

CALIFORNIA COASTAL COMMISSION

SOUTHERN CENTRAL COAST AREA
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ITEM Tu 16. c

RECORD PACKET COPY

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Staff: J. Johnson
Staff Report: 11/20/02
Hearing Date: 12/10/02
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-058

APPLICANTS: Mr. and Mrs. John Simons

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

PROJECT DESCRIPTION: Construct a two story addition to existing two story residence with a 1,800 sq. ft. 5 car garage, 1,391 sq. ft. residential addition on second floor including a 623 sq. ft. second residential unit, retaining walls, realign existing access driveway, add additional septic tank, and grade 860 cubic yards of material.

Existing Parcel Area: 8.4 acres

Plan Designation: Rural Land III, and Mountain Land

Density: 1 du / 2 acre, 1 / 20 acres

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed two story residence and garage addition, including a second residential unit, and realigned shared driveway with special conditions addressing landscape, erosion control and fuel modification plans; oak tree monitoring and mitigation plan, drainage and polluted runoff control plan; plans conforming to geologist/engineer's recommendation; wildfire waiver of liability, future development restriction; lighting restriction; and a generic deed restriction. The project, as conditioned, will be consistent with the Coastal Act.

The project site, surrounded by an oak woodland, is located in Old Topanga Canyon about four miles inland of the Coast and about one mile northwest of the intersection of Old Topanga Canyon Road with Topanga Canyon Boulevard. Although the proposed driveway realignment accessing the subject parcel and an adjoining parcel will be located within a minor portion of the canopy of four oak trees in two areas it will also be relocated beyond the canopy of other oak trees and the area beneath restored to an oak woodland and grassland. The proposed addition includes an elevated walkway connecting the proposed

addition to the existing residence. Although, the elevated walkway is partially located within a very small area of the canopy of one oak tree, the paved parking area beneath this canopy will be removed and this area will also be restored to an oak woodland and grassland.

The existing residence and a portion of the driveway was approved by the Commission as Coastal Permit No. 5-85-582 in 1985. The former guest house/garage and paved area was approved to be located within the canopy of two existing oak trees. In 2001, the Commission approved an "as built" conversion and addition to this guest house into a single family residence in Coastal Permit No. 4-00-196. An existing trailer, two storage sheds and a container were also approved for removal in Coastal Permit No. 4-00-196; these disturbed sites will also be restored to an oak woodland and grassland.

In response to staff concerns about the original proposed project, the applicants have considered alternative project designs that removed project residential components from within the oak tree canopy and considered alternative driveway alignments. However, due to the slope of the site, need to access two parcels, the limited developable area outside the oak woodland and the minimum radius design standards for the driveway to meet Los Angeles County Fire Department emergency vehicle access requirements, there are no alternatives to the proposed driveway realignment. The applicants propose to locate a portion of the realigned driveway, about 360 sq. ft. beneath the canopies of four oak trees while removing and restoring about 1,195 sq. ft. of existing paved driveway and parking area partially located beneath oak tree canopies, resulting in a substantial net decrease in paved area located beneath the canopies of oak trees. In addition, the applicants have voluntarily proposed to increase the oak tree habitat area by 3,605 sq. ft. on the project site to improve the habitat value of the oak woodland. Therefore, the proposed project will not adversely affect the oak tree woodland habitat, an ESHA, nor other coastal issues, and thus, is consistent as conditioned, with the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was previously scheduled to be heard at the Commission meeting of September 10-13, 2002, but was delayed by staff due to other workload priorities to the October meeting and then the November 5-8, 2002 meeting, which was the last date the Commission could act on this application pursuant to the Permit Streamlining Act. In October, the applicants requested an extension of time pursuant to the Permit Streamlining Act to provide for an opportunity to meet with staff regarding the proposed project and alternatives. As a result of the time extension, the Commission must act on the subject application by January 14, 2003. Therefore, the Commission must vote on Coastal Development Permit Application No. 4-02-058 no later than the January 7-10, 2003 hearing.

LOCAL APPROVALS RECEIVED: Approval in Concept, Los Angeles County Department of Regional Planning, dated January 28, 2002; County of Los Angeles Fire Department Approval, dated 5/1/02, Preliminary Fuel Modification Plan dated 2/4/02; Approval in Concept, Los Angeles County Environmental Health Department, dated 12/20/89.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Engineering Geologic Report Proposed Detached Garage, Retaining Walls, and Driveway Improvements, 643 Old Topanga Canyon Road, Topanga, California, dated July 30, 1999, by Mountain Geology, Inc.; Coastal Permit No. 4-00-196, Simons; Coastal Permit No. 4-97-113, Eisenstein; Coastal Permit No. 4-97-055, Seva Corporation; Coastal Permit No. 4-00-087 Sheldon & Berger.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-058 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit revised landscaping and erosion control plans addressing the proposed project with the prior approved landscape and erosion control plans approved in Coastal Permit No. 4-00-196. The revised plans shall be prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of the applicant's receipt of the certificate of occupancy from Los Angeles County. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. In disturbed areas to be planted within the dripline of oak tree canopies, all native plant species shall be compatible with the long term protection of the oak trees. Such planting shall also be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- 4) Vegetation within 20 feet of the proposed garage structure and driveway may be removed to mineral earth, except for oak trees, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The final fuel modification plan shall

include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicants shall submit evidence that the Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated ground cover planted within the fifty-foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains and compatible with the protection of oak trees.

- 5) By acceptance of this permit, the applicants agree to maintain any drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicants or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

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

C) Monitoring

Five (5) years from the date of the receipt of the Final Building Permit or Certificate of Occupancy for the single family residence the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a

qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Oak Tree Monitoring and Mitigation Plan

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 monitoring program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies that the five oak trees surrounding the proposed development (oak tree #'s 68, 71-74, on Exhibit 7) will be monitored on an annual basis. The monitoring program shall include potential replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful if the Executive Director determines that one or more oak trees are lost or suffer worsened health or vigor due to these proposed improvement activities. An annual monitoring report on the status of the on site oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years after the start of these improvement activities. The annual monitoring report shall include photographic documentation of these oak trees.

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 grading and construction of the access driveway. Protective fencing shall be used around the canopies or base of the oak trees or adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if an oak tree(s) is removed, damaged or impacted beyond the scope of the work allowed by Coastal Development Permits 4-02-058. 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.

In the event any of five (5) oak trees adjacent to the proposed access driveway and elevated walkway, marked as trees 68, 71, 72, 73, and 74 as shown on the Exhibit Seven (7), are lost or suffer worsened health or vigor due to these improvement activities, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 10:1 on the applicant's parcel (Assessor's Parcel No. 4438-031-022).

3. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (e) The plan shall include drainage devices and BMPs, designed consistent with the standard specified in provision (a) above, which will collect and direct runoff from the proposed barn and corral area through a system of vegetated filter strips and/or other media filter devices. The filter strips or filter devices shall be designed to trap sediment, particulates and other solids and remove or mitigate contaminants through filtration, infiltration and/or biological uptake.

4. PLANS CONFORMING TO GEOLOGIST/ENGINEER'S RECOMMENDATIONS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering consultant's review and approval of all project plans including the landscape and erosion control plans. All recommendations contained in the submitted reports titled: Engineering Geologic Report, dated July 30, 1999, by Mountain Geology Inc. All plans must be reviewed and approved by the consultant.

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

5. WILDFIRE WAIVER OF LIABILITY

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an

extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

6. FUTURE DEVELOPMENT RESTRICTION

This permit is only for the development described in Coastal Development Permit No. 4-02-058. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall not apply to the entire property. Accordingly, any future improvements to the entire property including the permitted garage/ residential addition and second residential unit, and clearing of vegetation or grading, other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition Number One (1), shall require an amendment to Permit No. 4-02-058 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. LIGHTING RESTRICTION

- 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 are allowed.

8. GENERIC 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 against the parcel(s) governed by this permit 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; and (2) imposing the 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 entire parcel or parcels governed by this permit. 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.

IV. Findings and Declarations

A. Project Description, History, and Location

The project site is located in Old Topanga Canyon on the south side of Old Topanga Canyon Road about one mile northwest of the intersection of Old Topanga Canyon Road and Topanga Canyon Boulevard. The site adjoins state and federal parkland along its south, southwest, and east boundaries (Exhibit 1). The site is accessed along a private driveway serving the subject site and an adjoining residence to the northwest (Exhibits 2 and 3). The driveway crosses Old Topanga Canyon Creek near its intersection with Old Topanga Canyon Road. The applicants propose to construct a two story addition to an existing two story residence with a 1,800 sq. ft. 5 car garage on the lower level and 1,391 sq. ft. residential addition on second floor which includes a 623 sq. ft. second residential unit. In addition, numerous retaining walls totaling about 570 feet along the driveway, two fire truck turnaround areas, a total of 860 cubic yards of grading and an additional septic tank are also proposed (Exhibits 4 -14). The project also proposes to realign the existing approximate 280 foot long driveway with a new shorter driveway of approximate 270 feet long to access the proposed garages on the subject site and the residence and garage on the adjoining parcel located to the west (Exhibit 6) .

The applicants have received Commission approval (Coastal Permit No. 4-00-196) for an 'after the fact' request to construct an 157 sq. ft. addition to an existing two story, 1,761 sq. ft., guest house and three car garage, and request after the fact approval to convert existing guest house/garage into a 1,918 sq. ft. single family residence. The applicants further proposed in Coastal Permit No. 4-00-196, to remove an existing residential trailer, two storage sheds and a storage container to allow them time to obtain necessary Los Angeles County and Coastal Commission permits and to construct a new storage garage and guest house to replace these 'as built' structures. This residence is the subject of this pending application. The applicants in addition to a neighboring property owner also have received Commission approval (Coastal Permit No. 4-00-195) for a land division dividing the subject property from the adjoining neighbor's property with an existing residence. The applicants have been working to complete the special conditions on both of these approved coastal permits necessary prior to the issuance of these coastal permits; at this time these coastal permits have not been issued.

Previously in 1985, as a result of the Commission's approval of Coastal Permit Number 5-85-582, Rundel, a separate residence, a guest house, was constructed on the adjoining parcel that is also the subject of this Coastal Permit Application Number 4-02-058. According to the applicants, this guest house/garage was constructed in a slightly different location and design; the design of the structure was reversed to avoid bedrock discovered during excavation for the foundation.

The subject 8.4 acre site includes significant oak woodlands and grassland; the oak woodlands are designated as Environmentally Sensitive Habitat. The applicants have

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

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

Staff met with the applicant on September 2, 2002 at the project site. In addition, at the request of the applicants, staff met on November 8, 2002 to discuss the proposed project and alternatives to proposed project. At this meeting, the applicants presented revised project plans removing the proposed two stairways, retaining wall, and a roof over the elevated walkway connecting the proposed structure to the existing residence. As a result of this project revision, there will be no adverse effect on the adjoining oak trees, although the proposed elevated walkway will be located in part within a small portion of the canopy of one oak tree. The applicants also presented information confirming that the proposed driveway alignment, the 32 foot radius on the two turns, its 20% maximum grade, and reduced 15 foot width of the driveway was approved by the Los Angeles County Fire Department. The applicant has considered permeable asphalt and determined that it is not feasible for a hillside driveway and for the area with the pile supported retaining wall due to the potential for slope failure from water saturated soils. Staff confirmed that there were no alternative driveway alignments to access the subject project and the residence on the adjoining parcel located to the west.

B. Sensitive Environmental Resources

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses, dependent on those resources shall be allowed within those areas.***
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of those habitat and recreational areas.***

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

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

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, and minimizing alteration of natural streams.

The applicants propose to construct a two-story addition to an existing two story residence with a 1,800 sq. ft. 5 car garage on the lower level and 1,391 sq. ft. residential addition on second floor which includes a 623 sq. ft. second residential unit (Exhibits 5-14). In addition, numerous retaining walls totaling about 570 feet along the driveway, two fire truck turnaround areas, a total of 860 cubic yards of grading and a new septic tank are also proposed. The project also proposes to realign the existing approximate 280 foot long driveway with a new driveway of approximate 270 feet long to access the proposed garages on the subject site and the residence and garage on the adjoining parcel located to the west. The proposed project site is located at the northwest portion of the parcel accessed from Old Topanga Canyon Road along a shared driveway (Exhibit 3).

The subject 8.4-acre parcel includes an oak woodland, chaparral, native and non-native grassland plant species over the majority of the site with significant coast live oaks and sycamores located on the southern, northeast and northwest portion of the parcel. There is an ephemeral drainage along the eastern portion of the property that is not designated a blue line stream, drains into Old Topanga Canyon Creek, which is a designated blue line stream (Exhibit 3).

According to the applicant's Geologic and Soils Engineering Investigation by Mountain Geology, the parcel is located along the crest of a northeast-trending ridge within a sparsely developed area of the Santa Monica Mountains near Topanga. The subject 8.4-acre site includes topographic relief of about 50 feet, with slopes up to 2:1 in the area where the residence is located. The subject site includes a part of an prehistoric landslide feature (with some landslide debris from the late Pleistocene Age) that may have removed oak trees long ago to create a small cleared area where the proposed project and existing residence is located surrounded by an oak woodland.

The applicant has dedicated a total of six acres, consisting of the easterly and southeasterly portions of the property, of the total 8.4 acres as two conservation easements

to the Mountains Restoration Trust (Exhibit 3). These dedications include the majority of the oak woodlands and grasslands on site.

1. Protection of Oak Trees

Oak trees, including Coast Live Oaks, are a part of the California native plant community that need special attention to maintain and protect their health. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree. Oak trees provide important habitat and shading for other animal species, such as deer, birds and bees. Oak trees are very long lived, some up to 250 years old or older, relatively slow growing becoming large trees between 30 to 70 feet high, and are sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss. As a result, oak woodlands meet the definition of ESHA as provided in Section 30107.5 as oak woodlands are an ecosystem that is rare and especially valuable because of their special nature and role in the Santa Monica Mountains and they are easily disturbed or degraded by human activities and development. Commission staff conducted a site visit on September 2, 2002 confirming that these oak trees and sycamores located within the drainage along the eastern portions of the parcel near the project site are considered ESHA and meet the definition provided in Section 30107.5 of the Coastal Act.

Coastal Act Section 30240 (a) requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

The primary coastal issue raised in this application is protection of ESHA as the proposed construction of the addition to the existing residence and the realignment of the driveway will encroach within the canopies of five (5) oak trees (*Q.agrifolia*) (Exhibit 7). Of these five trees, three oak trees are considered heritage oak trees, greater than 36 inches in diameter at breast height.

The project site consists of grassland with an existing residence, paved driveway and parking area. It is surrounded by an oak woodland along the south, north and east perimeter of the parcel. The existing two story residence, a paved parking area, and a portion of the existing driveway located adjacent to the existing residence are all located within the canopy of one oak trees as approved by Coastal Permits 5-85-582 and 4-00-196. This oak tree is a large heritage oak tree with a diameter of 38 inches (Exhibit 7, oak tree # 74), another located nearby is a smaller tree with a diameter of 8 inches. The existing driveway accessing the site encroaches underneath the canopy of another oak tree, a heritage tree about 36 inches in diameter (oak tree #70).

The applicants propose to reduce the encroachments within the canopies of these oak trees by removing about 1,555 square feet of driveway and parking pavement to construct the realigned driveway and restore these sites to oak tree and native grasslands. However, about 360 new square feet of the proposed driveway will encroach within the canopies of

four oak trees (oak tree #'s 68, 71, 72, 73) and one oak tree (oak tree # 74) for the proposed walkway. As a result, the proposed project will reduce the encroachment within oak tree canopies by about 1,195 square feet. The proposed removal of paved driveway and parking area and the realignment of the driveway will result in an increase in the permeable surface area or a decrease in paved area by about 1,096 square feet (Exhibit 6). This permeable area is proposed by the applicants to be restored as oak and grassland habitat as identified in Exhibit 7.

One portion of the proposed project includes the encroachment of a second floor walkway connecting the existing residence to the proposed addition. The applicants have revised this portion of the proposed project to delete the former two proposed stairways to access the two levels, a deepened retaining wall, and a roof covering the walkway. A small footing will connect the two structures with the walkway spanning the area between the existing and proposed structures. The paved parking area beneath this walkway towards the two oak trees (south) will be removed and restored. The area beneath the walkway is where the existing driveway is located and is now proposed to be part of the driveway leading into the one of the garage doors.

The proposed driveway realignment will encroach within the canopy of four oak trees. According to the applicants these encroachments are necessary to meet the Los Angeles County Fire Department emergency vehicle access requirements, the proposed driveway must be designed with two 32 foot radius turns in an "S" shaped design with a minimum of 15 foot wide driveway to ascend the slope to the site and residence on the adjoining property located to the west. Staff reviewed alternative designs to this proposed driveway alignment with the applicants that might be located outside the canopies of existing oak trees. There was only one alternative that could be located outside the canopies of these trees; this alternative would be a direct route from the existing driveway to the project site and the adjoining parcel. However, because the Los Angeles County Fire Department has an access standard for the maximum grade of a private driveway at 20%, this alternative is not feasible as it would be a route with a maximum of 29% grade.

The proposed driveway realignment will extend a turning radius of the driveway onto the upper bank of the drainage on the eastern portion of the property. There is also a smaller area to the northwest of the property where another turning radius of the driveway is proposed to be located within the canopy of another oak tree. Within this drainage along the eastern portion of the property are three oak trees ranging from 12 to 13 inches in diameter. The canopies of these oak trees extend over the proposed driveway realignment. The proposed driveway realignment will be constructed with pilings drilled through up to about 10 feet of fill and embedded 17 to 21 feet into the bedrock. The caissons will support a wood retaining wall. According to the applicants, these oak trees will not be affected by this driveway realignment as these oak trees have deep tap roots that are located in this drainage with bedrock and sandstone boulders near the surface. As a result the drilling of these four caissons (ten feet on center) to support the driveway fill, it is unlikely to affect any of these oak tree roots. It important to note that this small additional 325 square foot encroachment into the canopy of these oak trees with the proposed driveway realignment located beneath the canopies is offset by the removal of 1,555 driveway and parking paving located beneath other oak trees thereby increasing the restoration of oak tree habitat area. The applicants voluntarily propose to restore a total of

3,605 square feet of area for oak tree habitat on site (Exhibit 7) including an existing oak tree regeneration area now underway adjacent to the residence and within the drainage and are proposing to plant oak trees and grassland in two other areas where paving and grass now exist. The result of the proposed project will be to reduce development within ESHA areas by about 75% and is determined to be the environmentally preferred alternative.

Although the oak trees are currently being impacted by vehicular access, the proposed driveway realignment and a minor portion of the proposed walkway between the structures has the potential to adversely affect oak trees. The Commission also notes that the damage to the trees may not become apparent for many years. Therefore, the Commission finds that the applicants must mitigate for the adverse impacts to the oak trees resulting from the driveway realignment and the elevated walkway within the oak tree driplines. The Commission also recognizes that other oak trees are already subject to disturbance from the existing use of the driveway and parking areas and that these additional adverse effect will be offset by the removal of portions of the existing driveway and parking area. Therefore, the Commission must consider these impacts on these additional oak trees to determine the appropriate mitigation for the incremental negative impacts. 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 trees will not be removed the trees may suffer incremental adverse impacts over time from the proposed improvements and may ultimately be lost. Therefore, the Commission finds that the appropriate mitigation for this potential loss of any of these five potentially affect oak trees, if it were to occur, in this particular case, is replacement of the trees at a ratio of 10:1 on the subject site. In order to address the potential unavoidable long term impacts to these five oak trees adjacent to the realigned driveway and the walkway, **Special Condition No. Two (2)** requires a oak tree mitigation and monitoring plan to be submitted to ensure that damage to the oaks as a result of these improvements under the driplines of the oaks are fully and adequately mitigated. The oak tree mitigation plan requires that if any of these oak trees are adversely impacted by the proposed road improvements, they shall be mitigated by a replacement at a 10:1 ratio. Furthermore, under **Special Condition No. Two (2)**, 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, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful if it is necessary to be implemented.

2. Erosion

Minimizing erosion of the site is also important to reduce geological hazards and minimize sediment deposition into an environmentally sensitive habitat area, the surrounding oak woodland and within Old Topanga Canyon Creek, a blue-line stream leading into Topanga Canyon Creek and ultimately the Pacific Ocean. The building site drains northeasterly into a drainage that drains into Old Topanga Canyon Creek.

Since the project site and property is not located within any Malibu/Santa Monica Mountains Land Use Plan designated ESHA or Significant Watershed area, the Los Angeles County Environmental Review Board did not review the proposed project.

However, based on the above analysis a substantial portion of the subject parcel is considered ESHA, as it includes an oak tree woodland. The proposed project will require the removal of a limited amount of grassland vegetation within 20 feet of the proposed structure, selective removal of vegetation within 100 feet, and the thinning of the vegetation beyond to a 200 foot radius as identified in the applicant's preliminary fuel modification plan, except for the oak trees. As a result of the prior coastal permit number 4-00-196, the applicants have an approved landscape, erosion control and fuel modification plan for the existing residence. As a result of this application for the addition to the residence and the realigned driveway, this plan will need to be revised as required by **Special Condition No. One**. This plan includes the planting of replacement native plants which will minimize the fuel load and fire hazard of the site. In addition, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation and water quality impacts. Further the recommendations of the consulting engineering geologist emphasizes the importance of proper drainage in non-erosive drainage devices to ensure the stability of development on the site. For these reasons, the Commission finds it necessary to require a revised drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation off the immediate project site into this environmentally sensitive habitat area, as noted in **Special Condition No. One**. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition No. One** also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

3. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the project proposes to construct a two-story addition to an existing two story residence with a 1,800 sq. ft. 5 car garage on the lower level and 1,391 sq. ft. residential addition on second floor which includes a 623 sq. ft. second residential unit. In addition, numerous retaining walls totaling about 570 feet along the driveway, two fire truck turnaround areas, a total of 860 cubic yards of grading and a new septic tank are also proposed. The project also proposes to realign the existing approximate 280 foot long driveway with a new driveway of approximate 270 feet long to access the proposed garages on the subject site and the residence and garage on the adjoining parcel located to the west.

The site is considered a "hillside" development, as it includes gentle sloping terrain with soils that are susceptible to erosion surrounding the proposed building site and driveway.

Further, use of the site for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

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

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

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

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

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pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows including the 85th percentile 24-hour event and the one-hour event that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Three**, 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.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. One** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Therefore, the Commission finds that the proposed project, as required by **Special Condition No. Three** to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on Old Topanga Canyon Creek and Topanga Canyon Creek watersheds due to increased erosion and sedimentation. In addition, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, impervious surfaces, removal of vegetation other than that

approved in the revised fuel modification plan identified in **Special Condition No. One**, 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 No. Six**, the future development restriction, has been required. **Special Condition No. Six** specifically requires that any future development on site shall require an amendment to Coastal Development Permit 4-02-058 or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values and that coastal resources be protected. In addition, no development may be permitted within ESHA, except for uses that are dependent on the resource. Because oak woodlands and trees are rare and especially valuable in the Santa Monica Mountains, the protection of oak trees is required under the Coastal Act. Section 30240 of the Coastal Act further requires that development within ESHA be protected against any significant disruption of habitat values and only uses dependent on those resources be allowed within those areas. The existing driveway and residence is located within the canopy of numerous oak trees; the existing development is located within ESHA. The proposed project to realign the driveway and remove portions of existing paving will remove existing paving from ESHA areas. The proposed driveway will be realigned to encroach within two small areas of oak tree canopies. The proposed elevated walkway will be located within a very small portion of the canopy of an oak tree while the larger paved parking area below the walkway and beyond will be removed beneath the canopies of two oak trees. Therefore, for the reasons set forth above, the Commission finds that the proposed project location and design will not significantly impact sensitive environmental resources and is consistent, as conditioned, with Coastal Act Sections 30240 and 30107.5 of the Coastal Act.

B. Cumulative Impacts

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

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

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

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

Section 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.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Los Angeles County Malibu Santa Monica Mountains 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 the Santa Monica Mountains and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

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 functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, 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 (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Therefore as a result, the Commission has found that guest houses and second

units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct an attached 1,391 sq. ft. residential addition which includes a 623 sq. ft. second residential unit. The existing residence is 1,918 sq. ft. in size. The proposed 623 sq. ft. second residential unit complies with the Commission's size limit of 750 sq. ft of habitable space.

The Commission has approved many similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit such as the proposed unit. However, to ensure that no additions, improvements, or a change of use to the second unit are made that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the attached 623 sq. ft. second residential unit (and entire property including the residence, garage, and vegetation removal as noted in Section IV. B. 3, above) are proposed in the future as required by **Special Condition No. Six**. For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

New development shall:

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

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

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicants submitted a geologic report titled: Proposed Detached Garage, Retaining Walls, and Driveway Improvements, 643 Old Topanga Canyon Road, Topanga, California, dated July 30, 1999, by Mountain Geology, Inc. This report states that "Intrusive bedrock underlies the northern portion of the subject property. ... The northern margin of the mapped

prehistoric landslide debris is coincident with the northeast-trending canyon which is located downslope to the southeast from the area of the proposed site improvements. Prehistoric landslide debris was not encountered in the exploratory test pits or borings excavated by MGI on the site. ... The orientation of the geologic structure is favorable with respect to the stability of the site and proposed project."

This report includes a number of recommendations to ensure stability and geotechnical safety of the site. Therefore, to ensure that the recommendations of these consultants have been incorporated into all proposed development, **Special Condition No. Four** requires the applicant to submit project plans certified by these consultants as conforming to all recommendations regarding structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes to the proposed development approved by the Commission which may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

Based on the findings of the consulting engineering geologist, the Commission finds that the proposed addition to the residence is consistent with geologic hazard issues identified in Section 30253 of the Coastal Act.

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assumes the liability from these associated risks. Through the Wildfire Waiver of Liability Special Condition, the applicants acknowledge and appreciate the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by **Special Condition No. Five**. The Commission finds that, only as conditioned, is the proposed project consistent with Section 30253 of the Coastal Act.

D. Visual Resources.

Section 30251 of the Coastal Act states that:

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

The applicants propose to construct a two story addition to an existing two story residence with a 1,800 sq. ft. 5 car garage on the lower level and 1,391 sq. ft. residential addition on second floor which includes a 623 sq. ft. second residential unit. In addition, numerous retaining walls totaling about 570 feet along the driveway, two fire truck turnaround areas, a total of 860 cubic yards of grading and an additional septic tank are also proposed. The project also proposes to realign the existing approximate 280 foot long driveway with a new shorter driveway of approximate 270 feet long to access the proposed garages on the subject site and the residence and garage on the adjoining parcel located to the west.

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

The project site is located at the northern base of a portion of the Santa Monica Mountains north of the Saddle Peak area. The project site is located to the north of the Backbone Trail which is located as close as about 1,000 feet to the site. The siting and size of the addition to the residence will not be visible from the Old Topanga Canyon Road nor from the Backbone trail due to the high density visual screening provided by the oak woodland surrounding the residence addition.

Night lighting with high intensity illumination has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy this sensitive habitat area. The disruptive effects of night lighting are particularly significant on the subject site because the area to the south is undeveloped and an undisturbed habitat for a number of sensitive species and is located on State Parks and Santa Monica Mountains National Recreation Area lands. The subject site is also located in a rural area. Sensitive species, such as the Cooper's Hawk, which is a very localized and uncommon breeder in coastal Southern California, have been observed in the area. As a result, **Special Condition No. Seven**

restricts and reduces the intensity of night lighting on the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast and potential impacts to wildlife while retaining the rural nature of the site. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

Finally, **Special Condition No. Eight** 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.

C. Septic System

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

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

The applicants are proposing to retain the existing septic system with a 1,500 gallon septic tank, add a new 750 gallon septic tank, and retain two seepage pits to accommodate the sewage of the proposed addition to a single family residence. The applicants have submitted approval from the County of Los Angeles Health Department stating that the septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal,

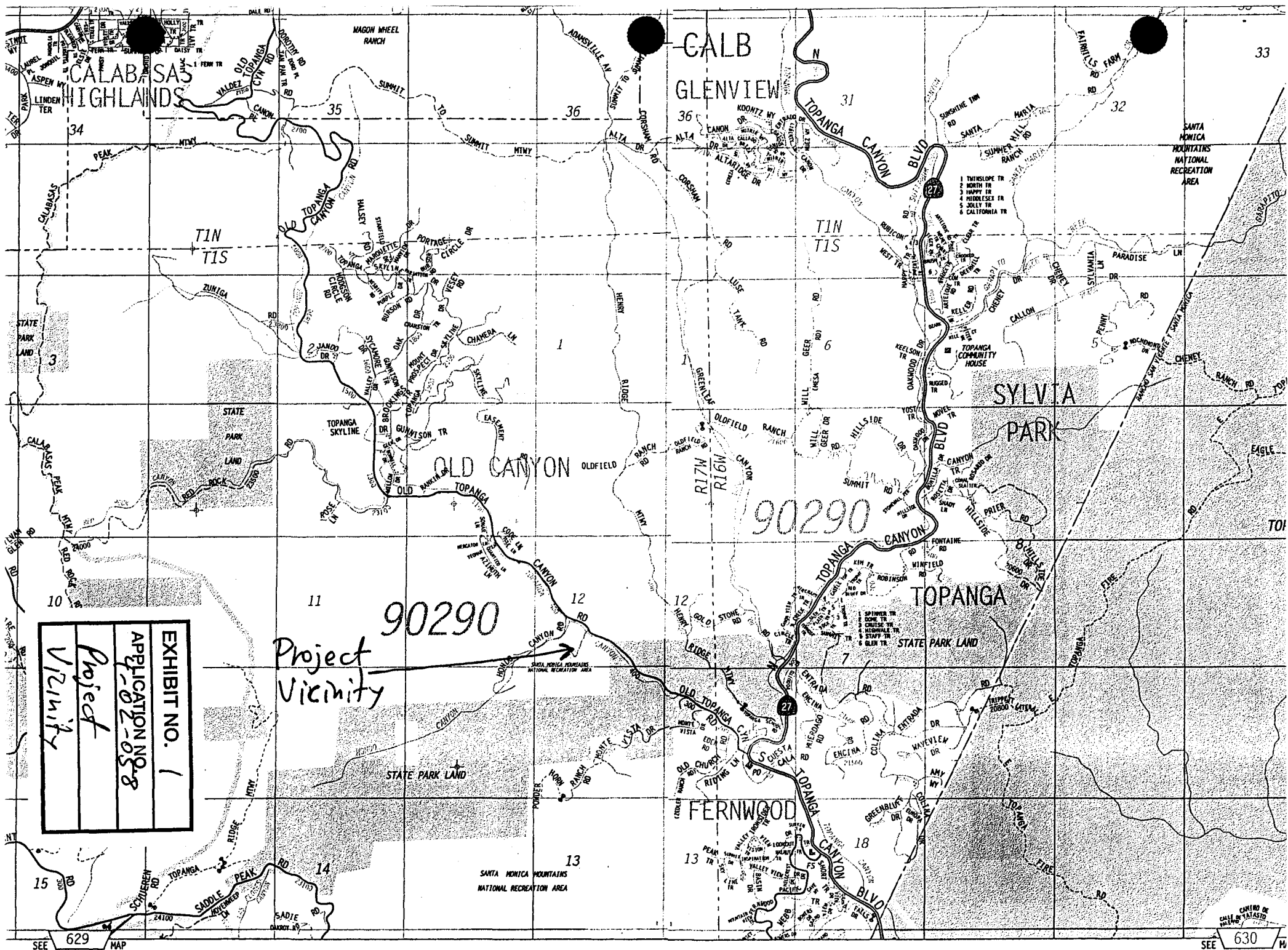
finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

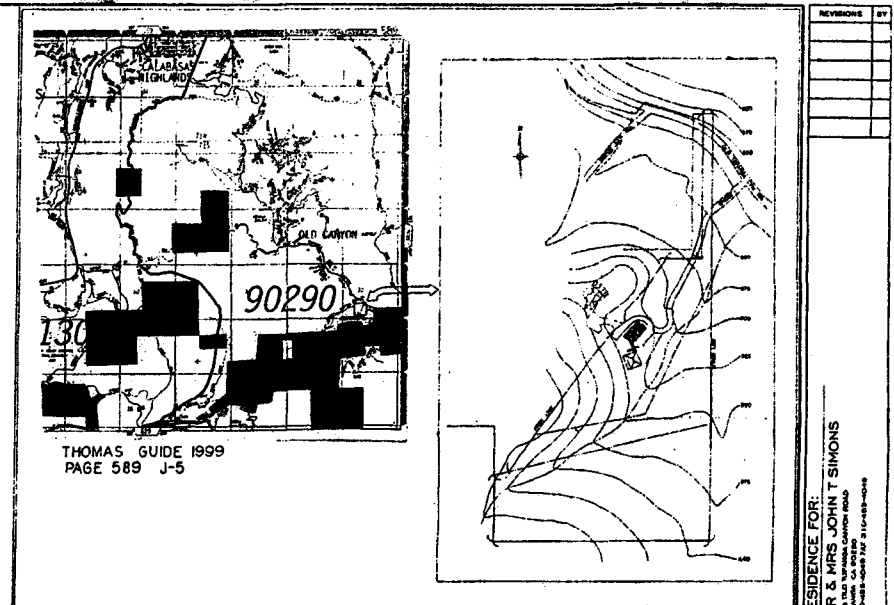
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

E. California Environmental Quality Act (CEQA)

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

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and is the preferred alternative. 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 DESCRIPTION

EXISTING RESIDENCE

FIRST FLOOR	1263 SQ. FT.
SECOND FLOOR	1090 SQ. FT.
TOTAL EXISTING	2353 SQ. FT.

PROPOSED NEW CONSTRUCTION

GARAGE	1800 SQ. FT.
SECOND STORY ADDITION	768 SQ. FT.
NEW SECOND UNIT	623 SQ. FT.
TOTAL NEW	3191 SQ. FT.

GRADING

CUT	285 CU. YDS.
FILL	575 CU. YDS.
TOTAL GRADING	860 CU. YDS.

ALLOWED SQUARE FOOTAGE FOR SECOND UNIT

ALLOWED	30% X 2353 = 705 SQ. FT.
PROPOSED	623 SQ. FT.
623 SQ. FT. << 705 SQ. FT. - OK LA COUNTY	
623 SQ. FT. << 750 SQ. FT. - OK COASTAL COMMISSION	

DIRECTORY

DESIGN

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LOS ANGELES, CA 90046
323-678-3065 FAX 323-674-8421

TITLE 24

SOLARGY INC.
22028 VENTURA BOULEVARD, #207
WOODLAND HILLS, CA 91364
818-347-0090

SURVEYOR

JOHN H. MAC NEIL, LIC. # 3358
2330 N. TOPANGA CYN. BOULEVARD
TOPANGA, CA 90290
310-455-2013

DRAWING INDEX

T1	TITLE SHEET
C1	PLOT PLAN
C2	SITE PLAN
A1	FLOOR PLAN: 1ST FLOOR - EXISTING RESIDENCE AND PROPOSED GARAGE
A2	FLOOR PLAN: GARAGE
A3	FLOOR PLAN: 2ND FLOOR - EXISTING RESIDENCE AND NEW ADDITIONS
A4	FLOOR PLAN: NEW ADDITIONS
A5	ROOF PLAN
A6	ELEVATIONS
A7	ELEVATIONS

DESIGNED BY:
MR. & MRS. JOHN T. SIMONS
643 OLD TOPANGA CANYON ROAD
TOPANGA, CA 90290
310-455-4049 FAX 310-455-0911

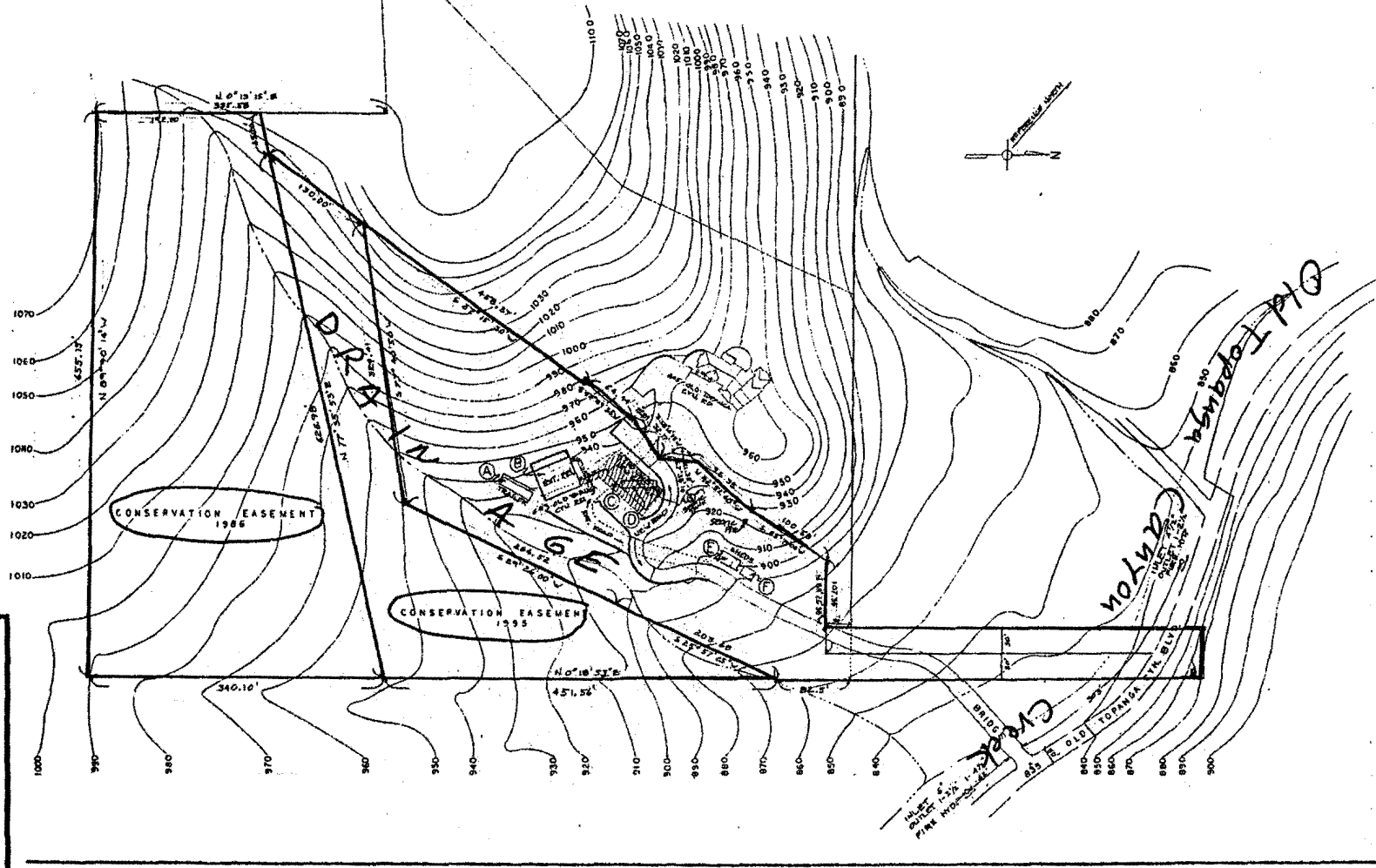
DESIGNED BY:
JOHN T. SIMONS
643 OLD TOPANGA CANYON ROAD
TOPANGA, CA 90290
310-455-4049 FAX 310-455-0911

EXHIBIT NO. 2

APPLICATION NO. 4-02-05-8

Project Description

EXHIBIT NO. 3
APPLICATION NO.
4-82-058
Plot Plan &
Conservation Easements



STRUCTURE LEGEND

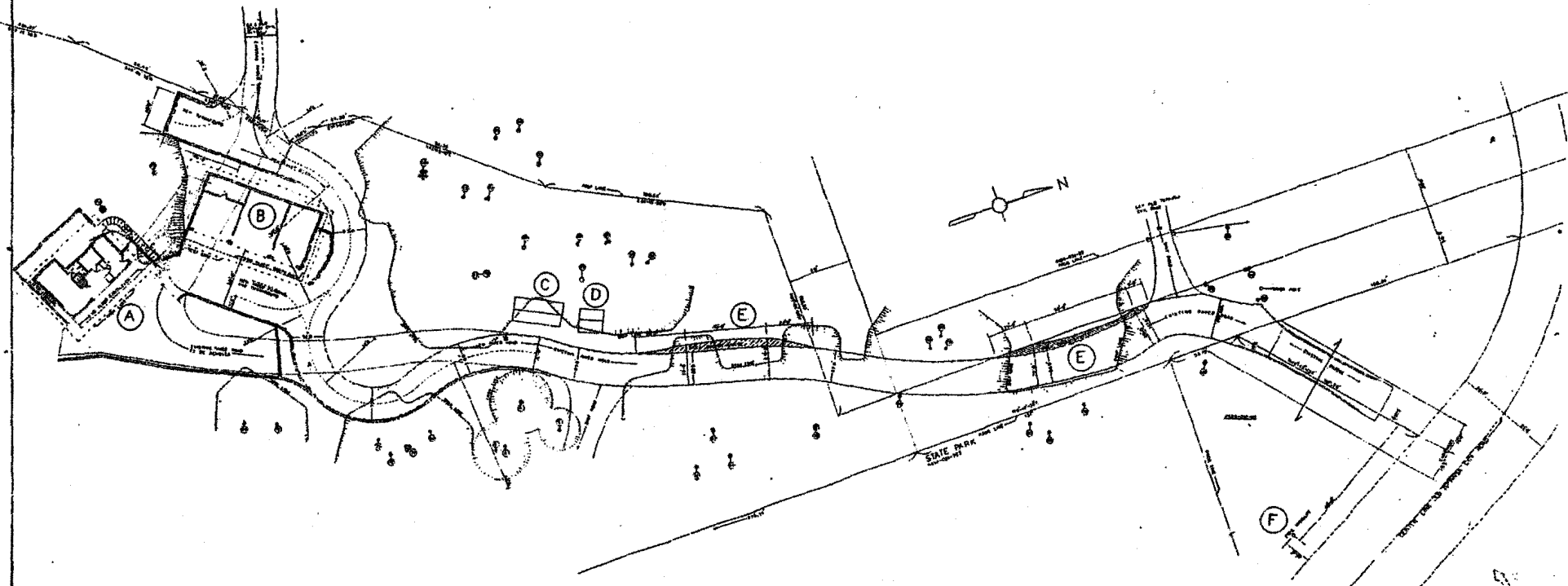
- A - EXISTING MOBILE HOME - TO BE REMOVED
- B - EXISTING RESIDENCE - TO REMAIN
- C - PROPOSED NEW CONSTRUCTION
 - GARAGE 1800 SQ. FT.
 - SECOND STORY ADDITION 768 SQ. FT.
 - NEW SECOND UNIT 623 SQ. FT.
 - TOTAL NEW CONSTRUCTION 3191 SQ. FT.
- D - EXISTING METAL STORAGE CONTAINER - TO BE REMOVED
- E - EXISTING STORAGE SHED - TO REMAIN
- F - EXISTING STORAGE SHED - TO REMAIN

REVISIONS	BY

RESIDENCE FOR:
MR & MRS JOHN T SIMONS
400 S. 10TH ST. SUITE 100
ST. LOUIS, MO 63104
314-777-7777

ROAD ALTERATION
Driveway Alteration

90290
9130
G3.1



LEGEND

- A - EXISTING RESIDENCE - TO REMAIN
FIRST FLOOR 1283 SQ. FT.
SECOND FLOOR 1090 SQ. FT.
TOTAL EXISTING 2383 SQ. FT.
- B - PROPOSED NEW CONSTRUCTION
GARAGE 1800 SQ. FT.
SECOND STORY ADDITION 768 SQ. FT.
NEW SECOND UNIT 623 SQ. FT.
TOTAL NEW CONSTRUCTION 3191 SQ. FT.
- C - EXISTING STORAGE SHED - TO REMAIN
- D - EXISTING STORAGE SHED - TO REMAIN
- E - ROAD TO BE WIDENED TO 20'
- F - FIRE HYDRANT
650' FROM RESIDENCE

LEGEND

- PAVED ROAD - NEW & EXISTING
- EXISTING ROAD TO BE REMOVED
- TREE CANOPY
- OAK TREE L.D. NUMBER FOR G.T.R. 99-032-03
- OAK TREE NOT IN PERMIT OUTSIDE OF 200' CONST. ZONE
- ALDER
- SYCAMORE

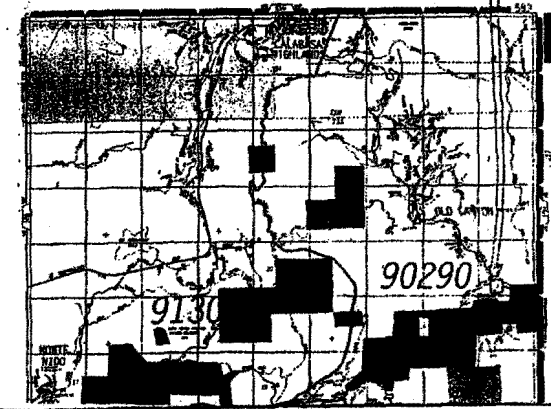


EXHIBIT NO. 4
APPLICATION NO. 4-02-058
Driveway Alteration

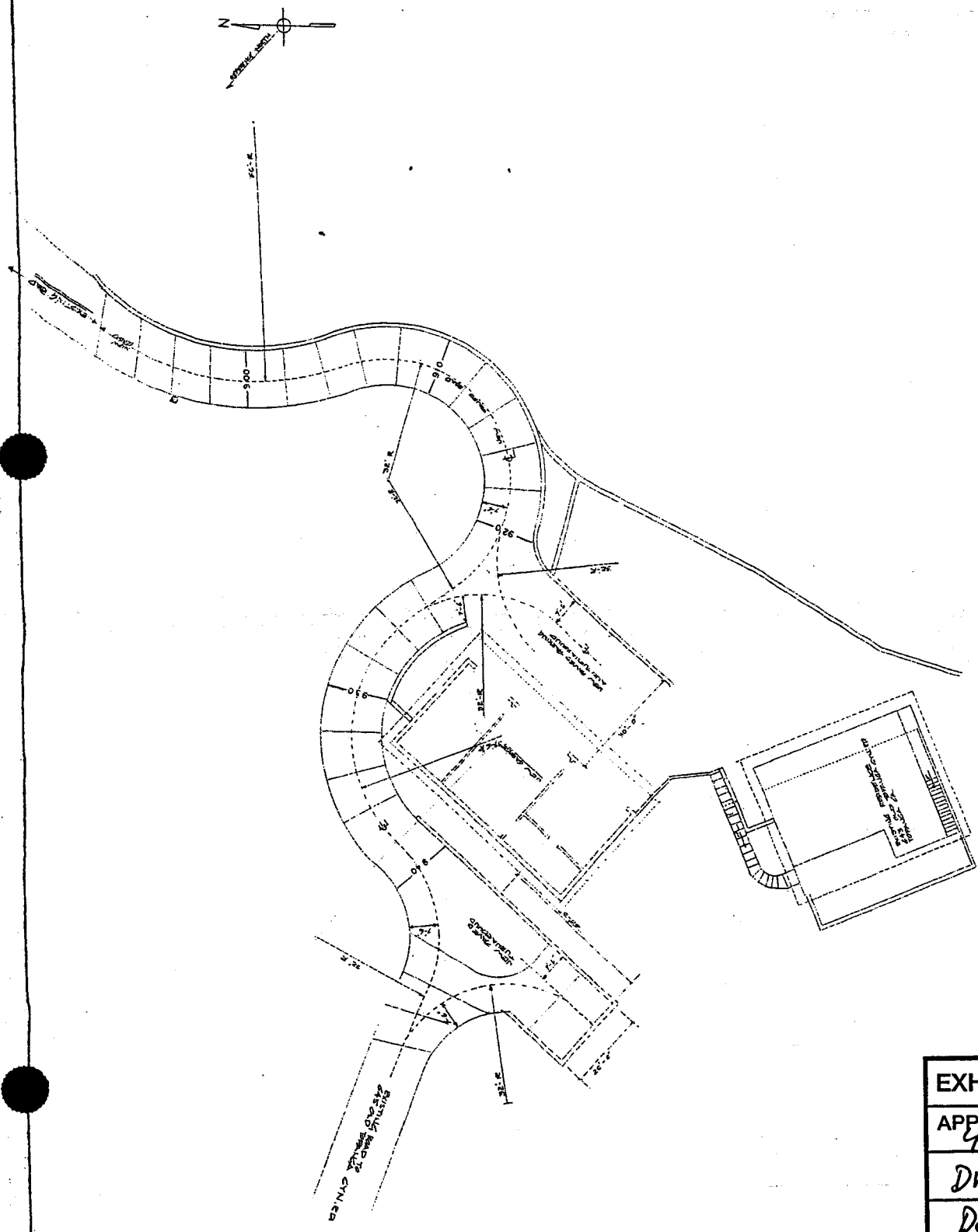


EXHIBIT NO. 5
APPLICATION NO. 7-02-058
Drive way
Detail

DATE	10-15-04
BY	J. L. J.
CHECKED BY	J. L. J.
APPROVED BY	J. L. J.
DATE	10-15-04
BY	J. L. J.
CHECKED BY	J. L. J.
APPROVED BY	J. L. J.

RESIDENCE FOR
MRS. A. MRS. JOHN T. SIMONS
10000 S. 100TH AVE. S.W.
TUMACACI, AZ 85628
210-000-0000 FAX 210-000-0000

SITE PLAN
PAVEMENT PLAN

DATE	10-15-04
BY	J. L. J.
CHECKED BY	J. L. J.
APPROVED BY	J. L. J.
DATE	10-15-04
BY	J. L. J.
CHECKED BY	J. L. J.
APPROVED BY	J. L. J.

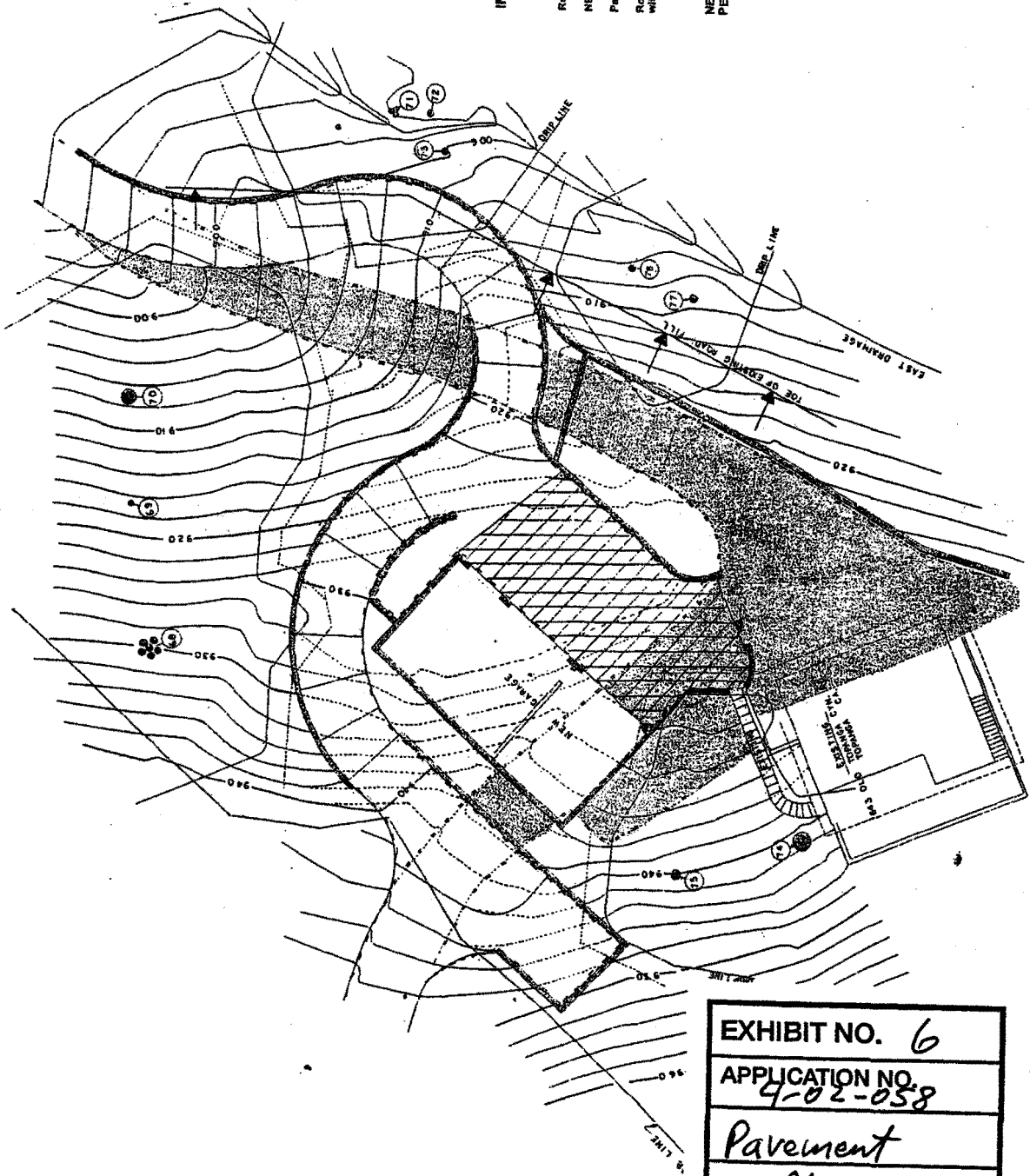
C-2.1

PAVEMENT PLAN

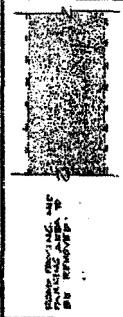
IMPERVIOUS PAVING

	Existing	Proposed
Road and Parking Removed	4,950	0
NEW Road Paving	0	3,400
Pavement REPLACED by Garage	450	450
Road and Parking REPLACED with Pervious Paving	525	0
TOTAL SF	5,925	3,850

NET INCREASE PERMEABLE SURFACE AREA
1,075 SF



LEGEND



LEGEND

- ROAD PAVING AND PAVING AREA TO BE REMOVED
- NEW ASPHALT TO BE REPLACED BY PERVIOUS PAVING
- ROAD PAVING AND PAVING AREA TO BE REMOVED
- NEW ASPHALT TO BE REPLACED BY PERVIOUS PAVING
- ROAD PAVING AND PAVING AREA TO BE REMOVED
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- NEW ASPHALT TO BE REPLACED BY PERVIOUS PAVING

EXHIBIT NO. 6

APPLICATION NO. 7-02-058

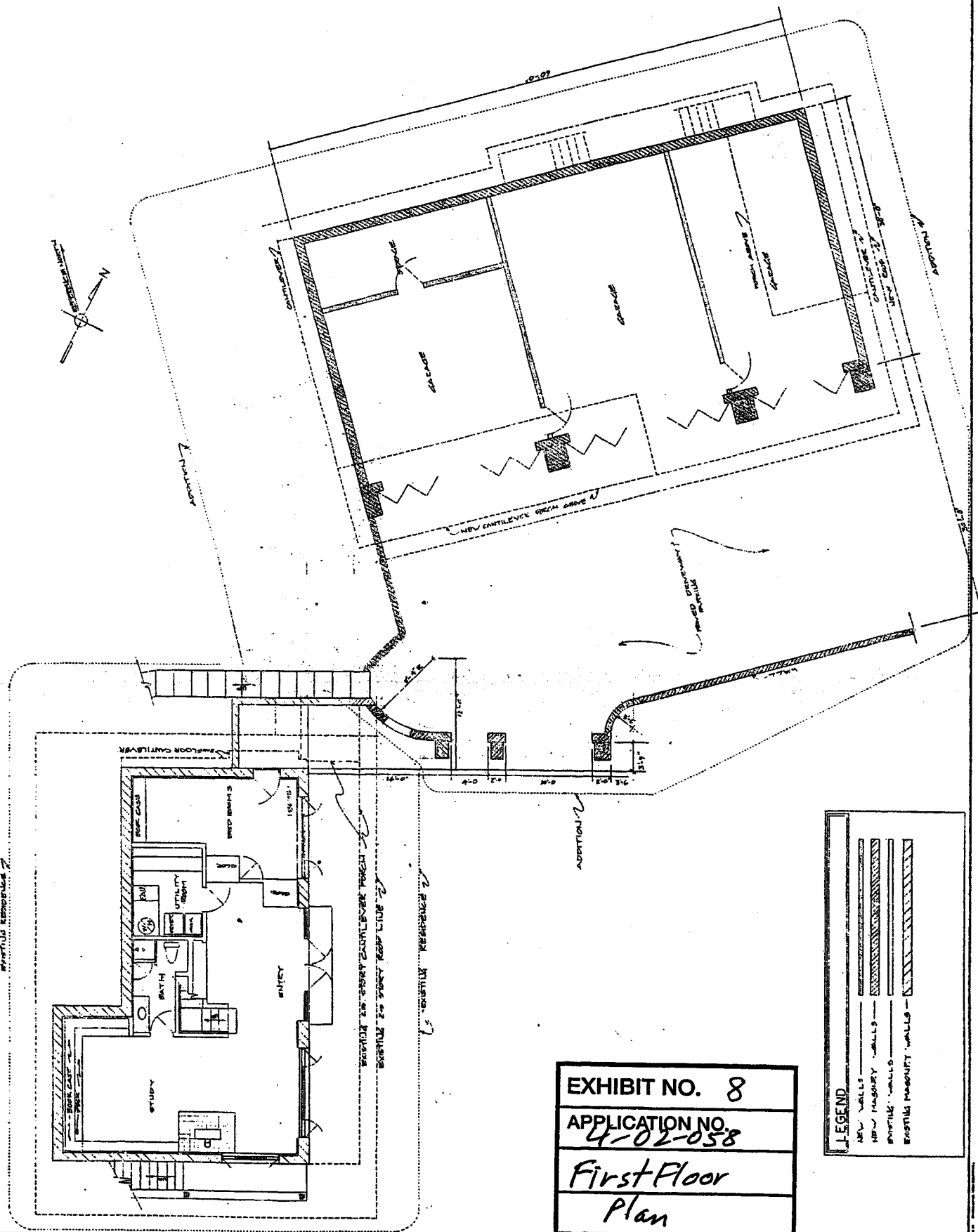
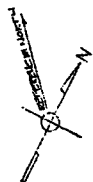
Pavement Plan

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RESIDENCE FOR:
MR & MRS JOHN T SIMONS
310-488-4048 FAX 310-488-4049
SUNSHINE, CA 90250
SUNSHINE, CA 90250

FLOOR PLAN
1st FLOOR
RESIDENCE
GARAGE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DATE	12-1-78
BY	W. J. SIMONS
CHECKED	
APPROVED	
REVISION	

RESIDENCE FOR
MR & MRS JOHN T. SIMONS
1100 S. 10th St.
TOMPKINS, OK 74480
210-551-4445 FAX 210-551-4448

FLOOR PLAN - GARAGE

A2

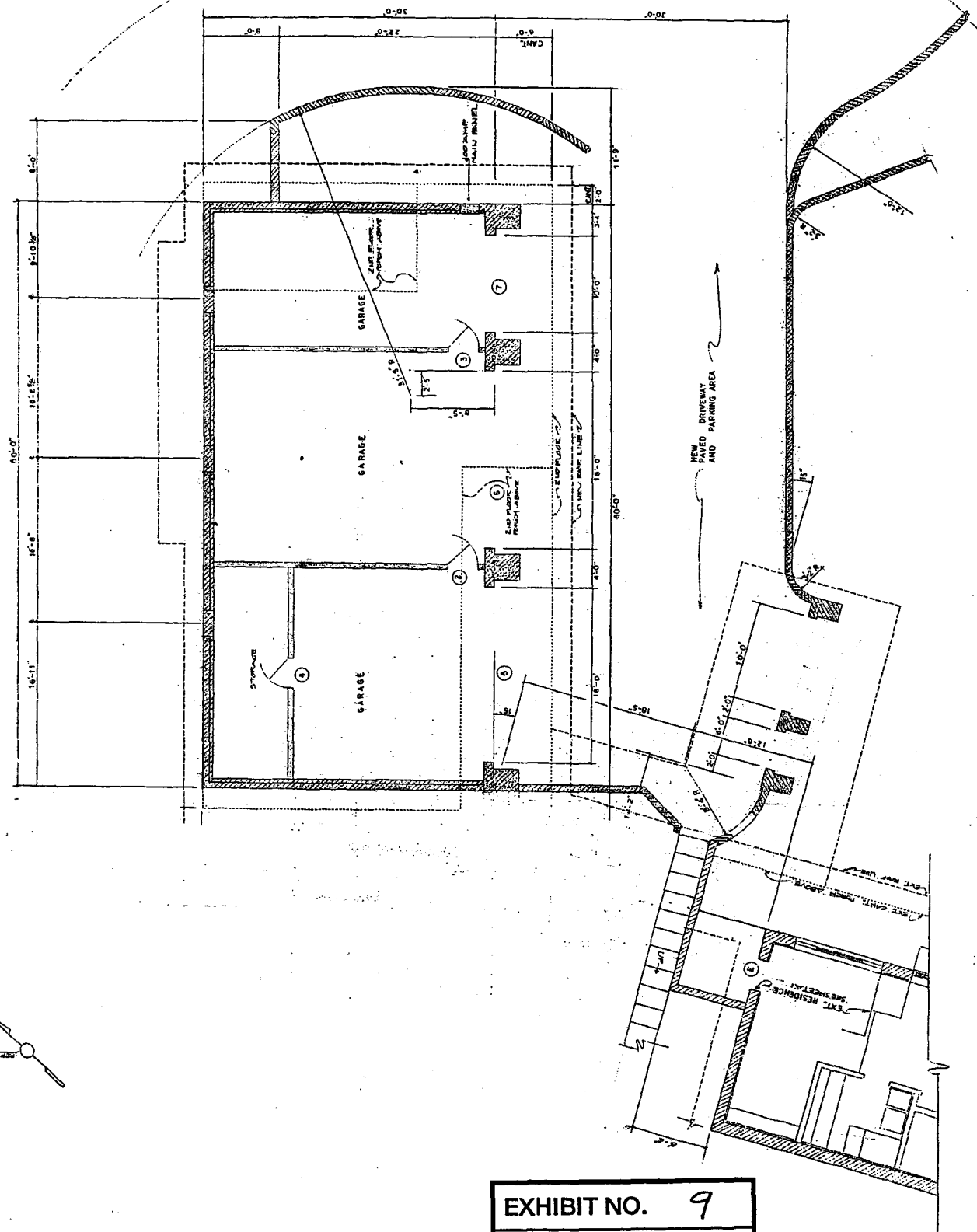
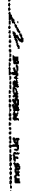


EXHIBIT NO. 9
APPLICATION NO. 4-02-058
Garage Floor Plan



STAN WALKER

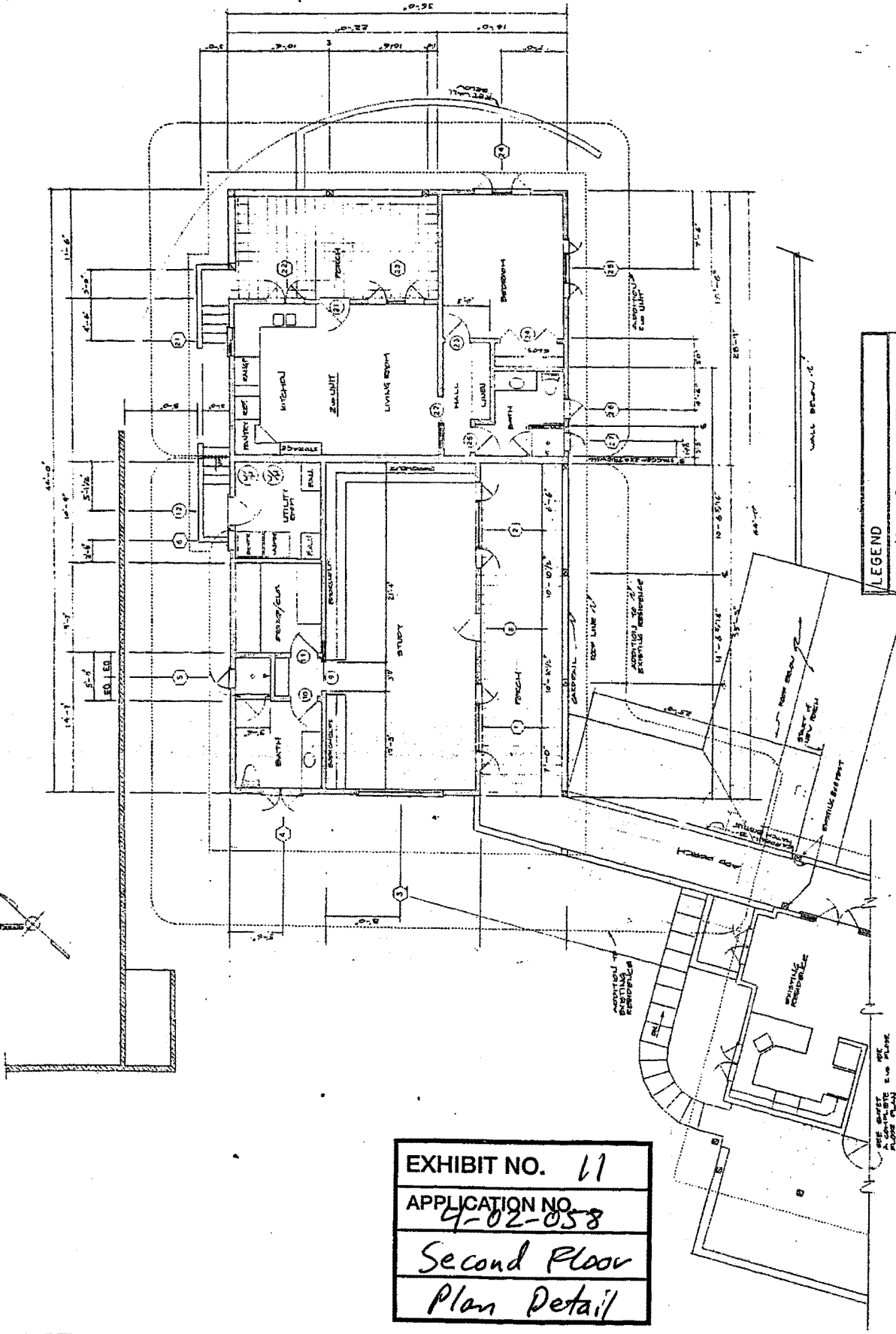


EXHIBIT NO. 11
APPLICATION NO. 4-02-058
Second Floor
Plan Detail

RESIDENCE FOR:
MR & MRS JOHN T SIMONS
310-45-05-8
310-45-05-8

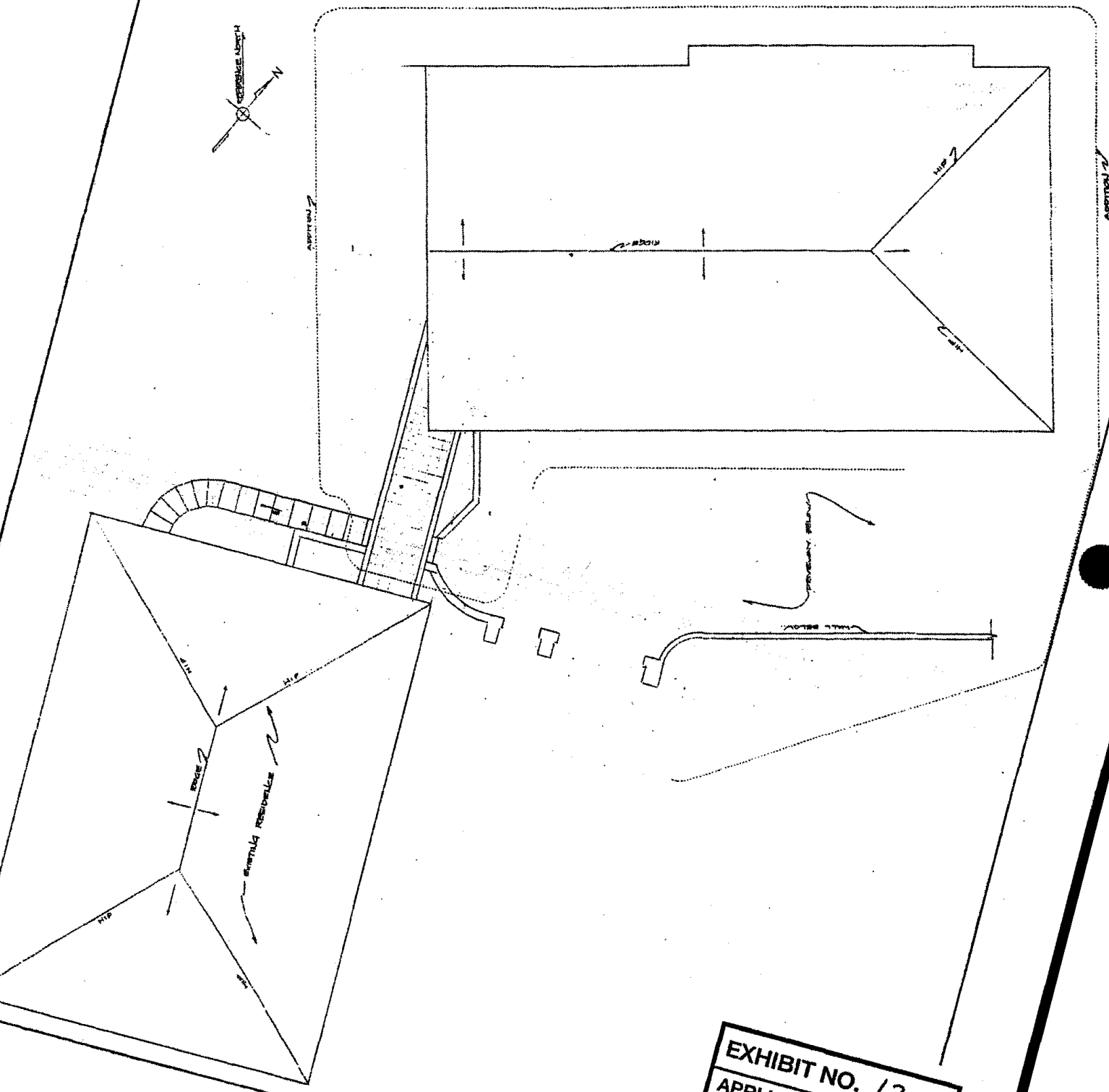
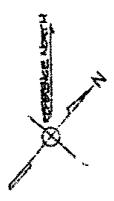


EXHIBIT NO. 12
APPLICATION NO.
4-02-058
Roof Plan

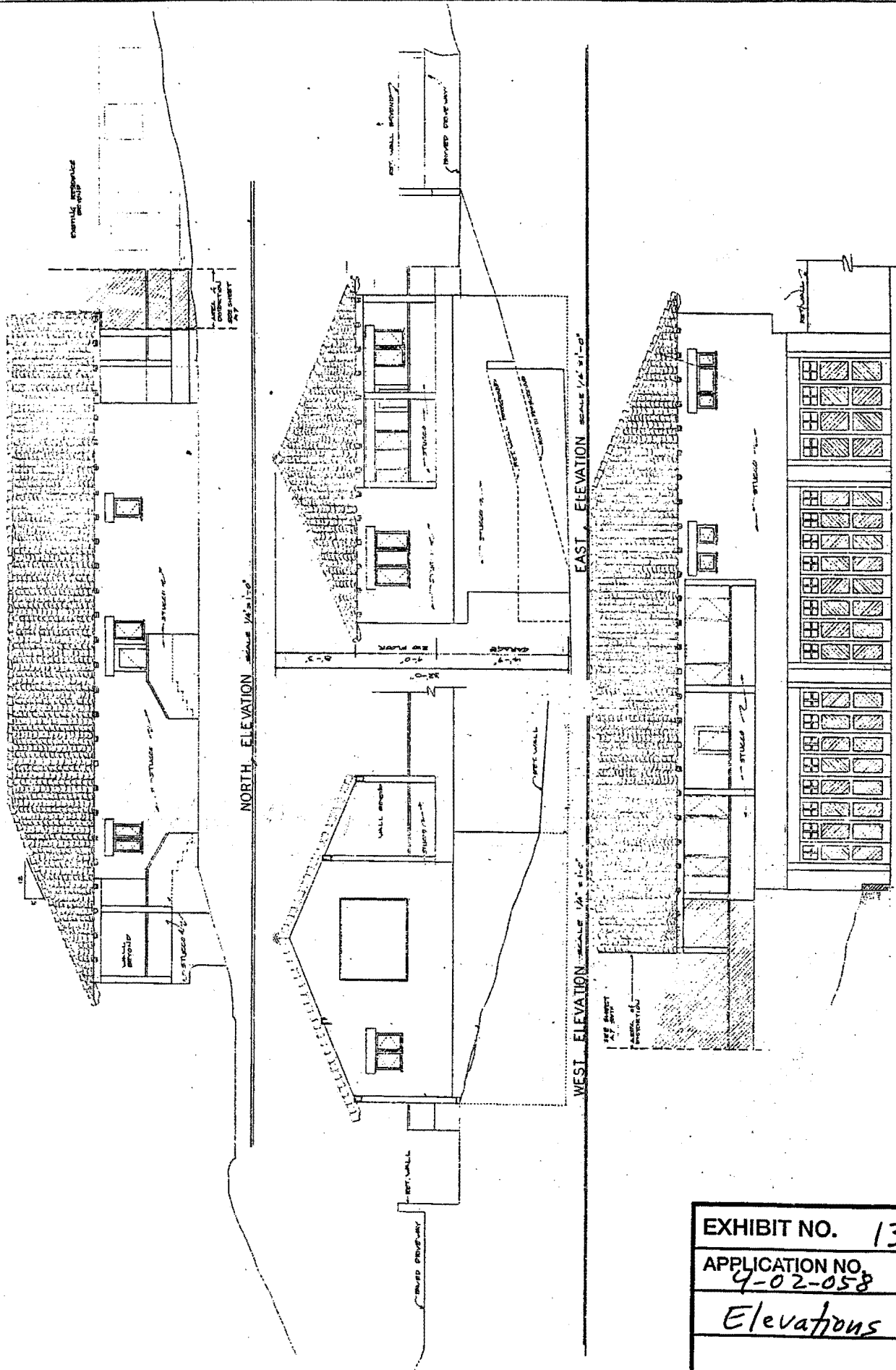
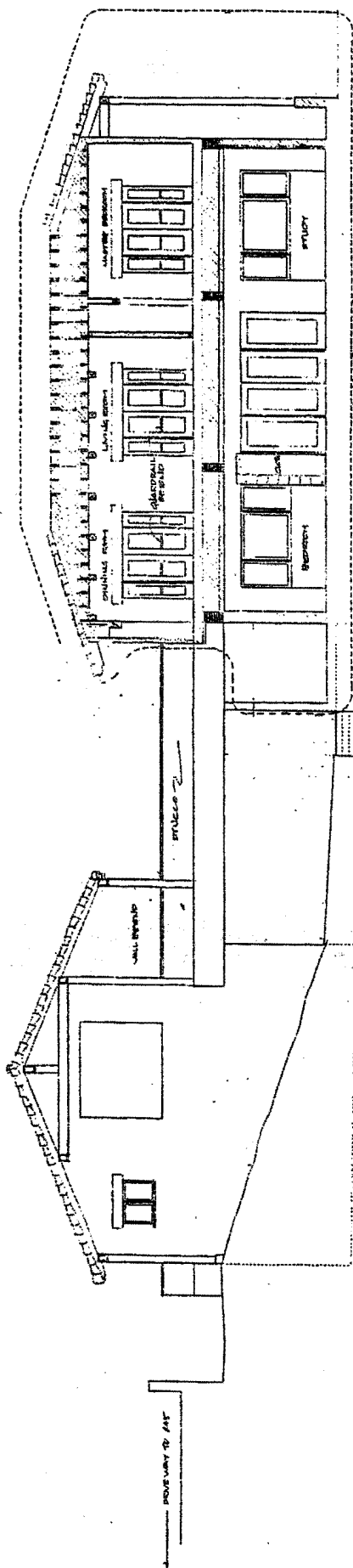


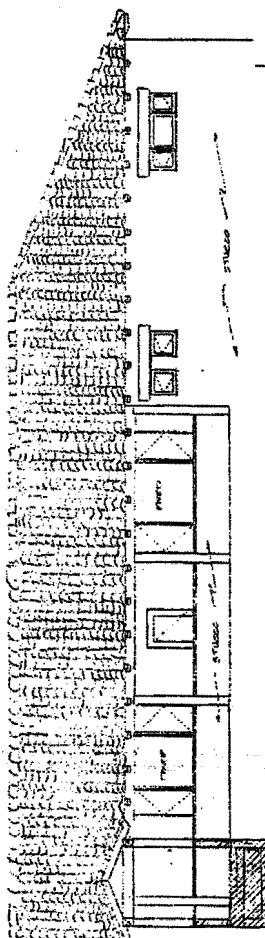
EXHIBIT NO. 13

APPLICATION NO. 4-02-058

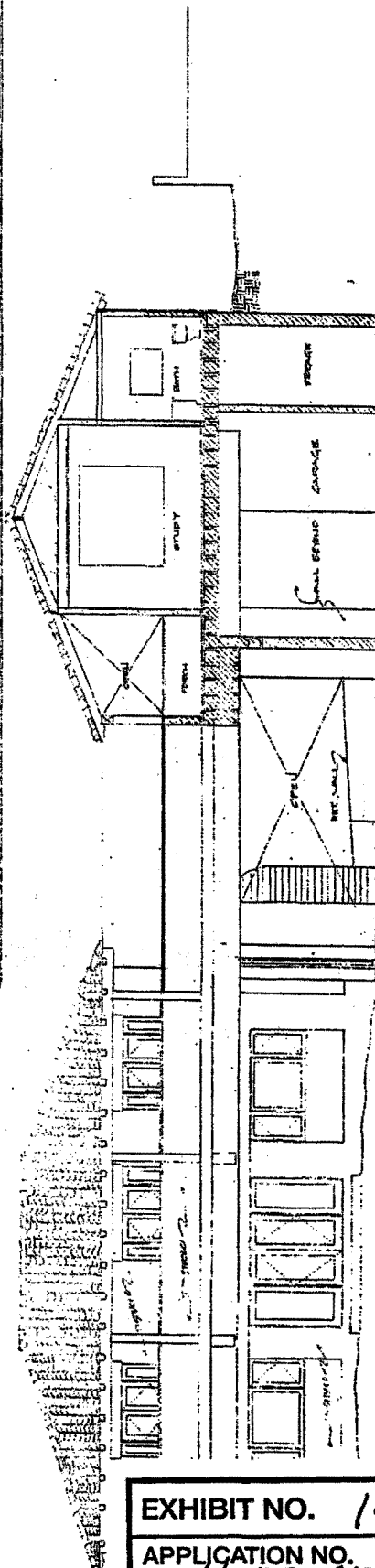
Elevations



WEST ELEVATION SCALE 1/4" = 1'-0"



SOUTH		ELEVATION	
1	100	100	100
2	100	100	100
3	100	100	100
4	100	100	100
5	100	100	100
6	100	100	100
7	100	100	100
8	100	100	100
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97	100	100	



EAST ELEVATION

EXHIBIT NO. 14
APPLICATION NO. 4-02-058
Elevations