

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 6/17/03
Hearing Date: 8/06/03
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-02-140

APPLICANTS: Mark and Agnes Smith

PROJECT LOCATION: 20433 Medley Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill).

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|----------------------------|--------------------|
| Lot area: | 25,012 square feet |
| Building coverage: | 1,845 square feet |
| Pavement coverage: | 2,045 square feet |
| Landscape coverage: | 605 square feet |
| Unimproved: | 20,517 square feet |

LOCAL APPROVALS RECEIVED: County of Los Angeles Planning Department, Approval in Concept, October 25, 2002; County of Los Angeles Fire Department Final Fuel Modification Plan Approval, December 2, 2002; County of Los Angeles Geologic Review, Approval in Concept, June 30, 2003; County of Los Angeles Soils Engineering Review, Approval in Concept, July 2, 2003; County of Los Angeles, Fire Department (Access), Approval in Concept, July 11, 2002; County of Los Angeles, Environmental Health, Approval in Concept, May 16, 2002.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); "Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002; "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002; Coastal Development Permit (CDP) No. 4-98-257 (Danube Development).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with **seven (7) special conditions** regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, wildfire waiver of liability, future development restriction, deed restriction, and lot combination.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-140 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 permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the reports prepared by Mountain Geology, Inc. and West Coast Geotechnical ("Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002 and "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002) shall be incorporated into all final design and construction including foundations, grading, setbacks, lateral design, settlement, erosion control, expansive soils, temporary excavations and shoring, retaining walls, backfilling, site observations, plan review, and sewage disposal, drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, sewage disposal, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

2. Landscaping and Erosion Control Plans

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

A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, compatible with the surrounding chaparral habitat, as listed

by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.

- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- 4) 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.
- 5) The Permittees 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.
- 6) Vegetation removal shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. Irrigated lawn, turf, and ground cover planted within Zone A shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains. Prior to issuance of the Coastal Development Permit, the applicants shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County.

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 excavation or grading take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to:

stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, 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 applicants shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Drainage and Polluted Runoff Control Plan

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, 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, one (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 applicants, landowner, or successor-in-interest shall be responsible for any necessary repairs to the drainage, filtration system, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new Coastal Development Permit is required to authorize such work.

4. Wildfire Waiver of Liability

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

5. Future Development Restriction

This permit is only for the development described in coastal development permit 4-02-140. 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 development governed by coastal development permit 4-02-140. Accordingly, any future improvements to the single family residence authorized by this permit, shall require an amendment to Permit 4-02-140 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. Deed Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. Lot Combination

- A. (1) All portions of the two lots, Lots 2 and 3 of Block 8, Tract 9531, Los Angeles County, shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, development, taxation or encumbrance and (2) the single parcel created herein shall not be divided or otherwise alienated from the combined and unified parcel.
- B. Prior to issuance of CDP No. 4-02-140, the applicant shall execute and record a deed restriction, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the two lots being recombined and unified. 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill) (**Exhibits 4 - 8**).

The approximately 0.57 acre project site consists of two adjacent vacant lots located in the Fernwood area of unincorporated Los Angeles County (**Exhibit 1**). The property is located on the south side of Medley Lane, in an area partially developed with single family residences (**Exhibit 2**). The site contains non-native ruderal grasses, some scattered shrubs, and some non-native trees (**Exhibits 2, 3, and 9**). The proposed project will result in a 200 foot brush clearance radius that largely overlaps established brush clearance radii for homes that are existing or currently under construction (**Exhibit 3**).

Site topography is characterized by a small east-west trending ridge crest and slopes with gradients ranging from 5:1 to 3:1 descending north and south of the crest. In addition, a 2:1 slope, created during construction of Medley Lane, descends from the northern property line to the base of the ridge, resulting in a wide, approximately 12 foot deep swale that separates the remainder of the site from the Medley Lane right-of-way. The applicant proposes to fill a section of the swale to allow construction of a driveway to the proposed residence, which is located on the ridge crest (**Exhibits 6 and 7**).

The proposed project will not be visible from nearby Tuna Canyon Road, a designated Scenic Highway in the 1986 Malibu/Santa Monica Mountains Land Use Plan, or other scenic resource areas.

The site was the subject of a previous Coastal Development Permit application [CDP No. 4-98-257 (Danube Development)] for construction of a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft. carport, septic system, and 1,425 cu. yds. of grading (750 cu. yds. cut, 675 cu. yds. fill) -- a proposal very similar to the currently proposed project. CDP No. 4-98-257 was approved with five special conditions regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, wildfire waiver of liability, and a future improvements restriction. However, the permit expired prior to fulfillment of the special conditions, and the project was not constructed (**Exhibit 10**).

B. Hazards and Geologic Stability

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

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

The applicant has submitted two geologic reports prepared by Mountain Geology, Inc. and West Coast Geotechnical ("Update Engineering Geologic Report," Mountain Geology, Inc., April 15, 2002 and "Update Geotechnical Engineering Report," West Coast Geotechnical, May 9, 2002). The reports make numerous recommendations regarding foundations, backfilling, lateral design, retaining walls, settlement, expansive soils, temporary excavations and shoring, sewage disposal, drainage, plan review, and site observations.

The West Coast Geotechnical report concludes:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction.

Therefore, based on the recommendations of the applicant's geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

The Commission finds that, as conditioned by **Special Condition One (1)**, the proposed project is consistent with the geologic stability requirements of Coastal Act Section 30253.

Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. The project site contains slopes with gradients as steep as 2:1. The Mountain Geology, Inc. report for the site, dated April 15, 2002, notes that the soil and fill on these slopes are subject to downhill creep and erosion.

As noted above, the applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill). In total, the project will result in additional impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Three (3)**. **Special Condition Three (3)** requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. 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.

In addition, the Commission finds that temporary erosion control measures implemented during construction and excavation on the slope will also minimize erosion and enhance site stability. **Special Condition Two (2)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Two (2)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Two (2)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/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 slopes and that the use of 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 therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. Therefore, in order to ensure site stability and erosion control, **Special Condition Two (2)** requires the disturbed and graded areas of the site to be landscaped with appropriate native plant species, and the removal of native vegetation to be minimized consistent with fire safety standards.

Finally, in order to ensure that any future site development is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Five (5)**, which requires the applicants to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements. In addition, **Special Condition Six (6)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or

liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

In summary, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Water Quality

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

Section 30231 of the Coastal Act states:

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

As described in detail in the previous sections, the applicant proposes to construct a two-story, 2,800 sq. ft. single family residence with attached 220 sq. ft., basement level two-car garage, detached 630 sq. ft., three-car carport, driveway, terraced stairway, 1,500 gallon septic system, and 910 cu. yds. of grading (345 cu. yds. cut, 565 cu. yds. fill).

The proposed development will result in an increase in impervious surface at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

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

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)**, 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 measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. Cumulative Impacts

The proposed project involves the construction of a new single family residence, which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

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

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

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas that were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to major buildout constraints including: geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards for residential development on small hillside lots, including the Slope-Intensity/Gross Structural Area Formula (GSA), were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2) to reduce the potential effects of buildout as discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots that already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these areas creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources.

Slope Intensity Formula:

$$\text{GSA} = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The proposed project is located in the small lot subdivision of Fernwood and involves the construction of a new two story, 2,800 sq. ft. single family residence, attached basement level garage, and detached carport on two contiguous lots. The applicant has submitted a GSA

calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation was performed by Commission staff during review of CDP application No. 4-98-257 (Danube Development) and arrived at a maximum GSA of 3,650 sq. ft. of habitable space, considering the total area of both lots as one. Therefore, the proposed 2,800 sq. ft. single family residence is consistent with the maximum allowable GSA.

However, improvements to the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Five (5)** requires the applicant to record a future improvements deed restriction on this lot. In addition, **Special Condition Six (6)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Lastly, the Commission notes that the proposed residence is proposed to be built on two lots, Lots 2 and 3 in Block 8 of Tract 9531 (APN 4448-012-048 and APN 4448-012-049), and that the maximum allowable gross structural area was calculated considering the total area of both lots as one. The Commission has long required that lots in small lot subdivisions using the GSA formula, as noted above, be combined. Such a combination was required in previous permit decisions for development of residences on three lots in the Fernwood small lot subdivision [CDP No. 4-02-134 (Hawkins-Shea); CDP No. 4-00-263 (Bolander); CDP No. 4-98-242 (Lau)]. For these reasons, **Special Condition Seven (7)** is necessary to ensure that the lots are combined and held as such in the future.

The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30250(a) of the Coastal Act.

E. Local Coastal Program

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

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

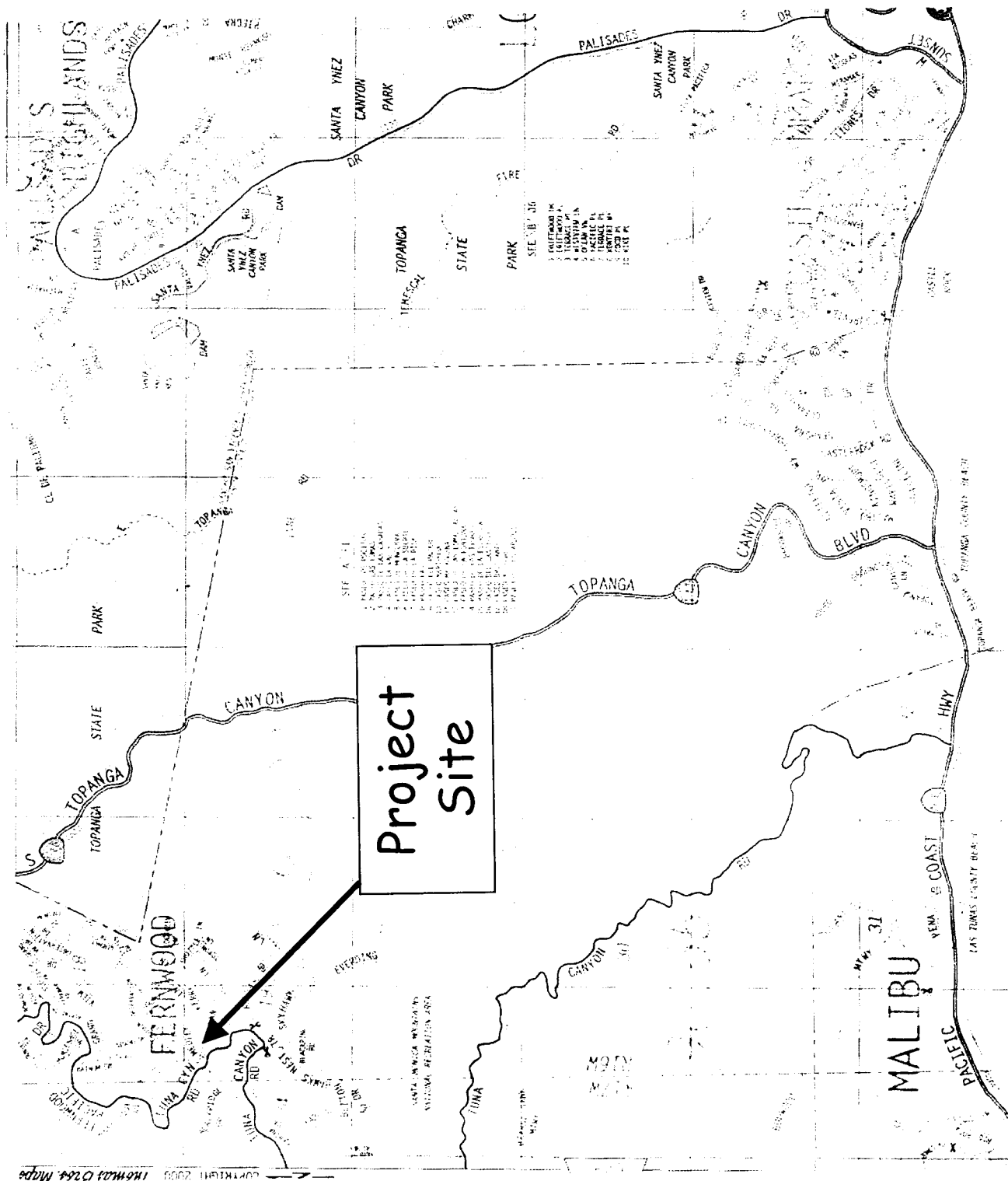
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections 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 applicants. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice

the County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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.



COPYRIGHT 2009 INCHWAT DATA MAPS

EXHIBIT NO. 1

APPLICATION NO.

4-02-140

VICINITY MAP

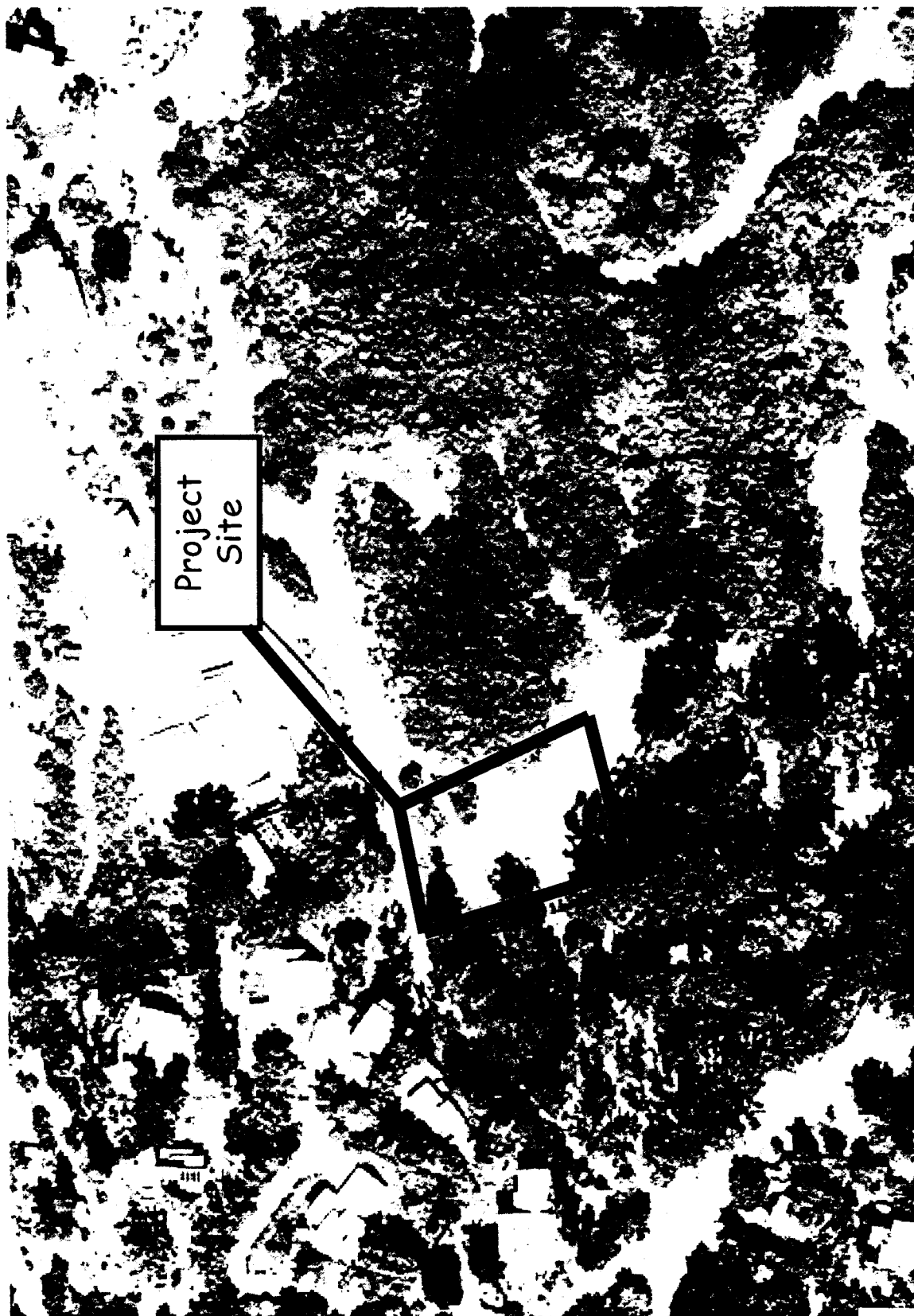


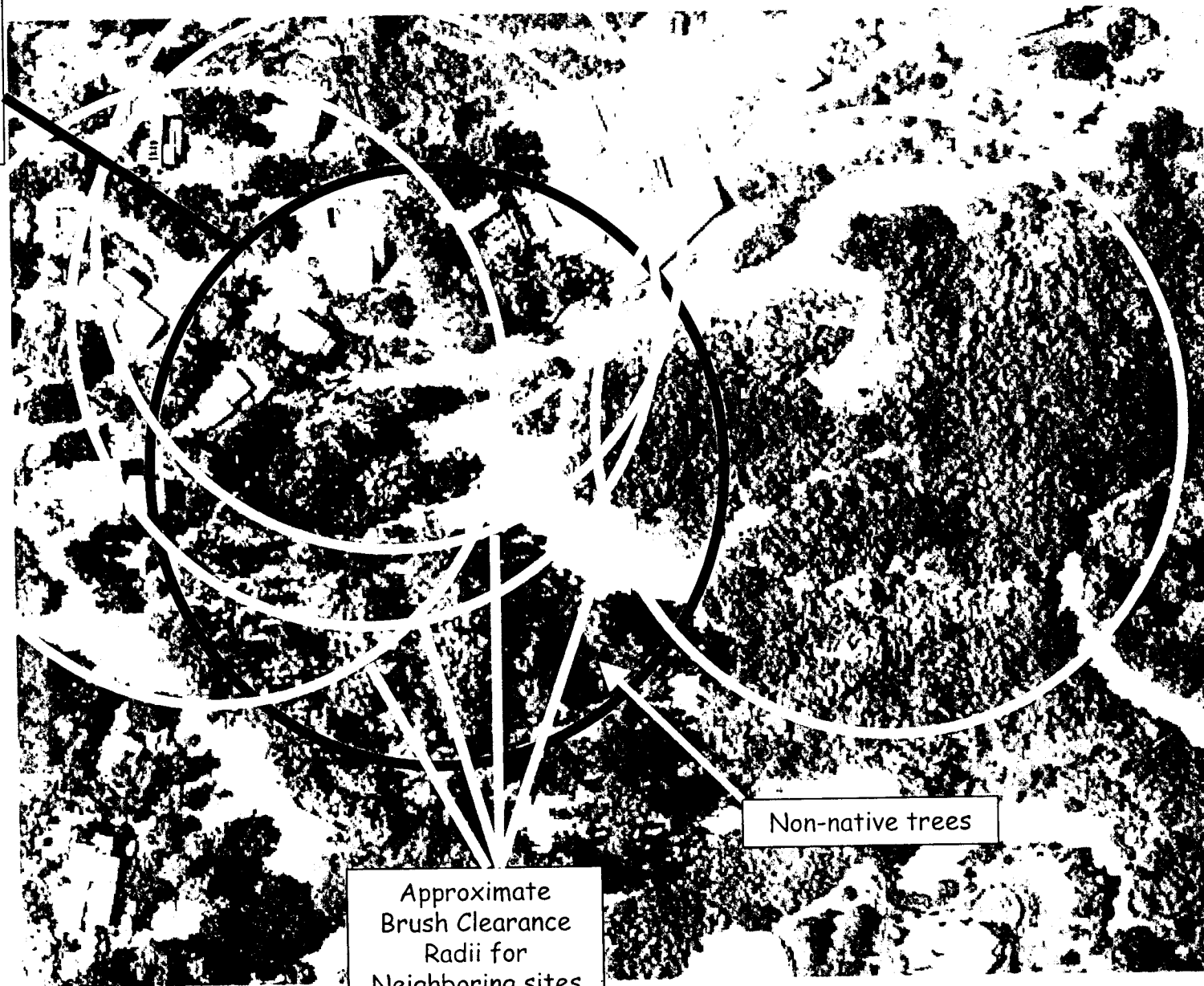
EXHIBIT NO. 2

APPLICATION NO.

4-02-140

AERIAL VIEW

Approximate
Brush
Clearance
Radius for
Project Site



Non-native trees

Approximate
Brush Clearance
Radii for
Neighboring sites

EXHIBIT NO. 3

APPLICATION NO.

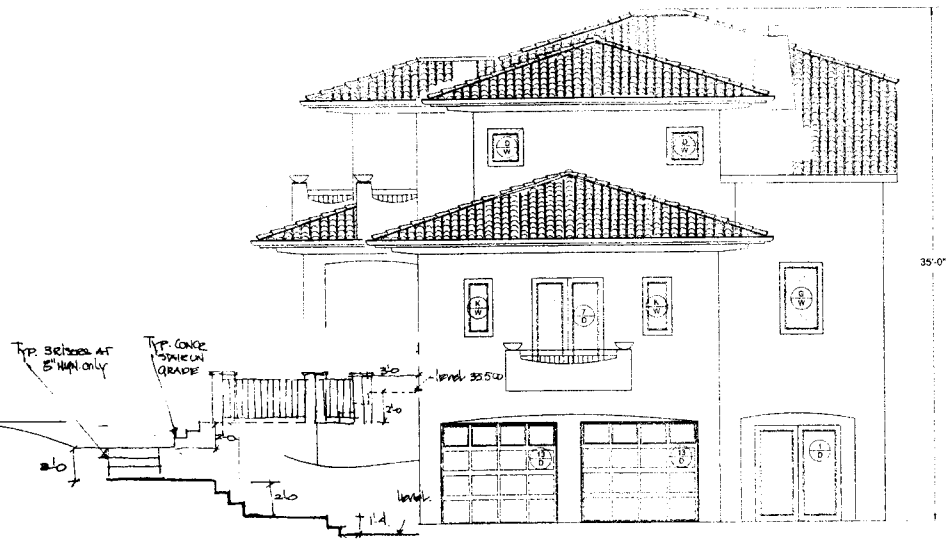
4-02-140

BRUSH CLEARANCE

SITE PLAN

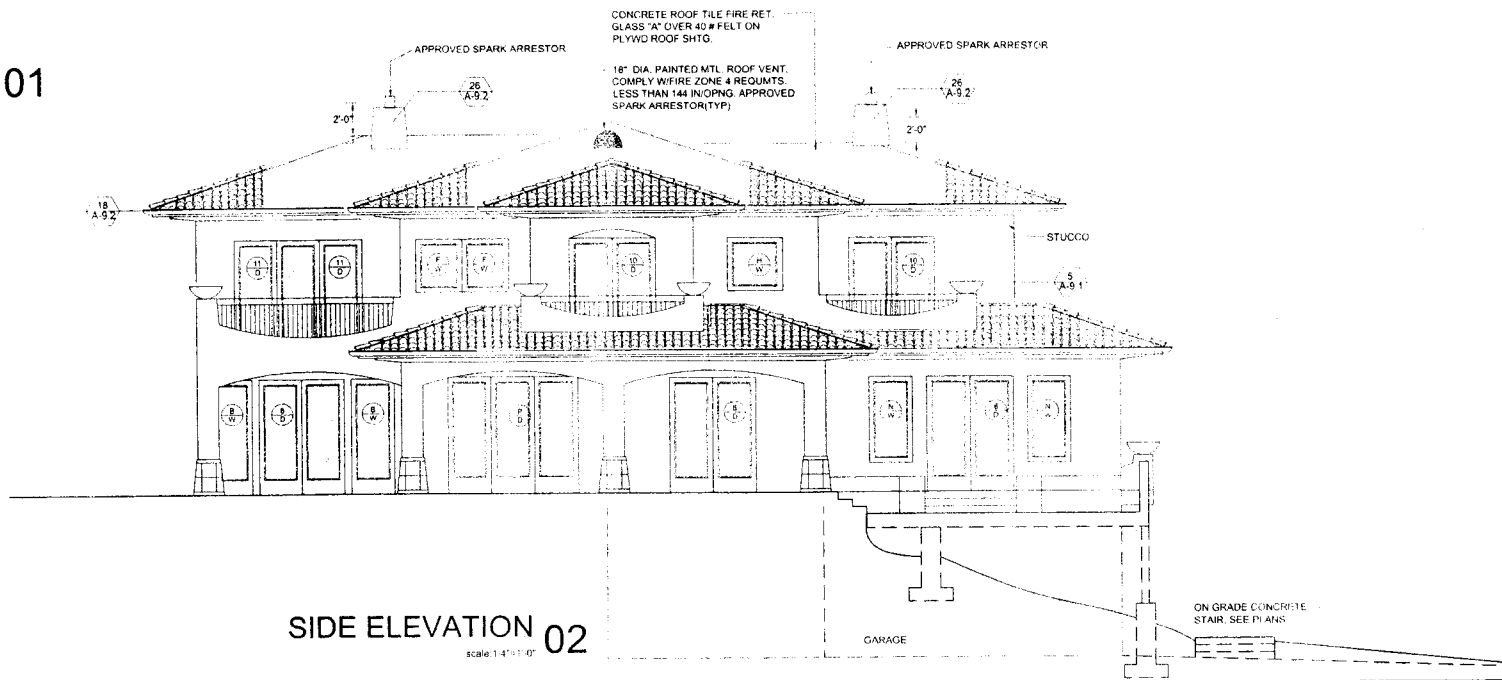
FRONT ELEVATION 01

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



SIDE ELEVATION 02

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



Studio-RMA

135a south topanga
canyon boulevard
topanga, ca 90290
tel: 310.455.7504
fax: 310.455.7051

Studio-RMA.com

MIRADOR HOUSE 20433 Medley Ln. Topanga, CA 90290 LOT 2 AND 3, BLK 8 TRACT 9531 FRONT & SIDE ELEVATIONS

Date 10-17-02

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

Drawn: as

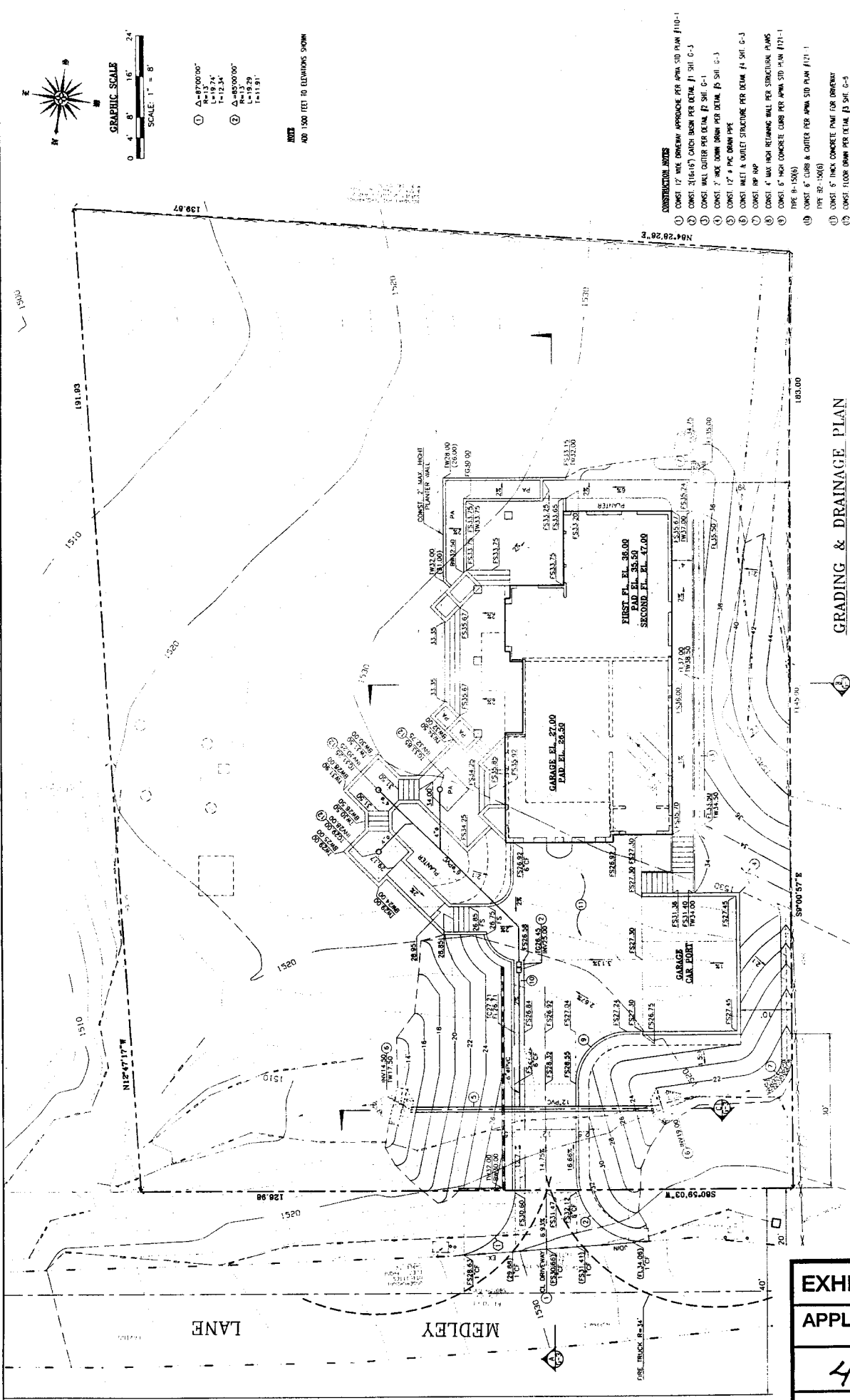
A-5.1

EXHIBIT NO. 5

APPLICATION NO.

4-02-140

ELEVATIONS



GRADING & DRAINAGE PLAN

| |
|-----------------|
| EXHIBIT NO. 6 |
| APPLICATION NO. |
| 4-02-140 |
| GRADING PLAN |

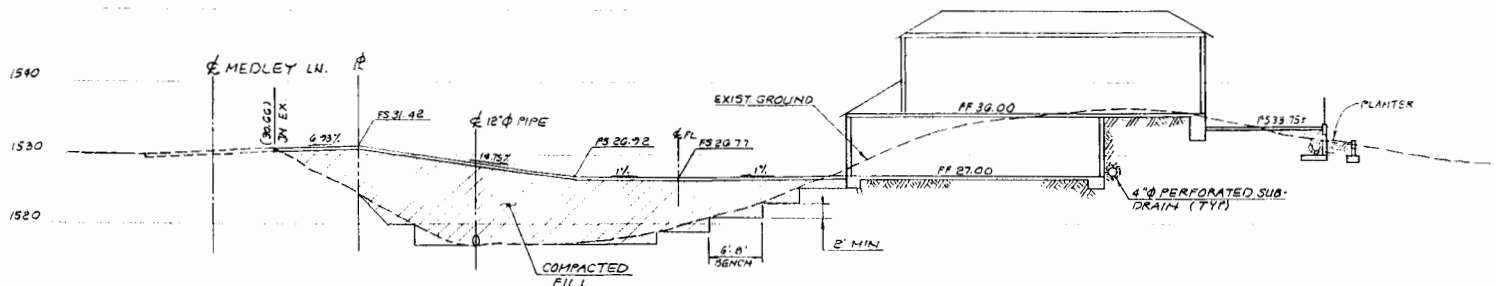
- CONSTRUCTION NOTES**
1. CONST. 12" WIDE DRAINAGE APPROACH PER AREA STD PLAN #10-1
 2. CONST. 21(614) CATCH BASIN PER DETAIL #1 SHIT C-3
 3. CONST. 12" WIDE DRAIN PER DETAIL #1 SHIT C-3
 4. CONST. 2" WIDE DOWN DRAIN PER DETAIL #1 SHIT C-3
 5. CONST. 12" x 4" PVC DRAIN PIPE
 6. CONST. 12" x 4" OUTLET STRUCTURE PER DETAIL #1 SHIT C-3
 7. CONST. 4" MAX. HOLE RETURNING WALL PER STRUCTURAL PLANS
 8. CONST. 6" HIGH CONCRETE CURB PER AREA STD PLAN #10-1
 9. CONST. 6" CURB & DUTTER PER AREA STD PLAN #10-1
 10. TYPE 25-150(6)
 11. TYPE 25-150(6)
 12. CONST. 5" THICK CONCRETE PAVEMENT FOR DRIVEWAY
 13. CONST. 100MM DRAIN PER DETAIL #1 SHIT C-3

MIRADOR HOUSE
AT
20433 Medley Ln, Topanga, CA 90290

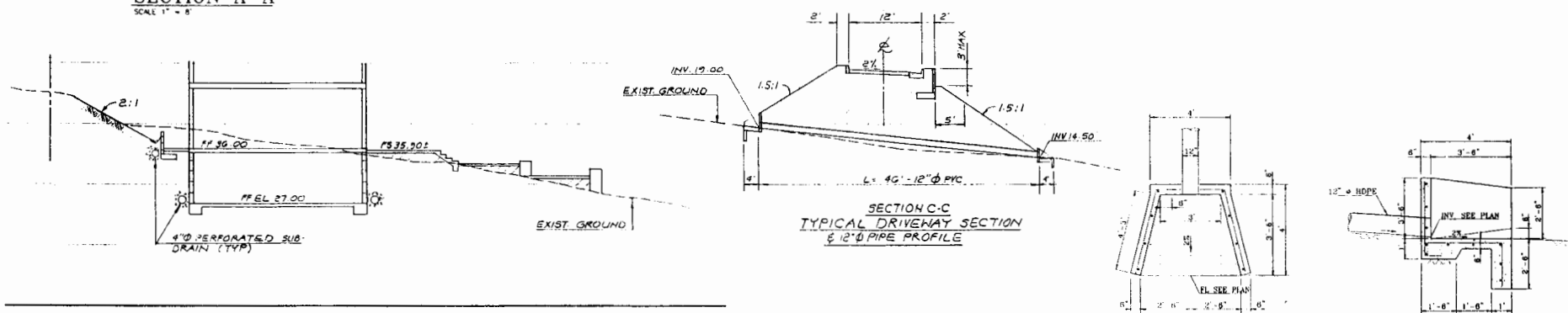
UNDER THE DIRECTION OF
Matthew J. 21-02

JK ASSOCIATES INC. C
REGISTERED PROFESSIONAL ENGINEER
CIVIL ENGINEERING
1000 W. 10TH ST. SUITE 100
LOS ANGELES, CA 90057
TEL: 213-481-1111
FAX: 213-481-1112

GRADING & DRAINAGE PLAN
G-2

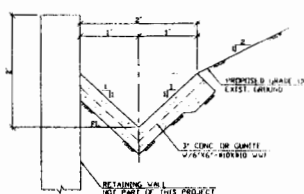
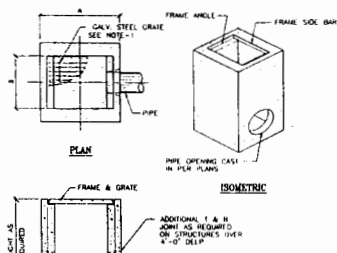


SECTION A-A
SCALE 1" = 8'

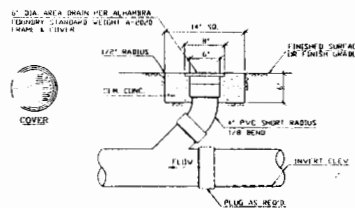


SECTION C-C
TYPICAL DRIVEWAY SECTION
4" 12" PIPE PROFILE

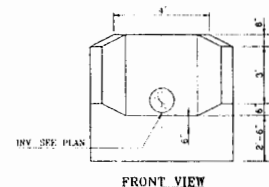
SECTION B-B
SCALE 1" = 8'



2'W WALL GUTTER ②
N.T.S.



FLOOR DRAIN ③
N.T.S.



INLET & OUTLET HEADWALL DETAIL ④
N.T.S.

DROP INLET TABLE

| MODEL | A | B | C |
|-------|----|---|---|
| 12 | 12 | 4 | |
| 18 | 18 | 5 | |
| 24 | 24 | 5 | |
| 30 | 30 | 5 | |
| 36 | 36 | 6 | |
| 42 | 42 | 6 | |
| 48 | 48 | 6 | |



2'W-LONGITUDINAL GUTTER ⑤
N.T.S.

EXHIBIT NO. 7
APPLICATION NO.
4-02-140
GRADING DETAILS



UNDER THE DIRECTION OF
DATE 10-1-18
DATE 10-1-18

JK ASSOCIATES, INC.
CHOICE
1000 S. 1000 S.
1000 S. 1000 S.
1000 S. 1000 S.

FOR
DRAWN
CHECKED
APPROVED
APPROVED

| | | | |
|---|---------|---------|----------|
| MIRADOR HOUSE AT 20433 Medley Ln. Topanga, CA 90290 | | | |
| SECTION & DETAILS | SECTION | DATE | REVISION |
| G-3 | | 10-1-18 | |

BOUNDARY AND TOPOGRAPHIC SURVEY OF LOTS
 2 AND 3, BLOCK 8, TRACT No. 9531 MB 142 93/97

Reduced Fuel Modification Plan

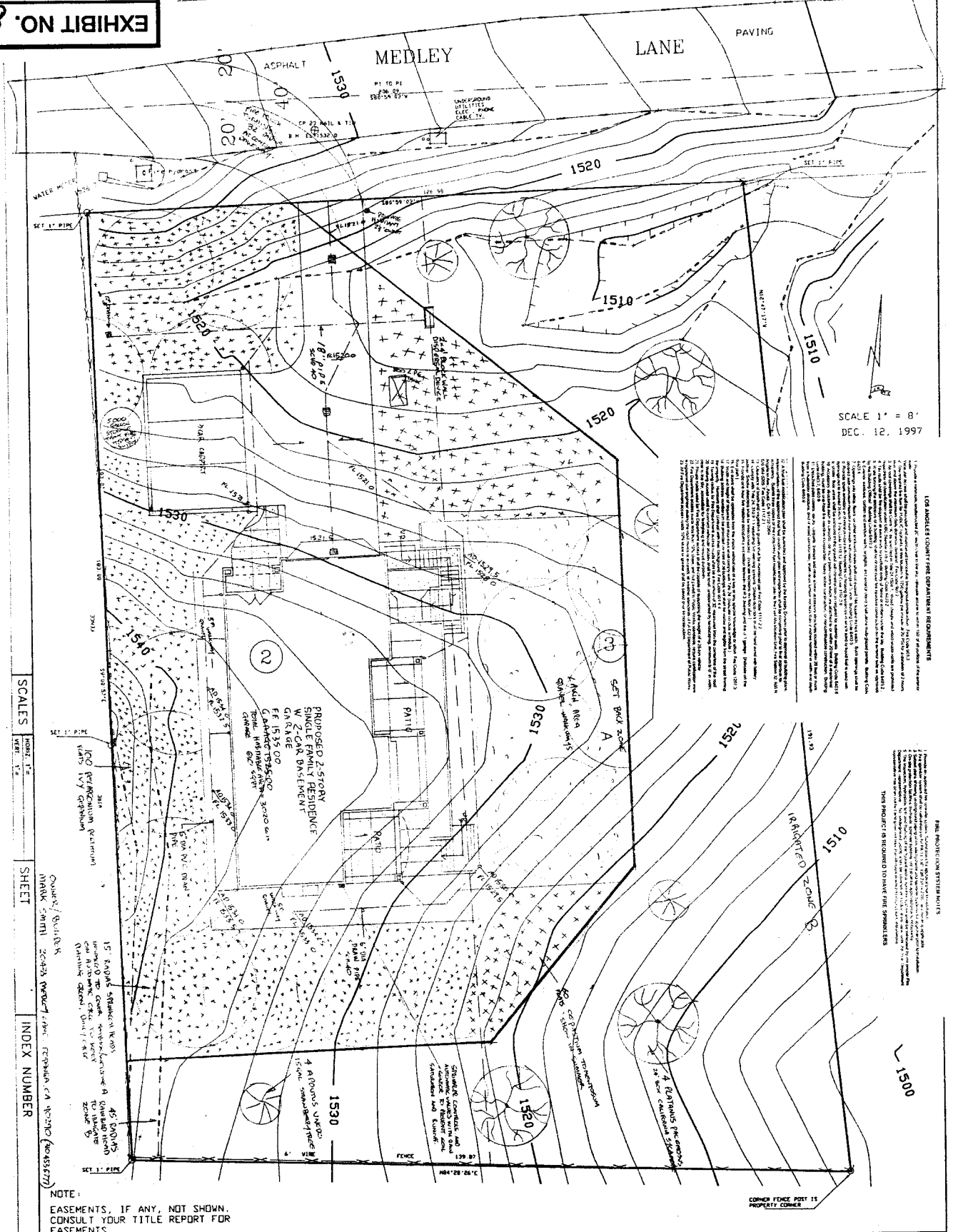




Photo 1: Project site. View is from Medley Lane, to the southwest

EXHIBIT NO. 9

APPLICATION NO.

4-02-140

PHOTOS (2 pgs.)



Photo 2: Project site. View is from Medley Lane, to the southeast

Tu50

CALIFORNIA COASTAL COMMISSION

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

RECEIVED
 JUN 06 2002

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

Filed: 9/16/98
 49th Day: 12/11/98
 180th Day: 4/21/99
 Staff: mb-V
 Staff Report: 11/18/98
 Hearing Date: 12/8-11/98

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-98-257

APPLICANT: Danube Development, Inc. c/o Luben Antov

PROJECT LOCATION: 20433 Medley Lane, Topanga, CA (Los Angeles County)

PROJECT DESCRIPTION: Construct 2,800 sq. ft., two-story, 35 foot high, single family residence with attached 220 sq. ft. two car garage, detached 630 sq. ft. car port and septic system. Grading of 1425 cu. yds. (750 cu. yds. cut and 675 cu. yds. fill)

| | |
|---------------------|----------------------------|
| Lot area: | 25,012 sq. ft. |
| Building coverage: | 1,845 sq. ft. |
| Pavement coverage: | 2,875 sq. ft. |
| Landscape coverage: | 620 sq. ft. |
| Parking spaces: | two covered and three open |
| Ht abv fin grade: | 35 feet |

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approved In Concept, 9/18/98; Department of Health Services, Sewage Disposal System Approved for Design, 6/30/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Mountain Geology, Inc., Update Engineering Geologic Report, December 10, 1997 and West Coast Geotechnical, Update Geotechnical Engineering Report, December 22, 1997.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to: *future improvements restriction, conformance to geologic recommendations, landscape, drainage and erosion control, and fire waiver of liability.*

EXHIBIT NO. 10

APPLICATION NO.

4-02-140

STAFF REPORT - 4-98-257

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

II. Standard Conditions

1. Notice of Receipt and Acknowledgment The permit is not valid and development shall not commence until a copy of the permit, signed by the permute or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land These terms and conditions shall be perpetual, and it is the intention of the Commission and the permute to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Future Improvements — *O.K.*

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-98-257; and that any additions to the permitted structure, change of use, future structures or improvements to the property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a) will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted.

The document 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 Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Plans Conforming to Geologic Recommendations — *STEVE CHANNA*

Prior to the issuance of a coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Mountain Geology, Inc., Update Engineering Geologic Report, dated 12/10/97 and West Coast Geotechnical, Update Geotechnical Engineering Report dated 10/23/97, shall be incorporated into all final design and construction including site preparation, grading, and foundations. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal

3. Landscape, Drainage and Erosion Control Plan —

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

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation all landscaping shall consist primarily of

native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- (b) 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;
- (c) 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;
- (d) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. 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.
- (e) A *Drainage Plan*, designed by a licensed engineer, which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow runoff down the slope. The drainage plan shall include installation of slope dewatering devices if determined necessary by the Consulting Engineer;
- (f) The permittee shall undertake development in accordance with the final approved plan. Any changes to the final approved 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. Waiver of Liability

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 3,020 sq. ft., two-story, 35 foot high, single family residence with attached 220 sq. ft. two car garage, septic system and grading of 1425 cu. yds. (750 cu. yds. cut and 625 cu. yds. fill).

The project is located in the Fernwood small lot subdivision, west of Topanga Canyon Boulevard, and one parcel to the west of Tuna Canyon Road. The project is located on the north side of the northern portion of Medley Lane, which forms a loop off of Tuna Canyon Road.

The subject site contains a natural swale next to Medley Lane and a small ridge. The project would insert the house into a cut in the minor ridge and use the material to create a driveway by filling in a portion of the swale. The site has been previously disked although there are some remnants of native shrubs. The design of the proposed residence is to insert it into the existing slope of the site. The structure will be visible from the east, but will blend into the surroundings of a mixture of residential development and large eucalyptus trees and, consequently, will not create an impact on visual quality and views from the surrounding area. The applicant has reduced the amount of grading from that which was originally proposed after discussions with staff concerning the need to minimize grading. The difference between cut and fill is attributed to compaction.

B. Cumulative Impacts of New Development

The proposed project involves the construction of a new single family residence which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

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

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

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: Geologic, road access, water quality, disruption of rural community character, creation of unreasonable fire hazards and others. Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of this, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) requires that new development in small lot subdivisions comply with the Slope-Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development which may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on coastal resources.

Slope-Intensity Formula:

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. the building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The proposed project is located in the small lot subdivision of Fernwood and involves the construction of a single family residence with 2,800 sq. ft. of living area. The applicant has submitted a GSA calculation, but staff has determined that the calculation is inaccurate. According to staff's calculation, the allowable gross structural area would be 3650 sq. ft. Therefore, based on staff's calculation of the GSA, the proposed 2,800 square feet of habitable space is consistent with the maximum allowable GSA for the subject site.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Many of the lots in these areas are so steep or narrow that they cannot support a large residence without increasing or exacerbating the geologic hazards on and/or off site. Additional buildout of small lot subdivisions affects water usage and has the potential to impact water quality of coastal streams in the area. Other impacts to these areas from the buildout of small lot subdivisions include increases in traffic along mountain road corridors and greater fire hazards.

For all these reasons, new ancillary structures, additions or improvements to the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it necessary for the applicant to record a future improvements deed restriction on this lot, as noted in *special condition number one (1)*, which would require that any future structures, additions or improvements to the property, beyond those now proposed, would require review by the Commission to ensure compliance with the policies of the Coastal Act regarding cumulative impacts and geologic hazards. At that time, the Commission can ensure the new project complies with the guidance of the GSA formula and is consistent with the Coastal Act.

The Commission therefore finds that the proposed project, only as conditioned, consistent with Section 30250(a) of the Coastal Act.

C. Geologic Stability and 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, 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 prominent geomorphic features in the area are Topanga Canyon to the east, Dix Canyon to the northwest, and the northeast-trending secondary ridge overlooking the property. The site is located on an irregular landform including a natural swale and a minor ridge, or knoll. The project, as noted, involves cutting into this minor feature and filling in a portion of the swale to provide vehicular access from Medley Lane. Physical relief across the site fluctuates with the total variation in elevation of on the order of forty-five (45) feet. The average natural slope on the site is estimated by staff at 28 per cent. Slope drainage is by sheet flow runoff directed toward the northeast and northwest eventually draining northeasterly toward Topanga Canyon Creek.

1. Geology

The applicant has submitted a Mountain Geology, Inc., Update Engineering Geologic Report, dated December 10, 1997 and a West Coast Geotechnical, Update Geotechnical Engineering Report, dated December 22, 1997.

The December 22, 1997 report states that:

"Based upon our geotechnical engineering review and evaluation ... the proposed development is considered feasible from a geotechnical engineering standpoint, provided our recommendations are made part of the development plans and are implemented during construction .. the proposed development will not have an adverse affect on the

stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and are implemented during construction."

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting engineering geologists as conforming to their recommendations, as noted in *special condition number two (2)* for the final project plans for the proposed project.

2. Erosion

Surface drainage, as noted above, on site is predominately by sheet flow toward the north, toward an unnamed tributary of Topanga Canyon Creek which drains toward the northeast and is approximately 1000 feet away. The creek is designated as an environmentally sensitive habitat area in the land use component of the Malibu/Santa Monica Mountains Local Coastal Program. The consulting geologist is concerned about the drainage associated with the proposal and recommended that drainage should be dispersed in a non-erosive manner, and preclude concentration of runoff and erosion.

The Commission finds that the project will significantly increase the amount of impervious surfaces on the site which will increase both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may also result in sedimentation of the nearby stream. Therefore, the Commission finds it necessary to require the applicant to submit a detailed drainage plan for the proposed development. *Special condition number three (3)* provides for such a drainage plan prepared by a licensed engineer.

Landscaping also minimizes the potential for erosion of grading and disturbed soils and thereby ensures site stability. Furthermore, given that the consulting engineer specifically recommended landscaping to minimize erosion of potentially erosive soils on site, the Commission finds that the landscape plans must be reviewed and approved by the consulting engineering geologist, as also noted in *special condition number three (3)*.

3. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission

considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by *special condition number four (4)*.

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

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The proposed septic system includes a 1,000 gallon septic tank with seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, Mountain Geology, and found not to create or cause adverse conditions to the site or adjacent properties.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for and is sufficient to serve the proposed single family residence. The applicant has submitted a design approval for the sewage disposal system from the County of Los Angeles Department of Health Services, based on a three bedroom single family residence. This approval indicates that the sewage disposal system for

the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 effects which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore,

the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

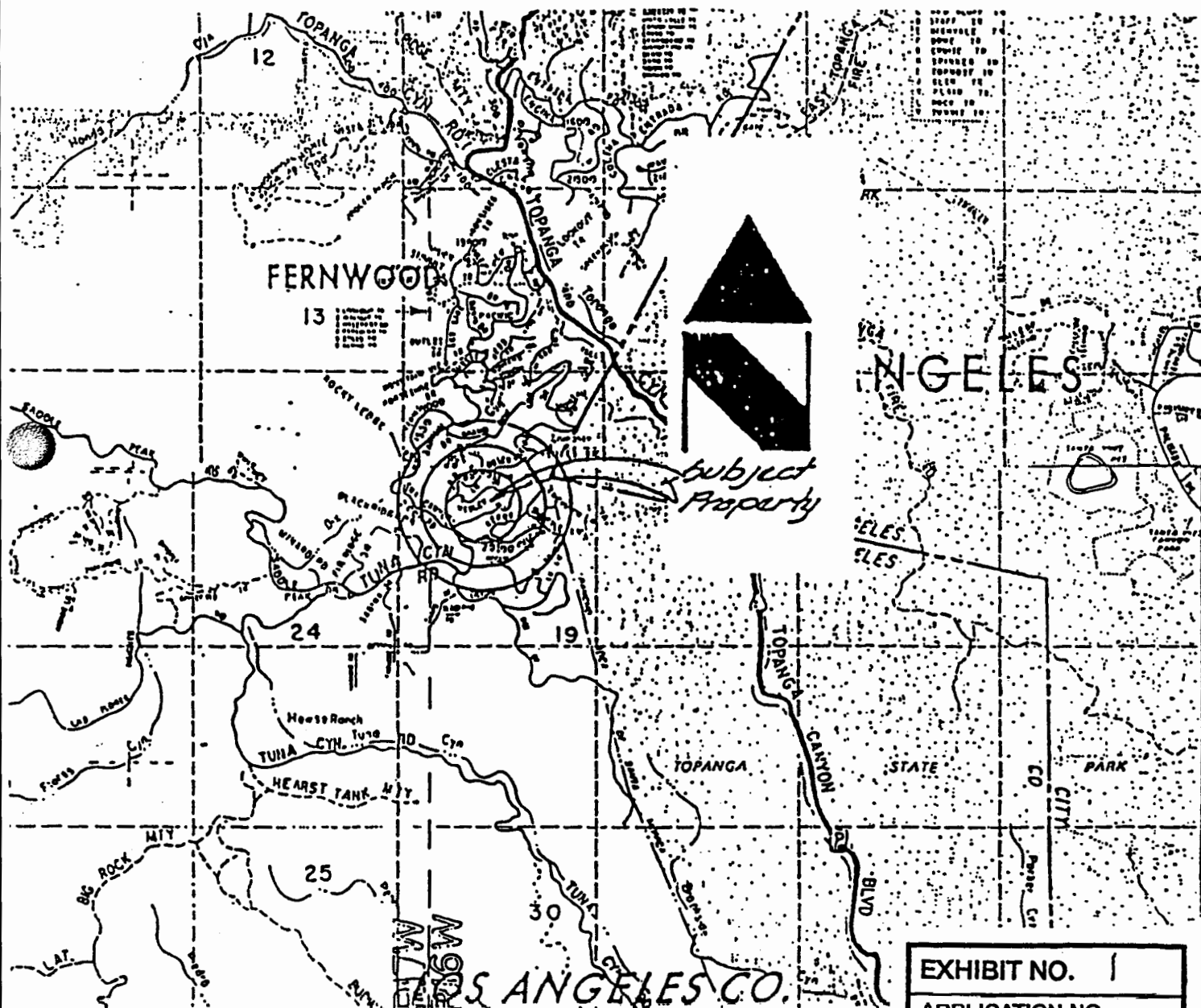


MOUNTAIN GEOLOGY, INC.

CONSULTING ENGINEERING GEOLOGISTS
5154 BARNARD ST.
SIMI VALLEY, CA 93063
(805) 522-5174

VICINITY MAP

REFERENCE: THOMAS BROTHERS MAP



| |
|-------------------|
| EXHIBIT NO. 1 |
| APPLICATION NO. |
| 4-98-257 (Danube) |
| Project Location |

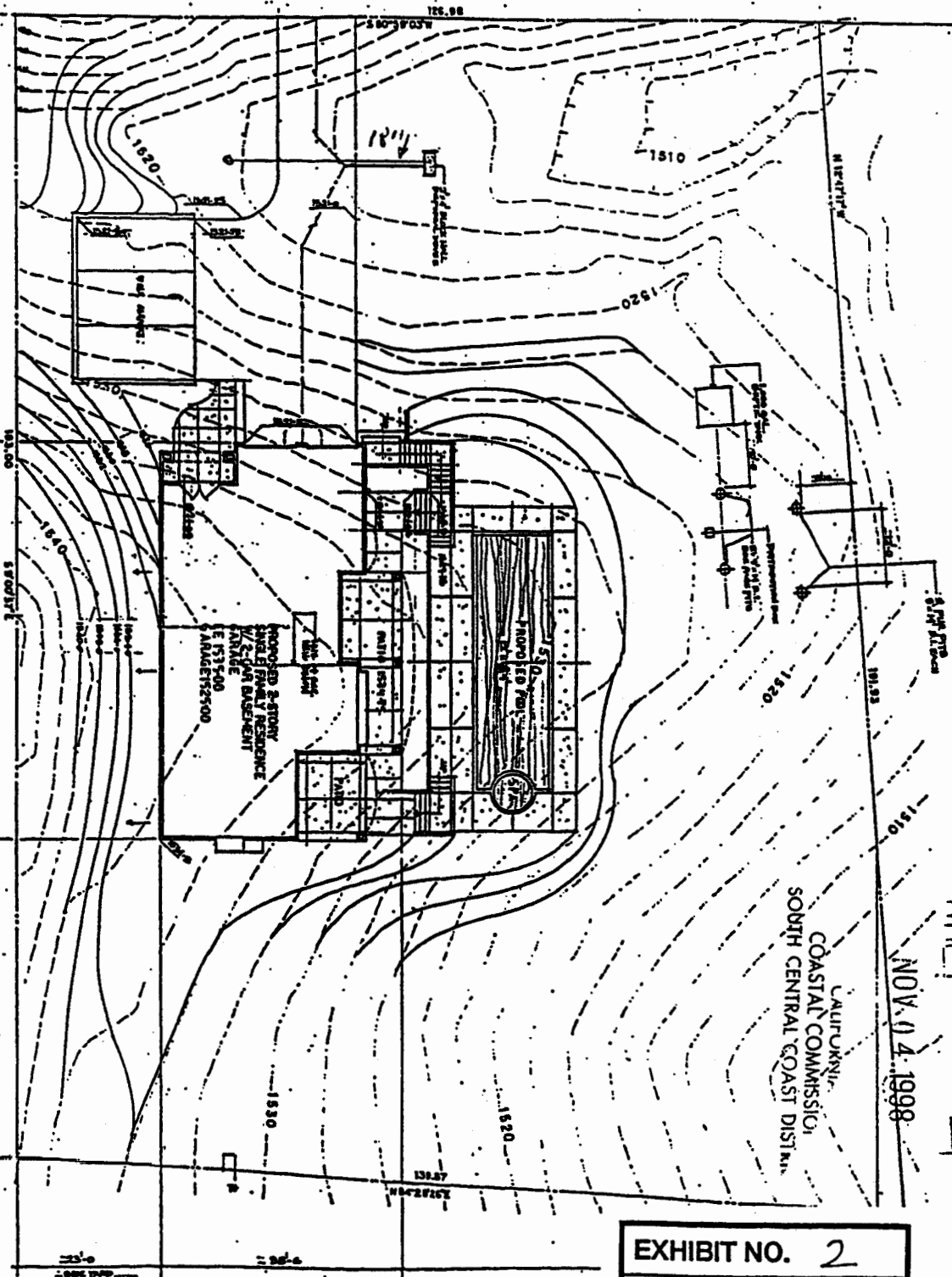
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
SCALE: 1"=2800'

MEDLEY

LANE

1 SITE PLAN
1/8"=1'-0"

SEALING AND SIGNATURE
FOR FILING
FILL DATE



RECEIVED

NOV 12 1998

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

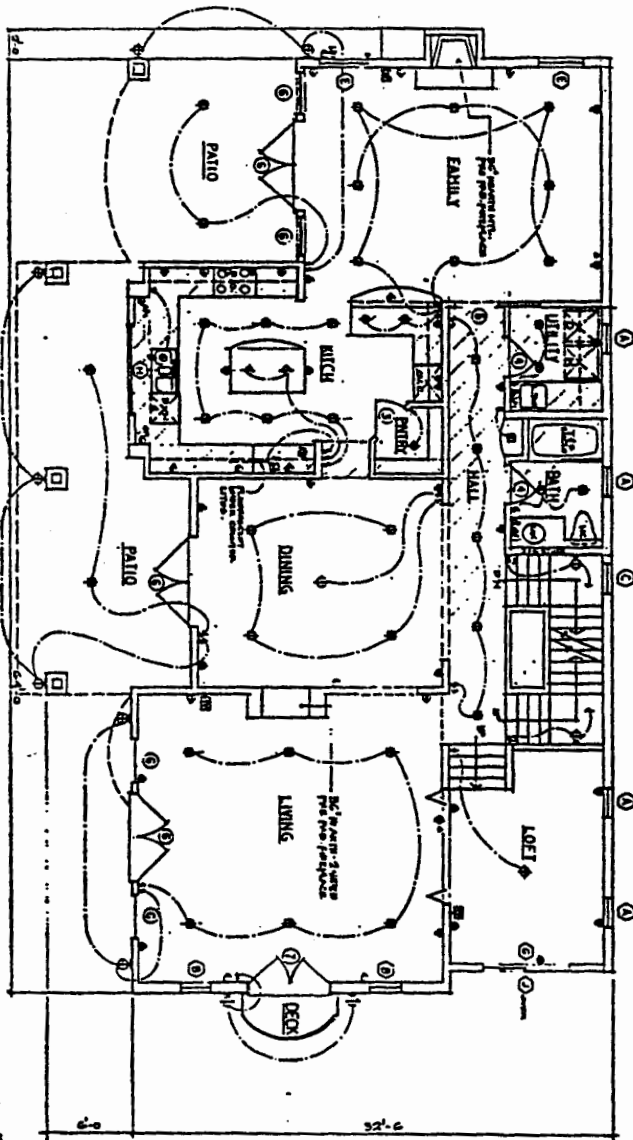
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| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 4-98-257 (Danube) |
| Site and Grading Plan |

GRADING PLAN
MEDLEY LANE CUSTOM RESIDENCE
20433 MEDLEY LANE

LOT 2 AND 3, BLK. 6, TRACT 9531

G-1

2 FIRST FLOOR PLAN
N-T-O



1 GARAGE PLAN
N-T-O

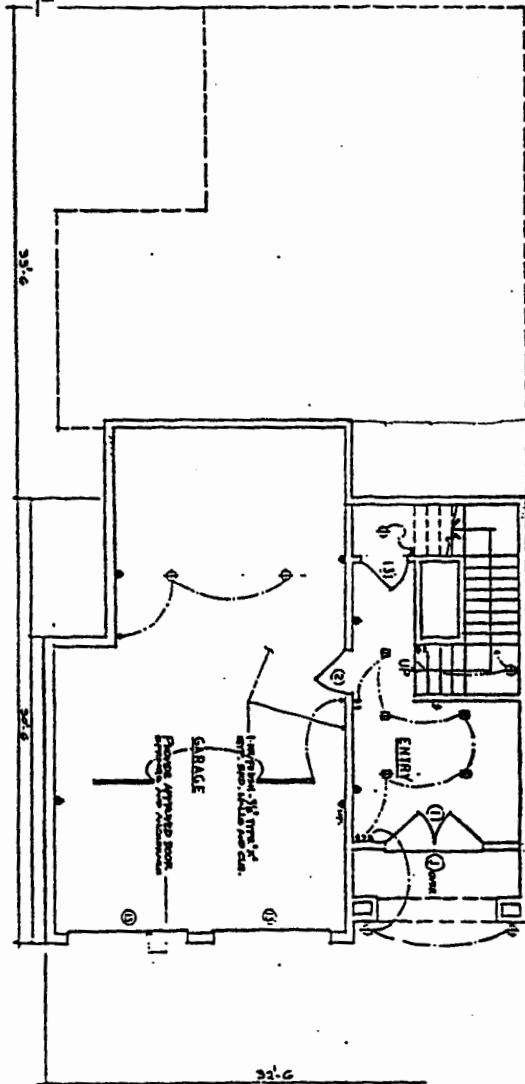


EXHIBIT NO. 3a
APPLICATION NO.
4-98-257(Danube)
Floor Plan

FLOOR PLANS
MEDLEY LANE CUSTOM RESIDENCE
20433 MEDLEY LANE

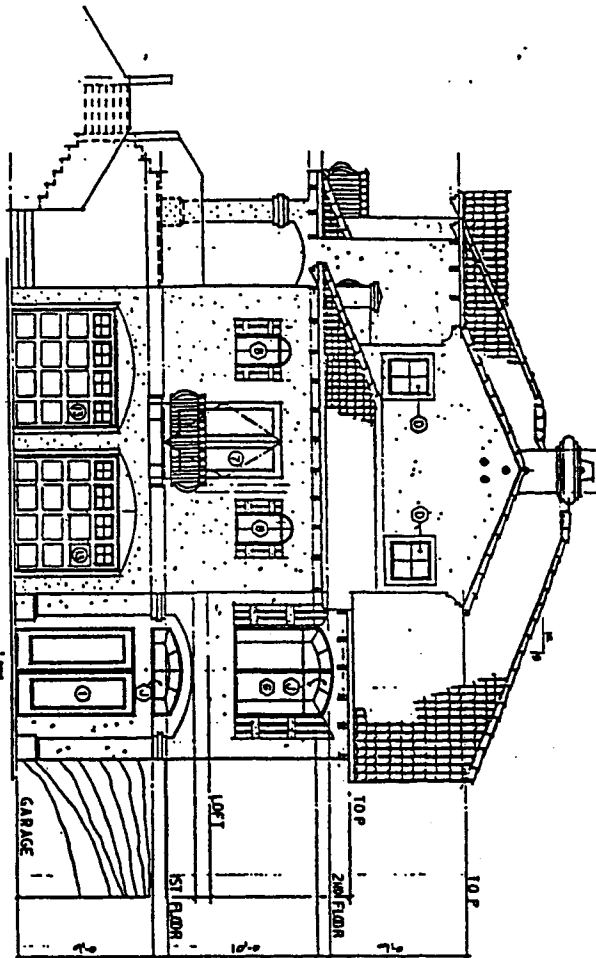
LOT 2 AND 3, BLK. B, TRACT 9531

VALANTINE JANEY ARCHITECT
P.A., 6000, WASH. STATE, 98101

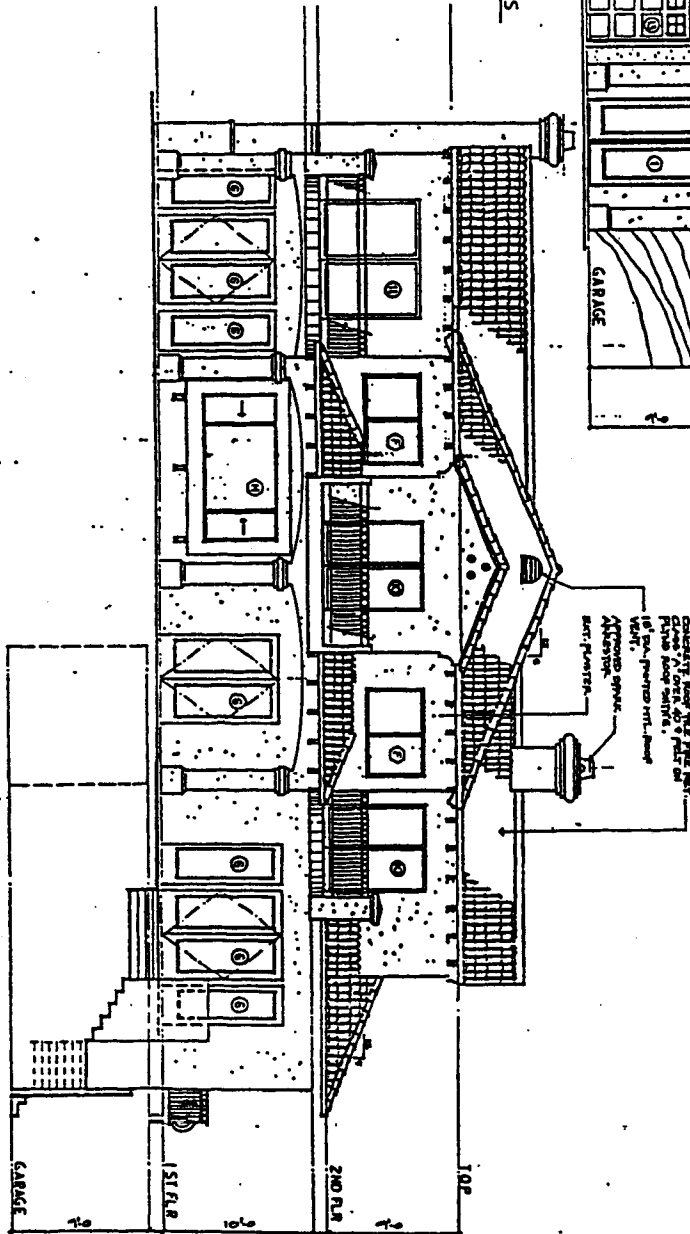
DATE: 10/1/98
BY: J. JANEY
PROJECT NO. 4-98-257

| | |
|-------------|--------------|
| DATE | 10/1/98 |
| BY | J. JANEY |
| PROJECT NO. | 4-98-257 |
| LOT | 2 AND 3 |
| BLK. | B |
| TRACT | 9531 |
| SCALE | 1/4" = 1'-0" |
| NOTES | |
| A-4 | |

A-5



② FRONT ELEVATIONS
1/4" = 1'-0"



① SIDE ELEVATION
1/4" = 1'-0"

EXHIBIT NO. 4

APPLICATION NO.

4-98-257(Danube)

Elevation

ELEVATIONS
MEDLEY LANE CUSTOM RESIDENCE
20433 MEDLEY LANE

LOT 2 AND 3, BLK. 8, TRACT 9531

VALENTINE JANEY ARCHITECT
A.L.S. MEDLEY, TRACT, MA

1/4" = 1'-0"

A-7

