

CALIFORNIA COASTAL COMMISSION

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Staff: D. Christensen
Staff Report: 10/25/07
Hearing Date: 11/14/07



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO: 4-02-012-A1

APPLICANT: Alex Cadoux

AGENT: Shelley Coulson

PROJECT LOCATION: 2915 Tuna Canyon Road, Topanga; Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a new 4,961 sq. ft., two-story single family residence including a 484 sq. ft. attached garage and a 1,002 sq. ft. basement, septic system, driveway, retaining walls, and approximately 1,156 cubic yards of grading (1,104 cu. yds. cut and 52 cu. yds. fill) at 2915 Tuna Canyon Road, Topanga; Los Angeles County.

DESCRIPTION OF AMENDMENT: Relocate septic system and perform remedial grading (120 cu. yds. for removal, recompaction, and keyway) of an approximately 7,000 sq. ft. area of landslide debris on the property.

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Public Works' Geotechnical and Materials Engineering Division, approved Geologic Review Sheet (dated June 21, 2006), and approved Soils Engineering Review Sheet (dated June 28, 2006); and Los Angeles County Environmental Health Department septic system Approval-in-Concept, dated September 13, 2007.

SUBSTANTIVE FILE DOCUMENTS: "Limited Geologic and Soils Engineering Investigation" by GeoConcepts, Inc., dated May 7, 2001; "Preliminary Geologic and Soils Engineering Investigation" by GeoConcepts, Inc., dated August 17, 2004; "Addendum Report No. 2" by GeoConcepts, Inc., dated January 26, 2005; "Addendum Report No. 3" by GeoConcepts, Inc., dated June 6, 2005; "Addendum Report No. 4" by GeoConcepts, Inc., dated September 28, 2005; "Addendum Report No. 5" by GeoConcepts, Inc., dated December 22, 2005; "Private Sewage Disposal System Report" by GeoConcepts, Inc., dated December 21, 2006; "Compaction Report" by GeoConcepts, Inc., dated April 5, 2007; "Final Geology Report" by GeoConcepts, Inc., dated April 16, 2007; "Interim Geology Report" by GeoConcepts, Inc., dated October 3, 2007.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed amendment with **five (5) special conditions** regarding conformance with geologic recommendations, revegetation and erosion control, assumption of risk, deed restriction, and condition compliance. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu-Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No 4-02-012 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 amendment 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 the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Standard and Special Conditions

NOTE: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-02-012 remain in effect. In addition, the following five special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-02-012-A1.

SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit amendment, the applicant agrees to comply with the recommendations contained in the "Limited Geologic and Soils Engineering Investigation" dated May 7, 2001, "Preliminary Geologic and Soils Engineering Investigation" dated August 17, 2004, "Addendum Report No. 2" dated January 26, 2005, "Addendum Report No. 3" dated June 6, 2005, "Addendum Report No. 4" dated September 28, 2005, "Addendum Report No. 5" dated December 22, 2005, "Private Sewage Disposal System Report" dated December 21, 2006, "Compaction Report" dated April 5, 2007, "Final Geology Report" dated April 16, 2007, and the "Interim Geology Report" dated October 3, 2007, all by GeoConcepts, Inc., and that all such recommendations shall be incorporated into all final design and construction, including recommendations concerning grading, drainage, and sewage disposal.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to grading and drainage. No substantial changes in the proposed development approved by the Commission may occur without an approved amendment(s) to this permit or new Coastal Development Permit(s).

2. Revegetation and Erosion Control Plan

Prior to issuance of the Coastal Development Permit Amendment, the applicant shall submit, for the review and approval of the Executive Director, a detailed Revegetation and Erosion Control Plan and Monitoring Program, prepared by a licensed Landscape Architect or qualified Resource Specialist, for all areas of the project site temporarily disturbed by as-built slope remediation grading activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved Revegetation and Erosion Control Plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

a. Technical Specifications

- 1) The Revegetation and Erosion Control Plan shall provide for the stabilization of exposed soils in the project area with native plant species and in accordance with the approved long-term fuel modification plan submitted pursuant to CDP 4-02-012. Selected native plant species must be endemic to the Santa Monica Mountains, 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. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.
- 2) Planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. 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) Until plantings become established, the applicant shall also 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. These erosion control measures shall be required on the project site during 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.

b. Monitoring

Five years from the date of completion of the proposed development the applicant shall submit for the review and approval of the Executive Director, a revegetation monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the revegetation is in conformance with the revegetation plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the revegetation monitoring report indicates the site is not in conformance with or has failed to meet the performance standards specified in the revegetation plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental revegetation plan for the review and approval of the Executive Director. The revised revegetation plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

3. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, and slope failure; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

4. **Deed Restriction**

Prior to issuance of this Coastal Development Permit Amendment, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, 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; and (2) imposing the Special Conditions of this permit amendment, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. 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 amendment, 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.

5. **Condition Compliance**

Within 90 days of Commission action on this coastal development permit amendment application, or within such time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions Chapter 9 of the Coastal Act.

III. Findings and Declarations

The Commission hereby finds and declares:

A. **Amendment Description and Background**

The subject 2.5 acre property is located on Tuna Canyon Road within the southeast portion of the Santa Monica Mountains area, Los Angeles County (**Exhibits 1-2**). The area surrounding the project site is characterized by natural hillside terrain and is moderately developed with custom single family residences. On May 13, 2004, the Commission approved Coastal Development Permit 4-02-012 (Kelly) for construction of a new 4,961 sq. ft., two-story single family residence, with a 484 sq. ft. attached garage, 1,002 sq. ft. basement, septic system, driveway, retaining walls, and approximately 1,156 cubic yards of grading (1,104 cu. yds. cut and 52 cu. yds. fill) on the subject property (**Exhibit 3**). The project was approved by the Commission subject to special conditions regarding 1) geologic recommendations, 2) drainage and polluted runoff control, 3) landscaping and erosion control plans, 4) wildfire waiver, 5) structural appearance, 6) future development, 7) lighting restriction, 8) deed restriction, 9) oak tree mitigation, 10) habitat impact mitigation, 11) removal of excess excavated material, and 12) an approved Los Angeles County Geologic Review Sheet.

Two years later, on May 11, 2006, the applicant requested a time extension for CDP 4-02-012. On September 8, 2006, the Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act and provided notice of the extension request to neighboring property owners within 100 feet of the subject property. Commission Regulations state that "if no objection is received at the

Commission office within 10 working days of publishing notice, the determination of consistency shall be conclusive...and the Executive Director shall issue the extension.” In this case, a letter of objection to the time extension was received by the Commission on September 22, 2006, within 10 working days of the mailed notice. The objection letter was from an adjacent property owner who asserted that ground movement occurred within a large active landslide on the subject property after the winter rains of 2005. Also on September 22, 2006, the applicant satisfied all “prior to issuance” special conditions of CDP 4-02-012 and the permit was issued. However, because the Commission received an objection regarding the time extension request that must be reported to the Commission for a changed circumstances determination, the applicant was notified that development authorized by CDP 4-02-012 could not commence until the objection matter is resolved.

Review of the objection revealed that the winter storms of 2005 created a landslide condition that was evidenced by ground cracking and a few inches of movement on a portion of the subject property. In June 2005 the applicant’s geotechnical consultants evaluated the landslide condition, delineated its extent, and recommended removal and recompaction of the landslide debris on the property (**Exhibit 4**). The landslide area on the property is approximately 7,000 sq. ft. in size, with a maximum depth of about 10 feet. The applicant’s geotechnical consultants also indicated that proposed seepage pits should be relocated closer to the residence in order to avoid the landslide area. In addition, the geotechnical consultants found that the previously approved residence, driveway, and retaining walls on the site would not be adversely affected by the landslide since no landslide debris is located in the area of the residential development. However, the remedial grading and septic system relocation recommended by the geotechnical consultants was not previously considered by the Commission in its 2004 approval of the project. To resolve this issue, the applicant submitted a coastal development permit amendment application on January 17, 2007 for the remedial grading work and seepage pit relocation. Due to delays in acquiring County Health Department approval of the proposed seepage pit relocation, the amendment application was not filed complete until September 24, 2007.

The applicant proposes to perform remedial grading (removal, recompaction, and keyway) of an approximately 7,000 sq. ft. area of landslide debris on the subject property, and to relocate the septic system in order to be further set back from the landslide area (**Exhibits 5-6**). The additional grading proposed under this permit amendment is 120 cu. yds. The proposed slope remediation area is located between 80 and 200 feet west of the previously approved residence on the property, within the applicant’s and neighboring residence’s Fire Department-required fuel modification zones, and as such, will not involve removal of any undisturbed native vegetation that is considered environmentally sensitive habitat area (ESHA).

According to the applicant, the proposed additional grading to stabilize the landslide slope was already completed in October 2007, and the grading work for the residence associated with CDP 4-02-012 was also previously completed a year prior, in October 2006. Therefore, the applicant now requests after-the-fact approval of the as-built grading work that is the subject of this permit amendment.

The applicant has submitted final grading and drainage plans for the proposed project which reflect the revised grading requirements for the amended project, and also include the consulting geotechnical engineer’s recommendation for remedial grading of the landslide debris area. The plans have been certified in writing by the project’s consulting geotechnical engineer indicating that the plans are in conformance with the consultant’s recommendations for geologic stability of the project site. In addition, the applicant has provided Commission staff with follow-up geologic reports that provide the consultant’s findings and recommendations following

geologic field observation and testing conducted during grading operations on the site. The proposed septic system relocation has also been reviewed and approved by the consulting geologic engineering consultant, as well as the consulting environmental health specialist and Los Angeles County Health Department.

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.***

The proposed development is located on a hillside lot in the Santa Monica Mountains, an area 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. 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. Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The applicant is requesting to amend the subject permit to allow for remedial grading (120 cu. yds. for landslide debris removal, recompaction, and keyway) of a 7,000 sq. ft. landslide area on the property and relocation of the septic system to comply with recommendations of the project geologic consultant. The applicant submitted a "Limited Geologic and Soils Engineering Investigation" dated May 7, 2001, "Preliminary Geologic and Soils Engineering Investigation" dated August 17, 2004, "Addendum Report No. 2" dated January 26, 2005, "Addendum Report No. 3" dated June 6, 2005, "Addendum Report No. 4" dated September 28, 2005, "Addendum Report No. 5" dated December 22, 2005, "Private Sewage Disposal System Report" dated December 21, 2006, "Compaction Report" dated April 5, 2007, "Final Geology Report" dated April 16, 2007, and "Interim Geology Report" dated October 3, 2007, all prepared by GeoConcepts, Inc., for the subject site evaluating the geologic stability of the site in relation to site development.

According to the June 6, 2005 Addendum Report #3 by GeoConcepts Inc., the winter storms of 2005 created a landslide condition on the subject property that was evidenced by ground

cracking and movement. The geotechnical consultants evaluated the landslide condition, determined its extent, and recommended removal and recompaction of an approximately 7,000 sq. ft. area of the property that contains the landslide debris. Addendum Reports # 4 and #5 by GeoConcepts Inc., dated September 28, 2005 and December 22, 2005 respectively, indicate that the previously approved residence development area will not be adversely affected by the landslide since no landslide debris is located in the area of the residence. However, the proposed seepage pits located within the area of the landslide were recommended to be relocated in order to be further set back from the landslide area of the site.

The County Department of Public Works Geotechnical and Materials Engineering Division provided a thorough review of site conditions in relation to proposed development and, on June 28, 2006, recommended approval of the project that was approved by the Commission pursuant to CDP 4-02-012, in addition to the remedial grading work for the landslide area that is the subject of this amendment. In addition, the proposed septic system relocation was reviewed and approved by the consulting geologic engineering consultant, environmental health specialist, and the County Health Department.

The proposed slope remediation area is located between 80 and 200 feet west of the previously approved residence on the property. According to the applicant, the proposed additional grading to stabilize the landslide slope was already completed in October 2007, and the grading work for the residence associated with CDP 4-02-012 was also previously completed a year prior, in October 2006. The applicant therefore seeks after-the-fact approval for the as-built grading work that is the subject of this permit amendment. The applicant has submitted revised grading and drainage plans for the proposed project which reflect the revised grading requirements for the amended project, and also include the consulting geotechnical engineer's recommendation for remedial grading of the landslide debris area. The plans have been certified in writing by the project's consulting geotechnical engineer indicating that the plans are in conformance with the consultants recommendations for geologic stability of the project site. In addition, the applicant has provided Commission staff with follow-up geologic reports that provide the consultant's findings and recommendations following geologic field observation and testing conducted during grading operations on the site. The follow-up geologic reports prepared by GeoConcepts, Inc., dated 4/5/07, 4/16/07, and 10/3/07, indicate that the geologic structure and lithology exposed during grading were as anticipated in previous reports and provides additional recommendations for planting, drainage, and irrigation. Based on the consultant's comprehensive evaluation of the site's geology and the proposed development, they have found that the proposed project is adequate to remediate the landslide condition on the property and that the remainder of the previously approved development on-site will be safe from landslide, settlement, and slippage and not adversely affect adjacent property.

The submitted geologic reports that concern the amended project contain several recommendations to be incorporated into project grading, planting, irrigation, sewage disposal, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultants have been incorporated into all proposed development, the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to comply with and incorporate the recommendations contained in the submitted geologic reports into all final design and construction. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, 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 minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to plant all disturbed areas of the site with native plants and consistent with the fire protection requirements. In past permit actions the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foilage weight and/or require a greater amount of irrigation and maintenance than native vegetation. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foilage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geotechnical safety of the site, **Special Condition No. Two (2)** specifically requires the applicant to submit, for the review and approval of the Executive Director, a detailed Revegetation and Erosion Control Plan, prepared by a licensed Landscape Architect or qualified Resource Specialist, for all areas of the project site temporarily disturbed by as-built slope remediation grading activities. This plan must incorporate native plants, of local genetic stock, consistent with the fuel modification (Zone C) requirements of the Los Angeles County Fire Department. Special Condition No. 2 also specifies that the applicant shall commence implementation of the approved Revegetation and Erosion Control Plan within 60 days of the issuance of this coastal development permit.

Further, the proposed project, as conditioned to ensure that the disturbed portions of the site are revegetated with native vegetation, has been designed to ensure slope stability on site to the maximum extent feasible. However, the Coastal Act recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still 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 determine 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. As such, the Commission finds that due to the foreseen possibility of erosion, landslide, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition No. Three (3)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development. Finally, **Special Condition No. Four (4)** 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 subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

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. Water Quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of

waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Sections 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant requests an amendment to perform remedial grading (removal and recompaction with keyway) of an approximately 7,000 sq. ft. area of landslide debris on the subject property, and to relocate the previously approved septic system in order to be further set back from the landslide area. The purpose of the project is to stabilize a surficial landslide condition on the subject property that occurred as a result of the winter storms of 2005. The project site is situated on a gently sloping 2.5 acre property along Tuna Canyon Road within the southeast portion of the Santa Monica Mountains, Los Angeles County. The Commission finds that the proposed grading and recompaction of the landslide slope on the property, as well as relocation of the septic system, is required to effectively stabilize a landslide condition that occurred during the 2005 storm season. The Commission notes, however, that removal of vegetation, grading, and exposure of on-site soils can increase erosion on site and would subsequently result in a potential increase in the sedimentation of the downslope Tuna Canyon watershed. The Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to adversely affect the watershed. Erosion can best be minimized by requiring the applicant to revegetate the disturbed areas of the project site with native plants endemic to the Santa Monica Mountains and consistent with fire protection requirements. To ensure that revegetation and erosion control of the remediated slope is successful to minimize increased erosion and sedimentation of downslope waterways, **Special Condition No. Two (2)** requires the applicant to submit and implement a Revegetation and Erosion Control Plan, prepared by a biologist or environmental resource specialist, for the review and approval of the Executive Director. Native plant species that are endemic to the Santa Monica Mountains shall be used to cover all areas temporarily disturbed and where soils are exposed due to as-built landslide remediation activities. In addition, Special Condition 2 requires the applicant to install temporary erosion control measures until plantings become established and to implement a five year monitoring program to ensure the success of the replanting. 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 development will not adversely impact water quality or coastal resources.

The applicant is proposing to relocate the previously approved septic system, consisting of a 3,436-gallon septic tank and seepage pits, to accommodate the sewage of the previously approved development. The County of Los Angeles Environmental Health Department has given in-concept approval of the relocated septic system, determining that the system meets the requirements of the plumbing code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils within the Santa Monica Mountains, among other

criteria. Therefore, the proposed septic system, as proposed to be relocated and as designed to meet these standards, will minimize adverse impacts to water quality.

As conditioned to revegetate the disturbed area of the site and implement erosion control measures, the Commission finds that the proposed project will maintain water quality, consistent with Section 30231 of the Coastal Act.

D. Unpermitted Development

Development has occurred on the subject site without the required coastal development permit amendment that includes remedial grading to stabilize a landslide condition on the subject property. While the applicant submitted an amendment application before the work was carried out, the application was not complete and the applicant conducted the revised grading work prior to Commission action on the permit amendment request. This application therefore includes the request for after-the-fact approval for the above referenced unpermitted development.

In order to ensure that the matter of unpermitted development addressed in this application is resolved without delay after approval of this amendment application, **Special Condition No. Five (5)** requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of a portion of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. 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).

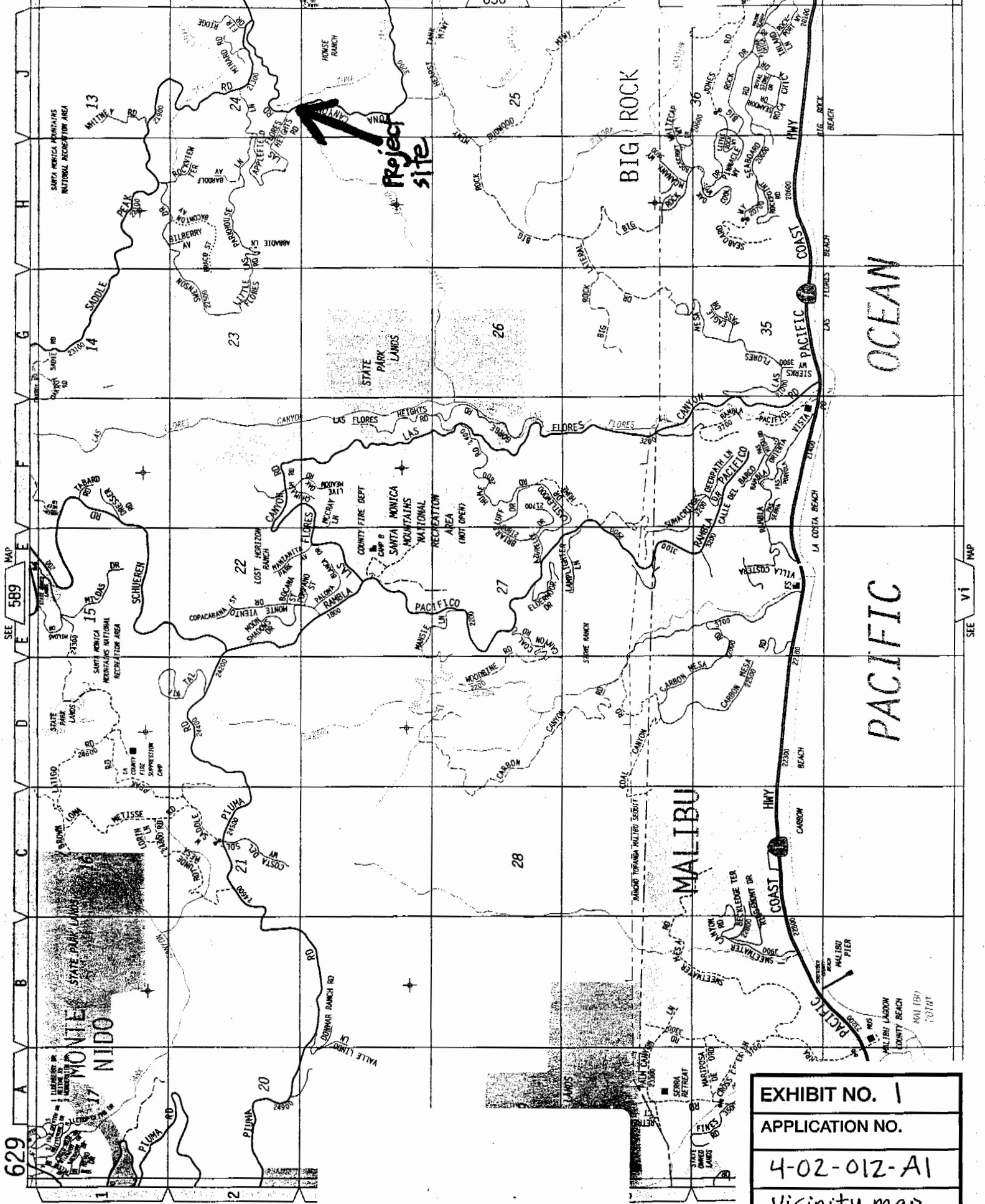
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with Chapter 3 policies of the Coastal Act. The preceding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

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 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 incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required to minimize impacts include requiring revegetation of disturbed soils (water quality and geologic stability), and implementation of erosion control measures (water quality and geologic stability). As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.



SEE 589 MAP
 SEE 629 MAP
 A B C D E F G H J
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

EXHIBIT NO. 1
APPLICATION NO.
4-02-012-A1
Vicinity map

County of Los Angeles: Rick Auerbach, Assessor

4448 7

SCALE 1" = 400'

7-15-62
4-2-65

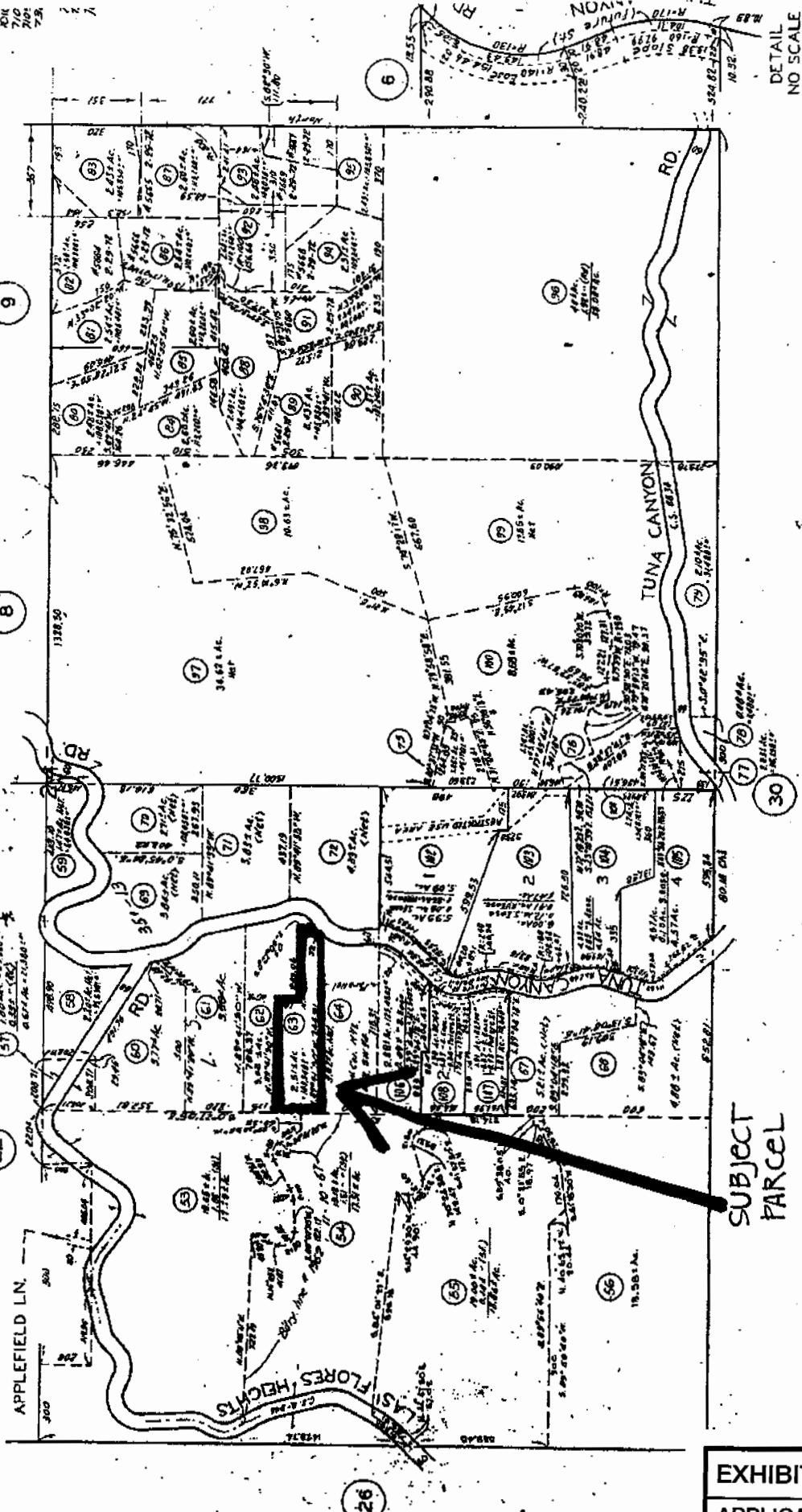


EXHIBIT NO. 2
APPLICATION NO.
4-02-012-A1
parcel map

SUBJECT PARCEL

ASSMT. SEE: _____

T. 1 S., R. 17 W.
 PARCEL MAP P.M. 51-7
 PARCEL MAP P.M. 60-74

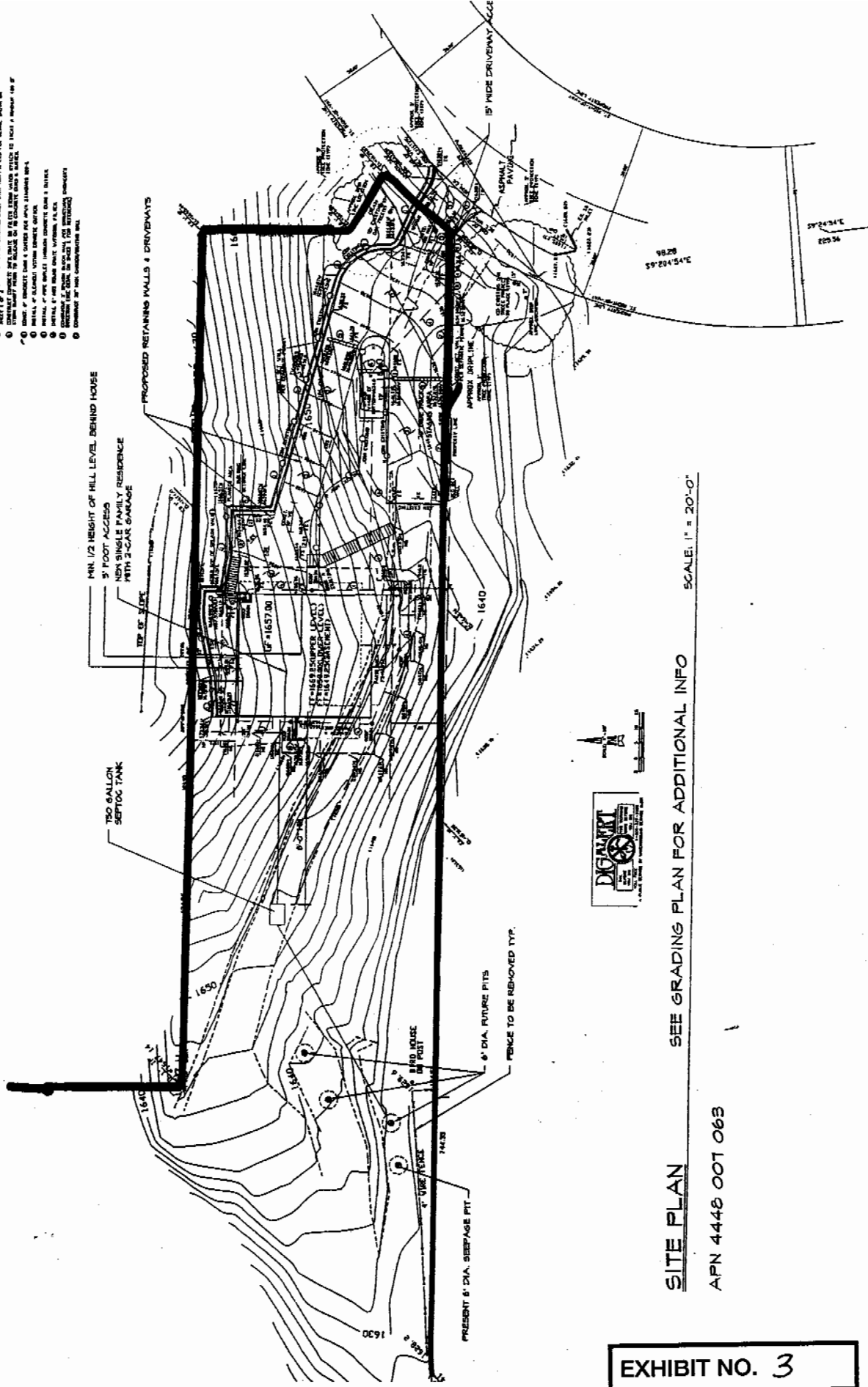
DETAIL
NO SCALE

55	DETAILS
56	DETAILS
5N	STRUCTURAL GENERAL NOTES
6N	GENERAL NOTES
12A	ENERGY CALCULATIONS

GENERAL NOTES:

1. ALL DIMENSIONS AND CONDITIONS SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE GROUND. NOTIFY DESIGNER IN WRITING OF ANY DISCREPANCIES.

- CONSTRUCTION NOTES:**
1. ALL DIMENSIONS AND CONDITIONS SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE GROUND. NOTIFY DESIGNER IN WRITING OF ANY DISCREPANCIES.
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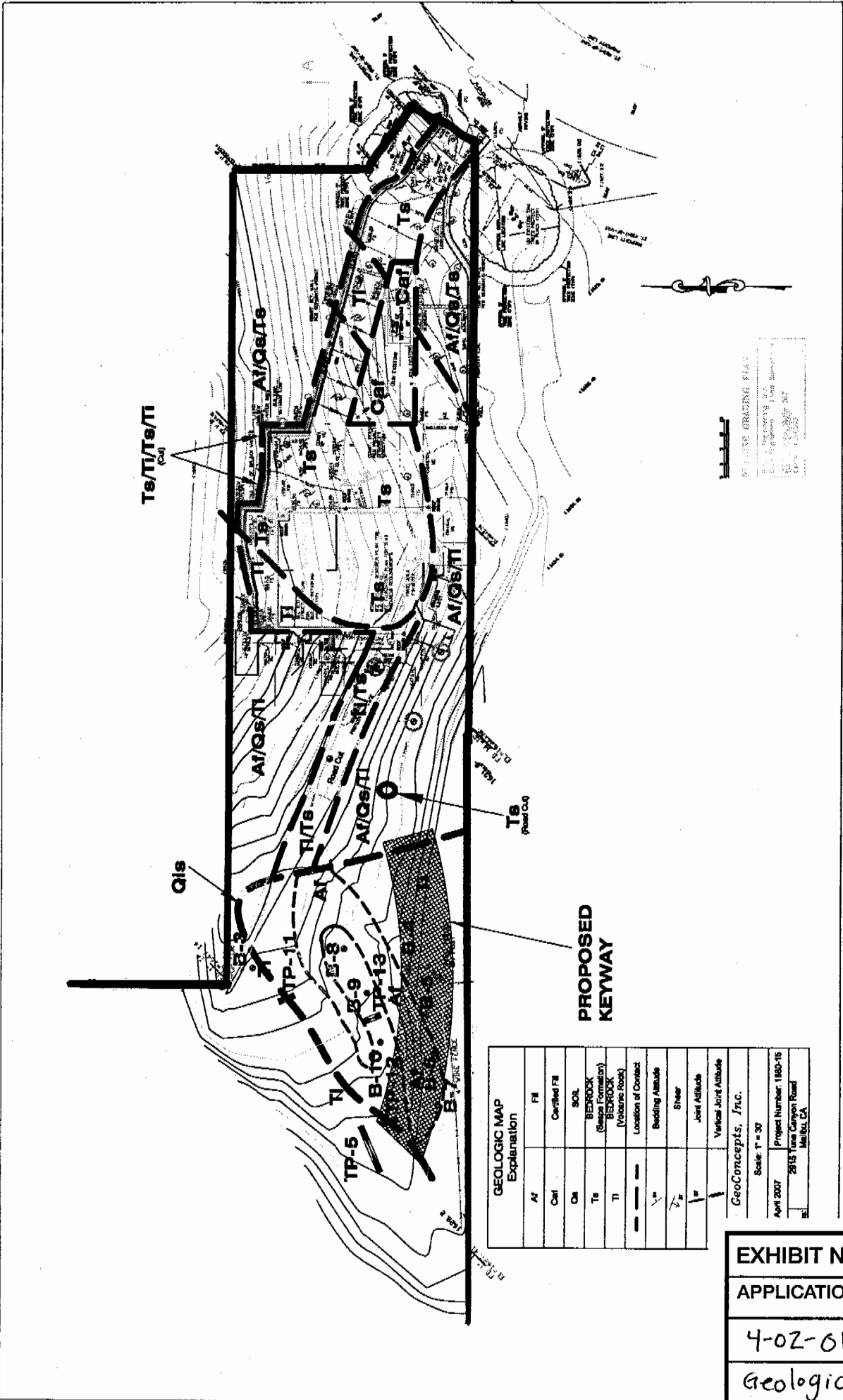
SITE PLAN SEE GRADING PLAN FOR ADDITIONAL INFO SCALE: 1" = 20'-0"

APN 4448 00T 063



EXHIBIT NO. 3
APP. NO. 4-02-012
SITE PLAN

EXHIBIT NO. 3
APPLICATION NO.
4-02-012-A1
Previously approved site plan (4-02-012)



Ts/Ls/Ls/Ls
(cut)

Qls

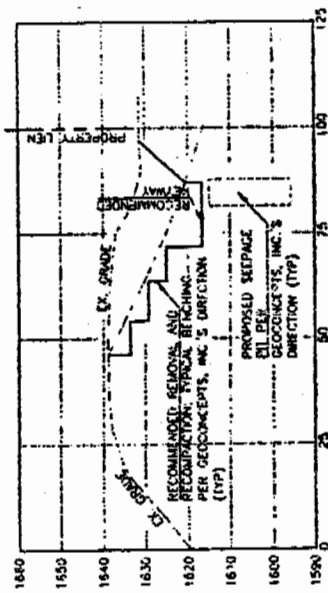
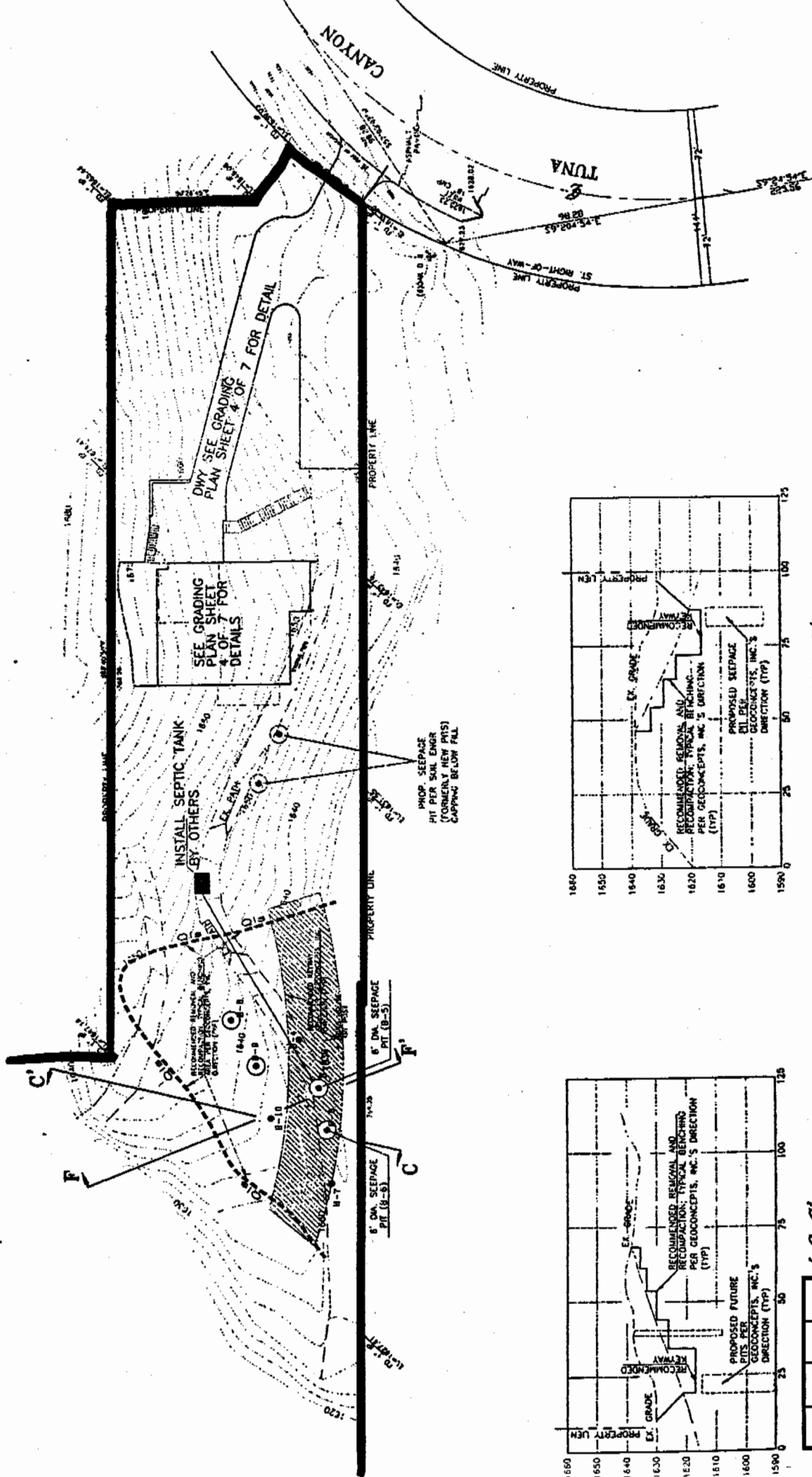
TS
(Road Cut)

**PROPOSED
KEYWAY**

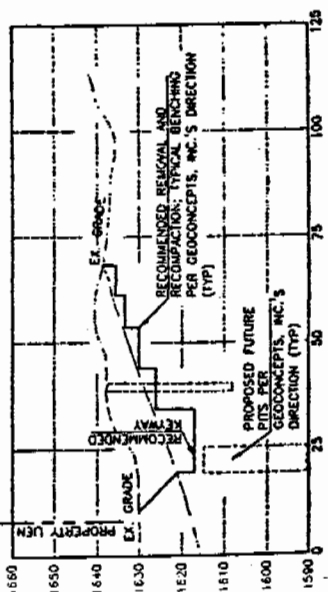
GEOLOGIC MAP Explanation	
Af	Fill
Cell	Certified Fill
Os	SOIL
Ts	BEDROCK (Sandstone)
Tl	BEDROCK (Volcanic Rock)
---	Location of Contact
~	Bedding Altitude
~	Shear
~	Joint Altitude
~	Vertical Joint Altitude
GeoConcepts, Inc.	
Scale: 1" = 30'	
April 2007	Project Number: 180-15
2815 Van Canyon Road Mariposa, CA	

FIELD SHEET
 PROJECT NO. 180-15
 SHEET NO. 207

EXHIBIT NO. 4
 APPLICATION NO.
 4-02-012-A1
 Geologic Map



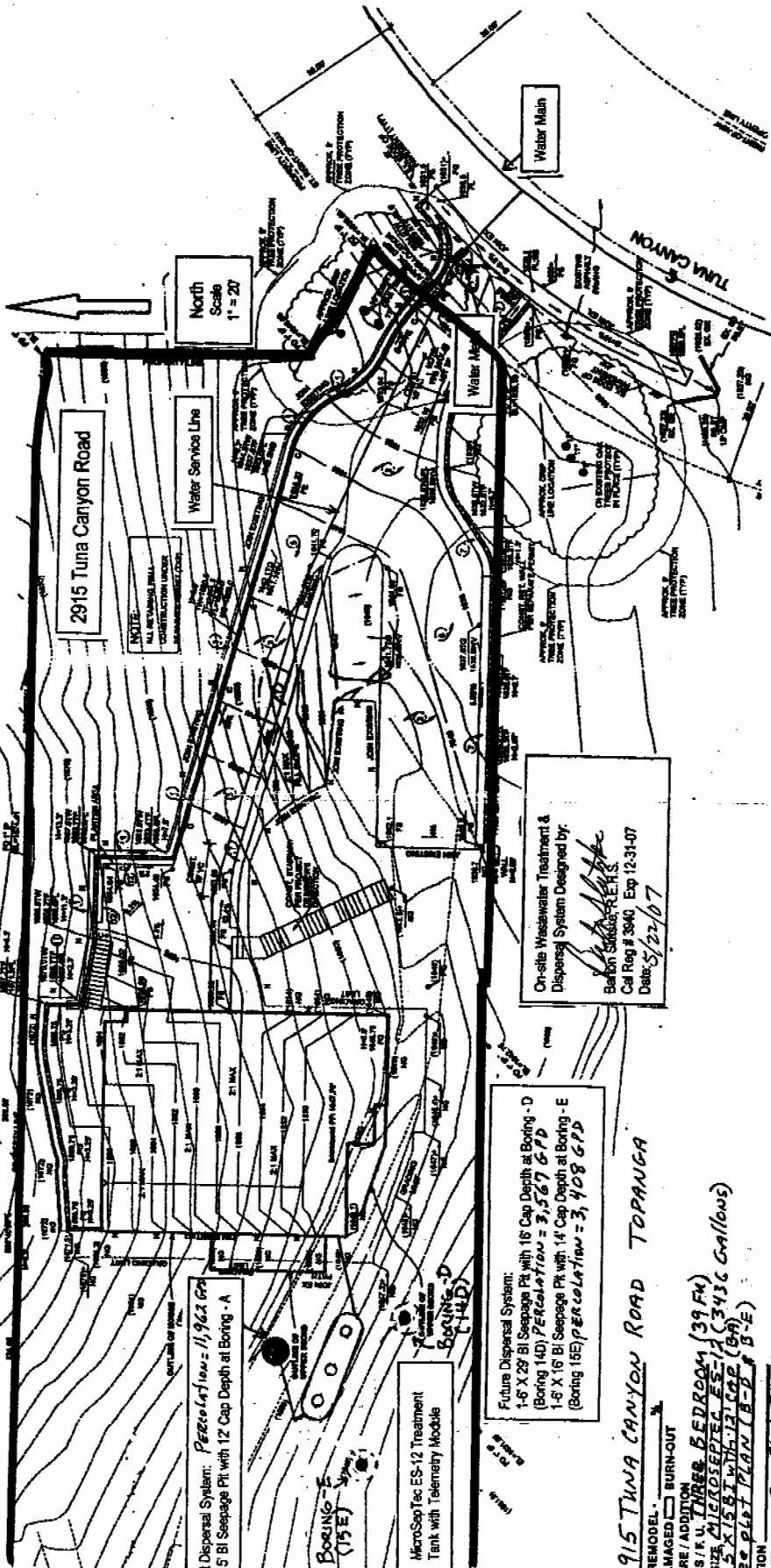
SECTION F-F'
NTS



SECTION C-C'
NTS

EXHIBIT NO. 5
APPLICATION NO.
4-02-012-A1
Remedial grading plan

NO CHANGES TO BE MADE WITH THE PROPOSED SEWAGE PITS AREA.



Present Disposal System: Percolation = 11,962 GPD
 1-5 X 15 BI Seepage Pit with 12" Cap Depth at Boring - A

Future Disposal System:
 1-6" X 20" BI Seepage Pit with 18" Cap Depth at Boring - D
 (Boring 140) Percolation = 3,567 GPD
 1-6" X 16" BI Seepage Pit with 14" Cap Depth at Boring - E
 (Boring 15E) Percolation = 3,408 GPD

MicroSapTec ES-12 Treatment Tank with Telemetry Module

On-site Wastewater Treatment & Dispersal System Designed by:
Robert S. Kelly
 Robert S. Kelly, P.E.
 Cal Reg # 3940 Exp 12-31-07
 Date 5/22/07

ADDRESS: 2915 TUNA CANYON ROAD TOPANGA
 NEW REMODEL
 STORM DRAINAGE
 BURN-OUT
 SYSTEM FAILURE/ADDITION
 NO. BEDROOMS / K. U. INCREASE BEDROOM (39 FK)
 SEPTIC TANK SIZE: MICROSEPTIC ES-12 (3436 GALLONS)
 PRESENT: 1-5 X 15 BI WITH 12" CAP (6A)
 FUTURE: SEE PLAN (E-B, B-E)
 SYSTEM ADDITION
 PERC. RATE / GPD: SEE PLAN
 SPECIAL NOTES / REQUIREMENTS

Any deviation from this sewage disposal system site plan and/or floor plan on the reverse without prior health dept approval shall nullify/void the approval.

EXHIBIT NO. 6
APPLICATION NO.
4-02-012-A1
septic relocation plan

9-13-2007
 This approval is for design purposes only for The Coastal Commission.
Raymond A. Kelly



RECEIVED
 SEP 20 2007

CALIFORNIA
 COASTAL COMMISSION
 500 P. CENTRAL COAST STREET