussed above, traverses two parcels enroute to the applicant's parcel. However, the applicant has provided evidence of the ingress and egress access easements over the road. Regarding the two property owners, across whose property the proposed road and water line improvements are located, these individuals have been notified of this development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." A total of two property owners were notified of the pending permit action under Section 30601.5 (Exhibits 4 and 10). Staff will inform the Commission at the February 15, 2001 Commission meeting for this project if any of these property owners respond to these letters from staff to join this application.

B. Environmentally Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

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

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

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams.

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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

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

The project site is located within the Los Angeles County Land Use Plan designated Tuna Canyon Significant Watershed (Exhibit 14). The Tuna Canyon Significant Watershed Area includes about 1,524 acres of land in the coastal Santa Monica Mountains within the watersheds of Tuna and Pena Canyons. The terrain is extremely steep, generally greater than 30% slope, and rugged in this canyon. The majority of the subject site and the surrounding 16 lot subdivision includes flat and sloping land with gentle to moderate slopes. The site elevation extends about 74 feet ranging from about 1,540 to 1,614 feet above sea level. The proposed building site is located at the top of the small knob hill at the 1,632 foot elevation level. The Fabuco Road, Betton Drive and water line improvements to the intersection of Fabuco Road and Betton Drive are located north of the subject site.

Tuna Creek, a designated Environmentally Sensitive Habitat Area (ESHA), is located about one thousand feet to the south of the subject parcel; the geographic area designated as ESHA is about three hundred feet south of the parcel. (See Exhibit 11) Due to the distance, the proposed residence and road improvements will not directly affect this ESHA. Tuna Canyon is designated a significant watershed because of the relatively undisturbed nature and the presence of wildlife. It is important to note that the England and Nelson Report prepared for Los Angeles County, titled, Land Capability/Suitability Study Los Angeles County General Plan Revision Program (1976) identified all of the Tuna Canyon watershed as a significant ecological area. However, the Los Angeles County Land Use Plan (LUP) certified by the Commission in 1986 changed the terminology to the Tuna Canyon Significant Watershed for both Tuna and Pena Canyon watershed while narrowing the ESHA designation for the Tuna Canyon Significant Ecological Area to generally the riparian vegetation along the two creeks, Tuna Canyon and Pena Creeks (Exhibit 11). A Significant Watershed is not considered an ESHA under the Coastal Act definition of ESHA's, requiring more stringent protection, as an example for riparian vegetation, because they are dominated by vegetation and wildlife common throughout the Santa Monica Mountains. However, the certified LUP did establish specific policies and development standards to protect the sensitive resources of these relatively undisturbed watersheds, providing guidance to the Commission for the review of development applications.

The habitat values contained in the Tuna Canyon Significant Watershed have been well documented. The 1976 England and Nelson Report designates the Tuna Canyon Significant Watershed as a Significant Ecological Area (SEA). The report describes the concept of a SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities.

Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible ...

If the biotic resources of significant ecological areas are to be protected and preserved in a pristine state, they must be left undisturbed. Thus, the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

The England and Nelson Report further states:

Tuna and Pena Canyons are the last drainages in the central and eastern Santa Monica Mountains that have not sustained development either in the watershed or between the canyon mouth and the coast. A year-round stream is present in Tuna Canyon. This resource is in itself limited in distribution in the Santa Monica Mountains, and most of Southern California. Due to this feature and its coastal exposure, the riparian woodland in the canyon bottom is in excellent health and supports healthy wildlife populations. Animals utilize the stream as a water source and forage in the chaparral and coastal sage scrub on adjacent hillsides.

The combined qualities of healthy vegetation, riparian woodland, surface moisture, no development, and an unobstructed opening to the coast are unique in the western Santa Monica Mountains and have caused the canyon to become an important area to migratory bird species. In addition to migratory songbirds, waterfowl have been seen in the canyon during migration.

A report titled "Tuna Canyon Significant Ecological Area: An Assessment of the Cumulative Impacts of the Potential Maximum Development," was prepared for the Tuna Canyon Property Owners Association by Steven Nelson, Director of Biological Science, Phillips Brandt Reddick, dated January 9, 1978. The purpose of the report was to provide a detailed resource inventory and analysis of the Tuna Canyon Significant Watershed to be used by decision makers as advanced and additional environmental input to their planning process. The report is an analysis and assessment of cumulative impacts resulting from the potential buildout of the area. Measures to partially or completely mitigate impacts were suggested. The subject site is mapped by the report as a chaparral biotic community typically with broad-leaf sclerophyllous vegetation with considerable diversity in species composition. Although, the subject site and surrounding area burned in the 1993 Malibu Fire; the chaparral and coastal sage vegetation is returning to the area.

The Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

...coastal canyons in the Santa Monica Mountains require protection against significant distribution of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Land Use Plan (LUP) includes several policies designed to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative

impacts of development. Many of these policies, particularly those in Table 1 were developed as a result of the information presented in the two above noted reports on Tuna Canyon Significant Watershed and Ecological Area. These policies may be used by the Commission as guidance during the review of applications for coastal development permits; these policies are not the standards of review for coastal development permits as the Chapter 3 policies of the Coastal Act are the standard of review.

1. Protection of Environmental Resources

The certified LUP contains policy P63 that states:

Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of the LCP.

Table 1 states that for "existing parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed", residential uses are permitted: "at existing parcel cuts (build-out of parcels of legal record) in accordance with specified standards and policies" The Table 1 policies applicable to Significant Watersheds are as follows:

Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat.

Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act.

Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road and brush clearance required by the Los Angeles County Fire Department. The standard for a graded building pad shall be a maximum of 10,000 sq. ft.

New on-site access roads shall be limited to a maximum length of 300 feet or one third of the parcel depth, whichever is smaller. Greater lengths may be allowed through conditional use, provided that the Environmental Review Board and County Engineer determine that there is no acceptable alternative.

Site grading shall be accomplished in accordance with the stream protection and erosion control policies.

Designated environmentally sensitive streambeds shall not be filled. Any crossings shall be accomplished by a bridge.

Other applicable Land Use Plan policies include:

P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resources dependent use.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

2. Stream Protection and Erosion Control

Applicable Land Use Plan policies addressing stream protection and erosion control include the following policies:

P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.

P88 In ESHAs and Significant Watersheds and other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrologic, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in ESHAs and Significant Watersheds. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a 3,992 sq. ft., 2 story, 27 ft. high, single family residence, attached four car garage, motor courtyard, swimming pool with alternative purification system, septic system, landscaping, placement of a 12 x 24 ft. construction trailer, grade about total of 1,352 cubic yards for residence and access road, 634 cubic yards of total grading will be performed for the improvement of 554 lineal feet along Fabuco Road and 30 lineal feet along Betton Drive, 718 cubic yards to be graded for building pad and driveway, installation of one culvert and cut and fill slopes along Fabuco Road, and extension of utilities including a private water line from intersection of South Fabuco Road and Betton Drive. The proposed improvement of Betton Drive is beyond the road improvements completed as a result of Coastal Permit 4-96-025, Jason. The excess graded material will be exported to a landfill outside the coastal zone. (Exhibits 5, 6, 7, 8 and 9).

The existing roadway section along Betton Drive from the Jason property to the intersection of Betton Drive and Fabuco Road and along Fabuco Road south to the subject site, was previously approximately a 15 foot wide dirt road. The applicant

proposes to widen Betton Drive from this point on Mr. Jason's property to the subject driveway on Fabuco Road to 20 feet (widening to 20 feet was approved in Coastal Permit No. 4-96-172 and 4-99-164 and completed by the applicant), pave the road, and install necessary drainage improvements. The roadway improvements provide for a maximum twenty foot wide roadway to the project site, requiring about 634 cubic yards of total grading (345 cubic yards of cut and 289 cubic yards of fill). The Los Angeles County Fire Department requires a twenty foot wide paved roadway to meet their minimum requirements. The proposed slope stability and drainage improvements will require grading up to a maximum width of 60 feet at the intersection of Betton Drive and Fabuco Road in one area to no additional width at one location along Fabuco Road (Exhibits 12 and 13).

3. Cumulative and Individual Impacts of Development

The 1978 report by Nelson provided an analysis and assessment of cumulative impacts resulting from the potential buildout of the area. The report concluded that continuing development in this area to the potential maximum density of parcels would result in about a 50 % increase in the number of residences. The report admitted that this buildout may be an overestimate of the ultimate conditions of development, representing a worst case condition. A number of biological impacts were identified as a result of maximum development, however, due to the extremely low density of potential development in the area, some of these impacts are not expected to be significant. The Report states:

If the appropriate mitigation measures suggested in Section 6.0 (actually 7.0) are implemented, these impacts, and most others, can be effectively mitigated to levels that would not result in significant adverse impacts on a local or cumulative basis.

The report indicated that unavoidable adverse impacts are primarily related to the loss and degradation of habitat wildlife resources, and the destruction of valuable riparian habitat by severe erosion and siltation processes. Those areas where both of these effects are most likely to be minimized are the more level, generally disturbed areas in the watershed. The subject site is located in the upper watershed area where the canyon is relatively level and disturbed with existing dirt roads. The report concluded by stating:

If development is geographically restricted in this manner, and all development complies with all of the mitigation measures suggested, unavoidable adverse impacts should not be expected to have significant cumulative effects on valuable downstream resources.

The Nelson report was used by the County as the basis to develop the Table 1 policies as discussed below. These policies reflect the development constraints and mitigation measures identified in the Nelson report. The Table 1 policies were certified by the Commission as consistent with the Coastal Act.

Relative to cumulative impacts of development, the Commission's RECAP study adopted June 1999 reviewed potential cumulative impacts of build out in the Santa Monica Mountains. Specifically within the Tuna Canyon Watershed, there are about 98 total lots, about 12 lots are developed with residential development, and the remaining 86 lots are undeveloped. Of these about 86 undeveloped lots, the subject 16 lot subdivision is included in this calculation. The Commission has approved construction of a residence on one of these subject lots. While the grading for the road improvement (and paving of the road), driveway and building pad and retaining walls, and construction of a retaining wall for the driveway appears to be completed, the proposed residence has not been constructed at this time (Jason, Coastal Permit No. 4-96-025). It is expected that a portion of these vacant lots will be served by imported water from the Los Angeles County Water District No. 29. Another portion of these vacant lots may be served by existing or future on-site water wells, the specific numbers of wells verses District water service for future residential development is unknown at this time and too speculative to determine.

To further address individual and cumulative impacts and appropriate mitigation measures in analyzing the proposed project for conformance with the resource protection policies of the Coastal Act, the Land Use Plan and with Table 1 policies will be addressed. For instance, Table 1 specifies that grading and vegetation removal shall be limited and that the standard for a graded building pad shall be a maximum of 10,000 sq. ft. In this case, the proposed building and pad with the paved driveway apron area is proposed to be about 7,806 sq. ft. as identified on the applicant's fuel modification plan. A discussion of alternatives including a reduction of the footprint for residential development (reduced scale alternative) is provided below.

Furthermore, the applicant has submitted landscape and fuel modification plans for the proposed development. These plans illustrate how the areas disturbed by development activities on site will be revegetated with native plants to provide erosion control and how native plants associated with this site will be "thinned" rather than "cleared" in order to retain the erosion control properties of this vegetation. The removal of this vegetation is required, as per the Los Angeles County Fire Department's Fuel Modification Standards, and the applicant has submitted a preliminary fuel modification plan which indicates that only vegetation specially designated as "high fire hazard" will be completely removed within a 30 foot radius of the structures as a part of this project. Additionally, only that vegetation which is located within a 200' radius of the residential structure will be subject to the County Fire Department's fuel modification requirements. Therefore, the project is in conformance with the Table 1 policies of the LUP as they pertain to the minimizing grading, vegetation removal, and the maximum allowable area of building pads.

Furthermore, Table 1 policies require that development be located as close as possible to existing roads and services, and that on-site access roads be limited to no more than 300' in length so that impacts to habitat are minimized. Additionally, LUP policies (P78, P82, P88, & P91) specify that grading activities be minimized and that

development be designed to minimize landform alteration, and that said development is placed as close to existing services as possible. In the case of the proposed residence, no more than 1,352 cubic yards of grading is proposed, including the grading for the road improvements. Grading to construct the water line extension is considered minimal and the trenched material will be replaced after the pipe is installed in the trench within the road. The building site is located on the flat portion of a small knob, thus minimizing the need for grading to expand the flat building pad. Additionally, the proposed structures are to be located within a minimum of 100 feet to a maximum of 180' feet of Fabuco Road (the pool will be located as far as about 190 feet from Fabuco Road), an existing dirt road and the legal easement owned by the applicant. The on-site driveway will be about 100 feet in length from Fabuco Road to on of the two proposed garages. Although approximately 634 cubic yards of grading is proposed along the Fabuco Road easement for the road improvements, grading will occur along an approximate 554 foot section of the existing dirt roadway from the applicant's driveway to the intersection of Betton Drive and Fabuco Road and along a thirty foot section of West Betton Drive. The roadway width will be no wider than 20 feet with a maximum of 60 feet of disturbed area with the slope and drainage improvements in one location along this route; in one other location no additional width is needed for slope and drainage improvements (Exhibit 12). This application includes the proposed realignment of the intersection at Betton Drive and Fabuco to meet Fire Department requirements. The total area of additional disturbed area for the road improvements beyond the former existing 15 foot wide roadway is approximately 3,903 sq. ft or 0.09 acres. This additional grading to widen the road and install slope and drainage improvements as a disturbed area is judged to be the minimum necessary in order for the applicant to comply with the requirements of the Los Angeles County Fire Department, the Flood Control District, and the Building and Safety/Land Development Division of the Public Works Department. As required by Special Condition Number Two, the disturbed slopes along Fabuco Road and Betton Drive will be planted and maintained with native plants for erosion control, visual and habitat enhancement. The project also includes the replacement of an existing culvert beneath Fabuco Road with a new 40 inch wide culvert and rock energy dissipater along the drainage channel draining the area to the north of the subject building site.

This additional grading to widen Fabuco Road and Betton Drive to provide for slope stability and drainage will disturb and remove coastal sage scrub plant communities. These plants includes species such as California Sagebrush, Black Sage, California Buckwheat, Laurel Sumac and Toyon. In addition, non-native annual grasses and forbs such as mustards, brome grasses and filaree will also be removed. Its important to note that this area of Tuna Canyon burned in the 1993 Malibu fire and the plant communities are in the process of natural recovery. Although this vegetation is located in a Significant Watershed, it is not considered ESHA.

The subject road improvements are located in the vicinity of the uppermost tributaries of Tuna Canyon Creek, a blue line stream. However, the tributaries in the vicinity of Betton Drive are not considered a riparian corridor as they do not include riparian vegetation. These tributaries to the southwest and to the east are located at minimum

about 1,000 feet from the project site. Further, the surrounding vegetation will not be significantly affected as the proposed erosion control swale, enlarged drainage culvert, grading, and construction trailer will be located along or near the road.

In addition, the applicant proposes to install a water line involving 420 foot long piping located within a dirt roadway leading south from the intersection of at Betton Drive and Fabuco Road to the applicant's driveway (Exhibit 4). To install the water line a minimal amount of material will be removed from a 4 foot deep by 2.5 foot wide trench and will be replaced in the trench located within Fabuco Road.

As required by Special Condition Number Two, the cut and fill slopes along Betton Drive and Fabuco Road will be landscaped and a drainage culvert will be installed for erosion control purposes to minimize potential erosion and sedimentation impacts to the drainages leading to Tuna Canyon Creek to the maximum extent feasible. In addition, as required by Special Condition Number One, the applicants are required to remove all excess material consisting of about 434 cubic yards to an appropriate disposal site located outside in the Coastal Zone or a site located in the Coastal Zone approved for disposal with a valid Coastal Development Permit. The Commission also requires that the applicants to maintain the proposed road improvements and drainage structures and be responsible for any necessary repairs and restoration as provided in Special Condition Number Three.

The grading for improvements to Betton Drive and Fabuco Road are proposed along an existing dirt access road and the new impacts that will occur to habitat adjacent to the project area are the minimum necessary to comply with Fire Department safety requirements. This road widening, slope and drainage improvements will remove a small amount of vegetation that is considered habitat. This amount of habitat is only 0.09 acres. The slope and drainage improvements along the road as required by Special Condition Number Two, will be replanted with native vegetation to replace this habitat. It is important to note that this habitat is not considered ESHA, a wetland or habitat for rare and endangered species. Therefore, the project is found to be in conformance with the LUP Table 1 policies that pertain to the proximity of new development to existing services and the minimization of landform alteration. These Table 1 policies are used as guidance by the Commission in the review of this application.

Table 1 policies also specify that development be located as close to the periphery of the designated watershed as feasible, and that streambeds, and ESHAs not be altered and that they are protected to the greatest extent possible. Additionally, LUP policy P96 specifies that water quality be protected from degradation resulting from development. The proposed project site is located on a lot that is about 300 feet from the boundary of the Tuna Canyon Environmentally Sensitive Habitat Area and about 1,000 feet from Tuna Canyon Creek. This area includes other single family residences, and in the past, the Commission has granted permits for development in this portion of the watershed; specifically, Jason, (Coastal Permit 4-96-025), Anderson

(Coastal Permit 4-96-021), Lesavoy (Coastal Permit 4-95-031), Geer (Coastal Permit 4-94-124) and Andrews (Coastal Permit 4-92-122).

The applicant has submitted a final fuel modification plan, approved in concept by the Los Angeles County Fire Department dated 2/28/00 which identifies planting zones, a maintenance program, and landscaping and erosion control (Exhibit 7). This fuel modification plan indicates that Zone A, High Moisture Zone is a 30 feet radius from the proposed structures. The landscape plan needs to be modified to include the requirements outlined in Special Condition No. Two such as all graded and disturbed areas on the subject site and along Betton Drive and Fabuco Road shall be planted and maintained for erosion control purposes within sixty days of receipt of the certificate of occupancy. In addition, the plans need to identify that the planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage on all disturbed areas. Lastly, the plans need to identify that should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction and retain sediment on site. An interim erosion control plan and monitoring program are also required.

The applicant has submitted a grading plan that illustrates where the cut and fill areas are located on the building pad and along Betton Drive and Fabuco Road. However, these plans do not illustrate how runoff is to be conveyed from the building pad of the proposed residence or how and where drainage will be conveyed following improvements to the existing access road. The drainage plan also needs to illustrate that the above referenced drainage devices will reduce the flow of runoff generated by the proposed improvements and convey the flows into existing natural drainage patterns which currently handle flows from the unimproved access road. Lastly, these plans need to identify how erosion will be minimized during construction. Therefore, the Commission finds it necessary to require the applicant to submit a revised landscape and erosion control plan providing for replanting of all disturbed areas with 90 percent coverage within two years, and include provisions for sediment basins if grading is to occur during the rainy season. In addition, the Commission finds it necessary to require the applicant to submit a drainage plan that illustrates how runoff will be conveyed from the project site and roadway in a non-erosive manner, as required by Special Condition Number Two (2).

In addition, to ensure the access road and drainage improvements are maintained in the future, the Commission finds it necessary to require the applicant to be solely responsible for any necessary repairs and restoration resulting from this failure along the entire section of the access road proposed to be developed as a part of this permit. Further, this condition is necessary to ensure the road improvements and drainage structures function properly in the future to prevent erosion and sedimentation of nearby streams, as required by Special Condition Number Three. Therefore, significant unavoidable impacts are not expected.

Thus, as conditioned, the project is found to be in conformance with the guidance provided in the LUP Table 1 policies that pertain to development within designated watersheds and close to the periphery of designated ESHAs because it will protect streams and ESHAs from alteration and disturbance to the greatest extent possible. In addition, for these reasons, the project is consistent with Sections 30231 and 30240 of the Coastal Act.

4. 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, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. 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.

As described above, the proposed development includes grading of a building pad, driveway and to widen and improve Betton Drive and Fabuco Road with pavement, drainage and water main improvements, construction of a residence, garages, and driveway, replacement of a culvert located beneath the Fabuco Road with a larger culvert, and a temporary construction trailer. The building pad for the residence and garage, the driveway, the road with its enlarged culvert and drainage swale will serve to convey drainage from the applicant's subject property, the private road and upstream areas in the watershed. The site is considered a "hillside" development, as the building site is located on a small hill and the road and water main improvements are located on sloping terrain all with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing

vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition Number Four, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition Numbers Two and Four are necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. Finally, the County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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.

5. Pool Drainage and Maintenance

The Commission notes that the proposed project is conditioned to incorporate the recommendations of the project's consulting geologists and geotechnical engineer related to the retaining wall proposed for the swimming pool and to incorporate adequate retaining walls (backfill and drainage), site drainage, and erosion control. Special Condition Number Five also will prevent and significantly reduce the potential for pool water from being discharged into the drainages leading to the designated ESHA along Tuna Canyon Creek and other ESHA within other designated Significant Watersheds. However, the Commission also notes that both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water oxidizing or shocking, algaecides, chemical pH balancing, and other water conditioning chemicals) on the designated ESHA and Significant Watersheds. Although the applicant is proposing to use an alternative water purification system (Exhibit 15) that will eliminate the need for chlorine as a water conditioner, there are other chemicals commonly added to pools to maintain water clarity, quality, and pH levels. Therefore, the Commission imposes Special Condition Number Five on the subject application which requires the applicant to submit a written plan which includes measures to minimize the potential for leakage from the pool and specific measures to be implemented during maintenance and periodic drainage of the pool. The plan shall include a separate water meter for the pool which will serve to monitor water levels of the pool and identify leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool shell and shall identify methods to control infiltration and run-off from periodic pool drainage and regular maintenance activities. The Commission finds that, as conditioned to minimize potential impacts of the proposed pool, the project is consistent with Sections 30231, 30240, and 30253 of the Coastal Act.

6. Cumulative Analysis of Development and Vegetation Removal

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. Specifically, the Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of building site and developed area would require more vegetation removal as required for fuel modification by the Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Tuna Canyon watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the Coastal Act. Special Condition Number Seven provides for a future improvements restriction to replace the one recorded as a result of Coastal Permit Number 4-99-164.

The following is a cumulative analysis of potential residential development for the 16 lots, each about 2.5 acres in size in this subdivision. The 16 lot subdivision consists of about 39.2 acres. The total length of roadways including driveways to access each of the sixteen lots within the subject subdivision (accessed from the intersection of Skyhawk Lane and Tuna Canyon Road) is about 3600 feet. Assuming a similar sized residence and garage at about 5,000 sq. ft. and a similar amount of grading as proposed by this applicant is needed to widen these roads from approximately the existing 15 feet wide to a 20 foot width with an average additional width of up to five feet for slope stability and drainage improvements, a total of about 18,000 square feet of vegetated area will be removed. It's important to note that a condition of project approval will require that the area where vegetation is removed along these roads for the cut and fill slopes will be landscaped with native plants. Because this average additional width along the road will be re-landscaped, a total of about 18,000 square feet of vegetation will be removed to widen the existing 15 foot wide road to a 20 foot wide road. This area is equivalent to about 0.41 of an acre. All of these lots have existing driveways previously cleared of vegetation that are about 10 feet wide. These driveways will be widened to about fifteen feet wide with an average driveway length of about 100 feet to access the building site on each lot. To widen these driveways, a total of 8,000 sq. ft. of additional vegetated area will be removed. This area is equivalent to about 0.18 acre.

Assuming a maximum of about 21,000 sq. ft. of vegetation removal including the building pad and the removal of the vegetation immediately surrounding the structure over a 20 foot radius for fuel modification purposes, about 9,000 sq. ft. will be for the building pad and surrounding hardscape and about a total of about 12,000 sq. ft. will be for the fuel modification of the 20 foot radius immediately surrounding the structure, known as Zone A. (As noted below in the Alternative Section, the building pad including the structures and hardscape for a large home, larger than this subject project, is between 7,000 to 9,500 sq. ft., Exhibit 17) However, it is important to note

that the 12,000 sq. ft. of area where native vegetation will be removed for Zone A, a 20 foot wide radius from the structure, will be replanted primarily with native vegetation that includes less flammable vegetation. In this application, a 30 foot radius will be removed and replanted for Zone A, three other pending applications located within this 16 lot subdivision, Coastal Permit Application No. 4-00-164, Sayles, Coastal Permit No. 4-96-025, Jason, and Coastal Permit Application No. 4-00-143, Weeger, have either a final or preliminary approval, or a proposal for 50, 20, 20 foot radius for Zone A, respectively.. Based on a staff discussion, February 1, 2001, with Kevin Johnson of the Los Angeles County Fire Department, Fire Prevention Bureau, most of these lots will have a 20 foot radius for Zone A. Therefore, the habitat loss of native vegetation as an average is about 9,000 sq. ft. for the building pad and hardscape. As discussed above, in certifying the LUP, the Commission found that adverse impacts to the significant watershed would be minimized if residential building pads are limited to 10,000 square feet. It is expected that the building pads in this subdivision will only be on average 9,000 square feet, or less.

Assuming 9,000 square feet building pads, on a cumulative basis, about 144,000 sq. ft. of vegetated area will be cleared for the building pad development of this 16 lot subdivision. This is equivalent to about 3.3 acres. For comparison purposes, the applicant in this case is improving approximately a 584 foot section of a roadway, while proposing a 100 foot long driveway and a building pad about 7,806 sq. ft. of area with a thirty foot area surrounding the residential structure where vegetation will be cleared and replanted within Zone A. The applicant has provided a revised Final Fuel Modification Plan approved by the County of Los Angeles Fire Department on February 28, 2000. This plan indicates that the Fire Department will require the larger 30 foot radius for Zone A immediately surrounding the residence for the clearance and replanting of native vegetation, because the applicant's proposed residence is located at the top of a small knoll, while most of the other sites, except for Mr. Sayles site, are more level. The majority if not all of this Zone A fuel modification area will be replanted with native plant species which will minimize the fire hazard while replacing the majority of the native vegetation. In this analysis, a total of 3.3 acres of vegetation will be removed for the building pads out of the total of about 39.2 acres for the 16 lots. It is recognized that additional vegetated area will be thinned for fuel modification purposes surrounding the residential structure. However, mitigation measures will be required (similar to the conditions recommended for this project) to prevent any increase in erosion of sediment or pollutants from these developed lots, to protect water quality and downstream riparian habitat. This vegetation to be removed is not identified as habitat for any threatened or endangered species of plants or animals, or ESHA, or wetland. Accordingly, the Commission finds that on a cumulative basis, with the mitigation measures imposed as conditions, the environmental impacts from the vegetation removal due to residential buildout of the 16 lots will be minimized.

It is important to note that if this land were not subdivided, the guidance provided by the LUP would be to allow Mountain designated land to be divided into two 20 acre lots. Two residences might be developed according to Table 1 policies with limited

fuel modification and driveways for the two residences. However, since this subdivision was created prior to the effective date of the Coastal Act, it is expected that up to 16 residences will be proposed over time each with a driveway from a road and each with a fuel modification area. These 16 lots are considered a legal non-conforming subdivision according to the Los Angeles County Land Use Plan land use designation. Provided these 16 lots are developed consistent with the Table 1 policies of the certified LUP, the cumulative impacts on coastal resources will be minimized to the greatest extent feasible.

7. County of Los Angeles Environmental Review Board (ERB)

Lastly, the County of Los Angeles Environmental Review Board (ERB) reviewed this project in May 1996. The ERB meetings are working sessions where the appointed ERB members serve in an advisory capacity to the Regional Planning Commission (or the County decision makers) providing recommendations on whether or not the project conforms to the policies of the County LUP. LUP Policy P64 indicates that projects shall be approved for coastal permits only upon a finding that the project is consistent with all policies of the LUP.

The ERB evaluation and recommendation to the County decision makers (the Regional Planning staff in this case) concluded that the proposed project was inconsistent with the policies of the County LUP. The reasons for this recommendation are listed in the ERB minutes (Exhibit 14).

The ERB evaluation and recommendation to the County decision makers (the Regional Planning staff in this case) concluded that the proposed project was inconsistent with the policies of the County LUP. Although the reasons for this recommendation are unclear in the ERB minutes, it appears from staff's review of the minutes that the reasons may have been: (1) that the lot is distant from existing services and remote from existing roads, (2) that the lot is eligible for lot retirement program, and (3) structure should be minimized to 1 story and set back 10-30 feet from ridge edge. In addition, the ERB made a number of project recommendations, many of which were included as conditions of the County approval.

Regarding the first reason, the subject site is connected to Tuna Canyon Road by private roadways known as Skyhawk Lane, Chard Avenue, Betton Drive, and Fabuco Road. The County has previously recognized these rights of way as traveled ways through approved certificates of exception, records of surveys, certificates of compliance, etc. As a result of the approval of a residence immediately north of the subject site, the Jason property at 20556 Betton Drive, about 1,790 feet of roadway will be improved to Fire Department standards from the Jason property to Tuna Canyon Road in order to access the future Jason residence. The length of the driveway from the proposed residence to the existing southern terminus of Fabuco Road is less than 300 foot maximum allowed in Table 1 policies as noted above. The applicant is proposing to pave a 584 foot extension from the approved paved access to the Jason property on the existing but unpaved roads, Betton Drive and Fabuco

Road to access the site. Therefore, the Commission finds that the subject site is served by existing roads.

Regarding the second reason, the County Land Use Plan includes a policy, P271 (b) (3) that states that new residential uses would be permitted in Significant Watersheds in accordance with the policies, standards, and conditions of the LUP. It also states that where development of small parcels is determined to yield a potential for significant impacts, the parcel would be eligible to participate in the development rights retirement program. Policy P271-2a, which discourages development of lots of less than 20 acres in designated significant watersheds which are distant from existing services and are determined by the ERB to potentially incur a significant adverse impact on the ESHA's or Significant Watersheds. In this case, the ERB did not determine that a significant adverse impact on either ESHA's or Significant Watersheds would occur. In fact, the ERB made a number of recommendations to the County decision makers to consider during the review process. Many of these recommendations were incorporated into the project design or conditions of the County's approval. As noted above, the lot is located near existing services. Therefore, the applicant's proposed project has complied with the Table 1 Policies in the LUP and is not compelled to participate in the County's voluntary lot retirement program. Further, the County does not have implementing ordinances to carry out the lot retirement program provided in the LUP.

Regarding the third reason, the ERB recommended that the residence structure be minimized to one story and set back 10-30 feet from the ridge edge. The residence is designed to be located on a small knob hill (Exhibits 5 and 6). This site is not a visually prominent knob hill and is the logical flat building site for the lot. The applicant's lot is about 2.37 acres in size, the remainder of the lot is sloping. In addition, reducing the footprint of the residence, which is about 2,000 sq. ft. for the 3,992 sq. ft. two story structure, would not substantially reduce the area for fire clearance. Additional discussion of a reduced size alternative is discussed below in the Alternative Section.

One of the project recommendations of the ERB included suggesting that vegetation clearance should not exceed 10% of the lot area. The applicant's lot is about 2.37 acres in size. The total vegetation clearance for the applicant's building pad and Zone A of the Fuel Modification Plan is 18,754 sq. ft. or 18 % of the 2.37 acre lot. Further, the 10% of the lot clearance limit was established when the County Fire Department only required a 100 foot radius clearance zone. As a result of numerous Santa Monica Mountain wildfires since 1986, the Fire Department has increased the approved fuel modification zone radius for new development to a 200 foot radius with selective cleared areas. However, the majority of Zone A will be replanted with native vegetation and the only area where native vegetation will be completely removed is the building pad at 7,806 sq. ft. which is 7.6 % of the 2.37 acre lot. In addition, the applicant submitted a final Landscape/Fuel Modification plan indicating that County Fire Department approval for the fuel modification will extend beyond the applicant's parcel boundaries to achieve a selective thinning of natural vegetation. The County's

approval recognized that portions of the property included heavily sloping land within a Very High Fire Hazard Severity Zone. The County required approval of a County Fire Department Fuel Modification Plan balances safety policies of the Malibu LUP with other LUP policies to minimize significant impacts on the natural habitat. The County recognized that enforcing the full 200 foot clearance requirement would result in modifying the entire subject property as well as offsite properties of others. It appears that the County approval also recognized the non-conforming 2.7 acre size of the subject parcel. The certified Land Use Plan designates the subject site and surrounding area as Mountain Land, one dwelling unit per 20 acres. Because of the non-conforming size of the subject site, it is not feasible to meet the Land Use Plan Table 1 policy limiting land clearance to 10% of the lot area.

As explained above, the Commission disagrees with the ERB and finds that the project is consistent with the Table 1 standards of the LUP as noted above. The ERB made a recommendation to the County decision makers that the project is inconsistent with Table 1, however, despite the ERB's recommendation, the County Department of Regional Planning granted Approval in Concept in September 1996. Regarding consistency with Policy 65, the project is located on the logical building site, which is a level graded pad on a small hill and generally devoid of vegetation, and thereby minimizes vegetation removal. Although widening and drainage improvements to 484 feet of Betton Drive and Fabuco Road, existing 15 foot wide dirt roads, will result in removal of native vegetation, widening the road is necessary to comply with County Fire Department standards. If these roads are not widened as required by the County Fire Department, this would foreclose any development on the applicant's property. The road will be widened the minimum width acceptable by the Fire Department and therefore will minimize removal of vegetation. Regarding Policy 74, the proposed residence is located between 100 feet and 180 feet of the existing roadway, Fabuco Road, and therefore is near an existing road. Regarding Policy 150, the proposed project will not require the removal of vegetation on slopes greater than 2:1 as required by the fuel modification plan (the slopes do not exceed about 2:1), in any event, the plan also requires that the slope be replanted with primarily with native, low growing, low fuel volume plants. Regarding Policy 62, which requires that a mechanism should be established to compensate property owners for the loss of any potential development rights; with the County's approval of this project, there is no need to investigate implementing this policy. Furthermore, the County does not have any programs or ordinances to implement this policy. In this case, the County chose not to condemn and purchase the property. The Coastal Commission has no authority to require the County to purchase private property, nor does the Commission have the authority or resources to do so itself. Therefore, this does not present a viable basis for denial of this project.

Regarding Policy 271-2a which discourages development of "non-conforming" lots of less than 20 acres which are distant from existing services, the subject site is located near existing services which includes Fabuco Road and Betton Drive for road access and Tuna Canyon Road for a water supply. Fabuco Road and Betton Drive is connected to Tuna Canyon Road by private streets, Chard Avenue and Skyhawk

Lane, which are existing roads; the majority of this access route is now paved. The County has previously recognized these rights of way as traveled ways through approved certificates of exception, records of surveys, certificates of compliance, etc.. As a result of the Commission's approval of a residence to the east of the subject site, the Jason property at 20556 Betton Drive (Coastal Permit Number 4-96-025), 1,900 feet of roadway has been improved to Fire Department standards along Betton Drive, Chard Road, Skyhawk Lane to Tuna Canyon Road in order to access the future Jason residence. The length of the applicant's driveway to the existing Fabuco Road from the proposed residence is 100 feet -- less than 300 foot maximum allowed in Table 1 policies as noted above. The applicant is proposing to pave a 484 foot extension from the end of the paved portion of Betton Drive on the Jason property and along Fabuco Road to reach the applicant's driveway. Policy P271-2a prohibits approval of a project that has a significant adverse impact on the ESHA's or Significant Watersheds. In this case, the ERB did not determine that a significant adverse impact on either ESHA's or Significant Watersheds would occur. In fact, the ERB made a number of recommendations to the County decision makers to consider during the review process. Many of these recommendations were incorporated into the project design or conditions of the County's approval. Therefore, the proposed project is consistent with the above policies, as determined by the County Department of Regional Planning and the Commission, even though the County ERB recommended otherwise.

8. Construction Trailer

The applicant's proposed temporary construction trailer will be located along Fabuco Road during construction to assist in the construction of the residence and provide site security. Water and sewage service for the trailer is self contained. The Commission finds it necessary to require the removal of this trailer to an appropriate disposal site within two years of the issuance of this Coastal Permit Amendment or within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from Los Angeles County, whichever is less, as required by Special Condition Number Six. The removal of this trailer is necessary to avoid the potential conversion to a second dwelling unit and potential cumulative impacts on public services such as road capacity, sewage disposal, water, electricity as well as erosion and sedimentation impacts to the downstream Tuna Canyon Creek environmentally sensitive habitats. As required by Special Condition Number Two, the temporary site for the construction trailer will be landscaped with native plants within 30 days of occupancy of the residence and after the trailer is removed.

9. Conclusion

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. The Commission's standard of review for this project are the Chapter 3 policies of the Coastal Act. Therefore, Commission finds that the project is located near existing developed areas able to accommodate it. And further the Commission finds that the project will not have significant adverse effects, either

individually or cumulatively, on coastal resources. The Commission also finds that the biological productivity and quality of coastal waters, riparian habitat, and ESHA will be protected as a result of the proposed project as conditioned. Thus, the Commission finds that the proposed project, as conditioned, is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Project Alternatives

The applicant is proposing a single family residence on the property. The Commission must describe and evaluate alternatives to the proposed project. Alternative land uses of the property include agricultural use, commercial or industrial use, multi-family development or no development. An alternative to the size of the proposed project, is a reduced scale residential project. The Los Angeles County land use and zoning designations currently allow for single family residential use, and therefore, it appears that Los Angeles County would not allow any of these alternative uses, except no development and reduced scale residential development. However, assuming that the County could, if it chose, amend the land use plan and zoning ordinance to allow an alternative use, staff will briefly discuss the alternative uses below.

1. Agriculture

The property is too small (about 2.5 acres) to use for grazing livestock. Grazing livestock would generate animal wastes that would have a greater impact on water quality than the proposed residence. The property has very varied terrain and slopes that make it infeasible for growing crops. Agricultural use of the property would also be likely to result in airborne and waterborne pollution from fertilizers and pesticides that are generally used in agriculture. The low rainfall and unavailability of water for irrigation also make this option infeasible. Therefore, agricultural use is not a feasible or environmentally preferable alternative. Furthermore, there is no indication that the County would agree to change the zoning to agriculture, and therefore it appears that this option is not feasible.

2. Commercial or Industrial

Commercial or industrial use of the property would likely require a structure that would not be visually compatible with the area and that would adversely impact public views from nearby hiking trails. In addition, commercial or industrial use of the property could result in more vehicles driving to the property and parking on the property. This would require a larger parking area and increase the amount of pollutants that are discharged on the property and nearby roads, increasing the amount of pollutants entering the watershed. Therefore, this option would have greater environmental impacts than the proposed residence. Furthermore, there is no indication that the County would agree to change the zoning to commercial or industrial, and therefore it appears that this option is not feasible.

3. Multi-family Residential Development

This option would also result in more vehicles driving to the property and parking on the property. This would require a larger parking area and increase the amount of pollutants that are discharged on the property and nearby roads, increasing the amount of pollutants entering the watershed. Therefore, this option would have greater environmental impacts than the proposed residence. Furthermore, there is no indication that the County would agree to change the zoning for the property to multi-family, and therefore it appears that this option is not feasible.

4. No Development

Although environmental impacts would be reduced if the property remained as undeveloped, open space, the property is privately owned and the owner is proposing to build a residence on the property. The property has been zoned for residential use. Staff is not aware in writing of any public agency or land preservation group that is actively seeking to purchase the site to preserve it as open space. This possibility was raised several years ago, but although several years have passed, no purchase has occurred. The Commission does not have the authority or the resources to purchase private property itself. There are no hazards known that render the property unsafe for residential development, nor are there any wetlands or endangered species present on the property. In these circumstances, it is not feasible to prohibit development of a single family residence on an existing, lawfully subdivided, and privately owned residentially designated property. (Public Resources Code section 30010; *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1016).

5. Reduced Residential Scale

Another alternative to the proposed project is a smaller single family residence. The applicant proposes to construct a 3,992 sq. ft., 2 story, 27 ft. high, single family residence, four car garage, swimming pool with alternative purification system, septic system, landscaping, placement of a 12 x 24 ft. construction trailer, grade about total of 1,352 cubic yards for residence and access road, 634 cubic yards of total grading will be performed for the improvement of 554 lineal feet along Fabuco Road and 30 lineal feet along Betton Drive, 718 cubic yards to be graded for building pad and driveway, install one culvert and cut and fill slopes along Fabuco Road, and extension of utilities including a private water line from intersection of South Fabuco Road and Betton Drive. Excess graded material will be exported to a landfill outside the coastal zone.

The proposed structures may be visible to a very limited degree from public viewpoints along Tuna Canyon and Saddle Peak Roads and will therefore not significantly impact public views of the coast or coastal mountain areas. The discussion below addresses whether reducing the footprint of the proposed structure, and future residences in the subdivision, would substantially lessen the environmental impacts on the resources in the significant watershed.

Staff requested that the applicant for Coastal Permit Application No. 4-00-164, Sayles, to provide an analysis of the cumulative impacts of vegetation removal and/or thinning for development of the entire subdivision that this subject lot is located in, if smaller residences were constructed. That applicant provided an analysis based on residential development on 12 lots in the subject subdivision, including the subject site, for three hypothetical simple square residences of varying sizes. There does not appear to be any reason why the conclusions reached in the analysis of cumulative impacts of development on 12 lots would be any different if the analysis considered all 16 lots in the subdivision.

The first analysis that the applicant provided is essentially a similar size residence to the subject proposed project (although larger) at 5,000 sq. ft. Two reduced scale residential proposals (see Exhibits 16 and 17, right side of drawing) were also analyzed by the applicant at 3,400 sq. ft. and 500 sq. ft. The fuel modification area was determined using a 200 foot radius from the residential foot print. No overlap of fuel modification areas were considered in this approach. In comparing the 5,000 sq. ft. house with a 2,500 sq. ft. footprint to the 3,400 sq. ft. house with a 1,700 sq. ft. footprint (see Exhibit 16 right side) the house size was reduced by 30%, but the fuel modification area was only reduced by 5 %. In comparing the 5,000 sq. ft. two story house to the 500 sq. ft. single story house (see Exhibit 17 right page), the house size was reduced by 90%, but the fuel modification was only reduced by 12 %. In this comparison, such a significant reduction in house size, provides a much more limited reduction in the fuel modification area.

The second analysis provided by the applicant in Coastal Permit Application No. 4-00-164, Sayles, involved the layout of two different size houses on 12 of the lots surrounding the Sayles project lot and area to east to show the effect of more practical house designs that fit the contour of the land, with a garage, driveway, patios, out buildings and architectural designs. Exhibit 16 illustrates the design layout of 5,000 sq. ft. two story residences with a 600 sq. ft. garage. Due to the residence design layout, with its architectural design and hardscape coverage, the actual ground foot print for the layouts in Exhibit 17 are 7,000 to 9,500 sq. ft. The larger footprint is larger than the residence proposed in this application, but was selected by the Sayles applicant to represent a large residence commonly proposed in the Santa Monica Mountains/Malibu area. Without considering overlap, the average fuel modification area on an individual basis for each residence is 302,400 sq. ft. within the 200 foot radius of the residential footprint.

However, the fuel modification area in the alternatives discussed above cannot be considered in isolation because generally the fuel modification area on lots of this size extends to the border of the property, or beyond the border and onto the adjacent parcels. A review of the fuel modification area on Exhibit 16 indicates that the 5,000 sq. ft. residences with a 600 sq. ft. garage will have a fuel modification area that overlaps each of the adjoining fuel modification areas for adjoining residences. This fuel modification overlap occurs because the distance between the residences (150 -

250 feet) is less than two times the radius of the fuel modification area (400 feet or more). The fuel modification area extends beyond the lot boundaries due to the modest size of these lots, each about 2.5 acres. The fuel modification for this 5,600 sq. ft. design alternative would be 302,400 sq. ft. (6.94 acres) of area as noted above, without accounting for this overlap. However, when you do take into account the overlap with the required fuel modification area for development on adjacent lots, the fuel modification required for development of a 5,600 sq. ft. residence on the 12 lots is only 142,743 sq. ft. (3.28 acres) of area, as noted on Exhibit 18. The total area of these 12 lots is about 30 acres or 1,306,800 sq. ft.

The Sayles applicant has also provided an analysis of a smaller residence. Exhibit 17 shows the layout of a 1,000 sq. ft. two story residence with a 500 sq. ft. garage. (Staff modified this alternative to increase the size to 1,500 sq. ft. for the residence with a 500 sq. ft. two car garage as a two story residence could include habitable space on the second floor above the garage. Such a hypothetical residence in this staff analysis is considered a small residence with 1,500 sq. ft. of habitable space and a 500 sq. ft. garage to total a 2,000 sq. ft. two story structure.

This reduced scale 2,000 sq. ft. two story residence has a 1,000 sq. ft. footprint. As identified in Exhibits 17 and 18, the layout for a 2,000 sq. ft. residence with a 1,000 sq. ft. footprint will realistically result in structure and hardscape coverage of 1,300 to 2,400 sq. ft. to account for the layout of the residence to fit the contour of the land, garage, driveway, patios, out building and architectural design. This reduced size residence represents a 64% reduction in the square footage size of the residence as compared to the 5,600 sq. ft. residence. A review of the fuel modification area on Exhibit 17 indicates that even with a reduced size of a residence at 2,000 sq. ft. the fuel modification area overlaps each of the adjoining fuel modification areas for adjoining residences. This fuel modification overlap occurs whether or not the residences are large or small because the distance between the residences (150 – 250 feet) is again less than two times the radius of the fuel modification area (400 feet or more). The fuel modification area extends beyond the lot boundaries due to the modest size of these lots. The fuel modification for this reduced size alternative would be 202,500 sq. ft. (4.65 acres) of area. However, the overlapping fuel modification area required for a 2,000 sq. ft. residence is 125,338 sq. ft. (2.88 acres) of area in the cumulative analysis. Thus, the building pad and fuel modification area, even for this reduced scale alternative of 2,000 square feet, will generally extend over the entire lot (which is approximately 2.5 acres) and will also extend onto adjacent lots.

The applicant in Coastal Permit Application No. 4-00-164, Sayles, provided Exhibits 16-18, showing the fuel modification area for the two alternatives on the 12 lots -- a 5,600 sq. ft. two story house with the garage and a 2,000 sq. ft. two story house with a garage. The applicant's analysis indicates that reducing the house size by 64% would result in only a very small reduction in the size of the overlapping fuel modification area from 142,743 square feet to 125,338 square feet. The reduction in this fuel modification area would only be 17,405 square feet (0.4 acres), out of the total

acreage of all 12 lots of about 1,306,800 sq. ft. (30 acres). The Commission finds that this small reduction in the fuel modification area would not substantially lessen the impact on native habitat from residential development on these lots.

The applicant's proposed 3,992 square foot residence and two garages is considered a reasonable sized residence with garages for this area of the Santa Monica Mountains/Malibu area. The size of the proposed residence and garages is consistent with the size of other residences recently approved by the Commission in the surrounding within and outside the Tuna Canyon Significant Watershed area, including Coastal Permit No. 4-96-025 (Jason), for a 4,800 sq. ft. residence and garage, Coastal Permit No. 4-96-210 (Smith), for a 4,658 sq. ft. residence and garage, Coastal Permit No. 4-96-162 (Jobbins), for a 4,850 sq. ft. residence and garage, and Coastal Permit No. 4-96-215 (Zanini) for a 3,569 sq. ft. residence and garage and a 750 sq. ft. guest house, totaling 4,319 sq. ft. of structures.

For the reasons discussed above, the Commission finds that given the relatively small size of the existing legal lots in the subdivision, and the County's fuel modification requirements, reducing the size of the proposed residences will not substantially lessen the impacts to native habitat resulting from the residential development. The Commission also notes that the alternative of reducing the size of the two story residence would not significantly reduce the visual impacts of the building as the structure will most likely continue to be a two story structure due to the topography of the building site. These reduced scale alternatives will not significantly reduce use of water for domestic and landscaping irrigation purposes. These alternatives will also not substantially reduce water runoff, erosion, and pollution as addressed and required in Special Condition Numbers Two and Four.

Furthermore, as discussed above at pages 11 – 32, mitigation measures will be required that will serve to minimize impacts of this development and future development in the subdivision on water quality and habitat. The vegetation that will be removed or thinned to meet County Fire Department requirements is not habitat for any threatened or endangered species. Conditions will be imposed to prevent an increase in runoff of sediments or pollutants from the site and to protect water quality and downstream riparian habitat.

Therefore, the Commission finds that the above project alternatives, agriculture, commercial and or industrial, and multifamily residential land uses are not feasible due to the surrounding single family residential development and the sensitive nature of the Significant Watershed within the Santa Monica Mountains. The Commission finds that reduced scale single family residential alternatives will not significantly reduce the individual or the cumulative environmental impacts of the project, with the mitigation measures required as conditions of project approval.

Thus, the Commission finds that the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

D. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

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

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

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu 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.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted a geologic report titled "Geologic / Geotechnical Engineering Report", dated May 6, 1996, prepared by Gold Coast GeoServices, Inc. This report states:

It is the opinion of the undersigned that the proposed structure(s) will be safe against hazard from landslide, settlement or slippage, and the proposed construction will have no adverse geologic effect on offsite properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the proposed construction and that the property will be properly maintained to prevent excessive irrigation, blocked drainage devices, or other adverse conditions.

The applicant submitted and undated Geology Report titled: "Updated Geotechnical Engineering Report" dated July 10, 2000. This updated Report concluded:

It is our finding that the site remains in essentially the same condition as described in our previous reports. The information and recommendations provided in our previous review remains applicable.

The recommendations in the 1996 Geology Report address the following issues: foundation systems, retaining walls, cut slopes and excavations, site drainage, and plan review. Based on the findings and recommendations of the consulting geologist the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations, as noted in Special Condition Number Eight for the final project design, grading, drainage, and landscape and irrigation plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Tuna Canyon Creek. The applicant has submitted landscape and fuel modification plans for the proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species.

In order to ensure that drainage from the residential building pad is conveyed from the site and into the watershed in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit site drainage plans, as required by Special Condition Number Two (2) and a polluted runoff control plan, as required by Special Condition Number Four. Furthermore, the Commission finds it necessary to require the applicant, should the proposed improvements to the access road or the proposed drainage structures fail or result in erosion, to be solely responsible for any necessary repairs and restoration resulting from this failure along the entire section of the access road subject to this permit. Special Condition Number Three (3) provides for such maintenance of the access roadways and drainage structures.

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. In fact, the property burned in the 1993 Malibu Fire. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Nine.

The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

E. Archaeological Resources

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Policy 169 of the Malibu/Santa Monica Mountains Land Use Plan, which the Commission has relied on as guidance in past land use decisions in this area, states that:

Site surveys performed by qualified technical personnel should be required for projects located in areas identified as archaeologically / paleontologically sensitive. Data derived from such surveys shall be used to formulate mitigating measures for the project.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable.

Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact. The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both number and diversity to predict the ultimate significance of these unique resources.

The applicant submitted an archaeological report for the development site on the parcel. The report dated January 19, 1996 was prepared by E. Gary Stickel for the footprint area of the residence. The project area is located in an area where 13 site surveys or excavations for cultural resources were done within a one mile radius.

Based on an evaluation of an intense site survey, no cultural resources were identified. Based on these negative findings, the consultant determined that further cultural resources management measures would not be relevant. That recommendation would change, however, if any artifacts or bone material were to be discovered during the construction of the residence. In such an event, construction work should cease until a professional archaeologist could inspect the parcel and access the significance of any such finds. These are the appropriate Cultural Resources Management recommendations for the project in view of the findings of this research.

Therefore, the Commission finds that no adverse impacts on archaeological resources will be occur as a result of the proposed development, and that the project, as proposed, is consistent with Section 30244 of the Coastal Act.

F. Visual Resources.

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 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 LUP contains the following policies regarding landform alteration and the protection of visual resources that are applicable to the proposed development:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

- minimize the alteration of natural landforms.

- be landscaped to conceal raw-cut slopes.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes to develop a residence and garage on a small knob located near the center of the parcel in a manner that has minimized the amount of landform alteration and grading. The entire building pad area for this site is about 7,806 sq. ft. In addition, the applicant proposes to install a temporary construction trailer to the east of the small knob near Fabuco Road.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources

in the Santa Monica Mountains. Tuna Canyon Road is recognized as a "second priority scenic area" which is given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted.

The siting, size and grading for the building pad and temporary construction trailer may be visible to a limited degree from Tuna Canyon Road and to the north from a portion of Saddle Peak Road. Tuna Canyon Road, a public roadway, encircles the vicinity of the project site to the south, west, and north. The site will not be visible from Tuna Canyon Road to the south as the topography drops steeply from the plateau to a narrow and steep canyon where Tuna Canyon Road and Creek are located. The construction trailer will be on this location for a temporary two year period or less.

The proposed grading for the building site is modest as the building pad will be cut into the top of a knob with a limited amount of fill placed along the southern flank.

In regards to the proposed improvements to the applicant's easement along Betton Drive and Fabuco Road, these improvements will all occur along an existing dirt roadway, and the grading associated with this development will be spread out along a 484 foot section of road. This grading is judged to be the minimum amount necessary to meet the requirements of the Los Angeles County Fire Department. Furthermore, no significant cut or fill slopes will result from the above referenced grading, and no adverse or significant visual impacts are anticipated as the paved extension of Betton Drive and Fabuco Road, now dirt roads, will be visible to a limited degree from Tuna Canyon and Saddle Peak Roads.

Regarding public trails, an existing equestrian and hiking trail, the Tuna Canyon trail, is located about one half of a mile to one mile south and west of the project site. Due to the distance, public views of the project site will be limited.

Further, the Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a landscape and fuel modification plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of

this project and that native materials surrounding the residential structure are to "thinned" rather than "cleared" for wildland fire protection. Special Condition Number Two requires that the landscape plan be completed within thirty days of residential occupancy and at the time the construction trailer is removed and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

Therefore, the Commission finds that the project, as conditioned, protects public views to and along the coast and minimizes alteration to natural landforms, and thus, is consistent with Section 30251 of the Coastal Act.

G. Septic System

The Commission recognizes that the potential build-out of lots in 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 applicants propose to install a new 1200 gallon septic tank, and two seepage pits to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

H. 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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

I. 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 Coastal Commission's Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the project, 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.

As explained in the findings set forth above in this Staff Report, and incorporated fully herein, all feasible mitigation measures have been adopted to avoid or substantially reduce any significant adverse effects the project may have on the environment. In addition, the Commission finds that there are no other feasible alternatives available that would avoid or substantially reduce any significant adverse effects the project may have on the environment, considering the applicants right to use their property. The public has not, at this time, brought to the Commission's attention any potential adverse environmental effects of the project that are not discussed in the Staff Report. Therefore, the proposed project, as conditioned, is consistent with the applicable requirements of CEQA.

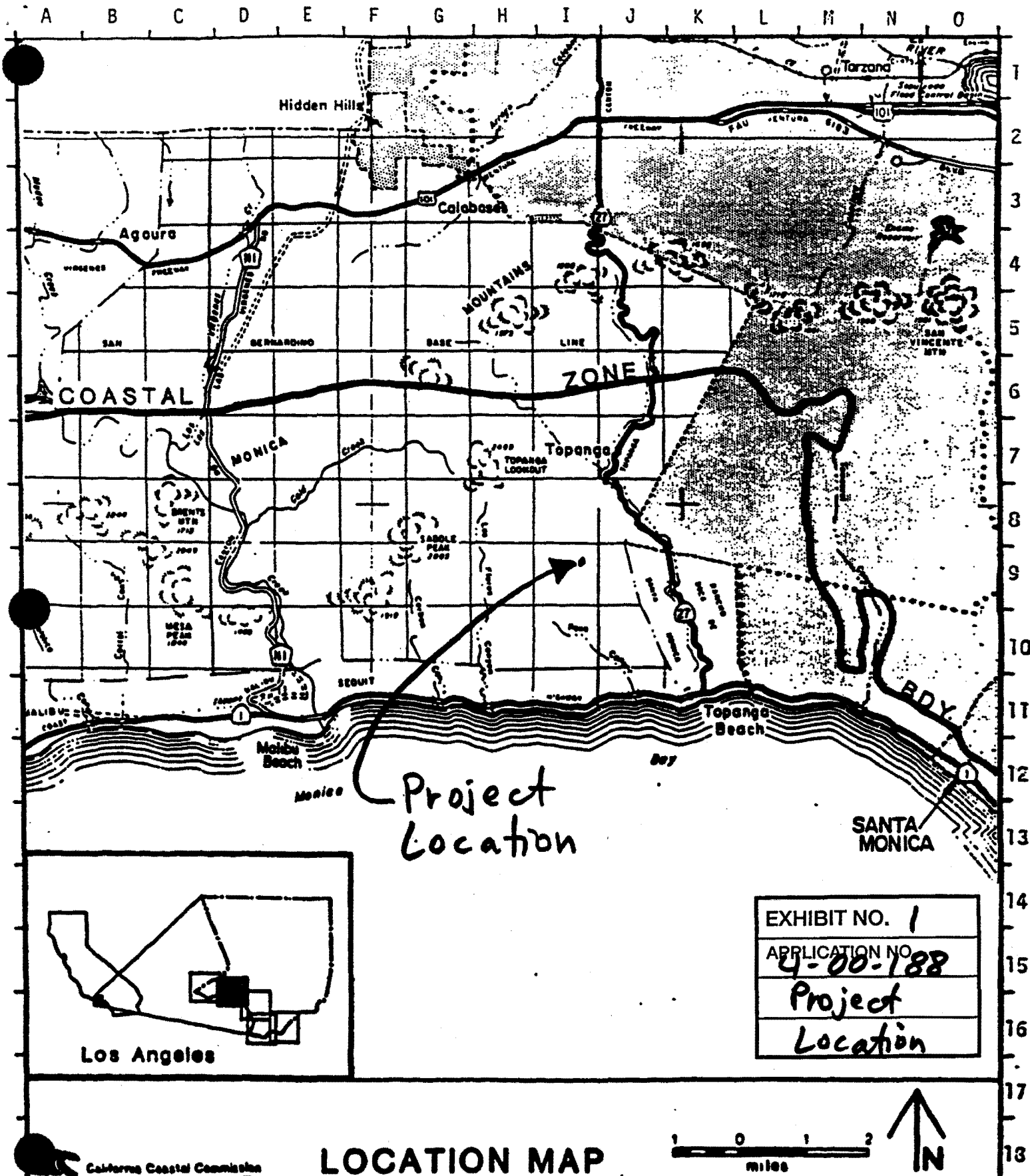
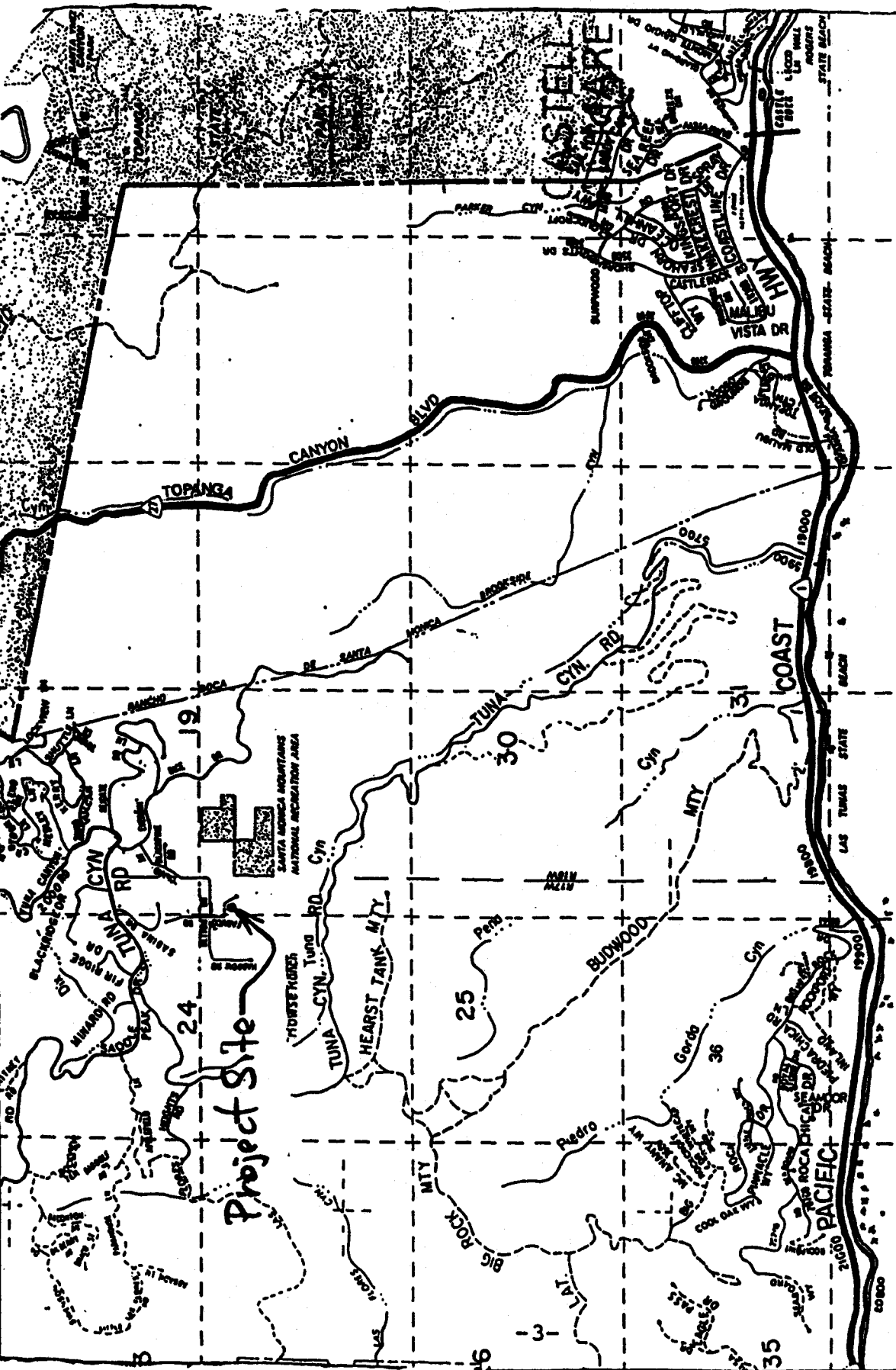


EXHIBIT NO. 1
APPLICATION NO. 4-00-188
Project
Location

LOCATION MAP

County of Los Angeles

Sheet 2 of 5



PACIFIC OCEAN

OCK BEACH

EXHIBIT NO. 2

APPLICATION NO. 4-00-780

Project Site

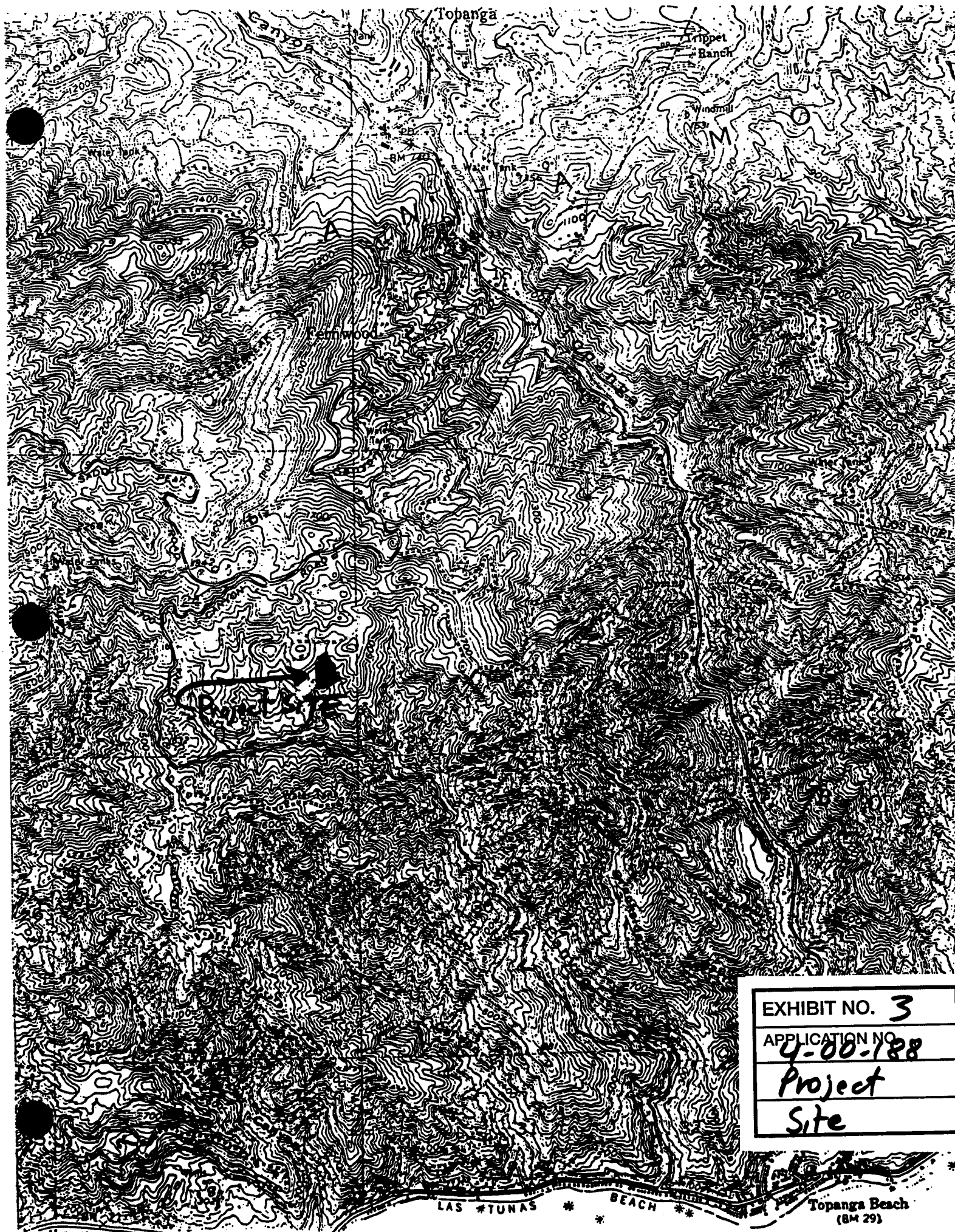


EXHIBIT NO. 3

APPLICATION NO. 4-00-188

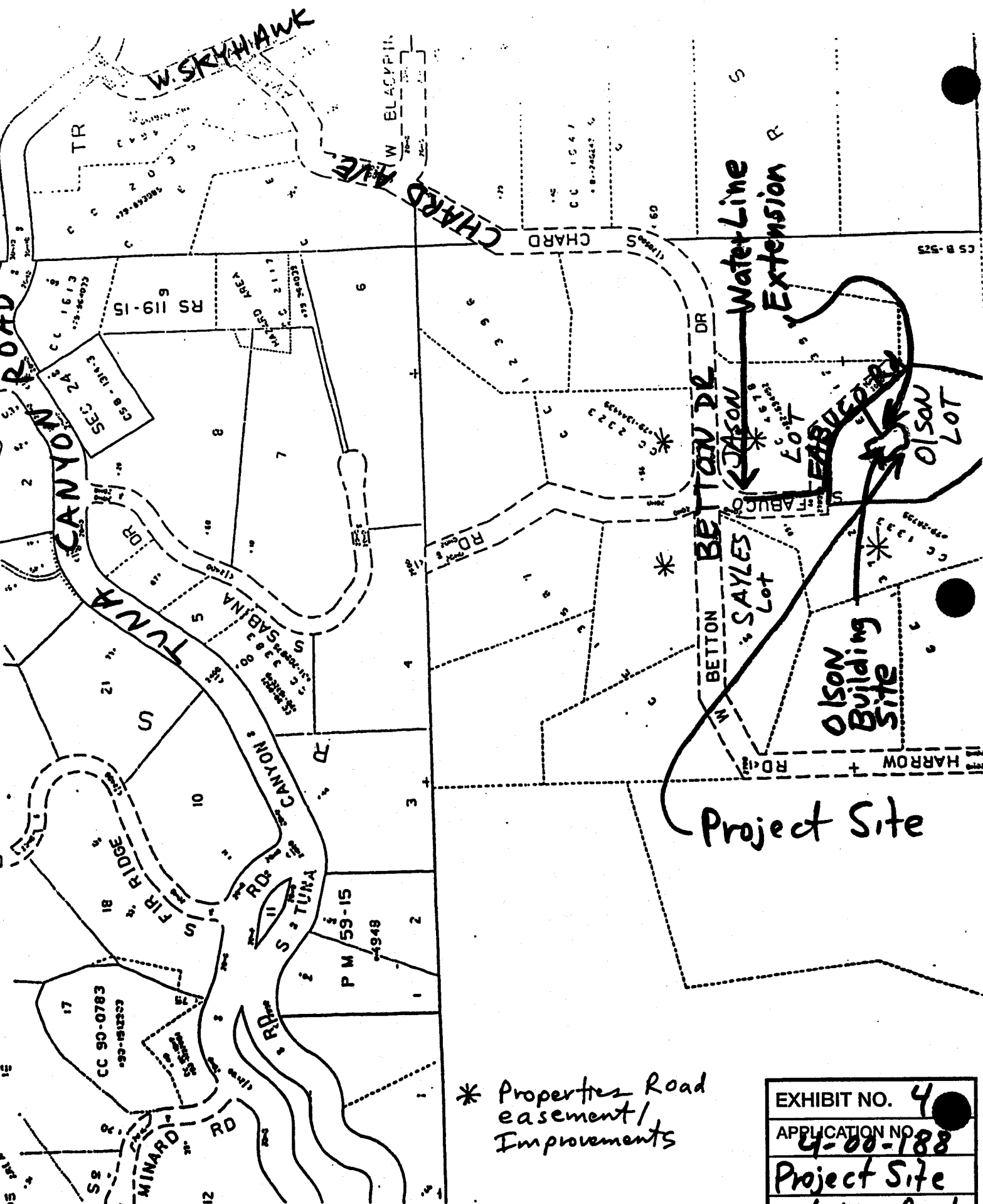
Project

Site

LAS TUNAS

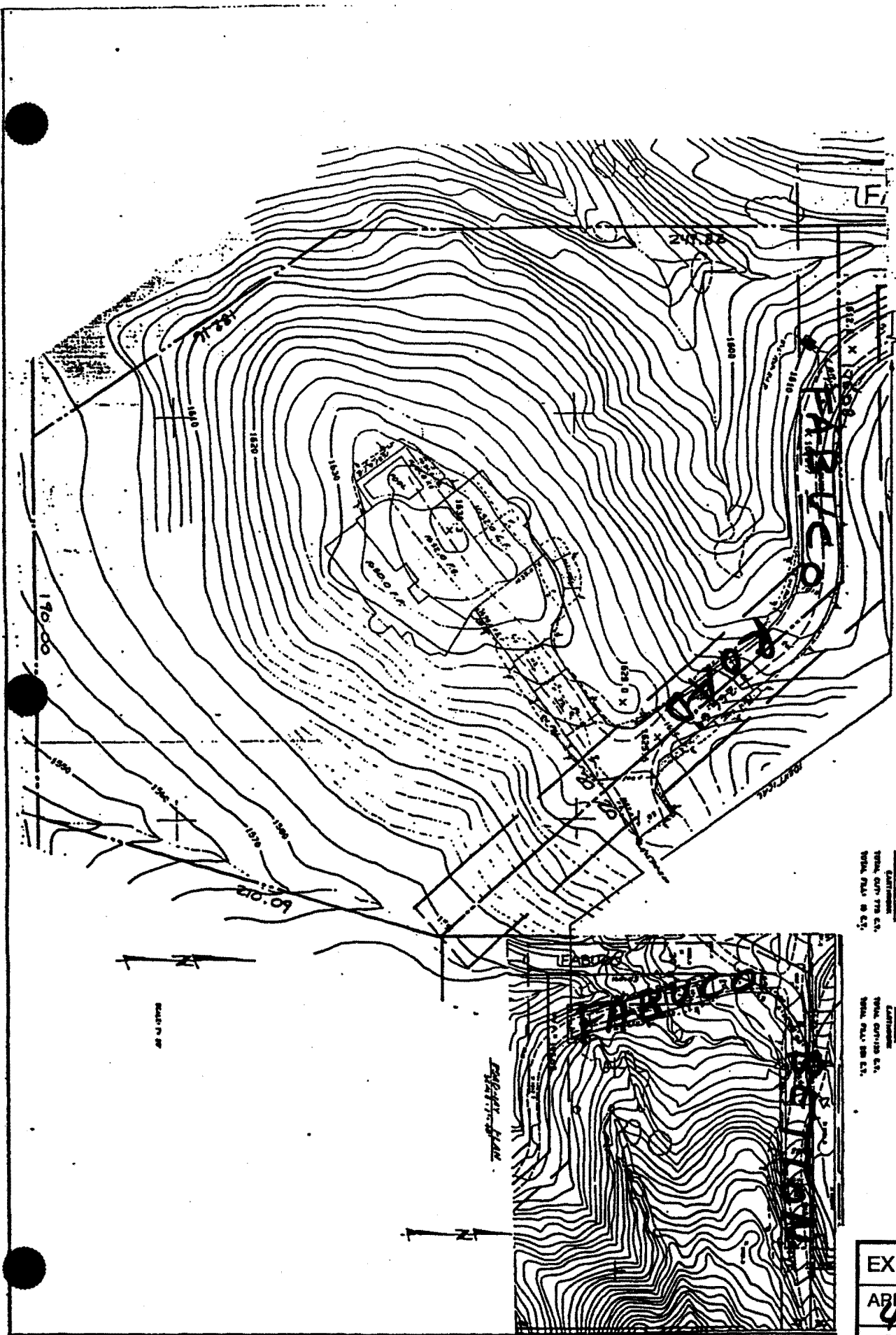
BEACH

Topanga Beach
(BM 29)



* Properties Road
easement/
Improvements

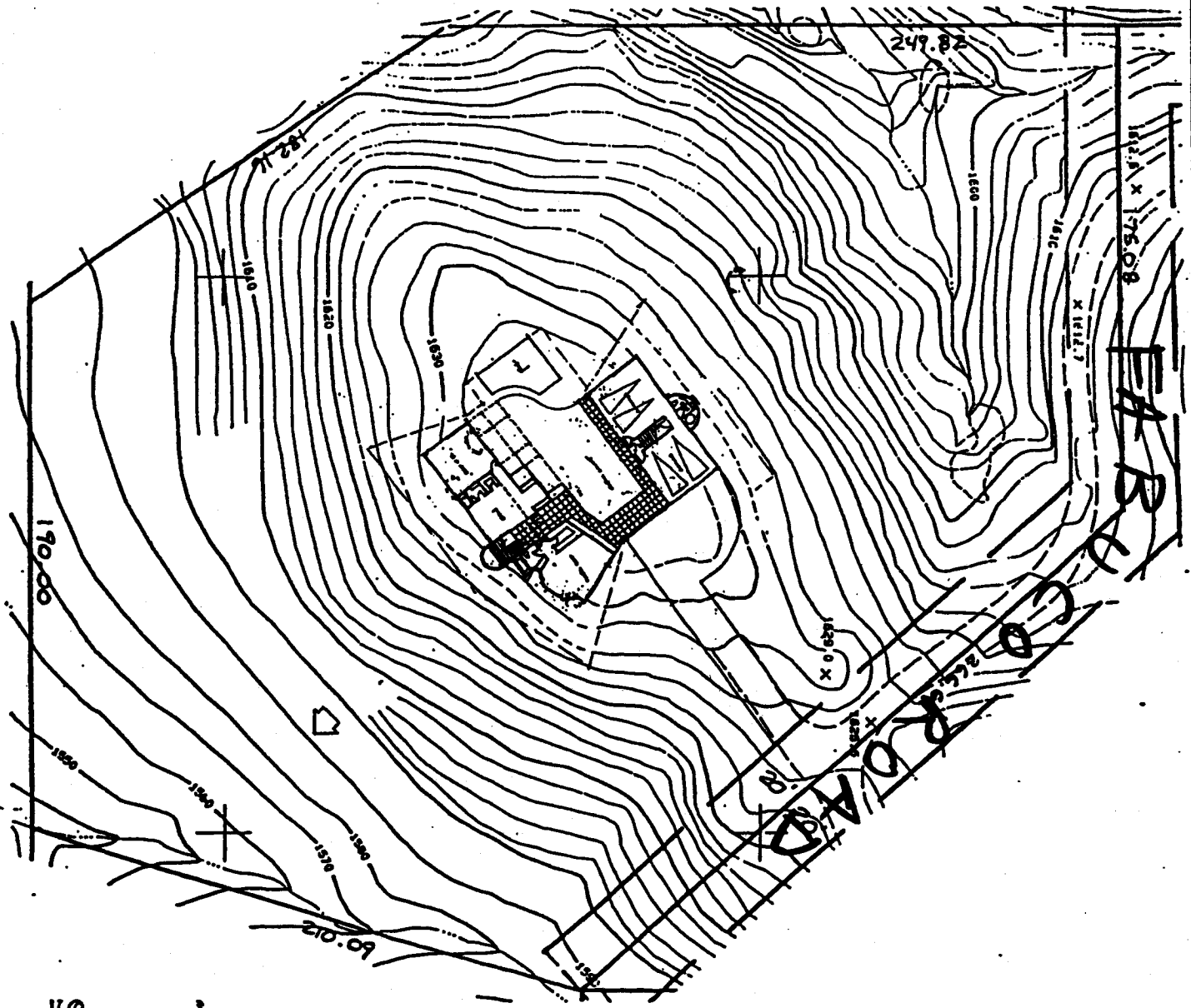
EXHIBIT NO.	4
APPLICATION NO.	4-00-188
Project Site	
Water Line, Roads	



NO. 100
 TOTAL, 100.00
 TOTAL, 100.00
 TOTAL, 100.00

NO. 100
 TOTAL, 100.00
 TOTAL, 100.00
 TOTAL, 100.00

EXHIBIT NO. 5
 APPLICATION NO. 4-00-188
 Grading Plan



SITE PLAN

Scale: 1 inch = 100 feet

EXHIBIT NO. 6
APPLICATION NO. 4-00-188
Site Plan

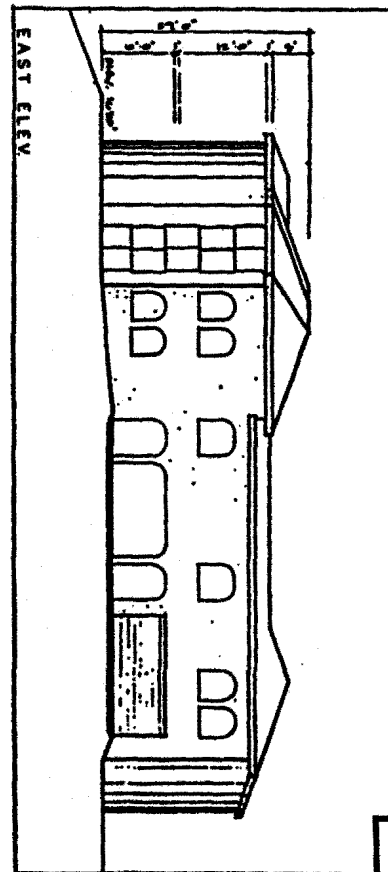
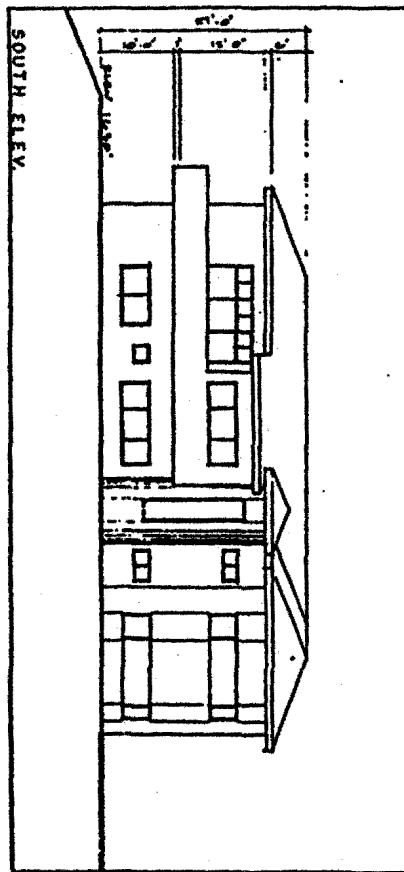
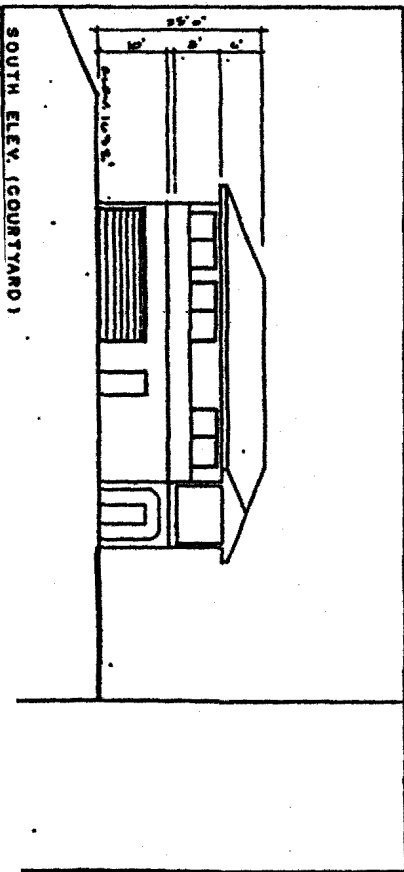
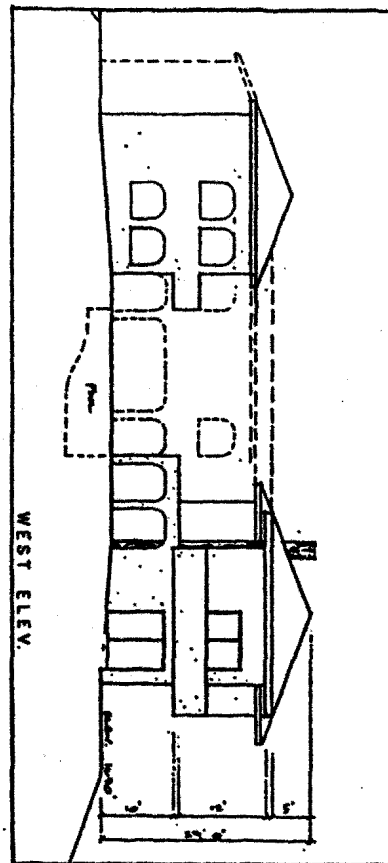
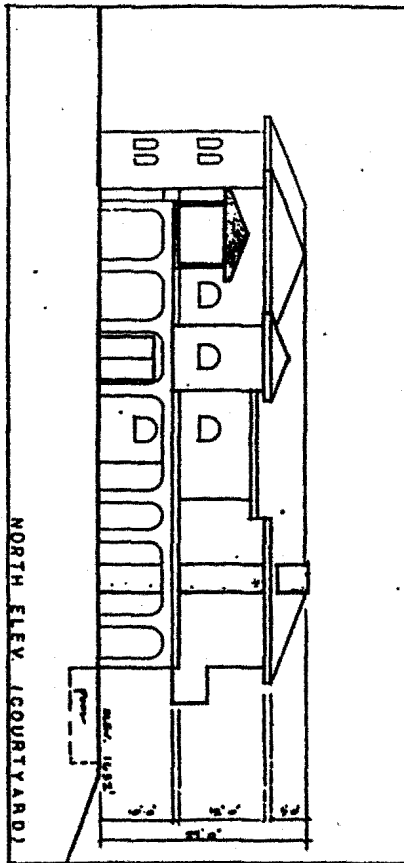
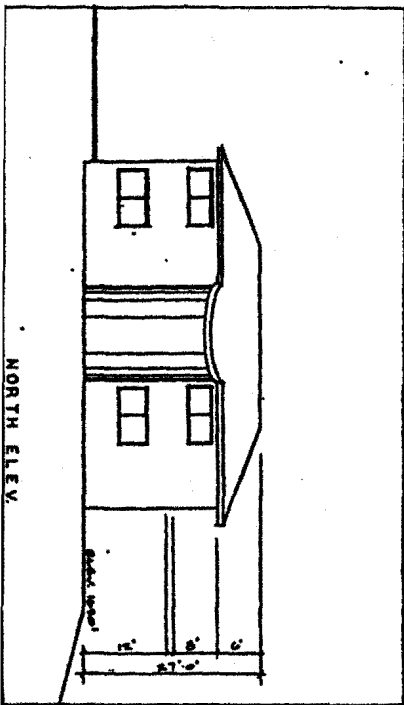
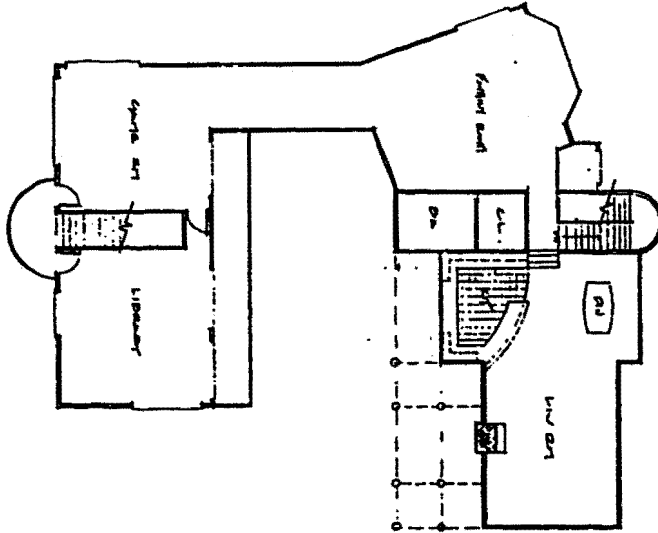


EXHIBIT NO. 8
APPLICATION NO. 0-00-188
Elevations

Prepared by
MRS. MORRIS OLSON
1501 Capital Drive #733
Arlington, VA 22202

Prepared by
MRS. MORRIS OLSON & COMPANY
ARCHITECTS
JAMES A. OLSON
(510) 374-7006

SECOND FLOOR PLAN



FIRST FLOOR PLAN

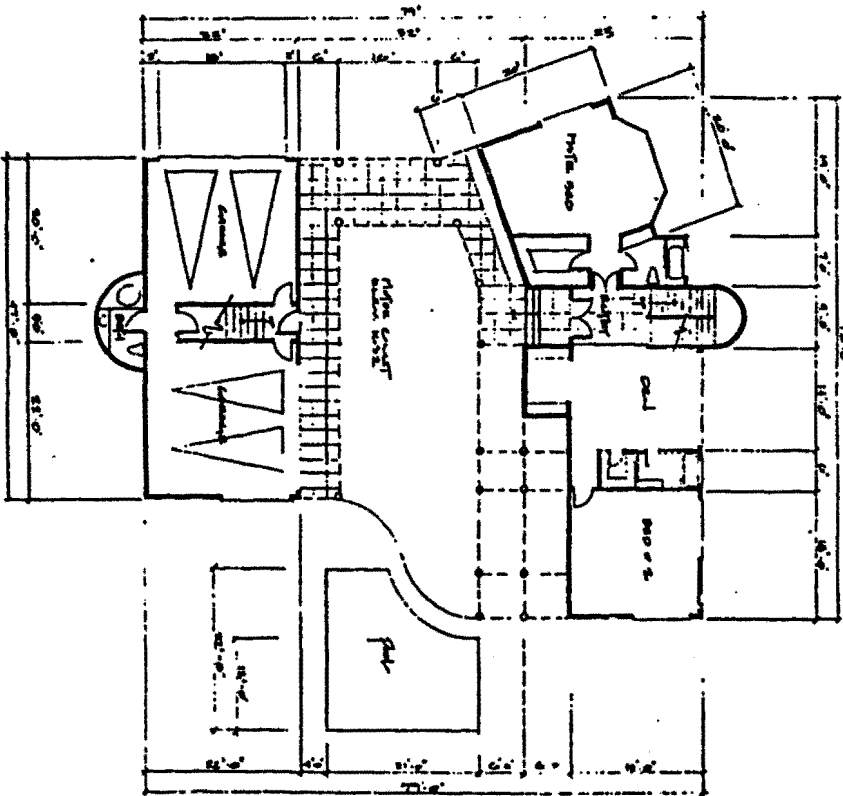


EXHIBIT NO. 9
APPLICATION NO. 4-00-188
Floor Plans

Approved: [Signature]
 Date: [Date]
 Title: [Title]
 Department: [Department]

CALIFORNIA COASTAL COMMISSION

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

February 1, 2001

Gerald & Shirley Sayles
43143 N. 23rd Street West
Lancaster, CA 93536

RE: Coastal Development Permit Application No. 4-00-188, Marian Olson, 2737 South Fabuco Road, Malibu

Dear Gerald & Shirley Sayles;

This office has received an application from Marian Olson for the construction of a 4,000 sq. ft. two story single family residence with four car garage, swimming pool, septic system and landscaping at 2737 South Fabuco Road, Malibu. The application is filed and scheduled for a public hearing at the Coastal Commission's February 13 - 16, 2001 meeting.

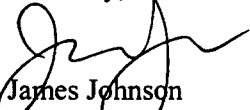
In addition to the proposed residence, the applicant requests the approval for road and drainage improvements along a portion of Betton Drive and Fabuco Road and water main improvements to serve the proposed residence. These road improvements consist of about 584 feet and include about 634 cubic yards of grading to improve the roadways.

Coastal Act Section 30601.5 states as follows:

All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant.

Because our records in the application file indicate that you are the owner of a fee interest in the property across which the road and drainage improvements and the water line extensions are proposed, the Commission is notifying you of the application pursuant to Section 30601.5. With this letter, staff are inviting you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter. If you have any questions or need further information about this application and the proposed project, please call me at the number above.

Sincerely,


James Johnson
Coastal Program Analyst

AGREED:

Name (Print)

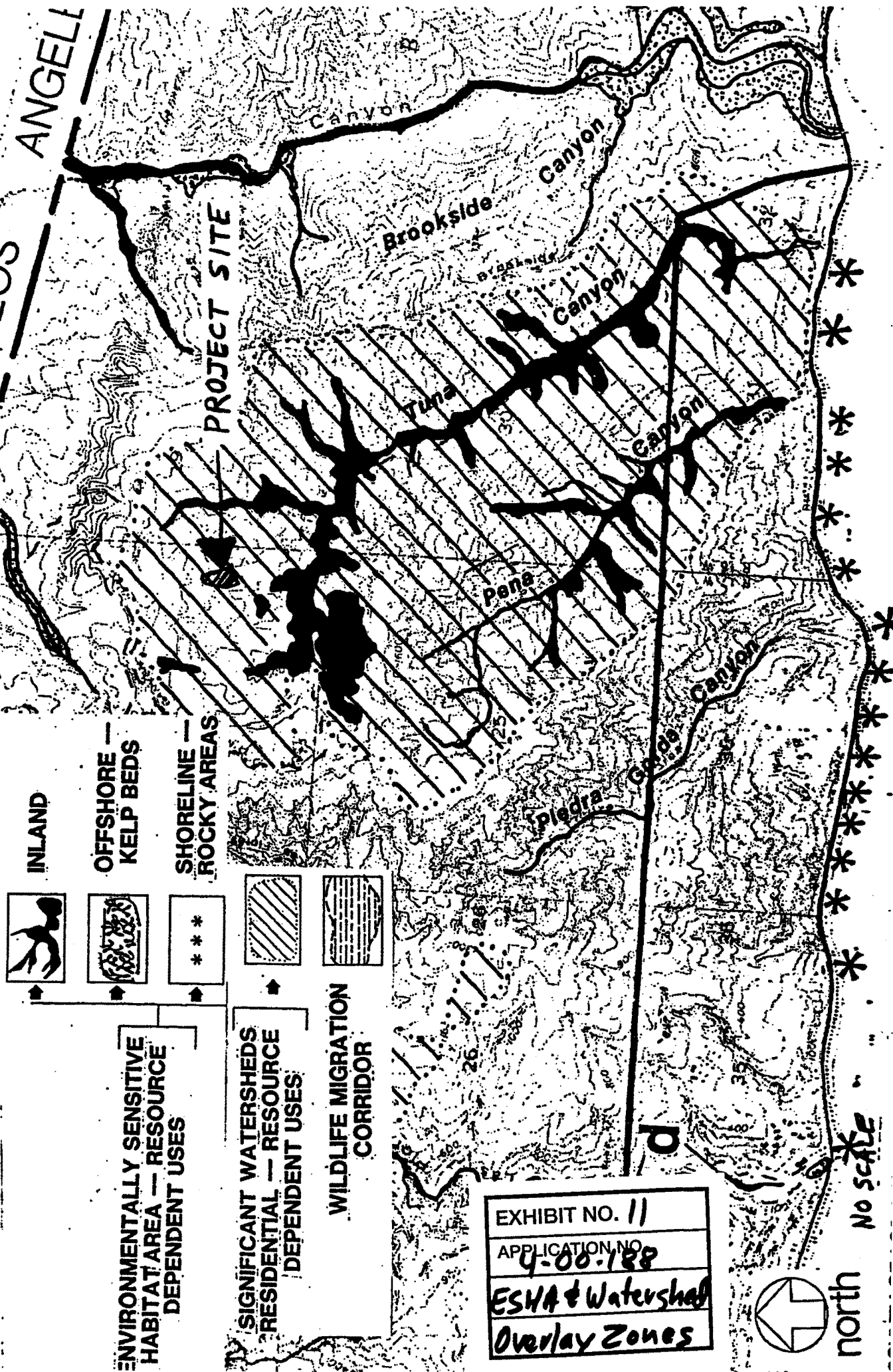
Signature

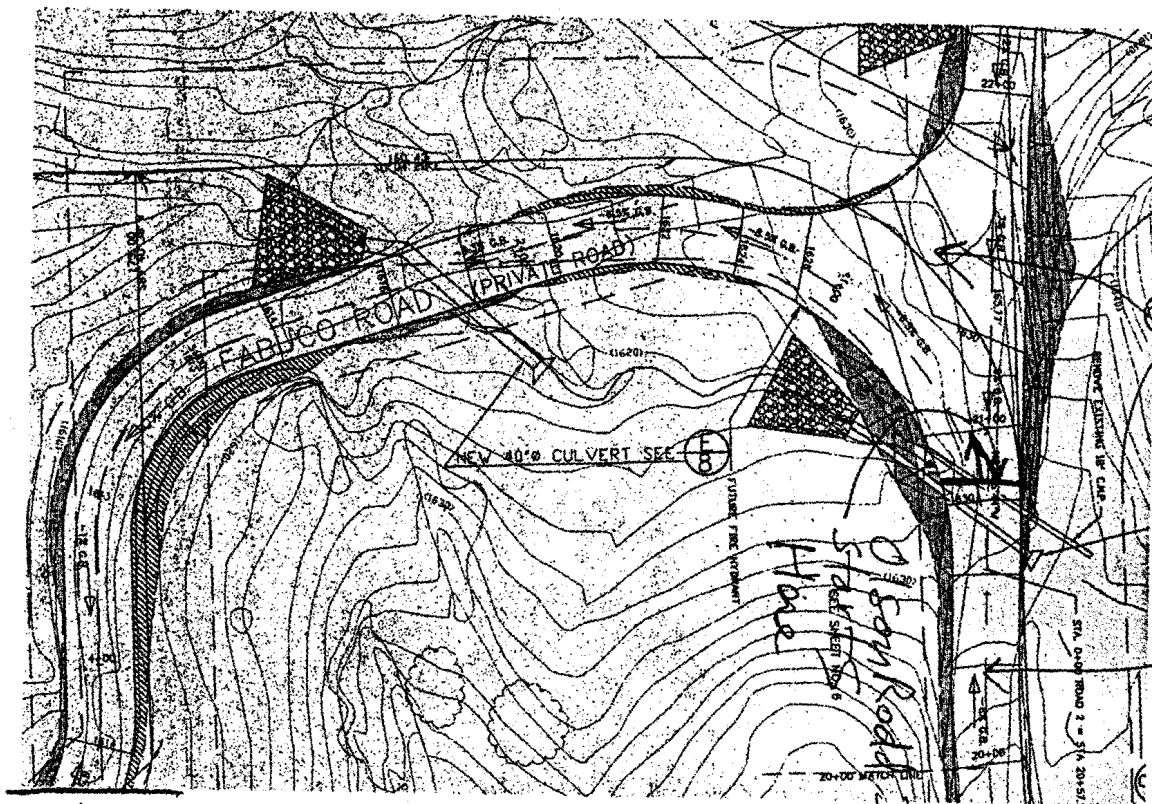
Property Address

cc: Donald Schmitz
400188olsoncoapplicants

EXHIBIT NO. 10
APPLICATION NO. 4-00-188
Co-Applicant
Invitation Letter

SENSITIVE ENVIRONMENTAL RESOURCES OVERLAY ZONES





Bethon Drive

Olson Road Improvement
Start Here

Match line

Olson Bldg Site

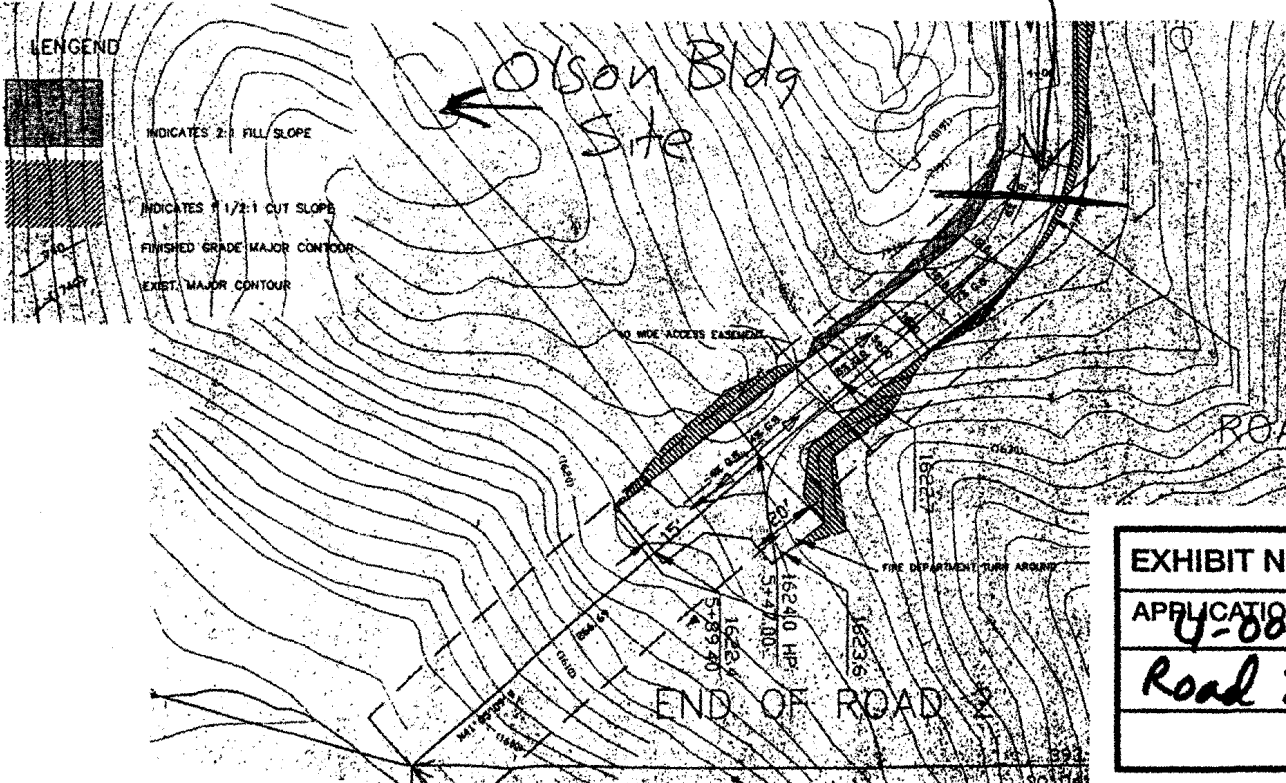
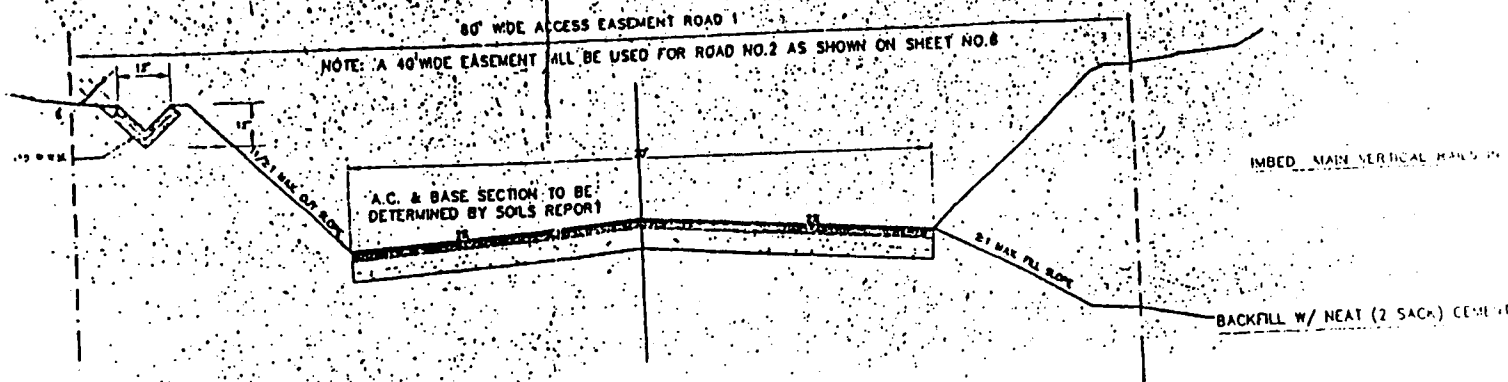


EXHIBIT NO. 12
APPLICATION NO. 4-00-188
Road Improv.

CONC. DRAIN AS SHOWN BELOW AT THE TOP OF ALL CUT SLOPES.
 DRAIN SHALL HAVE A MIN. LONGITUDINAL SLOPE OF .2%
 PROVIDE SHEETS FOR DRAIN LOCATIONS AND OUTLET POINTS
 PROVIDE 5'x5' CONC. PAD W/ GROUTED RIP-RAP AT ALL OUTLETS



TYPICAL ROAD SECTION

INSTALL STD. CMP FLARED INLET

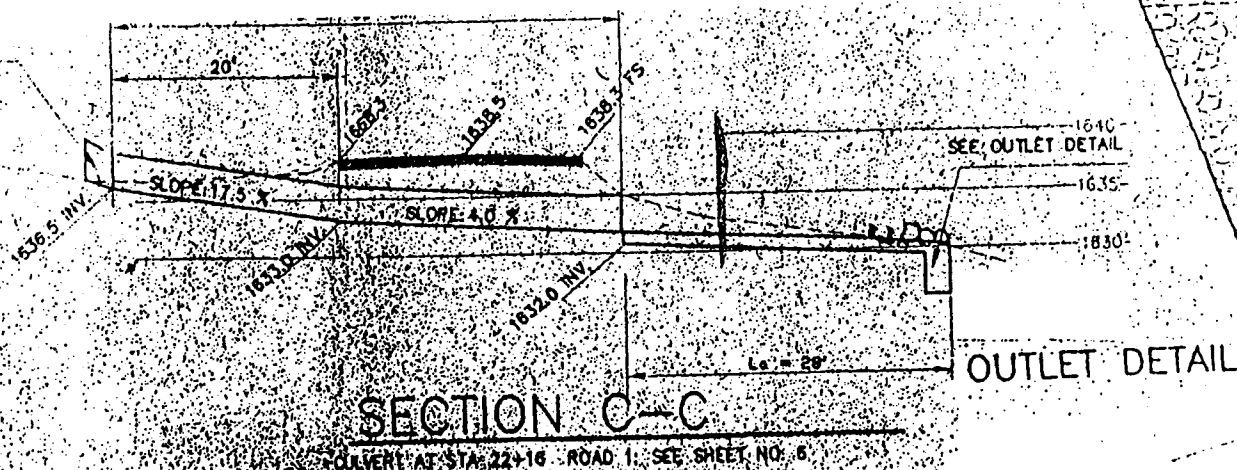


EXHIBIT NO. 13

APPLICATION NO. 4-88-188

Road Improvements

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 44775

Location 2737 South Fabuco Drive, Malibu

Applicant Marian Olson

Request New Single-Family Residence and swimming pool

Resource Category Tuna Canyon Significant Watershed

EXHIBIT NO. 14
APPLICATION NO. 4-00-188
ERB
Review

ERB Meeting Date: May 20, 1996

Staff Recommendation: ☒ Consistent ☐ Inconsistent

Suggested Modifications: - _____

ERB Evaluation: ☐ Consistent ☒ Inconsistent

Recommendations:

- Lot is distant from existing services & remote from existing roads.
- Runoff to be collected on-site and dissipated.
- Cut slopes to be retained; no sidecast materials on down slopes.
- Vegetation clearance should not exceed 10% of lot area.
- Lot is eligible for lot retirement program (Table 1).
- Structure should be minimized to 1 story and set back 10-30 feet from ridge edge.
- Plant only native species on all slopes; use California Native Plant Society (CNPS) list for landscape species; landscaping to be consistent with current Fire Department standards.
- Use earth tone colors of local area for house exterior; lighting to be directed downward and of low intensity.



Carefree
CLEARWATER LTD

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Models, Features, and Pricing

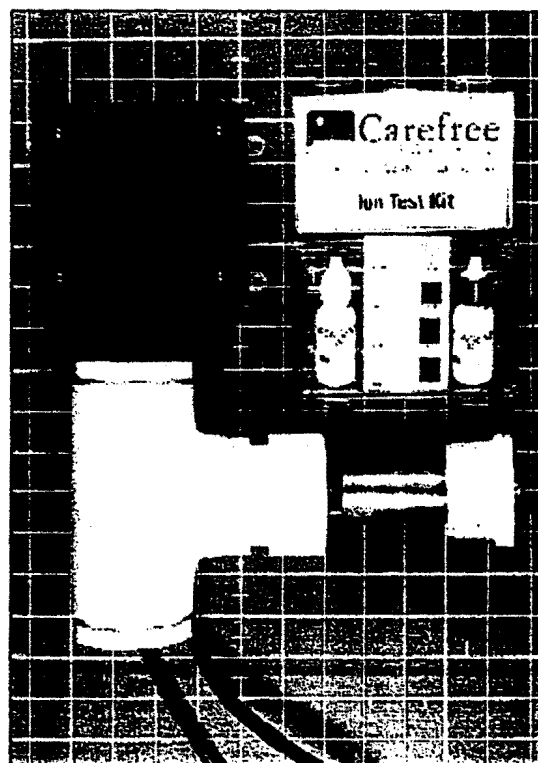
Carefree Clearwater Water Treatment Systems

Model 100

Automatic Purification System

The features include:

- Simple to Use Controls
- Plug In Operation
- Lifetime Warranty
- Variable Power Output for Spas and Pools
- Solid State Electronic Circuitry Multiple Fuse Protection
- Light Emitting Diodes Display Power Output Range, Anode Condition and Polarity
- Extended Cleaning Cycle for Purification Cell
- Watertight Weatherproof UL Approved Enclosure.
- N.A.S.A. has granted approval for commercial manufacturing of their patented ionizer to
- Carefree Clearwater, Ltd. Additional U.S. patents pending.
- United States Environmental Protection Agency Est. #59047-GA-001



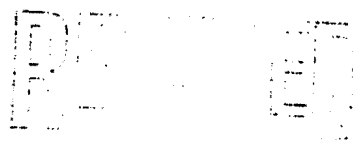
Top of Page

State-of-the-Art Commercial Rated Electrolytic
Ionizer

The well-proven features are:

- Rugged and Durable Design Protects

<http://www.carefreeclearwater.com/models.html>



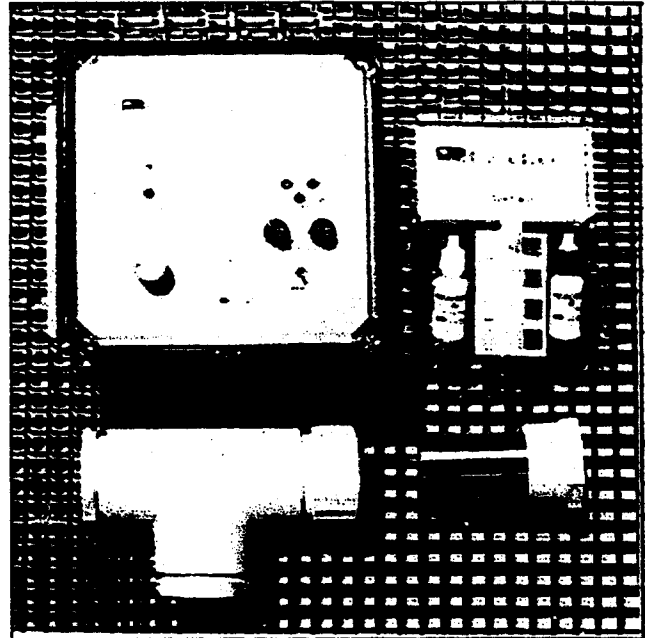
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CONFIDENTIAL
SOUTH CENTRAL

EXHIBIT NO. 15
APPLICATION NO. 4-00-188
Alt Water
Purific. Pg 1 of 4

Electronics from Moisture, Corrosion and Harsh Environments. NEMA 4X and UL 508-4X Rated Waterproof Equipment Enclosure. Gasket Sealed Clear Acrylic View Cover. Tamper Proof.

- Heat and Vibration Protected Solid State Electronics.
- Precise Metering and Stable Ion Output. Unit Automatically Maintains Preset Level.
- Simple Operating Controls. Electronic Self-Checking Inspection Circuitry for Anode.
- LED Displays for Power, Polarity, and Anode Status.
- Self-Cleaning Anode Feature. Polarity Reversing Sequential Cleaning Circuit.
- Circuit Design Maintains Accurate Metering Of Mineral Ion Flow Throughout Anode Life.
- The Most Advanced Specialized Alloy Anode for Superior Water Quality and Purity. NSF Listed Ion Chamber Components.
- Meets or Exceeds UL and NSF Standards.
- Ion Test Kit and Complete Operator Manual Included.
- Lifetime Equipment Warranty.



1200 Pricing Information

Top of Page

Retail Pricing

MODEL 1100

Purifies up to 25,000 Gallon Spa/Swimming Pool.
Includes Plug In 1100 Controller, Anode, Ion Test Kit,
2" Ion Chamber. Installation & Instruction Manual.
Please Specify if 220 VAC is needed.

\$795.00

MODEL 1200-R

Purifies 15,000 - 45,000 Gallon Swimming Pools.

EXHIBIT NO. 15

APPLICATION NO.

4-00-188

A/H Water

Purifz. Pg 2 of 4

Includes Model 1200-R Controller, Anode, Ion Test Kit, 2" Ion Chamber, Installation & Instruction Manual	\$1395.00
MODEL 1200-C Purifies 45,000 - 65,000 Gallon Swimming Pools. Includes Model 1200-C Controller, Anode, Ion Test Kit, 3" Ion Chamber, Installation & Instruction Manual	\$1595.00
MODEL 1200 C-1 Purifies 65,000 - 125,000 Gallon Swimming Pools. Includes Model 1200 C-1 Controller, Anode, Ion Test Kit, 3" Ion Chamber, Installation & Instruction Manual	\$1995.00
1100 ANODE Lasts 2-3 seasons in a 20,000 Gallon Swimming Pool	\$89.50
1200-R ANODE Lasts 2-3 seasons in a 20,000 Gallon Swimming Pool	\$99.50
1200-C ANODE	\$129.50
ANODE for Other Manufacturers We can provide replacement parts for any manufacturer's equipment.	Contact Us for Pricing
ION TEST KIT	\$15.50
TEST KIT REAGENT REFILL Replace Yearly	\$5.99

The Carefree Clearwater Purifier pays for itself quickly by eliminating the need to spend thousands on chemical sanitizers, algicides and clarifiers etc. Operating costs for the ion generator's electrical consumption averages less than 25 cents per month. Periodic oxidizing along with a low level halogen and maintaining normal water balance are all that's needed.

[Back to the Main Page](#)
[Top of Page](#)

Carefree Clearwater, Inc.


P.O. Box 204

<http://www.carefreeclearwater.com/models.html>

EXHIBIT NO. 15
APPLICATION NO. 4-00-188
Alt. Water
Purific. Pg 2 of 4

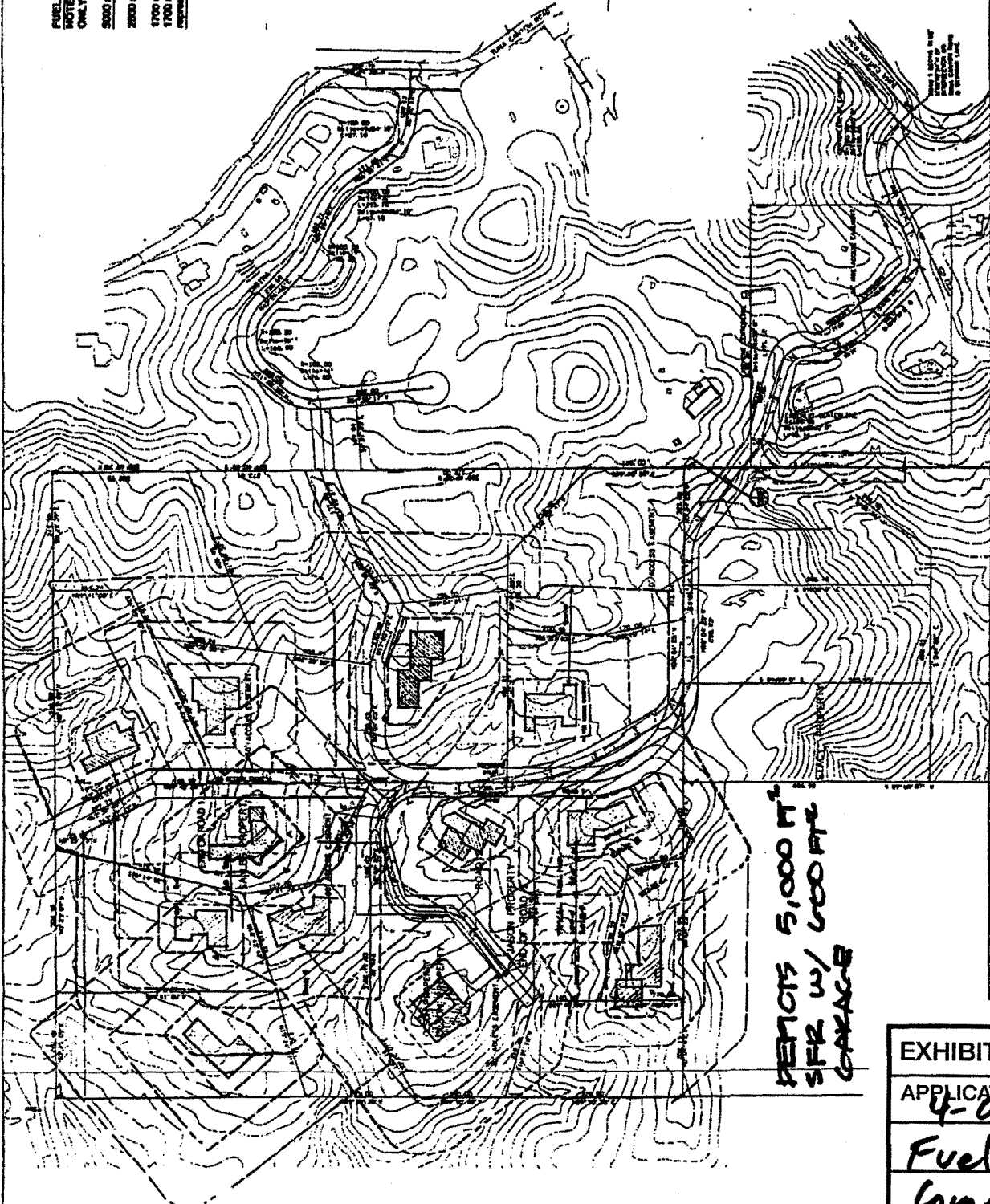
Cornelia, Georgia 30531

Phone (800) 364-5710 or (706) 778-9416 | Fax (706) 778-0423

Email sales@carefreeclearwater.com 

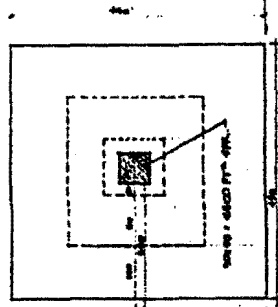
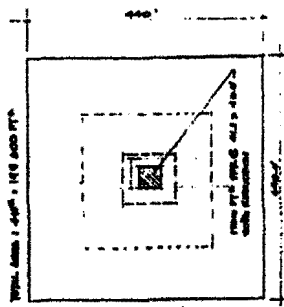
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EXHIBIT NO.	15
APPLICATION NO.	4-00-788
Alt. Water	
Purific. A92054	



FUEL MODIFICATION PLAN COMPARISON CHART:
NOTE: ALL FOOTPRINTS SHOWN ARE FIRST FLOOR ONLY.

5000 sq ft residence - 2000 sq ft. footprint for 2 story house
2000 sq ft. footprint - 200 sq ft. footprint for 2 story house
1700 sq ft. footprint - 20% reduction in floor area
1700 sq ft. footprint - 100,000 sq ft. fuel mod area
representative only at 8 % reduction in fuel mod area



NOTE: AREA OF EXISTING GARAGE - 400 sq ft.
NOTE: EXISTING GARAGE - 400 sq ft.
NOTE: EXISTING GARAGE - 400 sq ft.

FUEL MODIFICATION PLAN COMPARISON

SCALE: 1" = 10'



H&E inc.
Holmes Enterprises Inc.
Structural and Civil Engineering
200 Wickes Rd. Moorpark, CA 93021
(805) 532-1571
fax: (805) 532-1596

EXHIBIT NO. 16
APPLICATION NO. 4-00-188
Fuel Mod
Comparison

THE EFFECT OF A LARGE HOUSE VS. TWO SMALLER RESIDENCES ON THE FUEL MODIFICATION AREA

HOUSE SIZE	GARAGE SIZE	TOTAL	TOTAL FOOTPRINT WITH STRUCTURE AND HARDSCAPE	AVG. FUEL MOD AREA/HOME SITE (NO OVERLAP)	FUEL MOD AREA FOR 12 HOUSES	FUEL MOD AREA PER HOUSE SITE
5,000	600	5,600	7,000-9,500	302,400	1,712,912	<u>142,743</u>
1,500	500	2,000	1,300-2,400	202,500	1,504,050	<u>125,338</u>

Conclusion: By reducing a house from 5,000 square feet to 2,000 square feet, the decrease of brush clearance
Per house is 33% but when considering the overlap of the adjacent houses, the decrease is only 12%.

Note: Numbers in above table are in square feet.

EXHIBIT NO. 18

APPLICATION NO.

4-28-1888

Fuel Mod

Comparison

