

Item TH 8d

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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Filed: 9/17/04
49th Day: 11/5/04
180th Day: 3/16/05
Staff: Carey
Staff Report: 2/1/05
Hearing Date: 2/16-18/05



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: 4-04-089

APPLICANT: California Department of Parks and Recreation

AGENT: Chris Peregrin, DPR

PROJECT LOCATION: Lower Topanga Canyon, near Topanga Canyon Boulevard and Pacific Coast Highway, Santa Monica Mountains, Los Angeles County

PROJECT DESCRIPTION: Demolition of up to 28 existing structures, in phases, the renovation of an existing commercial structure to be used as office/storage space, the construction of a hiking trail, and the placement of a comfort station and picnic tables for the use of the public in a state park.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Application 4-02-194-W, Application 4-03-21-W, Department of Fish and Game Streambed Alteration Agreement #R5-2003-0128

STAFF NOTE

This application was filed on September 17, 2004. Under the provisions of the Permit Streamlining Act, the application must be acted on by March 16, 2005. The March 2005 hearing is scheduled for March 16-18, 2005. Accordingly, the Commission must act on Application 4-04-089 at the February 2005 hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with three Special Conditions relating to biological monitoring, revegetation, and cultural resource monitoring. As conditioned, the proposed project will minimize impacts to environmentally sensitive habitat area, water quality, and cultural resources, consistent with Sections 30230, 30231, 30240 and 30244 of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

MOTION: *I move that the Commission approve Coastal Development Permit No 4-04-089 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMITS:

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. **Biological Monitoring.**

By acceptance of this permit, the applicant agrees to have a qualified biologist or resource specialist survey each site prior to any demolition, to flag the construction work area and to flag any sensitive tree or plant species to be avoided during all work. The applicant also agrees to have a qualified biologist or resource specialist on-site during all demolition activities to monitor the work and to ensure that sensitive biological resources are protected.

2. **Revegetation**

By acceptance of this permit, the applicant agrees to implement the plan to hydroseed all soils disturbed by the project with the native plant seed mix detailed on Sheet No. BMP-3 of the plans dated 6/11/04. The hydroseeding shall be carried out under the direction of qualified biologist or resource specialist. The revegetation areas shall be monitored for a two year period and supplemental seeding shall be implemented, as necessary to ensure the successful revegetation of the disturbed areas.

3. **Archaeological Resources**

By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all activities that involve grading, excavation or other subsurface work, including trail grading. The number of monitors shall be adequate to observe the activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) and Native American consultant(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist, and the native American consultant consistent with CEQA guidelines.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the demolition, in phases, of up to 28 existing structures that were constructed prior to the effective date of the Coastal Act, the renovation of an existing commercial structure to be used as office/storage space, the construction of a hiking trail, and the placement of a comfort station and picnic tables for the use of the public in a state park. The proposed project is located within the southern area of the Lower Topanga Canyon Acquisition area of Topanga State Park. The proposed project site is part of a 1,659-acre property adjacent to the southwest boundary of Topanga State Park that was acquired by the California Department of Parks and Recreation (DPR) in 2001. The septic systems associated with the structures will not be removed at this time, but will be addressed by DPR in a future restoration project.

The proposed demolition of the existing structures will be carried out in at least two (and possibly more) phases. Seven structures are currently vacant, have been tested for the presence of hazardous materials (including, but not limited to lead paint, asbestos), and the applicant has funding available to carry out the demolitions. (In appropriate cases, DPR provided financial relocation to tenants). Following are the addresses of the seven structures that will be removed in the first phase:

2813 Topanga Canyon Boulevard
3904 Topanga Canyon Lane
3908 Topanga Canyon Lane
3833 Topanga Canyon Lane
3861 Topanga Canyon Lane
3701 Rodeo Grounds Lane
18753 Pacific Coast Highway

The applicant is requesting a permit to remove another 21 structures although they will not be removed until a later date, at such time as they are vacant and have been tested for hazardous materials. Following is the list of these 21 structures:

3329/3340 Brookside Drive
3719 Rodeo Grounds Lane
3929 Rodeo Grounds Lane
3831 Topanga Canyon Boulevard
3903/3905 Topanga Canyon Boulevard
3703 Rodeo Grounds Lane
3712 Rodeo Grounds Lane
3715 Rodeo Grounds Lane
3715 Rodeo Grounds Lane (Same address but different structure as above)

3719 ½ Rodeo Grounds Lane
3729 Rodeo Grounds Lane
3727 Rodeo Grounds Lane
3964 Old Malibu Road
3968 Old Malibu Road
3983 Old Malibu Road
3991 Old Malibu Road
3839 Topanga Canyon Lane
18807 Pacific Coast Highway
18805 Pacific Coast Highway
18741 Pacific Coast Highway
3751 Topanga Canyon Boulevard

There are several other existing commercial structures on the project site that are to be retained at present.

The applicant states that a combination of heavy equipment and hand labor will be used to carry out the proposed demolitions and to remove debris. Existing roads will be used to transport equipment. An area approximately 20 feet around each structure will be subject to disturbance during demolition. As part of the project, the applicant proposes to have a biologist flag any native trees near each structure prior to demolition and to have a biologist monitor any demolition activities to ensure that native trees and other biological resources are not removed or damaged. All sediment and debris will be retained within the work area. The applicant proposes to install silt fencing on the downslope edge of the work area, and where slopes exceed 1:4, sandbags will be added five feet upslope of the silt fencing to retain all sediment on site as a water quality protection measure. All debris is proposed to be removed on a daily basis and no debris will be staged or stored on-site.

Exotic vegetation associated with the existing residences will be removed. After each structure has been demolished, foundations will be removed. Any depressions will be filled and each site will be leveled to ensure that hazardous ground irregularities are avoided. All of the disturbed areas will be hydroseeded with native plants after each demolition is complete.

The applicant proposes the use of metal plates across Topanga Creek to serve as a temporary crossing for equipment that will be used for the demolition of structures that are located to the west of the creek. There is currently no vehicular crossing to that area of the site. The existing structures that are located across Topanga Creek from Topanga Canyon Road are currently accessed by driving vehicles through the streambed. The metal plates are proposed to be placed across the creek in order to minimize erosion of the creek bed from the heavy equipment. The applicant estimates that the temporary crossing will be in place for a period of approximately 2 weeks. The crossing will only be placed in the dry season when the creek is not running and the plates are to be removed prior to any storms. The applicant has received a streambed

alteration agreement from the Department of Fish and Game for the placement of the metal plates.

The project includes the remodeling of an existing commercial structure at 18803 Pacific Coast Highway. The majority of the interior of the structure will be used for storage with an office space and a restroom. An entrance ramp is proposed to be added to provide ADA consistent access to the office.

The applicant also proposes to improve a trail, picnic area, and to place a comfort station (vault toilet) to allow public use of a small portion of the site. These proposed improvements are shown on Exhibits 3 and 4. The proposed comfort station will be placed in the existing parking lot in front of the Topanga Motel (within the State Park property) adjacent to Pacific Coast Highway. This existing parking lot will provide public parking. A trail will extend from the parking lot to the existing Topanga Canyon Lane. This road is proposed to be surfaced with decomposed granite and will be utilized to access the proposed picnic area. A hiking trail is proposed to extend from Topanga Canyon Lane up the western slope of a small knoll to an overlook area. The overlook will provide views of the mountains and the beach. The western portion of this slope is vegetated primarily with exotic vegetation probably associated with the residences that existed there (and have been previously demolished). The applicant proposes minimal grading to install this trail. The applicant has stated that there is an existing trail that is currently overgrown with vegetation across this slope. The proposed trail will not follow this existing trail for the full route as portions are too steep, but portions of the existing trail will be used.

B. Background

The Commission has previously considered two applications for development in this area. A De Minimus Waiver was approved in Application 4-02-194-W for the demolition of 19 vacant non-historic residential structures, removal of fences, miscellaneous site debris, and any hazardous material. This waiver also allowed for the renovation of a vacant residential structure. The project did not include any grading or vegetation clearance. As part of the project, the applicant proposed to have a biologist monitor the proposed demolitions.

A second De Minimus Waiver was approved in Application 4-03-021-W for the demolition of 27 vacant non-historic residential structures and 1 vacant non-historic structure, removal of fences, miscellaneous site debris, and any hazardous material, removal of exotic vegetation, minimal grading balanced on site to fill surface irregularities resulting from the demolition, and hydroseeding with native vegetation. The project included the fencing of native trees and monitoring of the site by a biologist to protect sensitive resources during demolition.

Although not specifically noted in the project descriptions of the approved de minimus waivers, State Parks had a qualified archaeologist monitor all subsurface work on each demolition in order to protect cultural resources. The applicant has submitted a report

titled "Archaeological Monitoring Report for Building Demolitions at Lower Topanga Canyon", dated July 2003, prepared by Sarah Jenkins, Department of Parks and Recreation.

This report details the demolition of 29 residences that occurred in two phases in April and July 2003. Each site was monitored by a State Parks Archaeologist. Each structure was torn down and the debris removed from the site. Then the foundation, if any, was removed. The report states that:

Once the debris had been removed, the foundation of the main structure and any other associated structures with foundations were removed. Most of the foundations consisted of concrete measuring about 1 to 3 feet in thickness. Excavations for foundation removal and other imbedded structural removal did not exceed 5 feet in depth.

The reports notes that several of the residences did not have any foundation. Two subsurface structures were found near several residences on Topanga Canyon Lane. These structures were identified as possible cisterns dating from approximately the 1920s to the 1950s. According to the archaeological monitoring report, no cultural resources were found in the course of the structure removals. The report concludes that:

As mandated in the CEQA documents for the project, a qualified State Parks Archaeologist monitored demolition of all the houses. No significant cultural material was observed during the monitoring process. The features found on Topanga Canyon Lane [cisterns] may be historic but additional study is needed to determine their date of construction and period of use. It was determined that they were a public safety hazard so the structures were filled with soil. Both areas that were considered sensitive did not produce any significant cultural materials. It was determined that most of the area around the residences has been heavily impacted. This is probably due to impacts occurring during construction of the residences and associated structures. Even though this area has been impacted the potential for buried prehistoric sites is still present. A qualified State Parks Archaeologist should be required to monitor any subsurface activity in this area.

DPR staff anticipate developing a detailed plan for habitat restoration for Topanga Creek and the Lower Topanga Canyon area in the future.

C. Comments Received

Staff has received a letter (Exhibit 7 contains the letter and its attachments), dated January 6, 2005, from John Tommy Rosas representing the Tongva Ancestral Territorial Tribal Nation regarding the removal of structures by the Department of Parks and Recreation in the Lower Topanga Canyon area. While this letter is not specifically related to the subject proposed project, it addresses previous approved projects for similar demolitions of structures. This letter states that the Tongva Ancestral Territorial Tribal Nation has objections to illegal activities in the Lower Topanga Canyon area. The letter states that:

These illegal activities include but are not limited to the removal of a special community and the demolition and conversion of affordable housing for low to moderate income families in the Coastal Zone, in violation to CEQA, Coastal Act, Mello Act, Ellis Act, CZMA, AIRFA, NHPA, and International Treaty(s), covenants, resolutions with the United Nations. All of these violations are occurring on a State Registered Sacred Site, this is unacceptable and illegal, it also finalizes the exclusive coastal residences to be of high income families or state employees.

The letter objects to the Commission's approval of two de minimus waivers for demolition of existing structures on the site. Several attachments to the letter relate to protection of special communities within the requirements of Section 30253(5) of the Coastal Act (as addressed in Coastal Development Permit Application 3-02-008 in City of Carmel-by-the-Sea), affordable housing, and the Mello Act.

Staff would note that these de minimus waivers, described above, were approved in November 2002 and April 2003. The work authorized therein was completed in two phases, in April 2003 and July 2003. So, the waivers were approved and the work completed before the area was recorded in the Sacred Lands File of the Native American Heritage Commission (discussed in greater detail in Section E below). Based on information provided by the applicant and available at the time, staff believes that Waivers 4-02-194W and 4-03-021W were properly issued.

With regard to the protection of special communities, Section 30253 of the Coastal Act states, in part, that:

New development shall:

...(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Staff notes that this Coastal Act policy would not be applicable to the project site in question. The structures that are proposed to be removed on the subject site are primarily private residences located on private streets. As such, this area would not be considered a "popular visitor destination point for recreational uses".

Staff notes that authority for the protection or provision of affordable housing was removed from the Coastal Act in 1981. Section 30607.2 and Section 30614 of the Coastal Act address the amendment, modification, and enforcement of coastal development permit conditions relating to affordable housing that were required during the period from the effective date of the Coastal Act to 1981. There are no such conditions applicable to this site. Finally, with regard to the Mello Act (Section 65590 of the Government Code), which addresses affordable housing within the coastal zone, is applicable to local governments with jurisdiction over areas within the coastal zone only. Mr. Rosas' concerns regarding impacts to a registered Sacred Site are discussed below in Section E.

D. Environmentally Sensitive Habitat and Water Quality

Section 30231 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.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

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

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

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

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Monica Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation.

Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area¹. Four types of riparian communities are discernable in the Santa Monica Mountains area: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Malibu and Santa Monica Mountains area. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form a central connecting link between all the habitats in the Malibu area. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost³. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."⁴ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that

¹ Ibid.

² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

³ Faber, P.A., E, Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

⁴ Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, and because of the historical losses and current rarity of these habitats in southern California, the Commission has consistently considered riparian woodlands to meet the definition of environmentally sensitive habitat area.

Topanga Creek crosses the proposed project site. Topanga Creek is a U.S.G.S. designated blue-line stream and supports a well-developed riparian woodland which constitutes ESHA. The 1986 certified Malibu/Santa Monica Mountains Land Use Plan designates Topanga Creek and its associated riparian habitat as ESHA.

The Commission has consistently, through permit actions, required new structures to be sited and designed to minimize impacts to ESHA. Only resource dependent uses may be allowed within ESHA and development adjacent to ESHA must provide adequate buffers to serve as transitional habitat, to provide distance and separation from human intrusion. The Commission has required a buffer of a minimum of 100 feet between new structures and riparian woodland ESHA. In this case, the proposed project does not include the construction of any new structures. The location of most of the structures that are proposed to be demolished is over 100 feet from Topanga Creek. However, at least three structures are closer than 100 feet to the creek. One, at 2813 Topanga Canyon Boulevard, is approximately 60 feet from the creek and the limits of the work area will extend to within 40 feet of the creek. The limits of work for two other structures (3904 and 3908 Topanga Canyon Lane) will be approximately 75 feet from Topanga Creek.

As described above, a combination of heavy equipment and hand labor will be used to carry out the proposed demolitions and to remove debris. Existing roads will be used to transport equipment. An area approximately 20 feet around each structure will be subject to disturbance during demolition. As part of the project, the applicant proposes to have a biologist flag any native trees near each structure prior to demolition and to have a biologist monitor any demolition activities to ensure that native trees and other biological resources are not removed or damaged. All sediment and debris will be retained within the work area. The applicant proposes to install silt fencing on the downslope edge of the work area, and where slopes exceed 1:4, sandbags will be added five feet upslope of the silt fencing to retain all sediment on site as a water quality protection measure.

The proposed demolition work will take place in areas that have obviously been disturbed over the years, both by the construction and maintenance of the existing structures, fuel modification and exotic landscaping, as well as the associated human use of each area. As such, the developed areas would not be considered ESHA. The removal of structures and associated exotic vegetation and hydroseeding with native plants will increase natural habitat. State Parks plans to implement a more

comprehensive habitat restoration project in the future. Nonetheless, these areas are near the riparian ESHA of Topanga Creek and the potential exists for impacts to riparian vegetation and to the water quality of the creek, particularly from erosion of sediment from each site. With the applicant's proposed measures to flag sensitive trees and plants, delineate the work area for each demolition site, to have a biologist monitor all work, and to employ BMPs to retain sediment on site to protect water quality, impacts to the riparian ESHA of Topanga Creek will be minimized. Special Condition No. 1 requires the applicant to implement these measures at the time each phase of the demolitions are carried out. As conditioned, the project is consistent with the resource protection policies of the Coastal Act.

Additionally, the applicant proposes the use of metal plates across Topanga Creek to serve as a temporary crossing for equipment that will be used for the demolition of structures that are located to the west of the creek. There is currently no bridge or permanent vehicular crossing to that area of the site. The existing structures that are located across Topanga Creek from Topanga Canyon Road are currently accessed by driving vehicles down the streambank on either side and through the streambed. The metal plates are proposed to be placed across the creek in order to minimize erosion of the creek bed from the heavy equipment. The applicant estimates that the temporary crossing will be in place for a period of approximately 2 weeks. The crossing will only be placed in the dry season when the creek is not running and the plates are to be removed prior to any storms. The Commission has consistently required road crossings of streams to be accomplished through bridging, where feasible. In this case, the proposed crossing will be located across an area previously disturbed by its use as a crossing for the existing residences. As such, no removal of riparian vegetation will be necessary. Additionally, the crossing will only be placed when the stream is not running in the dry season for a short temporary duration of time and will be removed. Construction of a bridge in this area to provide access for such a short period of time would have much greater impacts. As such, the impacts from the crossing will be minimized.

As described above, a hiking trail is proposed to extend from Topanga Canyon Lane up the western slope of a small knoll to an overlook area. The overlook will provide views of the mountains and the beach. The western portion of this slope is vegetated primarily with exotic vegetation probably as a result of past fuel modification and landscaping associated with the residences that existed at the base of the slope (and have been previously demolished). As such, this slope would not be considered to be ESHA. Exhibit 9 contains an airphoto showing the knoll from the ocean side as well as a photograph of the slope up the knoll, as seen from Topanga Canyon Lane below. The Commission has found that trails provide important public access and recreation opportunities to and through natural areas. The Commission has also found that trails can be considered a "resource dependent use" which can be allowed even within ESHA areas, if impacts are minimized. In this case, the proposed trail would transverse a slope that has been disturbed by fuel modification activities and the introduction of exotic plant species. The applicant proposes minimal grading to install this trail. The applicant has stated that there is an existing trail that is currently overgrown with

vegetation across this slope. The proposed trail will not follow this existing trail for the full route as portions are too steep, but portions of the existing trail will be used. Given the design and location of the proposed trail, the Commission finds that the trail will minimize impacts to sensitive resources.

The Commission has determined that in conjunction with siting new development and incorporating BMPs and other mitigation measures to minimize impacts to ESHA, additional actions can be taken to minimize adverse impacts to ESHA. The Commission finds that the use of non-native and/or invasive plant species for landscaping or revegetation results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping or revegetation result from the direct occupation or displacement of native plant communities by development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. In this case, the applicant proposes to remove exotic vegetation associated with and in close proximity to the structures that are proposed to be demolished. No large scale habitat restoration is proposed at this time. Rather, the applicant proposes to hydroseed the bare dirt areas remaining after demolition with a seed mix containing native plants including the following:

- Ambrosia psilostachya
- Eriogonum cinereum
- Leymus condensatus
- Lotus scoparius
- Lupinus bicolor
- Lupinus succulentus
- Plantago erecta
- Trifolium gracilentum
- Trifolium willdenovii
- Verbena lasiostachys

These species are identified as native to the area in the Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, Native Plant Society, 1994, or in Flowering Plants, The Santa Monica Mountains, Coastal & Chaparral Regions of Southern California, Nancy Dale, 2000. Special Condition No. 2 requires the applicant to implement the plan to hydroseed all soils disturbed by the proposed project. This condition is necessary to ensure that these areas are revegetated to minimize erosion and sedimentation to Topanga Creek.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned to have a biologist monitor the demolitions and to implement a revegetation plan, will minimize impacts to ESHA and water quality, consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Archaeological Resources

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains which contains one of the most significant concentrations of archaeological sites in southern California. The Coastal Act requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

In this case, a portion of a recorded archaeological site, CA-LAN-133, is located on the subject site. The applicant carried out a records search and resource survey of the Lower Topanga area in 2001. Their findings are summarized in the "Archaeological Monitoring Report for Building Demolitions at Lower Topanga Canyon", dated July 2003, prepared by Sarah Jenkins, Department of Parks and Recreation. The report states that:

CA-LAN-133 was recorded in 1905 by Sophie Baylor, as a shell midden located near the mouth of Topanga Canyon. Baylor found shell beads, abalone "spangles", long beads, and effigy flint projectile points at this site. As noted by King (2000a:56), and informant of John P. Harrington reported a cemetery with whalebone markers near the mouth of the canyon close to the beach. During the 2001 survey a local resident informed Mealey that there was a burial ground existing in an area now called the "Rodeo Grounds" (Shabel and Mealey 2001).

In 1977, P. Barclay, a DPR Archaeologist, visited the location of CA-LAN-133, finding no evidence of the site Barclay declared it completely destroyed. However, some shell midden was reported near the present day Topanga Ranch Motel, in the 1980s (Shabel and Mealey 2001).

Even after the 2001 survey by California State Parks, CA-LAN-133 has not been re-located. It has been proposed that the site may lie beneath several feet of alluvium

deposits and many feet of fill brought in during the construction of the Pacific Coast Highway and the surrounding buildings. A local resident and "amateur archaeologist" estimated that the site is buried under 12 feet of fill in the area of the Topanga Ranch Motel. His estimation is based on observations of artifacts such as effigies, shell fragments, steatite beads, and projectile points reportedly unearthed during construction activities near the Motel (Shabel and Mealey 2001).

Additionally, subsequent to State Parks record search, Lower Topanga was recorded in the Sacred Lands File of the Native American Heritage Commission. Staff spoke with Rob Wood of the Native American Heritage Commission regarding the project site area. He stated that a site had been recorded by John Tommy Rosas with the sacred lands files of the Native American Heritage Commission for the Lower Topanga area in June 2004. He also stated that the Native American Heritage Commission does not maintain or provide to the public specific information on the exact location of such sites.

Mr. Wood detailed the process by which sites are recorded in the sacred lands file. He stated that Native American representatives submit background information regarding a proposed site and that this information is evaluated by the Native American Heritage Commission and a determination is made whether to record the site in the Sacred Lands File. The background information is considered confidential and is not disclosed to the public. No public hearings or other public process or notification is included.

According to Mr. Wood, when contacted by a property owner or project proponent about a specific site or area, the Native American Heritage Commission will indicate whether there is a site recorded in the sacred lands file, the name and contact information for the site recorder and request that the proponent consult with the site recorder and other applicable Native American representatives regarding potential impacts of any proposed project and available mitigation measures. A copy of this report has been provided to the staff of the Native American Heritage Commission for their review and comment.

The applicant has stated that Department of Parks and Recreation staff has met with Mr. Rosas (the site recorder) regarding the proposed demolitions and trail improvements with respect to potential impacts and mitigation measures. Mr. Rosas expressed concern about the depth of excavation associated with the demolitions, the grading for the proposed trail, and potential impacts to cultural resources. DPR staff indicated that Mr. Rosas also requested the use of a Native American monitor to observe such development. The applicant has stated a willingness to have a Native American monitor on site along with an archaeologist to observe the work and to protect cultural resources. Exhibit 6 is a letter from Jim Newland of DPR detailing this meeting with Mr. Rosas.

Mr. Rosas has also submitted a letter addressing demolition of structures on the project site and objecting to the earlier issuance of de minimus waivers for the earlier demolitions (discussed in greater detail above). Mr. Rosas has expressed his concern with the impacts of the project and the consultation process, but he has not indicated mitigation measures that are necessary or that to avoid impacts to cultural resources, the structures may not be demolished.

With regard to the potential impacts of the proposed project on cultural resources in the area, the proposed demolition work will take place in areas that have obviously been disturbed over the years, both by the construction and maintenance of the existing structures, as well as the associated human use of each area. The only work proposed is the demolition of each structure, removal of debris, and the removal of subsurface foundations, if any. The proposed work will take place within the footprint and at the approximate depth that has been previously disturbed by the construction and maintenance of the structure itself. As such, the work should not uncover or dislodge any cultural resources that are present. Additionally, as described above, State Parks archaeologists monitored all of the demolitions that were completed in 2003 and concluded that: "No significant cultural material was observed during the monitoring process".

Nonetheless, the proposed work areas are located on a site where an archaeological resource site (CA-LAN-133) has been identified and recorded. Additionally, the area has been recorded in the Sacred Lands File of the Native American Heritage Commission. As such, the potential exists for the proposed project to impact cultural resources. Additionally, as described above, although portions of the proposed trail currently exist, it will not follow the existing trail on the slope for the full route as portions are too steep. Therefore, portions of the proposed trail will be located on undisturbed areas of the slope where cultural resources could be located. As such, the Commission finds that potential adverse effects may occur to those resources as a result of the proposed development and that; therefore, reasonable mitigation measures should be required pursuant to Section 30244 of the Coastal Act.

In past permit actions regarding development on sites containing potential cultural resources the Commission has required that a qualified archaeologist and appropriate Native American consultant be present on-site during all grading, excavation, and site preparation that involve earth moving operations in order to ensure that adverse effects to archaeological resources are minimized during operations that involve earth moving or subsurface activities. Special Condition No. 3 requires the applicant to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation or other subsurface work, including trail grading in order to monitor these activities. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the applicant's archaeologist, and the Native American consultant consistent with California Environmental Quality Act (CEQA) guidelines. The Commission finds that the proposed development, as conditioned, will minimize impacts to cultural resources and includes appropriate mitigation measures, consistent with Section 30244 of the Coastal Act.

In a conversation with Commission staff on February 1, 2005, Mr. Rosas asserted that Senate Bill 18 enacted in 2004 ("SB 18"), and addressing traditional tribal cultural places, required Commission staff to formally consult with him regarding potential impacts of this project before preparation of the staff report and recommendation.

During that conversation, Commission staff offered to meet with Mr. Rosas to discuss the project, but he declined. AB 18 requires consultation with Native American tribes before adoption of, or significant amendments to, a city or county's general plan or designation of land as open space, to consider the tribes' concerns and seek agreement relating to Native American places, features and objects. The bill does not impose any consultation requirements on state agencies, including the Coastal Commission. In addition, the consultation requirements of AB 18 do not apply to an agency's action on an application for a development permit.

Nevertheless, as noted above, Mr. Rosas has met with staff of the Department of Parks, the property owner and project proponent, and expressed his concerns about the project. In addition, as required by Section 30244 of the Coastal Act, the Commission has determined that the project, as conditioned to require the use of a qualified archeologist and Native American monitor during project construction, will not adversely impact archeological or paleontological resources. Moreover, as required by Section 30244, Special Condition 3 requires reasonable mitigation measures in the event that any such resources are found during project construction.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

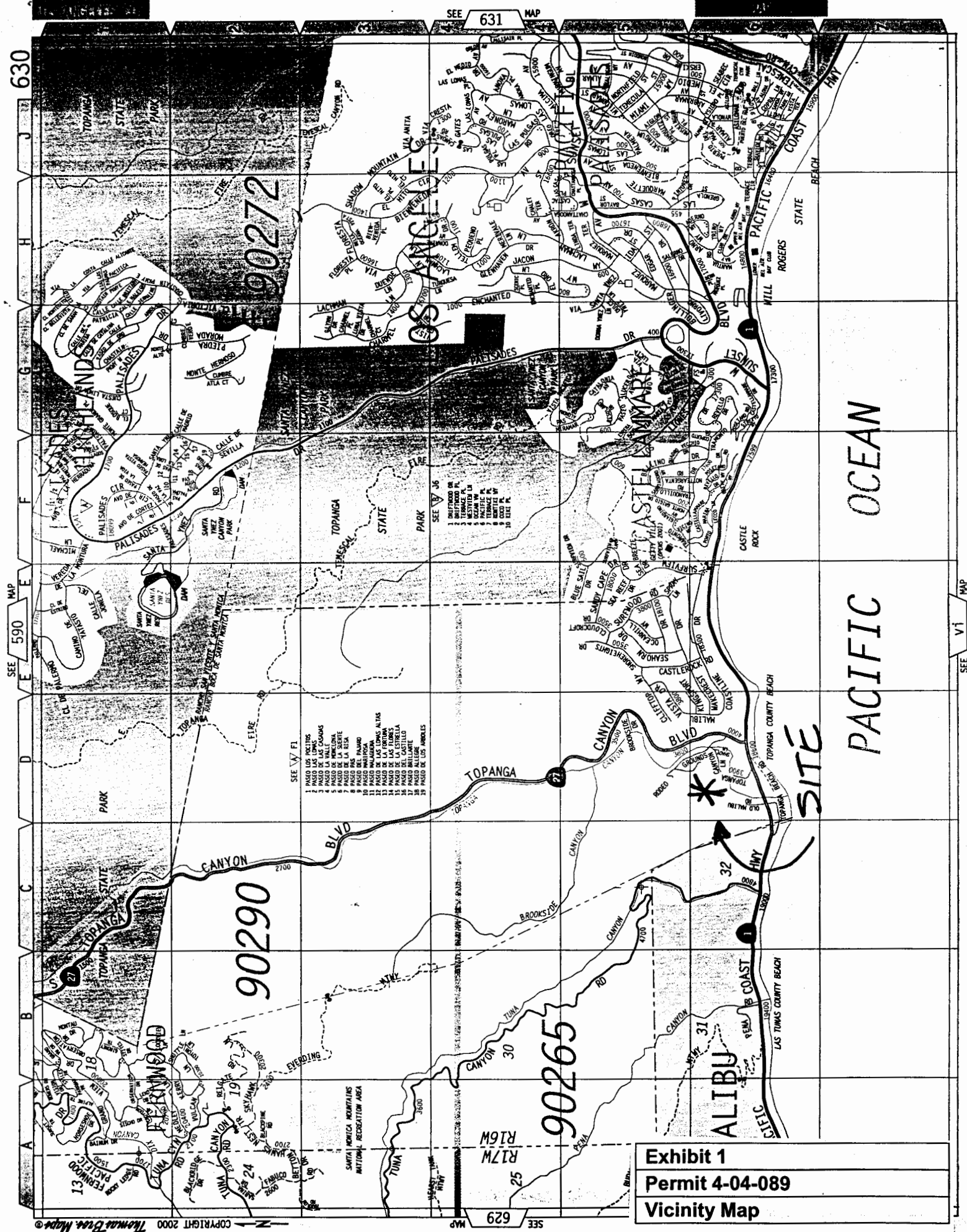
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project 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).

G. CEQA

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

The Commission finds that the proposed projects, as conditioned, will not have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



ABATEMENT AND DEMOLITION NOTES

1) CONTRACTOR SHALL VISIT THE SITE WITH THE STATE REPRESENTATIVE PRIOR TO ABATEMENT AND DEMOLITION TO VERIFY 'LIMIT OF WORK' AREAS AND TO VERIFY ALL STRUCTURES TO BE DEMOLISHED AND REMOVED. THE 'LIMIT OF WORK' AREA SHALL BE EQUAL TO A 25' OFFSET MAXIMUM AROUND THE STRUCTURES TO BE DEMOLISHED, WHICH SHALL INCLUDE ALL ITEMS SUCH AS BUILDING STRUCTURES, CONCRETE PIERS, FOUNDATIONS, FENCES, STAIRS, STORAGE BUILDINGS, WALLS, WALKWAY/PATHWAYS, AC PAVING, FOOTINGS AND FOUNDATION, AND LANDSCAPING, UNLESS OTHERWISE DIRECTED. SUBSURFACE DISTURBANCE SHALL NOT EXTEND BEYOND REMOVAL OF SPECIFIED STRUCTURES (MINIMUM EXCAVATION DEPTH OF 12"). REMOVAL SHALL INCLUDE WITHIN THE 'LIMIT OF WORK' ANY SITE DEBRIS, INCLUDING SITE FURNISHINGS, HOUSEHOLD ITEMS, APPLIANCES, AND TRASH.

2) CONTRACTOR SHALL ABATE AND REMOVE ASBESTOS AND LEAD PER THE PROJECT'S PRE-DEMOLITION REPORTS AND THE PROJECT'S ASBESTOS AND LEAD BASE PAINT (DEMOLITION) SPECIFICATIONS, PRIOR TO DEMOLITION OF ANY STRUCTURES.

3) CONTRACTOR SHALL IMPLEMENT REQUIRED MEASURES FOR EROSION AND RUN-OFF CONTROL AS DENOTED ON SHEETS BMP-1, BMP-2 AND BMP-3.

4) CONTRACTOR SHALL NOTIFY 'UNDERGROUND SERVICE ALERT' (USA) AT 1-800-422-4133 AT LEAST THREE (3) WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION OR DEMOLITION. USA WILL PROVIDE THE CALLER WITH AN INQUIRY IDENTIFICATION NUMBER WHICH SHALL SERVE AS PROOF OF TIME AND DATE THE ORIGINAL CALL WAS MADE. CONTRACTOR IS RESPONSIBLE FOR MARKOUT OF WORK AREA LIMITS PRIOR TO CALLING USA. CONTRACTOR SHALL PROVIDE STATE WITH INQUIRY IDENTIFICATION NUMBER UPON REQUEST.

5) CONTRACTOR SHALL CONTACT STATE REPRESENTATIVE AND STATE ARCHEOLOGIST AT LEAST FIVE (5) WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION WORK SO ARCHEOLOGICAL MONITORING CAN BE COORDINATED. A STATE ARCHEOLOGIST SHALL BE PRESENT TO MONITOR ALL EXCAVATION WORK.

6) CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS. ALL UTILITIES PROVIDING SERVICE (SEWER, GAS, WATER, ELECTRICITY AND TELEPHONE) TO THE STRUCTURES TO BE REMOVED SHALL BE DISCONNECTED, STUB AND CAP IN SEPARATE VALVE BOX. THE UTILITIES SHALL BE CAPPED A MINIMUM OF TWO (2) FEET BELOW SURFACE ELEVATION. LIDS SHALL BE MARKED WITH TYPE OF UTILITY. EXISTING POWER LINES, IF ANY, SHALL BE DISCONNECTED AT ITS POINT OF CONNECTION, AND ANY ADJOINING USE OF SUCH UTILITIES SHALL NOT BE DISRUPTED. ALL LOCATIONS OF CAPPED LINES SHALL BE DOCUMENTED ON A SET OF 'AS-BUILT' DRAWINGS AND SUBMITTED TO THE STATE.

7) CONTRACTOR SHALL PROTECT ALL STRUCTURES, TREES AND SHRUBS UNLESS INDICATED TO BE REMOVED. CONTRACTOR SHALL 'TAG' THE PLANT MATERIALS TO BE REMOVED WITH THE STATE'S REPRESENTATIVE. ALL NATIVE PLANTS SUCH AS SALIX SPP. AND PLANTANUS RACEMOSA SHALL BE SERVED AND PROTECTED. ANY EXISTING STRUCTURES OR PLANT MATERIAL INDICATED TO MAINTAIN, WHICH ARE SO DAMAGED, SHALL BE REPAIRED OR REPLACED EQUAL TO ORIGINAL NOTION TO THE COMPLETE SATISFACTION OF AND TO NO ADDITIONAL EXPENSE TO THE STATE.

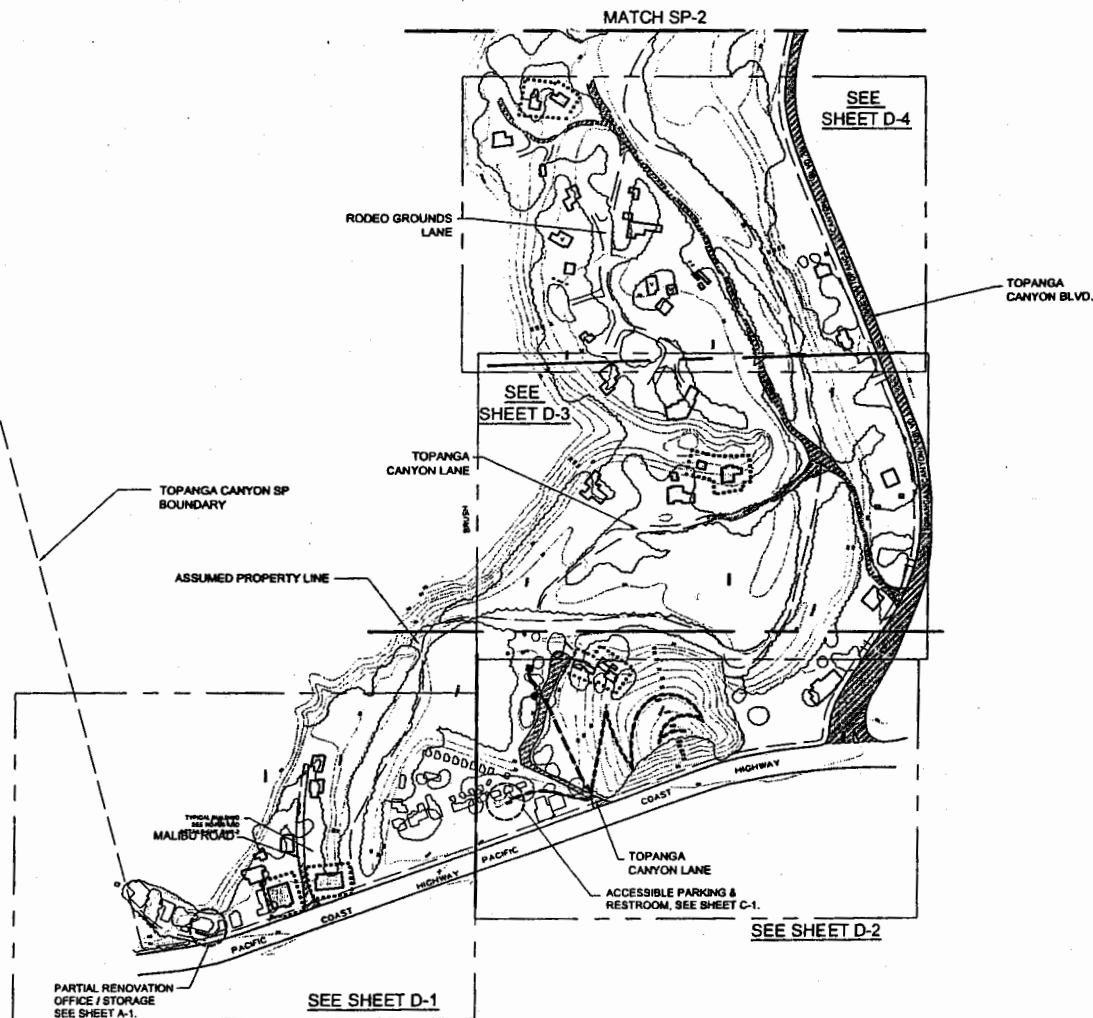
CONTRACTOR SHALL NOT STAGE OR STORE ANY DEMOLITION MATERIAL AT THE SITE. ALL DEMOLITION MATERIAL SHALL BE REMOVED ON A DAILY BASIS AND SHALL BE LEGALLY DISPOSED OF PER TO PROJECT SPECIFICATIONS.

CONTRACTOR SHALL USE ONLY THE DESIGNATED ROUTES FOR ENTERING AND EXITING THE SITE. SIGNED ROUTES SHALL BE KEPT FREE OF DEMOLISHED MATERIALS OR CONSTRUCTION EQUIPMENT.

CONTRACTOR SHALL LIMIT NOISE AND PROVIDE DUST CONTROL TO COMPLY WITH DUST CONTROL SECTION 10 OF THE STANDARD SPECIFICATIONS OF THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION (CALTRANS), LATEST EDITION.

AFTER COMPLETION OF DEMOLITION WORK AND REMOVAL OF ALL RELATED MATERIAL, CONTRACTOR SHALL FILL ALL VOIDS WITH ACCEPTABLE SOIL, GRADE DISTURBED AREA TO MATCH ADJACENT AREAS, AND COMPACT SOIL TO 95 % RELATIVE COMPACTION. REFER TO PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION.

SEE SHEET SP-2 FOR NORTHERN PORTION OF SITE.



SITE PLAN, KEY MAP & NOTES

SCALE 11x17: 1"=300'-0"
22x34: 1"=150'-0"



SOUTHERN
SERVICE CENTER
8885 RIO SAN DIEGO
DRIVE SUITE # 278
SAN DIEGO, CA 92128
PHONE 619 228-5300
FAX 619 228-5400

DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 08/11/2004



California State Highway Department
Approved for this plan and all activities on
this project by the State of California
Department of Transportation. This approval is
subject to the terms and conditions of the
contract and the project plan. No other
approval shall be required on the
project plan or all items.
Reviewed by: _____
Signature: _____
Accessability Review
CERTIFICATION: _____
Reviewed by: _____

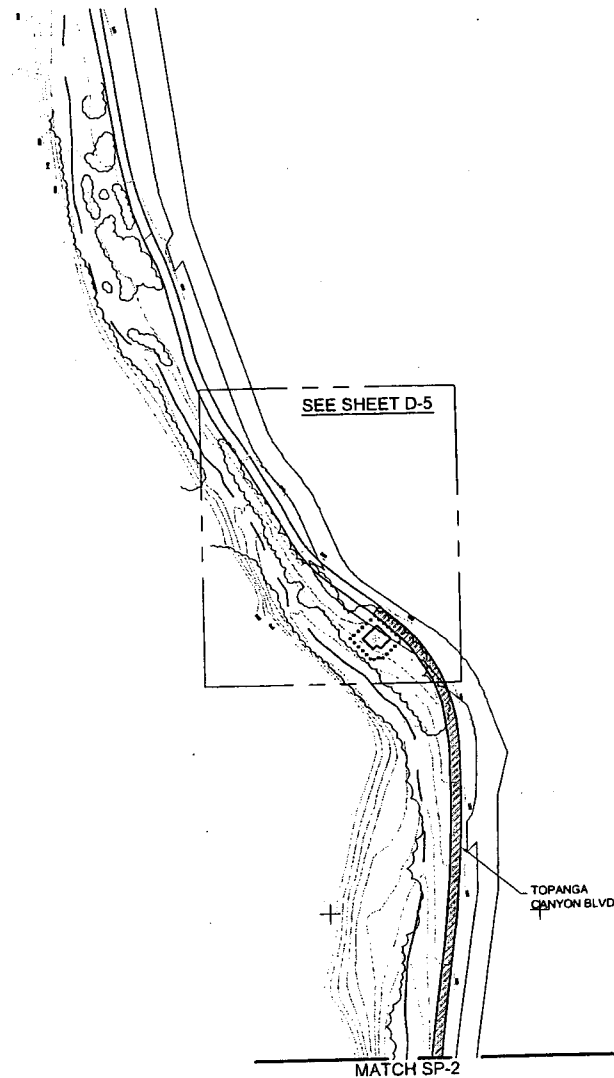
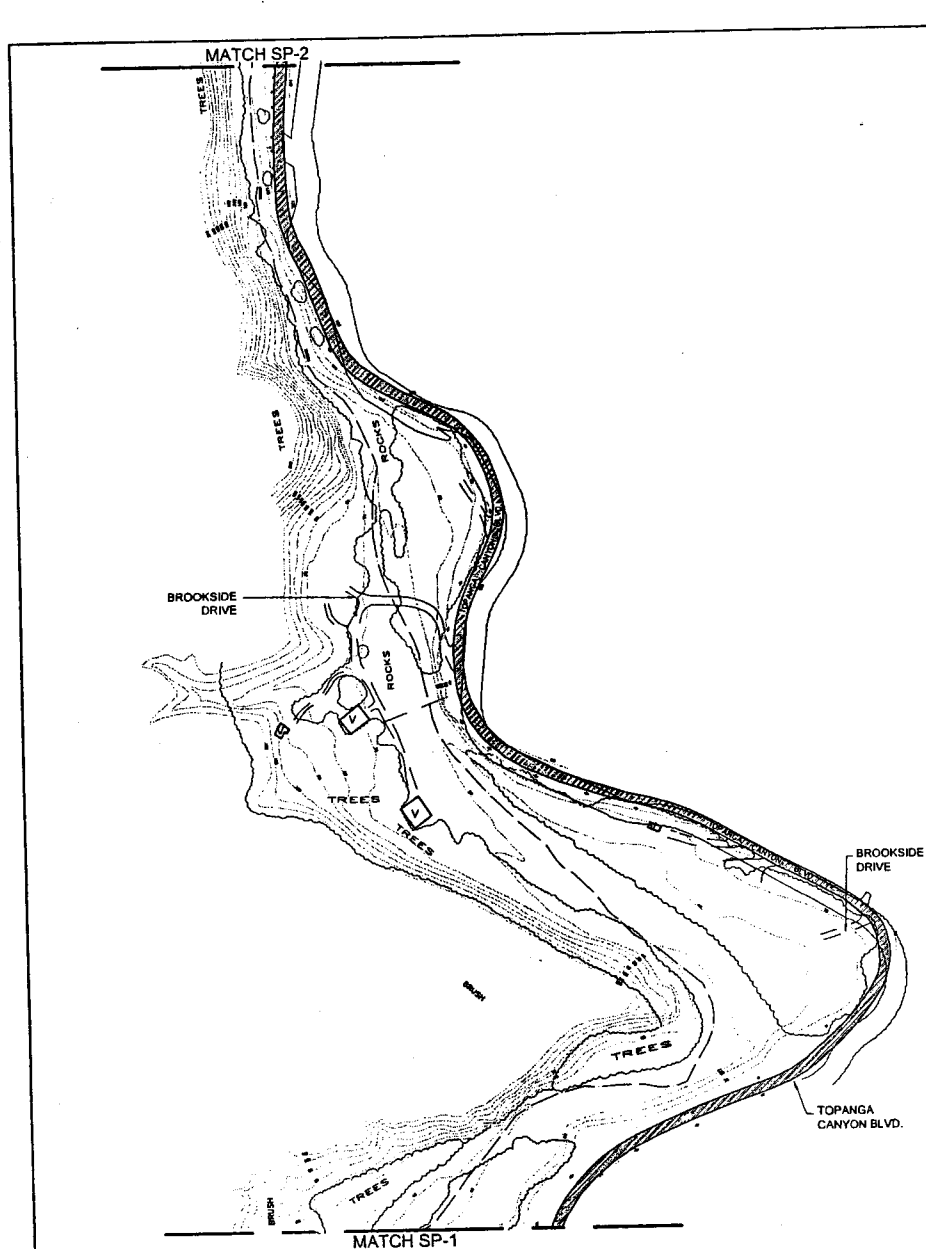
REVISIONS

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
SITE PLAN, KEY MAP & NOTES

PROJECT NUMBER
6127

SHEET NO.
SP-1.
5 OF 22

Exhibit 2
Permit 4-04-089
Site Plans



SITE PLAN, KEY MAP

SCALE 11x17: 1"=300'-0"
22x34: 1"=150'-0"



SOUTHERN
SERVICE CENTER
8885 RIO SAN DIEGO
DRIVE SUITE # 279
SAN DIEGO, CA 92108
PHONE 619 226-5390
FAX 619 226-5400

DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 06/11/2004



CALIFORNIA STATE FIRE MARSHAL, APPROVED
Approval of this plan does not constitute an
approval of any construction or alteration from
applicable regulations. Final approval is
subject to final inspection. One set of
approved plans shall be retained on the
project site at all times.

Designed by: Date:
Checked by: Date:
Accessed by: Date:
Accessibility Review

CERTIFICATION

Reviewed by: Date:

REVISIONS

NO.	DESCRIPTION

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
SITE PLAN, KEY MAP

PROJECT NUMBER
6127

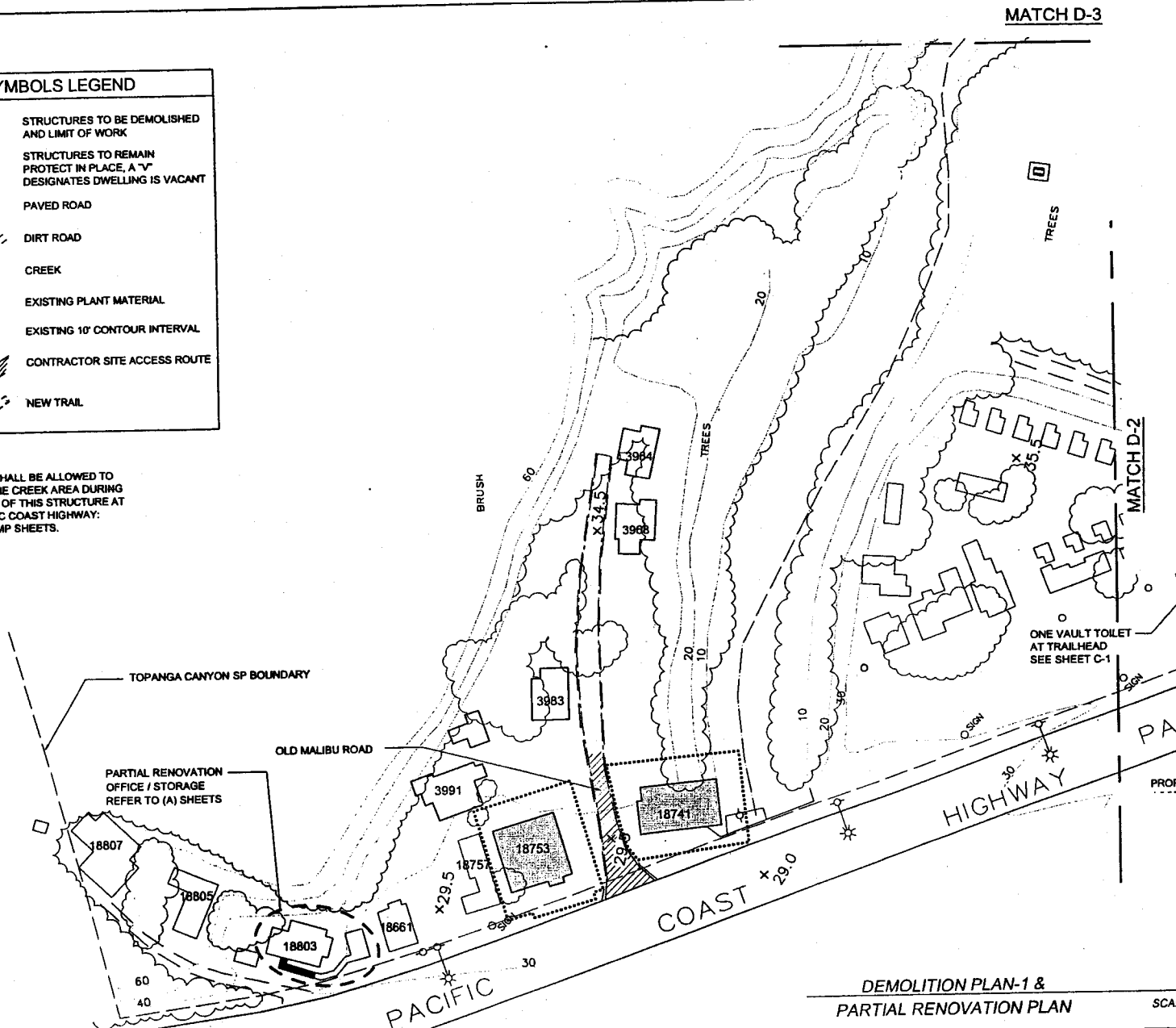
SHEET NO.
SP-2
6 OF 22

Exhibit 3
Permit 4-04-089
Demolition/Trail Plans

SYMBOLS LEGEND

- STRUCTURES TO BE DEMOLISHED AND LIMIT OF WORK
- STRUCTURES TO REMAIN PROTECT IN PLACE, A "V" DESIGNATES DWELLING IS VACANT
- PAVED ROAD
- DIRT ROAD
- CREEK
- EXISTING PLANT MATERIAL
- EXISTING 10' CONTOUR INTERVAL
- CONTRACTOR SITE ACCESS ROUTE
- NEW TRAIL

NOTE:
 NO DEBRIS SHALL BE ALLOWED TO FALL INTO THE CREEK AREA DURING DEMOLITION OF THIS STRUCTURE AT 18741 PACIFIC COAST HIGHWAY. REFER TO BMP SHEETS.



**DEMOLITION PLAN-1 &
 PARTIAL RENOVATION PLAN**

SCALE 11x17: 1"=80'-0"
 22x34: 1"=40'-0"



CALIFORNIA STATE PARKS
 SINCE 1944

SOUTHERN SERVICE CENTER
 8885 RIO SAN DIEGO
 DRIVE SUITE # 270
 SAN DIEGO, CA 92118
 PHONE 619 220-5300
 FAX 619 220-5400

DESIGNED M.S./S.S.
 DRAWN M.S./S.S.
 CHECKED S.M./V.C.D.
 DATE 08/11/2004

CALIFORNIA STATE PARKS
 APPROVED
 Approval of this plan does not constitute an approval of any demolition or construction of structures or any other activity on the site. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.

Submitted by: _____ Date: _____
 DRAWN BY: S.B. ACCESSIBILITY REVIEW

CERTIFICATION # _____
 Reviewed by: _____ Date: _____

REVISIONS

NO.	DESCRIPTION	DATE

**LOWER TOPANGA CANYON
 IMMEDIATE PUBLIC USE (IPU)
 IMPROVEMENTS AND
 ABATEMENT & DEMOLITION
 DEMOLITION PLAN-1 &
 PARTIAL RENOVATION PLAN**

PROJECT NUMBER
 5127

SHEET NO.
D-1
 7 OF 22

MATCH D-3

PICNIC TABLES
CONTRACTOR
SHALL PROVIDE
PICNIC TABLE
PER DETAIL
1/CD-1 AND
LOCATE THEM
PER STATE'S
REPRESENTATIVE
RECOMMENDATIONS

TRAIL HEAD AND
ADA PICNIC AREA

3991
(Feed Bin)

Oasis

HIGHWAY

COAST

TOPANGA
CANYON LANE

PACIFIC

18763 PATIO
(Reel In)

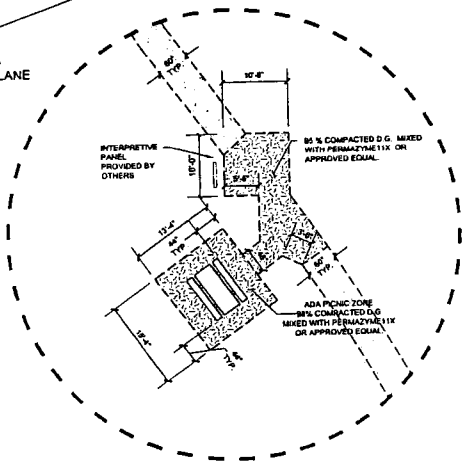
ONE VAULT TOILET
AT TRAILHEAD
SEE SHEET C-1

PROPOSED TRAIL SHALL BE CONSTRUCTED TO MEET ACCESSIBLE GUIDELINES AS DEFINED IN THE CURRENT EDITION OF ACCESS TO PARKS GUIDELINES. THE TRAIL SHALL MEET ALL REQUIREMENTS FOR CROSS-SLOPE, RUNNING SLOPE, OBSTRUCTIONS, TREATED SURFACE AND OBSTACLES. FOLLOWING COMPLETION OF CONSTRUCTION THE TRAIL SHALL BE ASSESSED UTILIZING THE UTAP (UNIVERSAL TRAIL ASSESSMENT PROCESS) AND SIGNED WITH THE TRAIL ACCESS INFORMATION PRODUCED FROM THE ASSESSMENT.

NOTES:

1. ADA TRAIL WILL BE INSTALL BY (DISTRICT TRAIL STAFF) WITH SOIL STABILIZER "PERMAZYME 11X" PER MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS OR APPROVED EQUAL.

2. PERMAZYME 11X AS MANUFACTURED BY INTERNATIONAL ENZYME, INC. 1706 INDUSTRIAL RD. LAS VEGAS, NEVADA 89102 PHONE NO. (702)-388-0145 FAX NO. (702)-388-1319



SYMBOLS LEGEND

- STRUCTURES TO BE DEMOLISHED AND LIMIT OF WORK
- STRUCTURES TO REMAIN PROTECT IN PLACE, A "V" DESIGNATES DWELLING IS VACANT
- PAVED ROAD
- DIRT ROAD
- CREEK
- EXISTING PLANT MATERIAL
- EXISTING 10' CONTOUR INTERVAL
- CONTRACTOR SITE ACCESS ROUTE
- NEW TRAIL (NATIVE SOIL)
- PICNIC AREA, 95% COMPACTED G.D. 2% MAX. GRADIENT



1 ENLARGED TRAIL HEAD & PICNIC AREA
22x34: 1"=10'-0" SCALE 11x17: 1"=20'-0"

DEMOLITION PLAN-2

SCALE 11x17: 1"=80'-0"
22x34: 1"=40'-0"



SOUTHERN
SERVICE CENTER
8885 ROO SAN DIEGO
DRIVE SUITE # 270
SAN DIEGO, CA 92108
PHONE 619 220-5306
FAX 619 220-5480

DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 06/11/2004



CALIFORNIA STATE FIRE MARSHAL'S OFFICE
Approval of this plan does not constitute an endorsement or approval of any construction or material. Final approval is subject to field inspection. One set of approved plans shall be retained on the project site at all times.

Reviewed by: _____ Date: _____
DESIGNED BY: _____
DRAWN BY: _____
CHECKED BY: _____

CERTIFICATION # _____
Reviewed by: _____ Date: _____

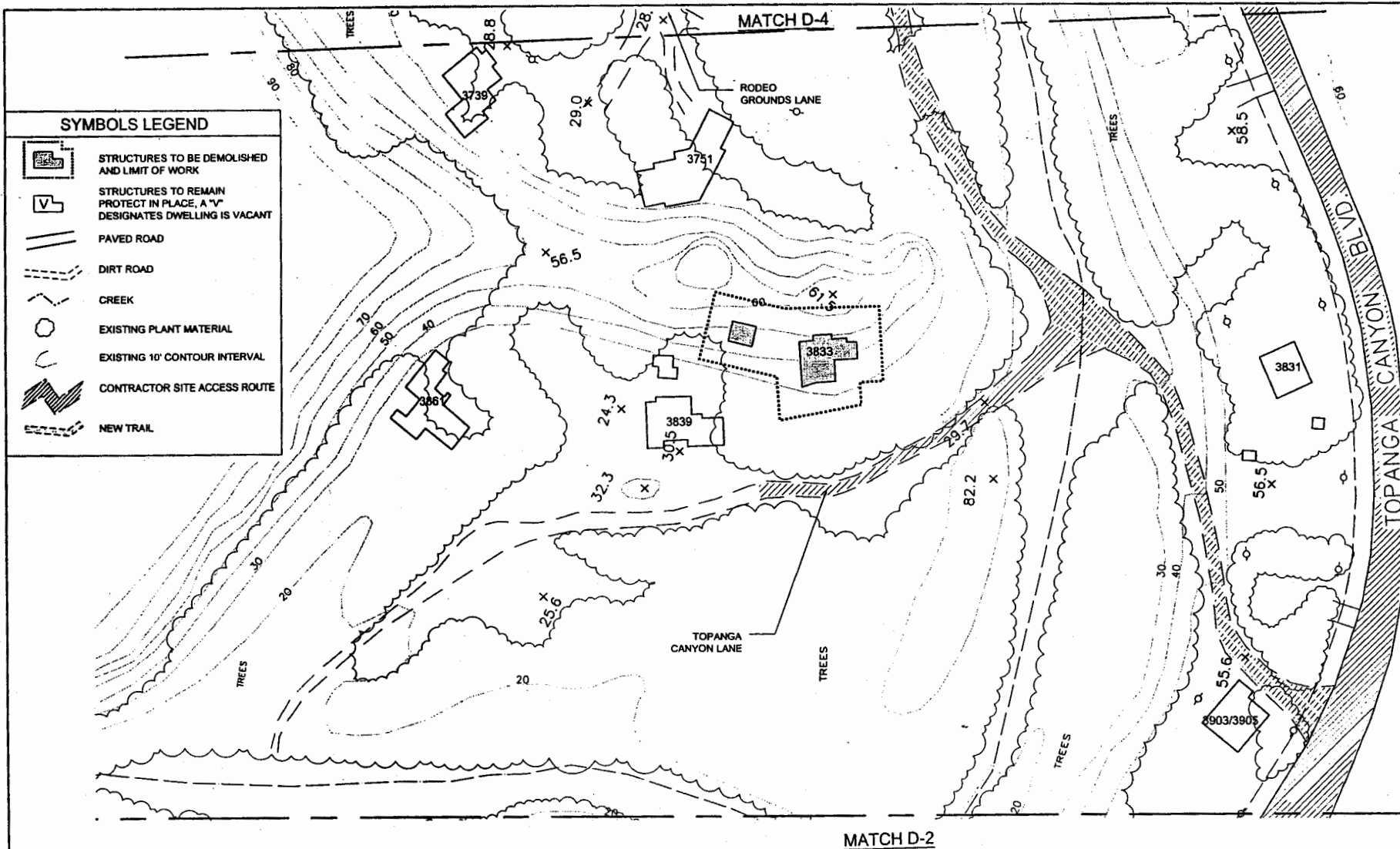
REVISIONS

NO.	DESCRIPTION

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
DEMOLITION PLAN-2 &
PICNIC AREA LAYOUT PLAN

PROJECT NUMBER
6127

SHEET NO.
D-2
8 OF 22



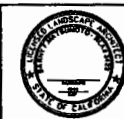
SYMBOLS LEGEND

- STRUCTURES TO BE DEMOLISHED AND LIMIT OF WORK
- STRUCTURES TO REMAIN PROTECT IN PLACE, A "V" DESIGNATES DWELLING IS VACANT
- PAVED ROAD
- DIRT ROAD
- CREEK
- EXISTING PLANT MATERIAL
- EXISTING 10' CONTOUR INTERVAL
- CONTRACTOR SITE ACCESS ROUTE
- NEW TRAIL



SOUTHERN SERVICE CENTER
 1885 RIO SAN DIEGO
 DRIVE SUITE # 278
 SAN DIEGO, CA 92116
 PHONE 619 226-6388
 FAX 619 226-6489

DESIGNED M.S./B.S.S.
 DRAWN M.S./B.S.S.
 CHECKED S.M./V.C.D.
 DATE 05/1/2004



CALIFORNIA STATE REGISTRATION APPROVAL
 Approval of this plan does not constitute an approval of any construction or demolition work or any other activity. The engineer is not responsible for the construction or demolition work or any other activity. The engineer is not responsible for the construction or demolition work or any other activity. The engineer is not responsible for the construction or demolition work or any other activity.

Reviewed by: _____ Date: _____
 DESIGNED M.S./B.S.S.
 ACCESSIBILITY REVIEW

CERTIFICATION # _____
 Reviewed by: _____ Date: _____

REVISIONS	

LOWER TOPANGA CANYON
 IMMEDIATE PUBLIC USE (IPU)
 IMPROVEMENTS AND
 ABATEMENT & DEMOLITION
 DEMOLITION PLAN-3

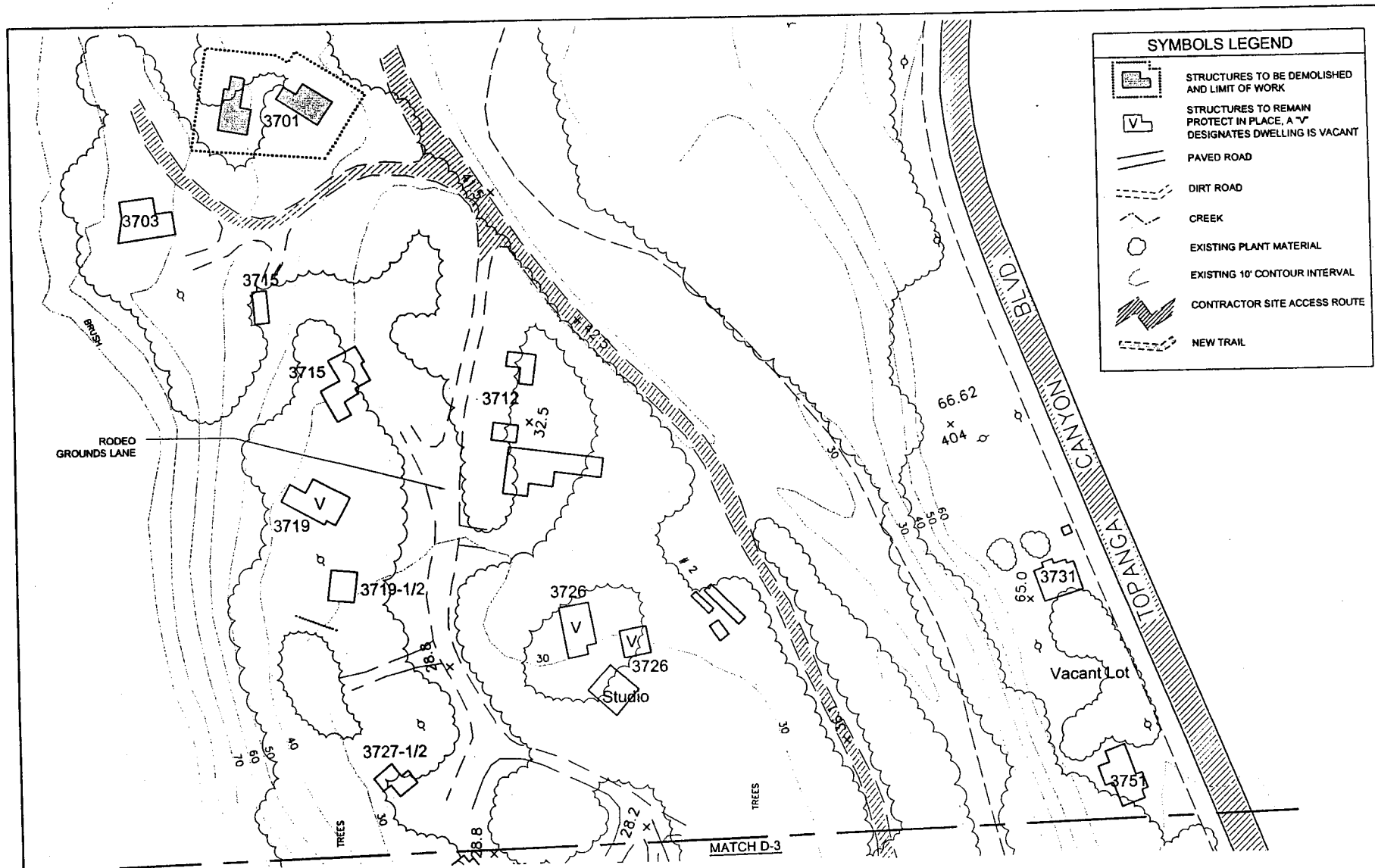
PROJECT NUMBER
 6127

SHEET NO.
D-3
 9 OF 22



DEMOLITION PLAN-3

SCALE 11x17: 1"=80'-0"
 22x34: 1"=40'-0"



SYMBOLS LEGEND

- STRUCTURES TO BE DEMOLISHED AND LIMIT OF WORK
- STRUCTURES TO REMAIN
- DESIGNATES DWELLING IS VACANT
- PAVED ROAD
- DIRT ROAD
- CREEK
- EXISTING PLANT MATERIAL
- EXISTING 10' CONTOUR INTERVAL
- CONTRACTOR SITE ACCESS ROUTE
- NEW TRAIL



SOUTHERN SERVICE CENTER
 8865 RIO SAN DIEGO
 DRIVE SUITE # 270
 SAN DIEGO, CA 92108
 PHONE 619 220-4300
 FAX 619 220-5400

DESIGNED	M.S./B.S.S.
DRAWN	M.S./B.S.S.
CHECKED	B.M./V.C.D.
DATE	09/11/2004



Approval of this plan does not constitute an approval of any conditions of demolition or any other conditions of demolition. Final approval is subject to field inspection. One set of approved plans shall be available on the project site at all times.

Reviewed by: _____ Date: _____

ISAACPR MOU - 801
ACCESSIBILITY REVIEW

CERTIFICATION # _____

Reviewed by: _____ Date: _____

REVISIONS

**LOWER TOPANGA CANYON
 IMMEDIATE PUBLIC USE (IPU)
 IMPROVEMENTS AND
 ABATEMENT & DEMOLITION
 DEMOLITION PLAN-4**

PROJECT NUMBER
 8127

SHEET NO
D-4
 10 OF 22

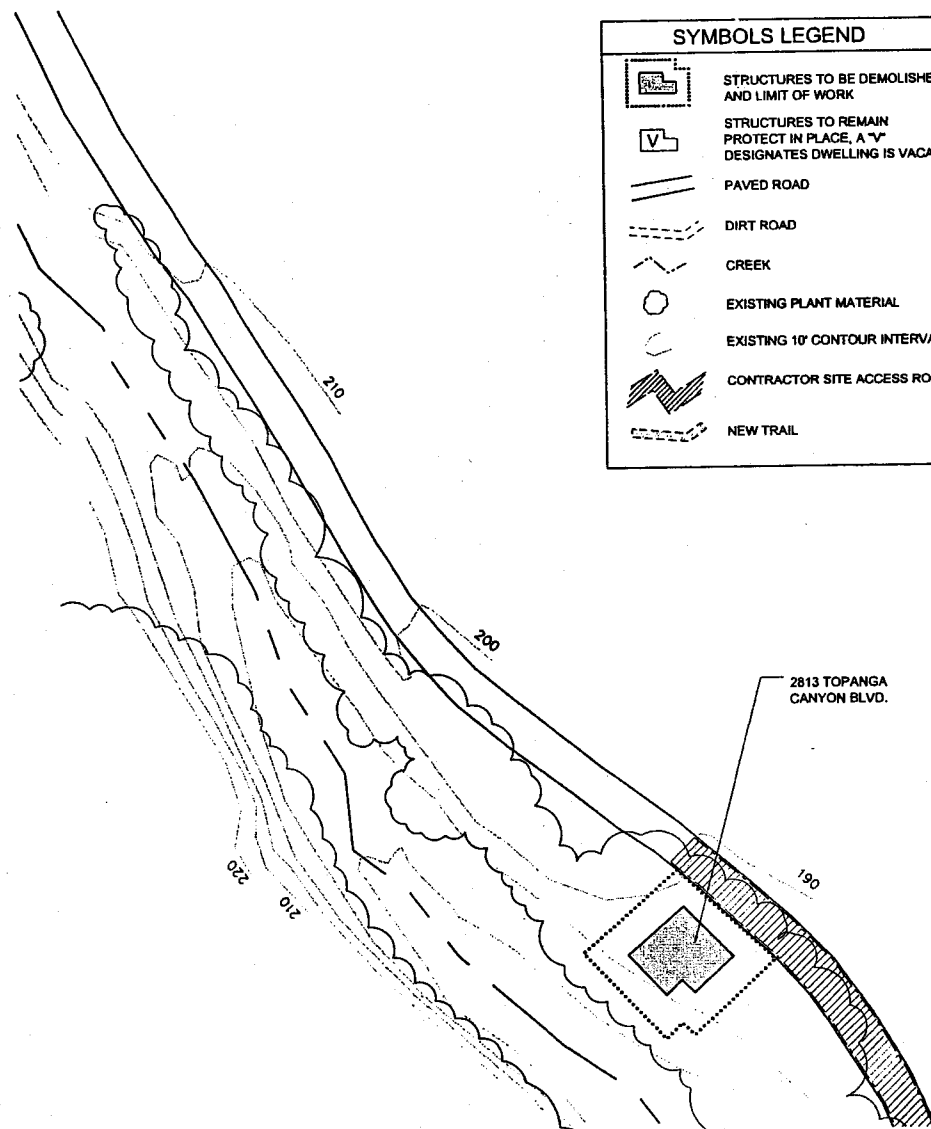
DEMOLITION PLAN-4

SCALE 11x17: 1"=80'-0"
 22x34: 1"=40'-0"



SYMBOLS LEGEND

	STRUCTURES TO BE DEMOLISHED AND LIMIT OF WORK
	STRUCTURES TO REMAIN
	PROTECT IN PLACE, A "V" DESIGNATES DWELLING IS VACANT
	PAVED ROAD
	DIRT ROAD
	CREEK
	EXISTING PLANT MATERIAL
	EXISTING 10' CONTOUR INTERVAL
	CONTRACTOR SITE ACCESS ROUTE
	NEW TRAIL



2813 TOPANGA CANYON BLVD.



DEMOLITION PLAN-5

SCALE 11x17: 1"=80'-0"
22x34: 1"=40'-0"



SOUTHERN SERVICE CENTER
6885 RIO SAN DIEGO DRIVE SUITE # 270
SAN DIEGO, CA 92108
PHONE 619 235-5300
FAX 619 235-5400

DESIGNED M.S./S.S.B.
DRAWN M.S./S.S.B.
CHECKED B.M./V.C.D.
DATE 08/11/2004



CALIFORNIA STATE FIRE MARSHAL APPROVED
Approval of this plan does not constitute or
imply any endorsement of products, materials,
equipment, or methods of construction. Final approval is
subject to field inspection. One set of
approved plans shall be available on the
project site at all times.

Reviewed by: _____ Date: _____
GEOGRAPHIC MAP - 8-01
ACCESSIBILITY REVIEW

CERTIFICATION # _____

Reviewed by: _____ Date: _____

REVISIONS

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
DEMOLITION PLAN-5

PROJECT NUMBER
6127

SHEET NO.
D-5
11 OF 22

DIG ALERT

UNDERGROUND SERVICE ALERT (USA) 1-800-422-4133

AT LEAST THREE (3) WORKING DAYS PRIOR TO EXCAVATION WORK, CONTRACTOR SHALL REQUEST MARKOUT OF UNDERGROUND UTILITIES BY CALLING THE ABOVE LISTED REGIONAL NOTIFICATION CENTER FOR AN INQUIRY IDENTIFICATION NUMBER.

Exhibit 4

Permit 4-04-089

Restroom Plans

LEGEND

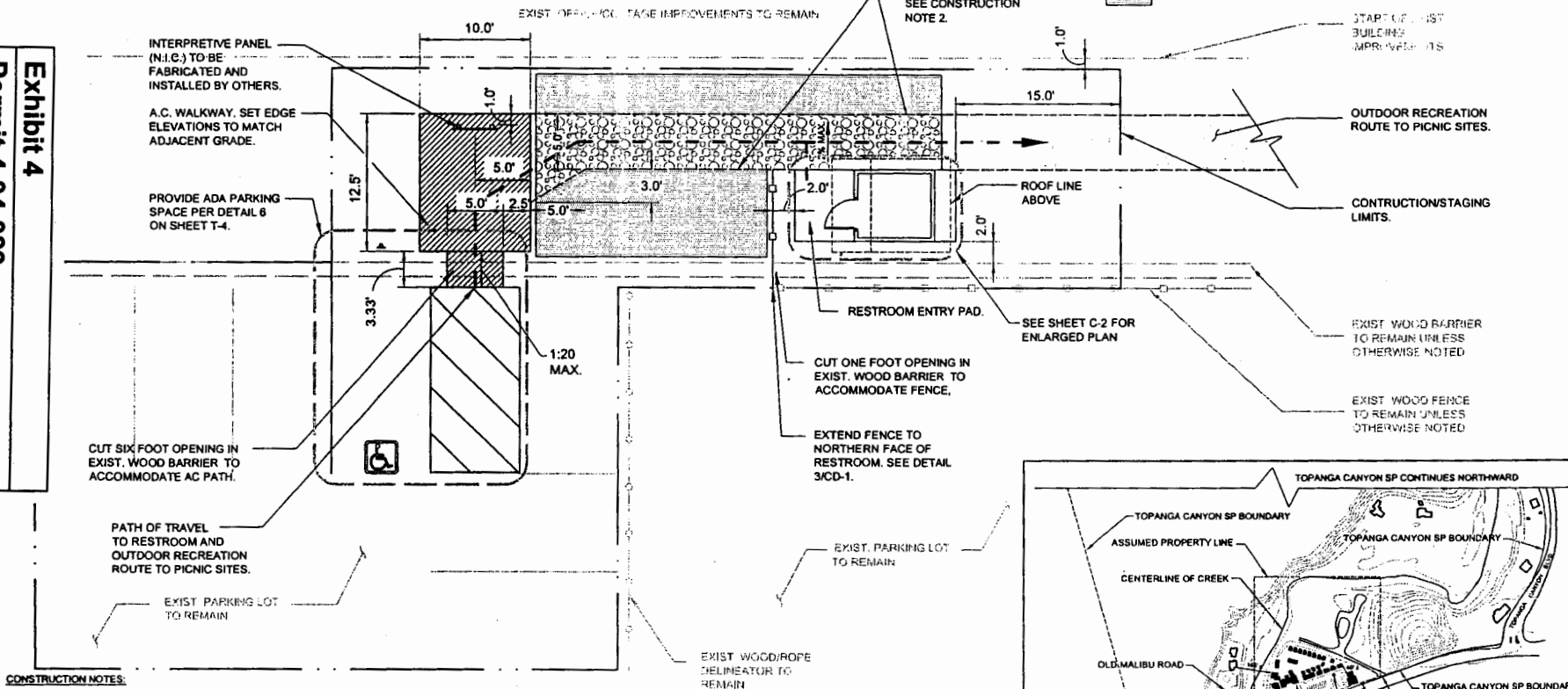
STABILIZED CRUSHED AGGREGATE BASE (CAB) WALKWAY SEE CONSTRUCTION NOTES ON THIS SHEET FOR MORE INFORMATION.



A.C. WALKWAY SEE DETAIL 4, SHEET CD-1, AND NOTES ON THIS SHEET.



WALKWAY AREA USE EXISTING MATERIAL

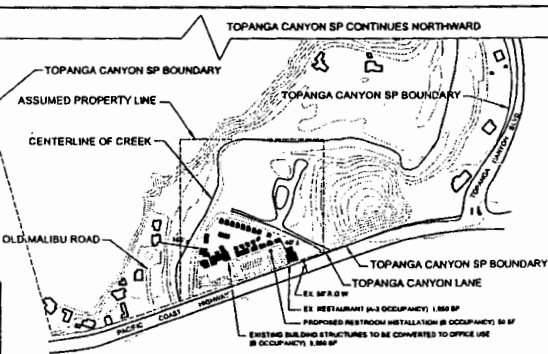
**CONSTRUCTION NOTES:**

- CONTRACTOR SHALL MARK OUT THE APPROXIMATE LIMITS OF EXCAVATION WORK, PRIOR TO CALLING USA, IN ORDER TO ASSIST EXISTING UTILITY OWNERS IN UNDERSTANDING THE LIMITS OF THE REQUIRED PREMARK SERVICES.
- CONTRACTOR SHALL CONSTRUCT A UNIFORM SURFACE FOR PEDESTRIAN USE BY PROVIDING, PLACING AND COMPACTING CRUSHED AGGREGATE BASE (CAB) MATERIAL IN THE AREA IDENTIFIED ABOVE, WHICH INCLUDES THE FOLLOWING WORK:
 - CONSTRUCT A PATH OF TRAVEL FROM THE A.C. WALKWAY TO THE RESTROOM. THE PATH SHALL MEET ALL STATE REQUIREMENTS (2% MAX. CROSS-SLOPE, 5% MAX. SLOPE IN DIRECTION OF TRAVEL AND W/NO ABRUPT CHANGES IN ELEVATION GREATER THAN 1/2"). THE STATE WILL NOT BE PROVIDING SURVEY DATA FOR THIS WORK. THEREFORE, THE CONTRACTOR SHALL LAYOUT THE PATH USING THE INFORMATION PROVIDED (DIMENSIONS, ETC.). CONTRACTOR SHALL SUBMIT A SCALED DRAWING ON 11 X 17 PAPER SHOWING PATH ELEVATIONS FOR REVIEW AND APPROVAL BY THE STATE, PRIOR TO CONSTRUCTING THE PATH.
 - THE PATH OF TRAVEL LISTED IN ITEM "A" ABOVE SHALL MEET FLUSH WITH THE A.C. WALKWAY AND RESTROOM ENTRY PAD. FINISH FLOOR ELEVATION FOR THE RESTROOM ENTRY PAD SHALL BE DETERMINED FROM INSTALLATION NOTE 2A ON SHEET C-2. THE A.C. WALKWAY ELEVATION SHALL BE DETERMINED FROM EXISTING GRADE ELEVATIONS.
 - CONTRACTOR SHALL TRANSITION FROM EDGE OF ESTABLISHED PATH OF TRAVEL TO EXISTING GRADE, USING 20:1 MAXIMUM SLOPE.

- IN THE REMAINING CAB AREAS, OUTSIDE OF THE PATH OF TRAVEL AND TRANSITION AREAS, CONTRACTOR SHALL FILL DEPRESSIONS AND REMOVE HIGH AREAS USING EXISTING MATERIAL (CAB IF ADEQUATE MATERIAL IS AVAILABLE), TO THE COMPLETE SATISFACTION OF THE STATE'S REPRESENTATIVE.
- IN AREA WHERE WOOD DIARIES ARE CUT, CONTRACTOR SHALL PROVIDE AND INSTALL WOOD BARRIER STABILIZERS MATCHING EXISTING. STABILIZERS SHALL BE PLACED WITHIN SIX (6") INCHES OF THE CUT EDGE, AND SHALL BE EMBEDDED 12" MINIMUM DEPTH INTO COMPACT, UNDISTURBED SOIL.
- CONTRACTOR SHALL EXTEND A.C. WALKWAY SIX (6") INCHES BEYOND INDICATED AREA, AND SAW CUT TO SHOWN DIMENSIONS, OR PLACE FORMS AROUND THE WALKWAY PERIMETER FOR CONSTRUCTION, AND REMOVE THEM WHEN WALKWAY WORK IS COMPLETE AND ACCEPTED. IF FORMS ARE USED, CONTRACTOR SHALL REPLACE AND COMPACT MATERIAL DISPLACED TO COMPLETE FORM WORK.
- CONTRACTOR SHALL PROVIDE AND INSTALL SITE ENTRANCE SIGN ON CONSTRUCTED SIX FOOT (6') WOOD FENCE. CONTRACTOR SHALL PROVIDE PROPERLY SIZED, STAINLESS STEEL LAG SCREWS (MIN. 2") FOR A COMPLETE CONNECTION. SEE DETAIL 8, SHEET T-4.
- (CAB) SHALL BE INSTALLED WITH "PERMAZYME 11X" PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS. OR APPROVED EQUAL. (CAB) SHALL BE CLEAN AND MEET GRADATION REQUIRED TO COMPLY WITH "PERMAZYME" MANUFACTURER.

RESTROOM IMPROVEMENT PLAN

11x17: 1"=10'-0"
22x34: 1"=5'-0"



MIXED USE ALLOWABLE AREA CALCULATIONS: (SEPARATION ON 3 SIDES = 100% INCREASE)
BASIC ALLOWABLE FLOOR AREA FOR TYPE V CONSTRUCTION: "B" = 8,000 SF, "A-3" = 6,000 SF

$$\begin{aligned} \text{ALLOWABLE AREA} &= \frac{\text{EX SF "B" OCCUPANCY} + \text{NEW AREA "B" OCCUPANCY}}{\text{ALLOWABLE AREA "B" OCCUPANCY (8,000 SF X 2)}} + \frac{\text{EX SF "A-3" OCCUPANCY}}{\text{ALLOWABLE AREA "A-3" OCCUPANCY (6,000 SF X 2)}} \\ &= \frac{8,960 \text{ SF} + 50 \text{ SF}}{16,000 \text{ SF}} + \frac{1,850 \text{ SF}}{12,000 \text{ SF}} = .57 + .15 = .72 < 1 \text{ OK} \end{aligned}$$

ALLOWABLE AREA CALCULATIONS

NO SCALE



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DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 06/11/2004



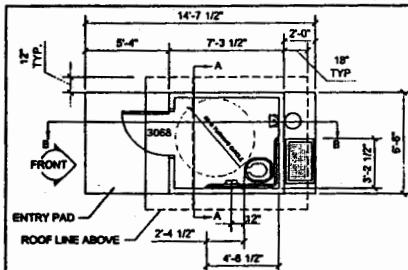
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Approval of this plan does not constitute approval or endorsement of any product or service. It is the responsibility of the user to ensure that all products and services used in the project are of high quality. One set of approved plans shall be available on the project site at all times.
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DESIGNED BY: M.S.S. ACCESSIBILITY REVIEW
CERTIFICATION: _____
Reviewed by: _____ Date: _____

REVISIONS

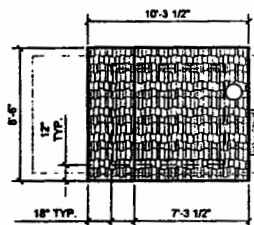
LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
RESTROOM IMPROVEMENT PLAN

PROJECT NUMBER
6127

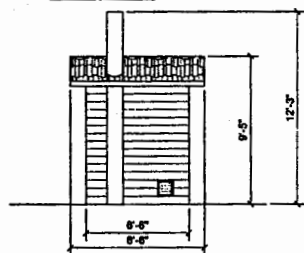
SHEET NO.
C-1
15 OF 22



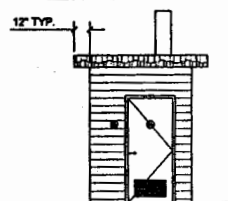
FLOOR PLAN



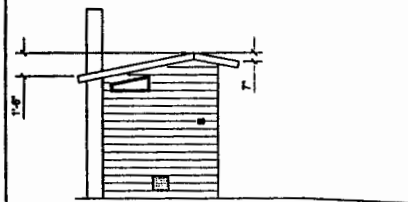
ROOF PLAN



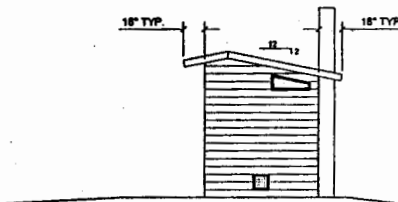
EAST ELEVATION



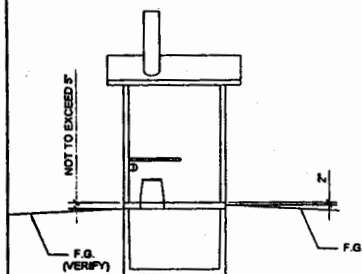
WEST ELEVATION



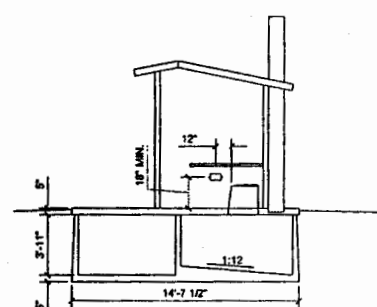
NORTH ELEVATION



SOUTH ELEVATION



SECTION A-A



SECTION B-B

CONSTRUCTION NOTES:

1. THE SHOWN DETAILS HAVE BEEN PROVIDED TO SHOW APPROXIMATE DIMENSIONS OF THE PREFABRICATED RESTROOM FOR WHICH THE CONTRACTOR IS RESPONSIBLE TO ORDER, RECEIVE, AND INSTALL.
2. CONTRACTOR IS RESPONSIBLE FOR SITE PREPARATION, WHICH INCLUDES BUT IS NOT LIMITED TO, MARK-OUT FOR USE (SEE SHEET C-1), EXCAVATION OF EXISTING SOIL, SOIL TESTS, COMPACTION, AND AMENDMENTS (E. GRAVEL BACKFILL, ETC.) TO PROVIDE THE CONDITION OF PREPARATION THAT IS SPECIFIED BY THE RESTROOM MANUFACTURER (CXT OR APPROVED EQUAL).
3. DIMENSIONS: THE SPECIFIED PRECAST CONCRETE VAULT RESTROOM DIMENSIONS ARE APPROXIMATELY AS FOLLOWS: GUNNISON (SINGLE VAULT MODEL): LENGTH 14'-7.5", WIDTH 8'-4", DEPTH 4'-4". * ALL DEPTH MEASUREMENTS GIVEN ARE FROM FINISHED FLOOR ELEVATION TO EXTERIOR BASE OF VAULT SLAB (4" VAULT SLAB, 4" VAULT DEPTH, 5" FLOOR SLAB). ACTUAL DIMENSIONS OF EXCAVATION SHOULD ALLOW ONE FOOT OF WORKING ROOM AROUND ALL SIDES OF THE BUILDING FOR VAULT PLACEMENT. AVOID OVER-EXCAVATION. CONTRACTOR SHALL VERIFY ALL UNIT DIMENSIONS PRIOR TO CONSTRUCTION.

4. TRANSPORTATION: THE BUILDING IS SHIPPED ON 18-WHEELERS. THESE VARY FROM A STANDARD CAB WITH 40 FOOT TRAILER TO AN EXTENDED SLEEPER CAB WITH A 48 FOOT TRAILER, AND SHALL BE DELIVERED TO A POINT WITHIN THE IDENTIFIED CONSTRUCTION STAGING AREA, UNLESS OTHERWISE APPROVED OR DIRECTED BY THE STATE'S REPRESENTATIVE. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS OF THE APPROVED RESTROOM PURCHASE TO INSTALLATION, WHICH INCLUDES PROVIDING AND OPERATING EQUIPMENT CAPABLE OF TRANSPORTING THE RESTROOM UNITS INTO PLACE.

5. SITE PREPARATION: PREPARE THE SITE PER THE MANUFACTURERS DETAILS AND RECOMMENDATIONS, WITHIN THE CONSTRUCTION AREA LIMITS.

6. EXCAVATION MATERIAL SHOULD NOT BE PLACED BETWEEN THE EXCAVATED HOLE AND THE INSTALLERS ACCESS POINT. THE INSTALLER NEEDS A CLEAR PATH BETWEEN THE CRANE AND THE EXCAVATED HOLE.

7. COMPACT THE SUBGRADE TO 95% RELATIVE COMPACTION.

8. THE CONTRACTOR SHALL BE LIABLE IF THE BUILDING SHOULD SETTLE OR LIFT FOLLOWING INSTALLATION.

9. MAINTENANCE: A MAINTENANCE MANUAL SHALL BE PROVIDED WITH EACH DELIVERED UNIT. THIS SHALL BE DELIVERED TO: STATE REPRESENTATIVE.

THE FOLLOWING SUGGESTIONS WERE PROVIDED BY THE CXT MANUFACTURER FOR INSTALLATION OF THE SPECIFIED MODEL:

1.0 WEIGHTS & MEASUREMENTS

- A. VAULT (1 EACH)
VAULT HEIGHT: 4'-4"
VAULT WIDTH: 8'-4"
VAULT LENGTH: 14'-7.5"
VAULT WEIGHT: 18,200 LBS. EACH

B. BUILDING

FLOOR SLAB DIMENSIONS: 8'-5" HEIGHT, 8'-5" IN WIDTH, 14'-7.5" IN LENGTH
TOTAL BUILDING: 8'-5" IN HEIGHT
TOTAL WEIGHT: 27,200 LBS.

2.0 INSTALLATION

A. PLACEMENT

THE FLOOR OF THE BUILDING AND THE TOP OF THE VAULTS SHOULD BE THE HIGH SPOT OF THE SITE CHOSEN. FINISHED FLOOR ELEVATION SHOULD BE 2 INCHES MINIMUM ABOVE NATURAL GRADE MEASURED ON THE NORTH SIDE OF THE BUILDING IN ITS INSTALLED ALIGNMENT. BOTH THE FLOOR AND THE TOP OF THE VAULT SHOULD BE ABOVE THE SURROUNDING GROUND LEVEL WITH THE PATHWAY SLOPED UP TO MEET THE ENTRYWAY. IDEALLY, THE BACK OF THE BUILDING SHOULD BE SLIGHTLY HIGHER TO ALLOW WATER TO FREELY DRAIN OUT OF THE TOILET ROOMS.

B. EXCAVATION, BACKFILL AND COMPACTION

THE HOLE EXCAVATED TO ACCOMMODATE THE VAULTS SHALL BE LARGE ENOUGH TO BE WORKABLE AND TO ALLOW THE FLOOR TO THE BUILDING TO FIT ON THE VAULTS WHEN PLACED, BUT SMALL ENOUGH TO AVOID EXCESSIVE BACKFILL AFTER PLACEMENT. COMPACT THE NATURAL GROUND AT THE BOTTOM OF THE VAULT EXCAVATION TO THE REQUIRED COMPACTION, WITH A MINIMUM OF THREE PASSES WITH A WHACKER-TYPE MECHANICAL COMPACTOR OR EQUIVALENT APPROVED BY THE STATE'S REPRESENTATIVE. INSTALL (ASSUME 6" AGGREGATE BEDDING MATERIAL FOR BUILDING SUPPORT, AS RECOMMENDED BY MANUFACTURER FOR ACTUAL CONDITIONS. COMPACT AGGREGATE BEDDING COURSE WITH TWO PASSES WITH A WHACKER-TYPE MECHANICAL TAMPER OR EQUIVALENT APPROVED BY THE STATE'S REPRESENTATIVE. INSTALL (ASSUME 2") LEVELING COURSE OF SAND SO THERE WILL BE NO HIGH SPOTS IN THE MIDDLE OF THE VAULT BOTTOM, AS RECOMMENDED BY THE MANUFACTURER FOR ACTUAL CONDITIONS. SET VAULT IN PLACE. IDEALLY, THE CONTAINMENT AREA END OF THE VAULT SHOULD BE SLIGHTLY HIGHER, 1/4" PER FOOT OF RUN TO ALLOW THE BUILDING TO SET HIGHER. INSURE VAULT IS LEVEL: FRONT TO BACK, SIDE TO SIDE AND VAULT TO VAULT. BACKFILL AROUND THE STRUCTURE. USE EXCAVATED MATERIAL FOR BACKFILL. ROCKS LARGER THAN 3-INCHES IN MAXIMUM DIMENSION SHALL NOT BE PLACED WITHIN 8-INCHES OF THE EXTERIOR VAULT WALLS. FILL ADJACENT TO THE BUILDING ENTRY WALL HAVE EXCAVATED MATERIAL PLACED IN 4-INCH LOOSE LIFTS AND COMPACTED WITH A MINIMUM OF TWO PASSES WITH A WHACKER-TYPE MECHANICAL COMPACTOR OR EQUIVALENT APPROVED BY THE STATE'S REPRESENTATIVE. AFTER THE VAULTS ARE PLACED IN THE HOLE AND BACKFILLED, PLACE THE BUTYL TAPE SUPPLIED AROUND THE ENTIRE TOP SURFACE OF THE VAULTS. OPERATE. MAKE SURE THAT THE AREA HAS BEEN CLEARED, AND IS FREE OF DEBRIS.

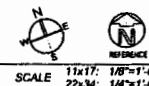
C. OTHER IMPORTANT POINTS

1. SOUTHERN EXPOSURE FOR THE VENT STACK IS IDEAL, AS THIS ALLOWS FOR HEATING OF THE VENT STACK. HEATING OF THE VENT STACK AIDS IN THE VENTING OF THE BUILDING. WHENEVER POSSIBLE, THE PLACEMENT OF THE BUILDING SHOULD BE CHOSEN WITH THIS IN MIND.
2. AGGREGATE BEDDING MATERIAL PROVIDES A SOLID BASE FOR THE VAULT. SAND IS PREFERABLE FOR USE IN LEVELING THE BOTTOM OF THE HOLE EXCAVATED FOR THE VAULT, AS IT IS EASIER TO LEVEL.
4. USE OF SOFTENERS WHEN LIFTING THE BUILDING IS CRITICAL TO PREVENT DAMAGE TO THE ROOF OF THE BUILDING.
5. WHEN LIFTING UP THE VAULT AND THE FLOOR OF THE BUILDING, LIFTING UP THE REAR CORNERS OF THE VAULT (THE CONTAINMENT PORTION) AND FLOOR (BY THE CLEAN-OUT AND VENT STACK) IS THE EASIEST AND BEST WAY TO SET THE BUILDING. THE FLOOR SLAB MAY OVERHANG THE VAULT BY A FEW INCHES.
6. CHECK THE SEAL OF THE CONTAINMENT PORTION OF THE VAULT BY GETTING INTO THE VAULT THROUGH THE CLEAN-OUT COVER IN THE BACK OF THE BUILDING AFTER BUILDING PLACEMENT. THERE SHOULD BE NO LIGHT LEAKING THROUGH, WITH THE EXCEPTION OF THE RISER AND VENT STACK HOLES.
7. USE THE CAULK PROVIDED TO SEAL AROUND THE RISER AND VENT STACK WHERE IT JOINS THE FLOOR AND SIMILAR SAKO CONCRETE ROOF PANELS.
8. RECOMMENDED LIFTING EQUIPMENT

CXT CAN PROVIDE A DRAWING OF THE RECOMMENDED LIFTING/RIGGING ARRANGEMENT. FOUR SPECIAL LIFTING PLATES, FOUR CLUTCHES, FOUR 1/2" COIL BOLTS 8-INCH LONG FOR THE BUILDING AND VAULT CAN BE PROVIDED FOR A REFUNDABLE DEPOSIT OF \$1,000.00.

1. CRANE OF APPROPRIATE CAPACITY TO LIFT AND PLACE VAULT (18,200 LBS.) AND BUILDING (27,200 LBS.) ONTO DESIGNATED SITE.
2. FOUR EQUAL LENGTHS OF CABLE OR NYLON CHOKERS FOR A MINIMUM OF 250 FEET.
3. FOUR LIFTING PLATES (CXT CAN PROVIDE).
4. FOUR 7/8" SHACKLES TO COUPLE TO LIFTING PLATES.
5. FOUR SOFTENERS (WOOD OR PLASTIC) TO PROTECT ROOF EDGE WHERE CHOKERS MAKE CONTACT.
6. FOUR P-61 RING CLUTCHES 4-TON (CXT CAN PROVIDE)
7. ONE SPREADER BAR 18'-6".

GUNNISON BY CXT
OR (APPROVED EQUAL)



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DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 08/11/2004



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Reviewed by: Date: _____
DESIGNED BY: B.S.S.
ACCESSIBILITY REVIEW

CERTIFICATION: _____

Reviewed by: Date: _____

REVISIONS

NO.	DESCRIPTION

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
GUNNISON BY CXT
OR (APPROVED EQUAL)

PROJECT NUMBER
5127

SHEET NO
C-2
16 OF 22

PACIFIC HIGHWAY

DEMOLITION GENERAL NOTES:

- A- THE CONTRACTOR SHALL PERFORM ALL DEMOLITION WORK REQUIRED INCLUDING THE REMOVAL OF ALL DEBRIS, FROM THE SITE. PROPER SHORING SHALL BE EXECUTED FOR THE SAFETY OF THE STRUCTURE AND WORKMEN.
- B- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM DEMOLITION AT NO ADDITIONAL COST TO THE OWNER. ANY EXISTING ITEMS INDICATED TO REMAIN WHICH ARE SO DAMAGED SHALL BE REPLACED EQUAL TO ORIGINAL CONDITION AND TO THE SATISFACTION OF THE STATE REPRESENTATIVE.
- C- CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO DEMOLITION. CONTRACTOR SHALL BEWARE OF POTENTIAL HAZARDS FROM DEMOLITION WORK NEAR UTILITIES.
- D- CONTRACTOR SHALL MAINTAIN THE ACCESS FOR FIRE TRUCK AND FIRE EXITS DURING CONSTRUCTION.
- E- CONTRACTOR SHALL VERIFY DIMENSIONS OF ALL THE ITEMS TO BE REMOVED.
- F- ALL TRADES CONCERNED SHALL COORDINATE EACH OTHER'S WORK PRIOR TO, AND DURING DEMOLITION.
- G- CONTRACTOR SHALL NOTIFY THE STATE REPRESENTATIVE IN ADVANCE FOR APPROVAL OF DEMOLITION WORK WHICH MAY RESULT IN EXTREME NOISE, DUST, OR OTHER UNDESIRABLE CONDITIONS.
- H- CLEAR TREES, SHRUBS, GRASS, ROOTS, ETC., AS REQUIRED FOR NEW CONSTRUCTION. SAVE TREES AND SHRUBS AS INDICATED BY THE PLANS.
- I- CONTRACTOR SHALL PROTECT EXISTING TREES TO BE SAVED FROM DAMAGE DURING DEMOLITION WORK.

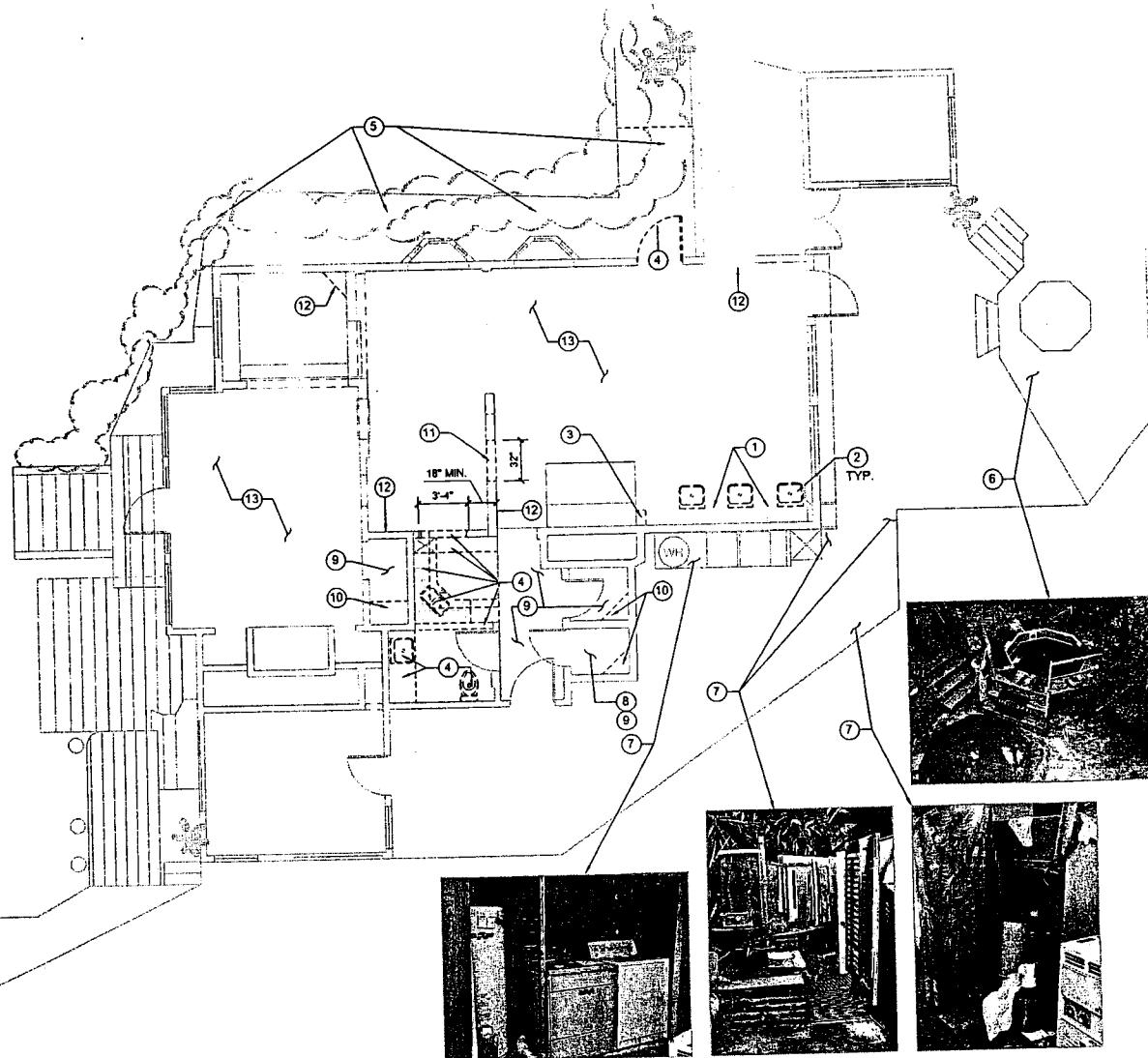
THE CALIFORNIA STATE PARKS SHALL HAVE FIRST RIGHTS ON ANY REMOVED EQUIPMENT.

WHERE SPECIFIED ON THE PLANS TO CUT WOOD BARRIERS, CONTRACTOR SHALL CUT ALL WOOD BARRIERS VERTICAL, TO THE WIDTH REQUIRED, AND REMOVE ALL BURRS CREATED BY THE CUT.

Y NOTES:

- REMOVE AND DISPOSE OF CABINET DOORS AND FRAMES.
- REMOVE AND DISPOSE OF SINKS. CUT AND CAP ALL WATER LINES AND WASTE LINES INSIDE WALL.
- REMOVE AND DISPOSE OF WOOD TRIM. PREPARE SURFACE TO RECEIVED PLYWOOD.
- REMOVE AND DISPOSE EXISTING DOOR, WALLS, PLUMBING FIXTURES, SHELVES ETC. TO ACHIEVE REVISED CONFIGURATION PER IMPROVEMENT PLAN. CUT AND CAP WATER LINES AND WASTE LINES INSIDE WALL.
- TRIM VEGETATION BACK TO PREPARE AREA FOR THE INSTALLATION OF PATH OF TRAVEL AND RAMP PER IMPROVEMENT PLAN.
- REMOVE AND DISPOSE OF DECK, JACUZZI TUB COVER AND STAIRS.
- REMOVE AND DISPOSE OF WOOD SHUTTER, DOOR, OUTSIDE SHOWER, SHELVES, WATER HEATERS, WASHER AND DRYER.
- REMOVE AND DISPOSE OF SHELVES.
- REMOVE AND DISPOSE OF CARPET.

- 10 REMOVE AND DISPOSE OF BENCHES.
- 11 REMOVE PORTION OF THE WALL TO ACCOMMODATE MINIMUM CLEAR OPENING OF 32" WIDE. LEAVE EXISTING HEADER.
- 12 REMOVE AND DISPOSE OF MIRRORS.
- 13 REMOVE AND DISPOSE OF ALL FURNITURE.



BUILDING 18803
DEMOLITION PLAN

SCALE 1/8"=1'-0"
22x34: 1/4"=1'-0"



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DATE 06/11/2004



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CERTIFICATION #

Reviewed by Date

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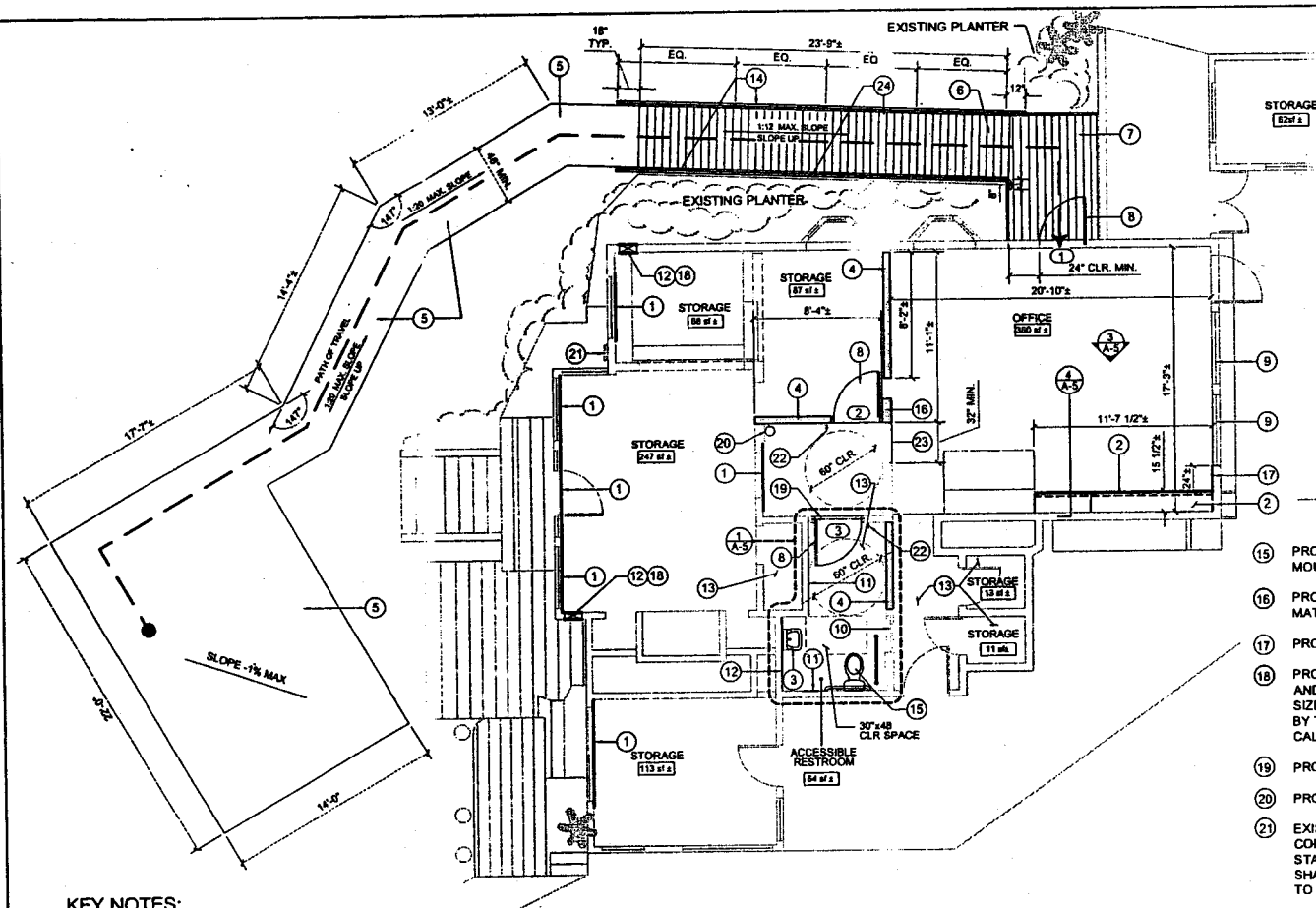
NO.	DESCRIPTION

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
BUILDING 18803
DEMOLITION PLAN

PROJECT NUMBER
6127

SHEET NO.
A-1
17 OF 22

Exhibit 5
Permit 4-04-089
Renovation Plans



KEY NOTES:

- 1 PROVIDE 3/4" PLYWOOD COVERING OVER WINDOWS AND DOORS, SCREW TO EXISTING FRAME. PLYWOOD TO BE PAINTED TO MATCH EXTERIOR WALL COLOR.
- 2 PROVIDE 3/4" VENEER PLYWOOD W/ HARDWOOD EDGE TO MATCH EXISTING PLY. PER DETAIL 3/A-5 AND 4/A-5.
- 3 PROVIDE LAVATORY: SEE 2/A-5 FOR MORE INFORMATION AND ACCESSIBILITY MOUNTING HEIGHTS.
- 4 PROVIDE 2X4 STUDS @ 16" O.C. WITH DOUBLE 2X4 TOP PLATE AND 2X4 BOTTOM PLATE. PROVIDE 1/2" GYPSUM BOARD ON BOTH FACES, TAPED AND SANDED.
- 5 GRADE AND COMPACT NATIVE SOIL, RELATIVE COMPACT SHALL BE 95 %. PROVIDE DIRECTIONAL SIGN PER DETAIL 5/G-3. PATH OF TRAVEL SHALL HAVE A SLOPE OF MAX. 1:20. SLOPE OF FANNED OR FLARED SIDES (SIDE SLOPES) DOES NOT EXCEED 1:10 GRADIENT (10%).
- 6 PROVIDE RAMP WITH 1:12 MAX. SLOPE PER DECK FRAMING PLAN AND SECTIONS SHEET A-4.
- 7 PROVIDE RAMP LANDING PER DECK FRAMING PLAN AND SECTIONS SHEET A-4.
- 8 PROVIDE DOOR PER SCHEDULE SEE SHEET T-2.
- 9 REPAIR EXISTING WINDOW: PROVIDE REPLACEMENT GLASS. PROVIDE THE FOLLOWING HARDWARE: SASH LIFT "STANLEY" CLASS CD80-4041, HOLD-OPEN HARDWARE "STANLEY" FOLDING TABLE LEG BRACE CLASS CD441 AND SURFACE BOLT "STANLEY" 4" CLASS CD379 TO MATCH EXISTING OR APPROVED EQUAL.
- 10 EXISTING DOOR TO REMAIN CLOSED.
- 11 REPAIR AND PATCH WALL OPENING TO MATCH SURROUNDING SURFACES.
- 12 PROVIDE EXHAUST FAN: "SUN DANCE SUPPLY" MODEL 12" GPS [www.sundancesupply.com.] ONE SPEED 1140 CFM 115 VOLT 2.8 AMPS. W/ CORROSION RESISTANT PVC LOUVERS OR APPROVED EQUAL.
- 13 PROVIDE VINYL FLOORING: SEE 2/A-5 FOR MORE INFORMATION AND INSTALLATION.
- 14 PROVIDE 6" HIGH WARNING CURB EDGE SEE SHEET A-4 FOR DETAILS.

- 15 PROVIDE TOILET: SEE 2/A-5 FOR MORE INFORMATION AND ACCESSIBILITY MOUNTING HEIGHT.
- 16 PROVIDE INFILL WALL W/ MIN. 2X4 STUDS @ 16 O.C., FINISH SURFACE TO MATCH SURROUNDING SURFACES.
- 17 PROVIDE HARDWOOD BASE TO MATCH EXISTING.
- 18 PROVIDE JUNCTION BOX. CONTRACTOR SHALL VERIFY THAT EXISTING CIRCUIT AND EXISTING SERVICE PANEL/SERVICE CONDUCTORS ARE ADEQUATELY SIZED FOR THE INCREASED LOADING IMPOSED ON THE ELECTRICAL SYSTEM BY THE ADDITION OF THE EXHAUST FANS. CONTRACTOR TO INSTALL PER CALIFORNIA ELECTRIC CODE AND PER MANUFACTURER'S SPECIFICATIONS.
- 19 PROVIDE 4X4 EXPOSED HEADER.
- 20 PROVIDE WALL MOUNTED FIRE EXTINGUISHER MIN. 2A-10BC RATING.
- 21 EXISTING ELECTRICAL PANEL AND METER, CONTRACTOR TO VERIFY WORKING CONDITION OF PANEL AND THAT ALL ELECTRICAL MATERIALS CONFORM TO STATE REGULATIONS, 2001 CALIFORNIA ELECTRICAL CODE. CONTRACTOR SHALL PROVIDE 3/4" PLYWOOD ENCLOSURE OVER EXPOSED CONDUIT, SCREW TO SURFACE SURROUNDING. SEE SHEET A-3, NOTE 3.
- 22 PROVIDE ELECTRICAL SWITCHES FOR THE EXHAUST FANS AND RESTROOM LIGHT AT 4'0" A.F.F.. CONTRACTOR TO INSPECT CONDITION OF EXISTING LIGHT FIXTURES IN THE RESTROOM AREA AND PROVIDE ALL NECESSARY WORK AND MATERIALS TO MAKE IT OPERABLE. CONTRACTOR TO SELECT FROM EXISTING POWER OUTLETS FOR CONNECTIONS AND SWITCHES. EXPOSED OR CONCEALED CONDUIT AT CONTRACTOR OPTION. WIRES IN THE RESTROOM AREA SHOULD BE CONCEALED WITHIN THE WALL.
- 23 PROVIDE A SMOOTH FLOOR TRANSITION THRU OPENING.
- 24 PROVIDE PIPE RAILING: 1 1/2" DIA GAL. SCH 40 PIPE. PROVIDE THE FOLLOWING RAMP RAIL FITTINGS: "KEE KLAMP" WALL FLARE TYPE 88-8 GALV. AND "KEE KLAMP" THREE SOCKET ANGLE TEE TYPE 88-8 OR APPROVED EQUAL. INSTALL WITH MANUFACTURER'S SCREW SET AND PER RECOMMENDATIONS.

BUILDING 18803
IMPROVEMENT PLAN

SCALE 1/16"=1'-0"
2 1/2"=1'-0"



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DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 08/11/2004



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project site at all times.

Reviewed by: Date:
DESIGNED BY: M.S./B.S.S.
ACCESSIBILITY REVIEW

CERTIFICATION #

Reviewed by: Date:

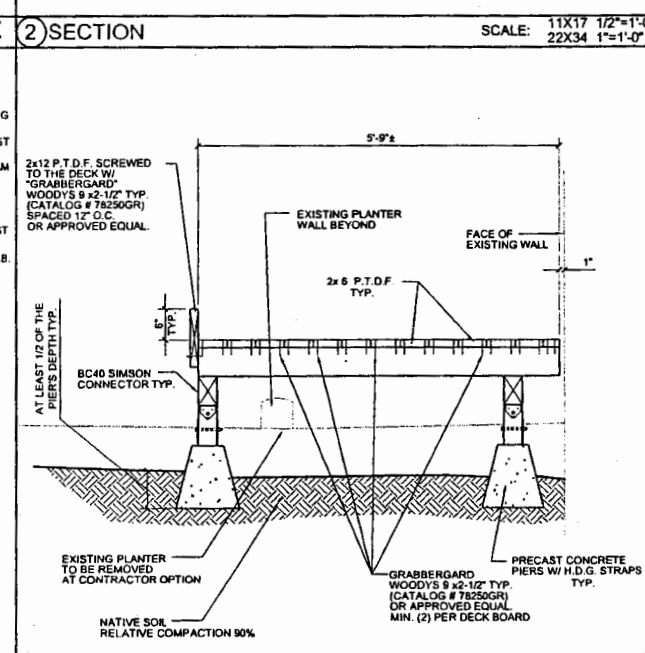
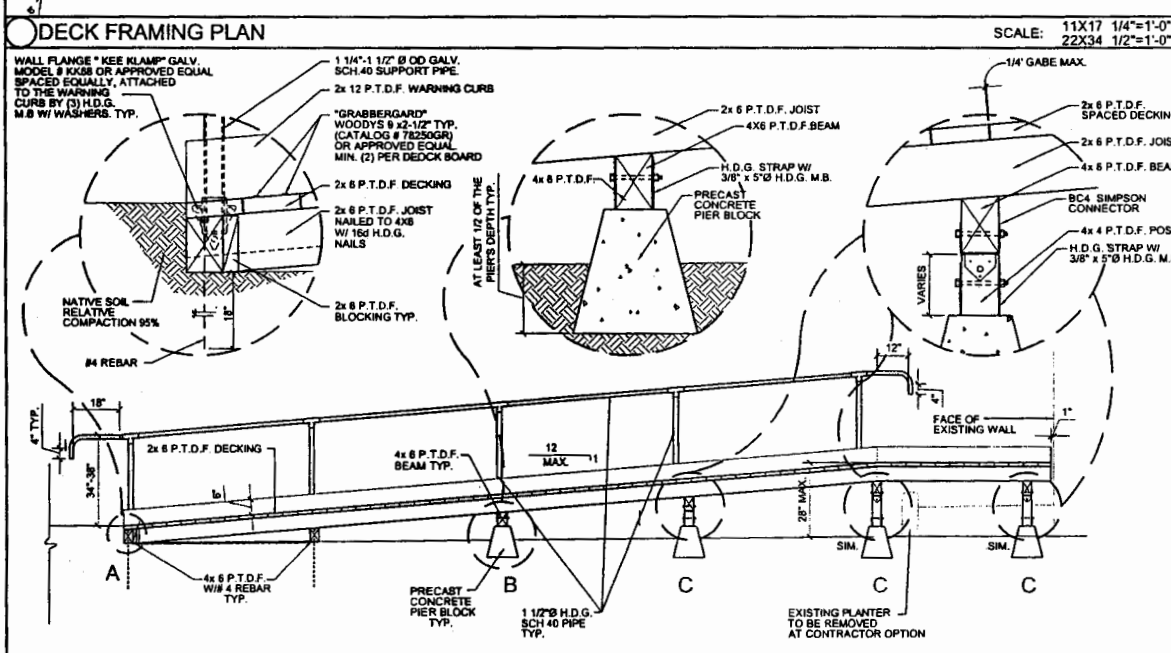
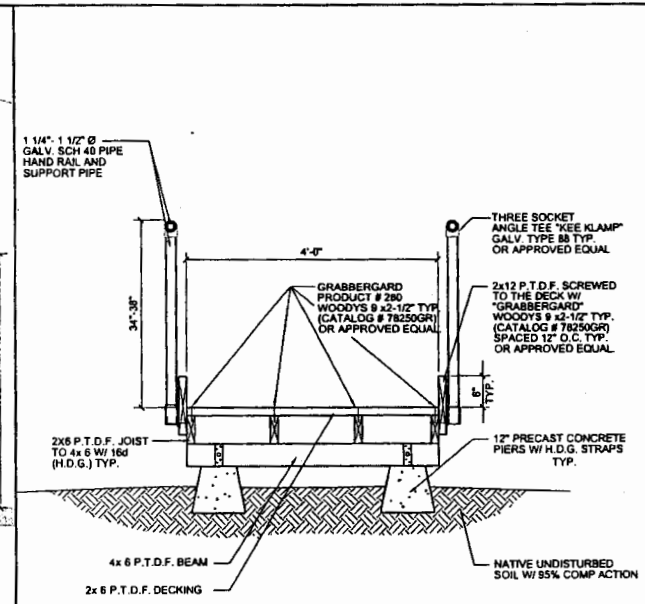
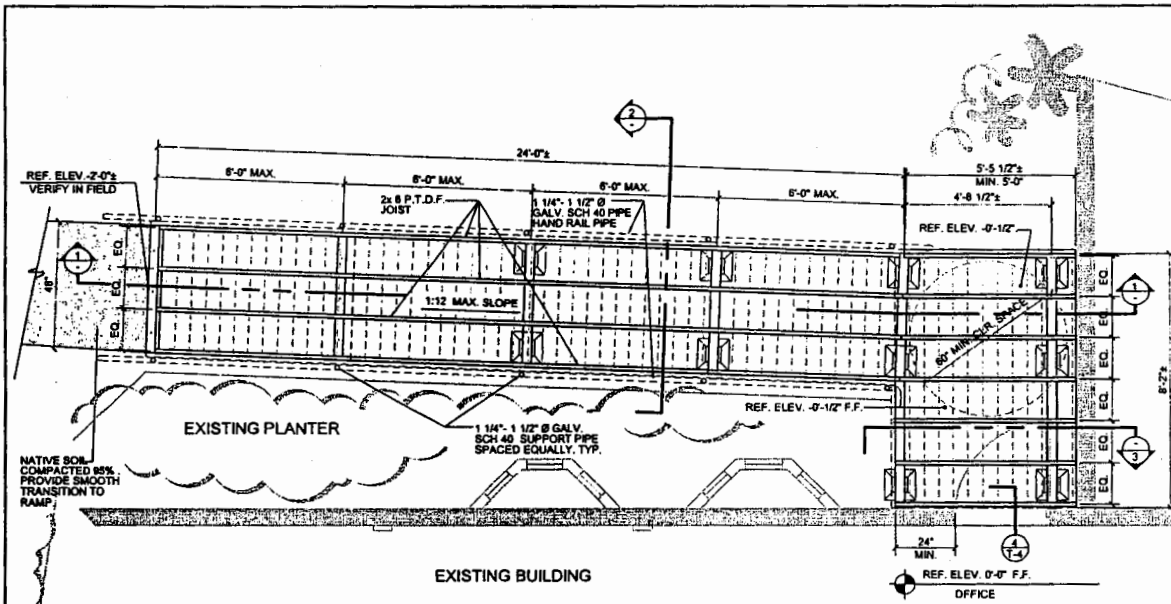
REVISIONS

NO.	DESCRIPTION	DATE

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
BUILDING 18803
IMPROVEMENT PLAN

PROJECT NUMBER
5127

SHEET NO.
A-2
18 OF 22



1) SECTION SCALE: 11X17 1/4"=1'-0" 22X34 1/2"=1'-0"

3) SECTION SCALE: 11X17 1/2"=1'-0" 22X34 1"=1'-0"

CALIFORNIA STATE PARKS
SINCE 1944

SOUTHERN SERVICE CENTER
8885 RIO SAN DIEGO
DRIVE SUITE # 278
SAN DIEGO, CA 92118
PHONE 619 226-5300
FAX 619 226-5400

DESIGNED M.S./B.S.S.
DRAWN M.S./B.S.S.
CHECKED B.M./V.C.D.
DATE 06/11/2004

REGISTERED ARCHITECT
No. C-1026
JUNE 1995
STATE OF CALIFORNIA

Approved by this plan does not constitute or represent any endorsement or approval of the project or the design. The user of this plan shall be responsible for the design and construction of the project and for all costs.

Reviewed by: _____ Date: _____

DESIGNED BY: M.S./B.S.S.
ACCESSIBILITY REVIEW

CERTIFICATION # _____

Reviewed by: _____ Date: _____

REVISIONS

NO.	DESCRIPTION

LOWER TOPANGA CANYON
IMMEDIATE PUBLIC USE (IPU)
IMPROVEMENTS AND
ABATEMENT & DEMOLITION
DECK FRAMING PLAN
AND SECTIONS

PROJECT NUMBER
5127

SHEET NO.
A-4
20 OF 22



Southern Service Center
8885 Rio San Diego Drive, Suite 270
San Diego, CA 92108
619-220-5300 – Fax: 619-220-5400

January 28, 2005

Barbara Carey
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

Exhibit 6
Permit 4-04-089
DPR Letter

Dear Ms. Carey

This letter is in response to the request for clarification of the process and procedures followed to facilitate Native American consultation for the Immediate Public Use Project at Lower Topanga, Topanga State Park.

When the CEQA process was undertaken for this project in October 2001, California State Parks inquired to the Native American Heritage Commission (NAHC) for information on the most likely Native American descendants for, and listed Sacred Sites within the Lower Topanga area. At that time no Sacred Sites were recorded in Lower Topanga. State Parks wrote letters to all 12 of the most likely descendants provided by the NAHC and followed up with telephone contacts and placed each name on the project's mailing list for public meeting notification and environmental review notices. State Parks did not receive any comments, concerns, or requests from the Native American contacts for additional mitigations or Native American consultations for the aforementioned project.

The first phase of the project was undertaken with the required CEQA and Public Resources Code 5024.5 requirements for archaeological monitoring for all ground disturbances, due to the potential for buried archeological resources. This work was completed in July 2003. Monitoring of geotechnical testing indicated that remnants of cultural material may exist 25 feet below surface, under the fill below the Topanga Motel area and 8 feet below surface in the "Snake Pit" area down by Topanga Creek.

In the summer of 2004 I was contacted by Mr. JohnTommy Rosas, a representative of the Gabrielino/Tongva Indians of California. Mr. Rosas was not on our original list of contacts but was identified as a tribal litigator for the Gabrielino/Tongva. Mr. Rosas indicated that he was resident of the Topanga Motel and had just recently nominated the Lower Topanga area as a Native American Sacred Site. He requested information as to the archaeological resources of the area and wished to meet with State Parks staff to discuss future ground disturbance activities in the area.

During the first week of October 2004, Mr. Rosas, Mr. Rob Wood of the Native American Heritage Commission, Park Superintendent Kathleen Franklin, District Ecologist Suzanne Goode, and I met on site. We discussed Mr. Rosas' concerns for State Parks' general cleanup of the property, Arundo removal activities in Topanga Creek, and the remaining removal of former residences and installation of public use facilities (parking lot and trail to bluff top) of the

Immediate Public Use project. A result of this meeting was that it was agreed that a Native American monitor would be retained, along with the State Parks' archaeological monitor required by the CEQA review process, for any additional phases of the project.

If you have any further questions about this issue or process, please feel free to contact me at 619-220-5314

Sincerely,

Jim Newland, Supervisor
Cultural Resources Section
Southern Service Center

TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

4712 ADMIRALTYWAY SUITE 172
MARINA DEL REY, CA 90292
310-570-6667

RECEIVED

JAN 07 2005

JOHN TOMMY ROEAS
TRIBAL ADMINISTRATOR

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

January 6, 2005

TO: CALIFORNIA COASTAL COMMISSION
PETER M. DOUGLAS, EXECUTIVE DIRECTOR

RE: LOWER TOPANGA CANYON ILLEGAL ACTIVITIES BY

DEPT PARKS AND RECREATION AND CALIFORNIA COASTAL COMMISSION

NOTICE OF JOINDER FOR NECESSARY PARTY IN SUPERIOR COURT

I am submitting this document and exhibits to you / CCC and DPR in regards to our serious concerns and objections to the illegal activities in Lower Topanga Canyon by CCC and DPR. These illegal activities include but are not limited to the removal of a special community and the demolition and conversion of affordable housing for low to moderate income families in the Coastal Zone, in violation to CEQA, Coastal Act, Mello Act, Ellis Act, CZMA, AIRFA, NHPA, and International Treaty(s), covenants, resolutions with the United Nations. All of these violations are occurring on a State Registered Sacred Site, this is unacceptable and illegal, it also finalizes the exclusive coastal residences to be of high income families or state employees. This is the second time in this area the state of CA has destroyed a special community, as the Tongva Village called Topaangna (Topanga) was/is located and destroyed.

We object to the CCC illegally issuing (2) Waiver- De-minimis on the limited information and review provided to CCC by DPR and the defective nature of the Lower Topanga Canyon DEIR/FEIR in which the CCC did not comment or review according to the administrative record. We were not contacted by DPR as instructed

Exhibit 7

Permit 4-04-089

**Comment Letter with
Attachments**

by NAHC (Native American Heritage Commission), during the DEIR/FEIR review or the CCC process for issuing the waivers.

We were not contacted or consulted with in any manner, this is unacceptable and illegal under International, U. S., State of CA laws, codes and Treaty(s).

Additionally, DPR illegally adopted a Statement of Overriding Considerations (SOC) on the illegal destruction and adverse impacts to a special community, in the DPR purported DEIR/FEIR process. We have also seen ground disturbing by DPR which is adversely affecting our cultural resources, this is unacceptable and illegal.

We have provided numerous exhibits attached to this document to provide evidence of our assertions and to accelerate your response to our request to issue a Executive Director Cease and Desist Order (EDCDO) on the DPR and revoke the 2 CCC Waivers De-Minimis. This EDCDO also should require the CCC to Stop DPR from all activities in the Lower Topanga Canyon so CCC can properly review all the issues and violations including the Sacred Sites impacts by DPR using CCC waivers. I contacted Jack Ainsworth of the Ventura office for CCC in mid December 2004 and he said he was unaware of the factual issues relating to Lower Topanga Canyon and DPR activities including the possible violations of those waivers conditions. These include the additional issues I have raised and he said he was going to check into it. As of today neither he nor anyone else from CCC have responded or replied back to us.


When you review the attached exhibits we believe you will acknowledge our concerns with the violations by DPR and the inconsistencies by CCC in legally reviewing the DPR Lower Topanga Canyon Project. DPR must be stopped from any additional work on this project immediately.

January 6, 2005

We urge you to carefully review the exhibits and we ask for the complete legal review and process as Carmel and Orange County received as stated in the exhibits.

In conclusion, we will give CCC/ Peter Douglas 24 hours to respond to our concerns and shortly there after issue the EDCDO on DPR, if we do not receive a response in 24 hours then we will be forced to file a motion to join as Defendant Parties the California Coastal Commission and Peter Douglas, individually and in his official capacity, in the Superior Court lawsuit with DPR which is currently being litigated. You are hereby Notified and Noticed of our Motion To Join. This is not a threat but you will leave us with no other option as we are going to trial on this lawsuit on Jan. 11, 2005, so you can understand the need for immediate action. Please call me ASAP on my direct phone line 310-570-6567 cell, so we can resolve these issues.

Sincerely,



John Tommy Rosas,

TRIBAL ADMINISTRATOR



DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
Southern Service Center
8885 Rio San Diego Drive, Suite 270
San Diego, CA 92108
619-220-5300 - Fax: 619-220-5400

Ruth G. Coleman, Director

August 20, 2004

John Tommy Rosas, Vice Chair
Gabriellno/Tongva Tribal Council
4712 Admiralty Way, Suite 172
Marina Del Rey, CA 90292

Dear Mr. Rosas,

This letter is accompanies the documents you requested during our phone conversation earlier this month.

Our phone discussion was in reference to your informing us that you have nominated the Lower Topanga area and associated archaeological remains as a Native American Sacred Site and wished more information as to California State Parks' Interim Use Plans.

As we also discussed, and I confirmed with Rob Wood of the Native American Heritage Commission (NAHC), you will be our direct contact for consultation for undertaking any additional work at this location.

Please feel free to contact me with any additional questions or concerns at 619-220-5314 or jnewland@parks.ca.gov

Sincerely,

Jim Newland, Cultural Resources Supervisor
Southern Service Center

Attachment

cc: K. Franklin, CSP Los Angeles/Topanga Sector
B. Matsumoto, CSP Southern Service Center
R. Wood, NAHC

EXHIBIT
JTR 1001

Executive Summary

The *Interim Management Plan* is the first phase of planning efforts by the California Department of Parks and Recreation (Department or California State Parks) at Lower Topanga Canyon, a new addition to Topanga State Park in Los Angeles County. The Final *Interim Management Plan* prescribes a number of small projects that allow the Department to effectively manage the Lower Topanga Canyon area in the short-term and provide data recovery to assist in subsequent planning efforts for Lower Topanga Canyon.

This Environmental Impact Report (EIR) is being prepared to provide full public disclosure of the Department's proposed actions. The Department's purpose in moving forward with these activities in Lower Topanga Canyon is protection of natural and cultural features and provision of public access. The studies and actions described herein represent a proactive approach by the Department to gather the data necessary to utilize "Best Management Practices" in our park management efforts while stabilizing the environment. The activities proposed herein generally do not pose long-term significant impacts on the environment. However, implementation of the *Interim Management Plan* will cause an unavoidable significant disruption of an established community and a Statement Of Overriding Considerations will need to be adopted for this impact. This Statement will be prepared as part of the Notice of Determination, for signature by the Director of the California Department of Parks and Recreation.

Other potentially significant effects identified include temporary short-term impacts to vegetation, wildlife, archaeological resources, geology, water, air quality, noise, and circulation resulting from the demolition and removal of structures, removal of invasive plants, and miscellaneous minor public-use improvements. Mitigation measures proposed herein, however, reduce these potential impacts to a level below significance.

Impacts to the existing system through project implementation will be out-weighted by the overall benefit of habitat improvement and enhancement for visitors, as well as for native wildlife and their associated habitats.

Known Controversies

The main point of controversy is over the relocation of current residential tenants, and the elimination of private residential use. During the public involvement process for this interim plan, current residents and other interested parties requested State Parks to maintain private residential use in the Lower Topanga Canyon property. It is State Parks' position that continued residential use (and the existing residential structures) would compromise both the recreational and natural resource values of the Lower Topanga Canyon property. Private residential use is not consistent with the goals of this interim plan or Topanga State Park, nor is it consistent with the Department's mission and policies. Furthermore, the Department is unwilling to assume responsibility as a landlord for maintaining residential structures or the earthen levee located within the 100-year flood zone, or to spend limited public funds for maintenance of these structures, when the funds could be better spent towards serving the visiting public and managing the natural and cultural resources.

There are approximately 74 tenant-occupied residential households that have held month-to-month leases on the subject property. In late June 2001, the tenants were notified of State Parks intent to acquire the property and to terminate their leases by July 2002, thus providing a full year for relocation. Furthermore, these tenants are being offered financial compensation and relocation assistance in accordance with the provisions of the California Relocation Assistance Law, California Government Code Section 7260 et. seq. and the California Code of Regulations, Title 25, Chapter 6 (Pacific Relocation Consultants 2001). Relocation assistance will include not only assistance in locating comparable dwelling units that meet the legally mandated standard of "decent, safe and sanitary", but also compensation for moving expenses incurred by the relocated households and financial compensation for increased housing expenses resulting from the relocation. The estimated moving expenses and compensation for relocated households will range from about \$45,000 to \$212,000, depending on the size of the structures, number of bedrooms, and other factors.

Environmental Effects

Unavoidable Significant Effects

Land Use and Planning

Impact: The majority of the land is currently open space and will continue as parkland/open space under the Interim Plan. However, the interim plan proposes to convert the current residential use on the property to parkland/open space (Action 6a), while leaving the current commercial use along the Pacific Coast Highway intact (Action 3e). Several commercial uses located off PCH will be relocated during the interim period. Although State Parks does not anticipate converting the PCH commercial uses under the Interim Plan, tenants could choose to relocate voluntarily. Several of the commercial uses serve the surrounding community and may not be easily replaced. The potential loss of coastal residences and commercial tenants could be considered a significant disruption of an established community.

Discussion: It is not anticipated that the project will cause disproportionate impacts to a low income or minority community although certainly some individuals may have low incomes or belong to an ethnic minority. The project complies with Title VI of the Civil Rights Act, Executive Order 12898 for Environmental Justice, and California Government Code 65040.12 (e). However, residential areas in

Southern California coastal areas are limited by space and market demand. The residential character of this area will be replaced by public open space use and natural systems. This effect is unavoidable because private residential use is inconsistent with State Park mission and policies, which govern the newly acquired land. All of the residences are on septic systems in a coastal area and studies indicate that there may be contamination from these systems into the creek. Further, many of the units are located within the 100-year floodplain presenting a risk to residents in the event of flooding. Maintaining year-round access for residents during the rainy season requires manipulation in the floodplain to protect structures, roads, and bridges. Allowing continued residential uses within the Canyon acquisition would interfere with the environmentally beneficial goals of the plan.

Finding: The significant effect to the local community is unavoidable and unmitigable; a statement of overriding considerations will need to be made.

Potentially Significant Effects and Proposed Mitigation

Vegetation

Impact: Actions involving the manipulation of vegetation in or adjacent to the Natural Habitat Zone (Actions 1a, 1e, 2a, 3a, 3b, 3c, 4a, 4b), have the potential to affect endangered, threatened, or rare species (Appendix D), and special status habitats.

Discussion: Currently three sensitive plant taxa are known to occur within the riparian corridor in the Lower Topanga Canyon Acquisition area. They are:

Plummer's mariposa lily (*Calochortus plummerae*)

Lewis' evening primrose (*Camissonia lewisii*)

Fish's milkwort (*Polygala corunta* var. *fishae*)

The California Department of Fish and Game Natural Diversity Database classifies two native plant communities within the new acquisition area as sensitive, Topanga Creek (a perennial stream), and Sycamore Alder Riparian Woodland. Removal of invasive exotic vegetation, removal of manmade intrusions, trail construction and the development of picnic areas could create adverse impacts to native riparian vegetation, rare taxa or the perennial stream. All actions will be in compliance with local, state, and federal permitting and regulatory requirements.

Mitigation 1: Prior to the implementation of exotics removal, facilities development and the removal of manmade intrusions (including structures, fences, and debris), exotic plant populations will be mapped and all areas will be surveyed for the presence of sensitive species including endangered, threatened or rare plant taxa. Listed plant species found on site will be avoided to the fullest extent possible. If a listed plant species is detected within the area of potential impact, the area shall be flagged, personnel educated on the sensitivity of the area, and instructed to avoid it. Trails and picnic areas will be redesigned, and staging areas will be relocated to avoid all listed taxa locations.

Mitigation 2: Rare natural communities shall be avoided or impacts minimized to a level below significant. Picnic areas and trails will be designed to avoid the need for removal of any trees. Removal of invasive exotics (Action 1a) can serve as mitigation for any potential impacts resulting from construction of picnic areas and trails. Furthermore, trail construction design could include placing trails in areas of heavy infestation, thereby removing exotic species from the system and avoiding adverse impacts to native vegetation.

ORNIA COASTAL COMMISSION

CENTRAL COAST AREA

CALIFORNIA ST., SUITE 200

CA 93001

1800

NOTICE OF COASTAL DEVELOPMENT PERMIT
WAIVER-DE-MINIMIS

Date: March 28, 2003
To: All Interested Parties
Subject: Waiver of Coastal Development Permit Requirement
Waiver No.: 4-03-021-W

Based on project plans and information submitted by the applicant regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

Applicant: California Department of Parks and Recreation, Angeles District, Attn: Steve White
Agent: California Department of Parks and Recreation, Southern Service Center, Attn: Chris Peregrin
Location: Lower Topanga Canyon, Topanga (Los Angeles County)
APN: 4448-002-029 thru 032, 4448-003-033 & 034, 4448-004-007 & 008
Description: Proposal to demolish 27 vacant non-historic residential structures and 1 vacant non-historic commercial structure; remove fences, miscellaneous site debris and any hazardous material; remove exotic vegetation; and perform minimal grading, balanced onsite, to fill surface irregularities left from demolition and prepare ground for hydroseeding with native vegetation. Existing native trees will be fenced for protection during proposed demolition and a biologist will be onsite to monitor the proposed project.
Rationale: The proposed project will not impact native habitat or sensitive species as the proposed area of disturbance entails existing access roads, footprints of existing residential and commercial development and a small area surrounding each of those structures, which involves previously disturbed, developed and landscaped areas. The demolished structures will be replaced with native vegetation and no existing native vegetation will be removed. In addition, the applicant has investigated the potential of sensitive plant and animal species to occur on or near the subject sites and further proposes to have a biological monitor onsite to ensure that BMPs are employed and surrounding habitat is unaffected. Thus, there will be no individual or cumulative adverse impacts on coastal resources and is consistent with all applicable Chapter Three policies of the Coastal Act.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of April 8-11, 2003. If three Commissioners object to this waiver, a coastal permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,

Peter M. Douglas
Executive Director

By: Kara Kemmler, Coastal Planner

EXHIBIT
JTR 1005

Section II

1. Location

Number: NA

Street: NA

City: NA

County: Los Angeles

Assessor's Parcel Number: 4448-002-029 to 032; 4448-003-033, 034; 4448-004-007, 008

The Lower Topanga Canyon acquisition is located about 20 miles west of downtown Los Angeles, within an unincorporated portion of Los Angeles County. It is adjacent to the southwest boundary of Topanga State Park and bisected by Topanga Canyon Blvd (State Route 27), with Pacific Coast Highway (PCH, State Route 1) along its southern border.

2. Project Description

➤ Demolition and site clean-up

This Waiver application requests permission for the demolition of 28 vacant non-historic structures, and removal of fences, miscellaneous site debris and any hazardous material in Lower Topanga Canyon (see Attachment 1 'Immediate Public Use Improvements First Phase Abatement and Demolition'). A combination of heavy equipment and hand labor will be used to demolish structures and remove debris. Routes of travel will be limited to existing roads. All structures are outside the active channel/ordinary high water mark of Topanga Creek, and do not include wetland habitat (see Attachment 2 'Biological Report'; Figure 1, 'Site Conditions'). The demolition process shall include the latest Best Management Practices consistent with Local, State and National storm water discharge regulations (see Attachment 1: BMP 1 and BMP 2). The removed structures will be replaced with native vegetation (see 'Exotic Vegetation Removal' below). In accordance with CA Regional Water Quality Control Board mandate, water quality monitoring wells will be placed throughout the canyon.

2a: NA

2b: NA

3. Cost

Site Clean-Up: Roughly \$20,000 per residence, (includes HAZMAT testing and removal of associated outbuildings).

Total cost: \$560,000 for 28 demolitions

4. NA

5. NA

EXHIBIT
JTR 1006

Addresses to Demo through Waiver

1. 3751 Topanga Canyon Blvd.
2. 3813 Topanga Canyon Blvd.
3. 3843 Topanga Canyon Blvd.
4. 3974 Old Malibu Road. Needs creek crossing
5. 3977 Old Malibu Road.
6. 3989 Old Malibu Road.
7. 18717 Pacific Coast Highway (Topanga Ranch Market)
8. 3904 Topanga Canyon Lane. New address to this list
9. 0000 Brookside Drive. Needs creek crossing
10. 3719 Rodeo Grounds Lane (part of 3719-1/2) needs creek crossing
11. 3707 Rodeo Grounds Lane. Needs creek crossing
12. 3929 Rodeo Grounds Lane.
13. 3729 Rodeo Grounds. Needs creek crossing
14. 3801-1/2 Topanga Canyon Blvd.
15. 3948 Topanga Canyon Lane.
16. 3948-1/2 Topanga Canyon Lane.
17. 2813 Topanga Canyon Blvd.
18. 3221 Topanga Canyon Blvd.
19. 3831 Topanga Canyon Blvd.
20. 3903/3905 Topanga Blvd. (duplex)
21. 3908 Topanga Canyon Lane.
22. 3964 Old Malibu Road.
23. 3968 Old Malibu Road.
24. 3983 Old Malibu Road.
25. 3991 Old Malibu Road.
26. 3861 Topanga Canyon Lane.
27. 3839 Topanga Canyon Lane.
28. 3833 Topanga Canyon Lane.

EXHIBIT
JTR 1007

Currently, five residential structures are designated for renovation to accommodate State Park operations. However, this number may increase up to 8, depending on future project needs. These renovations are not requested through this waiver. The presence of State Park staff will serve to both protect the property from indiscriminate use and to educate park visitors. Access to these structures will be limited to routes currently present.

The four existing dirt roadways will be closed to public vehicular use. Gates will be installed at the primary access points and comply with fire prevention/emergency requirements.

1b. Demolition

In total, some 51 residences and 1 business structure (18717 Pacific Coast Highway) are currently planned for demolition. This waiver requests permission to demolish 28 of these structures (see 'Addresses on Site' below; Attachment 1). Approximately 6,720 cubic yards of debris are expected from the demolition of these 28 structures. The demolition contractor shall be required to dispose of any contaminated debris in an EPA permitted landfill. Debris shall be removed as demolishing activity occurs on a daily basis. No debris shall be staged or stored on-site. The estimated average quantity of demolition material generated at each address is 240 cubic yards. Average run per residence including associated outbuildings is 6 trips by a 40 cubic yard roll back dumpster truck.

All structures have been, or are in the process of being tested for hazardous materials (e.g., asbestos, lead). Each structure will be tested prior to demolition. Any structure containing hazardous materials will be demolished and disposed of in accordance with EPA protocol.

2. Development Agreement

No.

3. Previous Applications.

Yes. Waiver # 4-02-194-W.

4. Coast Access

No. The proposed actions increase on site public access to the shoreline and along the coast.

5. Diking, Draining, Filling, Dredging and structures in wetlands or U.S. Waters.

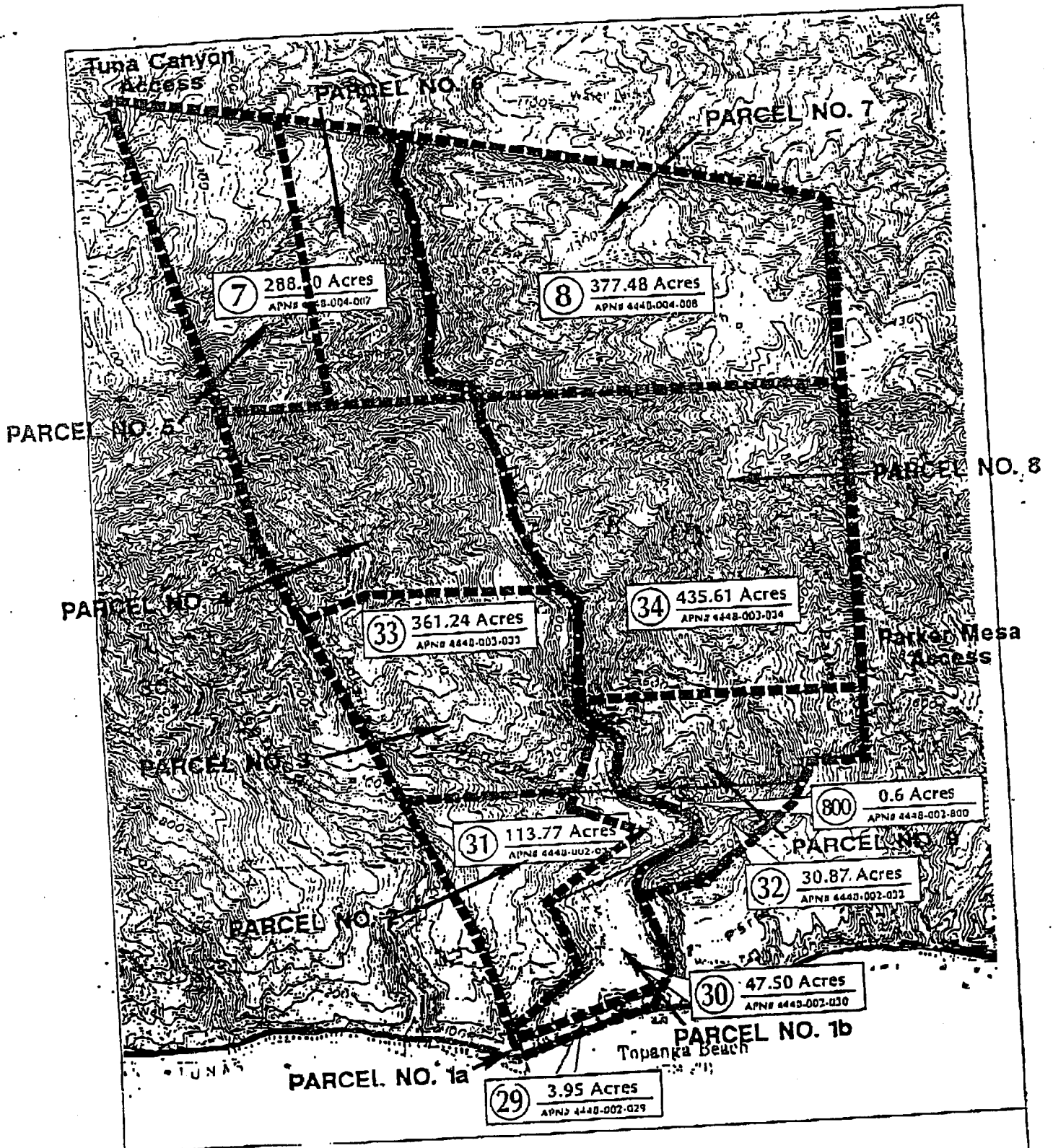
No

6. Aquatic and Public Trust Lands

No demolition or development is proposed for beach, tidelands or submerged lands at this time. This is State Park land, acquired by California State Parks in August 2001. Small amounts of *Arundo donax* are encroaching upon Topanga Lagoon and Topanga Creek. This exotic vegetation will be removed.

EXHIBIT

JTR 1008



PARCELIZATION

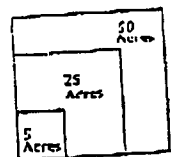
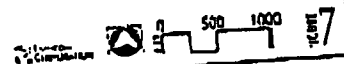


EXHIBIT
JTR 1009

SOURCE: Los Angeles County Assessor's Office
(This map, based on knowledge of L.A. Co. 1/5 boundary, is not a legal survey)



7

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
726 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-1863

W13d

Filed:	03/21/02
180 th day:	09/17/02
Staff:	MW-SC
Staff report:	08/22/02
Hearing date:	09/11/02

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-02-008, Kamm

Applicant.....Mike & Karen Kamm

Project location.....E/S Santa Fe Street between 1st and 2nd Avenues (Block 15, Lot 14), City of Carmel-by-the-Sea, Monterey County (APN 010-027-013). See Exhibits 1.

Project descriptionDemolition of existing 808 square foot single-story residence and a 378 square foot detached guesthouse, to facilitate construction of a two-story 1,800 square foot residence and garage.

File documents.....Categorical Exclusion E-77-13 for City of Carmel-by-the-Sea; Design Study, Demolition permit, and Historic Resource review: DS 01-11 / RE 01-25.

Staff recommendation ...Denial

Summary: Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is made particularly special by the character of the residential development within its City limits. Homes are nestled into the native Monterey pine/Coast live oak forest on a grid of streets that is executed in a way to yield to trees more than to engineering expediency. This is the context for Carmel's community life and its built character.

The proposal raises questions as to whether this project would protect Carmel's special community character consistent with the Coastal Act Section 30253(5). In particular, the project will result in a significant change in the spatial relationships and architectural character on the site. For example, the existing house is a small single-story cottage built in 1926. The proposed replacement structure is an eclectic French-Tudor architectural design, with a two-story front elevation sited on the Santa Fe Street frontage. The bulk and massing of the structure are forward of the mid-point on the property and appear out of character with the structures directly adjacent to the north and south. The replacement structure roof form is more complex than the existing structure, with more than 40 roof planes. Roof design, though, does little to break up the massive appearance as viewed from the west, Santa Fe Street, elevation. The proposal also results in a significant increase in size and height. The existing single-story structure and guesthouse are combined 1,186 square feet as compared to the replacement house at 1,800 square feet, a 52% increase. The existing structure ridge height is 16 feet as compared to 24 feet for the



California Coastal Commission
September 11, 2002 Meeting in Los Angeles

Staff: Michael Watson Approved by:

C:\DOCUME~1\mfrum\LOCALS~1\Temp\3-02-008 Kamm SFD Demo Rebuild 8.19.02.doc

EXHIBIT**JTR 1010**

proposed house at the west (street frontage) elevation. Additionally, there is a copper chimney flue proposed that would extend to an overall height of 27 feet.

The cumulative impacts of demolitions like this are also a concern. In the past 24 months, staff has received and processed more than 50 applications for demolitions in Carmel. The Commission continues to receive 2 applications for demolitions in Carmel monthly. By demolishing the subject structure as proposed, its overall contribution to community character will be forever lost. Additionally, a significant number of substantial alterations and remodels are issued each month that also result in a significant change in character. See Figure 2. As is shown in the findings below, the overall cumulative effect of demolitions, such as the current project, is having a deleterious effect on Carmel's established character. The project cannot be found to be consistent with section 30253(5) at this time.

Part of the reason for this is that although the elements that define the City's established character can be generally described, for the purposes of the Coastal Act, it has yet to be translated into specific comprehensive LCP planning objectives and standards designed to protect Carmel's community character. The City Council took action to approve both a Land Use Plan and Implementing Ordinances and submitted it to the Commission in December 2001 for review and approval. Staff has been collaborating with City planners over the past eight months, reviewing and evaluating background materials and LCP supporting documents, such as the City's Design Traditions study and Forest and Beach Management Plan in the quest to identify the elements of community character. Staff has analyzed specific LCP policies, standards, and guidelines, and started to assess the potential individual and cumulative impacts of future development on the community allowed under those standards and ordinances. Until a set of standards for redevelopment in Carmel is certified in the LCP, though, projects must be evaluated in part on whether their approval might prejudice the completion of an LCP that is consistent with the Coastal Act.

Overall, Staff is recommending that the project be denied because it cannot be found to be consistent with 30253(5), and because it will prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act, inconsistent with Coastal Act Policy 30604(a). The denial would be without prejudice to the proposed project inasmuch as once the City's LCP has been finished, and ultimately certified by the Commission, the proposed project could be held up against the applicable LCP standards and evaluated accordingly at that time. Until that time, however, Staff cannot recommend that the Commission find this application consistent with the Coastal Act.



**CALIFORNIA COASTAL COMMISSION**

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W 10a**MEMORANDUM**

March 6, 2002

TO: Commissioners and Interested Parties

FROM: Sarah Christie, Legislative Coordinator
John Bowers, Staff Counsel

SUBJECT: Report on Affordable Housing Program

LEGISLATIVE HISTORY

From the date of its enactment in 1976 until 1981, the California Coastal Act included specific policy language requiring the provision of affordable housing in the coastal zone for persons of low and moderate income. As originally enacted, Section 30213 of the Coastal Act provided:

"Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and, where feasible, provided." (Emphasis added.)

Under that authority, the Commission required, as conditions to coastal development permits issued for numerous Orange County residential subdivisions, that 25% to 35% of the permitted units be maintained as affordable housing with re-sale controls to ensure their continued affordability.

In 1981, the Legislature repealed the Commission's statutory authority to protect and provide affordable housing in the coastal zone. SB 626 (Mello) (Ch. 1007 Statutes of 1981) amended PRC Section 30213 by deleting the italicized language above, and by adding Section 30500.1 which states:

"No local coastal program shall be required to include housing policies and programs."

EXHIBIT
JTR 1012

And Section 30607.2 (a) which states:

"Conditions requiring housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, which were incorporated into a coastal development permit issued prior to January 1, 1982, may, at the request of the permittee, be amended or modified by the commission or by a local government having the authority to issue coastal development permits. In approving such amendments or modifications, only those conditions and requirements authorized by Section 65590 of the Government Code may be imposed on the permittee."

SB 626 also added Section 65590 to the Government Code, authorizing the demolition or conversion of affordable housing units in the coastal zone, so long as replacement dwelling units were constructed within the same city or county, within 3 miles of the coastal zone.

BACKGROUND

Between January 1, 1977 and January 1, 1982, a total of 1,195 affordable, owner/occupancy dwelling units were either constructed or required to be built as part of large development projects in Orange County as a result of Commission actions pursuant to Section 30213. The Commission subsequently removed the condition to provide 429 affordable units prior to their construction at Monarch Beach (A-79-5539), at the request of the developer. A total of 766 units countywide were actually built. These units are in the communities of Laguna Niguel, Dana Point, San Clemente, and various unincorporated areas of Orange County.

The conditions imposed by the Commission required the original permit applicants to establish programs assuring the continued affordability of these units. This was accomplished through an arrangement with the Orange County Housing Authority (OCHA), which agreed to administer the re-sale program. (See Exhibit 1.) Under the agreement, which the Commission approved, the owners of the affordable units all bought their units at restricted, below-market prices. These sales were publicly subsidized through a combination of tax-exempt mortgage revenue bonds, density bonuses and cost disbursement.

As owners decided to sell, the Authority could purchase and resell the units to qualified buyers at a controlled price, or in some cases, recapture the difference between the controlled price and the market price if the option to purchase was not exercised by the Authority. The earned increment was used to support the program.

The Commission's original permit conditions were silent on the question of the duration of time that the re-sale controls were to remain in effect. The conditions simply stated that subsequent sales following the initial sale must be kept at a price affordable to households earning the same percentage of the median income. Typical condition language stated "Units shall be subject to controls on resale to assure continued affordability as provided in the Commission's Statewide Interpretive Guidelines."¹ These guidelines, endorsed by the Legislature in Section 30169 (f) of the Coastal Act, neither contain nor provide for any limit on the duration of the resale restrictions on owner-occupied units.

¹ Permit # P-80-7284

Under the administration of the OCHA, durational limits were introduced into the resale provisions, allowing the units to be released from the program if they did not undergo resale for a period of time ranging in length from 20-30 years. This was accomplished in the language worked out with the applicants and included in the attachments to grant deeds, which vary in format. The first of these resale controls on units in original ownership are set to expire in March, 2003. Upon expiration, the units can be sold at full market value, with the seller netting the profit.

The resale provisions also require the units to be owner-occupied. Any violation of this requirement through rental or otherwise confers on the OCHA or its successor the right to cause an immediate sale of the unit either to the OCHA or to the OCHA's designee. There is strong circumstantial evidence that a greater than insubstantial proportion of the units in the program are not in compliance with this owner-occupancy requirement.

The OCHA administered the program on behalf of the Coastal Commission until February 1984, when the Orange County Board of Supervisors adopted a policy terminating the county's participation. (See Exhibit 1.) Subsequent to OCHA's withdrawal, the Commission and the Coastal Conservancy entered into an agreement with the non-profit group, Community Housing Enterprises (CHE) (See Exhibit 2.) which administered the program until 1987, when administrative demands exceeded the non-profit's capacity and what it perceived as a lack of political will on the part of public agencies to support affordable housing demoralized the volunteer staff. The organization relinquished control of the program to the Commission and the Conservancy on August 31, 1987. (See Exhibit 3.)

For approximately 2 1/2 years following CHE's exit, Commission staff was unable to find a non-profit or governmental agency willing to manage the program, and was on the verge of terminating it by allowing homeowners to delete relevant permit conditions. An informal General's opinion declared that such action would constitute a gift of public funds. (See Exhibit 4.) The opinion stated in part:

"In short, increases in value were to benefit the housing program, not the individual purchaser. The effect of amending the permits to delete the resale provisions is to permit the current individual owners, upon resale of their units, to realize the profits which would otherwise belong to the administering agency."

In response to the AG's concerns, the Commission modified, rather than deleted the resale controls, allowing the units to be sold for full market value, with up to \$10,000 per unit being placed in a special escrow account for the future implementation of an affordable housing program, should an acceptable agency or organization assume responsibility in the future.

Over the years, the program has lost 350 affordable units, which have reverted to market rate and thus been lost to the affordable housing pool. These losses occurred for a variety of reasons.

- Lack of oversight during management changes.
- Lack of qualified buyers.
- Officially released from the program by the County, CHE, CCBH or the Commission.

EXHIBIT
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In August 1990, Civic Center Barrio Housing (CCBH) agreed to administer the program, which by then had dwindled to 416 units. (See Exhibit 5.) The program is self-sustaining, and offers low-interest, revolving loans as well as incentives to local realtors who find qualified buyers.

The portion of these units that are still in original ownership will lose their resale controls within the next 12 years under the existing terms of the attachments to grant deeds. The location of the units, the total number of units in the program when the CCBHC assumed responsibility for administering it, and the earliest dates on which controls on units in original ownership will expire are as follows:

Location	Total # of Units	Earliest Date of Expiration
• Niguel Beach Terrace, Dana Point	241	2003
• Cyprus West, San Clemente	9	2004
• Aliso Meadows, Laguna Hills	7	2011
• Beacon Hill, Dana Point	33	2012
• Spinaker Run, Dana Point	52	2013
• Pacific Terrace, Dana Point	36	2014
• Seawatch, Laguna Niguel	38	2014

DISCUSSION

The Legislature, the Attorney General and the Commission have declared the provision of affordable housing serves a valuable public purpose. In Section 65589.5 of the Government Code, the Legislature finds all of the following:

(1) The lack of housing is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing. (3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

Although the Coastal Act no longer specifically authorizes the Commission to impose conditions relative to affordable housing on permits or amendments, a continuing responsibility exists to carry out the provisions of previously issued coastal development permits. The May 9, 1988 letter opinion of the California Attorney General deems the program to be "a valuable asset of the government" and states clearly that the Commission retains control over the program and "ultimately holds the right to control the housing program and the options to purchase or to recapture profits which are contained in the conditions."²

Affordable housing in Orange County and throughout the coastal zone is extremely limited, due to the high cost of coastal real estate and the fact that the supply of new units lags behind demand by about a million units statewide, according to the California Housing Law Project.

² Letter to Peter Douglas, from Supervising Deputy AG Anthony Summers, May 9, 1988

Most urban areas within the county are at or near build out, eliminating the opportunity to provide substantial numbers of affordable units as a component of new development projects, and making it harder for cities to meet their affordable housing goals. Jurisdictions are attempting to offset the regional impacts of affordable housing losses by charging in-lieu fees and employing other subsidy mechanisms, but maintenance of existing units, if feasible, is generally considered to be the most effective means of providing for affordable housing needs. Unless legislative action is taken, the remaining 416 units will be lost with little likelihood of replacement.

In reading the original permit conditions requiring resale controls on a percentage of new housing between 1977 and 1982, one could come away with the impression that the commission intended the units to remain affordable for the life of the project. Although the specific language varies from permit to permit, staff could not find any permits that contemplated a reversion to market rate units. A study done by the Fair Housing Council of Orange County in 1989 calculated the difference between the subsidized rate and market rate of the units at \$14,896,343.

Local governments count these units toward their affordable housing quotas and other planning goals set by the Housing and Community Development Agency, the Southern California Area Association of Governments and the South Coast Air Quality Management District. In some instances, the projects' specific plans have been approved by local government and the Commission in part because they have been found to be in compliance with SCAQMD Regulation 15.01 and 15.02, which requires work-trip reductions, and alternatives to work-trip reductions, achieved in part by providing an acceptable jobs/housing ratio.

CONCLUSION

The Commission clearly has a continuing responsibility to continue oversight of the affordable housing program. If the Commission decides that preserving the existing affordable units in Orange County is beneficial, it may pursue either of the following options.

- 1) Pursue legislation. Assembly-member Lowenthal has introduced a spot bill, AB 2158, to carry forward any legislative initiative that might address the issue; or
- 2) Support efforts by CCBHC to 1) identify existing units that are currently in violation of the owner occupancy requirement (i.e. rented) 2) exercise under the terms of the program the remedy of recapture of the units by CCBHC.

Legal/staffreport/CCO Housing Report.doc

EXHIBIT
JTR 1016

GOVERNMENT CODE

SECTION 7260-7277

0. As used in this chapter:

- (a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state or any entity acting on behalf of these agencies when acquiring real property, or any interest therein, in any city or county for public use, and any person who has the authority to acquire property by eminent domain under state law.
 - (b) "Person" means any individual, partnership, corporation, limited liability company, or association.
 - (c) (1) "Displaced person" means both of the following:
 - (A) Any person who moves from real property, or who moves his or her personal property from real property, either:
 - (i) As a direct result of a written notice of intent to acquire, the acquisition of, the real property, in whole or in part, for a program or project undertaken by a public entity or by any person acting in agreement with, or acting on behalf of, a public entity.
 - (ii) As a direct result of the rehabilitation, demolition, or other displacing activity, as the public entity may prescribe under a program or project undertaken by a public entity, of real property on which the person is a residential tenant or conducts a business or farm operation, if the public entity determines that the displacement is permanent. For purposes of this subparagraph, "residential tenant" includes any occupant of a residential hotel or motel, as defined in subdivision (b) of Section 50669 of the Health and Safety Code, and any occupant of employee housing, as defined in Section 17008 of the Health and Safety Code, but does not include any person who has been determined to be in unlawful occupancy of the displacement dwelling.
 - (B) Solely for the purposes of Sections 7261 and 7262, any person who moves from real property, or moves his or her personal property from real property, either:
 - (i) As a direct result of a written notice of intent to acquire, the acquisition of, other real property, in whole or in part, on which the person conducts a business or farm operation for a program or project undertaken by a public entity.
 - (ii) As a direct result of the rehabilitation, demolition, or other displacing activity as the public entity may prescribe under a program or project undertaken by a public entity, of other real property on which the person conducts a business or farm operation, in any case in which the public entity determines that the displacement is permanent.
 - (2) This subdivision shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for, or in connection with, a public use where the public entity is otherwise empowered to acquire the property to carry out the public use.
- Except for persons or families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, who are occupants of housing that was made available to them on a permanent basis by a public agency and who are required to move from the housing, a "displaced person" shall not include any of the following:

EXHIBIT
JTR 1017

deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

67.6. If any interest in real property is to be acquired by exercise of the power of eminent domain, the public entity shall institute formal condemnation proceedings. No public entity shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

67.7. (a) If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, the public entity shall offer to acquire the entire property if the owner so desires.

(b) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his or her right to receive just compensation for the property, vacate the property, any part thereof, any interest therein, or any compensation paid therefor to a public entity determined by the person.

67.8. (a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under this chapter. These rules and regulations shall be in accordance with the rules and regulations adopted by the Department of Housing and Community Development.

(b) Notwithstanding subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

67.9. (a) Prior to the initiation of negotiations for acquisition by a public entity or public utility of nonprofit, special use property, as defined by Section 1235.155 of the Code of Civil Procedure, the acquiring public entity or public utility shall make every reasonable effort to seek alternative property which is other than nonprofit, special use property. However, this requirement shall not apply to properties acquired by public entities for transportation purposes, including, but not limited to, the construction, expansion, or improvement of streets, highways, or railroads.

(b) This section does not apply to actions or proceedings commenced by a public entity or public utility to acquire real property or any interest in real property for the use of water, sewer, electricity, telephone, natural gas, or flood control facilities or rights-of-way where those acquisitions neither require removal or destruction of existing improvements, nor render the property unfit for the owner's present or proposed use.

EXHIBIT
JTR 1018

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 65590-65590.1

65590. (a) In addition to the requirements of Article 10.6 (commencing with Section 65580), the provisions and requirements of this section shall apply within the coastal zone as defined and delineated in Division 20 (commencing with Section 30000) of the Public Resources Code. Each respective local government shall comply with the requirements of this section in that portion of its jurisdiction which is located within the coastal zone.

(b) The conversion or demolition of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, shall not be authorized unless provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income. Replacement dwelling units shall be located within the same city or county as the dwelling units proposed to be converted or demolished. The replacement dwelling units shall be located on the site of the converted or demolished structure or elsewhere within the coastal zone if feasible, or, if location on the site or elsewhere within the coastal zone is not feasible, they shall be located within three miles of the coastal zone. The replacement dwelling units shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition of the residential dwelling unit. In the event that an existing residential dwelling unit is occupied by more than one person or family, the provisions of this subdivision shall apply if at least one such person or family, excluding any dependents thereof, is of low or moderate income.

For purposes of this subdivision, a residential dwelling unit shall be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit and if the eviction was for the purpose of avoiding the requirements of this subdivision. If a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish that structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of this subdivision and the applicant for the conversion or demolition shall bear the burden of proving that the evictions were not for the purpose of avoiding the requirements of this subdivision.

The requirements of this subdivision for replacement dwelling units shall not apply to the following types of conversion or demolition unless the local government determines that replacement of all or any portion of the converted or demolished dwelling units is feasible, in which event replacement dwelling units shall be required:

(1) The conversion or demolition of a residential structure which contains less than three dwelling units, or, in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer dwelling units.

(2) The conversion or demolition of a residential structure for purposes of a nonresidential use which is either "coastal dependent,

EXHIBIT

JTR 1019

as defined in Section 30101 of the Public Resources Code, or "coastal related," as defined in Section 30101.3 of the Public Resources Code. However, the coastal-dependent or coastal-related use shall be consistent with the provisions of the land use plan portion of the local government's local coastal program which has been certified as provided in Section 30512 of the Public Resources Code. Examples of coastal-dependent or coastal-related uses include, but are not limited to, visitor-serving commercial or recreational facilities, coastal-dependent industry, or boating or harbor facilities.

(3) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has within the area encompassing the coastal zone, and three miles inland therefrom, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.

(4) The conversion or demolition of a residential structure located within the jurisdiction of a local government which has established a procedure under which an applicant for conversion or demolition will pay an in-lieu fee into a program, the various provisions of which, in aggregate, will result in the replacement of the number of dwelling units which would otherwise have been required by this subdivision. As otherwise required by this subdivision, the replacement units shall, (i) be located within the coastal zone if feasible, or, if location within the coastal zone is not feasible, shall be located within three miles of the coastal zone, and (ii) shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition.

The requirements of this subdivision for replacement dwelling units shall not apply to the demolition of any residential structure which has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions.

For purposes of this subdivision, no building, which conforms to the standards which were applicable at the time the building was constructed and which does not constitute a substandard building, as provided in Section 17920.3 of the Health and Safety Code, shall be deemed to be a public nuisance solely because the building does not conform to one or more of the current provisions of the Uniform Building Code as adopted within the jurisdiction for new construction.

(c) The conversion or demolition of any residential structure for purposes of a nonresidential use which is not "coastal dependent", as defined in Section 30101 of the Public Resources Code, shall not be authorized unless the local government has first determined that a residential use is no longer feasible in that location. If a local government makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of any dwelling units occupied by persons and families of low or moderate income pursuant to the applicable provisions of subdivision (b).

(d) New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall

EXHIBIT
JTR 1020

offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

(e) Any determination of the "feasibility" of an action required to be taken by this section shall be reviewable pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.

(f) The housing provisions of any local coastal program prepared and certified pursuant to Division 20 (commencing with Section 30000) of the Public Resources Code prior to January 1, 1982, shall be deemed to satisfy all of the requirements of this section. Any change or alteration in those housing provisions made on or after January 1, 1982, shall be subject to all of the requirements of this section.

(g) As used in this section:

(1) "Conversion" means a change of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobilehome, or a mobilehome lot in a mobilehome park, or a residential hotel to a nonresidential use.

(2) "Demolition" means the demolition of a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

(3) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technical factors.

(h) With respect to the requirements of Sections 65583 and 65584, compliance with the requirements of this section is not intended and shall not be construed as any of the following:

(1) A statutory interpretation or determination of the local government actions which may be necessary to comply with the requirements of those sections; except that compliance with this section shall be deemed to satisfy the requirements of paragraph (2) of subdivision (c) of Section 65583 for that portion of a local government's jurisdiction which is located within the coastal zone.

(2) A limitation on the program components which may be included in a housing element, or a requirement that a housing element be amended in order to incorporate within it any specific provision of this section or related policies. Any revision of a housing element pursuant to Section 65588 shall, however, take into account any low- or moderate-income housing which has been provided or required pursuant to this section.

(3) Except as otherwise specifically required by this section, a requirement that a local government adopt individual ordinances or programs in order to implement the requirements of this section.

(i) No provision of this section shall be construed as increasing or decreasing the authority of a local government to enact ordinances or to take any other action to ensure the continued affordability of housing.

(j) Local governments may impose fees upon persons subject to the

EXHIBIT
JTR 1021

provisions of this section to offset administrative costs incurred in order to comply with the requirements of this section.

(k) This section establishes minimum requirements for housing within the coastal zone for persons and families of low or moderate income. It is not intended and shall not be construed as a limitation or constraint on the authority or ability of a local government, as may otherwise be provided by law, to require or provide low- or moderate-income housing within the coastal zone which is in addition to the requirements of this section.

65590.1. Any local government which receives an application as provided in Section 30600.1 of the Public Resources Code to apply the requirements of Section 65590 to a proposed development shall apply these requirements within 90 days from the date on which it has received that application and accepted it as complete. In the event that the local government has granted final discretionary approval to the proposed development, or has determined that no such approval was required, prior to receiving the application, it shall, nonetheless, apply the requirements and is hereby authorized to conduct proceedings as may be necessary or convenient for the sole purpose of doing so.

EXHIBIT
JTR 1022

CALIFORNIA CODES
PUBLIC **RESOURCES CODE**
SECTION 30000-30012

30007. Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, **relocation benefits**, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

EXHIBIT
JTR 1023

IN THE SUPREME COURT OF CALIFORNIA

COALITION OF CONCERNED
COMMUNITIES, INC., et al.,

Plaintiffs and Appellants,

v.

CITY OF LOS ANGELES,

Defendant and Respondent;

CATELLUS RESIDENTIAL GROUP,
Real Party in Interest and
Respondent.

S119897

Ct.App. 2/3 B149092

Los Angeles County

Super. Ct. No. BC207782

Government Code section 65590, subdivision (d) (section 65590(d)), part of the Mello Act, provides that "[n]ew housing developments constructed within the coastal zone" shall provide housing for those with low or moderate income where feasible. We must decide whether this provision applies to a proposed project that is partly within the coastal zone but has no housing impacts within that zone. Because the purpose of the Mello Act is to provide for affordable housing based on housing impacts *within* the coastal zone, we conclude that section 65590(d) does not govern this project.

I. FACTS AND PROCEDURAL HISTORY

Real party in interest Catellus Residential Group (Catellus) proposes to develop approximately 45 acres of land near the Pacific Ocean in the Westchester-

Playa del Rey area of Los Angeles. About 12 acres of the property is located within the California coastal zone. (See Pub. Resources Code, § 30103.)

Defendant City of Los Angeles (city) originally approved an earlier version of the proposed project. It concluded that the Mello Act's affordable housing requirement did not apply because none of the proposed houses would be constructed within the coastal zone. Plaintiffs Coalition of Concerned Citizens, Inc. and Spirit of the Sage Council (collectively, Coalition) commenced the instant action in March 1999 by filing a petition for writ of mandate in the superior court challenging the city's approval of the project. As relevant here, the petition alleged that the project violated the Mello Act. (Gov. Code, §§ 65590, 65590.1.) After this action commenced, the Coastal Commission denied Catellus a coastal development permit. The trial court then stayed the instant action pending revision of the project.

Catellus revised the project. As currently proposed, the project includes 114 homes, all to be constructed outside the coastal zone, and about 19 acres of open space. The dissent in the Court of Appeal described the proposed construction within the coastal zone: "Proposed construction within the coastal zone includes the construction of part of an access road, widening of Lincoln Boulevard, construction of a public view park, and erosion control measures, all of which will involve the grading of a total of 2.31 acres of land within the coastal zone. A storm drain and water, sewer, and other utility lines also are to be constructed in or under the access road and partly within the coastal zone."

The city approved the new proposal. In August 2000, the Coastal Commission issued a coastal development permit. (The commission's issuance of the permit is being challenged in a separate action that is also before this court. (*Sierra Club v. California Coastal Com.*, review granted July 23, 2003, S116081.)) Coalition amended the petition for writ of mandate in October 2000 to

challenge the city's approval of the revised project. It alleges that the project is located within the coastal zone and therefore must comply with Mello Act affordable housing requirements. After a hearing, the trial court rejected Coalition's contentions and entered a judgment denying the petition in February 2001. Coalition appealed.

The Court of Appeal affirmed the judgment. The majority, in an opinion by Justice Aldrich, held that "the Mello Act affordable housing requirement applies to a new housing development only if the development includes housing constructed within the coastal zone." Justice Croskey dissented on this point. He argued that "if a substantial part of the development is constructed within the coastal zone, as here, the affordable housing requirement will apply." We granted Coalition's petition for review limited to whether the Mello Act applies to this development.

II. DISCUSSION

The Legislature enacted Government Code section 65590, part of the Mello Act, in 1981. (*Venice Town Council, Inc. v. City of Los Angeles* (1996) 47 Cal.App.4th 1547, 1552.) At issue in this case is section 65590(d), which states in part: "New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code."

¹ In its entirety, section 65590(d) provides: "New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Where it is not feasible to provide these housing units in a proposed new housing development, the local government shall require the developer to provide such housing, if feasible to do so, at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to,

Specifically, we must decide what the Legislature meant by "[n]ew housing developments." If, as here, a proposed housing development includes open space and infrastructure within the coastal zone, but every house will be outside the coastal zone, is it a housing development "constructed within the coastal zone" for purposes of this statute?

Catellus argues, and the Court of Appeal majority below found, that section 65590(d) applies only if some actual housing is constructed within the coastal zone. Coalition argues that the section applies if any part of the development is within the coastal zone. The dissent below argued that the section applies if a "substantial part" of the development is within the coastal zone. We conclude that section 65590(d) does not apply to a development like this which contains within the coastal zone no housing or even private amenities reserved for the exclusive use of the homeowners.²

Our fundamental task in interpreting a statute is to determine the Legislature's intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute's

modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees."

² Because the facts do not present the issue, we do not decide whether the Mello Act would apply if the project included within the coastal zone amenities that are an adjunct of a residential housing development and intended for the exclusive enjoyment of the homeowners, such as a golf course or other sporting facility.

purpose, legislative history, and public policy. (*Torres v. Parkhouse Tire Service, Inc.* (2001) 26 Cal.4th 995, 1003; *People v. Murphy* (2001) 25 Cal.4th 136, 142; *People v. Ledesma* (1997) 16 Cal.4th 90, 95.)

We agree with the majority below that section 65590(d)'s words, "[n]ew housing developments constructed within the coastal zone," are ambiguous. (See *Citizens for Flatton Canyon v. Dept. of Transportation* (2003) 112 Cal.App.4th 838, 844 [phrase "in the coastal zone" is ambiguous; it could either mean at least partially within the zone or entirely within the zone].) One could say that if *any* part of a proposed development that includes houses is within the coastal zone, the development is a housing development, and it is constructed within the coastal zone. One could also say, as did the dissent below, that if a *substantial part* of a proposed development that includes houses is within the coastal zone, the development is a housing development, and it is constructed within the coastal zone (although it is difficult to find the concept substantial part in the words of the statute). But it is also reasonable to say that if no house is constructed within the coastal zone, a development that includes houses constructed *outside* the coastal zone is not a *housing* development constructed *within* the coastal zone.

We also agree with the majority below that a review of the legislative history does not help to resolve the ambiguity. The parties discuss at some length the nature and significance of the city's position on this question as expressed in this case, in certain guidelines and interim procedures the city has adopted, and in an agreement to settle the litigation in *Venice Town Council, Inc. v. City of Los Angeles*, *supra*, 47 Cal.App.4th 1547. We conclude that the city's actions do not assist us in determining what the Legislature meant in enacting the Mello Act and, accordingly, do not consider those actions. The parties also debate the history and nature of the Coastal Commission's role in furthering the goal of providing affordable housing. This, too, we find unhelpful. Finally, noting that the Mello

Act does not define the term, "[n]ew housing developments," the parties cite definitions of somewhat similar terms in other, generally unrelated, statutes. We also find these definitions do not assist in deciding what the Legislature meant in this specific context. Instead, we find the answer to the question presented by considering the statutory language in context and in light of the statute's purpose.

One purpose of the Mello Act is "to preserve residential housing units occupied by low- or moderate-income persons or families in the coastal zone." (*Venice Town Council, Inc. v. City of Los Angeles, supra*, 47 Cal.App.4th at pp. 1552-1553.) The act also seeks to create affordable housing in some circumstances. It promotes these purposes by two means. First, when existing affordable housing within the coastal zone is converted or demolished, it seeks to provide replacement affordable housing nearby. (Gov. Code, § 65590, subd. (b).) Second, when a new housing development is constructed within the coastal zone, it seeks to provide commensurate affordable housing nearby. (§ 65590(d).) The key circumstance triggering these goals is the existence of, or proposal to create, a *housing impact* within the coastal zone. As the majority below stated, "the clear purpose of [section 65590(d)] is to require the provision of affordable housing based on activities conducted within the coastal zone." The majority also noted that Government Code section 65590, subdivision (a), provides that "[e]ach respective local government shall comply with the requirements of this section in that portion of its jurisdiction *which is located within the coastal zone.*" (Italics added.) This language also suggests that housing impacts within the coastal zone are what matter, not housing impacts elsewhere.

The project proposed here will neither affect existing affordable housing nor have a new housing impact within the coastal zone. The project includes only some infrastructure and construction of a public view park within the coastal zone. No logical connection exists between the goal of encouraging the preservation or

provision of affordable housing in the coastal zone and a development that includes no homes of any price range or any other amenities for the exclusive use of the homeowners, within that zone. A development that contains housing impacts solely outside the coastal zone may be subject to requirements pertaining to housing developments outside that zone, but no reason appears to believe the Legislature wanted to subject the same development to the Mello Act's additional coastal zone affordable housing requirements.

The dissent below and Coalition note that Government Code section 65590 sometimes refers to "housing developments" and sometimes uses terms like "dwelling units" and "residential structure." They assert that the "Legislature's separate use of these terms necessarily suggests that each must have a different meaning." However, the Legislature used the broader term "housing developments" when referring to the entire development, and the narrower terms when referring to individual units or structures. This use of the differing terms does not answer the question presented here—whether a development containing no housing impact within the coastal zone is a *housing* development that is constructed *within* the coastal zone.

We also see practical difficulties with Coalition's interpretation. An argument that the Mello Act applies whenever *any* part of a proposed housing development is within the coastal zone would be too broad to make practical sense. If, for example, a proposed development contains only a drainage pipe within the coastal zone, it is hard to imagine any reason to require affordable housing because of that drainage pipe. As another example, if a proposed development contains only one acre within the coastal zone that is meant to remain open space, and the only proposed construction within that acre is a public right of way to the beach, the developer could presumably avoid Mello Act affordable housing requirements by giving that acre to the local governmental

entity. But if the entity did not want the land or could not afford to build and maintain the right of way, and the developer agreed instead to build and maintain the right of way at its own expense, then, under Coalition's interpretation, this agreement would trigger the act's affordable housing requirements. Such a result would be counterproductive.

On the other hand, the dissent's position that the Mello Act applies when a *substantial part* of the development is within the coastal zone, while not so extreme, injects uncertainty into the planning process. As the majority below noted, the parties here and "future developers and municipalities [would be] left to speculate on a case-by-case basis [citation] whether a particular housing development is within the coastal zone or not. Such an ad hoc analysis lacks clarity and in all probability [would] lead to needless future litigation. [¶] [S]uch an amorphous standard provides no clear direction or predictability for future developments as to when this substantiality test is met. Examples . . . might include scenarios where only the main sewer line to a housing development traverses but a few feet of the coastal zone property or, as here, part of one of the main access roads traverses the same land. Or take the situation where there is to be no construction or excavation of any kind within the coastal zone, but some of the project acreage is to be left in its natural state as a habitat for rare species of plant or wildlife. Under any of these scenarios, the parties would never be able to predict whether they must consider the feasibility of affordable housing."

The most precise and easily predictable test is also the most logical one given the act's purpose: A housing development is a "[n]ew housing development[] constructed within the coastal zone" only if it will have a housing impact within the coastal zone. Because this project does not have such an impact, we agree with the majority below that it is not subject to the Mello Act.

III. CONCLUSION

We affirm the judgment of the Court of Appeal.

CHIN, J.

WE CONCUR:

GEORGE, C.J.
KENNARD, J.
BAXTER, J.
WERDEGAR, J.
BROWN, J.

CONCURRING OPINION BY MORENO, J.

I concur in the result. I write separately to clarify what I believe to be the proper holding and rationale.

I agree with the majority that neither the language of the statute nor its legislative history can resolve the question before us, although the use of the broad term "housing development" at least permits the possibility the Legislature was concerned with something beyond housing units in the strict sense. I also agree with the majority that the key to this case is to divine the legislative purpose of Government Code section 65590, subdivision (d) (hereafter section 65590(d)).

I believe the purpose of section 65590(d) was expressed in the Coastal Commission's Interpretive Guidelines to former Public Resources Code section 30213, which had mandated the Coastal Commission to protect and provide for "housing opportunities for persons of low and moderate income." (Stats. 1976, ch. 1330, § 1, p. 5958.) The Interpretive Guidelines state that section 30213 "is a recognition that meaningful access to the coast requires housing opportunities as well as other forms of coastal access." (Cal. Coastal Com., Interpretive Guidelines on New Construction of Housing (1981) § II.A, p.13.) "The access, economic development and environmental policies of the Coastal Act all provide that the coastal zone will not be the domain of a single class of citizens but will instead remain

available to the entire public; the provision of affordable housing benefits not only those who live in it but all members of society." (*Id.*, § II.B, p. 14.)

The Mello Act transferred the responsibilities for providing affordable housing within the coastal zone from the Coastal Commission to local governments. But I believe it retained the original purpose expressed in the above Interpretive Guidelines. The reason for the concern with the absence of affordable housing in the coastal zone is obvious. The coastal zone offers some of the choicest, and most expensive, land. The housing market, left to itself, might well make the coastal zone, or large portions of it, "the domain of a single class of citizens," i.e., the wealthy, contrary to the public policy of access embodied in the Coastal Act and transplanted in slightly different form into the Mello Act.¹

If the goal of the Mello Act is not to have the coastal zone dominated by a single class, the means chosen to achieve that goal are to require the building of affordable housing in the coastal zone when affordable coastal housing is destroyed and, "where feasible," when any housing is constructed within the zone. (§ 65590(d).) When no housing is constructed within the coastal zone then, generally speaking, there is no issue of monopolization of coastal housing by the wealthiest citizens. But such is not invariably the case. Consider, for example a development that builds houses just outside the coastal zone boundary but constructs private amenities, e.g., golf courses or other sporting facilities, within the coastal zone. Such amenities would be occupying the coastal zone as an adjunct of residential development and would thwart the purpose of the Mello Act by making a portion of

¹ I note that the Mello Act includes moderate-income families with incomes of up to "120 percent of the area median income, with some flexibility to adjust that figure upward for certain geographic areas. (Health & Saf. Code, § 50093.) The Mello Act was evidently concerned, therefore, with the exclusion from the coastal zone of both low income and middle income families.

the coastal zone the exclusive domain, the backyard as it were, of wealthy homeowners.

As the majority correctly points out, the present case does not involve such private amenities. (Maj. opn, *ante*, at p. 4, fn. 2.) Rather, the portion of the coastal zone to be used includes various public improvements such as an access road, sewers, a storm drain, various utility lines, erosion control measures, and a public view park. These public improvements do not raise the issue of monopolization of coastal land by a single class that would be implicated by the construction of private facilities in the coastal zone that are an adjunct of residential development. I therefore concur in the majority's result.

MORENO, J.

I CONCUR:

KENNARD, J.

See next page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion Coalition of Concerned Communities v. City of Los Angeles

Unpublished Opinion
Original Appeal
Original Proceeding
Review Granted XXX 111 Cal.App.4th 1166
Rehearing Granted

Opinion No. S119897
Date Filed: December 9, 2004

Court: Superior
County: Los Angeles
Judge: David P. Yaffe

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Aerial photograph (2001) of the proposed project area

Exhibit 8
Permit 4-04-089
Aerial Photo

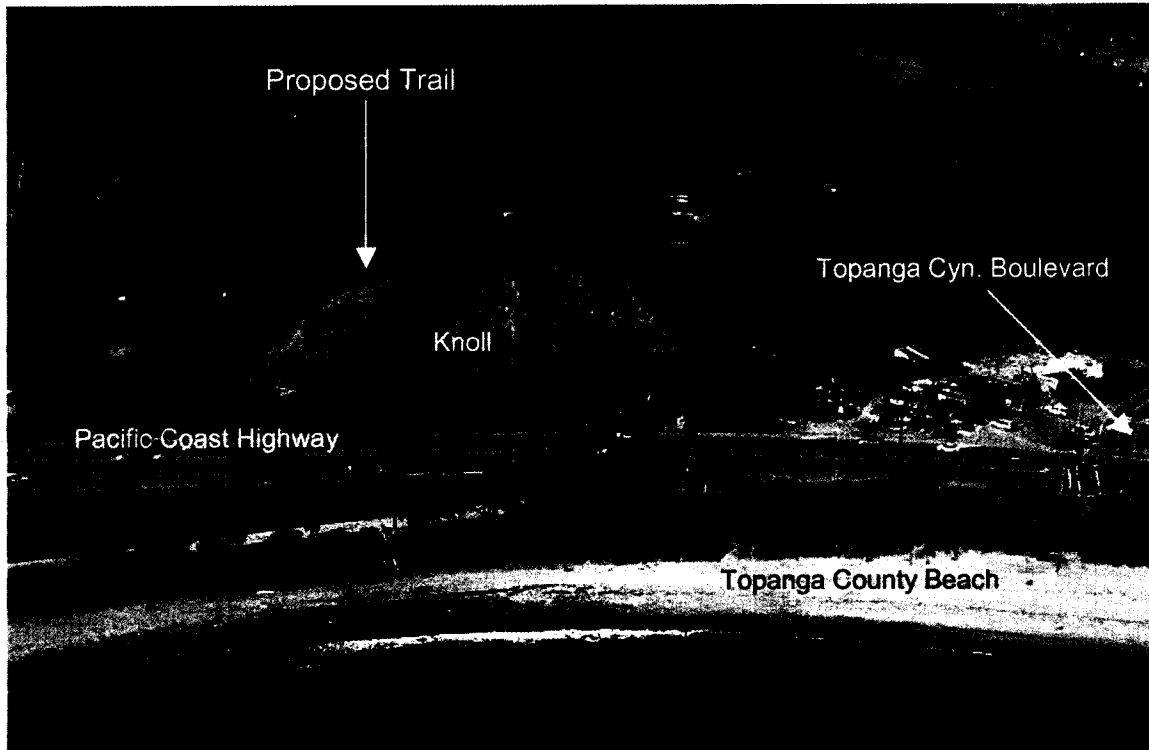


Photo 2004, Provided by the California Coastal Records Project



Knoll as seen from the base of the proposed trail at Topanga Canyon Lane

Exhibit 9
Permit 4-04-089
Photos of Trail Area

