

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
SANTA ANA, CA 92701
585 - 1800

**RECORD PACKET COPY****ITEM TU 14 g**

Filed: 12/6/00
49th Day: 1/24/01
180th Day: 6/4/01
Staff: J. Johnson
Staff Report: 4/19/01
Hearing Date: 5/8/01
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-196

APPLICANTS: Mr. and Mrs. John Simons

PROJECT LOCATION: 643 Old Topanga Canyon Road, Topanga, Los Angeles County

PROJECT DESCRIPTION: Request after the fact approval to construct a 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, request after the fact approval to convert existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants propose to remove an existing trailer, two storage sheds and a storage container within one year of the Commission's approval of this coastal permit application.

Existing Parcel Area: 8.4 acres
Plan Designation: Rural Land II, II, and Mountain Land
Zoning: 1 du / 2 acre, / 5 acres, / 20 acres

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed "as built" addition and conversion of an existing guest house to a primary single family residence with Special Conditions addressing a wildfire waiver, landscape, erosion control, and fuel modification plans, removal of trailer, two storage sheds and storage container, future improvements deed restriction, and condition compliance. The project site is located in Old Topanga Canyon about four miles inland of the Coast and about one mile northwest of the intersection of Old Topanga Canyon Road with Topanga Canyon Boulevard. Although the guest house/garage is located within the canopy of numerous existing oak trees, the structure was approved by the Commission as Coastal Permit No. 5-85-582 along with a single family residence on adjoining property. The second floor addition is located within an approved porch area and the footprint of the structure. The trailer, storage sheds and container exist without benefit of a coastal permit and are proposed to be removed and the disturbed sites landscaped and restored. As conditioned, the proposed project will not adversely affect any Environmentally Sensitive Resources, such as the oak woodland, and thus, is consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County Department of Regional Planning, dated July 10, 2000; County of Los Angeles Fire Department Approval, dated 11/2/00; Approval in Concept, Los Angeles County Environmental Health Department, dated 9/20/2000.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; As-Built Engineering Geologic Report #3 Guest House Under Construction, 645 Old Topanga Canyon Road, Topanga, California, dated July 24, 1990, by Mountain Geology, Inc.; Coastal Permit No. 4-97-113, Eisenstein; Coastal Permit No. 4-97-055, Seva Corporation; Coastal Permit No. 4-00-087 Sheldon & Berger.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-196 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

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

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. SPECIAL CONDITIONS

1. WILDFIRE WAIVER OF LIABILITY

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

2. LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of removal of the trailer, two storage sheds and a storage container pursuant to Special Condition Number Three. 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. In disturbed areas to be planted within the dripline of oak tree canopies, all native plant species shall be compatible with the long term protection of the oak trees. Such planting shall also be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all

disturbed soils. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- 2) Plantings shall 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;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Vegetation within 20 feet of the proposed residence garages and driveway may be removed to mineral earth, except for oak trees, 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 final 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 applicants shall submit evidence that the Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated 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 and compatible with the protection of oak trees.
- 5) The final drainage/erosion control plan shall be implemented within 30 days of the removal of the development as identified in Special Condition Number Three. By acceptance of this permit, the applicants agree to maintain any drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicants or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control plan shall delineate the areas to be disturbed by removal activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should removal of development take place during the rainy season (November 1 – March 31) the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial removal operations and maintained through out the development process to minimize

erosion and sediment from runoff waters during removal operations. 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.

C) Monitoring

Five (5) years from the date of the receipt of the Final Building Permit or Certificate of Occupancy for the single family residence the applicants 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 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 applicants, 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. REMOVAL OF TRAILER, TWO SHEDS AND STORAGE CONTAINER

To implement the applicant's proposal, the applicants shall submit revised site plans for the review and approval of the Executive Director and agree that the trailer, two storage sheds and storage container shall be removed from the site within six months of the issuance of this Coastal Permit or within such additional time as the Executive Director may grant for good cause, to a disposal site or other appropriate site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary construction trailer. After the structures are removed the disturbed sites shall be revegetated as required by Special Condition Number Two within sixty (60) days of their removal.

4. FUTURE DEVELOPMENT DEED RESTRICTION

- A.** This permit is only for the development described in Coastal Development Permit No. 4-00-196. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall apply to the entire property. Accordingly, any future improvements to the entire property including any future development and clearing of vegetation or grading, other than as provided for in any approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number Two, shall require an amendment to Permit No. 4-00-196 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions 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.

5. CONDITION COMPLIANCE

Within ninety (90) 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 applicants shall satisfy all requirements specified in the conditions hereto that the applicants are 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.

IV. Findings and Declarations

A. Project Description and Location

The project site is located in Old Topanga Canyon on the south side of Old Topanga Canyon Road about one mile northwest of the intersection of Old Topanga Canyon Road and Topanga Canyon Boulevard. The site adjoins state and federal parkland along its south, southwest, and east boundaries (Exhibits 1 and 5). The site is accessed along a private driveway serving the subject site and an adjoining residence to the northwest (Exhibits 3, 4, 5). The driveway crosses Topanga Creek near its intersection with Old Topanga Canyon Road. The applicants request after the fact approval to construct an 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, and request after the fact approval to convert existing guest house/garage into a 1,918 sq. ft. single family residence (Exhibits 4, 5 and 6). The applicants further propose to remove an existing residential trailer, two storage sheds and a storage container within one year of the Commission's approval of this coastal permit application to allow them time to obtain necessary Los Angeles County and Coastal Commission permits and construct a new storage garage and guest house to replace these 'as built' structures (Exhibit 4).

A separate residence was constructed, as a result of the approval of Coastal Permit Number 5-85-582, Rundel, on the adjoining parcel that is also the subject of Coastal Permit Application Number 4-00-195, Simons and Rundel. On the subject parcel, a guest house/garage was constructed as a result of Coastal Permit Number 5-85-582 (Exhibits 1 and 2). According to the applicants, the guest house/garage was constructed in a slightly different location and the design as the design of the structure was reversed to avoid bedrock discovered during excavation for the foundation. In addition, the guest house was

constructed with 888 sq. ft. of interior space rather than the maximum 750 square feet required as a condition of approval in Coastal Permit Number 5-85-582. In Coastal Permit Application Number 4-00-195, the applicants are requested a coastal permit for an after the fact land division dividing a 19.1 acre parcel into two parcels, 8.4 and 10.7 acres in size (Exhibit 5). The subject parcel with the development proposed in this application is the 8.4 acre parcel.

The site includes significant oak woodlands and grassland (Exhibit 3); the oak woodlands are designated as Environmentally Sensitive Habitat. The applicants have dedicated two conservation easements totaling 6 acres of the 8.4 acre site between 1986 and 1995 (Exhibit 5), about two thirds of the property. These easements were dedicated to protect the majority of the significant oak woodland on the subject property and expand the protected area along the south and eastern property boundaries with Santa Monica Mountains National Recreation Area. In 1986, a four-acre easement was deeded as a "Grant of Conservation Easements and Declaration of Restrictions" to the Mountains Restoration Trust. In 1995, the applicant granted a two-acre conservation easement extension to the Mountains Restoration Trust. The property supports a number of sensitive plant and animal species according to the applicant (Exhibits 3 and 5).

The certified Los Angeles County Land Use Plan (LUP) designates portions of this parcel as Rural Land II, Rural Land II, and Mountain Land allowing one dwelling unit for two acres, five acres, and twenty acres, respectively. Although the property is visible from portions of the Backbone Trail located to the south, the residential structure is visually screened by an oak woodland (Exhibit 2).

B. Individual and Cumulative Impacts in Sensitive Resource Areas

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

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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

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

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

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

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

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

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

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of individual and cumulative impacts on coastal resources. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. If the proposed development does not meet the first test, an analysis of whether it meets the second test is necessary. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Regarding the first test, the proposed project is located about four miles inland of the coast and about one mile northwest of the intersection of Old Topanga Canyon Road and Topanga Canyon Boulevard within the Santa Monica Mountains. This inland area of the western Santa Monica Mountains is developed with residential and public recreational land uses. The Commission considers this portion of the Santa Monica Mountains to not be a developed area, including the subject site, and therefore it does not meet the first test. The analysis of the proposed development with respect to the second test is needed.

The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The applicants request after the fact approval to construct a 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest

house and three car garage, and request after the fact approval to convert the existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants propose to remove an existing trailer, two storage sheds and a storage container within one year of the Commission's approval of this coastal permit application.

Since the subject site is developed with a guest house/garage, it currently is provided with adequate public and private services including private driveway access from Old Topanga Canyon Road, domestic water, septic disposal system, electricity, and telephone. Therefore, the Commission finds that the proposed project, as conditioned, meets the second test required in Section 30250, that the development will be located in an area able to accommodate it. The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources and is discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Malibu/Santa Monica Mountains Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy (P271), which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and all pertinent overlay categories. The policy also notes that all properties are designated for a specific use that reflects the mandates of the California Coastal Act, all policies contained in this Local Coastal Plan, and the constraints and sensitivities of resources present in the coastal zone. Further, the policy states that the land use plan map presents a base land use designation for all properties overlaid by three resource protection and management categories. In those areas in which a resource management overlay applies, development of the underlying land use designation must adhere to the special policies, standards, and provisions of the pertinent designation.

The project site is located within one of the three resource protection and management categories, Sensitive Environmental Resources, as designated in the Los Angeles County Land Use Plan. This issue is discussed below.

1. Protection of Environmental Resources

The Land Use Plan (LUP) includes several policies designed to protect the environmentally sensitive habitat areas (ESHA's) and address stream protection and erosion control, from both the individual and cumulative impacts of development. These policies include:

P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resource Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

P68 Environmentally sensitive habitat areas (ESHA's) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resources dependent use.

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.

P88 In ESHA's and Significant Watersheds and other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered. ...

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in areas near ESHA's. 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 applicants request after the fact approval to construct a 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, and request after the fact approval to convert the existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants propose to remove an existing trailer, two storage sheds and a storage container within one year of the Commission's approval of this coastal permit application.

The building site is located along a private driveway accessing Old Topanga Canyon Road about a mile northwest of Topanga Canyon Boulevard. The existing guest house/garage is located on the eastern portion of the property within an oak woodland and about 600 feet from Topanga Canyon Creek, a "blue line" stream (Exhibit 3). The residential development is limited to one site consisting of a pad size of about 3,028 sq. ft. The applicants propose to remove an existing trailer and a storage container located in the vicinity of the residence (Exhibit 4). The applicants also propose to remove two storage sheds, one is located within an oak tree canopy, the other is partially located within and just outside the canopy (Exhibit 4). These sheds are not clustered with the residential development as they are located about 180 feet to the north of the residence. No grading is proposed to construct the addition to the guest house/garage or to convert it to a single family residence or to remove the existing trailer, storage sheds and storage container.

About one half of this parcel is designated as ESHA and a 'blue line' stream is located about one thousand five hundred (600) feet to the north of the residence. The project site is located within an oak woodland designated for protection as ESHA.

2. Cumulative and Individual Impacts of Development

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act and the guidance provided in the Malibu/Santa Monica Mountains Land Use Plan relative to potential individual and cumulative impacts, one can address the project with regard to each policy in sequence.

For instance, Policy P57 specifies that oak woodlands are designated as an Environmentally Sensitive Habitat Area and P 68 specifies that ESHA's shall be protected against significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. 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. Policy P82 specifies that grading be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized. Policy P 88 specifies that in areas of high potential erosion hazard, site design is required to minimize grading activities and reduce vegetation removal based on guidelines that structures should be clustered, among other issues of concern.

The applicant's proposed project consists of an addition to an existing two story guest house/garage and the interior conversion of the structure into a single family residence. The proposed 157 sq. ft. addition is located on the second floor within an existing porch area covered by the existing roof of the structure. An existing deck is located on the grade of the area at the back of the second floor where this addition is proposed (Exhibit 6). The first floor is cut into the slope with the rear deck and second floor located up the slope. In addition, the applicants request approval of two storage sheds located about 180 feet away from the residence within and just beyond the canopy of oak trees. Although the residential addition and conversion of the garage to a larger residence is located in part within the canopy of ESHA designated oak trees, this structure was approved in this location by the Commission in Coastal Permit Number 5-85-582 on November 6, 1985 prior to the Commission's certification of the Malibu/Santa Monica Mountains Land Use Plan on December 11, 1986 and the effective date of the LUP policies discussed in this section. As a result, the location of this structure was found by the Commission to be consistent with the Coastal Act at that time. However, the trailer adjacent to the guest house/garage located within the canopy of oak trees and the two storage sheds located about 180 feet north of the residence within and just beyond the canopy of oak trees are not consistent with Section 30240 of the Coastal Act and cannot be authorized by the Commission. The location of this 'as built' trailer and the two sheds create a significant disruption of habitat values, and are not land uses dependent on the environmentally sensitive resources of oak woodlands. The sheds are also not located nearby or clustered with the residential structure. Development such as structures within or near oak trees have the potential to affect the trees health and growth by blocking oxygen, water and nutrients from accessing

the extensive shallow root systems of oak trees. Oak tree roots can extend fifty feet beyond the dripline of the canopy and are shallow, 90% or more of the roots grow in the upper three feet of the soil. Construction activities, alteration of the grade or level of soil around an oak tree, trenching, soil compaction and impervious paving can all have adverse effects on the roots and ultimately the health of oak trees. Because these developments, the trailer and sheds, are located within or adjacent to the canopy of oak trees, the Commission finds that this development is not consistent with Coastal Act Section 30240 and the guidance provided in the Land Use Plan addressing the protection of designated Environmentally Sensitive Habitats; they need to be removed. The storage container is located on a grassland area beyond the oak trees and is also proposed to be removed. Special Condition Number Three implements the applicant's request to remove the trailer, two storage sheds and storage container within a reduced time period of six months after the issuance of this Coastal Permit, with additional time that may be granted by the Executive Director for good cause. Once these structures are removed, the disturbed sites will be restored and landscaped as required by Special Condition Number Two.

To address the need for a landscape plan, minimize erosion hazards for all disturbed and graded areas, and provide for a fuel modification plan, Special Condition Number Two is necessary. Special Condition Number Two will help to ensure that the biological productivity and quality of coastal streams, such as Topanga Canyon Creek, is maintained and that the habitat values of the subject sites are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff due to the removal of 'as built' development, Special Condition Number Two requires a Landscape, Erosion Control and Fuel Modification Plan to landscape all disturbed areas on the project site including the requirement to revegetate the areas where 'as built' development exists and will be removed pursuant to Special Condition Number Three. Special Condition Number Two also requires an Erosion Control Plan and Final Fuel Modification Plan to minimize erosion on the site and sedimentation offsite as a result of the removal of this 'as built' development. Special Condition Number Two also requires the applicants to implement a landscape plan with native plant species compatible with the preservation of the oak woodland onsite. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species 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 Number Two also requires that all landscaping consist primarily of native plant species compatible with the protection of oak trees and that invasive plant species shall not be used. Special Condition Number Two further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the removal of the as built

development and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the single family residence to ensure its completion.

The Commission is also concerned about future development proposals that may occur as a result of any future development on this property located within or adjacent to designated Environmentally Sensitive Habitat Areas, as required by Section 30240 of the Coastal Act. Future development has the potential to create individual and cumulative impacts to coastal resources. Specifically, the expansion of the building site and developed area or development in new areas on site would require more vegetation removal as required by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on existing on site drainage, which in turn could have significant impacts on the onsite and offsite designated oak woodland and the riparian habitat along Topanga Canyon Creek due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicants to record a future improvements deed restriction to ensure that expanded development or future development at this site that would otherwise be exempt from Coastal Commission permit requirements will be reviewed for consistency with the Coastal Act. Special Condition number Four provides for a future improvements restriction to be recorded as a result of the approval of Coastal Permit Number 4-00-196.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. Therefore, the Commission finds that the project, as conditioned, is in conformance with the guidance provided in the LUP policies that pertain to locating development within and near designated ESHA's, while protecting streams and ESHA's from disturbance to the greatest extent possible. The Commission's standard of review for this project is the policies of the Coastal Act. Regarding Section 30250 of the Coastal Act, the proposed project is located in an area that is not considered a "developed area" and does not meet the first test of Section 30250. Therefore, the Commission finds that the project is located in an "other area with adequate public services" and thereby meets the second test of Section 30250. We move on to the third test. The Commission finds that the biological productivity and quality of coastal waters, riparian habitat, and designated ESHA will be protected as a result of the proposed project, as conditioned, consistent with Sections 30231 and 30240 of the Coastal Act. The Commission finds that the proposed project is also in conformance, as conditioned, with the guidance provided by the County Land Use Plan. Lastly, the Commission finds that the project, as conditioned, will not have significant adverse effects, either individually or cumulatively, on coastal resources to meet the third test of Section 30250. Thus, the proposed project, as conditioned, will result in development that is consistent with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

New development shall:

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

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicants submitted a geologic report titled: As-Built Engineering Geologic Report #3 Guest House Under Construction, 645 Old Topanga Canyon Road, Topanga, California, dated July 24, 1990, by Mountain Geology, Inc. This report states that "Bedrock exposed on the ascending slope above the guest house consists of massive sandstone. ... The orientation of the geologic structure of the bedrock is favorable with respect to the gross stability of the natural and graded slopes. Active faults, folds, landslides, or other geologic hazards were not observed during the grading operation."

Based on the findings of the consulting engineering geologist, the Commission finds that the addition and conversion of the guest house and garage to a single family residence is consistent with geologic hazard issues identified in Section 30253 of the Coastal Act.

Minimizing erosion of the site is important to minimize site erosion and sediment deposition in the drainage leading to Topanga Canyon Creek. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development removal activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special Condition Number Two requires a Fuel Modification Plan to reflect the applicant's request for an after the fact approval for an enlarged single family residence and the required removal of the 'as built' structures with the resulting

disturbed sites restored and landscaped as approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau.

In addition to controlling erosion during the removal of 'as built' development, landscaping of the disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicants to re-vegetate the site with native plants compatible with the surrounding oak tree woodland. The Commission has found that native species tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability all disturbed areas on-site shall be landscaped with appropriate native plant species consistent with the protection of oak trees, as specified in Special Condition Number Two.

The Coastal Act also requires that development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also recognizes that 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. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assumes the liability from these associated risks. Through the Wildfire Waiver of Liability Special Condition, the applicants acknowledge and appreciate the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number One.

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

D. Visual Resources.

Section 30251 of the Coastal Act states that:

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

In addition, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development:

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.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

Be landscaped to conceal raw-cut slopes.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicants request after the fact approval to construct a 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, and request after the fact approval to convert the existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants also propose to remove an existing trailer, two storage sheds and storage container within one year of the Commission's approval of this coastal permit application.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of expanding and converting the guest house/garage into a single family residence raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails or lands will be impacted.

The project site is located at the northern base of a portion of the Santa Monica Mountains near the Saddle Peak area. The project site is located to the north of the Backbone Trail which is located as close as about 1,000 feet to the site (Exhibit 2). The siting and size of the addition to the residence will not be visible from the Old Topanga Canyon Road nor from the Backbone trail due to the high visual screening density of the oak woodland surrounding the residence addition and the fact the addition is located on the side of the structure opposite Old Topanga Canyon Road and is located within an existing porch area of the structure.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. **Section 30231 of the Coastal Act** states that:

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

The applicants are proposing to retain the existing septic system with a 1,500 gallon septic tank, and two seepage pits to accommodate the sewage of the proposed addition and conversion to a single family residence. The applicants have submitted approval from the County of Los Angeles Health Department stating that the existing septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the

percolation capacity of soils along the coastline, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. Violation

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

The applicants request an after the fact approval to construct a 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, and request after the fact approval to convert existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants also propose to remove an existing unpermitted trailer, two storage sheds and a storage container within one year of the Commission's approval of this coastal permit application. To ensure that the unpermitted development on the site is removed in a timely manner, the Commission finds it necessary to require the applicants to fulfill the Special Conditions as a prerequisite to the issuance of this permit, as required by Special Condition Number Five within ninety (90) days of Commission action.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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 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 applicants. 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 of Los Angeles' ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

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

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

400196simonsreport

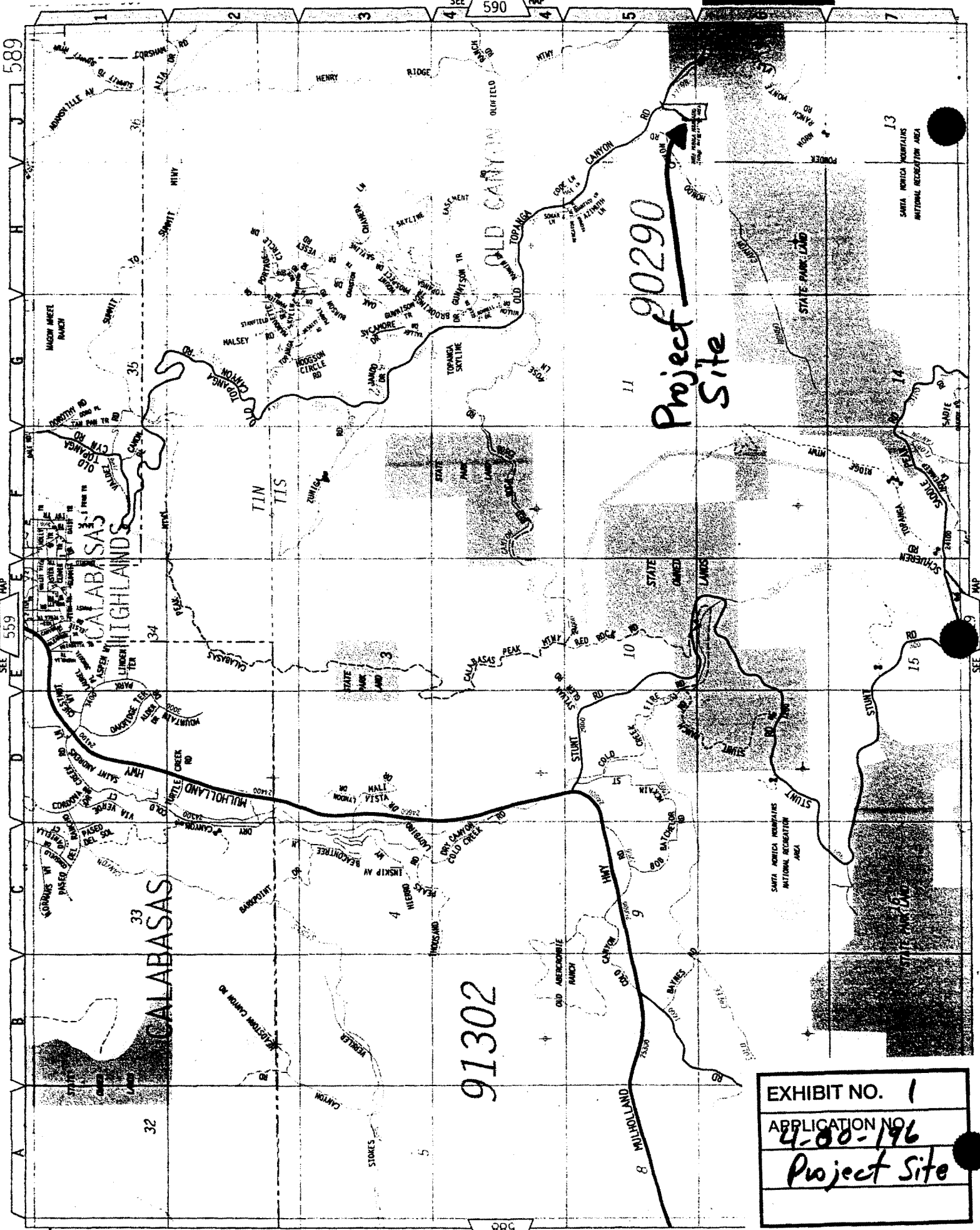


EXHIBIT NO. 1
APPLICATION NO. 4-88-196
Project Site

This map continues on TRAIL MAP OF THE SANTA MONICA MOUNTAINS GENERAL

24°5'

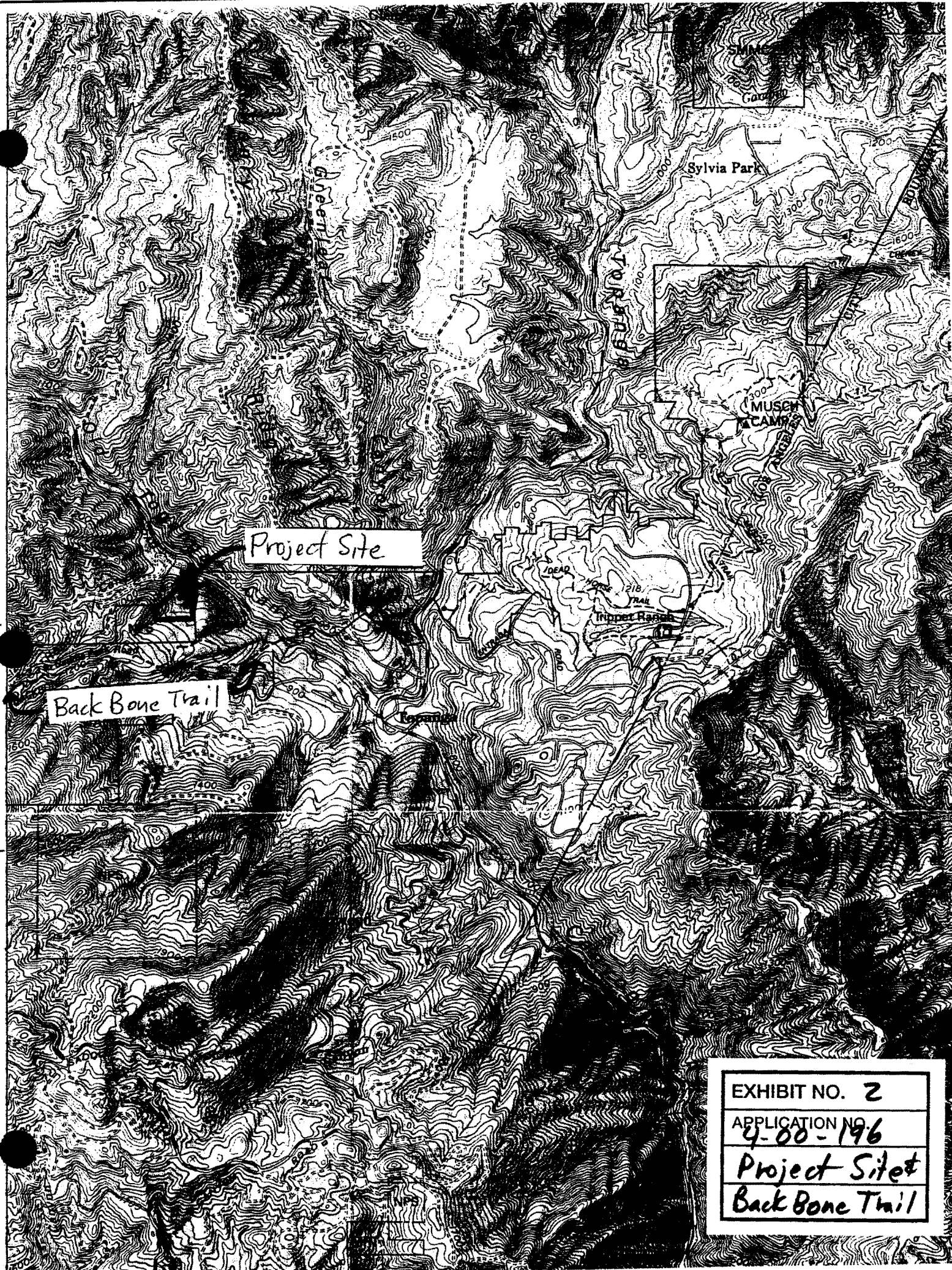


EXHIBIT NO. 2

APPLICATION NO.

4-80-196

Project Site
Back Bone Trail

NOV 6 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

LEGEND

Significant Oak Woodland (Paving & LCP)	XXXXXX
ESPA (Minimum) (Paving & LCP)	XXXXXX
Existing Oak Tree Canopy	XXXXXX
Tagged Oak Tree	⑦
Un-tagged Oak Tree	⑧

PORTION OF
SENSITIVE ENVIRONMENTAL RESOURCE OVERLAY
ZONES MAP
SCALE 1:5000

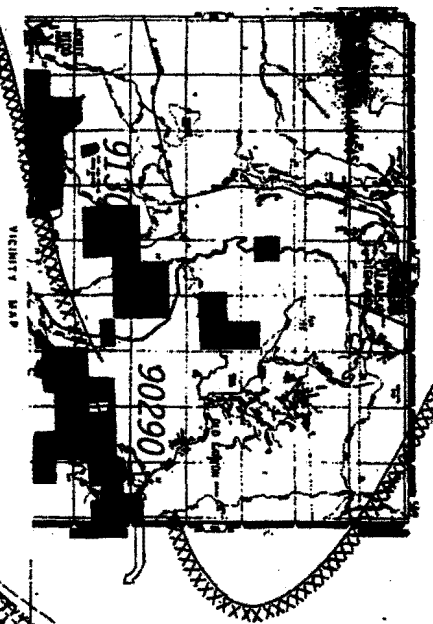
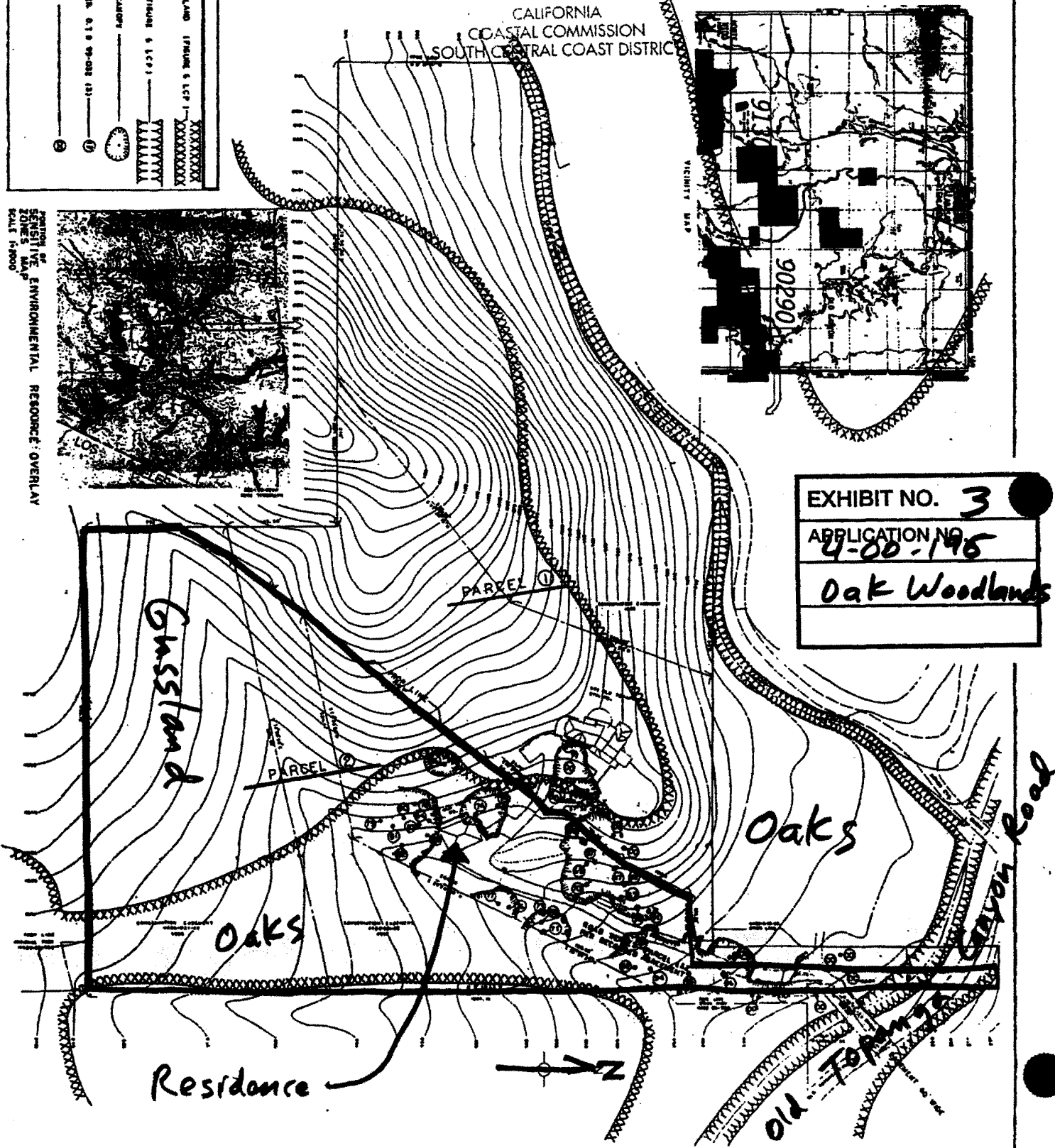


EXHIBIT NO. 3
APPLICATION NO. 4-00-195
Oak Woodlands

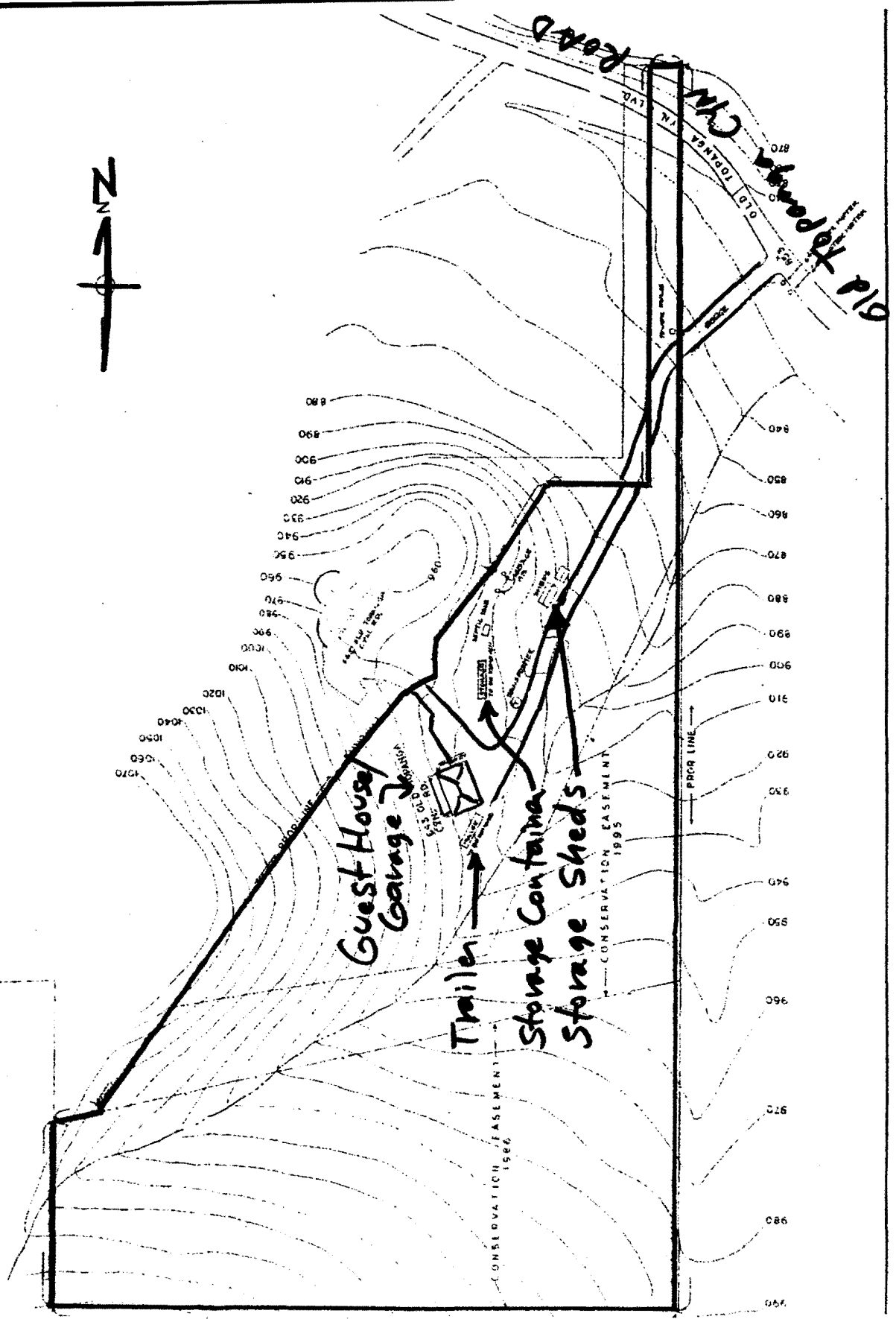
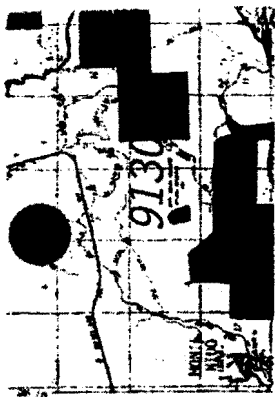


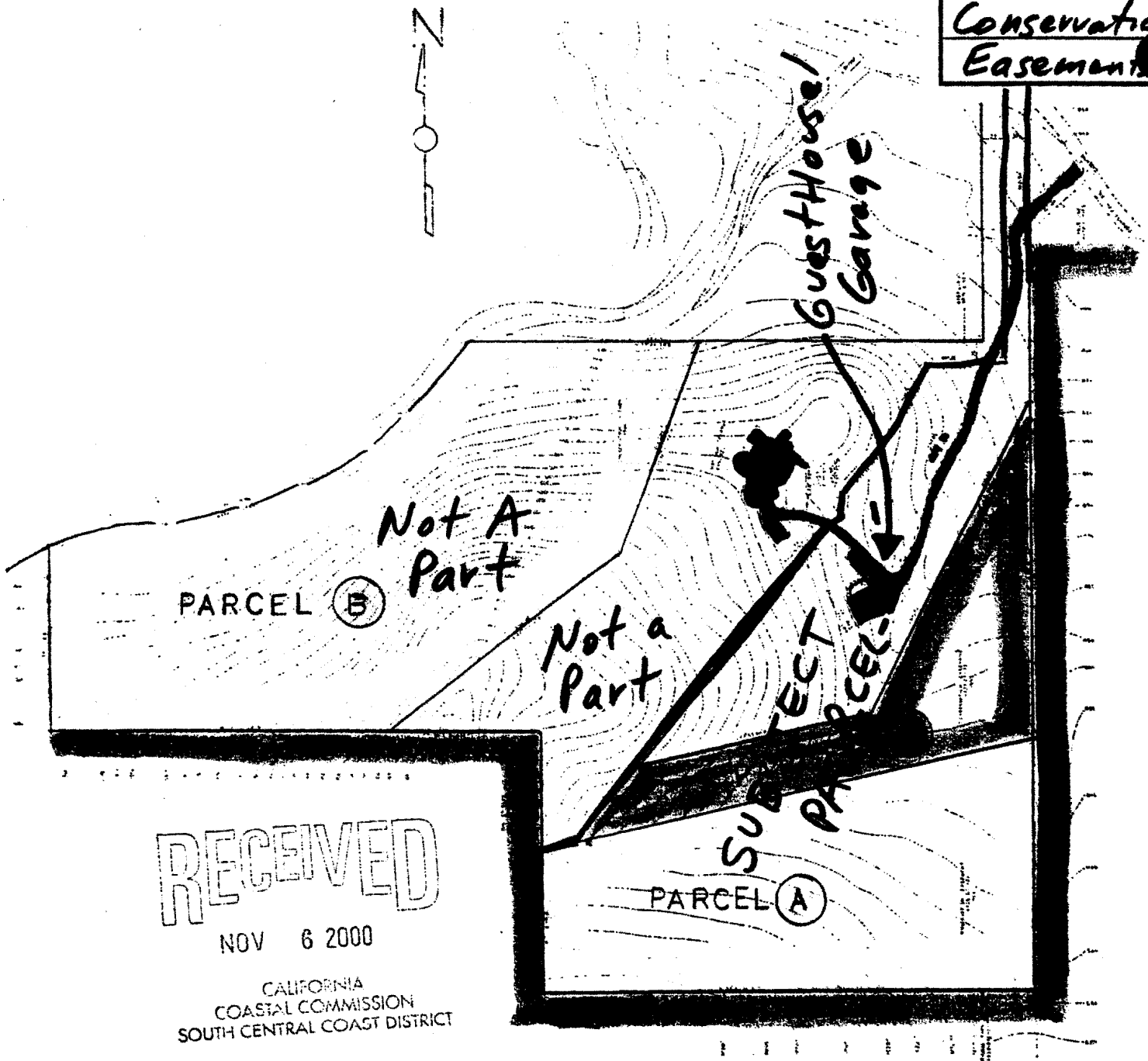
EXHIBIT NO. 4
APPLICATION NO. 4-00-196
Site Plan

CONSERVATION EASEMENT PARCELS

EXHIBIT NO. 5

APPLICATION NO. 4-00-196

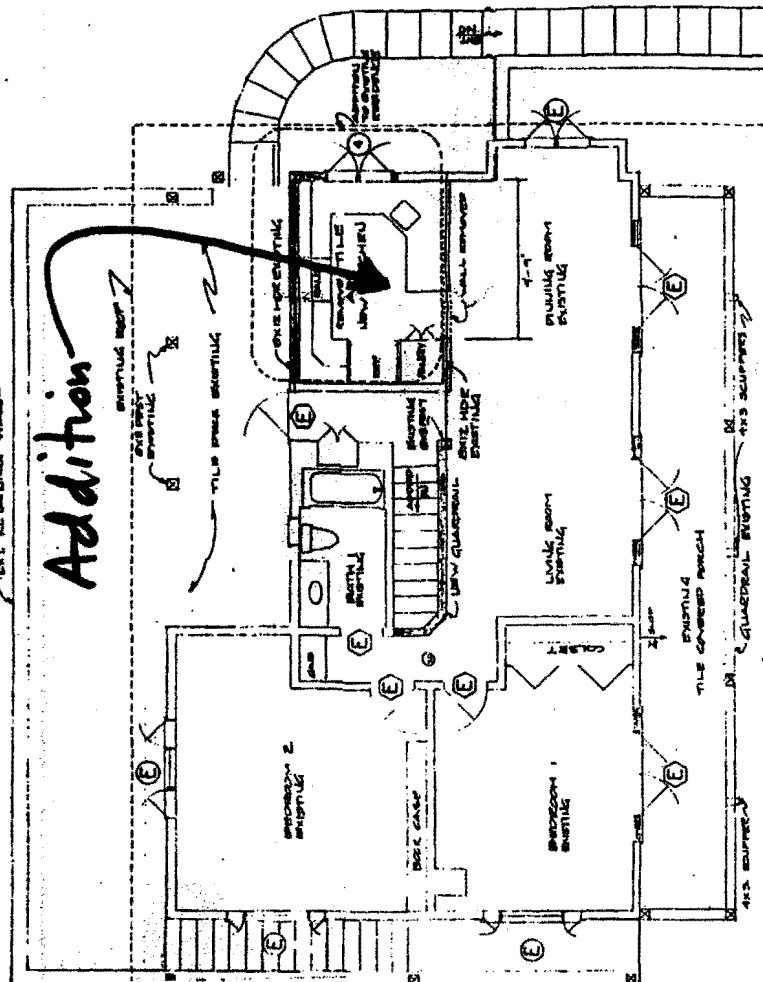
Conservation Easements



PARCEL	(A)	DECEMBER 1986	4 ACRES
PARCEL	(B)	DECEMBER 1986	6.5 ACRES
PARCEL	(●)	DECEMBER 1995	2 ACRES
		DEVELOPED ROADS AND STRUCTURES	
		BOUNDARY WITH PARKLAND	

EXT. REPAIRS WALL

Addition



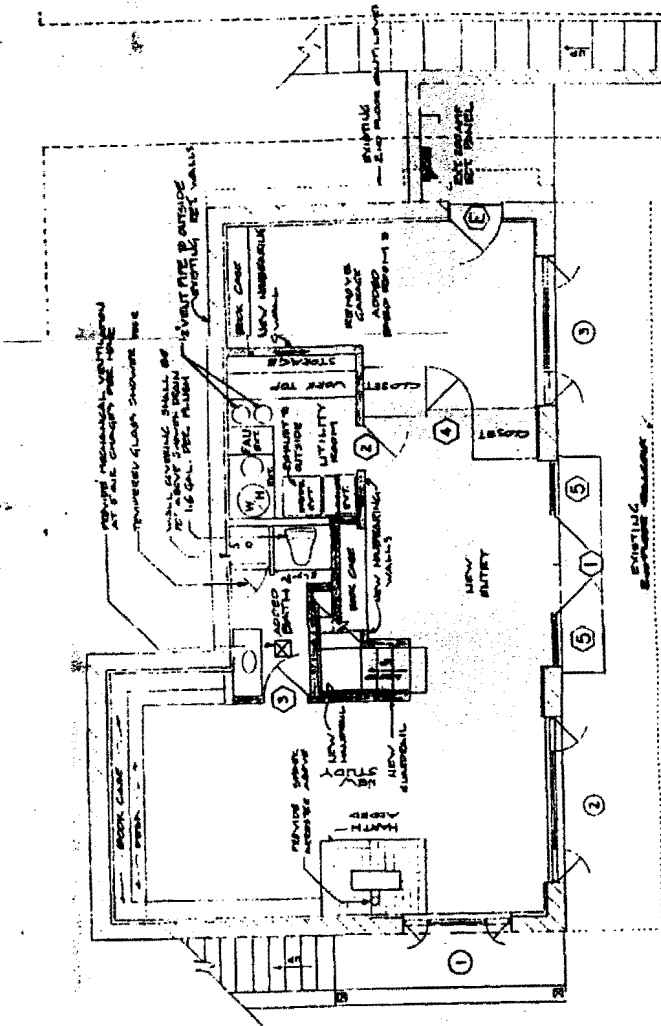
2ND FLOOR-PLAN VIEW SCALE 1/8" = 1'-0"

LEGEND

- EXISTING WALLS
- NEW WALLS
- WALL REMOVED
- EXT. RET. WALLS

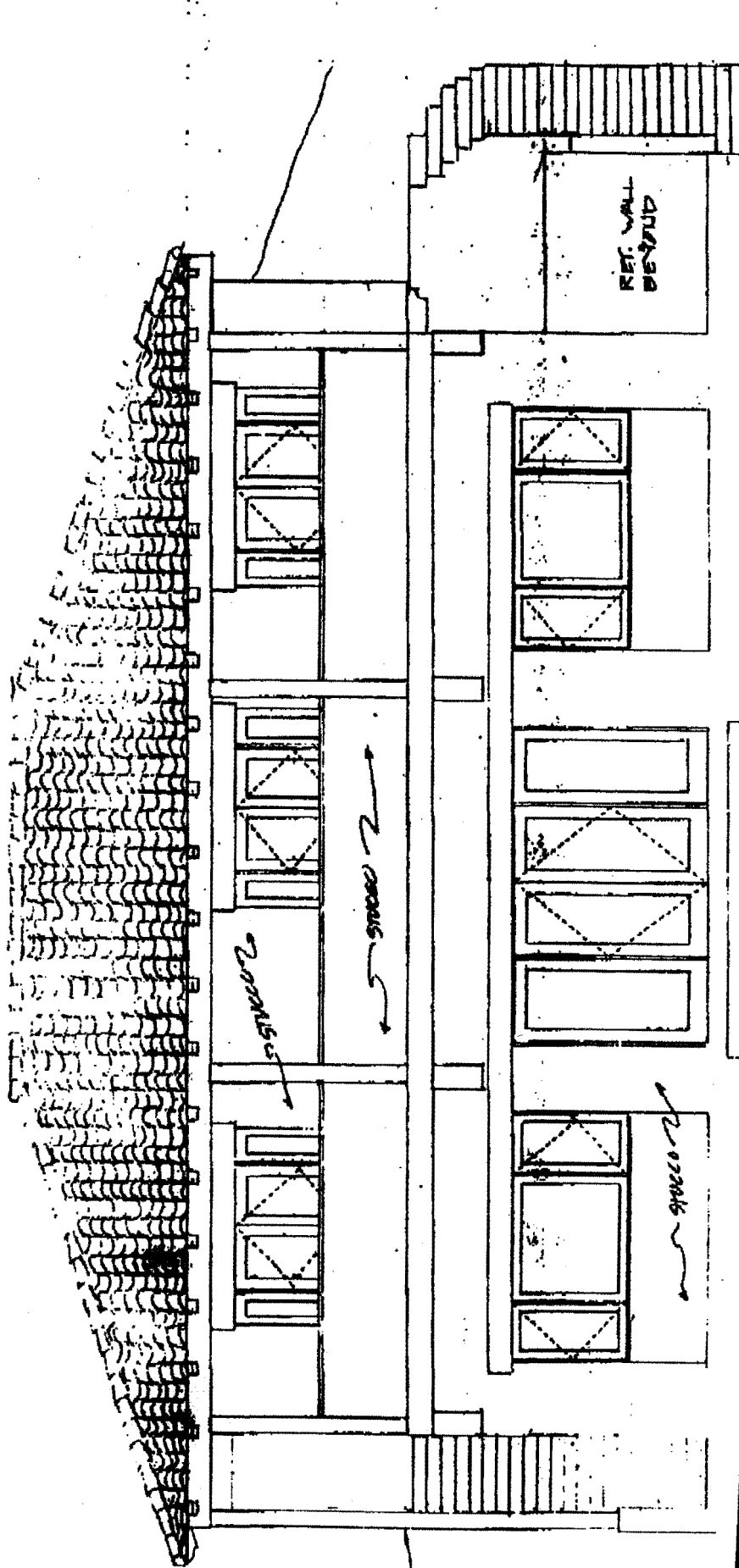
WIND. NO.	WIND TYPE	SIZE	W	H	MT	GLASS
1	1	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
2	2	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
3	3	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
4	4	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
5	5	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
6	6	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
7	7	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
8	8	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
9	9	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT
10	10	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT

DOOR NO.	DOOR TYPE	SIZE	W	H	MT	MAT	CORE	GLASS
1	1	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
2	2	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
3	3	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
4	4	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
5	5	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
6	6	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
7	7	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
8	8	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
9	9	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT
10	10	4'-0" x 6'-0"	4'-0"	6'-0"	1/2"	INT	INT	INT



1ST FLOOR-PLAN VIEW SCALE 1/8" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO. 4-00-196
Floor Plans



EAST ELEVATION

EXHIBIT NO.	7
APPLICATION NO.	4-00-196
East Elevation	