RECORD PACKET CONT

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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1/13/98

Commission Action:

8022A

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:

4-96-215

APPLICANTS:

Bernardino Zanini and Medria Connolly

PROJECT LOCATION: 20300 Skyhawk Lane, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,569 square foot, two story, single family residence with attached two car garage, 750 sq. ft. guest house/studio. fire suppression water storage system and water well, swimming pool, spa, and fence enclosure, septic system, improve portions of Skyhawk Lane (700 foot length) and driveway (300 foot length) with gravel and pavement, install road drainage devices, and grade 293 cubic yards of cut to be disposed outside the coastal The applicants are also requesting 'after the fact' approval of an unpermitted storage container and the above water well. A travel trailer will be used for site security during construction.

> Lot Area Building Coverage Pavement Coverage Parking Spaces Plan Designation

1.96 acres 3,427 sq. ft. 2,800 sq. ft.

Rural Land II

Zoning Project Density one du/ 5 acres 1 du/ 1 acre

Ht abv ext grade

27 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Department of Regional Planning, dated 10/29/96; Approval in Concept, Los Angeles County Department of Health Services, dated 10/16/96; Preliminary Fuel Modification Requirements, Los Angeles Fire Department, Fire Prevention Bureau, dated 9/18/96; Approval In Concept, Fuel Modification Plan, County of Los Angeles, Fire Department, dated 3/26/97; Approval water well, Los Angeles County Department of Health Services, dated 4/4/91.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions addressing: landscape/erosion control/drainage plans; future improvements; removal of storage structure and change in use of travel trailer; plans conforming to the geologic recommendations; wildfire waiver of liability; design restrictions;

and condition compliance to bring this project into compliance with the Coastal Act. The project site is located on a Significant Ridgeline visible from Topanga Canyon viewshed and is near the Tuna Canyon Significant Watershed. The site is accessed from Tuna Canyon Road and Sky Hawk Lane.

SUBSTANTIVE FILE DOCUMENTS: Engineering Geologic Report and Geotechnical Report, by Donald Kowalewsky, Environmental & Engineering Geology, dated November 20, 1989; Report of Preliminary Engineering Geologic Investigation, dated May 31, 1997, by Pacific Geology Consultants, Inc.; Geotechnical Engineering Investigation Report, dated June 11, 1997 by Coastline Geotechnical Consultants, Inc. Coastal Permit Number 4-96-210, Smith; Coastal Permit Number 4-97-087, Erlandson.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. <u>Expiration</u>. 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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.

7. <u>Terms and Conditions Run with the Land</u>. 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. LANDSCAPE/EROSION CONTROL/DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicants shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect and a drainage plan designed by a licensed engineer. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape/erosion control plan within ninety (90) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains," dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) All cut and fill slopes shall be stabilized with plantings at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such plantings shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the existing graded driveway and pads. Plantings shall include vertical elements to screen and soften the visual impact of the residence/garage and guest house as seen from Topanga State Park to the east and Tuna Canyon Road from the northwest.
- c) Should grading take place during the rainy season (November 1 March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- d) Vegetation within 50 feet of the proposed residence may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200 foot radius of the residence, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and locations of plant

materials to be removed, and how often thinning is to occur. In addition, the applicants shall submit evidence that the landscape plan has been reviewed and approved as a final fuel modification plan by the Los Angeles County Fire Department, Fire Prevention Bureau.

e) The drainage plan shall illustrate that runoff from the roofs, patios, driveway and all other impervious surfaces on the subject parcel and along the roadway will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's and the two drainage structures along Skyhawk Lane fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

2. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicants shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-96-215; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards consistent with special condition number one (1) is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. REMOVAL OF STORAGE STRUCTURE AND CHANGE IN USE OF TRAVEL TRAILER

With the acceptance of this permit, the applicants shall agree that the "one storage structure" on the site shall be removed, and the travel trailer be converted from temporary habitation for site security purposes, to storage on the subject site of the recreational travel trailer, within two years of the issuance of the coastal permit or 90 days of the receipt of certificate of occupancy for the residence from Los Angeles County, whichever is less.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

All recommendations contained in the "Engineering Geologic Report and Geotechnical Report For Proposed Construction of a Single Family Residence and Guesthouse" dated November 20, 1989, by Donald Kowalewsky, Environmental & Engineering Geology; Report of Preliminary Engineering Geologic Investigation, dated May 31, 1997, by Pacific Geology Consultants, Inc.; and Geotechnical Engineering Investigation Report, dated June 11, 1997 by Geotechnical Consultants, Inc. shall be incorporated into all final design and construction plans including foundations on bedrock. lateral loads - spread footings, piles, retaining walls, temporary excavation slopes, drainage, floor slabs-on-grade, lap pool, on-site effluent disposal, erosion control, and grading, foundation setback, and temporary excavations. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

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The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

5. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

6. DESIGN RESTRICTIONS

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject residence/garage, guest house, storage structure, well house, water filtration system enclosure, water tanks, and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

7. CONDITION COMPLIANCE

All requirements specified in the above conditions that the applicants are required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 120 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The project site is located within a partially developed subdivision about two miles inland just below a ridgeline separating Topanga Canyon and Tuna Canyon. The lot is accessed from Skyhawk Lane about one quarter mile from Tuna Canyon Road. Most of Skyhawk Lane is improved with gravel. The building site is an irregular shaped 1.96 acre parcel located on the south side of Skyhawk Lane below the ridgeline which also serves as a fire break. A section of Skyhawk Lane, which is now a dirt road, traverses along the 700 foot length of the northern boundary of the parcel. (Exhibits 1, 2, and 3)

The applicants propose to construct a 3,134 square foot, two story, 27 feet high, single family residence with attached 435 square foot, two car garage, a 750 sq. ft. guest house/studio (without kitchen or cooking facilities), fire

suppression water storage system including a water well, two 5,000 gallon storage tanks and 10' x 12' enclosed filtration system, swimming pool and spa enclosed with a fence, a portion located on a retaining wall about 75 feet long ranging from 1 to 10 feet high, septic system, driveway, entry gate and wall, and grade 293 cubic yards of cut to be disposed at a landfill location outside the coastal zone, improve 700 foot length of Skyhawk Lane with gravel (about 620 feet) and pave with asphalt (about 80 feet) to 20 feet wide, install road drainage devices, and improve 300 foot length of the driveway with gravel (about 240 feet) and pave with asphalt about 60 feet). applicants are also requesting 'after the fact' approval of an unpermitted storage container and a water well. A travel trailer is currently located on the site (appears to be occupied) and is proposed to be used as temporary lodging during construction on the site. While the residence is under construction, the applicants propose to have a family member or an authorized individual use the travel trailer as lodging for temporary security at the site. After construction of the residence, the travel trailer will be stored There are also two storage containers currently on site. applicant is proposing to remove one from the site and relocate the other container on the site for storage purposes (for well, pool, and yard equipment) after the construction is complete. These later developments exist without benefit of a coastal development permit. (Exhibits 4 - 10)

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as Rural Land II, allowing one dwelling per five acres. Although this lot is smaller than the designated land use, this lot is considered a legal non-conforming parcel.

The subject property is surrounded by a single family residence to the northwest, an approved site for a residence (Jobbins, Coastal Permit 4-96-162) to the west, and vacant lands to the north, east and south. To the southwest over the south side of the ridgeline about 500 feet, are National Park Service lands managed by the Santa Monica Mountains National Recreation Area. (Exhibit 2) The site is located on a Significant Ridgeline and is not located within the designated Tuna Canyon Significant Watershed; the site drains to the northeast to a tributary creek leading to Topanga Creek. (Exhibit 3) The residence/garage and guest house, as proposed, are located on sloping areas just below the a significant ridgeline designated by the Los Angeles County Malibu Santa Monica Mountains Land Use Plan and visible from Topanga State Park.

B. Environmentally Sensitive Resource Areas and Cumulative Impacts

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

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.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams.

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

- (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.
- 1. Environmentally Sensitive Habitat Area (ESHA)

The Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHA's are among the strictest and most comprehensive in addressing new development. In its findings regarding the LUP, the Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The LUP includes numerous policies addressing this issue which have been applied as guidance by the Commission in the review of development proposals in the Santa Monica Mountains.

Other applicable Land Use Plan policies address: the protection of ESHAs against significant disruption of habitat values; locate new development close to existing roadways and services; and existing development to minimize the effects on sensitive environmental resources; cluster structures; minimize grading for access roads and driveways; minimize the alterations of hillside and ravines; protect the water quality of groundwater basins, nearby streams, or wetlands as a result from development; and pollutants and other harmful waste shall not be discharged into coastal streams or wetlands. Land Use Plan policies also address stream protection and erosion control by: minimizing grading; landscape plans shall balance long-term stability and minimization of fuel load, among other policies.

Past actions on coastal permits taken by the Commission generally reflect the goals and guidance provided in the certified LUP policies towards development in or near ESHA's. Where the Commission has found that single-family development would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The project site is located below a saddle of a significant visual ridge according to the Los Angeles County Land Use Plan. The parcel includes a dirt driveway leading to two generally flat pads surrounded by chaparral vegetation. Skyhawk Lane, traverses along the northern boundary of the parcel as a dirt road. Bice Drive, a dirt road which has been relocated to traverse along the southwestern border of the subject parcel, leads to other undeveloped parcels and a residence to the south. A long established fire break devoid of vegetation is located along Skyhawk Lane west of the subject parcel and along Bice Drive to the southwest.

From Skyhawk Lane on the north, the subject parcel descends at angles between 20 to 30 degrees to the east and northeast to an unnamed tributary, a blue line stream, leading into Topanga Canyon Creek. A small portion of the parcel on the southeast side drains to another unnamed tributary, also a blue line stream, leading into Topanga Canyon Creek. The residence is proposed to be located on a small knob hill on the parcel. These tributaries are designated as a riparian environmentally sensitive habitat areas (ESHA) while Topanga Canyon Creek includes significant oak woodland and savannahs designated as ESHA in the Land Use Plan. (Exhibit 12) The designated ESHA within the tributary canyon to the southeast is located about 1,000 feet to the northeast of the subject lot. The subject parcel includes chaparral species typically with broad-leaf schlerophyllous vegetation with some diversity in species composition. There are a few oak trees located along the perimeter of the property that will be retained on site.

The Tuna Canyon Significant Watershed Area includes about 1,524 acres of land in the coastal Santa Monica Mountains within the watersheds of Tuna and Pena Canyons, which include designated ESHA along portion of these creeks. The site is separated by Bice Drive and is clearly outside of the Land Use Plan designated Tuna Canyon Significant Watershed. The Tuna Canyon Significant Watershed boundary is located about 250 feet to the west and over the saddle of the ridge from the subject parcel. Because the site drains to the north and southeast into two tributary creeks of the Topanga Canyon Creek, potential impacts to the ESHA in the Tuna Canyon Significant Watershed are not expected. The designated ESHA within the tributary canyon to the north is located about 700 feet to the northeast of the subject parcel, while the ESHA in the tributary to the southeast is about 1,000 feet from the parcel.

The project was reviewed by the Los Angeles County Department of Regional Planning and approved in concept. The project was not reviewed by the Environmental Review Board for a recommendation on the project's consistency with the Malibu/Santa Monica Mountains Land Use Plan, because the development site not located within a sensitive environmental resource area or within 200 feet of an ESHA area.

The applicants propose to construct a 3,569 square foot, two story, single family residence with attached two car garage, 750 sq. ft. guest house/studio, fire suppression water storage system and water well, swimming pool, spa, enclosed by a fence and retaining wall, septic system, improve portions of

Skyhawk Lane (700 foot length) and driveway (300 foot length) with gravel and pavement, install road drainage devices, and grade 293 cubic yards of cut to be disposed outside the coastal zone. The applicants are also requesting 'after the fact' approval of an unpermitted storage container and the above water well. The applicants currently have a travel trailer onsite which is proposed to be occupied and used for site security during construction of the residence. The travel trailer and one storage container will be relocated on site for the storage of a recreational travel trailer and residential related maintenance storage, respectively, after construction is complete. A second storage container will be removed from the site at completion of construction.

The residential building site is located on the eastern portion of the parcel on a gently sloping building pad located along a knob hill. It is is accessed directly from Skyhawk Lane by a driveway about 300 feet in length. The guest house will be located near the driveway and at the center of the parcel. Constructing the structures and driveway will require grading of about 293 cubic yards of cut material which will be disposed at a landfill located outside the coastal zone.

The residential development, the single family residence and the guest house/studio, is limited to two sites located about 240 feet from each other. Staff requested information regarding the reason the guest house was not proposed for a location closer to the single family residence. A possible location west of the residence near the proposed emergency vehicle turnaround was suggested as an alternative site. It was determined by the applicant's geologist that this site was a less stable location than the proposed site which has more stable bedding planes. A structure in this alternative location would require substantial remedial grading to provide a stable building pad as the site is located along a syncline, an unstable geologic In addition, the applicant's architect stated that this bedding feature. alternative site would be more visible from Topanga Canyon below as compared to the proposed location where the guest house will be cut into a sloping A review of the submitted geology reports and the project plans confirm these opinions. The Commission finds that the proposed location of the guest house will reduce the amount of grading to the minimum needed to cut the foundation of the guest house structure into the slope, and thereby reducing the visibility of the guest house from Topanga Canyon below.

The Land Use Plan includes policies stating that in disturbed areas landscaping shall include native plants consistent with fire safety requirements by balancing the long-term stability while reducing the fire load. The applicants have also submitted a preliminary Fuel Modification Plan 'Approved In Concept' by the Los Angeles County Fire Department which requires the removal of flammable vegetation within 100 feet of the structures and a thinning of vegetation within 200 feet of the residential structures. The applicants propose to replant these areas with native fire resistant vegetation as noted on the Fuel Modification Plan.

The Commission finds that the landscape plan provided as a fuel modification plan needs to be revised to include a landscape plan that indicates all disturbed areas will be planted with native species and maintained for erosion control and visual enhancement at the completion of the grading. In addition, the landscape plan needs to identify that the planting will be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. Further, the plans need to identify that

should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction and retain sediment on site. The revised landscape plan will need a final 'Approval In Concept' by the Los Angeles County Fire Department as required by condition number 1. d.. Condition number one (1) provides for the above requirements in the landscape plan.

Additional LUP policies specify that grading activities be minimized and that development be designed to minimize grading and potential impacts to ESHA, and that said development is placed as close to existing services as possible. In the case of the proposed residence, no more than about 293 cubic yards of grading is proposed, as cut material to be disposed at a landfill located outside the coastal zone. The building site for the residence is located on the gently sloping portion of a small knob, thus minimizing the need for further grading to expand the building pad. The guest house will be located along a sloping area with favorable geologic bedding slope requiring limited grading to cut the foundation of the structure into the slope without the need for remedial grading at an alternative site as noted above. Additionally, the proposed structures are to be located within about 60 feet for the residence and 75 feet for the guest house from Skyhawk Lane. Skyhawk Lane is an existing road proposed to be improved with gravel over a 620 foot length and an 80 foot length portion with asphalt paving. The residence and guest house will be accessed along a 300 foot long driveway from Skyhawk Lane. Therefore, this grading is determined to be reasonable in order for the applicants to construct the proposed project while consistent with the above LUP grading policies.

Furthermore, the proposed project includes about 6,227 sq. ft. of impervious surfaces; asphalt paving, building, or structure coverage. The applicants have proposed a drainage system plan that illustrates how water from the western portion of the parcel will be conveyed across or along Skyhawk Lane as prepared by a licensed architect. (Exhibit 11) A drainage plan prepared by a licensed engineer is needed which illustrates how runoff is to be conveyed from the building pad of the proposed residence, guest house and paved emergency vehicle turnaround, and how and where drainage will be conveyed beyond these pads and the turn around area to and along Skyhawk Lane. drainage plan will also illustrate that the drainage devices will reduce the flow of runoff generated by the proposed improvements and convey the flows into existing natural drainages. The purpose of the drainage plan is to minimize erosion from the subject site that may result in sedimentation of nearby streams which could adversely affect the designated ESHA downstream in the unnamed tributaries downstream and in Topanga Canyon Creek. residential project's drainage structures fail or result in erosion, the applicants and or landowners will be responsible for any necessary repairs and Lastly, these plans need to identify how erosion will be restoration. minimized during construction. Therefore, this plan as required by condition number 1. e. will ensure drainage will be conveyed offsite in a non-erosive manner from the building sites and paved areas to a natural drainage area. thereby minimizing potential impacts to ESHA.

Regarding other structures on the site, the applicants propose to construct a well house with a footprint of ten feet by twelve feet to enclose the 'unpermitted' water well. In addition, the water filtration system structure

is proposed with a footprint of ten feet by twelve feet to enclose the system. Two 5,000 gallon water storage tanks are proposed to be located near the filtration system. These ancillary structures are located west of the guest house. The applicants also proposes to retain one 'unpermitted' storage structure to be relocated near the well house for the storage of maintenance equipment for the well, the water filtering system, the pool and landscaping of the property. The applicants also proposes to relocate a travel trailer to the driveway north of the residence to be used for recreational purposes only construction is complete. Until construction is completed the applicants request that the trailer be used for temporary lodging by a family member or someone specifically authorized by the applicants to provide security and monitoring during the building process. Once construction is complete the applicants propose to remove a second storage structure from the With the removal of this second storage structure and the relocation of the travel trailer these areas will be landscaped as required by conditions three (3) and one (1) to slightly reduce the size of the impervious surfaces where these structures are located.

2. Cumulative Impacts

Section 30250 of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have adverse significant effects, either cumulatively or individually, on coastal resources. The subject parcel is not located within a existing developed area able to accommodate development. The applicants propose to construct improvements to Skyhawk Lane and a driveway with a turnaround area, consistent with Los Angeles County Fire Department Fire Code requirements. The Fire Department has granted preliminary approval for fire access to the subject parcel. Therefore, adequate road access will be provided to the parcel because the Fire Department has determined that these access improvements are adequate.

Water service is provided by an 'unpermitted' on-site water well and a proposed storage system. The applicants propose to install two 5,000 gallon storage tanks to provide for fire suppression and domestic water purposes. The well produces water at 20 gallons per minute which will be stored in the two storage tanks totalling 10,000 gallons. This amount of water storage is nearly triple the County required 3,500 gallons determined by the Los Angeles County Fire Department to be adequate for emergency fire fighting purposes. At the rate the well produces water, the 3,500 gallons of required water can be provided in less than three hours. Therefore adequate water service will be provided to the parcel. Sewage disposal is proposed to be provided by an on-site private septic system, as is common in the Santa Monica Mountains area, and is described below. Therefore, the proposed project is located in an 'other area with adequate public services' that are available once completed by the applicants.

Section 30250 of the Coastal Act also addresses the cumulative impacts of new developments. Based on these policies, the Commission has limited the development of second dwelling units on residential lots in the Santa Monica Mountains. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct a detached guest house/studio of 750 sq. ft. on the site, consisting of a living room, bath, dressing and storage

rooms. The applicants also propose to relocate an 'unpermitted' travel trailer to the driveway north of the residence to be used for recreational purposes only after construction is complete. Until construction is completed the applicants request that the trailer be used for temporary lodging by a family member or someone specifically authorized by the applicants to provide security and monitoring during the building process. Once construction is complete the applicants also propose to remove one of two storage structures from the site.

The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. for development which is a secondary dwelling unit. The guest house is considered a second residential unit. Until the construction is completed, the travel trailer will be used for security purposes on the parcel. However, to ensure the travel trailer is not converted to a third residential unit or that no additions are made to the guest house without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicants to record a future improvements deed restriction, which will require the applicants to obtain an amended or new coastal permit if additions or changes to the development is proposed in the future as required by condition number two (2).

The Commission, through past permit actions has considered such trailers to be second units, if occupied on site, and subject to the same consideration as guest houses. The trailer will be used for security during the construction of the new residence and guest house. To ensure that the travel trailer is no longer occupied for habitation on the site upon completion of the developments, the Commission finds that it is necessary to require that the trailer be relocated on the site and only stored on the site within 60 days of issuance of the certificate of occupancy by Los Angeles County or within two years of the issuance of the coastal permit, whichever is sooner. Special Condition number three (3) requires that the travel trailer not be used for habitation although it may be stored on site according to the above time frame. For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 of the Coastal Act.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. The Commission's standard of review for this project are the policies of the Coastal Act. The applicants propose to construct a residence, guest house, various structures, use a travel trailer for temporary habitation, improve a portion of Skyhawk Lane, a driveway, construct a septic system, and provide a water system for fire suppression and domestic water service (discussed further in section below) in an effort to provide public and private services to the subject parcel. Although the subject parcel is not located within a developed area, it is located within an other area able to accommodate development. Therefore, Commission finds that the project is located in an other area with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on And further, the Commission finds that the project will coastal resources. not have significant adverse effects, either individually or cumulatively, on coastal resources. The Commission also finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA, will be protected as a result of the proposed project as conditioned. Thus, the proposed project, as conditioned, is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

. Application 4-96-215 Zanini and Connolly

C. Hazards and Geologic Stability

Section 30253 of the Coastal Act states:

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicants submitted three geologic/geotechnical engineering reports, the first is titled "Engineering Geologic Report and Geotechnical Report For Construction of a Single Family Residence and Guesthouse on a 2.5 acre Site", dated November 20, 1989, prepared by Donald Kowalewsky, Environmental & Engineering Geology. This report states:

From an engineering geologic standpoint, the proposed construction of a single family residence and guest house is feasible. Provided the following recommendations are incorporated in the plans and implemented, building sites will be safe from landslide, settlement or slippage. In addition, development of this parcel, utilizing the following recommendations, will not adversely affect offsite property.

A second report was submitted titled "Report of Preliminary Engineering Geologic Investigation, Proposed Construction of a Single Family Residence, Guest House and Lap Pool", dated May 31, 1997, prepared by Pacific Geology Consultants, Inc. This report states:

Based on field observation and evaluation of geologic conditions at the site, it is the professional geologic opinion of the undersigned that construction of a residence, guest house and lap pool is feasible from a geologic standpoint. All recommendations contained herein and those provided by the Geotechnical Engineer, Coastline Geotechnical Consultants, shall be followed both during design and construction. Additionally, all applicable elements of the Los Angeles County Building Code shall be followed.

Provided the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the residence, guest house and lap pool will be safe from landslide hazard, settlement or slippage. In addition, the proposed construction will not adversely

affect off-site properties from a geological standpoint. All specific elements of the County Los Angeles Building Code shall be followed in conjunction with design and future construction work.

A third report was submitted titled "Geotechnical Engineering Investigation Report Proposed Residential Development", dated June 11, 1997, prepared by Coastline Geotechnical Consultants, Inc. This report states:

Considering the location of the proposed structures, the relatively thin layer of topsoil, and overall stability of the property, it is recommended that all new foundations be supported by the bedrock. Footings and/or friction piles may be used. The deepened footings or piles may be necessary to satisfy the recommendations provided by Pacific Geology Consultants, Inc. to place all new foundations below the lowest unsupported bedding planes.

Based on the findings summarized in this report, and provided the recommendations of this report are followed, and the designs, grading, and construction are properly and adequately executed, it is concluded that construction within the building site will not be subject to geotechnical hazards from landslides, slippage, or settlement. Further, it is concluded that the proposed building and anticipated site grading will not adversely effect the stability of the site, or adjacent properties, with the same provisos listed above.

The recommendations in these geology/geotechnical engineering reports address the following issues: foundations on bedrock, lateral loads - spread footings, piles, floor slabs-on-grade, grading, retaining walls, foundation setback, temporary excavations, lap pool, sewerage disposal, drainage, erosion control, and plan review.

Based on the findings and recommendations of the consulting engineering geologists and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicants to submit project plans that have been certified in writing by the consulting engineering geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number four (4) for the final project design and drainage plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Topanga Canyon Creek. Therefore, the Commission finds that it is necessary to require the applicant to submit landscape and final fuel modification plans for the proposed development. These plans will incorporate native plant species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans will also illustrate that existing vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special condition number one (1) provides for such a landscape/erosion control plan prepared by a licensed landscape architect and a final fuel modification plan 'Approved in Concept' by the Los Angeles County Fire Department.

Condition number one also requires a drainage plan designed by a licensed engineer will adequately direct drainage from the residential building pad and convey water from the site and into the watershed in a non-erosive manner. The drainage plan will illustrate that runoff from the roofs, patios, driveway and all other impervious surfaces on the subject parcel and along the roadway will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage will not be accomplished by sheet-flow runoff. Should the residential project's and the two drainage structures along Skyhawk Lane fail or result in erosion, the applicants/landowners or successor interests will be responsible for any necessary repairs and restoration.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Although, the 1993 Malibu Fire burned to the fire break area west of the parcel, it did not appear to burn the subject parcel. However, there is still the potential that future wild fires may burn the subject parcel.

Although there may be adequate fire emergency access and fire suppression water service available to the site, there is still the risk of extraordinary potential for damage or destruction from wild fire. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number five (5).

The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. <u>Visual Impacts</u>

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 area 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 certified Malibu/Santa Monica Mountains Land Use Plan includes numerous policies which are applicable to the proposed development. These policies include: minimizing alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas new development (including buildings, fences, paved areas, signs, and landscaping) shall be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP; minimize the alteration of natural landforms; be landscaped to conceal raw-cut slopes; be visually compatible with and subordinate to the character of its setting; be sited so as not to significantly intrude into the skyline as seen from public viewing places; and site structures to conform to the natural topography, as feasible.

As previously stated, this project involves the construction of a 27 foot high, 3,569 square foot, two story single family residence on a sloping pad at 1680 foot elevation and a 25 1/2 foot high (maximum elevation) 750 square foot one story guest house on a sloping area at 1700 foot elevation contours of the property are located. In addition, a storage structure, two water tanks, and two small structures will be located for the long term on the parcel. The parcel is located just below the saddle of the ridgeline which is west of the subject parcel. This ridgeline is designated as a significant ridgeline on the Scenic Resources map in the Malibu/Santa Monica Mountains Land Use Plan.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan (LUP) protects visual resources in the Santa Monica Mountains. Significant Ridgelines are given special treatment when evaluating potential visual impacts caused by new development. The project site is located along the northern side and just below a significant visual ridgeline.

The Commission examines the building sites, the proposed grading, and the size of the building pad and structures. The developments noted above raise two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public parks and trails will be impacted.

The proposed residence, guest house, water tanks and other structures will be visible from limited portions of upper Topanga Canyon Road and Old Topanga Canyon Road to the north and northeast. The development will also be visible from Topanga State Park and public trails to the east and north of the subject

site. The structures may also be visible from Tuna Canyon Road to the northwest, a designated scenic highway in the Land Use Plan.

Regarding public trails, two existing hiking trails, the Topanga - Henry Ridge Trail and the Santa Maria Canyon Trail are located about one to one and one half miles east of the project site. Due to the distance, public views of the proposed developments will be limited.

Regarding landform alteration, the amount of final grading to prepare the building sites are minimal, comprising only of 223 cubic yards of cut. Sixty cubic yards of cut is needed for the driveway. The cut slopes will be stabilized with plantings at the completion of grading as required by condition number one (1) to minimize erosion of the fill material. The applicant's project will minimize grading and will not significantly alter the existing landform on the property; therefore, the proposed project is clearly consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

As previously stated, the proposed residence will be visible from Topanga State Park property to the east of the project site. To conform with the policies of the Coastal Act and LUP regarding visual impacts, the Commission has in past permit actions required that structures not break ridgelines by siting them down the slope, in areas not visible, or when no other alternative is available, restricting the height of the structure. In this case, given the topography and size of the property, the proposed sites along Skyhawk Lane are the most suitable sites on the property.

Because the site developments will be visible from portions of Topanga State Park and may be visible from portions of Tuna Canyon Road, mitigation to address potential visual impacts is needed. The proposed two story residence and garage will be less visually intrusive through the use of earth tones for the structures and roofs and non-glare glass which helps the structure blend in with the natural setting. The Commission finds it necessary to impose condition number six (6), design restrictions, to restrict the color of the subject structures to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows to reduce visual impacts.

Furthermore, in order to ensure that future additions that might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by condition number two (2).

Although there is no way to fully screen the residence from Topanga State Park and Tuna Canyon Road, it is possible to partially screen the proposed structure by requiring the applicants to landscape the site with native plants, compatible with the surrounding environment and designed to screen and soften the visual impacts of the development. The Commission has found that the use of native plant materials, including vertical elements, in landscaping plans can soften the visual impact of new development in the Santa Monica Mountains. The use of native plant materials to revegetate graded or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. Condition number one (1) requires that the landscape plan be completed within

ninety (90) days of residential occupancy and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. The landscaping plan shall include vertical elements to break up the view of the proposed structures as seen to the south and west. Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast and thus, is consistent with Section 30251 of the Coastal Act.

E. <u>Septic Systems</u>

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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, and minimizing alteration of natural streams.

In addition, the Malibu Land Use Plan includes policies addressing sewage disposal: wastewater management operations within Malibu Coastal Zone shall not degrade streams or adjacent coastal waters; the construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes; the County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The applicants propose to install a 1,500 gal septic tank and a seepage pit to accommodate the sewage of the proposed development. The applicants have submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Building Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coast, the depth of groundwater, etc.

The consulting engineer has reviewed the site and concluded that the construction of a septic system will not adversely affect the proposed site or the adjacent properties, provided the system is constructed in conformance with the requirements of Los Angeles County. The Commission therefore finds that the project is consistent with Section 30231 of the Coastal Act.

F. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Because a portion of the proposed project includes after the fact development (unpermitted storage container and a water well) and requires a coastal permit in order to be in conformance with the Coastal Act. The Commission finds it necessary to require the applicants to fulfill all of the special conditions as a prerequisite to the issuance of this permit, as required by special condition number seven (7) within a reasonable period of time, within 120 days of Commission action. Only as conditioned is the proposed development consistent Sections 30231, 30240, 30250, 30251 and 30253 of the Coastal Act.

G. Local Coastal Program.

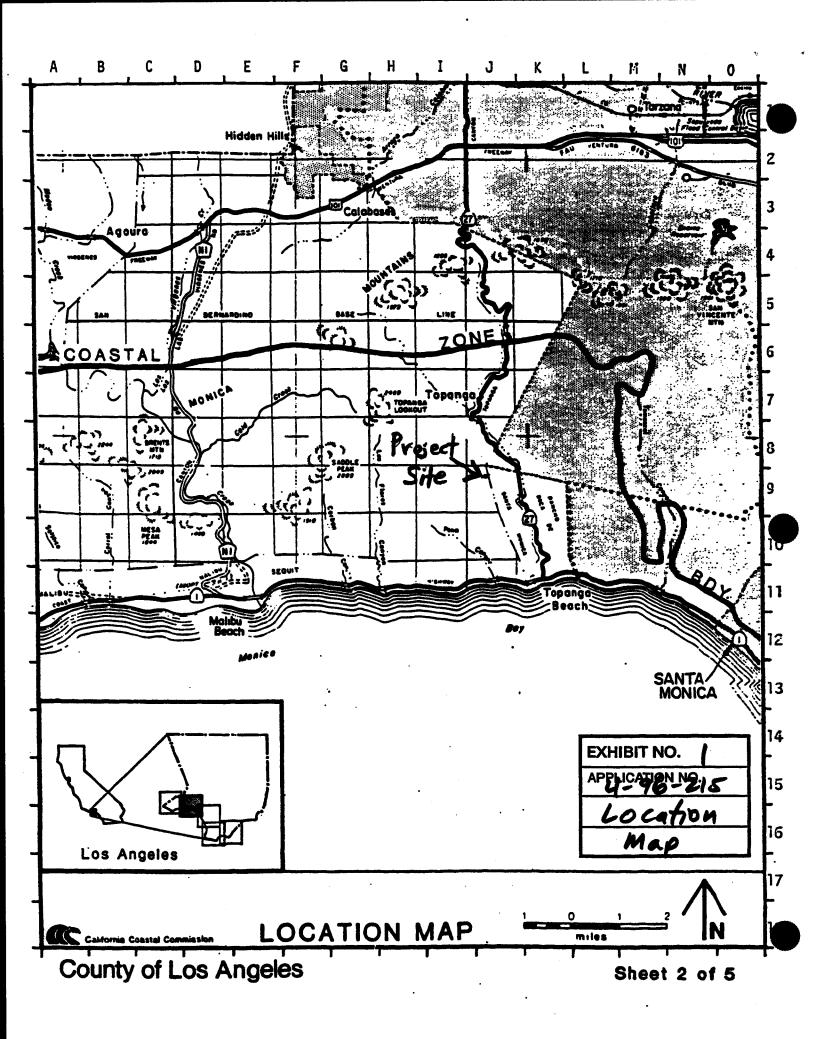
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Among these policies are those specified in the Monica Mountains area. preceding sections regarding visual impacts, geologic impacts, septic systems, and the protection of ESHA. As conditioned, the proposed development will not create adverse impacts and is consistent with the policies contained in the Therefore, the Commission finds that approval of the development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

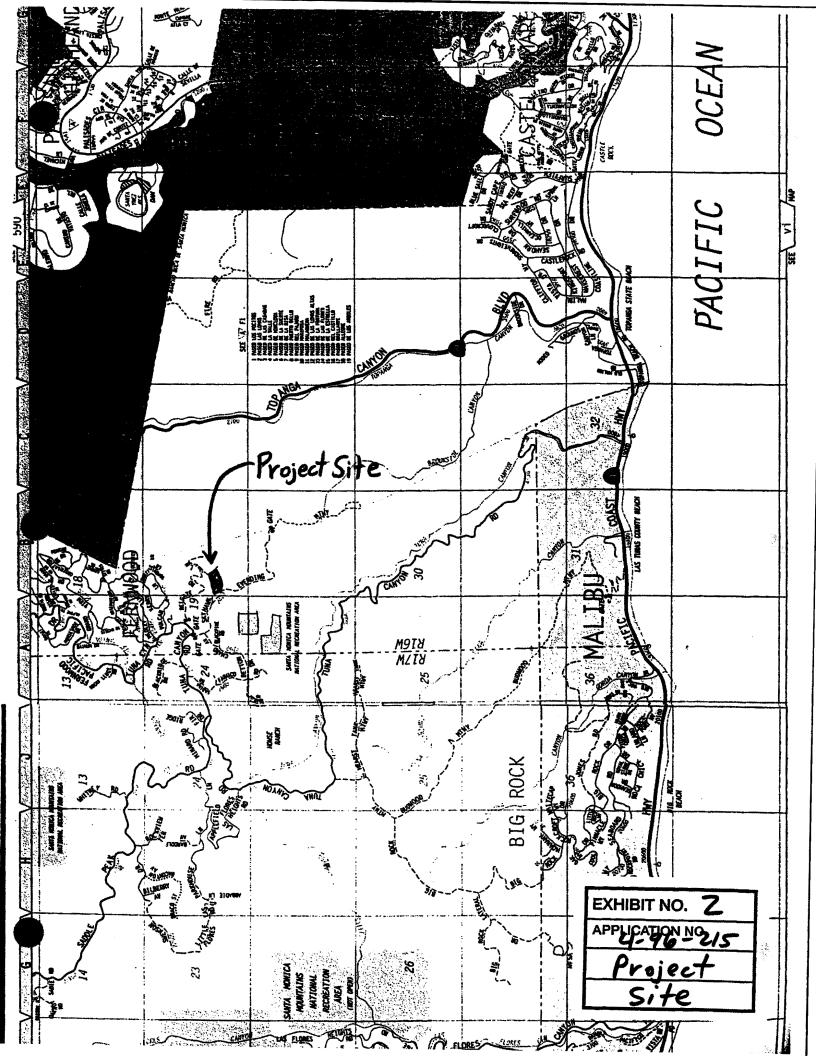
H. CEOA

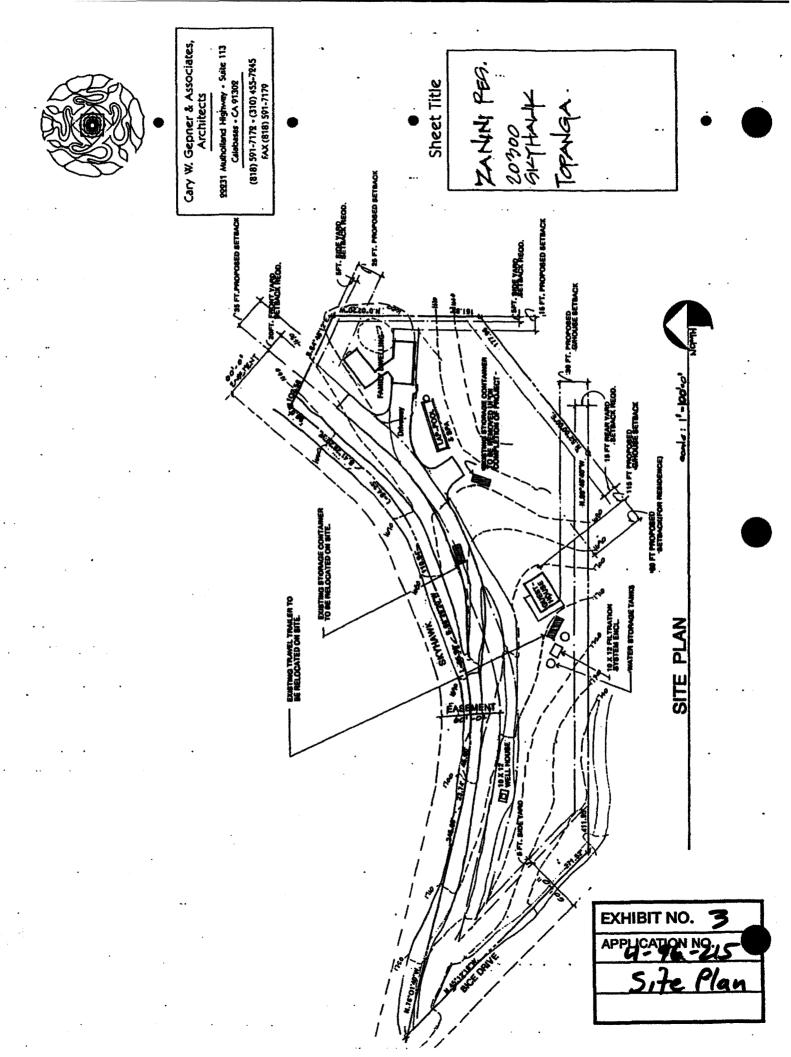
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

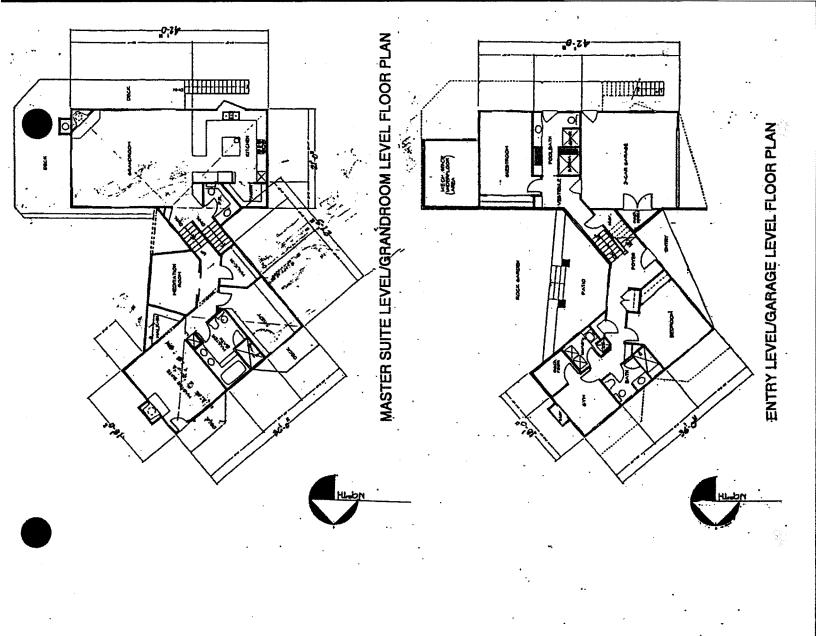
The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

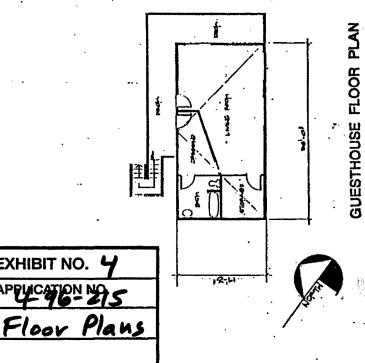
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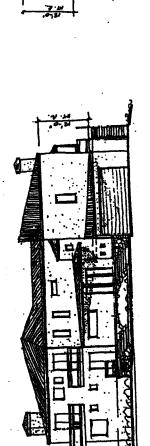


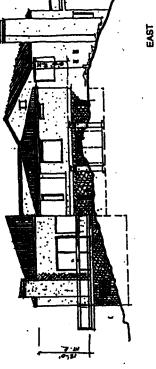


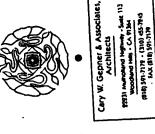












ELEVATIONS

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Job Name

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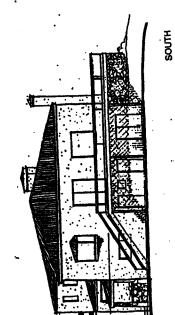
RESIDENCE ELEVATIONS

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WEST



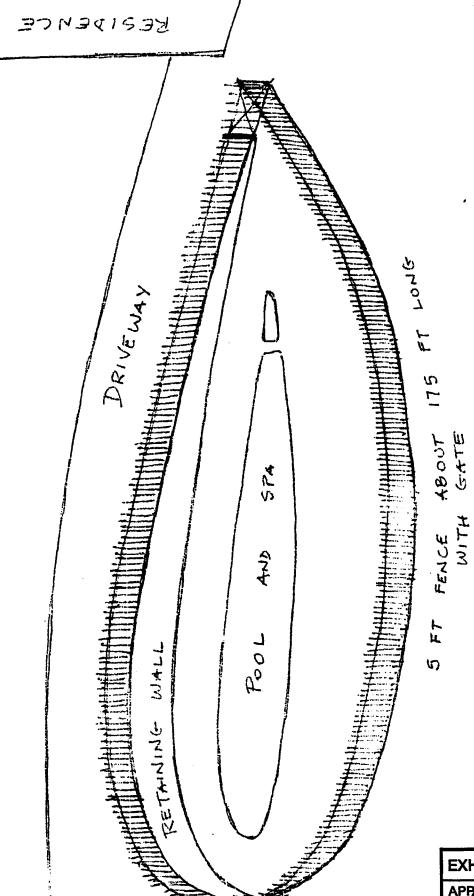
NORTH

BESIDENCE

EAST

SOUTH

GUESTHOUSE ELEVATIONS



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HIBIT

AREA

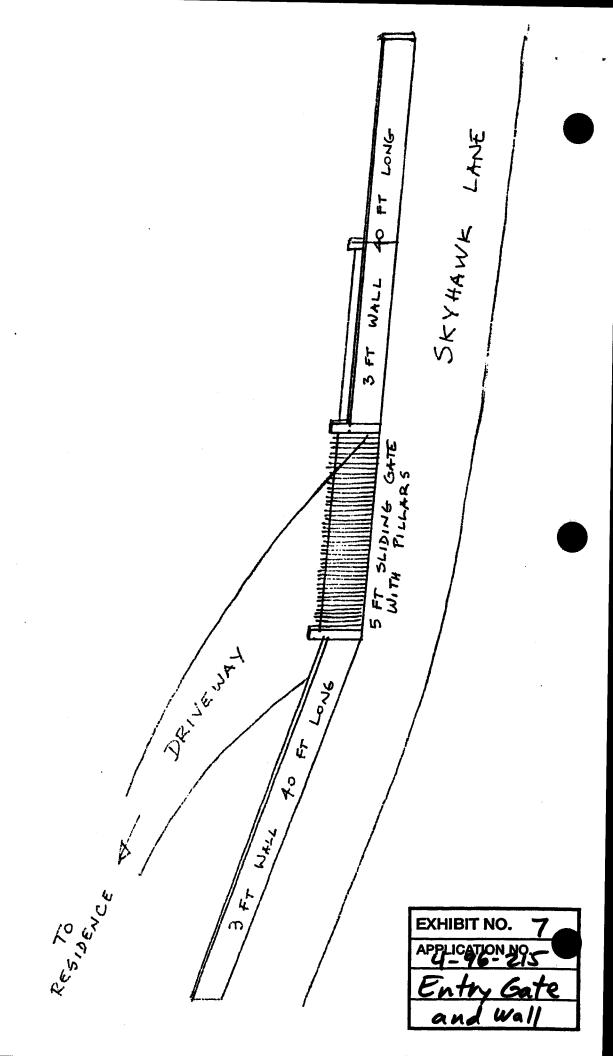
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APPLICATION NO. 6

APPLICATION NO. 5

Pool, SPA

Fence/Well En



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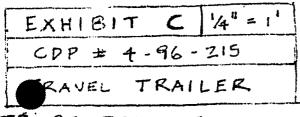
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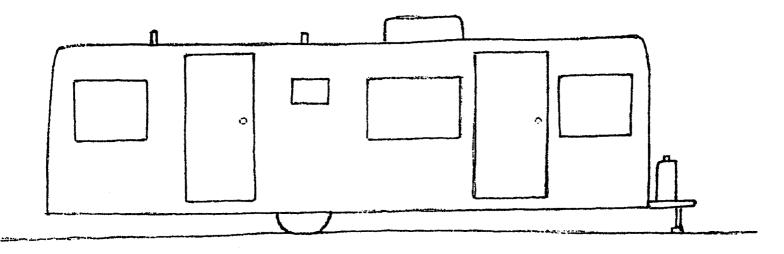
ENTRY GATE

4-96-215

CDP #



TO BE RELOCATED ON PROPERTY



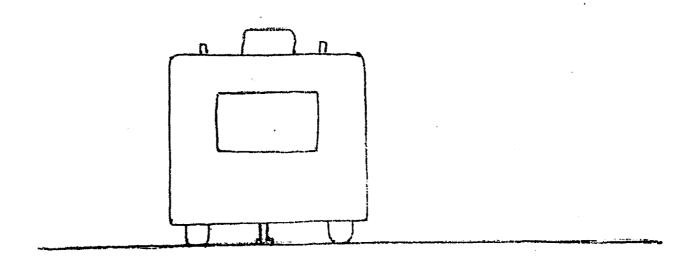


EXHIBIT NO. 8

APPLICATION NO.15

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CDP # 4-96-215

STORAGE CONTAINER

TO BE RELOCATED ON PROPERTY

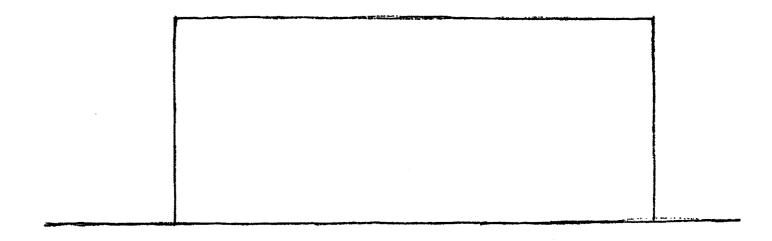
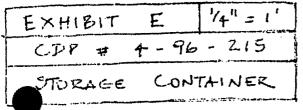


EXHIBIT NO. 9

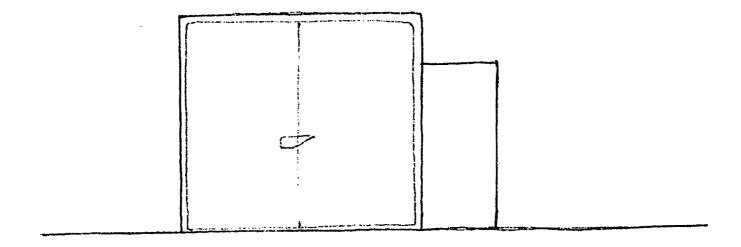
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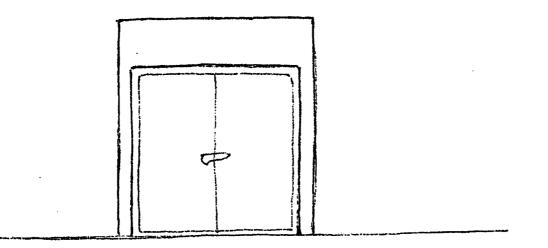
Storage

Structure #1



TO BE REMOVED AFTER CONSTRUCTION





APPLICATION NO. 15
Storage
Structur#2

(818) 591-7179 • (310) 455-7245 FAX (818) 591-7179 92931 Autholiand Highway - Su Woodland Halls - CA 91364 Sheet Title Job Name STATISTICS BESIDENCE CONNOLLY/ZANINI NAJA BTIS 16 FT PROPOSES BETTACK EXISTING TRAVEL TRAILER TO BE RELOCATED ON SITE. DRAINAGE PLAN SITE PLAN EXHIBIT NO. DrainagePlan



Cary W. Gepner & Associates, Architects

