

CALIFORNIA COASTAL COMMISSION

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Comm Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-233

APPLICANTS: Sidney, Idelle, Jonathan Port **AGENT:** Jonathan Port

PROJECT LOCATION: 20632 Medley Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 34 foot high, three story, 3,468 sq. ft. single family residence with three car 714 sq. ft. attached garage, driveway, swimming pool, septic system, and 352 cubic yards of cut and fill grading.

Lot area, two lots:	24,176 sq. ft.
Building coverage:	1,517 sq. ft.
Pavement coverage:	3,618 sq. ft.
Landscape coverage:	1,788 sq. ft.
Parking spaces:	6
Ht abv fin grade:	34 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with special conditions relating to incorporation of geologic recommendations, landscaping and erosion control, drainage and polluted runoff control, wildfire waiver, future development, recordation of the approved permit, and lot combination. The proposed project is located within the Fernwood Small Lot Subdivision, an area where the Commission has consistently applied the Slope Intensity Formula to establish a maximum gross structural area (GSA) for projects, based on the area and slope of the building site. The proposed residence is consistent with the maximum GSA appropriate for the project site. The applicants request approval to construct a single-family residence and garage on two existing parcels accessed from a private roadway, Medley Lane, which leadings to a public road, Tuna Canyon Road. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept, Health Department Preliminary Approval for septic system.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Updated Geotechnical Engineering Report, dated May 14, 2002, by

Southwest Geotechnical, Inc.; Coastal Permit No. 4-03-067 (Roda); Coastal Permit No. 4-03-059 (Abshier & Nguyen).

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No 4-01-233 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permits 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 PERMITS:

The Commission hereby approves the Coastal Development Permits 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 permits 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 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 Geotechnical Engineer's Recommendations

All recommendations contained in the Updated Geotechnical Engineering Report, dated May 14, 2002, by Southwest Geotechnical, Inc. shall be incorporated into all final design and construction, including recommendations concerning foundations, plan review, site observation, and must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

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

2. Landscaping and Erosion Control Plans

Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The 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 thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, landscaping shall consist of primarily 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, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

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, compatible with the surrounding environment, using accepted planting procedures, and 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 and graded soils;

- 2) Plantings shall 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(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.
- 4) Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the sites shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion 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 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 (5) years from the date of completion of the proposed development, 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 assesses the on-site landscaping and certifies whether it 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 these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental 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. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

3. Wildfire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, 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.

4. Drainage and Polluted Runoff Control Plan

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

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if amendment(s) or new Coastal Development Permit(s) are required to authorize such work.

5. Future Development Restriction

This permit is only for the development described in Coastal Development Permit 4-01-233. 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 4-01-233. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by these permits, including but not limited to, any grading, clearing or other disturbance of vegetation and fencing, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 2 shall require an amendment to Coastal Development Permit 4-01-233 from

the Commission or shall require additional coastal development permits from the Commission or from the applicable certified local government.

6. Deed Restriction

Prior to 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 these permits, 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 these permits 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 28 & 29 of Tract 9531 (APNs 4448-016-048 and 049), 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 a coastal development permit***, 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 parcels 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

The applicant proposes to construct a 34 ft. high, three story, 3,469 sq. ft., single-family residence with attached 714 sq. ft. garage, driveway, swimming pool, septic system, 176 cu. yds. of excavation, 137 cubic yards of fill and 39 cubic yards of exported to a

disposal site located outside the coastal zone, all located on two lots within the Fernwood small lot subdivision (Exhibits 2 – 8). The proposed project site is located along a small ridge surrounded by Medley Lane, a circular private road east of Tuna Canyon Road (Exhibit 1). There are several existing residences in the vicinity of the proposed project site. Given the existing pattern of development, the smaller size of the existing lots, the road configuration, the proposed project site does not contain environmentally sensitive habitat area nor is it a part of a larger contiguous habitat area. The site contains a few native chaparral plant species which appear to have been thinned as the result of fuel modification for adjoining residential development. The applicant has submitted a Final Fuel Modification Plan approved by the Los Angeles County Fire Department, dated 5/20/03.

B. Hazards and Geologic Stability

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

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

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

Geology

The proposed project site is comprised of two parcels that slope up from Medley Lane. The applicant has submitted the Updated Geotechnical Engineering Report, dated May 14, 2002, by Southwest Geotechnical, Inc., which addresses the geologic conditions on the site. The engineer and engineering geologist consultants have found the geology of the proposed project site to be suitable for the construction of the proposed residence. They have identified no landslides or other geologic hazards on the site. The engineer and geotechnical engineering consultants conclude that:

Based upon the findings summarized in this report, it is our professional opinion that the proposed building site will not be subject to hazard from settlement, slippage, or landslide provided the recommendations of this report are incorporated into the site development and grading. It is also our opinion that the proposed site improvements will not adversely affect the stability of the site or adjacent properties provided the

recommendations contained within this report are incorporated into site development. Test findings and statements of professional opinion do not constitute a guarantee or warranty, expressed or implied.

The engineer and engineering geologist consultants conclude that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Report contains several recommendations to be incorporated into the project construction regarding; foundations, plan review, site observation, to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. 1**, requires the applicant to submit project plans certified by the consulting engineer and geotechnical engineer as conforming to all structural and site stability recommendations for the proposed projects. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will minimize erosion and add to the geologic stability of the project sites. To ensure that adequate drainage and erosion control are included in the proposed developments the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consultants, as specified in **Special Conditions Nos. 2 and 4**. **Special Condition No. 4** requires the applicants to maintain a functional drainage system at the subject sites to insure that run-off from the project sites is diverted in a non-erosive manner to minimize erosion at the sites for the life of the proposed developments. Should the drainage system of the project sites fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition No. 4**.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will serve stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. 2** requires the applicant to submit and implement landscaping plans that utilize and maintain native and noninvasive plant species compatible with the surrounding area in order to revegetate all graded or disturbed areas.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion.

The Commission finds that the proposed project, as conditioned, will minimize potential geologic hazards of the project site and adjacent properties.

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 projects are 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 **Special Condition No. 3**, the wildfire waiver of liability, the applicant acknowledges 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 No. 3**, the applicant also agrees 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 projects.

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

C. 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, 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 regarding impacts on coastal resources by Coastal 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) 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 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 LUP, which has been used as guidance by the Coastal 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 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 resources. Following is the formula and description of each factor used in its calculation:

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 34 ft. high, three story, 3,469 sq. ft., single family residence

with attached 714 sq. ft. garage, driveway, swimming pool, septic system, 176 cu. yds. of excavation, 137 cubic yards of fill, and 39 cubic yards of material to be exported to a disposal site located outside the coastal zone, on two lots within a small lot subdivision. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 3,469 sq. ft. of habitable space, considering the total area of both lots as one. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions (Exhibit 9). The proposed 3,469 sq. ft. of habitable space is consistent with the maximum allowable GSA of 3,469 sq. ft.

Some additions and improvements to residences on small sloping 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, and as these two lots are within a small lot subdivision, further structures, additions or improvements, including the conversion of garage to habitable space, on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it necessary for the applicants to record a future improvements deed restriction on these lots, as noted in **Special Condition No. 5**, which would require that any future structures, additions or improvements to the property, beyond those approved in this permit, 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 that the new project complies with the guidance of the GSA formula and is consistent with the policies of the Coastal Act.

In addition, the Commission notes that the proposed residence is proposed to be built on two lots, Lots 28 & 29 of Tract 9531 (APNs 4448-016-048 and 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 required to be combined. Such a combination was required in earlier permit decisions for development of a residence on two-lots in a small lot subdivision [Coastal Development Permit No. 4-03-059 (Abshier & Nguyen) CDP No. 4-02-247 (McCain), CDP No. 4-00-092 (Worrel), 4-00-252 (Arrand), 4-00-263 (Bolander)]. For these reasons, **Special Condition No. 7** is necessary to ensure that the lots are combined and held as such in the future. This lot combination will require the applicants to each own both parcels prior to the recording of the lot combination document. Currently Sidney and Idelle Port own APN 4448-016-048 and Jonathan Port separately own APN 4448-016-049. Finally, **Special Condition No. 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.

The Commission therefore finds that the proposed project, only as conditioned, consistent with Sections 30250(a) and 30252 of the Coastal Act.

E. Water Quality

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

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 applicants are proposing the construction of a single-family residence on a small ridge that slopes down to a tributary east of this ridge. Further east of the project site, this tributary joins Topanga Canyon Creek, a designated blue-line stream. The project site is considered a "hillside" development, as it involves sloping hillside terrain with soils that are susceptible to erosion.

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 project 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 sites. 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 No. 4**, and finds this will ensure the proposed developments 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 No. 2** is necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Finally, the proposed developments include the installation of on-site private sewage disposal systems to serve the residences. The applicant's geologic consultants conducted percolation tests on the site as noted in the report "Updated Geotechnical Engineering Report", dated May 14, 2002 by Southwest Geotechnical, Inc. On the basis of these prior tests, the septic system was designed to utilize seepage pits located in the western portion of the site. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, dated 10/20/00, 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 coastal resources. For the reasons set forth above, the Commission finds that the proposed projects, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, are consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

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

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

G. CEQA

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

The Commission finds that the proposed projects, 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.

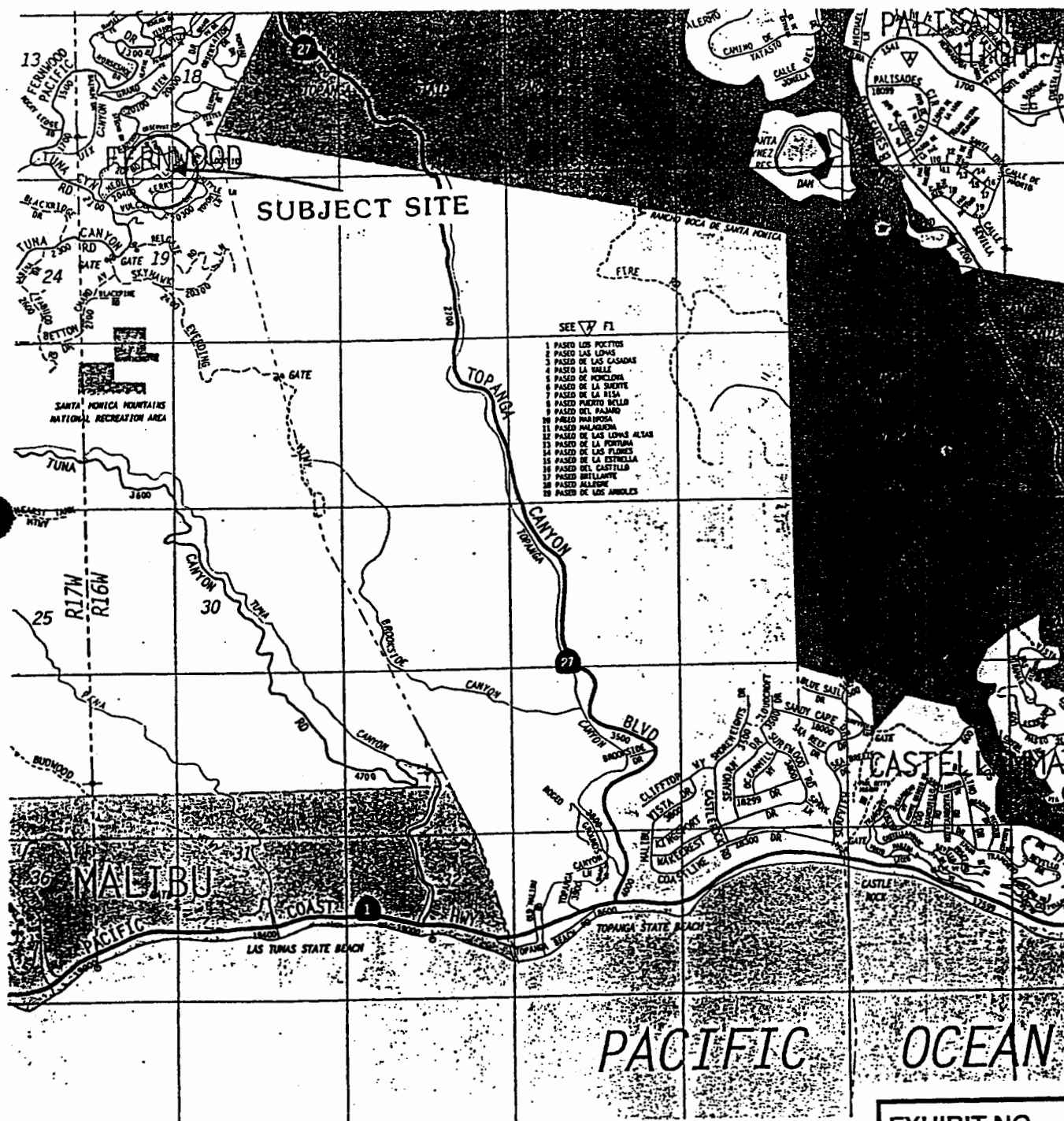
WEST COAST SOILS

A DIVISION OF L. LISTON & ASSOCIATES, INC.

238 Via Colinas, Unit E • (818) 991-7148
Westlake Village, CA 91362 • (805) 497-1244

PROJECT _____
ADDRESS 20632 MEDLEY LN., TOPANGA, CA
DRAWN _____ EK _____ CHECKED _____
DATE _____ 98 _____ JOB NO. _____

SITE LOCATION MAP SHEET TITLE

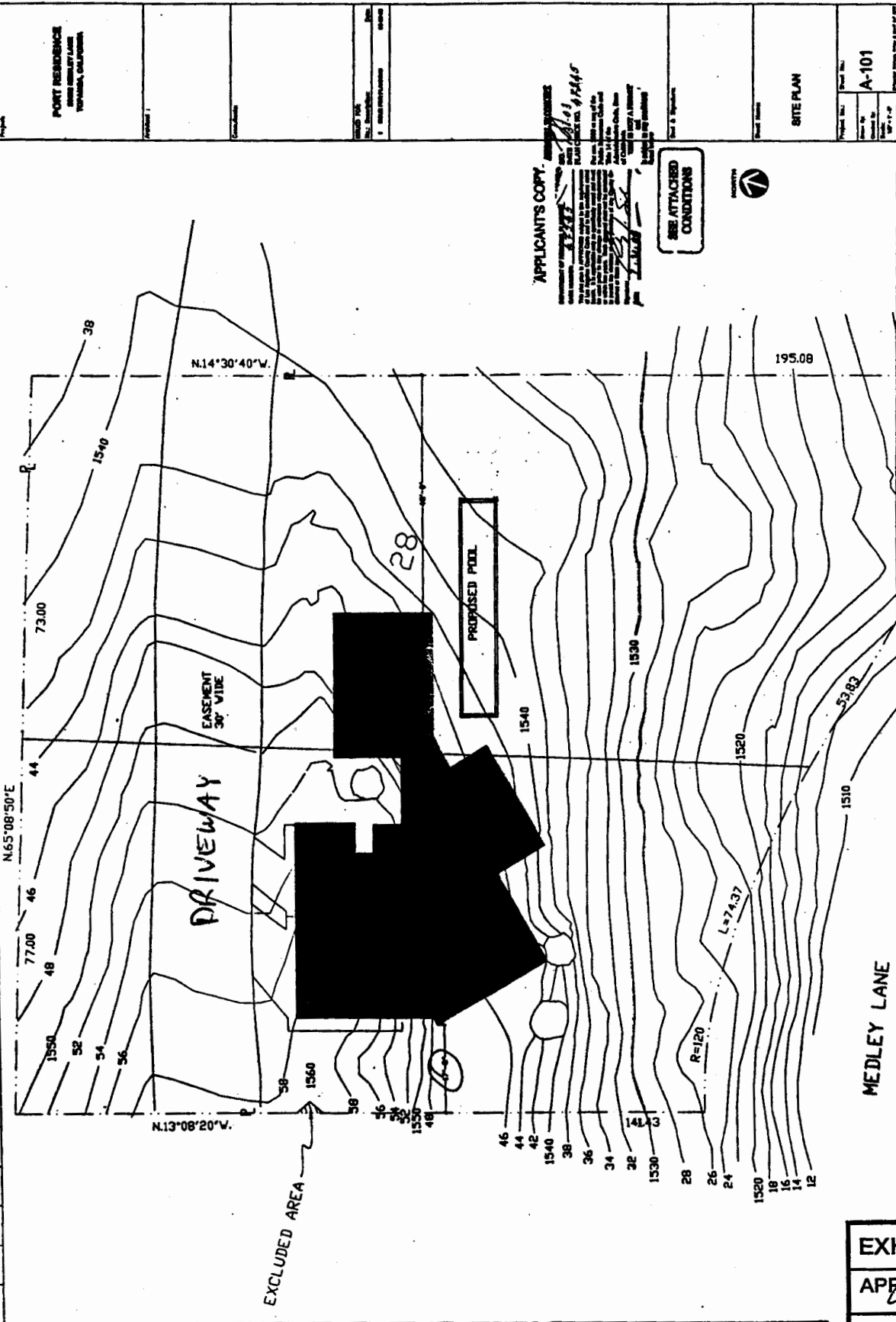


REFERENCE: THOMAS BROTHERS MAP GUIDE, PAGE 630

EXHIBIT NO. 1

APPLICATION NO. 4-01-233

Subject Site



APPLICANT'S COPY

PLANNING DEPARTMENT
CITY OF SAN JOSE
1000 CALIFORNIA STREET, SUITE 100
SAN JOSE, CALIFORNIA 95128
TEL: (408) 287-1000
FAX: (408) 287-1001
WWW.CITYOFSANJOSE.CA.GOV

SEE ATTACHED
CONDITIONS

Project No.	A-101
Sheet No.	1 of 1
Scale	1" = 40'

EXHIBIT NO. 2
APPLICATION NO. 4-01-233
Site Plan

WORK TO BE DONE

THE WORK TO BE DONE CONSISTS OF GRADING, STRUCTURAL EXCAVATION FOR RESIDENCE, INSTALLATION OF PRIVATE DRAINAGE FACILITIES, AND THE CONSTRUCTION OF RETAINING WALLS (BY SEPARATE PERMIT WITHIN THE STRUCTURE).

EARTHWORK QUANTITIES

	AREA	±
LOT AREA	24,115	25.8
TOTAL AMOUNT OF THE SITE TO BE GRADED	8,210.25	41.7
AMOUNT OF SITE > 25% SLOPE	10,045	51.8
AMOUNT GRADING > 25% SLOPE	2,358	12.1
AMOUNT & DEPTH OF CUT:		
178 CY	4.5 FT	(EXTERIOR)
10.5 FT		(WITHIN STRUCTURE)
AMOUNT & DEPTH OF FILL:		
137 CY	4.0 FT	(EXTERIOR)
4.0 FT		(WITHIN STRUCTURE)
MAX. HT. & SLOPE OF CUT SLOPE(S):	5.0 FT	3:1
MAX. HT. & SLOPE OF CUT SLOPE(S):	10.5 FT	3:1
MAX. HT. & SLOPE OF FILL SLOPE(S):	5.0 FT	3:1
AMOUNT OF IMPORT	36 CY	
RETAINING/CON. WALL (LENGTH & HT)	138 LF	10.5 FT (WITHIN STRUCTURE)

* INCLUDES VOLUME OF STRUCTURAL EARTHWORK WITHIN BUILDING FOOTPRINTS

SOURCE OF TOPOGRAPHIC INFORMATION

TOPOGRAPHY SHOWN IS COMPOSITES OF TWO FIELD SURVEYS:

LOT 28: BY: _____ DATE: _____
LOT 29: BY: _____ DATE: _____

DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 9703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS. I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SAN DIEGO IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN.

ROBERT J. GRAVES, P.C.E. 27063
GRAVES ENGINEERING, INC.
8579 MALIBU WAY, SUITE 101
SAN DIEGO, CA 92123

LEGAL DESCRIPTION

LOTS 28 & 29, BLOCK 2, TRACT NO. 9518
MAP BOOK: 142 83/97
ZONING: _____

OWNERSHIP

JONATHAN PORT

STREET ADDRESS

20632 MEDELY LANE
TOPANGA, CALIFORNIA

LEGEND

OUT SLOPE (EXCAVATION)
FILL SLOPE (EMBANKMENT)
SPOT ELEV. (FINISHED GRADE)
SURFACE DRAINAGE PATTERN
DIRECTION AND GRADE

SYMBOL

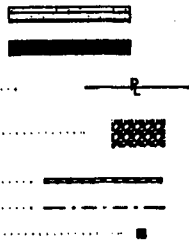
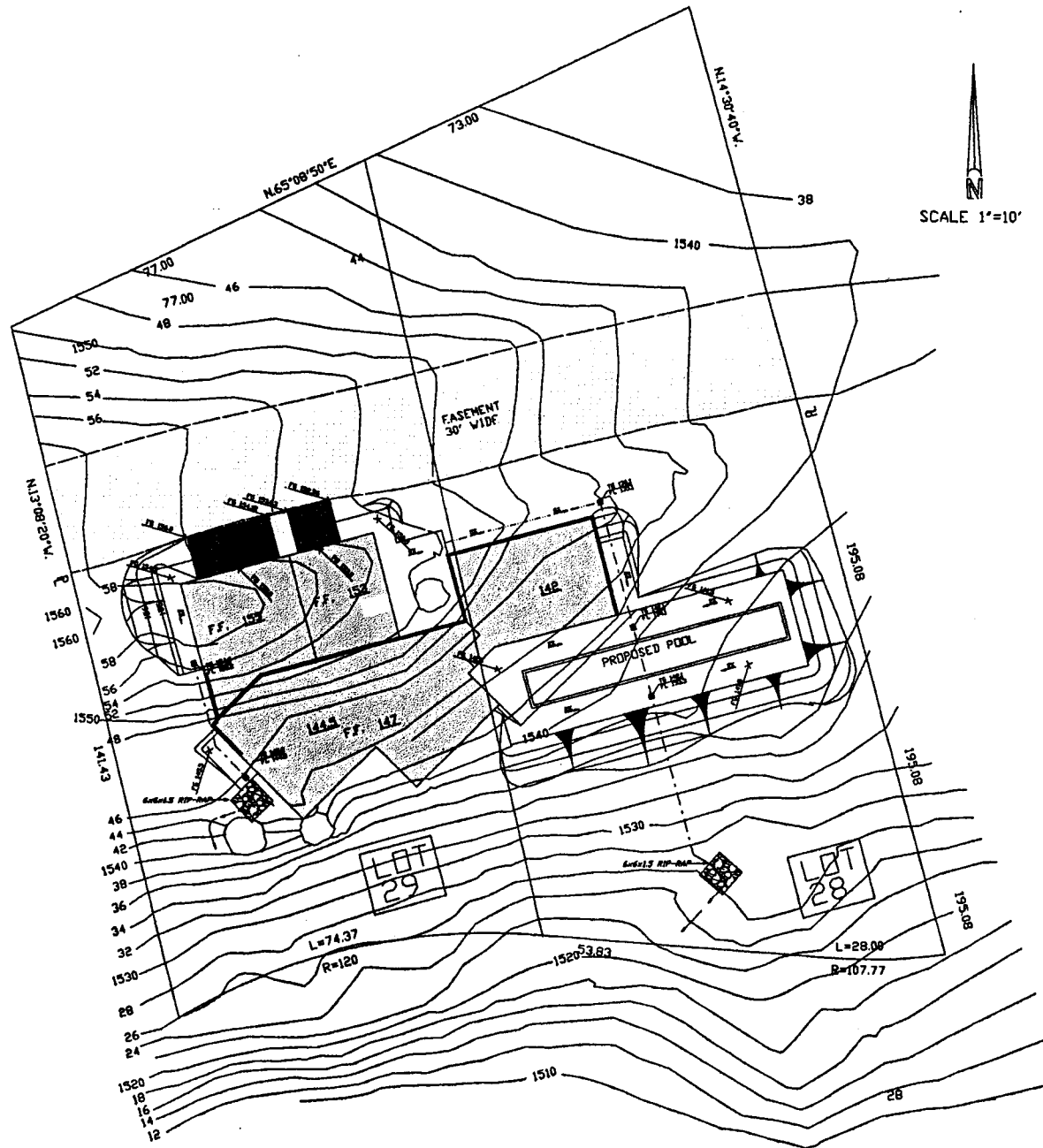


EXHIBIT NO. 3

APPLICATION NO. 233

Grading Plan



GRADING PLAN - PORT RESIDENCE
20632 MEDELY LANE
TOPANGA, CALIFORNIA

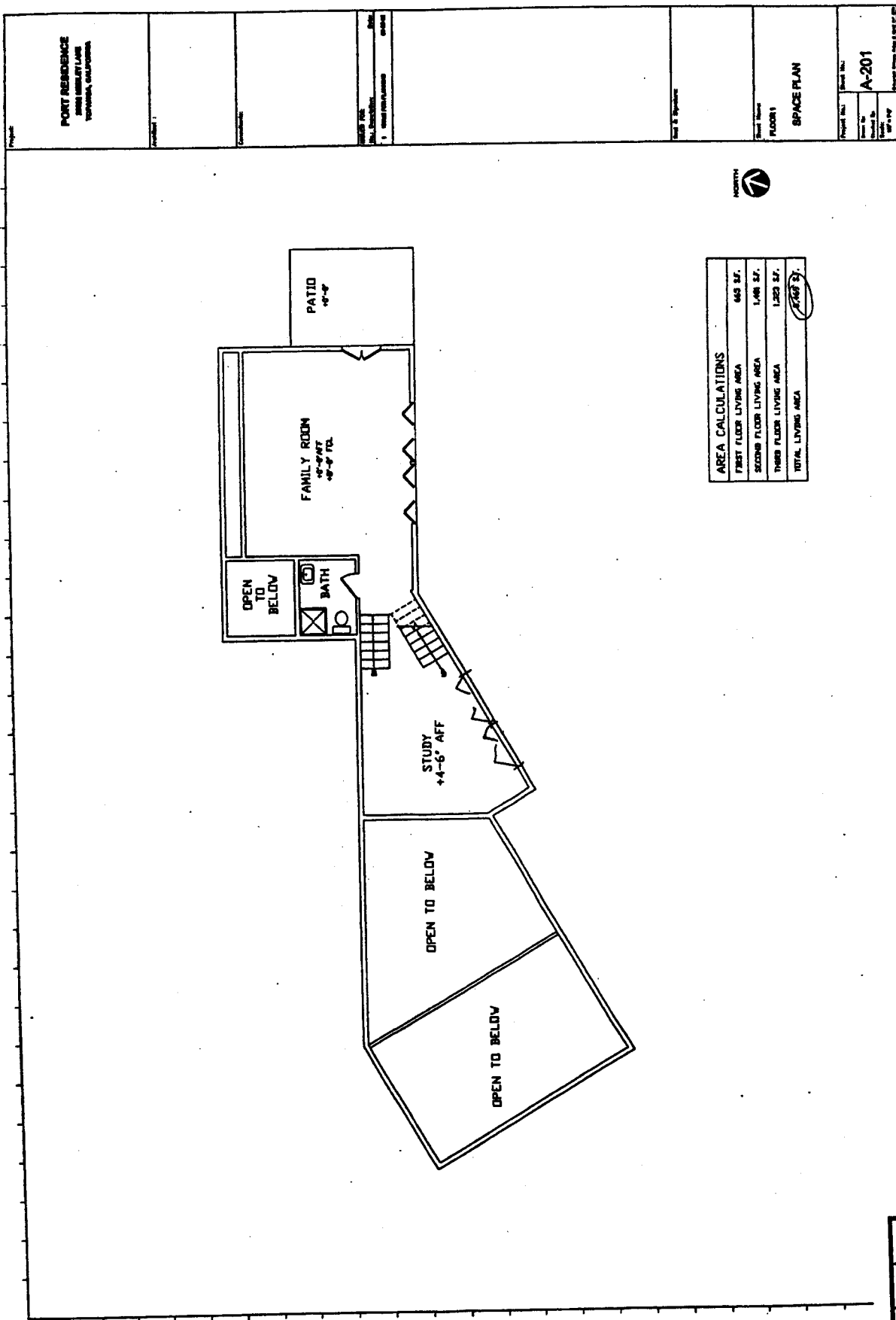
GRAVES ENGINEERING, INC.
CIVIL ENGINEERING
LAND PLANNING
ENVIRONMENTAL ANALYSIS
1879 HAWTHORNE WAY
SUITE 101
SAN DIEGO, CA 92161
PHONE (619) 594-1111
FAX (619) 594-1112

DATE: 12-04
DRAWING: GPK11.dwg
REVISED:



GRADING PLAN

SHEET
C1



AREA CALCULATIONS	
FIRST FLOOR LIVING AREA	645 SF.
SECOND FLOOR LIVING AREA	1,408 SF.
THIRD FLOOR LIVING AREA	1,203 SF.
TOTAL LIVING AREA	3,256 SF.

EXHIBIT NO. 4
APPLICATION NO. 4-C1-233
First Floor Plan

PORT RESIDENCE
3800 HESLEY LANE
TUPAHO, CALIFORNIA

Project:

Consultant:

Drawn For:

By: [Signature]

Date:

1. 0000 PHS PLANNING

05-14-02

See & Signature

Sheet Name:

FLOOR 5

SPACE PLAN

Project No.:

Sheet No.:

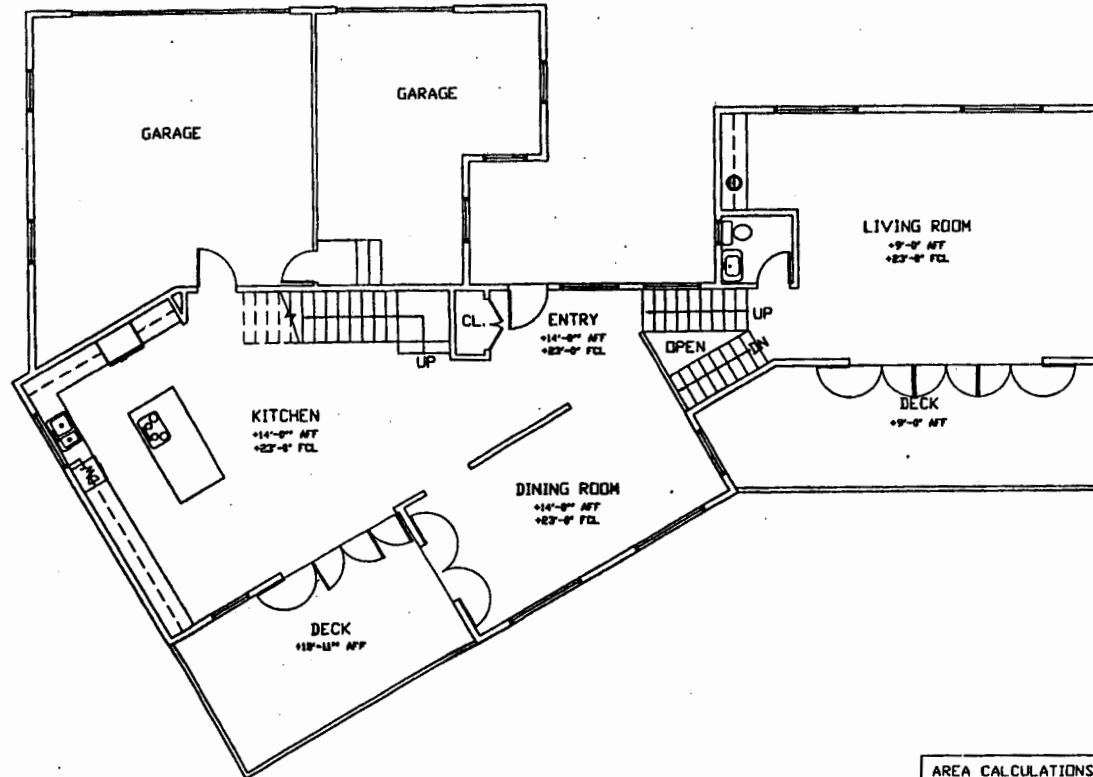
From To

Control No.

Scale:

3/4" = 1'-0"

A-202



AREA CALCULATIONS	
FIRST FLOOR LIVING AREA	645 S.F.
SECOND FLOOR LIVING AREA	1,408 S.F.
THIRD FLOOR LIVING AREA	1,382 S.F.
TOTAL LIVING AREA	3,435 S.F.

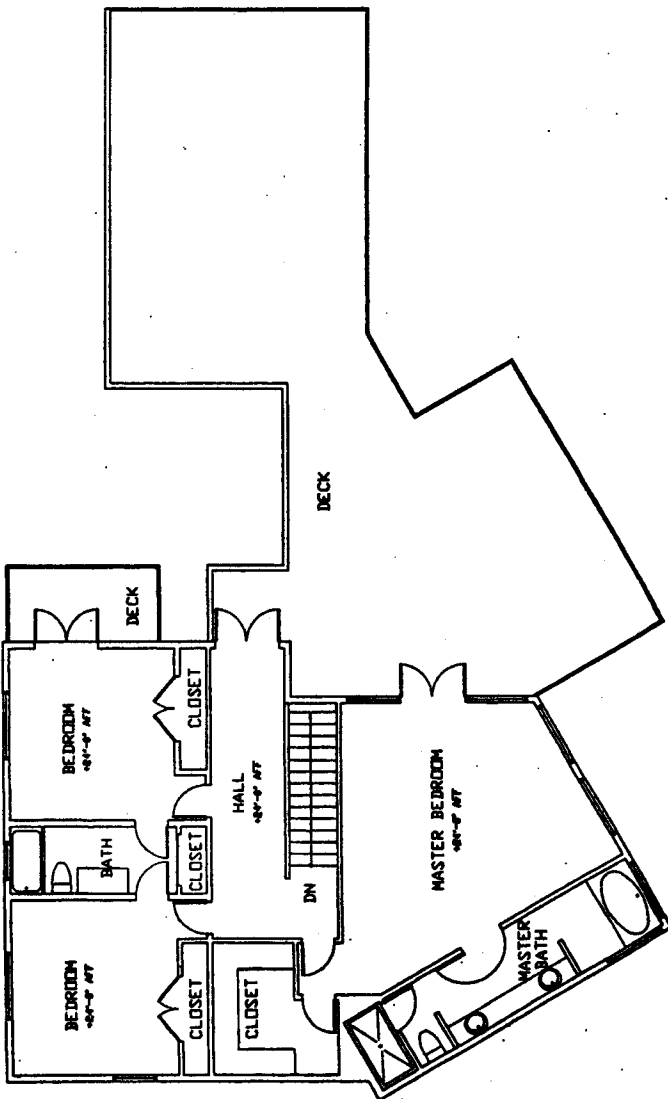


EXHIBIT NO. 5

APPLICATION NO. 4-07-233

Second Floor

Plan



AREA CALCULATIONS	
FIRST FLOOR LIVING AREA	648 SF.
SECOND FLOOR LIVING AREA	1,408 SF.
THIRD FLOOR LIVING AREA	1,203 SF.
TOTAL LIVING AREA	3,259 SF.



EXHIBIT NO. 6
APPLICATION NO. 4-81-233
Third Floor
Plan

PORT RESIDENCE
1000 WEST 10TH
TOWSON, CALIFORNIA

OWNER
City of Berkeley
1 West 10th Avenue
Berkeley, CA 94704

Architect
R. A. Reynolds

Project Name
FLOOR 3
SPACE PLAN

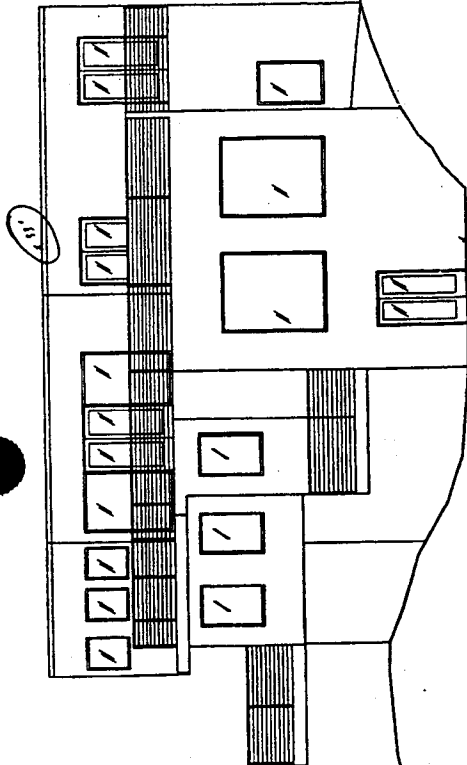
Project No.
Sheet No.
A-203
Scale
1/4" = 1'-0"

PORT RESIDENCE
3800 MILITARY LANE
TORRANCE, CALIFORNIA

PROJECT NO. 9-01-233
DATE 10/1/73
1. EAST AND NORTH ELEVATIONS

ELEVATIONS

A-701



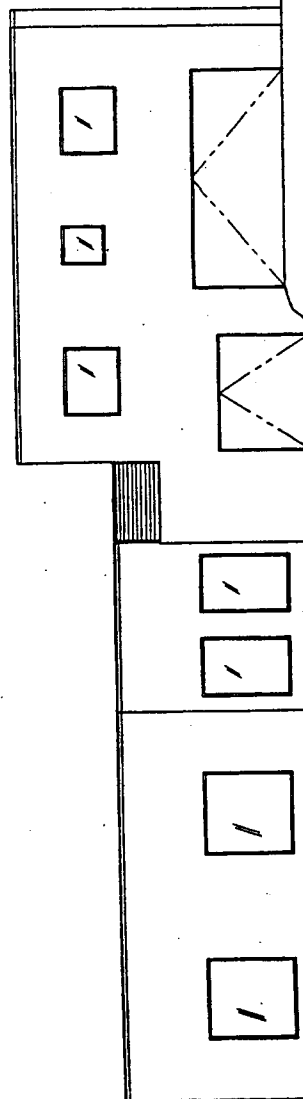
EAST ELEVATION 2
1/4" = 1'-0"

+34'-0" ROOF LINE

+24'-0" 3rd F.F.

+14'-0" F.F. 2B

+9'-0" F.F. 2A



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

+34'-0" ROOF LINE

+24'-0" 3rd F.F.

+14'-0" F.F. 2B

+9'-0" F.F. 2A

+0'-0" 1st F.F.

EXHIBIT NO. 7

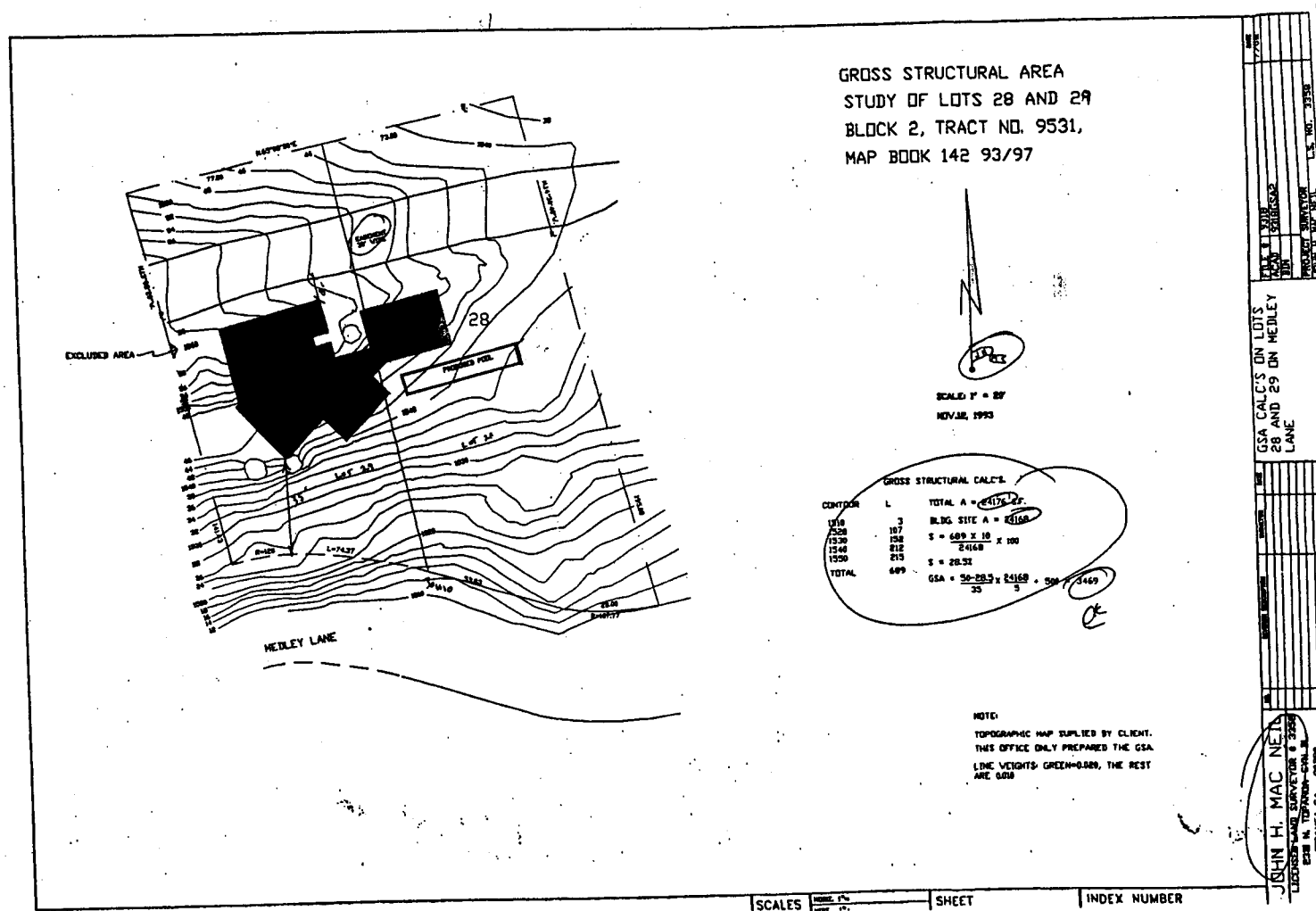
APPLICATION NO.
9-01-233

East & North
Elevations

[illegible]

EXHIBIT NO. 8
APPLICATION NO. 4-01-233
West and South Elevations

EXHIBIT NO. 9
APPLICATION NO. 4-87-233
GSA Calcs



FILE NO.	1770
DATE	11/22/93
PROJECT SURVEYOR	JOHN H. MAC NEIL
DATE	11/22/93

GSA CALC'S ON LOTS
28 AND 29 ON HEDLEY
LANE

DATE	11/22/93
FILE NO.	1770
DATE	11/22/93
PROJECT SURVEYOR	JOHN H. MAC NEIL
DATE	11/22/93

JOHN H. MAC NEIL
LICENSED LAND SURVEYOR # 2250
238 N. TARRANT-SUN BL
SPRINGFIELD, CA 94599

