## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA DUTH CALIFORNIA ST., SUITE 200 URA, CA 93001 1007 585-1800

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 5/24/01

## STAFF REPORT: REGULAR CALENDAR

## APPLICATION NO.: 4-00-221

APPLICANT: Mark Clemens

# PROJECT LOCATION: 1160 Henry Ridge Motorway, Topanga, Los Angeles County

**PROJECT DESCRIPTION:** Construct a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, septic system, grade 43 cubic yards of cut material, to be exported to a disposal site located outside coastal zone, and after the fact development consisting of an office trailer, storage container and propane tank. The application includes a proposed voluntary offer to dedicate a public hiking and equestrian trail easement over a portion of the subject site occupied by the Henry Ridge Motorway.

Lot area: Building coverage: Pavement coverage: Landscape coverage: Parking spaces: Ht abv fin grade: Plan Designation: Zoning: Project Density 6.4 acres 4,414 sq. ft. 7,000 sq. ft. 0 sq. ft. 2 15 ft. Rural Land I and Mountain Land 1 dwelling unit/10 and 1du/20 acres

one du/6 acres

## SUMMARY OF STAFF RECOMMENDATION

The applicant requests approval to construct a single family residence on an existing lot traversed by the Henry Ridge Motorway and Trail. The applicant proposes to use an existing water storage tank filled by tank truck water service to serve the proposed residence with domestic and fire suppression water. The proposed project also includes an 'unpermitted' office trailer for bee keeping purposes, a storage container and propane tank. The applicant also proposes

to voluntarily offer to dedicate a public hiking and equestrian trail over a portion of the site. The proposed project is located on a flat graded pad adjacent to the Henry Ridge Motorway, a long established fire break, along the top of a ridgeline north of the intersection of Topanga Canyon Boulevard and Old Topanga Canyon Road. Although, the proposed development is not located within any designated Environmentally Sensitive Habitat Area (ESHA), it is located approximately eight hundred feet east of a designated ESHA within Greenleaf Canyon, a significant oak woodland to the east of the project site. Staff recommends <u>approval</u> of the proposed project with Special Conditions addressing: landscape and fuel modification plans; disposal excess material; future development deed restriction; a wildfire waiver of liability drainage; polluted runoff control plan; a structural appearance deed restriction; public access trail easement; and condition compliance. The project, as conditioned, will therefore be consistent with the Coastal Act.

**LOCAL APPROVALS RECEIVED**: Approval in Concept: Los Angeles County Regional Planning Department dated 12/14/00; Los Angeles County Department of Health Services, dated 8/29/00 for septic system; County of Los Angeles Fire Department, Fire Protection Engineering Approval and driveway access, dated 10/16/00; Engineer's Certificate of Access One and Two Family Dwellings, Los Angeles County Fire Department, dated 7/28/00; Geologic Review Sheet, Los Angeles County Department of Public Works, Geology Site Inspection, dated 12/14/99; Geologic and Soils Engineering Review Sheet, Los Angeles County Department of Public Works, dated 3/29/00.

**SUBSTANTIVE FILE DOCUMENTS:** Limited Engineering Geologic Report, dated August 14, 2000, by Pacific Geology Consultants; Coastal Permit No. 4-00-214, Banvard; Coastal Permit No. 4-98-087, Sheldon & Berger; Coastal Permit No. 4-00-188 Olson; Coastal Permit Number 5-90-115, Marshall; Coastal Permit Number 5-88-1096; Turner & Kleles; Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County.

## **STAFF RECOMMENDATION:**

<u>MOTION</u>: I move that the Commission approve Coastal Development Permit No. 4-00-221 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.

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

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

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

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

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

## III. Special Conditions

## 1. LANDSCAPE AND FUEL MODIFICATION PLANS

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

#### A) Landscape Plans

- 1) All disturbed areas and the existing graded building pad areas on the subject site, except as noted below, shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the To minimize the need for irrigation all landscaping shall consist residence. 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. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements of the proposed development and the existing on-site fire break and may include gravel and rock areas within Zone A of the Fuel Modification Plan and other appropriate areas to minimize erosion on-site. In areas proposed for planting, such planting shall be adequate to provide 50 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils and the building pads where development is proposed. The plan shall include vertical elements, such as trees and shrubs, which partially screen the appearance of the proposed residence, from the Topanga Henry Ridge trail located to the south, west, and north of the residence and trailer;
- 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 30 feet of the proposed residence, garage and driveway may be removed to mineral earth, vegetation within a 200 foot radius of the structures 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 Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any 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.

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## B) Interim Erosion Control Plan

- The landscape/erosion control 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. The natural areas on the site to be left undisturbed such as native vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 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 geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out 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 geo-textiles 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 (5) 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, qualified Resource Specialist, or qualified landscape professional that certifies in writing 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, a qualified Resource Specialist, or qualified landscape

## 2. REMOVAL OF EXCAVATED MATERIAL

The applicant is authorized to remove excess excavated cut material consisting of 43 cubic yards of material. This material shall be transported to an appropriate disposal site located outside the Coastal Zone, or an approved site located in the Coastal Zone with a valid Coastal Development Permit for disposal of fill material.

## 3. FUTURE DEVELOPMENT DEED RESTRICTION

- A. This permit is only for the development described in Coastal Development Permit No. 4-00-221. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence, garage, mobile trailer/office, storage container, propane tank, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number One (1) or the existing water storage tank, shall require an amendment to Permit No. 4-00-221 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 applicant 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.

## 4. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO 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. 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 85<sup>th</sup> 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 30<sup>th</sup> 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.

## 5. WILDFIRE 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, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### 6. STRUCTURAL APPEARANCE DEED RESTRICTION

- A. The color of the structures, roof and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass. Night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

#### 7. PUBLIC ACCESS TRAIL OFFER TO DEDICATE EASEMENT

In order to implement the applicant's voluntary proposal of an offer to dedicate a public access hiking and equestrian trail easement over that portion of the subject property occupied by the Henry Ridge Motorway as part of this project description, the applicant as landowner agrees to complete the following prior to issuance of the permit: the landowner shall execute and record a document, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for a twenty foot wide hiking and equestrian trail use within the Henry Ridge Motorway easement on the subject property (APN 4438-017-017) from the southern property line to the northern property line in the general location and configuration depicted in Exhibit 10. The dedicated trail easement shall not be open for public hiking and equestrian usage until a public agency or private association approved by the Executive Director agrees to accept responsibility for maintenance and liability associated with the trail easement. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, including the applicant, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property. The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances except for tax liens, providing the public the right to pass and repass over the noted route limited to hiking and equestrian uses only. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of the recording. The recording document shall include legal descriptions of both the applicant's entire parcel and the easement area.

#### 8. CONDITION COMPLIANCE

Within one hundred eighty (180) 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.

## IV. Findings and Declarations.

## A. <u>Project Description</u>

The project site is located nearly five miles inland of the coast north of the intersection of Topanga Canyon Boulevard and Old Topanga Canyon Road. The parcel is accessed from either Topanga Canyon Boulevard and Entrado Drive to Altra Drive, or Mullholland Highway and Eddingham Avenue to Adamsville Avenue to Henry Ridge Motorway, the later connecting roads are private roadways. The parcel is not

accessible by vehicle from the south at Topanga School Road and Topanga Canyon Boulevard (Exhibits 1 and 2).

The applicant proposes to construct a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, mobile trailer/office, storage container, septic system, and grade 43 cubic yards of cut material to be exported to a disposal site located outside coastal zone. The office trailer, storage container and propane tank are "unpermitted" developments (Exhibits 3 - 7). The application also includes a proposed voluntary offer to dedicate a public hiking and equestrian trail easement over a portion of the subject site occupied by the Henry Ridge Motorway (Exhibit 15). An existing water tank is located on the adjoining property to the north as allowed by an existing easement. The tank site is located about nine feet above the applicant's building pad to provide gravity fed water to the site.

The building site is a 6.4 acre lot located along the Henry Ridge Motorway on both sides of the Motorway. The site is on the top of a north-south trending ridge. The proposed building site is located on an existing graded pad on the east side of the Motorway which also serves as a long established fire break. The building site is at an elevation of about 1.576 feet above sea level. The majority of the property is in its natural state with the exception of the barren graded building pad and a smaller lower graded pad located immediately to the south of the building pad. The Henry Ridge Motorway and the building pad is part of a long established fire break along the ridge top; vegetation has been cleared from this area for many decades. The applicant proposes to relocated the existing "unpermitted" office trailer to this lower pad. The trailer is used by the applicant for bee keeping activities. The existing water storage tank is located on the adjoining parcel to the north at an elevation of about 1585 with an easement. The applicant's water source is from a private delivery contractor providing a water supply from the Los Angeles County Water District Number 29 by tank truck on an as needed basis. Exhibit 8 includes the applicant's 'will serve' letter from Jensen Water Trucks.

The site is surrounded by vacant lots and a residence on a nearby lot to the south. In addition, there are other existing residences to the north of the site, most of which are located outside the Coastal Zone. The Commission has approved residential development in the vicinity of the project site including Coastal Permit Number 5-90-115, Marshall; Coastal Permit Number 5-88-1096; Turner & Kleles; Coastal Permit Number P-77-1332, Stewart; Coastal Permit Number 5-84-233, Hettig; and Coastal Permit Number 5-87-648, English & Marshall. According to the applicant, the site's address was formerly 1100 Henry Ridge Motorway, it is now 1600 Henry Ridge Motorway.

The certified Malibu/Santa Monica Mountains Land Use Plan designates the 6.4 acre site as Rural Land I and Mountain Land (one dwelling unit for ten and twenty acres respectively). The subject parcel is not located within a designated wildlife corridor or any designated Environmentally Sensitive Habitat Area (ESHA), however, it is located about 1,000 feet west of Greenleaf Canyon Creek, a blue line stream, which includes designated Environmentally Sensitive Habitat, an oak woodland within 800 feet of the project site. The project parcel includes an existing and mapped hiking and riding trail

crossing the subject property from south to north. The Topanga - Henry Ridge Trail on the subject property connects the Backbone Trail to the south with three feeder trails to the north to Calabasas, Serrania Park, and the Calabasas Topanga Connector Trail (Exhibit 9).

The project site is highly visible from the Topanga Henry Ridge Trail and limited portions of this trail from the south and north, and portions of Topanga Canyon Boulevard to the east.

#### B. Individual and Cumulative Impacts Near 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:

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(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. 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 nearly five miles inland of the coast on the top of a ridge known as the Henry Ridge Motorway within the Santa Monica Mountains. This inland area of the eastern Santa Monica Mountains is partially 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 Los Angeles County Malibu/Santa Monica Mountains Land Use Plan provides policy guidance for the Commission to consider while addressing public services including an adequate water supply. Policies P233, P234, and P245 state:

P233 Continue to require all new developments to demonstrate that an adequate potable water supply is available to each parcel.

P234 Continue to require all new developments to demonstrate that an adequate water supply for fire protection is available based on the location of development, type of construction, spacing of structures, fire hazards, and so on.

P235 An on-site water source shall be of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements as determined by the government agency having jurisdiction.

The applicant propose to construct a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, office trailer, storage container, septic system, and propane tank, grade 43 cubic yards of cut material, to be exported to a

disposal site located outside coastal zone. The office trailer, storage container and propane tank are "unpermitted" developments (Exhibits 2 - 7). The application also includes a proposed voluntary offer to dedicate a public hiking and equestrian trail easement over a portion of the subject site occupied by the Henry Ridge Motorway The existing site includes a water storage tank.

The subject site is provided with limited public and private services. These services include public and private road access from Topanga Canyon Boulevard and Mulholland Highway. Water availability and private road access are issues discussed below.

The applicant proposes to use an existing water tank to serve the proposed residence. The applicant's water purveyor is Jensen Water Trucks and the Los Angeles County Water District Number 29 (Exhibit 8). Water from this District is brought by a private contractor's tank truck to the applicant's storage tank on an as needed basis. Therefore, the applicant appears to have an adequate private water resource to serve new residential development.

Staff requested in a letter dated April 11, 2001, additional information from the applicant on alternative water service or its availability to serve the proposed residence (Exhibit 11). These alternative domestic water services or supplies include a potential on-site water well and an extension of the nearest water pipeline provided by the Los Angeles County Water District Number 29. The applicant submitted on April 30, 2001 a response indicating that the proposed water service had been approved by the Los Angeles County Regional Planning and Fire Departments and apriori by the Coastal Commission, concluding that a detailed investigation of other alternatives was not needed (Exhibit 12).

A review of the Commission's past action on the water service issue for nearby residential development indicates that the Commission has approved new residential development served only by water wells. The applicant has stated in Exhibit 12 that the Commission has approved previous residential development based on water tanks filled by tank trucked sources of water. However, no evidence was found by staff that the Commission has approved previous new residential development in the Henry Ridge Motorway area served by tank truck filled water storage tanks. The following is a list of Coastal Permits approved along the Henry Ridge Motorway by the Commission. Coastal Permit Number 5-90-115 was issued to Gemma Marshall in March 1990 for the construction of a two story 3,128 sq. ft. single family residence with garage, driveway, septic system, water well, and 2,500 cubic yards of grading at 1035 Henry Ridge Road. Coastal Permit Number 5-87-648, at the same site, was issued to English and Marshall for the construction of a 3,000 sq. ft. residence, garage, driveway, septic system, water well, and 300 cubic yards of grading. Coastal Permit Number 5-88-1029 was approved by the Commission in February 1989 for the construction of a 4000 sq. ft. single family residence, septic system, water well, tank and road improvements for Jeff Turner and Crawford Kleles. The source of water for these three Coastal Permits that approved new residential development were water wells. Coastal Permit Number 5-91-028 was issued to Randi Johnson and Bill Yahraus in September 1991 for the construction of a 2,758 sq. ft. single family

residence, garage, septic system and no grading at 1075 Henry Ridge Motorway. The source of water for the Johnson/Yahraus residence was not discussed in the staff report, although the application form indicated that a water utility extension was proposed to serve the project. In May 1991, Immaterial Amendment Number 5-91-028 was processed for Randi Johnson and Bill Yahraus to add a *well*, water tank, and swimming pool on a graded pad.

However, the applicant's proposed water source, from a tank truck filled water storage tank, maybe an uncertain long term supply of water to serve the proposed residence. In the event the applicant's water service becomes depleted or unavailable, the applicant has at least two options to provide adequate domestic water for the proposed residence. The applicant's options include: one, drill a water well into an aquifer or bedrock aquifer on or off the subject property and connect a water pipeline to the storage tank; or two, construct a water line extension from the nearest water pipeline to the project site that provides water from the Los Angeles County Water District Number 29 which currently serves other residences in the area.

The applicant proposes to construct an on-site septic system to adequately dispose of sewage generated on-site. The applicant has provided an 'Approval in Concept' for the septic system from the Los Angeles County Health Department dated 8/29/2000. Therefore, the Commission finds that the proposed project, as conditioned, meets the guidance provided by the Los Angeles County Land Use Plan and 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. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein.

The project site is not located within any of the three resource protection and management categories, therefore, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan. These issues are discussed below.

## 1. <u>Protection of Environmental Resources</u>

The Coastal Act provides two policies directing the Commission to protect Environmentally Sensitive Habitat Areas (ESHA), coastal streams, and coastal waters. The Land Use Plan (LUP) includes several policies designed to protect the ESHAs and address stream protection and erosion control, from both the individual and cumulative impacts of development. These policies include:

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.

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, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within ESHA's and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

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.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, which ever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review

Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineering standards, re-seeded, and mulched and/or burlapped.

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, hydrologic, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

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, the development has been permitted.

The applicant proposes to construct a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, office trailer, storage container, septic system, and propane tank, grade 43 cubic yards of cut material, to be exported to a disposal site located outside coastal zone. The mobile trailer/office, storage container and propane tank are "unpermitted" developments (Exhibits 2 - 7).

The building site is located along the Henry Ridge Motorway, about a one and one half miles north of the intersection of Topanga Canyon Blvd. and Old Topanga Canyon Road. The building site is located on a flat graded pad as close as 36 feet east of the Henry Ridge Motorway. The storage container will be located north of the proposed residential development, the office trailer will be located south of the residence on an existing pad located about six feet lower than the residential pad. The residential development is limited to one existing graded site consisting of about 30,000 sq. ft. of graded area and does not include other accessory development, such as a tennis court, or equestrian facilities.

To the east a 'blue line' stream, Greenleaf Canyon Creek, a tributary of Topanga Creek is located about 1,000 feet of the building site. ESHA is designated along this portion of the creek and is located as close as about 800 feet to the east of the project site. Greenleaf Canyon Creek drains into the ESHA designated Topanga Creek and eventually into the Pacific Ocean. Due to the distance, the proposed residence and

#### 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 Land Use Plan, one can address the project with regard to each policy in sequence.

For instance, Policy 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. The applicant's proposed residence and other development is not located within an ESHA and is separated from the ESHA by about 800 feet.

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 as close as 36 feet from the Henry Ridge Motorway. There are no sensitive environmental resources on the subject site.

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 P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides. The applicant proposes to construct the residence and garage with 43 cubic yards of proposed grading on site and will export this material to a site located outside the coastal zone.

Policy P 84 specifies that in disturbed areas, landscaping plans balance long-term stability and minimization of fuel load. 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: 1) structures should be clustered, 2) grading for access roads and driveways should be minimized and new on-site access roads be a maximum of 300 feet or one third the depth of the parcel, which ever is less. Policy P91 specifies that all new development be designed to minimize impacts and alterations of physical features, such as ravines and hillsides and processes of the site to the maximum extent feasible. The applicant's proposed new driveway leading from the Henry Ridge Motorway to the proposed garage is about 120 feet in length. The proposed project includes a clustered residence, attached garage, storage structure and office trailer located within 116 feet of the subject proposed residence on a lower graded pad. Therefore, the proposed driveway and clustered development meets the guidance provided in Policy P88.

However, to address the need for a landscape plan, minimize erosion hazards for all disturbed and graded areas, and minimize the alteration of physical features, Special Condition Number One is necessary. Special Condition Number One will help to ensure that the biological productivity and quality of coastal streams, such as Greenleaf and Topanga Creeks, are maintained and that the habitat values of the

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subject area is protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, Special Condition Number One requires a landscape and Final Fuel Modification Plan to landscape all disturbed and graded areas on the project site. The applicant has expressed some concern regarding the extent of the landscape required on the building site since it is located within a fire break. Although the applicant wishes to leave the site as it is with some brush clearance on-site pursuant to a fuel modification plan, it is important to remove the non-native plants and replace them at an appropriate density and location with native plants to minimize erosion on site and sedimentation offsite consistent with structures located within a fire break. Special Condition Number One requires such a landscape plan and Fuel Modification Plan to minimize erosion on the site and sedimentation offsite. Special Condition Number One also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. 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 nonnative/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 One also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Special Condition Number One further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

The applicant is proposing to cut 43 cubic yards of material in construct the foundation for the proposed residence and export this material to a disposal site located outside the coastal zone. Special Condition Number Two requires that this excess cut material be exported outside the Coastal Zone as proposed by the applicant or to a site located within the Coastal Zone with a valid Coastal Development Permit for the disposal of fill material.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding

impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Greenleaf Creek and Topanga Creek watersheds due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. Special Condition Number Three is necessary to ensure that any future additions, improvements, or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

#### a. 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the construction of a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, mobile trailer/office, storage container, septic system, and propane tank, grade 43 cubic yards of cut material, to be exported to a disposal site located outside coastal zone. The office trailer, storage container and propane tank are "unpermitted" developments (Exhibits 3 - 7). The project site includes a graded area and an existing water tank.

The site is considered a "hillside" development, as it includes moderately sloping terrain with soils that are susceptible to erosion on either side of the proposed building site. Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

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. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. 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.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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, such 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 would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow 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 will be greatly diminished.

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 Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> 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 Number Four, and finds this will

Furthermore, interim erosion control measure 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 Number Four is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Four, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site, as applicable. 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.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

Lastly, the County of Los Angeles Environmental Review Board (ERB) did not review this development project as the project is not located within any ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, or a Degraded Sensitive Resource Area.

#### b. <u>Conclusion</u>

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 near designated ESHA's, while protecting streams and ESHA's from disturbance to the greatest extent possible. Therefore, project site is not located within any of the three resource protection and management categories, therefore, development can proceed according to the base land use classification and in conformance with all policies and standards contained in the Los Angeles County Land Use Plan as guidance. The subject property is located within the Rural Land I and Mountain Land land use designations. These land use designations provide for a split designation consisting of one dwelling unit for both ten and twenty acres. Since the subject lot is 6.4 acres in size and the applicant proposes one dwelling unit, the proposed project is conforming with the guidance provided by the Land Use Plan

The Commission's standard of review for this project are 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 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 and oak woodland habitat, designated as ESHA, will be protected as a result of the proposed project, as conditioned, and as required by Sections 30231 and 30240 of the Coastal Act. The Commission finds that the project 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 and conforms 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 applicant submitted a geologic report titled: Limited Engineering Geologic Report, dated August 14, 2000, by Pacific Geology, Consultants. This report evaluated geologic conditions for future on-site effluent disposal. The report states:

Bedrock underlying the subject property is assigned to the Calabasas Formation (Tc) of Miocene geologic age. Site bedrock consists of a light yellowish-brown, well bedded, moderately hard, fine-grained sandstone and

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interbedded light to medium gray, well bedded, moderately hard siltstone. Bedding is well developed, continuous and slightly undulatory.

This report concluded that:

The on-site effluent disposal system will not adversely affect the stability of the site, or off-site properties, provided requirements set forth by the County of Los Angeles Health Department are followed during design and construction. All future excavations for the percolation of effluent shall be evaluated and approved by this office.

The County of Los Angeles Department of Public Works, Land Development Division, inspected the subject site and concluded that a geology and/or soils report will not be necessary and that the building plans are approved from a geologic and soils engineering standpoint. As a result, the applicant did not submit any additional geologic or soils engineering reports with this application. The reason is that the project site consists of a building pad graded prior to the early 1960's on a well bedded bedrock area. As a result, there are no recommendations from a geologic or soils engineering perspective on this project and thus, no need for a condition to implement any recommendations. Based on the conclusions of the consulting engineering geologist and the County of Los Angeles Public Works Department registered engineer and geologist, the Coastal Act from a geologic and soils engineering perspective, as conditioned below.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Greenleaf Creek and Topanga Creek. The applicant needs to submit a Landscape and Fuel Modification Plan for the proposed development. These plans will 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 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 One requires a Fuel Modification Plan to reflect the proposed project and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a Final Plan.

Regarding non-point source pollution, the Los Angeles County Land Use Plan Policy P96 specifies that degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands. Policy P82 specifies that grading be minimized to ensure the potential negative effects of runoff and erosion on these resources are minimized.

The proposed project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality in the ESHA designated Greenleaf Creek. As a result, site drainage needs to be collected and distributed in a non-erosive manner. Because of the slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through Special Conditions Numbers One and Four, to submit drainage / erosion control plans conforming to the recommendations of the consulting geologist and engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

In addition to controlling erosion during grading operations, landscaping of the disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. 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 has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, 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 and the building pad on-site, shall be landscaped with appropriate native plant species, as specified in Special Condition Number One.

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, <u>Terrestrial Vegetation of California</u>, 1988). Chaparral and sage scrub

communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. It important to also note that some fuel modification and brush/grass removal may extend beyond the subject property to adjacent properties as a result of this development. However, given the type of vegetation that maybe removed, this removal or thinning may be minimal, but will be determined in the Fuel Modification Plan approved by the Los Angeles County Fire Department.

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 the Wildfire Waiver of Liability Special Condition, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Five.

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

#### D. <u>Visual Resources</u>.

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.

P 131 Control the design of development on ridgelines so that it will not damage significant scenic views.

P134 Structures should be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

The applicant proposes to construct a 2,346 sq. ft. one story single family residence with 1,168 sq. ft two car garage, covered porch, office trailer, storage container, septic system, and propane tank, grade 43 cubic yards of cut material, to be exported to a disposal site located outside coastal zone. The office trailer, storage container and propane tank are "unpermitted" developments (Exhibits 3 - 7). The application also includes a proposed voluntary offer to dedicate a public hiking and equestrian trail easement over a portion of the subject site occupied by the Henry Ridge Motorway. The only buildable area on the subject property appears to be the existing graded pad on the ridge as the property slopes down the hillsides to the west and east. Utilizing the existing graded pad area will allow the applicant to construct a residence with minimal grading required for the foundation.

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 Henry Ridge Motorway is recognized as a "Significant Ridgeline" and is a designated public trail as noted below. The project site is located on the eastern portion of this ridgeline and is partially visible from public roadways and public trails in the vicinity.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence, garage, and greenhouse 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 siting, size and grading for the building pad, driveway, storage container, and office trailer will be visible from limited portions of Old Topanga Canyon Road and Topanga Canyon Boulevard due to the topography of the area. The applicant proposes to construct the residence as a one story residence at a maximum height of

less that 15.5 feet above existing grade. The project site is located at 1,576 foot elevation, well below the nearest peak along the Motorway to the north which is at the 1,764 foot elevation. The size of the residence totals 3,514 sq. ft., a moderate size, and the storage container and office trailer are clustered on the building site. There are also a few other larger residences located in the general vicinity of the project site. As an example, the Commission approved the construction of a 4,000 sq. ft. two story 29 foot high residence south of the subject site in 1989 (Coastal Permit Number 5-88-1029, Turner and Kleles).

Regarding public trails and public lands, the project site will be immediately visible from the Topanga-Henry Ridge Trail located along the Henry Ridge Motorway, which is located as close as 36 feet to the east of the proposed residence. The residence will also be visible from the trail from the north and from the south. The project site will also be visible from limited portions of the Backbone trail located to the south of the project site located as close as two thirds of a mile to the south. The project site is also visible from other locations to the south and east within State Park Lands.

The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded and restored areas reduces the adverse effects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The applicant is required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan will indicate that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by Special Condition Number One, the disturbed and restored areas will be replanted with native plants. As required by Special Condition Number One, the landscape plan will be designed with vertical elements to partially screen and soften the visual impact of the structures with trees and shrubs as viewed from the adjoining and nearby public trails, lands and roadways located to the south, east, and north of the project site.

In order to ensure that any future improvements or additions to the permitted structures, which would otherwise be exempt from Coastal Permit requirements, are reviewed for consistency with Section 30251 of the Coastal Act, the Commission finds that it is necessary to require that all future additions or improvements to the permitted structures will require a permit or permit amendment, as required by Special Condition Number Three.

In addition, in order to ensure that the structural appearance, i.e. color of the structures, roofs, and driveway and the potential glare of the glass windows, will not create adverse visual impacts from public roads and trails, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in

the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Six. In addition, Special Condition Number Six requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

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.

## E. <u>Public Access Trail</u>

The Coastal Act requires that maximum public access to and along the coast be provided in new development projects. The Coastal Act also requires new development to provide adequate lands suitable for recreation to serve the needs of new residents.

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) 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 nonautomobile 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. (emphasis added)

Coastal Act Section 30254 states:

... Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Coastal Act Section 30530 states:

It is the intent of the Legislature, consistent with the provisions of Chapter 9 (commencing with Section 31400) of Division 21, that a program to maximize public access to and along the coastline be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by federal, state, and local agencies responsible for acquisition,

## Page 29

## Application No. 4-00-221 Clemens

development, and maintenance of public coastal accessways. There is a need to coordinate public access programs so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

In the Santa Monica Mountains, a portion of an existing system of heavily used historic trails located on private property has been jeopardized by the conversion of open lands to residential development. In an effort to preserve and formalize the public's right to use these trails, Los Angeles County adopted the Riding and Hiking Trails Master Plan for the Santa Monica Mountains, which is adopted by ordinance into the highway element of the County's 1982 General Management Plan for the Santa Monica Mountains National Recreation Area as updated in 1984 as the Land Protection Plan. The trail system is mapped as part of the 1986 certified Land Use Plan for the Malibu/Santa Monica Mountains Area, a component of the County's Local Coastal Program. The trail system includes the Backbone Trail, a main access route along the coast leading from the metropolitan Los Angeles area on the east past Leo Carrillo State Beach at the Los Angeles County - Ventura County border to Point Mugu State Park in Ventura County on the west. Numerous cross mountain lateral trails link the major population center of the San Fernando Valley on the north with numerous Federal, State, and County mountain and beach park lands within the Mountains and to the south on the beach. These lateral trails provide these links between downtown Santa Monica on the east to Point Mugu State Park on the west. There are two designated regional connector trails linking the Malibu/Santa Monica Mountains trail system with a larger regional system which connects the beach and mountain areas with trails in the Simi Valley, San Gabriel Mountains and other inland areas. The trail network will make a very large number of destinations available to hikers and equestrians. These destinations are quite varied in nature and therefore have the potential of holding interest for many different persons. The choice includes highly scenic locations, such as Escondido Falls and Castro Crags area; historic sites, including motion picture locations; and active group campsites. Dramatic coastal views, including almost unmatchable views of the Channel Islands, are available from vista points along the Backbone Trail, to which the Coastal Slope Trail connects. These extraordinary coastal views are central to the coastal mountain recreation experience and together with the fauna, flora, and climate specific to this area, are among the coastal resource values protected by the public access and recreation policies of the Coastal Act.

One of the trails identified in the adopted trail system is the Topanga-Henry Ridge Trail, which provides access from the inland areas of Calabasas and Woodland Hills located outside the Coastal Zone and Topanga Canyon areas located within the Coastal Zone to coastal areas. This trail quite often runs along unimproved and private dirt roads, including the private road, the Henry Ridge Motorway, that bisects the subject property in a north-south manner. These trails have become important and commonly used recreational assets and a means of providing access to and links

between natural, scenic, and recreational areas in the mountains. The proposed development in this application is on a parcel which fronts a segment of the Topanga-Henry Ridge Trail, a designated segment of this major trail system.

In permitting residential areas in the Santa Monica Mountains to build out, planning agencies have found that to assure continued availability of the recreational resources of the mountains by the general public, compatible recreational facilities to serve both residents of the new development and existing recreational visitors must be provided. A comprehensive recreation plan for the Santa Monica Mountains has been adopted, as cited above, that includes acquisition by the National Park Service and the California Department of Parks and Recreation of extensive tracts of land for recreation. Careful review of development near such areas to ensure that it is sited and designed to be compatible with recreational uses, and development of a system of scenic highways and hiking and equestrian trails to link the larger units together while retaining access to views, provide recreational opportunities, and provide an alternative mode of access to all areas of the mountains and adjacent coastal areas.

Los Angeles County incorporated the Riding and Hiking Trails Master Plan into the Land Use Plan certified by the Coastal Commission in 1986. In order to preserve and formalize the public's right to use these trails, this trail system map was included as part of the certified Malibu/Santa Monica Land Use Plan (LUP). Policy 44 of the LUP requires that trails identified in the Riding and Hiking Trails Master Plan be dedicated at the time of development of the property on which the trails are located:

P44 A trail dedication requirement shall be a condition of approval for new development as defined in Coastal Act Section 30212(b) where the property encompasses a mapped trail alignment, as indicated in Figure 3 of the LUP, or where the Coastal Commission has previously required trail easements. Nothing in this policy shall preclude relocating a trail that has historically been used by the public as a trail so long as the new trail is equivalent for purposes of public use. Both new development and the trail alignment shall be sited to provide maximum privacy for residents and maximum safety for trail users. Property owners and residents shall not be permitted to grade or develop the trail area in such a way as to render the trail unsafe or unusable. Where a trail is proposed prior to development occurring in an area, credit shall be given to the landowner that will run with the land by formal agreement if a donation is involved. The dedication of a trail right-of-way shall give the landowner the right to request the County to deduct that area from the assessed area of that parcel for tax purposes. It is expressly understood that the public agency shall accept the public liability for operation of the trail.

The Topanga-Henry Ridge Trail segment bisecting the subject property is commonly used by equestrians and hikers, and has been for a long period of time. Although there is an indication that prescriptive rights have been established, the increased demands caused by residential buildout make it necessary to condition such development to formalize the public's right to continued use of these trails. Commission Staff contacted representatives of the Santa Monica Mountains Trail Council and the County of Los Angeles Park and Recreation Department to determine

the status and use of this trail. As a result, Staff received three letters from three organizations (Topanga Association for a Scenic Community and Viewridge Owners Involved in the Community and Environment, received May 22, 2001 and the Santa Monica Mountains Trail Council, received May 23, 2001) identifying public use of this trail and requesting a public trail easement for the Topanga Henry Ridge Trail through the subject site (Exhibits 13, 14, 16).

As noted previously, the application includes a voluntary offer to dedicate a public hiking and equestrian trail over a portion of the subject site occupied by the Henry Ridge Motorway (Exhibit 15). As noted in Exhibit 9, the Topanga Henry Ridge Trail is a major north - south feeder trail connecting Topanga and the Backbone Trail to locations north including Calabasas, Serrania Park, Santa Maria Canyon Loop Trail, and the Woodland Hills area. Three adjoining properties to the south have provided similar offers to dedication a portion of this trail as offers to dedicate public trail easements. This offer to dedicate the easement on this site represents an important link that will further complete this trail. The proposed route follows within the road easement of the Henry Ridge Motorway. Such an offer to dedicate an easement requires formalization through a recorded document, i.e., an irrevocable offer to dedicate a route which is agreed to by the Executive Director and concerned agencies, and provides for acceptance by a public agency or private association. Therefore, Special Condition Seven has been included, consistent with the applicant's proposal in order to implement the applicant's offer to dedicate a public hiking and equestrian trail, a twenty feet wide easement located within the Henry Ridge Motorway easement, prior to the issuance of the coastal development permit.

#### a. Conclusion

For the reasons discussed above, the Commission finds that the trails to a substantial extent will serve existing and future residents of the area, and will help meet the increased recreational demands that the increased numbers of residents, including this applicant, will place on the recreational resources of the mountains and seashore. The trails will connect with park lands that serve people from the region and from outside the area, and will provide recreational opportunities that are an alternative to the beaches and will also provide an alternative mode of access to the mountain and beach areas, helping mitigate the increased traffic congestion caused by new development. In all of these ways, approval of the application with the recommended condition will also ensure that the applicants offer to dedicate a trail easement is proposed in a location and design consistent with the pattern of trail routes and design parameters found in the certified LUP. Therefore, the Commission finds that the proposed project, as conditioned, to provide for the dedication of the trail easement is consistent with Sections 30210, 30212(a), 30212.5, 30213, 30223, 30252, 30254, and 30530 of the Coastal Act.

## F. <u>Septic System</u>

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 applicant is proposing the installation of a new 1,200 gallon septic tank, and leach field to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform 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.

#### G. 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 proposed 'as built' office trailer, storage container, and propane tank located on the project site, all require a coastal development permit in order to be in conformance with the Coastal Act. The Commission finds it necessary to require the applicant to fulfill all of the Special Conditions as a prerequisite to the issuance of this permit, as required by Special Condition Number Eight within a reasonable period of time, within one hundred eighty (180) days of Commission action. This will ensure that the unpermitted development is resolved in a timely manner.

#### H. 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).

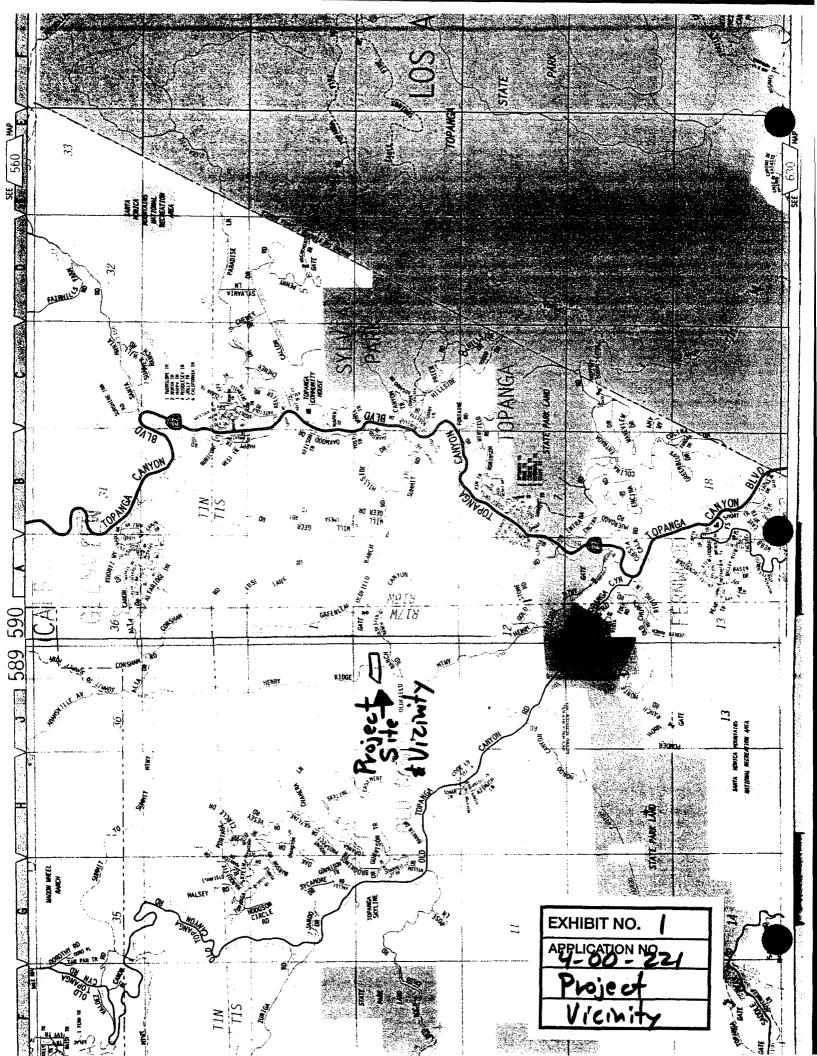
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 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 of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

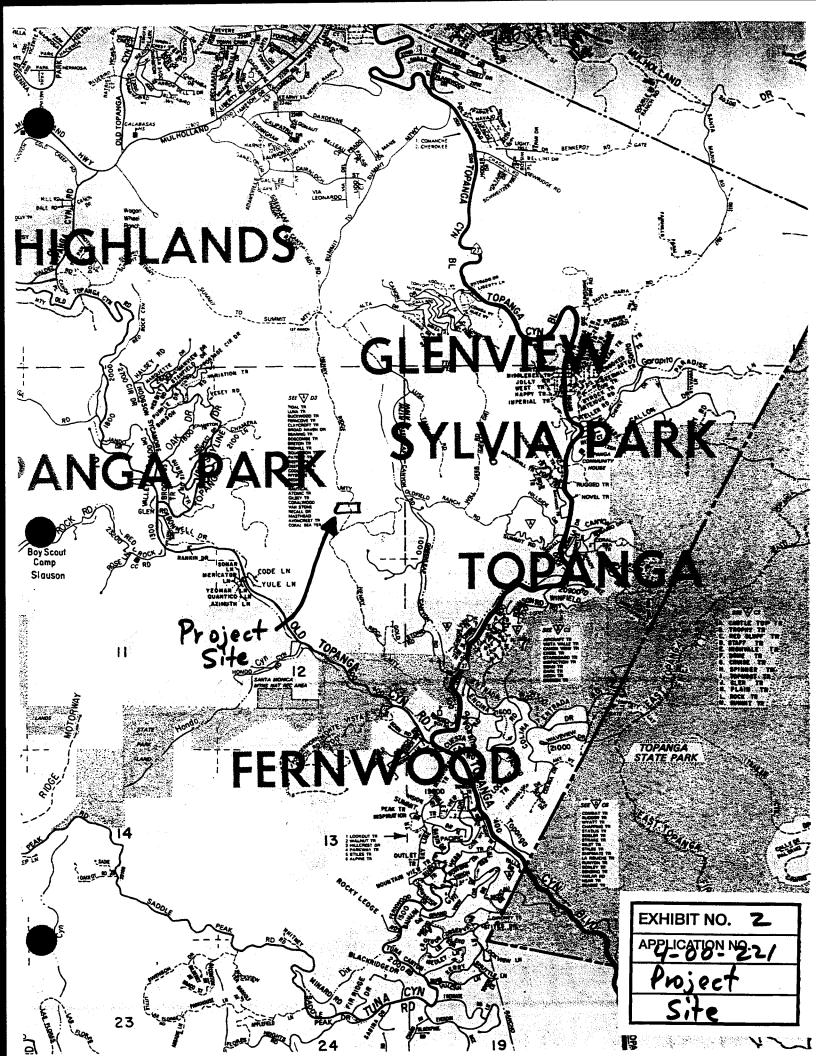
## I. California Environmental Quality Act (CEQA)

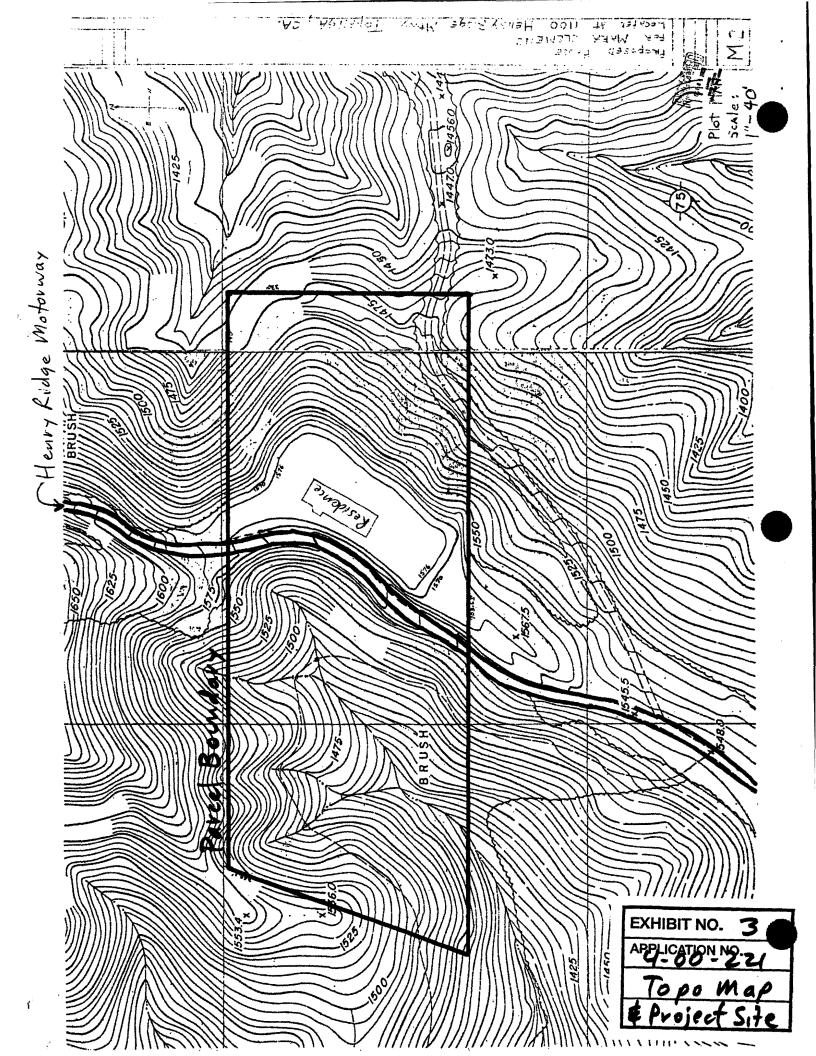
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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.

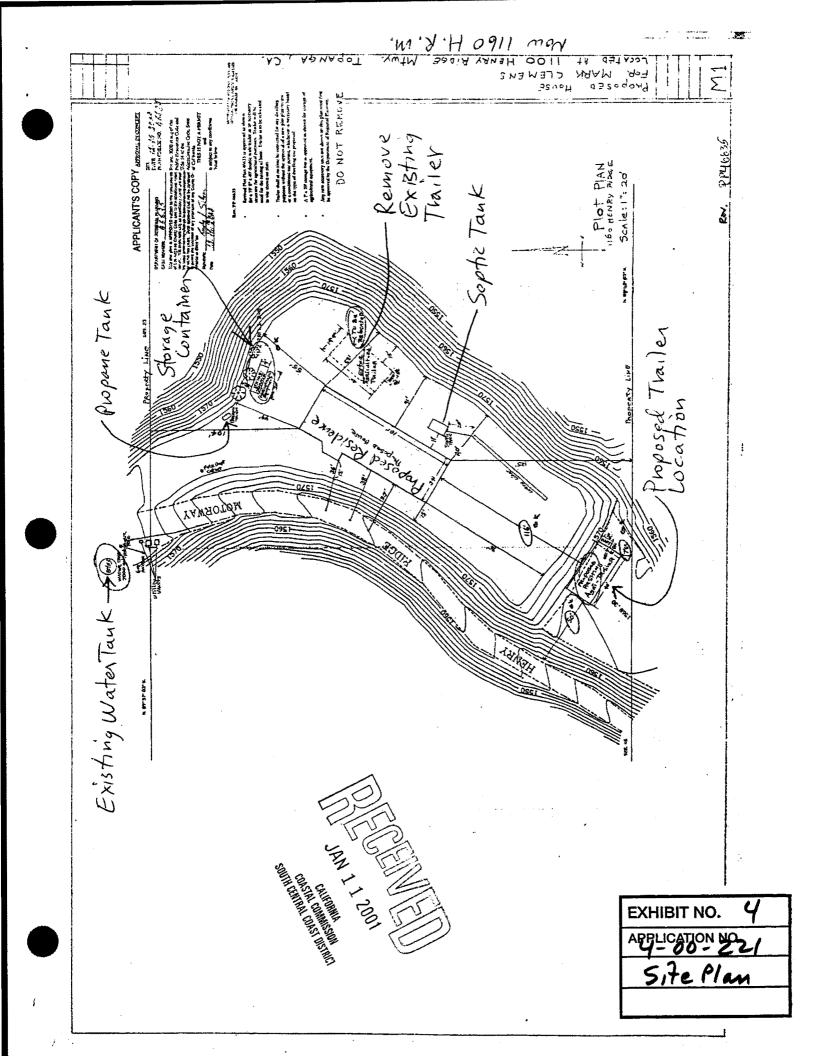
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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

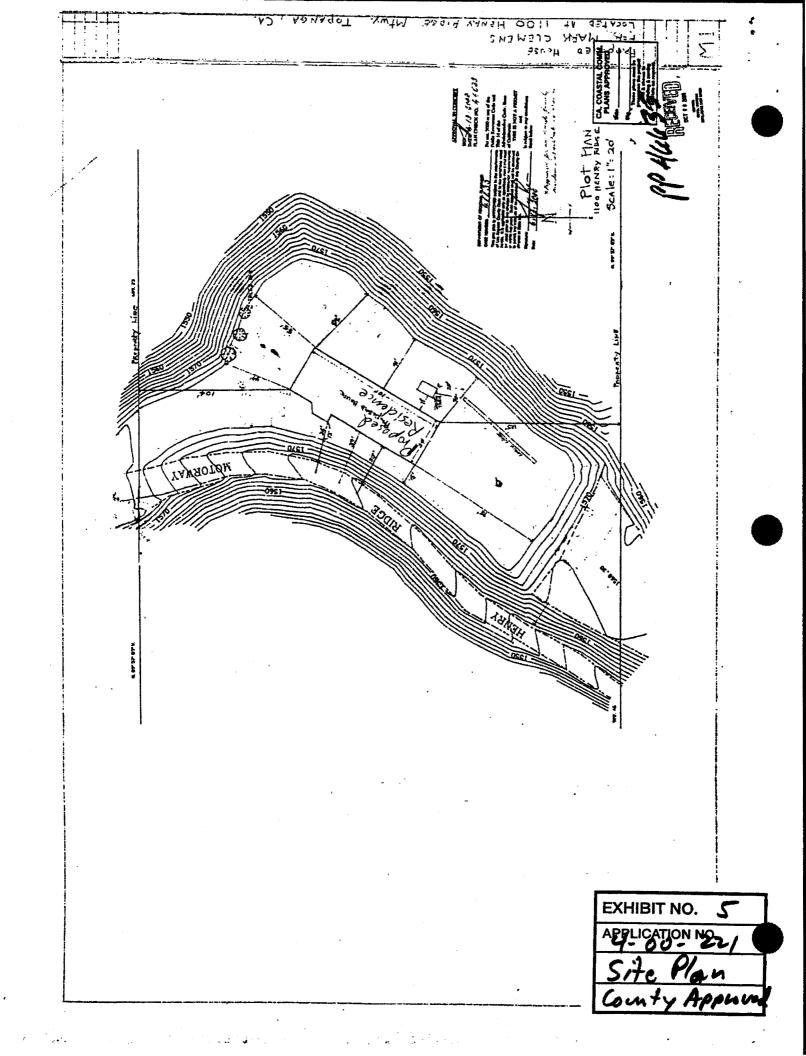
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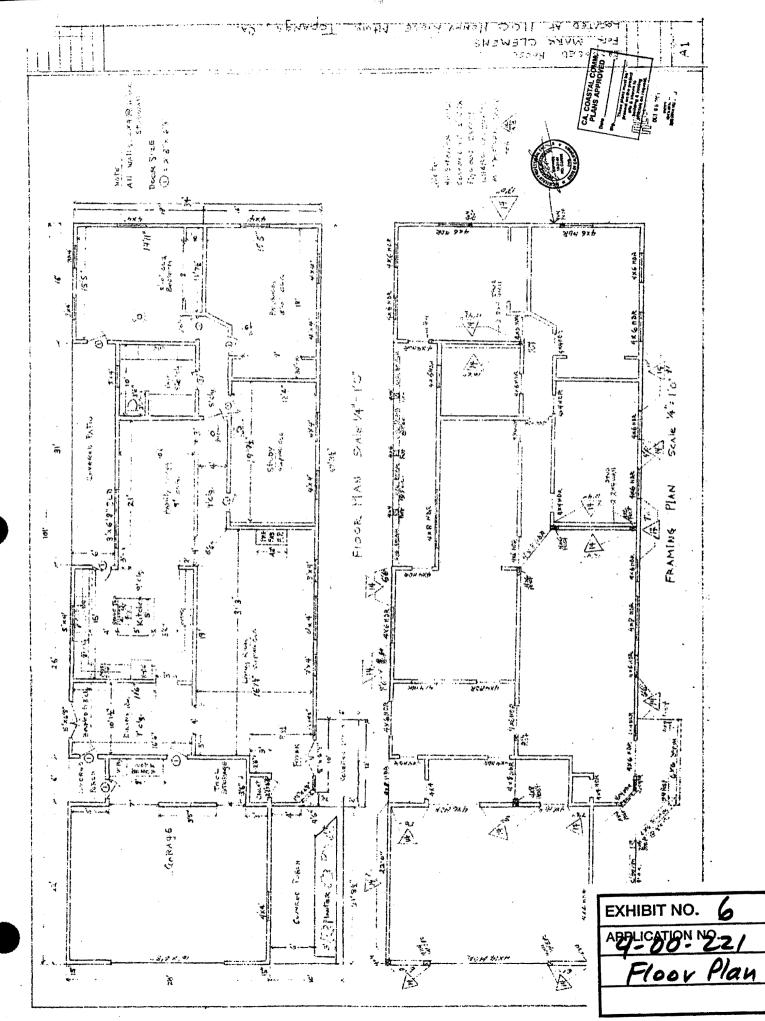


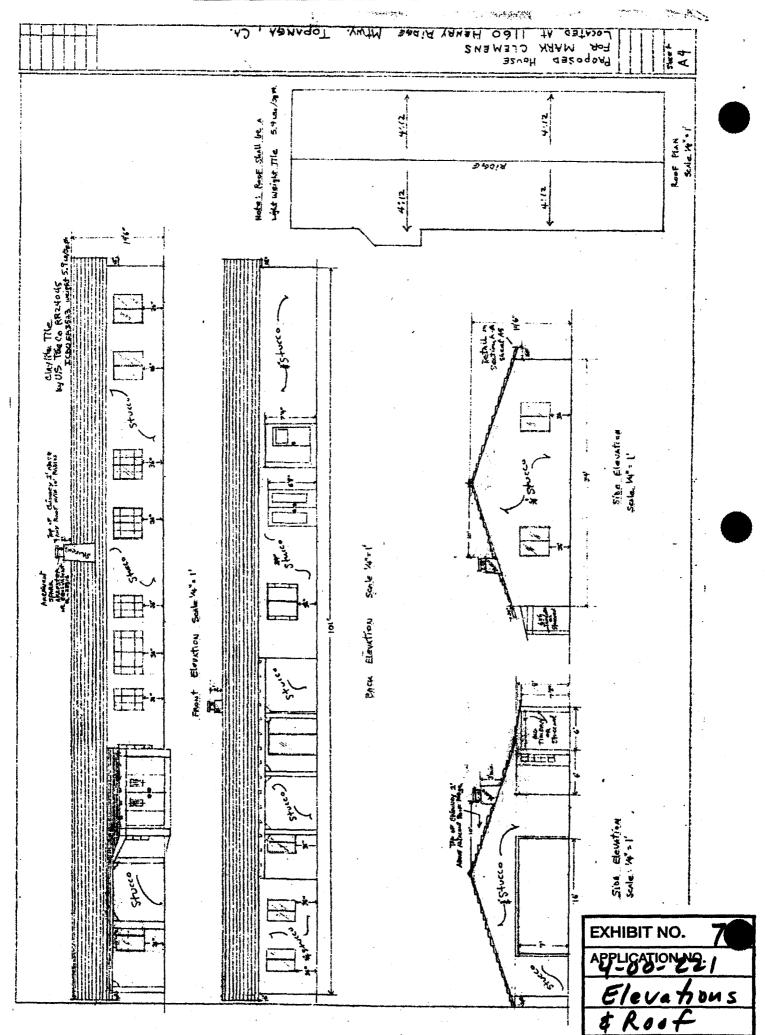








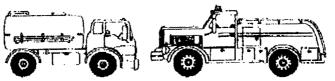




PHONE NO. :

(310) 455-2463

# JENSEN WATER TRUCKS



1137 Fernwood Pacific Drive Topanga, California 90290



FIRE PROTECTION & PERC TESTS & WATER DELIVERIES

MAY 1 0 2001

COASIAL COMMISSION SOUTH CERVIRAL COAST DISTRICT

23rd February 2001

RE: WATER SUPPLY WILL SERVE LETTER / 1100 HENRY RIDGE, TOPANGA

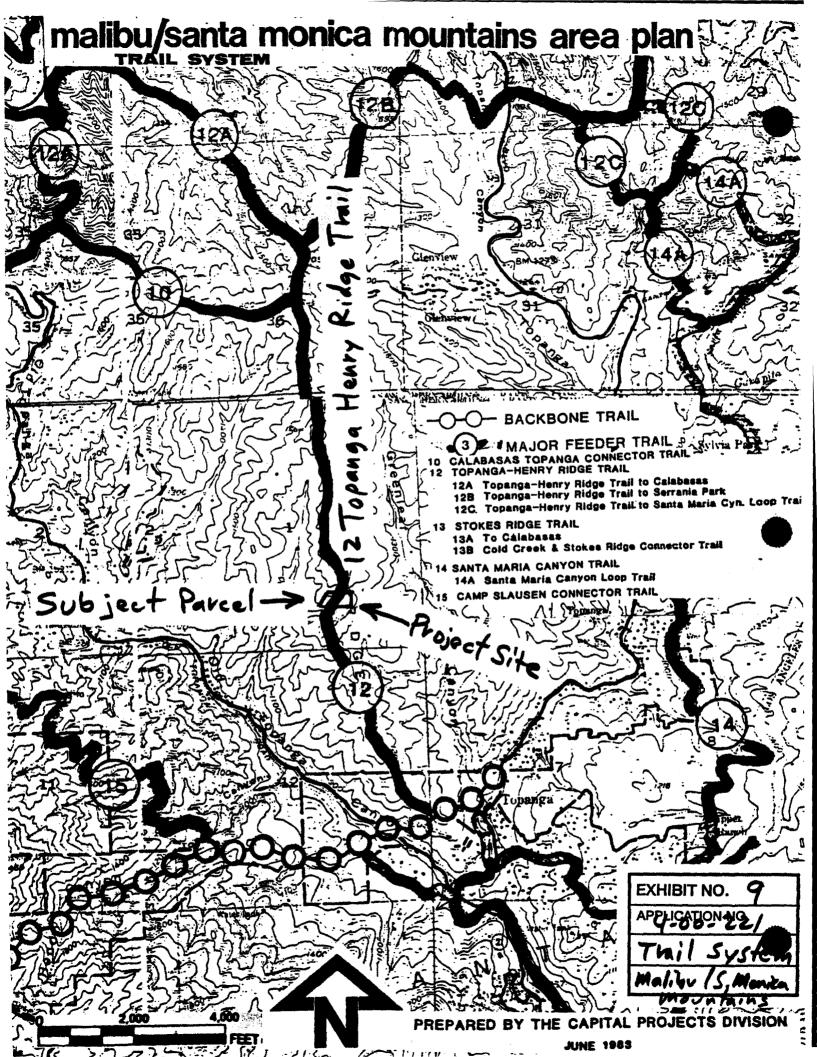
- Jensen Water Trucks holds a permit for the District # 29 Waterworks.
- Jensen Water Trucks provides the service of importing water to many properties thoughout the Santa Monica Mountains. Our area of import water service, includes the areas of Los Angeles County, topanga and the City of Malibu.
- 3. The Contractural and financial arrangements have been made between Jensen Water Trucks and Mark Clemens to import water to their property located at 1100 Henry Ridge, Topanga, Ca..
- 4. The water import service ig available 24 hours a day.

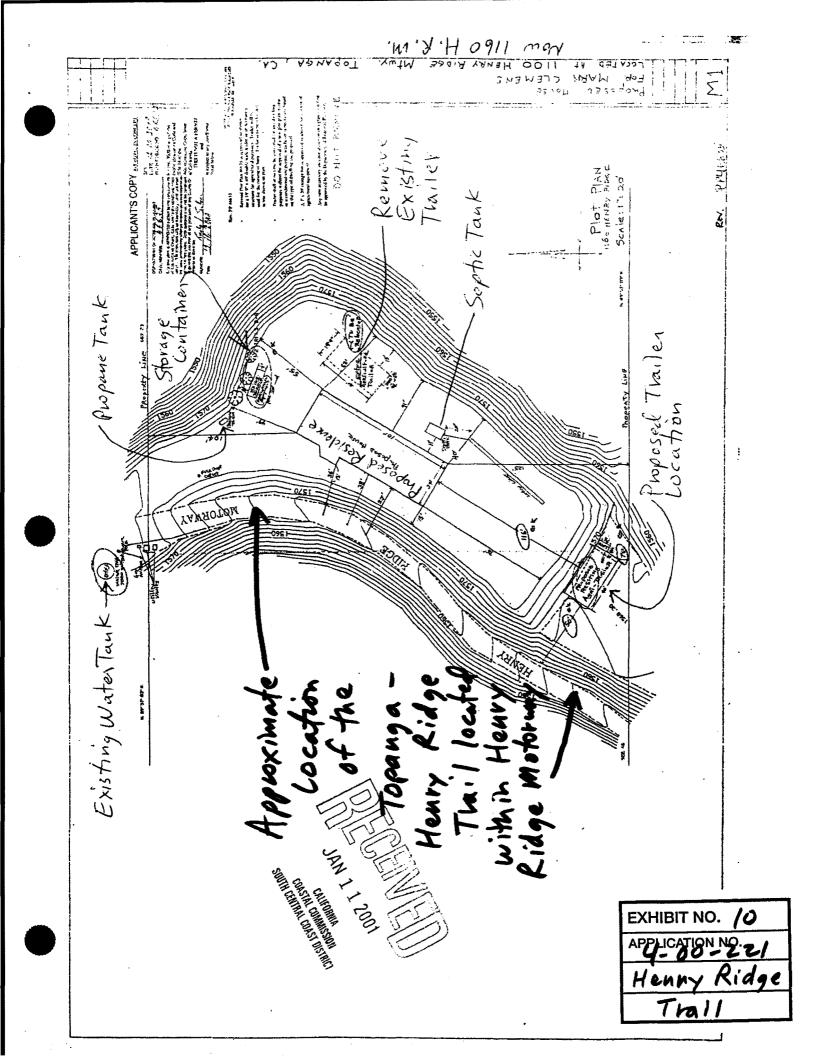
GARY JENSEN

· · · · ·

OWNER

EXHIBIT NO. rve





STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001 (805) 585 - 1800 April 11, 2001

Mark Clemens 7431 Vanalden Avenue Reseda, CA 91335

Re: Coastal Permit Application Number 4-00-221, Proposal to Construct a Residence at 1160 Henry Ridge Motorway, Topanga

Dear Mr. Clemens,

This letter confirms our discussions on February 14, 2001 and March 8, 2001 when we reviewed the requirements of Coastal Act Section 30250 and requested more information relative to alternative water service or its availability to serve your proposed residence. As we understand your proposal, a water tank will serve the proposed single family residence with domestic water. The water tank is filled by the Los Angeles County Water District Number 29 by a tank truck on an as needed basis. Since we are not aware of a Coastal Permit for the tank (or the trailer, storage container and propane tank) and you have not provided a copy of one, the Commission will review this proposed "unpermitted" development as if it did not exist. Should the Commission approve the water tank (and the trailer, storage container and propane tank) and the proposal to use it to serve the residence, its "unpermitted" status would be resolved once the coastal permit conditions are met and the permit is issued.

During our discussions, we identified two alternative means to provide water to the residence including an on site water well and District water provided by pipeline to the subject site. Please provide information on the water quality and quantity you may be able to obtain from nearby water well owners. Information from a water quality test, any required water conditioning or treatment required for domestic purposes, resulting water well yields, and 72 hour pump test, among other information would be helpful in assessing this alternative. Information on the previous proposed water line extension along Henry Ridge Road from existing District pipelines would be helpful. Any information the District may provide on extension of a pipeline to you'site may also be helpful. You may wish to provide information on the benefits or burdens to the applicant providing domestic water from these alternatives.

Lastly, in response to your letter dated February 15, 2001 received March 1, 2001, Staff will conduct the necessary research and analysis relative to the consistency of your proposed project with the Coastal Act after we receive the above information. Incidentally, Staff has not had an opportunity to research the issue of when the Henry Ridge Motorway was constructed or paved at this time. We appreciate your time and cooperation during the application process.

Sincerely

James Johnson Coastal Program Analyst Enclosure; Coastal Act Section 30250 400221clemenswaterletter

EXHIBIT NO.



Mark Clemens 7431 Vanalden Ave. Reseda, CA 91335

April 24, 2001 Application #4-00-221160 Henry Ridge Mtwy. Topanga, Calif. SOUTH CENTRAL COAST DISTRICT

89 South California St.

Ventura, CA 93001

California Coastal Commission

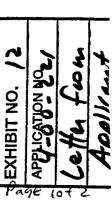
Dear Mr. Johnson,

Your letter of April 11 has been received but it remains unclear to me why I am being requested to explore alternative means of supplying water to replace one already found to be in compliance with the Coastal Act. You have indicated that since there is no Coastal permit for the water tank, the Commission will "review this unpermitted development as though it does not exist". From this and from our discussions. I take it that you are asserting a need to explore, from the standpoint of a clean slate, the alternatives so that the most feasible means will be implemented. While this negates consideration of the fact that water has been amply available for 2 decades, it does not eliminate consideration of the relative expense of continuing the status guo as compared to that of implementing an alternative means. While I appreciate your concern that the most feasible means is the goal and your acknowledement that expence is a key factor in determining feasibility. I do not think the original premis of a need on your part to examine alternatives is quite right, because it is for me, alone, determining the relative benefit, as I, alone, must bear the cost, which determines the feasability. The Coastal Commission's role in this is to ensure that my choise of water conveyance is in compliance with the Coastal Act. Nowhere does the Coastal Act express a preference for one means over another; only that the means be adequate.

The Malibu Land Use Plan stipulates that all new developments shall demonstrate an adequate supply of drinking water (P233) and fire protection water (P234). The LUP further stipulates at P236 that all new developments be encouraged to utilise the existing water facilities. Nowhere is there a provision mandating or even encouraging the drilling of wells and this is understandable, considering that it is an unneccessary impact on the environment. In conjunction with this, please note that Section 30250 (a) states that new residences shall be located either within or next to or close to existing developed areas able to accomodate them or in other areas with adequate public services. A well is not a public service nor is it an accomodation emanating from a developed area. Therefore a well cannot satisfy the requirements of Section 30250 (a).

Your letter does not address my February 15th reference to the Coastal Commission's finding of compliance with reference <u>explicitly</u> to Section 30250 (a) of Jeff Turner's property, adjascent to mine, which is without a well and is supplied with water by the same purveyor as mine. Here Staff has found and recommended that the Commission find and they have found that Turner's site is in compliance with Section 30250 (a) and all applicable policies of the certified Land Use Plan. Being thus founded establishes, notwithstanding Coastal's review of my water tank (and the bee keeping facilities) as if it did not exist, that this means of water conveyance does satisfy the requirements of Coastal Act Section 30250 (a).

In conjunction with this, please note that the majority of residences on Henry Ridge do not have wells supplying them with any water. This includes the Schulberg's 5,800 square foot residence at 1825 Henry Ridge Mtwy., the Tavel's 5,000 square foot house at **2** 



1845 Henry Ridge, Mateos at 1800 Henry Ridge, Agnew at 2200 Henry Ridge, and Jeff Turner's accomodations at 1140 Henry Ridge again, pursuant to Section 30250 (a), were found to be sufficient to serve a 4000 square foot house. Other homes in this area beyond the County water line who have tanks without wells include, to name only a few, the Smiths at 2340 Corsham, Doerghty at 22140 Alta and Crowley at 22252 Alta. There are many more homes through out Topanga that are serviced soley by tank truck for their water needs and, according to my water purveyor, many of the wells in Topanga supply an inadequate or fluctuating amount of and/or quality of water and are therefore supplemanted by tanker delivery.

As my proposed water service has been approved by the Fire Dept. and L.A. County Regional Planning and apriori by the Coastal Commission itself, detailed investigation of other alternatives is superfluous. Please correct me if I am wrong in asserting that among different means of water conveyance, all of which meet the requirements of the Coastal Act, the relative merits of one method over another is not within the purview of the Coastal Act. Thank you for your consideration of the above and again, as your letter did not clarify, please tell me in what way, if any, my proposal seems to you to be inconsistant with Section 30250 (a). Thank you.

Sincerely Yours,

1 Anta

Mark Clemens

Exhibit 12 Page Zofz



Viewridge Owners Involved in the Community and Environment 3185 Rossini Place, Topanga, CA 90290, Telephone (818) 888-0209, Fax (818) 888-0060

May 15, 2001

Mr. James Johnson California Coastal Commission 89 South California Street, STE 200 Ventura, CA 93001

## RE: Permit #4-00-221 Owner: Mr. Mark Clemmens

Dear Mr. Johnson:

VOICE is a homeowner's group in Upper Topanga with a membership of about 100 residents. Our group has many enthusiastic hikers and bike riders. Some of us have used the Henry Ridge Trail and would like to continue using it. It is a beautiful and scenic trail that travels along the ridgelines and valleys of the Santa Monica Monica Mountains.

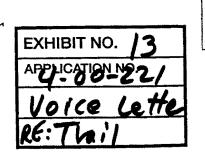
We were told that Mr. Clemmens does not want the public to use this trail since it goes through his property. The trail can be routed in such a way to respect his privacy. The Henry Ridge Trail shows up on many topographical maps and as far as we know is an adopted trail. It is part of the trail network in the Santa Monica Mountains Recreation Area.

It is important that the public can access this trail. The only trail connection for our group to link up with the Backbone Trail is via the Henry Ridge Trail. In order for our citizens to enjoy the little open space that is left in Los Angles County, we need trail access.

We would hope that lovers of the mountains could enjoy such a beautiful trail for generations to come. The commissioners will do the public a great service by granting an easement for the Henry Ridge Trail through Mr. Clemmens property.

Yours truly,

Herbert Petermann VOICE President



2 1 2001

CALIFORMIA COASTAL COMMISSION South Central Coast district

# TOPANGA ASSOCIATION FOR A SCENIC COMMUNITY P.O. BOX 352 TOPANGA, CA 90290

May 16, 2001

Attention: James Johnson California Coastal Commission 89 South California Street Suite 200 Ventura, CA 93001 RECEIVED MAY 2 1 2001

> CALIFORMA COASTAL COMMISSION South Central Coast district

#### Re: Permit #4-00-221, Owner - Mark Clemmens

Dear Mr. Johnson:

Our group represents approximately 500 households in Topanga. We are writing to comment on a trail easement for a section of the Henry Ridge Trail.

It came to our attention that Mr. Clemmens is applying for a permit to build a house. The Henry Ridge Motorway, an adopted trail in the Santa Monica Mountains Recreation Area, crosses his property. This trail is used by residents in Topanga, including myself. The Henry Ridge Motorway/Trail is a major link between the Backbone trail and the trail system in Upper Topanga and the City of Calabasas. It is also shown as an adopted trail in the latest Malibu/Santa Monica Mountains Area Plan.

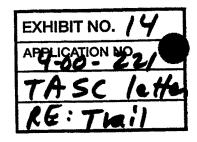
It is important that the public has access to this trail. Privacy concerns should not preclude the public's right to hike, bike or ride a horse on it. The Santa Monica Mountains are a precious recreational resource and every effort must be made to allow the public to have access to it. There is very little open space available where residents of Los Angeles County can go and be close to nature. The demand for low impact recreational use by the public to enjoy themselves in a beautiful natural setting will only increase in the next few decades. Presently, Los Angeles and the surrounding areas have the least amount of open space and parks in the country.

We urge the commissioners to request an easement for the Henry Ridge Trail through Mr. Clemmens property. The public will be grateful for your decision.

Yours truly,

ightese

Roger Pugliese Tasc Chair



Mark Clemens -7431 Vanalden Ave. seda, Calif.

California Coastal Commission 89 South California St. Ventura, CA 93001

### ATTENTION: JAMES JOHNSON

Mr. Johnson,

Please amend my project description to include a voluntary offer to dedicate a public hiking and equestrian trail over that portion of my property occupied by Henry Ridge Motorway.

1 Inn

**Mark Clemens** 

May 22, 2001

May. 22 2001 01:27PM P1



CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO.

#### PHONE NO. :

RE: Application # 4-00-221 1160 Henry Ridge Mtwy. Topanga, Calif.

MAY

3

CALIFORNIA

2001





May 22, 2001

Attention: James Johnson California Coastal Commission 89 South California St., Suite 200 Ventura, California 93001

COASTAL COMMISSION REFERENCE: # 4-00-221 (MARK CLEMMENS) and TOPANGA-HENRY RIDGE TRANSMITH CENTRAL COAST DISTRICT

Dear Commissioners:

I am writing on behalf of the Santa Monica Mountains Trails Council to request that Mr. Clemmens offer a non-motorized public trail easement along the Henry Ridge Motorway through his parcel to accommodate the Topanga-Henry Ridge Trail.

Topanga-Henry Ridge Trail was adopted in 1980 as part of the County General Plan, and again in 1981 in the Malibu/Santa Monica Mountains Area Plan. It is a major feeder trail from the valley side, and is the primary access between Summit Valley Edelman Park and the Santa Monica Mountains Backbone Trail.

The Motorway was heavily used by equestrians when it was a dirt road. I rode horseback on it many times each year since the 70's, up until 1995. I saw many, many others walking and riding there. It was my way to get to Topanga State Park. Now partially paved, it is still a beautiful trail, and it provides necessary access to other areas.

The Sierra Club used to schedule regular hikes on Henry Ridge until some of the residents threatened the hikers a few times and put up signs to let them know that they are not welcome there. On a recent walk down the length of the road with some friends I saw several such signs that could be intimidating. However, it is still used by the public; and I know it has been in continuous use since the 70's, and possibly before that.

Henry Ridge Motorway is the prominent north-south ridge between Topanga Canyon and Old Topanga Canyon. It provides beautiful views of both canyons and all the ridges beyond. The trail has been part of the County General Plan since before any homes were built there. It is essential for access to recreational resources in the Coastal Zone. It follows the road, and therefore has minimal impact on the residents. A number of other owners along that road have already recorded offers to dedicate the trail easement.

Please let me know if we can assist with this in any way.

Sincerely yours,

Valmer

Linda Palmer, Vice President Enc.

