STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-231

APPLICANT: Dorothy Reik

PROJECT LOCATION: 21801 Saddle Peak Rd., Topanga (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new 802 sq. ft., 16 ft. high from existing grade, one-story single family residence (SFR), a 624 sq. ft. deck, paved driveway, septic system with two pits, and the presence of an on-site trailer during construction. The project proposes no grading.

Lot area	171,864 sq. ft. (3.96 ac.)
Building coverage:	802 sq. ft.
Total Hard Surfaces:	3,200 sq. ft.
Landscape coverage:	20,000 sq. ft.
Ht. above existing grade:	16'0"

LOCAL APPROVALS RECEIVED: Approval in Concept, Planning Department, dated 3/2/2000; Approval in Concept (Septic System), Los Angeles County Health Department, dated 2/20/2001; Approval in Concept, Los Angeles County, Geologic Review Sheet, dated 1/8/2001; Approval in Concept, Los Angeles County, Soils Engineering Review Sheet, dated 1/19/2001; Final Approval (Fuel Modification), Los Angeles County Fire Department, Fire Prevention Bureau, dated 3/31/2000.

SUBSTANTIVE FILE DOCUMENTS: Report of Engineering Geologic Investigation, 21801 Saddle Peak Road, by Harley Tucker Inc., dated 2/3/1994; *Soils Engineering Investigation for Proposed Single-Family Residence at 21801 Saddle Peak Road, Topanga, California*, by G.C. Masterman and Associates, Inc., dated 2/14/1994; Supplemental Engineering Geologic Report, by Harley Tucker Inc., dated 7/21/1994; Supplemental Soils Engineering Report, 21801 Saddle Peak Road, by G.C. Masterman and Associates Inc., dated 9/20/1994; Site Update - Proposed Single Family Residence 21801, by SubSurface Designs Inc., dated 9/19/1996; Update Engineering Geologic Report and Acceptance of Engineering Geologic Responsibility, 21801 Saddle Peak Road, by Pacific Geology Consultants Inc., dated 10/18/1999; Supplemental Engineering Geologic Report, 21801 Saddle Peak Road, by Pacific Geology Consultants Inc., dated 10/19/1999; Update Letter, 21801 Saddle Peak Road, by Subsurface Designs Inc., dated 11/3/1999; Addendum I: Response to County of Los Angeles Geotechnical Review Sheet, by Subsurface Designs, dated 10/3/1999; Supplemental Engineering Geologic Report, by Pacific Geology Consultants Inc., dated 10/12/2000; County of Los Angeles Geologic Review Sheets, 21801 Saddle Peak Road, dated 7/1/1994, 1/8/1997, 3/11/1997, and 7/3/2000; County of Los Angeles Geotechnical Review Sheets, 21801 Saddle Peak Road, dated 7/5/1994, 2/26/1997, and 7/11/2000;Coastal Development Permit 4-94-190 (Reik); Malibu/Santa Monica Mountains certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with nine (9) special conditions regarding Color Restriction, Conformance with Geologic Recommendations, Drainage and Polluted Runoff, Landscaping and Erosion Control, Wildfire Waiver of Liability, Future Improvements, Removal of Secondary Residential Unit, Removal of Wooden Fence, and Revised Plans.

I. STAFF RECOMMENDATION

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-99-231 pursuant to the staff recommendation.*

2. **Staff Recommendation of Approval:**

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

3. **Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the Commission staff and may require Commission approval.

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

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS

1. Color Restriction

The color of the structures, roofs, walls, and driveways permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). Furthermore, all windows shall be comprised of non-glare glass.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Plans Conforming to Geologic Recommendations

a) All recommendations contained in the *Supplemental Engineering Geologic Report, 21801 Saddle Peak Road, Topanga, Los Angeles County*, by Pacific Geology Consultants Inc., dated 10/19/1999, shall be incorporated into all final design and construction including **site preparation**, **grading**, and **foundations**, All plans must be reviewed and approved by the geologic / geotechnical consultant. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.

b) The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to 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. The Executive Director shall determine whether required changes are "substantial."

3. Drainage and Polluted Runoff Control Plan

Prior to the 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 that 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. 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.

4. Landscape and Erosion Control Plan and Fuel Modification

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

A) Landscaping Plan

(1) All graded & disturbed areas on the subject site including all disked areas 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 plan species which tend to supplant native species shall not be used.

(2) 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.

(3) Vegetation along Saddle Peak Road shall be limited to low-lying, groundcover vegetation of no more than 2 ft. in height.

(4) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(5) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

(1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads,

staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

(2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

(3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) <u>Monitoring</u>

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.

5. Wildfire Waiver of Liability

Prior to 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, and 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 wildfire exists as an inherent risk to life and property.

6. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-99-231. 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 residence. Accordingly, any future structures, additions, or improvements related to the residence approved under Coastal Development Permit No. 4-99-231 will require a permit from the California Coastal Commission or its successor agency.

Prior to 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 incorporating all of the above terms of this condition. 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 that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Removal of Second Residential Unit

With the acceptance of this coastal permit, the applicants agree to remove the existing residential trailer as shown on the Site Plan (Exhibit 6) within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles. After the structure is removed the disturbed site shall be revegetated as required by **Special Condition Three** within sixty (60) days. The Executive Director may grant additional time for good cause.

8. Removal of 130' by 6' High Wooden Fence

Within 180 days of issuance of the coastal development permit, the applicant shall either remove the wooden fence adjacent to Saddle Peak Road, relocate said fence below the grade of the road so as not to obstruct the public view from Saddle Peak Road, or replace said fence with visually permeable alternative as outlined in **Special Condition Nine**.

9. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which show:

As consistent with **Special Condition Eight**, the removal or relocation of the existing 130' by 6' high wooden fence to a point below the grade of the road. Should alternative fencing be installed instead, said fencing shall be visually permeable in design (e.g. wrought iron, chain link, or split rail) so as to minimize obstruction of the public view from the road.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing construction of a new 802 sq. ft., 16 ft. high from existing grade, one-story single family residence (SFR), a 624 sq. ft. deck, paved driveway, septic system with two pits, and the presence of an on-site trailer during construction. The project proposes no grading.

The subject site is an irregularly shaped 171,864 sq. ft. (3.96 ac.) parcel located within the central portion of the uplifted Santa Monica Mountains. The site is part of a northeast trending, descending spur ridge located in the Topanga area of the County of Los Angeles. Sole access to the property is from Saddle Peak Road, a designated scenic highway in the Malibu / Santa Monica Land Use Plan (LUP), which borders the property to the north. Previous development on-site consists of after the fact grading and vegetation clearance, the placement of a 130' by 6' high wooden fence, and a residential trailer situated on the western portion of the property. This development came under review by the Commission in CDP #4-94-190, and was approved with conditions regarding habitat restoration of the graded pads and disturbed areas, and a wildfire waiver of liability. Under the current permit application, the residential trailer is proposed to be removed after completion of the project and prior to occupancy of the new residence.

It should be noted that the original coastal development application submitted was for the construction of a 1,237 sq. ft., two-story, 35' high from existing grade single family residence, attached covered patio and carport, septic system, paved driveway, swimming pool, and spa to be located on the eastern portion of the property. In March of 2000, the permit application was revised to limit the scope of construction to that which is currently proposed. The residence under this revised description has been decreased by 435 sq. ft. from the original, and will be located on the western portion of the property, near the existing residential trailer.

B. 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 of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

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

> ***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.***
>
> ***P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.***
>
> ***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, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places.***
>
> ***P134 Structures shall be sited to conform to the natural topography, as feasible.***

The subject site is located adjacent to Saddle Peak Road, a designated scenic highway in the Malibu / Santa Monica Mountains Land Use Plan (LUP). The stretch of Saddle Peak Road adjacent to the subject property affords expansive views of the inland valley area to the north. The site is currently developed with a residential trailer, and a 130' by 6' high wooden fence which parallels Saddle Peak Road approaching the entrance to the property. The fence blocks views of the valley areas as seen from Saddle Peak Road. The development of the trailer, and the wooden fence, which were after-the-fact in nature, was permitted under CDP #4-94-190. The visual impact of the fence was not specifically addressed under this prior permit.

To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. As proposed, the project will consist of a 802 sq. ft., 16' high above the existing grade, one-story single family residence, located 17' below the centerline of Saddle Peak Road, on a previously graded pad. As sited, the project proposes no grading. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. As proposed, the residence will not adversely impact views of the valley as seen from Saddle Peak Road. However, due to the project site's location along a prominent ridgeline, and in order to preserve and

protect the public views from Saddle Peak Road, the Commission finds it necessary to require mitigation of visual impacts as discussed below.

The proposed project's impact on public views can be further minimized by requiring the residence to be finished in a non-obtrusive manner (i.e. in a color compatible with the surrounding natural landscape and with non-reflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment, as required by **Special Condition One**. In addition, future construction on the property has the potential to negatively affect the visual character of the area. To insure that no additions or improvements are made to the property that may affect visual resources on-site without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Six**. The preservation and enhancement of the public views as seen from Saddle Peak Road, a designated scenic highway in the Malibu / Santa Monica Mountains Land Use Plan (LUP) is also of concern. Currently, the 130' by 6' high wooden fence obstructs the view from the Saddle Peak Road (Exhibit 5) over much of the surrounding valley, which overlooks a portion of the Fernwood Hillside (Exhibit 6), a designated scenic element in the Malibu / Santa Monica Mountains LUP.

Policy 125 of the certified Malibu/Santa Monica Mountains Land Use Plan requires that development be sited and designed and protect views from LCP-designated scenic highways...and where feasible development on sloped terrain set below road grade. In addition, Policy 130 requires that development in highly scenic areas and along scenic highways shall be sited and designed to protect views to and along the ocean and to and along scenic features...and not intrude into the skyline as seen from public viewing areas. Finally, Section 30251 of the Coastal Act requires that the scenic qualities of coastal areas shall be considered and protected as a resource of public importance... and where feasible, to restore and enhance visual quality in visually degraded areas. Therefore, the Commission finds that the removal or relocation of the 130' by 6' high wooden fence to a location below the grade of the road is necessary in order to restore and enhance the public viewshed as outlined by **Special Condition Eight**. The Commission further finds that it is necessary to require the applicant to submit revised plans which reflect the relocation or removal of the 130' by 6' high wooden fence as specified in **Special Condition 9**.

In addition, visual impacts associated with the construction of the structure can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. Furthermore, the limiting of vegetation growth to groundcovers 2' high or less along Saddle Peak Road will ensure that the public views from Saddle Peak Road are preserved under this development. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to soften the visual impact of the development, and to preserve and minimize impact to public views from Saddle Peak Road as required by **Special Condition Four.**

The proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent,

as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

C. Geologic Stability and Hazards

Section 30253 of the Coastal Act states in pertinent part that new development shall:

> ***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
>
> ***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms...***

Section 30250(a) of the Coastal Act states (in part):

> ***New residential, ... development, ... shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.***

In addition, the Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P 149 Continue to require a geologic report, prepared by a registered engineer...

P 156 Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic feature in the area is Saddle Peak Ridge. The subject property and adjacent areas are underlain by bedrock from the lower Topanga Formation (Ttl), and are of early to mid Miocene in age. Additionally, there exists a northwest –southwest trending syncline which extends through the western portion of the property.

The *Update Engineering Geologic Report and Acceptance of Engineering Griologic Responsibiliy, 21801 Saddle Peak Road, County of Los Angeles, California*, by Pacific Geology Consultants, Inc., dated 10/18/1999, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, states:

> ***Unstable geologic conditions were not observed during field mapping and reconnaissance of the area. ...geologic maps prepared by the U.S. Geological Survey...indicate no know n landslide structures within or immediately adjacent to the subject property that would adversely affect the stability of the site. ...It is***

> ***recommended that all future foundations be placed into competent bedrock commensurate with specific recommendations provided by the Geotechnical Engineer...***

The "*Update Letter – Construction of a Residence... 21801 Saddle Peak Road*," letter from Subsurface Designs Inc., to Dorothy Reik, dated 11/3/1999 concludes:

> ***It is the finding of this firm, based on the subsurface data, that the subject site will not be affected by settlement, landsliding, or slippage. Further, based upon the proposed location, development will not have an adverse affect on off-site property.***

The *Supplemental Engineering Geologic Report*, by Pacific Geology Consultants, Inc., dated 10/12/2000, further states:

> ***Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed the proposed grading and residence will be safe from landslide hazard, settlement, and slippage. In addition, the proposed grading and construction will not adversely affect off-site properties form a geological standpoint. ...There was no evidence in the boring to suggest that a landslide underlies the proposed area of residence construction. ...Based on geologic conditions at the site, the on-site effluent disposal system will not adversely affect the stability of the site or off-site properties...***

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Three and Four**, to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control runoff from impervious surfaces, and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during construction, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site.

Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition Four.**

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Five**, 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. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. 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:

> ***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.***

The proposed project includes the construction of a new, 802 sq. ft., 16 ft. high, one-story single family residence (SFR), a 624 sq. ft. deck, paved driveway, and septic system. Current development on the site consists of a 130' long by 6' high wooden

fence, and a residential trailer situated on an existing pad located on the western portion of the property. 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.

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

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 project is conditioned, under **Special Condition Three**, to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are

minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

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 Three**, and finds that this will ensure that he proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource protection policies of the Coastal Act.

Furthermore, interim erosion control measures 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 Four** is 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 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. 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. The applicant has submitted in-concept approval from the County of Los Angeles Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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

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

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

F. California Environmental Quality Act (CEQA)

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

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

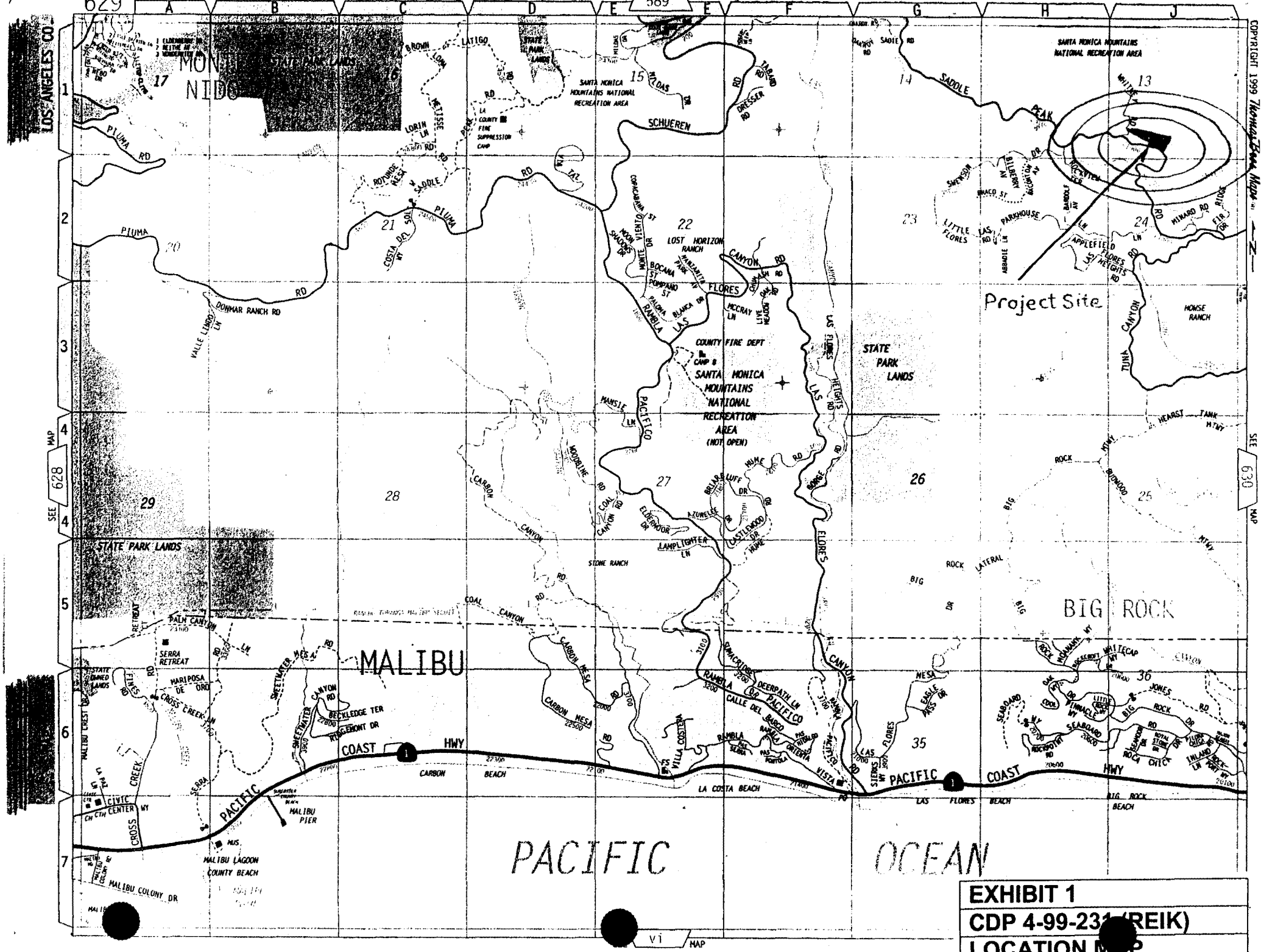
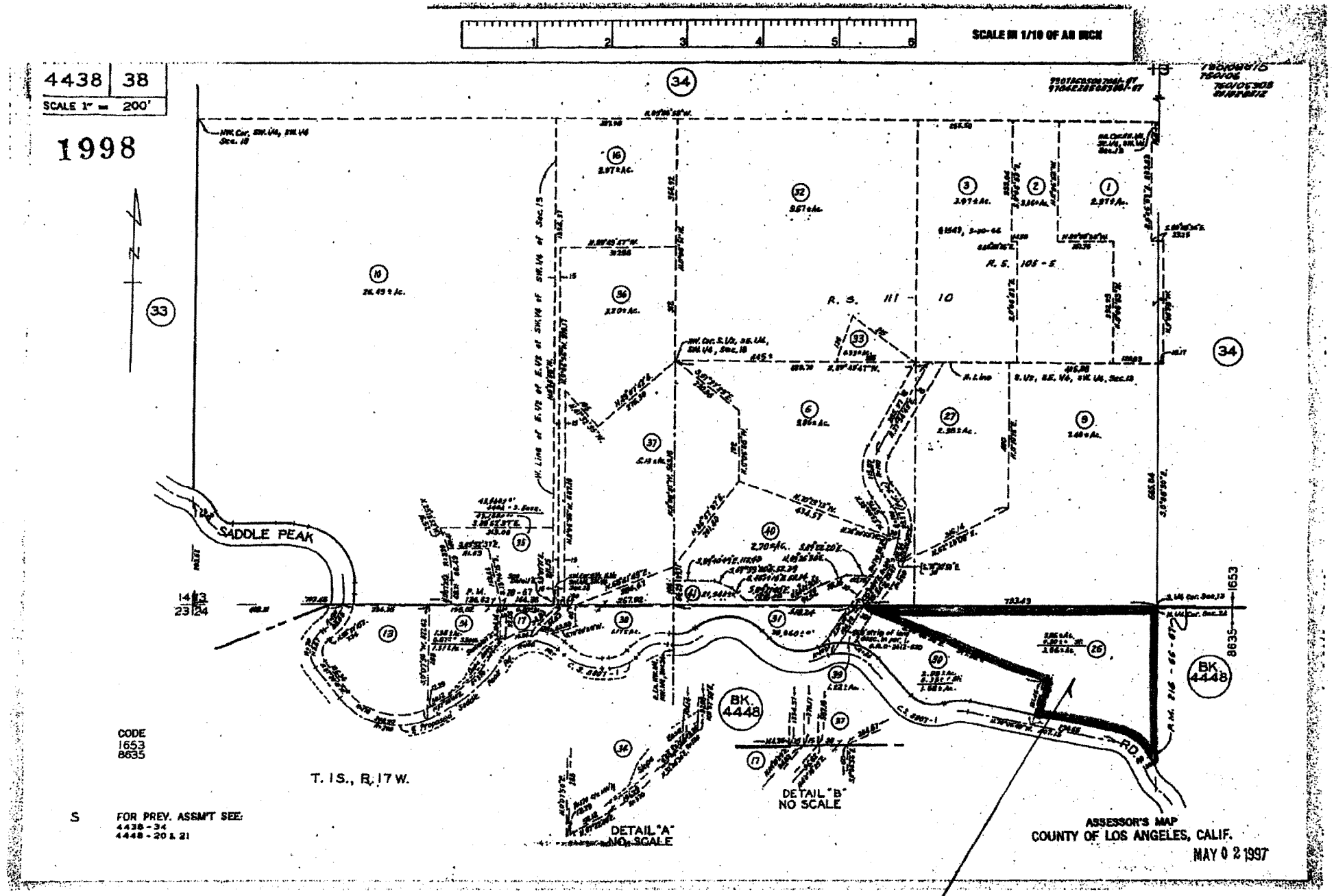
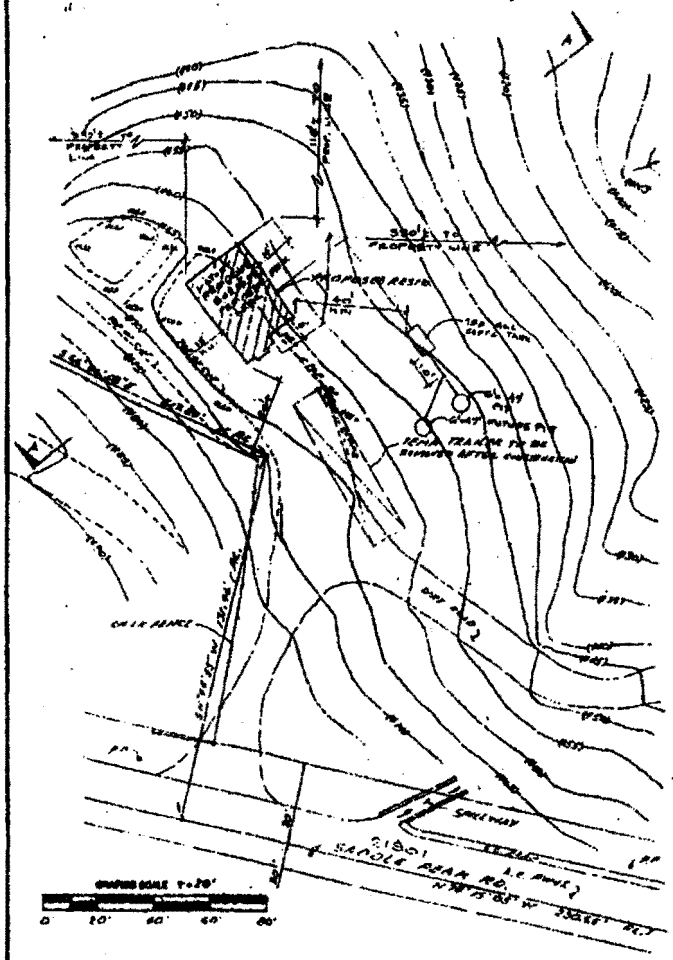


EXHIBIT 1
CDP 4-99-231 (REIK)
LOCATION MAP



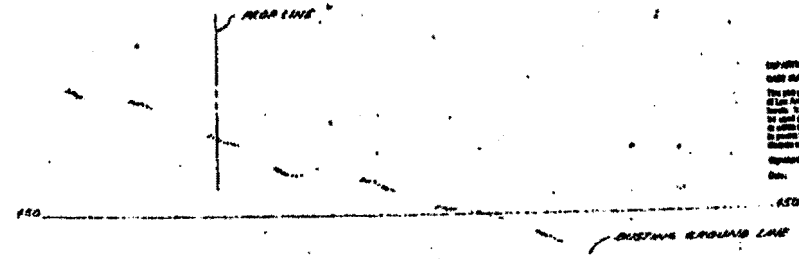
TRW REDI Property Data: Los Angeles, CA 1993-94 - Map: 4438-038

EXHIBIT 2
CDP 4-99-231 (REIK)
PARCEL MAP

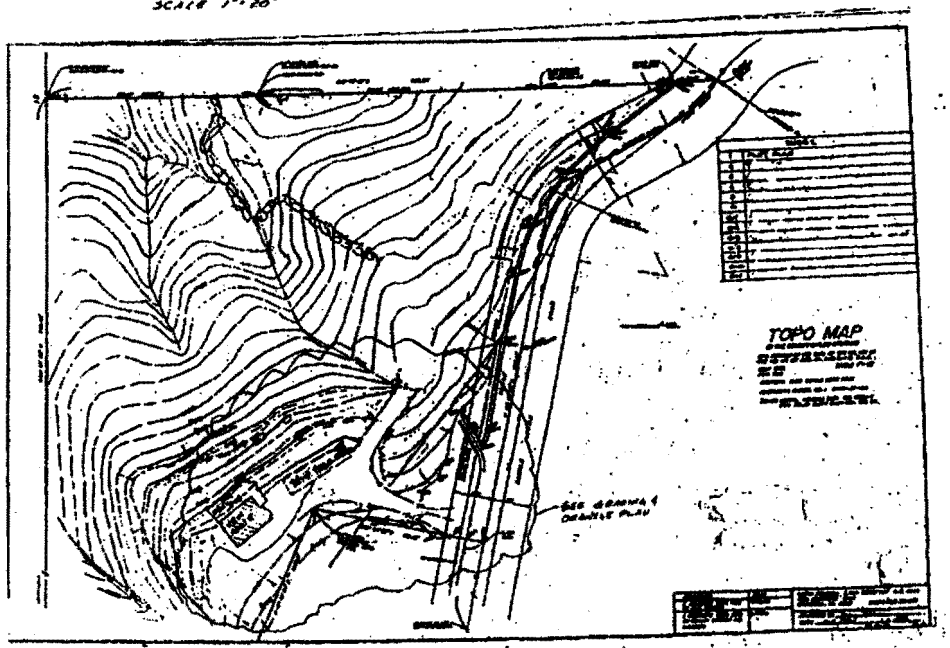


GRADING AND DRAINAGE PLAN
SCALE 1" = 20'

LEGEND
EXIST. CONTOUR ——(950)——



SECTION A-A
SCALE 1" = 20'



PLOT PLAN
SCALE 1" = 50'

NOTE: ALL DIMENSIONS & ELEVATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION CONTRACTOR SHALL VERIFY ALL DIMENSIONS & CONDITIONS

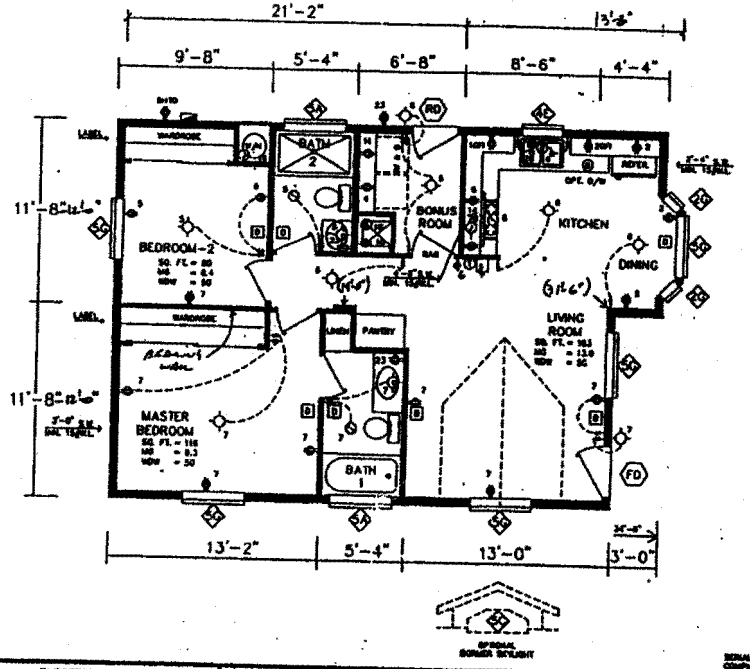
PROJECT: DOROTHY REIK
P.O. BOX 644
TOPANGA, CA 90290

SHEET 1

BECK

EXHIBIT 3
CDP 4-99-231 (REIK)
PLOT PLAN

FP - 24 - 927.



DAPIA APPROVED

APPROVED

JUL 12 1996

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DATE	REVISED BY	DESCRIPTION OF REVISIONS

SILVERCREST®
WESTERN HOMES CORPORATION

DRAWN BY	CHECKED BY	APPROVED BY

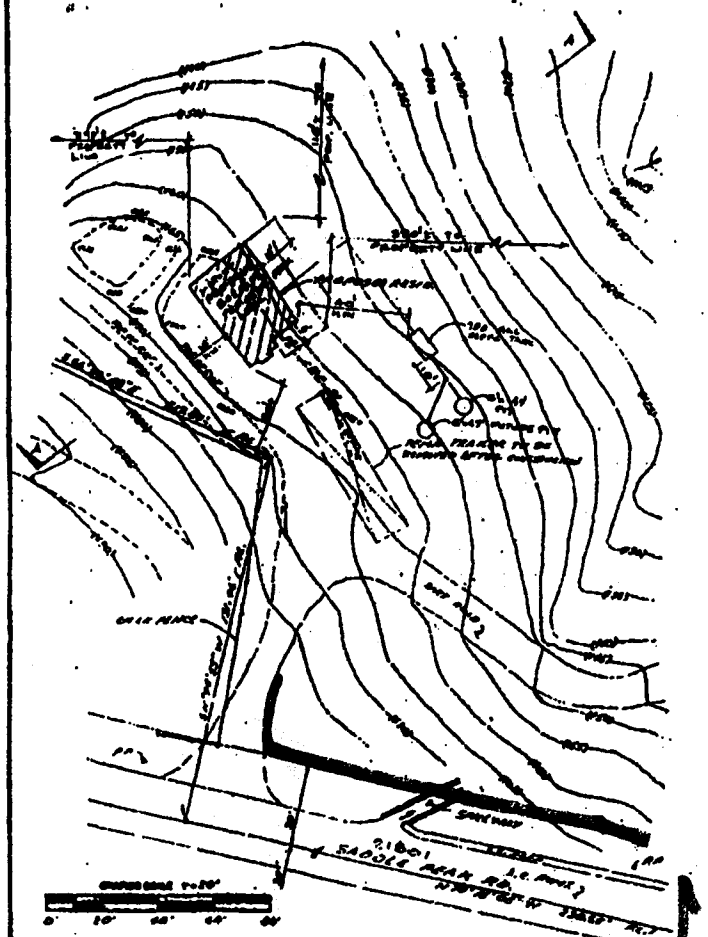
PLAN No.

TITLE FLOOR PLAN

DATE

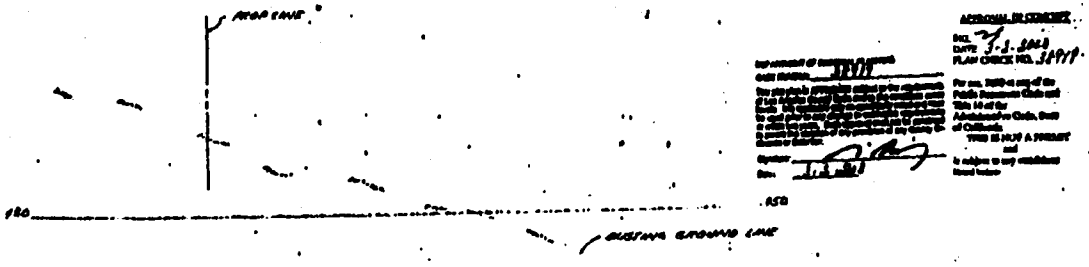
EXHIBIT 4
CDP 4-99-231 (REIK)
FLOOR PLAN

C/DWGS/found-12



GRADING AND DRAINAGE PLAN
SCALE 1" = 20'

LEGEND
EXIST. CONTOUR



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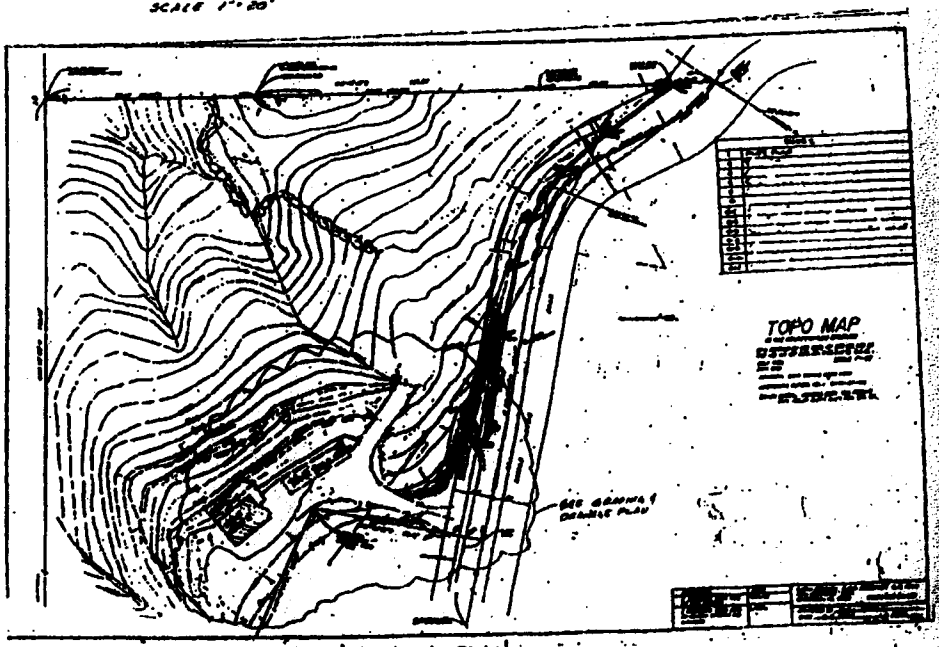
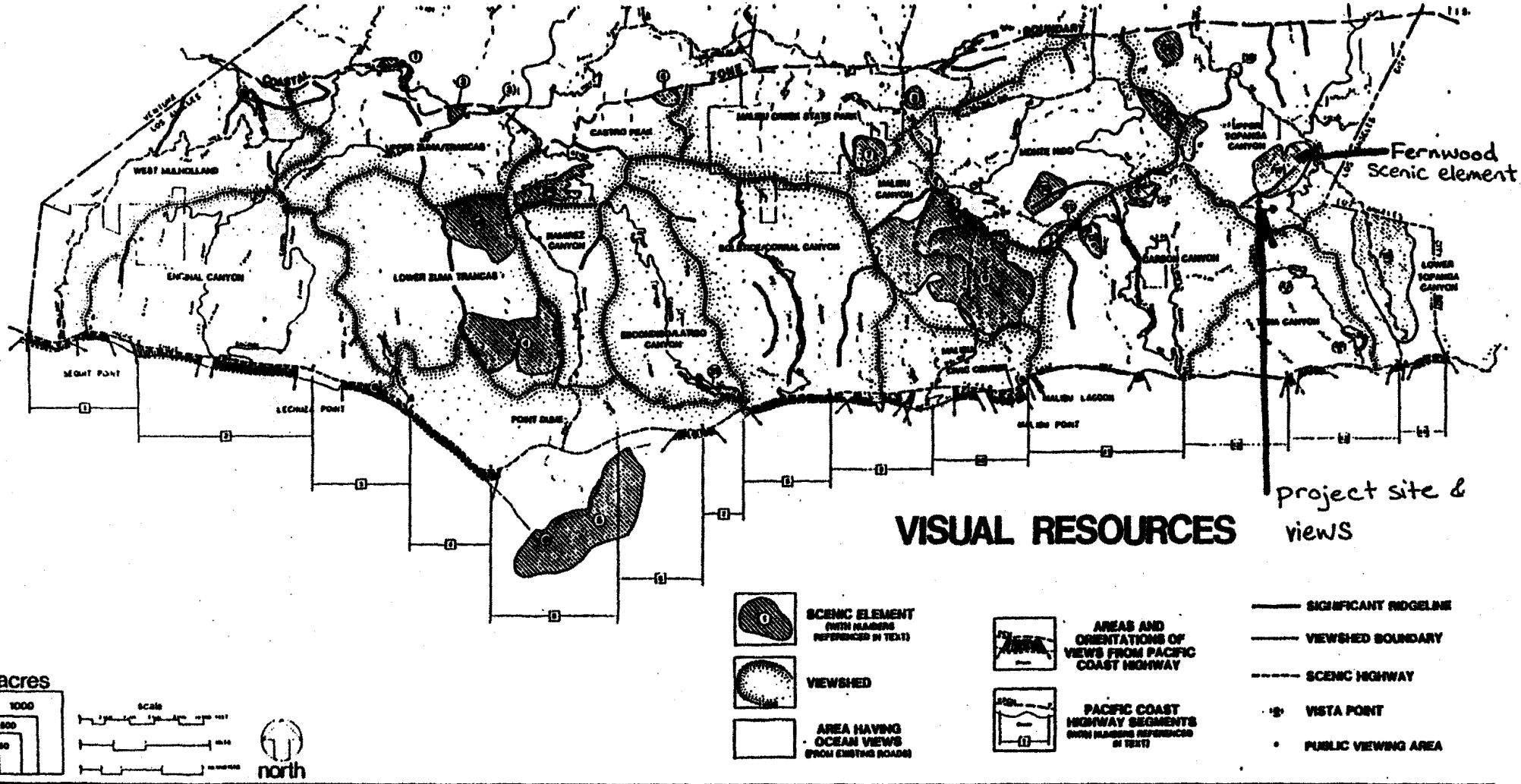


PLOT PLAN

130' x 6' high Fence

EXHIBIT 5
CDP 4-99-231 (REIK)
FENCE



COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING • ENVICOM CORPORATION

FIGURE 8

EXHIBIT 6
CDP 4-99-231 (REIK)
VIEWSHED