

**CALIFORNIA COASTAL COMMISSION**

TH CENTRAL COAST AREA  
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**RECORD PACKET COPY**

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 Staff: LKF  
 Staff Report: July 20, 2001  
 Hearing Date: August 7-10, 2001  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-01-030

**APPLICANTS:** Patricia Moore, Albert Friedman, Anoosh Dayani, and Rosagalia Dayani

**PROJECT LOCATION:** 22155 W. Eden Road, Topanga, Los Angeles County

**PROJECT DESCRIPTION:** After-the-fact approval for construction of approximately 1500 linear feet of 3-5 foot high, split rail and wire fencing, to enclose approximately 2 acres of horse corral and pasture.

**LOCAL APPROVALS RECEIVED:** None (no permit is required in Los Angeles County for fencing under 6 feet tall).

**SUBSTANTIVE FILE DOCUMENTS:** Stable and Horse Management in the Santa Monica Mountains (Resource Conservation District of the Santa Monica Mountains, 1999), Malibu/Santa Monica Mountains Land Use Plan, correspondence from Doug McCreary, Program Manager for the University of California Cooperative Extension Integrated Hardwood Range Management Program Coastal Development, dated July 3, 2001, Coastal Development Permit Application 4-00-145 (Friedman, Moore & Dayani) (withdrawn), Coastal Development Permit 4-99-271 (Earp, Friedman, & Moore), Coastal Development Permit 4-98-305-W (Moore, McNaughton, Earp, & Friedman), Coastal Development Permit 4-97-027-W (Moore), Coastal Development Permit 4-98-315 (Hayles and Moore).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with four (4) special conditions regarding revised plans, future development, drainage and polluted runoff control, and condition compliance.

**I. STAFF RECOMMENDATION:**

**MOTION:** *I move that the Commission approve Coastal Development Permit 4-01-030 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

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

**II. Standard Conditions**

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

### **III. Special Conditions**

#### **1. Revised Plans**

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, revised site plans. Plans shall depict the location of all equestrian facilities and areas of utilization. The plans shall demonstrate that all proposed equestrian facilities and areas of utilization will be located at a distance of five feet or more from the driplines of all oak trees on the site.

#### **2. Future Development Deed Restriction**

This permit is only for the development described in Coastal Development Permit 4-01-030. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to either parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation, addition of fencing, and the presence of more than four horses on site, shall require an amendment to Coastal Development Permit 4-01-030 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the affected parcels. 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.

#### **3. Drainage and Polluted Runoff Control**

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, a Drainage and Polluted Runoff Control Plan. 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 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) The plan shall identify an area for animal waste containment and shall specify provisions to contain and prevent off-site migration of animal waste due to wind, rain, or run-off. The plan shall include drainage devices and BMPs which will ensure that runoff draining from or through, any and all horse corrals and facilities to sheet flow through vegetated and/or gravel filter strips or other media filter devices for treatment and infiltration purposes, prior to being collected, where necessary, and conveyed off site in a non-erosive manner. The plan shall also include measures to prevent surface flow into equestrian facilities from upslope areas.
- d) Vegetated and/or gravel filter strips must be appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native 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. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume from a 25-year, 24-hour runoff event.
- e) 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.

#### 4. Condition Compliance

The requirements specified in the foregoing special conditions that the applicants are required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 180 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this permit approval.

#### **IV. Findings and Declarations.**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicants are requesting after-the-fact approval for construction of approximately 1500 linear feet of 3-5 foot high, split rail and wire fencing, to enclose approximately 2 acres of horse corral and pasture. The project site spans the border of two parcels, one 2.58 acres and the other 4.04 acres, located on Monte Vista Road approximately 1000 feet west of the intersection of Topanga Canyon Boulevard and Old Topanga Canyon Road. The site has been previously developed (prior to Jan. 1, 1977) with a single family residence and several accessory structures. The surrounding area is rural in character, and contains a few single family residences, several vacant parcels, and State Park land.

The proposed fencing encloses three corral and pasture areas, which staff has labeled Areas 1-3 (**Exhibit 7**). Area 1 is an approximately 2/3 acre pasture located on a moderate slope above a flat pad containing the residence and accessory structures. Area 2 is a small enclosure located adjacent to an existing small circular corral on the west side of the subject site. Area 3, which is enclosed by proposed fencing along the western boundary of the westernmost parcel, contains approximately 1.4 acres of bare earth that is used for equestrian purposes. Staff observed four horses on the subject site.

The subject site descends northeasterly at gradients ranging from approximately 4:1 to 8:1. Drainage from corral areas is achieved by sheet runoff toward Monte Vista Road. During a site visit in May 2001, staff observed ponding in Area 3 adjacent to Monte Vista Road (**Exhibit 9**). Runoff from the lower part of Area 3 enters a drainage ditch that parallels Monte Vista Road and empties, via culvert, into Old Topanga Creek after travelling approximately 750 feet. Staff observed flowing water in the drainage ditch in May 2001. Old Topanga Creek is a blueline stream that flows through a designated oak woodland environmentally sensitive habitat area (ESHA).

The subject site lies between two designated oak woodland ESHAs. A lobe of the above mentioned oak woodland ESHA extends from the northwest to within approximately 200 feet of Area 3. A second designated oak woodland ESHA extends from the southeast to within 150 feet of Area 1. The project site contains disturbed oak woodland habitat with many specimen trees. Several specimen oaks are located in or adjacent to corral areas (**Exhibit 8**).

The subject site has been used historically for livestock production, as evidenced by the presence of an old milking barn adjacent to Area 3, and by literature on the history of Eden Ranch, which encompassed the subject parcels and eight other contiguous lots

(Exhibit 10). The specific density and types of animals present on the site prior to the Coastal Act have not been substantiated. The enclosure of Area 3 prior to the Coastal Act has also not been established. A 1989 map submitted by the applicant shows fencing enclosing most of Area 3 (Exhibit 4). A 1990 site survey performed by Geoplan, Inc. shows fencing along the western boundary of Parcel 11, which runs through the eastern half of Area 3 (Exhibit 5). The 1990 fence line does not enclose any part of Area 3.

The project site has been the subject of past action by the Commission. Coastal Development Permit Waiver (De Minimis) 4-98-305-W and Coastal Development Permit Waiver (De Minimis) 4-97-027-W approved minor lot line adjustments between the two parcels and neighboring lots. While reviewing the latter application, staff found that the southern parcel (APN #4438-030-029) first appeared as a separate parcel on the 1992 assessor parcel map. It appeared as part of a larger parcel, (APN #4438-030-012) on the previous map. In response to staff query, however, the Los Angeles County Planning Department stated that Parcel 29 was created by grant deed in 1954. The grant deed supplied by the applicants, however, is illegible, and therefore staff, in granting this permit, makes no determination as to lot legality.

The proposed development has occurred on site without the benefit of a coastal development permit.

## **B. Sensitive Resources**

Section 30231 of the Coastal Act states that:

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

Section 30240 of the Coastal Act states that:

***(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

Section 30107.5 of the Coastal Act defines "environmentally sensitive areas" as:

*...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural 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, and that development in areas adjacent to ESHAs be designed to prevent impacts that would significantly degrade those areas.

To assist in the determination of whether a project is consistent with sections 30230, 30231 and 30240 of the Coastal Act, the Commission has, in past coastal development permit actions for new development in the Santa Monica Mountains, looked to the certified Malibu/ Santa Monica Mountains LUP for guidance. The Malibu LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. The Malibu/Santa Monica Mountains LUP policies regarding protection of significant watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources finding that:

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

*Policy 86: A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.*

*Policy 96: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.*

The project site is not located within a designated environmentally sensitive habitat area (ESHA), and no streams cross the project site. However, the Commission notes that Old Topanga Creek is located downslope approximately 500 ft. to the east of the project site on the opposite (eastern) side of Old Topanga Road. Old Topanga Creek is a

blue line stream that flows through an oak woodland ESHA, as designated by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The Commission also notes that runoff from the project site enters a drainage ditch that parallels Monte Vista Road and empties, via culvert, into Old Topanga Creek after travelling approximately 750 feet. The Commission further notes that on May 18, 2001, staff observed runoff from this culvert, and roughly estimated the rate of flow to be approximately .02 gallons per second.

In addition, the project site lies between two designated oak woodland ESHAs. A lobe of the above mentioned oak woodland ESHA extends from the northwest to within approximately 200 feet of Area 3. A second designated oak woodland ESHA extends from the southeast to within 150 feet of Area 1 (Exhibit 3). The project site contains disturbed oak woodland habitat with many specimen trees. Several specimen oaks are located in or adjacent to corral areas (Exhibit 8).

#### 1. Water Quality

As discussed in the previous section, development has occurred on the project site, including the enclosure of horse corral and pasture areas, without the benefit of a coastal development permit. These horse corral and pasture areas descend toward the northeast at gradients ranging from 4:1 to 8:1. Area 3 contains trampled bare earth, a steep slope, and ponding of water, as observed by staff on May 18, 2001, in the lower portion near Monte Vista Road. Drainage from the site is achieved by sheet flow. Runoff leaving the site at Monte Vista Road enters a drainage ditch that empties, via culvert, directly into Old Topanga Creek after travelling approximately 750 feet. Old Topanga Creek is a blue line stream that flows through a designated oak woodland ESHA.

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

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments entail areas which are cleared of vegetation and have concentrated sources of animal wastes. The project site generates horse wastes, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding which can be significant contributors to pollution. Horse wastes are a breeding ground for parasites, flies and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria



which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters.

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 reduced.

Protection against non-point pollution is found in past Commission actions addressing equestrian facilities which have encouraged the use of vegetative devices ("filter strips" or "elements") to filter material before it is carried off the site. Filter strips are areas of vegetation planted between the development and the drainage course which utilize the ability of plants to slow runoff flow rates, effectively increasing percolation, and collect nutrients such as phosphorous and nitrogen reducing the amount that reach the drainage course. Use of filter elements has been found in past Commission actions, including Coastal Development Permit 4-98-073 (Ballard) and Coastal Development Permit 4-99-190 (Mahoney), to mitigate equestrian facilities as a non-point source of pollution of coastal waters.

In order to control runoff from the proposed development on site and to ensure that runoff is properly filtered so that the biological productivity of coastal waters is maintained, the Commission finds that a comprehensive drainage and polluted runoff control plan is necessary in this case, as specified in **Special Condition Three (3)**. Such a plan will allow for the infiltration and filtering of runoff from the proposed equestrian areas of the site, most importantly capturing heavy flows that occur as a result of storms and that contain the highest concentrations of pollutants. **Special Condition Three (3)** requires that runoff from the horse corral and animal waste containment area be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices to reduce the nutrient load of this run-off and further minimize the potential adverse impacts which may result from the occurrence of horses at the site. **Special Condition Three (3)** also requires the applicants to identify an area for animal waste containment prevent off-site migration of animal waste due to wind, rain, or run-off. Additionally, **Special Condition Three (3)** requires the applicants to 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.

## 2. Encroachment into Protected Zones of Oak Trees

As described above, the project site is not located within a designated environmentally sensitive habitat area (ESHA) but lies between two designated oak woodland ESHAs, located on private property 150 feet southeast of Area 1 and on State Park land approximately 200 feet northwest of Area 3 (Exhibit 3). The project site contains disturbed oak woodland habitat with many specimen trees. Several specimen oaks are located in or adjacent to corral areas (Exhibit 8).

The Commission has previously acted to protect oak trees both within and outside of designated oak woodland ESHAs. (For instance, in CDP 4-00-004 (Daly), CDP 4-00-013 (Isbell), CDP 4-00-190, CDP 4-00-191, CDP 4-00-192 (Trey Trust).) In past permit actions, the Commission has found that development within the oak tree "protected zone" results in potential adverse impacts to these sensitive resources.

The Los Angeles County Oak Tree Ordinance defines the "protected zone" around an oak tree as follows:

***The Protected Zone shall mean that area within the dripline of an oak tree and extending therefrom to a point at least 5 feet outside the dripline or 15 feet from the trunk, whichever distance is greater.***

"Oak Trees: Care and Maintenance," produced by the Los Angeles County Department of Forester and Fire Warden (1989) states that

***Oak trees in the residential landscape often suffer decline and early death due to conditions that are easily preventable. Damage can often take years to become evident, and by the time the tree shows obvious signs of disease it is usually too late to help. Improper watering...and disturbance to root areas are most often the causes.***

The publication goes on to state:

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

The publication specifically notes the negative impacts of soil compaction:

***...(Oak) roots depend upon an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the tree.***

The Commission notes that equestrian traffic compacts soils and can have detrimental impacts on those oak trees whose driplines are located in or adjacent to equestrian facilities. Doug McCreary, Program Manager for the University of California Cooperative Extension Integrated Hardwood Range Management Program states that:

*my observations are that horses are the worst in causing compaction in a confined situation. Six horses over 2 acres seems like an extremely high density to me (here at the SFREC we have about one cow per 20 acres) and I would guess that after a year, there would be little or no ground vegetation left in the pasture and there would be a risk of heavy compaction during wet periods.*

McCreary also notes that horses may strip bark from oak trees:

*I have observed places where horses totally girdle oak trees by chewing away the bark. I visited a ranch (where) dozens of large trees (8-16 inches in diameter) were completely stripped of their bark from the ground to over 6 feet high. The horses weren't underfed – just apparently bored. I've also heard it suggested that horses will do this when they have a potassium deficiency.*

In addition, the Commission finds that, in the case of soil compaction, it can frequently take many years before damage to oak trees becomes apparent. The Commission also notes that soil compaction and erosion can be intensified on sloping terrain, and that the subject site contains gradients ranging from 4:1 to 8:1, and a steep slope with a roughly estimated grade of 2:1 in Area 3. On May 18, 2001 staff observed trampled and eroded soil surrounding oak trees in Area 3 (**Exhibit 9**). The Commission further notes that the proposed horse corrals enclose areas under the driplines of twenty oak trees, labelled Oak 1 through Oak 20 in **Exhibit 8**, and therefore have the potential to adversely impact the root systems and overall health of these trees.

The Commission also notes that the applicants have discussed with staff alternatives that would relocate the corral fencing at least 5 feet away from the dripline of all oak trees. The applicants have submitted a revised plan that relocates corral areas in the vicinity of Oak 3, Oak 4, Oak 5, Oak 7, Oak 8, Oak 9, and Oak 10 (**Exhibit 6**). In order to minimize damage to all oak trees on the project site, **Special Condition One (1)** requires the applicants to submit revised plans that show corral fencing located outside of the protection zone of all oak trees.

In addition, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of equestrian use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Two (2)**, the future development deed restriction, has been required. **Special Condition Two (2)** specifically requires that any future proposal for keeping more than four horses on site shall require an amendment to Coastal Development Permit 4-01-030 or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Therefore, for all the reasons stated above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

### **C. Violations**

Development has occurred on site without the benefit of a coastal development permit including the construction of a horse corral within the protection zones of several specimen oaks. The applicants are now proposing to relocate the corral from under the oak trees. To ensure that the restoration project is carried out in a timely manner, **Special Condition Four (4)** requires that the applicants satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 180 days of Commission action.

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

### **D. Local Coastal Program**

Section 30604 of the Coastal Act states that:

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

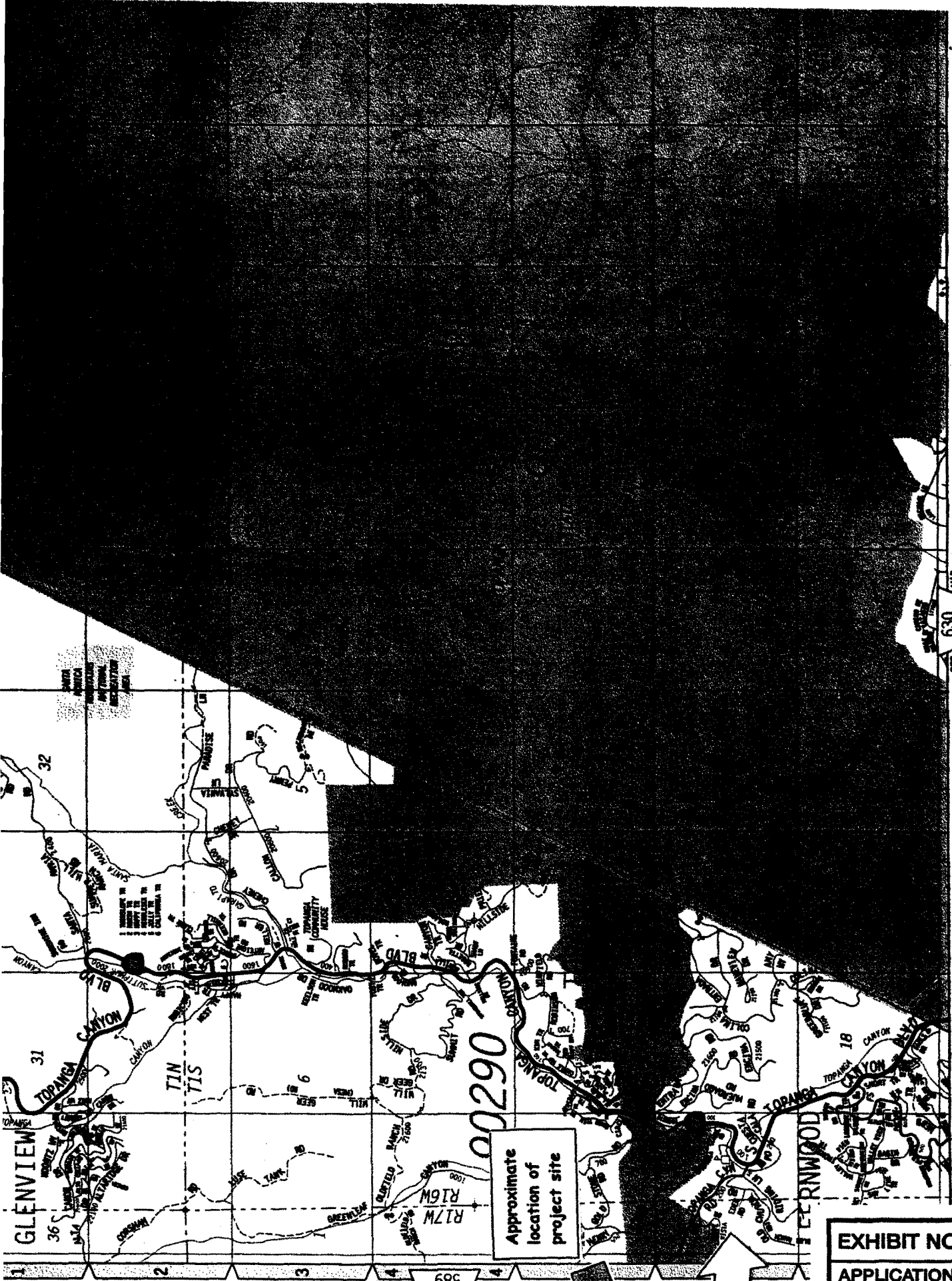
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

**E. 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)(i) 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 impact which the activity may have on the environment.

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.

**LKF-V**



00290  
 Approximate location of project site

SEE 630 MAP

SEE 589 MAP

EXHIBIT NO.	1
APPLICATION NO.	4-01-030
VICINITY MAP	



Approximate location  
of project site

ROAD

This map continues on T1

3495

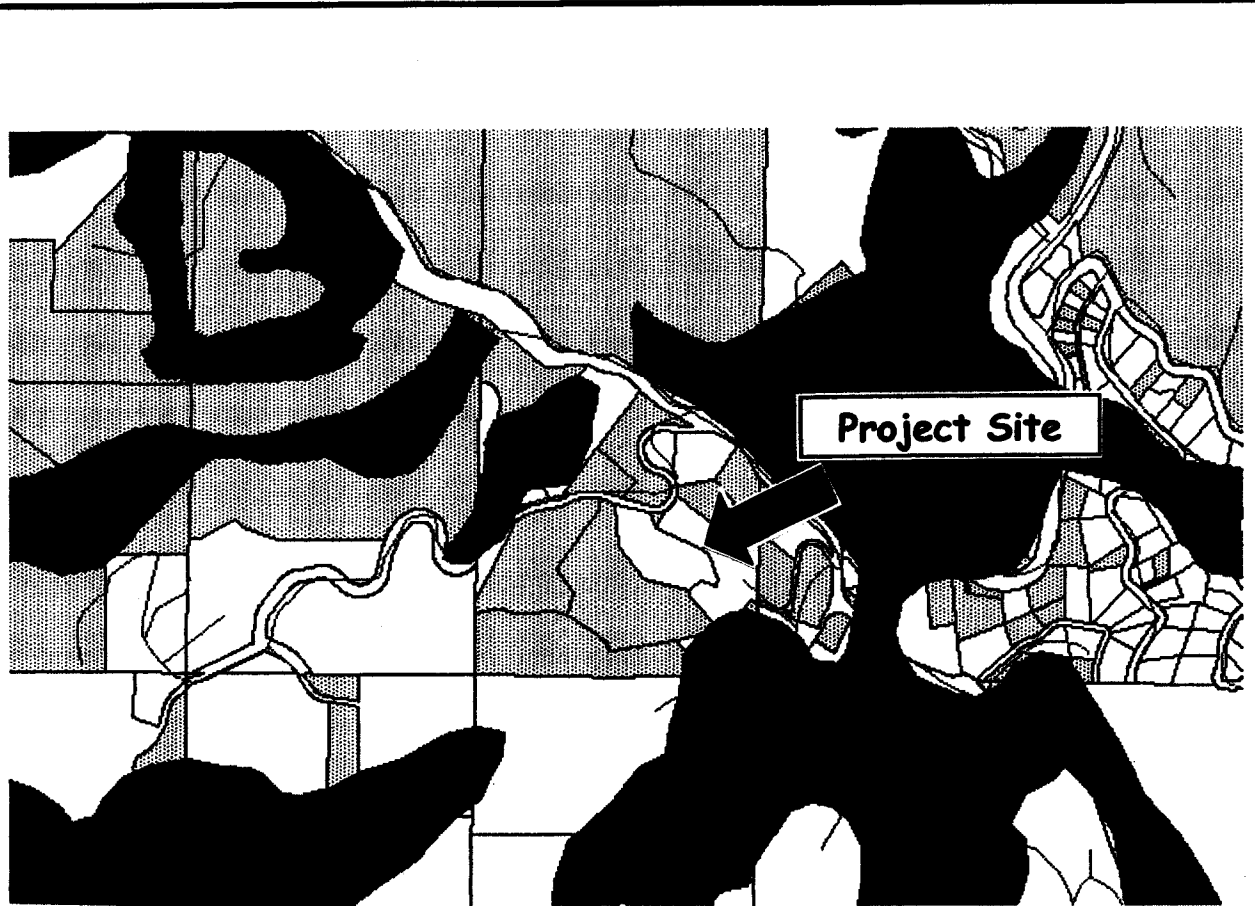
EXHIBIT NO. 2









APPLICATION NO.

4-01-030

TOPOGRAPHY

4-01-030 (Moore, Friedman & Dayani) 22155 Eden Road



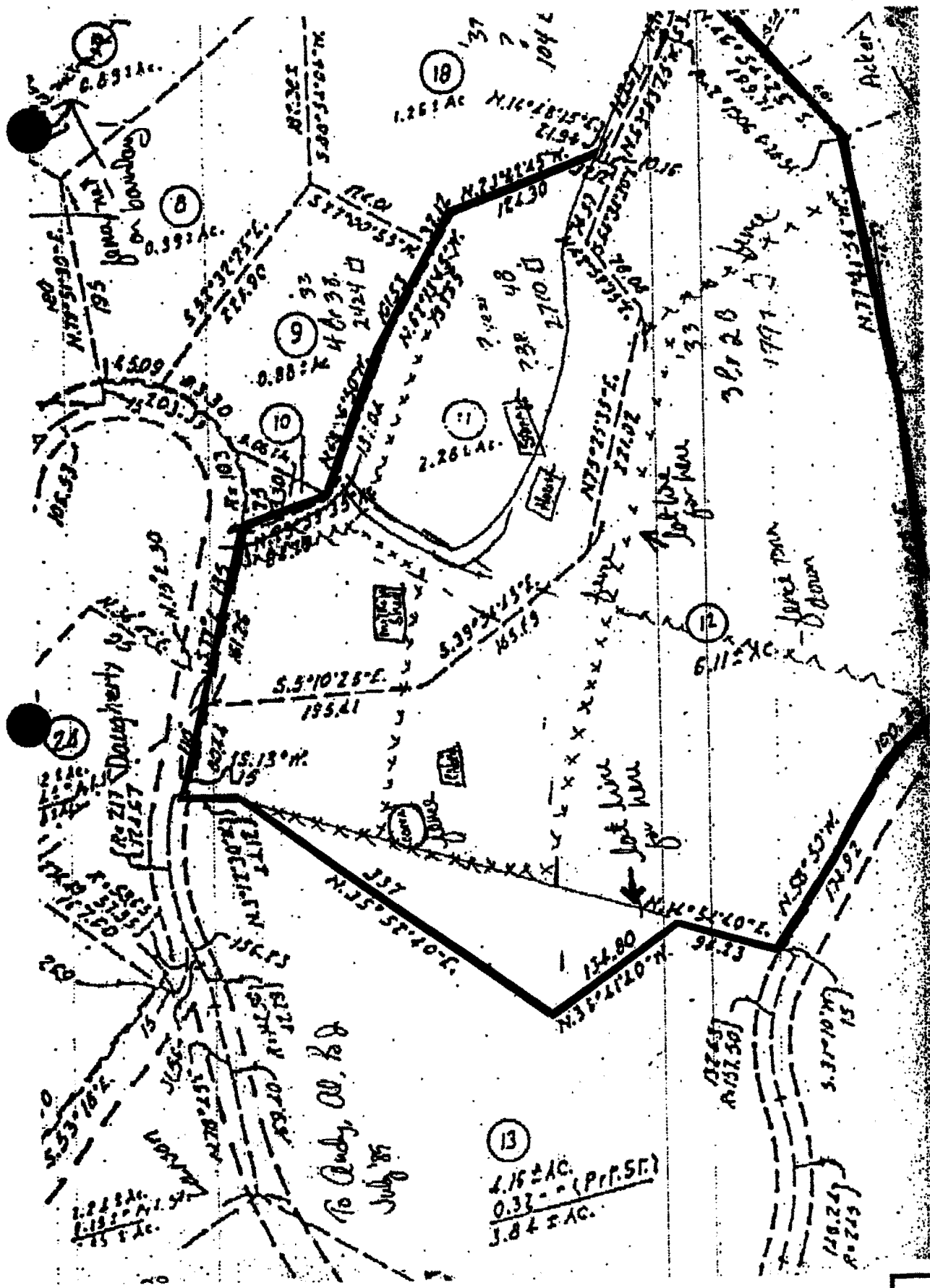
-  vacant parcels
-  laprcls
-  esha (ESHA)
-  Coldcreek management area inland
-  locally disturbed resources
-  oak woodlands and savannahs
-  significant watersheds residential
-  wildlife migration corridor

Project Site



EXHIBIT NO. 3  
APPLICATION NO.  
4-01-030  
SURROUNDING USES





Excerpt from map submitted by applicant, dated July 1989, showing fence lines (represented as x x x x x x). Bold outline of property lines added by staff.

EXHIBIT NO. 4
APPLICATION NO.
4-01-030
FENCE LINES (A)

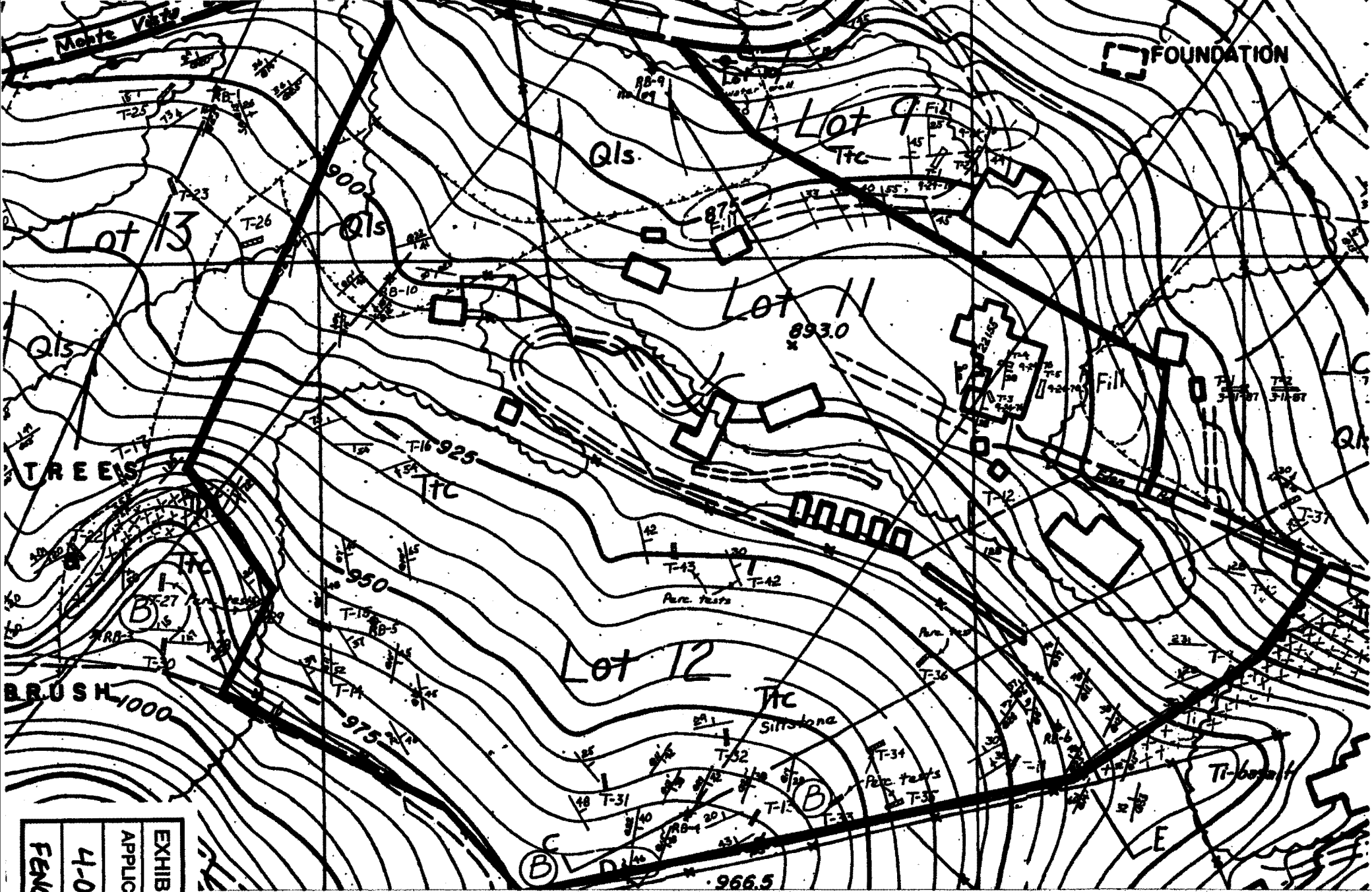


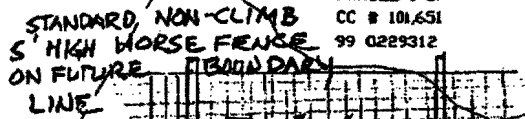
EXHIBIT NO. 5
APPLICATION NO.
4-01-030
FENCE LINES (B)

Excerpt from Engineering Geologic Map, Eden Ranch, prepared by Geoplan, Inc., November 16, 1990 showing topography and fence lines ( represented as x-x-x-x )

# WAIVER OF FENCING

PORTIONS OF THE SOUTHEAST QUARTER OF SECTION 12, T. 11N., R. 17W., S. B. M.

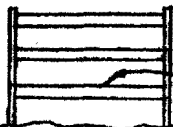
SCALE: 1" = 20'  
 JAN 8, 2000  
 ZONING A-1-1



NOT A PART

PARCEL 1 OF  
 CC # 101,651  
 99 0229312

1" TO 5" UP OFF THE GROUND



NOTE:

CONTOURS AND TREE LOCATIONS ARE APPROXIMATE.

• = OAK TREE VARIOUS SIZES OVER 6" IN DIA.

S. 1/4 COR. SEC. 12

T.P.O.B.

N13°51'56"E

2007.54



JOHN H. MAC NEIL

2330 N. TOPANGA CANYON BLVD.

TOPANGA, CA 90290

310-455-2013

FILE # 9018 LLA3A

EXHIBIT NO. 6  
 APPLICATION NO.  
 4-01-030  
 SITE PLAN

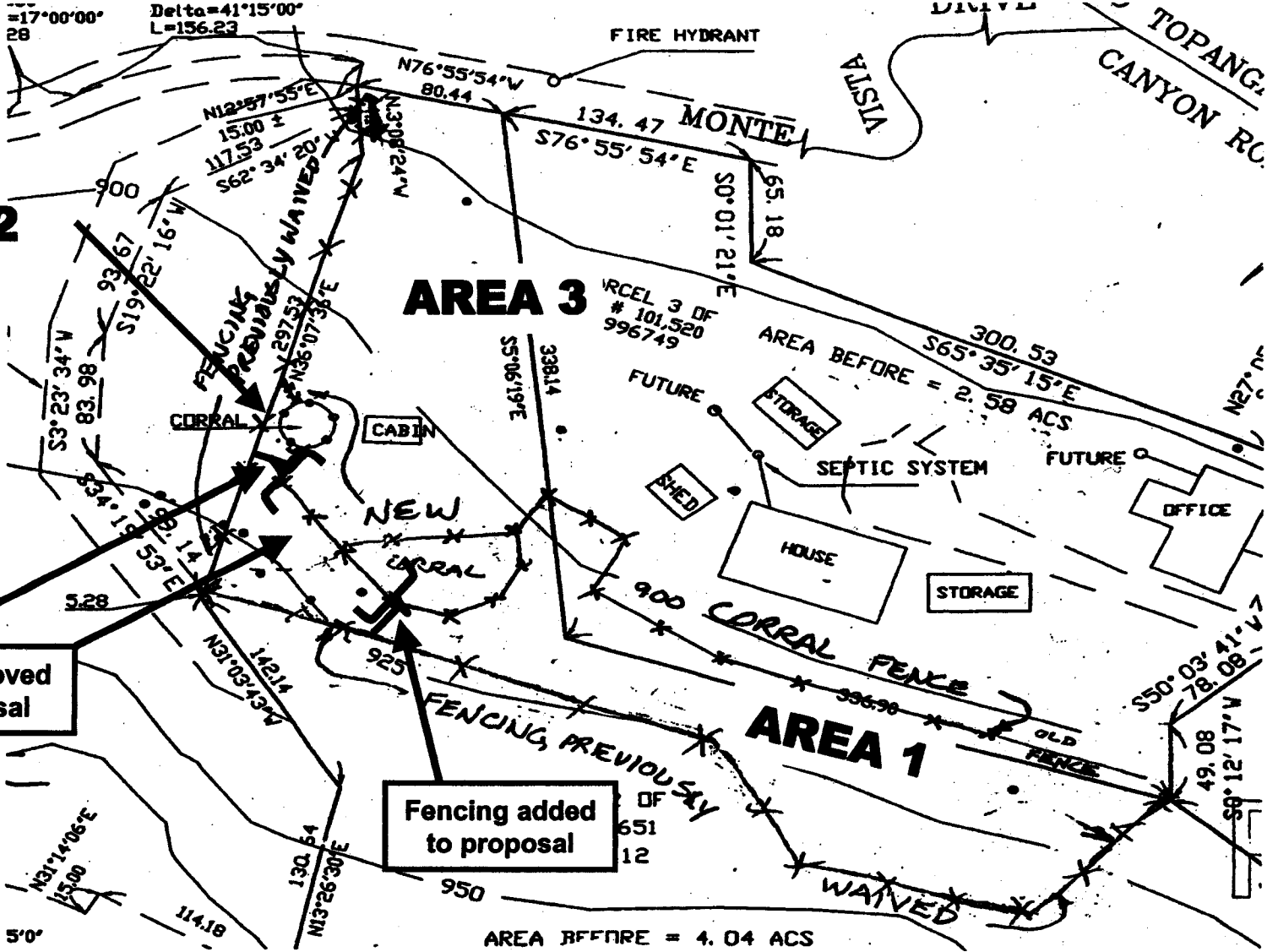
**AREA 2**

**AREA 3**

**AREA 1**

TOPANGA CANYON RD.

VISTA

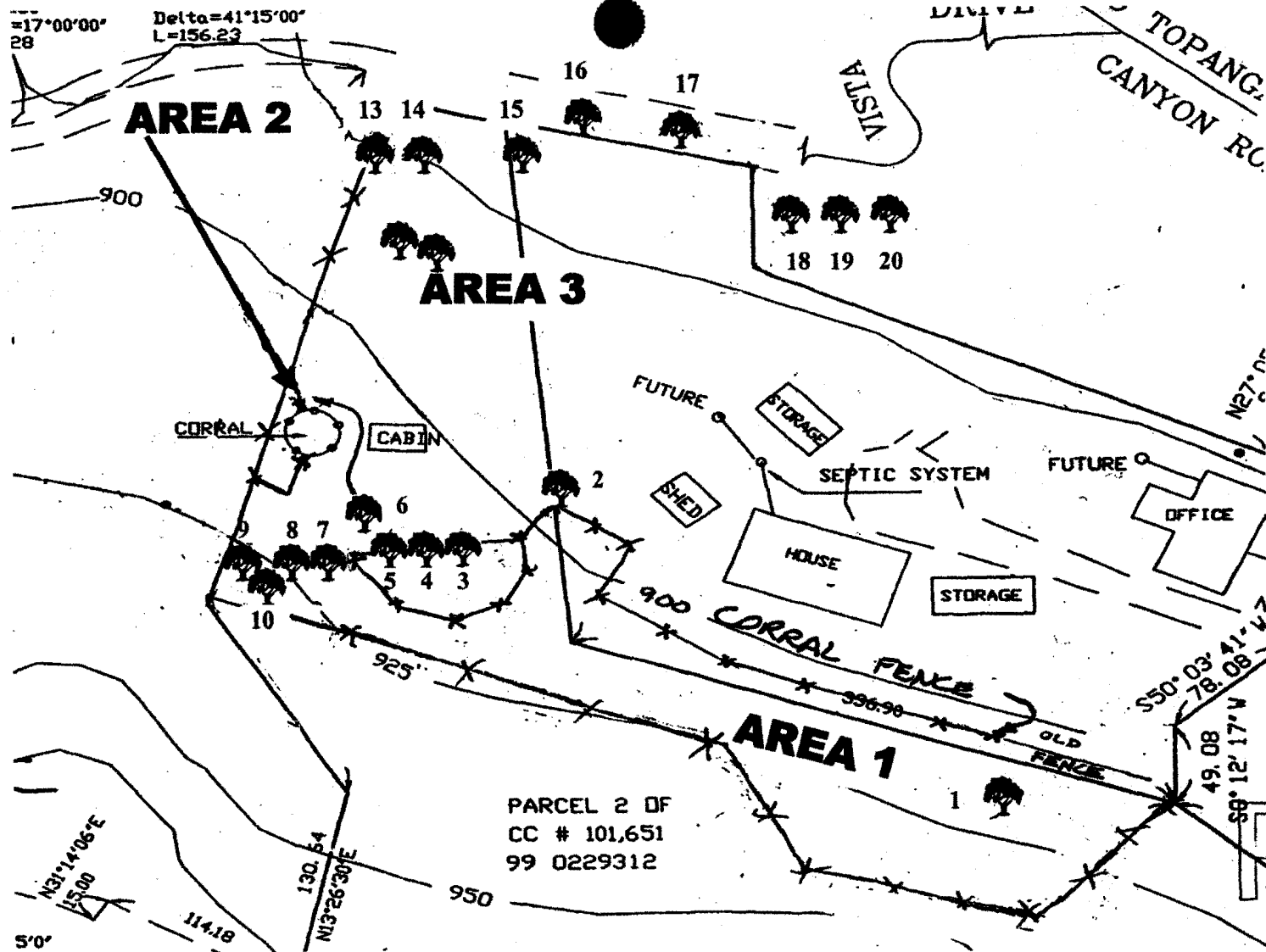


Fencing added to proposal

Fencing removed from proposal

Fencing added to proposal

EXHIBIT NO. 7
APPLICATION NO. 4-01-030
AREAS 1-3



Approximate location of oak trees affected by proposed project

## Oak trees and approximate trunk diameters are listed below:

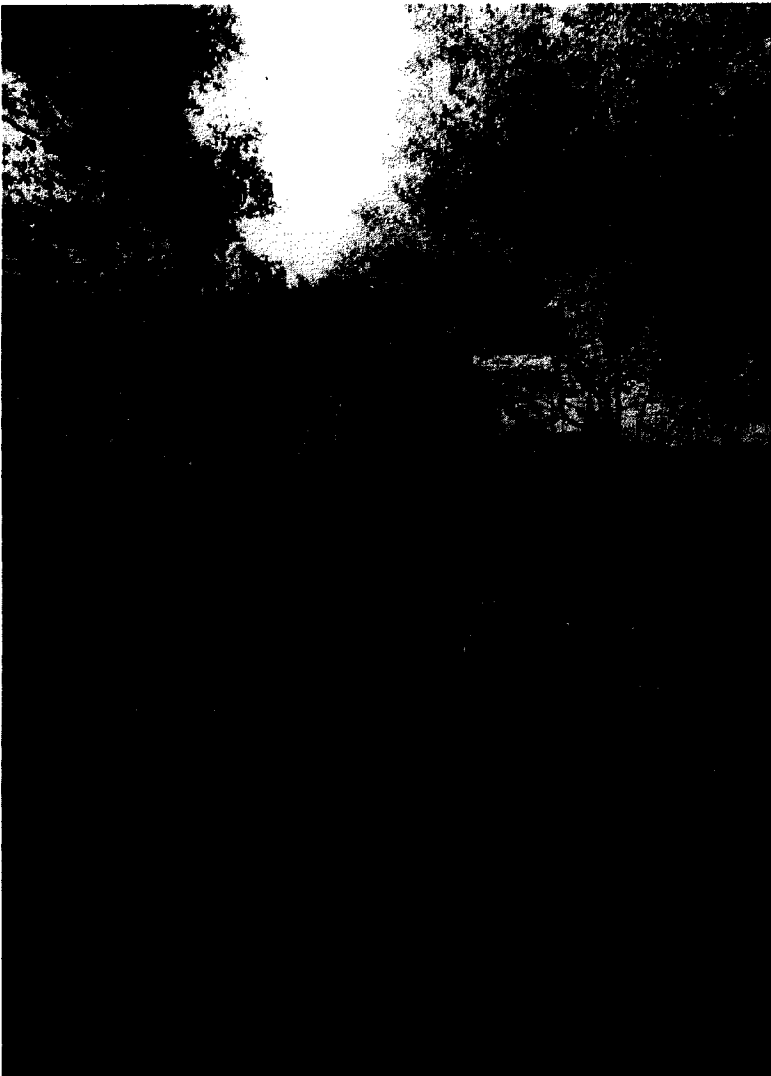
Oak 1	50"	Oak 5	14"	Oak 9	18"	Oak 13	8"
Oak 2	18"	Oak 6	18"	Oak 10	12"	Oak 14	10"
Oak 3	12"	Oak 7	15"	Oak 11	15"	Oak 15	14"
Oak 4	6"	Oak 8	24"	Oak 12	6"	Oak 16	14"

EXHIBIT NO. 8

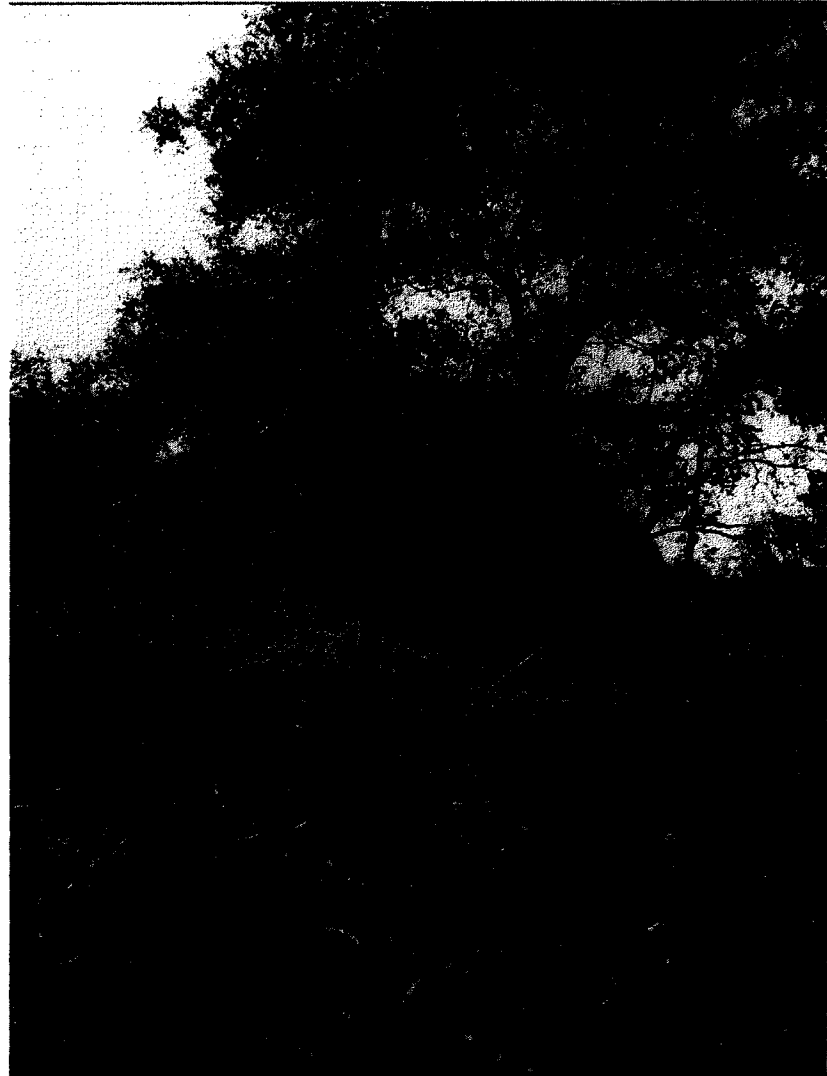
APPLICATION NO.

4-01-030

OAK TREES



Runoff channel from Area 3 to ditch at Monte Vista Road  
(photo taken 5/18/2001)



Disturbed soil around Oak 13 and Oak 14 (photo taken 5/18/2001)

EXHIBIT NO. ●

APPLICATION NO.

4-01-030

PHOTOS (2 PAGES)



Oak 17, Oak 18, Oak19, Oak 20 in lowerArea 3. Ponding was observed in the fenced area. (photo taken 5/18/2001)



Oak 4, Oak 5, Oak 7 and corral fencing. (photo taken 5/18/2001)



# The TOPANGA STORY

*Edited by* LOUISE ARMSTRONG YORK  
*Published by* THE TOPANGA HISTORICAL SOCIETY

EXHIBIT NO. 10

APPLICATION NO.

4-01-030

SITE HISTORY





Above left: Francisco Trujillo and hired hand in front of cabin circa 1915. Top right: Manuela Trujillo by homestead cabin. Center: Francisco Trujillo on horse. Lower: Manuela Trujillo with sons Polito (standing) and Dolores circa 1905.



delighted with the new modern quarters, Jesus took some time adjusting to the new conveniences such as indoor plumbing. In the forties the land was divided among the surviving children with just the two houses on eighty acres reserved for the family. When it, too, was sold to Newt Collins, Jesus and Elena moved to Canoga Park with their son, William, where Jesus died in 1944 at the age of 94. Elena passed away just a few months later.

Mr. and Mrs. Atze Taconis purchased the property from Collins in 1946. Unfortunately, the old two-story ranch house burned to the ground when Mrs. Taconis fell asleep while smoking in bed. Tete Santa Maria was one of the firemen that answered the alarm and wept as he watched the house in which he was born consumed.

Others known to have been in the upper Canyon in the early days were Maximo Morrega, Leonide Touting, and Bernardino Navarro. A Los Angeles policeman by the name of Riggins had a small horse ranch on the property that became Mort Allen's Oak Grove Ranch in 1893.

*(now Eden Ranch)*  
**Trujillo Homestead in Old Canyon**

Francisco and Manuela Trujillo with their two sons, Dolores, age 9, Polito (nicknamed "Pachoot"), age 7, and Manuela's mother, Jesusita Morales, moved to Topanga in 1886 to join their friends, Jesus and Elena Santa Maria. Like many Angelenos of the day, Francisco was a native of Sonora, Mexico, where the military activities of Emperor Maximilian during his brief reign from 1864-1867 drove many to seek freedom in the U.S. With his parents and brother, Pasqual, he arrived in Los Angeles in 1867 and became a ranch hand for Col. Griffith in what is now Griffith Park. Before moving his family to Topanga, Francisco had come with a surveyor to stake out his 160-acre, one mile long and 1/4 mile wide homestead on the west side of Topanga Creek. Unfortunately, the surveyor



was more interested in getting back to Los Angeles for the Mexican Independence Day celebration than in hacking his way through heavy chaparral. When an accurate survey was run many years later, the



TRUJILLO  
RANCH

Trujillos were forced to exchange a portion of their vineyard for a new strip of worthless ridge on the other end of the ranch.

As they cleared the chaparral, it was cut and freighted to Los Angeles, especially Chinatown, where wood was used for cooking and heating. In later years, Dolores told how his father would take a team down the primitive road to the coast with a load of fruit and leaves from the prickly pear that grew abundantly on the dry Topanga hillsides. His trip would be timed to reach the coast at low tide so he could travel along the beach to a road inland and thence to the market in Los Angeles.

A small cabin on the property was their home for the first years until a larger home could be built. They also made use of an abandoned cabin near the later Eden Ranch, where there was an ample supply of lush grass for the cattle that were put in the care of the boys and an elderly widowed aunt, whose maiden name was Josepha Murrieta, a sister of the famous bandit, Joaquin. Although history books state that Joaquin was killed in 1852, Josepha maintained that she falsely identified the head as that of Joaquin in order to protect him when actually he was in and out of southern California until the latter part of the century and died in Sonora, Mexico in 1915.

In 1891 a daughter, Aleja, was born to Francisco and Manuela. She moved into town in her early teens to continue her schooling, was married at 16 and died of tuberculosis at age 25.

A special feast was held each year on St. Joseph's Day for which a steer was fattened and butchered to provide meat for their many friends who joined in the Trujillo barbecue. Some came for



Far left: Dolores Trujillo sits on cabin porch in mid-fifties. Left: Cornelia Trujillo and daughter, Rosagua, in mid-thirties.

the day, others for a week or longer. The latching string was always out.

In the mid-1890s land for grazing cattle was leased from the Santa Monica Land & Water Co. in Santa Ynez Canyon at \$40 per year. However, even this additional leasehold provided insufficient grass in the dry years of 1898 and 1899 and Francisco drove his cattle down the coast to San Juan Capistrano where he leased pasture from the Yorba family.

Manuela was a hard worker and good manager, so with the elder son running the ranch, the family prospered although Francisco was often absent for long periods of time. Polito left the ranch around 1905 to work as a roustabout in the oil fields of Venice and both he and Dolores worked for a time for Mr. Van Nuys. In 1911 Dolores contracted the teams and equipment to put in a road from Garapatos Junction to the coast. Portions of this road are still visible along the grade high above the current road. When the present road was built by the county a few years later, Dolores again signed on with his mule teams and equipment.

In 1913 Cornelia Gomez, newly arrived from Mexico, answered Manuela's call for help and moved into a new cabin on the ranch. In 1923 she bought her own parcel of land in Zuniga Canyon and supported herself by working as housekeeper at some of the resorts that were springing up throughout the Canyon. After the death of Francisco in 1915, (presumably from a kick on the head by his horse), Manuela did what many others were doing at this time — built some cabins for paying guests. However, this was not a great success as there were other camps better situated nearer the road.

After his mother's death in 1917, Dolores remain-

During the transition period. In recent years Topanga has consistently placed in the top ten for both students and teaching in the annual state evaluation. In 1992 the school had twelve classrooms, including special education, handled by 13 teachers assisted by 13 para-professionals who worked three hours a day.

### PRIVATE SCHOOLS

Private schools – from the structured, traditional curriculum to those with a program of individual choice – have been attracted by the Topanga ambience, when started by parents themselves who were seeking a new dimension in education for their children.

#### Barton School

*now Eden Ranch*

A unique school that fills a special niche in Topanga history was the Barton School founded by Sven Hildor and Marguerite Arnhold Barton in 1932 and operated by them until its closing in 1948. It is described by their older son, H. Arnold Barton, who was born while his parents were students at UCLA in 1929, and became a professor of history at Southern Illinois University:

My parents were both students at the Raja Yoga Academy and at the Theosophical University chartered at Point Loma in 1919. After completing their studies there, they remained on as teachers and houseparents, and were deeply involved in the many and varied activities at Point Loma, which was not only an educational establishment, in many ways remarkably progressive and innovative for its time, but a kind of self-contained Utopian colony.<sup>10</sup>

My parents loved Point Loma and, following their marriage in 1921, considered their life work to lie there. However, like many others they gradually became disillusioned with the leadership and even before Katherine Tingley's death in 1929 they had decided to leave and start a school of their own. But first they felt it was important to have some recognized academic degrees.

Hence their attendance at UCLA in 1929-31 where Dad received his B.S. in History and Mother her M.A. in English.

In 1931 they purchased twenty acres with several buildings above and west of the confluence of the Old and New Canyons from Robert Davie, a wealthy man who was compelled to sell because of the Great Depression. That my parents were able to buy the Davie place at that time was thanks to Mother's mother, Emily, and her second husband, Emil August Neresheimer, who had likewise left Point Loma in 1929 and settled down in Santa Monica. Neresheimer, a German immigrant with a colorful past, was a principal benefactor of the Point Loma colony where he met and married grandmother Emily in 1919. Although Point Loma cost him most of his fortune, as well as much of hers, he and my grandmother were still very well off and more than willing to provide necessary capital for my parents' venture. Mother related in her reminiscences<sup>11</sup> that Emily regarded this help as the rightful restitution of the inheritance my mother had not gotten when her father died.

In the summer of 1931, we moved from Brentwood



*Barton School May Festival in early forties. Marguerite Barton, center of top row in big hat; her mother, Emily Neresheimer at left end of back row. Teacher Nancy Gluck at right end of back row. Hildor Barton just below and left of Mrs. Neresheimer with Arnold Barton in front of him (blonde, no hat). Rudolf Barton at left end of next row with Jim Sheldon third from left; Peter Gruenberg right of center in bow tie. Barbara Barton (long blonde hair) is behind crouching girl in front row. May Queen is Margit Barton.*

to our new home in Topanga. The main building of the school was Davie's old residence, which we called the "Big House" and which included the kitchen, dining room, living room, and a wing where I can remember living with my parents before we built a house for the family. In the basement on the downhill side were a couple of rooms which became classrooms. The main entrance to the Big House, into the living room, fronted upon an oval graded area which we called the "Lawn". It was the center of outdoor activities at the school, involving everything from gymnastics to folk dancing to hide-and-seek and kick-the-can. The ruffled, concrete-paved driveway which extended up the hill from our graveled private road and parking lot, passed between the left side (from below) of the Big House, with its kitchen entrance, and a narrow building we called the "Hospital", since two rooms in it were used as the school's infirmary, the other being the laundry room. Further up the driveway, where it ended, was a large, flat-roofed and open-sided garage, which was later enclosed to provide two classrooms. Just over the crown of the hill was a similar open-sided structure which we used as a carpenter and eventually even as a blacksmith shop. Close to the "Workshop" was a small pond with a little island in the middle, and in time, a flat-bottomed boat which Dad made. This pond was filled from a somewhat sulphurous natural spring with a pond of its own in the "Eucalyptus Jungle" up the hill and in turn provided for the irrigation of the old vegetable garden in front of the shop. Remarkably, only a few yards from the sulphurous spring, there was another spring which produced excellent, pure drinking water with a natural calcium fluoride content which may account for the excellent teeth of the four Barton children and presumably of other long-time pupils at the school.<sup>12</sup> Close by the two springs was a small, one-room cottage, the "Spring House" where a hired man or, on occasion, one of the teachers lived. Finally about half-way down the hill toward the Old Canyon from the Big House was the so-called "Cottage" which housed a teacher or a faculty couple and groups of boy boarding students.

my mother's reminiscences, an important turning point was reached with an "enthusiastic" editorial on the "practical ideas of Barton School" by Lee Shippey in the Los Angeles Times for 17 April 1938 – the day after August Beresheimer died – which "really put us on the map after our early struggles." From that point on, enrollment increased steadily until it reached full capacity during the World War II years and applicants had to be turned away.

The great majority of the pupils were always boarders. Most came from middle income families in the Los Angeles area who were attracted by the learning and living environment the school offered and were prepared to make whatever economic sacrifices needed to send their children there, year after year. Some children came from broken homes or difficult family situations. There were children of working widows, or during the war years of women whose husbands were away in the armed forces and who themselves were employed in war work. Particularly close to us were the children of certain of the resident teachers, such as the two daughters of Nancy Gluck, our family's dear friend who came to the school around 1940 and stayed on to the end. During the 1940s, when the school had become widely known, there were a few students of more glamorous background: the children of wealthy persons in the Hollywood movie industry and even a couple of child movie stars, whose relatively brief attendance attracted some rather wide publicity. Finally, there were a few day students from the Canyon itself, whose significance was surely greater than their small numbers since they helped to integrate the school with the surrounding community. At its height during the 1940s the school enrolled approximately fifty pupils.

Then there were the grown-ups. Just as we four Barton children formed the nucleus of the group of children at the school, our father and mother were the heart and soul of the staff, unceasingly engaged in every kind of needful work. The other teachers were a highly varied and colorful group, especially as the Depression of the 1930s made available a surplus of unemployed talent. Over the years there were several teaching couples on the place: the Edlers, the Mahans, the Thomases, the Gutmanns<sup>13</sup>, the Schusters. It was characteristic that several of those who worked at the school were always of foreign origin. Luise Pagensteacher, an old friend of my parents from UCLA days who came with them to Topanga, and later Hans Poppe, were German. Tetsuo Arai, who taught French in the early days, was Japanese and had been at Point Loma. Miss Felton, who had her beloved little terrier and was domi mother for the younger boys, was from England. Mademoiselle Duboisson who instructed in her native tongue, was French. Lisa Bengtsson, a lively young lady who for a time taught gymnastics, was from Sweden. There were also refugees from war and persecution, both teachers and pupils. Miss Tass and the Gutmanns were Jewish, from Holland and Germany respectively. The sisters Mieke and Annelis Meurs were Dutch refugees from Java. There were likewise some children from England, including Wendy Wolfers, a distant relative of ours.<sup>14</sup>

There was always a cook for the school, a position filled by various hard-working women before the arrival around 1936 of one of the central figures in our little



Barton schoolroom. David Zeitlin with teacher.

world, Julia Swanson, an immigrant farm girl from Sweden, who would remain with our family until she died in her high eighties in 1971.

Living accommodations were simple, if not Spartan. The buildings were largely of uninsulated board-and-batten construction, and winter could be downright nippy at times up in the Canyon. Heating was done with iron stoves in the Big House and the office in the Barton House. During the early years even the cooking was done on a large wood-burning kitchen range, eventually replaced by a electric one. The food was hearty but simple, featuring plenty of milk, oatmeal porridge, homemade wholegrain bread, vegetables, and fruits. The teachers, including Mother and Dad, presided over the tables in the dining room, where they preserved a certain decorum and required that the children eat what was on their plates. (In time the tradition developed that each child could choose two "things" which he or she would not have to eat.)

After breakfast there was a work period of an hour or so before classes began. Some children would do housework in the dormitories or dry dishes in the kitchen. Others would milk the goats, or in later years, the cows. My own recollections of the morning work session seem to dwell especially on the endless task of gathering, sawing, and splitting firewood for the stoves and fireplaces. In the afternoon, following classes, there was more work, often in the vegetable gardens and evening milking. During weekends some of the larger chores were tackled like planting corn in the lower field, picking apples and making cider in our venerable cider mill, or harvesting the small, sweet, dark grapes from the abandoned vineyard on the Trujillo homestead, and making a musky grape juice of them through the time-honored method of having the young girls tramp on them with their bare feet.

After some experimentation during the first few years, the school offered instruction from the first through the eighth or sometimes the ninth grade. The subjects regularly taught were traditional basics: reading, writing, arithmetic, grammar, history, introductory science and algebra. Everyone received instruction in at least one foreign language, generally French or Spanish; for a year or two, Mother also taught German. All students likewise took art classes. There was no formalized instruction in crafts, but we boys always spent a lot of time with Dad in

chased in 1988 by Bill Buerge who has restored and refurbished the building to the extent that it has been designated by the State of California Department of Parks and Recreation as a point of historical interest.

### Sassafras Nursery

An Englishwoman's love of gardening, the need to make a living and several disasters all contributed to development of Topanga's internationally known showpiece, Sassafras Nursery. A British war bride, Pamela Ingram moved to Chicago with her soldier husband following World War II. With their two children, Peter and Deborah, they came to southern California in 1952 where an ad in the L.A. Times by realtor Bob DeWitt brought them to Topanga and their first home in Glenview. Her first business effort was selling the kittens of her Siamese cats, but her husband's Christmas gift of a poodle led her to branch out in that direction. The name "Sassafras" was selected for her new kennel because she had developed an apricot colored poodle resembling the color of Sassafras bark. She had become known among poodle breeders and local fanciers when the disastrous fire on New Year's Eve of 1958 swept through Glenview and totally destroyed the kennel. The family and animals moved to Hollywood where Ingram had a retail outlet called Wag Tails.

A year later with a loan from a friend and the insurance money from the Glenview kennels, she acquired her present property at 275 North Topanga Boulevard, the former site of Savage Machine Shop. Her continued work with poodles brought further acclaim and a listing in Who's Who Among American Women. When disaster struck the second time and she was again wiped out by a house fire on Christmas night of 1981, Sassafras changed directions to a plant and seed business selling to nurseries and florists. In 1984 Sassafras Nursery became a retail business with customers throughout Los Angeles. Topanga is the beneficiary of the year round floral display along the creek and highway.

Kennels in addition to Sassafras have been Blanchards on Grandview, Vera Crofton and Bud Stephenson both on Entrada, and Ida Bolin, "the cat lady" on Winfield. Bolin not only took in cats to board for pay, but often took in strays until, in poor health at the age of 87, she called a local radio station to appeal for help from listeners. The cats were given away just days before she was killed in an auto accident.

### Eden Ranch

The former Davie property near the foot of Old

Canyon began a new life in 1953 when Marguerite Barton sold their school property (Chapter VIII) to John and Helen Clark and Betty Lee Morales. The new owners had a food business in Hollywood and were looking for a rural area where they could keep cows, but still have access to schools and their children. Taking possession on July 4, 1954, they had to cut and clear the head-high weeds.

Like other "city folks" who had moved to Topanga, they had much to learn about rural life. She laughed as she told of her first attempt to raise hens by ordering 100 hens and 100 roosters from a catalogue: "When the facts of fowl life were explained, I started eating chicken — roosters — doing a ratio of 1 rooster to 10 hens, which was not the proper ratio to ensure fertility of the hens. In 1979 they sold their last health food store in Hollywood and moved their base of operations to the Topanga ranch where Betty continued as president of the Cancer Control Society, which she organized, edited, and editor of the society journal. She traveled widely giving lectures on nutrition and died of cancer in 1987.

### Topanga Center for Human Development

The Topanga Center for Human Development was formed in 1967 by Mary Miller along with local psychologist, Gerald Haigh, and others who were interested in the Human Potential Movement and in founding a growth center in Topanga along the lines of Esalen Institute. Initial programs were held in Los Angeles, at Sandstone Ranch, and at the Community House with well-known leaders of the movement. In a year enough money was raised to purchase the property of Armando and Pat Monaco at 2247 North Topanga Canyon Boulevard near Glenview. Among the leaders were Bob Driver, founder of Krippel near San Diego; Michael Murphy and others from Esalen; Fritz Perls, father of Gestalt therapy; Rollo May, existential psychoanalyst; Louis Fadionisky, psychoanalyst; and Virginia Satir, family therapist.

The Center was destroyed in the 1980 flood, and the property sold. The group leaders have continued with the drop-in evenings, in Santa Monica and the Valley. Former board members, Dieter Bruehl, Illevi Storer, and Mary Miller formed the Topanga Community Counseling Service in 1983.

### Elysium Fields

Elysium Fields, the "clothing optional" camp of the Elysium Institute, was opened in 1968 on 7.2 acres of the former Dutton Ranch on Robinson Road by Ed

