

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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# Tu12a

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO:** 4-06-029

**APPLICANTS:** Douglas and Elaine Hanson    **AGENT:** Cary Gepner and Terry Valente

**PROJECT LOCATION:** 19769 Horseshoe Drive, Topanga, Unincorporated Los Angeles County

**PROJECT DESCRIPTION:** Construct a 27 foot high, two story accessory building consisting of a 557 sq. ft. two-car garage and 338 sq. ft. storage area on the first level, and an 851 sq. ft. recreation room on the second level, with 832 sq. ft. of upper-level deck, a driveway, retaining walls and vegetated terraces, exterior stairs, planter, approximately 654 cu. yds. of grading (508 cu. yds. cut, 146 cu. yds. fill), and the request for after-the-fact approval of a 96 sq. ft. storage shed with attached deck. The project further includes the combining of three lots (Lots 2, 3, and 4) into one lot.

<b>Lot 2 / Lot 3 / Lot 4 area:</b>	<b>6,787 / 8,939 / 9,718 sq. ft.</b>
<b>Building &amp; deck coverage (Lot 2 / Lots 3 &amp; 4):</b>	<b>1,443 (existing) / 1,789 (proposed) sq. ft.</b>
<b>Existing Residence (Lot 2):</b>	<b>1,367 sq. ft.</b>
<b>Pavement coverage (Lot 2 / Lots 3 &amp; 4):</b>	<b>565 (existing) / 2,144 (proposed) sq. ft.</b>
<b>Ht above existing grade:</b>	<b>27 ft.</b>

**LOCAL APPROVALS RECEIVED:** Los Angeles County Approval In Concept, dated March 9, 2005; Los Angeles County Fire Department preliminary road access approval and preliminary fuel modification plans;

**SUBSTANTIVE FILE DOCUMENTS:** *Updated Geologic & Soils Engineering Investigation* (SubSurface Designs, Inc., May 1, 2005); *Urban Runoff Quality Management, WEF Manual of Practice No. 23, ASCE manual and Report on Engineering Practice No. 87.* WEF, Alexandria, VA; ASCE, Reston, VA. 259 pp (1998); Urbonas, Guo, and Tucker, "Optimization of Stormwater Quality Capture Volume," in *Urban Stormwater Quality Enhancement - Source Control, Retrofitting, and Combined Sewere Technology, Proceedings of an Engineering Foundation Conference*, Harry C. Torno, ed. October 1989. New York: ASCE, pp. 94-110.

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **Approval** of the proposed project with eleven special conditions relating to plans conforming to geotechnical engineer's recommendations, landscaping and erosion control fuel modification plans, wildfire waiver of liability, drainage and

polluted runoff control, structural appearance, future development restriction, deed restriction, removal of excess excavated material, lot combination requirement, condition compliance, and revised plans. 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. As conditioned, the proposed project will be consistent with the applicable policies of the Coastal Act.

**STAFF NOTE**

***The 180-day Permit Streamlining Act timeframe on this coastal development permit application ends May 8, 2007. Therefore, the last Commission hearing within this timeframe is the April hearing, unless extended by the applicants for up to an additional 90 days.***

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## EXHIBITS

Exhibit 1. Vicinity Map

Exhibit 2. Parcel Map

Exhibit 3. Site Plan

Exhibit 4. Floor Plans

Exhibit 5. Elevations

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## I. STAFF RECOMMENDATION

### APPROVAL WITH CONDITIONS

**MOTION:**        *I move that the Commission approve Coastal Development Permit No 4-06-029 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 PERMIT:**

The Commission hereby approves the Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the 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.**

By acceptance of this permit, the applicants agree to comply with the recommendations contained in the Updated Geologic & Soils Engineering Investigation prepared by SubSurface Designs, Inc. dated May 1, 2005. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final designs and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

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

#### 2. **Landscaping, Erosion Control, and Fuel Modification Plans**

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

##### A) **Landscaping Plan**

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of completion of construction of the accessory structure. To minimize the need for irrigation all

landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. 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) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) Vegetation within 20 feet of the proposed accessory structure 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 applicants 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 twenty foot radius of the proposed accessory structure shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.
- 5) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

**B) Interim Erosion Control Plan**

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

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

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

**C) Implement the Plans**

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**D) Monitoring.**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in

the landscaping plan approved pursuant to this permit, the applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

### **3. Assumption of Risk**

By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from wildfire, landslide, and/or erosion; (ii) to assume the risks to the applicants 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. Drainage and Polluted Runoff Control Plan**

*Prior to issuance of the coastal development permit, the applicants shall submit to the Executive Director for review and written approval, two sets of 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 or filter the amount of stormwater runoff produced by all storms up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), 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 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or

result in increased erosion, the applicants/landowners 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 applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

## **5. Structural Appearance**

*Prior to the issuance of the coastal development permit*, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of Coastal Development Permit No. 4-06-029. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit No. 4-06-029 if such changes are specifically authorized by the Executive Director as complying with this special condition.

## **6. Future Development Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-06-029. Pursuant to Title 14 California Code of Regulations Sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements to the entire property, including but not limited to the additions or improvements to the residence, conversion of garage(s) to habitable space, the addition of an interior stairway from the first floor garage to the second floor recreation room, conversion of the recreation room to residential use, grading, or clearing of vegetation, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two (2), shall require an amendment to Permit No. 4-06-029 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

## **7. Deed Restriction**

*Prior to issuance of the coastal development permit*, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. 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.

## **8. Removal of Excess Excavated Material**

*Prior to the issuance of the Coastal Development Permit*, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

## **9. Lot Combination**

- A. By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns with respect to the subject property, that: (1) All portions of the three parcels known as APN 4447-012-012, APN 4447-012-013 and APN 4447-012-014 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.
- B. *Prior to issuance of this coastal development permit*, the applicants 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 three 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.

## **10. Condition Compliance**

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit.

## **11. Revised Project and Project Plans**

A. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans and project description shall reflect the following:

1. As-built project plans for the 96 sq. ft. storage shed with attached deck.

B. All project development and operations shall be in compliance with the approved revised plans and all of the above provisions. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION**

The applicants propose to construct a 27 foot high, two story accessory building consisting of a 557 sq. ft. two-car garage and 338 sq. ft. storage area on the first level, and an 851 sq. ft. recreation room on the second level, with 832 sq. ft. of upper-level deck, a driveway, retaining walls and vegetated terraces, exterior stairs, planter, approximately 654 cu. yds. of grading (508 cu. yds. cut, 146 cu. yds. fill), and they seek after-the-fact approval of a 96 sq. ft. storage shed with attached deck located on Lot 4. The project further includes the combining of Lot 2 (APN No. 4447-012-012), Lot 3 (APN No. 4447-012-013), and Lot 4 (APN No. 4447-012-014) resulting in one lot. The subject development crosses two lots (APN Nos. 4447-012-013 and -014) and is proposed in association with development on an adjacent lot to the north (APN No. 4447-012-012) consisting of an existing, two-story 1,367 sq. ft. residence and 396 sq. ft. detached garage originally constructed in 1925. (Exhibits 1-5).

The proposed project site is located within the Fernwood Pacifica Small Lot Subdivision at 19769 Horseshoe Road (Exhibit 1). The parcels immediately to the north and south of the two subject parcels are developed with residences, and some non-contiguous parcels to the east of the subject parcels are also developed with residences. There is a large vacant parcel adjacent to the west of the subject parcels. Due to the location of the neighboring residential development, there would be no expansion of fuel modification into new or sensitive habitat areas.

## 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.**

### 1. Geology

The applicants submitted an *Updated Geologic and Soils Engineering Investigation for Proposed Accessory Building Construction at 19769 Horseshoe Drive, Topanga, California*, dated May 1, 2005, prepared by SubSurface Designs, Inc. which addresses the geologic conditions on the site.

The geologic consultants found that:

***The central and northern portions of the property are underlain by an ancient landslide. The landslide appears to be part of the Fernwood landslide complex mapped by Yerkes and Campbell (1980). The Fernwood landslide is an ancient slide mass that encompasses the majority of the Fernwood area. The majority of the original slide has eroded away, leaving behind isolated areas of exposed in-place bedrock. Initial slide movement on the subject property likely occurred under different climatic conditions than currently exist today.***

The geologic consultants further found:

***The location of the proposed accessory building is southerly (outside) of the limits of the defined slide boundary. Based upon our field observations, laboratory testing and analysis, the bedrock found in the explorations should possess sufficient strength to support the proposed structure. The artificial fill, natural soil, landslide debris and weathered bedrock deposits encountered in the explorations excavated on site are not considered suitable for foundation support as these materials may possess adverse deformational characteristics.***

Though an ancient landslide is located on the property outside of the development area for the subject recreation and attached garage, the geologic consultants concluded that the geology of the proposed project site is suitable for such development provided that the recommendations in the report are incorporated into the proposed development. The geologic and soils engineering report specifically recommends that the proposed structure be supported by foundations extending into site bedrock. The report concludes:

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

The Geotechnical Report contains several recommendations to be incorporated into the project including foundations, settlement, floor slabs, excavation erosion control, excavations, retaining walls, drainage and maintenance, and reviews. 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 applicants to incorporate the recommendations cited in the Geotechnical Report into all final design and construction plans. 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 Coastal Act recognizes that development, even as designed and constructed to incorporate all recommendations of the geologic and geotechnical consultants, may still involve the taking of some 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 the subject property. In this case, the Commission finds that due to the possibility of landslide and/or erosion, the applicant shall assume these risks as conditions of approval. Since this risk of harm cannot be completely eliminated, the Commission 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, as required by **Special Condition 3**. By acceptance of this permit, the applicants have agreed that they are aware of and appreciate the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the proposed development. Moreover, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structure, 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 development, the Commission requires the applicants to submit drainage and interim erosion control

plans, 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 site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicants will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition No. 4**.

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 also finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. 2** requires the applicants to submit and implement landscaping plans. **Special Condition No. 2** also requires the applicants to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project sites.

The proposed project will entail 654 cu. yds. of grading, 146 cu. yds. fill and 508 cu. yds cut. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition 3** requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

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

## **2. Wild Fire**

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition No. 3**, the assumption of risk, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition No. 3**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides.

The applicants propose to construct a 27 foot high, two story accessory building consisting of a 557 sq. ft. two-car garage and 338 sq. ft. storage area on the first level, and an 851 sq. ft. recreation room on the second level, with 832 sq. ft. of upper-level deck, a driveway, retaining walls and vegetated terraces, exterior stairs, planter, approximately 654 cu. yds. of grading (508 cu. yds. cut, 146 cu. yds. fill), and seek after-the-fact approval of a 96 sq. ft. storage shed with attached deck. The project further includes the combining of three lots (Lots 2, 3, and 4) into one lot. The subject development crosses two lots (Lots 3 and 4) and is proposed in association with development on an adjacent third lot (Lot 2) to the north consisting of an existing, two-story 1,367 sq. ft. residence and 396 sq. ft. detached garage.

This proposed development is in the Fernwood Pacifica Subdivision, where some residences have been approved and built on small parcels joined with other small parcels throughout the subdivision. The project site is located off of Horseshoe Drive

and will be directly visible from the street. The existing unpermitted storage shed is visible from the street and not screened from the roadway. There are some mature trees and other landscaping on the site, associated with the residential development. However, given the proximity to the street and the elevation of the proposed two story recreation/garage structure, the existing landscaping would not appreciably screen the proposed structure.

Because of the topography of the area, and the location of the proposed development near the road, the development will be visible from Horseshoe Drive. There are no feasible alternative building locations on these subject parcels that would significantly reduce visual impacts. Therefore, the Commission finds, in consideration of the landscaped character of the area, that the proposed development is sited and designed to fit in with the character and scale of the surrounding area.

Although the project is designed in a manner consistent with the character of the surrounding area, the project will still result in unavoidable adverse impacts to visual resources due to its partial visibility from the public roadway along Horseshoe Drive as discussed above. Therefore, the Commission finds that it is necessary to require mitigation measures to minimize visual impacts associated with development of the project site by finishing the exterior of the structure with a color consistent with the surrounding environment and incorporating windows of a non-reflective glass type to minimize impacts on public views. To ensure visual impacts associated with the colors of the structures and the potential glare of the window glass are minimized, the Commission requires the applicants to use colors compatible with the surrounding environment and non-glare glass, as detailed by **Special Condition No. 5**.

Visual impacts associated with proposed grading and the structures can be further reduced by the use of appropriate and adequate landscaping. As such, **Special Condition No. 2** requires the applicants to prepare a landscape plan relying mostly on native, non-invasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of **Special Condition No. 2** will partially screen the proposed structures and soften the visual impact of the development from public views from Horseshoe Drive. To ensure that the final approved landscaping plans are successfully implemented, **Special Condition No. 2** also requires the applicants to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single-family residence and the new proposed accessory structure, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251, and cumulative impact policy, Section 30250 of the Coastal Act. **Special Condition No. 6**, the Future Development Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance

with the Coastal Act. Finally, **Special Condition No. 7** requires the applicants 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.

The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed development is consistent with section 30251 of the Coastal Act.

## **D. CUMULATIVE IMPACTS**

The proposed project involves the construction of a recreational structure with attached garage 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," for purposes of the Act, to mean that:

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

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas that were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small lot subdivisions," are comprised of parcels of less than one acre and 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 the risk of adverse cumulative impacts from new development is especially high in the Malibu/Santa Monica Mountains area because of the large number of lots that already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing, undeveloped and poorly sited parcels in these mountains poses the threat of significant cumulative impacts on coastal resources and public access over time. Such a buildout could be expected to increase the demands on road capacity, public services, recreational facilities, and beaches tremendously and likely beyond their capacity.

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 maximum allowable Gross Structural Area (GSA) of a residential unit in a given area. 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, as it ensures the protection of the resources listed above, consistent with, among others, Coastal Act sections 30212.5, 30231, 30250, and 30252.

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 applicants 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

All slope calculations should be based on natural (not graded) conditions. Maps of a scale generally not less than 1" = 10', showing the building site and existing topographic contours and noting appropriate areas and slopes, prepared by a Licensed Surveyor or Registered Professional Civil Engineer, should be submitted with the application.

In addition, pursuant to Policy 271 of the Malibu/Santa Monica Mountains LUP, the maximum allowable gross structural area (GSA) as calculated above, may be increased as follows:

***(1) Add 500 square feet for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.***

***(2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable***

***building sites and all potential for residential development on such lot(s) is permanently extinguished.***

The applicants propose to construct a 27 foot high, two story accessory building consisting of a 557 sq. ft. two-car garage and 338 sq. ft. storage area on the first level, and an 851 sq. ft. recreation room on the second level, with 832 sq. ft. of upper-level deck, a driveway, retaining walls and vegetated terraces, exterior stairs, planter, approximately 654 cu. yds. of grading (508 cu. yds. cut, 146 cu. yds. fill), and they are also requesting after-the-fact approval of a 96 sq. ft. storage shed with attached deck. The project further includes the combining of three lots (Lots 2, 3, and 4) into one lot. The subject development crosses two lots (Lots 3 and 4) and is proposed in association with development on an adjacent third lot (Lot 2) to the north consisting of an existing, two-story 1,367 sq. ft. residence and 396 sq. ft. detached garage.

The applicants submitted a GSA calculation for the two subject lots (Lots 3 and 4). Staff reviewed the calculation and found a minor error in the calculation, underestimating the area (A). The applicants' GSA calculation resulted in a total allowed development potential of 2,189 sq. ft., whereas staff's recalculation resulted in 2,291 sq. ft. Therefore, the correct GSA for structural development for the two subject lots is 2,291 sq. ft. Since the existing residence is on a separate parcel, and the applicants chose to limit the unit of analysis to the two parcels on which construction would occur, the residence is not considered for the purposes of calculating the GSA for the two subject lots. However, there is a 96 sq. ft. unpermitted storage shed with deck which is proposed to be permitted under this coastal development permit. The proposed recreation accessory structure is a total of 1,182 square feet, not including the 520 sq. ft. attached garage. The Commission finds that the proposed total of 1,278 sq. ft. (1,182 sq. ft. + 96 sq. ft.) of habitable structural area on the subject property is less than the maximum 2,291 sq. ft. allowable under the GSA calculation. Therefore, this calculation confirms that the proposed structural development on the two lots is in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP.

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

For all these reasons, and as these lots are within a small lot subdivision, further structures, additions or improvements, including the conversion of garage to habitable space, the addition of an interior stairway from the first floor garage to the second floor recreation room, conversion of the recreation room to a residence, and clearing of vegetation, or grading on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, finds it

necessary to impose a future improvements restriction on the resultant combined parcel, as noted in **Special Condition No. 6**, which would require that any future structures, additions or improvements to the property, beyond those approved in this permit, including additions or improvements to the residence, the conversion of garage space to habitable space, or addition of an interior stairway from the first floor garage to the second floor recreation room, 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 garage and second floor recreation room is proposed to be built across both lots (APN Nos. 4447-012-013 and -014), and that the maximum allowable gross structural area was calculated considering the total area of both the lots as one. The Commission has long required that lots in small lot subdivisions that are aggregated for purposes of the GSA formula, as noted above, be required to be tied together and treated as a single parcel for the duration of the development authorized through that process. Such a combination was required in earlier permit decisions authorizing development of a residence on two lots in a small lot subdivision [CDP No. 4-05-167 (Gepner), CDP 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)]. In this case, the applicants are already proposing to combine the two parcels where the accessory structure will be located with the third parcel where the single family residence is located in order to create a single lot. To ensure adequate implementation of the lot tie as proposed by the applicants and to ensure that Lots 3 and 4 are permanently combined as required in conjunction with the use of the GSA formula, **Special Condition No. 9** is necessary to ensure that the lots are combined and held as such in the future.

Finally, **Special Condition No. 7** requires the applicants to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property in order to provide any prospective purchaser of the site with recorded notice of the restrictions imposed on the subject property.

The Commission therefore finds that the proposed project, only as conditioned, is 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 propose to construct a 27 foot high, two story accessory building consisting of a 557 sq. ft. two-car garage and 338 sq. ft. storage area on the first level, and an 851 sq. ft. recreation room on the second level, with 832 sq. ft. of upper-level deck, a driveway, retaining walls and vegetated terraces, exterior stairs, planter, approximately 654 cu. yds. of grading (508 cu. yds. cut, 146 cu. yds. fill), and they request after-the-fact approval of a 96 sq. ft. storage shed with attached deck. The project further includes the combining of three lots (Lots 2, 3, and 4) into one lot. The subject development crosses two lots (Lots 3 and 4) and is proposed in association with development on an adjacent third lot (Lot 2) to the north consisting of an existing, two-story 1,367 sq. ft. residence and 396 sq. ft. detached garage.

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, both of which reduce the penetration of sunlight needed by aquatic vegetation, which provides 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 to accommodate (infiltrate, filter or treat) the runoff from the more frequent storms, rather than for the largest 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 American Society of Civil Engineers (ASCE) and the Water Environment Federation (WEF) have recommended a numerical BMP design standard for storm water that is derived from a mathematical equation to maximize treatment of runoff volume for water quality based on rainfall/runoff statistics and which is economically sound.<sup>1</sup> The maximized treatment volume is cut-off at the point of diminishing returns for rainfall/runoff frequency. On the basis of this formula and rainfall/runoff statistics, the point of diminishing returns for treatment control is the 85th percentile storm event. 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 development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water quality and marine resource protection policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. 2** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan is consistent with Section 30231 of the Coastal Act.

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<sup>1</sup> *Urban Runoff Quality Management, WEF Manual of Practice No. 23, ASCE manual and Report on Engineering Practice No. 87.* WEF, Alexandria, VA; ASCE, Reston, VA. 259 pp (1998); Urbonas, Guo, and Tucker, "Optimization of Stormwater Quality Capture Volume," in *Urban Stormwater Quality Enhancement - Source Control, Retrofitting, and Combined Sewer Technology, Proceedings of an Engineering Foundation Conference*, Harry C. Torno, ed. October 1989. New York: ASCE, pp. 94-110.

## F. VIOLATIONS

A 96 sq. ft. storage shed with a deck was constructed on the subject site without the required coastal development permit. The applicants are requesting after-the-fact approval for this unpermitted development as part of this pending application. To ensure that this violation is resolved consistent with the proposed project, **Special Condition 10** requires that the applicants satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 180 days of Commission action and **Special Condition 11** requires the applicants to submit as-built project plans for the storage shed.

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

## G. 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).*

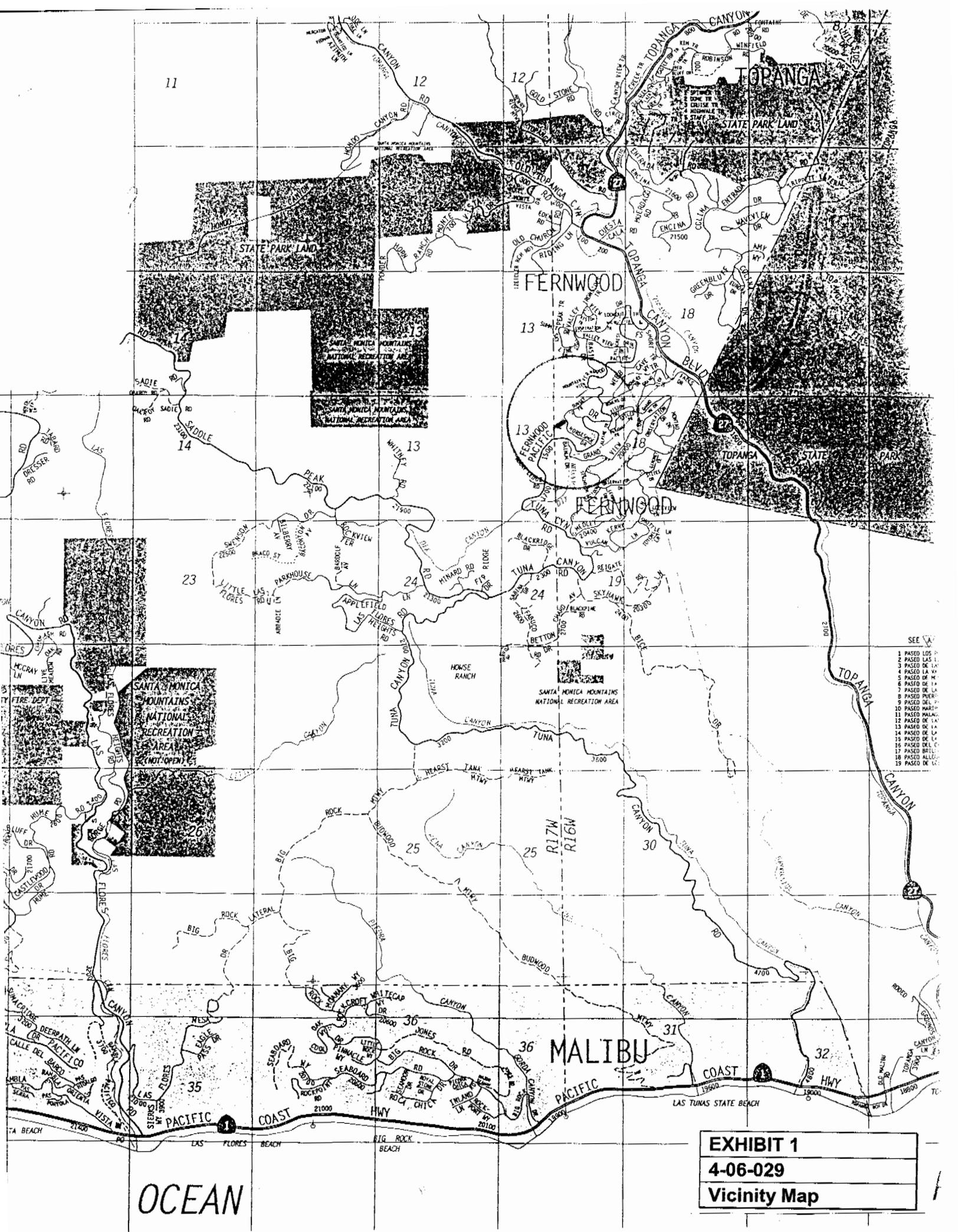
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with Chapter 3 policies of the Coastal Act. The preceding 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 applicants. 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).

## H. 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 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 above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. 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.

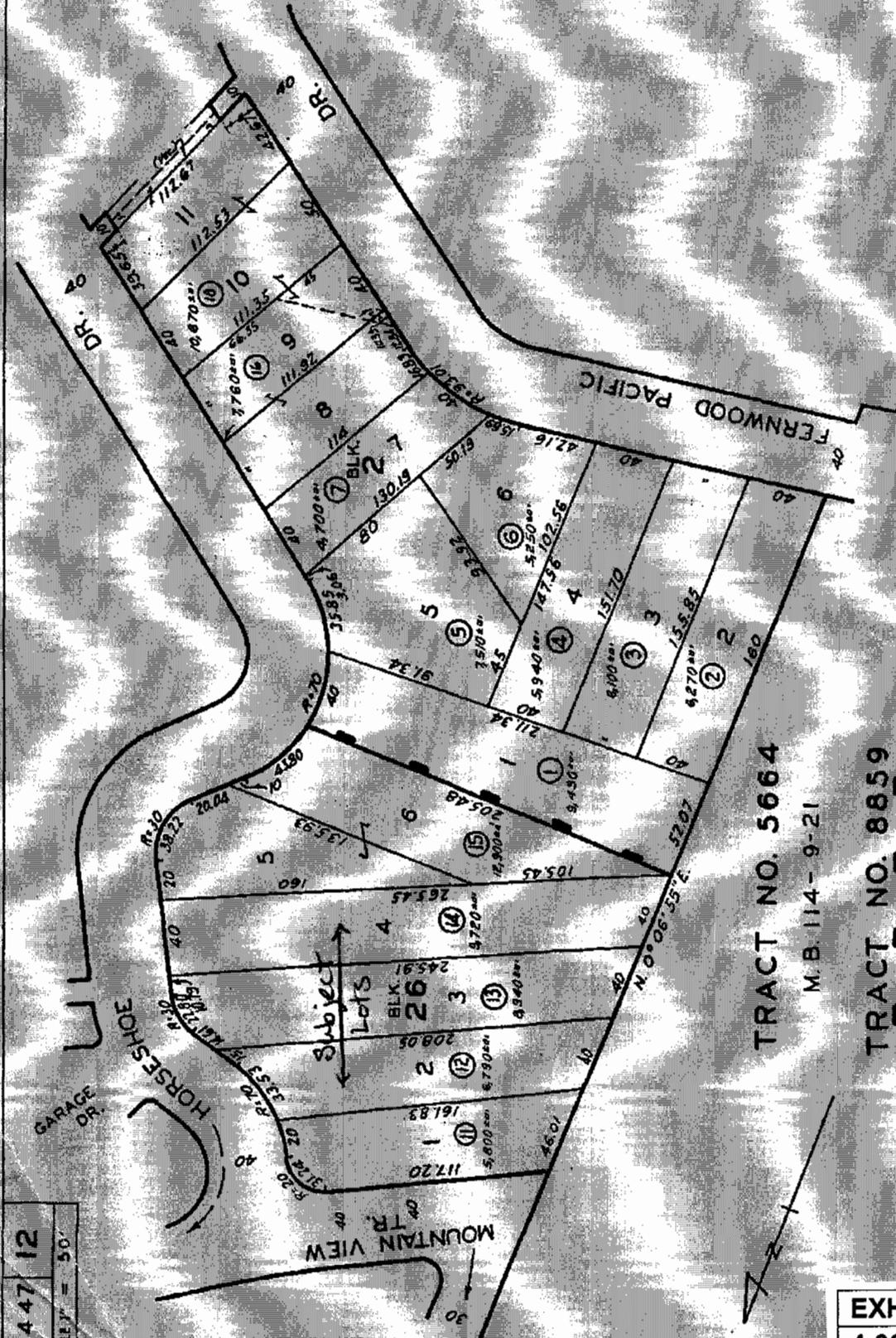


- SEE
- 1 PASO LOS P
  - 2 PASO LAS P
  - 3 PASO DE LA
  - 4 PASO LA M
  - 5 PASO DE M
  - 6 PASO DE L
  - 7 PASO DE LA
  - 8 PASO PAS
  - 9 PASO DEL P
  - 10 PASO MAR
  - 11 PASO MAL
  - 12 PASO DE L
  - 13 PASO DE LA
  - 14 PASO DE L
  - 15 PASO DE L
  - 16 PASO DEL C
  - 17 PASO DEL
  - 18 PASO ALLE
  - 19 PASO DE L

**EXHIBIT 1**  
**4-06-029**  
**Vicinity Map**

Revised  
12/12/82  
CAG:JLB  
631129  
60095210  
7889565

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.



444712  
SCALE 1" = 50'

TRACT NO. 5664  
M.B. 114-9-21  
TRACT NO. 8859  
M.B. 126-1-13

EXHIBIT 2  
4-06-029  
Parcel Map

OR PREV. ASSMT. SEE: 4447-12



**Gepner & Associates,  
ARCHITECTS, INC.**  
22231 Mulholland Highway - Suite 113  
Culver City, California - 91302  
Tel: 310-206-1200 Fax: 310-206-7070  
www.gepnerarchitects.com

Sheet Title

**SITE PLAN  
PROJECT DATA**

Job Name

**HANSON  
ACCESSORY BLDG.  
18169 HORSESHOE DR  
TOPANCA, CA 92790**

Copyright

THIS DOCUMENT IS THE PROPERTY OF GEPNER & ASSOCIATES, ARCHITECTS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GEPNER & ASSOCIATES, ARCHITECTS, INC.

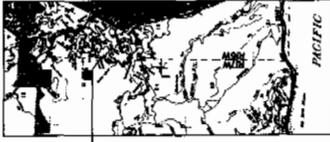
Date-Revis.

3-2-06

Sheet

A.1  
of

VICINITY MAP  
TOPANCA GUIDE FIG. 078  
GRID A.1



PROJECT  
SITE

**PROJECT DATA**

OWNER: DOUG & MELANIE HANSON  
18169 HORSESHOE DRIVE  
TOPANCA, CALIFORNIA 92790  
310-485-1841

APN: 4441-070-001  
4441-070-003  
4441-070-004

LEGAL DESCRIPTION:  
LOTS 3, 3.1, 3.2, 3.3, 3.4, BLOCK 28, TRACT NO. 18464  
RECORDED IN BOOK 14, PAGE 21 OF MAPS,  
IN THE OFFICE OF THE COUNTY RECORDER,  
COUNTY OF LOS ANGELES

COMPLIANCE: TYPE V - FIRE ZONE 4 COMPLIANT

SCOPE OF WORK:  
• 2 STORY ACCESSORY STRUCTURE  
(REC RT OVER 2 CAR GARAGE/STORAGE)  
• RETAINING WALLS  
• UP-SLOPE TERRACE (RETRUCK)  
• PAVED DRIVEWAY  
(10 FT WIDE W/ 20% MAX SLOPE PROVIDED)• DRIVEWAY RETAINING WALLS / PLANTER

AREA BREAKDOWNS:

PROPOSED GARAGE	0.40 ac/L
PROPOSED RECREATION RT	1.92 ac/L
EXISTING RESIDENCE	1.173 ac/L
TOTAL AREA	3.50 ac/L
GRA ALLOWABLE (PER DPMREL)	3.19 @ 44%

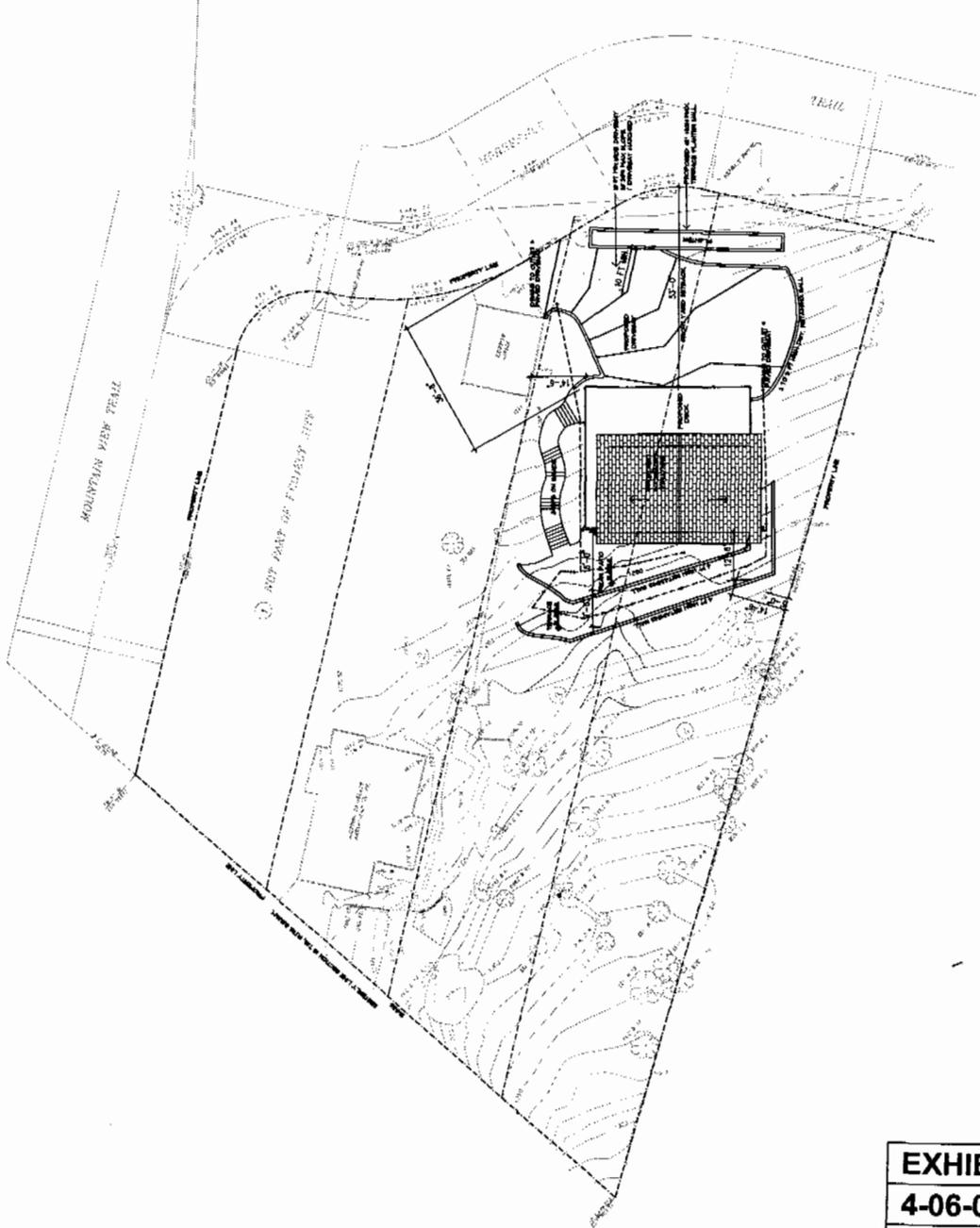
GRADING QUANTITIES:

BUILDING	CUT	278 cu yds.	FILL	0 cu yds.
DRIVEWAY	CUT	18 cu yds.	FILL	146 cu yds.
REAR TERRACES	CUT	22 cu yds.	FILL	0 cu yds.
TOTALS	CUT	342 cu yds.	FILL	146 cu yds.
TOTAL EXPORT		342 cu yds.		

PROJECT CONSULTANTS:  
GEOLOGIC LOGS ENGINEERING  
SUBSURFACE DESIGN INC.  
10717 FORT HILL BLVD.  
DULHAM, CA 95040

**SHEET INDEX**

- A1 SITE PLAN
- A2 PROJECT DATA
- A3 GARAGE - LOWER LEVEL PLAN
- REC RT - UPPER LEVEL PLAN
- A3 BUILDING ELEVATIONS



**SITE PLAN**  
SCALE: 1/8" = 1'-0"

**EXHIBIT 3**  
**4-06-029**  
**Site Plan**



Gary W. Gopnar & Associates,  
**A R C H I T E C T S, I N C.**  
 2231 Midland Highway - Suite 113  
 Colton, California - 91302  
 951-572-3846-3936 fax 951-572-3778  
 www.gopnararchitects.com

Sheet Title

FLOOR PLANS

Job Name

HANSON  
 ACCESSORY BLDG.  
 19165 HORSESHOE DR.  
 TOPANGA, CA 90730

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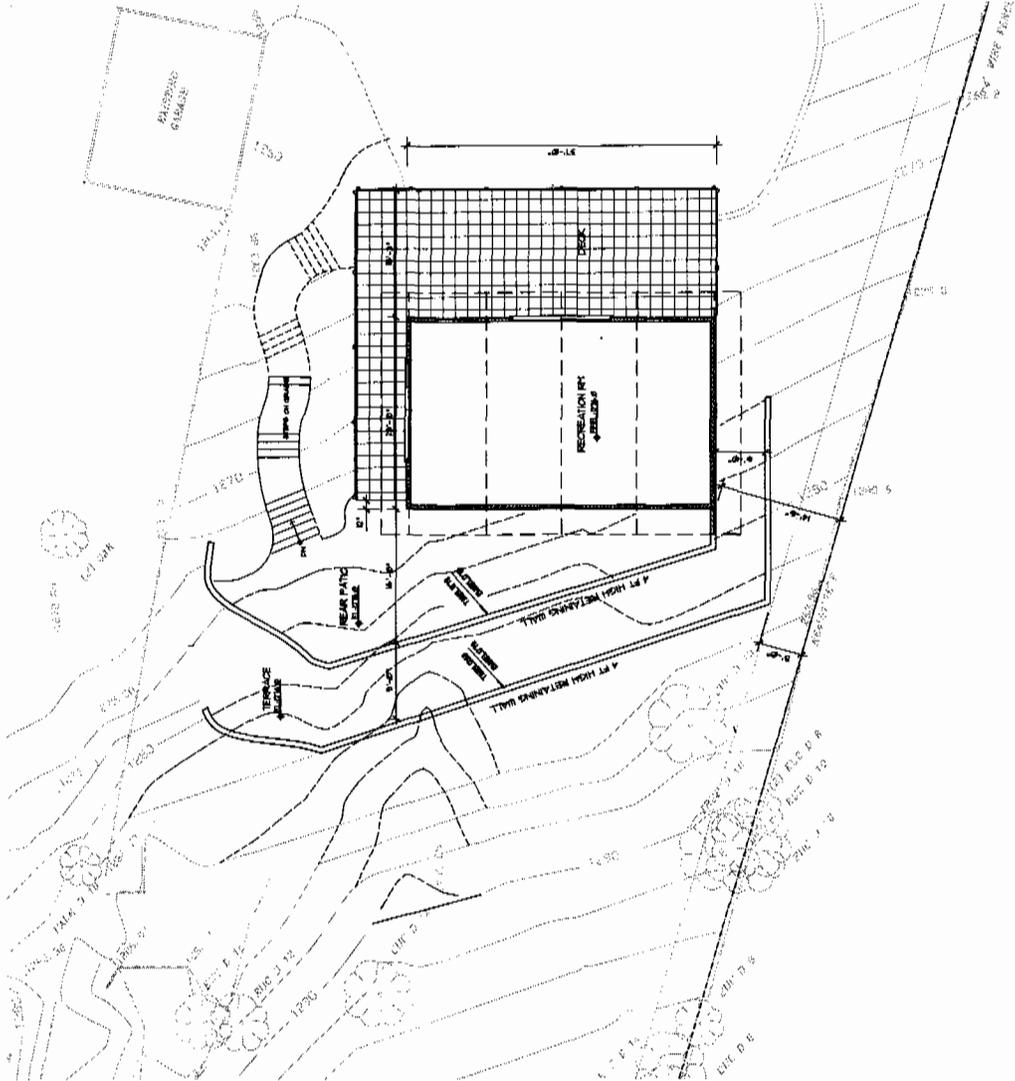
Date-Revis.

3-2-06

Sheet

A.2

of



UPPER FLOOR PLAN

SCALE: 1/8" = 1'-0"

**EXHIBIT 4**  
**4-06-029**  
**Floor Plans**



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**ARCHITECTS, INC.**  
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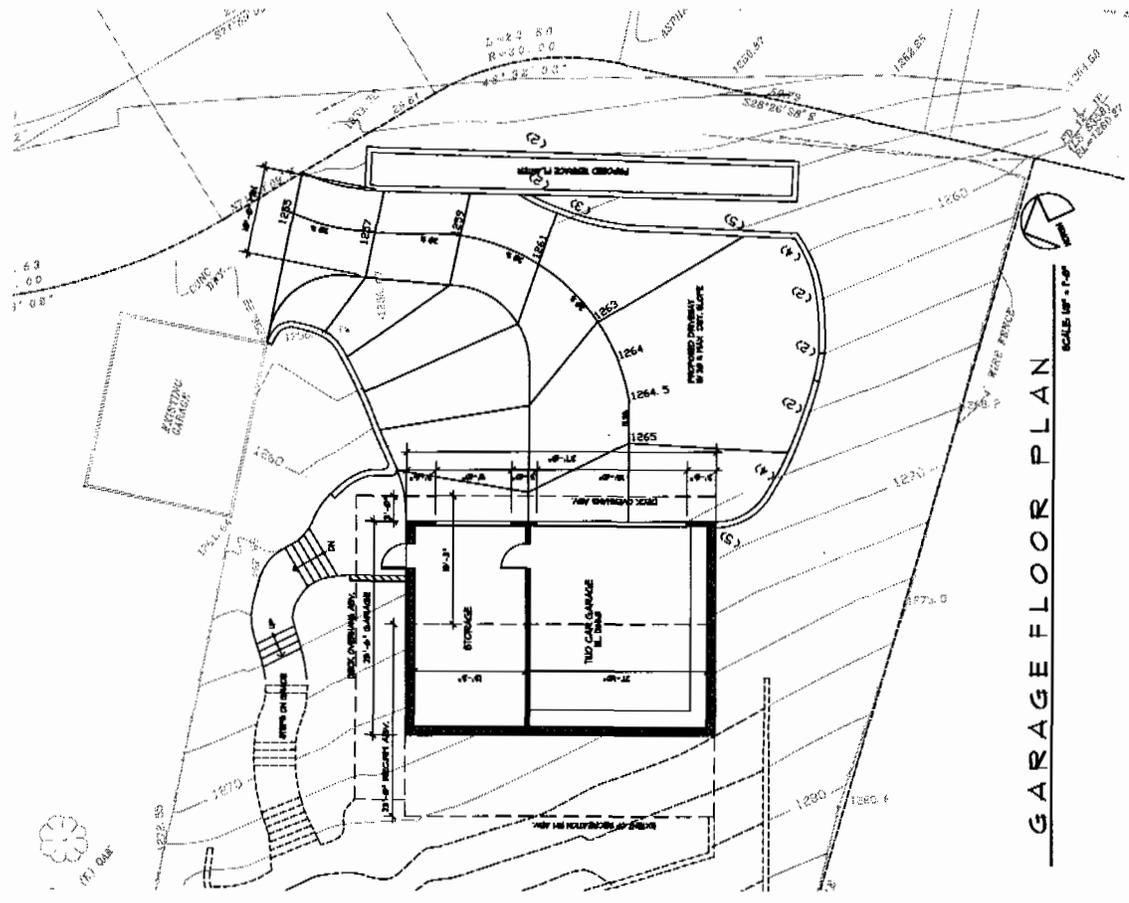
Sheet Title  
**FLOOR PLANS**

Job Name  
**HANSON**  
 ACCESSORY BLDG.  
 18165 HORSESHOE DR.  
 TOPANGA, CA. 91350

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 of **A.2.1**



**GARAGE FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



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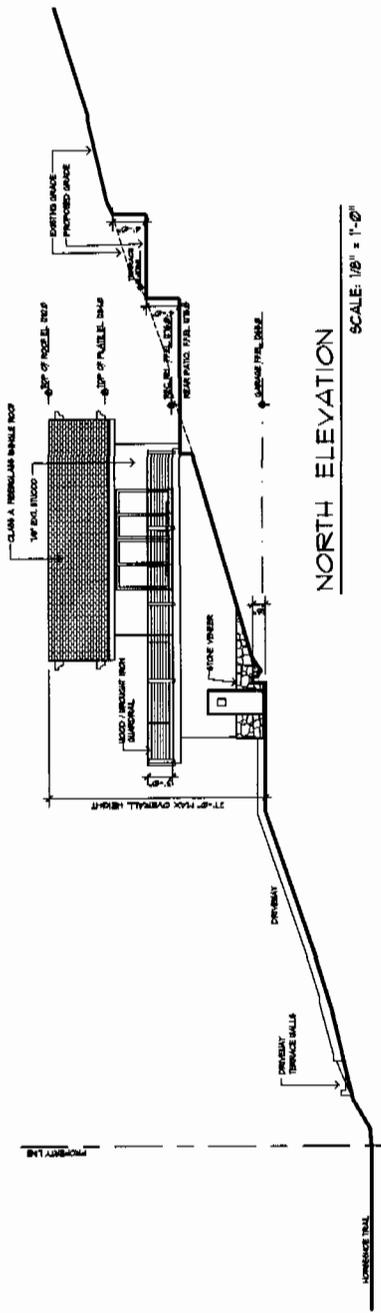
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**BUILDING ELEVATIONS**

Job Name  
**HANSON  
 ACCESSORY BLDG.  
 1916'S HORSESHOE DR.  
 TOPANGA, CA 90730**

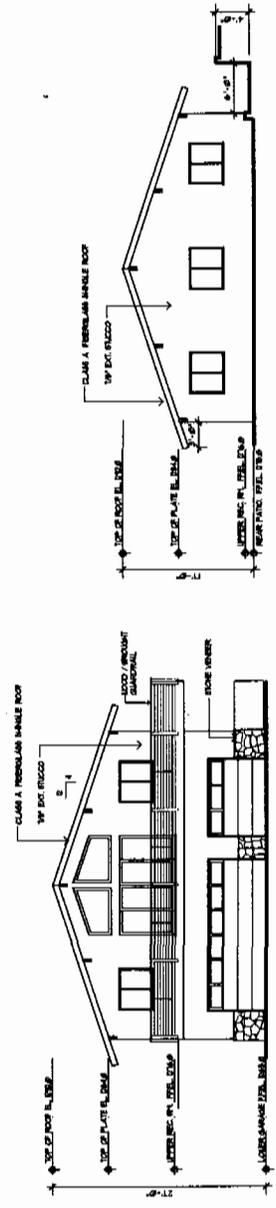
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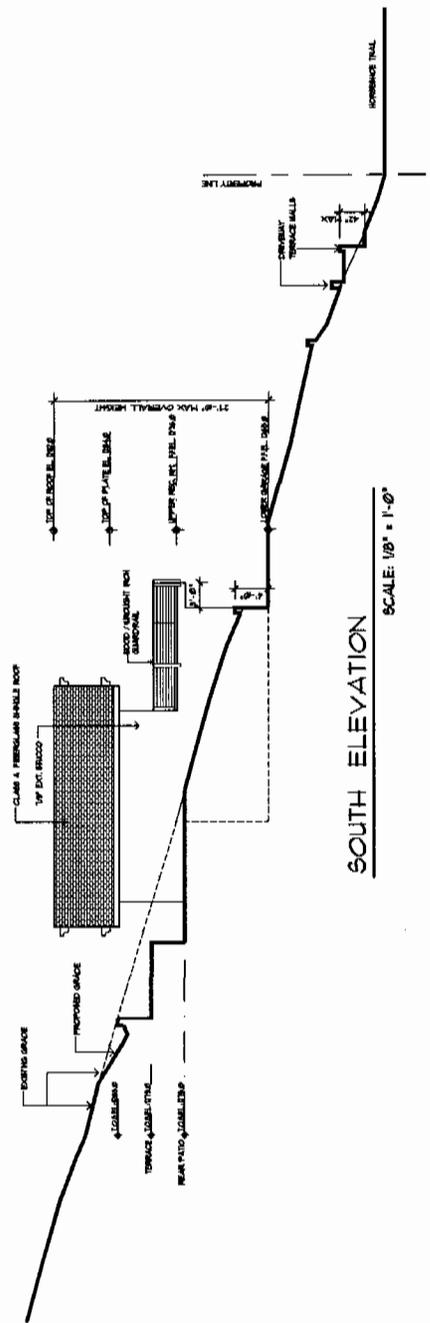


**NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**EXHIBIT 5**  
**4-06-029**  
**Elevations**