

**CALIFORNIA COASTAL COMMISSION**  
SOUTH CENTRAL COAST AREA  
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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-01-114

**APPLICANT:** Bruce Royer

**PROJECT LOCATION:** 1224 N. Topanga Canyon Boulevard, Topanga, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 31.5 ft. high, 3,400 sq. ft. single family residence, two-car detached garage with second-story 748 sq. ft. guest house, swimming pool, turnaround, septic system, removal of an existing horse corral, barn, and storage items, restoration of a minor drainage course, and 68 cu. yds. of grading (all cut). The project also includes a request for after-the-fact approval of paving of an existing driveway, and approximately 500 cu. yds. of grading (250 cu. yds. cut and 250 cu. yds. fill for construction of an existing building pad).

<b>Lot area:</b>	1.37 acres
<b>Building coverage:</b>	4,128 square feet
<b>Pavement coverage:</b>	2,457 square feet
<b>Landscape coverage:</b>	4,800 square feet
<b>Unimproved:</b>	48,292 square feet

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Planning Department, Approval in Concept (Main Residence), June 6, 2001; County of Los Angeles Planning Department, Approval in Concept (Guest House), January 29, 2002; County of Los Angeles Environmental Review Board Approval in Concept, September 17, 2001; County of Los Angeles Geologic Review, Approval in Concept (Main Residence), February 14, 2001; County of Los Angeles Soils Engineering Review, Approval in Concept (Main Residence), February 15, 2001; County of Los Angeles Geologic Review, Approval in Concept (Guest House), May 1, 2002; County of Los Angeles Soils Engineering Review, Approval in Concept (Guest House), May 8, 2002; County of Los Angeles, Fire Department (Access), Approval in Concept, January 15, 2002; County of Los Angeles, Environmental Health, Approval in Concept, January 16, 2002; County of Los Angeles, Fire Department, Fuel Modification Plan, Preliminary Approval, March 19,

2001; California Department of Fish and Game, Streambed Alteration Agreement (SAA) Review – SAA not required, July 7, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (1986), Subsurface Soil Percolation Test Report, Lawrence Young, Registered Environmental Health Specialist, June 16, 2000; "Geologic and Soils Engineering Investigation, Proposed Single-Family Residence & Swimming Pool, 1210+ N. Topanga Boulevard, Topanga, California," Subsurface Designs, Inc., April 18, 2000; "Addendum I: Response to County of Los Angeles Review Sheets, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," Subsurface Designs, Inc., November 22, 2000; "Supplemental Report, Proposed Construction of a Garage/Guesthouse, 1224 N. Topanga Canyon Blvd., Topanga, California," Subsurface Designs, Inc., July 13, 2001; "Supplemental Report, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," Subsurface Designs, Inc., December 17, 2001.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with thirteen (13) special conditions regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, pool drainage and maintenance, assumption of risk, removal of natural vegetation, removal of excess graded material, oak tree mitigation and monitoring plan, future development restriction, lighting restrictions, structural appearance, deed restriction, and condition compliance.

### **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-01-114 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development

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

## **II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees 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 permittees to bind all future owners and possessors of the subject property to the terms and conditions.

## **III. SPECIAL CONDITIONS**

### **1. Plans Conforming to Geologic Recommendations**

All recommendations contained in the reports prepared by Subsurface Designs, Inc. ("Geologic and Soils Engineering Investigation, Proposed Single-Family Residence & Swimming Pool, 1210+ N. Topanga Boulevard, Topanga, California," dated April 18, 2000; "Addendum I: Response to County of Los Angeles Review Sheets, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," dated November 22, 2000; "Supplemental Report, Proposed Construction of a

Garage/Guesthouse, 1224 N. Topanga Canyon Blvd., Topanga, California," dated July 13, 2001; "Supplemental Report, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," dated December 17, 2001) shall be incorporated into all final design and construction including foundations, grading, settlement, floor slabs, erosion control, excavations, retaining walls, sewage disposal, drainage and maintenance, plan review, and construction review. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

## **2. Landscaping and Erosion Control Plans**

Prior to issuance of the Coastal Development Permit, the applicants shall submit landscaping, erosion control, and fuel modification plans prepared by a licensed landscape architect or qualified resource specialist for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the engineering geologist to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

### **A) Landscaping Plan**

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.
- 2) The plan shall include a detailed restoration and revegetation plan, prepared by a qualified restorationist, for the minor drainage course shown in Exhibit 3.
- 3) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

- 4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 5) The Permittees 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.
- 6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, prior to issuance of the Coastal Development Permit, the applicants shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf, and ground cover planted within the 50 foot radius of the proposed structures shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site 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 applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site 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 thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

### **C) Monitoring**

Five years from the date of the receipt of the certificate of occupancy for the residence, the applicants shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

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

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, 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 85<sup>th</sup> percentile, one (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 applicants, landowner, or successor-in-interest shall be responsible for any necessary repairs to the drainage, filtration system, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants 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. Pool Drainage and Maintenance**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written pool drainage and maintenance plan, that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, the plan shall, at a minimum: 1) prohibit discharge of chlorinated pool water and 2) prohibit discharge of chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters. The Permittees shall undertake development and maintenance in compliance with this pool and spa maintenance agreement and program approved by the Executive Director. No changes shall be made to the agreement or plan unless they are approved by the Executive Director.

#### **5. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from liquefaction, storm waves, surges, erosion, landslide, flooding, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project

against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **6. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit. Removal of natural vegetation for the purpose of landslide repair shall not occur until commencement of that project.

#### **7. Removal of Excess Graded Material**

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

#### **8. Oak Tree Mitigation and Monitoring Plan**

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during construction. Protective fencing shall be used around the canopies or base of the oak trees adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if an oak tree(s) is removed, damaged or impacted beyond the scope of the work allowed by Coastal Development Permit 4-01-114. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

For Oak Tree #1, as shown in Exhibit 3, which may be lost or suffer worsened health or vigor due to driveway paving and associated impacts, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 3:1 on the applicant's parcel (Assessor's Parcel No. 4441-037-010). Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a



monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years.

#### **9. Future Development Restriction**

This permit is only for the development described in coastal development permit 4-01-114. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit 4-01-114. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit 4-01-114 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **10. Lighting Restrictions**

A. The only outdoor night lighting allowed on the subject parcel is limited to the following:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
2. Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
3. The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.

B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

#### **11. Structural Appearance**

The color of the structure and roof 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.

## **12. Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **13. Condition Compliance**

Within sixty (60) days of Commission action on this coastal development permit amendment 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**

The Commission hereby finds and declares:

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

The applicant proposes to construct a two-story, 31.5 ft. high, 3,400 sq. ft. single family residence, two-car detached garage with second-story 748 sq. ft. guest house, swimming pool, turnaround, septic system, removal of an existing horse corral, barn, and storage items, restoration of a minor drainage course, and 68 cu. yds. of grading (all cut). The project also includes a request for after-the-fact approval of paving of an existing driveway, and approximately 500 cu. yds. of grading (250 cu. yds. cut and 250 cu. yds. fill for construction of an existing building pad) (**Exhibits 6-13**).

The approximately 1.37 acre project site is located adjacent to the Topanga Oaks small lot subdivision on Topanga Canyon Boulevard in unincorporated Malibu, Los Angeles County. The project site is surrounded by single family residences to the immediate west and south, and by undeveloped hillside containing chaparral and scattered oak trees to the north and east. A blue line stream skirts the southern property line.

The project site contains two driveways and two building pads. A paved driveway extends from a neighboring property approximately 125 feet to an approximately 9000 sq. ft. graded pad, upon which the proposed residence is to be located. Aerial photographs, a Los Angeles County Engineer topographic map dated June 23, 1964, and plans submitted for CDP Application P-78-4495 (El Sounessi) indicate that the driveway existed prior to the effectiveness date of the Coastal Act (**Exhibits 14-15**). However, the plans submitted for CDP Application P-78-4495 indicate that the easternmost segment of the driveway was unpaved, for a distance of approximately 80 feet. The applicant requests after-the-fact approval for the paving of that portion of the driveway. Aerial photographs indicate that the pad was constructed after the effectiveness date of the Coastal Act and prior to May 10, 1986. A lot line adjustment separating the pad area from a neighboring parcel was recorded in April 1986, and it is likely that the pad, which appears freshly graded in the May 1986 photo, was constructed around the time of the lot reconfiguration. The pad is currently used as a horse corral, and contains a horse shelter and small barn. The applicant proposes to remove the corral and all associated structures (**Exhibits 15-16**).

The second driveway, which is unpaved, extends from the paved driveway described above to the second pad area, which is located on the former Lot 33 of the Topanga Oaks small lot subdivision. Lot 33 was merged with the subject lot in a lot line adjustment approved by the Commission in 2000 (CDP 4-00-164, Royer). The narrow, approximately 6,883 sq. ft. "panhandle" slopes steeply to the south and west and contains several oak trees. The pad area contains a small concrete slab foundation as well as several storage items that the applicant proposes to remove. The driveway and pad appear in aerial photographs taken prior to the effectiveness date of the Coastal Act, on a Los Angeles County Engineer topographic map dated June 23, 1964, and in plans submitted as part of CDP Application P-78-4495 (El Sounessi) for a single family residence on Lot 33. CDP Application P-78-4495 was denied on the basis of cumulative impacts to coastal resources (**Exhibits 14-17**).

Site topography is characterized by slopes that descend southwesterly toward the blue line stream at the southern property line. Average slope gradient is approximately 2:1, with some slopes as steep as 1:1. The pad is cut into the slope, approximately 90 feet northwest of and 50 feet above the blue line stream. Two minor drainage courses flow into the pad area on either side of the proposed residence. Existing topography suggests that these drainage courses were filled upon construction of the pad. The applicant proposes to restore the drainage course located on the easternmost part of the pad.

Vegetation on the slopes north and east of the proposed residence consists of chaparral with clusters of oak trees. Vegetation on the slopes below the pad consists of oak trees, ruderal grasses, chaparral species, and assorted non-native vegetation. The majority of the site, including the slopes to the south and east of the pad, is mapped as an oak woodland environmentally sensitive habitat area (ESHA) in the certified 1986 Malibu/Santa Monica Mountains Land Use Plan (**Exhibit 2**).

The proposed project will not be visible from any scenic highways, but will be visible, at a distance, from the Deadhorse Trail and other areas of Topanga State Park.

An approximately 50 sq. ft. corner of the proposed turnaround is located on an adjacent property. This portion of the turnaround is not proposed in this application. The applicant has stated that he has obtained verbal agreement for an easement from the neighboring property owner, and intends to apply for a coastal development permit, with the neighboring property owner as co-applicant, for this portion of the proposed turnaround following Commission action on this application.

#### **B. Hazards and Geologic Stability**

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 applicant has submitted several geologic reports prepared by Subsurface Designs, Inc. ("Geologic and Soils Engineering Investigation, Proposed Single-Family Residence & Swimming Pool, 1210+ N. Topanga Boulevard, Topanga, California," dated April 18, 2000; "Addendum I: Response to County of Los Angeles Review Sheets, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," dated November 22, 2000; "Supplemental Report, Proposed Construction of a Garage/Guesthouse, 1224 N. Topanga Canyon Blvd., Topanga, California," dated July 13, 2001; "Supplemental Report, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California," dated December 17, 2001). The reports make numerous recommendations regarding grading, foundations, retaining walls, settlement, floor slabs, sewage disposal, erosion control, excavations, drainage and maintenance, plan review, and construction review.

The Subsurface Designs, Inc. report dated April 22, 2000 notes that the artificial fill material underlying the proposed building pad may be subject to creep, and notes that this material is not suitable for foundation support. The report recommends either removing and recompacting the fill material, or supporting the foundations in bedrock. The applicant is proposing the latter option. The report also recommends

implementation of an erosion control plan during grading operations, incorporation of a non-erosive drainage system into project plans, and the planting of vegetation with dense and deep root structures and low watering requirements on all slopes.

The Subsurface Designs, Inc. report dated April 22, 2000 concludes:

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

In addition, the Subsurface Designs, Inc. supplemental report on the proposed garage/guest house, dated July 13, 2001 makes the same conclusion:

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

Therefore, based on the recommendations of the applicant's engineering geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the engineering geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the engineering geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

However, the Commission recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting geologists, may still involve the taking of some 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 the subject property.

The Commission finds that due to the possibility of erosion, landslide, earthquake, and wildfire, the applicants shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicants to waive any claim of liability against the Commission, its employees, and agents, for damage to life or property that may occur as a result of the permitted development. The applicants' assumption of risk, as required by **Special Condition Five (5)**, when executed and recorded on the property deed, will show that the applicants are aware of and appreciate the nature of the hazards associated with development of the site, and that may adversely affect the stability or safety of the proposed development.

For these reasons, therefore, the Commission finds that as conditioned by **Special Condition One (1)** and **Special Condition Five (5)**, the proposed project is consistent with the geologic stability requirements of Coastal Act Section 30253.

## Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the site of the proposed project contains slopes that descend, at gradients up to 1:1, to an unnamed blue line stream. Incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development will serve to minimize erosion at the site.

As noted above, the applicant's proposal includes construction of a 3,400 sq. ft. single family residence, detached two-car garage with second-story 748 sq. ft. guest house, swimming pool, turnaround, septic system, and 568 cu. yds. of grading. The applicants also propose after-the-fact paving of an approximately 80 ft. long section of driveway.

The project will result in additional impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

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

In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Three (3)**. **Special Condition Three (3)** requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

In addition, the Commission finds that temporary erosion control measures implemented during construction will also minimize erosion and enhance site stability. **Special Condition Two (2)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-

controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Two (2)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Two (2)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. As noted the implementation of **Special Condition Two (2)** will ensure that primarily native plant species are used in the landscape plans and that potentially invasive non-native species are avoided. Therefore, the Commission finds that in order to ensure site stability and erosion control, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Two (2)**.

In addition to after-the fact grading for the building pad, the applicant proposes to cut 68 cu. yds. of earth on the site, producing excess graded material. The Commission finds that stockpiling excavated material may contribute to increased erosion at the site. The Commission also notes that additional landform alteration would result if the excavated material were to be collected and retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Seven (7)** requires the applicant to remove all excess graded material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

Furthermore, to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition Six (6)**. In the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans, loss of natural vegetative cover may result in unnecessary erosion. **Special Condition Six (6)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

In order to ensure that any future site development is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Nine (9)**, which requires the applicants to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements. Finally, **Special Condition Twelve (12)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

### Wild Fire

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Five (5)**, the assumption of risk, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Five (5)**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.



In summary, the Commission finds that, as conditioned by **Special Conditions One (1), Two (2), Three (3), Five (5), Six (6), Seven (7), Nine (9), and Twelve (12)**, the proposed project is consistent with Section 30253 of the Coastal Act.

**C. Sensitive Habitat**

Section 30231 states:

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

Section 30240 states:

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

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

Section 30231 of the Coastal Act requires 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.

To assist in the determination of whether a project is consistent with Section 30231 and 30240 of the Coastal Act, the Commission has relied in past permit decisions on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), which contains numerous policies designated to protect sensitive resource areas from the individual and cumulative impacts of development. The certified LUP has been found to be consistent with the Coastal Act and provides specific standards for development in Malibu and the Santa Monica Mountains.

The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) indicates that the project site is located within a significant oak woodland environmentally sensitive habitat area (ESHA). The LUP requires residential uses in significant oak woodlands to be consistent with provided development standards and policies. The standards applicable to this site include the following:

- Encroachment of structures within an oak woodland shall be limited such that at least 90% of the entire woodland is retained. Leachfields shall be located outside the dripline of existing oaks.
- Clustering of structures shall be required to minimize the impacts on natural vegetation.
- Land alteration and vegetation removal shall be minimized.
- Structures shall be located as close to the periphery of the oak woodland, as feasible, including outside the woodland, or in any other location for which it can be demonstrated the effects of development will be less environmentally damaging.
- Site grading shall be accomplished in accordance with the stream protection and erosion policies.
- Streambeds in oak woodlands shall not be altered except where consistent with Section 30236 of the Coastal Act. Bridges shall be used for roadway crossings.

In the case of the proposed project, all development is located outside of the protected zones of all oak trees on or adjacent to the site, with the exception of the access driveway, which is discussed below. The existing unpermitted building pad is used as a horse corral and contains no vegetation. A 1977 aerial photograph of the pad area shows relatively sparse vegetative cover surrounded by oak trees and native chaparral. Although the scale of the photograph does not allow for a conclusive determination, it appears that no oak trees were removed in order to create the pad. Given the steep terrain and presence of oak trees on the remainder of the site, the building pad location is the most feasible location for the proposed residence in respect to minimization of landform alteration and protection of oak trees, regardless of the fact that grading for the building pad has already occurred. The proposed residence, swimming pool, septic system, and turnaround will be located on the approximately 9000 sq. ft. as-built pad. The applicant requests after-the-fact approval for approximately 500 cu. yds. of grading for the building pad, as well as for 68 cu. yds. of additional grading to accommodate the garage/guest house.

As noted above, all proposed development is located outside of the protected zones of all oak trees with the exception of the access driveway. The access driveway was constructed prior to the effectiveness date of the Coastal Act, but the easternmost 80

feet of the driveway has since been paved. The applicant requests after-the-fact approval for the paving of that segment of the driveway. The applicant has submitted evidence that the existing access driveway is at a width and grade acceptable to the fire department for emergency access to the site, therefore, no significant grading will be required to upgrade the road. However, the paving of the driveway and associated road improvements and maintenance, has in the past and will continue to impact an adjacent oak tree (Oak Tree #1). The paving of the driveway has increased the amount of impervious surface and therefore has decreased the infiltrative function of the soil adjacent to the oak tree, while increasing the volume and velocity of stormwater that can be expected to flow down adjacent slopes. Paving of the driveway increases the potential for polluted runoff to flow down adjacent slopes and decreases the exchange of air and water to the root zone of the tree. In addition, although Oak Tree #1 is currently being impacted by vehicular access, the proposed development will increase the level of traffic and general use of the driveway, resulting in increased compaction of underlying soils and increased input of vehicle-related pollutants.

In addition, the site plan submitted for the proposed project indicates that a new private sewage disposal system with a septic tank and seepage pits are proposed in a location that is setback approximately 25 feet and 10 feet respectively from the nearest dripline of Oak Tree #1 (**Exhibit 3**). The proposed septic tank and seepage pit are not located within any oak tree protected zones; however, in past Commission actions, the Commission has required a minimum 100 ft. setback of seepage pits from oak tree canopy driplines, where feasible, to minimize potential impacts of sewage effluent on the health of the oak tree. In the case of the proposed project, however, due to the location of several other oak trees on the site it is not possible to set back the proposed septic system 100 feet from the oak tree canopy driplines. Additionally, the applicant has submitted a report from the consulting engineering geologist ("Addendum I: Response to County of Los Angeles Review Sheets, Proposed Residential Development, 1224 N. Topanga Canyon Blvd., Topanga, California 90290," by Subsurface Designs, Inc., dated November 22, 2000) that states:

***The majority of effluent discharge (from the septic system) will percolate in a northwesterly direction along the declination of bedding plane dip.***

Nevertheless, the proposed septic system could potentially result in excessive and detrimental water discharge into the root system of Oak Tree #1 given its close proximity to these individual trees and the uncertain nature of establishing geologic structure and water uses that may occur in the future. Additionally, the proposed after-the-fact driveway paving would increase the level of traffic and general use of the soils within the protected zones of Oak Tree #1, and thereby contribute to compaction of the soils, inhibit the exchange of air and water to the root zone of the trees and introduce oils and other toxic materials from vehicular use of the road. The article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

***Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but***

**surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.**

This publication goes on to state:

**Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .**

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

**Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.**

**There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require any supplemental water once established. Chose plants suited for "dry shade."**

The Commission finds that the proposed development includes driveway paving within a portion of the protected zone of Oak Tree #1, and that the proposed septic system could potentially result in adverse impacts from effluent dispersal into the root systems of Oak Tree #1. The Commission further finds that the proposed construction activities can have detrimental impacts on the oak trees whose driplines are located both within and outside of the area to be disturbed by the project. Furthermore, the Commission finds that since the root systems may radiate out as much as 50 feet beyond the oak canopy driplines, even those oak trees adjacent to the development whose protected areas are not within the proposed driveway or near the proposed septic system may be negatively impacted through disturbance to their root systems.

The Commission notes that damage to the oak trees resulting from the proposed project may not become apparent for many years. Therefore, the Commission finds that the applicant must mitigate for the adverse impacts resulting from that portion of the proposed driveway paving that encroaches into the protected zone of Oak Tree #1. In past permit actions the Commission has typically required a 10:1 mitigation ratio for the loss or removal of oak trees. In this case, although the oak tree will not be removed, it will suffer incremental adverse impacts over time from the proposed improvements. Therefore, the Commission finds that a more appropriate mitigation for the incremental long term impact to the oak tree, in this particular case, is replacement of the tree at a ratio of 3:1 on the subject site. Furthermore, pursuant to **Special Condition Eight (8)**, the applicant must also submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations. Finally, the applicant shall also submit an annual monitoring report on the oak tree mitigation and preservation process to ensure the long term health of existing oak trees on site and success of the oak tree mitigation plan.

As mentioned, with the exception of encroachment into the protected zone of Oak Tree #1, all development proposed on site has been set back outside of the protected zones of on-site oak trees. However, to ensure that the protected zones will not be inadvertently violated by the permitted development activities, **Special Condition Eight (8)** also requires that protective fencing be placed around the protected zones of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities.

As noted above, the certified Malibu/Santa Monica Mountains LUP requires that site grading for residential development in significant oak woodland be accomplished in accordance with the LUP stream protection and erosion control policies. One such policy requires new development to be designed to minimize alterations of physical features and processes of the site, including site hydrology, to the maximum extent feasible.

The applicant requests approval for 500 cu. yds. of after-the-fact grading for construction of a building pad. According to aerial photographs, the pad was created after the effectiveness date of the Coastal Act and prior to May 1986. Site topography indicates that two minor drainage courses were filled during construction of the pad. The applicant proposes to restore the drainage course on the east side of the pad, and to culvert the drainage course on the west side of the pad. The western drainage course flows into the area required, under fire access regulations, for a turnaround, and also into the area found most feasible by the applicant's engineering geologist for location of the septic system. Given the numerous constraints of the project site, no alternative location for the proposed development exists that would allow for restoration of the western drainage course. The applicant's proposal, including the restoration of the eastern drainage course, therefore minimizes alterations to the site hydrology to the maximum extent feasible.

However, in order to ensure that the restoration of the eastern drainage course is carried out in a manner that minimizes erosion and impacts to adjacent oak trees and the nearby blue-line stream, **Special Condition Two (2)** requires that a restoration and revegetation plan, prepared by a qualified restorationist, be submitted for the review and approval of the Executive Director.

In the Santa Monica Mountains area, the Fire Department requires brush clearance in a 200-foot radius from all habitable structures to reduce the risks of wildfire. As noted above, the project site is located in a significant oak woodland and contains undisturbed chaparral habitat along with clusters of oak trees on an ascending hillside to the north and east of the proposed project. The brush clearance radius for the proposed main residence overlaps with existing radii of neighboring residences to the south, west, and northwest (**Exhibit 5**). The brush clearance radius for the proposed garage/guesthouse structure overlaps to a greater extent with existing radii of neighboring residences to the south, west, and northwest, and with the brush clearance radius for the main residence to the northeast. The brush clearance radius for the main residence will result in additional clearing of chaparral habitat to the northeast. The applicant has submitted a letter from Ron Durbin of the Los Angeles County Fire Department Brush Clearance Unit detailing the extent of clearing required northeast of the site. The letter notes that "target species," including chamise, buckwheat, and sage must be removed within 100 feet of all structures, but that clearance beyond that may not be necessary based on the density of oaks and remaining species. The letter notes that all oak species should remain, but that dead wooding is required. It also recommends against clearing on steep slopes, such as those adjacent to the riparian area southeast of the proposed residence.

The applicant has revised the original project proposal to increase the distance between the proposed residence and the chaparral / oak woodland habitat to the northeast of the site to 20 feet, thus reducing the extent of clearance. As mentioned previously, given the constraints on the remainder of the site, relocating the main residence elsewhere on the site is not feasible. As such, the Commission finds that the applicant's revised project proposal will minimize the impacts of brush clearance on sensitive vegetation at the project site to the maximum extent feasible.

The applicant has submitted a preliminary fuel modification plan that has been approved in concept by the Los Angeles County Fire Department. The plan indicates that no fuel modification will be required within the protected zones of oak trees on the site. The plan also includes planting of native, drought-resistant plant species in Zone B, thereby reducing the need for irrigation on the slopes below the proposed residence and in the sensitive oak woodland. To ensure the most minimal disturbance feasible of the surrounding sensitive habitat, **Special Condition Two (2)** requires the applicants to submit a final long-term fuel modification plan for the review and approval of the Executive Director.

**Special Condition Two (2)** also requires landscaping on the project site to consist primarily of native plant species compatible with the surrounding chaparral / oak woodland habitat, and prohibits the use of invasive plant species. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Furthermore, the Commission finds that excessive water irrigation and infiltration that may accompany inappropriate residential landscaping may adversely impact the sensitive root systems of the oak trees on site and that use of primarily native, drought resistant plant species compatible with these areas will minimize the need for irrigation and water, thereby preventing additional adverse impacts on the oak resources on site. Therefore, **Special Condition Two (2)** is necessary in order to minimize adverse impacts on the indigenous plant communities of the project site and the Malibu/Santa Monica Mountains area.

The Commission notes that streams and drainages, such as the blue line stream located south of the subject site, in conjunction with primary waterways, provide important habitat for sensitive plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

The Commission finds that potential adverse effects of the proposed development on riparian habitat may be minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition Three (3)**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, building pad area, and horse corral is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. Water Quality for a more detailed discussion of coastal water quality).

The Commission has found that night lighting of a high intensity has the potential to reduce the habitat value of ESHA, and disrupt the behavior of wildlife that occupy or migrate through rural and relatively undisturbed areas. Therefore, **Special Condition Ten (10)** is necessary to reduce the disruptive effects of night lighting on wildlife by restricting outdoor night lighting to the minimum amount required for safety.

The Commission further 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 environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of 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 Nine (9)**, the future development restriction, has been required. In addition, **Special Condition Twelve (12)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned, the Commission finds that, for the reasons set forth above, the proposed project is consistent with the requirements of Sections 30231 and 30240 of the Coastal Act.

#### **D. 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, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

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

As described in detail in the previous sections, the applicant is proposing to develop the subject site with a new single-family residence and other appurtenant structures. The proposed building location is located upslope from a tributary that contains sensitive



riparian habitat. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

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

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. For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. 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 Three (3)**, and finds this will ensure the

proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, the proposed project is conditioned to also implement a pool and spa drainage and maintenance plan to prevent uncontrolled drainage of the proposed swimming pool and spa such that drainage of pool water does not result in discharge of chemically treated water to coastal streams and drainages. The pool and spa drainage and maintenance plan, as detailed in **Special Condition Four (4)**, requires the applicant to submit a written pool and spa maintenance plan that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner such that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, **Special Condition Four (4)** prohibits discharge of pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

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

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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

#### **E. Cumulative Impacts**

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

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

***other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

Section 30252 of the Coastal Act states:

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

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

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

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal

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

The applicant proposes to construct a two-story, 31.5 ft. high, 3400 sq. ft. single family residence, and a detached garage with 748 sq. ft. second floor guest house. The applicant is not proposing to construct a second residential unit, but is proposing to construct a significant detached structure and 748 sq. ft. guest house that could potentially be converted for residential use in the future. The Commission finds that the two car garage is not proposed as habitable square footage and that the proposed 748 sq. ft. second story guest house meets the 750 sq. ft. limitations for maximum habitable square footage for second units which may be considered a secondary dwelling. However, the Commission notes that should the garage be converted into habitable square footage in the future, the total detached structure would exceed the Commission's 750 sq. ft. limitation for second units.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units that may be considered a secondary dwelling. The Commission notes that the applicant is not proposing to utilize the entire detached structure as a guest unit or secondary dwelling, therefore the structure may be reviewed as an accessory building to the proposed single family residence. However, the Commission finds it necessary to ensure that no additions or improvements are made to the detached structure in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission imposes **Special Condition Nine (9)**, the Future Development Restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached structure are proposed in the future.

In addition, **Special Condition Twelve (12)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

## F. Visual Resources

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size of the proposed structure(s).

The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The proposed development will be visible, at a distance, from the Dead Horse Trail and other areas of Topanga State Park.

The applicant proposes to construct a two-story, 31.5 ft. high, 3400 sq. ft. single-family residence, detached two-car garage with second-story 748 sq. ft. guest house, septic system, swimming pool, turnaround, restoration of a minor drainage course, and approximately 568 cu. yds. of grading, including 500 cu. yds. of grading for the after-the-fact construction of a building pad. Given the steep topography of much of the subject site, construction of a building pad in an alternate location would likely result in more significant landform alteration than the existing pad. The proposed development is consistent with existing development in the surrounding area of the project site.

Because the proposed project is visible from public viewing areas in Topanga State Park, the Commission finds it necessary to impose design restrictions minimizing the visual impacts of the proposed project. The use of non-glare glass and colors compatible with the natural background, as well as the minimal use of outdoor night lighting, will help to ensure that the proposed project blends with its surroundings to the maximum extent feasible. Therefore, **Special Condition Eleven (11)** restricts the use of colors to a natural background palette and requires the use of non-glare glass on site. Furthermore, **Special Condition Ten (10)** restricts the use of outdoor night lighting to the minimum necessary for safety purposes.

The Commission notes that visual impacts can be further minimized by the implementation of a landscape plan that employs a native plant palette and vertical elements. The Commission also notes that visual impacts will be further mitigated by

the implementation of erosion control measures, as in **Special Conditions Two (2), Three (3), Four (4), Six (6), and Seven (7)**. Implementation of the requirements of these conditions will ensure that the adverse visual effects of obtrusive non-native landscaping, denuded slopes, and uncontrolled erosion are avoided.

In addition, to ensure that future development of the site is reviewed for potentially adverse effects on coastal visual resources, the Commission finds it necessary to impose **Special Condition Nine (9)**, which requires the applicants to obtain a coastal development permit for any future development of the site, including improvements that might otherwise be exempt from coastal permit requirements. Finally, **Special Condition Twelve (12)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

#### **G. Violation**

Unpermitted development has taken place prior to submission of this permit application including approximately 500 cu. yds of grading, paving of an 80 foot long segment of existing driveway, construction of a horse corral and associated structures, and placement of storage items. The applicant requests after-the-fact approval for the grading and paving described above, and proposes to remove the horse facility and storage items. The applicant also requests approval to construct a new 2-story, 31.5 ft. high, 3400 sq. ft. single-family residence with detached two-car garage with second story 748 sq. ft. guest house, turnaround, swimming pool, septic system, 68 cu. yds. of grading (all cut), and restoration of a minor drainage course. The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition Thirteen (13)** requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

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

#### **H. Local Coastal Program**

Section 30604 of the Coastal Act states:

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

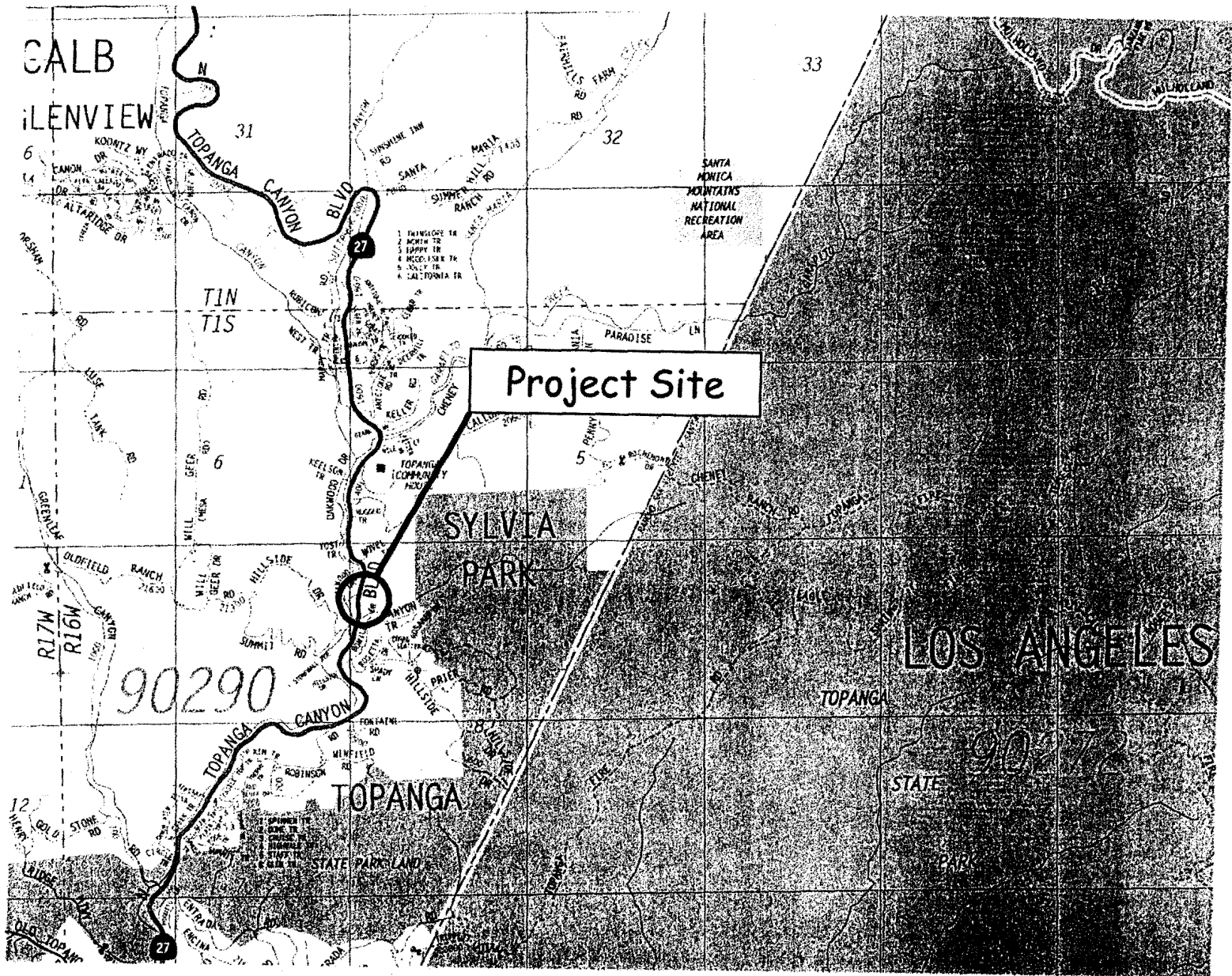
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections 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 project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area 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

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





Project Site

90290

LOS ANGELES

TOPANGA

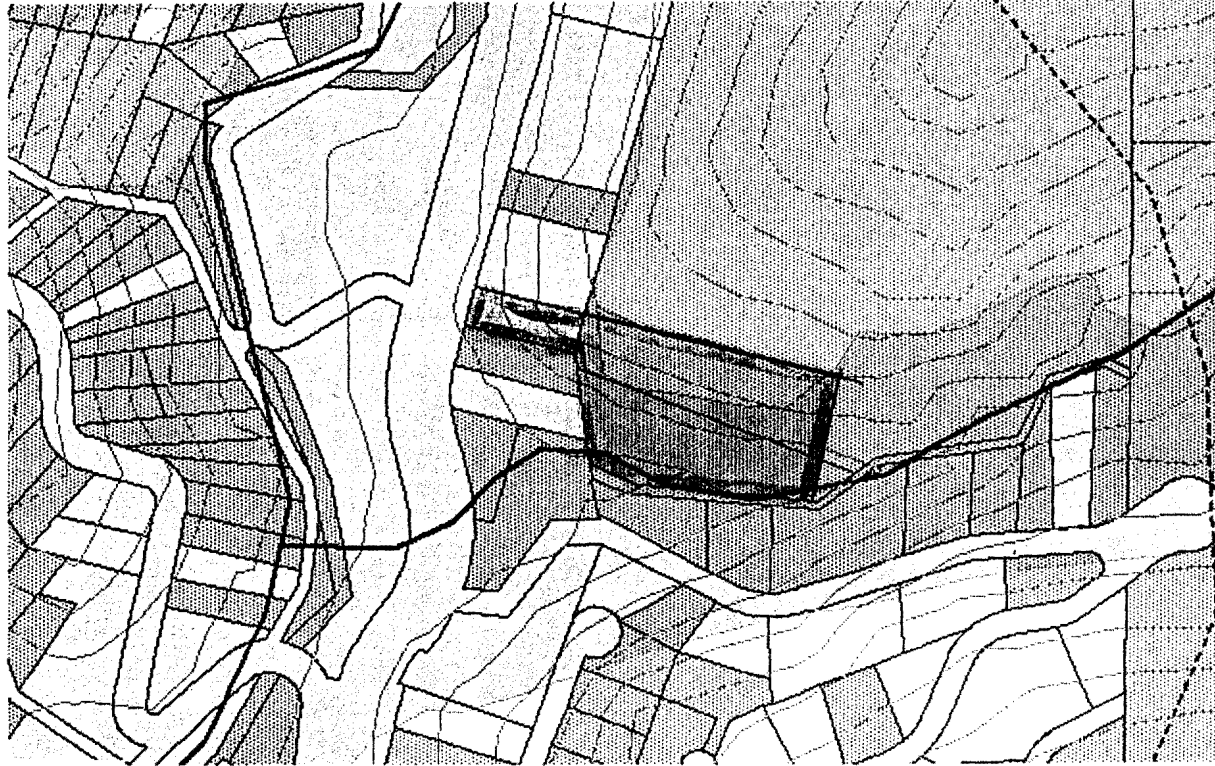
EXHIBIT NO. 1
APPLICATION NO.
4-01-114
VICINITY MAP



ESRI ArcExplorer 1.1 :

4-01-114 (Royer)

1224 N. Topanga Canyon Blvd.



contours @ 100ft

contours @ 20ft

Trails - Tom Harrison

Trails - LA County LUP

Trails - NPS GPSed

Blue Line Streams

laprcls

esha (ESHA)

Coldcreek management area

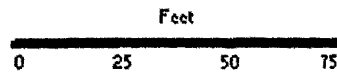
inland

locally disturbed resources

oak woodlands and savannahs

significant watersheds residential

wildlife migration corridor



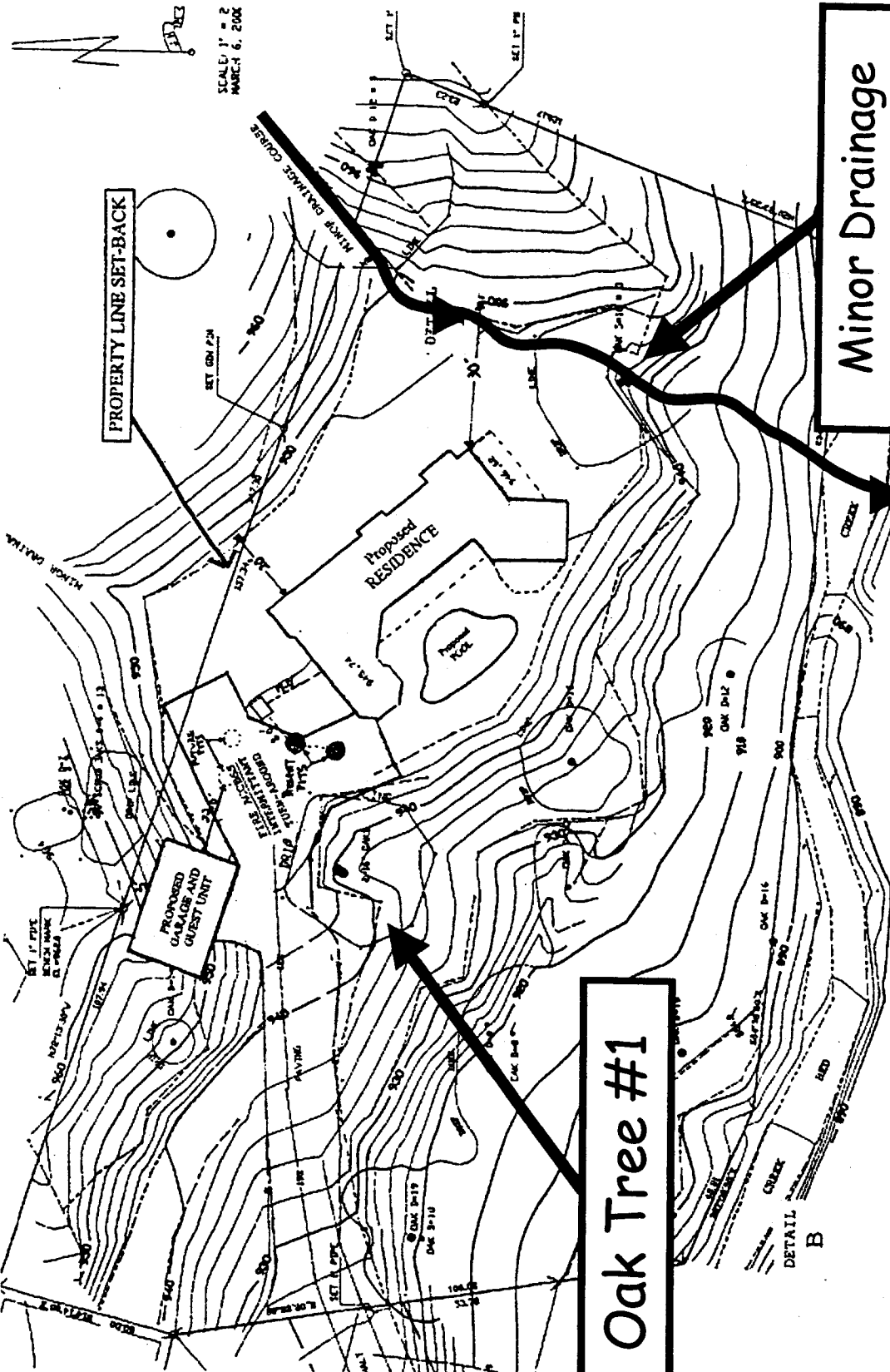
Monday, Jul 9 2001

EXHIBIT NO. 2

APPLICATION NO.

4-01-114

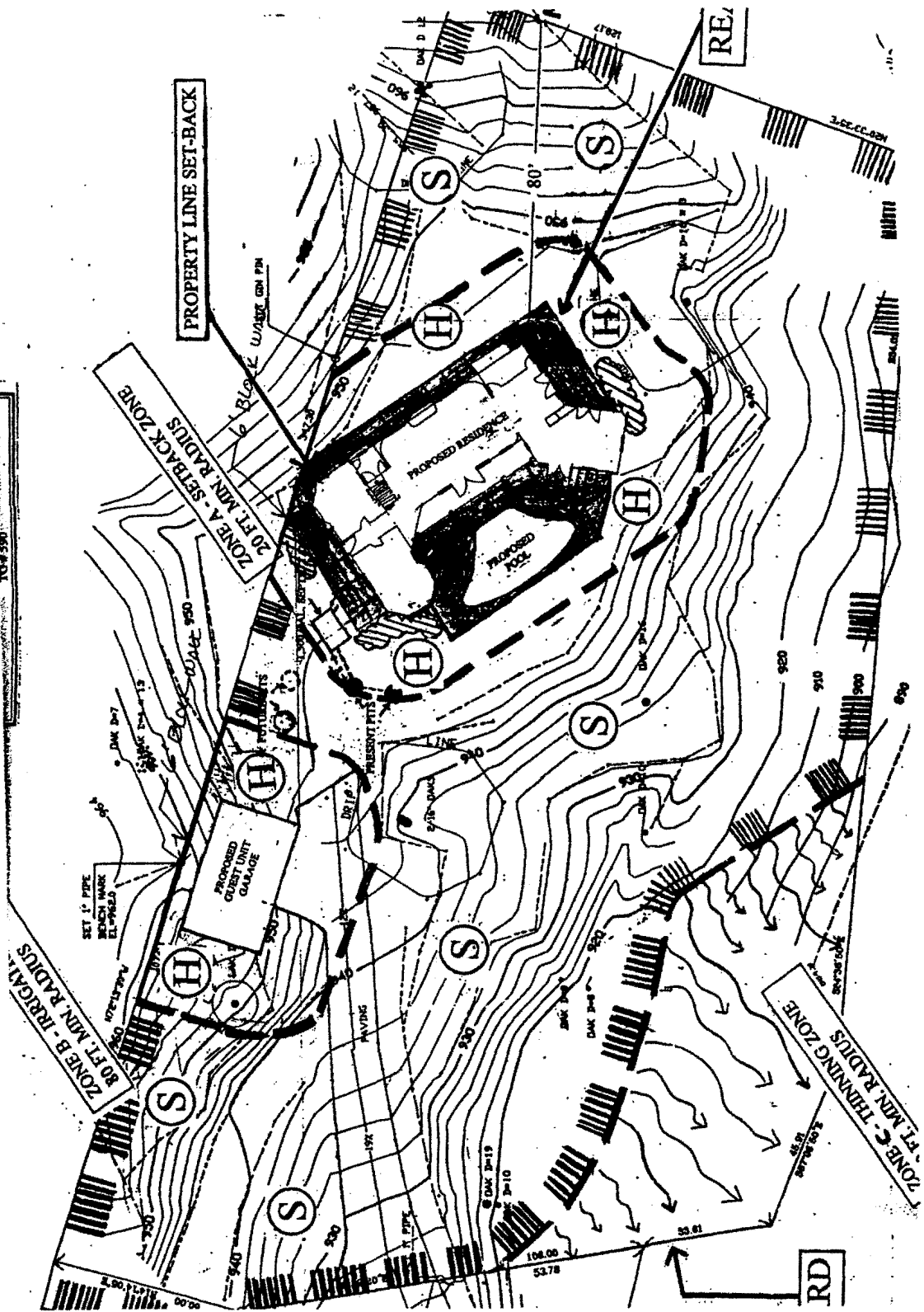
COASTAL RESOURCES



Minor Drainage Course  
(to be restored)

Oak Tree #1

EXHIBIT NO. 3
APPLICATION NO.
4-01-114
SITE RESOURCES



# Fuel Modification Plan

EXHIBIT NO. 4
APPLICATION NO.
4-01-114
FUEL MODIFICATION



SITE PLAN

JOHN H. MAC NEIL  
1222 N. TOWERS (1st Fl.) Blvd., Torrance, CA 90501  
310-471-7120

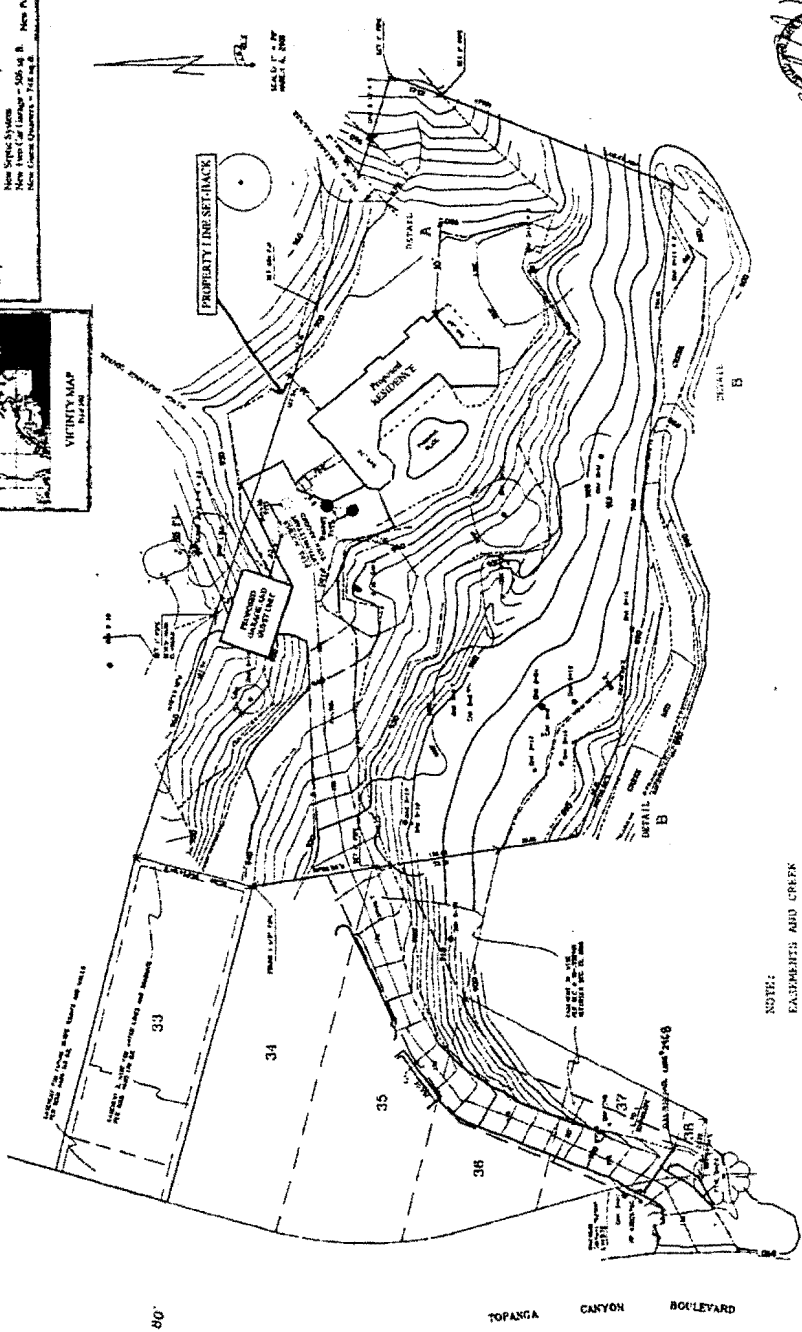
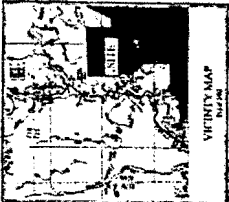
A12

PROJECT SURVEYOR JOHN H. MAC NEIL L.S. NO. 18328	DATE 12/14/83	SCALE AS SHOWN	PROJECT NO. 18328
TOPOGRAPHIC SURVEYOR & PORTION OF PARCEL 4 OF PARCEL MAP NO. 1411506.AN.01121331.001814P 8001 PER P.M. 141 1518 AND PER P.M. 102 21755	DATE 12/14/83	SCALE AS SHOWN	PROJECT NO. 18328
LICENSED LAND SURVEYOR & 3056 2330 N. TOWERS DR. #2 TORRANCE, CA. 90501 (310) 552-0913	DATE 12/14/83	SCALE AS SHOWN	PROJECT NO. 18328

Client:  
David Brown  
1220 N. TOWERS C/O 184  
Torrance, CA 90501  
310-471-7120

Address Parcel #  
PART 4 OF PARCEL 4 OF  
PARCEL MAP NO. 1411506.AN.01121331.001814P  
TRACT 10, 10th P.M. 141 1518 AND  
TRACT 10, 10th P.M. 102 21755

Scope of Work:  
New Survey Station, 1000' 4th N. New Residence  
New 1st Fl. of Garage - 505 sq. ft. New Pool  
New Court Quarters - 714 sq. ft.



NOTE:  
EASEMENTS AND GREEN  
ARE PLOTTED  
E.I.P. ACROSS  
INTERMITTENT TURTLE-GUARD  
IS PLOTTED

INDEX NUMBER  
SHEET

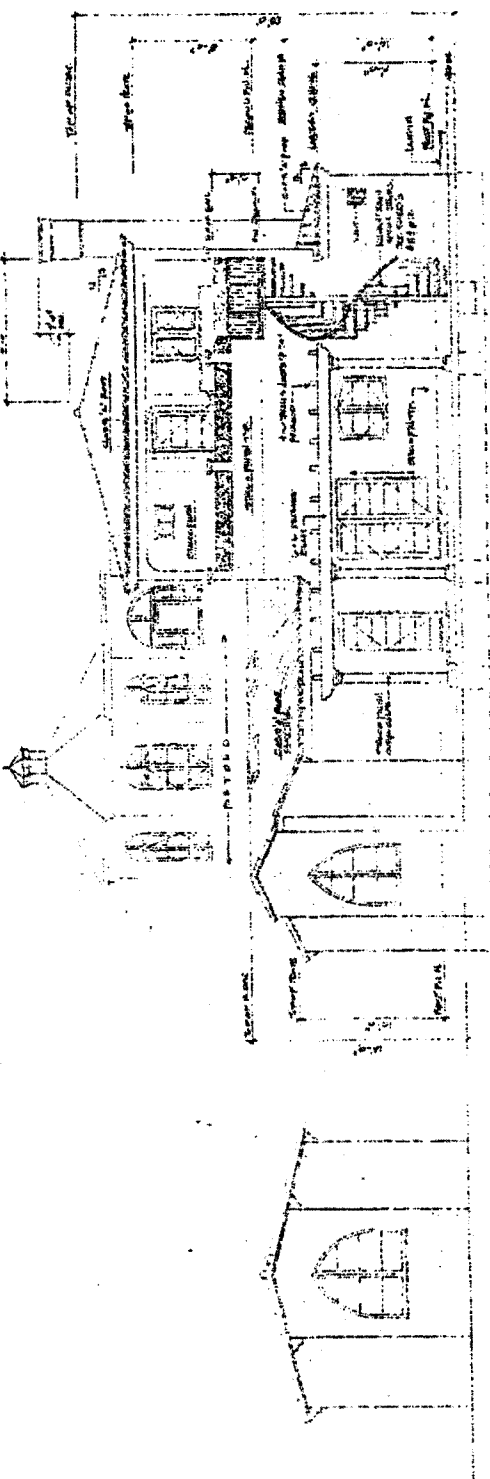
EXHIBIT NO. 6
APPLICATION NO.
4-01-114
SITE PLAN



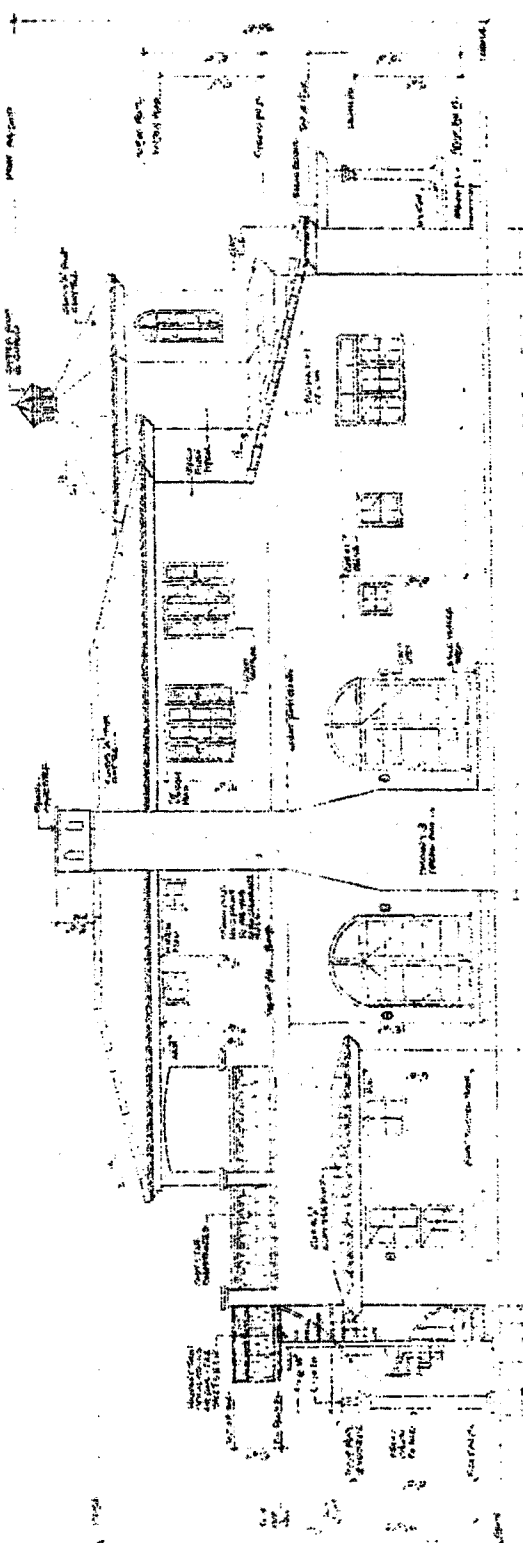



**Proposed**  
**Royer Residence**  
 1224 North Torrey Canyon Blvd.  
 Torrey, CA 90290  
 Lillian Davis  
 Architectural Design  
 214 NORTH CATALINA AVENUE  
 REDONDO BEACH, CA 90277


A-8



L. DAVIS ARCHITECTURAL DESIGN  
 214 NORTH CATALINA AVENUE  
 REDONDO BEACH, CALIFORNIA 90277

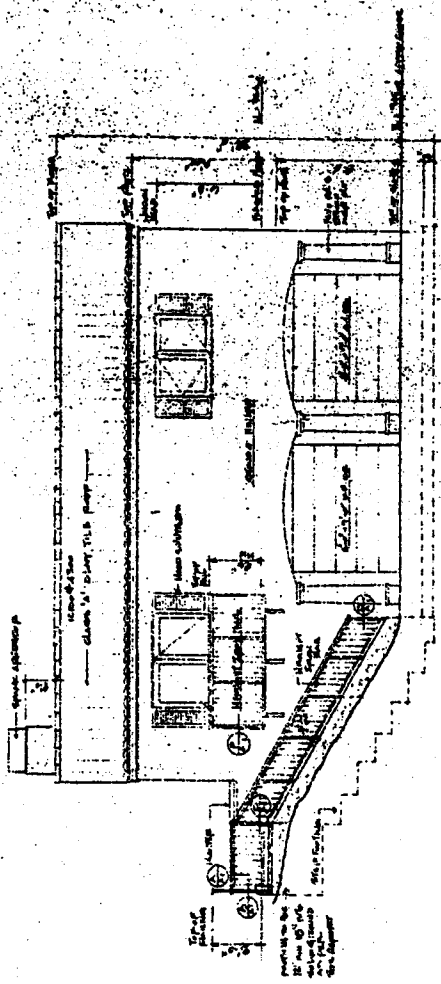


LEFT SIDE ELEVATION

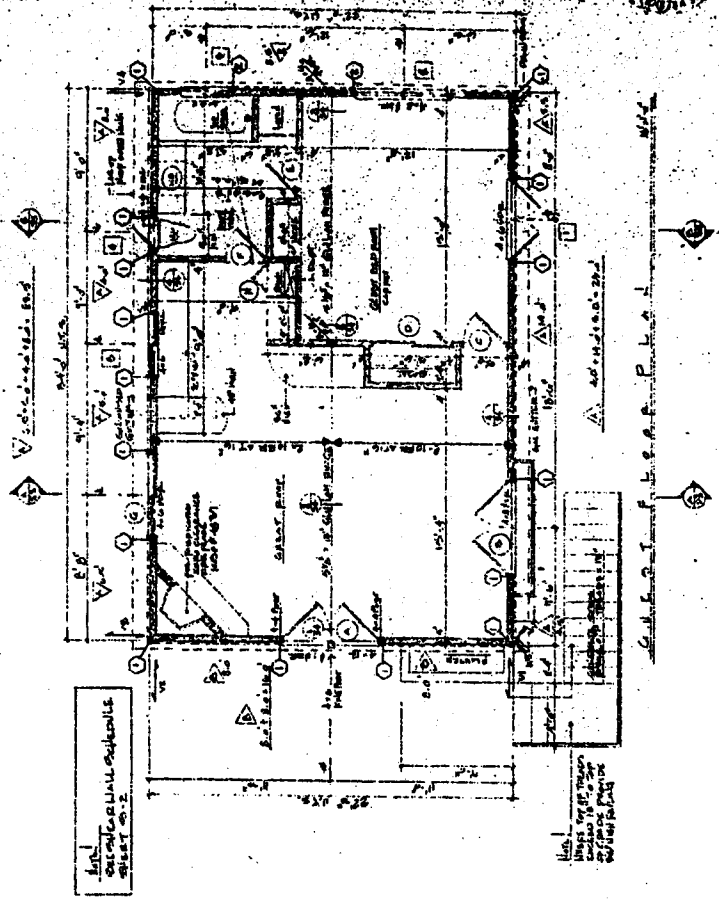
**EXHIBIT NO. 9**  
**APPLICATION NO.**  
 4-01-114  
**ELEVATIONS**



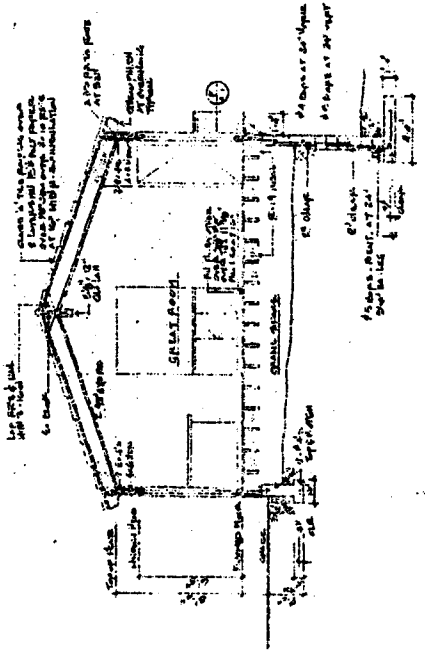




SECTION THROUGH PORCH AND STAIRS

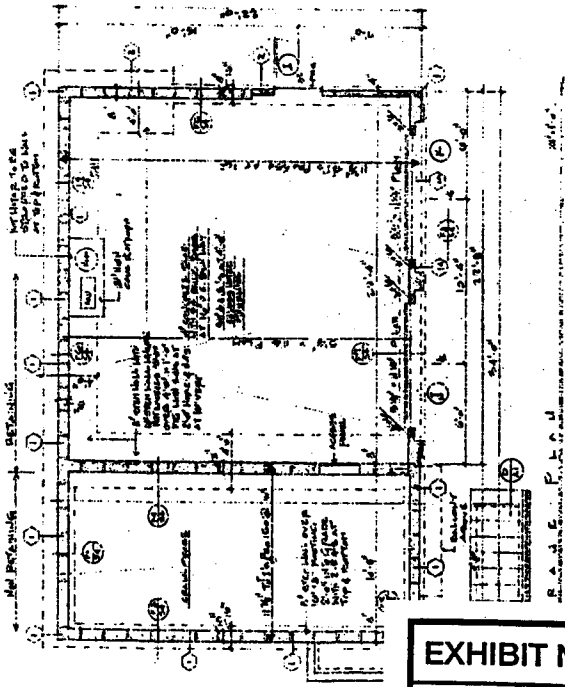


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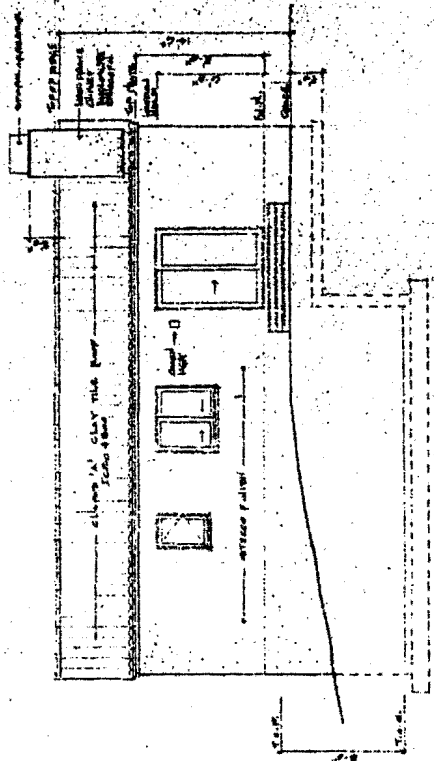


SECTION THROUGH PORCH AND STAIRS

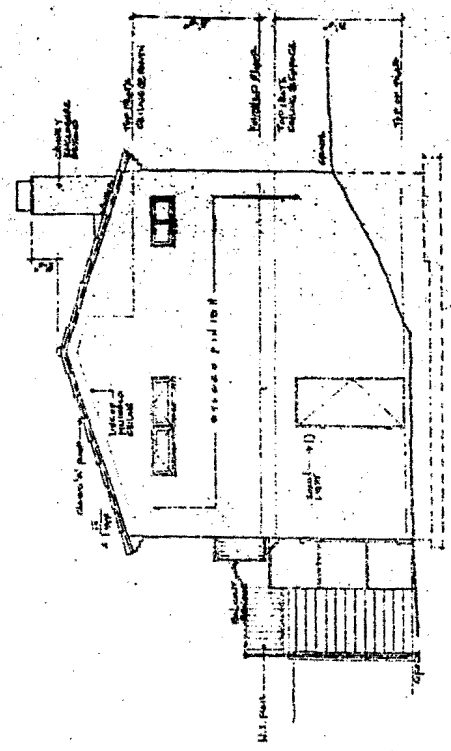
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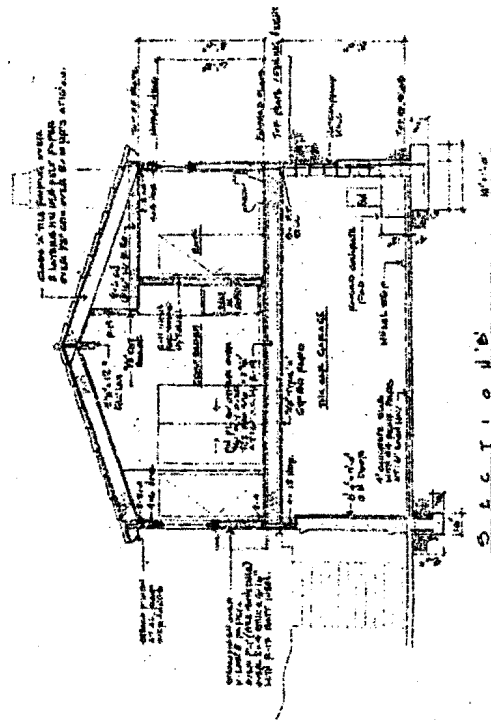
**EXHIBIT NO. 11**  
**APPLICATION NO.**  
 4-01-114  
**GUEST HOUSE PLAN**



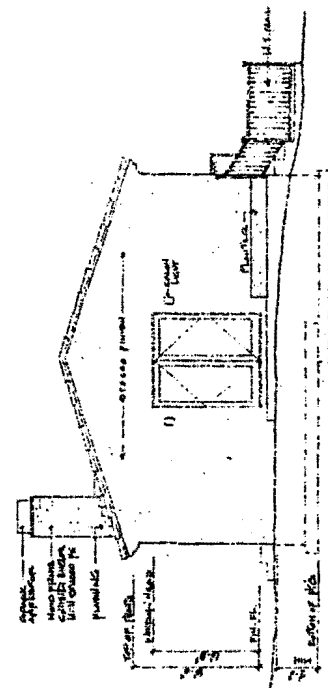
NORTH ELEVATION



EAST ELEVATION



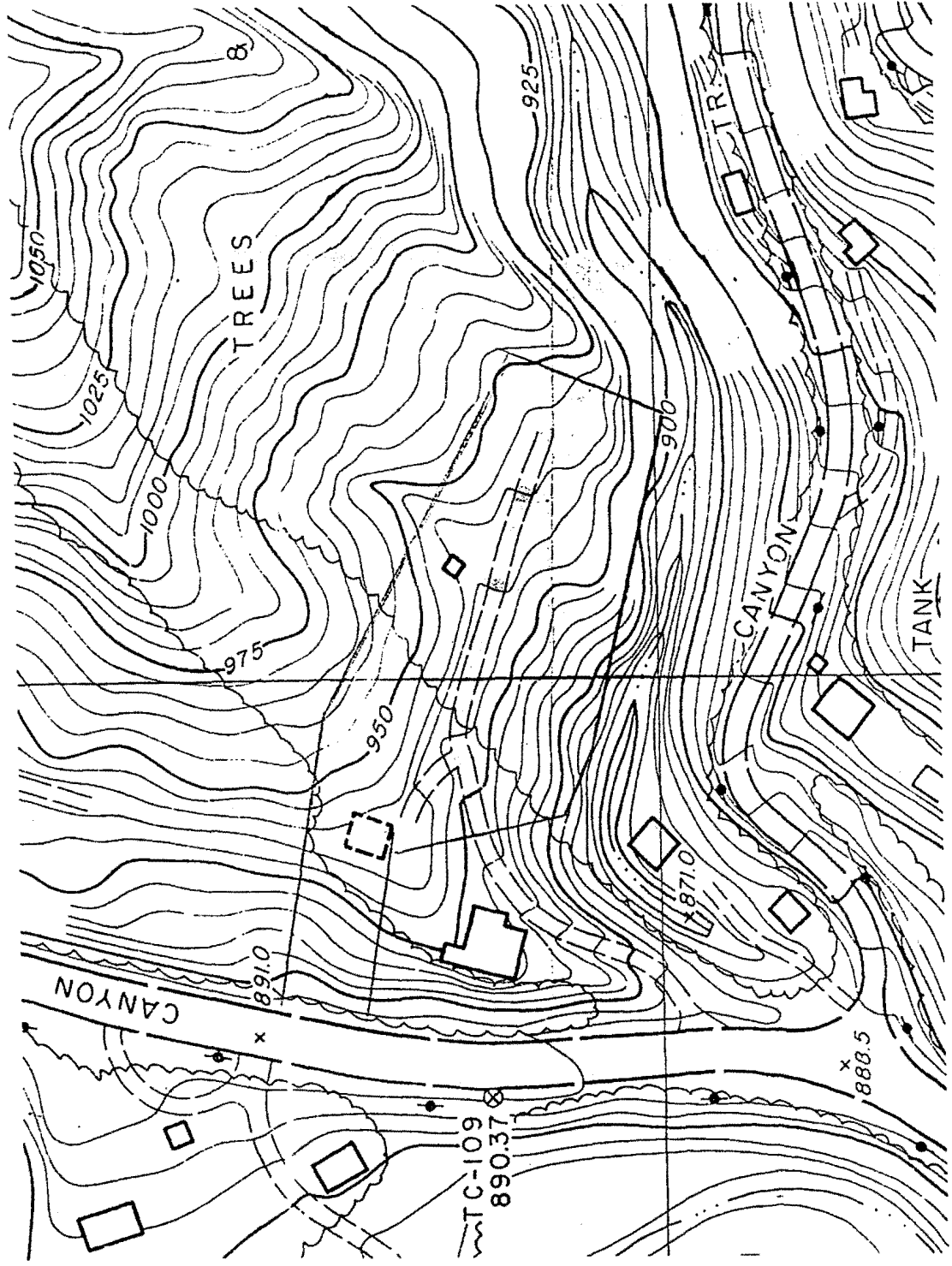
WEST ELEVATION



SOUTH ELEVATION

EXHIBIT NO. 12  
 APPLICATION NO.  
 4-01-114  
 GUEST HOUSE ELEVATIONS



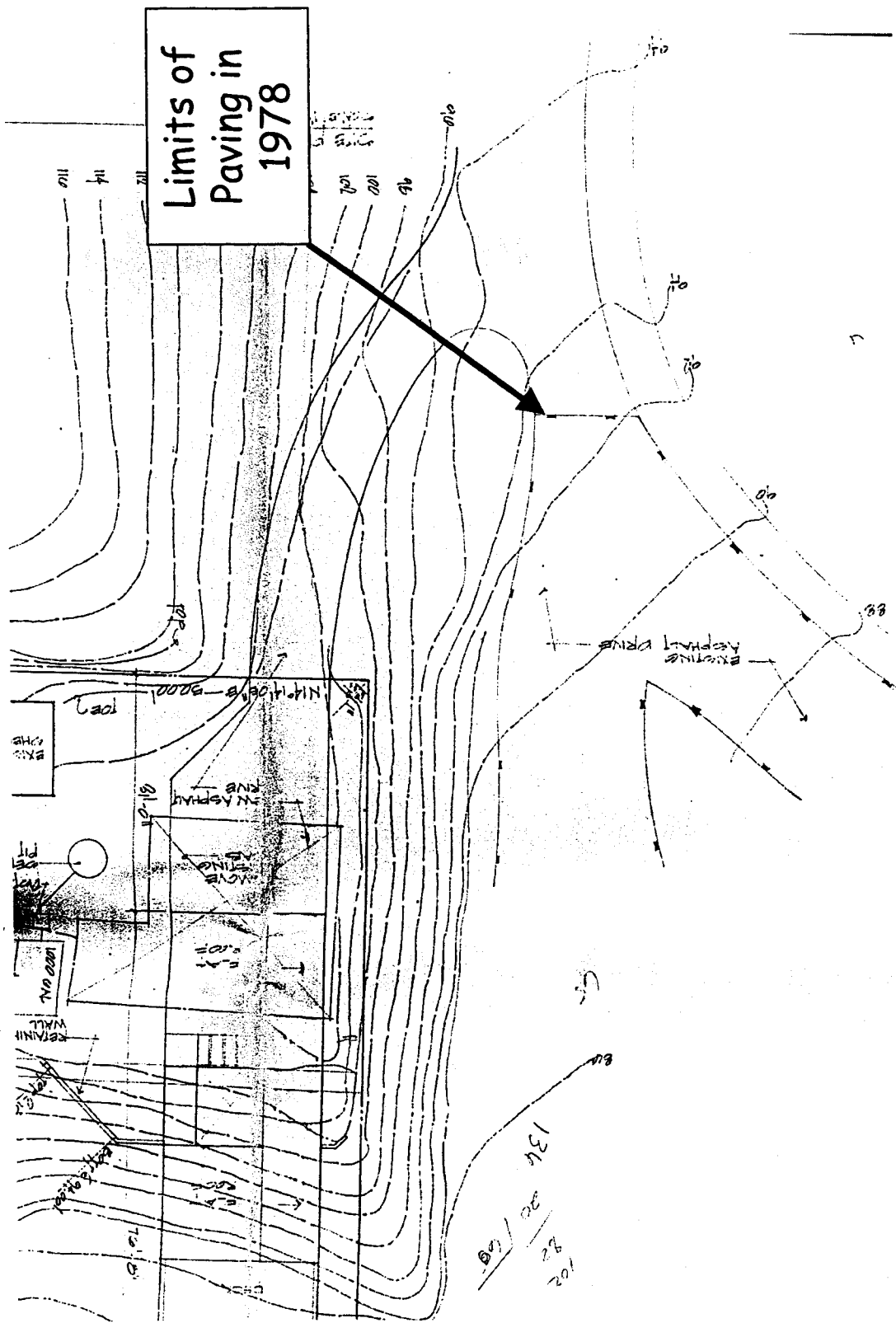


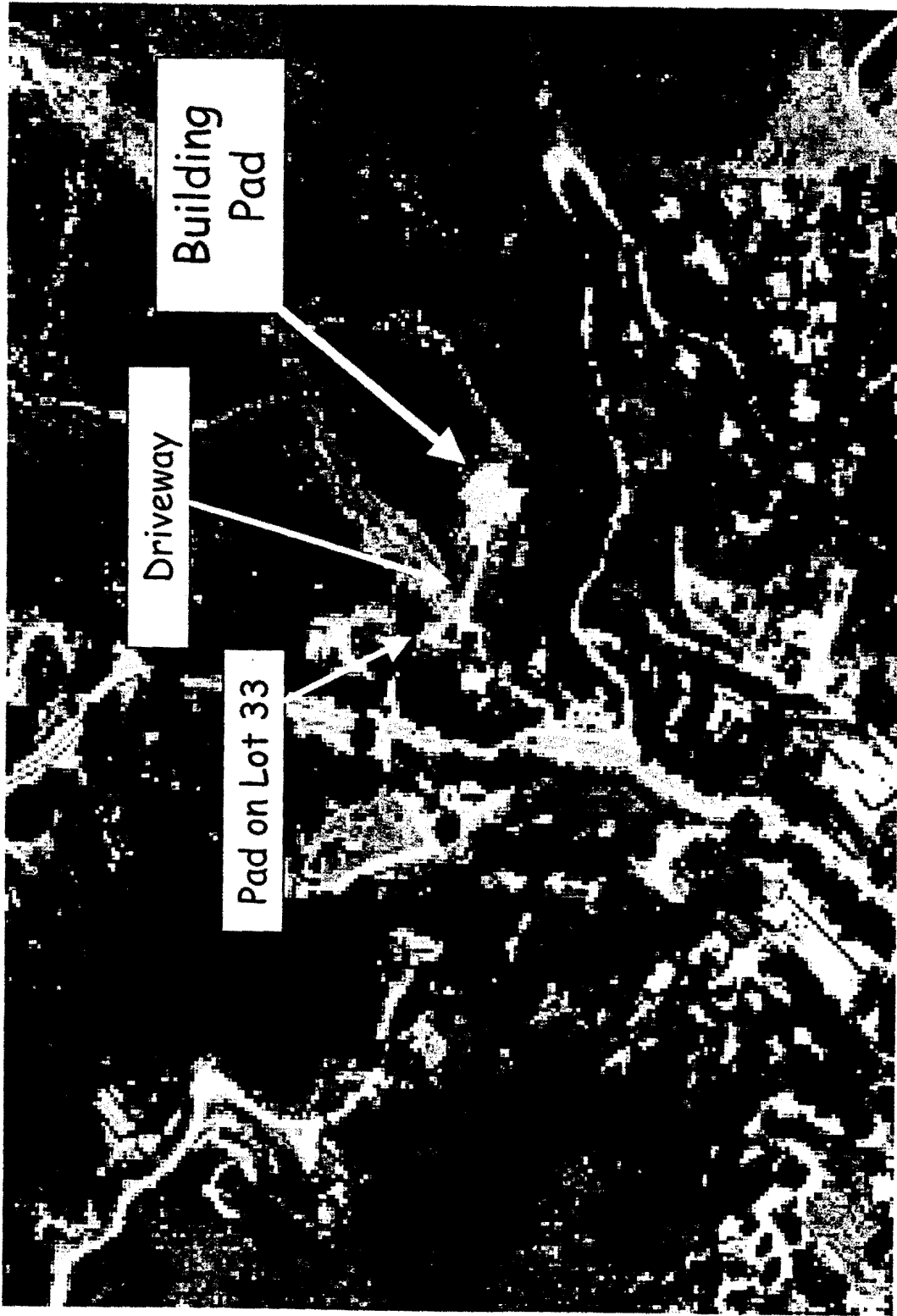
UNIT	TOPOGRAPHIC MAP OF	SCALE
STATE	TONANGA CANYON ROAD ET AL	1:25,000
COUNTY	COMANCHE COUNTY, TEXAS	
SECTION		
DATE		1964
BY		
REVISION		
APPROVED		
DATE		

Source Map:

# 1964 Topographic Map

EXHIBIT NO. 14
APPLICATION NO.
4-01-114
1964 TOPO MAP





Aerial Photo, May 1986

EXHIBIT NO. 16
APPLICATION NO.
4-01-114
1986 AERIAL PHOTO

CALIFORNIA COASTAL COMMISSION  
 SOUTH COAST REGIONAL COMMISSION  
 666 E. OCEAN BOULEVARD, SUITE 3107  
 P.O. BOX 1450  
 LONG BEACH, CALIFORNIA 90801  
 (213) 590-5071 (714) 846-0648

**FILE COPY**



DENIAL OF COASTAL DEVELOPMENT PERMIT

Application Number: P=78-4495  
 Name of Applicant: Helmi El Senoussi  
1200 No. Topanga Canyon Blvd., Topanga, CA 90290  
 Development Location: 1222 No. Topanga Canyon Blvd., Topanga, CA

Development Description: Construction of a two-story, 2170 sq. ft., two-bedroom single-family dwelling on one vacant lot within the small lot subdivision of Topanga Oaks.

I. The South Coast Regional Commission finds that:

1. The applicant proposes to construct a two-story single-family dwelling on a vacant (excepting an old slab foundation) 6883 sq. ft. lot within the Topanga Oaks small lot subdivision in Topanga.
2. Section 30250 of the Coastal Act provides that new development shall be located, "where it will not have significant adverse effects, either individually or cumulatively on coastal resources". Build out of all of the small lot subdivisions within the Santa Monica Mountains at the proposed density would not be consistent with the above section of the Act.
3. The amount of traffic which would be generated by build out of the Malibu/Topanga small lot subdivisions at the density proposed by the applicant would only serve to frustrate the existing poor traffic conditions or cross-mountain roads and Pacific Coast Highway. Reduction in the level of road service and loss of roadway capacity to coastal visitors would not be consistent with Section 30254 of the Coastal Act.
4. The proposed development is not in conformity with the provisions of Chapter 3 of the Coastal Act and will prejudice the ability of the local government to prepare a local coastal program that is in conformity with said chapter.

Page

EXHIBIT NO. 17
APPLICATION NO.
4-01-114
CDP APPL. P-78-4495



5. There are no feasible alternatives, or feasible mitigation measures, as provided in the CEQA, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

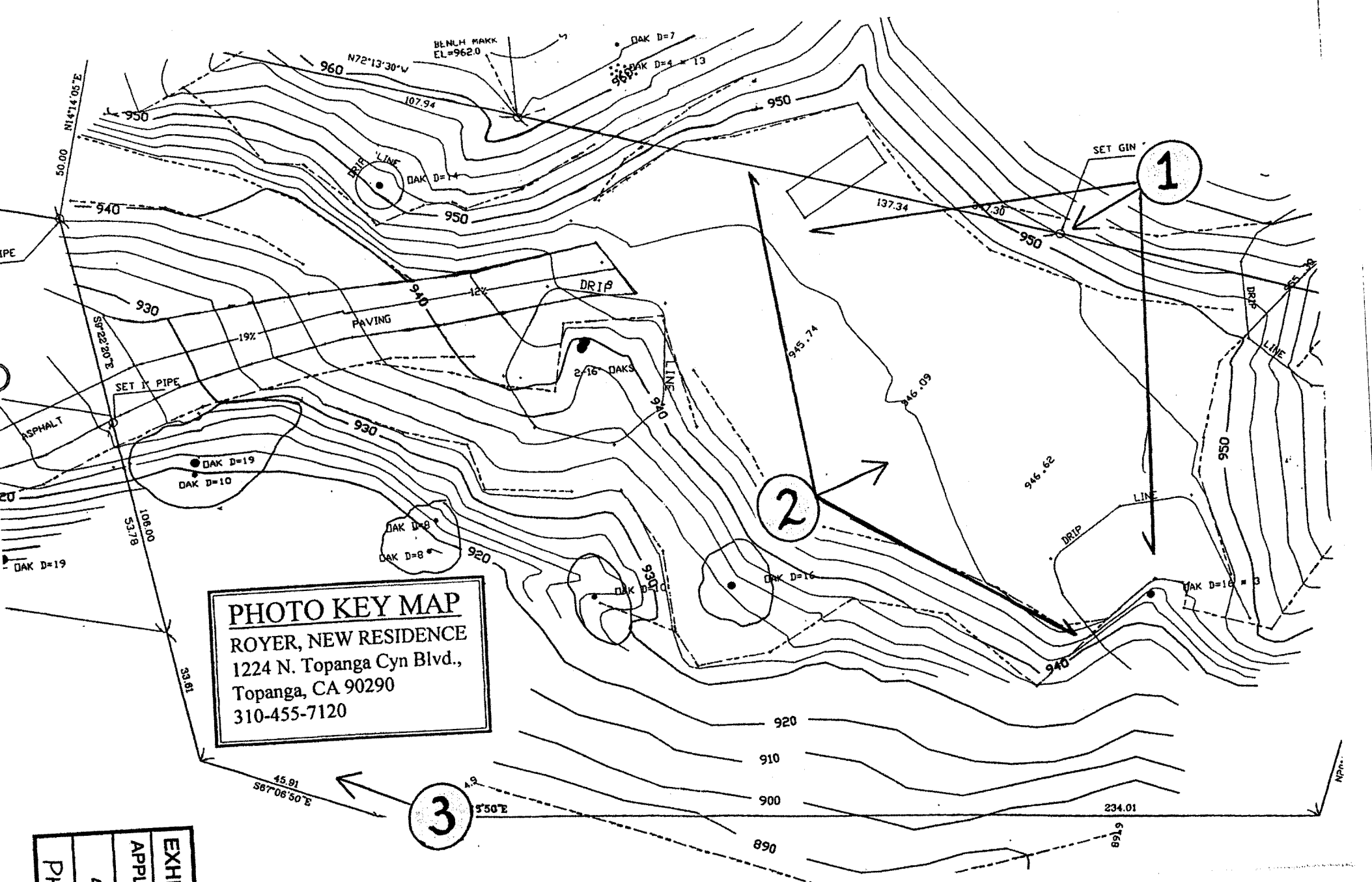
Whereas, at a public hearing held on March 26, 1979 at Torrance by a 0 to 12 vote permit application number P-79-4495 is denied.

Issued on behalf of the South Coast Regional Commission on April 9, 1979.



M. J. Carpenter  
Executive Director

MJC:cw



**PHOTO KEY MAP**  
 ROYER, NEW RESIDENCE  
 1224 N. Topanga Cyn Blvd.,  
 Topanga, CA 90290  
 310-455-7120

EXHIBIT NO. 18
APPLICATION NO.
4-01-114
PHOTO KEY

**PHOTO KEY MAP**

ROYER, NEW RESIDENCE  
1224 N. Topanga Cyn Blvd.,  
Topanga, CA 90290  
310-455-7120

1



2



EXHIBIT NO. 19

APPLICATION NO.

4-01-114

SITE PHOTOS

