

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
641 - 0142

TH 7g**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

Filed: 08/28/00
49th Day: 10/16/00
180th Day: 02/24/01
Staff: BCM-V
Staff Report: 10/26/00
Hearing Date: 11/14-17/00
Commission Action:

**APPLICATION NO.:** 4-00-151**APPLICANT:** Nelson & Gail Yardley**AGENT:** Cary Gepner**PROJECT LOCATION:** 730 N. Topanga Canyon Blvd., Los Angeles County (Topanga)

PROJECT DESCRIPTION: Construction of a temporary dirt access driveway for the purpose of on-site geologic testing to determine the feasibility of a permanent driveway at this location. The project includes 250 cu. yds. of grading (250 cut).

Lot area (home site)	18,283 sq. ft. (0.4 ac.)
Combined area (6 TDC lots -- driveway)	24,533 sq. ft. (0.6 ac.)

LOCAL APPROVALS RECEIVED: Approval in Concept -- County of Los Angeles Department of Regional Planning; Oak Tree Permit -- County of Los Angeles Department of Regional Planning; Approval in Concept -- County of Los Angeles Fire Department - Fire Prevention Engineering; Encroachment Permit -- State of California - Department of Transportation.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit (CDP) Nos. 5-91-436 (Anden / VMS Rancho Malibu), 5-91-638 (Smith), 4-97-052 (Blue Onyx Design), 4-00-004 (Daly), 4-00-052 (Dayani); County of Los Angeles Irrevocable Offer to Dedicate Scenic Easement and Declaration of Restrictions Nos. 99-1205904 and 99-2137118; *Oak Tree Report for Site: 730 North Topanga Canyon Blvd., Topanga, CA*, by Kay J. Greeley, Certified Arborist, dated February 25, 2000; *Proposal to Perform an Engineering Geologic Investigation, Proposed Driveway, Grading, and Retaining Walls, 730 North Topanga Canyon Blvd., Topanga, California*, by Mountain Geology, Inc., dated April 11, 2000; *Proposal to Perform a Geotechnical Engineering Investigation, Proposed Driveway, Grading and Retaining Walls, 730 North Topanga Canyon Boulevard, Topanga, County of Los Angeles, California*, by West Coast Geotechnical, dated April 13, 2000; *Engineering Geologic Memorandum #2, Stability of Temporary Cut-Slope, Proposed Exploratory Access Road, 730 N. Topanga Canyon Blvd., Topanga, County of Los Angeles, California*, by Mountain Geology, Inc., dated June 16, 2000; *Letter RE: Proposed Driveway at 730 N. Topanga Canyon Blvd.*, by Harold S. Slutzky, Civil Engineer, dated October 20, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **denial** of the proposed project. The property is located on North Topanga Canyon Boulevard, a scenic road in Malibu which parallels and traverses along Topanga Creek and its riparian area. The applicant is seeking approval for an access driveway for geologic testing to determine the feasibility of constructing a permanent driveway in the same location footprint. The proposed driveway is located within an environmentally sensitive habitat area (ESHA - oak woodland), and there are available alternatives that would have substantially less impact on the environment than the proposed driveway. Therefore, the proposed project is inconsistent with Section 30240 of the Coastal Act which protects ESHA from significant disruption by all activities except for resource dependent uses.

I. STAFF RECOMMENDATION

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-00-151 for the development proposed by the applicant.*

2. Staff Recommendation of Denial:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Deny the Permit:

The Commission hereby denies a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development would not be in conformity with the policies of Chapter 3 of the Coastal Act and would 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. Denial of the permit will comply with the California Environmental Quality Act because: 1) the proposed development will have significant adverse effects on the environment; and 2) there are feasible alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicants, Nelson and Gail Yardley, propose construction of a temporary dirt access driveway from North Topanga Canyon Boulevard up towards their residence for the purpose of on-site geologic testing to determine the feasibility of a permanent driveway to be constructed in the same location. The project includes 250 cu. yds. of grading (250 cut) for the temporary driveway which would, in essence, establish the footprint for the subsequent, permanent driveway. The subject property, 730 N. Topanga Canyon Blvd., consists of a 18,283 sq. ft. (0.4 acre) parcel located in the Topanga area of Los Angeles County. The proposed driveway traverses the six adjacent parcels to the southwest, located at 660 through 720 N. Topanga Canyon Blvd. These adjacent parcels are also owned by the applicants but have been deed restricted through the Malibu / Santa Monica Mountains Transfer of Development Credit (TDC) program. A driveway is an allowed use on these deed restricted lots.

Topographically, the subject site is situated on the east side of Topanga Creek, a United States Geological Survey (USGS) designated blue-line (intermittent) stream, which

descends in Topanga Canyon through the southern flanks of the Santa Monica Mountains. The prominent geomorphic features in the area are the ridgelines of the Santa Monica Mountains, Woodland Hills, and the San Fernando Valley to the north, the Pacific Ocean (Santa Monica Bay) and various beaches to the south, Old Topanga Canyon to the west, Santa Ynez Canyon to the southeast, and San Vicente Mountain to the east. Surface drainage on-site is currently accomplished naturally by overland sheetflow toward Topanga Canyon Blvd. and Topanga Creek, which travels south, eventually passing under Pacific Coast Highway and outletting at Topanga Beach. Vegetation in the canyon and on the subject parcel is dense with scattered coast live oak and scrub oak trees throughout. This Topanga Creek riparian corridor is designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

The subject location consists of a near-level pad area for the existing house with ascending slopes to the east and descending slopes to the west (towards Topanga Canyon Blvd. and Topanga Creek). Slopes on the eastern and western sides of the parcel approach a gradient of 1.5:1 (horizontal to vertical). Several of the properties near the subject parcel are vacant and would be difficult to develop due to the sensitive nature of the Topanga Creek riparian corridor and associated oak woodland. However, there is some scattered residential development located north and east of the subject property in the rugged oak-covered canyon. The proposed driveway location is a steep, rocky, oak tree covered hillside below the existing single family residence.

The residence is currently accessed via a steep stone, concrete, metal, and wood staircase which climbs some forty feet (40') in elevation up from the existing parking area on Topanga Canyon Blvd., a public street bordering the west side of the property approximately one and a half miles north of Pacific Coast Highway. The parking area provides space for 2-3 vehicles to parallel park on the shoulder of the road but is hazardous due to its location on a bend in Topanga Canyon Blvd. There have been numerous accidents at this location over the last decade (see Exhibit 11). Aside from the existing parking and stairway, the residential development is not visible from Topanga Canyon Blvd. due to the thick natural foliage on-site. There is significant natural vegetation consisting of trees, shrubs, brush, and groundcover.

There are other residences in the area that, like the Yardleys, do not have driveways, but are accessed by staircases leading up from the road below. The existing residence on-site was constructed prior to the Coastal Act, and there have been no coastal development permits issued for the subject parcel. The Yardleys, who have lived at the site since 1966, applied for a coastal permit for the proposed driveway in 1997 (CDP No. 4-97-052), but the application file was never completed, and no action occurred at that time.

B. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

And Section 30240 of the Coastal Act 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.

In Section 30107.5, the Coastal Act defines environmentally sensitive habitat areas (ESHAs) as 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 development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only when the proposed development is dependent upon those habitat resources and when such resources are protected against significant reduction in value. In its findings regarding the certification of the Malibu / Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The Malibu / Santa Monica Mountains LUP further emphasizes the importance of protecting ESHA through various policies:

P61 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 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....; P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) ... 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; P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation; P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion are minimized; P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion

hazard, require site design to minimize grading activities and reduce vegetation removal...; P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e.: geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible; P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The Commission notes that Policy 63 states that uses shall be permitted in ESHAs in accordance with Table 1 of the LUP, which states that only resource dependent uses shall be permitted within an ESHA. Table 1 also states that land alteration and vegetation removal are prohibited in ESHA and that structures shall be located in proximity to existing roadways, services, and other development to minimize habitat impacts. The proposed development, a driveway, cannot be considered a resource dependent use. Also, due to topographic constraints, the development is not sited appropriately so as to reduce or eliminate impacts to the oak woodland area. However, the Commission notes that the subject site has been previously disturbed by the construction and occupation of the existing residence.

The Yardley property is located on the eastern side of the canyon formed by Topanga Creek, a USGS designated blueline stream which contains seasonally intermittent flow. The Topanga Creek riparian corridor and adjacent oak woodland are designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP). Certified arborist / biologist Rosi Daggett, from the Resource Conservation District, visited the subject site with Coastal staff on October 17, 2000, and determined that the oak woodland is ESHA, despite the nearby existing residential development. The riparian corridor and oak woodland provide valuable habitat for a variety of plant and animal species. The oak trees on the site also constitute "an area and species of special biological or economic significance" pursuant to Section 30231 of the Coastal Act.

The oak woodland habitat on the subject site is valuable as, among other benefits, it provides food and shelter for wildlife. Acorns from the oak trees are used as a food source by deer, rodents, and various upland birds, while the roots are eaten by pocket gophers. In addition, the oak tree habitat on-site forms a nearly continuous oak canopy which extends from the subject site onto various adjoining and nearby parcels including Topanga State Park. Following a brief interruption by Topanga Canyon Blvd., this same canopy continues on the opposite side of the road along Topanga Creek to the other side of the canyon. Such a canopy enables various animal species to travel from tree to tree, rather than forcing them to travel on the ground, affording them increased protection from predation.

The proposed development of a driveway will encroach into the protected zones of numerous oak trees. The project would require cutting numerous roots of up to seven (7) oak trees and would require pruning of limbs or branches of several trees in order to provide the necessary clearance for a drill rig. Thus, the proposed driveway will directly disrupt or destroy roots and branches of oak trees that are ESHA. Los Angeles County seeks to preserve and maintain healthy oak trees as a significant historical, aesthetic, and ecological resource. The applicant has obtained an Oak Tree Permit from the Los Angeles County Department of Regional Planning. The applicant submitted an Oak Tree Report prepared by Kay J. Greeley, Certified Arborist, dated February 25, 2000, which states:

There are sixteen (16) native oak trees that are at least eight inches (8") in diameter at a distance of four and one-half feet (4-1/2') above natural grade within the immediate vicinity of the proposed project. The site contains many additional oak trees that are outside the immediate project area.... Each tree is either a single-trunk or multi-trunk Quercus agrifolia, commonly known as Coast Live Oak. ... The foliage color of each tree appears normal. ... Foliage density and leaf size are normal. ... Vigor ranges from average to poor among the trees. There are no signs of major pests or diseases. Overall, the canopy is fairly dense and the trees compete for sunlight to varying degrees of success. The low vigor is likely due to a shallow soil profile, given the steep and rocky nature of the site.

The proposed driveway passes within the driplines or protected zones of numerous oak trees on the site within the designated ESHA. In order to reduce the impacts to the oak trees, the driveway takes a somewhat meandering path as it climbs from street level up towards the residence. Since there is no increase in square footage to the existing residence, the Los Angeles County Fire Department has allowed the applicants to propose the driveway at a ten foot width (i.e.: "exempt" from the typical twenty foot (20') width requirement). Even so, due to the overlapping oak tree canopies in this area, some sixteen (16) oak trees will be potentially effected by the proposed development as there will be encroachment into the protected zones of numerous mature oak trees on the subject site in order to perform the driveway grading and construction. Since the single family residence is surrounded by oak trees, however, there are no other feasible alternative locations in which the driveway could be situated without causing similar adverse affects to the oak trees on-site. The Commission further notes that, although the proposed driveway is "temporary" for geologic testing purposes, the subsequent permanent driveway will be located in the same footprint.

In the Oak Tree Report, prepared by Kay J. Greeley, dated February 25, 2000, the certified arborist sets forth some guidelines to be utilized during construction of the proposed driveway in order to minimize impacts to the oak trees. The Oak Tree Report states:

The construction project will require that heavy equipment be used to carve the ten-foot (10') wide driveway into the side of the slope. The layout of the driveway was designed to fit between the trees as much as possible. However, several steep cuts are required to accommodate the driveway path. ... Given the high sensitivity of oak trees, great care must be taken when work is conducted within the protected zone. ... All work should be accomplished with the use of hand tools only. Except under special circumstances, tractors, backhoes, and other vehicles cannot be operated in a manner that will preserve major tree roots, minimize soil compaction, and insure the safety of both the vehicle operator and the tree. ... Any change to the grade at the root crown of an oak tree can have a negative impact. As little as six inches can lead to the death of the tree.

An article entitled "Oak Trees: Care and Maintenance" prepared by the Forestry Department of the County of Los Angeles states:

Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.

This publication goes on to state:

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. ... Construction activities outside the protected zone can have damaging impacts on existing trees. ... Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. ... Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees.

The Commission notes that the proposed development includes grading within the oak woodland (i.e.: environmentally sensitive habitat area). Approximately 250 cu. yds. of grading (250 cut) is proposed in order to notch the driveway into the steep, rugged hillside. This grading will inevitably cut oak tree roots within the protected zones potentially harming or even killing trees. In addition, the Commission has found that grading creates potential impacts of landform alteration and sedimentation to sensitive habitat areas, nearby creeks, and the ocean. Any amount of grading alters landforms, removes vegetation, and disturbs natural patterns which may adversely impact a sensitive area. Also, the continued conversion of the project site from its natural state will reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff resulting in increased erosion, affecting site stability, and impacting downslope water quality and habitat. In addition, use of the driveway creates the potential for oils, fluids, greases, and automobile-associated pollutants to accumulate and run off.

The Commission further notes that the proposed construction activities could have significant detrimental impacts on those oak trees whose driplines are located both within and outside of the area to be disturbed by the project. The Oak Tree Report states that some 7 of the affected 16 adjacent trees (Tree numbers 3, 4, 6, 7, 9, 10, and 15) could experience moderate to severe impacts from the construction including drought stress, clearance pruning, and stability issues. These impacts will arise from grading the access driveway through the protected zones of the oak trees and could result in serious damage or destruction of one or more trees.

The Commission finds that even by following the Oak Tree Report recommendations for construction, the proposed development will still significantly impact the health of the oak tree resources on the subject site. The Oak Tree Report states that all work should be conducted using only hand tools except under special circumstances, but the applicants' architect, Cary Gepner, claims that the exceptionally rocky substrate on-site necessitates the use of heavy equipment. Gepner has also stated that, due to the rugged natural terrain on-site, there is no other feasible method to conduct the appropriate geologic testing in the location of the driveway other than actually constructing a temporary access driveway in the location.

The Commission notes that any construction activities within and adjacent to riparian areas can result in potentially adverse effects to the environmentally sensitive area through increased erosion, contaminated stormwater runoff, disturbance to local wildlife, and loss of riparian plant and animal habitat. Excavation and grading within the root systems area of oak trees, which may radiate out as much as 50 feet beyond the oak canopy, can eliminate the vital exchange of water, nutrients, air, and other gases, potentially harming or killing the oak trees. In addition, the Commission finds that it

often takes many years for oak trees to display signs of damage, making it consequently very difficult to determine the precise cause of death or worsened health.

There are other available alternatives to the proposed development which would eliminate or significantly reduce impacts to the oak woodland on-site. Not building the driveway at all and continuing to use the existing parking area would eliminate the impacts altogether, but this alternative would not resolve the hazardous parking situation. Alternatively, constructing a parking turn-out area adjacent to Topanga Canyon Blvd. on one of the adjoining six TDC lots would result in significantly reduced impacts to the oak woodland while also enhancing parking safety for the applicants (see Exhibit 4). Such a location for parking would be safer because it would be on a straighter section of the road further away from the dangerous curve. At most two or three trees' protected areas would be encroached upon by cutting into the lower hillside and placing a retaining wall, instead of the sixteen (16) oaks to be impacted by the proposed development. In order to facilitate access to the residence from a relocated parking area on the TDC lots, a narrow wooden stairway on piles could be constructed following the approximate path of the proposed driveway, since walking along the road to the existing stairs would be dangerous. Such an alternative structure would not result in significant adverse environmental impacts to the oak woodland because it could "float" above the sensitive root zones thereby not impeding natural processes such as percolation and soil / gas exchange.

The proposed project, however, will adversely impact the oak woodland on the subject site and will significantly disrupt the habitat values of this sensitive area. The project does not prevent impacts that would significantly degrade the ESHA and is therefore not consistent with section 30240(b) of the Coastal Act. Furthermore, the project does not protect oak trees, a resource of special biological significance, and thus is not consistent with section 30230 of the Coastal Act. In addition, not only would the proposed driveway significantly disrupt oak tree ESHA, but the driveway is not a resource dependent use and thus is not an allowed use under section 30240(a) of the Coastal Act. There are other alternatives available which would not adversely impact the sensitive oak woodland habitat on this site. The Commission therefore finds that the proposed project is inconsistent, as proposed, with Sections 30230, 30231 and 30240 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

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 governments shall be subordinate to the character of its setting.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance

and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places.

To assess potential visual impacts of projects, the Commission investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and roads. The Commission also examines the site and the scale of the proposed construction in relation to nearby scenic resources. The subject site is located adjacent to Topanga Canyon Boulevard which separates the site from Topanga Creek. Topanga Canyon Blvd. in this area is rural in character and is lined with mature oak trees and extensive riparian vegetation in and around the Topanga Creek channel. This rural, wooded setting results in a highly scenic view corridor along Topanga Canyon Blvd.

The proposed development includes construction of a temporary dirt access driveway from North Topanga Canyon Boulevard up towards the Yardley residence for the purpose of on-site geologic testing to determine the feasibility of a permanent driveway at this location. The project also includes 250 cu. yds. of grading (250 cut). The existing residence on-site is of a rustic architectural design that is compatible with the rural canyon setting, but aside from the existing parking and stairway, the residential development is not visible from Topanga Canyon Blvd. due to the thick natural foliage on-site. The proposed driveway, however, would be partially visible from Topanga Canyon Blvd. The driveway is eventually intended to promote safer access and parking for the Yardleys to their residence and has been designed to flow with the terrain weaving amongst the overhanging oak tree branches in order to avoid excessively impacting the trees. However, the construction of a driveway from the roadway right-of-way amongst the dense oak vegetation will adversely impact views from Topanga Canyon Blvd. by creating a man-made feature in the midst of a beautiful, wooded, natural area.

The Commission notes that numerous other residences along Topanga Canyon Blvd. have similar on-street parallel parking spaces. The cumulative effects of several property owners constructing driveways through the oak woodland adjacent to a scenic road would lead to an undesirable cumulative urbanizing effect for motorists and pedestrians. Despite the applicant's attempt at an environmentally sensitive design to actually avoid removing trees, the adverse visual impacts associated with the proposed driveway can not be mitigated.

The Commission has found that cumulative landform alteration through grading and placement of impervious surfaces such as driveways effectively "hardens" the natural surroundings thereby increasing the rate and volume of runoff, potentially causing increased erosion and sedimentation, and associated impacts to habitat and visual

resources. When runoff is channeled or deflected by impervious or disturbed surfaces, pollutants are not allowed to settle out and are quickly conveyed downslope leading to soils and slope destabilization, increased flood potential, and a more urban, "blown-out" stream corridor appearance. The proposed placement of a driveway over the natural terrain along with the associated grading creates a cumulative "hardening" effect. A smaller scale development closer to Topanga Canyon Blvd. or no construction at all is preferred as a way to prevent further "hardening" of the site.

The Commission finds that, as an alternative to the applicants' proposal, it is feasible to place a parking turn-out area on the frontage of the adjoining deed restricted lots to the southwest of the residence that would require less grading, vegetation removal, and/or eventual placement of impervious area. This alternate location could be made large enough by cutting into the hillside to accommodate two to three (2-3) parking spaces. Such a location would reduce oak tree encroachment, lessen potential impacts to local water quality, and minimize visual impact from the development. Therefore, this alternative would significantly reduce the impacts to coastal resources which make the applicants' proposal inconsistent with the Coastal Act. The Commission thus finds that there are preferred alternatives which would reduce the landform alteration, oak tree encroachment, and visual impact of the proposed development and that the proposed project is inconsistent, as proposed, with Section 30251 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200)....

Section 30604(a) of the Coastal Act stipulates 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. The preceding sections provide findings that the proposed project would not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed development would create significant adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development would prejudice the County's ability to prepare a Local Coastal Program for the County of Los Angeles which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

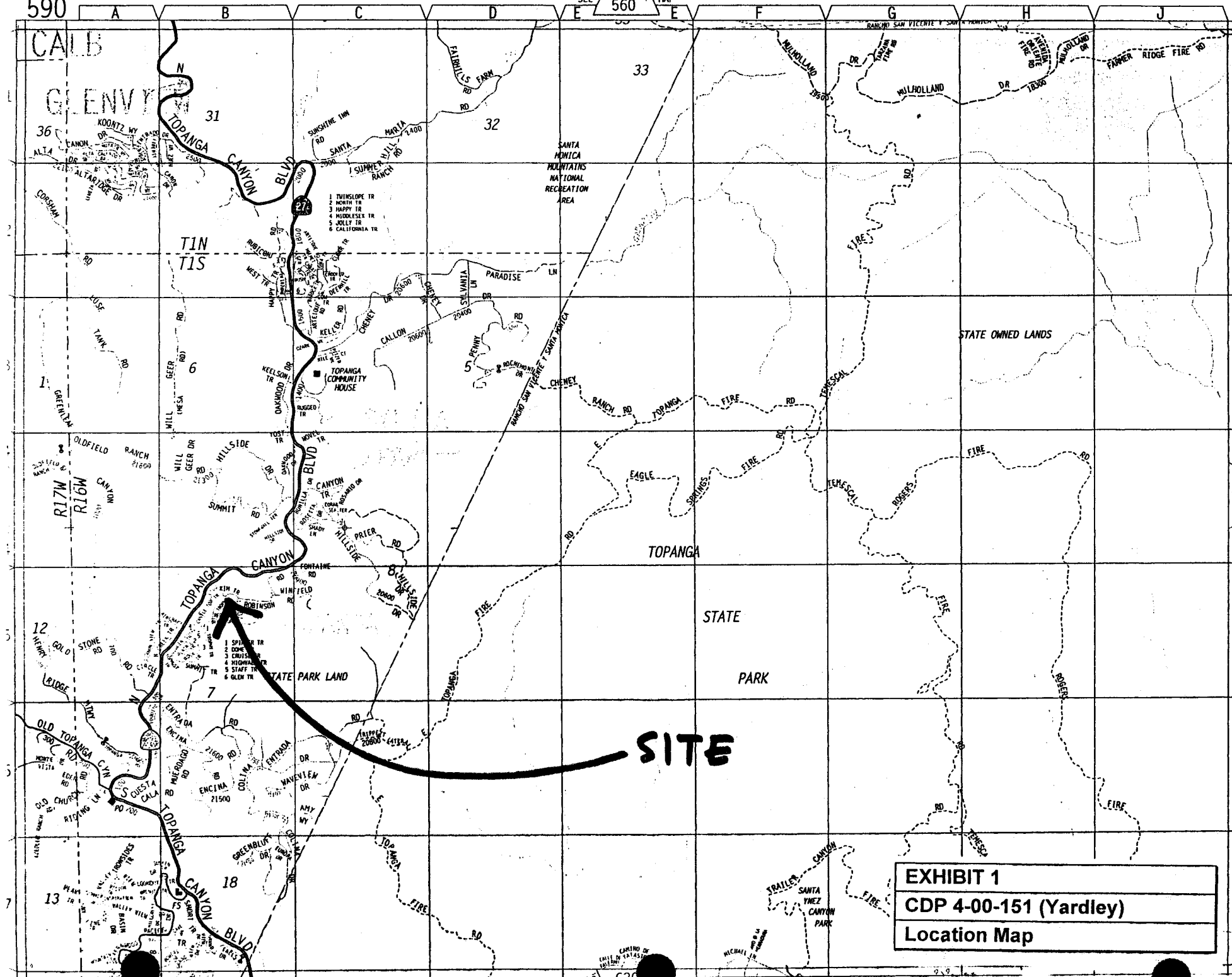
Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by

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 which the activity may have on the environment.

The Commission finds that the proposed project would have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. These effects include landform alteration, water quality degradation, and impacts to oak woodland ESHA as discussed in previous sections of this report. The Commission notes that there are feasible alternatives, such as not constructing the driveway or creating a parking area along Topanga Canyon Blvd. below the deed restricted TDC lots, which would significantly reduce or eliminate these adverse impacts. Constructing a parking area and elevated wooden stairway in the more southerly location would alleviate the safety hazard associated with the road curve, and would not result in significant adverse impacts to the oak woodland ESHA. Thus, preferred alternatives exist which would lessen adverse impacts to the environment. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.

BCM/bcm

File: BCM/permits/4-00-151 Yardley



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SEE 591 MAP

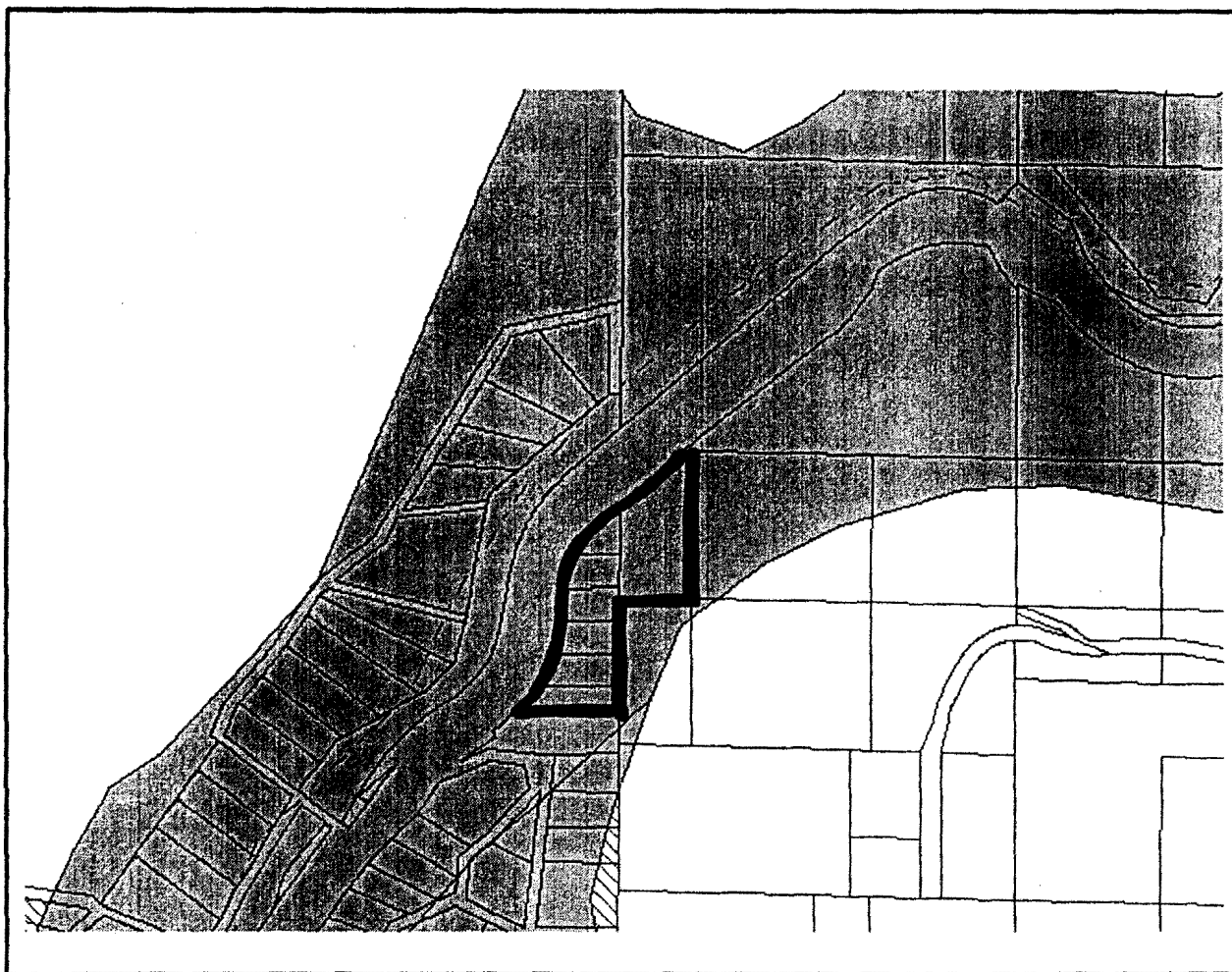
EXHIBIT 1
CDP 4-00-151 (Yardley)
Location Map

SEE 630

4-00-151 Yardley

ESRI ArcExplorer 1.1

4-00-151 Yardley (730 N. Topanga Canyon Blvd.)



Malibu City Boundary

LA-Ventura County Boundary

Trails - LA County LUP

Blue Line Streams

shoreline

czbdy

laprcls

esha

Small lot subdivisions

Ocean

EXHIBIT 2

CDP 4-00-151 (Yardley)

Location Map

99 1205904 1205



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Scale 1" = 30'	

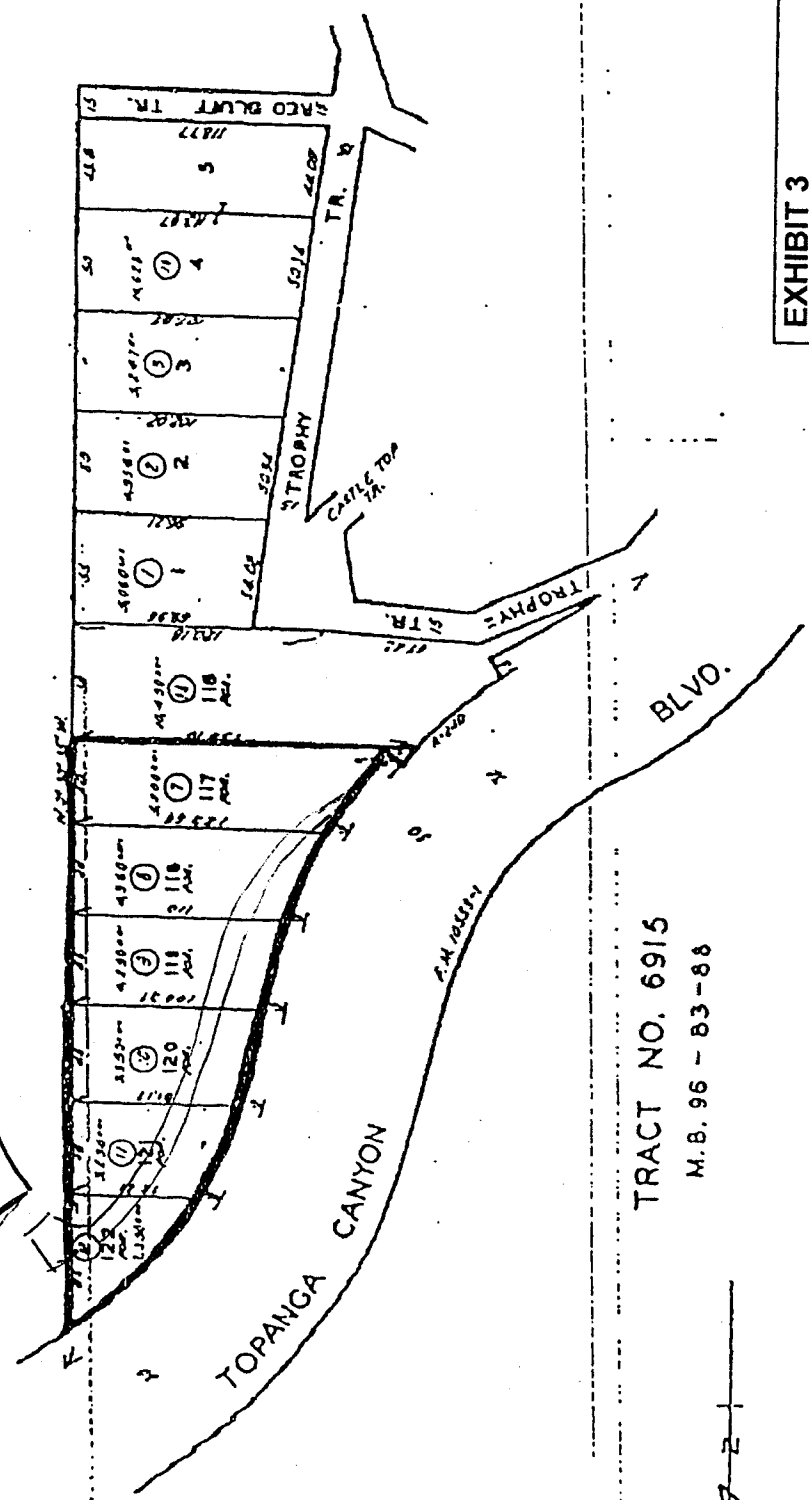
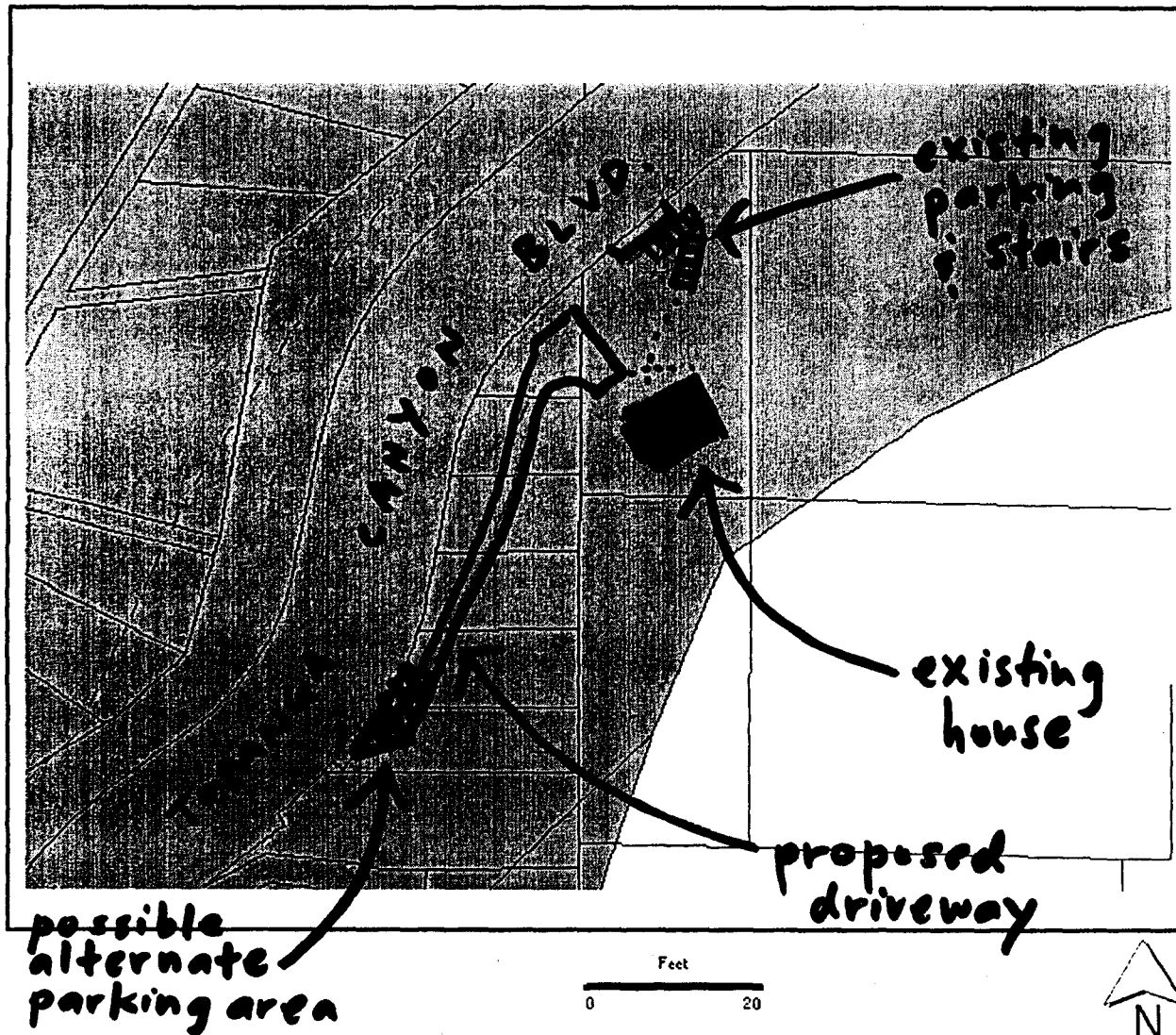


EXHIBIT 3
CDP 4-00-151 (Yardley)
Parcel Map

CODE 165J

ESRI ArcExplorer 1.1

4-00-151 Yardley (730 N. Topanga Canyon Blvd.)



- Malibu City Boundary
- LA-Ventura County Boundary
- Trails - LA County LUP
- Blue Line Streams
- shoreline
- czbdy
- laprcis
- esha
- Small lot subdivisions
- Ocean

EXHIBIT 4

CDP 4-00-151 (Yardley)

Site Plan

Yardley Driveway
730 N. Topanga Canyon Bl.
Topanga, CA. 90290

8.11.00

GRADING QUANTITIES

PROPOSED CUT VOLUME:

Area of Cut (Average) = 30.6 s.f.

Length of Cut = 220 ft.

$$V = (A)(L) \div 27$$

$$= (30.6)(220.0) \div 27$$

$$= \underline{250 \text{ C.Y.}}$$

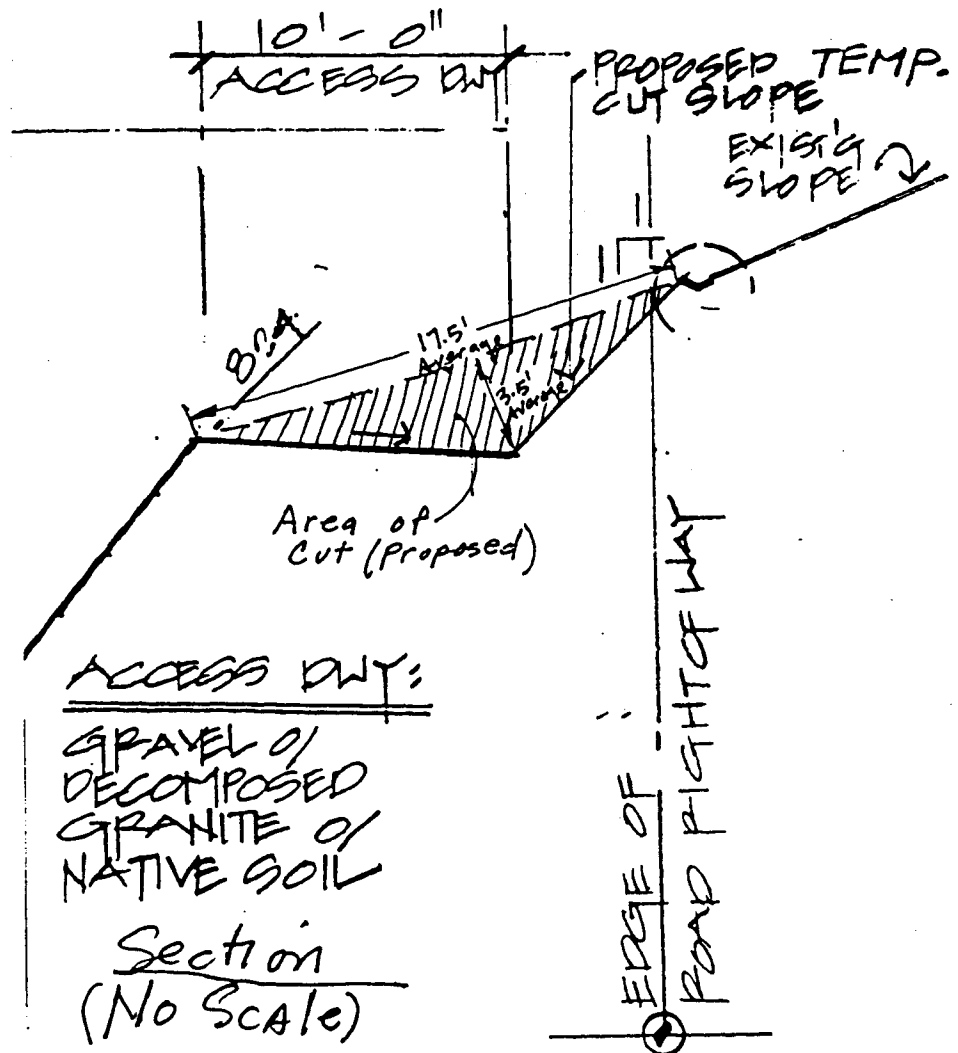


EXHIBIT 6

CDP 4-00-151 (Yardley)

Driveway Cross-Section

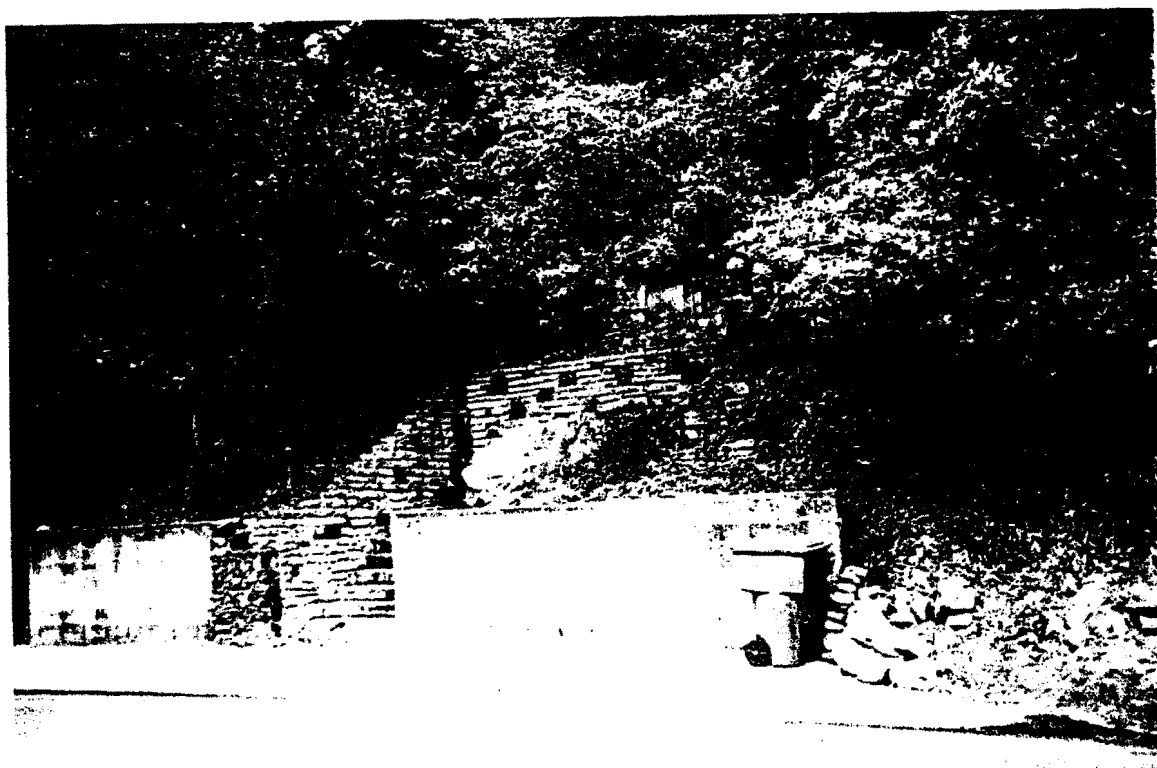


EXHIBIT 7

CDP 4-00-151 (Yardley)

Photos - Existing Parking Area

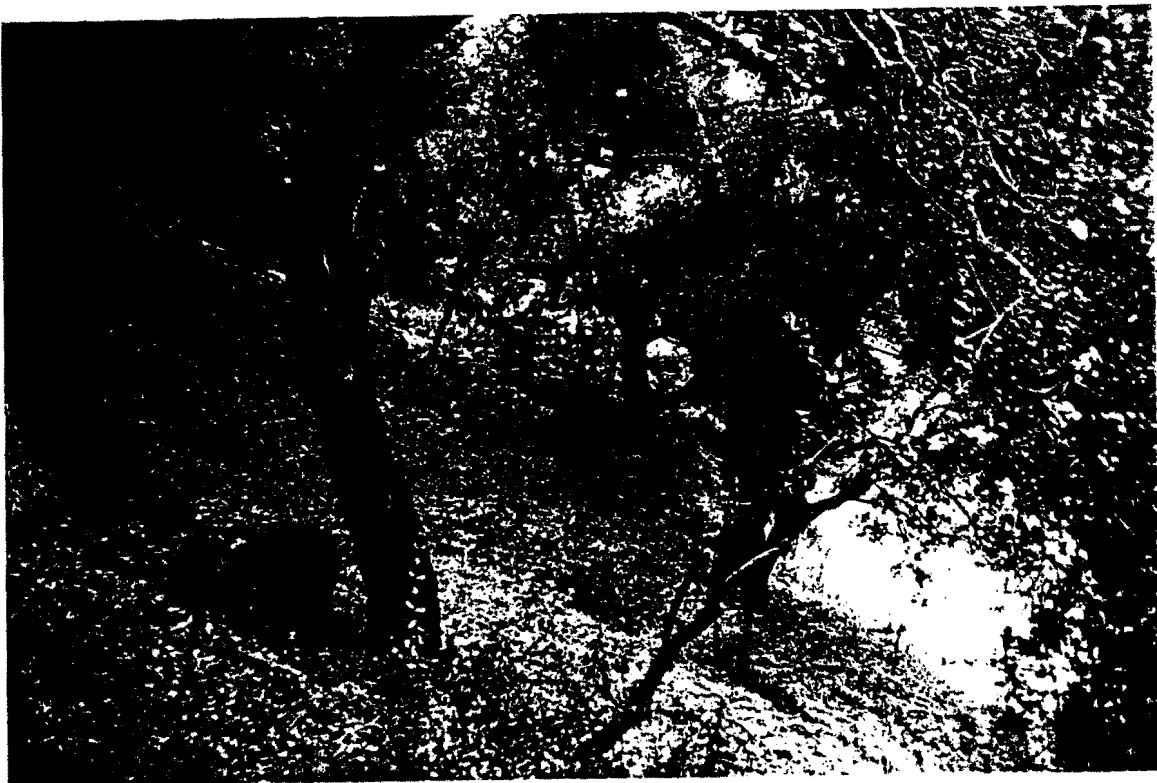


EXHIBIT 8

CDP 4-00-151 (Yardley)

Photos - Typical Oak Canopy

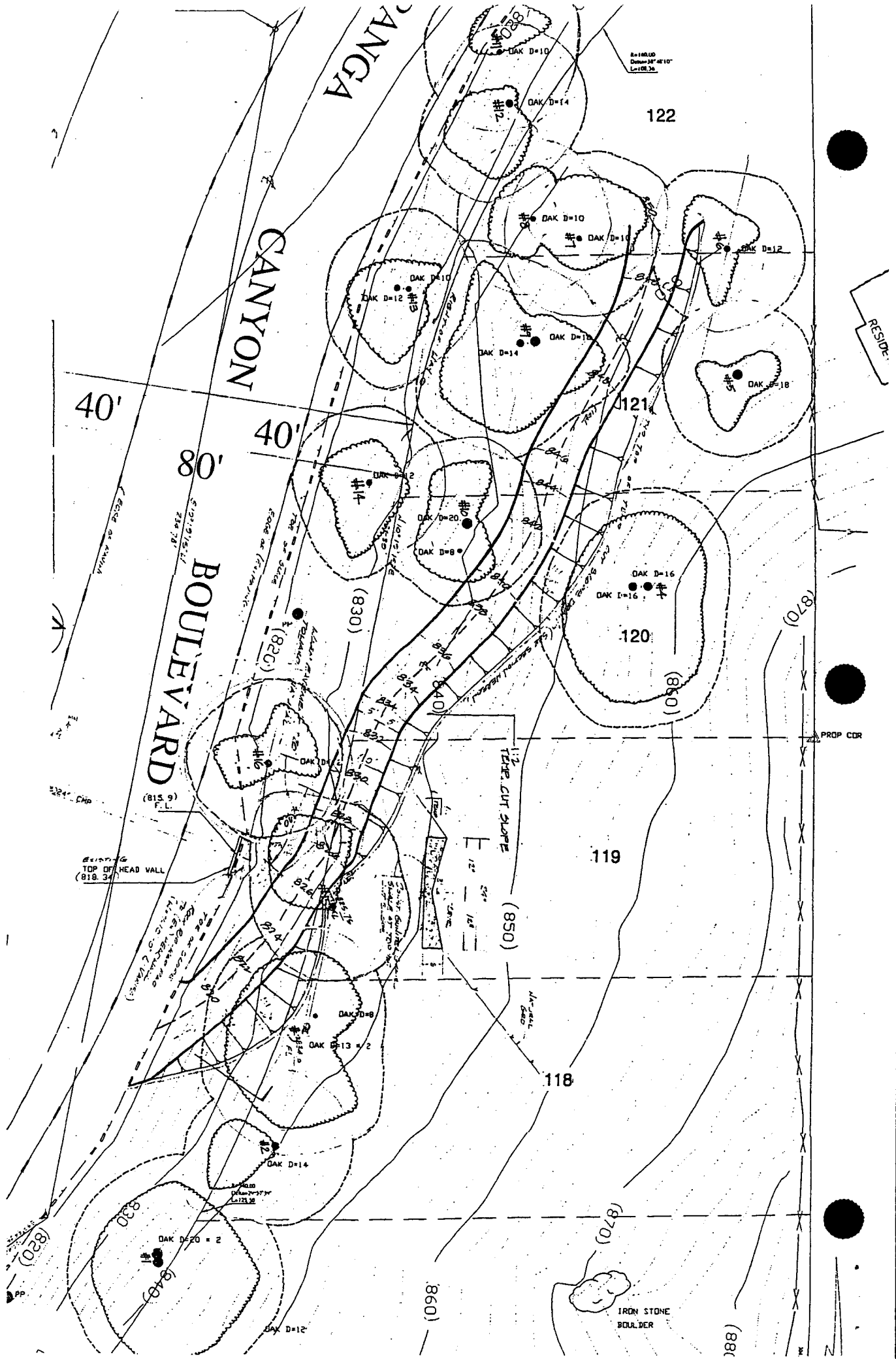


EXHIBIT 9

CDP 4-00-151 (Yardley)

Photos - Location of Proposed
Driveway Entrance from road

EXHIBIT 10
 CDP 4-00-151 (Yardley)
 Oak Tree Location Map



CHRONOLOGY OF AUTOMOBILE ACCIDENTS AT 730 N. TOPANGA CYN. BL.
(In all cases, our cars were legally parked in our current parking space.)

2-86 Northbound car swerved to miss our car which was parked in our driveway. His car crashed into the creek. He was killed, female passenger survived.

9-89 Our car rear-ended in our driveway by a northbound car.

10-1-89 Late evening, our rental car was rear ended in our driveway by a northbound car. Driver was arrested. (This was while our car was in the shop being fixed by the previous crash 9-89. The rental agency would not rent us another car unless we had an alternative place to park it.)

8-91 One of our cars totaled and the other damaged by unknown hit and run motorist during the night.

1-93 Our parked car was side swiped by a southbound car which skidded across the road mid morning.

4-95 Sheriff's patrol car rear-ended our car in mid afternoon. (He was not on an emergency call.)

1-96 Our car was ~~totalled~~ in the middle of the night by a hit and run driver.

7-2-97 On return home we found a northbound car crashed into our driveway wall. Driver told us he swerved to avoid an oncoming southbound car.

6-98 We returned home to find another northbound car crashed in our driveway.

6-97, 2-98, 10-98, Visitors cars, parked in our driveway have been hit by rocks dislodged by northbound cars rounding our corner too sharply and hitting the hillside.

5-99 The wing mirror of a large truck going past our driveway hit me (Nelson Yardley) on the left shoulder of my body (while I was standing in my parking space).

7-20-2000 A pedestrian hit and thrown against our driveway wall by a northbound car about 10am. He was taken to hospital by ambulance.

9-2000 Driver heading north lost control of car as she approached our corner. She skidded across the road and hit a southbound truck, which then crashed into the creekside crash barrier.

We regularly, once every month or two, find rocks scattered into our driveway space by cars hitting the side of the bank just before our driveway.

EXHIBIT 11
CDP 4-00-151 (Yardley)
Chronology of Auto Accidents