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STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
[illegible]OUTH CALIFORNIA ST., SUITE 200
[illegible]URA, CA 93001
(805) 585-1800

RECORD PACKET COPY

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-267

APPLICANT: Barbara & Bowen McCoy

PROJECT LOCATION: 1047 Greenleaf Canyon Road, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construction of a two-story, 24 foot high, 1,211 sq. ft. single family residence, with septic system, well, driveway, turnaround, retaining wall, debris fence, approximately 25 cu. yds. of grading (10 cu. yds. cut, 15 cu. yds. fill), after-the-fact approval of an approximately 50 foot long railroad tie stairway, and after-the-fact approval of 74 cu. yds. of grading (53 cu. yds. cut, 21 cu. yds. fill). The project also includes a minor lot line adjustment between a 2.70 acre lot (Lot 1, the subject site) and a 4.22 acre lot (Lot 2) resulting in a 2.87 acre lot (Lot 1, the subject site) and a 4.05 acre lot (Lot 2).

Lot Area:	Lot 1 (subject site) – 2.70 acre (before adjustment) Lot 1 (subject site) – 2.87 acre (after adjustment) Lot 2 – 4.22 acre (before adjustment) Lot 2 – 4.05 acre (after adjustment)
Building coverage:	799 square feet
Pavement coverage:	2,256 square feet
Landscape coverage:	17,000 square feet
Unimproved:	102,785 square feet
Parking spaces:	2 uncovered

LOCAL APPROVALS RECEIVED: County of Los Angeles Planning Department, Approval in Concept, February 15, 2001; County of Los Angeles Fire Department Final Fuel Modification Plan Approval in Concept, October 10, 2001; County of Los Angeles Geologic Review, Approval in Concept, September 12, 2002; County of Los Angeles Soils Engineering Review, Approval in Concept, September 12, 2002; County of Los Angeles, Fire Department (Access), Approval in Concept, February 7, 2002; County of Los Angeles, Environmental Health, Approval in Concept, February 27, 2001; Department of Fish and Game, Streambed Alteration Agreement No. R5-2002-0116, August 22, 2002.

SUBSTANTIVE FILE DOCUMENTS: "Geologic and Soils Engineering Exploration, Proposed Residence and Driveway Extension, 1047 Greenleaf Canyon Road, Topanga, Los Angeles County, California," by Parmelee-Schick & Associates, November 8, 1999; "Response to County of Los Angeles Department of Public Works Review Sheets, 1047 Greenleaf Canyon Road, Topanga, California," by Parmelee-Schick & Associates, December 20, 2000; "Change of Consultants, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; "Response to County of Los Angeles Review Letters, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; Subsurface Percolation Test by Lawrence Young, Registered Environmental Health Specialist, December 15, 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with twelve (12) special conditions regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, oak tree restoration and monitoring plan, assumption of risk, removal of natural vegetation, future development restriction, lighting restrictions, structural appearance, deed restriction, revised plans, and condition compliance.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-00-267 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

All recommendations contained in the submitted geologic reports ("Geologic and Soils Engineering Exploration, Proposed Residence and Driveway Extension, 1047 Greenleaf Canyon Road, Topanga, Los Angeles County, California," by Parmelee-Schick & Associates, November 8, 1999; "Response to County of Los Angeles Department of Public Works Review Sheets, 1047 Greenleaf Canyon Road, Topanga, California," by Parmelee-Schick & Associates, December 20, 2000; "Change of Consultants, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; "Response to County of Los Angeles Review Letters, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; Subsurface Percolation Test by Lawrence Young, Registered Environmental Health Specialist, December 15, 2000) shall be incorporated into all final design and construction including construction, foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial

changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

2. Landscaping and Erosion Control Plans

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

A) Landscaping Plan

1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.

2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

5) The Permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the Coastal Development Permit, unless the Executive Director determines that no amendment is required.

6) Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, prior to issuance of the Coastal Development Permit, the applicants shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Ornamental plants and groundcover planted within the 20 foot radius of the proposed structures shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B) Interim Erosion Control Plan

1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C) Monitoring

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

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

3. Drainage and Polluted Runoff Control Plan

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, the plan shall be in substantial conformance with the following requirements:

(a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, one (1) hour runoff event, with an appropriate safety factor, for flow-based BMPs.

(b) Runoff shall be conveyed off site in a non-erosive manner.

(c) Energy dissipating measures shall be installed at the terminus of outflow drains.

(d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage, filtration structures, or other BMPs fail or result in increased erosion, the applicants, landowner, or successor-in-interest shall be responsible for any necessary repairs to the drainage, filtration system, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new Coastal Development Permit is required to authorize such work.

4. Oak Tree Restoration and Monitoring Plan

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during any improvements and/or restoration efforts of the oak trees that may be recommended by the consultant. Protective fencing shall be used around the protected zones of the oak trees adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if an oak tree(s) is removed, damaged or impacted beyond the scope of the work allowed by Coastal Development Permit 4-00-267. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

For the six (6) oak trees (#1, 2, 3, 4, 5, 6) located downslope and in close proximity to the proposed septic system, as shown in **Exhibit 3**, that may be lost or suffer worsened health or vigor, replacement seedlings, less than one year old, grown from acorns collected in the area

shall be planted at a ratio of at least 3:1 on the applicant's parcel (Assessor's Parcel No. 4438-006-015) or a nearby location acceptable to the Executive Director. Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years.

5. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, rockfall, landslide, flooding, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 20-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit. Removal of natural vegetation for the purpose of turnaround construction and slope trimming shall not occur until commencement of those projects.

7. Future Development Restriction

This permit is only for the development described in coastal development permit 4-00-267. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit 4-00-267. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit 4-00-267 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. Lighting Restrictions

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

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

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

9. Structural Appearance

The color of the structure and roof permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

10. Deed Restriction

Prior to the 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.

11. Revised Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, revised project plans that eliminate the following development: the proposed decks on the south side of the proposed

residence, the railroad tie stairway located southeast of the building pad, and the portion of the turnaround retaining wall that encroaches into the protected zone of Oak Tree #1.

12. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit amendment application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a two-story, 24 foot high, 1,211 sq. ft. single family residence, with septic system, well, driveway, turnaround, retaining wall, debris fence, approximately 25 cu. yds. of grading (10 cu. yds. cut, 15 cu. yds. fill), after-the-fact approval of an approximately 50 foot long railroad tie stairway, and after-the-fact approval of 74 cu. yds. of grading (53 cu. yds. cut, 21 cu. yds. fill). The project also includes a minor lot line adjustment between a 2.70 acre lot (Lot 1, the subject site) and a 4.22 acre lot (Lot 2) resulting in a 2.87 acre lot (Lot 1, the subject site) and a 4.05 acre lot (Lot 2). **(Exhibits 2-7)**.

The approximately 2.70 acre (adjusted to 2.82 acre) project site is located in the Greenleaf Canyon area of Topanga, in unincorporated Los Angeles County **(Exhibit 1)**. The project site is located on a private access road that runs west from Greenleaf Canyon Road and is shared by two other residences. The surrounding area is sparsely developed with single family residences, with neighboring lots sizes ranging from two acres to over 35 acres.

The project site contains a rough graded pad and driveway that takes access from a private road that crosses the property. Additional grading (53 cu. yds. cut, 21 cu. yds. fill) for geologic testing occurred in 1988, for which the applicants seek after-the-fact approval. In addition, the site contains an approximately 50 foot long railroad tie stairway, for which the applicants also seek after-the-fact approval.

The building pad extends approximately 30 feet west of the subject property onto a neighboring parcel. The applicants are proposing a lot line adjustment that would incorporate the entire building pad within the boundaries of the subject property and allow for adequate setbacks for the proposed residence. The lot line adjustment would result in an exchange of 0.17 acres between the two lots **(Exhibit 7)**.

Site topography is characterized by steep slopes descending from two southeasterly trending ridges, with gradients ranging from 2:1 to 1:1. A riparian canyon containing a seasonal stream

crosses the property between the two ridges **(Exhibit 8)**. The existing unpaved driveway and level pad was constructed by making a 1:1 cut in the hillside above the canyon, and by depositing the cut material on the slope below. The pad itself is comprised of exposed sandstone bedrock, with a thin covering of fill on its southern edge. The applicant proposes to remove approximately 10 cu. yds. of unconsolidated fill that was deposited on the slope south of the building pad during construction of the pad. The applicant also proposes to place approximately 15 cu. yds. of fill adjacent to the access road to create a turnaround consistent with County of Los Angeles Fire Department guidelines.

Vegetation on the site consists of undisturbed chamise dominated chaparral on the hillsides, and an oak woodland with chaparral understory south of the building pad near the stream. The stream corridor also contains riparian species such as Black Walnut (*Juglans californica*) and Western Sycamore (*Platanus racemosa*) downstream of the proposed residence. Oak woodlands, riparian areas, and contiguous chaparral habitats are environmentally sensitive habitats in the Santa Monica Mountains **(Exhibits 8-9)**.

The proposed project will be visible from the Henry Ridge Trail, which overlooks the Greenleaf Canyon Area.

The Commission has previously approved development on the project site. Coastal Development Permit 5-83-571 (Denny) approved construction of a single family residence, access driveway, septic system, and well. The project was not completed and the permit expired.

B. Hazards and Geologic Stability

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The applicant has submitted several geologic reports ("Geologic and Soils Engineering Exploration, Proposed Residence and Driveway Extension, 1047 Greenleaf Canyon Road, Topanga, Los Angeles County, California," by Parmelee-Schick & Associates, November 8, 1999; "Response to County of Los Angeles Department of Public Works Review Sheets, 1047 Greenleaf Canyon Road, Topanga, California," by Parmelee-Schick & Associates, December 20, 2000; "Change of Consultants, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; "Response to County of Los Angeles Review Letters, Proposed Residence and Driveway Turn-a-Round, 1047 Greenleaf Canyon Road, Topanga, California," by SubSurface Designs, Inc., January 7, 2002; Subsurface Percolation Test by Lawrence Young, Registered Environmental Health Specialist, December 15, 2000). The reports make numerous recommendations regarding grading, foundations, retaining walls, construction, sewage disposal, and drainage.

The Parmelee-Schick & Associates, Inc. report dated November 9, 1999 states that the subject property is grossly stable with a factor of safety in excess of 1.5. The Subsurface Designs, Inc. report of January 7, 2002 supports these findings but notes that the slope north of the building pad may be subject to rockfall, and recommends placement of a debris fence to catch falling rock.

The Parmelee-Schick & Associates, Inc. report dated November 9, 1999 concludes:

> ***Providing that the recommendations contained in this report are properly implemented, the proposed work on the site will be safe from landslide hazard, differential settlement, settlement, and slippage. The proposed underpinning will not adversely affect any of the offsite properties. All specific element of the Los Angeles County Department of Building and Safety Code shall be followed in conjunction with design and future work.***

In addition, the SubSurface Designs, Inc. report dated January 7, 2002 states:

> ***The proposed residence and grading will not be affected by settlement, landsliding or slippage. Further, the proposed development will not have an adverse affect on off-site property.***

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

However, the Commission recognizes that development, even as designed and constructed to incorporate all recommendations of the geologic consultants, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

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

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

Erosion

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

As noted above, the applicant's proposal includes construction of a two-story, 24 foot high, 1,211 sq. ft. single family residence, with septic system, well, driveway, turnaround, retaining wall, debris fence, stairs, approximately 25 cu. yds. of grading (10 cu. yds. cut, 15 cu. yds. fill), and after-the-fact approval of 74 cu. yds. of grading (53 cu. yds. cut, 21 cu. yds. fill).

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

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

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

In addition, the Commission finds that temporary erosion control measures implemented during construction will also minimize erosion and enhance site stability. **Special Condition Two (2)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Two (2)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the

consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Two (2)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/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 the use of such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

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

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

Finally, **Special Condition Ten (10)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate

combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

The applicant has submitted a fuel modification plan prepared by Klaus Radtke, Ph.D. of GeoSafety, Inc. The plan notes that

> ***The standing native woody vegetation...generally has a high dead-to-live fine fuel ratio, making the area extremely vulnerable to high intensity, uncontrollable wildland fires. Past fire intensity, as indicated on the burls of resprouting Eastwood Manzanita and root crowns of Chamise, Ceanothus, Laurel Sumac and fire-damaged or resprouted Coast Live Oaks, indicates that high intensity fires swept through the area in the past.***

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

In summary, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Sensitive Habitat

Section **30231** of the Coastal Act states:

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

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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

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

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

Section 30231 requires that the biological productivity and quality of coastal waters be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination, one must focus on three main questions:

1) Is a habitat or species rare or especially valuable?
2) Does the habitat or species have a special nature or role in the ecosystem?
3) Is the habitat or species easily disturbed or degraded by human activities and developments?

In making ESHA determinations, scale is important. Both temporal and spatial scales must be considered in determining ecologically sensitive habitat, and at different scales the conclusions may vary. Whereas on a local scale a small patch of degraded habitat might not be called ESHA, on a landscape scale its status might be different. For example, on a landscape scale it may form a vital stepping stone for dispersal of a listed species between larger habitat patches. At this scale it is valuable, performing an important role in the ecosystem, and is easily degraded by human activities and developments. Thus the degraded habitat would fit the Coastal Act definition of ESHA. Similarly, habitats in a largely undeveloped region far from urban influences may not be perceived as rare or functionally important, whereas a large area of such habitats surrounded by a dense urban area may be exceedingly rare and each constituent habitat within it an important functional component of the whole. Therefore, in order to appropriately assess habitat sensitivity, it is important to consider all applicable ecological scales and contexts. In addition to spatial and temporal scales, there are species scales. For example, one can focus on single species (e. g., mountain lions, flycatchers or tarplants), or one can focus on whole communities of organisms (e.g., coastal sage scrub or chaparral) or interconnected habitats in a geographic region (e.g., the Santa Monica Mountains and its habitats). On a global scale, in terms of numbers of rare endemic species, endangered species and habitat loss, the Malibu/Santa Monica Mountains area is part of a local hot-spot of endangerment and extinction and is in need of special protection (Myers 1990, Dobson et al. 1997, Myers et al. 2000).

In the case of the Santa Monica Mountains, its geographic location and role in the ecosystem at the landscape scale is critically important in determining the significance of its native habitats. Areas such as the project site contribute to habitat connectivity between the coast and large, undisturbed habitat areas in the Santa Monica Mountains and the Sierra Madre, San Gabriel and San Bernardino Mountains to the north. These corridors are home to many listed species and are easily disturbed by development. Some of these corridors have already been subject to considerable development near the coast, e.g. Las Flores Canyon, Malibu Creek & Lagoon, Ramirez Canyon and Trancas Canyon. Proceeding inland from the coast, however, the quality

of the habitat improves rapidly and soon approaches a relatively undisturbed environment consisting of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls.

The subject site is located just west of Greenleaf Canyon in the Topanga area of the Santa Monica Mountains. Site topography is characterized by steep slopes descending from two southeasterly trending ridges, with gradients ranging from 2:1 to 1:1. A riparian canyon containing a seasonal stream crosses the property between the two ridges.

Vegetation on the site consists of undisturbed chamise dominated chaparral on the hillsides, and an oak woodland with chaparral understory south of the building pad near the stream. The stream corridor also contains riparian species such as Black Walnut (*Juglans californica*) and Western Sycamore (*Platanus racemosa*) downstream of the proposed residence. Oak woodlands, riparian areas, and contiguous chaparral habitats are environmentally sensitive habitats in the Santa Monica Mountains. The stream and dense vegetative cover on the site provides important habitat and connectivity between coastal canyons, such as the nearby Greenleaf Canyon, and the Santa Monica Mountains.

The proposed project site contains eighteen oak trees, and the canopies of three additional oak trees extend onto the property **(Exhibit 9)**. The proposed turnaround encroaches into the protected zone of Oak Tree #1 and an existing railroad tie stair, for which the applicants seek after-the-fact approval, encroaches into the protected zones of Oak Trees #2 trough #6. In addition, the septic system is located upslope and within 100 feet of Oak Trees #1 through #6 **(Exhibit 3)**.

The oak woodlands, riparian areas, and contiguous chaparral habitats on the project site constitute an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Section 30240(a) requires that ESHAs be protected against any "significant disruption of habitat values," and allows only uses dependent on ESHA to be permitted in ESHA. Section 30240(b) requires that development in areas adjacent to ESHA be sited and designed to prevent impacts that would degrade ESHA, and be compatible with the continuance of the ESHA. In addition, the certified Malibu Santa Monica Mountains Land Use Plan, which has been used as guidance in previous Commission actions, requires residential development to be set back 100 feet from ESHA.

As explained above, the majority of the parcel, except for the existing access road, graded pad and driveway, contains vegetation that constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. The access road, pad and driveway, while not ESHA, are subject to the provisions of Section 30240(b) which apply to development in areas adjacent to ESHA. In addition to construction of the residence and septic system on the pad, the applicants propose some development within ESHA, including approximately 15 cu. yds. of grading to construct a turnaround, and an additional 10 cu. yds. of grading to remove an unconsolidated slope below the building pad.

As turnarounds and remedial grading for single family residences do not have to be located within ESHAs to function, the Commission does not consider them to be a use dependent on ESHA resources. Application of Section 30240, by itself, would require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources. In addition, application of the 100-foot setback standard from ESHA would eliminate all potential development area on the site.

However, the Commission must also consider Section 30010, and the Supreme Court decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner which will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what government action results in a "taking" was addressed by the U.S. Supreme Court in *Lucas v. South Carolina Coastal Council.* In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even where a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

In the subject case, the applicant purchased the property in June 1998 for $135,104. The parcel was designated in the County's certified Land Use Plan in 1986 for residential use. Residential development has previously been approved by the Commission on the parcel and on other parcels in the near vicinity, that generally contained the same type of habitat as the applicant's parcel [Coastal Development Permit 5-83-571 (Denny), Coastal Development Permit 5-87-179 (Rollins), Coastal Development Permit 4-92-242 (Johnson), Coastal Development Permit 4-95-161 (Johnson)]. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on this fact, along with the presence of existing and approved residential development on nearby parcels, the applicant had reason to believe that they had purchased a parcel on which they would be able to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. The parcel is 2.70 acres, and is surrounded by other residentially-zoned undeveloped parcels, however, as noted above there are existing parcels developed or approved with residential development located in the near vicinity. Public parkland has been acquired in the vicinity; for instance, portions of Topanga State Park are located approximately ½ mile south of the project site, and additional National Park Service land is located adjacent to the State Park. However, there is no indication that a public agency would consider it a priority to purchase a small parcel such as the project site. Additionally, given the fact that the parcel is non-contiguous with the parkland and there is existing residential development on parcels separating the subject site from the parkland, it is unlikely that a public agency would attempt to acquire the site for a park or preserve. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than

residential development. The Commission finds, therefore, that outright denial of all residential use on the property would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the subject property would create a nuisance under California law. Other houses have been constructed in similar situations in chaparral habitat in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance. In conclusion, the Commission finds that a residential project can be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

While the applicant is entitled under Section 30010 to an assurance that the Commission will not act in such a way as to take their property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still comply with Section 30240 by avoiding impacts that would disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Commission staff has considered whether alternative proposals for residential development on the subject parcel exist that would minimize adverse impacts to ESHA. With the exception of the existing building pad, the entire parcel consists of either steep slopes (1:1 to 2:1) covered by contiguous chaparral habitat, or oak woodland and riparian habitat. Location of a residence elsewhere on the property would require construction of a driveway as well as a residence and would involve significant amounts of grading, as well as the removal of native chaparral on the steep slopes. There is no alternative location for the residence on the parcel that could reduce the adverse impacts to ESHA.

Although no alternative siting exists to reduce grading and vegetation clearance in ESHA, additional actions can be taken to minimize and/or mitigate adverse impacts to ESHA, as discussed below.

The County of Los Angeles Fire Department requires fuel modification in a 200-foot radius from all habitable structures in the Santa Monica Mountains to reduce the risks of wildfire. Fuel modification requirements can cause significant disruption of habitat values in ESHA. Removal of native vegetation in ESHA not only reduces the quality and quantity of habitat and the available opportunities for foraging, nesting, and cover; it also contributes to indirect impacts such as erosion and microclimatic changes which can degrade water quality, aquatic habitat, and soil productivity, and adversely impact sensitive plant and animal species.

The applicants have submitted a Fuel Modification, Landscape and Irrigation Plan prepared by Klaus Radtke, PhD. of Geo Safety, Inc. that has received final approval from the Fire Department. The fuel modification plan establishes Zone A within a 20 foot radius of the residence. This area includes the bedrock pad and the south slope from which the applicants

propose to trim to bedrock for geologic safety reasons. It also includes an approximately 30 foot segment of the seasonal stream. The plan states that this area shall contain no exotic or native woody vegetation. Reduction in the footprint of the residence would reduce the extent of Zone A, and thus reduce the clearing of vegetation in the stream corridor. Specifically, elimination of the proposed deck on the south side of the residence would pull Zone A away from the streambed and western bank. Therefore, in order to minimize the removal of vegetation in the riparian area, **Special Condition Eleven (11)** requires the applicants to eliminate the proposed deck on the south side of the proposed residence.

Beyond Zone A, the plan establishes an 80 foot wide Zone B, which encompasses hillside chaparral, several of the oak trees, and most of the seasonal stream corridor on the subject property. The plan entails selective pruning and deadwooding of chaparral species such as Toyon, Greenbark Ceanothus, Sugar Bush, Laurel Sumac, and Scrub Oak on a continuous and intensive basis. The plan also includes cutting back to ground level all woody understory beneath the driplines of the oak trees, and the transfer of an extensive layer of oak litter found near the road to the ground beneath the oak canopies. The plan also requires the placement of jute netting and the planting of Prostrate Coyote Bush (Bacchus pilularis prostrates) wherever native plants are removed. Although Zone B is an irrigated zone, the fuel modification plan includes no permanent irrigation in favor of deep watering of the native plants once or twice each summer after sundown.

Beyond Zone B, the fuel modification plan establishes a 100 foot wide Zone C. The plan recommends similar pruning and deadwooding as recommended for Zone B, with an emphasis on cutting back the Chamise (*Adenostoma fasciculatum*) that dominates the hillside chaparral in this zone. The plan recommends chipping the cut vegetation and using the chips to cover the thin soil layer on the slopes.

The submitted fuel modification plan generally helps to minimize impacts to the chaparral and oak woodland ESHA, while providing for fire safety. However, in order to ensure the most minimal disturbance feasible of the surrounding sensitive habitat, **Special Condition Two (2)** requires the applicants to submit a final long-term fuel modification plan for the review and approval of the Executive Director as a condition of permit issuance.

The use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Santa Monica Mountains area, **Special Condition Two (2)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

Landscaping of the disturbed areas of the subject site, particularly steep slopes, with native plant species will also assist in preventing erosion, as discussed in Section B above. Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water

quality resulting from drainage runoff during construction and in the post-development stage. The landscape and fuel modification plan required under **Special Condition Two (2)** will also mitigate adverse impacts to native vegetation, surrounding resources, and water quality. Therefore, **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Particular attention must be paid to minimizing impacts to the oak woodland on the project site, as oak trees are especially vulnerable to disturbance. The article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

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

This publication goes on to state:

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

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

> ***Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.***
>
> ***There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require any supplemental water once established. Choose plants suited for "dry shade."***

As noted above, the proposed turnaround encroaches into the protected zone of Oak Tree #1 and an existing railroad tie stair, for which the applicants seek after-the-fact approval, encroaches into the protected zones of Oak Trees #2 through #6. In addition, the septic system is located upslope and within 100 feet of Oak Trees #1 through #6. The encroachment of structures increases the amount of impervious surface and therefore decreases the infiltrative

function of the soil adjacent to the oak trees, while increasing the volume and velocity of stormwater that can be expected to flow down adjacent slopes. An increase in impervious surface decreases the exchange of air and water to the root zone of the trees, as does the placement of structures. The placement of structures results in compaction of underlying soil, which further decreases the availability of air and nutrients to the oak tree roots. The proposed construction can also have direct impacts on the affected oak trees, such as exposure and cutting of roots. Therefore, in order to reduce impacts to Oak Trees #1 through #6, **Special Condition Eleven (11)** requires the applicants to submit revised project plans that eliminate the railroad tie stairway and the portion of the turnaround retaining wall that encroaches into the protected zone of Oak Tree #1.

In addition, a **septic tank** and two seepage pits are proposed in a location that is set back approximately 46 feet, 36 feet, and 18 feet respectively from the protected zone of Oak Tree #1; and approximately 37 feet, 34 feet, and 23 feet respectively from the protected zones of Oak Trees #2 through #6. The septic system is also located within 100 feet of most oak trees on the site; however, with the exception of Oak Trees #1 through #6, the oak trees are located on the opposite side of the stream corridor and would not be expected to be subject to effluent discharge **(Exhibits 3 and 9)**. In past Commission actions, the Commission has required a minimum 100 ft. setback of seepage pits from oak tree canopy driplines, where feasible, to minimize potential impacts of sewage effluent on the health of the oak tree. In the case of the proposed project, however, it is not possible to set back the proposed septic system 100 feet from the oak tree canopy driplines. Additionally, the applicant has submitted a report by Lawrence Young, Registered Environmental Health Specialist, dated December 15, 2000, indicating that the seepage pits will exceed Uniform Plumbing Code percolation requirements.

Nevertheless, the proposed septic system could potentially result in excessive and detrimental water discharge into the root system of Oak Trees #1 through #6 given their close proximity and the uncertain nature of establishing geologic structure and water uses that may occur in the future.

Thus the proposed construction activities can have detrimental impacts on the oak trees whose driplines are located both within and outside of the area to be disturbed by the project. Furthermore, damage to the oak trees resulting from the proposed project may not become apparent for many years. Therefore, the Commission finds that the applicant must mitigate for the adverse impacts resulting from potential excessive and detrimental water discharge into the root systems of oak trees #1, #2, #3, #4, #5, and #6. In past permit actions the Commission has typically required a 3:1 mitigation ratio in cases where the oak trees will not be removed, but will suffer incremental adverse impacts over time from the proposed improvements. **Special Condition Four (4)** requires the applicant to plant 18 oak trees on the applicant's parcel or a nearby location acceptable to the Executive Director. Furthermore, pursuant to **Special Condition Four (4)**, the applicant must also submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, and tree or seedling size planting specifications. Finally, the applicant shall also submit an annual monitoring report on the oak tree mitigation and preservation process to ensure the long term health of existing oak trees on site and success of the oak tree mitigation plan.

In addition, to ensure that the protected zones of oak trees on site will not be inadvertently violated by the permitted development activities, **Special Condition Four (4)** also requires that

protective fencing be placed around the protected zones of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities.

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

As noted above, removal of native vegetation in and adjacent to stream corridors reduces the quality and quantity of habitat and contributes to indirect impacts such as erosion and microclimatic changes which can degrade water quality and aquatic habitat, and adversely impact sensitive plant and animal species. The applicants have submitted a fuel modification plan that establishes Zone A within a 20 foot radius of the residence. This area includes an approximately 30 foot segment of the seasonal stream. The plan states that this area shall contain no exotic or native woody vegetation. Reduction in the footprint of the residence would reduce the extent of Zone A, and thus reduce the clearing of vegetation in the stream corridor. Specifically, elimination of the proposed deck on the south side of the residence would pull Zone A away from the streambed and western bank. Therefore, in order to minimize the removal of vegetation in the riparian area, **Special Condition Eleven (11)** requires the applicants to eliminate the proposed deck on the south side of the proposed residence.

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

The Commission has found, in past permit actions, that night lighting of a high intensity has the potential to disrupt the behavior of wildlife that occupy or migrate through the sensitive habitat area on and adjacent to the project site. As noted above, the project site is located adjacent to a mapped wildlife migration corridor and contains features such as dense chaparral and oak woodland cover and a drainage course that facilitate wildlife movement. Therefore, **Special Condition Eight (8)** is necessary to reduce the disruptive effects of night lighting on wildlife by restricting outdoor night lighting to the minimum amount required for safety. In addition, in order to ensure that any future site development is reviewed for its potential impacts on ESHA, **Special Condition Seven (7)** addresses future development by ensuring that all future development proposals for the site, which might otherwise be exempt from review, would require prior review so that potential impacts to this sensitive habitat area may adequately be considered.

Therefore, the Commission finds that, for the reasons set forth above, the proposed project, as conditioned, is consistent with the requirements of Sections 30010, 30231 and 30240 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section **30231** of the Coastal Act states:

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

As described in detail in the previous sections, the applicant is proposing to develop the subject site with a new single-family residence, driveway, turnaround, retaining wall, debris fence, well, and septic system. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion. The site of the proposed residence is located adjacent to a seasonal stream.

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

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

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85^{th} percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

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

In addition, removal of native vegetation in and adjacent to stream corridors increases the potential for erosion, siltation, and microclimatic changes which can degrade water quality and aquatic habitat. The applicants have submitted a fuel modification plan that establishes Zone A within a 20 foot radius of the residence. This area includes an approximately 30 foot segment of the seasonal stream. The plan states that this area shall contain no exotic or native woody vegetation. Reduction in the footprint of the residence would reduce the extent of Zone A, and thus reduce the clearing of vegetation in the stream corridor. Specifically, elimination of the proposed deck on the south side of the residence would pull Zone A away from the streambed and western bank. Also, elimination of the proposed deck would decrease the amount of impervious surface area, thus reducing the volume and velocity of runoff. Therefore, in order to minimize the potential for adverse impacts to water quality, **Special Condition Eleven (11)** requires the applicants to eliminate the proposed deck on the south side of the proposed residence.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the

system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

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

E. Visual Resources

Section 30251 of the Coastal Act states:

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

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

The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides. The proposed development will be visible, at a distance of approximately ¼ mile, from the Henry Ridge Trail, an important connector to the Backbone Trail.

The applicant proposes to construct a two-story, 24 foot high, 1,211 sq. ft. single family residence, with septic system, well, driveway, turnaround, retaining wall, debris fence, stairs, approximately 25 cu. yds. of grading (10 cu. yds. cut, 15 cu. yds. fill), and after-the-fact approval of 74 cu. yds. of grading (53 cu. yds. cut, 21 cu. yds. fill). Given the steep topography of much of the subject site, construction of a building pad in an alternate location would likely result in more significant landform alteration than the existing pad. In addition, the proposed development is consistent with existing development in the surrounding area of the project site.

Because the proposed project is visible from public viewing areas along the Henry Ridge Trail, the Commission finds it necessary to impose design restrictions minimizing the visual impacts of the proposed project. The use of non-glare glass and colors compatible with the natural background, as well as the minimal use of outdoor night lighting, will help to ensure that the proposed project blends with its surroundings to the maximum extent feasible. Therefore, **Special Condition Nine (9)** restricts the use of colors to a natural background palette and requires the use of non-glare glass on site. Furthermore, **Special Condition Eight (8)** restricts the use of outdoor night lighting to the minimum necessary for safety purposes.

The Commission notes that visual impacts can be further minimized by the implementation of a landscape plan that employs a native plant palette and vertical elements. The Commission also notes that visual impacts will be further mitigated by the implementation of erosion control measures, as in **Special Conditions Two (2)**, **Three (3)**, and **Six (6)**. Implementation of the requirements of these conditions will ensure that the adverse visual effects of obtrusive non-native landscaping, denuded slopes, and uncontrolled erosion are avoided.

In addition, to ensure that future development of the site is reviewed for potentially adverse effects on coastal visual resources, the Commission finds it necessary to impose **Special Condition Seven (7)**, which requires the applicants to obtain a coastal development permit for any future development of the site, including improvements that might otherwise be exempt from coastal permit requirements. Finally, **Special Condition Ten (10)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

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

G. Cumulative Impacts

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

Section 30250(a) of the Coastal Act states:

> ***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

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

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

The Coastal Act requires that new development, including land divisions, be permitted within, contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized, in past permit decisions, the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains coastal zone. The Commission has reviewed land division

applications to ensure that newly created or reconfigured parcels (lot line adjustments) are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas. Finally, the Commission has ensured that all new or reconfigured lots will have adequate public services, including road access that meets the requirements of the Fire Department.

The applicant is proposing a minor lot line adjustment that will realign the property boundary between two existing legal parcels. The subject site, Lot 1, will increase in size from 2.70 acres to 2.87 acres, and Lot 2 will decrease in size from 4.22 acres to 4.05 acres **(Exhibit 7)**. Lot 2 is undeveloped with the exception of the section of the access road that passes through the lot. Lot 1 contains an existing driveway and building pad. The purpose of the lot line adjustment is to expand Lot 1 to include an approximately 500 sq. ft. area of the existing building pad that currently extends onto Lot 2, and to accommodate required setbacks for the proposed residence.

The proposed lot line adjustment will not result in any additional lots or create lot configurations that could increase residential density. The proposed lot line adjustment will not significantly reduce the size or developable area of Lot 2, and will not affect either parcel's access to the private road or public utilities. Lastly, development of the proposed Lot 1 and Lot 2 would not result in significantly greater impacts on coastal resources than would development of the existing Lot 1 and Lot 2. Therefore, the Commission finds that, as conditioned above, the proposed project is consistent with Section 30250(a) of the Coastal Act.

H. Violation

Unpermitted development has taken place prior to submission of this permit application including approximately 74 cu. yds of grading, and construction of an approximately 50 foot long railroad tie stairway. The applicant requests after-the-fact approval for the development described above. The applicant also requests approval to construct a two-story, 24 foot high, 1,211 sq. ft. single family residence, with septic system, well, driveway, turnaround, retaining wall, debris fence, and approximately 25 cu. yds. of grading (10 cu. yds. cut, 15 cu. yds. fill). The project also includes a minor lot line adjustment between a 2.70 acre lot (Lot 1, the subject site) and a 4.22 acre lot (Lot 2) resulting in a 2.87 acre lot (Lot 1, the subject site) and a 4.05 acre lot (Lot 2). The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition Thirteen (13)** requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

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

I. Local Coastal Program

Section 30604 of the Coastal Act states:

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

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

J. California Environmental Quality Act

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

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

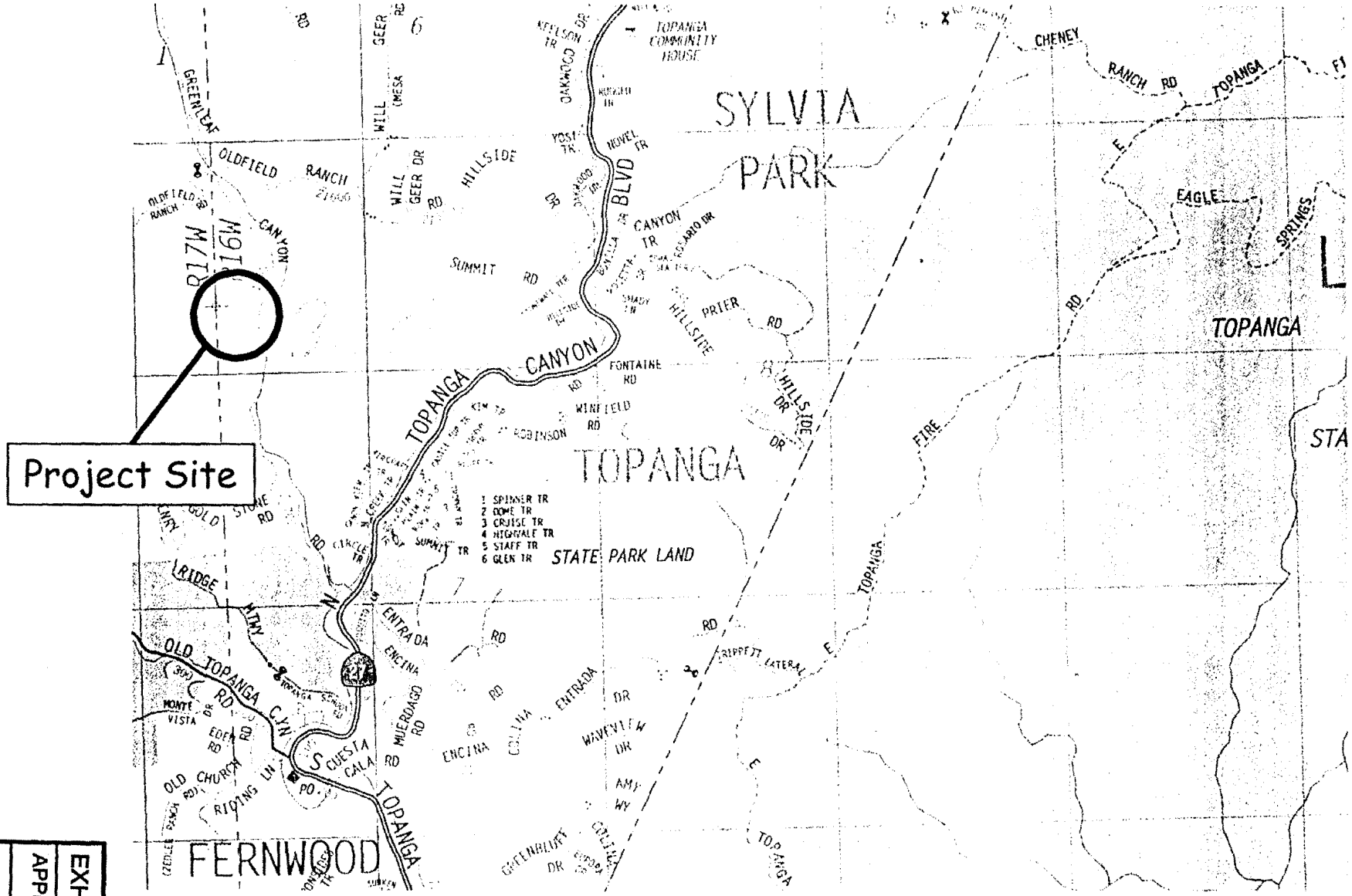


EXHIBIT NO. 1
APPLICATION NO.
4-00-267
VICINITY MAP

GENERAL NOTES

SECURITY REQUIREMENTS

4 EXTERIOR DOORS, DOORS BETWEEN HOUSE AND GARAGE, WINDOWS AND THEIR HARDWARE SHALL CONFORM TO THE SECURITY PROVISIONS OF CHAPTER 67 OF THE BUILDING CODE

a SINGLE SWINGING DOORS, ACTIVE LEAF OF A PAIR OF DOORS, AND THE BOTTOM LEAF OF DUTCH DOORS SHAL BE EQUIPPED WITH A DEADBOLT AND A LATCH IF A KEY-LOCKING FEAUTURE IS INCORPORATED IN THE LATCHING MECHANISM, A DEAD LATCH SHALL BE USED DEADBOLTS SHALL CONTAIN HARDENED INSERTS OR EQUIVALENT, SO AS TO REPEL CUTTING TOOL ATTACH THE DEAD BOLT LOCKS SHALL BE KEY OPERATED FROM THE EXTERIOR SIDE OF THE DOOR AND ENGAGED OR DISENGAGED FROM THE INTERIOR SIDE OF THE DOOR BY A DEVICE NOT REQUIRING A KEY, TOOL OR EXCESSIVE FORCE (B C 6709 2)

b INACTIVE LEAF OF A PAIR OF DUTCH DOORS OR UPPER LEAF OF DUCH DOOR SHALL HAVE DEADBOLT AS PER PARAGRAPH "a" NOT KEY OPERATED, OR HARDENED DEADBOLT TIP AND BOTTOM WITH 1/2" EMBEDMENT (B C 6709 3)

c SWINGING WOOD DOOR(S) SHALL BE SOLID CORE NOT LESS THAN 1-3/8" THICK (B C 6709 1 1)

d PANELS OF WOOD DOORS SHALL BE SOLID CORE NOT LESS THAN 1-3/8" IN THICKNESS EITHER OF WHICH SHALL BE COVERED ONT HE INDISIDE FACE WITH 16-GAUGE SHEET METAL ATTACHED WITH SCREWS AT 6" MAXIMUM CENTERS AROUND THE PERIMETER (6709 1 3)

f DOOR HINGE PINS ACCESSIBLE FORM THE OUTSIDE SHALL BE NON-REMOVABLE (B C 6709 5)

g DOOR STOPS OF WOOD JAMBS OF IN-SWINGING DOORS SHALL BE ONE PIECE CONSTRUCTION OR JOINED BY A RABBET (B C 6709 4)

i WINDOWS AND DOOR LIGHTS WITHIN 40" OF THE LOCKING DEVICE OF THE DOOR SHALL BE FULLY TEMPERED/APPROVED BURGLARY RESISTANT/PROTECTED BY BARS, SCREENS OR GRILLS (B C 6714)

CONSTRUCTION REQUIREMENTS

5 NOTCHING OF EXTERIOR AND BEARING / NONBEARING WALLS SHALL NOT EXCEED 25% / 40% RESPECTIVELY. BORED HOLES IN BEARING / NONBEARING WALLS SHALL NOT EXCEED 40% / 60% RESPECTIVELY. (B C 2326 11 9 & 2326 11 10)

7 PROVIDE FIRE BLOCKING IN CONCEALED SPACES OF STUD WALL SAN DPARTITIONS, INCLUDING FURRED SPACES AT THE CEILING AND FLOOR LEVEL AND AT 10 FT. INTERVALS BOTH VERTICAL AND HORIZONTAL (B C 708 2 1)

10 ROOF DIAPHRAGM NAILING TO BE INSPECTED BEFORE COVERING FACE GRAIN OF PLYWOOD SHALL BE PERPENDICULAR TO SUPPORTS

GLAZING REQUIREMENTS

13 GLAZING IN DOORS AN DFIXED GLAZED PANELS OF MORE THAN 9 SQ FT SHALL HAVE CATEGORY II CLASSIFICATION PER U B C STD 24-2, TABLE 24 2-A

14 GLAZING IN DOORS AN DFIXED GLAZED PANELS OF 9 SQ FT OR LESS SHALL HAVE CATEGORY I CLASSIFICATION PER U B C STD 24-2, TABLE 24-2-A

15 GLAZING IN DOORS AND ENCLOSURES FOR BATHTUBS AND SHOWERS SHALL HAVE CATEGORY II CLASSIFICATION PER U B C STD 24-2, TABLE 24 2-A

16 GLAZED WARDROBE DOORS SHALL MEET THE IMPACT TEST REQUIREMENT OF U B C STD 24-2, PART II LAMINATED GLASS MUST ALSO MEET THE BOIL TEST REQUIREMENTS OF U B C STD 24-2, PART II

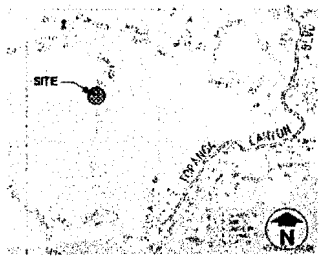
MECHANICAL / PLUMBING / ELECTRICAL CODE REQUIREMENTS

17 THE FOLLOWING ARE REQUIRED FOR THE FORCED AIR FURNACE IN A COMPARTMENT

a COMPARTMENT DIMENSIONS SHALL HAVE 3" MINIMUM CLEARANCE ON SIDES AND BACK /6" MINIMUM CLEAR FROM FRONT OF EQUIPMENT TO COMBUSTION AIR INTAKE THE MINIMUM WIDTH PERMITTED IS 12" GREATER THAN THE EQUIPMENT

21 THE DWELLING SHALL HAVE WATER CLOSETS (TOILETS) WHICH USE NO MORE THAN 1 6 GALLONS PER FLUSH (P C 913)

VICINITY MAP



NOTES:
1. SEPARATE PERMIT REQUIRED FOR RETAINING WALL

2. MAINTAIN 5 FT. CLEARANCE BETWEEN SPETIC TANK AND SEEPAGE PIT AND MIN. CLEARANCES TO BUILDINGS AND PROPERTY LINES OF 5 FT. FOR THE SEPTIC TANK AND 8 FT. FOR THE SEEPAGE PIT.

3. THE CONTRACTOR SHALL COMPLY WITH "BEST MANAGEMENT PRACTICE FOR CONSTRUCTION ACTIVITY" (BMPFCA) REQUIREMENTS. (SEE ATTACHED)

2

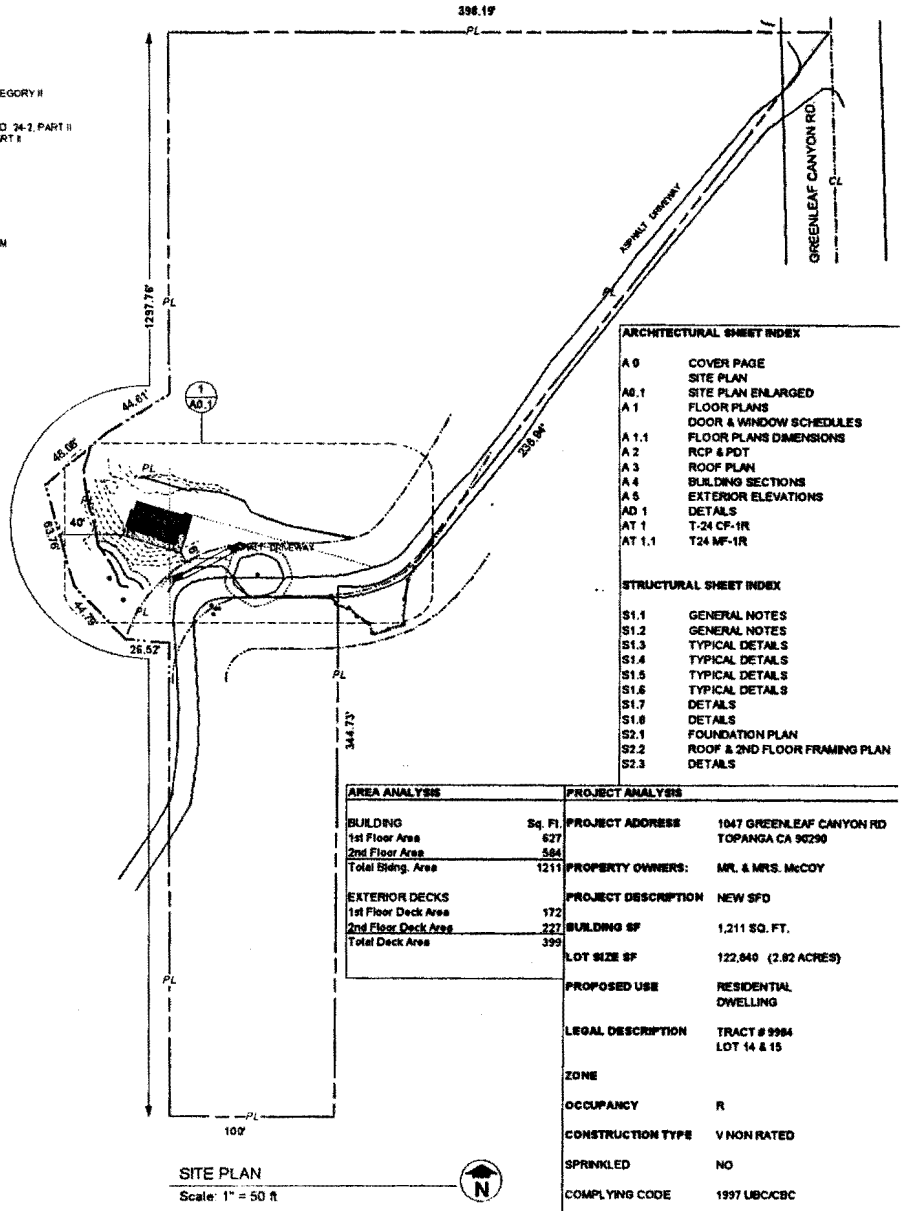
GRADING NOTES:

1 PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES

2 OWNER WILL MAINTAIN DRAINGAE DEVICES AND KEEP FREE OF DEBRIS

3 NO WORK PERMITTED WITHIN THE PROTECTED ZONE OF OAK TREEE WITHOUT AN OAK TREE PERMIT

4 POST ADDRESS AT THE SITE FOR FIELD REVIEW



SITE PLAN
Scale: 1" = 50 ft

ARCHITECTURAL SHEET INDEX

STRUCTURAL SHEET INDEX

AREA ANALYSIS	Sq. Ft.
BUILDING	
1st Floor Area	627
2nd Floor Area	584
Total Bldng. Area	1211
EXTERIOR DECKS	
1st Floor Deck Area	172
2nd Floor Deck Area	227
Total Deck Area	399

PROJECT ANALYSIS	
PROJECT ADDRESS	1047 GREENLEAF CANYON RD TOPANGA CA 90290
PROPERTY OWNERS:	MR. & MRS. McCOY
PROJECT DESCRIPTION	NEW SFD
BUILDING SF	1,211 SQ. FT.
LOT SIZE SF	122,640 (2.82 ACRES)
PROPOSED USE	RESIDENTIAL DWELLING
LEGAL DESCRIPTION	TRACT # 9984 LOT 14 & 15
ZONE	
OCCUPANCY	R
CONSTRUCTION TYPE	V NON RATED
SPRINKLED	NO
COMPLYING CODE	1997 UBC/CBC
MECHANICAL/ELECTRICAL/PLUMBING	UNDER SEPARATE PERMIT

DESIGNER CHARLES WARD
tel. 310.724.0653
3740 CARMONA AVE. #2
LOS ANGELES, CA 90016

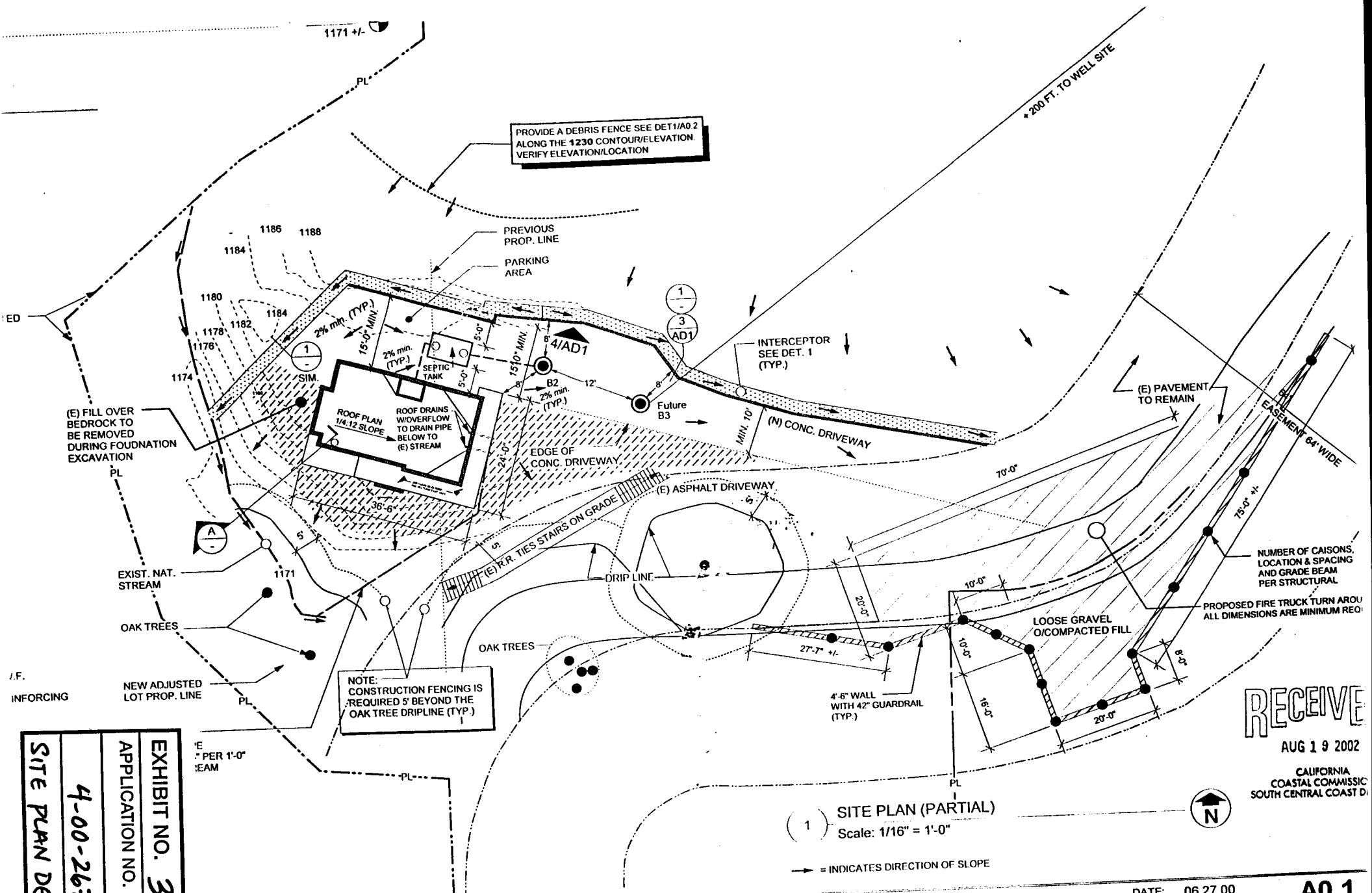
PROJECT McCOY RESIDENCE
tel. -
1047 GREENLEAF CYN RD.
TOPANGA, CA

SHEET COVER PAGE
SITE PLAN

REV 1 08.23.00 DATE: 08.27.00
REV 2 Nov18,00 SCALE: AS NOTED

A0

EXHIBIT NO. 2
APPLICATION NO.
4-00-267
SITE PLAN



1 SITE PLAN (PARTIAL)
Scale: 1/16" = 1'-0"

→ = INDICATES DIRECTION OF SLOPE

RECEIVED
AUG 19 2002
CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DI

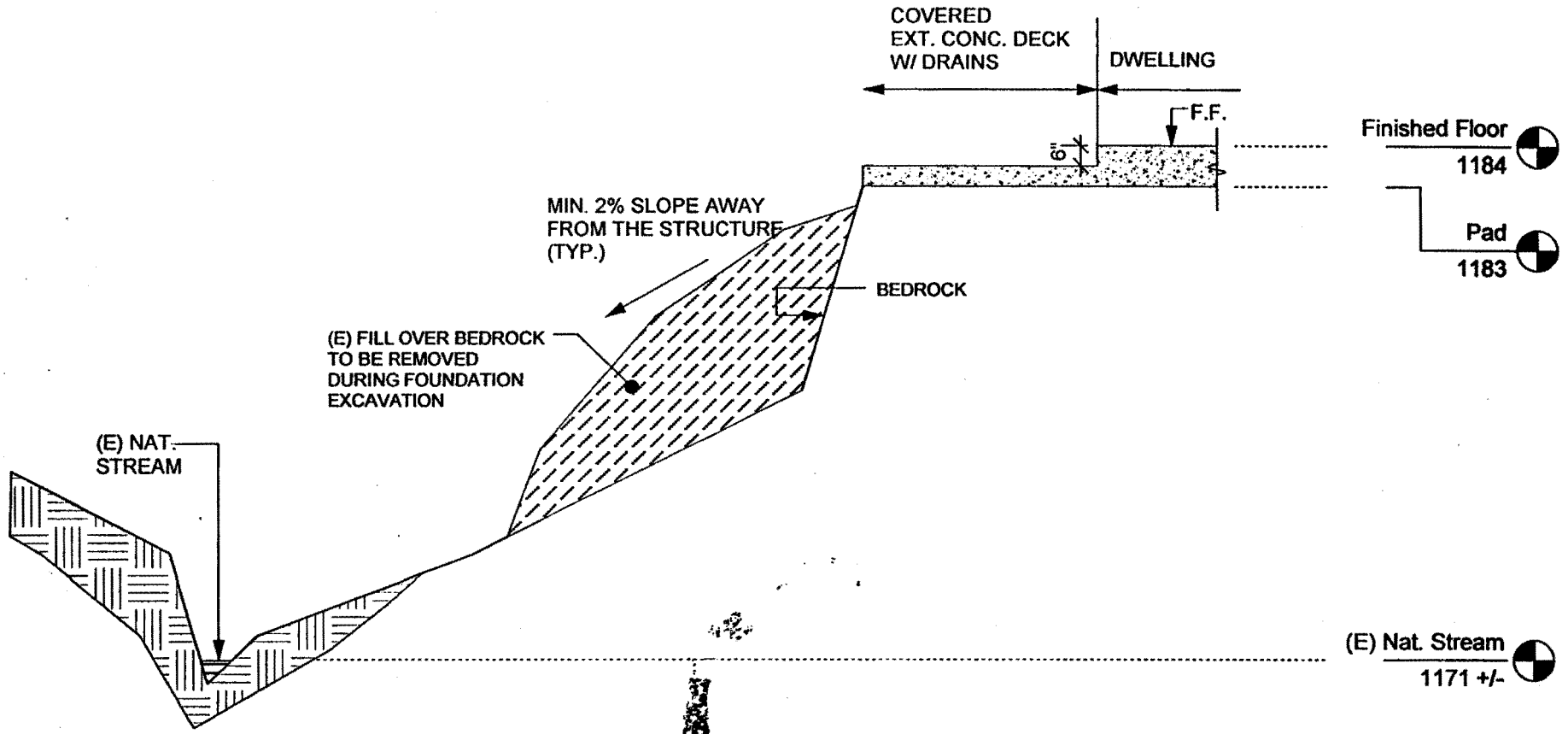
EXHIBIT NO. 3
APPLICATION NO. 4-00-267
SITE PLAN DETAIL

1047 GREENLEAF CYN. RD

SHEET SITE PLAN ENLARGED

DATE: 06.27.00
SCALE: AS NOTED

A0.1



A SECTION THRU SITE

Scale: 1/4" = 1'-0"

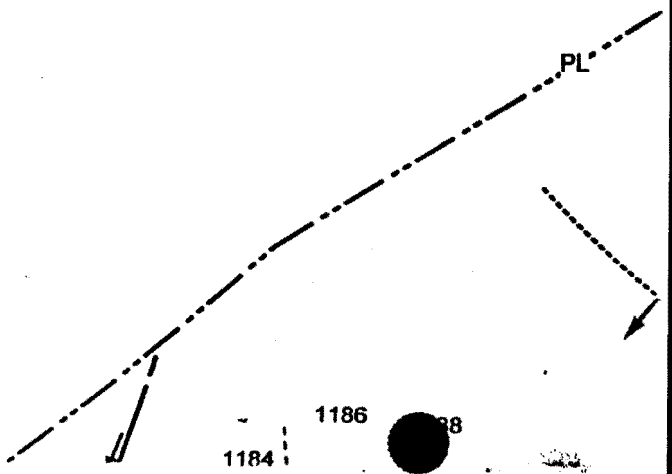
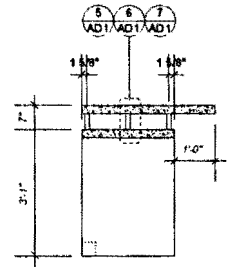


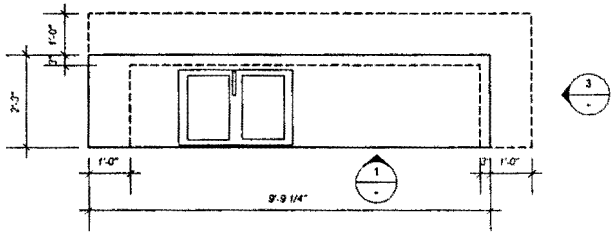
EXHIBIT NO. 4

APPLICATION NO. 4-00-267

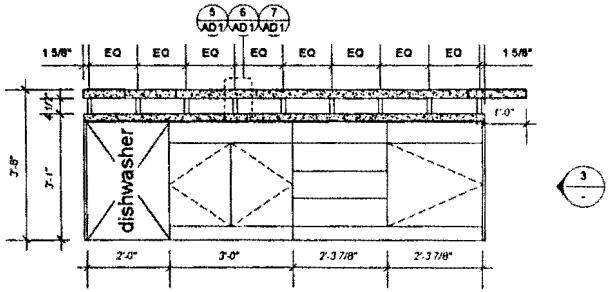
GRADING DETAIL



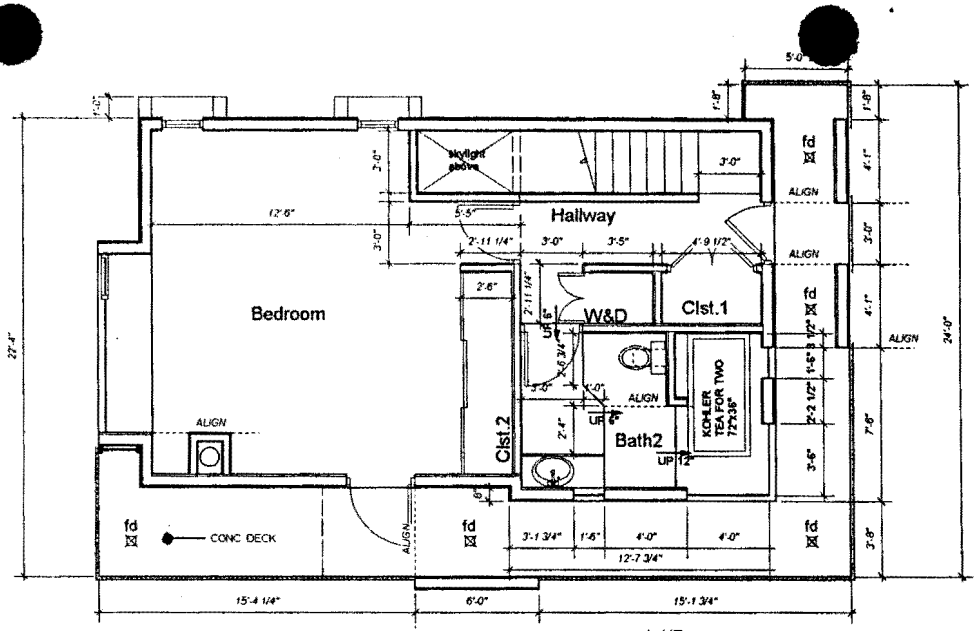
3 ISLAND SIDE VIEW
Scale: 1/2" = 1'-0"



2 ISLAND PLAN VIEW
Scale: 1/2" = 1'-0"



1 ISLAND ELEVATION
Scale: 1/2" = 1'-0"



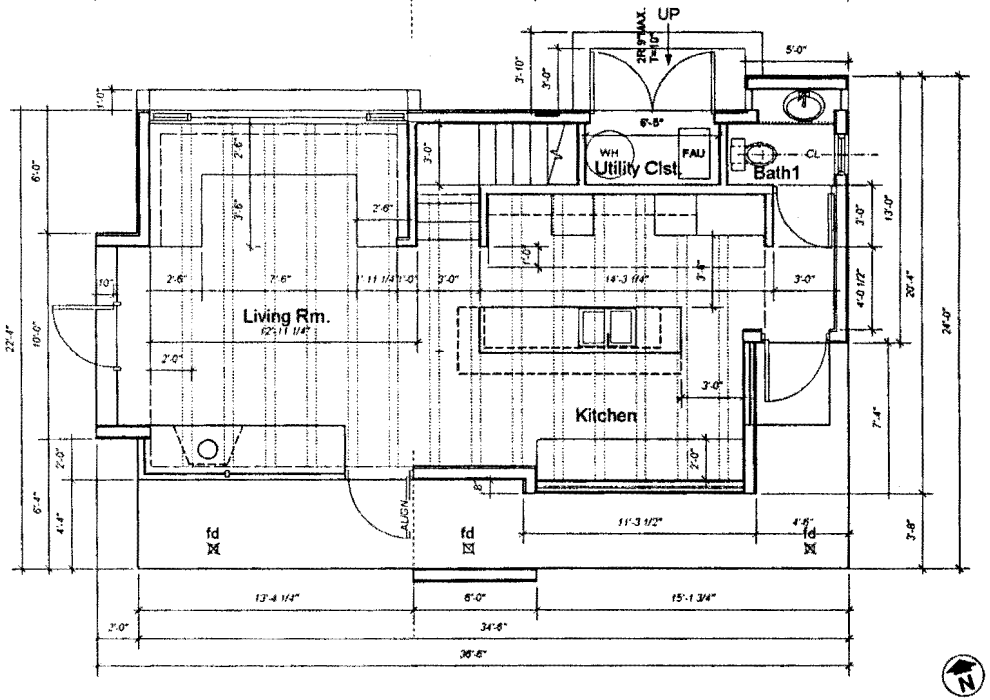
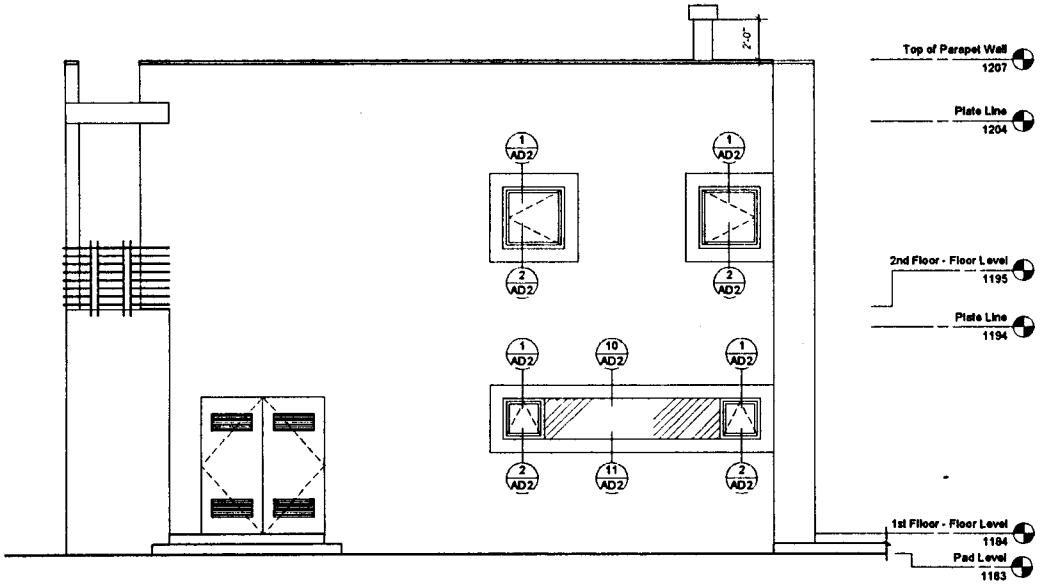
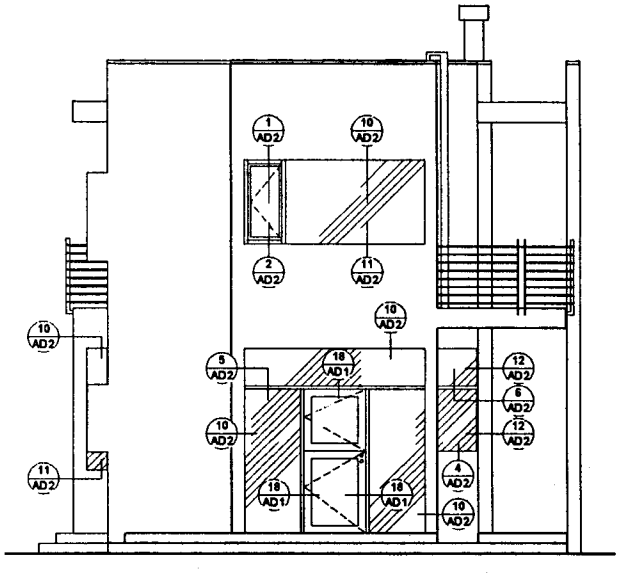


EXHIBIT NO. 5
APPLICATION NO.
4-00-267
FLOOR PLANS

DESIGNER	CHARLES WARD tel. 310.724.0653	3740 CARMONA AVE. #2 LOS ANGELES, CA 90016	PROJECT	McCOY RESIDENCE tel. -	1047 GREENLEAF CYN RD. TOPANGA, CA	SHEET	FLOOR PLANS DIMENSIONS X-	REV 1 08.23.00 REV 2 Nov18,00	DATE: 06.27.00 SCALE: AS NOTED	A1.1



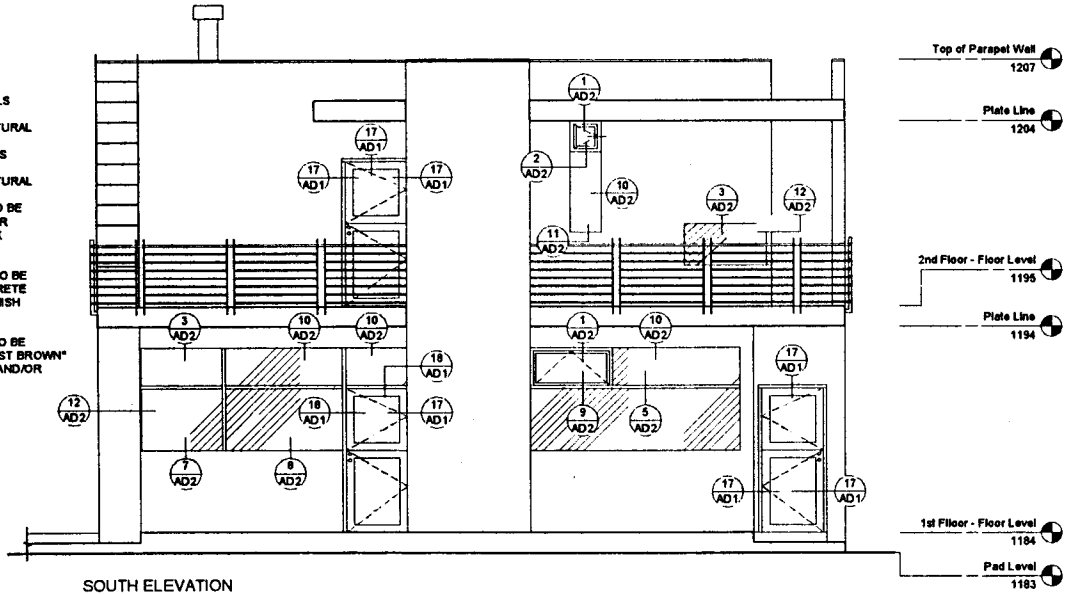
NORTH ELEVATION
Scale: 1/4" = 1'-0"



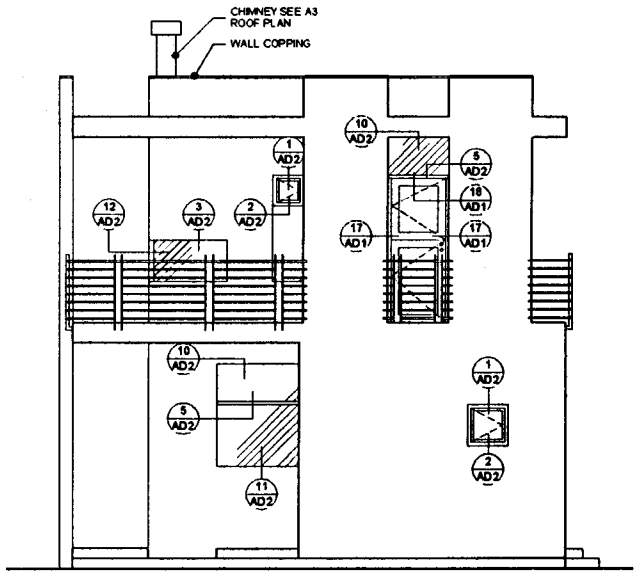
WEST ELEVATION
Scale: 1/4" = 1'-0"

NOTES:

1. ALL EXTERIOR WALLS TO BE 2x6 TYPE AND SPACING PER STRUCTURAL
2. ALL INTERIOR WALLS TO BE 2x4 TYPE AND SPACING PER STRUCTURAL
3. INTERIOR FINISH TO BE "ULTRABOND" PLASTER O/5/8" GYP. BD. TYPE X COLOR PER OWNER
4. EXTERIOR FINISH TO BE LATH & 3-COAT CONCRETE PLASTER SMOOTH FINISH COLOR PER OWNER
5. ALL METAL WORK TO BE PAINTED COLOR = "RUST BROWN" VERIFY W/DESIGNER AND/OR OWNER



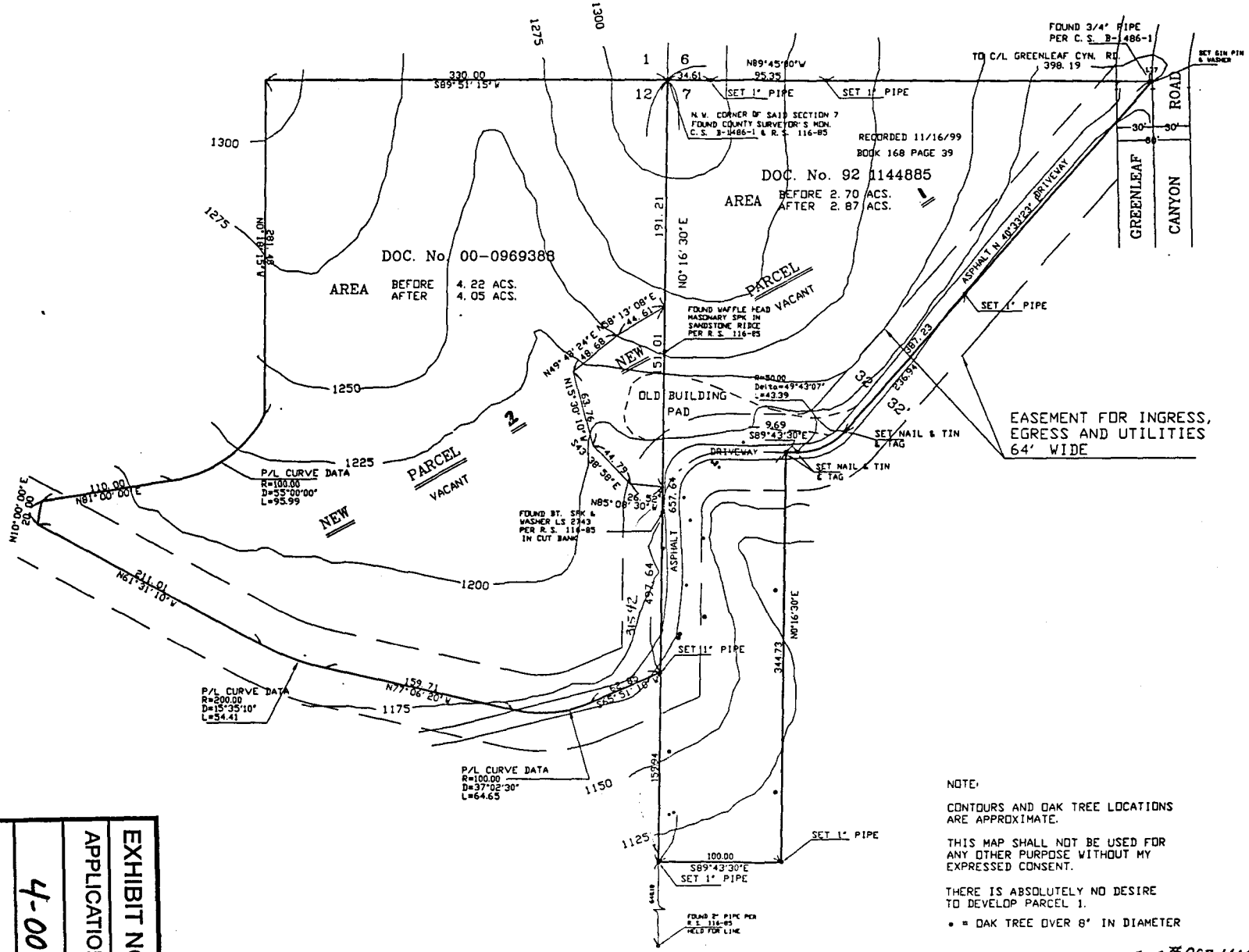
SOUTH ELEVATION
Scale: 1/4" = 1'-0"



EAST ELEVATION
Scale: 1/4" = 1'-0"

DESIGNER	CHARLES WARD tel. 310.724.0653	3740 CARMONA AVE. #2 LOS ANGELES, CA 90016	PROJECT	McCOY RESIDENCE tel. -	1047 GREENLEAF CYN RD. TOPANGA, CA	SHEET	EXTERIOR ELEVATIONS -	REV 1 08.23.00 REV 2 Nov18,00	DATE: 08.27.00 SCALE: AS NOTED	A5

EXHIBIT NO. 6
APPLICATION NO.
4-00-267
ELEVATIONS



TENTATIVE LOT LINE ADJUSTMENT MAP
No. CC LLA 101,868

PORTIONS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, T. 1S., R. 17W., S. B. M. AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, T. 1S., R. 16W., S. B. M.

SCALE: 1"=80'
AUGUST 3, 2000

NOTE:

CONTOURS AND OAK TREE LOCATIONS ARE APPROXIMATE.

THIS MAP SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT MY EXPRESSED CONSENT.

THERE IS ABSOLUTELY NO DESIRE TO DEVELOP PARCEL 1.

• = OAK TREE OVER 8" IN DIAMETER

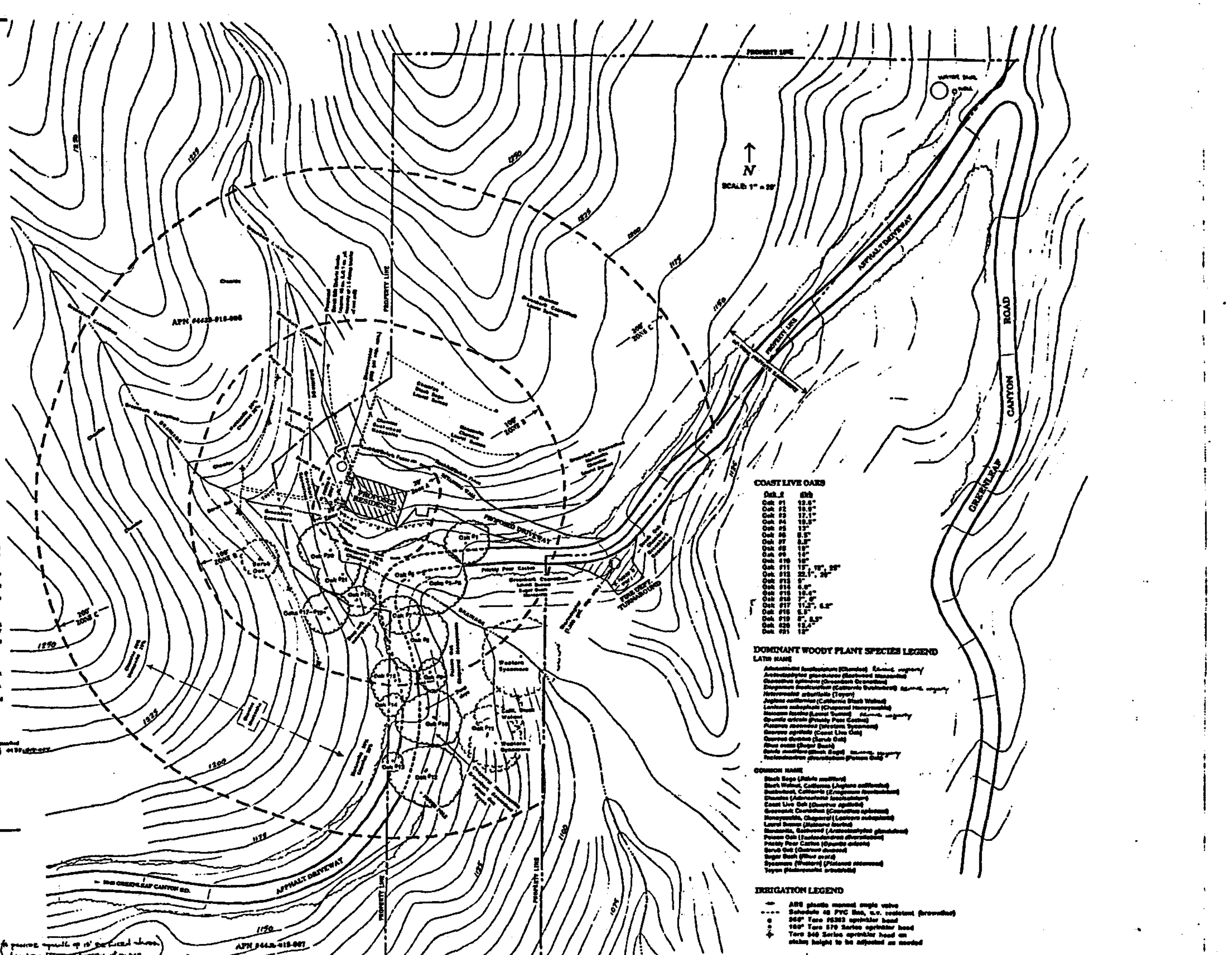
LICENSED LAND SURVEYOR
JOHN H. MAC NEIL
EXP. JUNE. 30, 2004
NO. 3358
STATE OF CALIFORNIA

JOHN H. MAC NEIL
2330 N. TOPANGA CANYON BLVD.
TOPANGA, CA 90290
310-455-2013

FILE # BGZ LLA 1

EXHIBIT NO. 7
APPLICATION NO.
4-00-267
LOT LINE ADJUSTMENT

FUEL MODIFICATION PLAN NOTES



FUEL MODIFICATION, LANDSCAPE & IRRIGATION PLAN

McCoy Residence
1047 Greenleaf Canyon Rd., Topanga, CA

GEO SAFETY, INC.
1462 Lachman Lane
Pacific Palisades, CA 90272
Ph. (310) 459-9453 FAX 459-6187

Prepared by: Klaus Radtke, John Thomas

APN #4444-030-012

Easily accessible standpipes for Fire Department hookup and to their specifications should be provided for the proposed rainfall catchment and runoff catchment cistern.

No other structures are located within 400 feet of the proposed residence at 1047 Greenleaf Canyon Road so that there is no overlapping responsibility for maintaining the indicated fuel modification zones. Fuel modification impacts as indicated pertain to the proposed SFR.

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FINAL
FUEL MODIFICATION PLAN
APPROVED

COUNTY OF LOS ANGELES FIRE DEPARTMENT
PRELIMINARY
FUEL MODIFICATION PLAN
APPROVED

EXHIBIT NO. 8
APPLICATION NO.
4-00-267
FUEL MODIFICATION PLAN

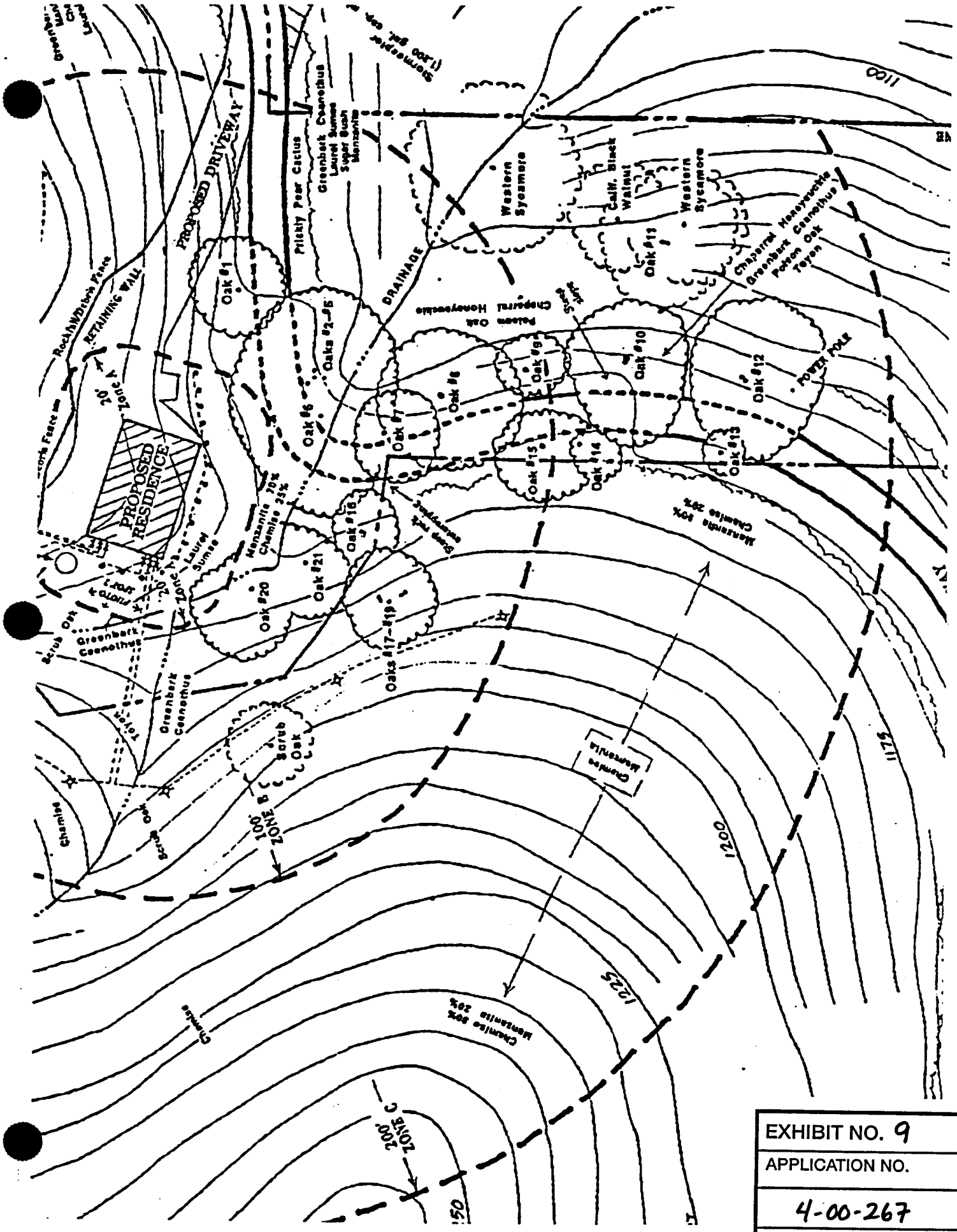


EXHIBIT NO. 9
APPLICATION NO.
4-00-267
OAK TREE LOCATIONS

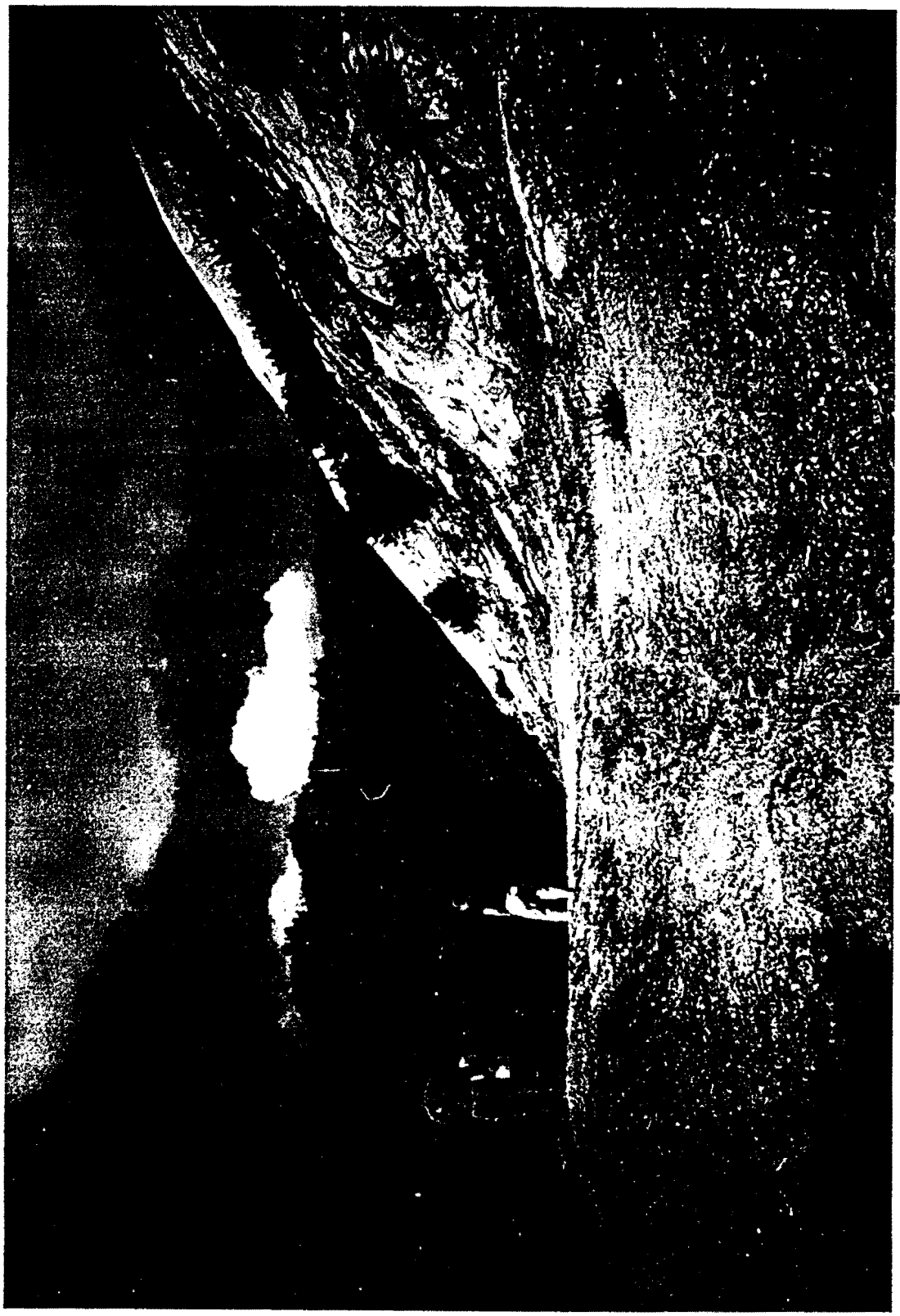


Photo 1: Proposed building site. View is to the west.

EXHIBIT NO. 10
APPLICATION NO.
4-00-267
PHOTOS (4 pp.)

Photo 2: Proposed building site. Note railroad tie stairway below. View is to the east.

Photo 3: Railroad tie stairway, with oak trees on right. View is to the northwest.

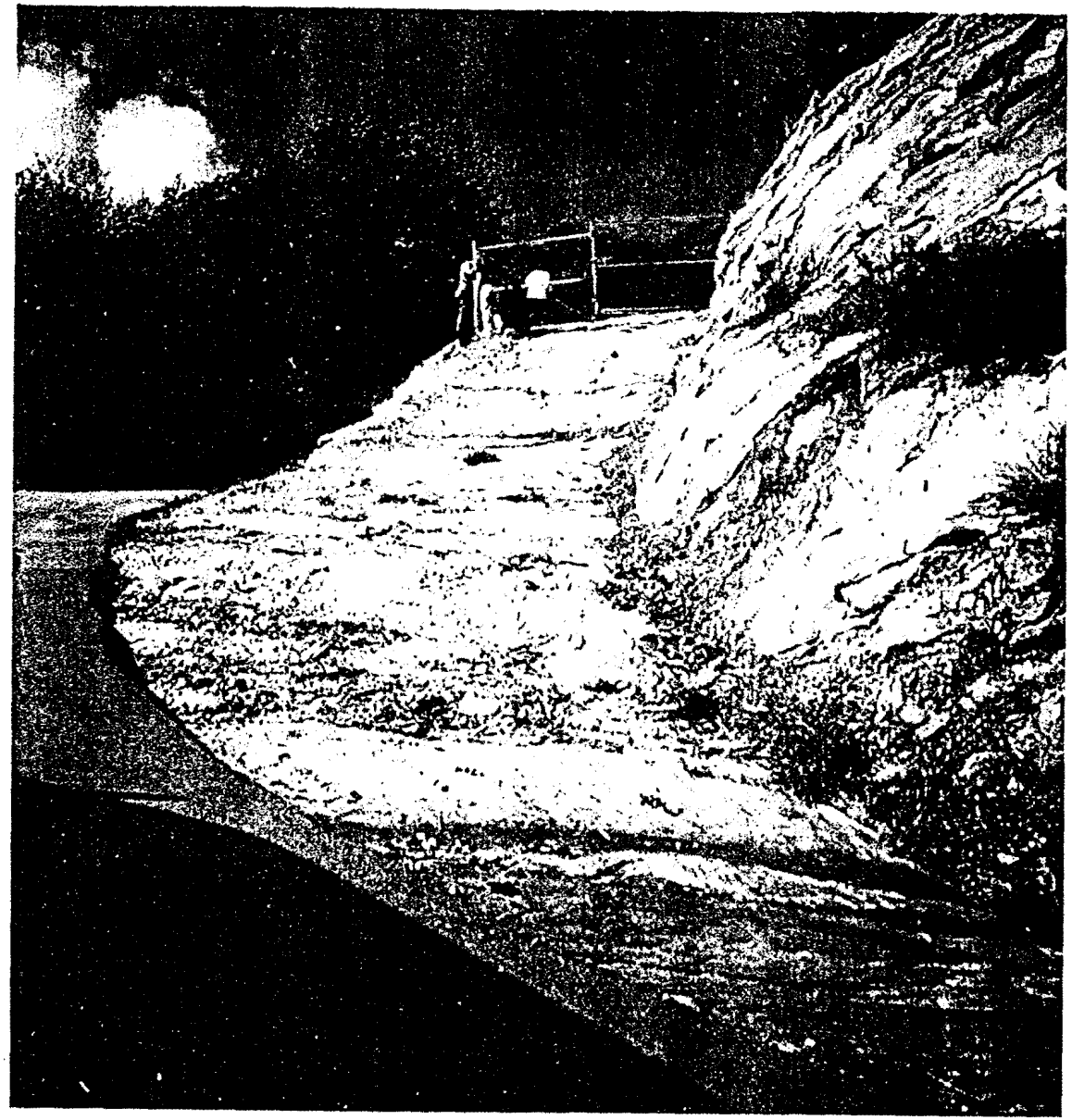


Photo 4: Driveway leading to building site, with access road below. View is to the west.