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CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

Filed: 1/11/02
49th Day: 3/1/02
180th Day: 7/10/02
Staff: J. Johnson
Staff Report: 5/23/02
Hearing Date: 6/10/02
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-01-037

APPLICANT: The Bob Trust, Karl Fink, Trustor
Eric Y. Dato, Trustee

AGENTS: Barry Leneman, Kirsty Iredale,

PROJECT LOCATION: 21343 Hillside Drive, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 23 ft high, 3,459 sq. ft. single family residence, 690 sq. ft. two car garage, water well and tank, septic system, driveway and 3,167 cubic yards of grading including 2,167 cubic yards of over-excavation.

Lot area: 9.44 acres
Building coverage: 4,149 sq. ft.
Pavement coverage: 10,800 sq. ft.
Unimproved area: 8.9 acres
Height abv fin grade: 23 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **Denial** of the proposed project, as the proposed project location and design is inconsistent with the protection of environmentally sensitive habitat on site as required by Coastal Act Section 30240. The project site and access driveway is located adjacent to two heritage oak trees (Exhibit 22) and four other oak trees including the removal of one of these oak trees. The applicant proposes to grade 3,167 cubic yards of material to construct an access driveway that partially encircles this grove of oaks and construct a proposed detached garage and residence also adjacent to these oak trees. There are alternative building sites with direct driveway access routes from paved roadways on this 9.4-acre parcel that the applicant could propose to develop a similar or smaller residence and garage with a shorter driveway. Based on a recent onsite evaluation, about one third of the parcel is considered environmentally sensitive habitat with oak trees and riparian habitat, the protection of oak trees, particularly heritage oak trees (greater than 36" diameter at breast height) are particularly valuable and sensitive habitat. The existing degraded chaparral vegetation on about two thirds of the parcel is not considered to be ESHA in this case. Such alternative building sites can bring the project into conformance with the Coastal Act by avoiding significant effects to rare and especially valuable environmentally sensitive habitats on the proposed site.

(Continued)

The project site is located in a partially developed area in the east-central portion of the Santa Monica Mountains. This undeveloped 9.4 acre parcel is located in the Topanga Mesa area along the north side of Hillside Drive east of the intersection with Will Geer Road. The topography of this parcel is characterized by gently sloping ridges and isolated small hills separated by an intervening north to northeast flowing drainage ravines.

Project Alternatives

There are feasible alternatives to the proposed project that would serve to avoid significant effects to environmentally sensitive habitats consistent with the requirements of Sections 30240 and 30107.5 of the Coastal Act. There are three alternative building sites adjacent to either Hillside Drive or Will Geer Road that are relatively flat and accessible for potential residential development. One site is considered by the staff ecologist to be the preferred alternative site (Exhibit 23) as identified in the attached Staff Ecological Report (Exhibit 20). Revising the proposed project to include one of these alternative building sites and incorporating the suggested design alternatives would still allow for a reasonable size, bulk and scale of residential development on this site. Therefore, as proposed, the project would not minimize significant effects to ESHA, and is therefore, not consistent with Sections 30240 and 30107.5 of the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was previously scheduled to be heard at the Commission meeting of May 7-10, 2002, but was delayed by staff due to other workload priorities to the June 10-14, 2002 meeting. The 180th day pursuant to the Permit Streamlining Act for Commission action on the subject application is July 10, 2002. Therefore, the Commission must vote on Coastal Development Permit Application No. 4-01-037 no later than the June 10-14, 2002 hearing.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning Approval In Concept, dated 4/18/2001, County of Los Angeles Environmental Review Board Action, dated May 15, 2000; County of Los Angeles Department of Regional Planning Oak Tree Permit Case No. 00-178-(3) Approval, dated 12-7-00; County of Los Angeles Environmental Health Division Well Approval, dated 4/13/2001; County of Los Angeles Department of Health Septic Approval, dated 7/11/2001; Certificate of Compliance Exemption, dated 1/23/01, recorded 2001 as Instrument No. 01-0143670; County of Los Angeles Fire Department, Coastal Commission Approval, dated 1/8/01; County of Los Angeles Fire Department, Forestry Division, Preliminary Fuel Modification, dated April 3, 2001.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Investigation by Subsurface Designs Inc. dated September 22, 2000; Oak Tree Report by Kay Greeley, dated July 8, 2000; Alternative Site Analysis Study by Karl Hinderer, CC&R Inc., dated September 20, 2001; Coastal Application No. 4-00-117, Knapp; Coastal Permit No. 4-01-177, Erickson, Coastal Permit No. 4-00-119, Deegan-Day.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-037 for the development proposed by the applicant.*

Staff Note: To deny a coastal development permit, the Commission must vote "no" on a motion to approve a permit for the proposed development. The permit will be denied if a majority of the Commissioners present fail to vote "yes." (Public Resources Code § 30604.)

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to construct a two story, 23 ft high, 3,459 sq. ft. single family residence, 690 sq. ft. two car garage, water well and tank, septic system, driveway and 3,167 cubic yards of grading including 2,167 cubic yards of over-excavation (Exhibits 1 – 13 and 22). The application form indicates that a frontage road is proposed to be paved with 7,000 sq. ft. of new paving. The location and need for this new paving is not identified on the County approved site plan. The applicant has stated that this site included a residence at one time; no evidence was provided.

The project site is located in a partially developed area in the east-central portion of the Santa Monica Mountains. This undeveloped 9.4 acre parcel is located along the north side of Hillside Drive east of the intersection with Will Geer Road. The topography of this parcel is characterized by gently sloping ridges and isolated small hills separated by an intervening north to northeast flowing drainage ravines. The parcel fronts along both Hillside Drive and Will Geer Road.

Vegetation on the subject parcel consists of chaparral, riparian vegetation, six large oak trees including two heritage oak trees, six eucalyptus, three pepper and one pine tree (Exhibit 14). The applicant submitted an Oak Tree Report by Kay Greeley, dated July 8, 2000 indicating that the proposed project will impact two oak trees, one will be removed, the other will be encroached upon by the driveway (Exhibit 15). The parcel drains east to Topanga Canyon Creek; a blue line stream is located in the northeast portion of the parcel along with riparian habitat. The project site located at the southeast portion of the property is about 500 feet from this unnamed blue line stream. The County of Los Angeles Environmental Review Board recommended that the proposed project was "Consistent After Modifications" on May 15, 2000 (Exhibit 16). The ERB recommendations included three issues related to trees on site including: "Relocate the house to west side of oak trees to avoid impacts"; "Remove pepper trees, pines, and eucalyptus, replace with coast live oak trees"; and "There should be no irrigation under oak trees nor between the house and the oaks (except immediately adjacent to house)". The County Regional Planning Department approved in concept as the County decision makers, the proposed design and location thereby not requiring the applicant to relocate the house to the west side of the oak trees as recommended by the ERB (Exhibit 17). The applicant submitted a letter received 4/26/01 commenting on the ERB opinion to relocated the house west of the oak trees (Exhibit 18).

At the request of staff, the applicant submitted a report titled: Alternative Site Analysis Study by Karl Hinderer, CC&R Inc. dated September 20, 2001 (Exhibit 19). This Study concludes that virtually the entire property is in an ESHA in the adopted Santa Monica Mountains Local Coastal Program and the proposed building site is the preferred building site. As explained below and in Exhibit 20, the Commission Staff Ecologist does not agree that virtually the entire property is ESHA, due to the degraded nature of the chaparral onsite. The Staff Ecologist completed an Ecological Report dated May 13, 2002, which reviewed the site characteristics, the proposed residence location, its fuel modification, and three alternative building sites (Exhibit 20). The Staff Ecologist determined that construction on the proposed building site would have significant adverse impacts to ESHA, and therefore, another site located on the central west portion of the parcel adjacent to Will Geer Road is the preferred building location (Exhibit 23), among three alternative building sites that would each significantly reduce adverse impacts to ESHA.

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.

The applicant proposes to construct a two story, 23 ft high, 3,459 sq. ft. single family residence, 690 sq. ft. two car garage, water well and tank, septic system, driveway and 3,167 cubic yards of grading including 2,167 cubic yards of over-excavation on a 9.4 acre parcel located at the northeast intersection of Hillside Drive and Will Geer Road (Exhibits 1 – 13 and 22).

The subject parcel includes chaparral plant species over the majority of the site with coast live oaks, eucalyptus, pepper and a pine tree located at the southeast portion of the parcel along Hillside Drive and riparian habitat located on the northeast and central east portion of the parcel where two drainages are located including a blue line stream. There are two unnamed drainage ravines that transverse the parcel from west to east. One drainage traverses from the southwest portion of the parcel near the intersection of Hillside Drive and Will Geer Road to another drainage ravine, designated as a blue line stream on the US Geological Survey. The second drainage or blue line stream drains from west beyond the subject parcel, crosses the northeast corner of the subject parcel, and continues east to drain into the Topanga Canyon Creek (Exhibit 20, Figure 1).

According to the applicant's Geologic and Soils Engineering Investigation by Subsurface Designs Inc., the parcel is located within the east-central portion of the Santa Monica Mountains in the Mesa area of Topanga. The Mesa area is characterized by subdued topography of gentle rolling hills and intervening east flowing ephemeral drainage ravines. The subject site is an undeveloped 9.4 acre parcel situated with the southeast portion of the Mesa area. Topography over the property consists of irregular gently sloping ridges and isolated resistant knobs that are separated by intervening north-northeast flowing ephemeral drainage ravines. Vertical relief over the entire property is generally less than 50 feet, with slopes ranging from 6:1 (10 degrees) to 2:1 (26 degrees).

The proposed project site is located at the southeast portion of the parcel accessed from Hillside Drive by a new driveway. This southeast portion of the parcel also includes the above noted oak trees, a total of six coast live oaks, including two large heritage trees (oak trees with greater than 36" diameter at breast height) with a diameter of 52 and 60 inches at breast height (DBH) (Exhibit 15). The applicant proposes to construct the two story, 23 ft high, 3,459 sq. ft. single family residence immediately east of the two heritage oak trees just beyond the canopy of the trees (Exhibit 22). One oak tree, 10 inches DBH, is proposed to be removed to construct this residence. A 690 sq. ft. two car detached garage is proposed immediately north of the residence also located just beyond the canopy of one of the heritage oak trees. A new driveway is proposed to access the garage from the Hillside Drive west of these oak trees to the area north of the oak trees where a fire truck turnaround is proposed to be located (Exhibit 2). It is important to note that there is a discrepancy regarding the location of the canopy of these oak trees as identified in the applicant's Oak Tree Report (Exhibit 15) and the applicant's topographic site plan which identifies a smaller canopy (Exhibit 2). The applicant's grading plan (Exhibit 10) indicates that grading a total of 3,167 cubic yards of material will disturb a total of 0.055 acres of area. The project requires a cut of 500 cubic yards of material and 500 cubic yards of fill in addition to 2,167 cubic yards of over-excavation.

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 and bees. Oak trees are very long lived, some up to 250 years old, 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 trees meet the definition of ESHA as provided in Section 30107.5 as oak trees are a plant that is rare and especially valuable because of their special nature and role in the Santa Monica Mountains ecosystem and they are easily disturbed or degraded by human activities and development. The Commission staff ecologist conducted a site visit on January 4, 2002 confirming that these oak trees and the riparian habitat within the drainages on the northeast and central east portions of the parcel 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 proposed construction of the residence in the proposed location immediate east of the two heritage oak trees will require the removal of one 10-inch DBH oak tree in order to construct the proposed residence in this location (Exhibits 2, 11 and 22). Section 30240 (a) only allows development that are dependent on ESHA resources be constructed or located within an ESHA. The proposed residential development is not dependent on the resources of ESHA areas and therefore as proposed in this location is inconsistent with Section 30240 (a). There are feasible alternative building sites on the subject 9.4-acre parcel that may be considered by the applicant for development that would have less adverse impact to ESHA.

The Commission's Staff Ecologist conducted a site visit on January 4, 2002 determined that the oak trees on this site are indeed ESHA. In addition, the Ecologist reviewed other areas of the site that include chaparral habitat and determined that this degraded chaparral habitat does not qualify as ESHA on this parcel. However, on balance, the protection of oak trees and oak woodlands are a higher priority for protection than degraded chaparral this subject site as oak trees and oak woodlands are rare and especially valuable due to their special nature or role in the ecosystem of the Santa Monica Mountains and can be easily disturbed or degraded by residential related development. The Staff Ecologist prepared a memo dated 5/13/02 titled "Bob Trust (Coastal Application # 4-01-037) Ecological Report (Exhibit 20). In this Report, the Staff Ecologist concluded that alternative sites as identified on the subject parcel be seriously considered (Exhibit 20, Figure 1).

Coastal Act Section 30240 (b) requires that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuation of those habitat areas.

The draft Malibu Santa Monica Mountains Land Use Plan for Los Angeles County identifies a setback/buffer of 100 feet from the canopy of these oak trees that are considered an ESHA. Past Commission action has required 50-100 foot setback from ESHA consisting of oak woodlands and trees, where feasible to protect these easily degraded trees. The entire proposed project, the residence, detached garage, driveway and fire truck turnaround, with the exception of the proposed septic system is located within the 100 foot setback/buffer from the canopy of these oak trees. A detailed review of the proposed grading necessary to construct the project indicates that a small portion of the grading for the fire truck turnaround area is located within the canopy of the largest heritage oak tree (60 inches DBA). As noted in the Staff Ecologist Report, and discussed in the applicant's Oak Tree Report, a 50 foot setback from the canopy of these oak trees is recommended for any development including excavation, fill and compaction on the downhill drainage side (to the west where the driveway is proposed) of these trees. Any excavation, fill and re-compaction within this area will degrade the existing natural oak duff located in the vicinity of these trees. Oak duff is important to maintain beneath oak trees as the roots derive oxygen and nutrients from this accumulation of leaf litter. The root system is shallow and extensive, extending up to 50 feet beyond the drip line or canopy of the tree. Oak trees depend on surface roots for air, water and other nutrients. Older oak trees, such as the two heritage trees on the site, have thrived under natural rainfall patterns of dry summers and wet winters;

as a result, they often cannot handle extra watering in an irrigated landscaped setting particularly in the summer to survive.

In addition, the Ecological Report, discusses the need for irrigation in the vicinity of these oak trees as a result of the irrigation requirement of fuel modification zones A and B. Therefore, the long term survival of these oak trees as a result of the proposed development and fuel modification requirements is questionable.

The Coastal Act requires the protection of environmentally sensitive habitat areas against any significant disruption of habitat values. 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. Specifically on this site, about one half an acre includes oak trees, about three acres is riparian vegetation and habitat, and about six of the remaining acres of the parcel includes degraded chaparral. Section 30240 of the Coastal Act further requires that development adjacent to ESHA is sited and designed to prevent impacts that would significantly degrade ESHA and to be compatible with the continuance of the habitat areas. The proposed residential development is located within an ESHA and in addition to the garage and access driveway is located adjacent to ESHA areas; development in this location will not protect against significant disruption of habitat values. Therefore, for the reasons set forth above, the Commission finds that the proposed project location and design will significantly impact sensitive environmental resources and is inconsistent with Coastal Act Sections 30240 and 30107.5 of the Coastal Act. As discussed below, there are alternative sites available for residential development on this parcel that would not result in adverse impacts and/or destruction of ESHA.

D. Project Alternatives

Commission staff in a letter dated May 25, 2001 to the applicant's agent (Exhibit 21, page 2, item 2) requested the applicant identify alternative locations and designs on the 9.4 acre parcel with a conceptual drawing for the proposed project. This letter identified one alternative site to the west and suggested an alternative driveway with the minimum length necessary from Hillside Drive or Will Geer Road. The requested alternative sites should identify building sites where oak tree removal is not necessary and there is an adequate setback of at least 50 feet from the outer edge of the oak tree canopy. Staff noted that the alternative site to the west of the oak trees appeared to meet the intent of the County's Environmental Review Board recommendation to relocate the house to the west side of the oak trees to avoid impacts. This letter dated May 25, 2001 to the applicant's agent also noted on page two last paragraph that the agent's letter received April 26, 2001 stated that they are expecting staff to present this case # 4-01-037 to the Commission for approval. The Staff's response in the May 25, 2001 letter stated that the Staff's preliminary review indicated that staff may not recommend a positive action on this project in its proposed location and design to the Commission. As noted on page three of this letter, Staff suggested that the application be revised as soon as possible as suggested to reduce the application processing time towards a favorable staff recommendation. The applicant has declined to revise the proposed project.

In response, staff met on August 7, 2001 with the applicant's agent and another consultant to discuss alternative sites. The applicant's agents believed there were no other sites on the parcel that did not include ESHA as mapped and designated in the certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP). In response, staff requested the applicant prepare an alternative site analysis and larger scale map of the County LUP ESHA map. On September 20, 2001, the applicant submitted a letter report titled: Alternative Site Analysis Study by Karl Hinderer, CC&R Inc. dated September 20, 2001 (Exhibit 19 and 14). A review of this report identifies three areas that are outside the oak tree ESHA and its surrounding buffer. This report discusses two alternative sites and the subject site concluding that the subject site is elevated and east of the trees, underlain by Calabasas Formation with less than six inches of soil which must be removed. This report concludes that since the site is uphill of the trees, there is little chance of any roots extending out beyond the dripline and that the applicant's oak tree consultant, Kay Greeley, determined that the County required 5 foot setback beyond the dripline is adequate to insure no impacts on the oak trees. This siting reports concludes:

Therefore, the constraints analysis clearly indicates that site C (the proposed site) has less impacts than Site B and is the preferred building site. Site C is not burdened by the tree impacts, it doesn't encroach into the 100 foot ESHA buffer as does site B, nor does it have drainage and soils concerns.

Further site C cannot be seen from the ESHA and is well screened, visually from the surrounding area. The site was previously developed with a single-family dwelling and has already been disturbed.

As discussed in the Staff Ecologist's Report, the subject site is located within an ESHA, an area with oak trees, and within the 100 foot buffer area beyond the dripline of the oak trees adjacent to the ESHA, that the applicant's report does not recognize. In addition, the applicant's report did not identify any alternative sites along Will Geer Road for study as requested by staff in the May 25, 2001 letter. The Staff's Ecologist Report identified two alternative building sites along Will Geer Road as discussed below. The Staff Ecologist has determined that the chaparral habitat at these sites is not ESHA. Therefore, a residence could be constructed in these locations in compliance with Section 30240 of the Coastal Act.

In this case, there are at least three alternative sites, including two additional sites not previously studied along Will Geer Road and other design revisions to the proposed project location and design that may be feasible and would avoid significant impacts to ESHA and in particular oak trees, consistent with Coastal Act Section 30240. Such alternatives include: (a) alternative site further west at southwest area of the parcel, (b) alternative site at western central portion of the parcel, (c) alternative site on northwest portion of parcel, (d) cluster the proposed development to reduce the size of the building pad and or size, bulk and scale of the structures resulting a smaller fuel modification area, (e) reduce the length of the driveway and possibly the need for a fire truck turnaround area accessing the building site from existing private roads, and (f) minimize the grading and landform alternation necessary for the construction of the development. The Commission notes that implementation of one of these alternative

sites and some of the design alternatives to the proposed project design would still allow for a reasonable size, bulk and scale residential development of the subject 9.4 acre parcel to occur.

The applicant has not submitted revised project plans that include any changes to bring the project into conformance with Coastal Act Section 30240. These alternatives include one of the alternative sites and some of the design alternatives to the proposed project design as follows:

a. Alternative Site Further West at Southwest Area of Parcel

As identified on Figure 1 in the Staff Ecologist's Report (Exhibit 20), there is an alternative site located on the southwest portion of the subject parcel where it appears that a residence could be constructed in compliance with Section 30240. A building site located along the slope on either side of the drainage ravine should be considered. Such a site should be located at least 100 feet from the outer edge canopy of any oak tree and may require the removal of some chaparral. A building site in this location may be limited in size resulting in a smaller development area. The site could be accessed from a short direct driveway from Hillside Drive.

b. Alternative Site on Western Central Portion of Parcel

As identified on Figure 1 in Exhibit 20 and on Exhibit 22, there is a site that is relatively flat located immediately east of Will Geer Road that appears to be the preferred alternative site. There is limited chaparral on this site; the largest is a manzanita of the size of a small tree rather than a shrub. Limited grading may be required due to the relatively flat topography of this site and the need for only a short direct driveway to access the building site from Will Geer Road from the west. It appears that construction of a residence, garage and driveway at this site would comply with Section 30240.

c. Alternative Site on Northwest Portion of Parcel

There is a small knob hill at this site where a residence could be located. A garage could be located at the base of the hill to minimize the grading and landform alternation necessary to construct a small to modest size residence. Existing chaparral vegetation would need to be removed to construct a residence and detached garage at this site.

d. Cluster the Proposed Development to Reduce the Size of the Building Pad and or Size, Bulk and Scale of the Structures

Clustering the proposed development on one of these alternative site to reduce the size of the building pad and or size, bulk and scale of the structures will minimize the need to remove chaparral for the building site construction and fuel modification clearance in Zone A. Reducing the size of the building pad would also reduce the size of fuel modification area for removal of hazardous natural vegetation and the thinning of vegetation for Zone B and the thinning of vegetation in Zone C. A two story design would also reduce the size of the building pad and fuel modification area.

e. Reduce the Length of the Driveway and Possibly the Need for a Fire Truck Turnaround Area Accessing the Building Site from Existing Private Roads

Reducing the length of the driveway accessing one of these alternative building sites from existing private roads and possibly locating the building site within 100 feet of the existing private road may eliminate the need for a fire truck turnaround. Reducing the length of the driveway and the need for a turnaround area will minimize the landform alternation and grading needed to construct residential development.

f. Minimize the Grading and Landform Alternation Necessary for the Construction of the Development

Minimizing the grading and landform alteration by reducing the size, bulk, and scale of the development, constructing an attached residence and garage, constructing a split level structure or one on pilings with the structure located above ground would minimize landform alternation necessary for the construction of the residential development on one of these alternative sites. The Commission notes that implementation of one of these alternatives as compared to the proposed project would avoid and eliminate any significant impacts to oak tree ESHA and with the design alternatives would minimize adverse impacts to chaparral on this 9.4-acre parcel.

Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, has not been sited or designed in a manner that would avoid significant adverse effects to ESHA, oak trees, and is, therefore, not consistent with Sections 30240 and 30107.5 of the Coastal Act.

E. 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 which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project would not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed development would result in adverse effects and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development would prejudice the County of Los Angeles'

ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

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 that the activity may have on the environment.

The Commission finds that the proposed project would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and that there are feasible alternatives that would not have significant impacts on coastal access or visual resources. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act.

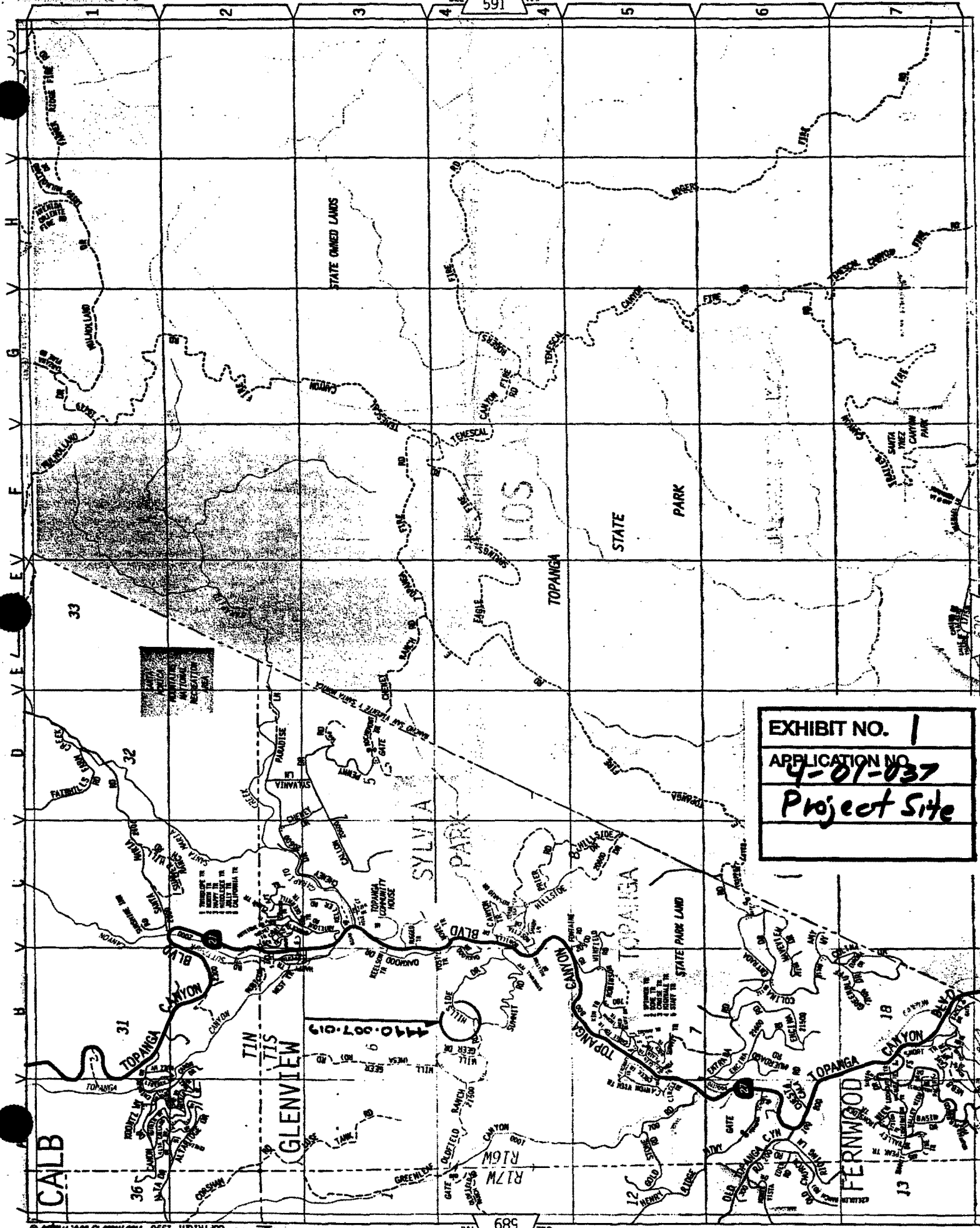
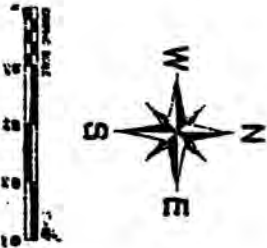


EXHIBIT NO. 1
 APPLICATION NO. 4-87-037
 Project Site

PREPARED BY:
STEVE OPIAHIL SURVEYING
208 DRYDEN STREET
THOUSAND OAKS, CA 91320
OFF. (805) 495-6438
FAX (805) 382-6400



LEGEND
SYMBOLS FOR
BUILDINGS, TREES, AND OTHER FEATURES

THIS PLAN IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

DATE	BY	REVISION
10/1/00	SO	1.0
10/1/00	SO	1.1
10/1/00	SO	1.2
10/1/00	SO	1.3
10/1/00	SO	1.4
10/1/00	SO	1.5
10/1/00	SO	1.6
10/1/00	SO	1.7
10/1/00	SO	1.8
10/1/00	SO	1.9
10/1/00	SO	2.0



TOPOGRAPHY A PORTION OF SEC 6, T15S, R16W			
DATE	BY	REVISION	DESCRIPTION
10/1/00	SO	1.0	Initial Survey
10/1/00	SO	1.1	Revised Survey
10/1/00	SO	1.2	Final Survey

PROJECT: 10/1/00

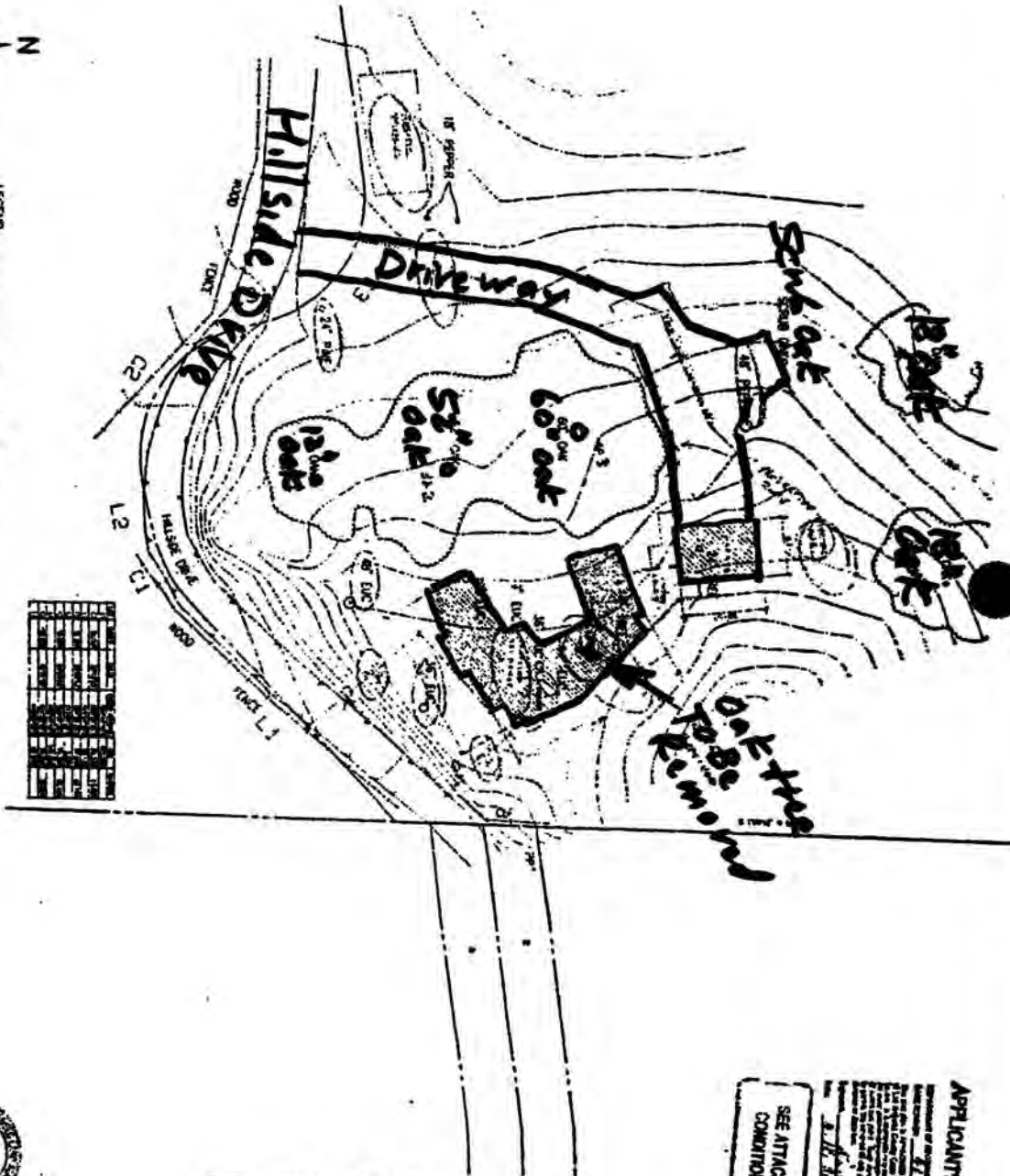


EXHIBIT NO. 2
APPLICATION NO. 4-01-037
Site Plan

SEE ATTACHED CONDITIONS

APPLICANT'S COPY

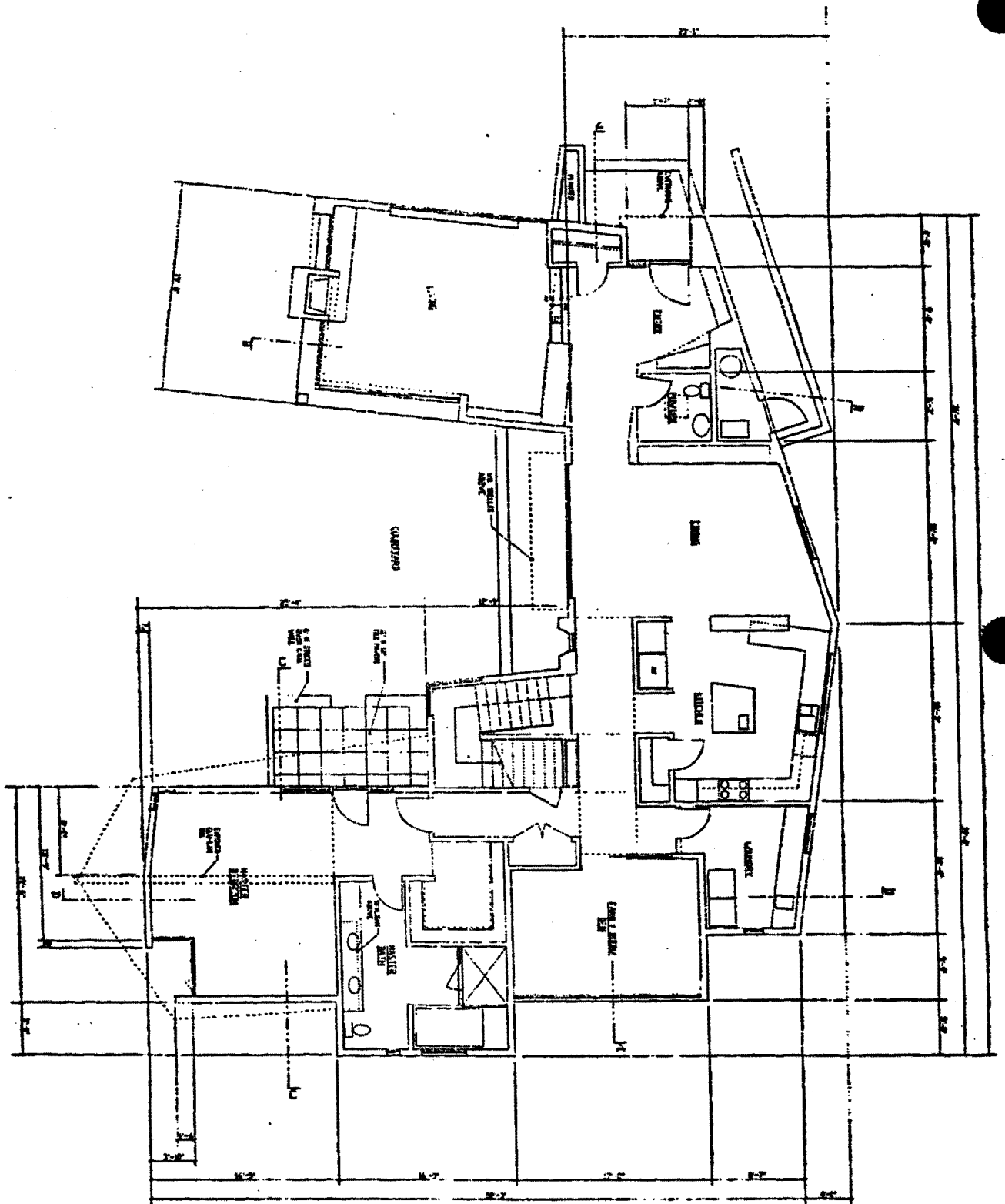
DATE: 10/1/00

BY: SO

REVISION: 1.0

DESCRIPTION: Initial Survey

EXHIBIT NO. 3
APPLICATION NO. 4-01-037
Subject
Parcel

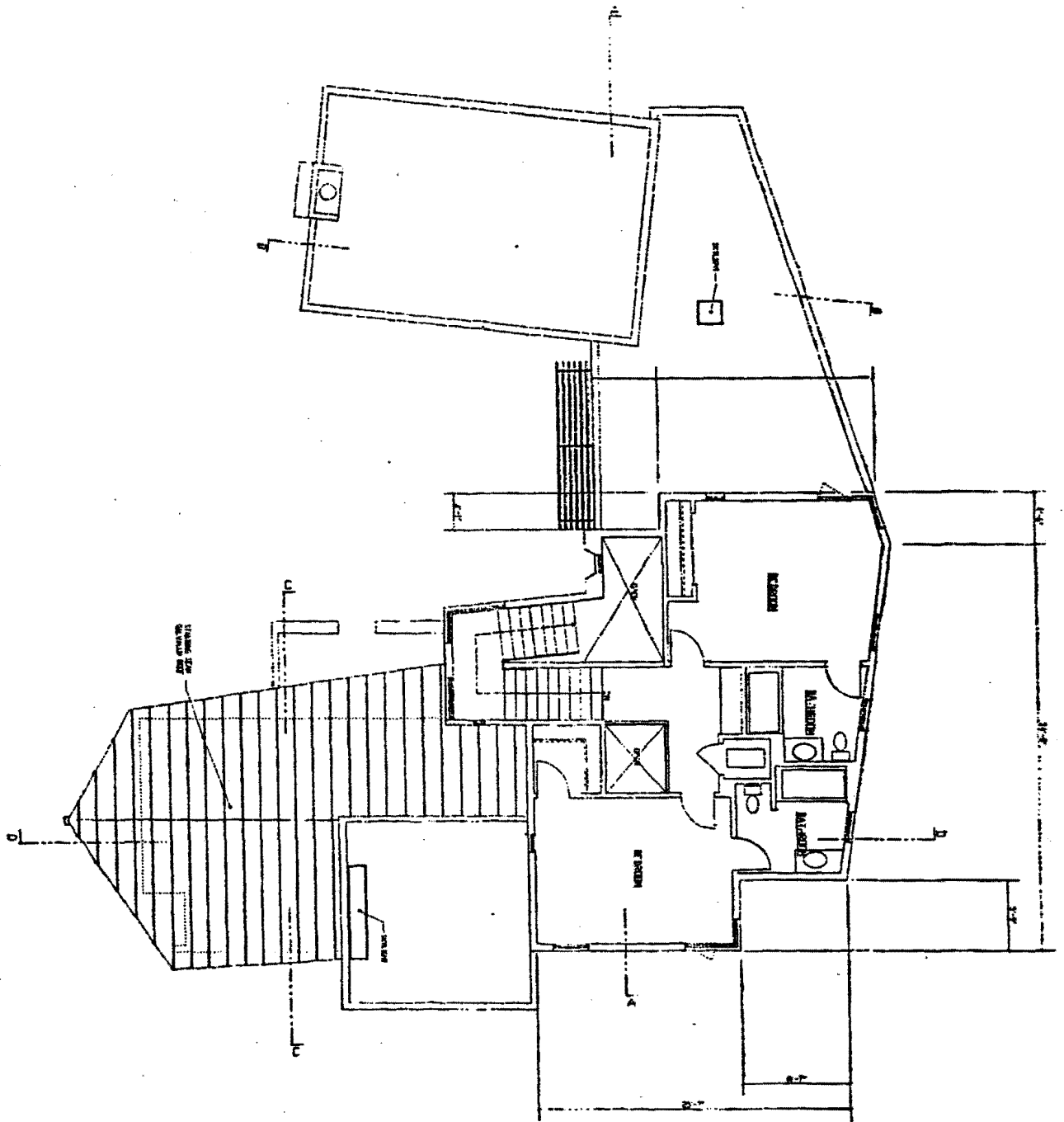


RESIDENCE
HILLSIDE DR.

EXHIBIT NO. 4
APPLICATION NO. 4-01-037
First Floor
Plan

LEONARDI/RODOLFO
2000 University Ave. - Suite 100
Cincinnati, OH 45202-1000
21343 HILLSIDE DR.
PLOT PLAN #46715
AMERICAN LANDMARKS 419
444-1171

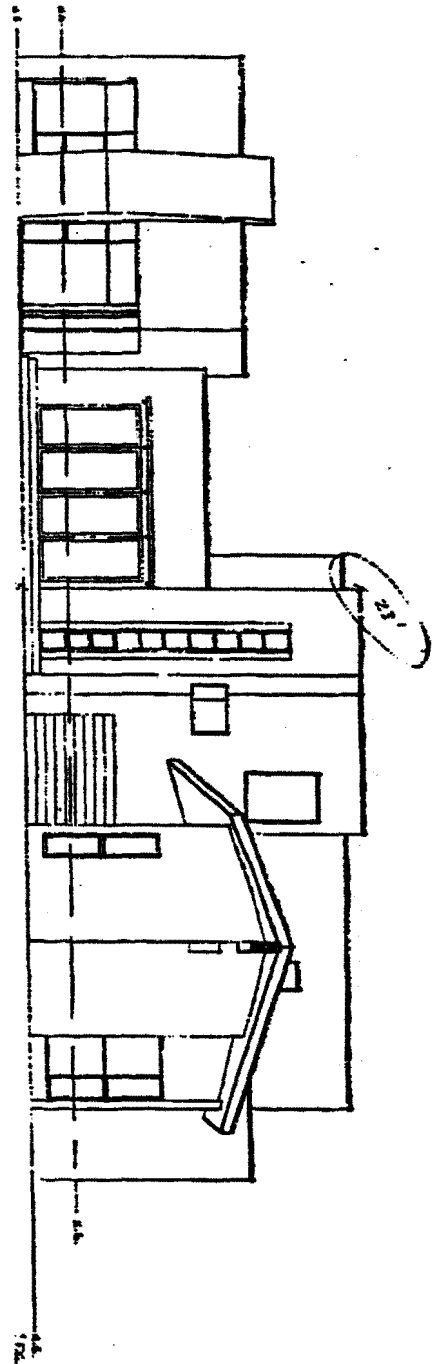
1981 FLOOR
PLAN
A2.0



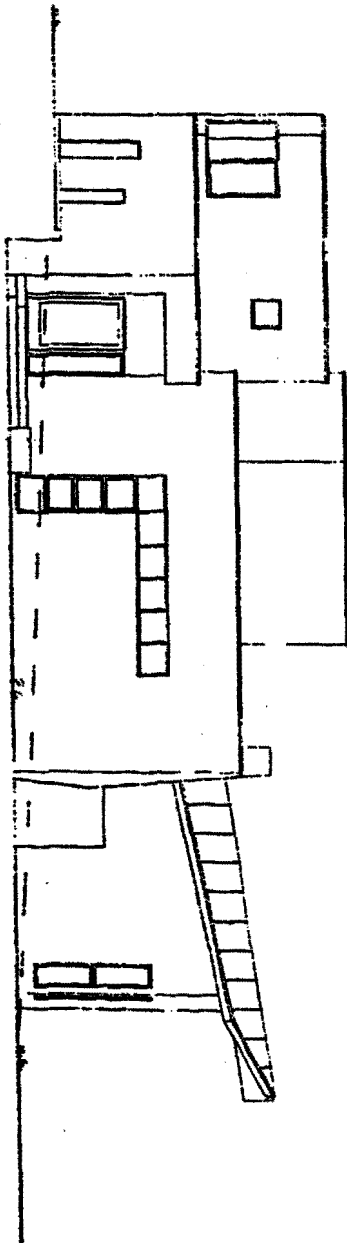
RESIDENCE
HILLSIDE DR

EXHIBIT NO.	5
APPLICATION NO.	4-01-037
Second Floor Plan	

Lenneman/Fredale
 11000 Highway 20, Springdale, AR
 Contact # 501-455-3271
 21343 HILLSIDE DR.
 PLOT PLAN #46715
 Application #44400-018
 Scale 1/4" = 1'-0"
 Type
 SHEET NO.
 SECOND FLOOR
 PLAN
 A2.1



WEST ELEVATION



NORTH ELEVATION

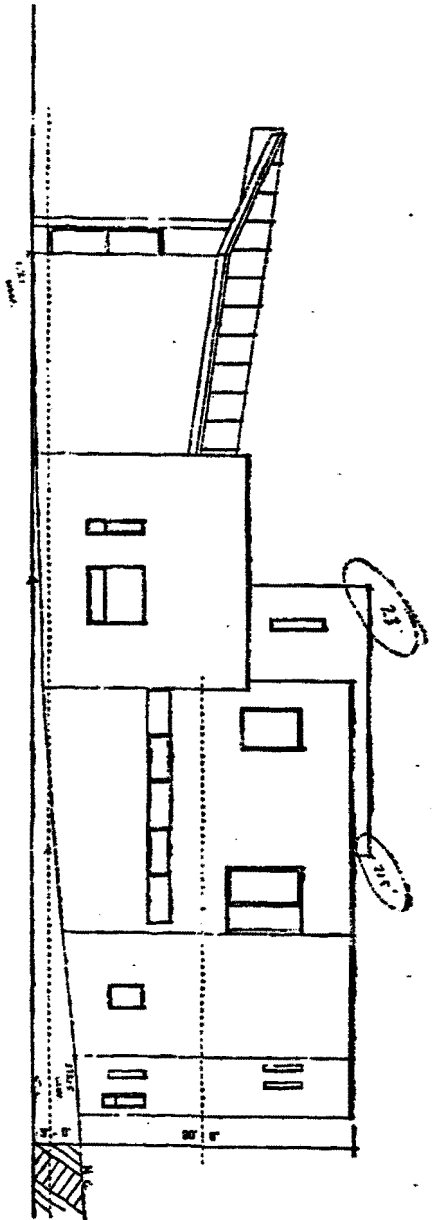
EXHIBIT NO.	6
APPLICATION NO.	4-01-037
West & North Elevations	

RESIDENCE
HILLSIDE DR.

Licensed Architect
 State of California
 License No. 12000
 2400 HILLSIDE DR.
 FIDELITY PLAN #46715
 Architects 644-007-019
 1987-1988

A3.0

SOUTH ELEVATION



EAST ELEVATION

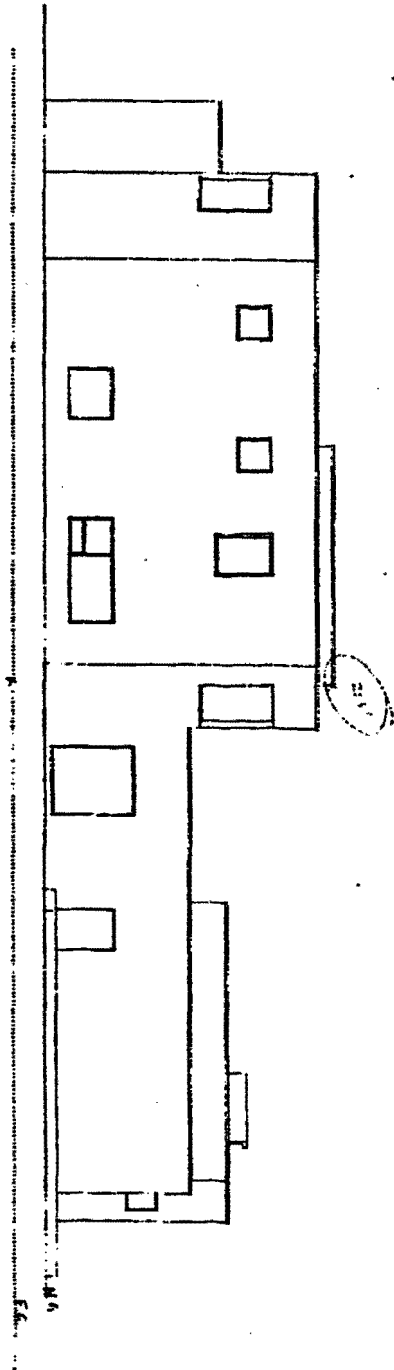
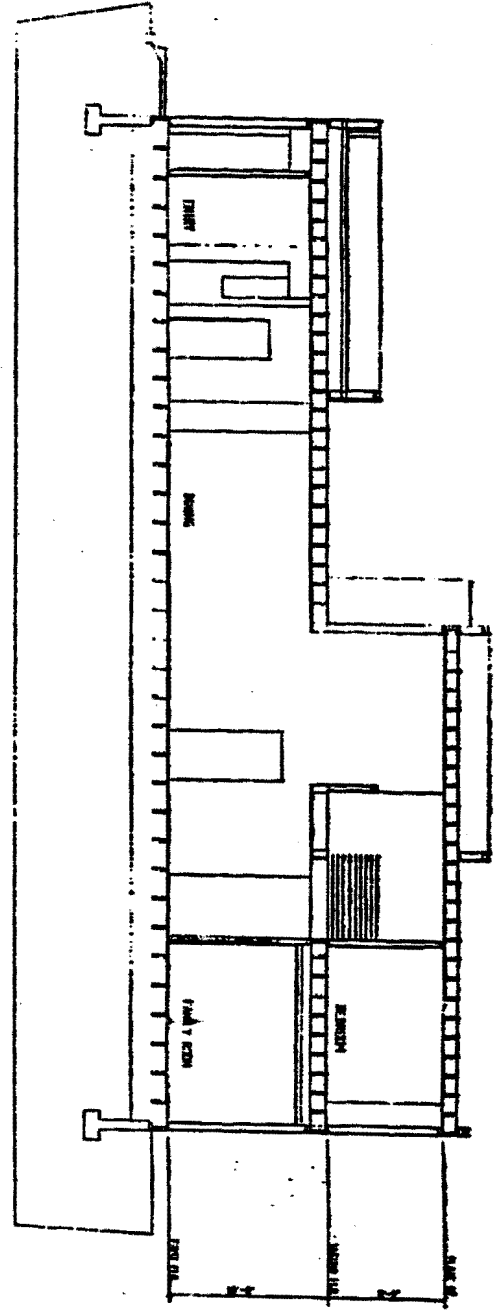


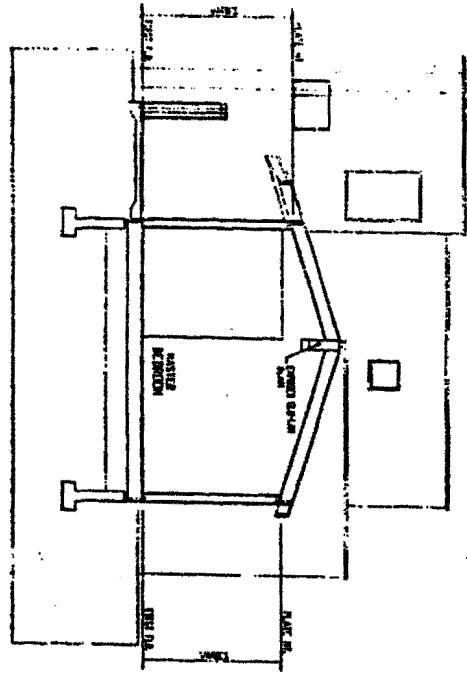
EXHIBIT NO.	7
APPLICATION NO.	4-01-037
South & East Elevations	

RESIDENCE
HILLSIDE DR.

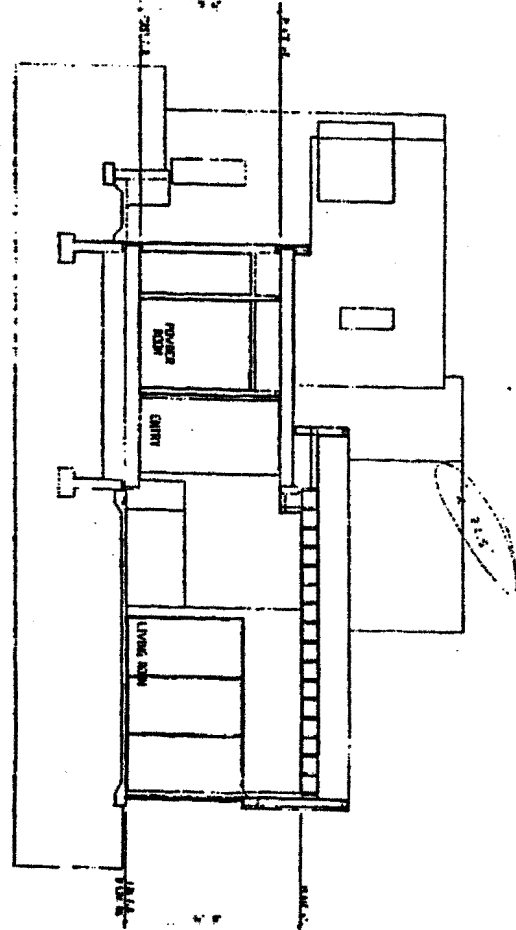
Lenemanfredale
 21343 HILLSIDE DR.
 CONTACT # 310-65-3271
 PLOT PLAN #46715
 AMERICAN 6440-007-019
 Scale 1/4" = 1'-0"
 DWG. NO.
 A3.1



SECTION A
1/4" = 1' - 0"



SECTION C
1/4" = 1' - 0"

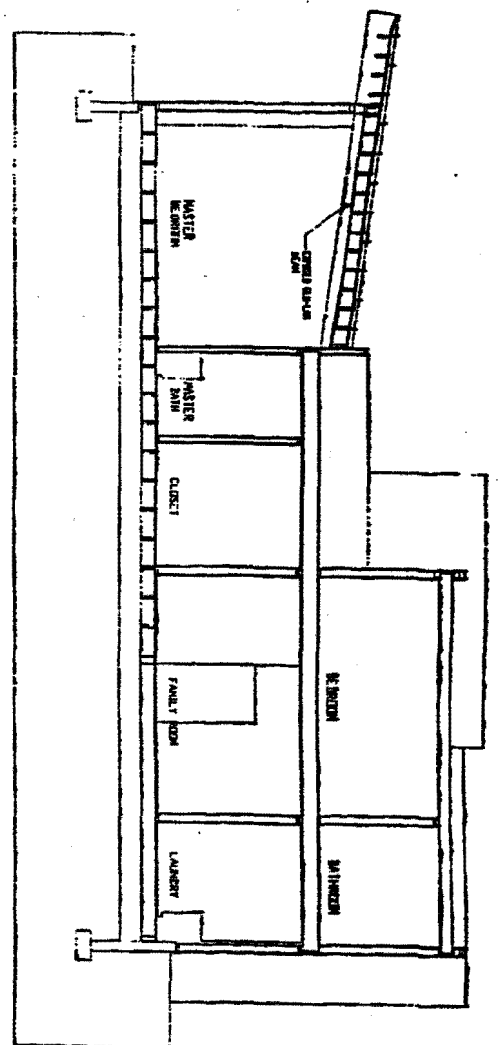


SECTION B
1/4" = 1' - 0"

EXHIBIT NO.	8
APPLICATION NO.	4-01-037
Sections	

RESIDENCE
HILLSIDE, DR.

Lenneman/Brucke
 2133 HILLSIDE DR.
 FLOTT PLAN # 66715
 Scale 1/4" = 1' - 0"
 DATE
 1/10/66
 A4.0



SECTION D

EXHIBIT NO.	9
APPLICATION NO.	4-01-037
Section	

RESIDENCE
HILLSIDE DR.

Letteman/Fredale
1000 Wilbur Dr., Torrance, CA 90501
Contact # 310-655-1271
21343 HILLSIDE DR.
PLOT PLAN #46715
Permit # 440-007-019
Scale 1/4" = 1'-0"

MAC 10
A4.1

[illegible][illegible]

1. Explain the difference between the following terms:
 - a. **Primary market** - the market for new securities
 - b. **Secondary market** - the market for securities that have already been issued
 - c. **Over-the-counter market** - a market for securities that are not listed on a stock exchange
 - d. **Exchange market** - a market for securities that are listed on a stock exchange
2. Explain the difference between the following terms:
 - a. **Primary market** - the market for new securities
 - b. **Secondary market** - the market for securities that have already been issued
 - c. **Over-the-counter market** - a market for securities that are not listed on a stock exchange
 - d. **Exchange market** - a market for securities that are listed on a stock exchange
3. Explain the difference between the following terms:
 - a. **Primary market** - the market for new securities
 - b. **Secondary market** - the market for securities that have already been issued
 - c. **Over-the-counter market** - a market for securities that are not listed on a stock exchange
 - d. **Exchange market** - a market for securities that are listed on a stock exchange
4. Explain the difference between the following terms:
 - a. **Primary market** - the market for new securities
 - b. **Secondary market** - the market for securities that have already been issued
 - c. **Over-the-counter market** - a market for securities that are not listed on a stock exchange
 - d. **Exchange market** - a market for securities that are listed on a stock exchange
5. Explain the difference between the following terms:
 - a. **Primary market** - the market for new securities
 - b. **Secondary market** - the market for securities that have already been issued
 - c. **Over-the-counter market** - a market for securities that are not listed on a stock exchange
 - d. **Exchange market** - a market for securities that are listed on a stock exchange

[illegible][illegible][illegible]

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	23
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AS APPOINTED DIRECTOR OF ITSMO ON THE
OF A FORMER EMPLOYEE AT THE CONSTRUCTION
INDUSTRY OF A OF EASTERN AND THE
FEDERAL P.L. USED FOR CONTROL.

INTEGRATED COMMERCIAL CONTRACTORS, INC.
21348 HILLSIDE DRIVE
TOPANCA, CA 90290
(310) 455-3271

STEVE OPDAIL, SUPERVISING
200 DRYDEN STREET
THOUSAND OAKS, CA 91320
(805) 495-6435

**SUBSURFACE DESIGN, INC.
12872 FOOTHILL BOULEVARD
SYLMAR, CALIFORNIA 91342
(818) 296-1585**

1. CONTACT THE BEST PERSONNEL FOR LOCAL PLAN INFORMATION (ASKING ONLY IF AVAILABLE).
2. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
3. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
4. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
5. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
6. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
7. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
8. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
9. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).
10. CONTACT THE BEST PERSONNEL FOR THE BEST PERSONNEL INFORMATION (ASKING ONLY IF AVAILABLE).

1. Study estimated 1 percent for adults.
2. Overall, about 1.5 percent of children, compared to 1 percent for teenagers, and 1 percent for young adults.
3. Higher rates for females than for males.
4. Higher rates for those with a history of mental illness.
5. Higher rates for those with a history of substance abuse.
6. Higher rates for those with a history of trauma.
7. Higher rates for those with a history of violence.
8. Higher rates for those with a history of self-harm.
9. Higher rates for those with a history of suicidal thoughts.
10. Higher rates for those with a history of suicidal behavior.

[illegible][illegible][illegible]

PROPOSED FINISHED DATE: DECEMBER 15, 2000
TOTAL DISTURBED AREA = .055 ACRES

FOR
21343 HILLSIDE DRIVE
TOPANGA, COUNTY OF LOS ANGELES, CA

95

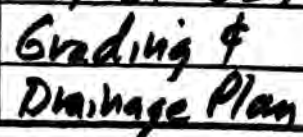
EXHIBIT NO. 10
APPLICATION NO. 4-01-037
Grading &
Drainage Plan

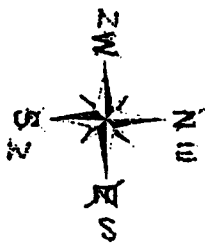
MR. & MRS. BARRY LENE

LUKAS QUACH & ASSOCIATES
CONSULTING STRUCTURAL AND CIVIL
ENGINEERS
7308 BECKFORD AVE,
RESEDA, CA 91374
(818) 877-7300

GRADING AND DRAINAGE PLAN NOTES

61





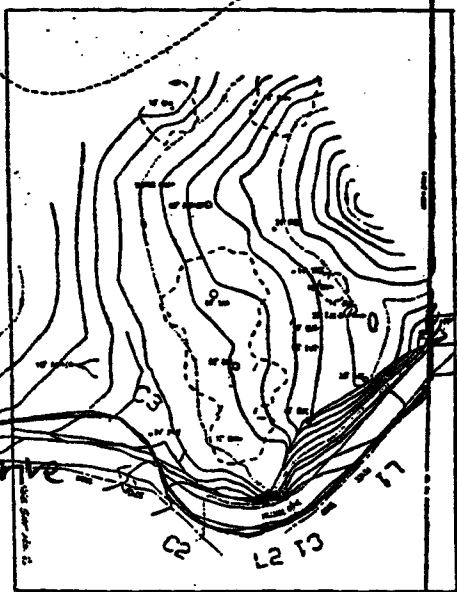
PREPARED FOR:
 MICHAEL GOODMAN, CONSULTANT, INC.
 10000 WILSON AVENUE
 SUITE 100
 BELL, CALIFORNIA 91011

THIS PLAN IS A PRELIMINARY DESIGN, AND THE CLIENT'S RESPONSIBILITY IS TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT'S RESPONSIBILITY IS TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

with Deer Road

Hillside Drive

UNABLE TO GET SHOTS IN THIS AREA
 DUE TO EXCESSIVE STEEPNESS AND RAIN



SYMBOL	DESCRIPTION
[Symbol]	Proposed Road
[Symbol]	Proposed Drainage
[Symbol]	Proposed Grading
[Symbol]	Proposed Erosion Control
[Symbol]	Proposed Fencing
[Symbol]	Proposed Utilities
[Symbol]	Proposed Structures
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Other

LEGAL DESCRIPTION
 THE PROPERTY DESCRIBED IN THIS PLAN IS THE SAME AS THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED TO THIS PLAN. THE PROPERTY DESCRIBED IN THIS PLAN IS THE SAME AS THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED TO THIS PLAN.



LEGEND
 [Symbol] Proposed Road
 [Symbol] Proposed Drainage
 [Symbol] Proposed Grading
 [Symbol] Proposed Erosion Control
 [Symbol] Proposed Fencing
 [Symbol] Proposed Utilities
 [Symbol] Proposed Structures
 [Symbol] Proposed Landscaping
 [Symbol] Proposed Other

EXHIBIT NO. 12
APPLICATION NO. 4-01-037
Grade Plan
Entire Parcel

GRADING & DRAINAGE PLAN
 FOR
 21343 HILLSIDE DRIVE
 TOPANGA, COUNTY OF LOS ANGELES, CA

GP #	G 3
------	-----

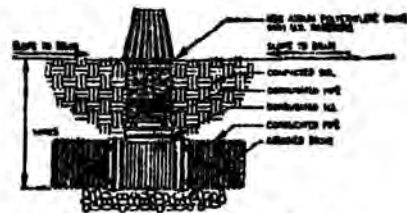
GRADING AND DRAINAGE PLAN

LUKAS QUACH & ASSOCIATES
 CONSULTING STRUCTURAL AND CIVIL ENGINEERS
 7400 BEACONFORD AVE.
 REDWOOD, CA 94064

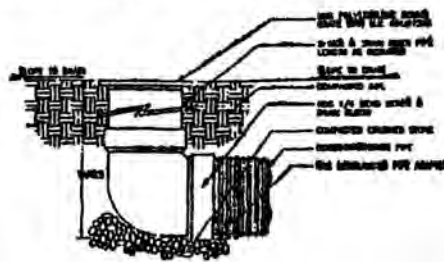
MR. & MRS. BARRY LENEMAN

21343 HILLSIDE DRIVE
 TOPANGA, CA 91066

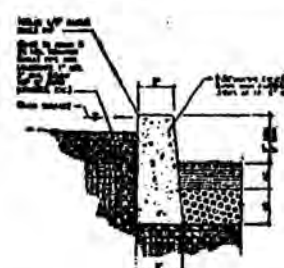
EXHIBIT



NDS ATRIUM GRATE WITH CORRUGATED TEE
NOT TO SCALE



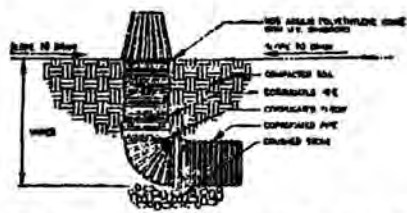
NDS ROUND GRATE WITH SEWER & DRAIN ELBOW
NOT TO SCALE



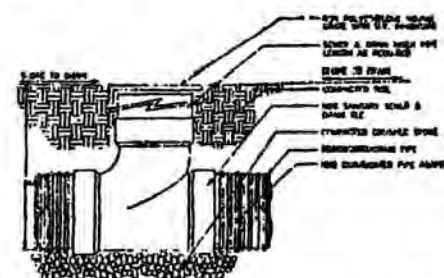
CONCRETE CURB DETAIL
NOT TO SCALE



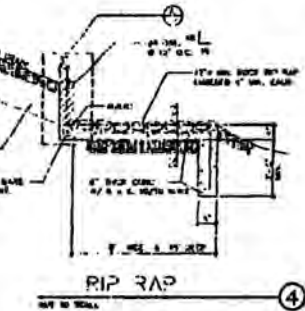
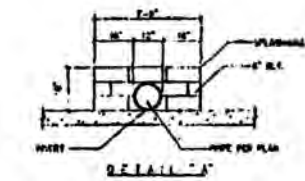
TYPICAL DRIVEWAY
NOT TO SCALE



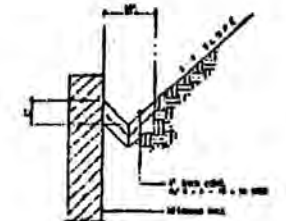
NDS ATRIUM GRATE WITH CORRUGATED ELBOW
NOT TO SCALE



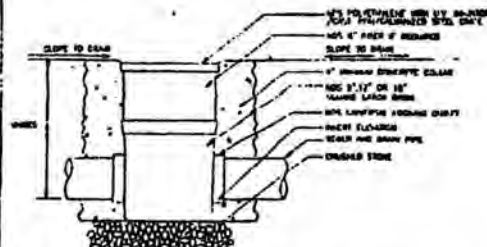
NDS ROUND GRATE WITH SANITARY SEWER & DRAIN TEE
NOT TO SCALE



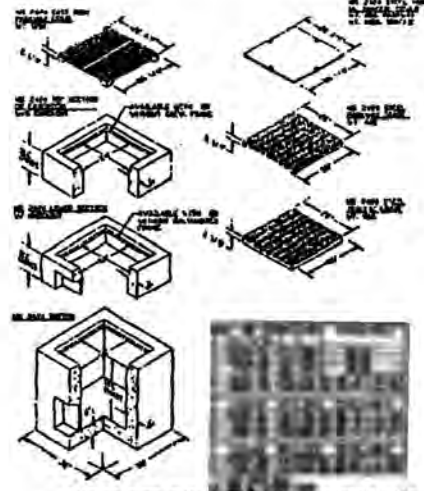
PIPE RAB
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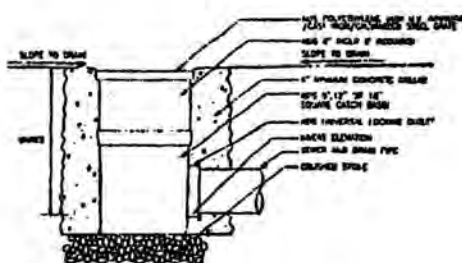
WALL DRAIN
NOT TO SCALE



NDS SQUARE GRATE WITH NDS CATCH BASIN W/TEE
NOT TO SCALE



24 X 24 CATCH BASIN
NOT TO SCALE



NDS SQUARE GRATE WITH NDS CATCH BASIN
NOT TO SCALE

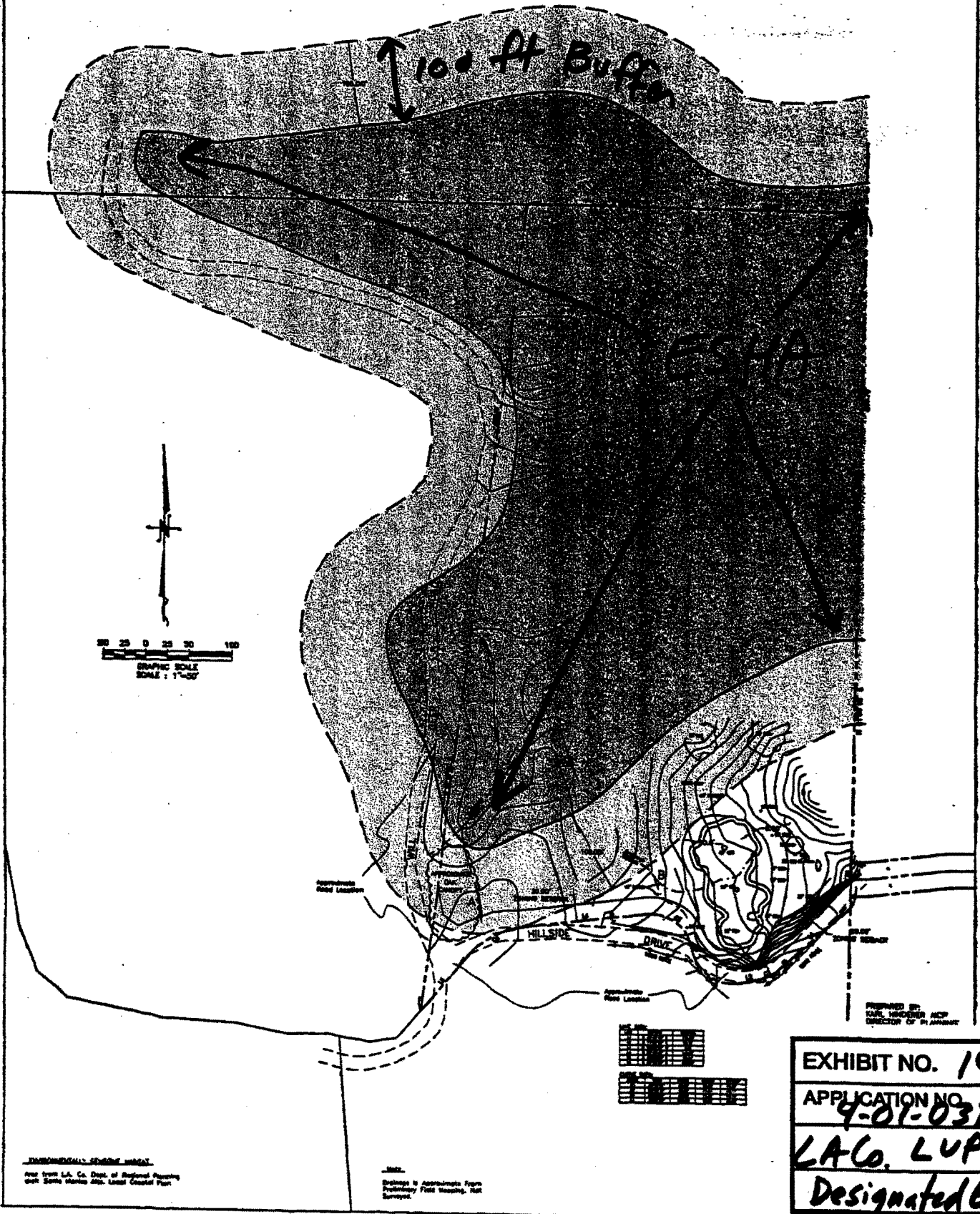
EXHIBIT NO. 13
APPLICATION NO. 4-89-831
Grading Plan
Details

GRADING & DRAINAGE PLAN
FOR
21343 HILLSIDE DRIVE
TOPANGA, COUNTY OF LOS ANGELES, CA

GP #
G 4

REVISIONS
MR. & MRS. BARRY LEHMAN
21343 HILLSIDE DRIVE
TOPANGA, CA 90274
LUKAS QUACH AND ASSOCIATES
CONSULTING STRUCTURAL AND CIVIL
ENGINEERS
7430 RECORD DRIVE
HEALD, CA 94024
GRADING AND DRAINAGE
PLAN
NOTES
G 4

ESHA EXHIBIT
21343 HILLSIDE DRIVE, TOPANGA
COASTAL DEVELOPMENT PERMIT 4-01-037

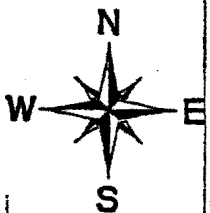
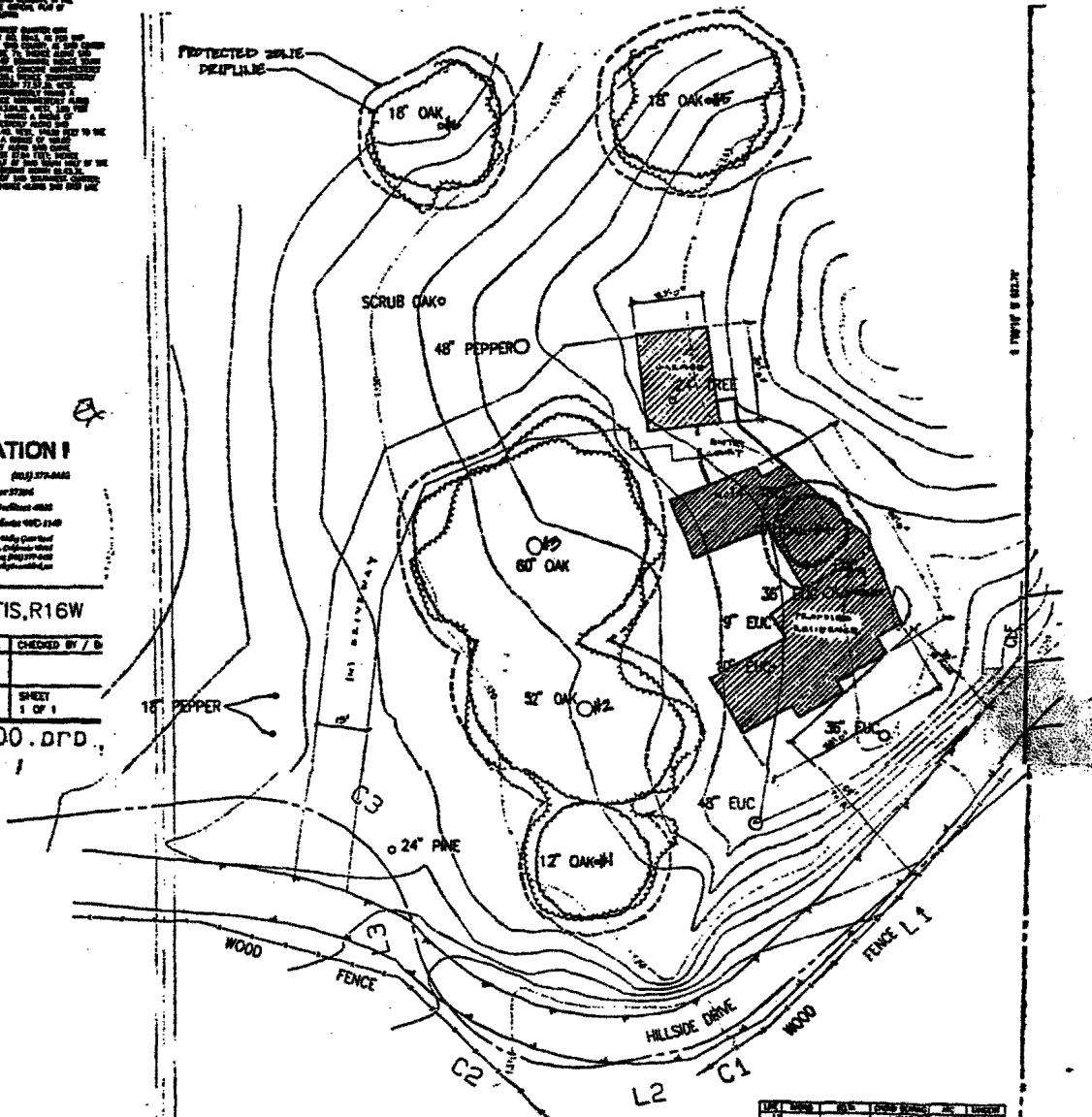


[illegible]

200 Valley View Road
200 Valley View Road
P.O. Box 277-020
Springfield, MA 01102

REVISIONS	DATE	DRAWN BY // DATE	CHECKED BY // DATE
		SD 2-10-2000	
		JOB #	SHEET
		LENTOO	1 OF 1

Dr. Vonnartsch\eneman\en100.ppt



SCALE

45
20

CAN	CABLE TV
C.B.	CATCH BASIN
CDS	CEDDER
C.F.	FURROW FLOOR
C.F.	FURROW GRADE
C.M.	FIRE HYDRANT
C.P.	FLOW LINE
C.P.	FURROW SURFACE
C.P.	HIGH POINT
C.N.	WATER
C.P.	POWER POLE
C.B.N.	STORM BASIN
C.B.N.	STORMY SEASON
C.B.N.	TOP CURB
C.B.N.	TELEPHONE
C.B.N.	TOP GRADE
C.B.N.	TOP HILL
C.B.N.	WATER METER
C.B.N.	WATER VALVE
C.B.N.	SPOT ELEVATION
C.B.N.	BOUNDARY LINE
C.B.N.	CORNER LINE
C.B.N.	FLOW LINE
C.B.N.	PETROLEUM WALL
C.B.N.	SPK. WALL

INTEGRATED COMMERCIAL CONTRACTORS, INC.

AN ASSUMED ELEVATION OF 1320.85 ON THE TOP OF A FOUND MONUMENT USED FOR CONTROL WAS USED FOR THIS TOPOGRAPHY

LINE	DATE	TIME	DESCRIPTION	AMOUNT	BALANCE
1	1/1/80	12:00	INITIAL DEPOSIT	100.00	100.00
2	1/15/80	12:00	PAYROLL	15.00	85.00
3	1/30/80	12:00	PAYROLL	15.00	70.00
4	2/15/80	12:00	PAYROLL	15.00	55.00
5	2/28/80	12:00	PAYROLL	15.00	40.00
6	3/15/80	12:00	PAYROLL	15.00	25.00
7	3/31/80	12:00	PAYROLL	15.00	10.00
8	4/15/80	12:00	PAYROLL	15.00	(5.00)
9	4/30/80	12:00	PAYROLL	15.00	(20.00)
10	5/15/80	12:00	PAYROLL	15.00	(35.00)
11	5/31/80	12:00	PAYROLL	15.00	(50.00)
12	6/15/80	12:00	PAYROLL	15.00	(65.00)
13	6/30/80	12:00	PAYROLL	15.00	(80.00)
14	7/15/80	12:00	PAYROLL	15.00	(95.00)
15	7/31/80	12:00	PAYROLL	15.00	(110.00)
16	8/15/80	12:00	PAYROLL	15.00	(125.00)
17	8/31/80	12:00	PAYROLL	15.00	(140.00)
18	9/15/80	12:00	PAYROLL	15.00	(155.00)
19	9/30/80	12:00	PAYROLL	15.00	(170.00)
20	10/15/80	12:00	PAYROLL	15.00	(185.00)
21	10/31/80	12:00	PAYROLL	15.00	(200.00)
22	11/15/80	12:00	PAYROLL	15.00	(215.00)
23	11/30/80	12:00	PAYROLL	15.00	(230.00)
24	12/15/80	12:00	PAYROLL	15.00	(245.00)
25	12/31/80	12:00	PAYROLL	15.00	(260.00)

EXHIBIT NO. 15

APPLICATION NO.

4-01-037

Oak Tree Locat.
Oak Tree Report

ENVIRONMENTAL REVIEW BOARD

Case No. Plot Plan 46715
 Location North of 21348 Hillview Drive, Topanga
 Applicant Barry Leneman & Kirsty Iredale
 Request Single family residence with garage and septic system
 Resource Category Topanga Canyon tributary ESHA

ERB Meeting Date: May 15, 2000

ERB Evaluation: ☐ Consistent ☒ Consistent after Modifications ☐ Inconsistent

- Recommendations:
- Relocate the house to west side of oak trees to avoid impacts.
 - Remove pepper trees, pines, and eucalyptus; replace with coast live oak trees.
 - Remove all non-native species from under oak trees; do NOT remove scarlet buglar (*Penstemon centranthifolius*) from property.
 - Use California Native Plant Society (CNPS) list for landscape plants.
 - Night lighting to be directed downward, of low intensity, at low height and shielded; security lighting should be on motion detector; no driveway lights.
 - Locate septic system to the west side of driveway at least 50 feet from oak driplines.
 - There should be no irrigation under oak trees nor between the house and the oaks (except immediately adjacent to house).
 - Use earth tone colors of local area for house exterior.

Staff Recommendation: ☐ Consistent ☒ Consistent after Modifications ☐ Inconsistent

Suggested Modifications: - Need an Oak Tree Permit from DRP; add protective fencing (i.e., chainlink) around oaks during construction.

EXHIBIT NO. 16
APPLICATION NO. 4-01-037
ERB Minutes
May 15, 2000

ERB PP 46715

- Plot plan approved as shown for two story new single family residence. New home shall not exceed a height of thirty five feet.
- Oak Tree Permit No. 00-178 has been approved for the removal of one oak tree. Oak tree number four is to be removed. Protective fencing shall be placed around all oak trees during construction.
- No new grading or placement of water lines is permitted within five feet of the dripline of any oak tree numbered on this plot plan. New turnaround and water tank approved by Fire Department must remain clear of five foot protective zone around numbered oak trees.
- Remove all non native species from under oak trees, but do not remove scarlet buglar (*Penstemon centranthifolius*) from property.
- Use California Native Plant Society (CNPS) list for landscape plants.
- Locate septic system on west side of driveway at least fifty feet away from the driplines of any oak trees. No irrigation system is to be installed under any oak tree, or between house and oak trees(except immediately adjacent to house).
- The amount of grading proposed is 500 cubic yards of cut, 500 cubic yards of fill, with 2,167 cubic yards of over excavation. No grading which exceeds a cumulative amount of 100,000 cubic yards shall be permitted without approval of a conditional use permit.
- Recommend removal of pepper, pine and eucalyptus trees as indicated on plans. Replace with coast live oak trees.
- Night lighting on property is to be directed downward, of low intensity, at a low height and shielded. Security lighting should be on a motion detector; no driveway lights are permitted.
- Use earth tone colors of local area for house exterior.

RECEIVED

APR 26 2001

DO NOT REMOVE!

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 17
APPLICATION NO. 4-01-037
LACo. Regional
Planning Approval

To: California Coastal Commission -Application

From: Applicant Leneman / Iredale aka: Integrated Commercial Contractors

And owner: Mr. Karl Fink [The Bob Trust] Phone: 310/ 455-327 Fax: 310/ 455-0506

Re: 21343 Hillside Drive aka: 4440-007-019 and Case # 4-01-037

To whom it may concern - Coastal Commission Analyst,

4/25/01

The following is a comment regarding the ERB's opinion that we relocate the house to the west of the Oak trees.

I spoke with Dr. Koutnik, Biologist for Regional Planning, and he informed me that this is a non-enforceable opinion and we are in compliance as the plans are drawn.

It is our opinion that the environmental impact of locating the two story house in the middle of a mostly un-vegetated terrain in close proximity to a natural riverhead and even closer to the mapped ESHA is significantly greater than placing the structure where it has been approved by Regional Planning.

In addition, Rosie Dagit, a well respected Arborist in Topanga Canyon and Author of "Grandmother Oak" was consulted and considered our placement ideal for the lot.

RECEIVED

APR 26 2001

SCOTT A. KRIC

Barry Leneman

Barry

Karl Fink

Karl Fink

EXHIBIT NO. 18
APPLICATION NO. 4-01-037
Applicant Letter
ERB Action



Alternative Site Analysis Study

Coastal Permit No. 4-01-037
21343 Hillside Drive, Topanga

C C & R, Inc.

Karl Hinderer, AICP
Director of Planning

EXHIBIT NO. 19
APPLICATION NO. 4-01-037
Att Site
Analysis

page 1 of 5

RECEIVED

SEP 20 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

At the request of the Coastal Commission Staff, this is an alternative site analysis study for the project parcel at 21343 Hillside Drive in Topanga. Coastal Development Permit Application number 4-01-037 is presently pending before the Coastal Commission Staff at the South Central Coast office in Ventura.

The property is a 9.44-acre parcel on Hillside Drive on Topanga Mesa and was previously developed with a single-family dwelling. Virtually the entire property is in an Environmentally Sensitive Habitat Area (ESHA) in the adopted Santa Monica Mountains Local Coastal Program. We have met with the biologists at the Impact Analysis Section of the L.A. County Department of Regional Planning (DRP) and they have indicated that all development should be prohibited from the ESHA and a 100 ft wide buffer area around the ESHA. This ESHA was established to protect watercourses leading into downstream riparian areas.

Outside of the ESHA buffer there are four large oak trees that must be protected under the County's Oak Tree Ordinance. One is on the western edge of the property and the three others are in the east.

On the attached exhibit, we have scanned the latest County Coastal Plan Map that we obtained from the DRP and that Map is plotted on the exhibit as well as the 100-foot buffer and other constraints. We have included the surveyed oak tree canopies on the eastern portion of the site. The geology and soils engineering investigation is included in a report by Subsurface Designs, Inc. dated September 22, 2000. The tree report and condition analysis was prepared by Kay Greeley, a Civil Engineer, Landscape Architect and Certified Arborist; and Rosi Dagit, a Certified Arborist. We have also reviewed the drainage and area hydrology.

Other issues considered are the County's required setbacks and the requirements of the County Oak Tree Ordinance.

There are three areas that are outside of the ESHA and buffer and away from the mapped trees. The first site, from west to east is a small triangle at the intersection of Hillside Drive and Will Geer Road and is designated site A. The other two sites are on the southeastern edge of the property on each side of the mapped oaks. The western side is site B and the eastern site C.

Site A would be severely restricted by the front and side yard setbacks required in the A-1-1 zone and the existing street locations. The site is also adjacent to a large oak tree and the 5-foot setback from the drip line would render the site unapprovable by Los Angeles County. The approximate location of the tree is shown on the exhibit. Further, the site is entirely located within the drainage channel leading into the ESHA (also on the exhibit) and finally the soil in the drainage course is relatively deep and the remedial removals and recompaction would be much more than the other sites. Therefore, this site has been rejected for multiple reasons. Sites B and C are in the southeast corner of the property and are separated from each other by 3 large oak trees.

Site B is on the downhill, west side of the trees. This site has the only at grade access so in any case the driveway will have to be located here or extensive grading will be required to take direct access to site C. This site, while it may be grossly stable, has bedrock bedding plane attitudes that are inconsistent, the strata are loosely cemented, but they all dip either north or west out of the slope toward the canyon that contains the ESHA, a less than optimum condition. This may

require deeper footings to be safe. Further, this site is unlain by at least a foot and half of loose soil, which would have to be removed before construction of a house.

The soil is too sandy to be able to recompact for foundation bearing and the soils report recommends removal. The soil is deeper at this site because drainage from the area to the east flows between the two-largest trees and across the site before flowing on into the ESHA. This drainage has deepened the soil profiles in this area. Further, any structure in this area would disrupt the natural drainage, as all runoff must be directed away from the foundations. Kay Greeley, the Landscape Architect and Certified Arborist for the site, has indicated that the roots of the oak trees would follow the drainage down hill, so she recommends a minimum 50 foot set back from the trunks on this side. This setback line is also shown on the exhibit.

Site B is also restricted by the County's required 20- foot setback in the A-1-I zone. The property boundary swings to the north through this area and Hillside Drive is within portions of the property. The 20-foot setback is measured from whichever one is further in toward the building site. Due to the 50-foot tree setback on Site B any development would have to be on the slope above the ESHA. It may be possible to get an 800 to 1200 square foot building pad on site B, but it must be at least 20 feet wide by ordinance and must include at least a two car garage. Therefore, to comply with ordinance, this pad must either be located in the ESHA buffer or be built over one or both of the drainage channels.

Site C is elevated slightly above and east of the trees and has a hill behind it. This site is about 15 feet above Hillside Drive, separated by a steep slope, exceeding a 2:1 grade. Direct access from Hillside Drive would be difficult and require extensive grading. This site is underlain by massive bedrock of the Calabasas Formation. There is less than six inches of soil, which must be removed, but it can be used for landscaping. This site is well above the drainage channels and the current drainage is by sheet flow. Since this site is uphill of the trees, there is little chance of any of the roots extending out beyond the dripline. Therefore, Kay Greeley has determined that the County required 5 foot tree setback beyond the dripline is adequate to insure no impacts on the oak trees. Site C contains at least 5000 square feet of buildable area without identified constraints.

Therefore, the constraints analysis clearly indicates that site C has less impacts than Site B and is the preferred building site. Site C is not burdened by the tree impacts, it doesn't encroach into the 100 foot ESHA buffer as does site B, nor does it have drainage and soils concerns.

Further, site C cannot be seen from the ESHA and is well screened, visually from all the surrounding area. The site was previously developed with a single-family dwelling and has already been disturbed.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

89 SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 585 - 1800

EXHIBIT NO. 20
APPLICATION NO. 4-01-037
Ecological Report



page 1 of 4

To: James Johnson

From: Jon Allen, Staff Ecologist/Biologist

Subject: Bob Trust (Coastal Application # 4-01-037) Ecological Report

Date: 5/13/02

1. Documents Reviewed:

- Alternative Site Analysis Study – Coastal Permit No. 4-01-037, 21343 Hillside Drive, Topanga. CC&R, Inc. Karl Hinderer, AICP Director of Planning. Map of Alternative sites.
- Oak Tree Report for Barry Leneman and Kristy Iredale, P.O. Box 273, Topanga, CA 90290 by Kay J. Greeley, ISA Certified Arborist WC-1140 284 Valley Gate Road, Simi Valley, CA 93065 (805) 577-8432.
- Map of Fire Protection Plan for the Site and L.A. County Fuel Modification Zone Requirements.

2. Site Location and Characteristics:

The proposed project is a single-family residence on a 9.44 acre parcel on Hillside Drive on Topanga Mesa. The site overlooks Topanga Canyon and has a direct drainage connection to the Canyon below where steelhead trout (*Oncorhynchus mykiss*) have recently been seen spawning (Mark Capelli, Rosi Dagit and Kevin Driscoll – pers. Comm.). The site is a mix of degraded chaparral and coast live oak (*Quercus agrifolia*), and there are six large oaks (> 8 inch DBH (Diameter at Breast Height (4.5 ft))) on the site that should be preserved and protected from the proposed development as required under the L.A. County Oak Tree Ordinance. While these coast live oaks are of considerable size they can and do reach even more impressive dimensions of 8-12 feet in diameter and commonly exceed 250 years of age¹. The oaks have been described and mapped on the site in the Oak Tree Report prepared by Kay J. Greeley, Certified Arborist and submitted with the permit application. The following Table gives the sizes by DBH of these coast live oaks by number as given in the Oak Tree Report portion of the permit application:

¹ Pavlik, B. M., P. C. Muick, S. G. Johnson and M. Popper. 1991. Oaks of California. Cachuma Press, Inc., P.O. Box 560, Los Olivos, CA. 93441.

Tree Number	1	2	3	4	5	6
Diameter (DBH) (inches)	12	52	60	10	18	18

The tree numbers correspond to those assigned in the Report. Tree numbers 1, 2 and 3 would be directly in front of the proposed residence location, and the proposed driveway would encircle these trees on the opposite side from the residence as an entrance to the detached garage, fire turn-around and house area. So these trees would be completely encircled by the proposed development either by the driveway, the garage or the residence. According to the maps provided in the proposed project the driveway would encroach within the protected zone (under the drip line) of tree number three (the largest), and tree number four would be removed. In addition the proposed residence would be only 10-15 ft from the drip line of the oaks labeled 1, 2 and 3 on the submitted drawings.

3. Proposed Residence Location, Fuel Modification and Impacts to Oaks:

With the residence in the proposed location impacts to the three large oak trees labeled 1, 2 and 3 are inevitable. The combination of increased watering associated with landscaped fuel modification zones and non-native plants in these areas are not the native environment to which oak trees are adapted. The zones "A", "B" and "C" for fuel modification are described in the County of Los Angeles Fire Department (LAFD) Assessment for Fuel Modification Plan #1126 dated April 3, 2001. The zones shown on the Preliminary Fuel Modification Plan map completely surround the three large oaks directly in front of the proposed residence, and have to be adjusted into awkward shapes to avoid the protected zones of the trees. In Zone A irrigation is recommended by LAFD to maintain healthy vegetation with high moisture content. In the next zone, Zone B, irrigation is also recommended to maintain healthy vegetation with high moisture content. Finally in Zone C removal of most native species common to the area such as chamise, red shank, California sagebrush, common buckwheat and sage is recommended. The 200 foot fuel modification radius will require that about three acres or 1/3 of the site will be impacted by fuel modification changes. This increased irrigation near the residence and runoff from the driveway surrounding the trees will add greatly to the moisture content in the root zones of these oaks. Increased moisture around oaks particularly during the summer months that would be dry otherwise may lead to fungal pathogen infection in the root zone by Avocado Root Rot (*Phytophthora cinnamomi*) and Oak Root Fungus (*Armillaria mellea*).

In terms of biological sensitivity the site can be divided into three distinct types of habitat: 1) degraded chaparral, 2) coast live oak habitat and 3) the riparian drainage to Topanga Canyon. As listed, these are of increasing levels of sensitivity with the last two rising to the level of ESHA because of their rare and valuable nature and important role in the ecosystem as well as being easily degraded by development. In particular oaks

provide greater species diversity than chaparral² and also provide shelter for many species of sensitive bats in the area as well as acorn woodpeckers, dusky-footed woodrats, great horned owls, arboreal salamanders and western gray squirrels³. With the exception of the drainage to Topanga Canyon, the chaparral on the site is composed of very sparse vegetation as if it has been previously removed or thinned. This reduced vegetative cover is apparent in the 2001 aerial photo shown in Figure 1. There are several pepper trees and some Eucalyptus on the site, and while there are some isolated chaparral plants, e.g., a single manzanita and a single toyon. It appears that these are old plants and much of the site is bare ground or annual grass. So except for the drainage, the site has very thin chaparral cover, and the reasons for this are unknown, but could be due to a variety of historical events such as clearing or grading in the past. Therefore the few chaparral plants remaining on the site are not of particularly high ecological value and do not in my opinion constitute ESHA.

While the irrigation and fuel modification requirements noted are a concern of the proposed project, an even greater concern is the impact to the largest oaks of grading for the driveway and the fire turnaround area. The grading plans call for 500 cubic yards of cut, 500 cubic yards of fill and 2,167 cubic yards of over excavation. Much of this will be for the driveway and fire turnaround that must be strong enough to support large fire trucks. The area to be excavated, refilled and compacted is on the downhill side of the largest oaks, an area that the arborist, Kay Greeley, has noted in the Alternatives Analysis as requiring a 50-foot setback from the oaks. This is because the root zones of these oaks tend to grow downhill toward drainages, and this was in fact cited as one of the arguments against Alternative Site "B" on the downhill side of the large oaks in the alternatives analysis. This is precisely where the driveway will be located for the proposed residence. This suggests that the proposed project as designed is a serious threat to the largest oak trees on the site even according to the Oak Tree Report in the Application.

As an exhibit we present Figure 1 showing the project site and surrounding area along Hillside Drive and Will Geer Road on Topanga Mesa. As indicated above and shown on the Figure the proposed project would be impacting ESHA and would therefore place the residence, driveway, fire turn-around and garage in a position completely surrounding the large oaks on the site. In this location there is a high risk of degradation to the largest oak trees by the proposed grading for the driveway, detached garage and residence and proposed removal of one of the oak trees. It is therefore staff's conclusion that other potential sites as shown on the Figure are a much less damaging and preferred alternative.

² Cody, M. L. 1977. Birds. Pp. 223-231 in Throver, N.J.W. & D.E. Bradbury eds. Chile-California Mediterranean scrub atlas. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania.

³ Pavlik, B. M., P. C. Muick, S. G. Johnson and M. Popper. 1991. Oaks of California. Cachuma Press, Inc., P.O. Box 560, Los Olivos, CA. 93441.

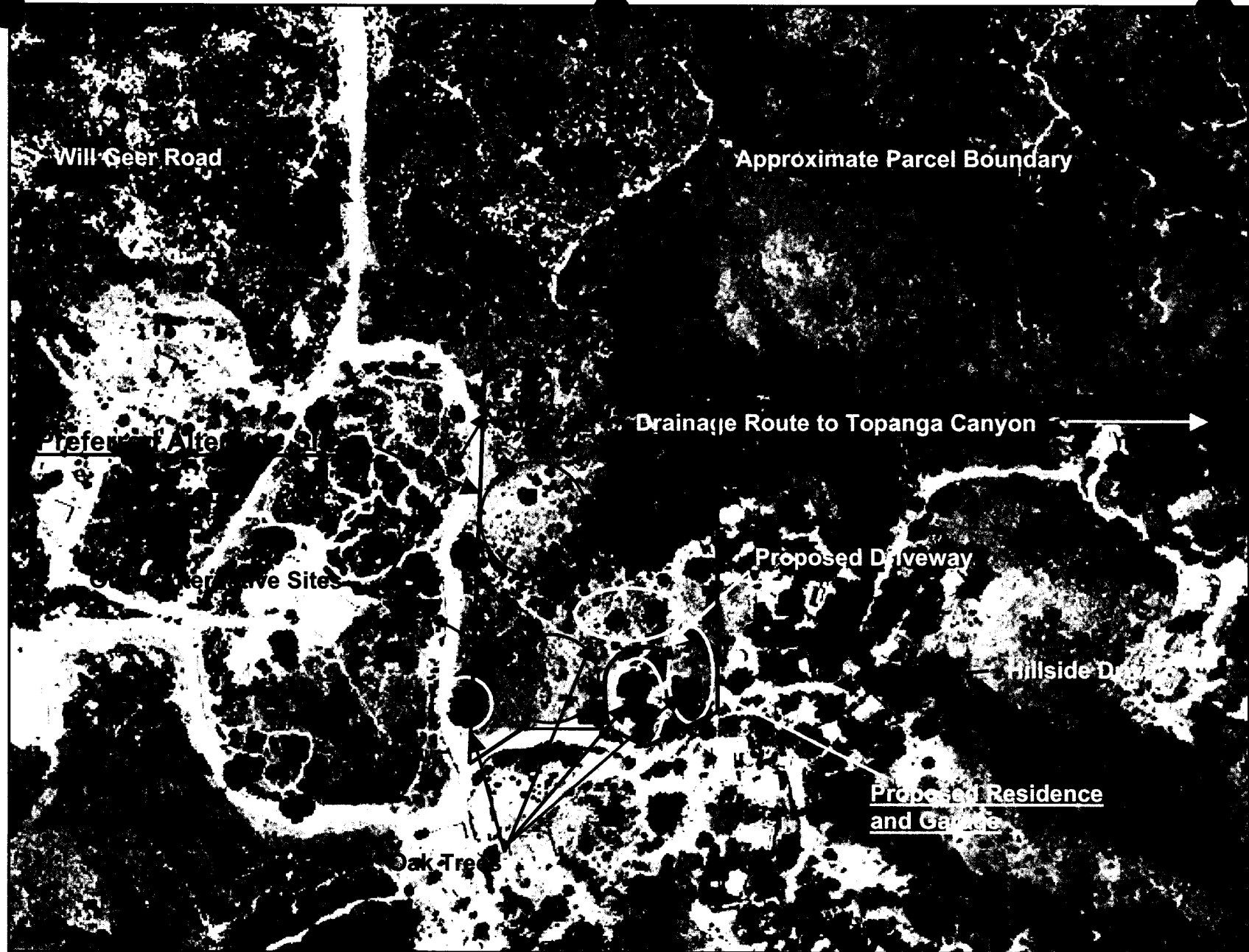


Figure 1. Project site (The Bob Trust) showing large California live oaks and sensitive drainage to Topanga Canyon. Possible Alternative Sites for the residence, driveway and garage on the 9.44-acre site are shown.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
TOPANGA, CA 93001
(805) 585-1800

May 25, 2001

Barry Leneman
21348 Hillside Dr.
Topanga, CA 90290

EXHIBIT NO. 21
APPLICATION NO. 4-01-037
Staff Incomplete
Letter 5/25/01

page 1 of 3

RE: Coastal Permit Application No. 4-01-037, The Bob Trust's Proposed Residence located at 21343 Hillside Drive, Topanga.

Dear Mr. Leneman;

Staff received an application on February 14, 2001 to construct a two story, 3459 sq. ft. single family residence and two car garage, water well, water storage tank, septic system, driveway, and grade 177 cubic yards of cut, with an export of 177 cubic yards of material to an on site location at 21343 Hillside Drive, Topanga. Based on a review of the application, we have determined in a letter dated March 14, 2001 that the application was incomplete for the purpose of filing and scheduling this project for a Commission agenda.

On April 26, 2001, we received a letter, additional information, and a change in the project description from you. As a result of the change in the project description, there are two additional filing requirements as noted below. The April 26, 2001 submittal of information addressed many of the information items we identified in the March 14, 2001, however, the following information is still needed to complete and schedule the application for a Commission meeting.

- 1) The suggested letter of authorization to sign for owner is a consent document for the processing of an application before Los Angeles County. This document is not applicable for processing an application with the California Coastal Commission. In order to process an application before the Coastal Commission you may want to revise the application form to identify the owner(s) as the applicant and yourself as the applicant's representative. We ask that the owner(s), The Bob Trust, Karl Fink, Trustee or Eizic Sato, Trustee sign, the appropriate replacement pages of this application and that you sign the appropriate places as the applicant's representative. As a courtesy, these pages are enclosed and sections marked with an 'X' for the applicant and a 'Y' for the applicant's representative. As an alternative, a letter executed by the applicant(s) that authorizes the representative to act on his/her behalf and to bind the applicant(s) in all matters concerning his/her application may be submitted. In this alternative please revise the first page of the application form accordingly.
- 2) The project description appears to be changed to indicate a substantial increase in grading from 177 cubic yards of cut with the 177 cubic yards of material to be exported to an onsite disposal location to now a total of 3,167 cubic yards, consisting of 500 cubic yards of cut, 175 and 375 cubic yards of

fill, 2,167 cubic yards of overexcavation. Please revise page 3 of the application form accordingly (a copy is enclosed as a courtesy) and clarify the location where the 175 and 375 cubic yards of material will be filled on site.

As a result of the revised project description and the information submitted April 26, 2001 which indicated that the project was recommended for approval by the County Environmental Review Board, but at an alternative site, the following information is now needed.

1. The filing fee for this application is \$ 715 as the project will be a regular calendar item with a \$ 500 fee and the additional grading fee of \$ 215 ~~for 3167~~ cubic yards of grading. We have received a filing fee of \$ 500. Please send a check or money order payable to the California Coastal Commission for an additional \$ 215.00
2. We need a full size and reduced size (two feet by three feet copy and 8 ½ by 11 inch copy) conceptual drawing identifying one or more alternative location and designs for the proposed residence, garage and septic system. One alternative location is on the west side of the lot, west of the oak trees at least 50 feet from the edge of the canopy. There may be other alternative sites on the northern portion of the subject 9.4 acre parcel. To reduce necessary grading you may wish to consider alternative sites with the minimum length of driveway from Hillside Drive or Will Greer Road. These alternative sites should also identify building sites where oak tree removal is not necessary and there is an adequate setback of at least 50 feet from the outer edge of oak tree canopy. The alternative site west of the oak trees appears to meet the intent of the County's Environmental Review Board recommendation to "relocate the house to west side of oak trees to avoid impacts". If you believe these sites are not feasible to relocate your proposed residence, garage and septic system at the same footprint or a smaller redesigned footprint, please explain why. You may wish to review the applicable Malibu/Santa Monica Mountains Land Use Policies which provide guidance to the Commission, such as but not limited to Policies P79, P80, P88, P68, P69, P79, P65, and P67, and review Coastal Act Section 30240 which is the applicable State Law the Commission will apply to review the issues raised by the proposed development and its location.

There is one item that is missing from the original February 14, 2001 submittal that we ask you submit with this application; Los Angeles County Health Department review and approval in concept of the septic system. We also need a map drawn by a licensed surveyor or civil engineer identifying the designated Sensitive Resource Area Overlay Map for the site which will determine how much of the site is designated as a Significant Oak Woodland and Savannah on the County's Sensitive Resource Area Map.

Lastly, your letter received April 26, 2001, states: "We are expecting that the answers you have herein are sufficient to present our case # 4-01-037 to the Commission for approval". In response, Staff's preliminary review indicates that we may not recommend a positive action on this project in its proposed location and design to the Commission, who are the decision makers determining the project's consistency with the California Coastal Act.

Once we receive the above information, file the application as complete and schedule it (in turn with other pending applications) for a Commission meeting, fully analyze the project to determine its consistency with all applicable Coastal Act policies including Section 30240, we will then prepare our written staff recommendation for action by the Commission. May we suggest that you consider revising your project location and design to bring the project into compliance with Coastal Act Section 30240 and other applicable Sections. You may wish to consider revising the project description to relocate the residence, garage and septic system to another location on the 9.44 acre parcel that is setback from the oak tree canopy by at least 50 to 100 feet and does not involve the removal of any oak trees. To do so we would need two sets of revised plans (with reductions), approved in concept by the County's Regional Planning Department and a revised septic system plan approved in concept by the County's Health Department. Revising the proposed project as soon as possible, as suggested, may reduce the application processing time towards a favorable staff recommendation.

We note that depending on what additional information is submitted in response to this letter, we may need more clarification and possibly more information as a result of our review of the information to deem this application submittal complete for the purpose of filing and scheduling this proposed project for Commission action.

We recognize that completing this application is time consuming and sincerely appreciate your cooperation during our review of the information in the application. We ask that the above information be provided by August 27, 2001. If you have questions, please call or leave a message.

Sincerely,



James Johnson
Coastal Program Analyst

Enclosure: Application form pages

401037thebobtrust.residenceincompleteletter52501



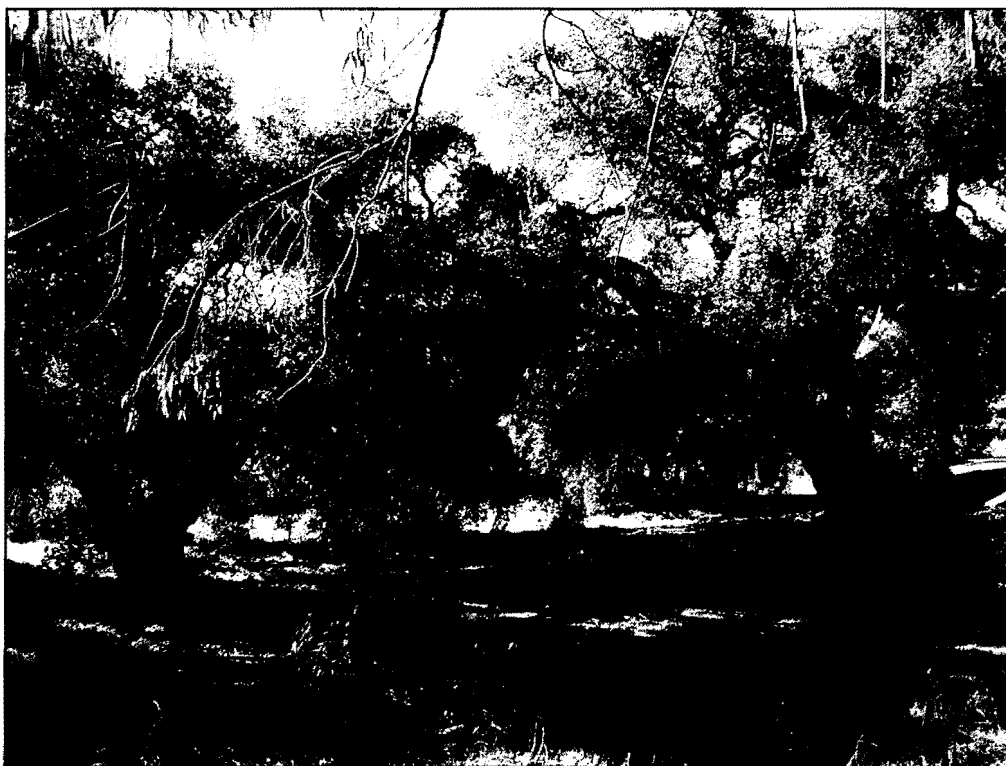


Exhibit 22. Application 4-01-037. View to NW from proposed residence, building site in foreground. Proposed garage to the right beyond photo. Proposed driveway behind the two large oaks. These oaks (left & right) measure 52" and 60" in diameter (DBH).

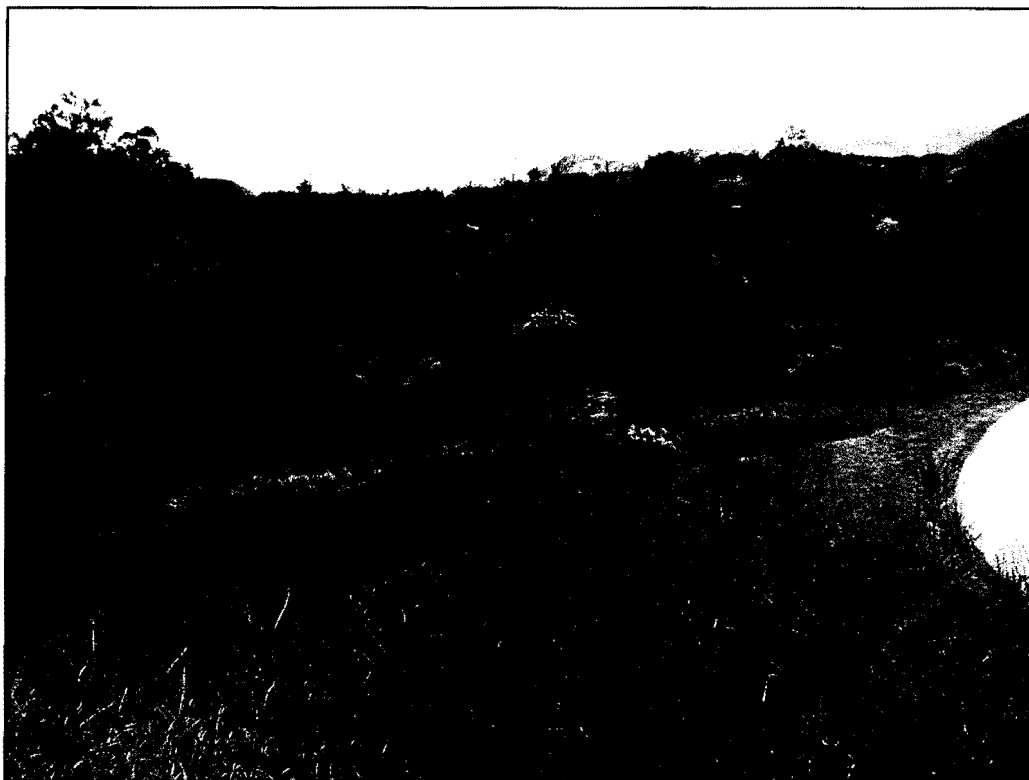


Exhibit 23. Application 4-01-037. View to the South from small hill overlooking preferred alternate building site adjacent to Will Geer Road at right. Photo taken from alternate building site at NW portion of parcel (see Fig. 1).

