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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

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Hearing Date: 4/11/02
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-119

APPLICANT: Joseph Deegan-Day & Nina Hachigian AGENT: Terry Valente

PROJECT LOCATION: 20668 Skyhawk Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence and 225 sq. ft. terrace, retaining walls, storage tank, pool, septic system, improve a 320 foot length of Skyhawk Lane to 20 feet wide, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site located outside coastal zone, and install temporary construction trailer and mobile home. In addition, the project includes a request for after-the-fact approval of a water well and pump.

Lot area:	2.46 acres
Building coverage:	1,885 sq. ft.
Pavement coverage:	5,929 sq. ft.
Existing Pad:	3,200 sq. ft.
Ht. abv. ext. grade:	27 ft.
Parking spaces:	3
Plan Designation:	Rural Land II
Zoning	1 dwelling unit/5 acres
Project density:	1 dwelling unit/2 acres

SUMMARY OF STAFF RECOMMENDATION

The applicants are proposing to construct a two-story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence, 225 sq. ft. terrace, retaining walls, storage tank, pool, septic system, improve a 320 foot length of Skyhawk Lane to 20 feet wide, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site located outside the coastal zone, temporary construction trailer and mobile home, and record two certificates of compliance documents. In addition, the project includes a request for after-the-fact approval of a water well and pump.

The project site is located in Topanga within the Santa Monica Mountains of Los Angeles County. The subject site is a parcel located in an area partially developed with residences but surrounded by vacant parcels approximately 2 miles inland of the coastline near the western ridge of Topanga Canyon. Located at the end of Skyhawk Lane, the parcel is encircled by the road along the northern portion of the subject

parcel. Skyhawk Lane was graded prior to the effective date of the Coastal Act. The proposed residence is connected by a stairway to the carport along the top of a minor north trending descending ridge overlooking Topanga Canyon. Although there are no landslide features on the site, the Zuma Thrust Fault, considered inactive, bisects the ridge between the proposed residence and carport. The Zuma Thrust Fault is not defined as an "Earthquake Fault Zone" by the California Division of Mines and Geology. The proposed project has been designed to be located on either side of this inactive fault and to incorporate several structural recommendations of the project's engineer and engineering geologist consultants to ensure the relative stability of the development and site.

The subject site is situated on a descending slope on the north side of Skyhawk Lane well below a significant ridgeline to the west designated as such by the certified Santa Monica Mountains Land Use Plan (LUP). Given the location of the project site along a minor ridgeline, the proposed project will be visible from portions of Topanga State Park, which is situated northeast of the project site. Although no oak trees or environmentally sensitive habitat area was designated on the subject site in the LUP, most of the 2.46 acre lot includes a re-growth of chaparral species returning since the site was burned in the 1993 wildfire. Therefore, the entire site except for the graded building site where the carport and driveway is proposed which includes non-native grasses, is considered environmentally sensitive habitat pursuant to Section 30107.5 of the Coastal Act. The subject site is located outside the northeastern periphery of the Tuna Canyon Significant Watershed Area designated in the LUP. However, the project site drains northwesterly and easterly into two separate blueline streams both of which eventually drain into Topanga Canyon Creek. Standing alone, Section 30240 would require denial of the proposed development to prevent adverse impacts to ESHA on the site. However, Section 30010 provides that the Commission cannot construe the Coastal Act as authorizing the Commission to deny a permit in a manner that will take private property for public use. To avoid a "taking" of private property, the Commission must allow a reasonable residential development on the applicants' parcel.

A review of the parcel legality issue indicates a Certificate of Exception purporting to authorize four parcels, including the subject parcel, was issued on December 12, 1969. However, the Regional Planning Department, Los Angeles County, recently informed Commission staff that this Certificate of Exception was improperly issued. The subject parcel was transferred by a grant deed on March 2, 1972. The Regional Planning Department approved a Conditional Certificate of Compliance for the parcel that was recorded on October 29, 1982. The conditions required the property owner to provide for public road access. The applicants recorded a Clearance of Conditions Certificate of Compliance on April 13, 2000 on the property after providing public road easements. The Commission previously approved Coastal Development Permit No. 5-90-190 (Garber) for construction of a 6,222 sq. ft. residence, 3,611 cubic yards of grading, a garage, patios and pool on the parcel. However, the conditions of this permit were never met and it expired. Because the Commission approved development of a residence on the parcel in 1990, and adopted a finding that the parcel was legalized by the County in 1969, a property owner could reasonably assume that the Commission's actions indicated that the parcel was legally created prior to the Coastal Act, and therefore does not require authorization in a coastal development permit.

Staff recommends **approval with conditions** addressing: plans conforming to geologic recommendation; landscape, erosion control and fuel modification plans; removal of natural vegetation; assumption of risk, waiver of liability and indemnity; future development deed restriction; color restriction deed restriction; lighting restriction deed restriction; drainage and polluted runoff control plan; disposal of excavated material; removal of temporary construction trailer and mobile home; and condition compliance. As conditioned, the proposed project is consistent with all applicable policies of the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was tentatively scheduled for the February 2002 Commission meeting but delayed to allow the applicant time to provide additional information. The application was then previously scheduled to be heard at the Commission meeting of March 2002, but was postponed at the request of the applicant and the time allowed by the Commission to act on this item was extended by the applicant under the Permit Streamlining Act. The 270th day pursuant to the Permit Streamlining Act for Commission action on the subject application is May 13, 2002. Therefore the Commission must vote on Coastal Development Permit Application No. 4-00-119 at the April 2001 hearing. Because the applicant has already requested and submitted a 90-day extension of time agreement beyond the 180th day, this item cannot be postponed for later consideration.

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County Regional Planning Department, dated 4/26/2000; Letter from Paul McCarty, Regional Planning Department, Los Angeles County, dated March 18, 2002; Septic Approval in Concept, Los Angeles County Health Department, dated 6/1/2001; Los Angeles County Fire Department "Coastal Commission Approval Only", dated 5/29/01 and Preliminary Fuel Modification Plan, dated 7/12/01; Water Well Approval Los Angeles County Department of Health Services, dated May 21, 1990.

SUBSTANTIVE FILE DOCUMENTS: Memo from Jon Allen, Staff Ecologist/Biologist, dated 3/21/02; Email from Paul McCarty, Regional Planning Department, Los Angeles County dated March 15, 2002; Addendum I: Ecological Findings for the Malibu Area, dated 12/24/01, by J. C. Allen, Staff Ecologist, California Coastal Commission; Letter from Marti Witter, Fire Ecologist, National Park Service, dated September 13, 2001; Letter titled, Missing Linkages: Restoring Connectivity to the California Landscape, from Allison Alberts et. al. to Honorable Gray Davis, dated April 30, 2001; Response to County of Los Angeles Review Letters, by Subsurface Designs, dated June 5, 2001; Preliminary Geology & Soils Engineering Investigation, by Subsurface Designs, dated March 12, 2001; Engineering Geologic Report by Strata-Tech, Inc., dated 14 January 1998; Preliminary Geotechnical Investigation by Strata-Tech, Inc., dated October 5,

1998; Coastal Permit No. 4-97-246, Hanyecz; Coastal Permit No. 4-00-162, Sayles; Coastal Permit No. 4-99-262 Goyjer; Coastal Permit No. 5-90-190, Garber.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-119 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. Special Conditions

1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

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. All recommendations contained in the Addendum I: Response to County of Los Angeles Review Letters, by Subsurface Designs, dated June 5, 2001; Preliminary Geology & Soils Engineering Investigation, by Subsurface Designs, dated March 12, 2001; Engineering Geologic Report by Strata-Tech, Inc., dated 14 January 1998; Preliminary Geotechnical Investigation by Strata-Tech, Inc., dated October 5, 1998, shall be incorporated into all final design and construction plans including; drainage, sewage disposal, grading, foundations, retaining walls, floor slabs, excavation erosion control, excavations. All plans must be reviewed and approved by the engineering geologist, engineer and the geotechnical engineering consultants as conforming to said recommendations.

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 to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

2. LANDSCAPE, EROSION CONTROL AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final landscaping, prepared by a licensed landscape architect or a qualified resource specialist, and erosion control/drainage plans prepared by a licensed engineer for review and approval by the Executive Director. The final landscaping and erosion control/drainage plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The final plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plan species which tend to supplant native species shall not be used.

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. The landscape plan shall be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from Topanga State Park and the public trails located to the southeast, east, and northeast of the project site.

- 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) 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.
- 4) Vegetation within 20 feet of the proposed residence and garage and driveway 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 final 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, as revised, has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any 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.
- 5) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

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 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. REMOVAL OF NATURAL VEGETATION

Removal of natural vegetation for the purpose of fuel modification within the 20-foot zone surrounding the proposed structures shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification

zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from earthquakes, ground movement, or wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and landowner 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.

5. FUTURE DEVELOPMENT DEED RESTRICTION

- A. This permit is only for the development described in Coastal Development Permit No. 4-00-119. 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 entire property, including but not limited to the residence and carport structure, and clearing of vegetation or grading other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-00-119 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **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 above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all

successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. COLOR RESTRICTION DEED RESTRICTION

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures, including the water tank authorized by the approval of coastal development permit 4-00-119. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades, galvanized steel, and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-00-119 if such changes are specifically authorized by the Executive Director as complying with this special condition.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, 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.

7. LIGHTING RESTRICTION DEED RESTRICTION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that the only outdoor night lighting that is allowed on the site is the following to minimize night time intrusion of light and disruption of wildlife traversing this area at night within this rural area:

- A. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

- B. Security lighting attached to the residence and carport that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.
- C. The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12-watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.

No lighting on the remainder of the site, including the slopes, and no lighting for aesthetic purposes is allowed.

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

9. 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. 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.

10. DISPOSAL OF EXCAVATED MATERIAL

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

11. REMOVAL OF TEMPORARY CONSTRUCTION TRAILER AND MOBILE HOME

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

12. CONDITION COMPLIANCE

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence and 225 sq. ft. terrace, pool, retaining walls, improve 320 foot length of Skyhawk Lane to 20 feet wide, 3500 gallon storage tank, septic system, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site located outside coastal zone, temporary construction trailer and mobile home, and record two certificate of compliance documents. In addition, the project includes a request for after-the-fact

approval of a water well and pump which were previously installed without benefit of a coastal development permit (Exhibit 1 – 11).

The project site is located about two miles inland within a partially developed area east of Tuna Canyon Road at the terminus of Skyhawk Lane near the boundary of Topanga State Park. Although the immediate adjacent parcels are undeveloped, about half of the parcels along Skyhawk Lane from Tuna Canyon Road to the subject site are developed with residences. The site is accessed from Tuna Canyon Road and Skyhawk Lane located about one half mile from the intersection of Tuna Canyon Road and Skyhawk Lane. The applicants have submitted a letter from a licensed land surveyor dated 11/15/2000 confirming that the existing physical route of Skyhawk Lane is located within the 60-foot easement along the twelve parcels it traverses from Tuna Canyon Road. Skyhawk Lane traverses the irregular shaped 2.46 acre parcel from the southwest side and then encircles the its northern and eastern property boundary where Skyhawk Lane ends at an adjoining parcel. An existing flat graded pad is located on the northern portion of the parcel which is immediately adjacent to and accessed directly from the west on Skyhawk Lane. The applicants propose to construct a fire truck turnaround and two-car carport on this existing pad consisting of about 3,200 sq. ft. Leading south from this pad, the carport will be located at the 1625-foot elevation level and connected with a stairway to the proposed two-story residence located to the south at the 1642-foot elevation level. The pad area for the residence to be located on the slope will be about 6,000 sq. ft. totaling about 9,200 sq. ft. of area for the proposed development.

A review of the parcel legality issue indicates that a Certificate of Exception purporting to authorize four parcels, including the subject parcel, was issued by Los Angeles County on December 12, 1969. However, the Regional Planning Department, Los Angeles County, recently informed Commission staff that this Certificate of Exception was improperly issued. A "certificate of exception" was a method available in the County in 1969, in certain circumstances, to create a subdivision of four parcels or less that were identified and described on a plot plan map. Subsequently, the subject parcel was transferred by a grant deed that was executed on March 2, 1972 and recorded March 27, 1972. Due to changes to the subdivision requirements around this time, the County has indicated that this grant deed may not have complied with the applicable laws for subdividing the property. The County Regional Planning Department approved a Conditional Certificate of Compliance for the parcel that was recorded on October 29, 1982. Pursuant to the Subdivision Map Act, upon issuance of the Certificate of Compliance, the parcel may be sold, transferred or financed; however a building permit or other development approval may not be issued until the conditions are satisfied. The conditions of the Certificate of Compliance required the property owner to provide for public road access. The applicants recorded a Clearance of Conditions Certificate of Compliance on April 13, 2000 after providing public road easements. Therefore, under the statutes and ordinances administered by the County, the County considers the parcel a legal lot that may be developed.

The Commission previously approved Coastal Development Permit No. 5-90-190 (Garber) for this parcel authorizing a 6,222 sq. ft. residence, 3,611 cubic yards of grading, a garage, well, patios, pool and septic system and 900 feet of paving on Everdin Lane (now known as Skyhawk Lane). At that time, the Commission staff

considered the issue of lot legality. The Commission's findings set forth in the staff report dated April 27, 1990 state: "The lot was issued Certificate of Exception no. 11849 on December 12, 1969." (Staff Report on CDP No. 5-90-190, p.3). The findings also state that "the parcel itself was legalized by the County's Regional Planning Department in 1969." (Id., p.7). The Commission's file on CDP No. 5-90-190 also contains a copy of the Conditional Certificate of Compliance for the applicants' parcel that was issued by the County and recorded in 1982. This document states that the parcel was not created in compliance with State and County subdivision regulations. During review of the permit application in 1990, the Commission staff did not further investigate the significance of the 1982 Conditional Certificate of Compliance. If the Commission staff had done so, it may have been possible to learn that the County had determined that the 1969 Certificate of Exception did not legally create the subject parcel. However, this apparently did not occur and, as a result, the Commission made a finding that the parcel was legally created in 1969 (prior to the Coastal Act).

Because the Commission approved development of a residence on the parcel in 1990, and adopted a finding that the parcel was legalized by the County in 1969, a property owner could reasonably assume that the Commission's actions indicated that the parcel was legally created prior to the Coastal Act, and therefore does not require authorization in a coastal development permit. Furthermore, even though CDP No. 5-90-190 expired, it is reasonable for the property owners, and their successors in interest, to rely on the Commission's previous finding of lot legality. Therefore, in this situation, the Commission must recognize the parcel as a legal parcel, whose creation was not subject to the coastal development permitting requirements.

The Malibu/Santa Monica Mountains Land Use Plan designates the subject parcel as Rural Land II, one dwelling unit per five acres. Therefore, the proposed residence on a 2.46 acre parcel is non-conforming relative to the land use plan density designation.

The Commission approved a 6,222 sq. ft. residence, garage, pool and water well with 3,611 cubic yards of grading and the paving of 900 feet of Everdin Lane (now Skyhawk Lane) in 1990 (Coastal Permit No. 5-90-190, Garber). The Commission's approval expired in 1992 as the conditions requirements were not complied with and the coastal permit was not issued. However, the prior applicant received approval from the Los Angeles County Department of Health Services for the water well and completed it in 1990 after receiving County approval, but without the benefit of a valid coastal permit.

B. Geologic and Fire Hazards

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

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

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

The applicant is proposing to construct a two story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence and 225 sq. ft. terrace, retaining walls, improve a 320 foot length of Skyhawk Lane to 20 feet wide, water well and pump, storage tank, pool, septic system, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site located outside coastal zone, and install a temporary construction trailer and mobile home.

The subject site is an undeveloped hillside parcel located at the terminus of Skyhawk Lane in the eastern portion of the Santa Monica Mountains, Topanga area of Los Angeles County. The proposed residence and carport is located along the crest of a north trending ridge within the central portion of the parcel. Existing site improvements include a level graded pad about 3,200 sq. ft. in size completed prior to the 1977 effective date of the Coastal Act and an "after the fact" water well constructed without benefit of a coastal permit. Elevations range from 1,654 feet above sea level to 1,570 feet above sea level with the existing graded pad proposed for the residence located at 1625 feet and the residence located at 1,642 feet above sea level.

Regarding the geologic and erosion hazard, the applicant submitted the following reports: Addendum I: Response to County of Los Angeles Review Letters, by Subsurface Designs, dated June 5, 2001; Preliminary Geology & Soils Engineering Investigation, by Subsurface Designs, dated March 12, 2001; Engineering Geologic Report by Strata-Tech, Inc., dated 14 January 1998; Preliminary Geotechnical Investigation by Strata-Tech, Inc., dated October 5, 1998. The most recent report by SubSurface Designs Inc. dated March 12, 2001 concludes that:

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

These reports include a number of recommendations to ensure the stability and geotechnical safety of the site. Therefore, to ensure that the recommendations of these consultants have been incorporated into all proposed development, Special Condition number one (1) requires the applicant to submit project plans certified by these consultants as conforming to all recommendations regarding structural and site stability. 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 to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

However, the Commission notes that, although the subject building site is considered stable from a geologic standpoint, the subject site and the proposed project is still subject to potential erosion and instability. The Commission finds that minimizing site erosion will improve the stability of the site. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, Special Condition number Two (2) requires that all proposed disturbed and graded areas on the subject site be stabilized with the planting of native vegetation.

In addition, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by Special Condition Number Two, to submit erosion control/drainage plans certified by the consulting geotechnical engineer as conforming to their recommendations. Further, to ensure that the project's drainage structures will not contribute to further destabilization of the project site or its surrounding area and that the project's drainage devices shall be repaired should the devices fail in the future, Special Condition Number Two also requires that the applicant agree to be responsible for any maintenance should the drainage devices fail or result in erosion. An interim erosion control plan is also needed to minimize erosion during grading and construction, particularly if conducted during the rainy season. A monitoring plan is needed to ensure that the landscaping meets the approved landscaping plan after a five year time period from the time of occupancy of the residential unit. In addition, in the event the proposed grading occurs during the rainy season (November 1 – March 31) sediment basins need to be installed on the project site prior to or concurrent with grading operations and maintained through the development process to minimize sediment from runoff waters during construction. Therefore, the Commission finds it necessary to require a landscape plan with an interim erosion control plan, and a monitoring plan to further minimize and control erosion as noted in Special Condition Number Two. Special Condition number three requires that the fuel modification plan will not commence within the 20-foot zone surrounding the proposed structures until after the local government has issued a building or grading permit for development approved pursuant to this permit and that the vegetation thinning beyond this zone within the 20 – 200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit (Exhibit 12 is the preliminary Fuel Modification Plan).

The Coastal Act also requires that new development minimize the risk to life and property in areas of high geologic and 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. It is important to also note that some fuel modification and brush/grass removal may extend beyond the existing building pad as a result of this development. However, given the type of vegetation that maybe removed, this removal or thinning may be minimal, but will be determined in the Final Fuel Modification Plan approved by the Los Angeles County Fire Department.

As identified in the submitted Preliminary Geologic and Soils Investigation by SubSurface Designs the site consists of two classifications of bedrock, the Saddle Peak Member of the Topanga Canyon Formation and the Coal Canyon Formation overlain by one to four feet of silty clay. Between these Formations is the Zuma Thrust Fault Zone crossing the central portion of the parcel west to east (Exhibit 2). The applicant proposes to construct the carport on the north side of this Fault and the residence on the south side of the Fault. The proposed stairway will cross the Fault connecting the two structures. According to this Investigation, the Zuma Thrust Fault Zone is considered inactive and the subject property not located within the confines of an "Earthquake Fault Zone" delineated by the California Division of Mines and Geology depicting active faults. The Investigation notes that although the site is not located within a State designated "Earthquake Fault Zone" it is located in an active seismic region where large numbers of earthquakes occur each year.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from earthquakes, ground movement, and wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the Assumption of Risk, Waiver of Liability and Indemnity Special Condition, the applicants acknowledge and appreciate the nature of the earthquake, ground movement, and wildfire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Four.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. Environmentally Sensitive Resources

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, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (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.

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

- 1) Is a habitat or species rare or especially valuable?
- 2) Does the habitat or species have a special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

In making ESHA determinations, scale is important. Both temporal and spatial scales must be considered in determining ecologically sensitive habitat, and at different scales the conclusions may vary. Whereas on a local scale a small patch of degraded habitat might not be called ESHA, on a landscape scale its status might be different. For example, on a landscape scale it may form a vital stepping stone for dispersal of a listed species between larger habitat patches. At this scale it is valuable, performing an important role in the ecosystem and is easily degraded by human activities and developments, and so it fits the Coastal Act definition of ESHA. Similarly, habitats in a largely undeveloped region far from urban influences may not be perceived as rare or providing a special function, whereas a large area of such habitats surrounded by a dense urban area may be exceedingly rare and each constituent habitat within it an important functional component of the whole. Therefore, in order to appropriately assess sensitivity of habitats, it is important to consider all applicable ecological scales and contexts. In addition to spatial and temporal scales, there are species scales. For example, one can focus on single species (e. g., mountain lions, flycatchers or tarplants), or one can focus on whole communities of organisms (e.g., coastal sage scrub or chaparral) or interconnected habitats in a geographic region (e. g., the Santa Monica Mountains and its habitats). On a world-wide scale, in terms of numbers of rare endemic species, endangered species and habitat loss, the Malibu/Santa Monica Mountains area is part of a local hot-spot of endangerment and extinction and is in need of special protection (Myers 1990, Dobson et al. 1997, Myers et al. 2000).

In the case of the Santa Monica Mountains, its geographic location and role in the ecosystem at the landscape scale is critically important in determining the significance of its native habitats. Areas such as the project site form a significant connecting links between the coast and large, undisturbed habitat areas in the Santa Monica Mountains such as the area of the project site. These areas are in turn connected by narrow corridors to the Sierra Madre, San Gabriel and San Bernardino Mountains to the north. Much of the ecological significance of the habitat at the site is the proximity to riparian corridors that connect large inland watersheds with the coast. These corridors are home to many listed species and are easily disturbed by development, and in fact some have already been subject to considerable development near the coast, e.g. Las Flores Canyon, Malibu Creek & Lagoon, Ramirez Canyon and Trancas Canyon. Proceeding inland from the coast, however, the quality of the habitat improves rapidly and soon approaches a relatively undisturbed environment consisting of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls.

The subject site includes one main habitat type and some of their common and sensitive species of plants and animals, including Chaparral. This habitat type above the habitat descriptions from Holland (1986) and also follow the list given in the NPS General Management Plan & Environmental Impact Statement for the Malibu/SMM area.

A review by the Commission staff ecologist of the site photographs taken in June 2000 by staff and a memo dated 3/21/2002 from Jon Allen, Staff Ecologist confirm that most of the subject site includes Chaparral plant species. At very roughly 1000 ft. elevation above sea level the vegetation shifts to more generally woody evergreen species with sclerophyllous leaves (hard with resinous or waxy coatings). Various subcommunities

of chaparral occur in the Malibu/SMM area and are described briefly below. The subject site is located at the 1,642 foot elevation above sea level.

Northern mixed chaparral is found on moist, north facing slopes throughout the mountains. It commonly contains woody vines and large shrubs such as chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus berberidifolia*), greenbark or spiny ceanothus (*Ceanothus spinosus*), mountain mahogany (*Cercocarpus betuloides*), toyon (*Heteromeles arbutifolia*), hollyleaf redberry (*Rhamnus ilicifolia*), sugarbush (*Rhus ovata*) and manzanita (*Arctostaphylos* spp.) (NPS 2000). The subject site includes a north facing slope where the proposed residence is located and includes chamise as identified by the Commission ecologist.

Ceanothus chaparral occurs on stable slopes and ridges, where bigpod ceanothus (*Ceanothus megacarpus*) makes up over 50% of the vegetative cover. In other areas buckbush ceanothus (*Ceanothus cuneatus*), hoary-leaved ceanothus (*Ceanothus crassifolius*), or greenbark ceanothus may dominate. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage (*Salvia mellifera*), holly-leaf redberry, coast golden bush (*Haploppapus venetus*) and sugarbush.

The Commission staff ecologist observes that the site is regenerating from the 1993 fire, and the surrounding area is chaparral which is typical of this area at the 1,600 foot elevation. There is a previously graded area of the site adjacent to Skyhawk Lane, that contains non-native grasses, and where Coastal Sage Scrub and Chaparral species are not present. This portion of the parcel was graded prior to the Coastal Act, and does not constitute ESHA. This area is approximately 3,200 sq. ft. and is proposed for development of the carport, driveway and fire truck turnaround. For the reasons explained above, due to the presence of Coastal Sage Scrub and Chaparral, the majority of the subject site, outside of the previously graded area, is considered environmentally sensitive habitat. The Commission staff ecologist concludes that although this project does impact some ESHA, it does so in a minimal way with about a 2300 sq. ft. residence on a relatively small footprint.

As explained above, the majority of the parcel, except for the previously graded pad area adjacent to Skyhawk Lane, contains vegetation that constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. Section 30240 requires that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." As the entire parcel constitutes an environmentally sensitive habitat area, Section 30240 restricts development on the parcel to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence, carport, terrace, septic system, storage tank and pool on the parcel. As single family residences do not have to be located within ESHAs to function, the Commission does not consider single-family residences to be a use dependent on ESHA resources. Application of Section 30240, by itself, would require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the Supreme Court decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner which will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what government action results in a "taking" was addressed by the U.S. Supreme Court in *Lucas v. South Carolina Coastal Council*. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even where a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

In the subject case, the applicants purchased the property in March 1996 for \$140,000. The parcel was designated in the County's certified Land Use Plan in 1986 for residential use. Residential development has previously been approved by the Commission on many other parcels along Skyhawk Lane, that generally contained the same type of habitat as the applicants' parcel (Exhibit 16). At 20370 Skyhawk Lane, the Commission approved a 4,190 sq.ft. residence with pool, shed, septic system, driveway, storage tank and well (CDP No. 4-96-162). At 20363 Skyhawk Lane, the Commission approved a 4,218 sq. ft. residence, with septic system, garage, storage tank, spa and deck (CDP No. 4-96-210). At 20300 Skyhawk Lane, the Commission approved a 3,569 sq. ft. residence, garage, guest house, storage tank, well, pool, spa, and septic system (CDP No. 4-96-215). At 20335 Skyhawk Lane, the Commission approved a 2,990 sq. ft. residence, with basement, septic system, well and storage tank (CDP No. 4-99-262). At 20400 Skyhawk Lane, the Commission approved a single family residence with a garage, pool and spa in 1979 (CDP No. P-79-1600). In 1994, the Commission approved construction of a 750 sq. ft. guest house at 20373 Skyhawk Lane, on a parcel where there already was an existing 1400 sq. ft. residence (CDP No. 4-94-124). At the time the applicants purchased their parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on this fact, along with the presence of existing and approved residential development on nearby parcels, the applicants had reason to believe that they had purchased a parcel on which they would be able to build a residence. In addition, the applicants' belief that they would be able to build a residence on the parcel may have been reinforced by the

fact that the Commission previously approved CDP No. 5-90-190 for construction of a 6,222 sq. ft. residence, with a garage, patios and pool on the applicants' parcel. Furthermore, when it approved this permit, the Commission's findings stated that "[t]he site is not within an ESHA" However, because the conditions of this permit were not met, it was never issued and expired in 1992, before the applicants purchased the property.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owners an economic return on their investment. The parcel is just under 2.5 acres, and is surrounded by other residentially-zoned undeveloped parcels, however, as noted above there are many existing parcels developed or approved with residential development located to the west along Skyhawk Lane. The parcel is just under 2.5 acres, and is surrounded by other residentially-zoned or developed parcels. Most of the other parcels along Skyhawk Lane have been developed or approved for development. Although several public agencies have recently acquired property in this general vicinity – State Parks purchased 1,000 + acres; Santa Monica Mountains Conservancy purchased 1,416 acres and Mountains Restoration Trust purchased 416 acres – these were all purchases of very large parcels. There is no indication that a public agency would consider it a priority to purchase a small parcel, such as the project site. According to the applicant's agent, the applicant has not been approached by any state, federal agency or non-profit conservancy requesting to purchase the subject property for park or open space purposes. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the property would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the subject property would create a nuisance under California law. Other houses have been constructed in similar situations in coastal sage scrub and/or chaparral habitat in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicants' proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance. In conclusion, the Commission finds that a residential project, which includes a fairly modest-sized house (2,322 sq. ft.), carport (480 sq. ft.), terrace (224 sq. ft.), pool, well and storage tank, can be allowed to permit the applicants a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

As stated above, the Commission has approved permits for houses on Skyhawk Lane that range in size from 2,990 sq. ft. up to 4,218 sq. ft. plus a 440 sq. ft. garage. The Commission has also approved construction of pools on several parcels on Skyhawk Lane (CDP No. 4-96-162, CDP No. 4-96-215 and CDP No. P-79-1600). The applicants propose a 2,322 sq. ft. residence, 480 sq. ft. carport, 224 sq. ft. terrace and a pool. The proposed residence is substantially smaller than several other residences that the Commission previously approved on Skyhawk Lane. The Commission finds that

because the proposed development is within the range of existing residential development approved by the Commission in this area, the proposed residential development will provide the property owner with an economically viable use.

While the applicants are entitled under Section 30010 to an assurance that the Commission will not act in such a way as to take their property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still comply with Section 30240 by avoiding impacts that would disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Commission staff has considered whether alternative proposals for residential development on the subject parcel would minimize adverse impacts to ESHA. The proposed development is sited to take advantage of an existing graded area near Skyhawk Lane (constructed prior to the Coastal Act) for use as the carport, driveway and hammerhead turnaround (required by the Fire Department). The residence is located just south of the carport, where it can be accessed by a stairway. The house has not been proposed closer to the road or the carport because an inactive fault is located between the proposed site for the carport and the residence. The applicant has chosen to locate the carport and the residence on either side of this inactive fault, rather than constructing a structure on top of the inactive fault. Any other location on this parcel would require substantially more grading for construction of the residence and driveway. As proposed, the project only requires minimal grading, of 269 cubic yards cut and 189 cubic yards fill. Therefore, there is no alternative location for the residence on the parcel that could reduce the adverse impacts to ESHA.

In this area, the Fire Department requires fuel modification in a 200-foot radius from all habitable structures to reduce the risks of wildfire. These fuel modification requirements will cause significant disruption of habitat values in ESHA. The fuel modification area required for the proposed residence will encompass the entire 2.46 acre parcel and also extend offsite. The Fire Department does not require additional fuel modification around a swimming pool, therefore the construction of the pool will not result in any additional disruption of ESHA. The applicants propose a fairly modest, two-story residence of 2,322 sq. ft. A two-story residence, rather than one-story, serves to minimize the footprint of the residence and thus minimize the amount of sensitive habitat area that the residence will occupy. Further reducing the size of the residence would not result in a significant decrease in the extent of fuel modification required for the development. Therefore, the Commission finds that it is not necessary to reduce the size of the proposed structures because this would not significantly reduce the extent of significant disruption of habitat values in ESHA.

Nevertheless, the Commission has determined that certain actions can be taken to minimize adverse impacts to ESHA. Therefore, Special Condition No. Two requires landscape, erosion control and fuel modification plans that must be approved by the Executive Director prior to issuance of the permit. This will insure that, to the extent compatible with fire safety requirements, impacts to native habitat will be minimized by

replanting native vegetation on slopes disturbed by construction and by limiting fuel modification beyond 50 feet from the residence to thinning of native vegetation. In addition, drainage and erosion control measures are required to prevent runoff of pollutants and sediments that could adversely impact ESHA. Therefore, the Commission finds that, as conditioned, the development minimizes the potential adverse impacts to ESHA to the maximum extent practical, while allowing for a reasonable residential use of the parcel.

a. Erosion

Minimizing erosion of the site is also important to reduce geological hazards and minimize sediment deposition into an environmentally sensitive habitat area within the two blue-line streams or tributaries leading into Topanga Canyon Creek which is also an environmentally sensitive habitat area. The building site drains northwesterly and easterly into these two separate tributaries. Riparian vegetation and habitat, designated as environmentally sensitive habitat areas (ESHA) in the Malibu/Santa Monica Mountains Land Use Plan is located about 800 feet in the northwesterly tributary and about 2,000 feet in the easterly tributary from the proposed residential development site (Exhibit 13). The proposed road improvements along the 300-foot long section of Skyhawk Lane drain into the northwesterly tributary. Since the project site and property is not located within any Malibu/Santa Monica Mountains Land Use Plan designated ESHA or Significant Watershed area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. However, based on the above analysis the majority of the subject parcel including the 6,000 square foot area of the site where the proposed residence is located is considered ESHA, as it includes chaparral plant species. Although the subject site burned in the 1993 Malibu fire, this habitat is re-growing on the site. The residence will require the removal of about 6,000 sq. ft. of this ESHA to allow its construction with the proposed decks. The carport and driveway is located on the existing graded pad, about 3,200 sq. ft. in size where mostly non-native grasses are located. Therefore, the development of the subject site will directly impact these ESHA resources, however, the proposed development will remove less than 10,000 sq. ft. of vegetated area consistent with past Commission action. The proposed project will require the removal of vegetation within 20 feet of the proposed structures, selective removal of vegetation within 100 feet, and the thinning of the vegetation beyond to a 200 foot radius as identified in the applicant's preliminary fuel modification plan. This plan includes the planting of replacement native plants which will minimize the fuel load and fire hazard of the site.

In addition, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation and water quality impacts. Further the recommendations of the consulting geotechnical engineer emphasize the importance of proper drainage in non-erosive drainage devices to ensure the stability of development on the site. For these reasons, the Commission finds it necessary to require a drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite into this environmentally sensitive habitat area, as noted in Special Condition Number Two.

The applicant proposes to grade 269 cubic yards of cut, 185 cubic yards of fill and export the excess material to a disposal site located outside the coastal zone. Special

Condition number ten requires that the applicant provide evidence to the Executive Director of the location of this disposal site for all excess excavated material. Should the disposal site be located within the Coastal Zone, a coastal development permit shall be provided. The proposed grading also has the potential to create erosion on site and create offsite sedimentation into the drainage courses leading to the above noted tributaries and Topanga Canyon Creek downstream. The Commission finds that minimizing site erosion will minimize the project's potential individual and cumulative contribution to adversely affecting these natural drainage courses. Erosion can best be minimized by requiring the applicant to landscape all graded and disturbed areas of 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 finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize pad areas and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, in order to minimize erosion and resultant sedimentation of the tributaries and Topanga Canyon Creek downstream, Special Condition number two requires that all disturbed and graded areas shall be stabilized and vegetated with appropriate native plant species. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition number two also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

b. 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a two story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence and 225 sq. ft. terrace, retaining walls, water well and pump,

storage tank, pool, septic system, improve a 320 foot length of Skyhawk Lane to 20 feet wide, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site located outside coastal zone, and install a temporary construction trailer and mobile home.

The site is considered a "hillside" development, as it includes moderately sloping terrain with soils that are susceptible to erosion surrounding of the proposed building sites. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

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. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. 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, and estuaries and reduce optimum populations of marine organisms and have adverse impacts on human health.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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

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 nine, 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 number two is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In order to ensure that adverse impacts to coastal water quality and nearby ESHA located in the two tributaries leading to Topanga Canyon Creek as noted above do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition number nine, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site, as applicable. 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 including the 85th percentile 24-hour event and the one-hour event 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.

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.

Lastly, the applicants propose to place a temporary construction trailer and mobile home on the subject site during the construction of the residence. Special Condition number eleven requires that the temporary construction trailer and mobile home be removed within two years of the issuance of the coastal permit or within thirty days of the applicant's receipt of the certificate of occupancy for the residence from the County of Los Angeles.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, to require and maintain a landscape plan, erosion control plan, and a drainage and polluted runoff control plan is consistent with Section 30231 of the Coastal Act.

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

The subject site is located in a partial residentially developed area, however, it is immediately surrounded by vacant parcels. Although the building site is located along a descending ridgeline in the vicinity of a designated significant ridgeline in the Malibu/Santa Monica Mountains, it is not readily visible from public roadways or public lands located to the north, west or south and public roadway to the east. However, the building site will be visible from public trails and public lands located to the northeast, east and southeast within Topanga State Park, but not from Topanga Canyon Road and a trail along the road both located to the east well below the elevation of the site.

The applicants are proposing to construct a two story, 27 ft. high, 2,322 sq. ft. single family residence with detached 480 sq. ft. two car carport, stairway to residence and 225 sq. ft. terrace, retaining walls, water well and pump, storage tank, pool, septic system, improve a 320 foot length of Skyhawk Lane to 20 feet wide, grade 269 cubic yards of cut and 185 cubic yards of fill, dispose excess material to a disposal site

located outside coastal zone, and install a temporary construction trailer and mobile home.

Regarding public trails, the proposed project site is located as close as one and one-quarter miles southwest of a portion of the planned Topanga-Henry Ridge Trail (Exhibit 14). This portion of the trail route crosses from Topanga Canyon Road in a northerly direction connecting to the Santa Maria Canyon Trail east of Topanga Canyon Road. In addition, the proposed project site is located as close as one and one third miles west of the existing fire road trail following the ridge along the eastern boundary of the Topanga Canyon Creek watershed (Exhibit 15). The proposed project will be visible from many portions of this north to south fire road/trail at even greater distances. As a result, public views from these park lands and public trails may be adversely effected by the proposed development.

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 and restored areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the proposed structures with trees and shrubs as viewed from the adjoining public trail located to the southeast, east, and northeast of the project site.

The applicants are required to submit 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 will indicate 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 that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by Special Condition Number Two, the graded and disturbed areas will be replanted with native plants. Also as required by Special Condition Number Two, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the existing and planned public trails and lands located to the southeast, east, and northeast of the project site.

In addition, in order to ensure that the structural appearance, i.e. color of the residence, carport, roofs, and water storage tank and the potential glare of the glass windows, will not create adverse visual impacts from public lands and trails, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition number six. In addition, Special Condition number seven requires that night lighting, if any, shall be the minimum necessary for lighting, directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to

protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Further, as required by Special Condition number five, any future development proposed for development on this site will require a coastal permit or a coastal permit amendment to allow the Commission to review any future proposed development consistent with the visual resource protection policies of the Coastal Act.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Coastal Act Violation

The subject site includes an existing water well that was constructed in 1990 without the benefit of the required coastal development permit. The applicant's have included this well as part of their project description to address the violation and obtain an after-the-fact approval.

In order to ensure that the violation portion of this development project is resolved in a timely manner, Special Condition Number Twelve requires that the applicants to satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 120 days of Commission action, with additional time that may be approved by the Executive Director for good cause.

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

F. 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal 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.

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

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

The proposed development includes constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Health Services, Los Angeles County, dated 6-1-2001. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the County of Los Angeles Uniform Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

G. 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's ability to prepare a Local Coastal Program for Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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.

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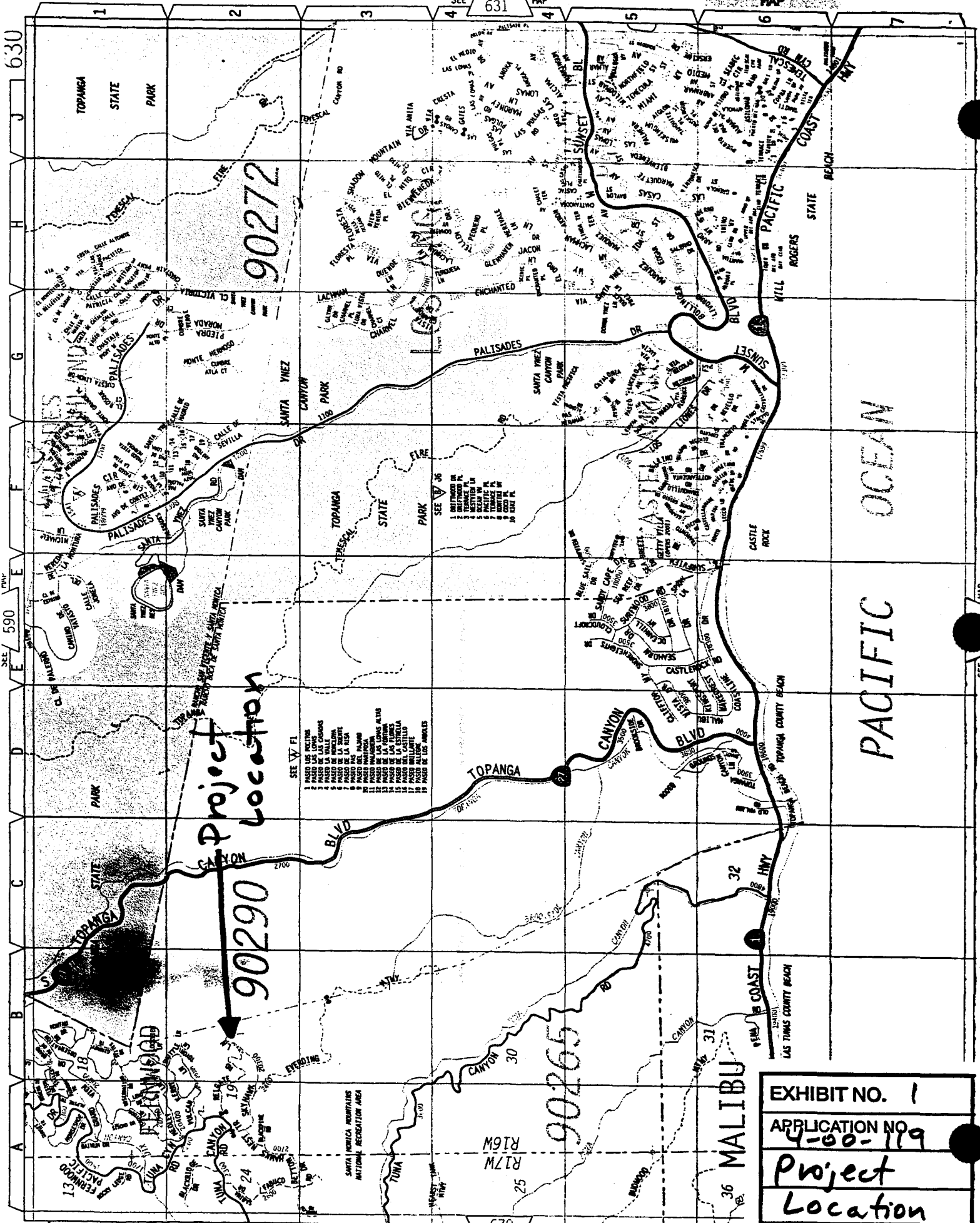
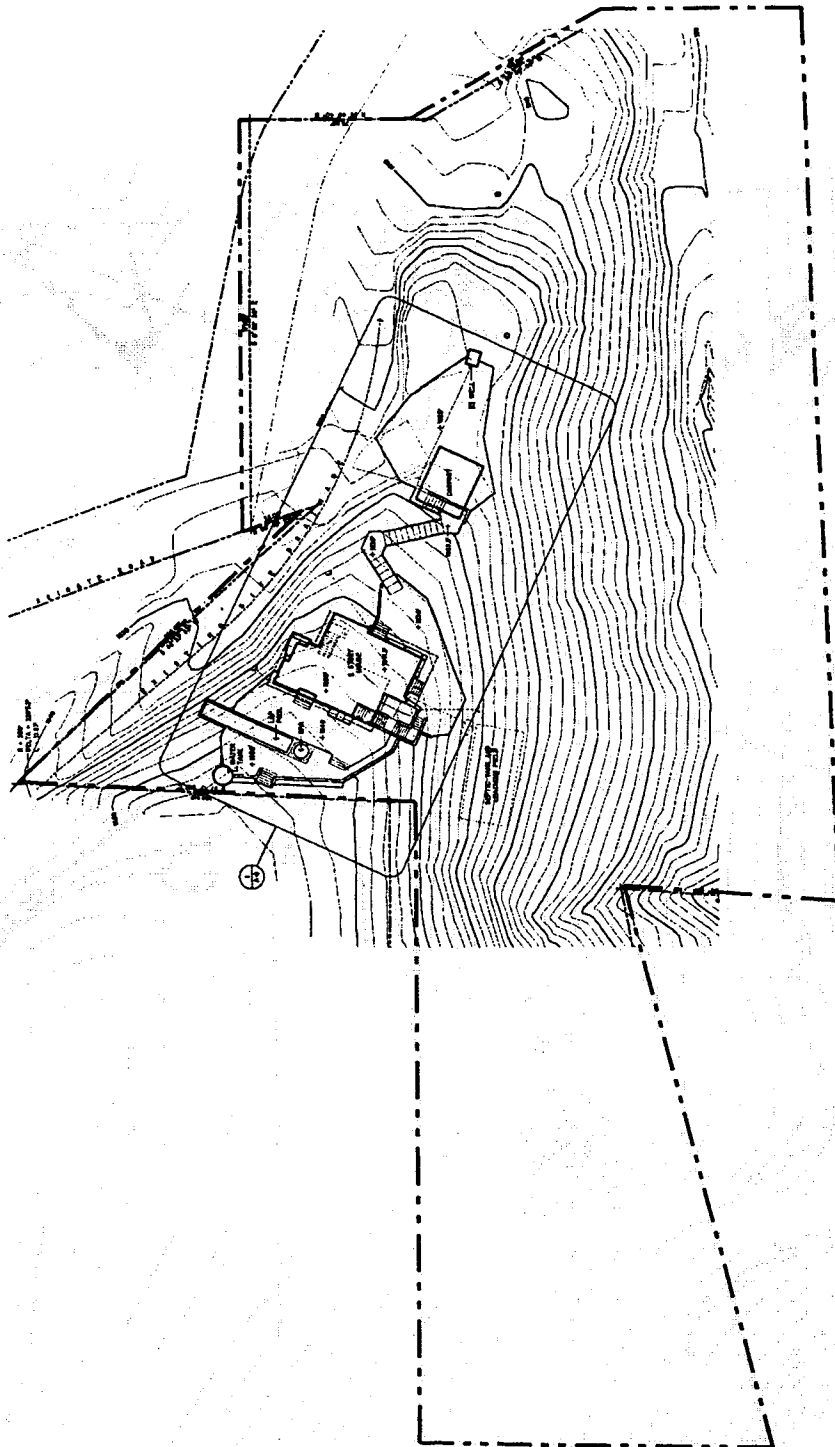


EXHIBIT NO. 1
APPLICATION NO. 4-00-119
Project Location



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EXHIBIT NO. 2
APPLICATION NO. 4-00-119
Site Plan

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SKYHAWK
LANE

Topanga
CA
90290

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DESIGN L.L.C.
JOE DAY

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SITE Plan
scale 1" = 40'

A0.0

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SKYHAWK LANE
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SITE PLAN

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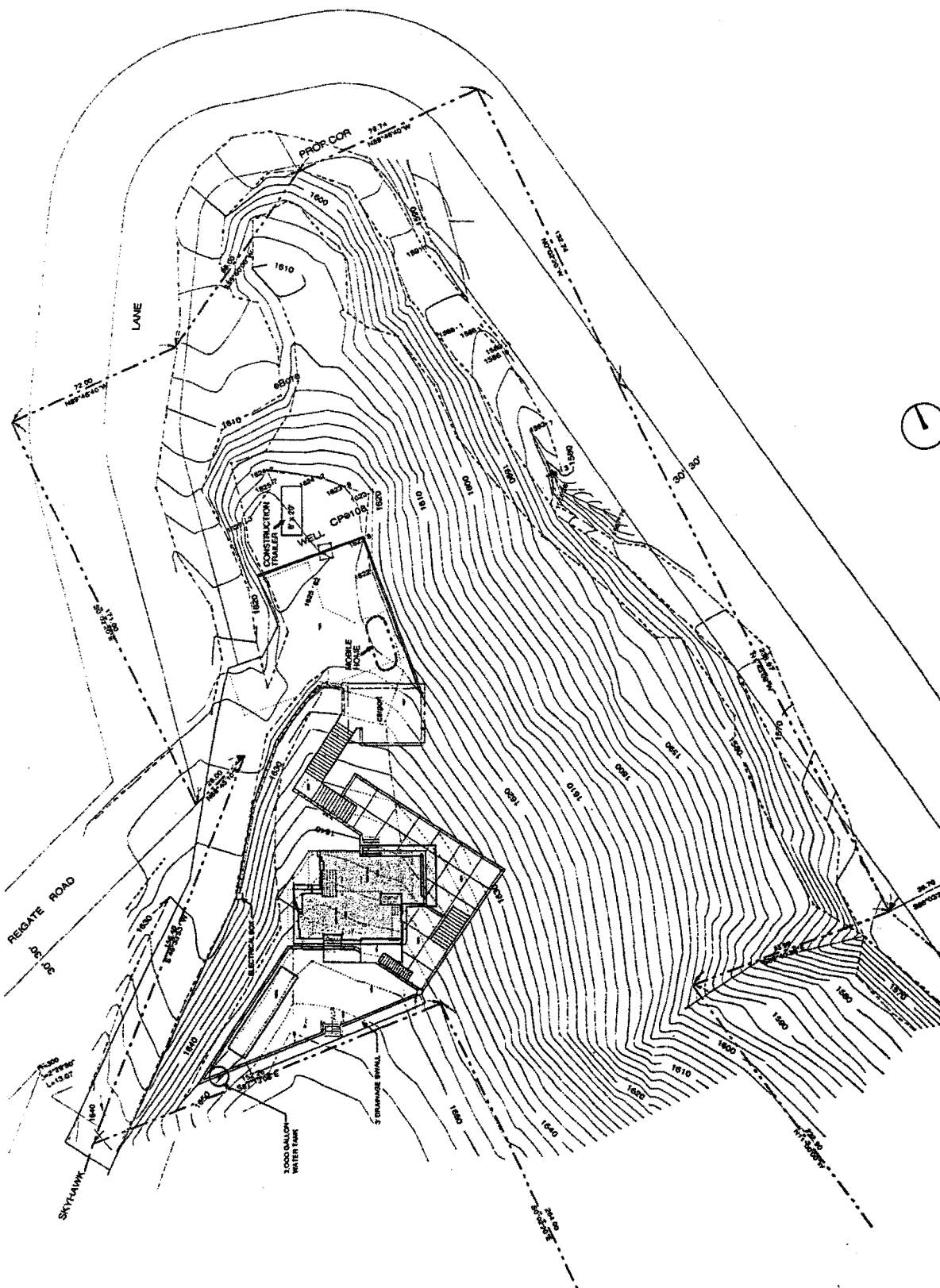


EXHIBIT NO. 3
APPLICATION NO. 4-88-119
Site Plan
Detail

SITE PLAN
1" = 20' 0"

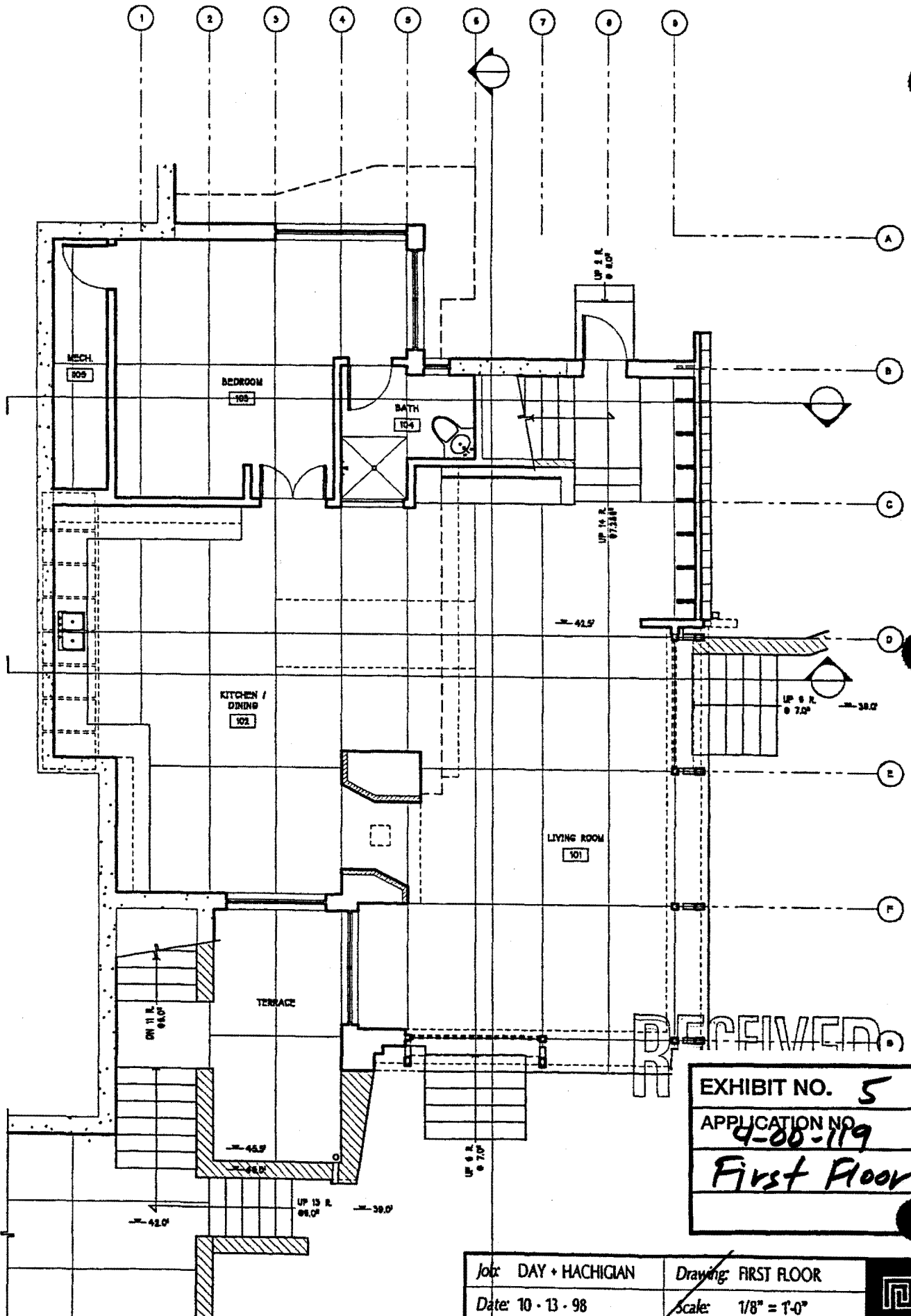


EXHIBIT NO. 5
 APPLICATION NO. 4-88-119
 First Floor

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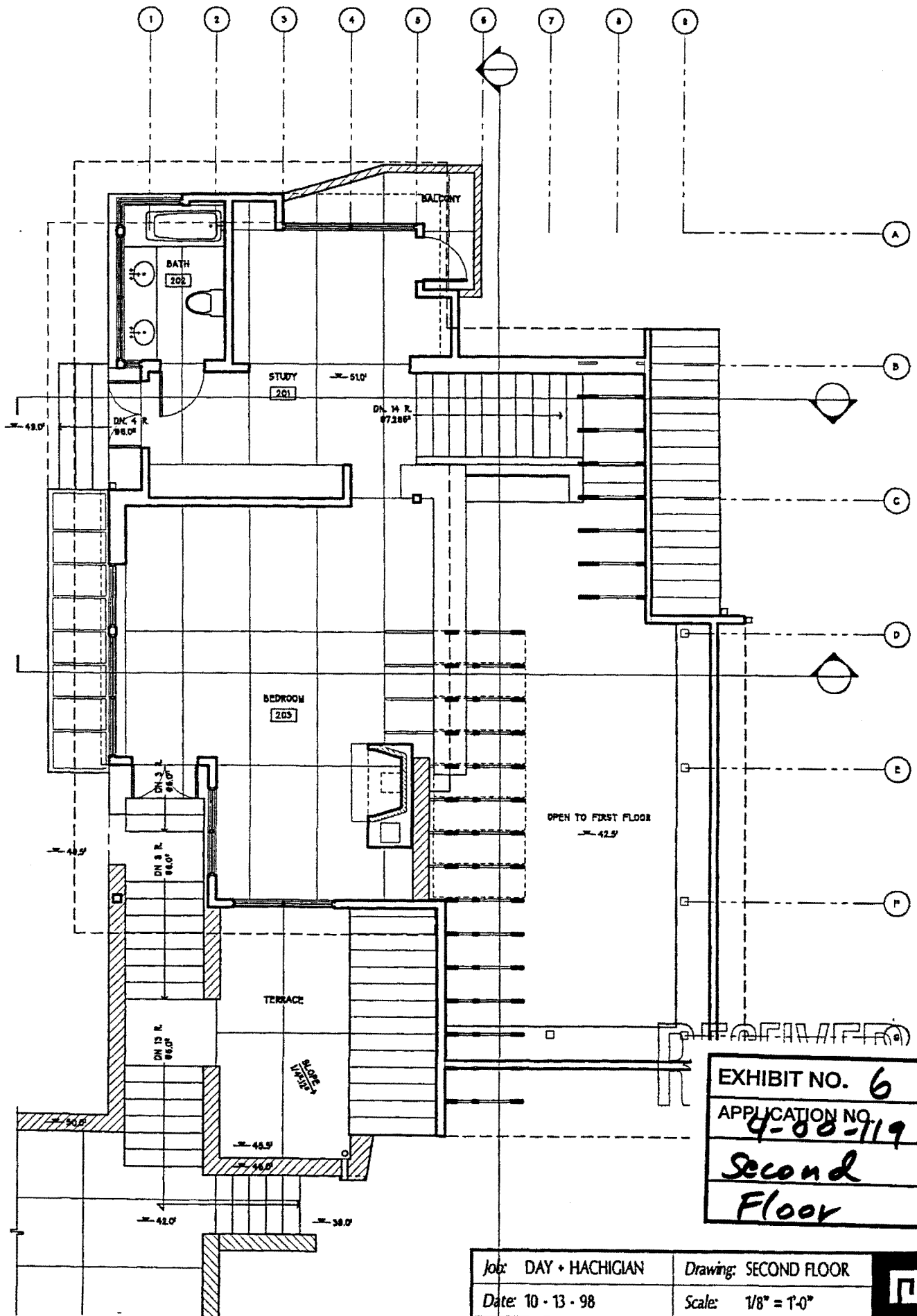


EXHIBIT NO. 6
APPLICATION NO. 4-88-719
Second Floor

Job: DAY + HACHIGIAN	Drawing: SECOND FLOOR	
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"	

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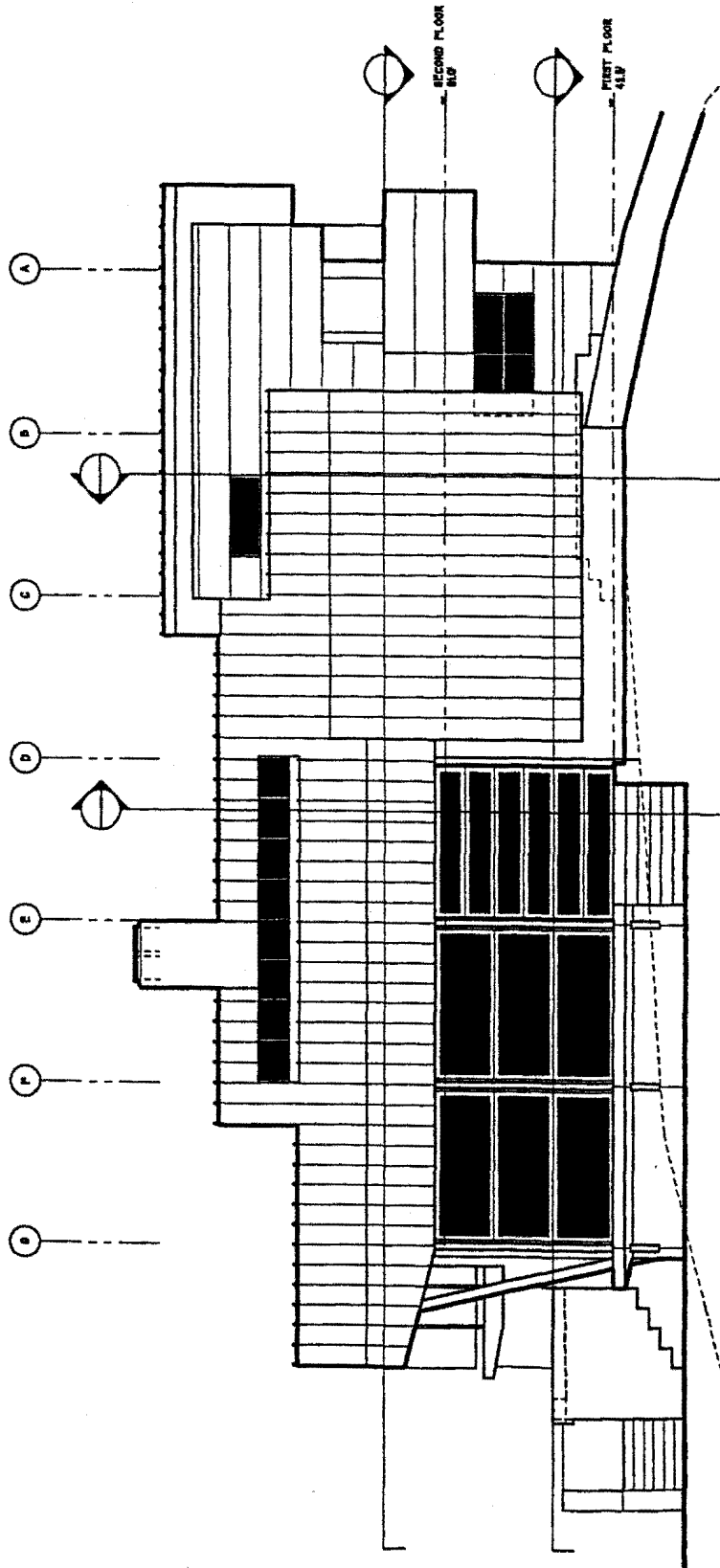


EXHIBIT NO. 7
APPLICATION NO. 4-00-119
North Elevation

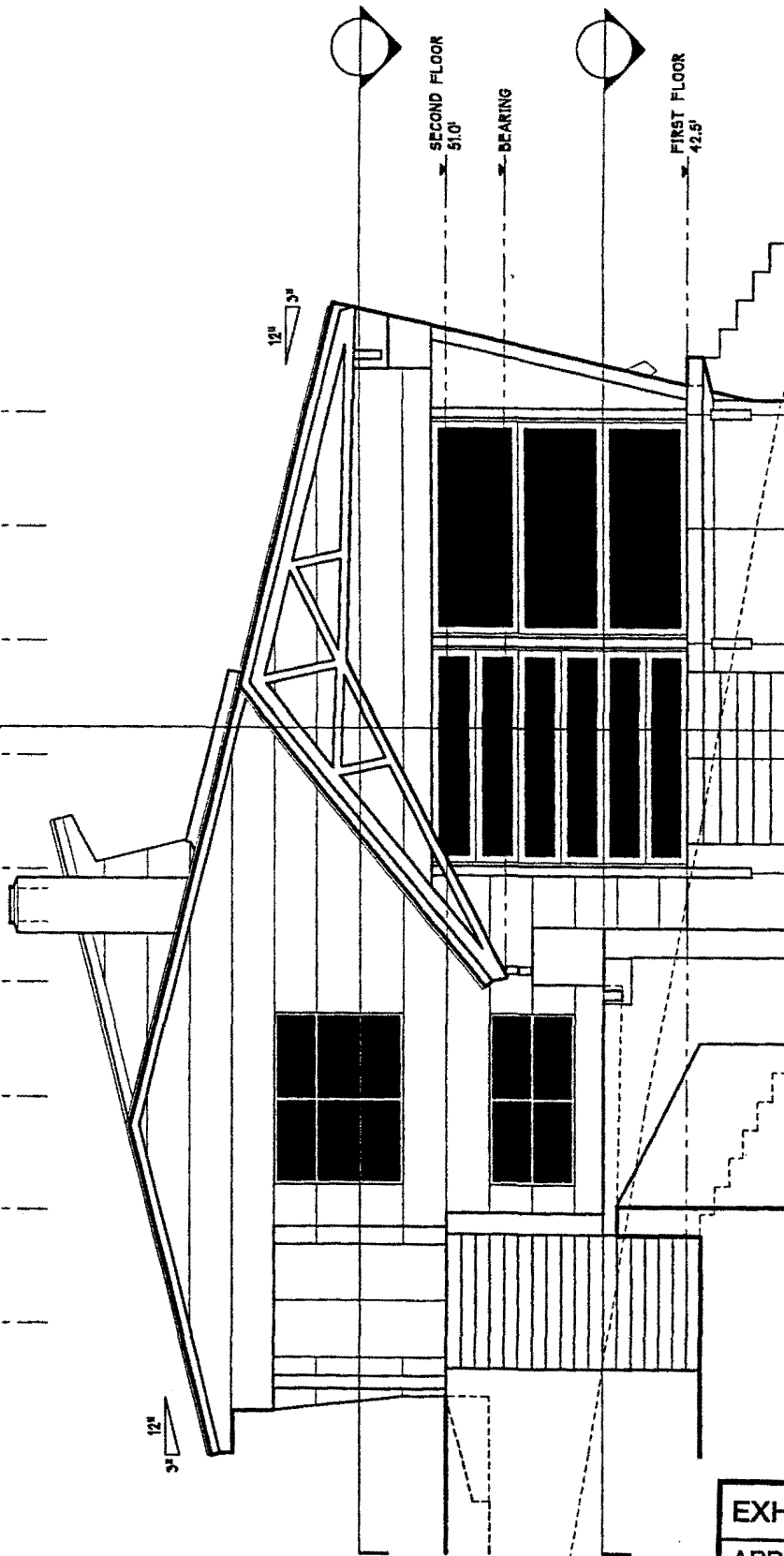
Job: DAY & HACHIGIAN	Drawing: NORTH ELEVATION
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"

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Job: DAY + HACHIGIAN	Drawing: EAST ELEVATION
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"

EXHIBIT NO.	8
APPLICATION NO.	4-00-119
East	
Elevation	

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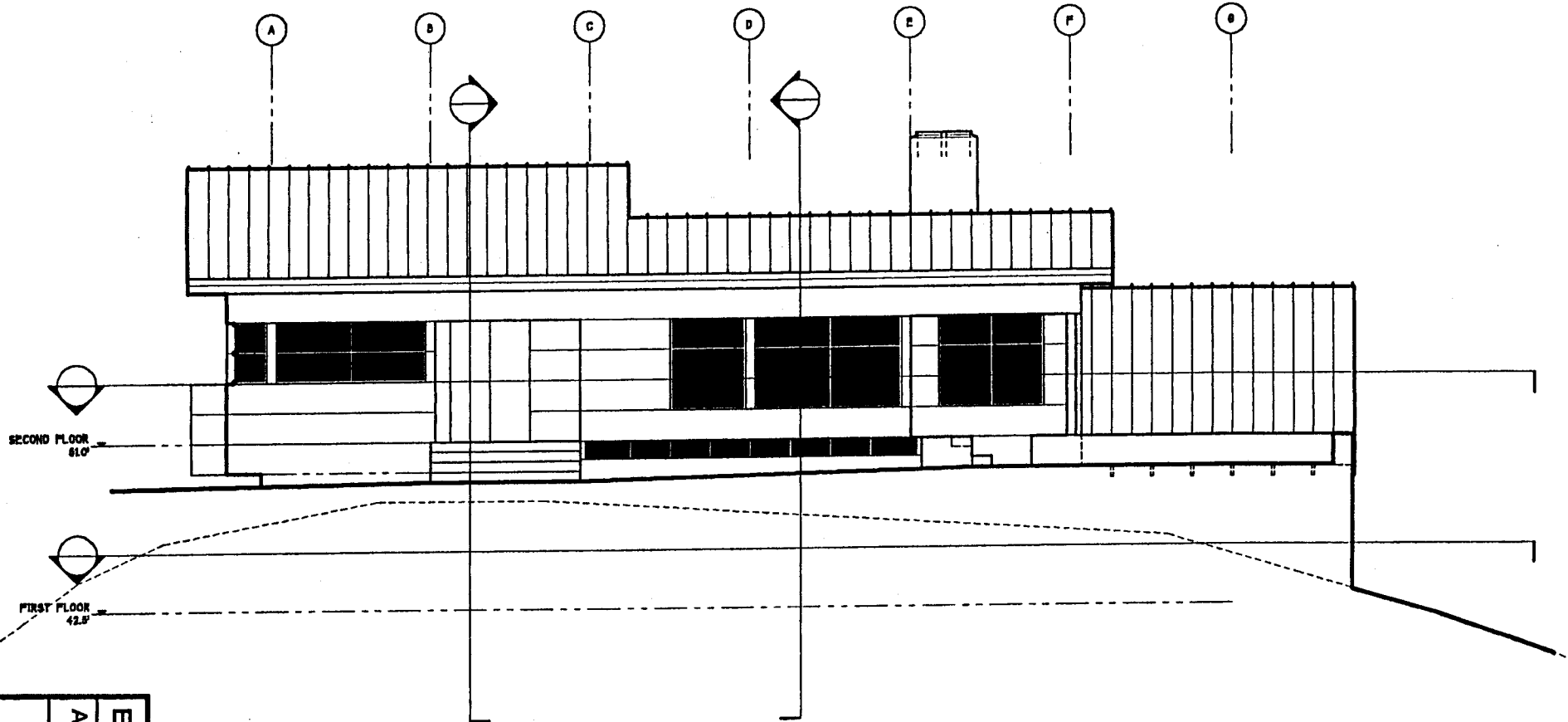


EXHIBIT NO. 9
APPLICATION NO. 9-88-719
South
Elevation

Job: DAY + HACHIGIAN	Drawing: SOUTH ELEVATION	
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"	

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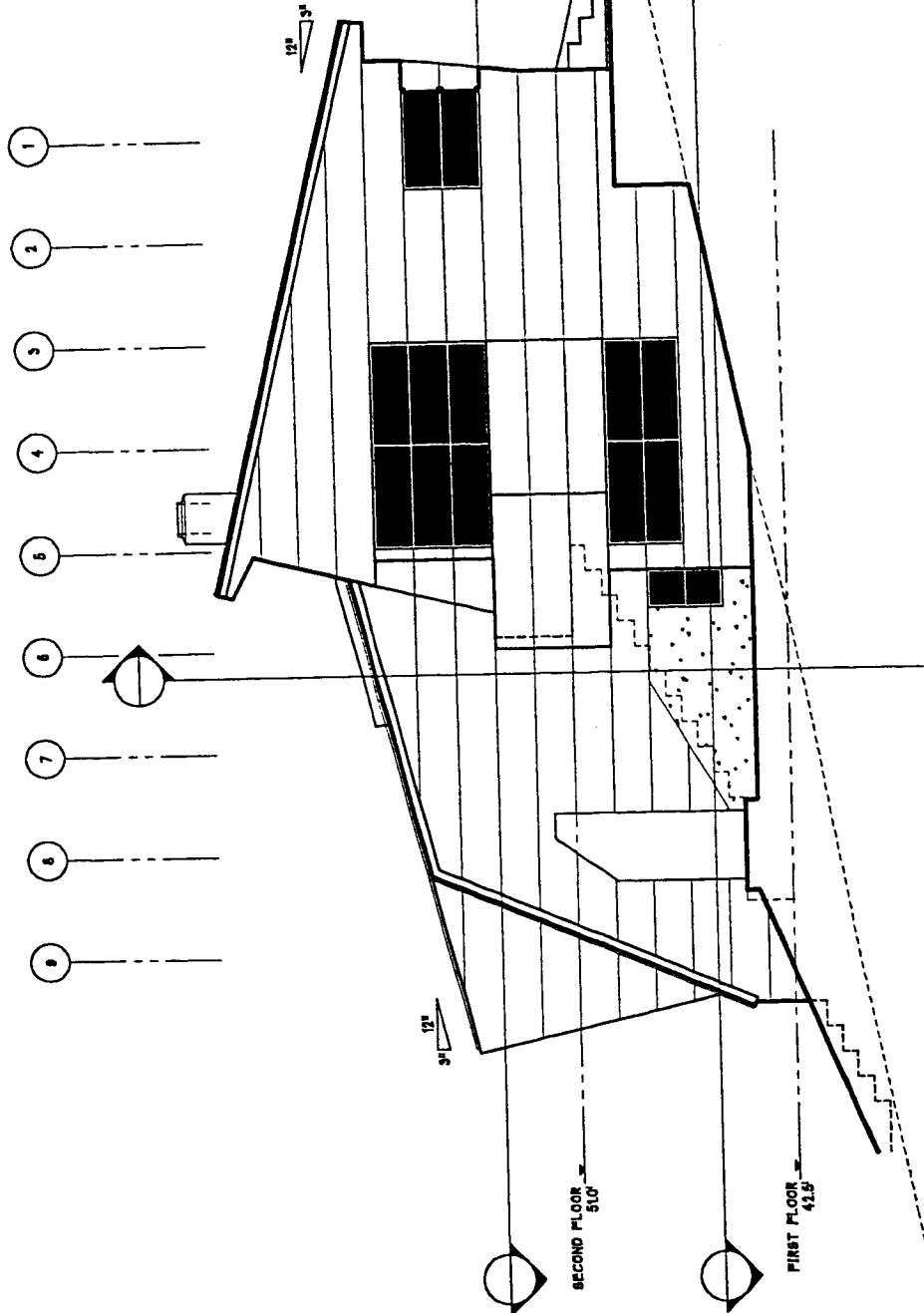


EXHIBIT NO. 10
APPLICATION NO. 4-88-119
West
Elevation

Job: DAY + HACHIGIAN	Drawing: WEST ELEVATION
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"

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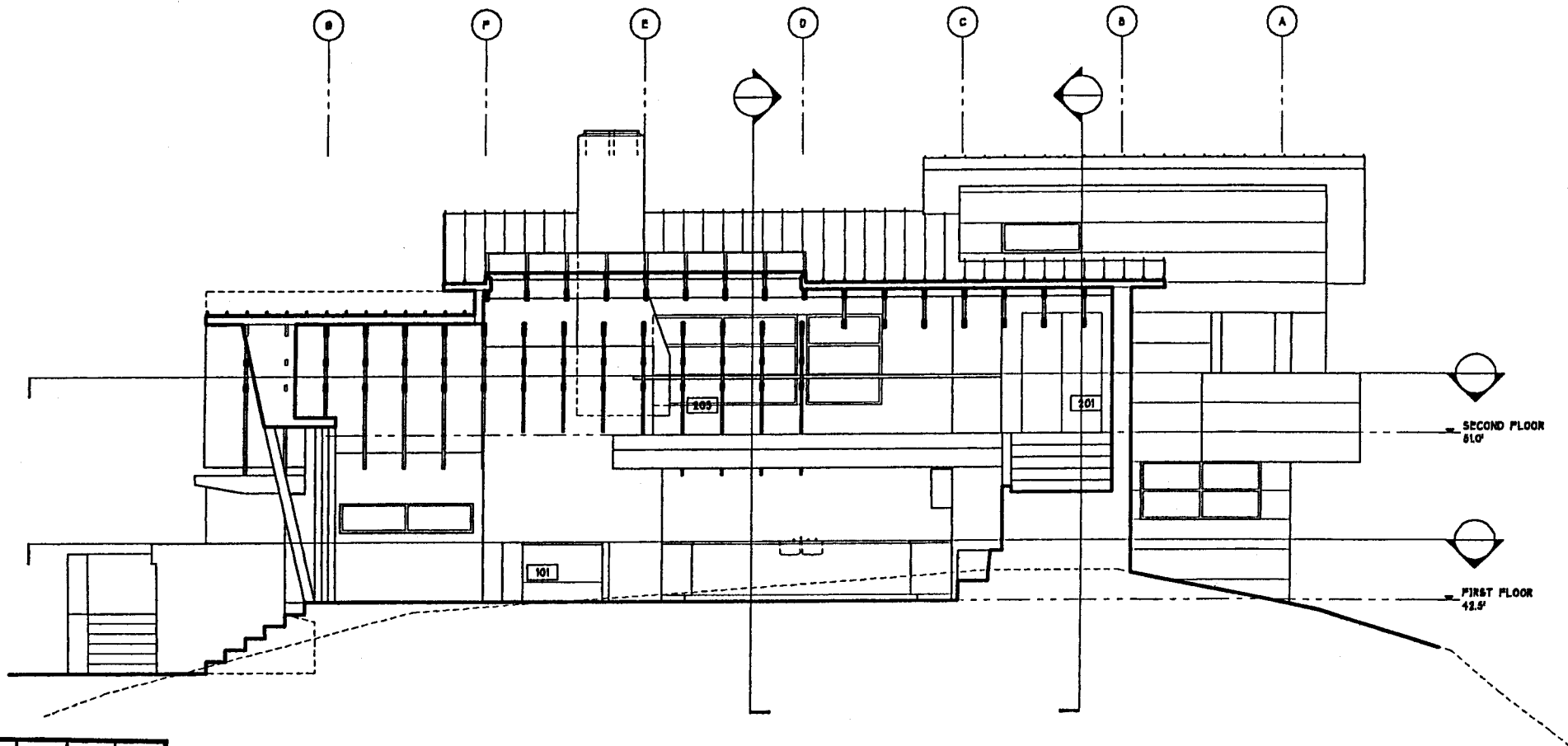


EXHIBIT NO. 11
APPLICATION NO. 98-088-PP19
Section

Job: DAY + HACHIGIAN	Drawing: BUILDING SECTION	
Date: 10 - 13 - 98	Scale: 1/8" = 1'-0"	

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SKYHAWK LANE
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DEEGAN-DAY
DESIGN LLC.
JOE DAY

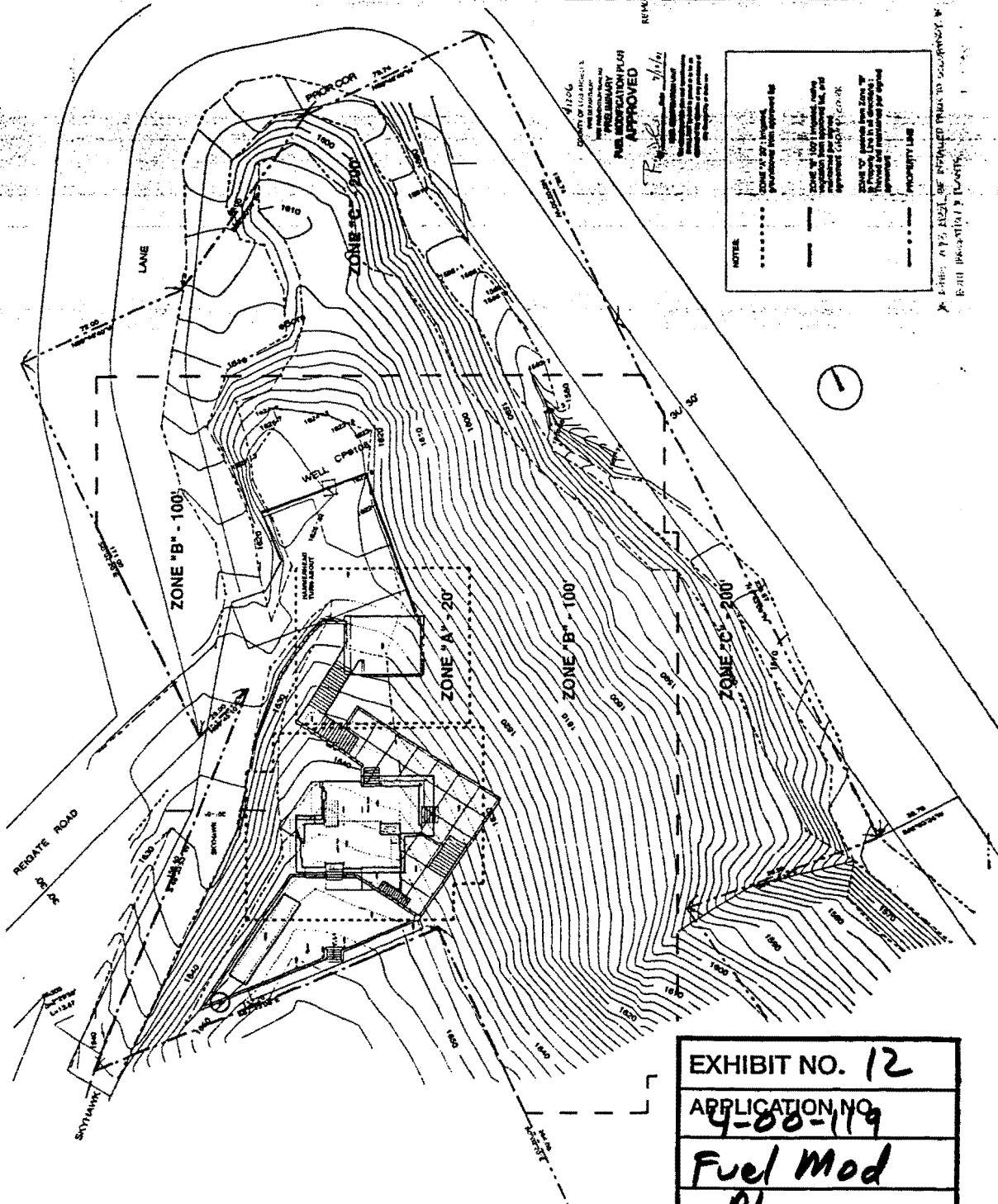
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U.S. AIR FORCE

**FUEL
APPLICATION
PLAN**
A1.2



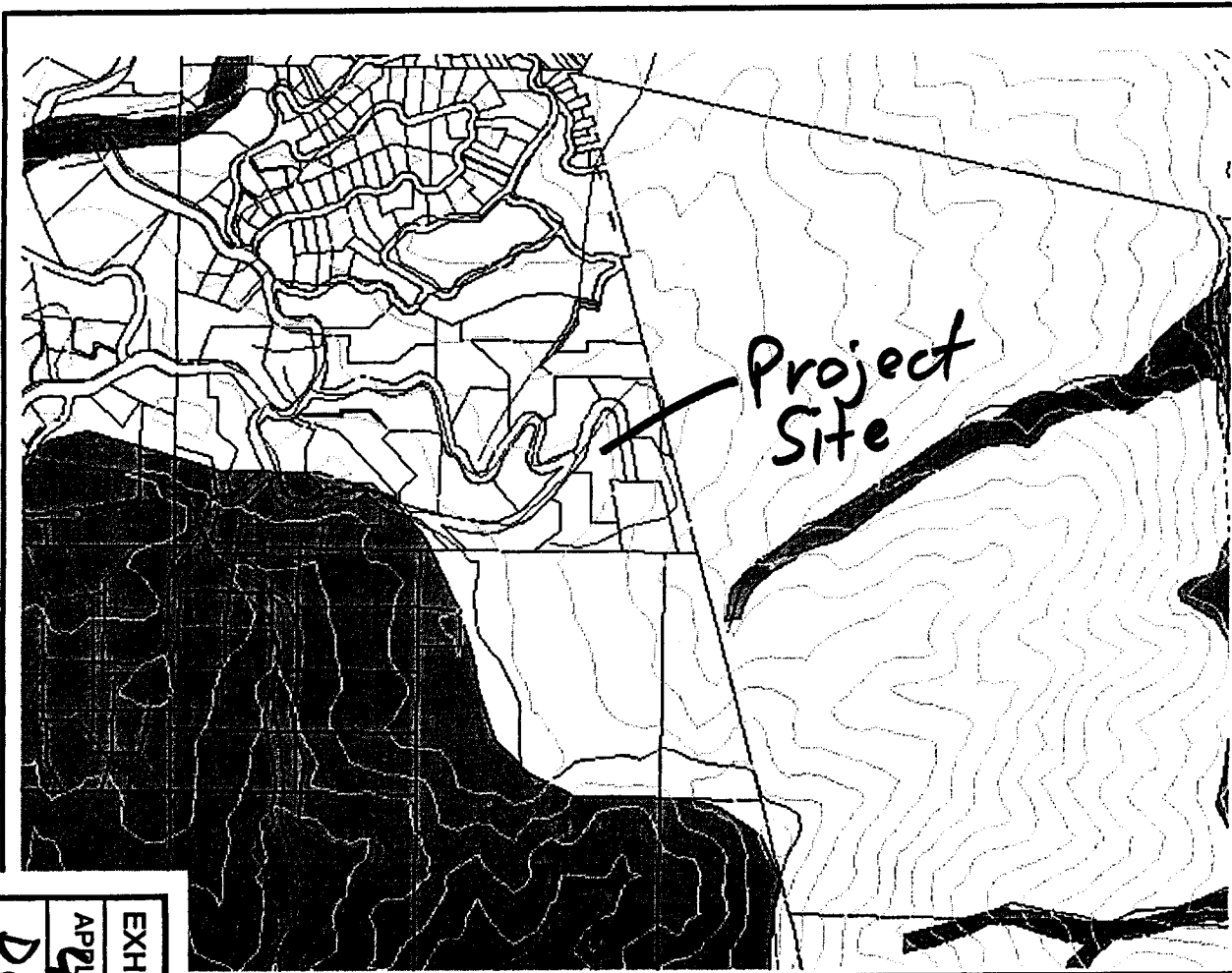
44206
COUNTY OF LOS ANGELES
WALL DESIGN, INC.
WALL DESIGN, INC. - 10000
PRELIMINARY
PUB. MODIFICATION PLAN
APPROVED

[illegible]

FUEL MODIFICATION PLAN

FUEL M

400119 deegan-day esha



- contours @ 100ft
- Trails - LA County LUP
- Blue Line Streams
- streets
- trailotds (OTDSTATUS)
 - Accepted
 - Not Recorded
 - Recorded
- laprcls
- esha
- Ocean



Wednesday, Feb 6 2002

EXHIBIT NO. 13
APPLICATION NO. 4-88-119
Designated
ESHA

malibu/santa monica
TRAIL SYSTEM

TOPANGA STATE PARK

BACKBONE TRAIL

MAJOR FEEDER TRAIL

11 TUNA CANYON TRAIL

12 TOPANGA-HENRY RIDGE TRAIL

12A Topanga-Henry Ridge Trail to Calabasas

12B Topanga-Henry Ridge Trail to Serrania Park

12C Topanga-Henry Ridge Trail to Santa Maria Cyn. Loop Trail

13 STOKES RIDGE TRAIL

13A To Calabasas

13B Cold Creek & Stokes Ridge Connector Trail

14 SANTA MARIA CANYON TRAIL

14A Santa Maria Canyon Loop Trail

Project Site

EXHIBIT NO. 14

APPLICATION NO. 4-88-199

Planned Trails

malibu/santa monica
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BACKBONE TRAIL

MAJOR FEEDER TRAIL

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APPLICATION NO. 4-88-199

Planned Trails

-
- malibu/santa monica**
TRAIL SYSTEM
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- MAJOR FEEDER TRAIL**
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- 14A Santa Maria Canyon Loop Trail
- Project Site**
- EXHIBIT NO. 14**
- APPLICATION NO. 4-88-199**
- Planned Trails**

malibu/santa monica
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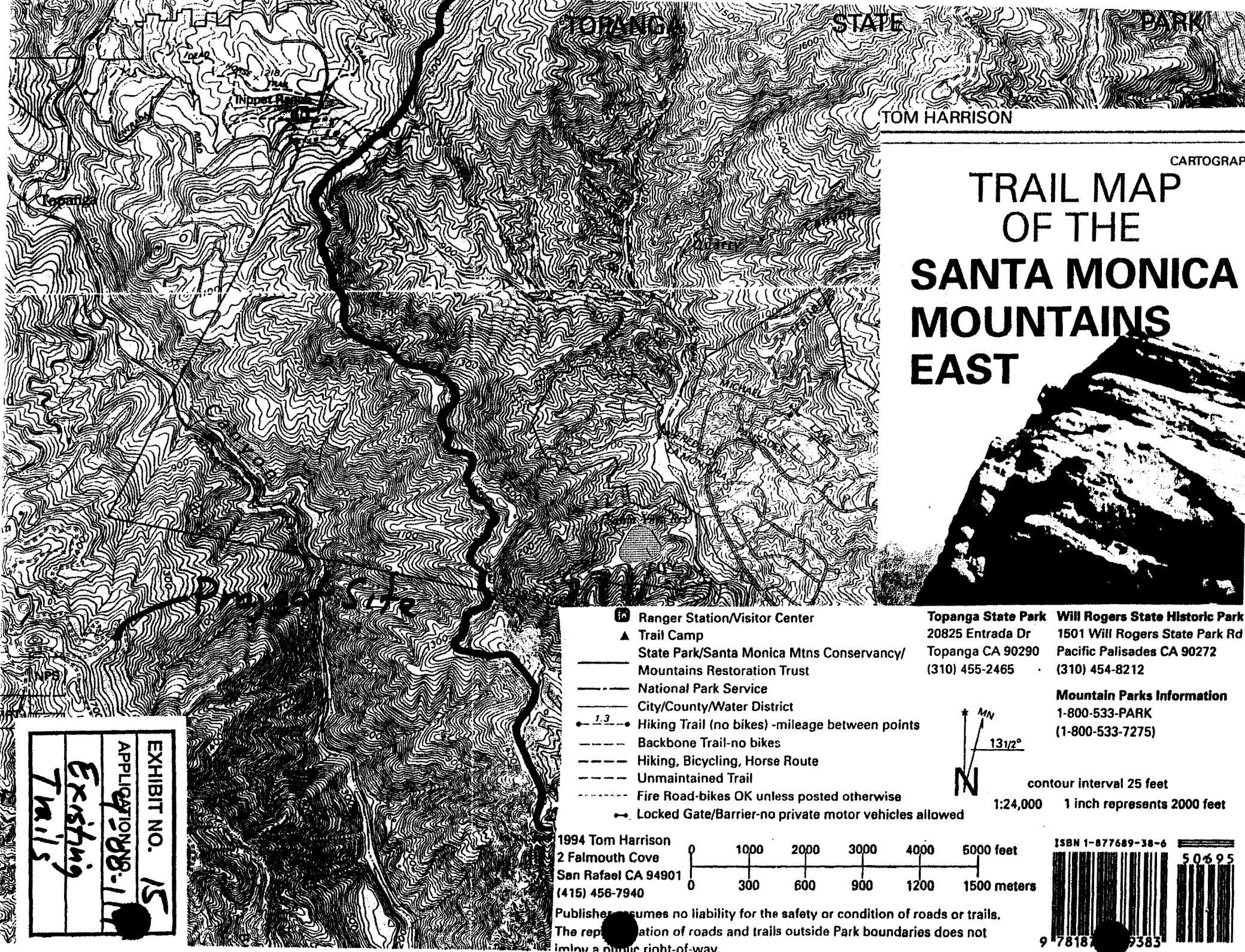
Project Site

EXHIBIT NO. 14

APPLICATION NO. 4-88-199

Planned Trails

Planned Trails



TOM HARRISON

CARTOGRAPH

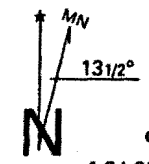
TRAIL MAP OF THE SANTA MONICA MOUNTAINS EAST

Topanga State Park
20825 Entrada Dr
Topanga CA 90290
(310) 455-2465

Will Rogers State Historic Park
1501 Will Rogers State Park Rd
Pacific Palisades CA 90272
(310) 454-8212

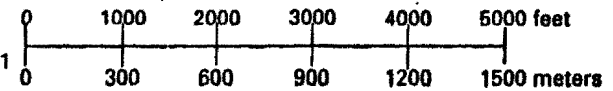
Mountain Parks Information
1-800-533-PARK
(1-800-533-7275)

- Ranger Station/Visitor Center
- Trail Camp
- State Park/Santa Monica Mtns Conservancy/
Mountains Restoration Trust
- National Park Service
- City/County/Water District
- Hiking Trail (no bikes) -mileage between points
- Backbone Trail-no bikes
- Hiking, Bicycling, Horse Route
- Unmaintained Trail
- Fire Road-bikes OK unless posted otherwise
- Locked Gate/Barrier-no private motor vehicles allowed



contour interval 25 feet
1:24,000 1 inch represents 2000 feet

1994 Tom Harrison
2 Falmouth Cove
San Rafael CA 94901
(415) 456-7940



Publisher assumes no liability for the safety or condition of roads or trails.
The representation of roads and trails outside Park boundaries does not
imply a public right-of-way.

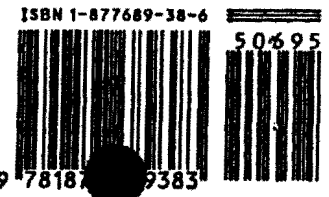


EXHIBIT NO. 15
APPLICATION NO. 92-08-114
Existing Trails

ESRI ArcExplorer 1.1

400119 deegan-day new homes

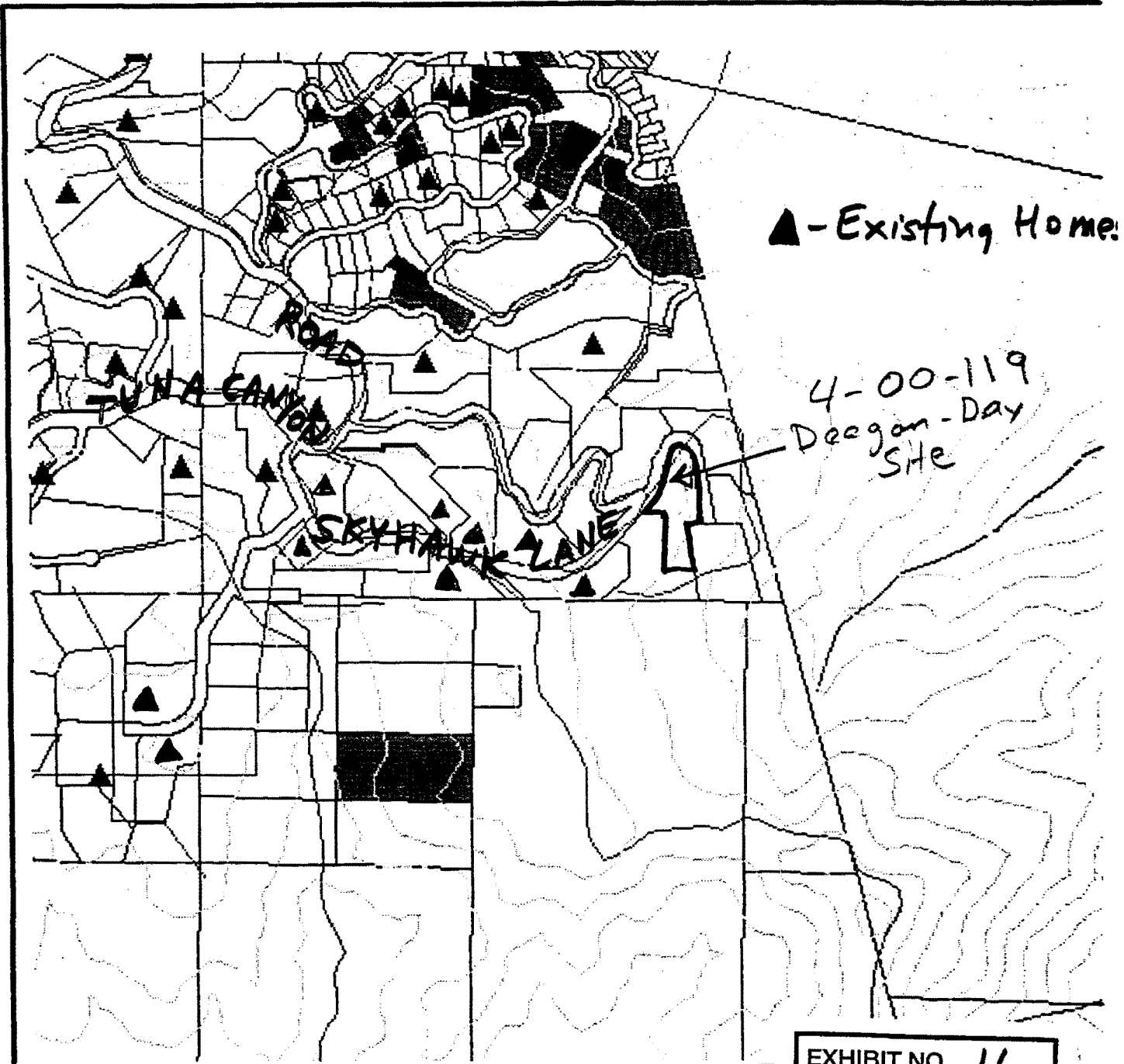


EXHIBIT NO.	16
APPLICATION NO.	4-00-119
Existing	
Homes	

