Tu22h

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

RECORD PACKET COPY

Filed: 08/28/00
49th Day: 10/16/00
180th Day: 02/24/01
Staff: JLA-V
Staff Report: 1/25/01
Hearing Date: 02/13-16/01
Commission Action:

STAFF REPORT: REGULAR CALENDAR

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 10 foot wide 220 foot long 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 (all cut). All grading is to be done by hand excavation only.

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 approval of the proposed project subject to four special conditions regarding oak tree monitoring, erosion and drainage control plans, restoration of the temporary access road if a permanent access road is not feasible and removal of excavated material. The proposed temporary access road for geologic testing is the environmentally preferred alternative and the only feasible alternative given the topographic and ESHA constraints of the site. The no project alternative is not appropriate in this case due to the hazardous condition of the existing parking and access configuration adjacent to Topanga Canyon Blvd. The proposed temporary access road will not significantly disrupt the habitat values of the oak woodland ESHA provided the applicant complies with the special condition of this permit. Therefore, the project, as condition is consistent with the Chapter three policies of the Coastal Act.

Staff Note:

The Commission continued this permit application from the November 2000 Commission meeting and directed staff to more fully analyze the staff recommended alternative to the project and any other feasible alternatives. Staff was recommending denial of the permit application and identified a project alternative that consisted of an elevated stairway on piles to avoid the oak tree protective zones with a parking area located within the road right-of-way of Topanga Canyon Blvd.

The applicant asserted that this alternative was not feasible because Caltrans would not allow the construction of a parking area and the associated retaining walls within the road right-of way and Los Angeles County Department of Building and Safety would require the same geologic tests for the stairway that were required for the access road. Staff has received correspondence from Caltrans that confirm the applicant's claim that Caltrans would not permit a parking area and associated retaining walls within their road right-of-way. In addition, staff also confirmed that Los Angeles County Department of Building and Safety would require the same geologic testing for the elevated stairway alternative as for the proposed access road. Therefore, for either a driveway or stairway a geologic test road would have to be constructed in order to conduct geologic testing to determine the geologic stability of the site.

In light of this information staff is now recommending approval of the permit application subject to the above mentioned special conditions. The proposed temporary access road for geologic testing is the environmentally preferred alternative and the only feasible alternative given the topographic and ESHA constraints of the site. The no project alternative is not appropriate in this case due to the hazardous condition of the existing parking and access configuration adjacent to Topanga Canyon Blvd. The proposed temporary access road will not significantly disrupt the habitat values of the oak woodland ESHA provided applicant complies with the special condition of this permit.

Due to Permit Streamlining Act requirements the Commission must act on this permit application at the February Commission meeting.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-051 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions

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

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

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

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

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

II. Special Conditions

1. Oak Tree Monitoring

The applicants shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during construction and grading of the access road. Protective fencing shall be placed around the proposed construction area

as shown on Exhibit 4. No construction, grading, staging, or materials storage shall be outside of the designated construction area or within the protected zones of any on site oak trees located outside of the construction area identified above. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permit 4-00-051. This monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicants shall also implement all oak tree preservation measures enumerated in the "Oak Tree Report," prepared by Kay Greeley, dated February 25, 2000 and the Los Angeles County Oak Tree Permit No. 00-94-(3), dated June 13, 2000. The applicants shall retain a qualified oak tree consultant to monitor the following oak trees, as identified by the "Oak Tree Report," prepared by Kay Greely, dated February 25, 2000, and the Los Angeles County Oak Tree Permit No. 00-94-(3), dated June 13, 2000 for a period of ten (10) years minimum: 3, 4, 5, 6, 7, 9, 10, 15 &16.

An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor as a result of this project, the applicants shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicants shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

2. <u>Erosion Control/Drainage Plan</u>

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, interim drainage and erosion control plans for the temporary access road. The plan shall delineate the areas to be disturbed by grading or construction activities, staging areas, and stockpile areas. The natural areas and oak tree protective zones shall be clearly delineated on the project site with protective fencing.

1) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping

location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

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

3) In addition to other fencing/flagging requirements, as set forth in subparagraph 1) above, the plan shall require the placement of temporary protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas or within the protected zones of any on site oak trees located outside of the delineated construction zone identified area on Exhibit 4.

3. Restoration of the Temporary Access Road if a Permanent Access Road is Not Feasible

Should a permanent access road prove to be infeasible for geologic reasons or some other circumstance or a coastal development permit for the permanent access road is not submitted and properly filed within two years of the date of issuance of coastal development permit 4-00-151, whichever comes first, the applicant shall be required to submit a coastal development permit application for the restoration and revegetation of the temporary road cut and any other disturbed areas resulting from the construction of the temporary access road. The Executive Director may extent the time to submit a coastal development permit application beyond the two year time period for good cause.

4. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

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 10 foot wide 220 foot long 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 (all 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. Topanga Canyon Boulevard separates the subject properties from Topanga Creek. 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) and the surrounding oak woodland as Disturbed Sensitive Resource (DSR) 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 blind curve in Topanga Canyon Blvd. There have been numerous accidents at this location over the last decade (see Exhibit 10). 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 or bridges from Topanga Canyon Boulevard. 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, have lived

at the site since 1966. The Yardley's purchased the adjacent TDC lots in order to construct a driveway over these lots to their existing residence. The previous property owners of the TDC lots 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.

The open space deed restrictions placed on the subject TDC lots did provide that a driveway would be an allowable use on these lots. However, this is a common allowance on TDC restricted lots in small lot subdivisions throughout the Santa Monica Mountains. Although a driveway may be an allowable use on a TDC restricted lot this restriction does not obviate the need to obtain a coastal development permit for that development. The applicant asserts that the provision in the TDC deed restriction identifying a driveway as an allowable use within the designated open space area on the TDC lots was some form of tacit Commission approval of the driveway. However, this assumption is not correct, the construction driveway or geologic test road requiring 250 cubic yards within an ESHA requires a coastal development permit.

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 Land Use Plan (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 utilizes the certified LUP as guidance in evaluating a project's consistency with the Chapter Three policies of the Coastal Act. The subject site is designated in the LUP as a Disturbed Sensitive Resource area (DSR). DSR's are defined in the LUP as:

> *Scattered areas that historically would have met the Coastal Act definition of an environmentally sensitive habitat; however, as a result of development patterns and intensities, these areas have been substantially modified. These modified habitats no longer have the same biological significance or sensitivity to disturbance as an undisturbed ESHA, but nonetheless are sufficiently valuable to warrant some degree of protection.*

In this case although the Certified LUP designates the site as a DSR the oak woodland habitat on the subject site is not disturbed by development and is in good condition. 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. Certified arborist / biologist Rosi Daggett, from the Topanga Resource Conservation

District, visited the subject site with staff on October 17, 2000, and determined that the oak woodland is ESHA, as defined by the Coastal Act. The oak woodland provides valuable and unique habitat for a variety of plant and animal species.

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.

As stated above, Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependant on such resources shall be allowed within such areas. In this case due to the unique site constraints and public safety concerns the proposed access road location is the environmentally preferred alternative. Given the steeply sloping site topography and the near continuous oak canopy the applicants have sited and designed the proposed access road in a manner that minimizes landform alteration and avoids removal of any oak trees. Although no oak trees are proposed to be removed the road will encroach within the driplines of nine oak trees. However, as more fully discussed below, if proper grading and construction techniques are implemented around the oak trees and if the trees are adequately maintained and monitored to ensure the of health the trees the proposed road will not significantly disrupt the habitat values of the oak woodland onsite. With respect to the restriction to "uses dependent on such resources within and ESHA", this site was already developed for a non-dependent use, a single family residence, prior to the Coastal Act. The proposed driveway is part of the pre-existing residential use.

Staff originally suggested an alternative means to access the applicant's residence via an elevated stairway on piles beginning at a parking area located where the proposed road would enter the site. The construction of a parking area in this location would have required some excavation into the hillside with a retaining wall to support the cut slope. The elevated stairway concept would have avoided and minimized the impacts associated excavation in and around the oak trees. However, further investigation of the stairway concept reveled this alternative was not feasible for two reasons:

(1) Caltrans would not permit the construction of a retaining wall and parking area within the road right-of-way on Topanga Canyon Blvd. (State Hwy. 27)(Exhibit 11) and;

(2) The Los Angeles County Department of Building and Safety Department requires a geologic analysis in order to construct an elevated stairway built on piles. Therefore, an access road has to be constructed in order to conduct the necessary geologic tests for either a driveway or an elevated stairway supported on piles.

As noted above, the only feasible route for an access road on the site is the alignment the applicant is proposing. Furthermore, the no project alternative is not an acceptable

alternative in this case due to hazardous nature of the existing parking area for the residence. The applicants have documented numerous traffic accidents at this location (Exhibit 10) which demonstrate the existing parking area located on a blind curve is not safe to the applicants or motorist travelling on Topanga Canyon Blvd.

The proposed access road has been designed to avoid removal of any oak trees on the site. However, the access road will encroach into the "protected zones" of nine oak trees and require the trimming of several branches in order to provide the necessary clearance for a drill rig. The "protective zone" refers to the area extending 5 feet beyond the dripline of the oak tree (before pruning) or 15 feet from the trunk, whichever is greater. Earthwork and construction of structures within the protective zone of oak trees can adversely impact the health of oak trees. 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.***

This publication also notes specific considerations for landscaping and watering underneath and near oak trees, and states:

> ***Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.***
>
> ***There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require <u>any</u> supplemental water once established. Chose plants suited for "dry shade."***

Los Angeles County has an Oak Tree Ordinance designed to conserve and protect oak trees in Los Angeles County. The ordinance acknowledges that oak trees are significant historical, aesthetic and valuable ecological resources. Pursuant to this ordinance an

Oak Tree Permit is required for the removal, relocation, destruction, cutting or encroachments into the protected zone of any tree of the oak genus that is at least eight inches in diameter. The applicant has submitted an Oak Tree report prepared by Kay Greeley, a certified arborist, dated February 25, 2000, in accordance with the Oak Tree Ordinance, which identifies the oak trees in the project area, assesses the current health of the trees, describes the project impacts to each tree and makes general recommendations to maintain and monitor the overall health of the trees (Exhibit 12). The applicant has also submitted a County of Los Angeles Oak Tree Permit that authorizes the encroachment of the proposed road into the protective zones of nine oak trees on site. The permit includes conditions to mitigate the impacts of the encroachments into the protective zones of the trees. (Exhibit 13). These mitigation measures include, in part to:

> *Retain the services of a qualified arborist to maintain the all remaining oaks within the zone of impact;*
>
> *Install protective fencing around protected zone of the trees;*
>
> *Excavation shall be accomplished by hand tools only, major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist;*
>
> *Should work on or within the protected zone result in the death of any oak tree within two years of the completion of work, the tree shall be replaced a 2:1 ratio (15 gallon specimen size from a local source).*
>
> *Remaining oak trees shall be maintained in accordance with the principals set forth in the publication, Oak Trees: Care and Maintenance, prepared by the Forestry Division of the County of Los Angeles Fire Department.*
>
> *No planting or irrigation system shall be installed within the dripline of any oak tree that will be retained.*
>
> *Equipment, materials and vehicles shall not be stored, parked, or operated within the protective zone of any oak tree. No structures shall be placed within the protective zone of any oak tree.*

In order to minimize the impacts of the proposed encroachment into the protective zone of the oak trees the applicant is proposing to excavate the road with hand tools only and implement the requirements of the Oak Tree Permit as well as the recommendations of the consulting arborist. Hand excavation will prevent and avoid any unnecessary damage to the root zone of the trees and provide a controlled method to cut and treat any oak tree roots that cannot be avoided. The consulting arborist also recommended specific design changes to the proposed grading plan to minimize encroachments into the protective zone of the trees. The consultant recommends utilizing vertical cut slopes adjacent some of the trees where feasible instead of the 1:1 cut slopes to minimize encroachments into the protected zones of the trees. However, this alternative is not feasible because the applicant's consulting engineering geologist has indicated that for safety purposes they cannot recommend temporary unsupported vertical cut slopes or slopes greater than 1:1 cut slopes.

The consulting arborist concludes in the Oak Tree Report, dated February 25, 2000:

> *If the above specific recommendations and the following general recommendations are followed, the driveway project can be completed with the least amount of significant adverse impacts to the trees as is feasible.*

In addition, Rosie Dagit, certified arborist/biologist with the Topanga Resource Conservation District, has also evaluated the impacts of the proposed driveway on the oak woodland in a November 6, 2000 letter to the Commission. Ms. Dagit states in her letter:

> *Their request to install a driveway to better access their property can be done in such a way as to preserve the integrity of the ESHA and protect the health of the majority of trees. If they strictly adhere to the requirements of their LA County Oak Tree Permit, then the installation of the driveway should not have a long term detrimental impact to the value of the ESHA.*
>
> *...The driveway is of minimal size and as long as drainage is carefully controlled, should not have a major impact on the function of the ESHA. No sensitive plants will be removed. No mature oaks are intended to be removed. The driveway will not impede use by wildlife. The driveway should not increase erosion or sedimentation into Topanga Creek.*

The Commission finds that if the oak tree protective measures described above are implemented, as well as, the additional protective measures outlined below the proposed project will not result in a significant disruption to the oak tree ESHA.

The Commission recognizes that the proposed construction and grading activities can have detrimental impacts on those oak trees whose driplines are located both within and outside of the area to be disturbed by the project. In addition, the Commission finds it can frequently take many years before damage to oak trees becomes apparent. Therefore, in order to prevent any negative impacts on the surrounding oak tree resources and ensure no significant disruption to the environmentally sensitive oak woodland occurs, **Special Condition One (1)** requires the applicants to retain the services of an independent biological consultant or arborist with appropriate qualifications to be present on site during construction of the driveway and all grading and construction activity. In addition, **Special Conditions One & Two (1 & 2)** also require the use of protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. **Special Condition One (1)** also requires the consultant to immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by this permit. Furthermore, this monitor shall have the authority to require the applicants to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

To further minimize potential negative impacts to the surrounding oak tree resources and environmentally sensitive habitat area pursuant to the proposed development, **Special Condition One (1)** also requires the applicants to implement all oak tree preservation measures enumerated in the "Oak Tree Report," prepared by Kay Greely Consulting Arborist, dated February 25, 2000 and the Los Angeles County "Oak Tree

Permit No. 00-94-(3)", dated June 13, 2000. In addition, **Special Condition One (1)**, also requires the applicants to retain a qualified oak tree consultant to monitor the following oak trees (as identified in the "Oak Tree Report", prepared by, Kay Greely, dated February 25, 2000), for a period of ten (10) years minimum: 3, 4, 5, 6, 7, 9, 10, 15 and 16. The Commission finds that a 10 year monitoring period is preferred given that oak trees may not demonstrate health problems until many years after disturbance to the tree itself or the protective zone of the tree.

Furthermore, under **Special Condition One (1)**, an annual monitoring report must be submitted for the review and approval of the Executive Director for each of these ten years. Through **Special Condition One (1)**, if any oak trees are lost or suffer worsened health or vigor, as a result of the proposed project, the applicants shall plant replacement trees on the site at a rate of 10:1. Moreover, pursuant to **Special Condition One (1)**, if replacement plantings are required, the applicants are required to submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

The Commission also notes that increased erosion from the temporary road would adversely impact the surrounding oak woodland habitat through direct removal of trees or by interference with the interchange of air and water to the root zones of the oak trees. In addition, erosion of the site would introduce sediment into Topanga Creek that would adversely impact the water quality and habitat values of the creek. Therefore, the Commission finds that it is necessary to require the applicant to submit an interim erosion control plan to control erosion from the area disturbed as a result of the grading and construction of the temporary access road **(Special Condition 2)**.

The proposed temporary access road for geologic testing has been designed to be aligned with a proposed future driveway to the applicant's residence. The Commission finds that if the consulting geologist or the Los Angeles County Department of Building and Safety determine a future driveway in this location is not feasible the applicant shall be required to restore the temporary access road to approximate natural grade and revegetate the disturbed areas on the site. **Special Condition 3** requires the applicant to submit a coastal development permit application for the restoration and revegetation of the temporary road should a future driveway proposal is found not to be feasible or two years from the date of issuance of the coastal development permit 4-00-151 whichever comes first.

Finally, the Commission notes that 250 cubic yards of cut and no fill is proposed to construct the road. The applicant has not indicated where this material is to be disposed of. Stockpiles of earth or improper disposal of excess excavated material can result in increased erosion risks and sedimentation of near by streams. Therefore, **Special Condition 4** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

In summary, the proposed temporary access road for geologic testing is the environmentally preferred alternative and the only feasible alternative given the

topographic and ESHA constraints of the site. The no project alternative is not appropriate in this case due to the hazardous condition of the existing parking and access configuration adjacent to Topanga Canyon Blvd. The proposed temporary access road will not significantly disrupt the habitat values of the oak woodland ESHA provided applicant complies with the special condition of this permit. Therefore, the Commission finds, for all the reasons set forth above that the proposed project, as conditioned, is consistent with the requirements of 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 conform with the terrain weaving amongst the overhanging oak tree branches in order to avoid excessively impacting the trees. The proposed grading to construct the 10 foot wide access road is minimal and will not result in a significant alteration of the existing landform. In addition, given that the road is ascending up the slope at a fairly steep angel only the lower portion of the road will be visible from Topanga Canyon Blvd. In addition, the proposed road is consistent with other driveways to existing residences in the area. Therefore, the proposed road will not adversely impact views from Topanga Canyon Blvd.

The Commission therefore finds, that the proposed project, as condition, is consistent with the Section 30251 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states:

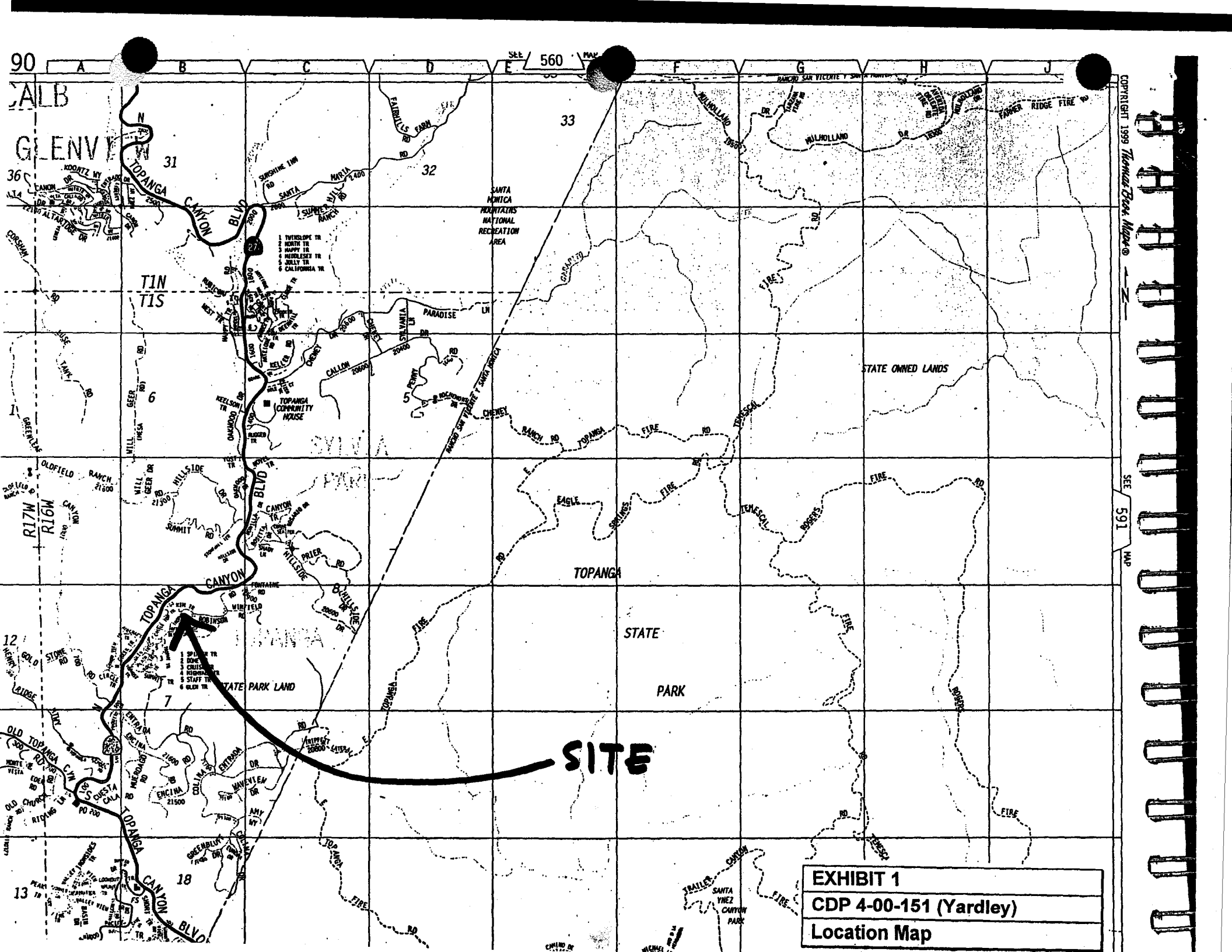
> ***a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coasta development permit only if the project will not prejudice the ability of the local governmen having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policie of the Coastal Act. The preceding sections provide findings that the proposed project will be i conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projec and accepted by the applicants. As conditioned, the proposed development will not creat adverse impacts and is found to be consistent with the applicable policies contained in Chapte 3. Therefore, the Commission finds that approval of the proposed development, as conditioned will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for thi area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required b Section 30604(a).

E. CEQA

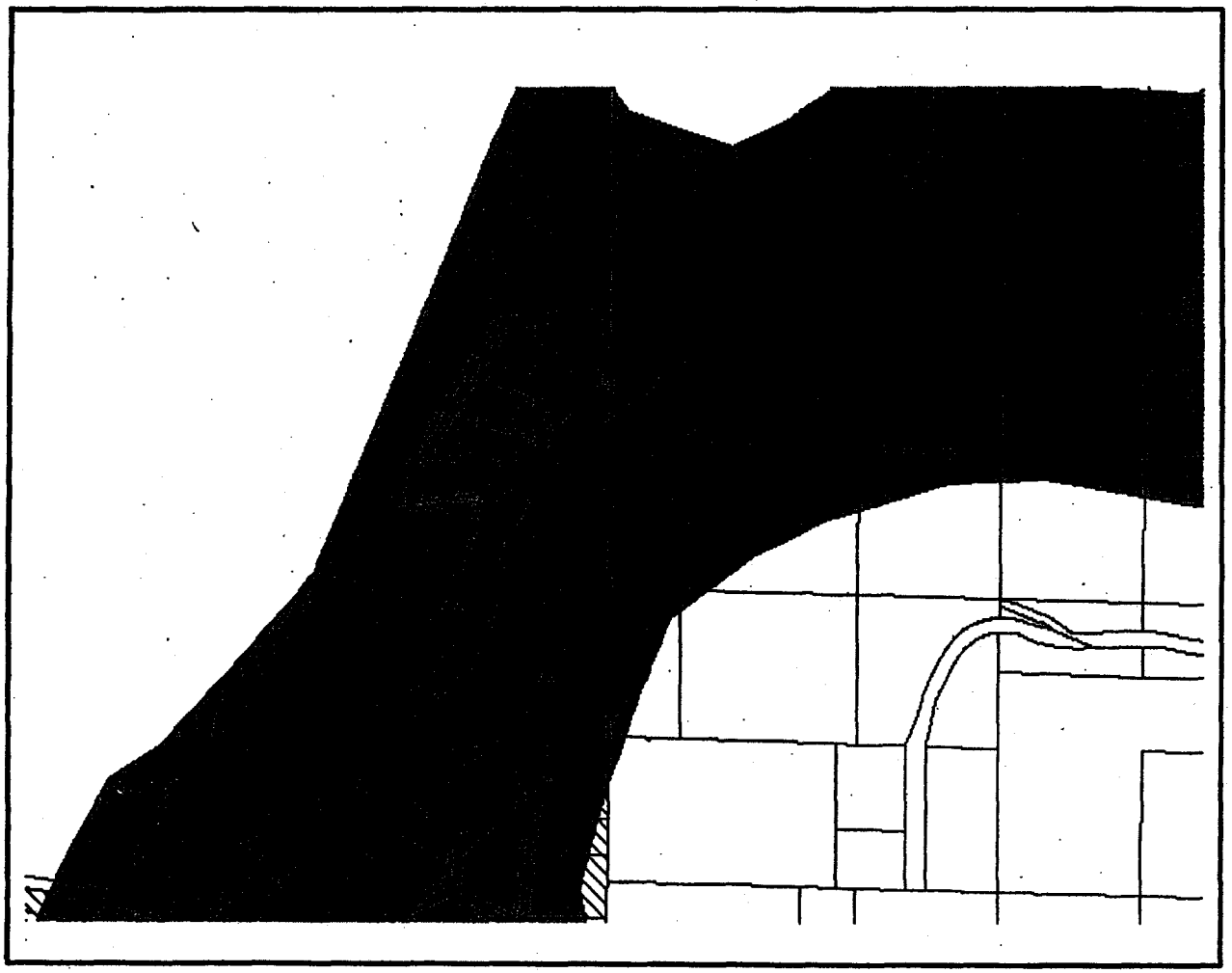
Section 13096(a) of the Commission's administrative regulations requires Commission approva of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

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


SITE
TOPANGA CANYON BLVD
TOPANGA
STATE PARK
STATE OWNED LANDS
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
TOPANGA COMMUNITY HOUSE
SEE 560 MAP
SEE 591 MAP
COPYRIGHT 1999 Thomas Bros. Maps®
EXHIBIT 1
CDP 4-00-151 (Yardley)
Location Map

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

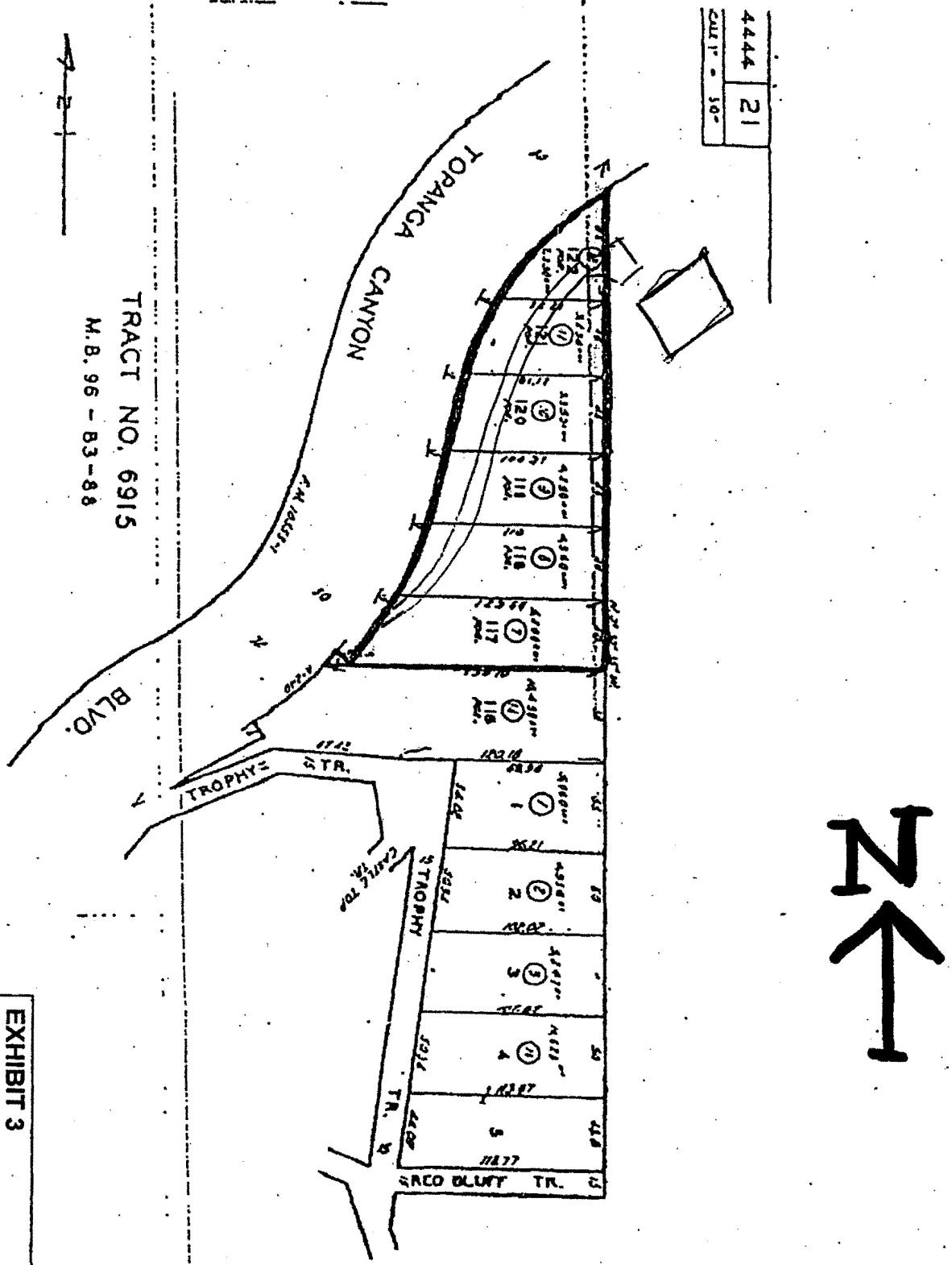


EXHIBIT 3
CDP 4-00-151 (Yardley)
Parcel Map

12 of 15

99 1205904

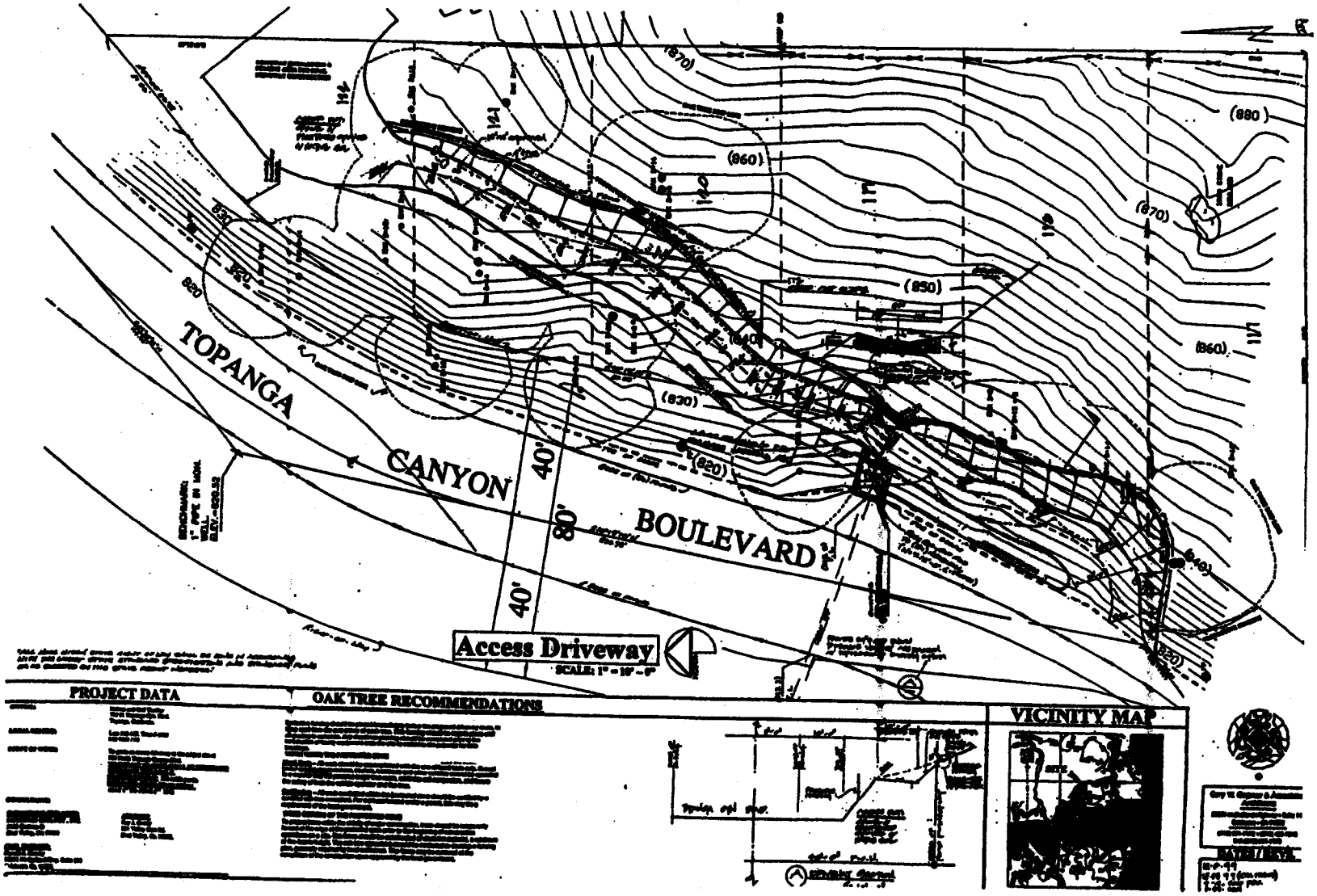


Exhibit 4
CDP 4-00-151
Driveway Plan

HAROLD S. SLUTZKY
Civil Engineer
22231 MULHOLLAND HWY.
SUITE 114
CALABASAS, CA 91302

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

8.11.00

REGISTERED PROFESSIONAL ENGINEER
HAROLD S. SLUTZKY
No. 31285
Exp. 12-31-00
CIVIL
STATE OF CALIFORNIA

GRADING QUANTITIES

PROPOSED Cut Volume:

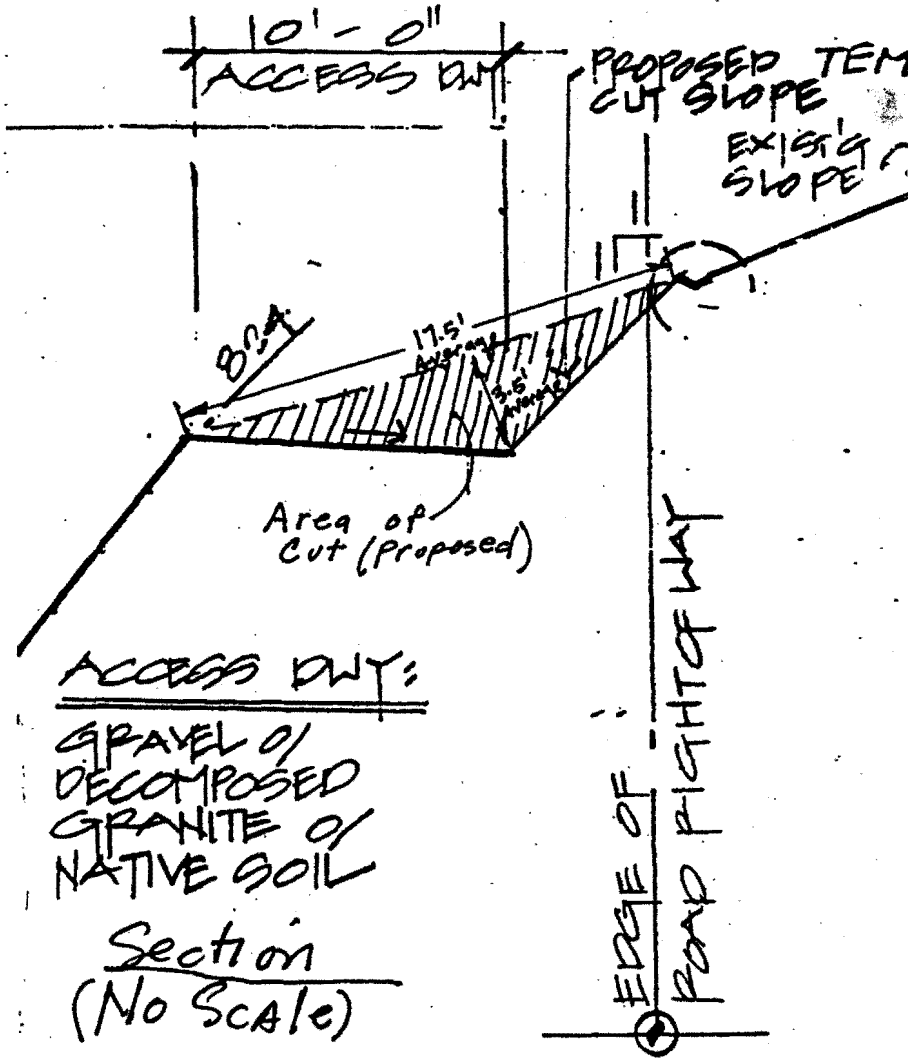
Area of Cut (Average) = 30.6 s.f.

Length of Cut = 220 ft.

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

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

$= 250$ c.y.



ACCESS DWY:
GRAVEL O/
DECOMPOSED
GRANITE O/
NATIVE SOIL

Section
(No Scale)

Exhibit 5
CDP 4-00-151
Driveway Cross Section

Exhibit 6
CDP 4-00-151
Photos – Existing Parking Area

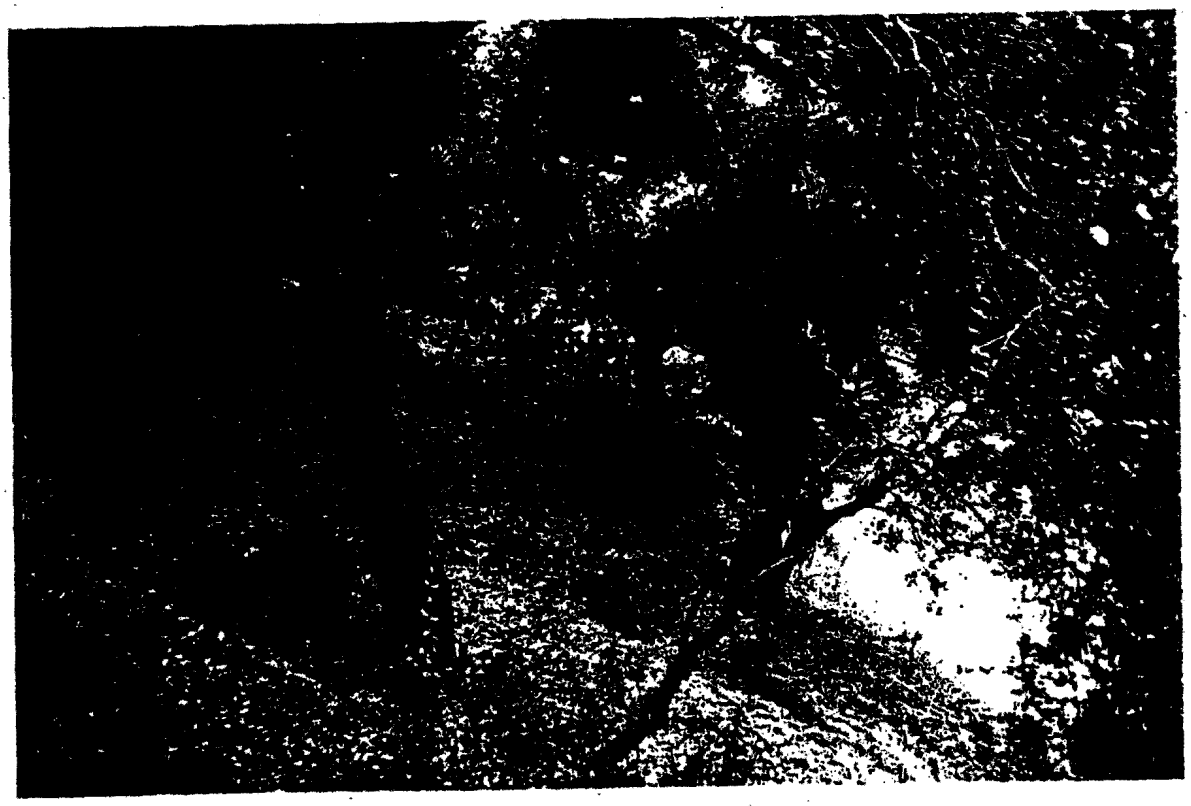


Exhibit 7
CDP 4-00-151
Photos – Typical Oak Canopy

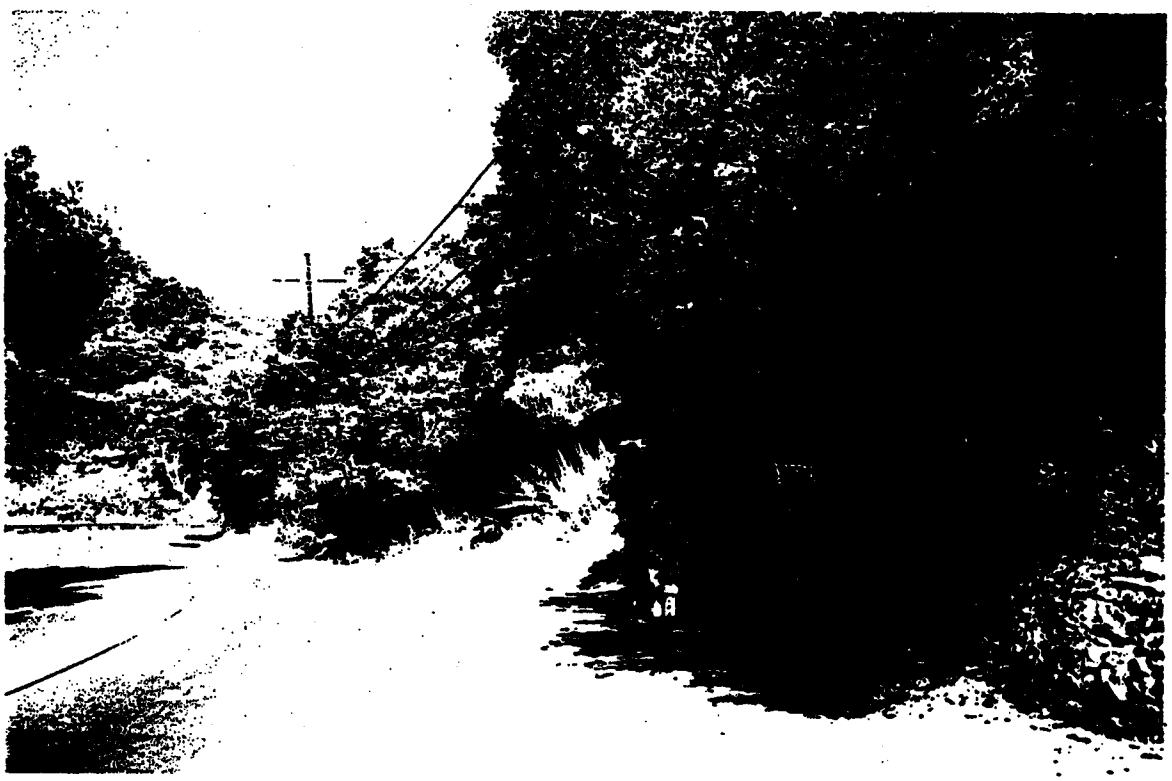


Exhibit 8
CDP 4-00-151
Photos – Location of Proposed Driveway from Road

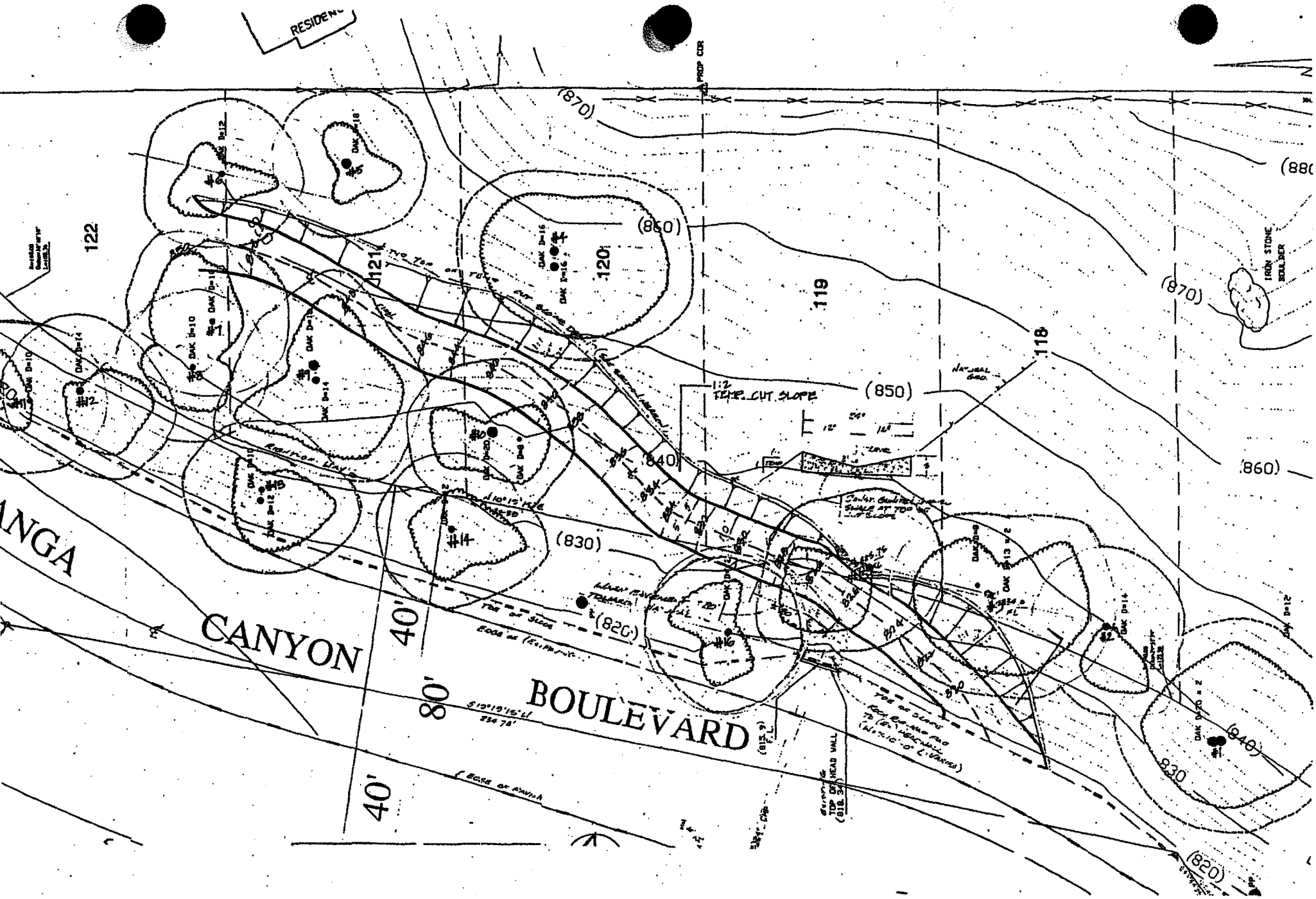


Exhibit 9
CDP 4-00-151

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 totaled 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 he 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 10
CDP 4-00-151
Chronology of Auto Accidents

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012-3606

TDD (213) 897-3667

December 27, 2000

Mr. James Nelson Yardley
P.O.Box 1006
Topanga, CA. 90290

Dear Mr. Yardley:

This is in reference to Coastal Commission's suggestion to construct a retaining wall within Caltrans right-of-way in order to accommodate two parking spaces to serve your residence at 730 Topanga Canyon Boulevard (SR 27).

I regret to inform you that Caltrans will not be able to approve such request for encroachment because of the following reasons:

1. **Private use of public right-of-way is not allowed and is against our constitution.**
2. **Safety concerns associated with your existing parking situation will not be eliminated.**
3. **The proposed parking spaces can not be assigned to you specifically. If constructed, they would be considered as public parking and may be used by anyone who wishes to park there.**
4. **Emergency vehicles easy and timely accessibility to your residence is still unresolved.**

I hope the above-mentioned reasons clarify Caltrans' position with respect to the Coastal Commission's suggestion. If there are any questions, please feel free to call me at 213-897-3667.

Sincerely,

A.OMID GHAEMI,
Sr. Permit Engineer

Cc: Stephaine Reeder

Exhibit 11
CDP 4-00-151
Letter from Caltrans

Oak Tree Report

Site:

730 North Topanga Canyon Boulevard
Topanga, California

Prepared for:

Nelson and Gail Yardley
Post Office Box 1006
Topanga, California 90290

Prepared by:

Kay J. Greeley, I.S.A.
Certified Arborist WC-1140
284 Valley Gate Road
Simi Valley, California 93065
(805) 577-8432

Date:

February 25, 2000

Exhibit 12
CDP 4-00-151
Oak Tree Report

TABLE OF CONTENTS

Oak Tree Report

730 North Topanga Canyon Boulevard
Topanga, California

INTRODUCTION

This Oak Tree Report was prepared at the request of Nelson and Gail Yardley. Mr. and Mrs. Yardley propose to grade a temporary driveway from the frontage of their property on Topanga Canyon Boulevard up to the existing single-family residence. The site is located in Topanga, an unincorporated area of the County of Los Angeles. 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 of the immediate project area and should therefore not be subject to project impacts.

This report was prepared in accordance with Oak Tree Ordinance 88-0157 as amended by the County of Los Angeles, relating to the conservation of oak trees. Oak trees within the County of Los Angeles are recognized as significant historical, aesthetic and valuable ecological resources. It is the intent of the Oak Tree Permit to preserve and maintain healthy oak trees in the development process. Unless allowed by an Oak Tree Permit, a person shall not cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the oak genus that is at least eight inches in diameter.

SCOPE OF WORK

The scope of work included a full ground field observation of the cultural and physical conditions of sixteen (16) oak trees. Pertinent data was recorded on the Field Evaluation Forms contained in Appendix A. Dennis Gaudenti, Certified Arborist, collected the data on February 6, 2000. Photographs for reference and record purposes are included in Appendix B. An Oak Tree Location Map is included in Appendix C. This map is shown on the Site Plan prepared by Cary W. Gepner & Associates Architects, dated December 23, 1999. All information provided by the preparer is certified to be true and correct as of the date of the field observations.

TREE CHARACTERISTICS AND SITE CONDITIONS

A metal tag stamped with the tag number shown on the Oak Tree Location Map was nailed to the north side of each of the subject trees. The tags are numbered consecutively, 1 through 16. Each tree is either a single-trunk or multi-trunk *Quercus*

agrifolia, commonly known as Coast Live Oak. As previously stated in the Introduction, there are many other trees in the vicinity, but they are far enough away from the proposed project as to not be subject to any direct construction impacts.

Detailed information with respect to diameter, number of trunks, height, canopy dimensions, form, crown class, age class, and pruning history is provided for the each of the subject trees on the Field Evaluation Forms in Appendix A.

The project area is a steep, rocky hillside below the existing single-family residence. The only access to the residence is via a staircase that leads from Topanga Canyon Boulevard up to the residence, approximately forty feet (40') up the slope.

TREE HEALTH

The foliage color of each tree appears normal. Epicormics and twig dieback are evident to varying degrees among the trees. Foliage density and leaf size are normal. Annual shoot growth ranges from average to poor, while woundwood development appears average. 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 slope.

The current overall health and vigor ratings of the trees are provided in the following table. The trees have varying amounts of deadwood. Some co-dominant trunks and scaffolds were observed, as were cavities. Specific details are provided for each tree on the Field Evaluation Forms in Appendix A.

Tree Number	Health	Vigor
1	D	C
2	C	C
3	C	C
4	C	B
5	C	C
6	B	B
7	B	C
8	C	C
9	C	B
10	C	C
11	B	B
12	B	C
13	B	B

Tree Number	Health	Vigor
14	B	B
15	B	B
16	B	B

IMPACT ANALYSIS AND SPECIFIC RECOMMENDATIONS

Mr. and Mrs. Yardley hope to preserve all of the trees discussed in this report during the proposed project. Tree Numbers 1, 2, 8, 11, 12, 13 and 14 should not be directly impacted. Given the amount of grading required, some of the remaining trees are likely to suffer from construction impacts.

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. The trees are directly impacted as follows:

- Tree Number 3 – Approximately thirty percent (30%) of the protected zone will be cut away below the tree, to within two feet (2') of the trunk. This tree could experience severe impacts, including drought stress and stability issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. This impact could be mitigated to some degree if a vertical retaining wall was placed along the edge of the driveway cut instead of laying the slope back at the proposed 1:1 cut. However, such a wall would be quite expensive given that the proposed driveway is intended to be a temporary access.
- Tree Number 4 - Approximately ten percent (10%) of the protected zone will be cut away below the tree, to within seven feet (7') of the trunk. This tree could experience severe impacts, including drought stress and stability issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. Similar to Tree Number 3, this impact could be mitigated to some degree if a vertical retaining wall was placed along the edge of the driveway cut instead of laying the slope back at the proposed 1:1 cut.
- Tree Number 5 – A very small portion of the protected zone will be cut away below the tree. All work is outside of the dripline. Given the small amount of encroachment, the tree should be preserved in place. Drought impacts are possible, though to a smaller degree than is likely for Tree Numbers 3 and 4.
- Tree Number 6 - Approximately thirty percent (30%) of the protected zone will be cut away below the tree, to within three feet (3') of the trunk. This tree could experience severe impacts, including drought stress and stability issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. This impact could be mitigated to some degree if a vertical retaining wall was placed along the edge of the driveway cut instead of

laying the slope back at the proposed 1:1 cut. However, such a wall would be quite expensive given that the proposed driveway is intended to be a temporary access.

- Tree Number 7 - Approximately ten percent (10%) of the protected zone will be cut away above the tree, within the dripline, to within nine feet (9') of the trunk. This tree could experience moderate impacts, including drought stress and clearance pruning issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. Actual pruning impacts cannot be determined until the driveway is staked out.
- Tree Number 9 - Approximately ten percent (10%) of the protected zone will be cut away above the tree, within the dripline, to within eleven feet (11') of the trunk. This tree could experience moderate impacts, including drought stress and clearance pruning issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. Actual pruning impacts cannot be determined until the driveway is staked out.
- Tree Number 10 - Approximately thirty percent (30%) of the protected zone will be cut away above the tree, within the dripline, to within five feet (5') of the trunk. This tree could experience moderate impacts, including drought stress and clearance pruning issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. Actual pruning impacts cannot be determined until the driveway is staked out.
- Tree Number 15 – Over fifty percent (50%) of the protected zone will be cut away below the tree, right up to the trunk. This tree will likely experience severe impacts, including drought stress and stability issues. If any concerns arise with regard to the stability of the tree during construction, this tree should be removed. This impact cannot be mitigated unless a vastly different driveway route was to be selected.
- Tree Number 16- A small portion of the protected zone will be cut away above the tree, outside of the dripline, to within eleven feet (11') of the trunk. This tree could experience minor impacts, including drought stress.

Protective fencing should be placed immediately below the proposed driveway route, to keep spoil from the root crown of each tree. This fencing should be kept in place until all grading is complete. Any clearance pruning should be completed prior to the introduction of heavy equipment onto the site to minimize the potential for limb breakage.

In addition to the above, it was noted that Tree Number 1 has a cable support that wraps around one of the main trunks. The trunk will eventually be girdled and the tree may fail. The cables should be removed as soon as possible, using great care to insure that the tree is not damaged further.

Tree Numbers 4 and 9 have co-dominant trunks. They should be monitored during construction to determine whether the trees would benefit from cabling the main trunks together for added support. It must be emphasized that cabling is to be performed only

by a qualified arborist. The cable system must then be monitored on an annual basis to insure that decay is not forming at the cable points and that the cable itself is not fatigued.

Tree Number 16 was topped severely due to overhead lines. The cuts should be re-trimmed properly to prevent decay and weakly attached re-growth.

Each of the subject trees along the new driveway should be crown cleaned to remove deadwood and hazardous branches. This will increase the safety of those using the driveway and will improve the appearance of the trees. All pruning should be performed by a qualified arborist using the Pruning Standards of the Western Chapter of the International Society of Arboriculture.

If rainfall remains below normal, it would be prudent to monitor the trees for drought stress throughout the next year. Supplemental irrigation may be helpful in light of the loss of the feeder root structures around the impacted trees.

If the above specific recommendations and the following general recommendations are followed, the driveway project can be completed with the least amount of significant adverse impacts to the trees as is feasible.

GENERAL RECOMMENDATIONS

The following general recommendations should be followed to establish and maintain a healthy cultural environment for oak trees. It must be understood that these recommendations apply to oak trees in general; specific questions should always be referred to the oak tree consultant.

WORK WITHIN THE PROTECTED ZONE

The protected zone is an area surrounding a tree, usually defined by local ordinance. It typically includes all area within the dripline of the tree, plus five feet beyond the dripline. This distance must generally be no less than fifteen feet from the trunk. Given the high sensitivity of oak trees, great care must be taken when work is conducted within the protected zone. Specifically:

Observation -- All work conducted within the protected zone of an oak tree should be performed within the presence of a qualified oak tree consultant. Usually this work will also require a permit from the local government. This will help to insure that work is performed in a manner that will not harm a tree.

Notice -- Forty-eight hours notice should be provided to the oak tree consultant prior to the planned start of work. This notification must usually be provided to the local government also. The notice will insure that the project receives the highest possible scheduling priority and avoid delays.

Hand Tools -- 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.

Certification – All work conducted within the protected zone should be certified by a qualified oak tree consultant. For work performed under a permit, this may be a requirement of the local government.

WORK OUTSIDE OF THE PROTECTED ZONE

To protect trees within the vicinity of major construction, trees should be temporarily fenced at the edge of the protected zone prior to the beginning of construction operations on a site. The fence should be constructed of chain link material, a minimum of five feet in height. The oak tree consultant should be contacted to develop a fencing plan, generally required by local ordinance. The fence may be removed at the completion of the construction upon approval by the local government.

PLANTING WITHIN THE PROTECTED ZONE

Planting within the protected zone of an oak tree is discouraged. Ideally, the leaf litter from the tree should be allowed to collect beneath the tree, creating a natural mulch and fertilizer. If planting is necessary or the natural leaf litter is removed, the following should be considered:

Plant Material – Only drought tolerant plantings should be utilized. All plantings should be compatible with native oak trees. A good reference for compatible plant material is Compatible Plantings Under and Around Oaks by the California Oak Foundation.

Irrigation – No spray-type irrigation systems should be used within the protected zone. It is important that sprinkler systems do not throw water against the trunk of an oak tree. A continuously wet soil condition near the root crown, the area where the tree trunk meets the ground, favors the growth of predatory disease organisms. The two most prominent organisms in Southern California are Avocado Root Rot (*Phytophora cinnamomi*) and Oak Root Fungus (*Armillaria mellea*). As an absolute minimum, all irrigation should be at least fifteen feet from the trunk.

Resistant Varieties – Avoid plants that are susceptible to either Avocado Root Rot or Oak Root Fungus. Oak trees are particularly susceptible to these diseases in developed areas. Avoiding other plants susceptible to these diseases will also help to keep the diseases in a dormant state. Consult publications by the University of California Cooperative Extension for plant lists.

Mulch – Place a three-inch thick layer of organic mulch throughout the protected zone of each tree. Aesthetically pleasing options include crushed walnut hulls and shredded bark. These mulches are beneficial when the natural leaf litter is not available, minimizing evaporation and providing weed control.

TREE MAINTENANCE AND PRUNING OPERATIONS

Most oak trees require very little pruning, with the exception of periodic deadwooding. However, if a tree has a major defect, the employment of proper pruning practices may be more desirable than the uncontrolled damage that could otherwise occur. Always consult qualified professionals for advice.

Ornamental or Aesthetic Pruning -- Removal of live tissue for the purpose of altering the appearance of an oak tree is not desirable and is generally not allowed under local ordinances. Activities such as thinning out, heading up, or other similar practices contribute to the onset of insect and disease attacks.

Deadwooding -- Removal of dead tissue, regardless of size, may usually be performed without a permit. All pruning should follow standards endorsed by the International Society of Arboriculture.

Other Pruning Operations -- Branches that are considered to be unsafe due to decay, cavities, cracks, physical imbalance, fire damage, disease, or insects should be referred to a qualified oak tree consultant for inspection, especially if the branches exceed two inches in diameter. A permit is generally required to remove such branches. A brief written report will be prepared by the oak tree consultant to provide the basis for the request.

Cavities and Hollows -- Cavities and hollows should be kept free of loose debris. Some contain decayed wood; these should generally be referred to a qualified arborist for treatment. Concrete or other materials should not be used to seal or fill in cavities or hollows. These materials create a haven for diseases and insects over time. Openings may be covered with screening to prevent debris build-up.

Wound Seal -- Pruning wounds should generally not be sealed with any type of compound. Over time, these materials crack and create entry points for disease and insects. A proper pruning cut will heal naturally over a short period of time.

WATERING AND FERTILIZATION

Winter rains should be sufficient to provide the water needed for oak trees in natural areas. Oak trees in landscaped areas will usually receive enough water from adjacent plantings. If you suspect that your tree is in need of supplemental water, contact a qualified oak tree consultant for advice.

Watering -- If supplemental water is required, use a water probe, such as a "Ross Root Feeder" to apply the water. Alternatively, a low volume soaker hose could be utilized. Apply the water at various locations, just outside the dripline of the tree. A total of fifteen to twenty hours of low volume application should suffice. Repeat this watering cycle every one to two months as needed. Water should generally not be applied in the summer, as most oak trees are dormant and cannot accept the water.

Fertilization -- Fertilizer can be applied along with the water. A total of 0.75 pound of actual nitrogen per inch of trunk diameter per year is a basic rule-of-thumb. However, ask your local certified nurseryman for a specific recommendation and follow the manufacturer's directions carefully. Over-fertilization can be deadly.

Aeration – Ventilation of the root system can be very beneficial in areas where soil has been compacted. Hand dig holes six inches in diameter to a depth of two feet. Do not cut any roots in excess of one inch in diameter. Dig the holes two feet on center, in concentric circles around the trunk, throughout the dripline. If possible, add holes outside of the dripline. Fill the holes with an organic matter. If oak leaf litter is not available, a mixture such as fifty percent "Kellogg's Nitrohumus" and fifty- percent nitrolized redwood shavings will be beneficial. This organic matter will be decomposed, producing a year-round source of fertilizer for the oak tree.

DISEASES AND INSECTS

Effective pest control starts with observation by the homeowner. Changes, such as abnormal leaf drop, oozing sap, and discolored or dying leaves indicate that something has changed and expert inspection is required. Homeowners should be very careful when using pesticides around an oak tree. Herbicides should never be utilized within one hundred feet of an oak tree, unless applied by a certified pesticide applicator. Misuse of these compounds can lead to the death of beneficial organisms or even to the death of the tree.

GRADE CHANGES

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. Drainage patterns should be maintained to prevent water from flowing and ponding at the base of a tree. If fill soil exists, use a shovel to remove the excess soil. The flare at the root crown should just be visible.

INSPECTION

Oak trees should be inspected on a periodic basis by a qualified oak tree consultant. The inspection basis should be determined by the relative hazard value of the tree. For example, trees surrounding a high-use business should be inspected on a quarterly basis, whereas trees located within a low-use open space might only require bi-annual inspection. It is the responsibility of the property owner to establish and implement an appropriate inspection schedule upon the recommendation provided by the oak tree consultant.

WARRANTY

The trees discussed herein were generally reviewed for physical, biological, functional, and aesthetic conditions. This examination was conducted in accordance with presently accepted industry procedures: an at-grade, macro-visual observation only. No extensive microbiological, soil/root excavation, upper crown examination, nor internal tree investigation was conducted and therefore, the reportings herein reflect the overall visual appearance of the trees on the date reviewed. No warranty is implied as to the

potential failure, health or demise of any part or the whole of any tree described in this report.

Clients are advised that should physical or biological concerns be evidenced for any specimen within this report, prudent further investigation, detailed analysis or remedial action may be required.

As living organisms, plants continually exhibit growth and response to environmental changes that influence the development, health and vigor of the specimen. These influences may not be externally visible and may be present or develop over various time periods depending on the site conditions.

It is recommended that due to the general nature of plant development and continued environmental and physical influences on vegetation at a specific site, regular monitoring by a qualified arborist is scheduled.

Locations of property lines or exact tree locations, site amenities, structures or easements are assumed to be as illustrated on any enclosed maps. They are a composite of information provided by the client, records of fact and/or on-site field review. No investigation was made to verify these conditions.

This report represents the independent opinion of the preparer and was conducted per the client's scope of request. The report is therefore limited to the extent described herein.

Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP

Copy for Coastal Commission Records

RECEIVED
JUN 29 2000
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 13, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James Nelson Yardley &
Gail Reavely Yardley
P.O. Box 1006
Topanga, CA 90290

SUBJECT: OAK TREE PERMIT CASE NO. 00-94-(3)
730 N. TOPANGA CANYON BOULEVARD, TOPANGA

Dear Applicant:

PLEASE NOTE: This document contains the Director's findings, order and conditions relating to **APPROVAL** of the above referenced case.

CAREFULLY REVIEW EACH CONDITION.

Condition #1 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.** → MAILED CERTIFIED MAIL WEDNESDAY 21ST JUNE, 2000.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Director's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary form and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. This grant will not become effective until and unless this period has passed without an appeal.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Zoning Permits Section at (213) 974-6443. For information on inspections or inspection fees, contact the County Forester at (818) 890-5719 or (323) 881-2481.

Exhibit 13
CDP 4-00-151
LA County Oak Tree Permit

OAK TREE PERMIT CASE NO. 00-94-(3)

DIRECTOR'S FINDINGS AND ORDER:

FACTUAL SUMMARY:

The applicants, James Nelson Yardley and Gail Reavely Yardley have requested authorization to encroach within the protected zone of nine (9) oak trees in order to accommodate the construction of a driveway to a single-family residence located at 730 N. Topanga Canyon Boulevard.

FINDINGS:

Absent the encroachments permitted by the attached conditions, the placement of the subject oak trees precludes the reasonable and efficient use of the property for a purpose otherwise authorized. The work approved is not contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure.

DIRECTOR'S ACTION:

1. I find that the project is categorically exempt (Class 4c) from the requirements of the California Environmental Quality Act and that the project will not have a significant effect on the environment.

2. In view of the findings of fact presented above, Oak Tree Permit Case No. 00-94-(3) is **GRANTED** with the attached conditions contained in the County Forester's letter dated June 7, 2000.

BY: Mark Child **DATE:** 6/13/00

Mark Child
Regional Planning Assistant II
Zoning Permits
Department of Regional Planning
County of Los Angeles

Enclosure: Affidavit - Publication P09-89

c: Zoning Enforcement; County Forester

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

June 7, 2000

Mr. Frank Meneses
Department of Regional Planning
Zoning and Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Meneses:

SUBJECT: OAK TREE PERMIT #00-094, NELSON AND GAIL YARDLEY
730 N. TOPANGA CANYON BOULEVARD, TOPANGA

We have reviewed "Request for Oak Tree Permit #00-094." This project is located at 730 N. Topanga Canyon Boulevard in the unincorporated area of Topanga. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Kay J. Greeley, the consulting arborist, dated February 25, 2000.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant.

   Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.

PERMITTED OAK TREE ENCROACHMENT:

7. This grant allows encroachment within the protected zone of 9 trees of the Oak genus identified as Tree Numbers 3, 4, 5, 6, 7, 9, 10, 15 and 16 on the applicant's Site Plan Map and Oak Tree Report. Encroachments and impacts shall be as specified in the Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.

8. Should work on or within the protected zone result in the death of any oak tree within two years of the completion of work, the tree shall be replaced and maintained as set forth in the conditions of this grant regarding mitigation trees.

9. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its appearance or structure may be performed. Such pruning shall be limited to the removal of deadwood and stubs and medium pruning of branches two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division of the County of Los Angeles Fire Department. In no case shall more than 20 percent of the tree canopy of any one tree should be moved.

10. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, Oak Trees: Care and Maintenance, prepared by the Forestry Division of the County of Los Angeles Fire Department, a copy of which is enclosed with these conditions.

MITIGATION TREES:

11. The permittee shall provide mitigation trees of the Oak genus at a rate of 2:1 for any tree that dies as a result of the approved encroachments.

12. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one inch or more in diameter one foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees shall measure a minimum of one inch in diameter one foot above the base.

20. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.

21. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.

22. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.

23. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the Forestry Division of the County of Los Angeles Fire Department for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact Forestry Assistant Tom Bristow or Deputy Forester Jon Baker at (818) 890-5719; or this office at (323) 890-4330.

Very truly yours,

David R. Leininger

DAVID R. LEININGER, ACTING CHIEF, FORESTRY DIVISION
PREVENTION BUREAU

DRL:jmb

Rosi Dagit
Certified Arborist #1084
P.O. Box 1454
Topanga, CA 90290
310-455-7528

6 November 2000

Commissioners
California Coastal Commission
89 S. California St. Suite 200
Ventura, CA 93001

Re: Permit No. 4-00-151 Yardley Driveway at 730 N. Topanga Canyon Blvd.

Dear Commissioners,

On Tuesday, October 17, 2000 I visited this property in the company of staff members Jack Ainsworth and Brent McDonald, at their request, in order to evaluate the status of the oak woodlands. The Yardleys graciously allowed us to walk the site. While I do concur that the property lies within an ESHA, I do not agree with the staff recommendation for denial of the permit.

The Yardleys have been good stewards of this oak woodland, and as a result, the site contains many mature Coast Live Oaks and a diverse understory of oak associated plants. Its value as an Environmentally Sensitive Habitat Area is one of the main reasons they have tried so hard to maintain it so carefully.

Their request to install a driveway to better access their property can be done in such a way as to preserve the integrity of the ESHA and protect the health of the majority of trees. If they strictly adhere to the requirements of their LA County Oak Tree Permit, then the installation of the driveway should not have a long term detrimental impact to the value of the ESHA.

Due to the extremely hazardous parking conditions along Topanga Canyon Blvd., which continue to increase yearly, the former parking location used by the Yardleys has become virtually useless. The proposed plan works with the steep site and winds between the oaks. The driveway is of minimal size and as long as drainage is carefully controlled, should not have a major impact on the function of the ESHA. No sensitive plants will be removed. No mature oaks are intended to be removed. The driveway will not impede use by wildlife. The driveway should

not increase erosion or sedimentation into Topanga Creek. The driveway will not induce growth in any way.

The proposed driveway will simply make it safe for the Yardleys to come home.

In this case, the minimal impacts to the ESHA seem more than justified by the sensitivity of the proposed plan, its lack of long term impacts and the need to provide a safe place to park. The Yardleys are long time residents of Topanga and only undertook this effort when forced to by the increased traffic hazard.

Under these circumstances, I hope the Commission will consider approval of this permit. Thank you for the opportunity to comment on this project.

Sincerely,

Rosi Dagit
Certified Arborist #1084