

## **ALIFORNIA COASTAL COMMISSION**

1000 CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
SAN ANTONIO, CA 93001  
5) 585-1800



### RECORD PACKET COPY

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Staff: J. Johnson  
Staff Report: 7/23/02  
Hearing Date: 8/6/02

### 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, Karl Hinderer

PROJECT LOCATION: 1250 Will Geer Road, 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, 250 cubic yards of grading, and widen 600 foot length of Will Geer Road to 20 feet.

Lot area: 9.44 acres  
Building coverage: 4,149 sq. ft.  
Pavement coverage: 4,200 sq. ft.  
Unimproved area: 8.9 acres  
Height abv fin grade: 23 ft.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **Approval** of the proposed project, with the recommended conditions as it is consistent with the protection of environmentally sensitive habitat on the site and minimizes the alteration of natural landforms consistent with the Coastal Act. This application was initially scheduled for the June 2002 Commission meeting with a staff recommendation for denial. The applicant requested a continuance to relocate the proposed project to the staff recommended preferred alternative site located beyond the ESHA on this nine-acre parcel. The applicant also requested an additional 90-day review by the Commission pursuant to the Permit Streamlining Act.

The revised application proposes to construct the same residence and detached garage in close proximity to Will Geer Road, with the minimum length driveway to access the proposed garage from Will Geer Road and grade a total of 250 cubic yards of material

Based on the Staff Ecologist's on-site evaluation the proposed project site includes only degraded chaparral vegetation that is not considered to be ESHA in this case. Therefore, the proposed project in the new location, as conditioned, will avoid any significant impacts to ESHA and minimize grading and landform alternation on the subject parcel, consistent with Coastal Act Sections 30240 and 30251.

**IMPORTANT PROCEDURAL NOTE:**

This application was previously scheduled to be heard at the Commission meeting of June 10, 2002 with a staff recommendation for denial. However it was continued by the applicant to consider alternative project sites. The applicant also requested a 90-day extension for Commission review. The additional 90 days provided pursuant to the Permit Streamlining Act for Commission action on the subject application is September 8, 2002. Therefore, the Commission must vote on Coastal Development Permit Application No. 4-01-037 no later than the August 6-9, 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 Modifications, dated April 3, 2001 and revised 6/18/02; Letter dated June 20, 2002 from David Leininger County of Los Angeles Fire Department.

**SUBSTANTIVE FILE DOCUMENTS:** Geologic and Soils Engineering Investigation by Subsurface Designs Inc. dated September 22, 2000 and June 27, 2002; Oak Tree Report by Kay Greeley, dated July 8, 2000; Letter dated June 26, 2002 from Daryl Koutnik, Los Angeles County Department of Regional Planning; Memo dated 5/13/02 from Jon Allen, Staff Ecologist regarding Bob Trust Ecological Report; 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.

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**STAFF RECOMMENDATION:**

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 4-01-037 pursuant to the staff recommendation.*

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

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

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

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

#### **II. Standard Conditions.**

1. **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 applicant shall submit revised landscaping and erosion control plans, prepared and signed by a licensed landscape architect, a qualified resource specialist, or qualified landscape professional for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

**A) Landscape Plans and Erosion Control Plans**

- 1) All graded and disturbed areas as a result of the proposed project on the subject site, except as noted below, shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements of the proposed development while minimizing erosion on-site. In areas proposed for planting, such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils and the building pads where development is proposed;
- 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 residence, garage and driveway may be removed to mineral earth, vegetation within a 200-foot radius of the structures may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term Fuel Modification Plan submitted pursuant to this special condition. The Fuel Modification Plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the twenty 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.

- 5) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the 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 as a result of the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.
- 6) Perimeter fencing of the property is prohibited. Fencing shall be limited to immediate area, within 50 feet of the building pad and a gate at the driveway entrance from Will Geer Road. Any fencing of the subject parcel complying with this special condition shall be identified on the final approved landscape and fuel modification site plan.

**B) Interim Erosion Control Plan**

- 1) The landscape/erosion control plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site to be left undisturbed such as native vegetation shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geo-fabric covers or other appropriate cover, install geo-textiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geo-textiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

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

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

Removal of natural vegetation for the purpose of fuel modification within the 20-foot zone surrounding the proposed structures shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

## **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 storm water 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 storm water from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm

season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

- (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: Geologic and Soils Engineering Investigation, dated June 27, 2002, by Subsurface Designs Inc., shall be incorporated into all final design and construction including: grading and earthwork, retaining walls, foundations, floor slabs, drainage and maintenance, and paving for private driveways and parking areas. 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. 4-01-037. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the

exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the entire parcels. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-01-037, including any fencing, grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 1, shall require an amendment to Permit No. 4-01-037 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 is allowed.

**8. Generic Deed Restriction Condition**

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



9. Revised Septic System Plan Approval by Los Angeles County Environmental Health Department

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 obtained "Approval in Concept" for the revised project plans addressing the proposed septic system approved in this application from the Los Angeles County Environmental Health Department.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and History

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, grade a total of 250 cubic yards (125 cubic yards of cut and 125 cubic yards of fill), and widen 600 foot length of Will Geer Road to 20 feet (Exhibits 1 – 12). A small portion of the proposed driveway is located on the adjoining property as it extends east from Will Geer Road. The applicant has submitted a letter from the applicant dated July 17, 2002 indicating that the applicant also owns this adjoining parcel and will grant an easement on the adjoining parcel to accommodate the driveway and building site.

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. The parcel drains northeast into a blue line stream located in the northeast portion of the parcel along with riparian habitat and then into Topanga Canyon Creek located further to the east. The revised project site is located near the northwest portion of the property about 250 feet from this unnamed blue line stream (Exhibit 12). At the relocated project site, the applicant proposes to construct the residence on a relative flat area while retaining a large manzanita tree specimen as part of the native landscaping (See Exhibit 17, second photo on Page 4 identifying the revised project site). Vegetation on the subject parcel consists of chaparral, riparian vegetation, at least six oak trees including two heritage oak trees, six eucalyptus, three pepper and one pine tree. Due to the 9.4-acre size of the property, there are other trees of various sizes that have not been specifically identified.

**Project History**

The applicant initially requested approval of the proposed project in the immediate vicinity of a number of oak and other trees located at the southeast portion of the

subject 9.4-acre parcel (Exhibit 12). To address impacts on the oak trees, the applicant submitted an Oak Tree Report by Kay Greeley, dated July 8, 2000 indicating that the previous proposed project will impact two oak trees, one would be removed, the other would be encroached upon by the driveway. It important to note that the applicant does not propose to remove or encroach within about 100 feet of any oak tree as the proposed project has been relocated to a site well beyond these and other oak trees on the 9.4-acre parcel.

During the County review of the original project, the County of Los Angeles Environmental Review Board, recommended that the proposed project was "Consistent After Modifications" on May 15, 2000 (Exhibit 13). 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)". As the County decision makers, the County Regional Planning Department approved in concept (Exhibit 14), the initially proposed project location and design thereby not requiring the applicant to relocate the house to the west side of the oak trees as recommended by the ERB.

Commission staff in a letter dated May 25, 2001 to the applicant's agent (Exhibit 15, 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. It also requested that 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. 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.

At the request of staff in a meeting with the applicant's agents on July 27, 2001, the applicant submitted a report titled: Alternative Site Analysis Study by Karl Hinderer, CC&R Inc. dated September 20, 2001 (Exhibit 16). 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 17, the Commission Staff Ecologist did 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 17). 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 17, second photo on page 4),

among three alternative building sites that would each significantly reduce adverse impacts to ESHA.

This application was scheduled for a public hearing at the Commission's June 10, 2002 meeting with a staff recommendation for denial. Prior to the meeting, the applicant requested that the hearing be continued to allow the applicant time to redesign the proposed project at the site identified by the Commission Staff ecologist as the preferred alternative. The applicant also requested that the Commission review be extended under the Permit Streamline Act by an additional ninety days to September 8, 2002. On June 4, 2002, staff met with the applicant's agent to discuss revising the project location to an alternative site and extending the time for Commission action under the Permit Streamlining Act. On June 28, 2002 the applicant submitted additional information to revise the project location and design of the proposed residence, garage and driveway (Exhibit 18). On July 16, 2002, Staff reviewed the submitted information and requested in a letter faxed and mailed to the applicant's agent clarification of the revised project details and plans, including project plan revisions reflecting the new and different site plan, additional copies of the plans including reductions of the plans and a revised submitted ESHA map, and the need for a copy of an easement to construct a portion of the revised driveway which now crosses an adjoining property or a further revision to the plans relocating the driveway to a location entirely within the applicants property, and the specific location of the proposed water well and storage tank on the site plans. On July 17, 2002, Staff contacted the applicant's representative by phone requesting information identified in this letter and requested clarification of additional issues raised by the revised project description including whether or not the oak tree and additional trees are still proposed for removal as noted in the original application, where is the proposed 7,000 sq. ft. of frontage road proposed to be paved located, what is the revised building and paving coverage on the project site. On July 18, 2002, staff met with the applicant's representative to further revise and clarify the revised project. Staff received a letter from the applicant clarifying that he also owned the adjoining property along Will Geer Road and intends to grant an easement to accommodate the driveway to the building site.

**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, grade a total of 250 cubic yards of grading including 125 cubic yards of cut and 125 cubic yards of fill, widen 600 foot length of Will Geer Road to 20 feet. The project is located on a 9.4-acre parcel at the northeast intersection of Hillside Drive and Will Geer Road (Exhibits 1 - 12). The applicant has clarified that the proposed project does not include the removal of any trees as a result of revising the project location.

The subject parcel includes chaparral and some riparian plant species over the majority of the site along the northeast and central east portion of the parcel where two drainages area located, one drainage is a blue line stream. In addition, coast live oaks, eucalyptus, pepper and a pine tree located at the southeast portion of the parcel along Hillside Drive. 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 12). The northwestern portion of the parcel included severely degraded chaparral as identified in the Staff Ecologist's Ecology Report addressing the habitat on the subject parcel, the initial project location and the preferred alternative project location where the revised project is now located (Exhibit 17).

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. Because the applicant has re-located the proposed project to a site with degraded chaparral species and at least one hundred feet from any oak tree, other chaparral and riparian habitat areas, the proposed project will not directly affect any ESHA on the subject parcel.

#### **1. Development in Areas Adjacent to ESHA**

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.

The Commission's Staff Ecologist conducted a site visit on January 4, 2002 determined that the oak trees on this site are part of a larger contiguous oak woodland that extends into the canyon to the northeast of the site. Therefore, his conclusion is the oak trees on-site are part of a contiguous ESHA. In addition, the Staff Ecologist reviewed other areas of the site that include chaparral habitat and determined that portions of the chaparral habitat onsite, including the proposed building site, is degraded and in his opinion cannot be considered ESHA. The Staff Ecologist prepared a memo dated 5/13/02 titled "Bob Trust (Coastal Application # 4-01-037) Ecological Report (Exhibit 17). In this Report, the Staff Ecologist concluded that alternative sites identified in his memo, one of which is the proposed building site, are environmentally preferred building locations (Exhibit 17).

As a result of the Staff Ecologist's review it appeared that the Los Angeles County ESHA maps inaccurately identified the chaparral and riparian habitat on the property and did not identify the oak tree ESHA on the subject parcel. The applicant met with representatives of the Department of Regional Planning to discuss this discrepancy in early June 2002. The County's Senior Biologist in a letter dated June 26, 2002 (Exhibit 19) confirmed that the onsite limits of the riparian habitat intended to be protected with an ESHA designation was a mapping error. The County's draft ESHA map attached to this letter identifies the County's revised ESHA area on the subject parcel. In addition, the County's Senior Biologist states in this letter that the revised site plan locating the proposed house on the west boundary of the subject property along Will Geer Road appears to be a minimum of 100 feet away from the County's proposed ESHA boundary change. Further, the letter states that because the new location is still within 200 feet of the ESHA, review of the site plan by the Environmental Review Board.

The applicant has reviewed the County's draft ESHA map and prepared a larger scale map identifying this draft ESHA designation for staff review (Exhibit 20). A review of this map indicates that a portion of additional oak tree habitat is not included in the County's proposed draft ESHA map. The Commission's Staff Ecologist has reviewed this draft map with the 1986 aerial of this site and other photographs taken as a result of a site visit conducted prior to preparing the Ecological Report dated 5/13/02 (Exhibit 17). As discussed above, the staff ecologist believes the large oak trees clustered on the southern portion of the site are part of a larger contiguous oak woodland that is considered ESHA. Exhibit 21 illustrates the location of designated ESHA including these oak trees to be protected pursuant to Section 30240 of the Coastal Act as determined by the Staff Ecologist.

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. Since the revised project site is located at a distance of at least 100 feet from the designated ESHA on site, a review of Section 30240 (b) relative to the proposed project is necessary.

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. Past Commission action has required 50-100 foot setback from ESHA consisting of riparian and chaparral species and oak woodlands and trees, where feasible to prevent impacts to these sensitive resources and be compatible with continuation of these habitats.

The proposed residential development is located outside and at least 100 feet from the designated and identified ESHA. The project includes a draft land landscape plan which is also a preliminary approved fuel modification plan that surrounds the residence, garage and driveway. To address the need for a final landscape plan, minimize erosion hazards for the disturbed and graded areas proposed for the development, and minimize the alteration of physical features, **Special Condition Number One** is necessary. **Special Condition Number One** will help to ensure that the biological productivity and quality of coastal waters, such as the drainage leading to unnamed blue line stream to the north, Topanga Canyon Creek located to the east of the site and to offshore kelp beds located to the south, are maintained and that the habitat values of the subject site are protected against significant disruption. Therefore, to ensure that no adverse impacts on the site and beyond the subject site will occur from increased runoff, **Special Condition Number One** requires a landscape, erosion control and Final Fuel Modification Plan to landscape all graded and disturbed areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development. The landscape plan and fuel modification plan needs the language of this Special Condition to be added to the final approved plans. In addition, **Special Condition Number Two** requires that the fuel modification plan will not commence within the 20 foot to 200 foot zone surrounding the proposed structures until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structures.

**Special Condition Number One** also requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to out compete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition Number One** also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. **Special Condition Number One** further requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from the date of receipt of the Certificate of Occupancy for the residence.

In addition, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains environmentally sensitive habitat area. Therefore, the Commission limits the nighttime lighting of the property and residence to that necessary for safety as outlined in **Special Condition No. Seven**, which restricts night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the nighttime rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed setback from the sensitive habitat area and natural topography in concert with the lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Furthermore, to ensure the free movement of wildlife through the property and the designated ESHA areas on the site the Commission finds it necessary to prohibit perimeter fencing of the property and limit fencing to the area within 50 feet of the building pad and a gate at the end of the driveway, as described in **Special Condition 1(A)(6)**.

#### a. Water Quality

The Commission recognizes that new development in the Malibu/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 wastewater discharges and controlling runoff, among other means.

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

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 storm water 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 and agricultural activities; 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 sub lethal 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 storm water leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. 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 85<sup>th</sup> 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 Number 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 measures implemented during construction and post construction landscaping and agricultural activities will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Number 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 number 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 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 or may adversely affect the designated ESHA on the subject site. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the drainages leading to Topanga Canyon Creek watershed due to increased erosion and sedimentation. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded development at this site that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. **Special Condition Number Six** is necessary to ensure that any future additions, or vegetation removal, which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

Finally, **Special Condition 8** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, will not significantly impact sensitive environmental resources on the site, and is therefore consistent with Sections 30240 and 30107.5 of the Coastal Act.

### **C. Geology and Fire Hazard**

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Malibu/Santa Monica Mountains 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.

### **Geology**

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site consists of a 9.4-acre parcel, a portion of which is relative flat with two drainages leading to two drainages, one a blue line stream. The relocated building site, consisting of a residence, garage and driveway is located on a relatively flat area on the northwest portion of the property.

The applicant has submitted Geologic and Geotechnical Engineering Investigation by Subsurface Designs, Inc. dated June 27, 2002. The submitted report evaluates the geologic conditions of the site and the suitability of the site for the proposed project.

The consultants have evaluated the geologic stability of the subject site in relation to the proposed development and have determined that the project site is appropriate for the proposed project providing the consultants' recommendations are incorporated into proposed project plans. The Investigation prepared by Subsurface Designs, Inc., states:

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

This Geology Investigation includes several recommendations to be incorporated into the project's construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are incorporated into all proposed development the Commission, as specified in **Special Condition Number Four**, requires the applicant to submit project plans certified by the consulting engineer and engineering geologist as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions One and Four**. **Special Condition Number Three** also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of **Special Condition Number Three**.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Number One**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition Number Two**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by **Special Condition Number Two** avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

#### **Wild Fire**

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

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

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

D. Landform Alteration and Scenic Quality

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides with sandstone formations. The relocated building site, consisting of a residence, garage and driveway is located on a relatively flat area on the northwest portion of the property. The applicant proposes a modest amount of grading to construct the proposed project, a total of 250 cubic yards of grading.

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 and west to 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 development is not visible from any public roadways or scenic areas. In addition, the proposed development is sited on a relatively level area of the site and requires only 250 cubic yards of grading for site preparation. The proposed grading will not result in a substantial alteration of the landforms on the site. Moreover, the proposed two story, 23 foot high 3,459 sq. ft. residence is compatible with residential development in the surrounding area.

To ensure the disturbed and graded areas on are the site landscaped to minimize the visual impacts of the proposed development the applicant is required to submit a final Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site as specified in **Special Condition No. One**. Furthermore, the Plan shall indicate that only those materials designated by

the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wild land fire protection. The vegetation located within 20 feet of the structure and the driveway may be cleared and replaced with native plant species that are less flammable. As required by **Special Condition number six**, any future development proposed for development on this site will require a coastal permit or a coastal permit amendment to allow the Commission to review any future proposed development consistent with the visual resource protection and landform alteration policies of the Coastal Act. In addition, in order to ensure that the rural character during the night time hours is maintained, the Commission finds it necessary to require **Special Condition number seven** requiring the applicant to use night lighting, if any, shall be the minimum necessary for lighting, directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the nighttime rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Finally, **Special Condition number 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.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to the rural character of this area and minimized alteration of natural landforms. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

#### **E. 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 applicant is proposing the installation of a septic tank, and leach field to accommodate the sewage of the proposed development. The applicant has submitted a percolation test indicating that the area where the septic system is proposed can adequately process effluent. However, approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code is necessary. 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. **Special Condition Number Nine** is necessary to confirm that the proposed project will meet the minimum health code standards for septic systems by requiring the applicant to provide a copy of the approval from the County of Los Angeles Department of Health Services. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

**F. 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).

**G. California Environmental Quality Act**

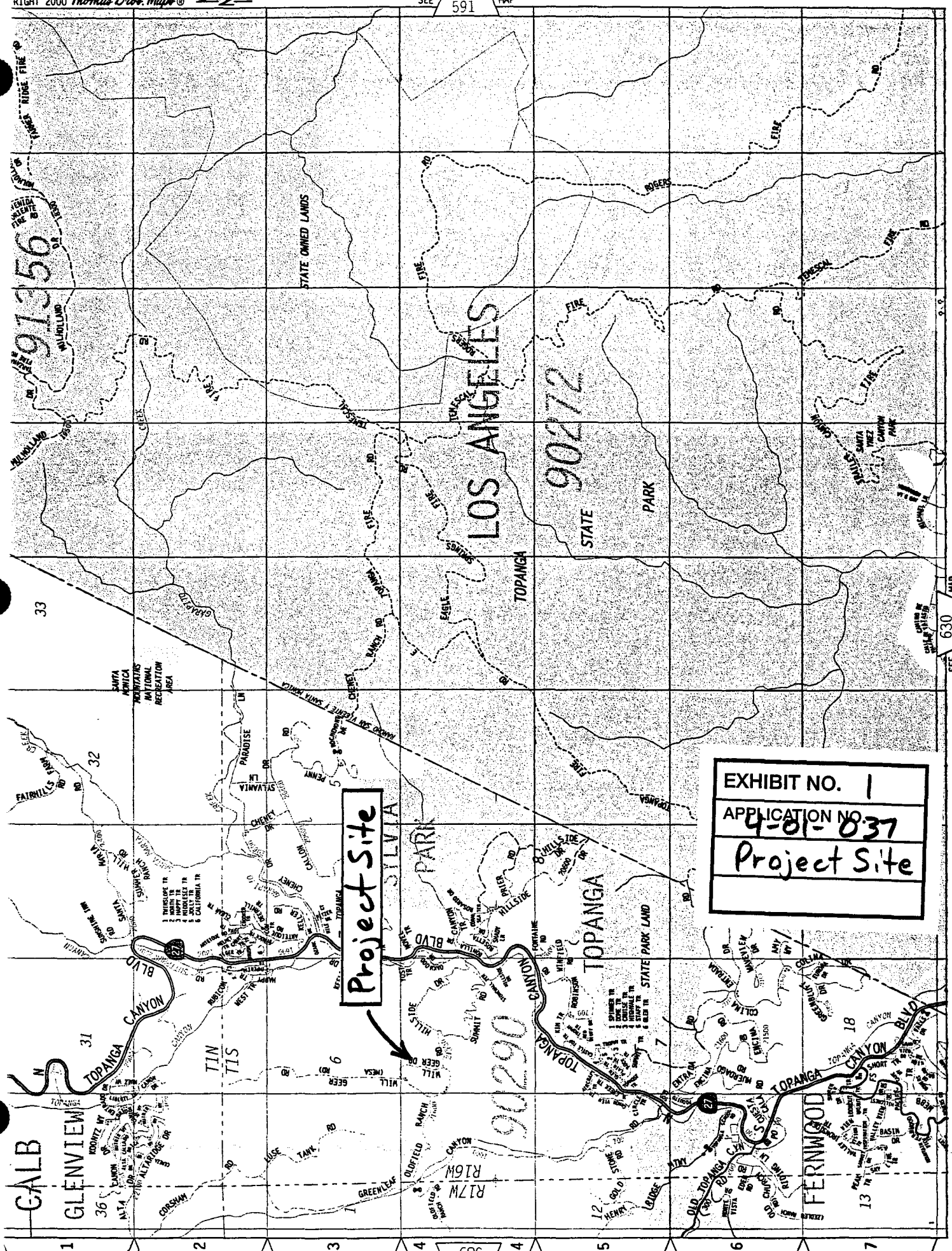
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

recommended preferred location and will obtain Approval in Concept and review under CEQA from the County of Los Angeles as required by **Special Condition Number Ten.**

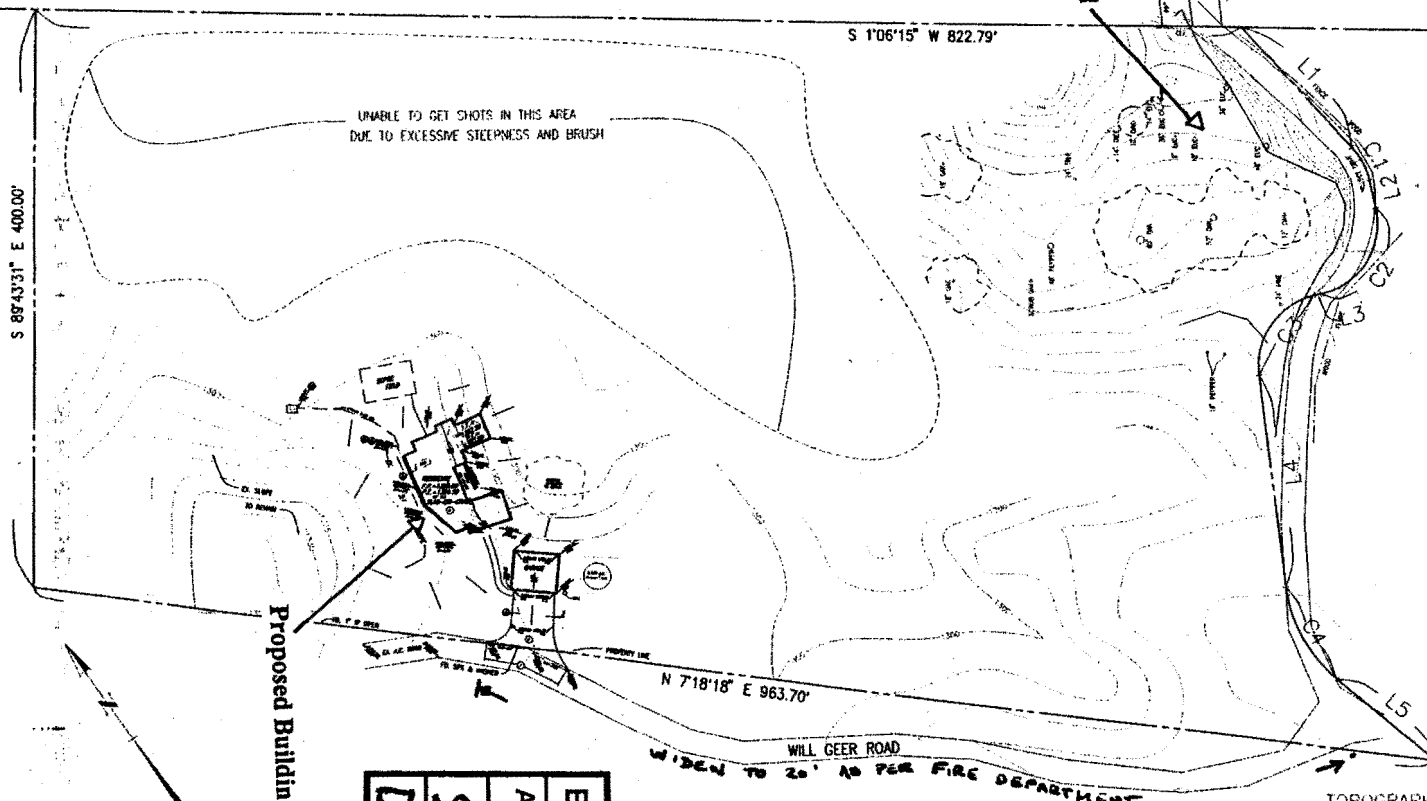
The Commission finds that the proposed project would not result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970 and that there are no further feasible alternatives that would further reduce any significant impacts on ESHA resources. Therefore, the proposed project, as conditioned, is determined to be consistent with CEQA and the policies of the Coastal Act.

401037TheBobTrustreport





**Previously Proposed  
Building Site**



LINE	REPORT	DATE	CHRG	REASON	AGE	STATUS
1			00173	101	173.000	
2	NO STOP	NO STOP	00173	101	26.130	17.000
3			00173	101	26.130	
4	NO STOP	NO STOP	00173	101	26.130	17.000
5			00173	101	26.130	
6	NO STOP	NO STOP	00173	101	26.130	17.000
7			00173	101	26.130	
8	NO STOP	NO STOP	00173	101	26.130	17.000
9			00173	101	26.130	
10	NO STOP	NO STOP	00173	101	26.130	17.000
11			00173	101	26.130	
12	NO STOP	NO STOP	00173	101	26.130	17.000
13			00173	101	26.130	
14	NO STOP	NO STOP	00173	101	26.130	17.000
15			00173	101	26.130	
16	NO STOP	NO STOP	00173	101	26.130	17.000
17			00173	101	26.130	
18	NO STOP	NO STOP	00173	101	26.130	17.000
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20	NO STOP	NO STOP	00173	101	26.130	17.000
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22	NO STOP	NO STOP	00173	101	26.130	17.000
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58	NO STOP	NO STOP	00173	101	26.130	17.000
59			00173	101	26.130	

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 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 12 WEST, SAN BENITO COUNTY, IN THE  
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL MAP OF  
 SAID LAND FILED IN THE DISTRICT LAND OFFICE, DESCRIBED AS FOLLOWS:

[illegible]

CAB	CABLE TV
CAS	CATCH BASIN
CBS	CEILING
F.F.	FRESH FLOOR
F.D.	FRESH GRADE
F.M.	FRESH HYDRANT
F.L.	FLOOR LINE
F.S.	FRESH SURFACE
H.P.	HIGH POINT
HV	HURST
	POWER POLE
SDM1	STORM DRAIN MANHOLE
SDM2	SANITARY SOWER MANHOLE
T.C.	TOP CURB
T.E.	TELEPHONE
T.G.	TOP GRATE
T.H.	TOP HALL
W.M.	WATER METER
W.V.	WATER VALVE
	SPOT ELEVATION
ODD	BOUNDARY LINE
	GEOMETRY LINE
	FLUX
	RETAINING WALL
	STIFF WALL

# GRADING & DRAINAGE PLAN & SITE PLAN

21343 WILL GEER ROAD  
TOPANGA, COUNTY OF LOS ANGELES, CA

GP #

MR. & MRS. BARRY LENEMAN

**LUKAS QUACH & ASSOCIATES  
CONSULTING STRUCTURAL AND CIVIL**

GRADING AND DRAINAGE

6-12-02

DATE: 8-12-02  
DOE: AS SHOWN

DATE

G 3

A BOUNDARY SURVEY. NO PROPERTY CORNERS  
IT OF THIS WORK.

AND IN THE COURSE OF THIS MAPPING ARE SET  
- BEEN USED ONLY AS REFERENCE FOR THE  
NICAL MAPPING, WITHOUT OUR VERIFICATION OF  
TH APPLICABLE LEGAL DESCRIPTIONS AND

WIC FEATURES (FENCES, WALLS, TREES, POWER  
RTY LINES AS SHOWN ON THIS MAP IS SUBJECT  
THAT A BOUNDARY SURVEY MAY BE REQUIRED

BENCH MARK

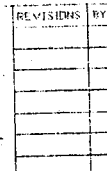
AN ASSUMED ELEVATION OF 1,520.85 ON THE TOP OF A POLYD MONUMENT USED FOR CONTROL WAS USED FOR THIS TOPOGRAPHY.

EXHIBIT NO. 2
APPLICATION NO. 4-81-037
Site, Grading & Drainage Plan

GRAPHIC SCALE  
1" = 40'

## Proposed Building Site

TOPOGRAPHY A PORTION OF SEC 6, T15, R16W



MR & MRS. BARRY LENEMAN

21348 HILLSIDE DRIVE  
TOPANGA, CA 90290

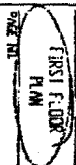
**LUKAS QUACH & ASSOCIATES  
CONSULTING STRUCTURAL AND CIVIL  
ENGINEERS**

# GRADING AND DRAINAGE PLAN

6-12-0

**AS SHOWN**

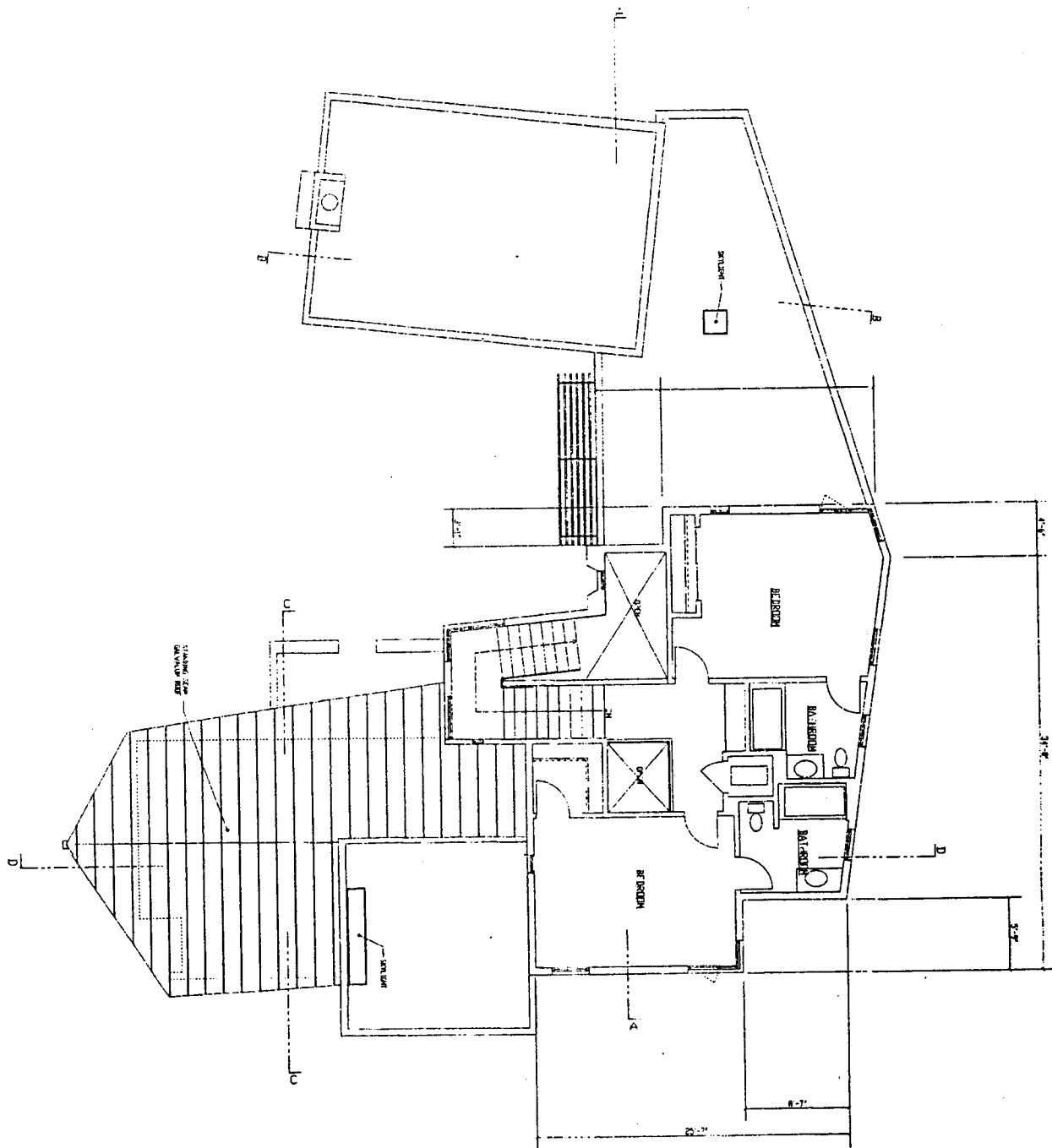
G 2



**Leneman/Iredale**  
2134 Leneman Dr., Longway 52002  
Contact # 310-555-3271  
21343 HILLSIDE DR.  
PLOT PLAN # 46715  
Assessors # 6440407-0195  
Scale 1/8" = 1'-0"  
Date

RESIDENCE  
HILLSIDE DR.

## First Floor Plan

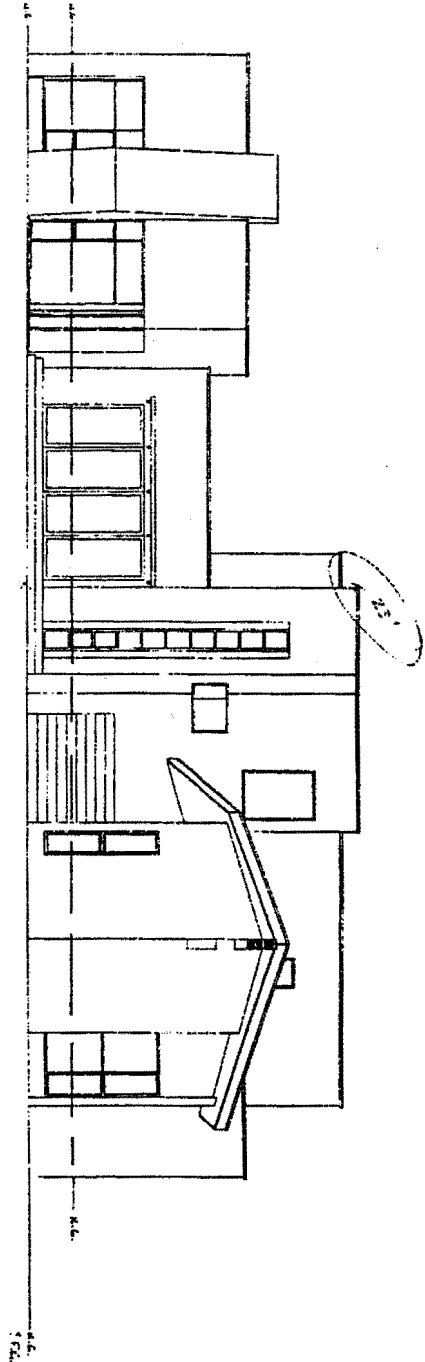


Leneman/fredale  
 21343 HILLSIDE DR.  
 PLOT PLAN #46715  
 ADDRESS #440-07-019  
 Scale 1/4" = 7'-0"  
 DATE: 10/1/78  
 SECOND FLOOR PLAN  
 A2.1

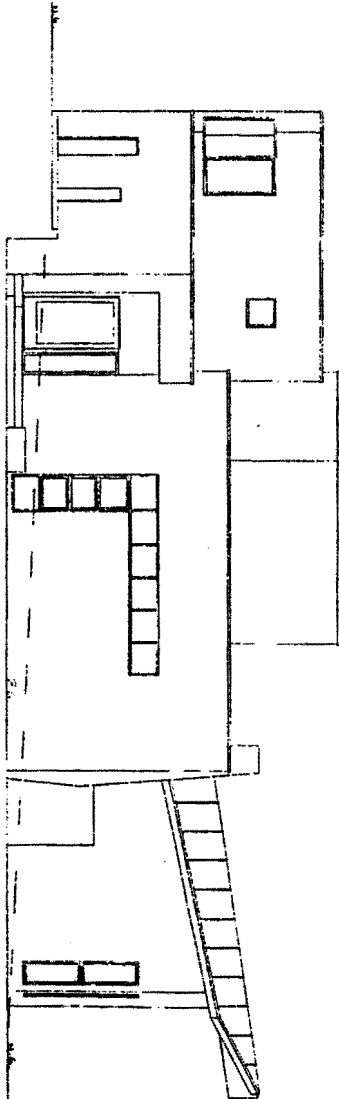
RESIDENCE  
 HILLSIDE DR.

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

WEST ELEVATION



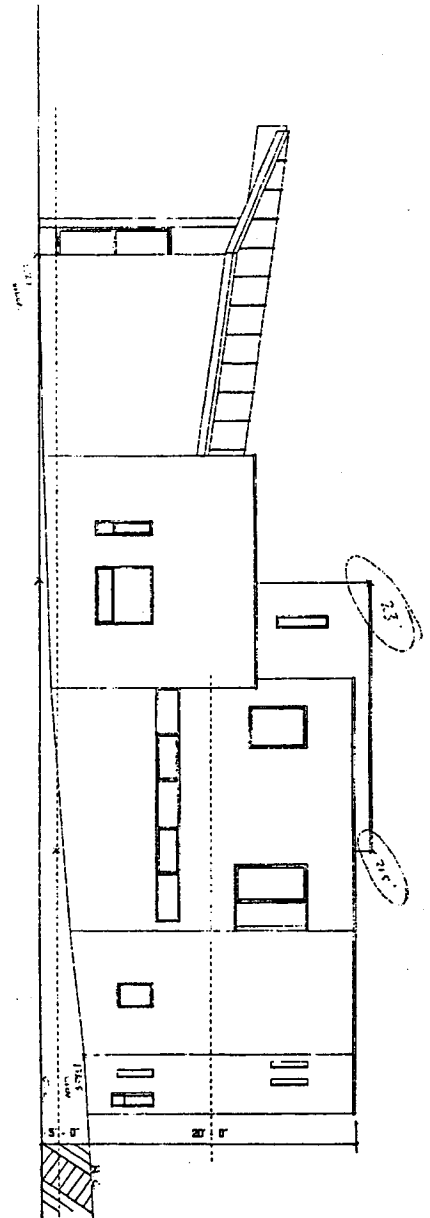
NORTH ELEVATION



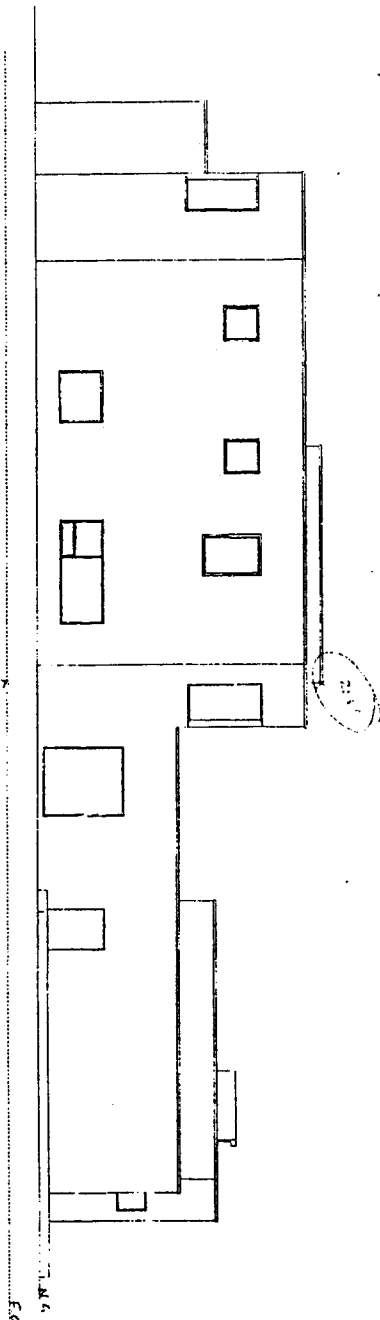
RESIDENCE  
HILLSIDE DR.

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

SOUTH ELEVATION



EAST ELEVATION



RESIDENCE  
HILLSIDE DR.

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

A3.1

FILE NO.

DA E

Scale 1/4" = 1 ft.

Assessors #440-007-019

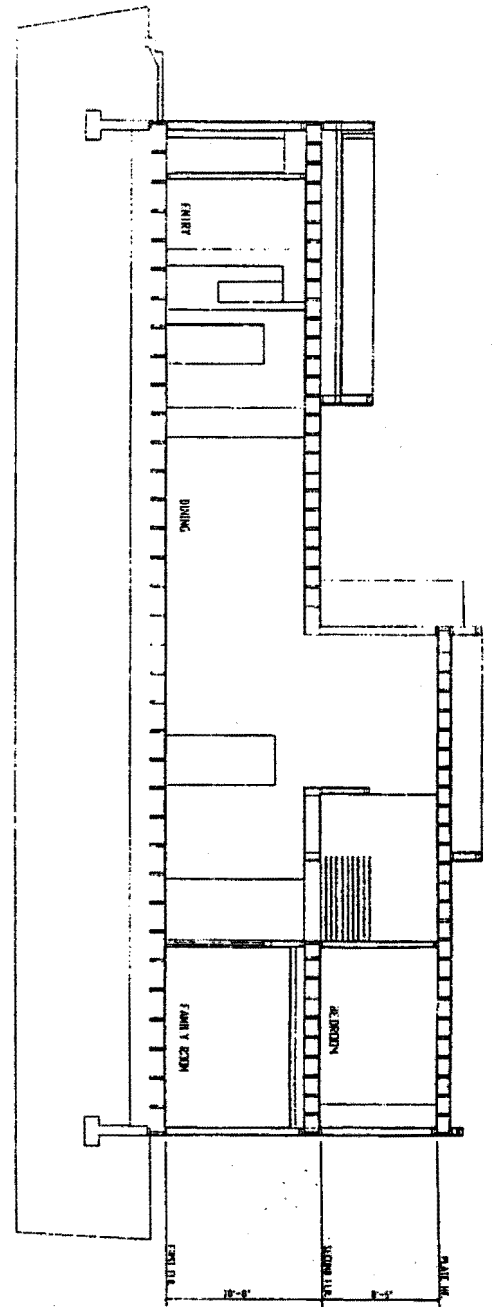
PLOT PLAN #46715

21343 HILLSIDE DR.

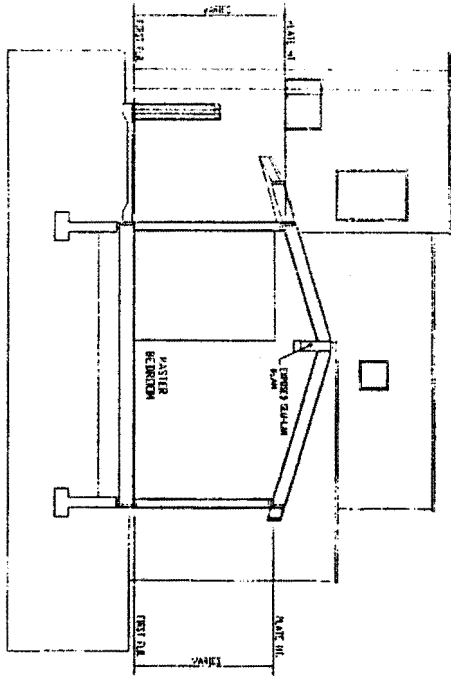
Contract # 310-05-3071

11048 Hillside Dr., Torrance, CA 90503

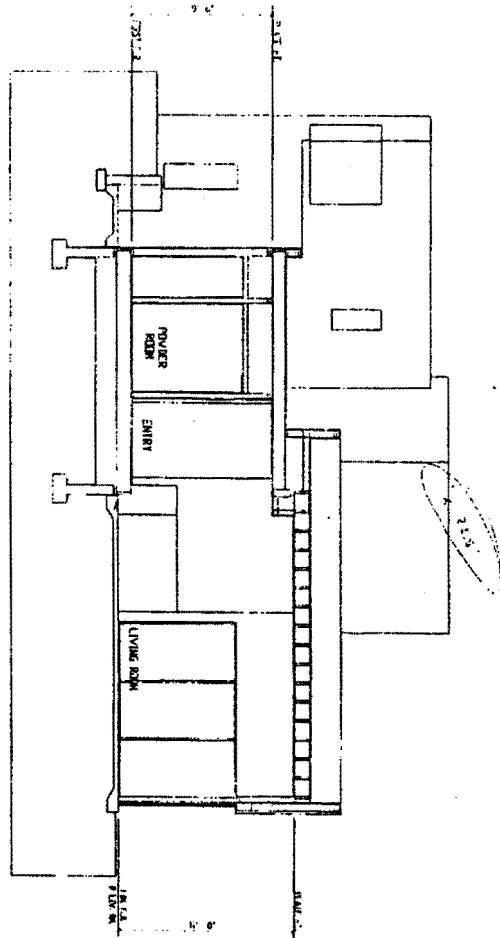
Leneman/Lredale



SECTION A  
1/2" = 1' 0"



SECTION C  
1/2" = 1' 0"



SECTION B  
1/2" = 1' 0"

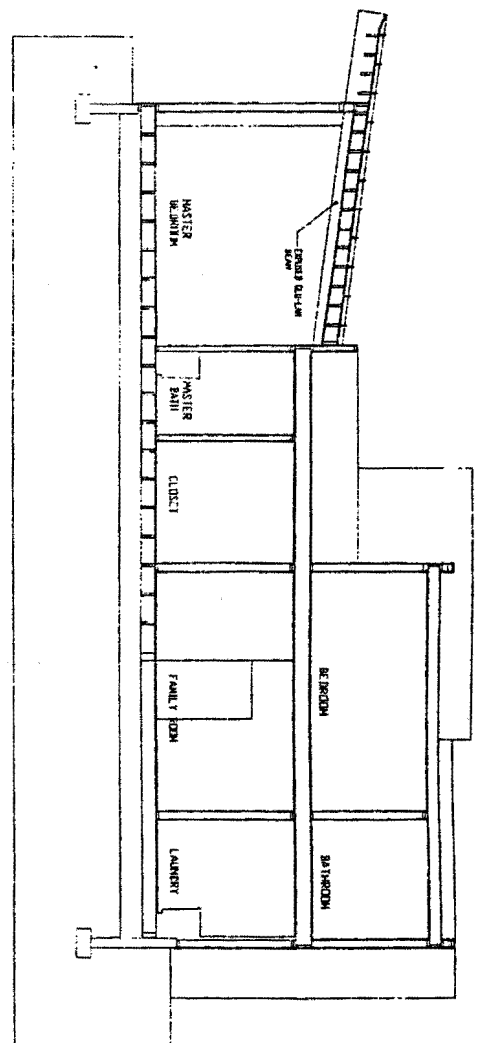
EXHIBIT NO.	8
APPLICATION NO.	4-01-037
Sections	

RESIDENCE  
HILLSIDE, DR.

Leneman/Fredale  
21343 Hillside Dr., Torrance, CA 90503  
Contact # 310-555-3271  
21343 Hillside Dr.  
Plot Plan #46715  
Asymmetric 4444607-019  
Scale 1/8" = 1' 0"

DATE  
PAGE NO.  
A4.0





SECTION D

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

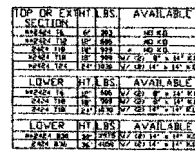
RESIDENCE  
HILLSIDE DR.

Leneman/fredric  
1001 10th St. N. Fargo ND 58103  
Contact: 701-455-3271  
21343 HILLSIDE DR.  
FLOT PLAN #46715  
Assessor's #440807-019  
Scale 1/4" = 1'-0"

PAGE NO.

A4.1





W WITH FRAME ONLY  
R WITH OR WITHOUT FRAME

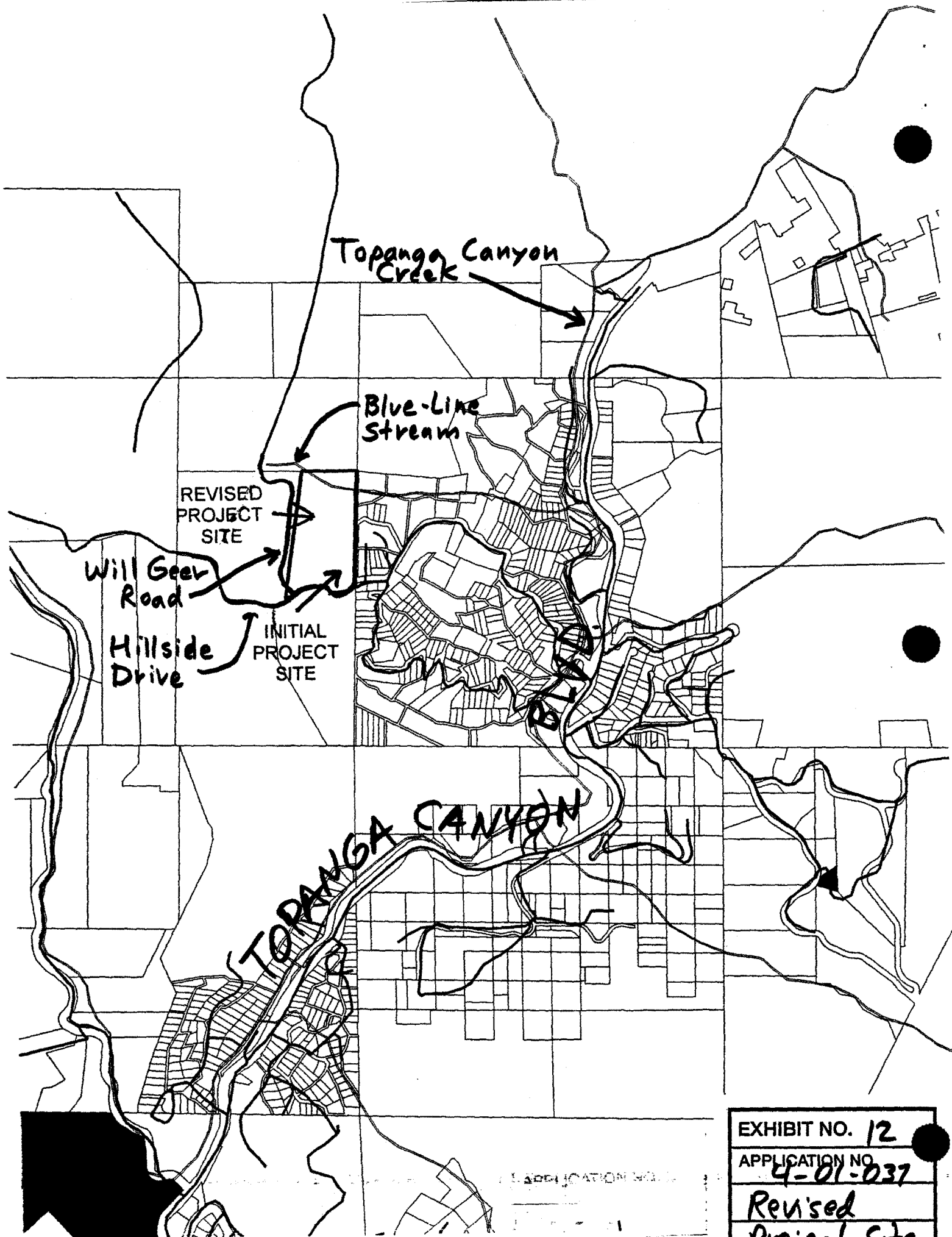


EXHIBIT NO. 12
APPLICATION NO. 4-01-037
Revised Project Site

# 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. 13
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

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

**DO NOT REMOVE!**

EXHIBIT NO. 14
APPLICATION NO. 4-01-037
LACo. Regional
Planning Approval

Amount of grading of 500 cubic yards of cut, 175 and 375 cubic yards of

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
TOPANGA, CA 93001  
5) 585-1800

May 25, 2001

Barry Leneman  
21348 Hillside Dr.  
Topanga, CA 90290

EXHIBIT NO. 15
APPLICATION NO. 4-01-037
Staff Incomplete Application Letter

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.

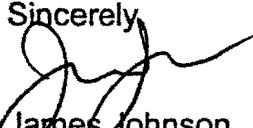


Once we receive the above information, file the application as complete and schedule it (in turn with other pending applications) for a Commission meeting, fully analyze the project to determine its consistency with all applicable Coastal Act policies including Section 30240, we will then prepare our 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



# 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.	16
APPLICATION NO.	4-01-037
Applicant's Alt	
Site Analysis	

page 1 of 5

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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-1-1 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 feet 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  
SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
(714) 585-1800

EXHIBIT NO.	17
APPLICATION NO.	4-01-037
Staff Ecological Report	



To: James Johnson

From: Jon Allen, Staff Ecologist/Biologist

page 1 of 4

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 age<sup>1</sup>. 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:

<sup>1</sup> 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) severely degraded chaparral, 2) coast live oak habitat, and 3) the riparian drainage to Topanga Canyon. Both coast live oak and riparian habitat on this property are 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 support high wildlife species diversity 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 squirrels<sup>2</sup>. 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 cover of chaparral plants. 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 characteristic of chaparral habitat, are not of particularly high ecological value, do not perform an especially valuable role in the Santa Monica Mountains ecosystem, 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.

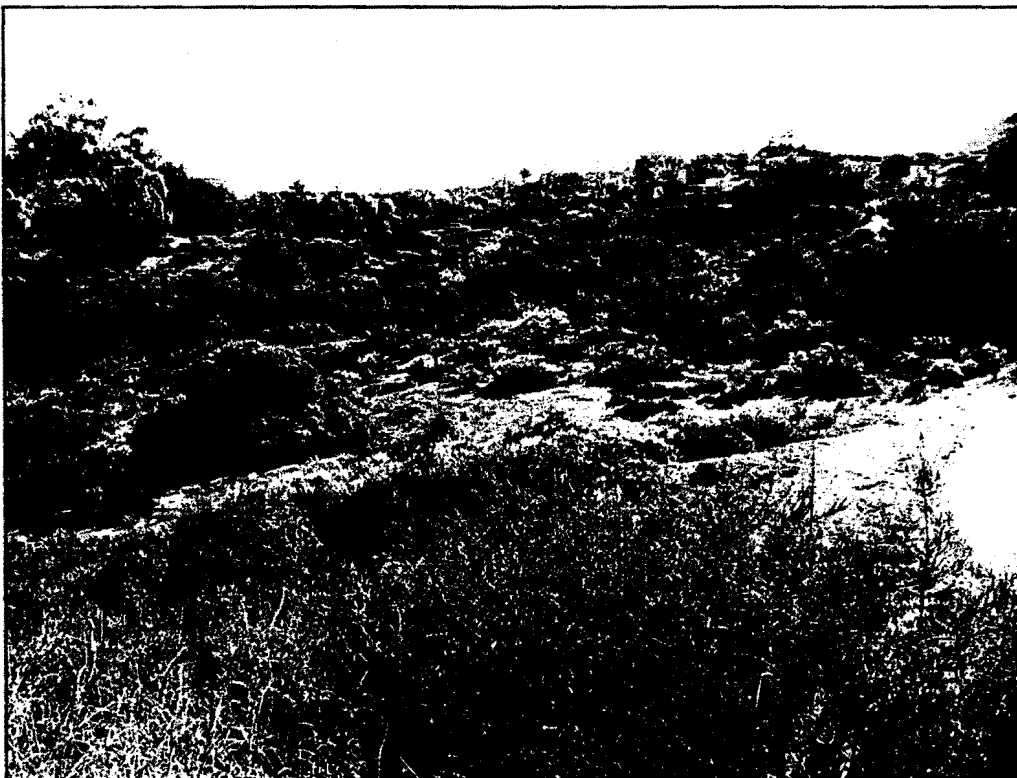
As an exhibit we present Figure 1 showing the project site and surrounding area along Hillside Drive and Will Geer Road on Topanga Mesa. As indicated above and shown on the Figure the proposed project would be impacting ESHA and would therefore place the residence, driveway, fire turn-around and garage 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.

---

<sup>2</sup> 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.



**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).

# TRANSMITTAL

# RECEIVED

# CC&R Inc.

JUL 05 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Engineering  
Planning  
Surveying

**To:** South Central Coast District  
California Coastal Commission

**Date:** June 28, 2002

**From:** Karl Hinderer AICP

**Subject:** Coastal Development Permit Application 4-01-037, 1250 Will Geer Rd.

## CONTENTS:

- 1 Letter from L.A. County Department of Regional Planning
- 1 Approved preliminary Fuel Modification Plan, w/ letter from L.A. Co.F.D., Forestry Div.
- 1 Letter of preliminary percolation for Septic System by Lawrence Young
- 1 revised Geology and Soils Report from SubSurface Designs Inc. Dated 6/27/02
- 1 revised ESHA Map prepared by CC&R, Inc.
- 1 Grading and Drainage Plan - 4 sheets
- 2 sets of Site Plans, G3 of entire site and G2 of house site only
- 1 revised Application designating me as the representative

## COMMENTS:

As was requested in the meeting of June 4<sup>th</sup> with Jack Ainsworth and James Johnson we are submitting a revised site plan in conformance with the recommendations of the report by Jon Allen dated 5/13/02. The revised site will utilize the same house design that was originally submitted, just on the new site. Therefore, all of the building plans are the same. The back wall of the house will be retaining up to three feet. The manzanita is now the centerpiece of the site. The ESHA Plan is surveyed and a copy is being used by Daryl Koutnik for Coastal Planning. We will submit the plans for Plot Plan Review to the County and for ERB review hopefully next week. I just received the plans and reports this afternoon so I just utilized the middle two sheets of the grading and drainage plan as the new site plan. Please excuse the incorrect address on the plans.

Since I didn't have a chance to have the owners/applicants to sign the revised application I am submitting the original and the signed copies will mailed directly to you next week. If there is anything else please call me.

**cc:** The Bob Trust  
Barry Leneman & Kristy Iredale

D:\Topanga Ranch\Hillside Drive\Coastal Submittal, revised Site trans.wpd Jn1810H

EXHIBIT NO.	10
APPLICATION NO.	4-01-037
Applicant	
Revises Project	

Glen L. Aalbers, P.L.S. 4494  
De J. Kim, P.E. C42388  
Licensed by the Board of Professional Engineers & Land Surveyors

Karl P. Hinderer, A.I.C.P. 5846  
Member, American Institute Certified Planners

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Westlake Village, California 91361-2574  
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Fax: 805.494.1198  
e-mail: ccr@ccandrinco.com



Los Angeles County  
Department of Regional Planning  
Director of Planning James E. Hartz, AICP



RECEIVED

JUN 28 2002

June 26, 2002

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Karl Hinderer  
C C & R Inc.  
143 Triunfo Canyon Road, Suite 100  
Westlake Village, CA 91361

**RE: Coastal Commission Application 4-01-037**

Dear Mr. Hinderer:

This letter is written at your request in conjunction with the Coastal Development Permit application 4-01-037, 21343 Hillside Drive, Topanga (Los Angeles County Plot Plan 46715) pending before the California Coastal Commission. We have met to discuss Los Angeles County's review process within the coastal zone and you have presented an alternative project site location on the subject property.

In reviewing the County's Sensitive Environmental Resource Areas map (Figure 6 of the County Coastal land use plan), aerial photographs of the project area and having visited the property on more than one occasion, this letter is to confirm that the on-site limits on this subject property of the County's designated Environmentally Sensitive Habitat Area (ESHA), as a riparian tributary to Topanga Canyon, is exaggerated and does not accurately depict the actual, on-the-ground, extent of the riparian resources intended to be protected with the ESHA designation. It is the intent of the County to correct this mapping error of this ESHA boundary through the Department of Regional Planning's endeavors to update and get certified a County Local Coastal Program for the Santa Monica Mountains. I have reviewed the revised site plan submitted on behalf of the Bob Trust and acknowledge that the new proposed location of the house on the west boundary of the subject property along Will Geer Road appears to be a minimum of 100 feet away from the County's proposed ESHA boundary change. Because the new location is still within 200 feet of the ESHA, review of the site plan by the Environmental Review Board (ERB) will be required prior to our Department potentially issuing Approval in Concept for the new site plan.

If you have any questions, please contact me at (213) 974-6461, Monday through Thursday between 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

Very truly yours,

*Daryl Koutnik*  
Daryl Koutnik, Senior Biologist  
Impact Analysis

EXHIBIT NO.	18
APPLICATION NO.	4-01-037
LACo Draft	
Revised ESHA	

page 1 of 2

**DRAFT**

P

RELOCATED  
PROJECT  
SITE

(A)

Fixed

P

PROPOSED  
ESHA

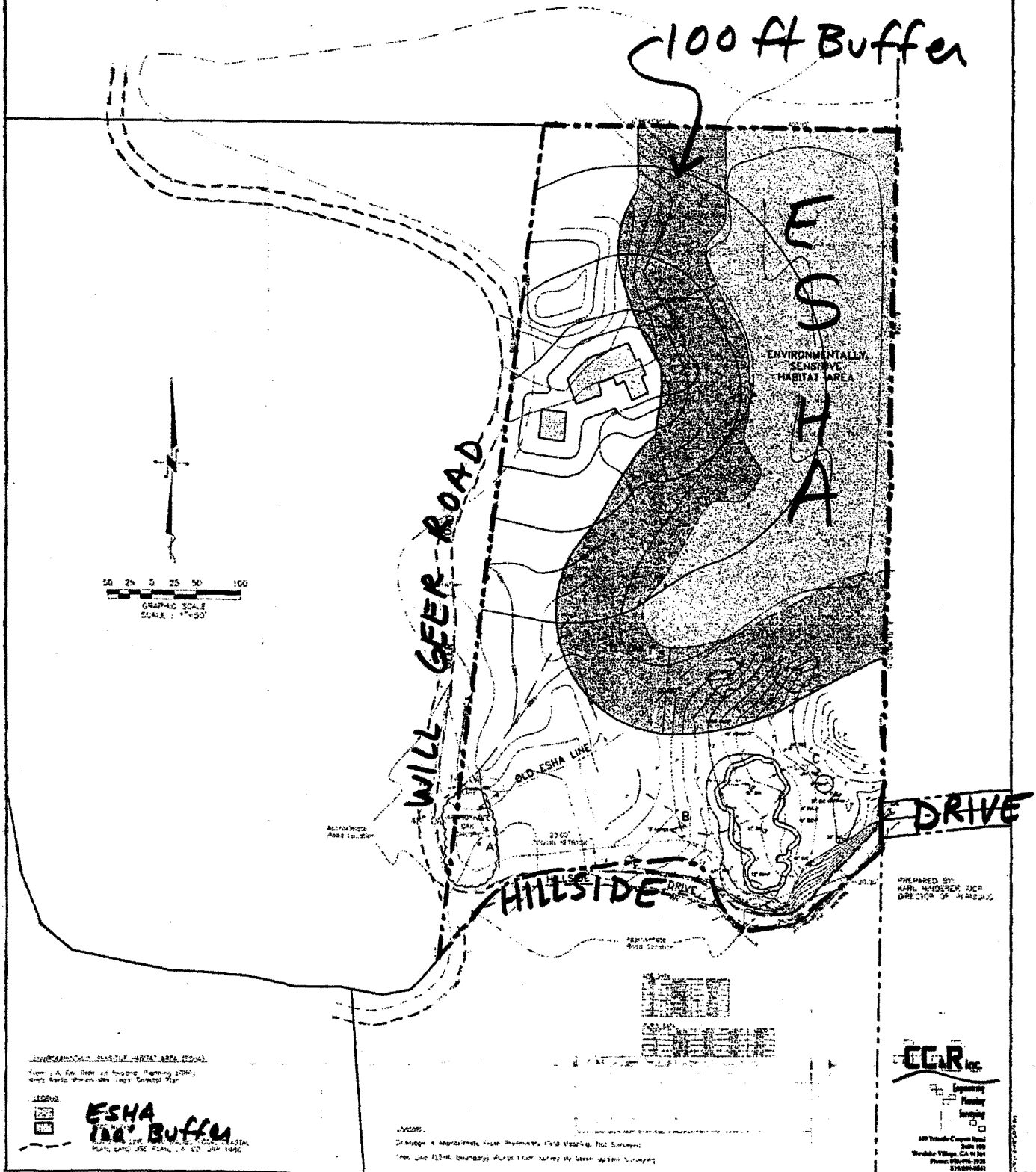
SUBJECT  
PARCEL

(3)  
Buffer  
ESHA STRIP

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

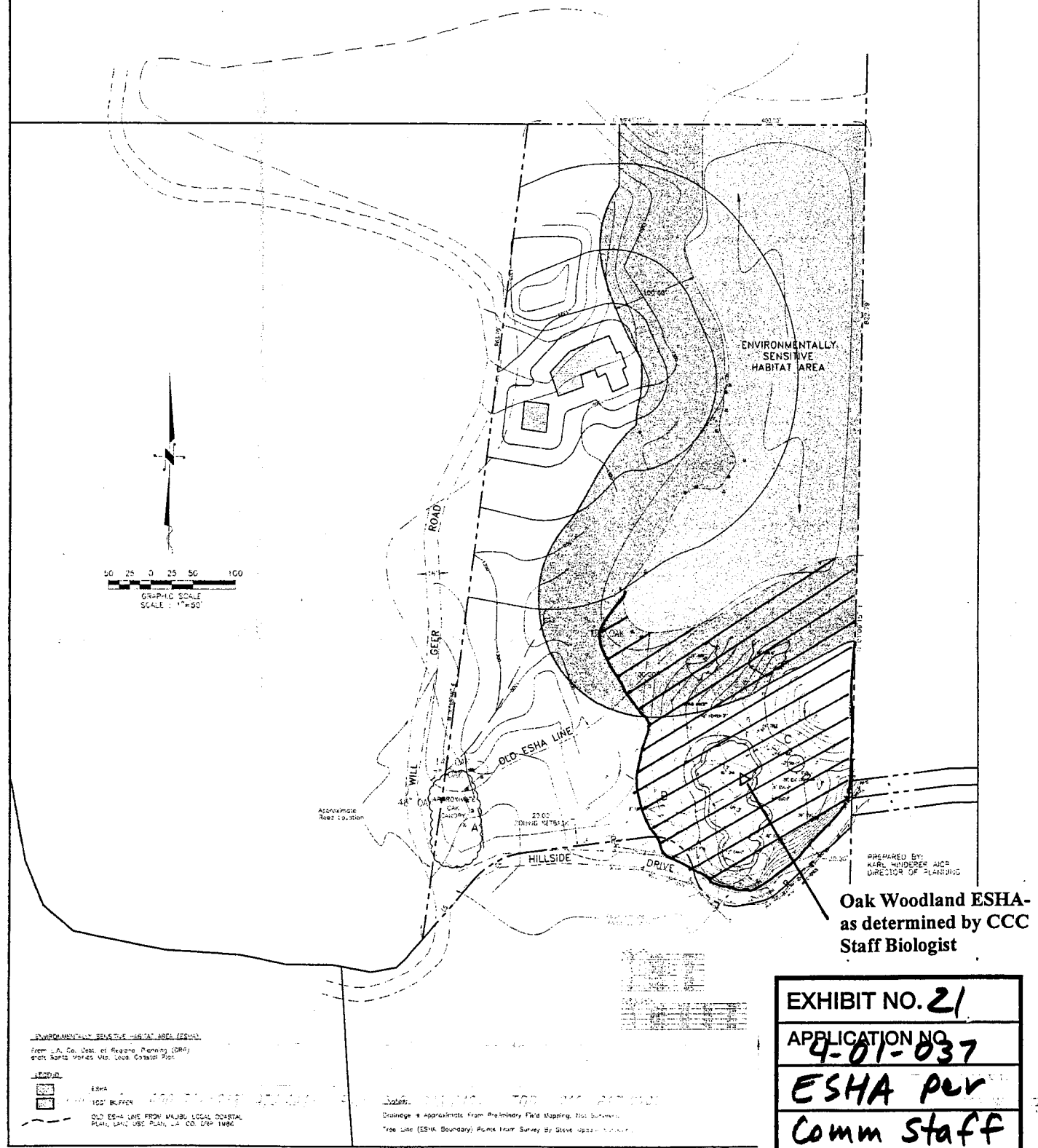
APPLICATION NO. **4-01-037**

Applicant's ESHA Area
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# ESHA EXHIBIT

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







Los Angeles County  
Department of Regional Planning

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JUN 25 2002



June 6, 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

RECEIVED

JUN 14 2002

CALIFORNIA  
COASTAL COMMISSION

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105-2219

Dear Mr. Douglas:

Subject: APPLICATION NOs. 4-01-37 AND 4-01-177  
COMMISSION HEARING OF JUNE 10-14, 2002

Dr. Daryl Koutnik, senior biologist for the Department, has reviewed the staff reports for these two cases that are on your consent calendar for Monday, June 10, 2002. His comments are contained in the two attached memoranda which I am requesting that you make a part of the respective case files.

As an expert, Dr. Koutnik's comments challenge assumptions and facts presented in these reports. His comments reflect a continuing concern on the part of the Department about the flawed practice of superficially assessing habitat and designating ESHA in connection with individual coastal development permits. As you have seen from our previously submitted comments on the Skyhawk Lane (Topanga) case that your Commission considered in April, we firmly believe that this current practice cannot be supported by law, and will prejudice our ability to prepare an adequate and consistent local coastal program.

If you have any questions, please contact Ron Hoffman, Advance Planning Division Administrator, at (213) 974-6457, or myself at (213) 974-6422, during our business hours of 7:00 a.m. to 6:00 p.m., Monday through Thursday.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
James E. Hartl, AICP  
Director of Planning

David C. Cowardin, Regional Planner  
Communities Studies Section II

Attachments

EXHIBIT NO. 229
APPLICATION NO. 4-01-037
LA County Resp to CCC Staff
ESHA Designation

page 1 of 3






*Los Angeles County*  
*Department of Regional Planning*  
*Director of Planning James E. Harll, AICP*



DATE: June 4, 2002

TO: Dave Cowardin, Coastal Planning Section

From: Daryl Koutnik, Senior Biologist 

RE: Coastal Commission Staff Report, Application No. 4-01-037 (May 23, 2002).

I have reviewed the California Coastal Commission Staff Report (Report) of May 23, 2002 for Application No. 4-01-037 and find that I can be in agreement with the staff recommendation for denial of the proposed project. However, I do not agree with the analysis provided in B. Sensitive Environmental Resources, in particular, the arbitrary, capricious and baseless claim that the isolated oak trees on the subject property qualify as an environmentally sensitive habitat area (ESHA).

It is my professional opinion that isolated oak trees that are not part of an oak woodland, such as those on the subject property, cannot be designated an ESHA because of the "degraded" nature of the oak habitat, particularly in this specific case where a former residence had been previously located, as evidenced by part of a foundation and the presence of exotic ornamental trees among the oaks. The staff Report provides no substantial or scientific evidence to support the claim that the on-site oaks qualify as ESHA (Exhibit 20).

The Coastal Commission's use of the term ESHA has now been demonstrated on at least three projects within Los Angeles County to be a moving target and "ad hoc" to the point where a property owner could never know prior to submitting an application what resources on the property might be considered as ESHA. The Coastal Commission randomly chooses areas as ESHA not previously considered to be so and now chooses to re-locate designated ESHA's.

As an example of the arbitrary and capricious nature of the Coastal Commission's ESHA appellation, the Report for Application No. 4-01-037 uses a different standard for the ESHA qualification than that used in the staff Report for Application No. 4-01-177 on the same scheduled agenda. In that staff Report, the broad misapplication of the "landscape" ecological concept is used in an unsuccessful attempt to rationalize that common chaparral habitat should be considered as ESHA. However, that ecological concept appears to be forgotten in this Report for this application since the Report uses the susceptibility of oaks to improper watering as evidence of the easily disturbed nature of oaks. The circular, illogical reasoning contained in the Report does not justify these on-site oaks as ESHA although the oak resources are worthy of protection.

The oak trees in the Topanga Canyon area appear not to be "easily disturbed" as evidenced by the decades old residential uses of the region in intimate proximity to the oaks. The Report states that the January 4, 2002 site visit by staff ecologist confirmed that the oaks should be considered as ESHA but provides absolutely no reasons (scientific or otherwise) why this accusation should be believed. Instead, the on-site chaparral is not considered ESHA (although similar habitat is supposed to be ESHA in Application No.4-01-177) because the habitat is degraded, just as the oak habitat is degraded. There is no consistency to the use of the term ESHA by the Coastal Commission.

In spite of the disagreement with the Report analysis, I do concur that the on-site oak resources will be better protected by following the County's Environmental Review Board's (ERB) recommendation to locate the building site to the west side of the proposed project driveway. This alternative site merits consideration as it is away from the oak trees, it is along an existing road, and it is away from the designated riparian ESHA on-site.

In summary, I can support the staff recommendation for denial of the proposed project in favor of an alternative site. I do not concur, however, with either the Report Analysis (the on-site oaks do not constitute an ESHA).