CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th14a

Addendum

DATE: July 29, 2009

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th14a, Thursday, August 13, 2009, Coastal Development Permit No. 4-08-020 (Stunt Road LLC)

The purpose of this addendum is to:

1. Change the date filed and 180th day for this application, seen on page 1 of the staff report. The original date the application was filed should be February 19, 2009 and the 180th Day should be August 18, 2009. The staff report will read as followed:

Filed:	~~4/18/08~~ 2/19/2009
180th Day:	~~2/19/09~~ 8/18/2009
Staff:	A. Berner
Staff Report:	7/22/09
Hearing Date:	8/13/09

2. Add revised plans to Exhibit 3 (Project Plans), pages 3 and 4. The applicant has submitted revised project plans that change the quantity and shape of the proposed retaining walls at the south end of the residence. Original plans show four rectangular walls with edges whereas the revised plans show two curved walls without edges. This revision is minor and does not change the development footprint of the project, or impact the GSA requirement.

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180th Day:	8/18/09
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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **4-08-020**

APPLICANT: Stunt Road LLC

AGENT: David Frith-Smith

PROJECT LOCATION: 20531 Medley Lane, Topanga, Los Angeles County (APN: 4448-012-045)

PROJECT DESCRIPTION: Construction of a two-story, three-level, 35 foot high, 2,308 square foot single family residence and attached 707 square foot three-car garage with septic system, retaining walls, and 1,120 cubic yards of grading (200 cubic yards cut, 920 cubic yards of fill).

MOTION & RESOLUTION: Page 3

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with conditions.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed residence will conform to the maximum gross structural area allowed for the site, provided the applicant extinguishes the development potential on an adjacent site as proposed, and as required by recommended special conditions, thereby minimizing cumulative impacts to coastal resources.
- **ENVIRONMENTALLY SENSITIVE HABITAT AREA.** The project site is adjacent to property that contains habitat that meets the definition of ESHA, and the project will have adverse impacts on that ESHA. The proposed residence is not a resource dependent use, but will be approved to permit the applicant a reasonable economic use of the property. The structure will be sited to minimize significant disruption of habitat values. Mitigation is required for the loss of ESHA due to the development and the required fuel modification around structure.

- **OAK TREE PROTECTION.** The project includes the encroachment of development within the protected zone of oak tree(s) that is unavoidable given the size of the parcel and location of trees. The encroachment is minor because it is minimized by the siting of the structures and is unlikely to significantly impact the health of the trees, although impacts may take years to reveal themselves. A monitoring program is required to ensure that potential impacts are mitigated.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas. Given the size of the property, there are no siting or design alternatives available that would avoid impacts to visual resources. However, the project is designed to conform to the slope and to be compatible with the character of surrounding development. The project is conditioned to minimize impacts by finishing the structure with color consistent with the surrounding natural landscape, by using non-reflective glass, by landscaping with native plants, and by limiting night lighting on the site.

Table of Contents

EXHIBITS

Exhibit 1. Vicinity Map
Exhibit 2. Parcel Map
Exhibit 3. Project Plans
Exhibit 4. Greater Lot Aerial
Exhibit 5. Habitat Assessment for Kerry Lane (April 12, 2002)
Exhibit 6. Kerry Lane Preservation Proposal (April, 2002)
Exhibit 7. Visual Analysis
Exhibit 8. Fuel Modification Boundary
Exhibit 9. Riparian Area Proximity to Subject Site
Exhibit 10. Open Space Easement; Lot 23 of Tract 9531

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated March 3, 2008; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated February 5, 2009; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, dated January 14, 2009; County of Los Angeles Fire Department, Fuel Modification Plan, dated February 2, 2009.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; "Preliminary Feasibility Geotechnical & Geological Investigation of proposed new residence at 20531 Medley Lane, Topanga, California," Strata-Tech, Inc., April 26, 2007; "Percolation Test Feasibility Study, Groundwater Statement & Geological Logging at 20531 Medley Lane, Topanga, California," Strata-Tech, Inc., July 8, 2008; Coastal Development Permit (CDP) 4-07-074-W (Stunt Road LLC); CDP No. 4-02-124 (Hawkins/Shea); CDP No. 4-00263 (Bolander); CDP No. 4-98-242 (Lau).

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-08-020 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

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

2. Assumption of Risk, Waiver of Liability and Indemnity

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

3. Drainage and Polluted Runoff Control Plan

A. ***Prior to issuance of the Coastal Development Permit***, the applicant shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of storm water and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

(1) BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.

(2) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands consistent with **Special Condition 5, Landscaping and Fuel Modification Plans**. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design should be utilized for any landscaping requiring water application.

(3) All slopes should be stabilized in accordance with provisions contained in the Landscaping and/or Erosion and Sediment Control Conditions for this Coastal Development Permit.

(4) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains.

(5) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans should be approved by the project consulting geotechnical engineer.

(6) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer, qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. <u>Interim Erosion Control Plans and Construction Responsibilities</u>

A. ***Prior to the issuance of the Coastal Development Permit***, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

(a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.

(b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.

(c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.

(d) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with

geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.

(e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

(f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

2. Construction Best Management Practices

(a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

(b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

(c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

(d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

(e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

(f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

(g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

(h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

(i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

(j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

(1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive

Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

(2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;

(4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

(5) No permanent irrigation is permitted within the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of any on-site oak trees and landscaping within the oak tree protected zones shall be limited to native oak tree understory plant species.

B) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

C) Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

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

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Structural Appearance

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

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. Lighting Restriction

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

(1) The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same amount of light (as measured in lumens) as,

or less than, that produced/generated by a 60 watt incandescent bulb, unless a greater amount of light is authorized by the Executive Director.

(2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

(3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

8. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans,** shall require an amendment to this Coastal Development Permit from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

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

10. Habitat Impact Mitigation

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a map delineating all areas of riparian, chaparral and coastal sage scrub habitat (ESHA) that will be disturbed by the

proposed development, including fuel modification and brush clearance requirements on the project site and adjacent property. The chaparral and coastal sage scrub ESHA areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all riparian, chaparral and coastal sage scrub ESHA, both on and offsite, which will be impacted by the proposed development, including the fuel modification/brush clearance areas. A 200-foot clearance zone from the proposed structures shall be used to determine the extent of off-site brush clearance for fire protection purposes. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the chaparral ESHA from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral habitat equivalent to the area of chaparral ESHA impacted by the proposed development and fuel modification/brush clearance area. The habitat restoration area may either be onsite or offsite within the coastal zone either in the City of Malibu or elsewhere in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite, the applicant shall submit written evidence to the Executive Director that the property owner has irrevocably agreed to allow the restoration work, maintenance and monitoring required by this condition and not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been, in part or in whole, unsuccessful, based on the approved goals and performance standards, the applicant shall submit a revised or supplemental restoration plan

with maintenance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. Should supplemental restoration be required, the applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating the supplemental restoration areas. At the end of the five-year period, a final report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and performance standards for the restoration area. If the goals and performance standards are not met within 10 years, the applicant shall submit an application for an amendment to the coastal development permit for an alternative mitigation program and shall implement whatever alternative mitigation program the Commission approves, as approved.

The habitat restoration work approved in the restoration plan shall be carried out prior to occupancy of the residence.

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act, shall occur in the habitat restoration area, as shown on the habitat restoration site plan required pursuant to (A)(1) above.

Prior to the issuance of the coastal development permit, the applicant shall submit evidence that the applicant has executed and recorded a deed restriction (if the applicant is not the owner, then the applicant shall submit evidence that the owner has executed and recorded the deed restriction), in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel on which the restoration area lies and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

Prior to issuance of the Coastal Development Permit, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicant fails to either restore or maintain and monitor according to the approved plans, the Coastal Commission may collect the security and complete the work on the property.

B. Habitat Conservation

Prior to issuance of the Coastal Development Permit, the applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing chaparral ESHA. The chaparral ESHA located on the mitigation parcel or parcels must be of equal or greater area than the ESHA area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

Prior to occupancy of the residence, the applicant shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like ESHA.

C. Habitat Impact Mitigation Fund

Prior to issuance of the Coastal Development Permit, the applicant shall submit evidence, for the review and approval of the Executive Director, that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to riparian, chaparral, and coastal sage scrub habitat ESHA. The fee shall be calculated as follows:

1. Development Area, Irrigated Fuel Modification Zones, Off-site Brush Clearance

The in-lieu fee for these areas shall be $12,000 per acre within the development area, any required irrigated fuel modification zones, and required off-site brush clearance areas (assuming a 200-foot radius from all structures). The total acreage shall be based on the map delineating these areas required by this condition.

2. Non-irrigated Fuel Modification Zones

The in-lieu fee for non-irrigated fuel modification areas (on-site) shall be $3,000 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment of any in-lieu fee to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of

the Executive Director, the calculation of the in-lieu fee required to mitigate adverse impacts to riparian, chaparral, and/or coastal sage scrub habitat ESHA, in accordance with this condition. After review and approval of the fee calculation, the fee shall be paid to the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, permanent preservation or restoration of habitat in the Santa Monica Mountains coastal zone, with priority given to the acquisition of or extinguishment of all development potential on properties containing environmentally sensitive habitat areas and properties adjacent to public parklands.. The fee may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

11. <u>Open Space Conservation Easement</u>

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur on Lot 23 of Tract 9531, as generally shown in Exhibit 10 except for:

(1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan approved pursuant to **Special Condition 5, Landscaping and Fuel Modification Plans**, or other fuel modification plans required and approved by the Commission pursuant to a different CDP(s) issued by the Commission;

(2) Drainage and polluted runoff control activities required and approved pursuant to:

a. The drainage and runoff control plans approved pursuant to **Special Condition 3, Drainage and Runoff Control Plan,** of this permit; and

b. The landscaping and erosion control plans approved pursuant to **Special Condition 4, Interim Erosion Control & Construction Best Management Practices Plan, and Special Condition 5, Landscaping and Fuel Modification Plans,** of this permit;

(3) Planting of native vegetation and other restoration activities, if approved by the Commission as an amendment to this coastal development permit or by this Commission or the applicable certified local government as a new coastal development permit;

(4) If approved by the Commission as an amendment to this coastal development permit or a new coastal development permit,

a. construction and maintenance of public hiking trails; and

b. construction and maintenance of roads, trails, and utilities consistent with existing easements.

B. ***Prior to issuance of the Coastal Development Permit***, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority ("MRCA") on behalf of the people of the State of California an open space conservation easement over the "open space conservation easement area" described above, for the purpose of

preserving natural resources. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on Exhibit 10. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

12. Lot Combination

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the subject 3 lots (Lot 11, Lot 22, and Lot 23 of Tract 9531), which are sometimes currently referred to as one parcel (APN 4448-012-045), shall be formally and irrevocably recombined and unified for purposes of the Subdivision Map Act and the Coastal Act, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.

B. ***Prior to issuance of this coastal development permit***, the applicant shall execute and record a deed restriction against each lot described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the 3 lots being recombined and unified. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

13. Removal of Excavated Material

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

14. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50-foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved

pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

15. Oak Tree Protection

To ensure that the oak cluster located on the subject parcel is protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. In addition, no permanent irrigation is permitted within the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of the oak cluster and landscaping within the oak tree protected zone shall be limited to native oak tree understory plant species.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a two-story, three-level, 35 foot high, 2,308 square foot single family residence and attached 707 square foot three-car garage with septic system, retaining walls, and 1,120 cubic yards of grading (200 cubic yards cut, 920 cubic yards of fill) (Exhibit 3).

The approximately half acre project site (0.54-acre) is comprised of three hillside lots, all of which are vacant. The site is located in the Fernwood area of unincorporated Los Angeles County (Exhibit 2). The subject parcel was held under public trust by the Mountains Restoration Trust, a non-profit land trust dedicated to preserving natural land in the Santa Monica Mountains, but was sold to the applicant in 2006. The lot is located on the south side of Medley Lane, in an area partially developed with single family residences and adjacent to Topanga State Park (Exhibit 1). Adjacent lots to the north of Medley Lane are generally developed with single family residences while the adjacent lots to the east and west are less developed (Exhibit 4).

Immediately to the south, across Kerry Lane, is an approximately five acre (4.90-acres) undeveloped parcel under private ownership that meets the definition of environmentally sensitive habitat area provided in Section 30107.5 of the Coastal Act (Exhibit 4). The Commission previously considered development (CDP No. 4-02-134) on a nearby property that included potential fuel modification on this 4.90-acre parcel. In that case, the Commission found that habitat on this 4.90-acre parcel constituted ESHA. Specifically, this area consists of a riparian area and small wetland fed by Sperling Well, a perennial spring that feeds an unnamed stream (Exhibit 9). The stream corridor has gentle topography and runs through Topanga State Park to a large culvert beneath Topanga Canyon Boulevard. This area is an important resource for wildlife, providing year-round water and an attractive movement corridor. These values are discussed in

depth in Section E, Environmentally Sensitive Habitat Area, and Exhibit 5, 'Habitat Assessment for Kerry Lane' performed by Steven Williams, Staff Conservation Biologist, Resource Conservation District of the Santa Monica Mountains, on April 12, 2002.

Kerry Lane, a public dirt road that runs parallel to the stream corridor and separates the project site from the riparian area, provides access to the remote northwestern portion of Topanga State Park. Due to its ecological importance, as well as its potential use as a public trail into the park, the approximately 5-acre area surrounding the stream corridor and immediately west of the park boundary was the subject of an acquisition proposal currently under consideration by the Santa Monica Mountains Conservancy.

The subject property is comprised of three hillside lots, two with frontage to Kerry Lane and the other on Medley Lane. The three lots together form a backwards L-shaped parcel (Exhibit 4). Slopes are variable ranging from 1.5:1 to 2:1. Dense mature mixed-series chaparral vegetation spotted with an Oak tree cluster covers the slopes. While the chaparral habitat has been fragmented such that it no longer meets the Coastal Act definition of ESHA, it does provide habitat for a number of plant and animal species, helps prevent erosion of the steep slopes overlooking the riparian area, and contributes to the shady microclimate of the riparian area.

The proposed project will be partially visible from nearby Tuna Canyon Road (Exhibit 7), a designated Scenic Highway in the 1986 Malibu/Santa Monica Mountains Land Use Plan. Visibility will be predominately from traveling north/northeast on Tuna Canyon Road. The project site is also partially visible from Topanga State Park, directly east of the proposed project. Despite these circumstances, the structure is not expected to have any significant adverse visual impact given the location within an existing residential development, the design of the structure in conformance to the slope, the slope behind and above the site, and the distance from both Tuna Canyon Road and Topanga State Park.

B. PAST COMMISSION ACTION

On November 30, 2007, the Commission waived the requirement for a Coastal Development Permit (CDP), CDP No. 4-07-074-W, pursuant to Title 14, Section 13238 of the California Code of Regulations for the removal of native vegetation and grading for the construction of an approximately 70 foot long temporary access road for soils and percolation testing on the subject parcel. The road extended upslope from the lower road, Kerry Lane. The applicant indicated that access to the future residence on the site would not be gained from this road. As such, under the waiver, the applicant, Stunt Road LLC (the same applicant for this permit), agreed to restore the temporary access road to the pre-existing grade and to revegetate all disturbed areas within two (2) years from approval of the waiver or sixty (60) days from the applicant's receipt of the Certificate of Occupancy for a residence on the property from the County of Los Angeles, whichever was sooner, unless additional time was granted for good cause. In no case (even with written approval of additional time) was the restoration of the road grade and revegetation to occur any later than four (4) years from the approval of the waiver; giving the applicant, at the latest, until November 30, 2011 to fulfill the

requirements of 4-07-074-W. Depending on the outcome of this permit, CDP No. 4-08-020, the applicant was waiting to revegetate the area.

The rationale for the waiver was that it was relatively minor in nature. The applicant indicated at the time that an application for a single family residence on the subject property would be submitted. Given the steep slopes on the site, it was considered infeasible to carry out the soils or percolation testing, deemed necessary for completing a CDP application, without constructing a temporary road. This access road will also serve to install the residential septic system proposed in this CDP application, 4-08-020. Under these circumstances, the project was considered consistent with all applicable Chapter Three policies of the Coastal Act.

C. HAZARDS AND GEOLOGIC STABILITY

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact

that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
Special Condition 3: Drainage and Polluted Runoff Control Plans
Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
Special Condition 5: Landscaping and Fuel Modification Plans

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

D. WATER QUALITY

Section **30231** of the Coastal Act states that:

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

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge, and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters

and thereby reduce optimum populations of marine organisms and have adverse impacts on human health. Furthermore, the site is located approximately 120 feet northwest of an unnamed perennial stream (Exhibit 9) and considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 3: Drainage and Polluted Runoff Control Plans
Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
Special Condition 5: Landscaping and Fuel Modification Plans
Special Condition 14: Removal of Native Vegetation

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. ENVIRONMENTALLY SENSITIVE HABITAT

Section **30240** of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. 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 **30250(a)** of the Coastal Act states:

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

Section **30251** of the Coastal Act states:

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

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

> P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.
>
> P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table l and all other policies of this LCP.
>
> P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.
>
> P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.
>
> P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development.

Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

1. Project Description and Site Specific Biological Resource Information

The project site is a steeply sloping, undeveloped parcel located on the south side of Medley Lane, in an area partially developed with single family residences that is adjacent to Topanga State Park. The site contains mixed-series chaparral vegetation, including ceanothus, elderberry, hollyleaf cherry, lemonade berry, and toyon, and one small oak tree cluster. While the chaparral habitat on the subject parcel has been fragmented such that it no longer meets the Coastal Act definition of ESHA, it does provide habitat for a number of plant and animal species, helps prevent erosion of the steep slopes, and contributes to the shady microclimate of an adjacent riparian area discussed below.

Adjacent parcels to the north and east contain single family residences. To the west, approximately 300 feet away, exists another single family residence. An approximately five acre parcel immediately south of the project site is also undeveloped, and contains a riparian area and small wetland fed by Sperling Well (Exhibit 9), a perennial spring that feeds an unnamed stream. Riparian vegetation consists of the California sycamore-coast live oak association. The stream corridor has gentle topography and runs through Topanga State Park to a large culvert beneath Topanga Canyon Boulevard. This area is an important resource for wildlife, providing year-round water, cover, and a relatively level corridor between the western and eastern portions of Topanga State Park. A habitat assessment of this riparian area, performed by Steve Williams, Staff Conservation Biologist, Resource Conservation District of the Santa Monica Mountains, is included as Exhibit 5.

The riparian habitat adjacent to the subject site is especially valuable in that it is one of the few perennial water sources in the Santa Monica Mountains. It plays a special role in the ecosystem by providing year-round water to wildlife, sustaining a small wetland, and providing a gently sloping movement corridor that allows easy access under Topanga Canyon Boulevard, thus allowing connectivity between the western and eastern portions of Topanga State Park. Lastly, the habitat could be easily degraded by increased erosion and runoff from adjacent development, which could transport sediments and other pollutants into the riparian corridor and wetland. Furthermore, its value to wildlife could be substantially reduced by increased human disturbances such

as night lighting and noise pollution. Therefore, the riparian and wetland habitat constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. These values are discussed at length in Exhibit 6, "Kerry Lane Preservation Proposal," by the Kerry Lane Preservation Project dated 2002. Finally, the Commission has found in a past permit action (CDP No. 4-02-134) that this habitat area constitutes ESHA.

As indicated, Section 30240(a) requires that ESHA be protected against any "significant disruption of habitat values." Section 30240(b) requires that development in areas adjacent to ESHA be sited and designed to prevent impacts that would degrade ESHA, and be compatible with the continuance of the ESHA. In addition, the certified Malibu Santa Monica Mountains Land Use Plan, which has been used as guidance in previous Commission actions, requires residential development to be set back 100 feet from ESHA. The proposed single family residence is located approximately 110 feet from the riparian corridor at its nearest point. Thus all structural development will be located more than 100 feet from the ESHA. However, other potential impacts of the proposed project must also be considered.

To reduce the risks of wildfire, the County of Los Angeles Fire Department requires fuel modification to be performed on all properties to be developed with combustible structures in the Santa Monica Mountains. In addition, the Fire Department requires brush clearance on off-site properties in a 200-foot radius from all combustible structures, if the development site is not sufficiently large to contain the full 200-foot radius on-site. As a result, nearly all vegetation on the subject parcel fall into this zone and approximately 90 feet of ESHA located in the adjacent parcel to the south are also part of this radius (Exhibit 8).

The applicant has submitted a fuel modification plan that has received final approval from the Fire Department (although this approval was for an earlier version of the proposed project, the fuel modification areas shown are substantially the same as will be required for the residence considered herein). The fuel modification plan establishes Zone A, which includes highly fire resistant and high moisture content vegetation, in a 20-25 foot radius surrounding the house and garage. The remainder of the property is designated as Zone B, also an irrigated zone. The fuel modification plan requires vegetation on the property to be removed, and the vegetation in Zone B to be type converted to high moisture content ground cover. As noted above, removal of native habitat and irrigation of steep slopes in and adjacent to stream corridors contributes to indirect impacts such as erosion and sedimentation, as well as microclimatic changes which can degrade water quality and aquatic habitat, and adversely impact sensitive plant and animal species.

2. ESHA Designation on the Adjacent Parcel Immediately to the South of the Project Site

Pursuant to Section **30107.5**, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

1) Is there a rare species or habitat in the subject area?

2) Is there an especially valuable species or habitat in the area, which is determined based on:

a) whether any species or habitat that is present has a special nature, OR

b) whether any species or habitat that is present has a special role in the ecosystem;

3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are "yes", the area is ESHA.

The project site is located within the greater Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem is contained in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon[1] (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily

[1] The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf

disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP[2].

As described above, the adjacent parcel to the south of the project site contains pristine riparian woodland habitat with chaparral habitat on higher slopes that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the riparian woodland and chaparral habitat adjacent to the project site meets the definition of ESHA in the Coastal Act.

3. Resource Dependent Use

The Commission finds that the surrounding area to the project site constitutes an environmentally sensitive habitat area (ESHA). Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence on the project site which does not contain ESHA, but construction of flammable structures in this location will require fuel modification on off-site parcels, including the parcel across Kerry Lane that does contain ESHA. As neither single-family residences nor fuel modification needs to be located within ESHA to function, single-family residences and associated fuel modification are not uses dependent on ESHA resources. Section 30240 also requires that ESHA be protected against significant disruption of habitat values. As the construction of a residence on the site will require fuel modification for fire protection purposes around it, the proposed project would significantly disrupt the habitat value on the offsite property. Finally, Section 30240(b) requires that development adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade the ESHA, and again, the proposal would site the main structure in a location that would require significant degradation of the adjacent ESHA. Application of Section 30240, by itself, would therefore require denial of the project, because the project would result in significant disruption and degradation of habitat values and is not a use dependent on those sensitive habitat resources.

However, the Commission must also consider Section 30010, and the United States Supreme Court's decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner that will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what sort of government action results in a "taking" was addressed by the Court in the *Lucas* case. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated

[2] The Commission's "Revised Findings" for its September 13, 2002 adoption fo the City of Malibu Local Coastal Program were adopted on February 6, 2003.

that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Other Supreme Court precedent establishes that another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even if a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

As described above, the subject parcel was designated in the Los Angeles County Land Use Plan for residential use. Residential development has previously been approved by the Commission on sites in the immediate area. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the nearby site as ESHA. Based on these facts, along with the presence of existing and approved residential development in the area, the applicant had reason to believe that it had purchased a parcel on which it would be possible to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. There is currently no offer to purchase the property from any public park agency. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the project site would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the project site would create a nuisance under California law. Other houses have been constructed in similar situations in similar habitat areas in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance.

In conclusion, the Commission finds that, notwithstanding Section 30240, a residential project on the subject property must be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

4. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

While the applicant is entitled under Section 30010 to an assurance that the Commission will not act in such a way as to "take" the property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still assure compliance with Section 30240 by avoiding impacts that would significantly disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Obviously, the construction of residential development, including vegetation removal for required fuel modification, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In this case, the proposed project site is located within a "small lot subdivision" area (Fernwood). In past permit actions, the Commission has restricted residential development to a maximum gross structural allowance (GSA) for parcels zoned for residential development in such areas of the Santa Monica Mountains to minimize the cumulative impacts of development on coastal resources, including ESHA. As detailed below, the proposed development area conforms to the maximum development area of 2,308 sq. ft. All proposed structures are located within this development area. Although a smaller development area would reduce the ESHA loss somewhat, the reduction would not be significant. Nor are there other resources such as streams, riparian areas, or visual resources that would be protected further by a smaller development area. As such, the Commission concludes that the proposed siting and design of the project will minimize impacts to ESHA to the extent feasible. The Commission also finds that the proposed development area provides a reasonable economic use.

5. Habitat Impact Mitigation

While impacts resulting from development within ESHA can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum[3], the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value. Although the impacts from habitat removal cannot be avoided, the Commission finds that the loss of ESHA resulting from the removal, conversion, or modification of natural habitat for new development including the building site area, and fuel modification can be mitigated in order to ensure that ESHA impacts are minimized to the extent feasible.

The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and the payment of an in-lieu fee for habitat conservation. The Commission finds that any of these measures is appropriate in this case to mitigate the loss of ESHA on the project site. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

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[3] The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

The third habitat impact mitigation option is the payment of an in-lieu fee for habitat conservation. The fee is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate fee for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydro-seeding and planting). The in-lieu fee found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is $12,000 per acre. Further, the Commission has required a fee of $3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone). In this case, the only ESHA modification would be off-site brush clearance.

The acreage of ESHA that is impacted must be determined based on the location of all structures and the required brush clearance off-site, assuming a 200-foot radius from all structures. The Commission finds that it is necessary to condition the applicant to delineate the total acreage of ESHA within offsite brush clearance areas that will be impacted by the proposed development, and provide mitigation to compensate for this loss of habitat, through one of the three methods described above. Only as conditioned will the proposed project minimize impacts to ESHA, pursuant to Section 30240 of the Coastal Act.

6. Protection of Oaks

The project site is located within a disturbed oak woodland, in a small lot subdivision, where the past creation of urban-scale parcels has resulted in a higher density of residential development. The subject site is itself disturbed and is not considered to be

an environmentally sensitive habitat area. Nonetheless, there is one mature oak tree and one oak tree cluster on the project site.

Through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, especially where they are part of a larger woodland or other habitat area that is ESHA. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have significant adverse impacts on coastal resources. Additionally, oak trees are an important component of the visual character of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act. Furthermore, native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into the protected zone of an oak tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

a. Project Impacts

There is one (1) oak tree cluster present on the site, which is comprised of several small trunks (less than 8 inches dbh). The proposed project includes a minor encroachment by a portion of a proposed retaining wall into the protected zone (5 feet from the outer limits of the tree dripline or 15 feet from the trunk, whichever is greater) of the oak tree cluster (staff would note that while the concept of "protected zone" derives from Los Angeles County's oak tree ordinance, the oak cluster in question is not subject to the requirements of that ordinance as it is smaller than the minimum size of oak tree that is regulated by the County). Given the small size of the property, steepness of the slope, the minor nature of the encroachment, and the small size of the oak cluster in question, the encroachment is unlikely to result in significant adverse impacts to the health or vigor of the oak cluster.

b. Oak Tree Encroachment and Protection Measures

The project includes permanent encroachments within (in other words, portions of the proposed structures will be located within) the protected zone of oak tree(s) on or adjacent to the site. The "protected zone" is defined as the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater. Encroachments of development will result in impacts including, but limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Further, the introduction of development within a woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments.

In this case, the project site does not contain oak woodland habitat. Rather, there is one individual oak cluster on the site which is comprised of several small trunks (less than 8 inches dbh). The proposed encroachment(s) are relatively minor. While the encroachment(s) could adversely impact the health of the oak cluster, it is unlikely that it will significantly injure the tree's health or result in its death.

The Commission finds that impacts to oak trees on the project will be minimized by employing protective measures during project construction. The Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction.

7. Additional Mitigation Measures to Address Additional ESHA Impacts

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and

mitigation for that effect was discussed in the previous section. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to out compete native species) adjacent to new 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. This sort of impact was not addressed in the prior section. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the proposed development, the Commission requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, the Lighting Restriction condition limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing to the perimeter of the approved development area, turnaround, and driveway. This is required to be shown on the landscaping plan.

Additionally, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to require that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. This limitation avoids loss of natural vegetation coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission also finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, the future development restriction is required.

Further, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30240 of the Coastal Act:

Special Condition 5. Landscaping and Fuel Modification Plans
Special Condition 7. Lighting Restriction
Special Condition 8. Future Development Restriction
Special Condition 9. Deed Restriction
Special Condition 10. Habitat Impact Mitigation
Special Condition 14. Removal of Natural Vegetation
Special Condition 15. Oak Tree Protection

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30240 of the Coastal Act.

F. CUMULATIVE IMPACTS

Section **30250(a)** of the Coastal Act states:

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

Section **30252** of the Coastal Act states:

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

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

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

1. Small Lot Subdivisions

The proposed project involves the construction of a new single-family residence, within the Fernwood small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula

GSA = (A/5) × ((50-S)/35) + 500

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

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

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

S = I × L/A × 100

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

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

A = the area being considered in square feet

2. Project Consistency

The proposed project site is located in the Fernwood small lot subdivision, an area subject to the provisions of the slope intensity formula. The applicant proposes the construction of a 2,308 sq. ft., single-family residence with attached garage on a site comprised of three parcels that total 24,272 sq. ft. in size. The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,808 sq. ft. of habitable space, which includes applying the slope intensity formula to the two lots where the residence will be constructed. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. However, the proposed 2,308 sq. ft. of habitable space is not consistent with the maximum allowable GSA of 1,808 sq. ft. Rather, the applicant proposes to retire the adjacent third parcel, which he also owns, to increase the maximum GSA by 500 sq. ft.

As designed, the proposed project does not minimize cumulative impacts to coastal resources because it includes development in excess of the amount calculated under the GSA formula. However, pursuant to Policy 271 of the Malibu/Santa Monica Mountains LUP, the maximum allowable gross structural area (GSA) as calculated above, may be increased as follows:

> (1) Add 500 square feet for each lot, which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.
> (2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites, or dedicated in fee title to a public agency, and all potential for residential development on such lot(s) is permanently extinguished.

Consistent with the above parameters, the applicant may permanently extinguish development rights on adjacent or non-contiguous parcels as described above in order to achieve the proposed square footage. In this case, the applicant has identified the contiguous parcel that he proposes to retire in order to add 500 sq. ft. to the maximum GSA, to arrive at a total GSA of 2,308 sq. ft. The applicant owns the parcel and intends to combine it with the other two parcels into one project site. However, to ensure that cumulative impacts are minimized, the Commission requires evidence, prior to issuance of the coastal development permit, that all potential for future development has been permanently extinguished on the third parcel (Lot 23 of Tract 9531). The extinguishment of development potential will be accomplished through granting an open space easement over the bonus lot and combining it with the applicant's other lots.

Some additions and improvements to residences on small steep lots within these small lot subdivisions have been found to adversely impact the area. Future improvements on the subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on this lot, which would ensure that any future structures, additions, change in landscaping or intensity of use at the project site, which may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

The following special conditions are required to assure the project's consistency with Sections 30250 and 30252 of the Coastal Act, as well as the Los Angeles County LUP:

Special Condition 8: Future Development Restriction
Special Condition 9: Deed Restriction
Special Condition 11: Open Space Conservation Easement
Special Condition 12: Lot Combination

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act, as well as the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan.

G. VISUAL RESOURCES

Section **30251** of the Coastal Act states:

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

The proposed project will be partially visible from nearby Tuna Canyon Road (Exhibit 7), a designated Scenic Highway in the 1986 Malibu/Santa Monica Mountains Land Use Plan. Visibility will be predominately from traveling north/northeast on Tuna Canyon Road. The project site is also partially visible from Topanga State Park, directly east of the site. The proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. As previously described, the project site is comprised of three small lot subdivision parcels. Given the size of the property, there is little, if any, opportunity to re-site the residence, and there is no alternative site that would reduce the visibility of the structure.

With regard to the design of the project, the proposed residence is 3-levels, 2-stories with a maximum height of 35 feet from existing grade at any given point. The residence is designed to be stepped into the hillside and it does not break the ridgeline. The proposed building site and design minimizes the amount of grading and landform alteration necessary for the project. The proposed structure is compatible with the

character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP.

As such, the residence will minimize impacts to visual resources from a siting and design standpoint. To further minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

Additionally, the Commission requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

Special Condition 5: Landscaping and Fuel Modification Plans
Special Condition 6: Structural Appearance
Special Condition 7: Lighting Restriction
Special Condition 8: Future Development Restriction
Special Condition 9: Deed Restriction

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

H. LOCAL COASTAL PROGRAM (LCP) PREPARATION

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

> 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 coastal 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 to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through **15**

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).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through **15**

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

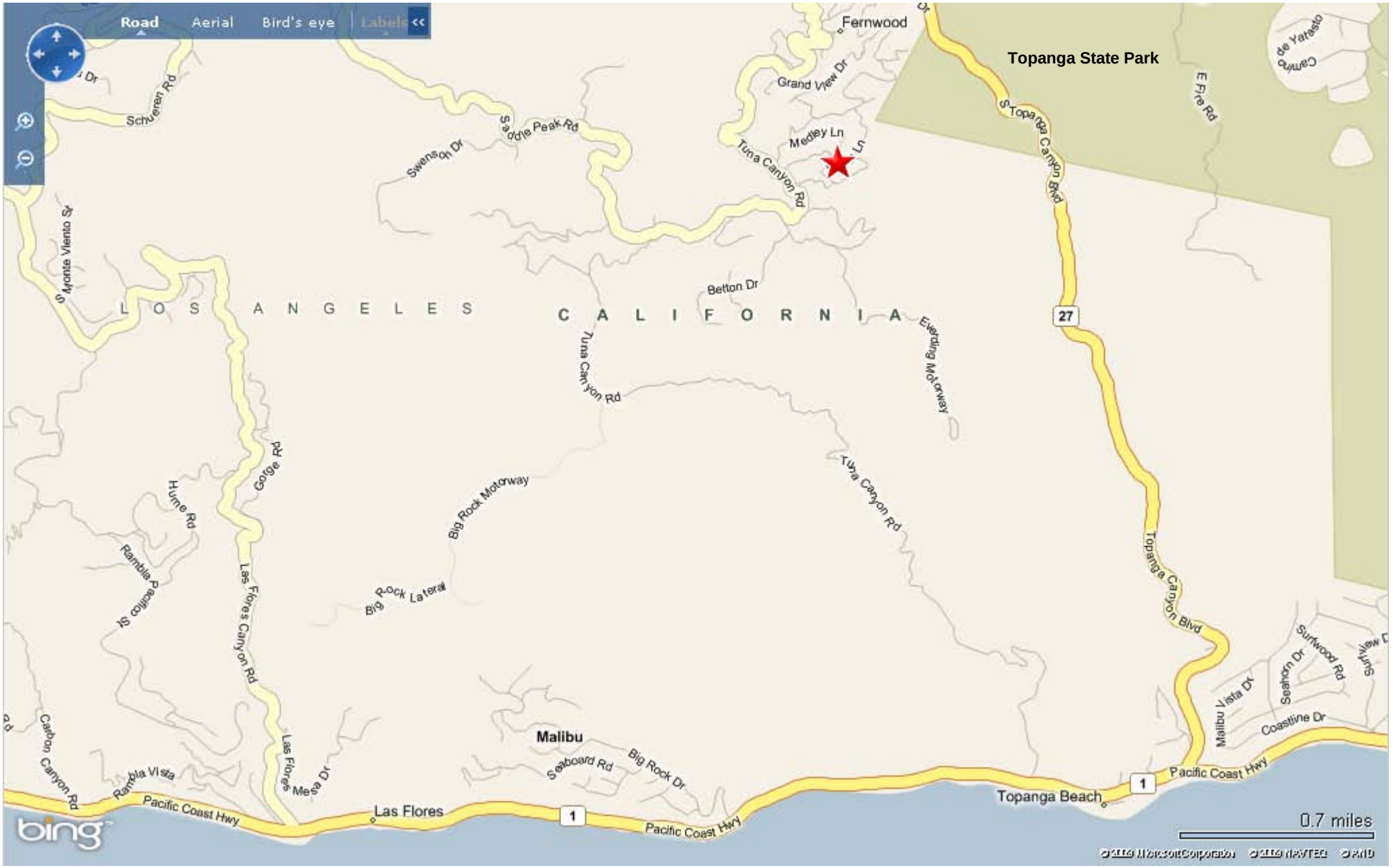


Exhibit No. 1
Application No. 4-08-020 (Stunt Rd)
VACINITY MAP

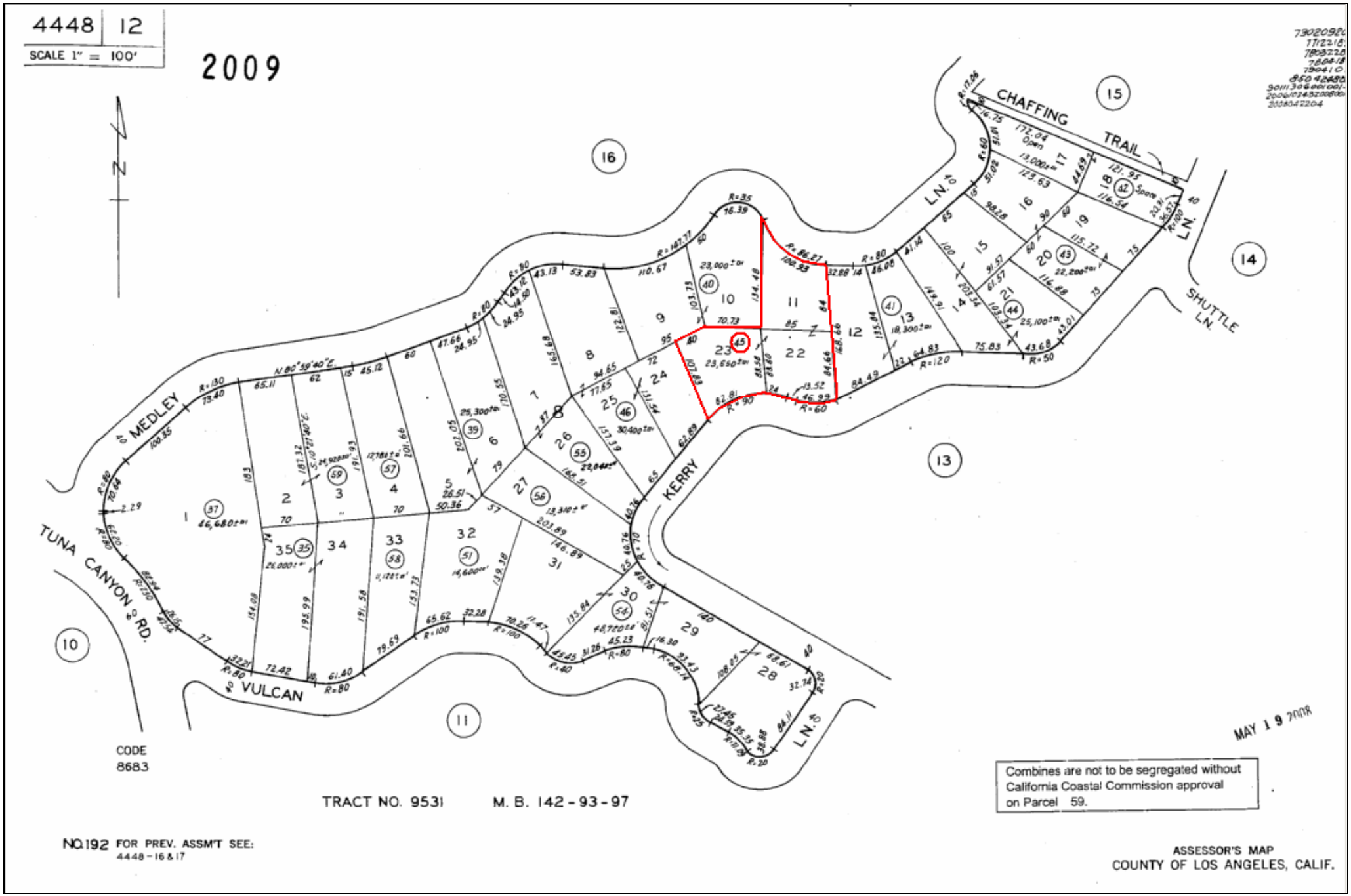
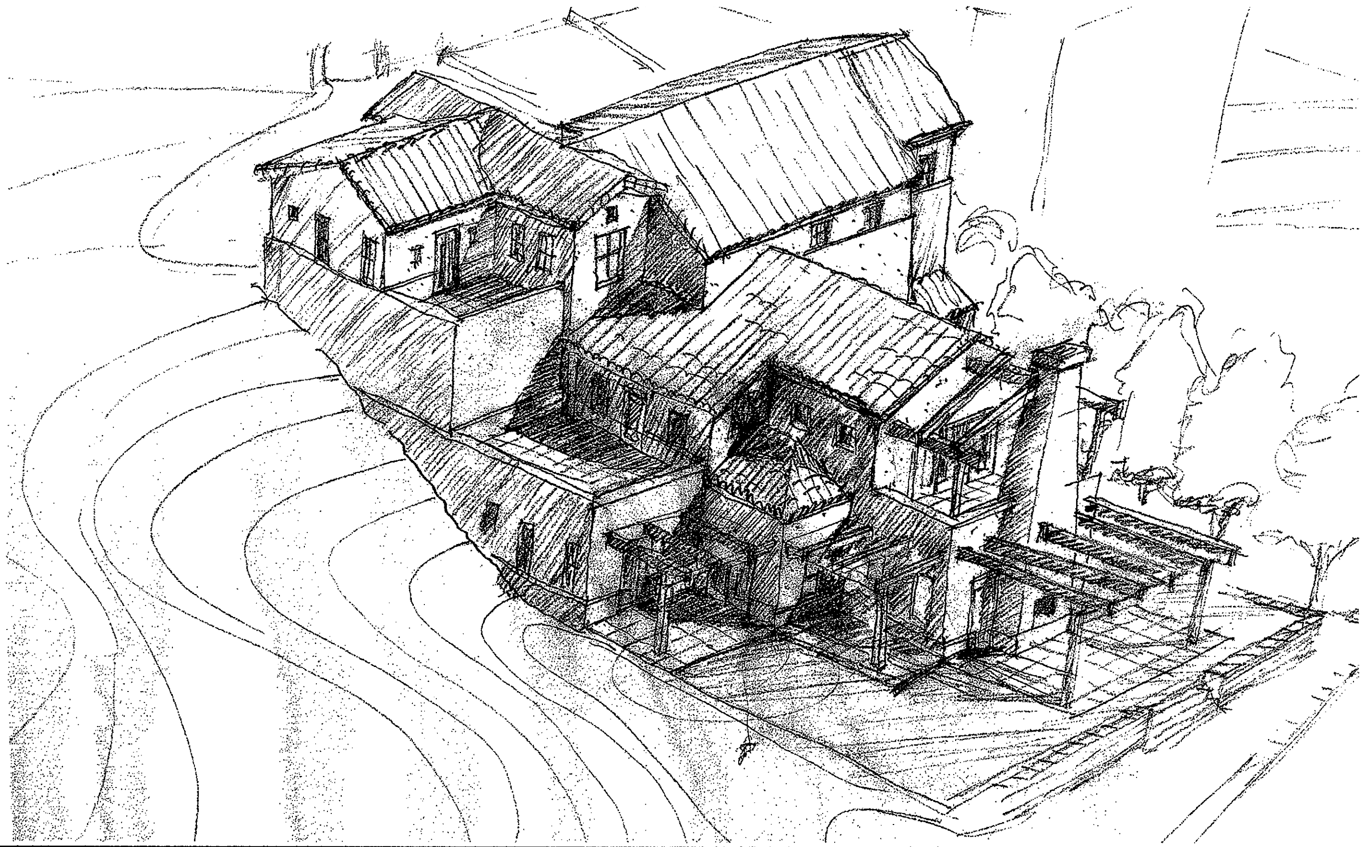


Exhibit No. 2
Application No. 4-08-020 (Stunt Rd)
PARCEL MAP



BLAKE SHELTERS
ARCHITECT

A California Corporation

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20531
20531 Medley Lane

Symbols and Legends

Symbol	Legend	Material
4	Grid Line	Earth Fill
Building Section	Section Identification Number / Sheet where section is drawn	Gravel
		Concrete
		Asphalt
Wall Section	Section Identification Number / Sheet where section is drawn	Stone
		Carpet
	Interior Elevation	Concrete Masonry
		Batt Insulation
	Enlarged Plan or Detail	Rigid Insulation
		Steel
103.1	Door Number	Brick Masonry
		Gypsum Board
Detail	Detail Identification / Sheet where detail is drawn	Wood Blocking
		Plywood
	Revision Number / Sheet Revision - Consecutively Numbered	Wood Veneer
		Continuous Wood Blocking
Room Tag: Vestibule 1001	Room Name / Room Number	Ceramic Tile
	Floor Level	Glass / Glazing
	Window Tag	Plaster
201	Construction Note	Metal Studs / Gypsum Board
T	Thermostat	
P.T.=	Presser Treated Lumber	

Consultants

Architect :
Blake Shelters Architect
401 Peninsula Drive, Suite 6
Lake Almanor, CA 96137
Phone : 530 596 3003
Fax : 530 596-3004

Structural Engineer :
ENCO
George Shaldban
23586 Calabasas Road
Calabasas, CA 91302
Phone : (818) 223-9070

Mechanical Engineer
MO Engineering
Martin Oeller
6900 Canby, Suite 101
Reseda
CA 91335
Phone : (818) 537-5364

Electrical Engineer
A&F Consulting Engineers
Alex Antonio
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Reseda
CA 91335
Phone : 818) 708 8270

Civil Engineer
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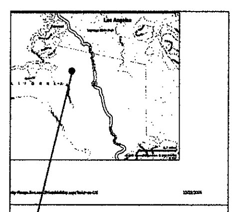
Thousand Oaks, CA 91360
Phone : 818 888 8261

Geology & Soils
StrataTech
Roland Acuna
7372 Walnut Avenue
Buena Park
CA 90620
Phone : (714) 521 5611

Landscape Architect :
New Leaf Landscape
XXX
XXX
Phone : 818 XXX
Fax : 818 xxx

Vicinity Map



Project Site

Scope of Work

Construction of new single family residence including three car garage. Private sewage sytem and bridge to Medley Lane are a part of the project.

Sheet Index

Site :

T1	Title Sheet
C1	Survey
GSA	Calc. Sheet

Architectural :

A1.1	Site Plan	A4.3	Interior Elevations
A2.1	1 st Floor Plan	A4.4	Interior Elevations
A2.2	2 nd Floor Plan	A4.5	Interior Elevations
A2.3	3 rd Floor Plan	A5.1	Elevator Details
A3.1	Sections	A6.1	Architectural Details
A3.2	Sections	MR-1	Title 24 Compliance
A3.3	Sections		
A3.4	Wall Sections		
A3.5	Wall Sections		
A3.6	Wall Sections		
A3.7	Wall Sections		
A4.1	Exterior Elevations		
A4.2	Exterior Elevations		

Electrical:

Structural :

S1	Notes & Specifications	SD1	Details
S2	Shear Plan		
S3	Foundation Plan		
S4	2 nd Floor Framing Plan		
S5	3 rd Floor Framing Plan		
S6	Roof Framing Plan		

County Approvals

Planning Dept. :

Fire Department

Coastal Commission

Building Department

Engineering

Geology

Health Deptarment

Project Data

Project Address :
20531 Medley Lane
Topanga CA, 90290

Owner :
Stunt Road LLC

18321 Ventura Blvd. Suite 600
Tarzana, CA 91356
phone: 818 774 1500

Type of Construction :
TYPE V

Occupancy :
R-1/ S1

Legal Description :
Assessor Parcel Number: 4448-012-045

Stories :
Two Stories, Three levels ; 35 ft Height Restriction

Zone :
R-1000
Topanga Community Standards District
Coastal Zone
GSA per Topanga CSD 2,533 Sq. Ft.

Lot Area :

Total Area	24,272 Sq Ft

Building Area : New

House	
Level 1	1,260 Sq. Ft.
Level 2	717 Sq. Ft.
Level 3	328 Sq. Ft.
Total	2,305 Sq. Ft.
Garage	707 Sq. Ft.
Area Total	3,038 Sq. Ft.

Code Requirements :
2001 CBC
Fire Zone Four:
Sprinklers Required
Fire resistive exterior materials

Issue	Date
R.D.P.	8- 27-07
Scheme B	1-14-08
Resubmittal	1-23-08
Pit relocated	5-12-08
GSA revised	8-12-08

20531

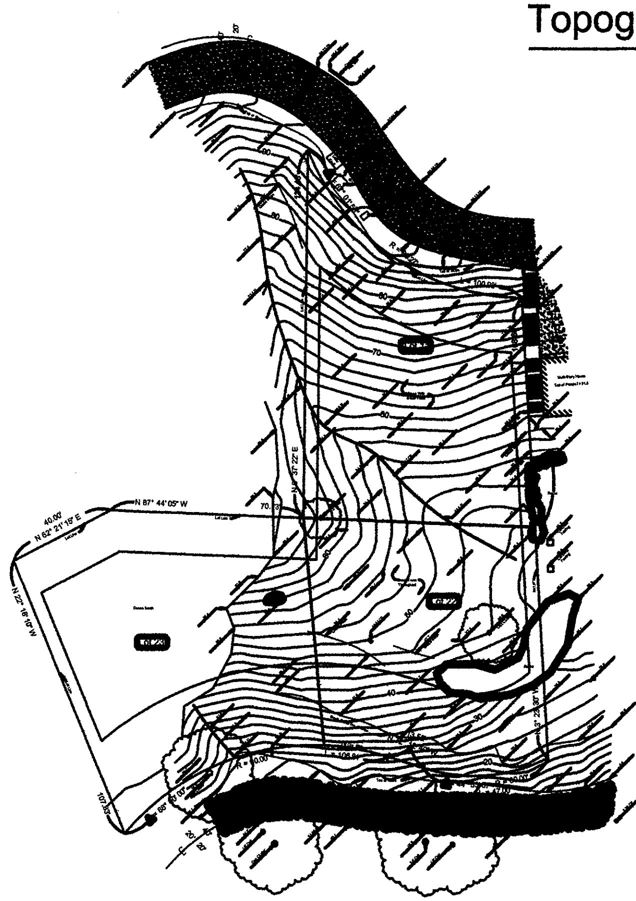
T1

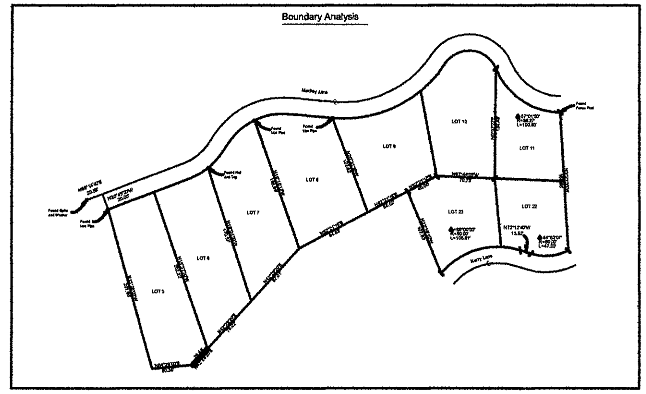
Title Sheet

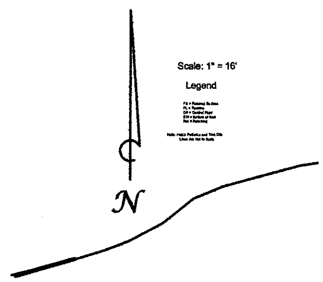
Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)

Topography Survey







Scale: 1" = 16'

Legend

Legal Description: Lots 11, 22, and 23 of Tract No. 9531, Map Book 142, pages 93-92.

Bench Mark: The elevation of 100.00 was assumed on a set nail as shown hereon, and was used as datum for this survey.

Boundary: Record information adjusted to found city centerline and survey monuments [See Boundary Analysis Map]

Date of Survey: September 25, 2006

Site Address: 20531 Medley Lane, Topanga

Area: 24,272 square feet, 0.56 acres

Plan Prepared For: Stunt Road, LLC.
20531 Medley Lane
Topanga, CA 90290
c/o David Firth - Smith
(818) 591-8209

Architect: Blake Shelters
(530) 596-3003

Plan Prepared By: M & M & Co.
16145 Roscoe Boulevard
North Hills, CA 91343
(818) 891-9100
Michael J. Amoroso, L.S. 5392

Field Survey By: Greg Amoroso

Plan Drafted By: Luis Lechuga

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20531 Medley Lane

Issue	Date
R.D.P.	8-27-07
Scheme B	1-14-08
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GSA revised	8-15-08

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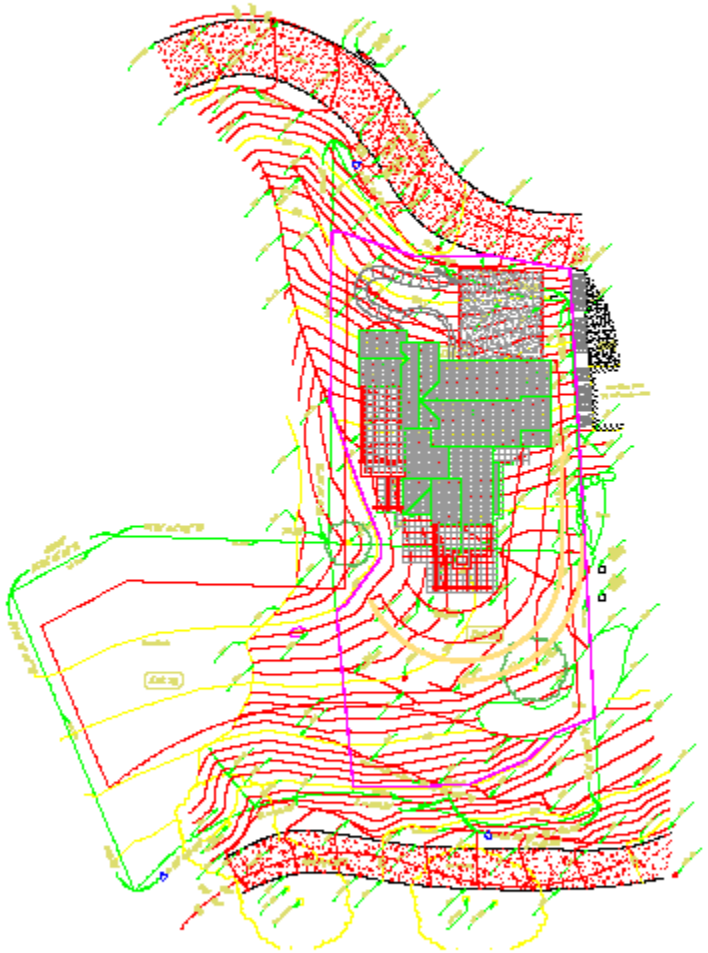
C1

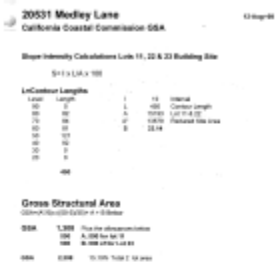
Survey

Exhibit No. 3
Project Plans

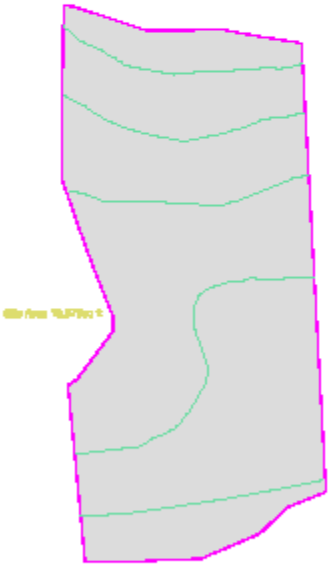
Application No. 4-08-020 (Stunt Rd)



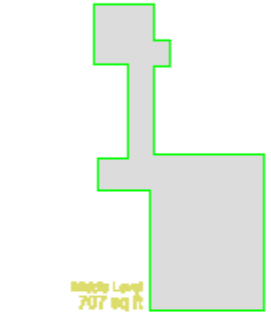
B Site Plan

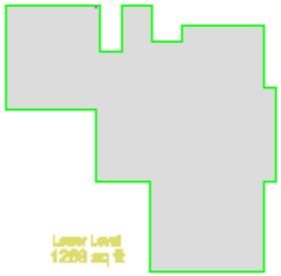


A Gross Structural Area Calc.



C Selected Site Area





D Floor Areas

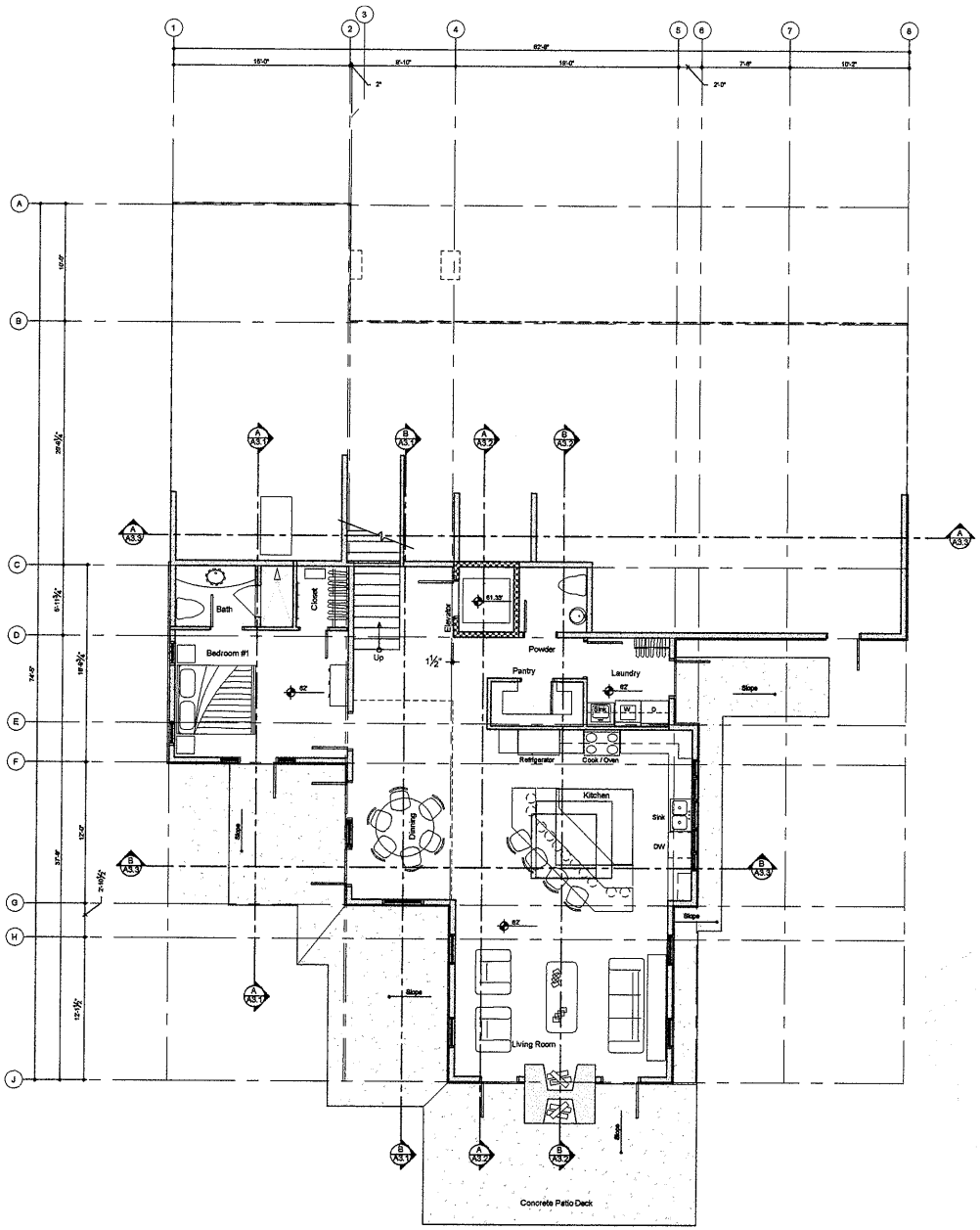
First Floor	1,269 SF
Second Level	707 SF
Upper Level	325 SF
Total	2,306 SF

Exhibit No. 3
Project Plans

Application No. 4-08-020

Exhibit No. 3
Project Plans

Application No. 4-08-020



Lower Floor Plan
Scale: 1/8"=1'-0"
Floor Elevation 1,062'

Construction Notes

Legend
New 2x6 Wall
New 2x4 wall
1 Hour wall
Demo 2x4
Demo 2x6
Existing wall
New 8" CMU Wall
TW - Top of Wall Elevation
FF - Finish Floor Elevation

North

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20531 Medley Lane

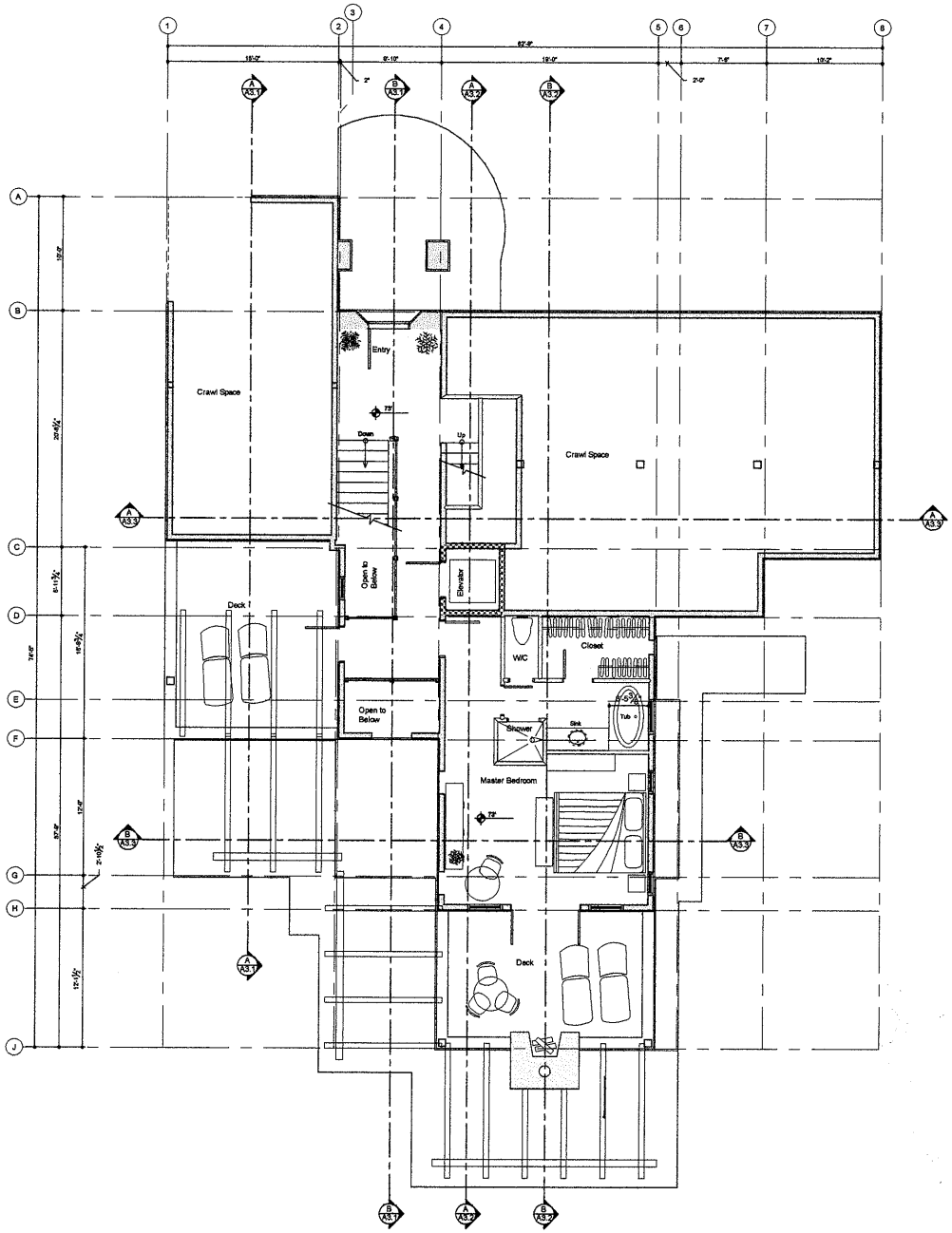
Issue	Date
R.D.P.	8- 27-07
Scheme B	1-14-08
Resubmittal	1-23-08
Plt relocated	5-12-08
GSA revised	6-15-08

20531

A2.1
Plan View

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)



B Middle Floor Plan
Scale: 1/4"=1'-0"
Floor Elevation 1,073'

Construction Notes

Legend
New 2x6 Wall
New 2x4 wall
1 Hour wall
Demo 2x4
Demo 2x6
Existing wall
New 8" CMU Wall
TW - Top of Wall Elevation
FF - Finish Floor Elevation

North

Copy Protection

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20531 Medley Lane

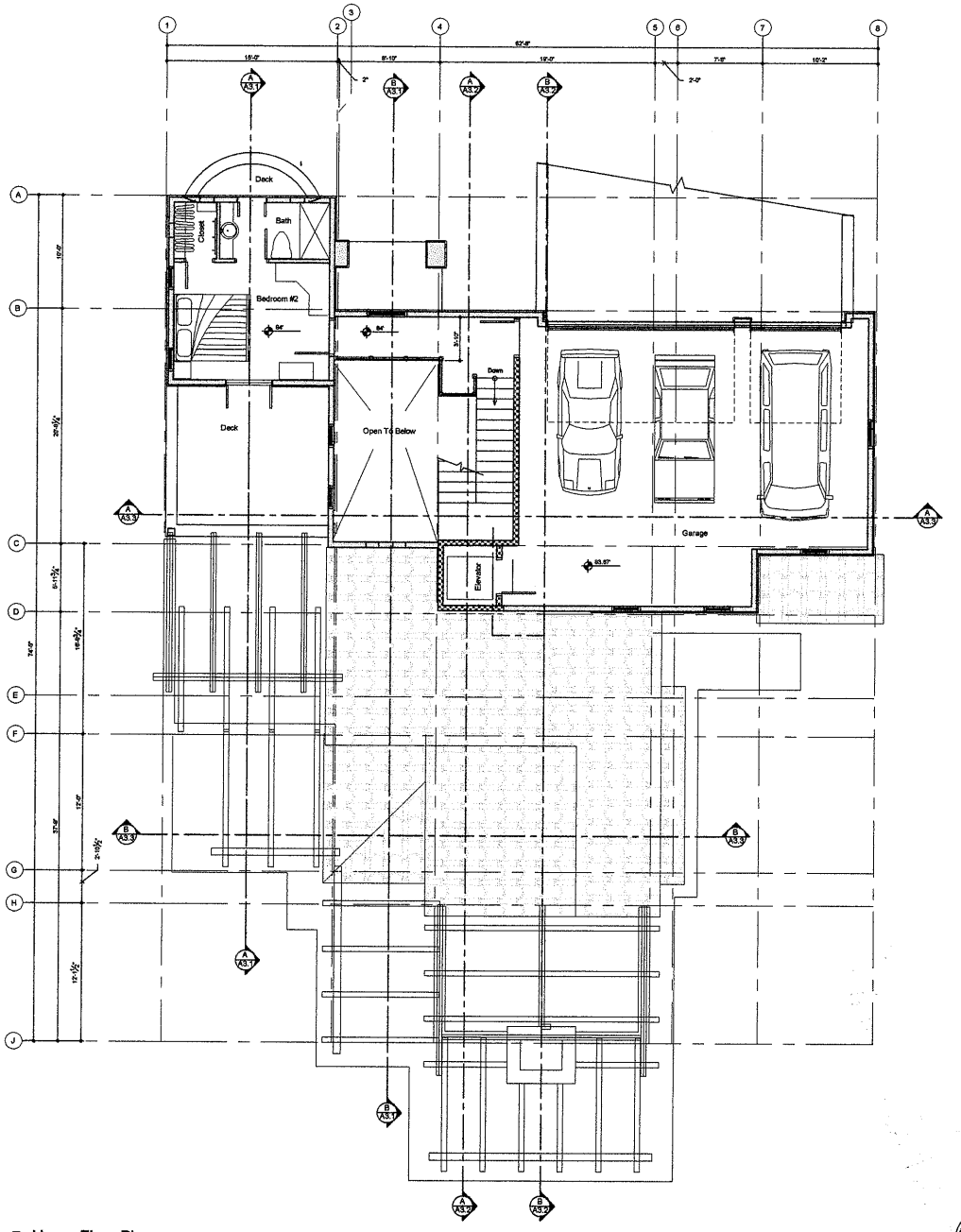
Issue	Date
R.D.P.	8- 27-07
Scheme B	1-14-08
Resubmittal	1-23-08
Plt relocated	5-12-08
GSA revised	5-15-08

20531

A2.2
Plan View

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)



A Upper Floor Plan
Floor Elevation 1,084'

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20531 Medley Lane

Issue	Date
R.D.P.	8- 27-07
Scheme B	1-14-08
Resubmittal	1-23-08
Pit relocated	5-12-08
GSA revised	8-15-08

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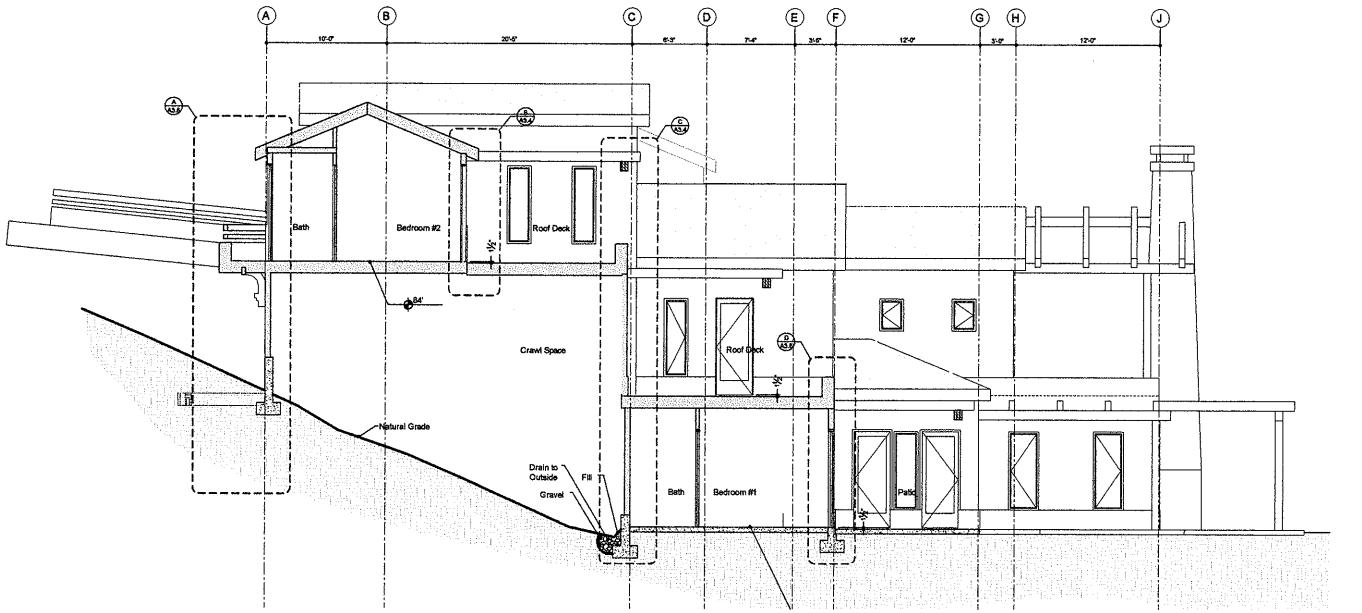
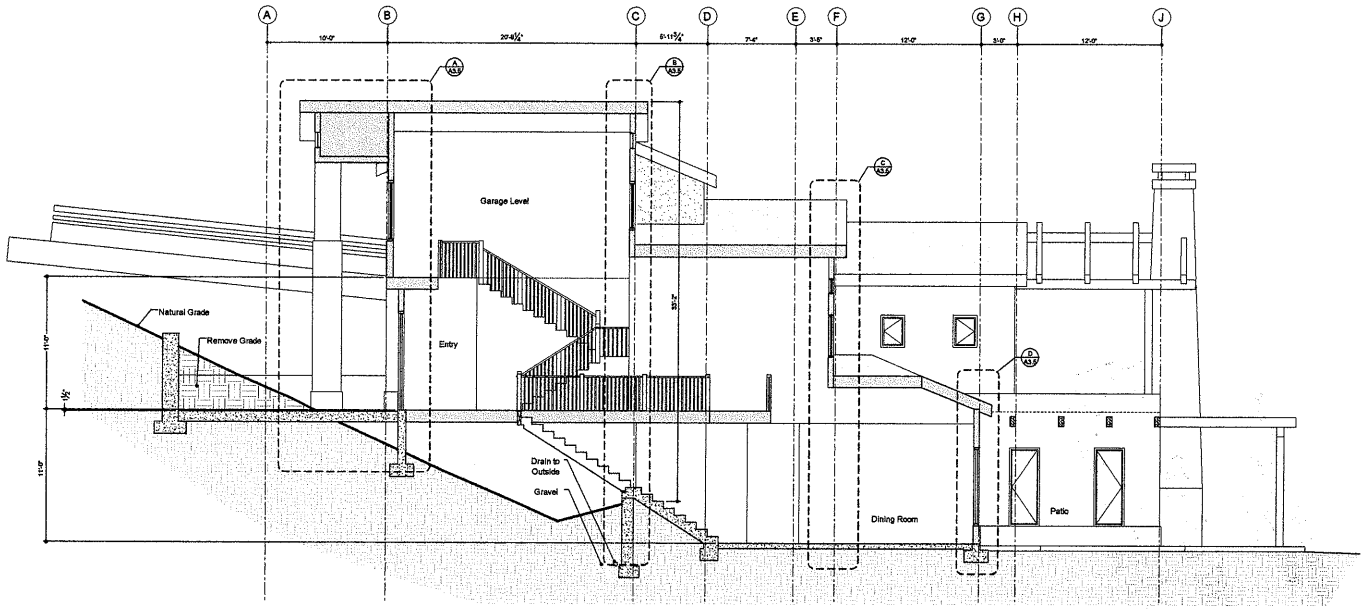
A2.3
Plan View

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)



A Section @ Grid 1.5



B Section @ Grid 3.5

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20531 Medley Lane

Issue	Date
R.D.P.	8- 27-07
Scheme B	1-14-08
Resubmittal	1-23-08
Pit relocated	5-12-08
GSA revised	8-15-08

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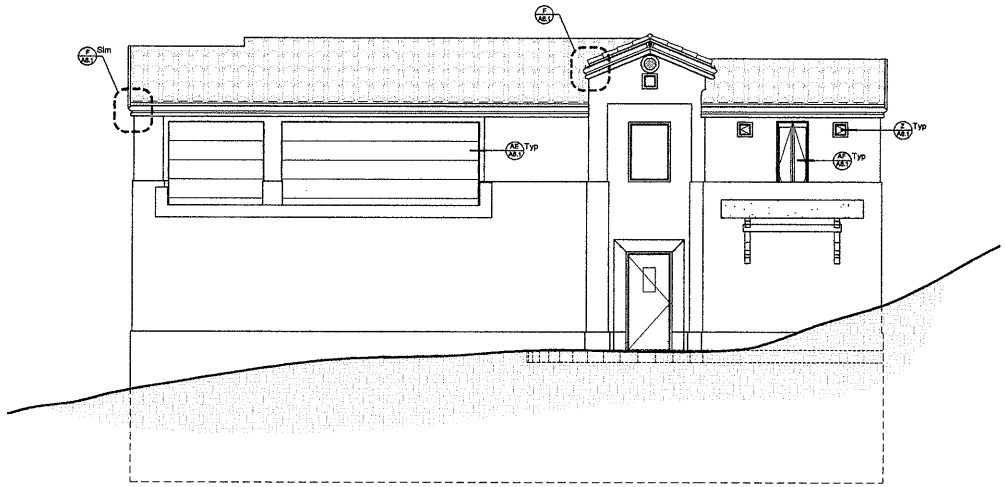
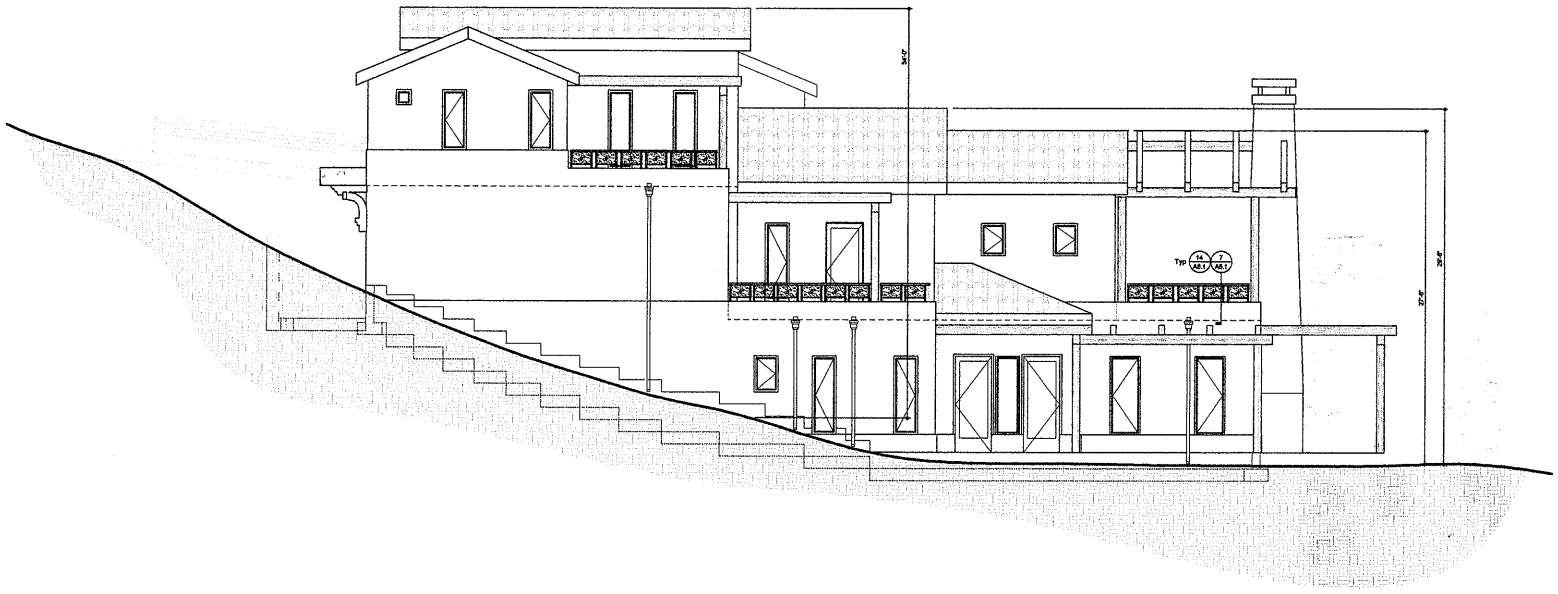
A3.1
Sections

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)



A North Elevation



B West Elevation

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Issue	Date
R.D.P.	6- 27-07
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Resubmittal	1-23-08
Plt relocated	5-12-08
GSA revised	8-15-08

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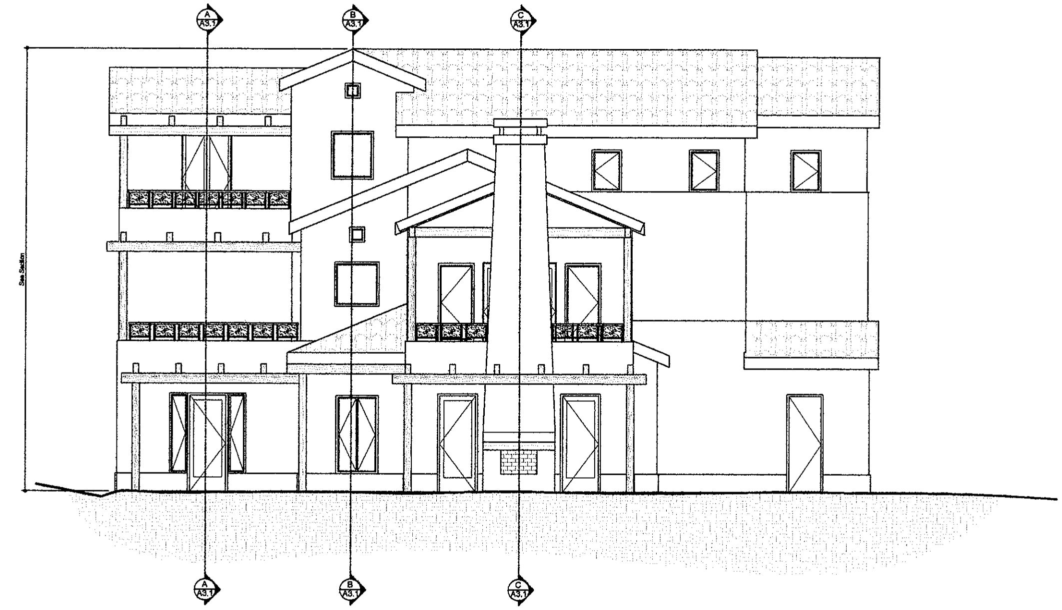
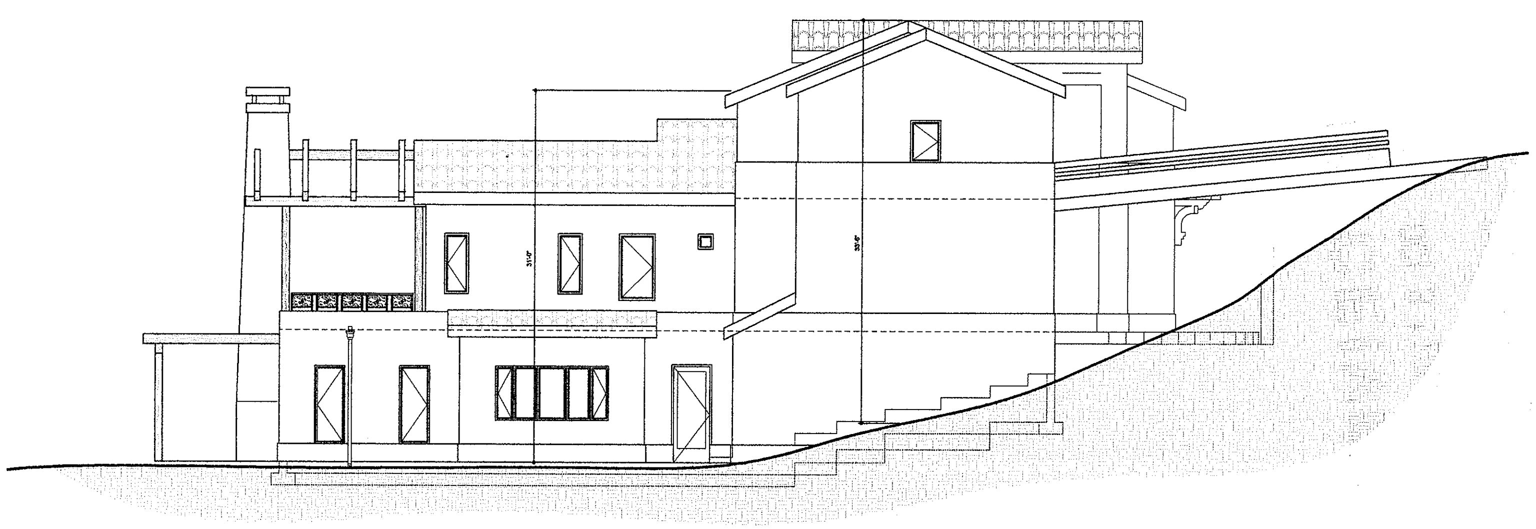
A4.1
Elevations

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)



(C) South Elevation
Scale: 1/4"=1'-0"



(D) East Elevation
Scale: 1/4"=1'-0"

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GSA revised	8-15-08

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A4.2
Elevations

Exhibit No. 3
Project Plans

Application No. 4-08-020 (Stunt Rd)

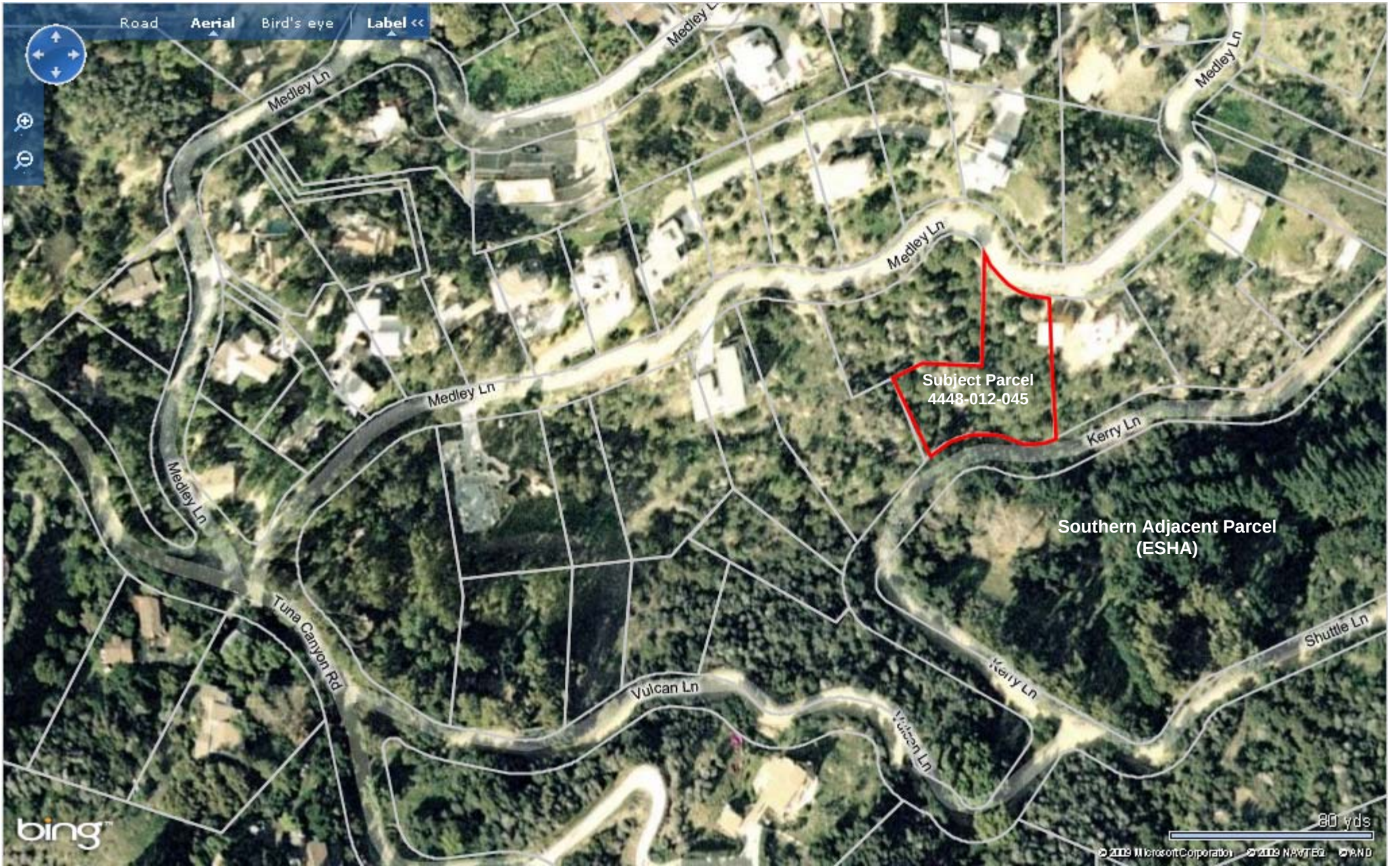


Exhibit No. 4
Application No. 4-08-020 (Stunt Rd)
LOT AERIAL MAP

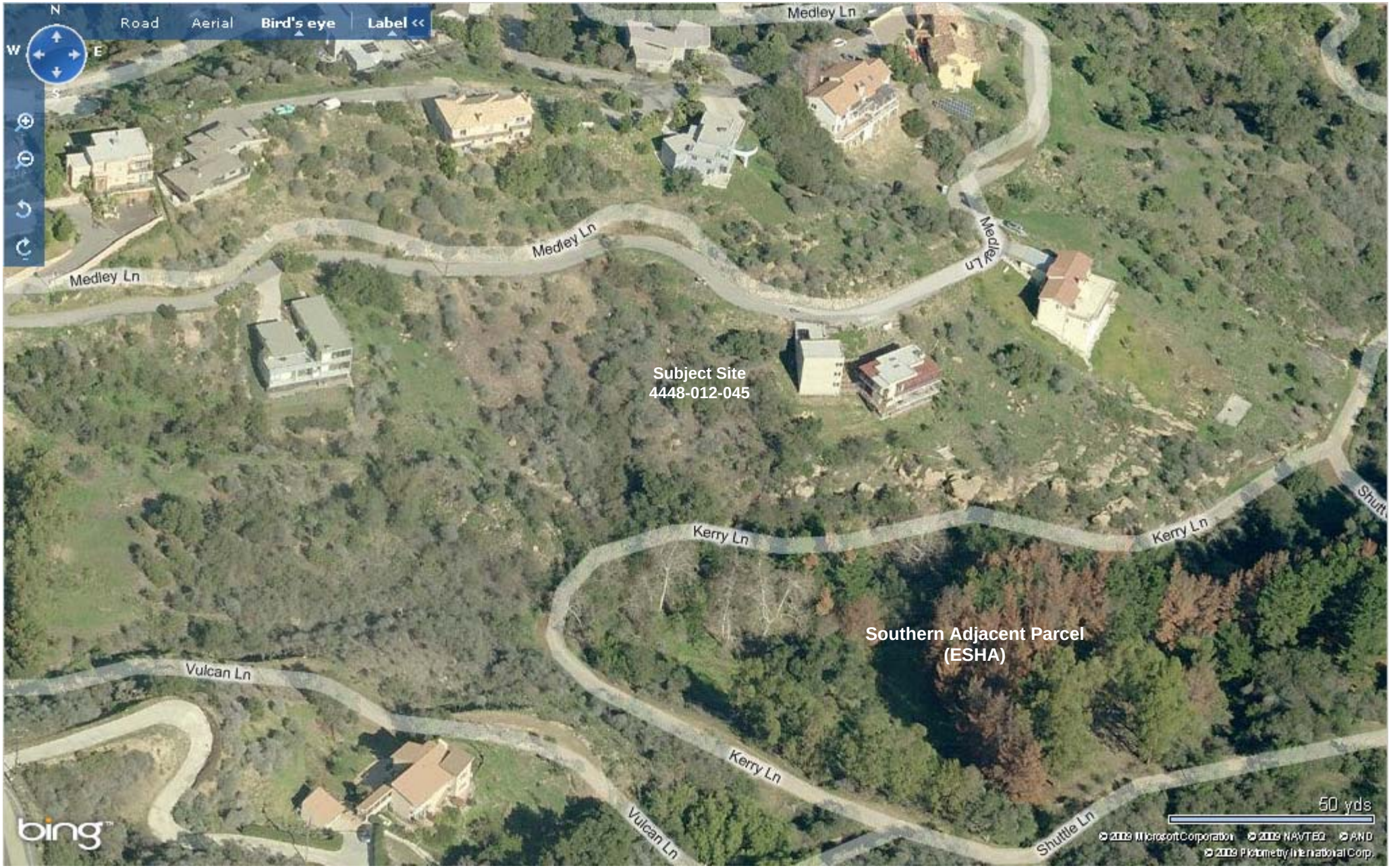


Exhibit No. 4
Application No. 4-08-020 (Stunt Rd)
LOT AERIAL MAP

Habitat Assessment for Kerry Lane
April 12, 2002
Steven Williams

Field Observations:

Dates of field visits: March 22, April 10,11

#1 on Map (Interior of Kerry Loop along riparian corridor from spring to Shuttle Lane):

Erosional features:
No slides or gullying evident; sediment inputs to creek from seasonally imported road fill (Kerry Loop) could impact aquatic organisms.
The geology appears to be of sedimentary origin, with occasional sandstone outcrops above Kerry Lane.

Vegetation description:
The northern interior portion of the Kerry-Vulcan-Shuttle Lane Loop is composed of the California sycamore - coast live oak association (Sawyer, Keeler-Wolf). California sycamores require year-round root saturation, and the perennial spring above these trees has provided some of them with enough moisture to grow to maturity (approx.75 feet).

Although some of the sycamores are the tallest trees onsite, the CA live oak (Quercus agrifolia) provides the most cover along the riparian corridor. Bay laurel (Umbellularia californica), arroyo willow (Salix lasiolepis) and black walnut (Juglans californica) are also well represented in the upper strata of vegetation along the corridor.

The understory shrub layer is composed of elderberry (Sambucus mexicana), and interfacing chaparral species such as toyon (Heteromeles arbutifolia), holly-leaf cherry (Prunus ilicifolia), scrub oak (Quercus dumosa), greenbark ceanothus (Ceanothus spinosus), bigpod ceanothus (Ceanothus macrocarpus), laurel sumac (Malosma laurina), sugarbush (Rhus ovata) and chamise (Adenostoma fasciculatum).

The lower height strata is largely represented by canyon sunflower (Venegazia carpesioides), heart-leaved penstemon (Keckiella cordifolia), CA blackberry (Rubus ursinus), sticky monkey-flower (Mimulus auranticus), wild cucumber (Marah macrocarpus), poison oak (toxicodendron diversilobum), nightshade (Solanum sp.), giant wild rye (Leymus condensatus) and hedge nettle (Stachys bullata).

The area is surrounded in the upland areas by mixed series chaparral, varying according to slope and aspect.

Site Improvements:
The northwest (upslope) interior corner of Kerry Loop contains a 5 x 5 feet square by 6 feet deep concrete block water tank. It is fed continuously by a metal 1.5-inch pipe reportedly driven 20 feet horizontally into the hillside. The tank overflow runs downhill (slight grade) along the surface for about 15 meters before returning to the groundwater. The owner has used a hose to divert a trickle of water from the pipe to a small pit (3 ft. dia.) about 30 yards east. This pit is for

frog habitat and is caged for protection from predators (personal communication,"Art" 4/11/02). It overflows into a small culvert that bisects earthen road, returning to riparian groundwater.

The area south of the spring (toward Vulcan) looks like it was cleared (bulldozed) long ago. It is open and park-like, with a giant three-trunked coast live-oak (combined dbh approx. 63") and a few mature sycamores. Native vegetation seems to be re-occupying the area; an ample seed source exists just upslope and across the road.

Below the spring about 25 yards, a dirt road composed of mounded earth, bisects the riparian area and continues northeast along the property, parallel to the riparian area, meeting with Vulcan Lane. It is lined with mature pine trees (Pinus sp.) approximately 50-60 ft. tall. More pines extend into the upland area (approx 50) and the historic understory, presumably chapparal, has largely been replaced by pine duff.

Non-native Invasive Plants:
There are also a number of non-native species utilizing this disturbed habitat. Some are milk thistle (Silybum marianum), geranium (Geranium molle), fennel (Foeniculum vulgare), horehound (Marrubium vulgare), mustard (Brassica sp.), bedstraw (Gallium sp.) and plantain (Plantago major). The severity of infestation is low for these species; they occur in disturbed sites and the natives are competing for habitat. Cape Ivy (Senecio mikanoides) is present along entire riparian corridor, sometimes blanketing the natives. This may be the upper extent of its distribution along this sub-watershed. This could be an important factor if CDPR attempts to control its spread along their property in a top-down control plan.

#2 on map (Below corner of Kerry and Shuttle Lane):
Partially cleared lot. Stream drops about 20 ft. at edge (dry waterfall). Views across Topanga Canyon to Eagle Rock. No houses visible.

Vegetation:
All same (as #1)except for these additions:
Ferns: Polypodium californicum, Aspidotis californica.
Others: mugwort (Artemisia douglasiana), vetch (Vicia sp.), popcorn flower (Emmananthe penduliflora), snowberry (Symphoricarpos mollis) Annual grasses in cleared area: Bromus madritensis, Bromus hordeaceous, Avena barbata.

A few tree tobacco (Nicotiana glauca) and hemlock.

Improvements:
20 x 30 m. cleared area with two conex boxes onsite. Brush, soil pushed to edge of stream.

#3 on map (Lockview Lane with riparian area near end):
Narrow road with bulldozer parked at end. Vegetation similar to #1, sycamore and bay dominated riparian overstory with black walnut, elderberry and laurel sumac.

Vegetation:
(same as #1 and #2 except for these additions):

Black sage (salvia mellifera), two-tone everlasting (Gnaphalium bicolor), cobwebby thistle (Cirsium occidentale), vervain (Verbena lasiostachys), telegraph weed (Heterotheca grandiflora), caterpillar phacelia (Phacelia cicutaria), bush poppy (Dendromecon rigida), deerweed (Lotus scoparius), buckwheat (Eriogonum fasciculatum), CA brome (Bromus californica), chaparral currant (Ribes malvaceum ssp. viridifolium), Spanish broom (Spartium junceum)(few), Coyote brush (Baccharis pilularis).

Wildlife: (For entire area)

During my visits, I happened to observe a few species. On 4/11, after leaving the site, I drove around the Medley Lane loop road. On the lower section, just above Kerry Ln., a juvenile bobcat darted into the brush toward Kerry. On 4/10, a large Cooper's hawk landed in one of the pines adjacent to the riparian area. I also heard the calls of a Great-horned owl and some Pacific treefrogs (Hyla regilla).

Coyotes, brush rabbits and deer are found in most areas in Topanga, and it is likely that they use this site. There are local accounts of mountain lion sightings in the area. I spoke with a property owner ("Art", 4/11) and he gave me what sounded like a credible account of a recent sighting of a lion near his property.

From the ocean to Fernwood, there are four blue-line stream corridors draining west to east into Topanga Creek. Of these, this unnamed stream has the gentlest topography, making it an ideal corridor for wildlife migration from the newly acquired Tuna Canyon property (MRT) to the recently expanded Topanga Canyon State Park. It crosses Highway 27 with a large culvert, providing a safe link between canyons.

Standard Field Observation Sheet(To be customized by each group/agency)

tation/location: Kerry Lane spring Sampler: S WILLIAMS

ate: 4/11/02 Time: 1500 (military) Depth of Sample:_____ Photo(s):_____

'EATHER [Wet weather is precipitation in source area within past 48 hours]

/et weather
ry weather
ircle one)

Current weather:___
(1.) clear or clouds with blue showing
2. Cloudy (no blue showing)
3. Foggy
4. Drizzle/trace
5. Rain

Wind direction:_____
Amount:____
0. none/slight
(1.) light/moderate (< 15 miles per hour)
2. heavy (> 15 miles per hour)
Velocity (measured):_____

_OW

ow rate
ıclude units)
easured:___
stimated:
idth of channel___
epth of channel___
_seconds to travel___feet

Type of sample:___
(1.) fresh/storm water
2. mixed fresh/ocean
3. wave wash
4. surf or all saline

Type of flow:____
0. none
1. ponded (no flow between ponds)/stagnant
(2.) trickle or intermittent
3. steady
4. high/flooded

Has tide allowed interaction between channel water and ocean water in last 24 hours?_____(Y or N)

Wave height:____
(½[crest to trough])
Beauford scale:_____

EASURED PARAMETERS: Air Temperature:_____ (Include units for all measured parameters)
Water Temperature:_____
pH:_____ meter paper field kit pen *(circle one)*
Dissolved oxygen (mg/L):_____ meter field kit *(circle one)*
Salinity:_____ meter field kit *(circle one)*

ROPERTIES:

ɔminant substrate
ıcludes material
ıilt up on bottom
channel or pipe):____
metal
concrete
rocks
sandy
silty/clay
other_____

Turbidity
Estimated: 1
1. clear
2. cloudy (sediment)
3. murky (algae, etc.)

Measured:_____(units)

Secchi:_____(units)

Color (Estimated): 0
0. Colorless
1. Brownish
2. Reddish
3. Greenish
4. Bluish
5. Olive greenish
6. Yellowish
Measured
Forel-Ule:_____

Odors: 0
0. None
1. sewage
2. fishy (except near ocean)
3. musty
4. chlorine
5. ammonia
6. petroleum
7. rotten eggs
8. chemical

il: 0
none
light sheen
ainbow) to heavy

Foam: 0
0. none
1. separated bubbles
2. some (<½inch high)
3. much (>½ inch high)

Algae coverage: 0
0. none
1. light (<5%)
2. moderate (5-25%)
3. high (25-50%)
4. dense (>50%)

Main algae type:____
1. floating at surface
2. floating in water column
3. attached

Tar balls:___
1. >6" apart
2. 1-6" apart
3. <1" apart to continuous

RASH (manmade)
ensity: 0
none (0)
light (≤5)
moderate (6-10)
high (11-25)
somewhat dense (26-50)
dense (>50)
'er reporting area]

Type (% items not total volume of items):
___% organic (food)
___%plastics (cups, straws, bags, wrappers, bottles, junk)
___%recyclables-not plastic (paper, glass bottles, metal)
___%large items(appliances, cars, tires)
___% cigarette butts

NATURAL DEBRIS
Number dead or entangled animals___
Number fecal matter (pet droppings)___
Number bird droppings:_____
Number pieces natural debris (wood,kelp, etc):____
[Per reporting area]

Evidence of dumping (Y or N):____

OMMENTS (Unusual occurrences-fish kills, etc): 0

~~Topanga Lagoon and Creek~~
Water Quality Study
~~Coastal Conservancy Grant November 2000 – December 2001~~

Observers: SWILLIAMS Date: 4/11/02

Moon phase: (New) 1st Half 3rd Date of last rain:______ Bacteria collected: Yes (No)

Lagoon Entrance condition: Open Closed Salinity____ppt Tidal stage:______

Tide board info: hi tide______ ht_____ Low tide______ ht_____

Calibration Information: YSI DO Meter 55 calibrated? (Yes) No Time: 2:20

Meter	Time	Standard Value	Initial reading	Meter adjusted to:
PH 7 (required)	2:20	7.0	7.1	7.0
PH 4 or 10	|	4.0 of 10.0		
refractometer	|	0	0	
Conductivity	✓	718	740	718

Elevation	0'	300'	
Parameter	~~Topanga Lagoon~~ (pipe) Kerry Ln. Spring	~~Bridge MM2.2~~ (control) ~~TC Blvd.~~ Dix Creek @ Tuna Cyn pool	Notes/ PCH Bridge info Kerry Spring well
Time of sampling	315	2:50	3:25
Depth at station	pipe fill Cm	12 cm	≃6'
Grab sample	Bottle # 12	Bottle # 8	4
Bottom sample	Bottle #		
Air Temp	22 C	23.5 C	22
Water Temp	15.9 C	14.5 C	16.0
salinity	1.5 ppt	1 ppt	1.5
pH	7.0	7.4	7.2
Conductivity	1108	740	1120
Dissolved Oxygen	Mg/l	2.39 Mg/l	6.73 @ 5 cm.
% algae cover surface attached color/type	algae hanging off end of pipe - green	0% dragonfly larvae	0%
Nitrates as Nitrogen	1 ppm	1 ppm	0
Ammonia -Nitrogen	0 ppm	0 ppm	0
Phosphates	ppm	ppm	
Turbidity	.49 NTU	1.06 NTU	.50

I reviewed this data for accuracy__________ Date:________

Comments: Fish seen? Condition of area under bridge? Sedimentation? Water level on E side?

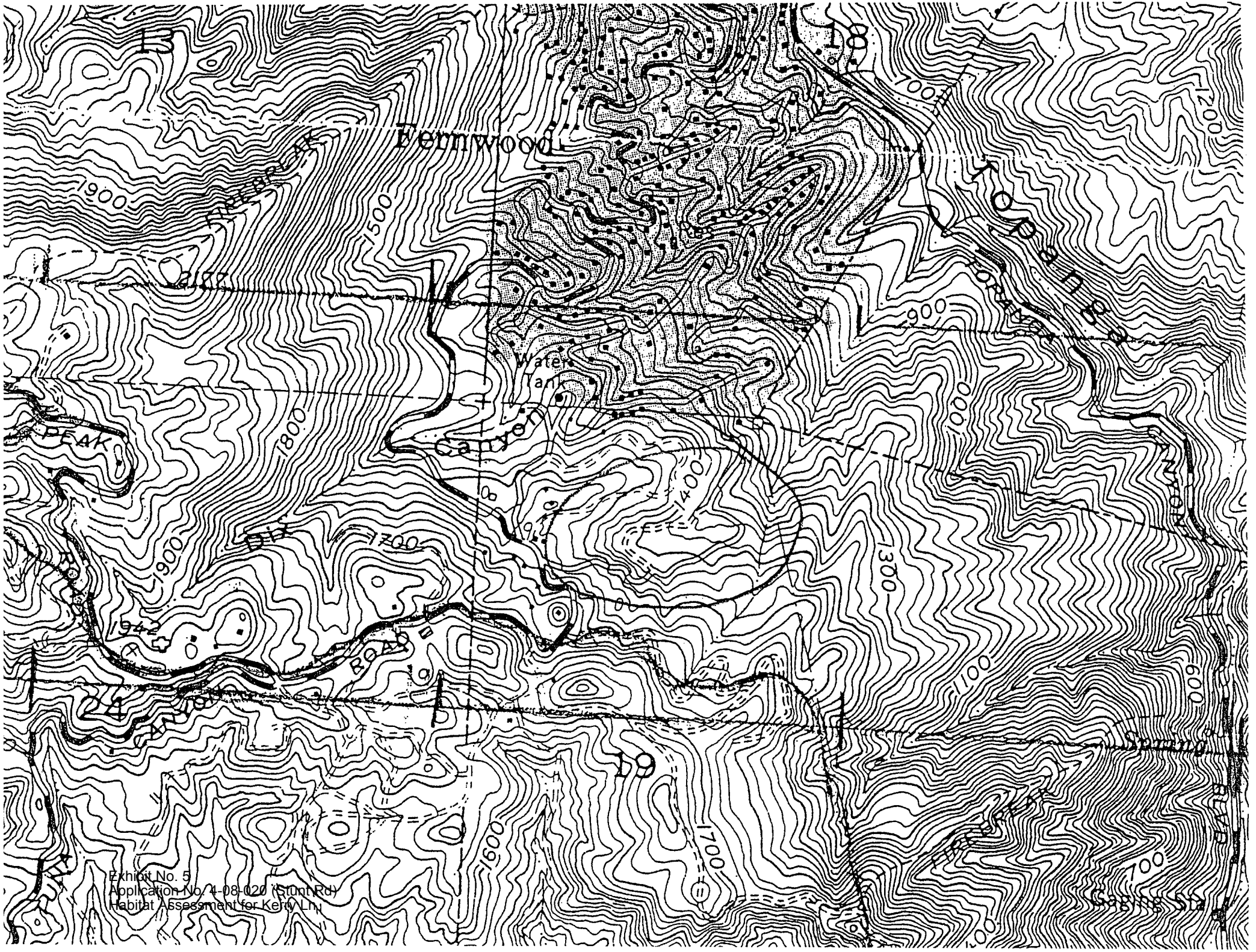


Exhibit No. 5
Application No. 4-08-020 (Stunt Rd)
Habitat Assessment for Kelly Lin

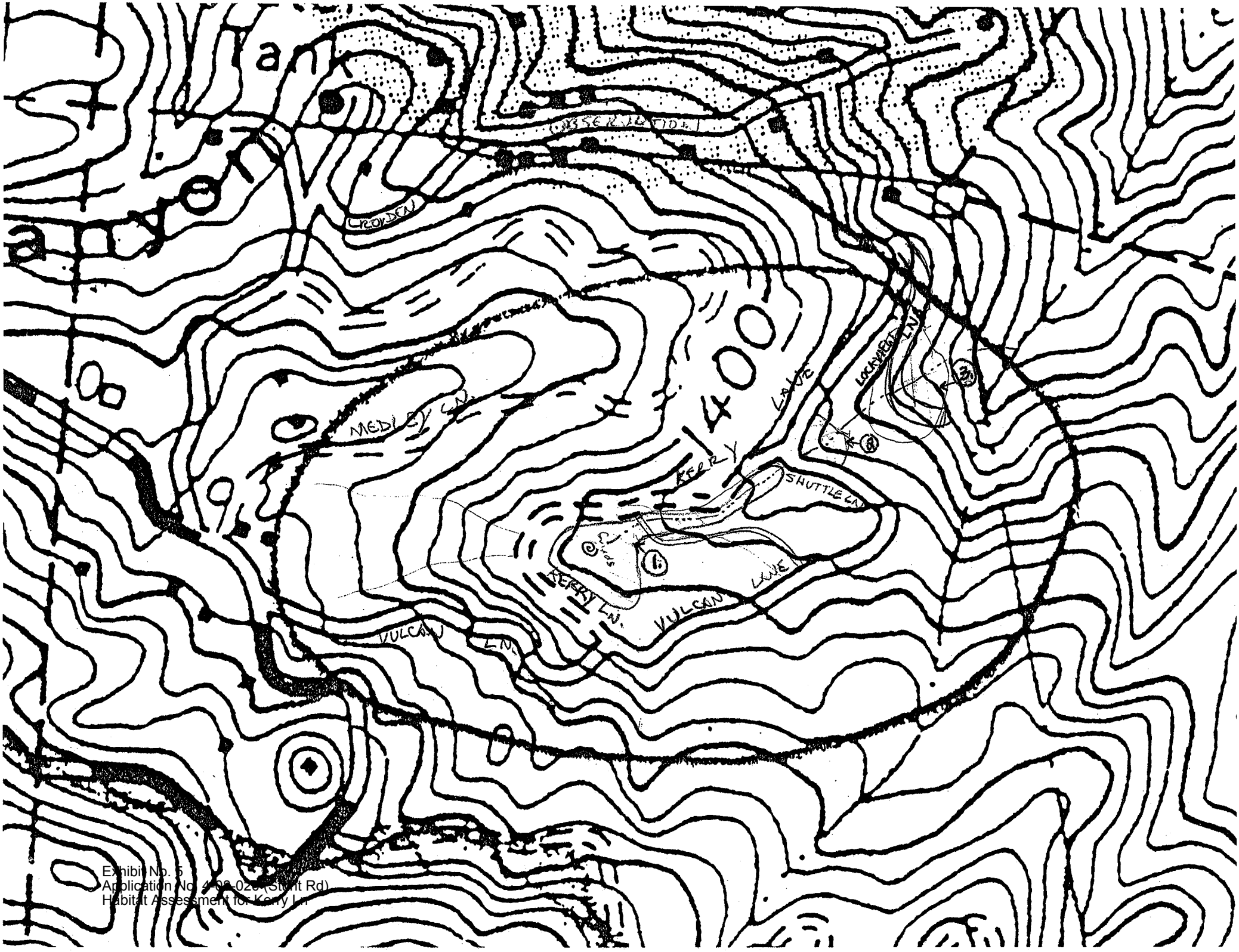
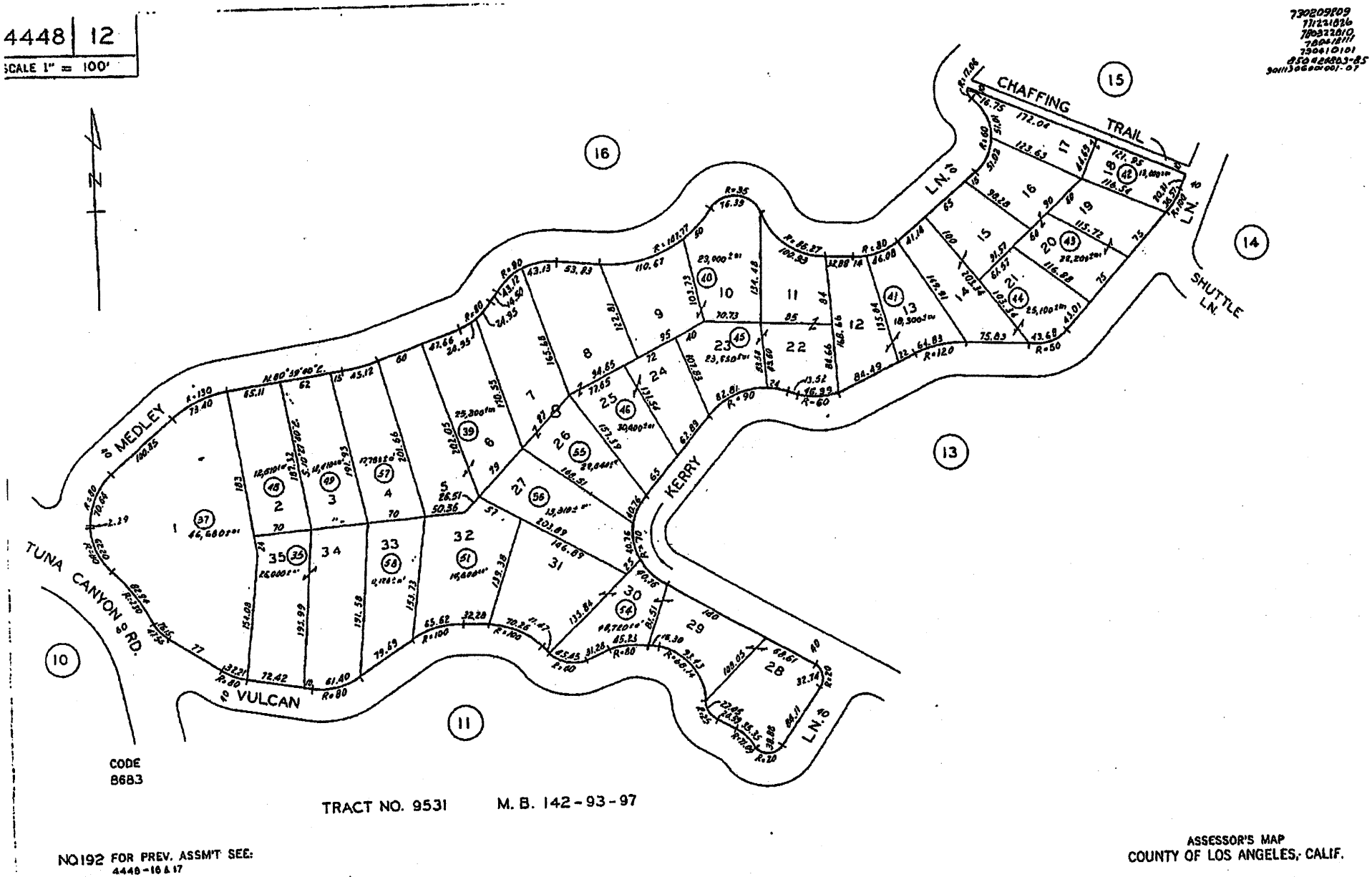


Exhibit No. 5
Application No. 4-08-020 (Stuart Rd)
Habitat Assessment for Kerry Ln



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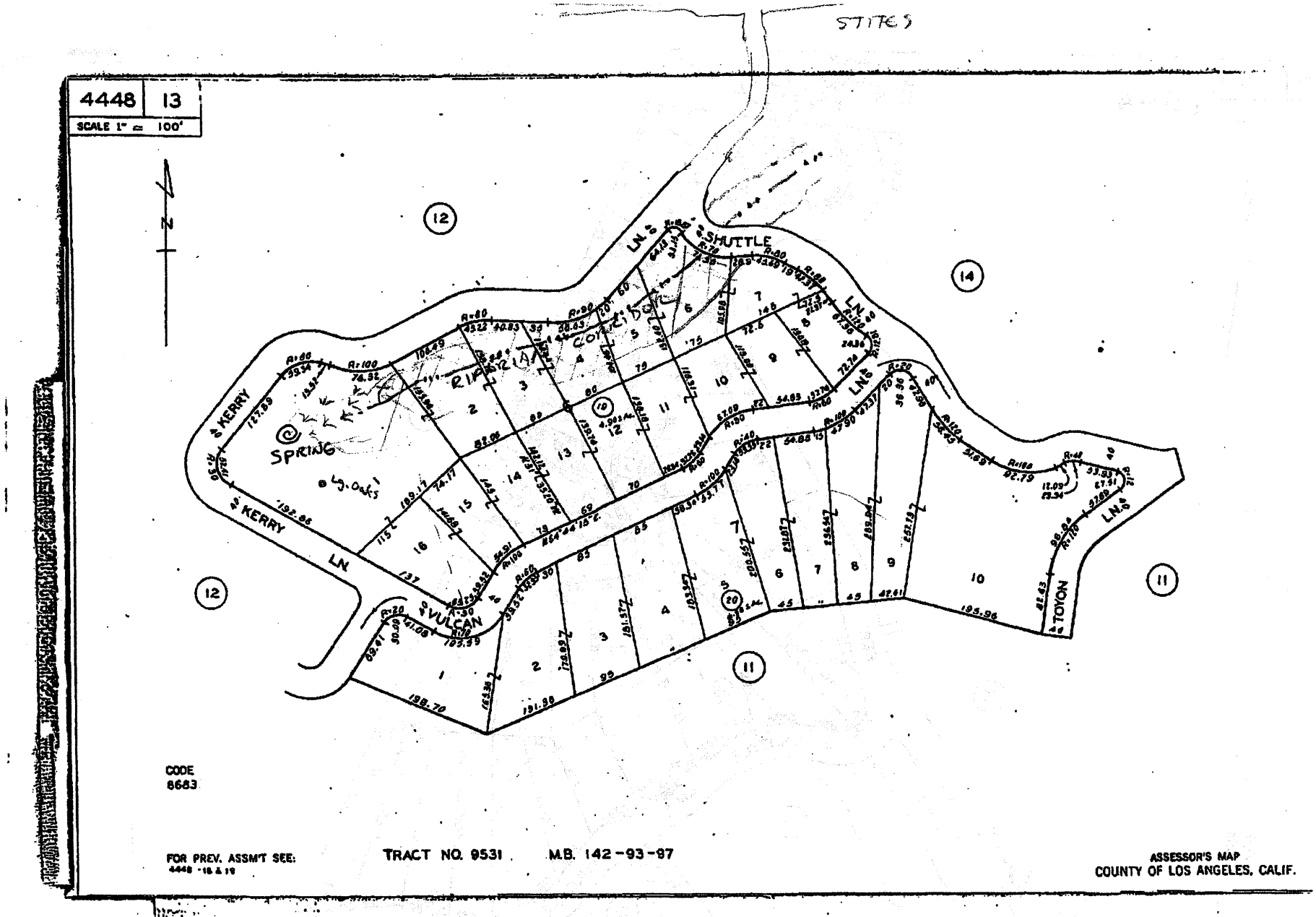
Application No. 4-08-020 (Stunt Rd)
Habitat Assessment for Kerry Ln



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Habitat Assessment for Kerry Ln

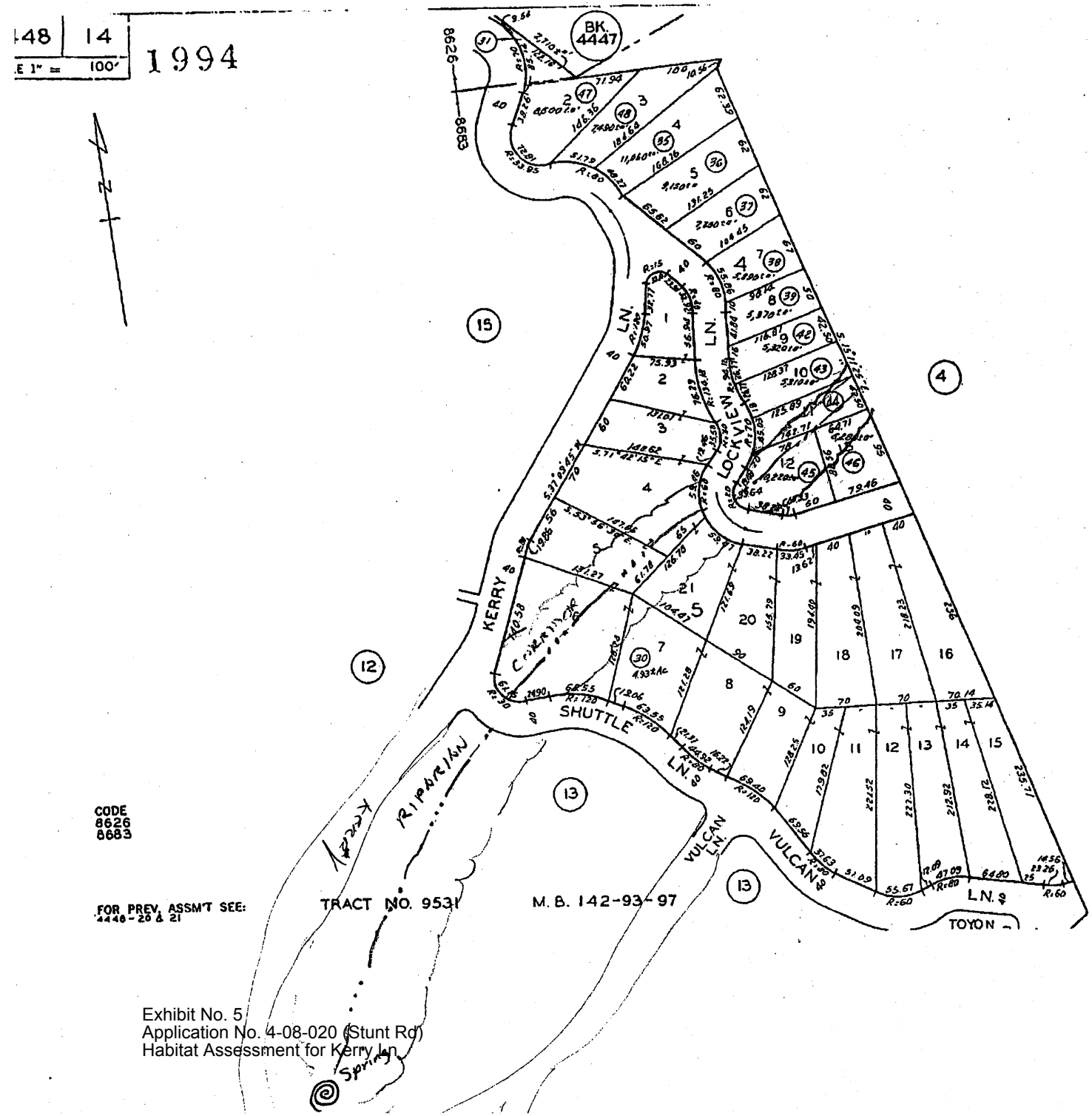


Exhibit No. 5
Application No. 4-08-020 (Stunt Rd)
Habitat Assessment for Kerry Ln.

Kerry Lane Preservation Proposal

Prepared by the Kerry Lane Protection Project
April 2002

For more information, please contact
the Kerry Lane Protection Project
20110 Observation Drive
Topanga, CA 90290
310-455-9766

Exhibit No. 6
Application No. 4-09-020 (Stunt Rd)
Kerry Ln Preservation Proposal

Contents

Exhibit No. 6
Application No. 4-09-020 (Stunt Rd)
Kerry Ln Preservation Proposal

April 2002

Introduction

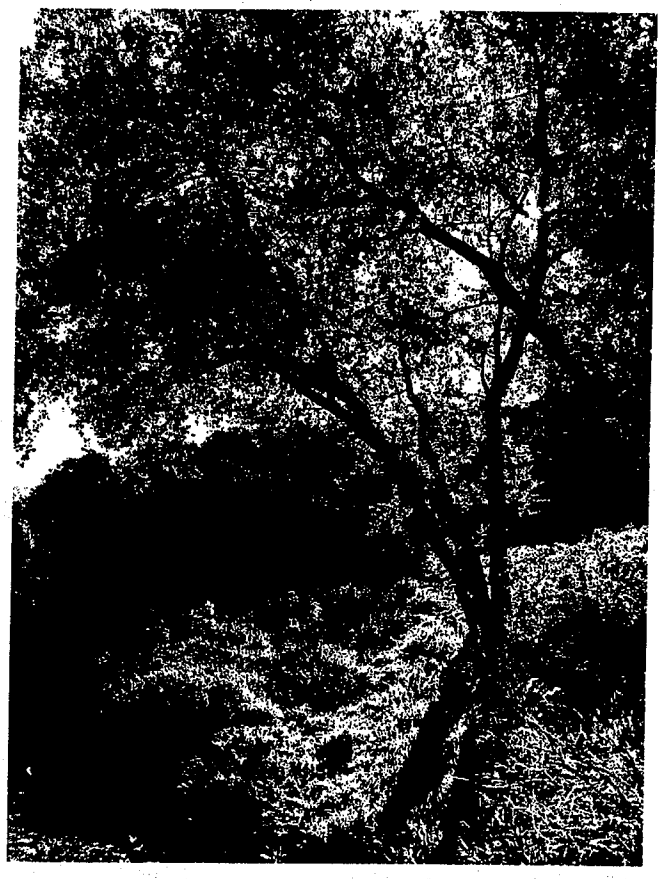
The Kerry Lane/Vulcan Lane loop is a little-known natural gem on the edge of one of the most densely populated neighborhoods in the Santa Monica Mountains. The last unpaved county-maintained road in Los Angeles County, Kerry Lane and the surrounding area is also one of the few remaining undeveloped, open space areas still in private ownership in Topanga Canyon.

For decades, local residents and visitors from other parts of Topanga have come to Kerry Lane to hike, stroll, bicycle and admire the flora and fauna. With its year round natural spring and one of the heaviest yearly rainfalls in the region, the .9-mile loop trail attracts a wide variety of wildlife, wildflowers and other native plants, and offers the chance to enjoy this wildlife in a setting that also has spectacular views of the canyon.

In recent years, development has moved closer to the Kerry Lane loop, but so have the boundaries of Topanga State Park. Recently, California State Parks made a major purchase of 1,659 acres to add to the State Park, which is now directly adjacent to privately held parcels adjacent to Kerry Lane. While the desirability of local real estate poses a threat to this lovely little oasis, the Kerry Lane Protection Project sees a golden opportunity for a conservancy or park agency to acquire Kerry Lane to connect to the new park, preserve its pristine beauty forever, and provide access and enjoyment to the public.

Vision

The vision held collectively by KLPP and its supporters is for the permanent preservation of the interior of the Kerry loop, and of parcels adjacent to both Kerry and Vulcan Lanes and the new Topanga State Park. The vision includes not only ecological and watershed preservation but also creates public access to a large and presently inaccessible area of Topanga State Park.



Kerry Lane Preservation Proposal

Background

In 2001, neighbors of Kerry Lane learned that the LA County Department of Public Works planned to pave the dirt road loop, ostensibly in order to mitigate erosion. In response, a group of residents came together to form the Kerry Lane Protection Project, and succeeded in pressuring the County to discontinue the paving plan.

While the KLPP continues to work with County officials to find environmentally acceptable approaches to the problem of erosion, we have a broader vision. KLPP believes that long-term human and ecological interests would be best served by the transfer of land around the Kerry/Vulcan Lane loops into public ownership. KLPP is confident that when the beauty and biological diversity of this property becomes known, land conservancies and other agencies will agree. Given the relatively small amount of land, we feel our goal is economically feasible as well as environmentally desirable.

Topanga State Park has long held a triangle-shaped portion of the State Park that exists to the west of Topanga Canyon Boulevard. Some locals know this area as the "orphan triangle" due to the fact that there is no public access, and there are no park facilities in this area. The new purchase of the Lower Topanga portion of the State Park does not remedy this lack of access and facilities. The entire upper portion of the Lower Canyon purchase will remain relatively inaccessible to the public unless some sort of minimal access is created near Kerry Lane.

Exhibit No. 6
Application No. 4-09-020 (Stunt Rd)
Kerry Ln Preservation Proposal

April 2002

Unique Ecological Significance

Kerry Lane is ecologically unique in several ways. The Kerry/Vulcan Loop is relatively level, lush plateau surrounded by very rugged, steep terrain. In the interior of the Kerry Loop exists a 'blue line' spring known as Sperling Well. This is a natural spring that was tapped between 1930 and 1950 for water in the local area. The remains of an old pump-house are still in place. Water flows freely in the area even during severe drought condition, creating a small wetland that is frequented by, and sustains, a wide variety of wildlife. During the height of the last severe drought in the late 1980s and early 1990s, the spring remained active and evidence of frequent visits by a variety of wildlife was observed. A water source of this type at this elevation (approximately 1600 feet) is rare. Please see Appendix B, "Habitat Assessment" for more detailed information.

Wildlife Sightings on Kerry Lane and Nearby Area

The following are sightings observed by local residents over the years in the Kerry/Vulcan area:

Birds:
See Appendix C.

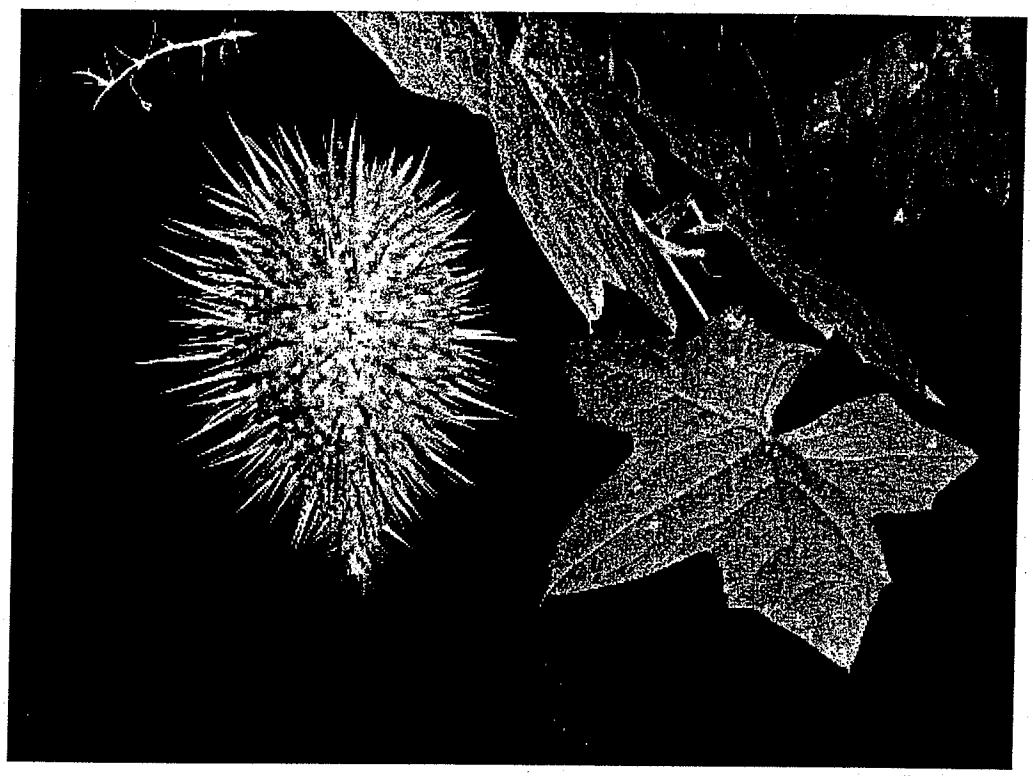
Mammals:
Mountain Lion
Bobcat
Mule Deer
Brush Rabbit
California Ground Squirrel
Raccoon
Pocket Gopher
Dusky-footed Woodrat

Reptiles:
Pacific Rattlesnake
Coral (Mountain) King Snake
Gopher Snake
Common King Snake
Western Fence Lizard
Alligator Lizard

Amphibians:
Pacific Tree Frog
Newts *(still trying to identify)*

Rare Creature:
Luminodesmous Sequoiensis (Bioluminescent Centipede)
(*Observation being confirmed.*)

Kerry Lane Preservation Proposal



Adjacency to Topanga State

Unimproved private property immediately adjacent to Kerry Lane is adjacent to Topanga State Park. An existing officially registered trail (Terry's Trail) leads into the State Park and connects to trails that connect to the State Park east of Topanga Canyon Blvd., and to others that lead all the way to the lower canyon and coastal area to the west of Topanga Canyon Blvd. Kerry Lane is uniquely situated to provide access to this remote portion of Topanga State Park.

Geographical Description

The area that KLPP hopes a public land agency to acquire is approximately 22.5 acres near the western end of Topanga Canyon. This land is divided into roughly 30 small parcels. The area is immediately contiguous with the new State Park acquisition on this area's southern border.

Running through this property are Kerry Lane and Vulcan Lane. These unpaved County roads constitute .7 mile from the beginning of Kerry Lane at Observation to the end of Vulcan Lane at Tuna Canyon Road at the extreme northern point of this potential acquisition.

Exhibit No. 6
Application No. 4-09-020 (Stunt Rd)
Kerry Ln Preservation Proposal

April 2002

Because of the location of this area, public access could be achieved to the new State Park. Without this acquisition no public access to the northern end of the new State Park is possible. Also public access is achieved from Vulcan Lane to the myriad of trails that run through the new State Park.

Many spectacular views of Topanga State Park can be seen from Kerry and Vulcan Lanes and from the trails that wind through the State Park all the way to the Pacific Ocean. From the lowest point to Tuna Canyon this land elevates about 450 feet and includes a pleasant grade for walking or hiking.

Kerry Lane divides after .2 mile from Observation Drive into a fork, the left option becoming Vulcan and the right remaining Kerry Lane. These two Lanes reconnect after they each travel another .25 mile. They form a loop that surrounds 13 beautiful acres of park like land that includes over 50 pine trees, dozens of huge sycamores and oaks and dozens of other species of indigenous trees and plants. Vulcan Lane continues another .25 mile up to Tuna Canyon Road.

The attached maps indicate the details of the area around Kerry and Vulcan Lane with specific map book, page and parcel numbers. Two of the parcels are currently owned by the Mountain Restoration Trust while the others are privately owned.

Conclusion

The Kerry Lane Protection Project members believe that the Kerry Lane Loop and adjacent properties would constitute an excellent opportunity for preservation of an area that is unique in several ways. We welcome inquiries regarding the status of the properties and are prepared to assist in any way to facilitate transfer of the properties to a land conservancy.

April 2002

Exhibit No. 7
Application No. 4-08-020 (Stunt Rd)
VISUAL ANALYSIS

Exhibit No. 7
Application No. 4-08-020 (Stunt Rd)
VISUAL ANALYSIS

Looking South

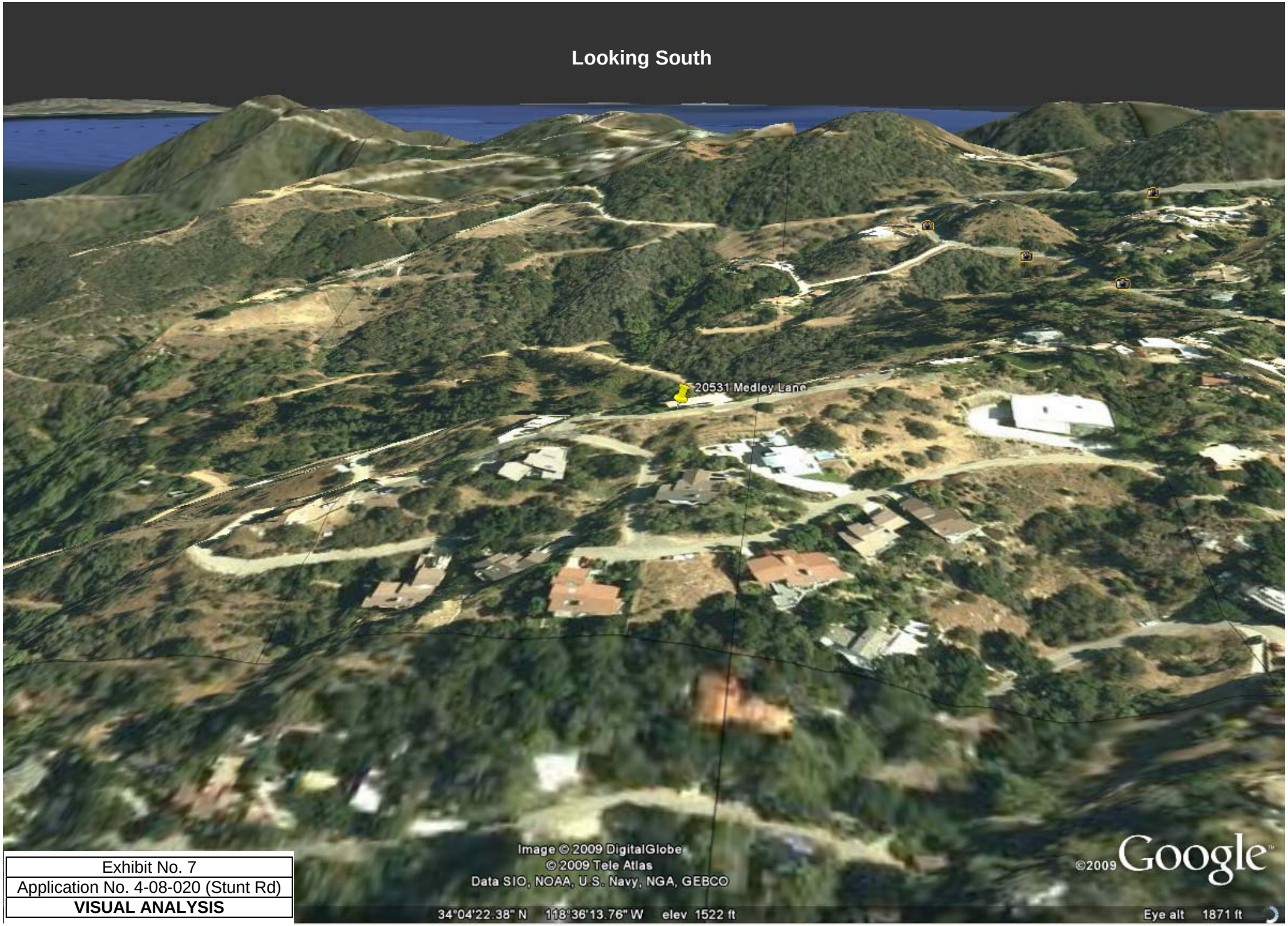
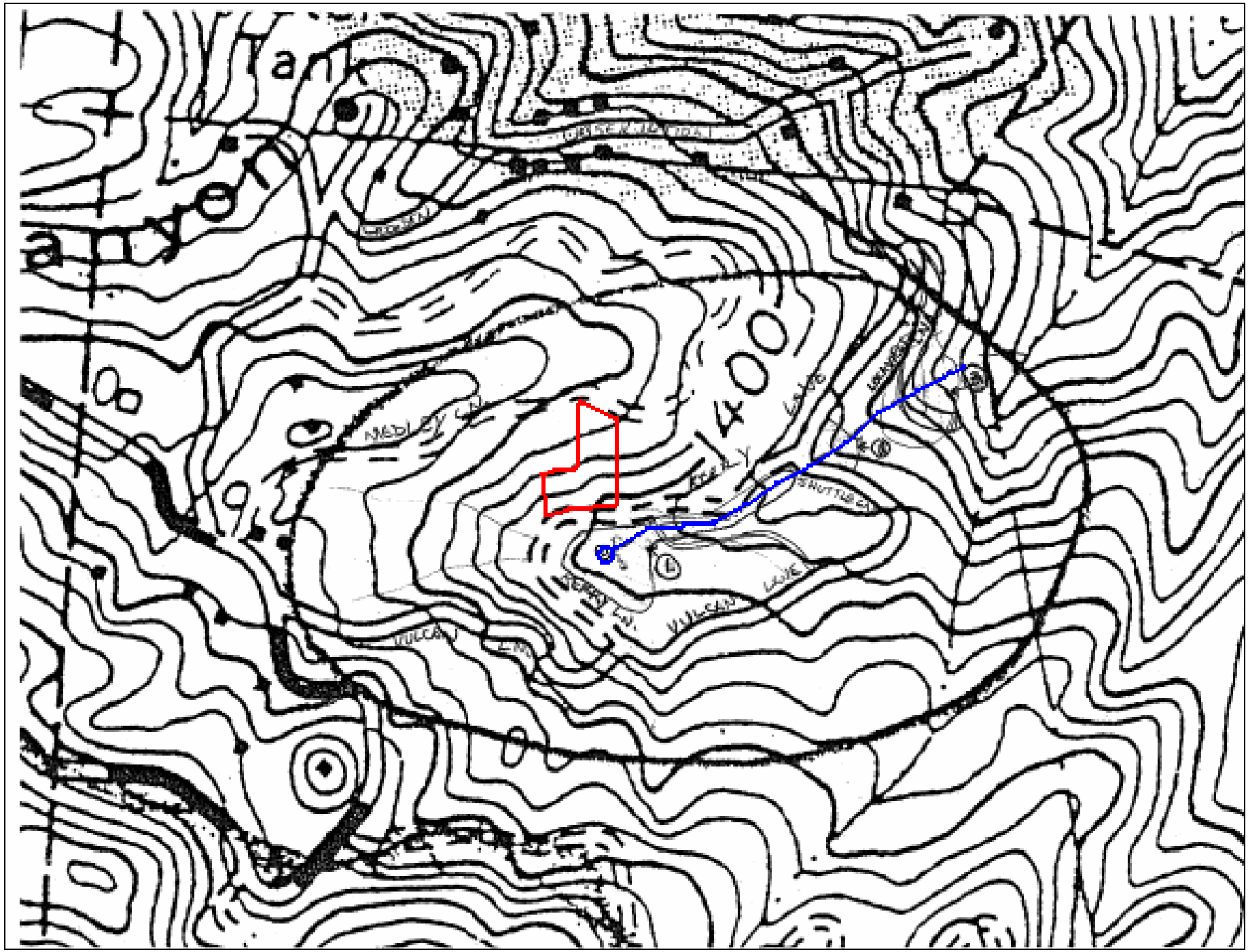


Exhibit No. 7
Application No. 4-08-020 (Stunt Rd)
VISUAL ANALYSIS

Exhibit No. 7
Application No. 4-08-020 (Stunt Rd)
VISUAL ANALYSIS

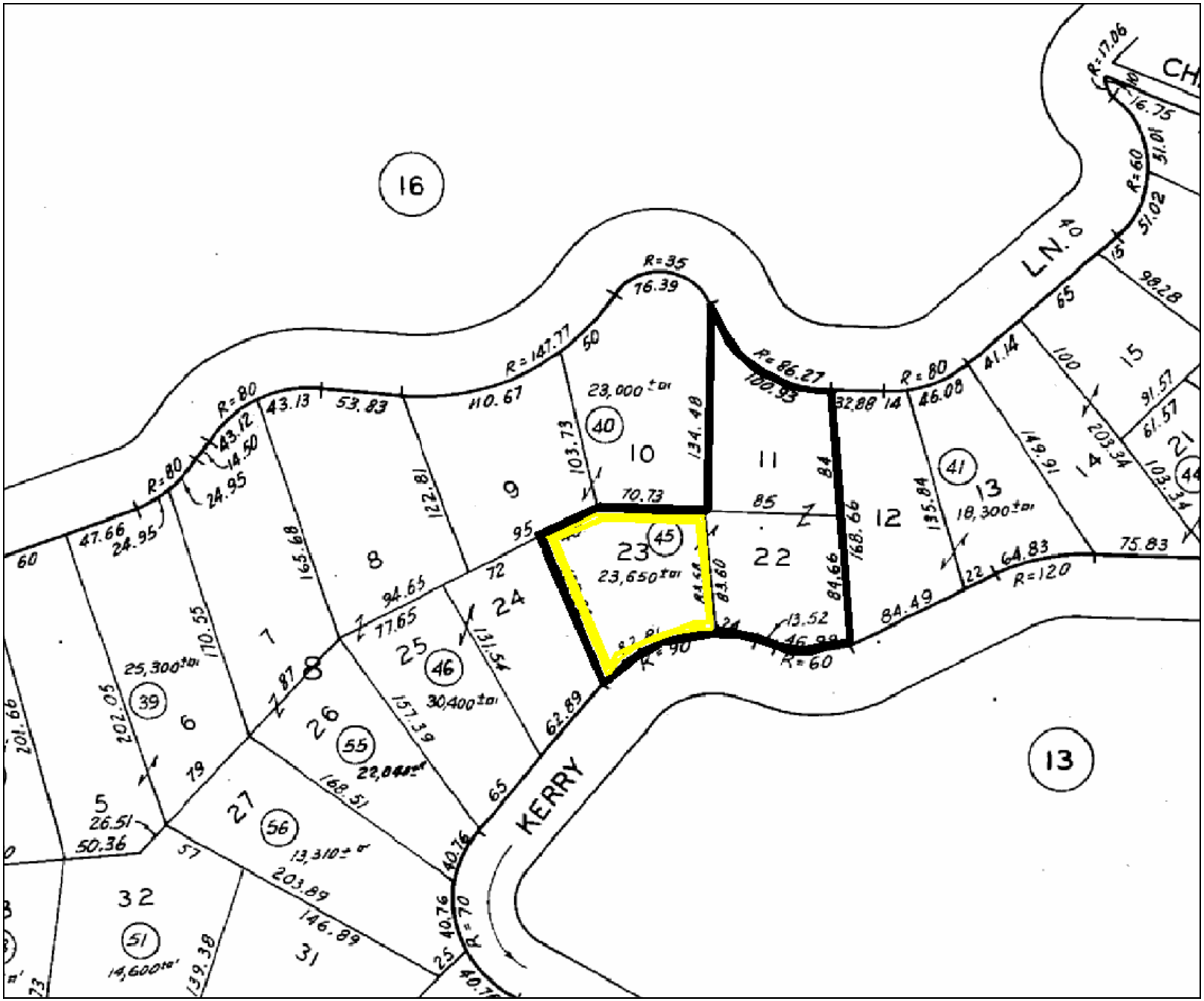
Exhibit No. 8
Application No. 4-08-020 (Stunt Rd)
FUEL MODIFICATION BOUNDARY – 200ft (appox.)



Subject Parcel

Spring & Riparian Corridor

Exhibit No. 9
Application No. 4-08-020 (Stunt Rd)
RIPARIAN AREA (in proximity to subject site)



Open Space Easement
Lot 23 of Tract 9531

Subject site parcel boundary (APN: 4448-015-045)

Exhibit No. 10
Application No. 4-08-020 (Stunt Rd)
OPEN SPACE EASEMENT