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STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
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RECORD PACKET COPY

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Staff:	SLG
Staff Report:	4/19/01
Hearing Date:	5/8/01
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 4-00-131

APPLICANT: Glory Fioramonti **AGENT:** Terry Valente

PROJECT LOCATION: 1233 Greenleaf Canyon Road, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct two story, 23 ft. high from existing grade, 1,404 sq. ft. single family residence, septic system, 8 ft. high retaining wall, railroad tie stairway, use of residence trailer during construction, removal of existing mobile home, widen, extend, and resurface a portion of the driveway for Fire Department turnaround, and 10.3 cu. yds. of grading (10.3 cu. yds. cut, 0 cu. yds. fill).

Lot Area:	435,600 sq. ft.
Building Coverage:	1,124 sq. ft.
Pavement Coverage:	5,125 sq. ft.
Landscaped Area:	5,000 sq. ft.
Parking Spaces:	3
Height above existing grade:	23 feet

PROCEDURAL NOTE: The applicant has waived the 180th day Permit Streamlining Act deadline which would have been reached on April 9, 2001. A 90-day extension of the project timeline is currently in effect and concludes on May 28, 2001. Therefore this item cannot be postponed for later consideration.

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County Department of Regional Planning, dated 5/22/00; County of Los Angeles, Fire Department, Fire Protection Engineering, Approval, dated 3/22/01; County of Los Angeles, Fire Department, Fire Prevention Bureau, Fuel Modification Plan Final Approval, dated 4/5/01.

SUMMARY OF STAFF RECOMMENDATION: This project entails construction of a new single family residence on a partially developed site along Greenleaf Creek in Topanga. The site is scattered with oak trees and a majority of the subject parcel is designated as Disturbed Oak Woodland and Savannahs in the certified Malibu/Santa Monica Mountains Land Use Plan. Staff recommends **approval** of the proposed project with fourteen (14) special conditions regarding Conformance with Geologic Recommendations, Landscaping and Erosion Control, Wild Fire Waiver of Liability, Removal of Excess Graded Material, Drainage and Polluted Runoff, Oak Tree Restoration and Monitoring, Future Improvements, Removal of Temporary Trailer, Removal of Mobile Home, Removal of Natural Vegetation, Condition Compliance, Removal of Existing Materials, Final Approvals, and Revised Project Plans.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan (1986); Coastal Development Permit SF-79-5854; Geologic and Soils Engineering Investigation – Proposed Two-Story Single Family Residence and Retaining Wall (SubSurface Designs, Inc. 2/4/00); Oak Tree Report 1233 Greenleaf Canyon Road, Topanga, prepared by Rosi Dagit, Certified Arborist, April 2001; Correspondence from Rosi Dagit, April 13, 2001 Regarding Steps Adjacent to Tree #20, Fioramonti Oak Report Addendum; Correspondence from David Leininger, Acting Chief, Forestry Division, Prevention Bureau, L.A. County Fire Department, March 22, 2001 Regarding Recommended Oak Tree Exemption 1233 Greenleaf Canyon Road, Topanga, Construction of Fire Department Turn Around.

II. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-00-131 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.

III. STANDARD CONDITIONS

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

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

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

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

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

IV. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

(a) All recommendations contained in the SubSurface Designs, Inc. Geologic and Soils Engineering Investigation dated February 4, 2000 shall be incorporated into all final design and construction including recommendations concerning foundations, settlement, excavation erosion control, excavations, retaining walls, drainage and maintenance, reviews, and limitations. All plans must be reviewed and approved by the geotechnical consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval two (2) sets of all final project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs.

(b) The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by

the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

2. Landscape and Erosion Control Plan and Fuel Modification

Prior to issuance of a coastal development permit, the applicant shall submit landscaping, irrigation, and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping, irrigation, and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The landscaping, irrigation, and erosion control plans shall also be reviewed by a qualified biologist or resource specialist to ensure protection of the oak trees and riparian area. The plans shall incorporate the following criteria:

A) Landscaping Plan

(1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plan species which tend to supplant native species shall not be used.

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

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

(4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape or fuel modification plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

(5) Vegetation within 50 feet, or lesser area as approved by the Los Angeles County Fire Department, of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

(1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.

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

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

C) Monitoring

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

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Wild Fire Waiver of Liability

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

4. Removal of Excess Graded 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 dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Drainage and Polluted Runoff Control Plan

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure that the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

6. Oak Tree Restoration and Monitoring

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during the widening of the driveway for construction of the Fire Department turnaround, removal of the mobile home, and during all grading and construction activity. Protective fencing shall be used around the protection zone of the oak trees (5 feet beyond the dripline of the canopy) within or adjacent to the construction area that may be disturbed during construction or grading activities. 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 Permits 4-00-131. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

For oak trees number 11, 12, 14, 15, 16, 18, 19, 20, 21, 25, 26, and 29 as delineated in Exhibit 13 that may be lost or suffer worsened health or vigor due to activities approved under Coastal Development Permit 4-00-131, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 10:1. The applicant 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 resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration

and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years for oak trees number 11, 12, 14, 15, 16, 18, 19, 20, 21, 25, 26, and 29 as delineated in Exhibit 13. Should any other oak trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall plant seedlings, less than one year old, grown from acorns collected in the area, at a ratio of at least 10:1.

After the construction phase for the proposed project has been completed, a final detailed report shall be submitted for review and approval by the Executive Director. If this report indicates that significant impacts or damage has occurred to the oak trees on site beyond the scope of work allowed for by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program shall be processed as an amendment to this coastal development permit.

7. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-00-131. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the entire parcel. Accordingly, any future structures, improvements, or change of use to the permitted structures approved under Coastal Development Permit 4-00-131, and any clearing of vegetation or grading, other than as provided for in the approved fuel modification, restoration plan, landscape and erosion control plans prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-00-131 from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

Prior to the issuance of the Coastal Development Permit the applicant shall Execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this Coastal Development Permit.

8. Removal of Temporary Trailer

With the acceptance of this coastal permit, the applicant agrees that the temporary trailer residence shall be removed from the site within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside of the Coastal Zone or a site with a valid coastal development permit for the trailer.

9. Removal of Mobile Home

In accordance with the applicant's proposal, within 60 days of issuance of this permit the applicant shall remove the existing mobile home as shown on the Site Plan (Exhibit 6). Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act. The Executive Director may grant additional time for good cause.

10. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the Zone A Setback area pursuant to the applicant's Fuel Modification Plan shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Further vegetation thinning pursuant to the Fuel Modification Plan shall not occur until commencement of construction of the structure approved pursuant to this permit.

11. Condition Compliance

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

12. Local Approval of Septic System

Prior to issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of approval by the Los Angeles County Department of Environmental Health Services for the existing septic system to be utilized for the proposed residence. Any substantial changes to the septic system which may be required by the County shall require an amendment to Coastal Development Permit 4-00-131 or a new Coastal Development Permit. The Executive Director shall determine whether required changes are substantial.

13. Revised Project Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans shall show any minor grading required for the Fire Department turnaround. The revised plans shall clearly illustrate the existing areas of the asphalt driveway, northwest of the proposed Fire Department turnaround as generally shown in Exhibit 14, that fall within the dripline of the surrounding oak trees. The overhanging oak canopy shall be drawn to scale. The existing railroad tie stairway leading to the residence site shall be relocated outside of the protected zone of any oak

trees. The aforementioned asphalt areas that are within the driplines of the surrounding oak trees shall be clearly marked for removal on the project plans.

14. Removal of Existing Materials

Prior to occupancy, the applicant shall relocate the existing railroad tie stairs located adjacent to the building pad site as shown in the approved revised plans prepared pursuant to Special Condition Number Thirteen (13). In addition, prior to occupancy the applicant shall remove the areas of asphalt driveway that fall within the driplines of the oak trees, as shown in revised plans prepared pursuant to Special Condition Number Thirteen (13).

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 1,404 sq. ft., 23 ft. high from existing grade, two-story single family residence, septic system, 8 ft. high and 42 ft. long retaining wall, after-the-fact railroad tie stairway, use of residence trailer during construction, removal of existing mobile home, approximately 1,050 sq. ft. of new paved surface for Fire Department turnaround, and 10.3 cubic yards of grading (10.3 cu. yds. cut, 0 cu. yds. fill) to be deposited at the Bradley Landfill in Sun Valley, California. (See Exhibits 1-14)

The subject site is located at 1233 Greenleaf Canyon Road, approximately one mile northerly of the intersection of Greenleaf Canyon and Topanga Canyon Boulevard, in Topanga, Los Angeles County, California (see Exhibit 1). The 10-acre parcel is a partially developed hillside property situated along the west side of Greenleaf Canyon Road. Access is via a paved driveway that extends approximately 150 feet from Greenleaf Canyon Road to the east.

Greenleaf Creek, a United States Geological Survey (USGS) blueline stream, runs through the parcel, bisecting the northeast corner of the lot. The property drains easterly to Greenleaf Creek. Drainage within the site comprises essentially of sheet flow runoff of precipitation derived primarily within property boundaries and the contiguous properties to the west. Drainage on the site has been artificially altered due to the filling of a portion of a drainage course that drains from Henry Ridge, entering the subject parcel at the southeast corner and crossing northeast toward Greenleaf Creek. Currently, a graded pad / horse area, adjacent to the riparian corridor of Greenleaf Creek, impedes the flow of this small tributary drainage to Greenleaf Creek. Greenleaf Creek flows into Topanga Canyon, also a USGS blueline stream, approximately 1½ miles downstream of the site and courses to the Pacific Ocean approximately 5½ miles from the junction. (See Exhibits 1-3)

Although the site is not located within any designated Significant Watersheds, the existing developed and proposed developed areas are within a Disturbed Oak Woodland as defined by the Malibu/Santa Monica Mountains Land Use Plan (LUP) (see Exhibit 4). Oak trees impacted by the proposed development are discussed further in Section E (Sensitive Resources).

Under the current application, the residence is proposed on an approximately 3,296 square foot disturbed pad presently accommodating a horse corral. The building pad site is located roughly at the center of the property and adjacent to the area developed with an existing trailer and driveway in the approved building footprint of a prior Coastal Development Permit (SF-79-584) for a single family residence. In 1986, as interpreted through aerial photos, the pad site appears to have been a natural clearing within the surrounding oak trees that was vegetated with chaparral. By 1993, the building site shows signs of disturbance, presumably the removal of vegetation and smoothing of the pad to be used for a horse corral as now exists. From the 1986 and 1993 aerial photos, it does not appear that oak trees were removed or cut back.

The project proposes pedestrian access to the residence from the driveway via a railroad tie stairway. Twelve unpermitted railroad tie steps currently provide access to the building pad area and are within the dripline of an oak tree. The applicant is requesting after-the-fact approval for continued use of this stairway (see Exhibit 10).

The property contains development undertaken without benefit of Coastal Development Permits, including three fenced horse corrals, a fourth horse corral area abutting Greenleaf Creek, a large graded pad adjacent to Greenleaf Creek for use by horses, several storage sheds under oak canopy, an exercise platform, sauna, spa, railroad tie stairway, mobile home, and septic system. In addition, 1993 aerial photos indicate that other structures of unknown use are present on the property and additional landform alteration, including an additional pad and path, has been performed in the southwest corner of the subject property without benefit of the necessary permits. The existing trailer residence also appears to have occurred without benefit of a coastal development permit. Though the plans from the 1979 coastal development permit indicate that the asphalt driveway and concrete pad (which currently accommodates the trailer residence) were already in existence as of August 1979, no trailer was specified.

The applicant is proposing to resolve four of these unauthorized uses under Coastal Development Permit Application 4-00-131. Under the current application, the applicant proposes to legalize the railroad tie stairway under the oaks after-the-fact, use the existing trailer residence as a temporary construction trailer that will be removed under its prescribed term, remove the mobile home, and legalize the existing septic system after-the-fact. The applicant has not elected to amend the pending application to include the remaining unpermitted structures. However, the applicant has agreed, per written correspondence dated March 15, 2001, to address the remaining violations under a separate coastal development permit application. Except as specifically noted in the present project description, these unauthorized structures and grading are not the

subject of Coastal Development Permit Application 4-00-131 and are the subject of continuing investigation by enforcement staff.

On September 21, 1979, the Commission issued Coastal Development Permit SF-79-584 for a two-story, 18 foot above finished grade, double attached, 3,000 sq. ft. geodesic dome single family residence, concrete walkway, and septic system on the subject site. The residence was to be served by an existing water well on the property. The septic system was approved by the County of Los Angeles Department of Health Services in December 1981, and was presumably installed shortly thereafter. Aerial photos of the site indicate that the clearing and smoothing of the proposed building pad site occurred after 1986 and prior to 1993. Commission records do not indicate that any extensions of the 1979 permit were applied for or granted prior to the expiration of the permit, two years from the date of the Commission vote on the application (September 17, 1979). Therefore the smoothing of the building pad and installation of the septic system occurred too late to vest the previously approved permit.

B. Geologic Stability and Hazards

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

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

In addition, the Malibu/Santa Monica Mountains LUP, which the Commission has certified and utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

> ***P 147 Continue to evaluate all new development for impact on, and from, geologic hazard.***
>
> ***P 149 Continue to require a geologic report, prepared by a registered engineer...***
>
> ***P 156 Continue to evaluate all new development for impact on, and from, fire hazard.***

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

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. The building site is proposed on a gentle sloping building pad presently used as a horse corral. A 2:1 (Horizontal:Vertical) slope approximately 15 feet high defines the southwest margin of the building pad. Slopes that descend to the northeast of the pad site generally exhibit a slope ratio of less than 3:1.

The applicant proposes to construct a new 1,404 sq. ft., 23 ft. high single family residence with an 8 ft. high and 42 ft. long retaining wall, and 1,050 sq. ft. extension of paving for Fire Department Turnaround. The project includes 10.3 cu. yds. (10.3 cu. yds. fill, 0 cu. yds cut) of grading.

The applicant has submitted a report prepared by SubSurface Designs, Inc. entitled Geologic and Soils Engineering Investigation, Proposed Two-Story Single Family Residence and Retaining Wall, 1233 Greenleaf Canyon Road, Topanga, California, dated February 4, 2000.This report makes numerous recommendations regarding foundations, settlement, excavation erosion control, excavations, retaining walls, drainage and maintenance, reviews, and limitations. The report states:

> ***It is the finding of this firm, based upon the subsurface data, that the subject building site will not be affected by settlement, landsliding, or slippage. Further, based upon the proposed location, development will not have an adverse affect on off-site property.***

Based on the conclusions of the SubSurface Designs, Inc. report, the Commission finds that the proposed development will be safe from geologic hazards if all recommendations of the geotechnical consultants are incorporated into the final project plans and designs. Accordingly, Special Condition 1 requires the applicant to demonstrate to the Executive Director's satisfaction that all recommendations in the February 4, 2000 report are incorporated into the final plans and designs.

2. Erosion

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. Surface drainage on site, as noted above, is easterly by sheetflow runoff toward Greenleaf Creek which is approximately 225 feet to the east of, and down slope from, the proposed residence (see Exhibit 3). The stream's associated riparian canopy is designated as environmentally sensitive habitat area (ESHA) and the surrounding oak woodland is designated as Disturbed Oak Woodland by the Malibu/Santa Monica Mountains Land Use Plan (see Exhibit 4).

The project will increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off of the

site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may result in sedimentation of the nearby creek on an interim basis and after construction. Consequently, the consulting geologist recommended in the February 4, 2000 report that all drainage from the subject site be collected and directed via non-erosive devices.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that the risks from geologic hazard, erosion, and sedimentation are minimized, a drainage plan is required as defined by Special Condition 5. Special Condition 5 requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

In addition, Special Condition 2 requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the disturbed and graded areas on the subject property, as required by Special Condition 2, will serve to enhance the geological stability of the site. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment.

The landscape plan required pursuant to Special Condition 2 requires the use of exclusively native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development.

Therefore, the Commission finds that in order to ensure site stability and erosion control, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 2.

The proposed project will entail 10.3 cubic yards of cut grading for construction of the retaining wall. The applicant represents that no grading will be required for the Fire Department turnaround. Excavated materials that are placed in stockpiles are subject to increased erosion. The Commission notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, Special Condition 4 requires the applicant to remove all excavated material, including any debris resulting from demolition of existing development, from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. The applicant has indicated that the fill shall be disposed outside of the coastal zone at the Bradley Landfill in Sun Valley, California. Should the dumpsite be modified and located in the Coastal Zone, a coastal development permit shall be required.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in Special Condition 10. Through the elimination of premature natural vegetation clearance, erosion is reduced on the site and disturbance of the soils is decreased. Therefore, Special Condition 10 specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced.

For the reasons cited above, the Commission finds that the proposed project as conditioned by Special Conditions 1, 2, 4, 5, and 10 will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

3. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed

development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

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

As a result of the hazardous conditions that exist for wildfires in the Santa Monica Mountains area, the Los Angeles County Fire Department requires the submittal of fuel modification plans for all new construction to reduce the threat of fires in high hazard areas. Typical fuel modification plans for development within the Santa Monica Mountains require setback, irrigation, and thinning zones that extend 200 feet from combustible structures. Off-site fuel modification is generally not recommended due to problems inherent with enforcement of regulations on adjacent property and the potential for confusion regarding responsibility for fuel modifications outside legal ownership. The 200-foot fuel modification zone around the proposed residence will not overlap onto the neighboring properties.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through Special Condition 3, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 3 the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk.

The Commission finds that only as conditioned by Special Condition 3 is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

C. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products,

pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states that:

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

As described, the applicant proposes to construct a two story, 23 ft. high, 1,404 sq. ft. single family residence, septic system, 8 ft. high retaining wall, stairway, use of residence trailer during construction, removal of existing mobile home, extension of the pavement for a fire department turnaround, and grading of 10.3 cubic yards of soil material.

The site is considered a "hillside" development. As noted previously, the applicant's parcel drains to Greenleaf Creek, which flows to Topanga Creek and ultimately to the Pacific Ocean approximately 7 miles downgradient of the proposed project site. In addition, Greenleaf Creek is flanked by habitat designated as Disturbed Oak Woodland on the LUP maps.

The parcel is covered in oak woodland, disturbed by existing development. The oak tree report submitted by the applicant recommends that runoff from the new structure be dissipated before reaching the trunks of the surrounding trees and that runoff should be directed away from the trunks of adjacent trees as a result of repaving the driveway and paving the hammerhead turnaround (Dagit, 2001).

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of

coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The project is conditioned, under Special Condition 5, to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on

design criteria specified in Special Condition 5, and finds that this will ensure that he proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource protection policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that Special Condition 2 is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

The project proposes to hook up the new residence to the existing 1,500 gallon septic tank located approximately 70 feet southeast of the building site and utilize the existing 1,200 sq. ft. drainfield. The applicant's general engineering contractor evaluated the septic system and certified that it was installed in accordance with the approved 1981 health department plan for the previously approved dome residence and that it was in good working condition as of November 8, 1999 (Darrell A. Roy, 11/8/99). The 1981 Los Angeles County Environmental Health Department septic system approval is shown as Exhibit 11. The applicant has not specifically approached the Los Angeles County Department of Environmental Health Services for an in-concept approval to use the existing system for connection to the new residence under the assumption that the existing system would be more than adequate since it was originally approved to serve a much larger residence. The existing system was approved to meet the requirements of the original house proposed in 1979. Though the septic system was approved in 1981 for the previous residence, plumbing code requirements have been advanced with updated standards for septic systems. Therefore, the Commission finds it necessary to impose Special Condition 12 to ensure that the current system meets the requirements of the plumbing code which has been found by the Commission in past permit actions to be protective of coastal resources.

Therefore, the Commission finds that the proposed project, as conditioned by Special Condition 5 and Special Condition 12, is consistent with Section 30231 of the Coastal Act.

D. 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 that:

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

Section 30240 states:

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

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

To assist in the determination of a proposed project's consistency with Sections 30230, 30231, and 30240 of the Coastal Act, the Commission has looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Land Use Plan has been found to be consistent with Coastal Act Policies and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. The LUP offers policies designed to protect environmentally sensitive habitat areas and address stream protection and erosion control, from both the individual and cumulative impacts of development. These policies include:

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

P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.

P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 3023l of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

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

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

P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.

P87 Require as a condition of new development approval abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. Measures must be consistent with protection of ESHAs.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

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.

P92 For permitted grading operations on hillsides, the smallest practical area of land should be exposed at any one time during construction, and the length of exposure should be kept to the shortest practicable amount of time.

P93 Where grading is permitted during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

P94 Cut and fill slopes should be stabilized with planting at the completion of final grading. In Environmentally Sensitive Habitat Areas and Significant Watersheds, planting should be of native plant species using accepted planting procedures, consistent with fire safety requirements. Such planting should be adequate to provide 90% coverage within 90 days, and should be repeated if necessary to provide such coverage. This requirement should apply to all disturbed soils. Jute netting or other stabilization techniques may be utilized as temporary methods. The County Forestry Division should be consulted for recommendations for appropriate plant materials.

P95 Where construction will extend into the rainy season, temporary vegetation, seeding, mulching, or other suitable stabilization methods should be used to protect soils subject to erosion. The appropriate methods should be approved by the County Engineer.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies toward development in areas of biological significance such as Disturbed Oak Woodland. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a 1,404 sq. ft. two-story single family residence, with an eight foot retaining wall. The applicant proposes to use the existing trailer residence during construction and proposes to remove the trailer two years from issuance of a permit or 60 days from receiving the Certificate of Occupancy, whichever is less. The project further includes removal of an existing mobile home, paving of a new portion of the property between the driveway and Greenleaf Canyon Road for Fire Department turnaround, and 10.3 cubic yards of grading for construction of the retaining wall. The applicant represents that no grading will be required for the Fire Department turnaround.

As previously mentioned, the proposed project site is located on a partially developed hillside west of Greenleaf Canyon Road, adjacent to and upslope from Greenleaf Creek. Greenleaf Creek is designated as a blueline stream by the United States Geological Survey. The adjoining oak trees are designated Disturbed Oak Woodland by the Malibu/Santa Monica Mountains Land Use Plan.

1. Encroachment Into Protected Zones of Oak Trees

Policy P74 specifies that new development be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources. The applicant's proposed residence is located off of an existing driveway approximately 150 feet from Greenleaf Canyon Road and is proposed in the portion of the property previously developed with a trailer residence. This minimizes additional impacts to the riparian and oak trees on the site, including removal of oak trees or encroachment into the protected zone around the oaks.

The proposed development will not require the removal of any oak trees. The area proposed for construction of the new residence is an existing building pad that is located upslope from Greenleaf Creek and areas of oak woodland. As proposed, the single family residence will occur within a disturbed area currently used as a horse corral. As such, it will not result in removal of sensitive riparian habitat, individual oak trees, or disturbed oak woodland habitat at the project site. The residence will not encroach within the protected zone of the oak trees, as it is setback at least 5 feet from the dripline of the surrounding oaks (see Exhibit 6). However, construction of the retaining wall requires the removal and disturbance of soil which may indirectly impact nearby oak trees.

The proposed project includes the resurfacing, widening, and extension of the existing driveway. The existing driveway, developed prior to the Coastal Act, passes within the

driplines of oak trees on the site. The widening and extension of the driveway is required by the Los Angeles County Fire Department for emergency vehicle turnaround. The widening will not require the removal of any oak trees but will entail further encroachment within the protected zone of oak trees. The applicant has submitted an Oak Tree Report, prepared by Rosi Dagit, certified arborist, dated April 2001. Exhibit 13, reproduced from the oak tree report, illustrates the individual oak trees on the site and their corresponding identification numbers. Exhibit 13 is conceptual and does not necessarily reflect accurate canopy over some of the existing structures and driveway. References to Exhibit 13 heretofore will be to represent development in relation to individual trees, rather than depict canopy coverage.

The oak tree report does not address whether the Fire Department turnaround is within the dripline or protected zone of the trees. However, a letter from the Forestry Division, Prevention Bureau, L.A. County Fire Department indicates that the "construction of the turnaround will be within two-three feet within the dripline of the tree" and would require "some minor pruning done for height clearance requirements for the Fire Department" (Leininger, March 22, 2001). Clarification by staff of the Forestry Department letter has indicated that a portion of the Fire Department turnaround would be within the dripline of oak tree number 12 (see Exhibit 13) and a portion would be within the protected zone of the surrounding oak trees, including numbers 11, 12, 14, 15, and 16 (Jon Baker, pers. communication April 16, 2001). The segment of the turnaround within the dripline is part of the existing paved driveway, whereas the new area to be surfaced abuts the oak canopy (Jon Baker, pers. communication April 16, 2001). Commission staff has verified this information on a recent site visit. (See Exhibit 10)

The project provides for pedestrian access to the residence from the driveway via a railroad tie stairway. Twelve unpermitted railroad tie steps currently provide access to the building pad area and are within the dripline of an oak tree. The applicant proposes continued use of this stairway (see Exhibit 10).

In past permit actions the Commission has found that development within the oak tree dripline or protected zone results in potential adverse impacts to these sensitive resources. The proposed turnaround and railroad tie steps are within the dripline and protected zone of surrounding oak trees. As a result, the proposed development has the potential to negatively impact the surrounding oak tree resources. The 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 <u>and</u> 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. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .***

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."***

The proposed turnaround alignment is the result of negotiations between the applicant and the Fire Department to avoid the removal of an oak tree. Though this alignment encroaches into the dripline of the oak trees, it does not appear that there is a more feasible alternative with less impact to sensitive resources, since the site is surrounded by oaks. The Commission finds that there is a net gain in paved surface and that the development footprint on the site is extended as a result of the turnaround.

Though the oak tree report states that no impact to the existing oak trees are expected, the Commission recognizes that paving within an area maintaining the root systems of oak trees, can eliminate the exchange of water, nutrients, air, and other gases, thereby harming or killing the oak trees. Both the existing driveway and the new area to be paved encroach into the surrounding oak tree protected zones. The existing asphalt driveway is within the dripline of the neighboring oak trees and therefore has the potential to adversely impact the root systems. In past permit actions the Commission has found that development within the oak tree dripline or protected zone results in potential adverse impacts to these sensitive resources. Consequently, the Commission finds it necessary to impose Special Condition 13 (Revised Plans) and Special Condition 14 (Removal of Existing Materials) which require that portions of the asphalt

driveway, northwest of the Fire Department turnaround as generally shown in Exhibit 14, be realigned outside of the dripline of the adjacent oak trees. This will require the removal of unnecessary portions of the existing pavement. The Commission further finds that Special Conditions 13 and 14 will reduce the adverse effects of the existing and proposed development in mature oak trees within the Disturbed Oak Woodland. Roughly estimated, the applicant may have as much as 325 square feet of pavement under the oak dripline that is not essential for the purposes of this single family residence. The removal of approximately 325 square feet of existing unnecessary paved surfaces with the oak canopy will help offset the approximately 1,050 square feet of new proposed paving.

As described previously, the applicant seeks after-the-fact approval of a stairway connecting the house with the parking area. The stairway consists of existing railroad tie steps that presently lie within the dripline of the oak trees. The consulting arborist has argued that removal and relocation of the stairway could have a far greater negative impact than leaving the current steps in place. The arborist contends that since the tree has grown up around the stairway, "removal of the steps which the tree has grown around would have a significant negative impact to the tree by disturbing the root zone in a way it has never been disturbed before" (Dagit, April 13, 2001). In addition, the alternative location of the stairway could potentially disturb the roots of the adjacent volunteer oak (not shown in Exhibit 13) and oak tree number 19 which have not experience root impacts thus far (Dagit, April 13, 2001). Staff has verified, however, that the new staircase location required by Special Condition 13 will be located outside the driplines of these trees.

The Commission finds that development under oak trees can have delayed detrimental impacts on trees. In cases where structures are located within the dripline of oak trees, the Commission has found in past permit actions that removal of such structures is consistent with a long-term management strategy to minimize impacts to the oak trees. Though the arborist reports that the tree is presently healthy and vigorous, it cannot be known whether the tree will suffer future adverse impacts as a result of continued use of the stairway. In addition, the steps are placed at-grade and would require minimal effort to remove and recontour the slope. The Commission further finds that the removal of impervious structures and reestablishment of the native soil and contour will facilitate the return of a more natural condition that may benefit the root zone for the long-term protection of the resource. The Commission finds that these circumstances warrant continued application of the present guidance to remove any encroachments within the dripline of oak trees to the maximum extent feasible. In this case, there is an alternative location outside of the driplines of the oak trees just south of the existing alignment. As such, the Commission imposes Special Condition 13 and Special Condition 14, to revise project plans and relocate the stairway outside of the dripline and protected zone of the oak trees.

Policy P80 addresses the setback of septic systems from sensitive resources to ensure that new systems allow for adequate resource protection. Specifically, P80 requires new septic systems to be at least 50 feet from the outer edge of the existing riparian or oak

canopy for leachfields and at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. The project proposes use of the existing unpermitted septic system, consisting of a 1,500 gallon tank and 1,200 sq. ft. leachfield, for the proposed new residence (see Exhibit 11). As stated previously, the applicant's general engineering contractor evaluated the septic system and certified that it was installed in accordance with the approved 1981 health department plan for the larger approved dome residence and the system was in good working condition as of November 8, 1999.

The existing septic system meets the setback requirements from the riparian area. Due to the sizing of the leachfield, the extent of the oak canopy, and the present impacts, the existing leachfield appears to be sited in the most appropriate location. In addition, a future leachfield site has been identified north of the house site consistent with the 50 foot setback from the outer edge of the oak canopy (Exhibit 12).

The applicant has not received approval from the Los Angeles County Department of Environmental Health Services to use the existing system for connection to the new residence. The Commission finds that the proposed project requires approval of the existing septic system by the County of Los Angeles, as described in Special Condition 12, to ensure the adequacy of the existing system for the new use and to thereby protect sensitive resources.

In order to minimize negative impacts on the surrounding oak trees pursuant to the proposed development, Special Condition 6 requires the applicant to retain the services of an independent biological consultant or arborist with appropriate qualifications to be present on site during realignment of the driveway and all grading, construction, and restoration activity. In addition, Special Conditions 6 requires the use of protective fencing around the outermost limits of the protection zone of the oak trees (5 feet beyond the dripline of the canopy) within or adjacent to the construction area that may be disturbed during construction or grading. Special Condition 6 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 these permits. Furthermore, this monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. Fully implemented, Special Condition 6 will ensure that oak trees on site are protected during project activities.

2. Effects of Erosion on Oak Trees

The Commission notes that increased erosion on site could adversely impact the surrounding oak trees by interfering with the interchange of air and water to the root zones of the oak trees. In combination with Sections 30230 and 30231 of the Coastal Act, the certified LUP offers numerous grading and erosion control policies to provide for the protection of coastal resources. Policies P82, P87, P90, and P91 encourage development to minimize grading and alteration of physical features and to abate grading conditions that may contribute to erosion. Specifically, Policy P82 provides that grading is to be minimized to reduce potential negative effects of runoff and erosion.

Policy 87 requires abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. P90 requires cut and fill operations to be minimized in the upland areas of the Santa Monica Mountains. Additionally, Policy 91 requires minimization of impacts and alterations of physical features, such as ravines and hillsides, and natural processes of the site to the maximum extent possible.

The applicant proposes 10.3 cubic yards of proposed cut grading for construction of the residence retaining wall and the subsequent export of 10.3 cubic yards of material to a site located outside of the coastal zone. The Commission recognizes that any change in the level of soil around an oak tree can have a negative impact, particularly within 6' to 10' of the trunk. Activities outside of the protected zone may also have damaging impacts on existing trees. The Commission finds that stockpiling of excavated materials on site may interfere with the exchange of water and air through the soil to the root system and can have serious long term negative effects on the trees. Therefore, the Commission imposes Special Condition 4 (Removal of Excavated Material) to ensure that excess graded material will be removed from the site.

Further, policies P92, P93, P94, and P95 address the operation, timing, and post-construction measures helpful in minimizing erosion. Policy P92 requires that the smallest practical area of land should be exposed at any one time during construction and the length of exposure should be kept to the shortest practicable amount of time for grading operations on hillsides. Consistent with P92, vegetation clearing and thinning for fire protection purposes would not occur prior to commencement of grading or construction of the proposed development. As such, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in Special Condition 10. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced, preventing unnecessary disturbance of the area.

Policy P93 requires the use of particular erosion and runoff control methods to be implemented if grading is permitted during the rainy season. In addition, Policy P95 provides that when construction extends into the rainy season, stabilization methods should be utilized to protect soils from erosion. Similarly, Special Condition 2 requires an Interim Erosion Control plan that delineates the areas to be disturbed by grading or construction activities and specifies temporary erosion control measures.

Policy 94 requires cut and fill slopes to be stabilized with planting at the completion of final grading, adequate to provide 90 percent coverage of disturbed soils within 90 days. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment and oak tree habitat. The landscaping of the disturbed and graded areas of the subject site with such native plant species will assist in preventing erosion, displacement of native plant species by non-native or invasive species, and serve to protect the oak trees, oak woodland, and riparian communities. In addition, the use of native, drought resistant plant species compatible with these areas will minimize the need for irrigation and water, thereby preventing additional adverse impacts on the these resources and

blueline stream. Therefore the Commission imposes Special Condition 2 which requires that all disturbed areas be planted with native and drought resistant plants within 60 days of receiving the Certificate of Occupancy.

3. Fuel Modification

Policy P84 requires landscape plans to balance long-term stability with minimization of fuel load for fire safety. For fire suppression, and to protect residences, the Fire Department requires the reduction of fuel through the removal and thinning of vegetation for up to 200 feet from any structure. The applicant has submitted a Fuel Modification Plan with final approval by the Los Angeles County Fire Department Fuel Modification Unit. The plan proposes no irrigation under the oak trees, and specifies a 10-foot buffer zone from the dripline with removal of dead material only. To ensure the most minimal disturbance feasible of the on site oak trees, Special Condition 2 requires the applicants to submit an approved long-term fuel modification plan for the review and approval by the Executive Director.

4. Invasive Plants

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition 2 requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

5. Stream and Habitat Protection

The Commission notes that seasonal streams and drainages, such as Greenleaf Creek and the natural drainage located on the subject site, in conjunction with primary waterways, provide important habitat for plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In addition, Policy P81 requires control of runoff into coastal waters, wetlands and riparian areas, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

The Commission finds that there are potential adverse effects to the value and quality of Greenleaf Creek and the oak tree habitat on the subject site as a result of erosion and sedimentation. Erosion and sedimentation can be minimized by requiring the applicant to implement a drainage and polluted runoff control plan (discussed in further detail under Section C. Water Quality), by incorporating interim erosion control methods during construction, and by landscaping disturbed areas of the site with native plants compatible with the surrounding environment.

Non-point source pollution is the pollution of coastal waters (including streams and underground water systems) which enters the waterway from numerous sources which are difficult to identify on an individual basis. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops, and horse facilities. The Commission finds that the minimization of non-point source pollutants from new development will help to maintain and enhance the quality of coastal waters, streams, wetlands, estuaries and lakes.

To ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as specified by Special Condition 5, to incorporate drainage and polluted runoff control measures into development of the project site. This condition also ensures that: the project's drainage and runoff control structures will not contribute to further erosion and sedimentation at the project site or surrounding area; that the project's drainage structures shall be repaired should the structures fail in the future; and that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

Special Condition 2 requires that an interim erosion control plan be prepared and submitted with proof of review by the project's consulting geotechnical and geologic engineer, as conforming to their recommendations to reduce excess erosion and sedimentation from the project site into Greenleaf Creek during construction activities.

To minimize erosion and excess sedimentation into Greenleaf Creek, Special Condition 2 requires that all disturbed areas be stabilized and vegetated with appropriate native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes or riparian areas, and therefore do not prevent erosion in such areas. Native species,

alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion.

Furthermore, Special Condition 10 requires that no removal or thinning of natural vegetation for fuel modification purposes shall occur until grading or building permits have been secured from the local government and construction of the permitted development has commenced. The limitation imposed avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and runoff control devices and implementation of the landscaping and interim erosion control plans.

The Commission further finds that the implementation of Special Condition 4, removal of excess graded material, will ensure that additional soil and debris are removed from the site, and therefore will not contribute to additional erosion and sedimentation.

As previously discussed, portions of the subject site have been identified by the Malibu/Santa Monica Mountains LUP as disturbed oak woodland, resources designated as environmentally sensitive habitat. Due to the unique nature of the subject site, the Commission finds that the amount and location of any new development on the subject site is significantly limited by the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, or landscaping that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, Special Condition 7, the future development deed restriction, is required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

> ***The location and amount of new development should maintain and enhance public access to the coast by (l) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in***

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

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. Construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu/Santa Monica Mountains area and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose, as a guest unit, rather than as second residential units with intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to construct a two-story permanent residence on a property with two existing unpermitted trailer residences. At completion of construction, this would allow for three habitable units on the site. However, the applicant is proposing to remove the mobile home, located west of the proposed building site, as part of the project (see Exhibit 6). To ensure that this unit is removed as proposed, and to underscore the Commission's prior rulings to limit the number of units, the Commission finds it necessary to impose Special Condition 9, requiring the removal of the existing mobile home within 60 days of issuance of Coastal Development Permit 4-00-131. Restoration of this area will be part of an overall restoration plan for the site under a separate Coastal Development Permit application.

The applicant is also requesting after-the-fact approval for the temporary placement of a trailer for residential use during construction of the new residence. As proposed, the cumulative impacts as derived from the residence trailer will be of a temporary nature. The Commission notes that there is an increased potential for a permanent second residence on the site, as the existing primary trailer has been located on the site for a number of years and the conversion from temporary to permanent status could be accomplished easily. In order to ensure that cumulative impacts are temporary pursuant to the existing proposed project, the Commission finds it necessary to impose Special Condition 8 to remove the temporary trailer within two years of the date that this permit is issued, or within 60 days of the issuance of the final occupancy notice (whichever is the lesser period of time). The Commission finds therefore, that as conditioned by Special Conditions 8 and 9, the proposed project is consistent with Coastal Action Sections 30250 and 30252.

F. Violations

This application includes the after-the-fact request for the temporary placement of a 400 square foot trailer for residential use during construction of a new single family residence. To ensure that the violation aspect of this application is resolved in a timely manner and to ensure that the applicant's proposal to remove the temporary mobile home/trailer is implemented, Special Condition 8 requires removal of the temporary trailer within two years of the date of issuance of the Coastal Development Permit, or within 60 days of the issuance of the final occupancy notice for the single family residence approved pursuant to CDP 4-00-131 (whichever is the lesser period of time).

A mobile home also occurs on the subject site without the benefit of the required coastal development permit. From Coastal Commission owned aerial photos it appears that this development occurred sometime between 1986 and 1993. The applicant is proposing to remove this trailer as part of this project to address this violation. To ensure that the cumulative impacts from development of the site are mitigated as proposed by the applicant, in a timely manner, Special Condition 9 requires the applicant to remove the mobile home prior to the issuance of Coastal Development Permit 4-00-131.

As discussed previously, several other violations have occurred on the property, including three fenced horse corrals, a fourth horse corral area abutting Greenleaf Creek, a large graded pad adjacent to Greenleaf Creek for horses, several out-buildings under oak canopy, and some additional unidentified structures and landform alterations in the southwest corner of the subject property. The applicant has stated in a letter dated March 15, 2001 that she will remediate these violations in a follow-up Coastal Development Permit.

To further ensure that the violation portion of this development project that is addressed in this permit action is resolved in a timely manner, Special Condition 11 requires that the applicant satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 120 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. Local Coastal Program

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

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

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

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 would have on the environment.

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

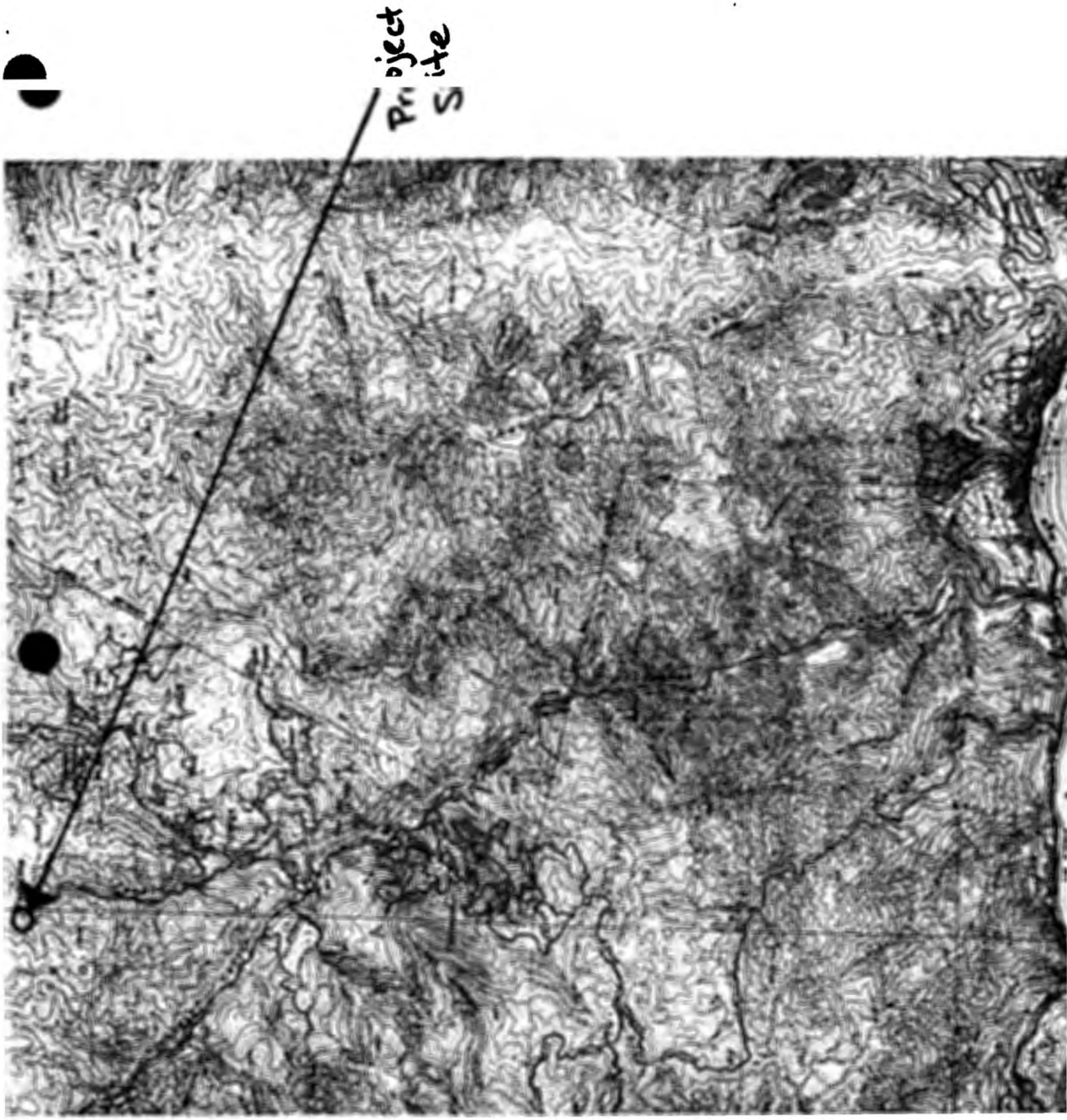


EXHIBIT 1
4-00-131
Vicinity Map

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

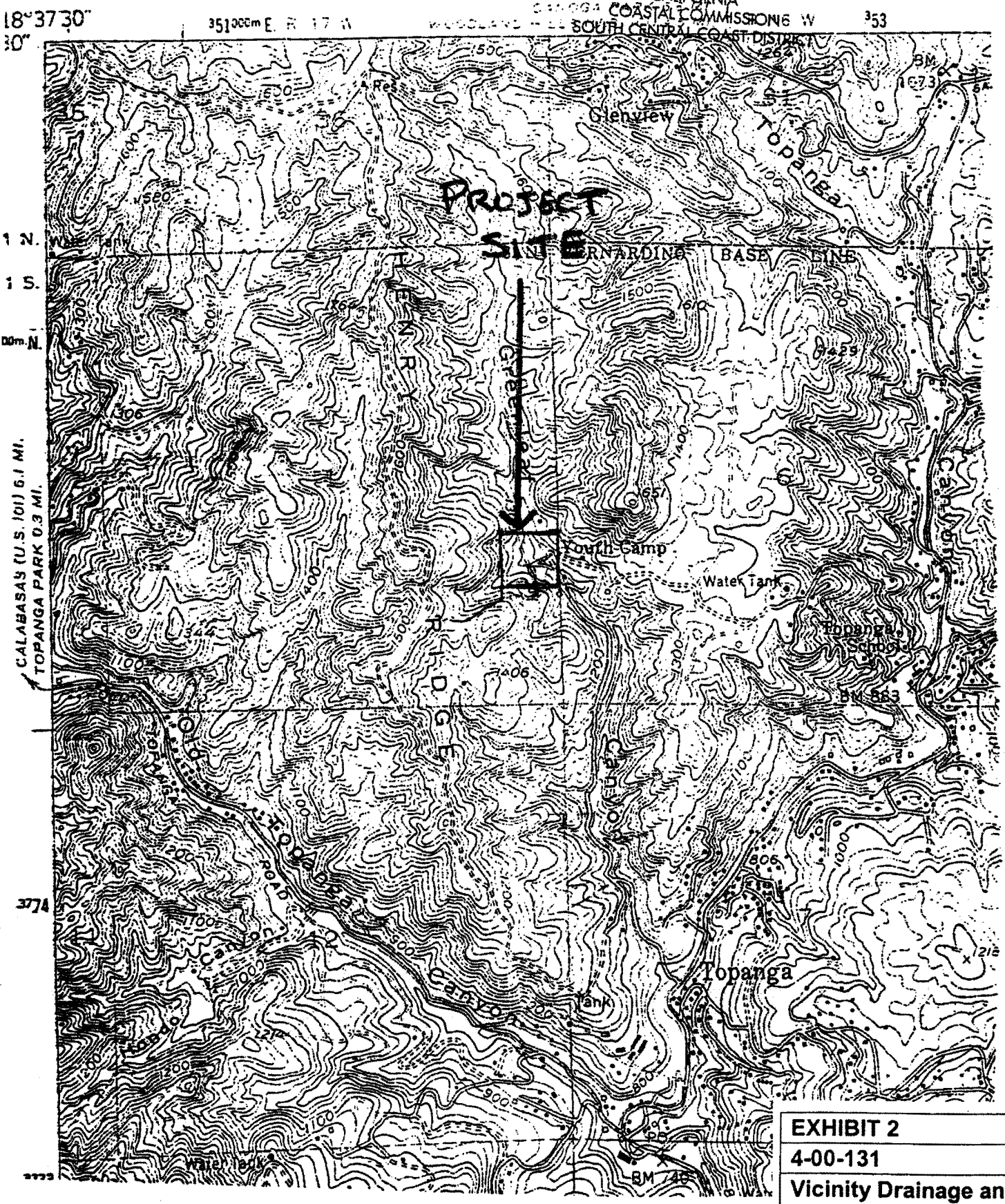
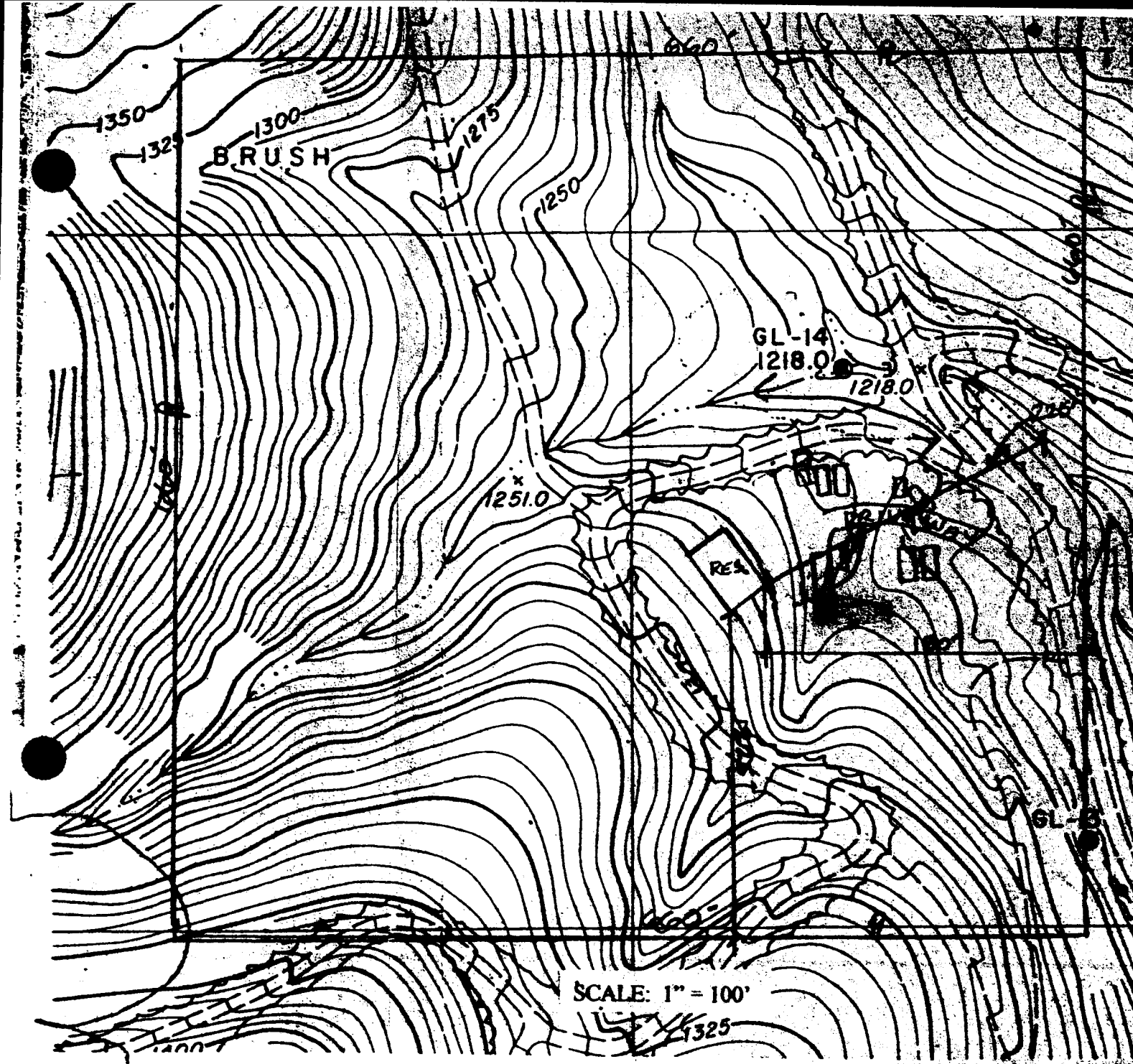
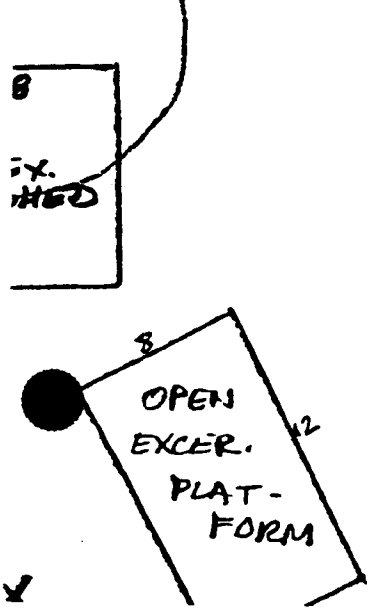


EXHIBIT 2
4-00-131
Vicinity Drainage and Topography



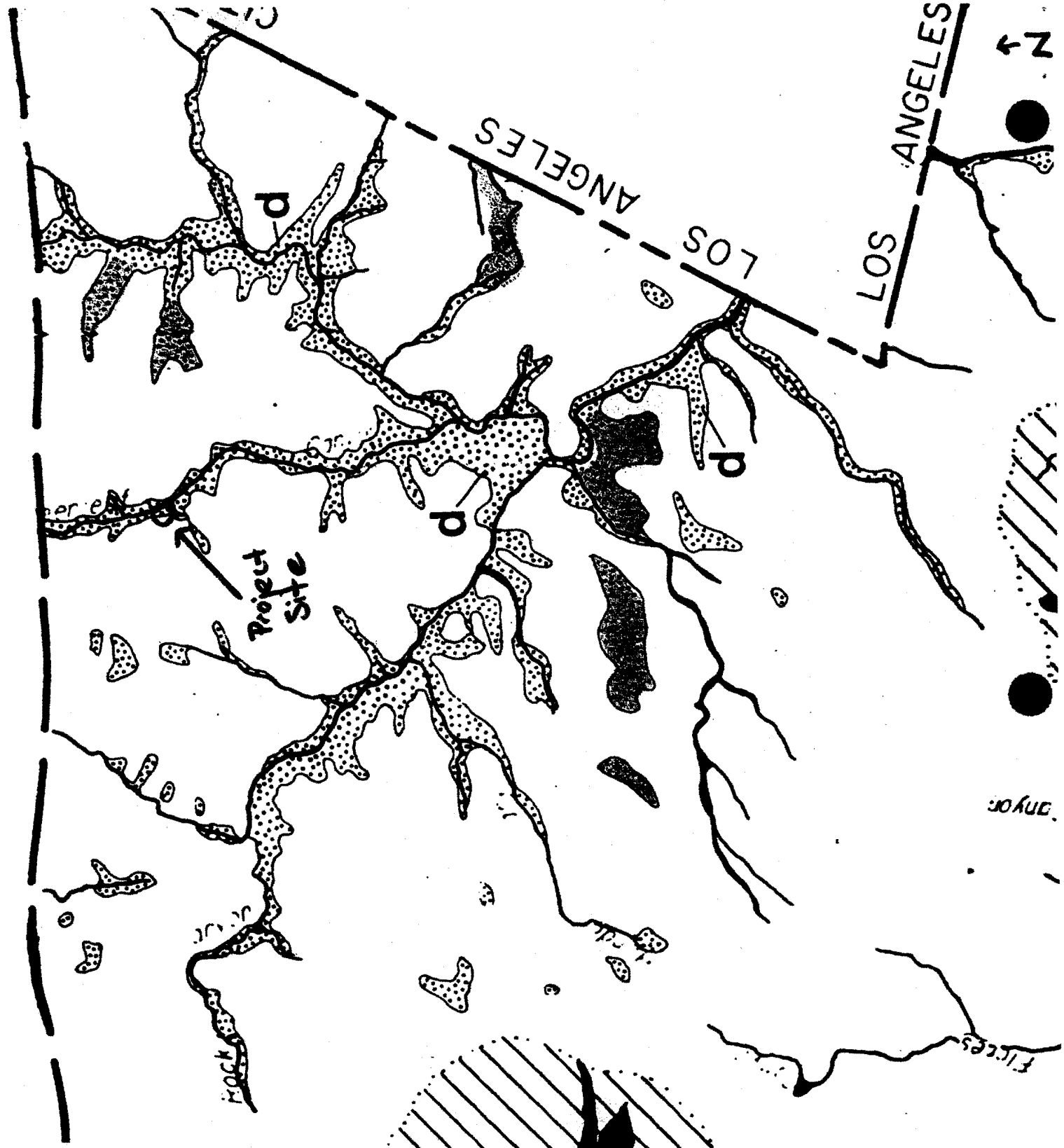


OWNER:
GLORY FIORAMONTI
P.O. BOX 2040
AGOURA HILLS, CA 91376

SCOPE OF WORK:
CONSTRUCT NEW RESIDENCE
1,124 SQ.FT PLUS 280 SQ. FT. LOFT
SEPTIC SYSTEM AND FIRE HYDRANT/
DRIVEWAY AF
UNDER PREVI
FOUNDATION

LEGAL DESC
SOUTHEAST QTR. OF THE NORTHEAST Q
OF THE SOUTHEAST QTR. OF SECTION 1,

EXHIBIT 3
4-00-131
Site Drainage and Topography

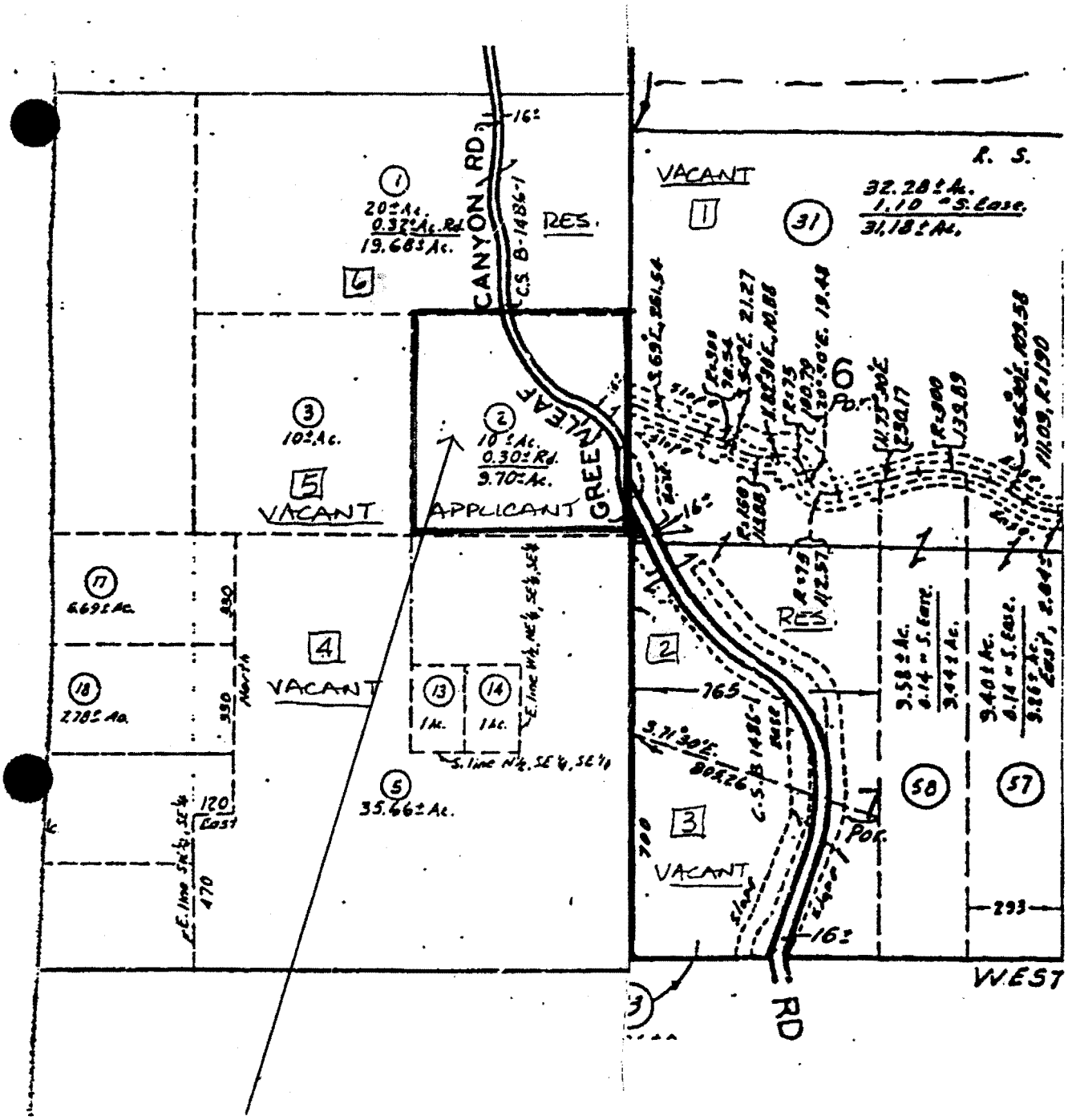


MALIBU/
COLD CREEK RESOURCE
MANAGEMENT AREA

SIGNIFICANT OAK WOODLAND
AND SAVANNAHS

d LOCALLY DISTURBED
SENSITIVE RESOURCE AREAS

EXHIBIT 4
4-00-131
LUP Map Designations



LAND USE MAP
OWNERSHIP MAP
1233 Greenleaf Canyon Rd.
Topanga, CA

1" = 400'

EXHIBIT 5
4-00-131
Parcel Map

NOTES:
1. Temporary fencing, not less than 4' in height, to secure the protected zone of the Oak trees close to the construction area be installed prior to grading or construction. The fencing shall not be removed until the project is complete
2. Use earth tone colors of local soil for house exterior
3. Provide home waste management

FIRE DEPT. TURNAROUND
D.S. DOWN SPOUTS

VICINITY MAP

SCALE: 1" = 100'

OWNER:
GLORY FIORAMONTI
P.O. BOX 2040
AGOURA HILLS, CA 91376

SCOPE OF WORK:
CONSTRUCT NEW RESIDENCE:
1,326 SQ FT PLUS 300 SQ. FT. LOFT
SEPTIC SYSTEM AND WELL EXISTS ANTI
DRIVEWAY APPROVED IN 1983
UNDER PREVIOUS PERMIT; PORTION OF
FOUNDATION APPROVED 8/12/83

LEGAL DESCRIPTION:
SOUTHEAST QTR. OF THE NORTHEAST QTR.
OF THE SOUTHEAST QTR. OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 17 WEST,
SAN BERNARDINO BASE AND MERIDIAN,
LOS ANGELES COUNTY.

ASSESSOR PARCEL NUMBER: 4438-017-002
(10.00 ACRES)

Note Top of slope (el 166'), located 80' to SW of 4; per LA Co. Survey Map 4/08-10-13.

APPROX REAL
ELEV 1375

SCALE: 1"=10'

EXHIBIT 6
4-00-131
Site Plan

SITE PLAN

FIORAMONTI PROPOSED RESIDENCE
1233 GREENLEAF CANYON ROAD, TOPANGA, CA

A-1

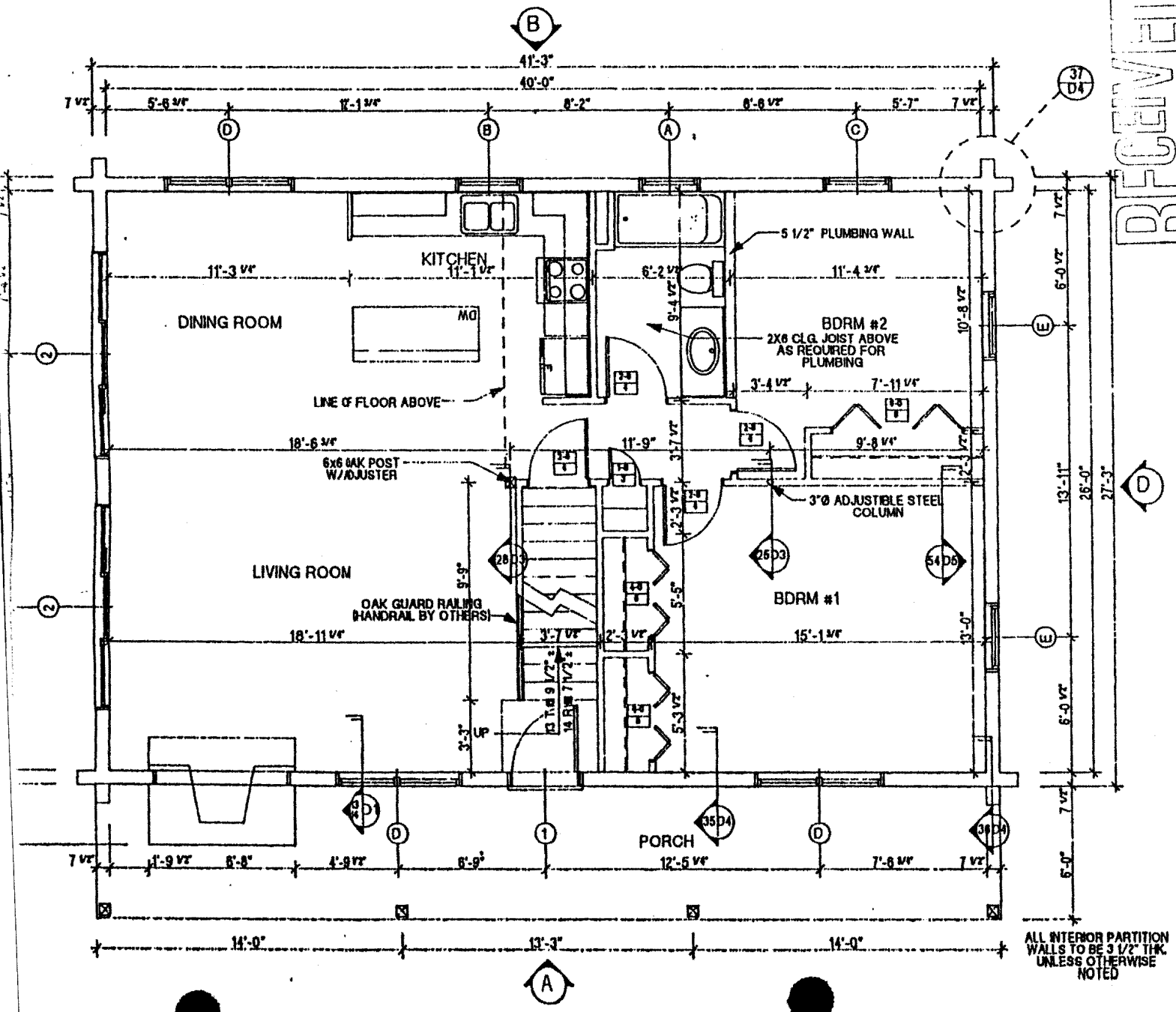
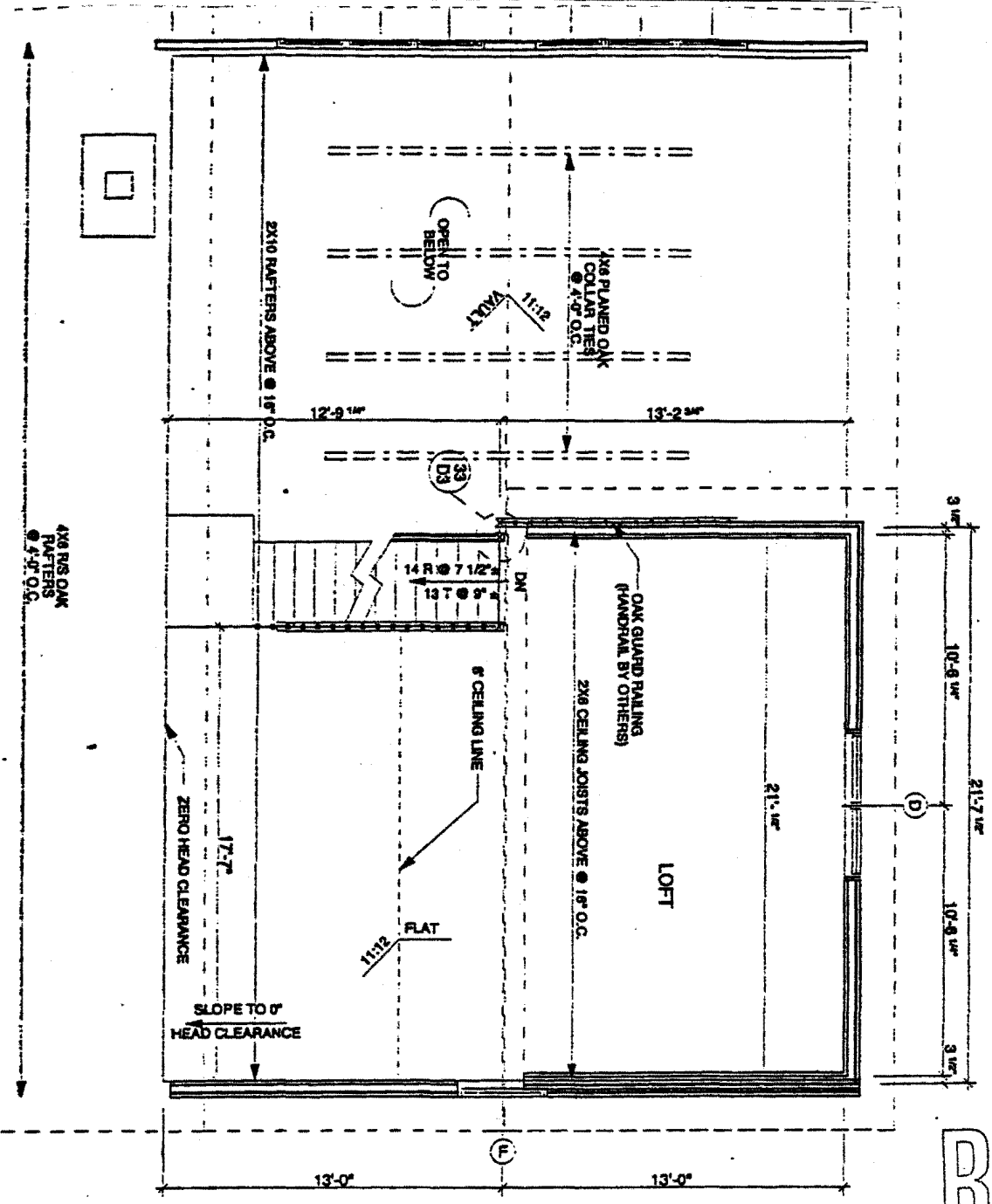


EXHIBIT 7
4-00-131
Ground Floor Plan

CHE
DATE
NAME

GASTINEAU Log Homes

#5/CHALET
DRAWN BY: LPS
CHECKED: XXX
FLOOR PLAN



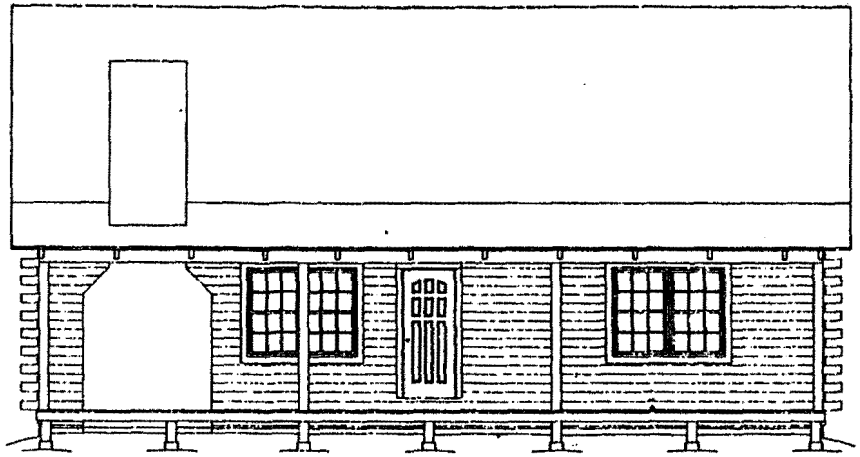
CHALET
DRAWN BY: LPS
CUST. NO: XXX
PLAN

GASTINEAU
Log Homes

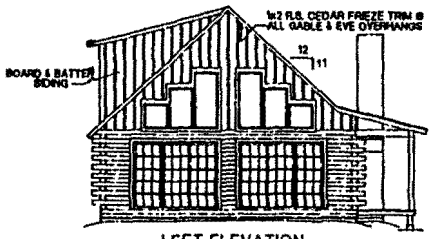
			DATE	CHECKED BY
			NAME	

EXHIBIT 8
4-00-131
Second Floor Plan

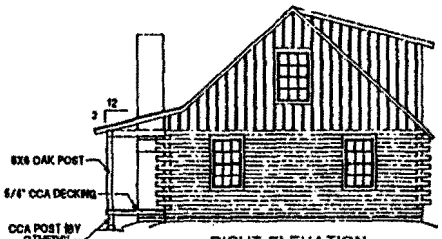
RECEIVED
SEP 1 1 2000
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



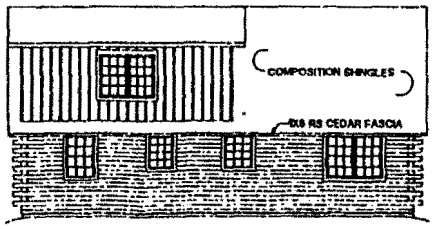
FRONT ELEVATION
SCALE 1/8" = 1'-0"



LEFT ELEVATION
SCALE 1/8" = 1'-0"



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"

REVISIONS

DATE	NAME

CHECKED BY	
DATE	NAME

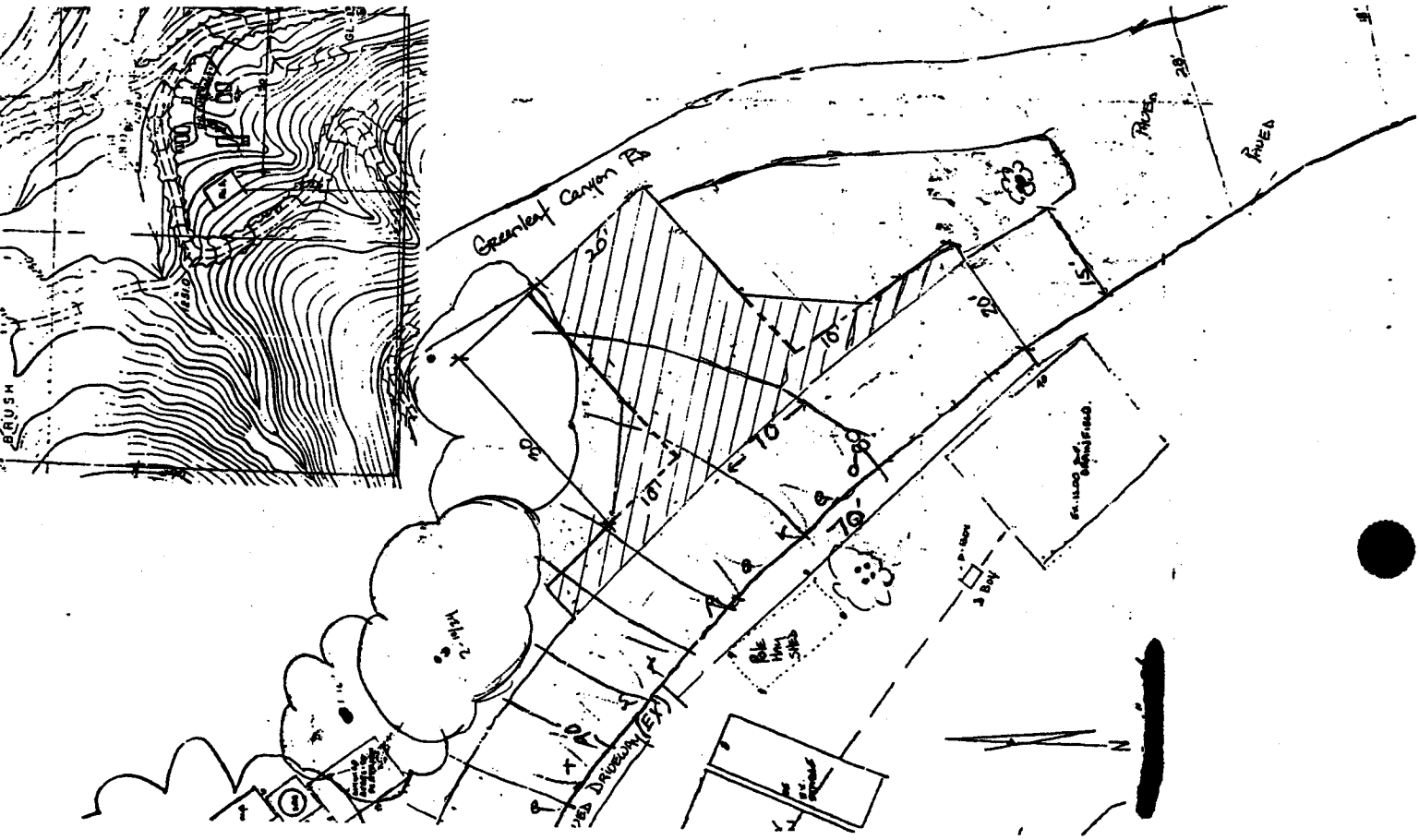
GASTINEAU Log Homes

BACK TO BASICS #5/CHALET

ELEVATIONS

01 OF 10

EXHIBIT 9
4-00-131
Elevations

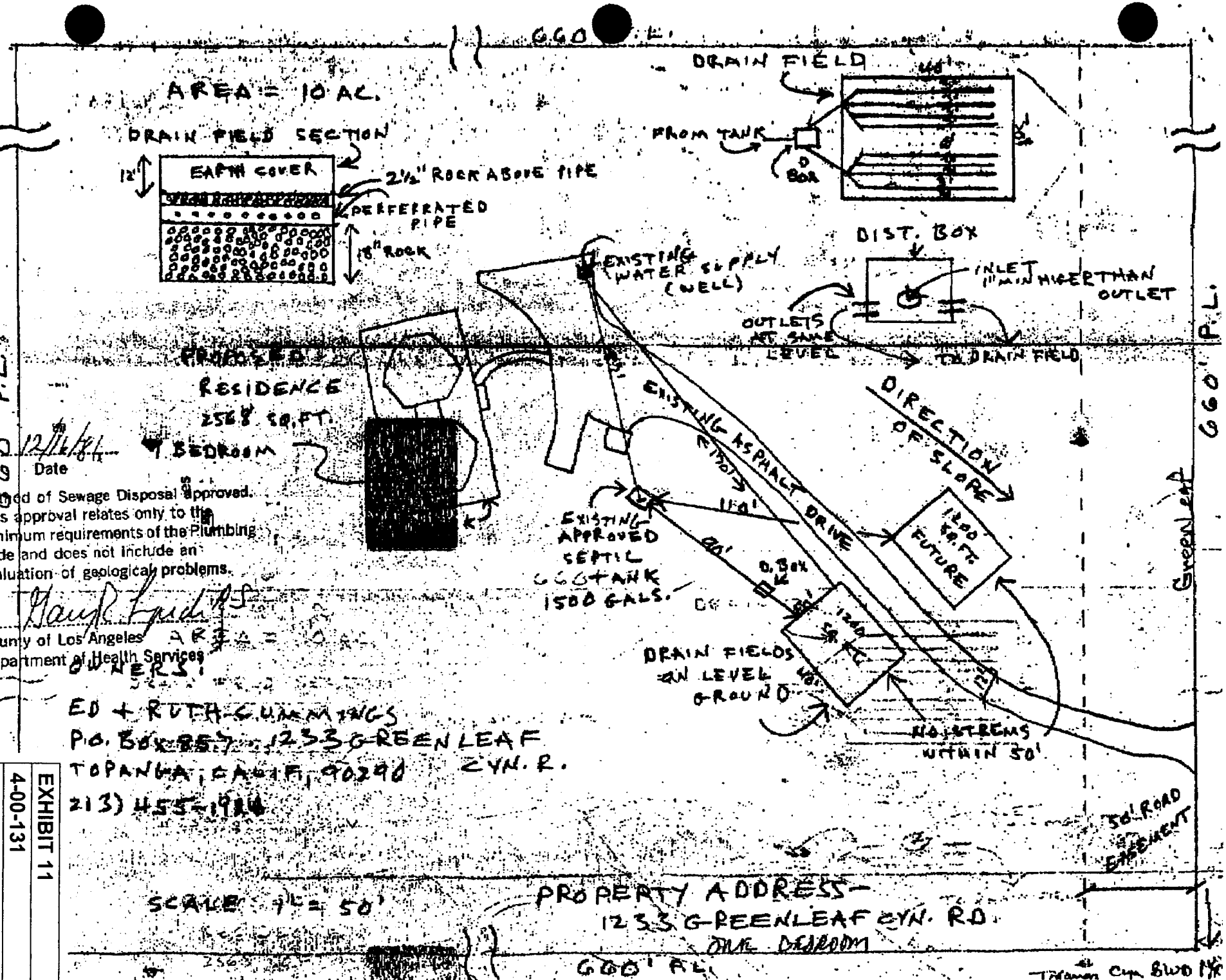


[redacted]

EXHIBIT 10

4-00-131

Fire Protection Plan



12/14/91
Date

...ed of Sewage Disposal approved.
...is approval relates only to the
...nimum requirements of the Plumbing
...de and does not include an
...aluation of geological problems.

...unty of Los Angeles
...partment of Health Services

EXHIBIT 11
4-00-131
Septic Approval

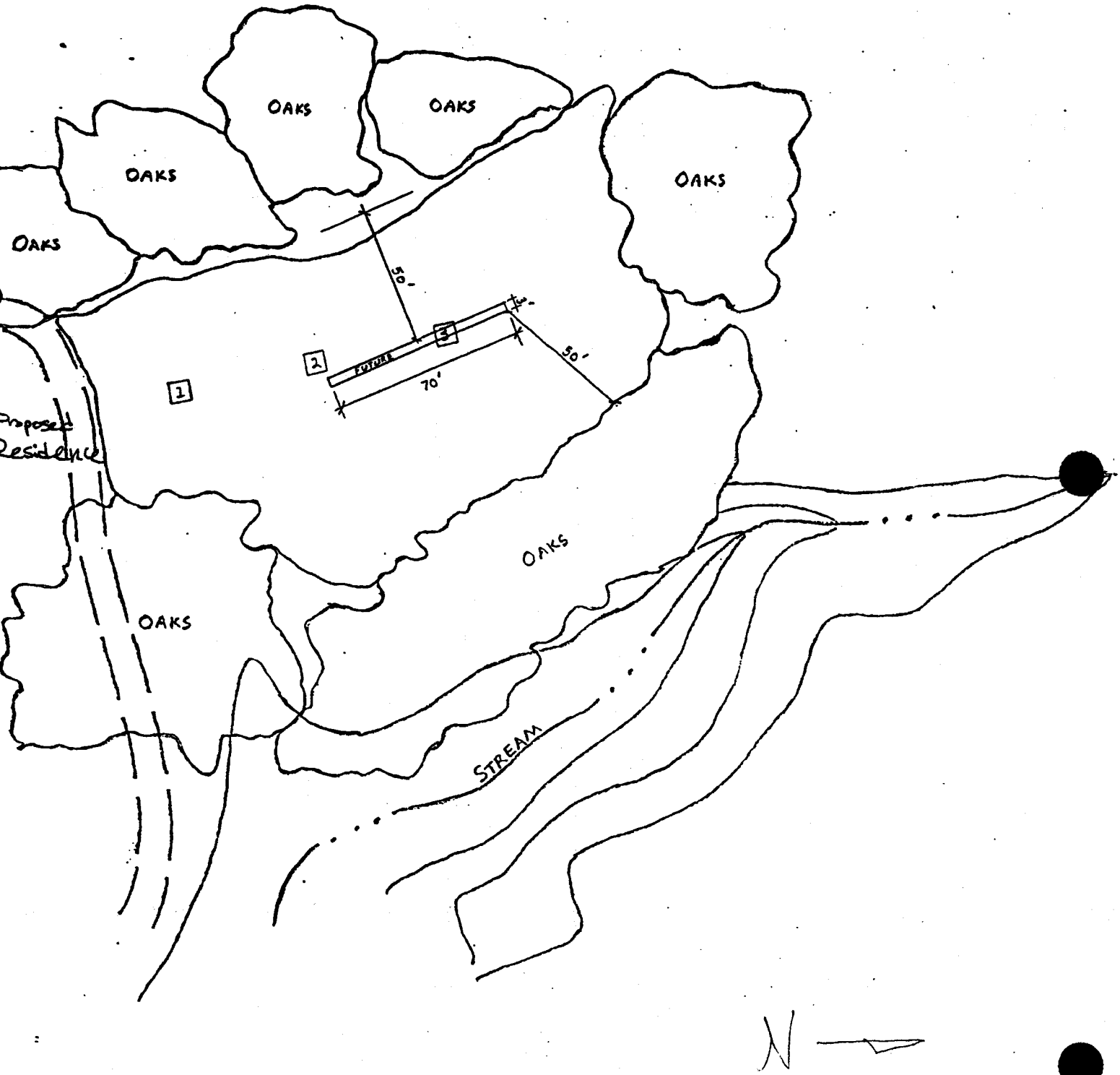


EXHIBIT 12
4-00-131
Future Leachfield Location

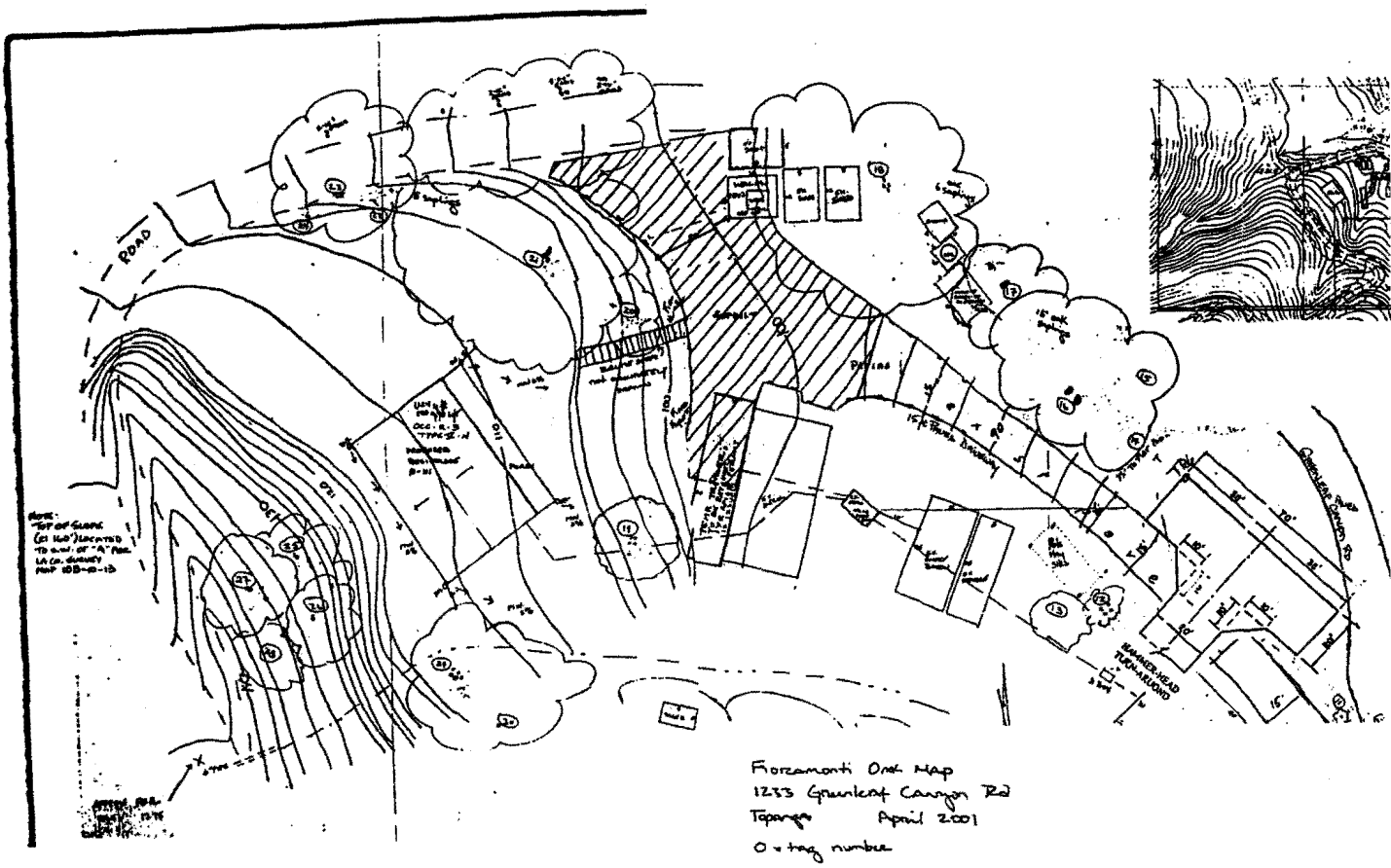
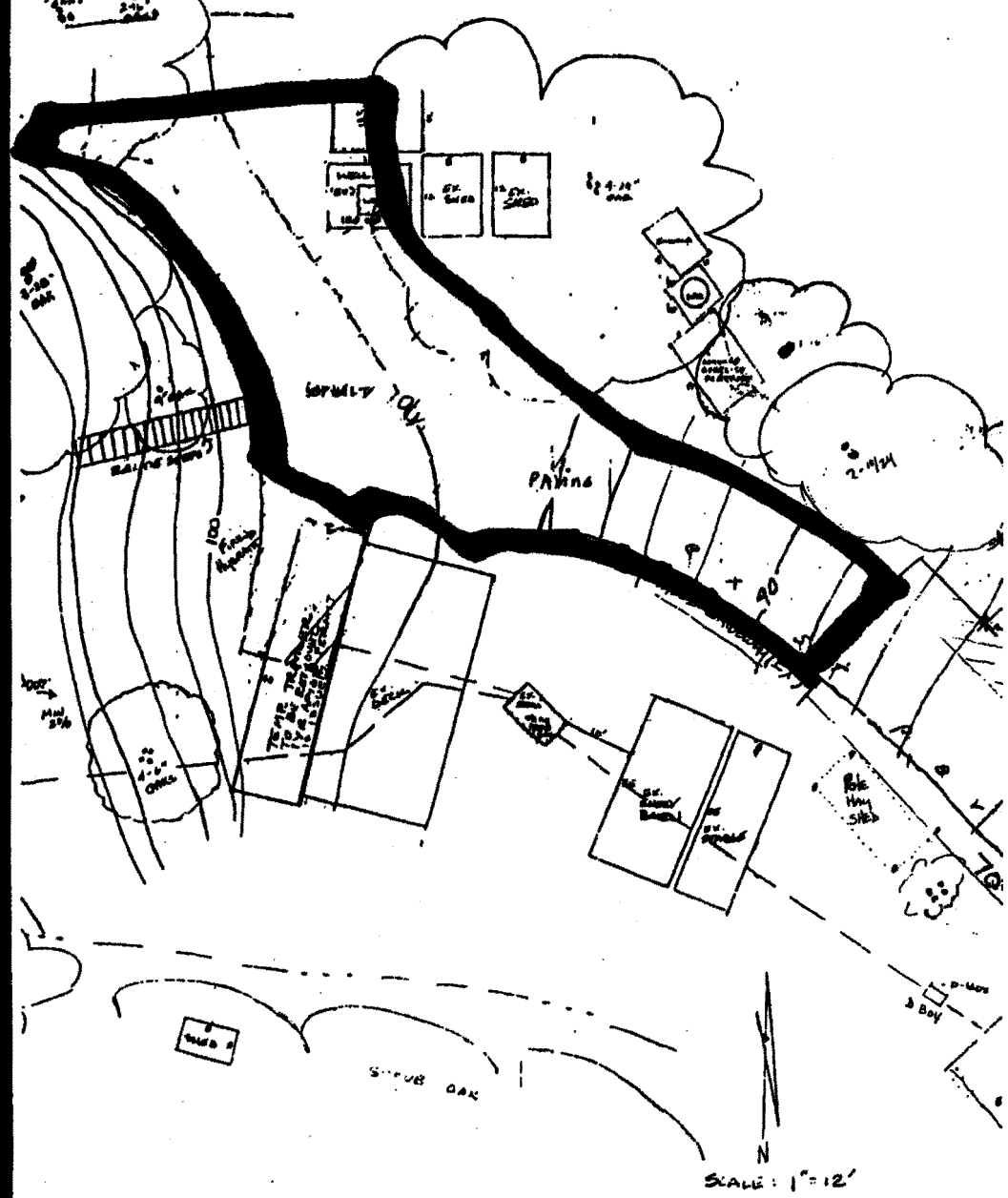


EXHIBIT 13
4-00-131
Oak Tree Report Exhibit



FIRE DEPARTMENT NOTES:

HYDRANTS, FIRE FLOW & ACCESS GENERAL REQUIREMENTS

1. Provide a minimum, unobstructed 20' width clear to the sky. vehicular access to within 150' of all portions of the exterior walls.
2. The required fire flow for PUBLIC hydrants at this location is 750 gallons per minute at 20 PSI for a duration of 2 hours, over and above the maximum daily domestic demand

FIRE & LIFE SAFETY BUILDING REQUIREMENTS GENERAL REQUIREMENTS

9. Exit doors shall be open able from the inside without the use of a key or any special knowledge or effort. Title 24, 3304-C
10. Width and [illegible] required exit doorways shall comply with Title 24, 3304-B
11. Building address numbers to be provided [illegible]

BLDG REQUIREMENTS FOR VERY HIGH FIRE HAZARD SEVERITY ZONE IV

1. All roof coverings shall be Class "A" as specified in Title 24, 1504.1 Wood shingle and wood-shake roofs are prohibited regardless of classification under UBC Standard 15-2 Bldg Code 6403.2
2. Tile roofs shall be fire-stopped at eave ends to preclude entry of flame or embers under the tile Bldg Code 6403.2
3. Wall forming the enclosure of a building shall be of one-hour fire-resistive [illegible]

EXHIBIT 14
4-00-131
Potential Removal of Asphalt Area