

CALIFORNIA COASTAL COMMISSION

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

F 25 b

Filed: 12/19/02
180th Day: 6/17/03
Staff: J Johnson
Staff Report: 5/29/03
Hearing Date: 6/13/03
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 5-88-605-A1**RECORD PACKET COPY****APPLICANT:** The Bob Trust, Eric Sato, Trustee **AGENT:** Karl Hinderer**PROJECT LOCATION:** 1291 Will Geer Road, Topanga, Los Angeles County

DESCRIPTION OF COASTAL PERMIT PREVIOUSLY APPROVED: Construct a two story, 25 ft. high, 5,500 sq. ft. single family dwelling, detached 12 ft. high, 750 sq. ft., guest house, 11 ft. high, 1,000 sq. ft., barn and corral, 60 ft. by 120 ft. tennis court, septic system, and driveway with total of 900 cubic yards of grading.

DESCRIPTION OF AMENDMENT: Revise design and complete phase 2 (3,310 sq. ft.) of a partially constructed (2,190 sq. ft.) two story, 25 ft. high, 5,500 sq. ft. single family residence, construct two hammerhead turnarounds, relocate and redesign approved 750 sq. ft. guest house, delete approved 60 ft by 120 ft. tennis court with 361 cubic yards of grading, demolish and remove unpermitted corral and shed, construct second, 11 foot high, 2,099 sq. ft., barn on as-built graded pad with an as-built access driveway created with unknown additional grading quantity, two hammerhead turnaround areas for access driveway with unknown grading quantity, swimming pool with unknown grading quantity. Additional grading of 249 cubic yards of cut is proposed for the second barn. Grading for the guest house is proposed as 178 cubic yards of cut and 14 cubic yards of fill; the quantity of grading for the approved guest house is unknown as part of the total 900 cubic yards previously approved.

In addition, the project includes the request for after-the-fact approval of an 80 ft. by 160 ft. riding arena and 40 ft. diameter circular corral with 362 cubic yards of cut and 608 cubic yards of fill. The applicant proposes to remove an unpermitted corral and shed on an unpermitted graded pad. This unpermitted graded pad is approximately 6,000 sq. ft. in size accessed by an unpermitted access driveway, two new additional hammerhead turnaround areas are also proposed for this access driveway. An unpermitted raised 15 ft. by 15 ft. detached deck is also proposed. The quantity of grading to construct the unpermitted, graded pad, unpermitted driveway and the proposed two hammerhead turnaround areas is unknown.

Lot area:	16.95 acres
Building pad coverage (approx):	
Residence	14,000 sq. ft.
Guest House	800 sq. ft.
Barn 1	2,000 sq. ft.
Barn 2	4,000 sq. ft.
Total	20,800 sq. ft.
Arena and Corral Area:	14,056 sq. ft.

Graded Pad for Barn 2:	6,000 sq. ft.
Landscaped Area:	unknown.
Ht. abv. fin. grade:	11' - 25 ft.
Parking spaces:	5 spaces

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed amendment to this Coastal Permit with Eleven Special Conditions addressing 1) Plans Conforming to Geologic Recommendations, 2) Landscaping, Erosion Control and Fuel Modification Plans, 3) Revised Plans, 4) Native Vegetation Restoration/Revegetation Plan, 5) Assumption of Risk, Waiver of Liability, and Indemnity, 6) Lighting Restriction, 7) Future Development Restriction, 8) Deed Restriction, 9) Drainage and Polluted Run-Off Control Plan, 10) Pool and Spa Drainage and Maintenance, and 11) Condition Compliance. The proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act.

The project site is located in the Topanga Canyon Mesa area which drains to both Topanga Canyon Creek Watershed to the east and Greenleaf Canyon Creek Watershed to the west within the Santa Monica Mountains of Los Angeles County. The site includes numerous oak trees, one located near the proposed second barn, and disturbed chaparral vegetation and coastal sage scrub which are ESHA. Within this ESHA are unpermitted equestrian facilities including an riding arena, a corral, a shed and corral on a graded pad, all created with an unknown total quantity of grading. The proposed redesigned residential project will be consistent with applicable Coastal Act policies, as conditioned, to remove some of these unpermitted equestrian developments, delete or relocate proposed equestrian development to cluster the proposed equestrian development within the fuel modification area of the approved residential and the existing barn development, while restoring an 'as graded' site (for a former unpermitted mobile home site) to the prior chaparral and coastal sage scrub vegetation that had existed since 1977.

STAFF NOTE

Due to Permit Streamlining Act Requirements the Commission must act on this permit application at the June 10 - 13, 2003 meeting.

LOCAL APPROVALS RECEIVED: Approval in Concept (PP46116), Los Angeles County Regional Planning Department, dated 4/26/99; Approval in Concept for Sewage Disposal System, Los Angeles County Health Department, dated 1/19/89; Los Angeles County Fire Department "Coastal Commission Approval Only", dated 6/07/00; Los Angeles County Fire Department Preliminary Fuel Modification Plan, dated 5/18/00.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit No. 4-01-037 (The Bob Trust); Coastal Application No. 4-01-214 (Douda); Coastal Permit No. 4-02-127 (Ruth), Coastal Permit No. 4-00-069, (Malibu Investors); Supplemental Engineering Geologic Report, by Pacific Geology Consultants, dated March 1, 1999; Report of a Preliminary Engineering Geologic Investigation, by Pacific Geology Consultants, dated January 31, 1999.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

The Executive Director determines that the proposed amendment is a material change, or objection is made to the Executive Director's determination of immateriality, or the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code Section 13166). The Executive Director determined that this proposed amendment will be processed as a material amendment.

I. STAFF RECOMMENDATION FOR AMENDMENT APPLICATION NO. 5-88-605-A-1:

RECOMMENDATION OF APPROVAL

MOTION ONE: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-88-605-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 PERMIT AMENDMENT:

The Commission hereby approves the Coastal Development Permit Amendment 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 amendment 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.

STAFF NOTE: All Standard (No. 1 - 7) and Special Conditions (No. 1-3) attached to the original Coastal Permit No. 5-88-605 shall remain in effect and are incorporated herein. The prior applicants have met these Special Conditions and the Coastal Permit has been issued.

Ten new Special Conditions, Numbers Four through Thirteen below, are added as a result of this Amendment.

A. STANDARD CONDITIONS FOR COASTAL PERMIT AMENDMENT NO. 5-88-605:

See Exhibit 1

III. Special Conditions

See Exhibit 2 for Original Special Conditions 1 – 3 of Coastal Permit No. 4-88-605.

4. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION (New)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants review and approval of all project plans. All recommendations contained in the Supplemental Engineering Geologic Report, by Pacific Geology Consultants, dated March 1, 1999; Report of a Preliminary Engineering Geologic Investigation, by Pacific Geology Consultants, dated January 31, 1999, shall be incorporated into all final design and construction plans including foundations, retaining walls, grading and earthwork, swimming pool, drainage and maintenance, floor slabs, excavation erosion control, excavations, erosion control, and on site effluent disposal. All plans must be reviewed and approved by the engineering geologist, engineer and the geotechnical engineering consultants as conforming to these recommendations.

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

5. LANDSCAPE EROSION CONTROL AND FUEL MODIFICATION PLANS (New)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit final landscaping, prepared by a licensed landscape architect or a qualified resource specialist, and erosion control/drainage plans prepared by a licensed engineer for review and approval by the Executive Director. The final landscaping and erosion control/drainage plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The final plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas on the subject site within the fuel modification area of the residence, guest house and existing barn, except for one 12 foot wide access road between the residence and barn and between the barn and corral as shown on Exhibit 23, shall be planted and maintained for erosion control purposes within (60) days of

receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants on the slopes as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. Invasive, non-indigenous plant species, which tend to supplant native species, shall not be used; the existing non-native ice plant located on the slope below the building pad shall be removed. Non-native plant gardens and shrubs are allowed on the existing building pad areas with native grass lawn areas identified in the recommended list of plants noted above.

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 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils. All fencing identified on the landscape plan surrounding the proposed structural developments shall be limited to the existing residential building pads and the perimeters and the two entry gate areas on the north and south boundaries of the property no more than 50 feet beyond each side of the gate. Any additional fencing of the perimeter of the property along Hillside Drive and Will Geer Road may be identified only as an open rail fence designed to allow wildlife to enter and exit the property.

- 2) 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.
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required
- 4) Vegetation within 30 feet of the existing residence/garage, proposed guesthouse and existing barn may be removed to mineral earth, vegetation within a 200-foot radius of these structures may be selectively thinned in order to reduce fire hazard. No fuel modification is allowed surrounding the equestrian riding arena and adjoining circular corral. Thinning around the residence, guest house and barn shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The final fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the final fuel modification plan, as revised has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the 30 foot radius of the proposed residence/garage, guest house, and barn except as noted in 1) above, shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 5) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading; By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

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

C) Monitoring

Five (5) years from the date of completion of the proposed development, the applicant 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 assesses the on-site landscaping and certifies whether it 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 these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The supplemental 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. The permittee shall implement the remedial measures specified in the approved supplemental landscape plan.

6. REVISED PLANS (New)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, a revised site plan removing the proposed eleven foot (11') high, 2,099 sq. ft. barn proposed on the unpermitted graded pad and the two hammerhead turnarounds, from the project plans. The disposal location of the corral and shed shall be identified and must be located outside the coastal zone or a site with a valid coastal permit for the construction of a corral and shed.

7. NATIVE VEGETATION RESTORATION / REVEGETATION PLAN (New)

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of restoration / revegetation plans. The plan shall include a grading plan, prepared by a licensed civil engineer to restore the two areas on the subject parcel where vegetation removal and grading occurred, about 6,000 sq. ft. on the southeast portion of the parcel shown on Exhibits 20, 21, and 27, where the unpermitted corral and shed are now located on an unpermitted graded pad shall be regraded to the original contour, adequate top soil added, revegetated with native plants and restored to the contour and native plants that existed prior to the grading and vegetation removal of the site. These plans shall confirm that the existing unpermitted corral and shed will be removed from this graded pad. The unpermitted driveway to this site as shown on Exhibits 20 and 27 shall be narrowed to a maximum of 12 feet wide by grading the additional width to the original contour, adequate top soil added, revegetated with native plants and restored to the contour and native plants that existed prior to the grading and vegetation removal of the site. The disposal location of the corral and shed shall be identified and must be located outside the coastal zone or a site with a valid coastal permit for the construction of a corral and shed.

The plan shall also include a landscaping and erosion control plan, including an irrigation plan, prepared by a qualified habitat restoration consultant. The landscaping and erosion control plan shall be reviewed and approved by the consulting civil engineer to ensure that the plan is in conformance with the original site contours and applicable recommendations regarding slope stability. The restoration and revegetation plan shall include, but not be limited to, the following criteria:

- (a) A detailed grading plan, prepared by a licensed professional civil engineer, that illustrates remedial grading to restore the contours of the site existing prior to the removal of the vegetation and grading including the addition of adequate top soil. The plan shall include temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slope is completed. These erosion control measures shall be required on the project site prior to and concurrent with the initial grading operations and shall be maintained throughout the process to minimize erosion and sediment to runoff waters during construction. All sediment shall be removed to an appropriate disposal

site, approved by the Executive Director, either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- (b) A revegetation program, prepared by a qualified habitat restoration consultant with credentials acceptable to the Executive Director, that utilizes only native plant species that have been obtained from local Santa Monica Mountains genetic stock, and are consistent with the surrounding native plant community. Native seeds shall be collected from areas as close to the restoration site as possible. The plan shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary, including a detailed irrigation plan. The plan shall also specify performance standards to judge the success of the restoration effort. The revegetation plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plan shall include a description of technical and performance standards to ensure the successful revegetation of the restored slope. A temporary irrigation system may be used until the plants are established, as determined by the habitat restoration consultant, and as approved by the consulting civil engineer, but in no case shall the irrigation system be in place longer than two (2) years. The restored area shall be planted within thirty (30) days of completion of the remedial grading operations.
- (c) The restoration plan shall be implemented within ninety (90) days of the issuance of this permit. Revegetation shall provide ninety percent (90%) coverage within five (5) years and shall be repeated, if necessary, to provide such coverage. The Executive Director may extend this time period for good cause. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements.
- (d) A monitoring program, prepared by a qualified environmental resource specialist. The monitoring program shall demonstrate how the approved revegetation and restoration performance standards prepared pursuant to section (b) above shall be implemented and evaluated for compliance with this Special Condition. The program shall require the applicants to submit, on an annual basis for a period of five years (no later than December 31st each year), a written report, for the review and approval of the Executive Director, prepared by an environmental resource specialist, indicating the success or failure of the restoration project. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the restoration plan. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the plantings. If these inputs are required beyond the first four (4) years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the revegetation of native plant species on-site is adequate to provide ninety percent (90%) coverage by the end of the five (5) year monitoring

period and is able to survive without additional outside inputs, such as supplemental irrigation.

- (e) At the end of the five year period, a final detailed report shall be submitted, for the review and approval of the Executive Director, that indicates whether the on-site landscaping is in conformance with the revegetation / restoration plan approved pursuant to this Special Condition. The final report shall include photographic documentation of plant species and plant coverage. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicants shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original plan that were not successful. The revised, or supplemental, restoration program shall be processed by the applicant/landowner as an amendment to this Coastal Development Permit.

8. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY (New)

By acceptance of this permit; the applicant acknowledges and agrees (i) That the site maybe subject to hazards from 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 Commissions 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.

9. LIGHTING RESTRICTION (New)

A. The only outdoor night lighting allowed on the subject parcel is limited to the following to minimize nighttime intrusion of light and disruption of wildlife traversing this area at night within this rural area:

1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas and driveways, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, that are directed downward, and use incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.
2. Security lighting attached to the residence, garage, and guest house that is controlled by motion detectors is limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or bulbs generating the equivalent amount of Lumens, unless a higher wattage is authorized by the Executive Director.

3. The minimum lighting necessary for safe vehicular use of the driveways. That lighting shall be limited to incandescent bulbs that do not exceed 60 watts, or energy efficient bulbs such as compact florescent That do not exceed a 12-watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director.
- B. No lighting on the remainder of the parcel, including the slopes and flat areas, and no lighting for aesthetic purposes is allowed.

10. FUTURE DEVELOPMENT RESTRICTION (New)

This permit is only for the development described in Coastal Development Permit No.5-88-605-A-1. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), and 13253 (b) (6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall **not** apply to the entire property. Accordingly, any future improvements to the entire property, including but not limited to the residence and garage, guest house, barn, and clearing of vegetation, fencing, gates, or grading other than as provided for in the approved fuel modification landscape and erosion control plan prepared pursuant to Special Condition No. Five (5), and the revised plans prepared pursuant to Special Condition No. Six (6) shall require an amendment to Permit No. 5-88-605-A-1 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

11. DEED RESTRICTION (New)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT 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 these permits, 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 these permits 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.

12. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN (New)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management

Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

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

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

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

- b) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if amendment(s) or new Coastal Development Permit(s) are required to authorize such work.
- c) The plan shall identify an area for animal waste containment and shall include provisions for collection, storage, and disposal of stable wastes, including manure and bedding, and for the prevention of off-site migration of animal waste due to wind, rain, or run-off. Manure stored on site shall be contained in fully enclosed bins and/or a facility with impervious flooring that is protected from wind, rain and nuisance flows. The plan shall specify the maximum capacity of the manure storage and containment areas and shall include provisions to reduce and dispose of animal waste so as not to exceed the maximum capacity of the waste containment areas. All animal bedding and wastes shall be collected and disposed of off site in a manner and location prescribed in the approved final plan.
- d) The plan shall include drainage devices and BMP's that will ensure that runoff draining from or through, any and all horse facilities shall be collected and treated in accordance with other provisions of this Special Condition. The plan shall also include measures to prevent surface flow into equestrian facilities from upslope areas.
- e) Runoff may be allowed to sheet flow through vegetated and/or gravel filter strips or other media devices for treatment and infiltration purposes, prior to being collected, where necessary, and conveyed off site in a non-erosive

manner. Vegetated and/or gravel filter strips must be located on slopes no greater than 4:1, and appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native plants indigenous to the Santa Monica Mountains. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

13. POOL DRAINAGE AND MAINTENANCE (New)

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

14. CONDITION COMPLIANCE (New)

If the applicant has not complied with all the conditions that must be satisfied prior to issuance of this permit within 120 days of Commission action on this CDP amendment application, the Commission or the Executive Director may institute enforcement action under Chapter 9 of the Coastal Act regarding the existing development that was conditionally approved by the Commission's action on CDP Amendment No. 5-88-606-A1. This condition does not limit or delay any enforcement action by the Commission or the E.D. regarding existing development that has not been approved or conditionally approved by the Commission.

IV. Findings and Declarations

The Commission hereby finds and declares:

Project Description, Location and History

The applicant is proposing to amend Coastal Permit No. 5-88-605 to revise the design and complete phase 2 (3,310 sq. ft.) of a partially constructed (2,190 sq. ft.) two story, 25 ft. high, 5,500 sq. ft. single family residence, construct two hammerhead turnarounds, relocate and redesign an approved 750 sq. ft. guest house, delete approved 60 ft by 120 ft. tennis court with 361 cubic yards of grading, demolish and remove an unpermitted corral and shed,

construct a second, 11 foot high, 2,099 sq. ft., barn on as-built graded pad with an as-built access driveway created with unknown additional grading quantity, discussed below, two new hammerhead turnaround areas for residential access driveways with unknown grading quantity, and a swimming pool with unknown grading quantity. The applicant proposes to remove an unpermitted corral and shed on an unpermitted graded pad to construct the second new barn. An additional grading quantity of 249 cubic yards of cut is proposed for the second barn. Two new hammerhead turnaround areas for the proposed barn with an unknown quantity of grading are proposed. Grading for the guest house is proposed as 178 cubic yards of cut and 14 cubic yards of fill; the quantity of grading for the approved guest house is unknown as part of the total 900 cubic yards previously approved. No paving of existing roadways or the hammerhead turnaround is proposed. The proposed status of the existing barn is unclear as one of the submitted plans indicates that it is an existing barn, another submitted plan indicates it is an existing garage. The agent has stated in a letter dated May 13, 2003 (Exhibit 18) that the existing barn was approved as a two car garage and two stall barn as identified on the plans approved by Coastal Permit No. 5-88-605. A review of the approved plans confirms this statement. The agent has also stated in this letter that this barn/garage will be converted to a garage, however, no plans were submitted to identify the conversion and the removal of existing corral adjacent to this barn/garage with an identified vehicular access to the barn/garage approved by the Los Angeles County Fire Department.

In addition, the project amendment includes the request for after-the-fact approval of an 80 ft. by 160 ft. riding arena and 40 ft. diameter circular corral with 362 cubic yards of cut and 608 cubic yards of fill. The applicant proposes to remove an unpermitted corral and shed on an unpermitted graded pad. This unpermitted graded pad is approximately 6,000 sq. ft. in size accessed by an unpermitted access driveway, two new additional hammerhead turnaround areas are also proposed for this access driveway. An unpermitted raised 15 ft. by 15 ft. detached deck is also proposed. The quantity of grading to construct the unpermitted, graded pad, unpermitted driveway and the proposed two hammerhead turnaround areas is unknown. The unpermitted graded area now proposed for the new second barn appears to have involved a limited amount of grading on a gently sloping area, the unpermitted access driveway traverses a slope with an approximate 15 foot slope differential. The proposed two new hammerhead turnaround areas, required by the Los Angeles County Fire Department, appear to be located on relatively flat areas, however, no specific design was provided on Plan Sheet L1.

Staff has requested detailed information regarding these project components including the proposed and completed grading in letters dated July 27, 2000 (Exhibit 16) and May 8, 2003 (Exhibit 17) to the applicant and agent, respectively. The applicant has declined to provide a detailed project description, as a result, the total quantity of proposed and existing grading beyond the 900 cubic yards approved in Coastal Permit No. 5-88-605 is unknown at this time.

The project site is located in a partially developed area in the east-central portion of the Santa Monica Mountains. This 16.95 acre parcel is located along the north side of Hillside Drive west of the intersection with Will Geer Road. The parcel fronts along both Hillside Drive and Will Geer Road. The parcel is bisected by a dirt road in a south to north direction. The topography of this parcel is characterized by flat areas, gently sloping ridges and isolated small hills separated by an intervening southwest to northeast flowing drainage ravine with

about 60 feet of vertical relief. The parcel drains northeast beyond the parcel into a blue line stream with riparian habitat which then flows into Topanga Canyon Creek located about one third of a mile further to the east. A northwest portion of the property drains southwest into Greenleaf Canyon Creek, also a blue line stream. According to the applicant, the existing water well, water tank and pump house was constructed prior to 1977 and was included as the water system proposed for the development of the residence approved in Coastal Permit No. 5-88-605.

Vegetation on the subject parcel consists of chaparral, riparian vegetation, numerous oak and scrub oak trees, a sycamore, eucalyptus, and degraded chaparral and coastal sage scrub plant species. The amendment application was filed by operation of law without the requested detailed identification of the type, size and location of onsite trees species (Exhibit 16, page 3).

Project History

The Commission approved the construction of a one story, 25 ft. high, 5,500 sq. ft. single family dwelling (approved plans state one story 4,050 sq. ft. single family residence and 665 sq. ft. garage), detached 12 ft. high, 750 sq. ft., guest house, 11 ft. high, 1,000 sq. ft., barn and corral, 60 ft. by 120 ft. tennis court with 361 cubic yards of grading, septic system, driveway with total of 900 cubic yards of grading in 1990 (Coastal Permit No. 5-88-605, Brown). The coastal permit was issued and about one half of the residence was constructed together with the barn on the western portion of the property and one corral near this barn.

Commission staff received an application for a new residence, guest house, barn, corral and riding arena, and a sleeping deck or children's play area in May 2002 which was filed as Application No. 4-00-111, Eric Sato, Trustee of the Bob Trust. Staff's review confirmed that a number of the proposed developments were actually approved developments constructed without compliance to the original approval and now are existing unpermitted developments with additional existing unpermitted developments on site. Staff requested that the applicant withdraw the application and submit an amendment to Coastal Permit 5-88-605 (Exhibit 16). The applicant subsequently withdrew this application and submitted the subject amendment application on November 19, 2002. The amendment application was filed thirty days after its receipt on December 19, 2002 without staff review prior to its assignment.

Commission staff conducted a site visit on April 30, 2003, confirming the existing and proposed developments and reviewed alternative sites where the proposed second barn could be located. In a letter dated May 8, 2003 requested the applicant confirm whether or not the proposed second barn (six stalls) in addition to the existing barn (1,000 sq. ft. with 2 stalls according to the agent and approved plans) was proposed for personal or commercial use (Exhibit 17, page 3, paragraph 3). This letter also requested that the applicant consider and identify alternative locations and designs on the parcel with a conceptual plan where the 'as built' corral and riding arena and second barn could be located to consolidate or cluster the proposed development with the existing development (Exhibit 17, page 3, paragraph 4). The applicant's agent, in a letter dated May 13, 2003, responded that the applicant's family has five horses and partially responded to the request to consider and

draft a conceptual plan for alternative sites for the 'as built' corral and riding arena and barn (Exhibit 18). These issues are discussed further below.

B. Geologic and Fire Hazards

Coastal Act Section 30253 provides 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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...

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

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area.

As stated previously, The applicant is proposing to amend Coastal Permit No. 5-88-605 to revise the design and complete phase 2 (3,310 sq. ft.) of a partially constructed (2,190 sq. ft.) two story, 25 ft. high, 5,500 sq. ft. single family residence, construct two hammerhead turnarounds, relocate and redesign an approved 750 sq. ft. guest house, delete approved 60 ft by 120 ft. tennis court with 361 cubic yards of grading, demolish and remove an unpermitted corral and shed, construct a second, 11 foot high, 2,099 sq. ft., barn on as-built graded pad with an as-built access driveway created with unknown additional grading quantity, discussed below, two new hammerhead turnaround areas for residential access driveways with unknown grading quantity, and a swimming pool with unknown grading quantity. The applicant proposes to remove an unpermitted corral and shed on an unpermitted graded pad to construct the new second barn. An additional grading quantity of 249 cubic yards of cut is proposed for the second barn. Two new hammerhead turnaround areas for the proposed barn with an unknown quantity of grading are proposed. Grading for the guest house is proposed as 178 cubic yards of cut and 14 cubic yards of fill; the quantity of grading for the approved guest house is unknown as part of the total 900 cubic yards previously approved. No paving of existing roadways or the hammerhead turnaround is proposed. The proposed status of the existing barn is unclear as one of the submitted plans

indicates that it is an existing barn, another submitted plan indicates it is an existing garage. The agent has stated in a letter dated May 13, 2003 (Exhibit 18) that the existing barn was approved as a two car garage and two stall barn as identified on the plans approved by Coastal Permit No. 5-88-605. A review of the approved plans confirms this statement. The agent has also stated in this letter that this barn/garage will be converted to a garage, however, no plans were submitted to identify the conversion and the removal of existing corral adjacent to this barn/garage with an identified vehicular access to the barn/garage approved by the Los Angeles County Fire Department.

In addition, the project amendment includes the request for after-the-fact approval of an 80 ft. by 160 ft. riding arena and 40 ft. diameter circular corral with 362 cubic yards of cut and 608 cubic yards of fill. The applicant proposes to remove an unpermitted corral and shed on an unpermitted graded pad. This unpermitted graded pad is approximately 6,000 sq. ft. in size accessed by an unpermitted access driveway, two new additional hammerhead turnaround areas are also proposed for this access driveway. An unpermitted raised 15 ft. by 15 ft. detached deck is also proposed. The quantity of grading to construct the unpermitted, graded pad, unpermitted driveway and the proposed two hammerhead turnaround areas is unknown. The unpermitted graded area now proposed for the new second barn appears to have involved a limited amount of grading on a gently sloping area, the unpermitted access driveway traverses a slope with an approximate 15 foot slope differential. The proposed two new hammerhead turnaround areas, required by the Los Angeles County Fire Department, appear to be located on relatively flat areas, however, no specific design was provided on Plan Sheet L1.

Staff has requested detailed information regarding these project components including the proposed and completed grading in letters dated July 27, 2000 (Exhibit 16) and May 8, 2003 (Exhibit 17) to the applicant and agent, respectively. The applicant has declined to provide a detailed project description, as a result, the total quantity of proposed and existing grading beyond the 900 cubic yards approved in Coastal Permit No. 5-88-605 is unknown at this time.

The applicant has submitted a Supplemental Engineering Geologic Report, by Pacific Geology Consultants, dated March 1, 1999 and a Report of a Preliminary Engineering Geologic Investigation, by Pacific Geology Consultants, dated January 31, 1999. These reports address the stability of the proposed residence, garage, guest house, swimming pool, sleepy porch and barn recommending numerous measures to ensure stability.

The applicant's engineering geologist concludes:

Provided our recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the proposed structures will be safe from landslide hazard, settlement and slippage. In addition, the proposed construction will not adversely affect off-site properties from a geologic standpoint. All specific elements of the County of Los Angeles Building Code shall be followed in conjunction with design and future construction work.

Based on the recommendations of the consulting engineering geologist and engineer, therefore, the Commission finds that the proposed development, as conditioned herein, minimizes risks to life and property from geologic hazards and assures stability and structural integrity, as required by Section 30253 of the Coastal Act, so long as the recommendations

set forth in the West Coast Geotechnical report are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geotechnical engineer and engineer as conforming to their recommendations as required by **Special Condition No. Four**.

Section 30253 of the Coastal Act states that new development shall not create or contribute significantly to erosion, in addition to other site stability issues addressed above. **Special Condition No. Five** requires the applicant to submit for the Executive Director's approval landscape and fuel modification plans incorporating erosion control measures and providing for landscaping with suitable, locally native plant species. Established native plants, particularly chaparral shrub species, have deep root systems that hold soil in place and inhibit erosion. Use of the materials and methods required by **Special Condition No. Five** will, therefore, stabilize the site immediately after disturbance and additionally protect against long-term site erosion. Temporary erosion control measures for implementation during the rainy season must also be incorporated into the landscape plan to protect excavated soils from erosion while construction is in progress.

The Commission notes that the use of native plants to landscape disturbed areas of the site (in addition to the use of native plants for overall landscape design), provides superior erosion control to that provided by more common applications, such as the hydroseeding with non-native annual grasses that is often employed along roadcuts or burned areas. For these reasons, the Commission finds it necessary to impose **Special Condition No. Five**, as a condition of approval of the proposed development, thereby ensuring that erosion is controlled and that native plants are appropriately utilized for slope stabilization and landscaping.

The proposed second barn is located on an existing 'as graded' pad with an 'as graded' driveway (Exhibits 20 and 21). The project includes the removal of an unpermitted corral and shed on this unpermitted as-built graded pad with the unpermitted as-built access driveway all completed with an unknown grading quantity and is proposing two new hammerhead turnaround areas also with unknown grading quantities to access the proposed 2,099 sq. ft. barn. A review of the submitted landscape plan (Exhibit 15) proposed as a Preliminary Fuel Modification Plan for the Los Angeles County Fire Department indicates that a substantial portion, nearly half, of the 16.95 acre parcel will be located within the required Fuel Modification Area. The applicant submitted a prior site and landscape plan approved by the Los Angeles County Fire Department as a Preliminary Fuel Modification Plan. That plan indicated that a barn constructed of combustible materials required a 100 foot fuel modification zone. The applicant has subsequently proposed a metal barn which may require only a 30 foot fuel modification zone surrounding it, however, no preliminary approval of this revised project and fuel modification plan was submitted. The vegetation immediately surrounding the subject pad area consists of native coastal sage scrub, chaparral and one oak tree. The area surrounding the proposed barn is already cleared of coastal sage scrub and chaparral with the nearby oak tree remaining on site (Exhibits 20 and 21). Exhibit 21 identifies this existing unpermitted graded pad with unpermitted corral and shed. Although only a limited amount of additional clearing and or thinning of these native plants (possibly an additional 30 foot or more radius surrounding the proposed barn) will be needed to construct this second barn, it is important to note that the prior grading of the pad (for a former temporary construction trailer use by the prior owners and now removed, according to the

agent) and the removal of surrounding native vegetation was completed without benefit of a coastal permit. Exhibit 20 illustrates the area where this existing pad (now with a separate corral and shed proposed to be removed) is located in an aerial photograph from the Commission's records dated 6-28-01. The aerial dated 5-10-86 identifies the same location with the original native vegetation, now removed prior to the grading of the pad, driveway to the pad and the construction of phase 1 of the residence, the barn, arena and corrals. Due to the nature of the proposed development spread across this parcel in four locations for the existing residence and garage, guest house, barn and the proposed second barn, the fuel modification area will be quite large. With the second proposed barn, a second non-contiguous fuel modification area is proposed beyond the fuel modification area necessary to protect the existing residence and garage, the existing barn, and the proposed guest house.

To reduce the need for a second cleared pad area and the second fuel modification area, located beyond the existing larger fuel modification area, it is necessary to delete this new proposed second barn from the approved project plans or relocate it, and or redesign it to a location completely within the larger fuel modification area required for the existing residence and garage, existing barn and proposed guest house. This alternative site plan would provide for clustering the development by removing the proposed new second barn from the proposed project in this amendment. The applicant may apply for a second amendment to relocate and or redesign this second barn in a manner that it will fit within one of the two alternative site areas located within the fuel modification area required for the proposed expanded residence, proposed guest house and existing barn. These alternative sites would require minimal additional landform alteration. The first alternative site is located between the one existing barn and the existing residence which are located on the western portion of the parcel, within the existing fuel modification area. It is important to note that the distance between the existing barn and the residence is about 250 feet and is relatively flat (Exhibits 15 and 23), requiring minimal landform alteration. The second alternative site is located within the proposed fuel modification area of the expanded residence and the guest house just north of the access driveway leading to this residence and southwest of the north entrance gate from Will Geer Road (Exhibits 15 and 24). It is important to note that the distance between the expanded residence and the proposed guest house is about 260 feet. This second alternative location is also greater than the 100 foot separation from the expanded residence required by Los Angeles County for the siting of an equestrian barn and will require minimal landform alteration. The result of the alternative site plan would be to cluster the existing and proposed development, while reducing the fuel modification area to the minimum required for the existing residence/garage and barn and the proposed guest house. If the applicant wishes to construct a second or replacement barn, a second amendment to Coastal Permit No. 5-88-605 may be submitted for one of these two alternative locations, thereby allowing the Commission the opportunity to consider a third detached accessory structure on this parcel. **Special Condition No. Six** requires the submittal of revised site plans deleting from the site plan the proposed new barn, the proposed two hammerhead turnarounds in addition to the unpermitted corral and shed now on this site. **Special Condition No. Six** is necessary to minimize the removal of native coastal sage scrub as such additional fuel modification would be inconsistent with PRC Section 30253 provisions to ensure site stability and avoid potentially adverse impacts of erosion and sedimentation as a result of unnecessary removal of such vegetation from the subject parcel. **Special Condition No. Seven** requires the applicant to restore and revegetate with native vegetation this 'as graded' pad, by re-grading the site to its original

contour, adding top soil, re-vegetating it with native plants to restore this area to the contour and native plants that existed prior to the grading and vegetation removal of the site also to minimize adverse impacts of erosion and sedimentation. In addition, **Special Condition No. Seven** requires the applicant to narrow the unpermitted access driveway to a maximum of 12 feet wide by re-grading the additional width to the original contour, adding adequate top soil, re-vegetating with native plants to restore the original contour and native plants that existed prior to the grading and vegetation removal of the site. The above conditions will serve to reduce the adverse impacts of the proposed new development from removal of vegetation, but they will not fully eliminate those impacts. Some of the proposed after-the-fact development will still require removal of such vegetation, such as the as-built riding arena and circular corral which is larger (14,056 sq. ft.) than the originally permitted tennis court (11,200 sq. ft.) now proposed to be deleted from this project, as amended. As explained above, there is also unpermitted development consisting of a corral and shed and an approximate 6,000 sq. ft. graded pad and access driveway on the property. As shown in Exhibits 15, 20, 21 and 27, this unpermitted development has resulted in the removal of a significant amount of the previously existing native vegetation. In order to allow the proposed development on the property and its associated adverse impact on site stability and geologic resources, the Commission finds that it must condition the project approval on removal of the corral and shed, and the restoration of this existing graded pad and the narrowing of the access driveway by restoring the area beyond a maximum 12 foot wide driveway. Only if these existing adverse impacts on geologic resources that create or significantly to erosion of the site and sedimentation of offsite areas are eliminated can the Commission authorize additional development on the property that will further degrade these resources. Therefore, the Commission finds that **Special Condition Nos. Six and Seven** are required to ensure that development is carried out in a manner that minimizes unnecessary removal of vegetation from the subject parcel and ensures geologic stability is not impacted due to increased erosion.

Therefore, for all of the reasons cited above, the Commission finds that the proposed project as conditioned by **Special Conditions Nos. Four, Five, Six, and Seven** will be consistent with the requirements of Coastal Act Section 30253 applicable to fire hazard and fuel modification, geology and site stability.

2. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in

concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition No. Eight**, the assumption of risk, waiver of liability and indemnity, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition No. Eight** the applicant agrees to indemnify the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk. The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

C. Landform Alteration and 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 protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides with sandstone formations. The existing first phase for the residence and garage is located on a relatively flat area on the northwest portion of the property. The applicant proposes to construct the relocated and redesigned guest house with 178 cubic yards of cut and 14 cubic yards of fill, the second barn with 249 cubic yards of cut, the 'as built' corral and riding arena with 362 cubic yards of cut and 608 cubic yards of fill and an unknown quantity of cut and fill grading for the other 'as graded' developments noted above. The total cubic yards of grading are unknown.

The subject 16.95 acre parcel is located within the east-central portion of the Santa Monica Mountains in the Mesa area of Topanga. The Mesa area is characterized by subdued topography of gentle rolling hills and an intervening east flowing ephemeral drainage ravines.

The subject site is developed with a residence, garage, barn and various equestrian related facilities situated on the southwest portion of this Mesa area. The topography of this parcel is characterized by flat areas, gently sloping ridges and isolated small hills separated by an intervening southwest to northeast flowing drainage ravine. The majority of the parcel drains northeast beyond the parcel into a blue line stream with riparian habitat which then flows into Topanga Canyon Creek located about one third of a mile further to the east. A small portion of the northwest area of the property drains southwest into Greenleaf Canyon Creek, also a blue line stream. Vertical relief over the entire property is generally about 60 feet from elevation 1300 to 1360 feet above sea level. The adjoining parcel is owned by the Santa Monica Mountains Conservancy; it is public land that provides public view of the subject parcel and any approved development. This public view must be protected under Section 30251 of the Coastal Act in the review of all development projects.

There is an unknown total of grading completed on this parcel well beyond the 900 cubic yards of material approved in Coastal Permit No. 5-88-605 for the construction of the existing residence and garage, the existing barn, and the proposed guest house (Exhibits 4, 5, and 7). First, if the grading for the approved 60 ft by 120 ft. tennis court that included 361 cubic yards of grading (Exhibit 14) but was not completed is subtracted from the proposed unpermitted 80 ft. by 160 ft. riding arena and 40 ft. diameter corral with 362 cubic yards of cut and 608 cubic yards of fill (Exhibits 3, 6 - 15, 25, 26), a total of 38 cubic yards of as-graded cut and 571 cubic yards of as-graded fill is additionally proposed; this totals 609 cubic yards of additional material. Since Coastal Permit No. 5-88-605 approved a one story 5,500 sq. ft. single family residence and 3 car garage, 750 sq. ft. guest house, 1,000 sq. ft. barn and tennis court with 450 cubic yards of cut and 450 cubic yards of fill (Exhibits 4 and 5), the remaining difference (less the tennis court) for the existing residence/garage, existing barn and proposed but approved guest house is 126 cubic yards of cut and 413 cubic yards of fill, totaling a remaining 539 cubic yards of material. The construction for the guest house requires additional grading beyond the approved grading as it will be cut into the south side of a small hill rather than be located on top of northwest side of this small hill. The project also includes the removal of an unpermitted corral and shed on an unpermitted graded pad. The applicant is requesting after-the-fact approval for the unpermitted pad that the unpermitted corral and shed are located on in addition to an existing unpermitted access driveway, both with an unknown quantity of additional grading. The applicant is now proposing to construct a new second, 11 foot high, 2,099 sq. ft. barn on the existing unpermitted graded pad, with two new hammerhead turnaround areas also of unknown grading quantity, and a swimming pool near the residence with an unknown grading quantity. The applicant has identified the additional grading quantity as follows:

Guest House	178 cubic yards Cut	14 cubic yards Fill
Corral/Arena	362 cubic yards Cut	608 cubic yards Fill
Barn	249 cubic yards Cut	0 cubic yards Fill
Total	786 cubic yards Cut	+ 622 cubic yards Fill = 1,408 cubic yds

The total quantity of additional grading beyond 900 cubic yards approved in Coastal Permit No. 5-88-605 is 1,047 cubic yards. (1,408 cubic yards now proposed less the 361 cubic yards of grading not completed for the tennis court that is not proposed to be constructed totals 1,047 cubic yards of additional grading beyond that originally approved. The applicant

is also requesting an unknown additional quantity of grading for after-the-fact approval for the approximate 6,000 sq. ft. graded pad and its access driveway. Staff has requested detailed information regarding these project components including the proposed and completed unpermitted grading in letters dated July 27, 2000 (Exhibit 16) and May 8, 2003 (Exhibit 17) to the applicant and agent, respectively. The applicant has declined to provide a detailed project description, as a result, the total grading quantity as proposed and 'as graded' is unknown at this time.

The Commission can find the proposed project including the 'as graded' project components, except for the approximate 6,000 sq. ft. graded pad and its access driveway beyond a 12 foot wide maximum width, will minimize the alteration of natural landform. The proposed 970 cubic yards of after-the-fact grading for the riding arena and the circular corral when compared to the 361 cubic yards of grading that will not occur due to the deletion of the approved tennis court, will result in an additional 609 cubic yards of grading. The location of the as-built riding arena and corral is one of the more relatively flat locations outside of the drainage area where a limited amount of cut of a slope and fill on a low lying area was needed. The proposed guest house design and location appears to require additional grading beyond the approved guest house design and location. The majority of this additional grading is cut material to locate the proposed guest house into the base of a small hill. The proposed two hammerhead turnarounds located near the residence and guest house are located on a relatively flat driveway area based on a visual site inspection. The grading for the pool will require a cut and possibly some fill. This amount of additional unknown grading is limited and will not result in a substantial alteration of natural landform.

However, there is an additional quantity of unknown grading which the applicant is now requesting after-the-fact approval for which consists of as-built grading of the approximate 6,000 sq. ft. graded pad and an access driveway to the pad with two new hammerhead turnaround areas to access the graded pad. In order to minimize the alteration of natural landforms, **Special Condition No. Six** requires that a revised site plan, and removing the new eleven foot (11') high, 2,099 sq. ft. barn and two hammerhead turnarounds that is proposed to be located on the existing un-permitted graded pad. In addition, **Special Condition No. Seven** requires that the entire as-built graded pad and its driveway access be narrowed to a maximum of 12 feet wide by regrading these sites to the original contour, adding top soil, revegetating with native plants to restore the contour and vegetation to that which existed prior to the grading and vegetation removal of the site. In addition, **Special Condition No. Seven** requires the applicant to remove the un-permitted corral and shed as proposed by the applicant from this graded pad.

There are two alternative locations that are relatively flat where this proposed barn as relocated and possibly re-designed could be located which are also located within the necessary 200 foot wide fuel modification area of the expanded single family residence/garage, existing barn, and proposed guest house in a manner that does not increase the size of the final approved fuel modification plan area, as identified in Exhibit 15. The first location is in the vicinity of the existing previously approved barn and corral on the western portion of the parcel beyond the Los Angeles County required 100 foot setback from residential development (Exhibits 15, 22 and 23). The second alternative location is on the northern portion of the parcel near the entrance gate from Will Geer Road. This site is along the north side of the access driveway to the residence, across from the existing septic system

and is also located over 100 feet from the expanded residence as proposed and the proposed guest house (Exhibits 15 and 24). The remainder of the parcel beyond the approved development and dirt roadways constructed prior the effective date of the Coastal Act in January 1977 will be replanted with native plants. The above conditions will serve to minimize the alteration of natural landforms of the proposed new development, but they will not fully eliminate those impacts. Some of the proposed development will still require a limited amount of natural landform alteration. As explained above, there is also unpermitted development consisting of a 6,000 sq. ft. graded pad and access driveway and 14,056 sq. ft. consisting of a riding arena and circular corral located on the property. As shown in Exhibits 6, 15, 20, 21, 25, 26, and 27), this unpermitted development unnecessarily significantly alters natural landforms on the site. In order to allow a portion of the proposed development and after-the-fact development on the property with its associated alteration of natural landform, the Commission finds that it must condition the project approval on removal of unpermitted corral and shed as required by **Special Condition No. Seven**, the removal of the new proposed second barn from the plans, as required by **Special Condition No. Six**, and the restoration and re-grading of the as-built graded pad and additional width of the access driveway beyond a maximum of 12 feet wide with native vegetation, as required by **Special Condition No. Seven**. Only if these additional unnecessary alteration of landforms are eliminated can the Commission authorize additional development on the property that will alter natural landforms beyond that approved by Coastal Permit No. 5-88-605. Therefore, the Commission finds that **Special Condition Nos. Six and Seven** are required to ensure that natural landform alteration is minimized and the scenic and visual quality of the area is protected and development is carried out in a manner that protects views of scenic coastal areas, as required by Section 30251 of the Coastal Act.

In addition, in order to ensure that the rural character during the night time hours is maintained, the Commission finds it necessary to require **Special Condition No. Nine** requiring the applicant to use night lighting, if any, shall be the minimum necessary for lighting, directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts. The restriction on night lighting is necessary to protect the nighttime rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity lighting and security lighting controlled by a motion detector will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Regarding future developments or improvements, certain types of development to the property, normally associated with a single-family residence and guest house, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area in addition to creating further landform alternation. It is necessary to ensure that any future development or improvements normally associated with the entire property, which might otherwise be exempt, is reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. As required by **Special Condition No. Ten**, any future development proposed for development on this site will require a coastal permit or a coastal permit amendment to allow the Commission to review any future proposed development consistent with the visual resource protection and landform alteration policies of the Coastal Act.

Finally, **Special Condition No. Eleven** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that the project, as conditioned, minimizes adverse effects to the rural character of this area, minimizes the alteration of natural landforms and the scenic and visual resources are protected as a resource of public importance. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Environmentally Sensitive Habitat

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

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

Section 30240 states:

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

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

Section 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.

1. ESHA

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, 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?
- 2) Is the habitat or species especially valuable because of its special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Monica Mountains is itself rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, habitat areas that provide important roles in that ecosystem are especially valuable and meet the second criterion for the ESHA designation. In the Santa Monica Mountains, coastal sage scrub and chaparral have many important roles in the ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. For these and other reasons discussed in the memo "Designation of ESHA in the Santa Monica Mountains, dated March 25, 2003 by John Dixon (Exhibit 19), which is incorporated herein, the Commission finds that large contiguous, relatively pristine stands of coastal sage scrub and chaparral in the Santa Monica Mountains meet the definition of ESHA. This is consistent with the Commission's past findings on the City of Malibu LCP¹.

For any specific property within the Santa Monica Mountains, it is necessary to meet three tests in order to assign the ESHA designation. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? Second, is the habitat undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation?

¹ Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

Commission staff inspected the subject property on April 30, 2003 with the applicant's agent. Staff visually confirmed that the majority of this parcel consists of disturbed coastal sage scrub, chaparral vegetation, numerous oak trees, and other non-native vegetation. This vegetation on the subject site is disturbed and not considered pristine. The surrounding vegetation is part of a large contiguous area of coastal sage scrub and some chaparral habitat that now extends relatively undisturbed to the west and south of the subject property. However, there is existing adjacent residential development with the required 200 foot circumference fuel modification area located to the south and south east. The applicant also has an approved coastal permit (No. 4-01-037, Bob Trust) to construct an adjacent residence located to the east. In addition, there is a vacant parcel with a probable residential building pad located on the adjacent parcel to the south, and a vacant parcel located to the north which both will require fuel modification areas surrounding the respective future development (Exhibit 20). The vacant parcel located to the west is owned by the Santa Monica Mountains Conservancy. Therefore, the majority of the surrounding chaparral and coastal sage scrub vegetation is and will be substantially modified for residential development in a manner that the surrounding vegetation is and will not be pristine.

In an effort to reduce the size of the total building pad areas used for development and minimize the fuel modification area to that which was previously approved by Coastal Permit No. 5-88-605, **Special Condition No. Six** requires the applicant to submit revised site plans deleting the second barn and its two hammerhead turnarounds to access the barn site from the site plan. The result of this revised site plan is to cluster the existing and approved development while minimizing the removal and thinning of surrounding vegetation for the fuel modification area.

The applicant is required to submit a Landscape and Fuel Modification Plan that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, both plans will include native plants that are less flammable consistent with those identified in the "Recommended List of Native Plants for Landscaping in the Santa Monica Mountains", by the California Native Plant Society, dated February 5, 1996. The Landscape and Fuel Modification Plan will indicate that only those materials designated by the Los Angeles County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential development and within 100 feet of the existing barn structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 30 feet of the structures and the driveways may be cleared and replaced with native plant species that are less flammable.

The Commission has determined that in conjunction with siting new development to minimize impacts to native vegetation, additional actions can be taken to minimize any adverse impacts. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission

notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area.

As required by **Special Condition Number Five**, the graded and disturbed areas within this fuel modification area shall be replanted with native plants except for one 12 foot access driveway from the existing residence to the existing barn and one 12 foot wide access driveway from the barn to the existing corral, all located on the western portion of the project site. Therefore, the proposed revised site plans will minimize the size of the landform altered for the construction of the proposed amended development, cluster the approved and proposed development, minimize erosion, while the remainder of fuel modification area on the property will be planted with native plants as required by **Special Condition No. Five**.

The above conditions will serve to reduce the adverse impacts of the proposed new development from removal of native vegetation on site, but they will not fully eliminate those impacts. Some of the proposed development will still require removal of such vegetation. As explained above, there is also unpermitted development noted in detail above on the property. As shown in Exhibits 15, 20, 21, 25, 26, and 27, this unpermitted development has resulted in the removal of a significant amount of the previously existing native vegetation. In order to allow the proposed development identified in this amendment on the property and its associated adverse impact on native vegetation resources, the Commission finds that it must condition the project approval on removal of the as-built corral and shed on the graded pad, deletion of the new proposed second barn and two hammerhead turnaround areas. Only if these existing adverse impacts are eliminated can the Commission authorize additional development through this amendment on the property that will further degrade these resources. Therefore, the Commission finds that **Special Condition Nos. Six and Seven** are required to ensure that development is carried out in a manner that minimizes unnecessary removal of vegetation from the subject parcels and ensures restoration of after-the-fact graded sites.

The Commission notes that streams and drainages, such as Topanga Canyon Creek and Greenleaf Canyon Creek located to the east and west of the parcel, provides important habitat for riparian 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. Sheet flow and minor drainages onsite transmits runoff directly beyond the subject parcel into Topanga and Greenleaf Canyon Creeks as such, the Commission finds that potential adverse effects of the proposed development on riparian habitat of this stream 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 No. Twelve**, 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, and building pad area, is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways.

In addition, the Commission has found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. The subject site contains native vegetation and habitat. Therefore, **Special Condition No. Nine**, Lighting Restriction, limits night lighting of the site in general; limits lighting to the developed area of the site; and specifies that lighting be shielded downward. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area. Thus, the proposed lighting restrictions will attenuate the impacts of unnatural light sources and will not impact sensitive wildlife species.

Furthermore, fencing of the subject parcel would adversely impact the movement of wildlife through the coastal sage scrub and chaparral vegetation, except for limited fencing. Therefore, the Commission finds it is necessary to limit fencing to the vicinity of the residential building pads for the residence and guest house and the vicinity of the two north and south entry gates and require that the perimeter fencing of the parcel along Hillside Drive and Will Geer Road be an open design to allow wildlife to traverse the parcel as required in **Special Condition No. Five**. The remainder of the parcel shall not be fenced.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition No. Ten**, the future development restriction, has been required. Finally, **Special Condition No. Eleven** 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.

2. 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.

As described in detail in the previous sections, the applicant is proposing to develop the subject parcel with a redesigned second phase single-family residence, proposed guest

house, arena, corral and new second barn. The proposed building locations are located upslope from Topanga Canyon Creek to the east, a stream that contain sensitive riparian habitat. The site is considered a "hillside" development, as it involves gently sloping hillside terrain and flat terrain with soils that are susceptible to erosion.

The proposed developments will result in an increase in impervious surface at the subject sites, 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.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. Horse wastes, including manure, urine, waste feed, and straw, shavings and/or dirt bedding, can be significant contributors to pollution. Horse wastes are a breeding ground for parasites, flies and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria which can cause cumulative impacts such as eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters.

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 developments 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 sites. 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 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Twelve**, and finds this will ensure the proposed developments will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Special Condition No. Twelve also requires the applicants to provide for the collection, containment, and disposal of animal wastes in order to prevent off-site migration due to wind, rain, or run-off, and for the collection and treatment of all runoff draining from or through all horse corrals and facilities. These requirements are necessary to minimize the potential transport of biological pollutants into surface waters of Topanga Canyon Creek and Greenleaf Canyon Creek, both designated blueline streams with riparian ESHA.

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

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

Finally, the proposed development include the use of an existing on-site private sewage disposal system to serve the residential structures. The applicant has submitted a Septic Approval in Concept from the Los Angeles County Health Department confirming that a sewage disposal system was be constructed on the subject parcel, determining that the systems meet the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of coastal resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. Violations

Unpermitted development occurred on the subject parcel prior to submission of this permit application consisting of an unpermitted 80 ft. by 160 ft. riding arena and 40 ft. diameter corral with 362 cubic yards of cut and 608 cubic yards of fill, an unpermitted corral and shed on an unpermitted graded pad with an access driveway and an unknown additional grading quantity, and an unpermitted raised 15 ft. by 15 ft. detached deck. The total quantity of additional grading beyond 900 cubic yards approved in Coastal Permit No. 5-88-605 is unknown. The applicant has identified that the proposed amendment will involve 1,408 cubic yards of material less the 361 cubic yards of grading not completed for the tennis court that is not proposed to be constructed), totaling an additional 1,047 cubic yards. The application includes the request for after-the-fact approval of an 80 ft. by 160 ft. riding arena and 40 ft. diameter circular corral with 362 cubic yards of cut and 608 cubic yards of fill. This unpermitted graded pad is approximately 6,000 sq. ft. in size accessed by an unpermitted access driveway. An unpermitted raised 15 ft. by 15 ft. detached deck is also proposed. The quantity of grading to construct the unpermitted graded pad, unpermitted driveway is unknown.

The subject permit application addresses the unpermitted corral and shed by proposing to demolish and remove them from this site to an appropriate disposal site located outside the Coastal Zone. In addition, as described in detail in previous sections, in order to minimize landform alteration and impacts to coastal sage scrub and chaparral resources from the proposed project, Special Condition No. Seven requires the applicant to restore the unpermitted graded site on the southeast portion of the parcel shown on Exhibits 15, 20, 21, 25, 26, and 27 with vegetation that existed prior to its unpermitted grading and removal of native vegetation. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. Fourteen** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 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.

F. Local Coastal Program

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed developments 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 developments, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. CEQA

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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission finds that the proposed projects, 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 projects, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. 1
APPLICATION NO. 5-88-605-A1
Standard
Conditions

SPECIAL CONDITIONS1. Future Improvements

Prior to authorization to proceed with development, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 5 88-605 is only for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation as required by Los Angeles County for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Engineering Geologic Reports dated 2/11/88 and 8/19/88 (supplement) by Harley Tucker Incorporated and Soil Engineering Report dated 4/20/88 by SWN Soiltech Consultants, Inc. regarding the proposed development shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to commencement of development the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

2. Grading and Landscaping

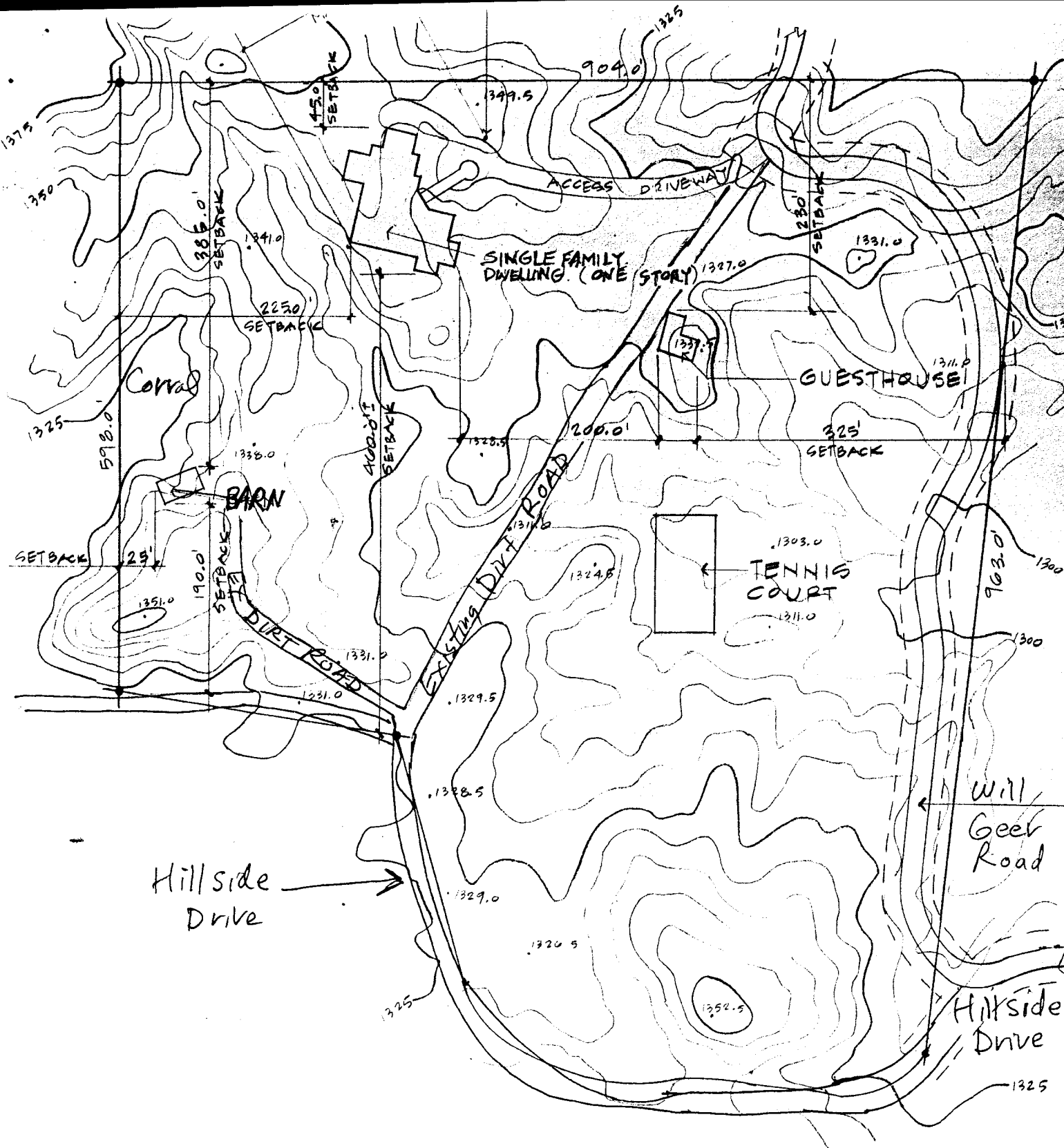
Prior to authorization to proceed with development, the applicant shall submit a written statement or agreement to the effect that:

- (a) All graded areas shall be planted and maintained for erosion control and visual enhancement purposes. All landscaping shall consist primarily of native, drought resistant plants to minimize the need for irrigation and to screen or soften the visual impact of development. Invasive, non indigenous plant species which tend to supplant native species shall not be used. Clearance of vegetation around the residence as required by Los Angeles County Fire Prevention Regulations is permitted.
- (b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

EXHIBIT NO. 2
APPLICATION NO. 5-88-605-A1
Special
Conditions

- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of the proposed development to minimize the effects of run-off and erosion. The run-off control systems shall be designed to prevent any increase in site run-off over pre-existing peak flows. All drainage shall be directed away from foundation and slope areas via non-erosive devices to storm drain facilities on the street.

7678A



PLOT PLAN

SCALE: 1"=10'

EXHIBIT NO. 4

APPLICATION NO.
S-88-605-A1

Approved Plot

Plan 5-88-605

STATISTICS

OWNERS: DAVID & SUSAN BROWN
 PROJECT: 1250 WILL GEER ROAD
 ADDRESS: TOPANGA, CA. 90290
 LEGAL DESCRIPTION: A PORTION OF THE EAST 1/4
 OF THE SOUTHEAST 1/4 OF
 SECTION 6, TOWNSHIP 1 SOUTH,
 RANGE 16 WEST, SAN BERNADINO
 MERIDIAN.
 BUILDING: SINGLE FAMILY RES.: 4050.05 SF
 AREAS: GARAGE : 605.0
 GUESTHOUSE : 750.0
 BARN : 1000.0

PLOT PLAN
 STATISTICS

JOB NAME

BROWN RESIDENCE
 1250 Will Geer Road
 Topanga, Ca 90290

All rights reserved. The use of these plans & specifications shall be restricted to the original site for which reproduction, publication or re-use by any method in whole or in part is prohibited, title to the plans & spot

CASA

CONSTRUCTION ARTS STRUCTURAL ALTERNATIVES

P.O. BOX 1308 TOPANGA, CA 90290 455-1365

DAVID CHAVEZ
 STRUCTURAL ENGINEER

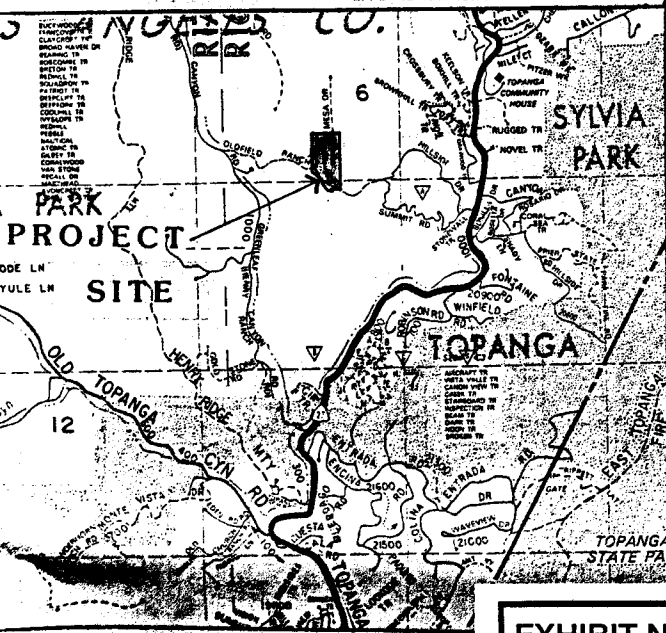
CARY W. GERTNER
 ARCHITECT

RECEIVED

JUL 22 1988

CALIFORNIA
 COASTAL COMMISSION
 SOUTH COAST DISTRICT

VICINITY MAP



A/C 88-065
 DEPT. OF REGIONAL PLANNING
 COUNTY OF LOS ANGELES

APPROVAL IN CONCEPT

SIG. DATE
 PLOT PLAN NO.
 Per sec. 27400 et seq of the
 Public Resources Code and
 Sec 13200(a) Title 14 of the
 Administrative Code, State of
 California
 THIS IS NOT A PERMIT
 and
 is subject to any conditions
 listed herein

South Coast District Office
 5-88-605

APPROVED
 Permit No.

By: *Cary W. Gertner*

EFFECTIVE
 Date: 3/27/89

EXHIBIT NO. 5

APPLICATION NO.
 5-88-605-A1

Approved Plot Plan

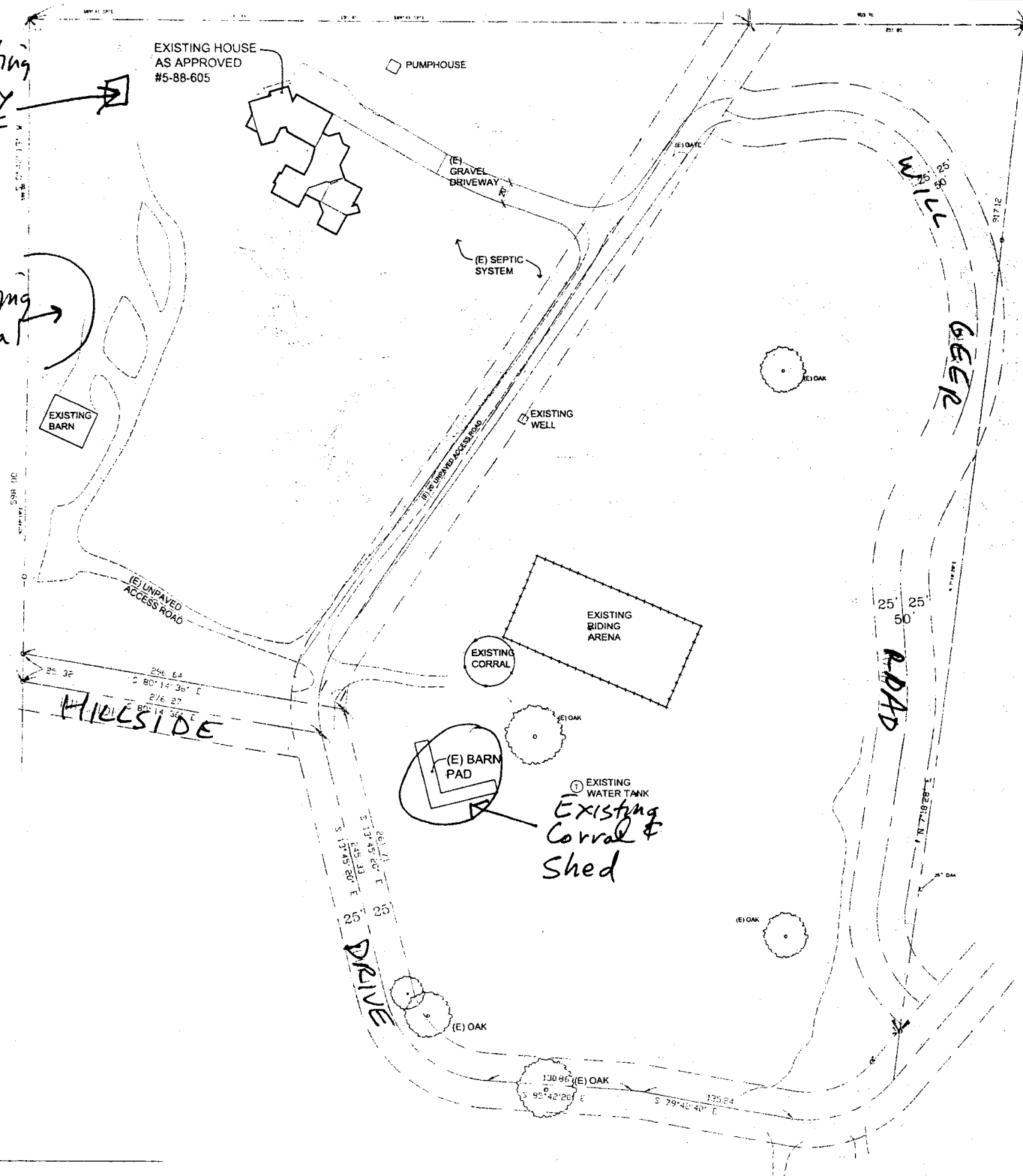
Details 5-88-605

SHEET

A.1

OF

EXHIBIT NO. 6
APPLICATION NO. 5-88-605-A1
Existing Site Plan



PROJECT DATA

A.P.N.	4440-007-016
ZONING:	A-1-1
ZONED DISTRICT:	TOPANGA CANYON
SITE AREA:	16.95 ACRES

Eric Y. Sato
1291 Will Geer Road
Topanga, CA 90290

PROPOSED
SITE PLAN

S2

PROJECT DATA

DATE: 4-15-2014
DRAWN: 4-1-1
ZONING: TOPANGA CANYON
SITE AREA: 1.62 ACRES

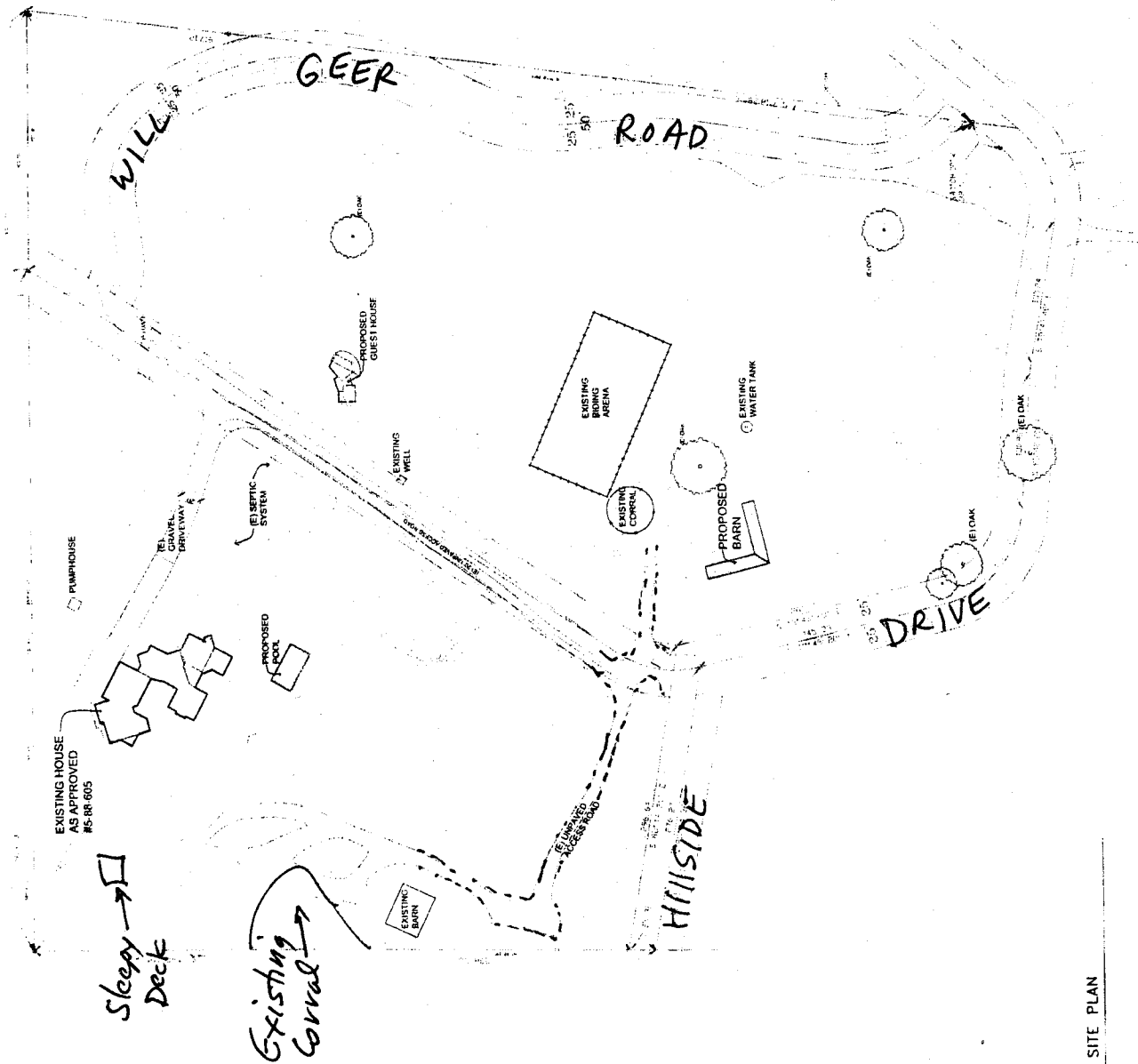
PROPOSED SITE PLAN

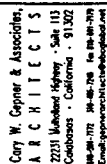
1

EXHIBIT NO. 7

APPLICATION NO.
S-88-605-A1

Proposed
Site Plan





Sheet Title

SITE-PLAN
PROJECT-DATA

Job Name

ERIC Y. SATO
RESIDENCE
2291 WILL GEER ROAD
COPANGA, CA 90290

Copyright

Date-Revs.

5-14-03

Sheet

G-1

of

STORMWATER POLLUTION NOTES

[illegible]

B. M. P. ATTACHMENT 'B'

[illegible]

VICINITY MAP

PROJECT DATA

OWNER ADDRESS	ENC. 2 BAY 19111 GLEN ROAD TORONTO, CA. M2H 3G9
LEGAL DESCRIPTION	PORTION OF EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 28 NORTH, RANGE 18 WEST, SAN BERNARDINO COUNTY,
APPL.	4448-001-00
ZONING	A-1-1
ZONED DISTRICT	TOPANGA CANYON
SITE AREA	16.39 ACRES
SCOPE OF WORK	3.110 SQ FT SINGLE STORY addition to existing 2,110 SQ FT SINGLE FAMILY RESIDENCE. TOTAL RESIDENCE 5,220 SQ FT.

CONSTRUCTION TYPE, TYPE V-1 OR EXT FIRE ZONE & COMPLAINT

OCCUPANCY TYPE: R3 / U-1

CONSEIL D'ADMINISTRATION

<p>GEOTECHNICAL ENGINEER</p> <p>12000 W. 30th Suite 202, Bldg. 2 Golden, CO 80401 PH 303 440-9900</p>	<p>STRUCTURAL ENGINEER</p> <p>12000 W. 30th Suite 202, Bldg. 2 Golden, CO 80401 PH 303 440-9900</p>
---	---

SHEET INDEX

1	SITE - ROOF PLAN 1	PROJECT DATA
2	STRUCTURAL GENERAL NOTES	
3	AS SHOWN	
4	IMPROVED FLOOR PLAN	
5	FINISH ELEVATIONS AND DETAILS	
6	DRAINAGE SECTIONS AND DETAILS	
7	ROOF PLAN AND DETAILS	
8	DOOR/WINDOW SCHEDULE	
9	SECURITY REQUIREMENTS AND DETAILS	
10	TITLE 34 ENERGY COMPLIANCE	
11	ROOF TRAP DETAILS	
12	ROOF FRAMING PLAN	
13	FOUNDATION DETAILS	
14	FOUNDATION PLAN	
15	TYPICAL STRUCTURAL DETAILS	
16	STRUCTURAL GENERAL NOTES	

EXISTING HOUSE

PHASE 1 & 2
AS APPROVED #5-88-605

PHASE 1 COMPLETED.

PHASE 2-PROPOSED

SITE PLAN

SCALE: 1/8" = 1'-0"

PICTURE

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808 2809 2810 2811 2812 2813 2814 2815 2816 2817 2

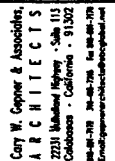
EXHIBIT NO. 8

APPLICATION NO.
5-88-605-A1

SFR Site

Plan

fast_g1site.tif (12000x16800x2.tif)



FLOOR PLAN

ERIC Y. SATO
RESIDENCE
1291 WILL GEER ROAD
TOPANGA, CA 90290

Date-Revs.
4-1-03

A-1

10

FIRE ZONE 4 REQUIREMENTS

[illegible]

DRAWING LEGEND

1. **Identify the problem.** The first step is to identify the problem. This is done by asking the customer what the problem is and how it affects their business.

2. **Define the problem.** The second step is to define the problem. This is done by asking the customer to describe the problem in more detail.

3. **Identify the causes.** The third step is to identify the causes of the problem. This is done by asking the customer to describe the circumstances that led to the problem.

4. **Identify the effects.** The fourth step is to identify the effects of the problem. This is done by asking the customer to describe the consequences of the problem.

5. **Identify the solutions.** The fifth step is to identify the solutions to the problem. This is done by asking the customer to describe the solutions they have tried and what the results were.

6. **Identify the next steps.** The sixth step is to identify the next steps to be taken. This is done by asking the customer what they would like to do next.

7. **Identify the resources.** The seventh step is to identify the resources needed to solve the problem. This is done by asking the customer what resources they have available.

8. **Identify the timeline.** The eighth step is to identify the timeline for solving the problem. This is done by asking the customer when they would like the problem solved.

9. **Identify the risks.** The ninth step is to identify the risks of solving the problem. This is done by asking the customer what risks they see in solving the problem.

10. **Identify the benefits.** The tenth step is to identify the benefits of solving the problem. This is done by asking the customer what benefits they see in solving the problem.

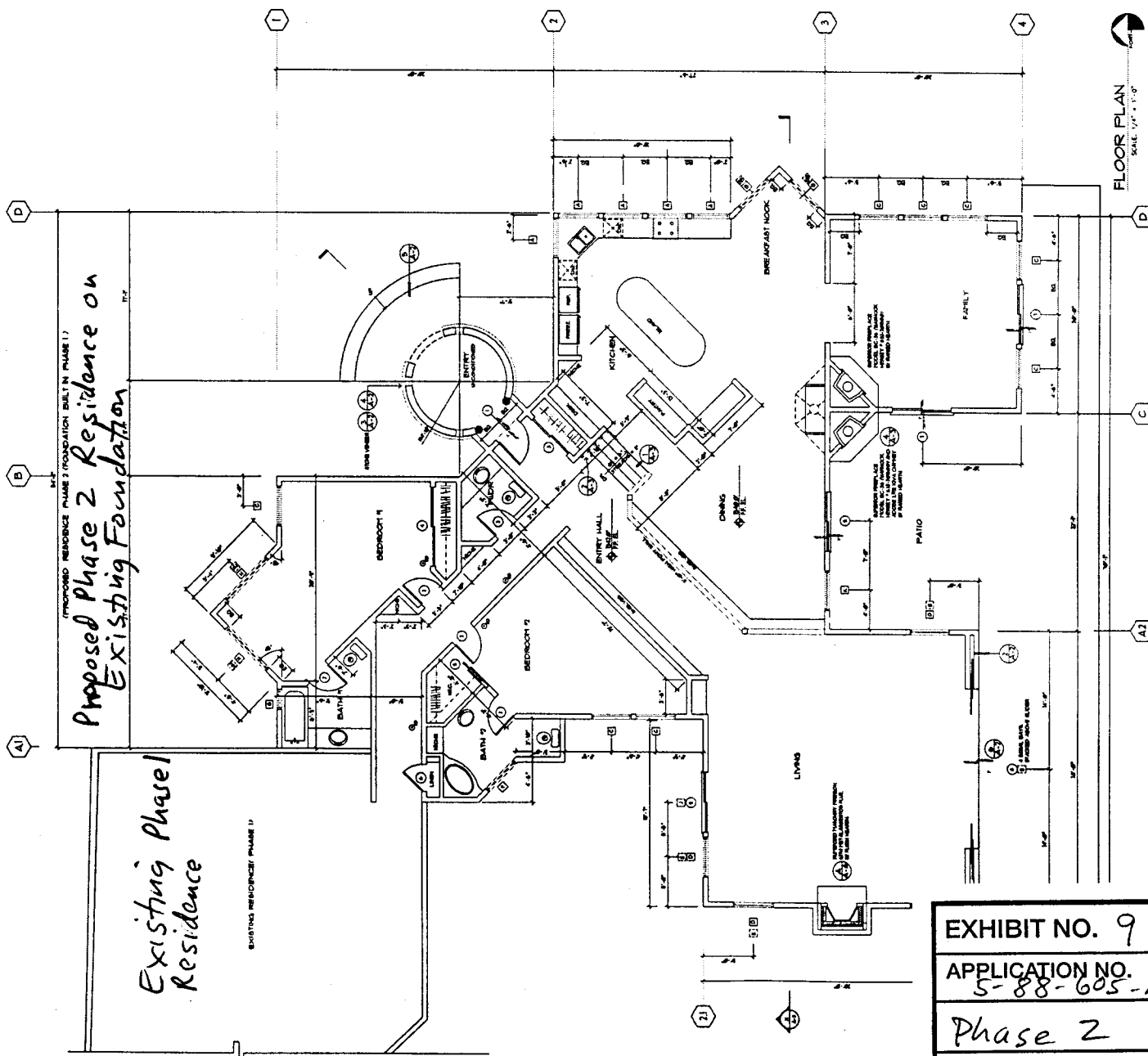
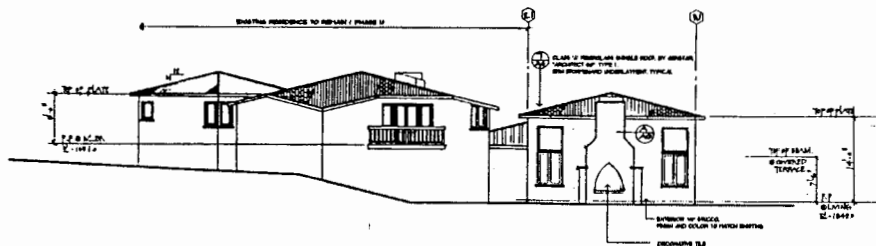
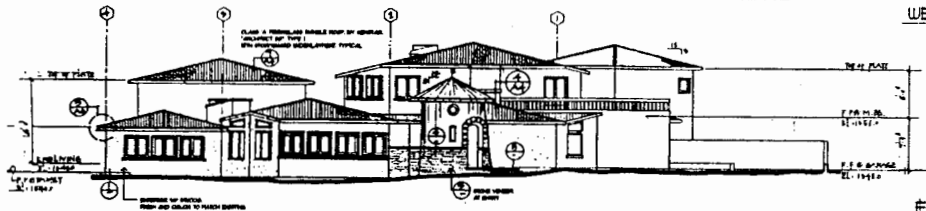


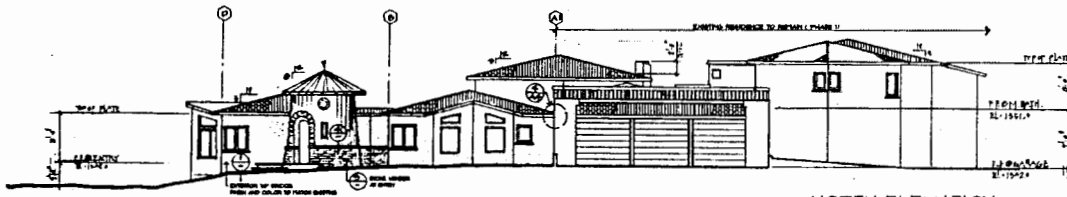
EXHIBIT NO. 9
APPLICATION NO. 5-88-605-A1
Phase 2
Floor Plan



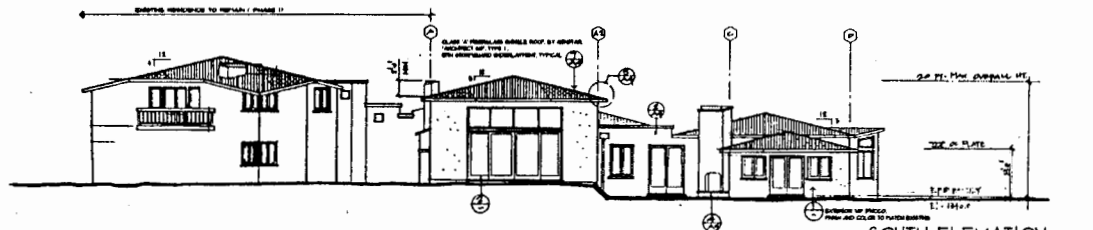
WEST ELEVATION
SCALE: 1/8" = 1'-0"



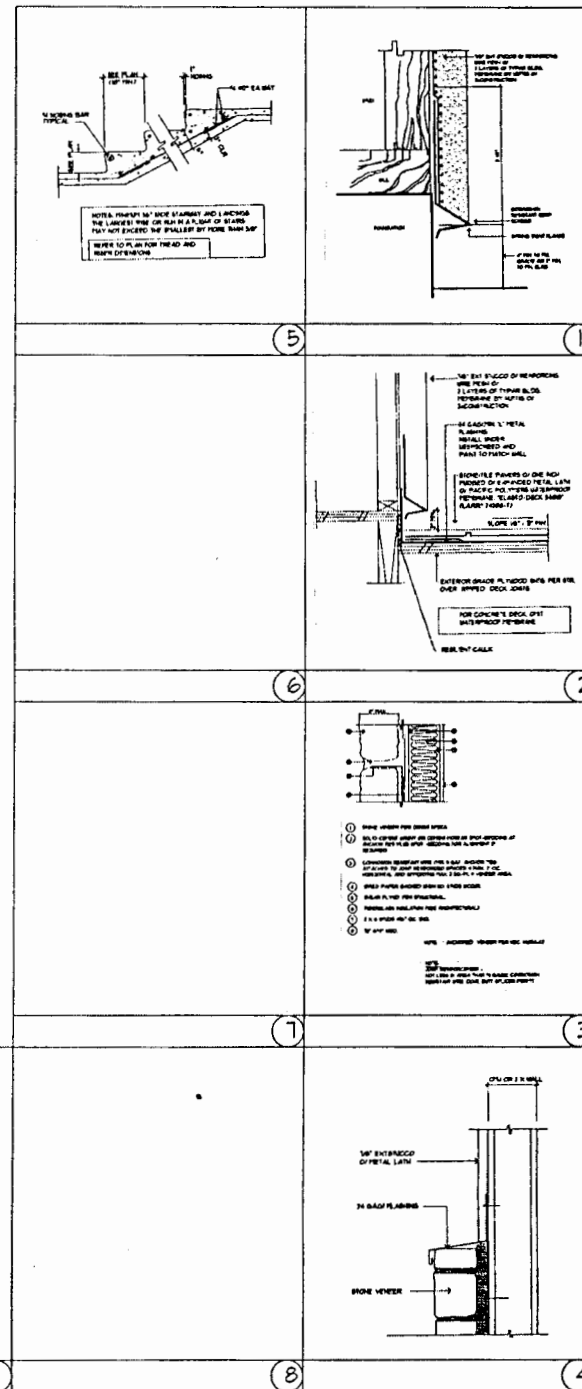
EAST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



Cory W. Gagner & Associates,
ARCHITECTS
22231 Mulholland Highway - Suite 113
Calabasas - California - 91302
818-881-7172 248-881-7145 Fax 818-881-7178
Email: corywagnerarchitects@attglobal.net

Sheet Title

ELEVATIONS
DETAILS

Job Name

ERIC Y. SATO
RESIDENCE
1291 WILL GEER ROAD
TOPANGA, CA 90230

Copyright

Date-Revs.

4-1-03

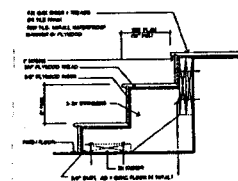
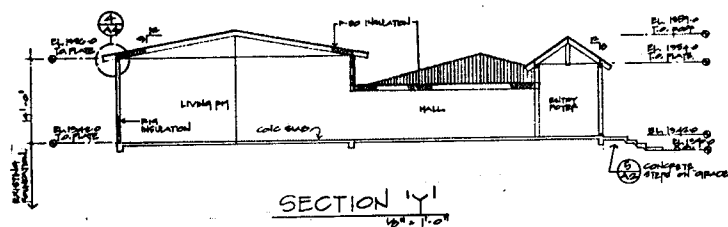
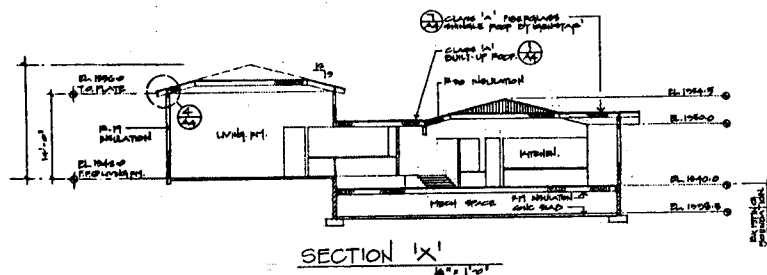
Sheet

A-2

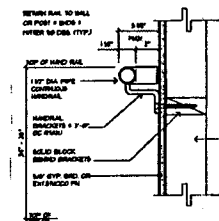
of

EXHIBIT NO. 10
APPLICATION NO.
5-88-605-41
Elevations

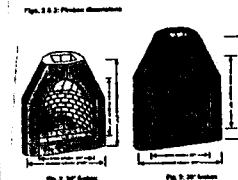
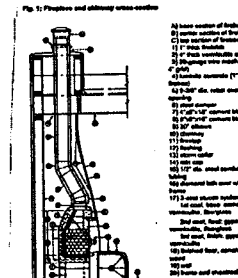
rasl_scan_957.tif (12000x16800x2 in)



NOTE: SEE SPEC. FOR WINDOW AND DOOR SIZES AND FINISHES. SEE SPEC. FOR WINDOW AND DOOR SIZES AND FINISHES.



NOTE: SEE SPEC. FOR WINDOW AND DOOR SIZES AND FINISHES. SEE SPEC. FOR WINDOW AND DOOR SIZES AND FINISHES.



Cary W. Gagner & Associates,
ARCHITECTS
22231 Mulholland Highway - Suite 115
Culver City, California 91502
800-581-7172 310-555-7200 fax 310-551-7179
Email: carywagnerarchitects@earthlink.net

Sheet Title

SECTIONS
DETAILS

Job Name

ERIC Y. SATO
RESIDENCE

1291 WILL GEER ROAD
TOPANGA, CA 90220

Copyright

Date-Revs.

4-1-03

Sheet

A-3

of

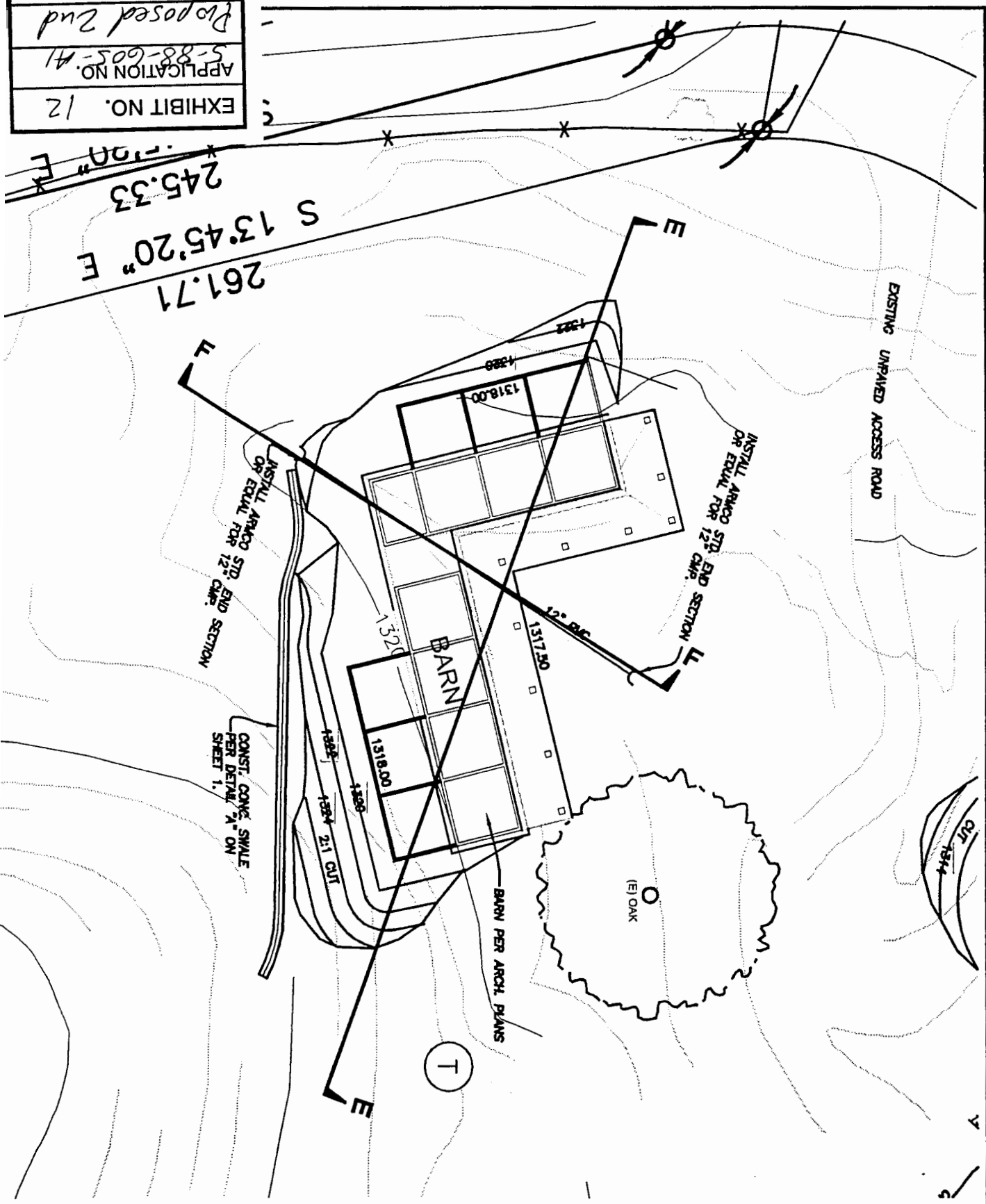
fast_scan_958.tif (12000x16800x2.tif)

EXHIBIT NO. 11

APPLICATION NO. 5-88-605-41

Sections

EXHIBIT NO. 12
 APPLICATION NO. 5-88-605-41
 Proposed 2nd
 Barn

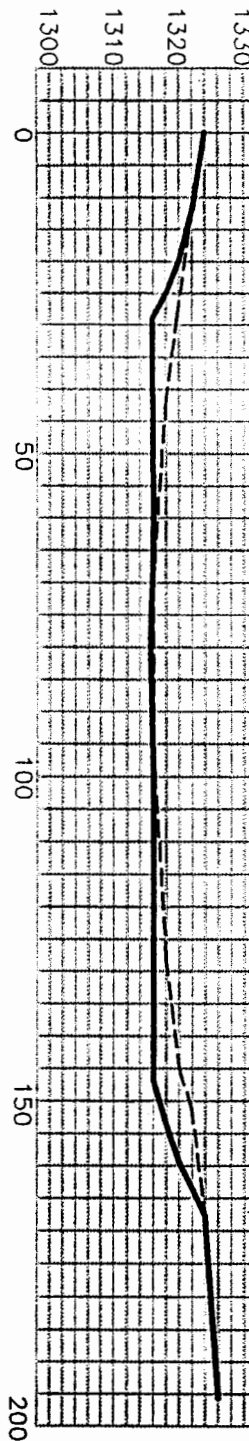


1100-002
 JOB NUMBER
 SCALE: 1"=30'

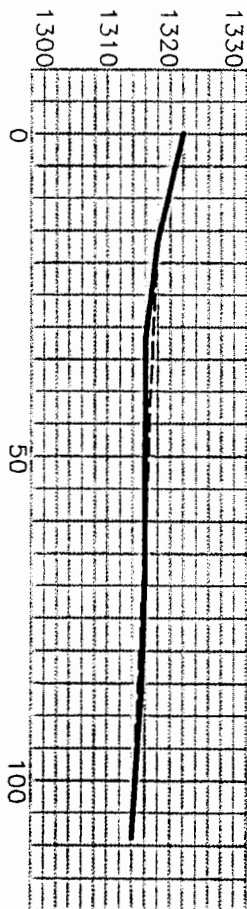
BARN

PLAN PREPARED IN THE OFFICES OF:
WILLIAM ROSE & ASSOC., INC.
 25100 RYE CANYON #41
 VALENCIA, CALIFORNIA 91355
 (661)295-3590 FAX(661)294-1245

EXHIBIT NO. 13	APPLICATION NO. S-88-685-A1	Barn Sections	on 'As Graded' Pad
----------------	-----------------------------	---------------	--------------------



SECTION E-E



SECTION F-F

_____ PROPOSED
 - - - - - EXISTING

PLAN PREPARED IN THE OFFICES OF:
WILLIAM ROSE & ASSOC., INC.
 25100 RYE CANYON #41
 VALENCIA, CALIFORNIA 91355
 (661)295-3590 FAX(661)294-1245

SECTIONS THROUGH
 BARN ON
 'AS GRADED' PAD

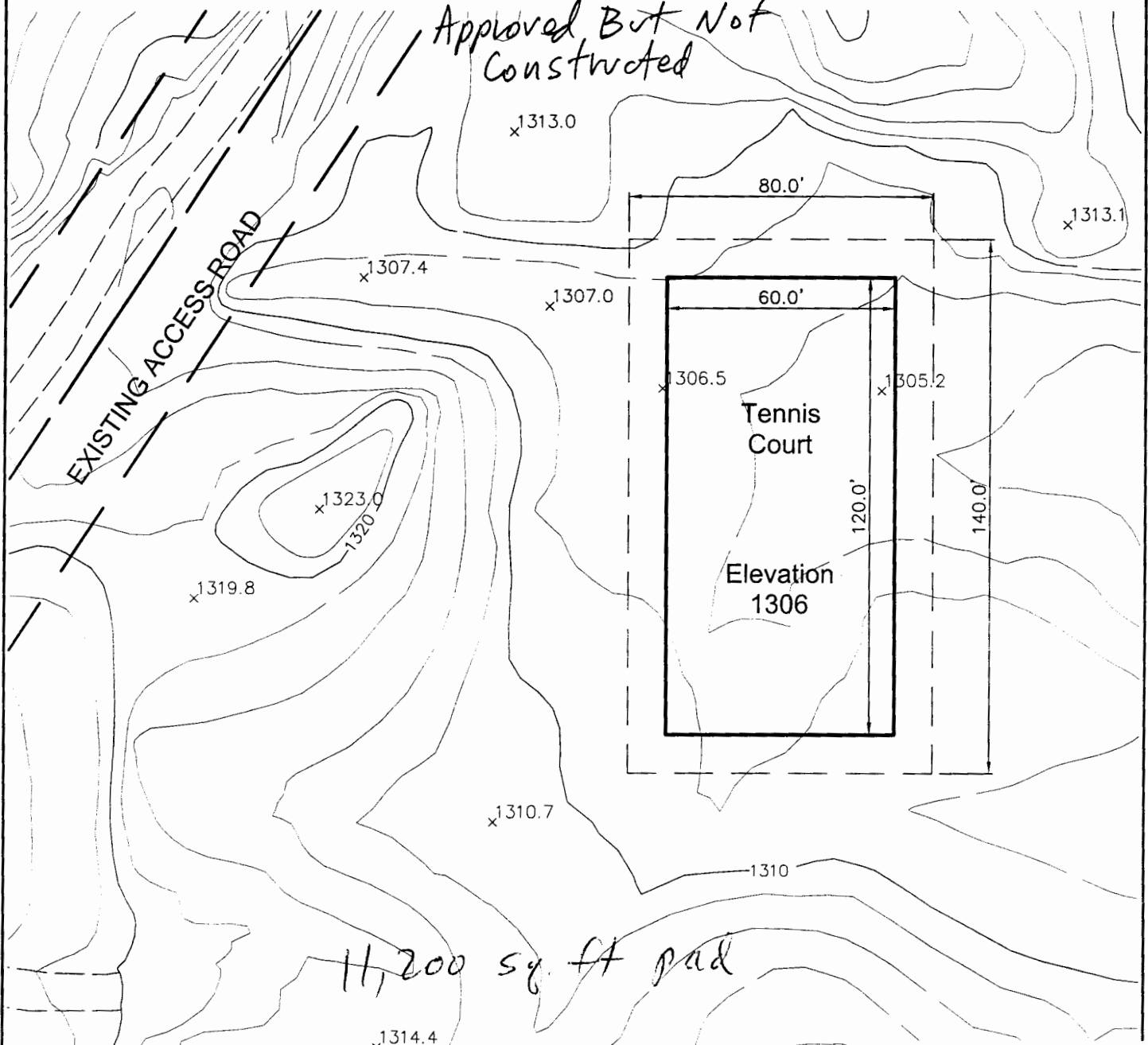
NOT TO SCALE

JOB NUMBER

1190-002

Tennis Court Earthwork Exhibit

Approved But Not
Constructed



1314.4

Site Volume Table:

Cut cu.yds	Fill cu.yds	Net cu.yds	Method
=====	=====	=====	=====

Site: EX-A1

Stratum: ex-a Existing 324 Tennis 37 287 (C) Grid

EXHIBIT NO. 14

APPLICATION NO.
5-88-605-A1

Tennis Court
Not Constructed



143 Triunfo Canyon Road
Suite 100
Westlake Village, CA 91361
Phone: 805/496-1928
818/889-8641

324
37
361 cu.yds.

Eric Y. Sato

1291 Will Geer Road
Topanga, CA 90290

EXHIBIT NO.	15
APPLICATION NO.	5-88-605-A1
Fuel Modification Plan	

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

**UNPERMITTED DEVELOPMENT/NON-COMPLIANCE WITH PERMIT***Sent by Certified Mail*

July 27, 2000

Eric Sato, Trustee of Bob Trust
23822 West Valencia Boulevard, Ste. 202
Valencia, CA 91355

EXHIBIT NO.	16
APPLICATION NO.	5-88-605-A1
Letter to Applicant	
July 27, 2000	

page 1 of 3

CDP Application No.: 4-00-011**Location:** 1291 Will Geer Road, Malibu, Los Angeles County

Description of Development: Construction of residence and barn/garage not in conformance with previously approved plans (CDP 5-88-605). Construction of an unpermitted corral, a detached "sleeping deck," a pump house, a well, a tank, and grading.

Dear Mr. Sato:

You have recently filed with the Coastal Commission an application for a Coastal Development Permit (CDP) for the above-referenced development activity on your property. Our office has confirmed that you are undertaking/have undertaken the subject activity without first obtaining the coastal development permit that is required by Public Resources Code, Section 30600 et seq. ("the Coastal Act"). Your filed application seeks a permit for said activity as if it has not already occurred. With your filed CDP application, you propose to obtain authorization for your activity by receiving an after-the-fact (ATF) permit. Pursuant to the Coastal Commission's regulations (14 California Code of Regulations, section 13055(b)), the fee for your ATF permit application is doubled and your permit application will not be complete until you submit the balance due of \$2,160 and the other items listed on the enclosed pink sheet.

Section 30600(a) of the Coastal Act states that in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must first obtain a CDP. Any development activity performed without a CDP constitutes a violation of the permitting requirements of section 30600(a). In the case of the development which has occurred on your property, it is necessary to either obtain an amendment to previously approved CDP 5-88-605 or obtain a new separate coastal permit for all unpermitted development on site.


You should be aware that Coastal Act sections 30803 and 30805 authorize the Commission to initiate legal action to seek an award of civil fines in response to any

Page 2

STATE OF CALIFORNIA
SOUTH COAST
89 80

violation of the Coastal Act. Coastal Act section 30820(a)(1) provides that any person who violates any provision of the Coastal Act may be subject to a civil fine not less than \$500 and no more than \$30,000. Further, section 30820(b) states that, in addition to any other civil fines, any person who "intentionally and knowingly" performs any development in violation of the Coastal Act can be subject to a civil fine of not less than \$1,000 nor more than \$15,000 for each day in which the violation continues to exist.

Sincerely,



Steve Hudson
Coastal Program Analyst

Cc: Enforcement Supervisor records
Karl Hinderer

STAFF COMMENTS

1. Project Description:

- Please submit a complete and clear project description.
- Identify all development previously constructed on the subject site without the required permit and proposed to be retained as part of the proposed project description (submitted photographs show unpermitted structures including pump house, well, tank, grading for proposed new barn area, etc.). The proposed "sleeping deck" appears to be existing – please confirm. Existing residence and barn/garage do not appear to be consistent with previously approved plans for CDP 5-88-605.
- Include breakdown of grading (indicate how much cut/fill/removal and recompaction will be required for each proposed component of this project such as road, residence, barn, corral, etc.). Calculation for removal and recompaction not included with submitted calculations – please calculate. Indicate amount of grading for proposed residence. Indicate amount of grading which has already been completed for proposed barn area. Confirm no grading is proposed for "sleeping deck."
- Confirm that no other corral besides the proposed riding/corral arena delineated on site plan is proposed.
- Please note that past Commission action in the Santa Monica Mountains has limited new residential development to no more than 35 ft. in height above existing (natural) grade; however, the submitted application indicates proposed residence will be 36 ft. in height above existing (natural) grade.

2. Road Easement:

Show all proposed road improvements on project plans (widening, brushing, paving, etc.). Please indicate whether any development occurs off site – if so, please submit evidence of legal ability to do work on adjacent property.

3. Project Plans:

- Submitted project plans indicate that only six trees are located on the subject site; however, the submitted photographs appear to indicate that more than six trees are present on site. Please ensure that all trees and tree canopies are clearly delineated (type, size, and location) on site plan and grading plan.
- Show all existing and proposed development on site (pumphouse, well, tank, etc.).
- Please submit structural cross sections for all proposed structures (residence/sport court/guest house/barn/pool/etc.) which clearly show existing and proposed grading elevations.
- Please submit grading plans (include cross sections).

NOTE: The letter from Karl Hinderer dated 5/24/00 states that your application no longer includes construction of a new residence and that you now intend to construct the previously approved/partially constructed residence pursuant to CDP 5-88-605. However, please, note that the neither the footprint of the existing portion of the partially constructed residence or the additional portions to be constructed shown on the proposed plans are consistent with the approved project plans for CDP 5-88-605. Based on the submitted information, it appears that the existing barn/garage is also not consistent with the previously approved project plans. Please note that if you intend to retain any of the existing development on site which is not consistent with the approved plans for CDP 5-88-605 (including the residence and barn/garage) you must either obtain an amendment to previously approved CDP 5-88-605 or a new coastal permit for all development on site (including the residence and barn/garage) as new development. The letter states that "this permit could either be handled as a Material Amendment or as a new submittal, I would prefer the Amendment;" however, the letter does not indicate which course of action you intend to pursue. If you intend to amend previously approved CDP 5-88-605 to include the proposed changes and new development, please withdraw CDP Application 4-00-011 and submit an amendment application.

CALIFORNIA COASTAL COMMISSION

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



Fax to 805-494-1198 and Deliver by US Mail
May 8, 2003

Karl Hinderer
CC&R Inc.
143 Triunfo Canyon Road, Suite 100
Westlake Village, CA 91361-2574

EXHIBIT NO. 17
APPLICATION NO. 5-88-605-A1
Letter to Agent
May 8, 2003

RE: The Bob Trust, Application No. 5-88-605-A-1

page 1 of 3

Dear Karl,

Staff has reviewed the submitted amendment application no. 5-88-605-A-1, application no. 4-00-011 previously returned, Coastal Permit no. 5-88-605, and conducted a site visit with you on April 30, 2003 to the subject property located at 1291 Will Geer Road, Topanga. This review has raised some questions regarding the coastal permit status of existing on site developments, and the proposed development described in the project description in the subject amendment application. Due to the fact this application must be on the June 10-13, 2003 Commission agenda in Long Beach and acted upon by the Commission, consistent with the California Permit Streamlining Act, we need a response to the questions below by May 15, 2003, if possible, in order to draft and complete our staff report for this agenda.

Amendment application no. 5-88-605-A-1 describes the proposed project as: "Revision to house plans to reflect "as built" conditions, tennis court replaced by riding arena and corral and the addition of a new barn and future swimming pool. Site plan is on modern topography and reflects conditions on site when property was purchased by new owner." We need a clarification of the project description relative to the approved Coastal Permit no. 5-88-605 and any other approved coastal permits for the existing developments on site.

A review of Coastal Permit no. 5-88-605 indicates that the approved project consists of a 5,500 sq. ft. single family residence, detached 750 sq. ft. guest house, 1,000 sq. ft. barn, tennis court, septic system, driveway and 900 cubic yards of grading balanced on site. This Coastal Permit does not include Commission approval for a temporary mobile home or construction trailer (now removed), the grading to create its pad, the shed and pipe corral on this pad, the grading for the driveway from an existing north-south dirt road, this dirt road itself, the pipe circular pipe corral, the rectangular wood post and beam fence riding arena.

We need clarification of the proposed project components in the subject amendment application. Please clarify the size in square footage of the portion of the existing residence now existing on site, the size of the remaining residence to be constructed, and the total size of the slightly reconfigured residence. The revised guest house

appears to be relocated from the approved location and redesigned. The approved guest house is located on the top of a small knoll, while the proposed amended guest house relocates it to an area at the southeast base or slope of this knoll. Please clarify the project description to indicate the size of the guest house and that it is slightly relocated to the south base or slope of this knoll with an estimate of the cubic yards of grading necessary to construct it. If you are proposing a pool, please state so and estimate the quantity of cut grading and the location of the fill or disposal site. If any of the cut material from proposed development is to be filled on site, please identify this site(s) and the quantity on a grading plan of the entire site with one copy reduced to 8 1/2 by 11 inches in size.

The approved barn is 1,000 sq. ft. What is the size of the existing barn? The approved plans for Coastal Permit 5-88-605 indicates that a corral is located north of the barn. What is the size of the approved corral as compared to the existing corral at this location?

We understand you wish to replace the approved tennis court with the riding arena. Please clarify if you are requesting approval for this development after-the-fact as part of the proposed project description for the subject amendment application. What is the size in square feet of the riding arena?

We have no information on whether or not the temporary mobile home or construction trailer, the grading to create its pad, the shed and adjoining pipe corral, the driveway from an existing north-south dirt road (which bisects the property) leading to the existing shed and adjoining pipe corral, and a pipe corral located near the riding arena, have an approved coastal permit. Based on our 1977 aerial photograph, it appears that this north-south road was constructed prior to January 1, 1977, the effective date of the Coastal Act. A review of our 1977 and 1986 aerial photographs indicate that the remaining developments noted above were constructed after 1986. Do you have a copy of a coastal permit for the temporary mobile home or construction trailer, the grading to create its pad, the shed and adjoining pipe corral, the driveway from the existing north-south dirt road, and the circular pipe corral? If so please provide a copy. If not, please clarify if you are requesting approval for these developments after-the-fact as part of the proposed project description for the subject amendment application. You may wish to clarify that the existing shed and pipe corral on the former site of the temporary mobile home or construction trailer is proposed to be removed. Where will these developments be disposed of? If these developments are proposed to be exported to a disposal site located outside the coastal zone, please identify the site and amend the project description accordingly. We ask that the cubic yard quantities of cut and fill grading be estimated for each of these after-the-fact developments and be identified on the grading plan noted above. We need a total cut and fill grading quantity for the proposed developments in this subject amendment application in addition to the after-the-fact developments. Please estimate the grading quantity for the approved tennis court for comparison purposes that was not constructed.

Karl Hinderer
May 8, 2003

Page 3

The subject amendment application includes a fuel modification plan, however, it is not stamped approved as a preliminary fuel modification plan by the Los Angeles County Fire Department. Please submit at least two such full size approved plans and one copy reduced to 8 ½ by 11 inches in size.

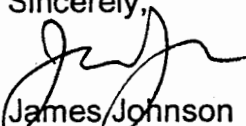
The submitted site plan sheets S1, S2, and S3 do not include the existing pipe corral on the western portion of the property north of the approved barn. Please provide 2-5 full size replacement copies identifying this corral and one copy reduced to 8 ½ by 11 inches in size for each sheet. If you wish we could return these sheets if you wish to add this pipe corral to the plans. If so please call so we may send them to you.

Regarding the proposed barn, is it proposed for personal use or commercial use such as a boarding facility? If the barn is proposed for personal use, please explain briefly the need for six stalls in addition to an identified number currently existing in the barn located on the western portion of the property. If the barn is proposed for commercial use please describe the operation and frequency of use. We may have additional questions on this issue after our review.

Are there alternative locations on this 16 acre parcel for the proposed barn, the "as build" pipe corral and riding arena to consolidate or cluster proposed development with existing development? Is it possible to locate a second smaller barn near the existing barn on the western portion of the property or enlarge the existing barn? Is it possible to locate a new or expanded pipe corral near the existing one on the western portion of the property? Is it possible to locate a smaller barn and pipe corral within the fuel modification area of the existing residence and proposed guest house? Is it possible to relocate the existing barn and pipe corral now on the western portion of the property to the flat pad area south of the arena? If so, please identify these alternatives on one separate full size and one reduced size site plan.

Thank you for your time and consideration regarding this matter. We look forward to resolving the coastal issues raised by this amendment application.

Sincerely,


James Johnson
Coastal Program Analyst

588605a1bobtrustinfoletter

page 3 of 3

May 13, 2003

James Johnson, Coastal Program Analyst
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RECEIVED
MAY 13 2003
SOUTHERN CALIFORNIA DISTRICT

EXHIBIT NO. 18
APPLICATION NO. 5-88-605-A1
Agent Response
to Staff's 5/8/2003 Letter

re: Application 5-88-605-A-1, The Bob Trust

Dear James,

Page 1 of 4

All that I know about the Coastal Permits that have been previously issued for this property are from your files. I have a copy of the original Permit 5-88-605 and the approved plans. If you have additional information about the site and construction I would appreciate having copies so I can properly respond to your inquiries. The 100 scale topographic map(topo) that was submitted and approved by the Commission in 1988 shows what appears to be a flat area at the site that we propose to construct a barn, do you have additional information that it was not flat at the time of the Brown's application in 1988? It is very difficult to determine from the 5 foot contour intervals on that map. The 30 scale map for the house does not extend this far south. If you will compare the Brown's topo with the current topo you will find a number of discrepancies. However, I did not approve the permit on this inadequate topo, you did! The Permit was signed by Gary Timm, maybe Gary remembers the site and can clarify the issue.

Since neither of us knows exactly what the conditions were in 1988 and there is no way to find out short of asking the Browns, and as I have no idea where they are, then please accept the profound apologies of the current owners. We have rather precisely indicated what we want to build and therefore **we hereby ask permission for whatever is needed to get approval of what we requested!**

What presently exists is part of a house, 2,190 sq. ft., that was built with a Building Permit as was the septic system, the barn/garage and the related grading. The Coastal permit was issued and is permanently vested. The buildings were approved, partially completed but all of the floors and foundations were poured and a Certificate of Occupancy was issued. The only change was that the approved garage was converted to a Family Room. The remaining 3,310 sq.ft. will be completed on the existing foundations. The Architect will send you a cover sheet for your files that includes this information. We will build the Guest House in the same place as it was approved and to the same plans! Please delete the revised Guest House from the plans. Part of the amendment request was for a pool, therefore we are requesting approval of a pool! Just where it is shown on the proposed Site Plan, sheet S2! The grading for the pool would be about 30 cu. yds. and the fill would be used to repair the existing approved roads on site. That would provide 3-4 inches of fill if evenly distributed but most of it would be used to fill in eroded areas. I can provide no grading plan for road repair.

Now let me get this straight. You want me to provide you with a Coastal Permit for grading at the Barn Site, but you can't look in your files yourself? I have no access to your Coastal Permit files!

If a permit was issued then you have it, if not then there was only 5-88-605, period. Therefore, if the site was graded it either was with a permit you should have in your files, or not! The Browns did get permission to grade the tennis court, and other improvements but the County didn't keep the plans. The County may have required the Browns to move the Tennis Court out of the drainage course, where you approved it, and if so, this site may have been the alternative location. I know that the current owner made sure that his riding arena was out of the drainage course when he built it in response to direction from the County Fire Department (please see my Transmittal of May 24, 2000 to Steve Hudson, enclosed). The County had already issued the permit for the Brown's grading so the arena was exempt.

The arena is 80 X 140 the size pad that is normally required for a regulation tennis court. If you look at the pictures from 2000 you will see that the original arena was a temporary pipe corral. After discussions with Jack Ainsworth we applied for this amendment. The riding arena was to replace the tennis court. The existing barn, if you review the approved plans, was for a two car garage and a two stall barn. When the building was built it included two sets of garage doors. The current owners are planning on using it as a garage and the new barn will replace the old one. There is not enough room in the old barn for the five horses so the temporary pipe corrals are being used pending approval of the new barn. They have small plywood shade structures to allow the horses out of the sun. There are no sheds. In responding to this letter I looked at the site plan and Frederika Moller, the Landscape Architect, who prepared the site plan, only included the roof outline. I have copied the original architect's plans and the County Approval in Concept for the barn and we are hereby amending our application to include the complete barn plans. I am sorry, but sometimes it is hard to get everything coordinated. I have two architects, a landscape architect and two engineers on this job; not to mention parts of three applications. I didn't realize that the Barn Plans were on the original house plans not the Site Plan. The pipe corral used for the arena is now being temporarily used to house the horses and the arena got new post and rail fencing. If you notice behind each stall in the new barn there is a small corral, that is pipe corral. They greatly improve the health of the horses. Once the new barn is erected all of the existing pipe corral fencing will be moved there. If there is any pipe corral sections left over we will use it in the arena. When not in use we can store it in the new barn. The barn is a pre-fabricated metal barn and the Fire Department, in the last Plot Plan Review/Approval in Concept, required sprinklers. The existing Fuel Management Plan was found to be adequate and another copy is enclosed. They have agreed to reduce the fuel modification zone to just Zone A, 30 feet, around the barn.

The barn is a standard design and is sold all over the Country. The MD barns come in two, four, six, or eight stall designs. Since they have five horses, the six stall design is perfect. It allows them to have a spare stall to move a horse to if a stall needs repair or more complete cleaning. Additional copies of those plans are also enclosed. What would have ever possibly given you any indication that this could be a commercial activity? It is a single family dwelling occupied by one family that has five horses! The Approval in Concept is for the use applied for and any other use requires a Conditional Use Permit!

As we discussed, we have looked at alternatives for the location of the barn. County Zoning permits: "light agricultural uses, provided that all building or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation" (Section 22.24.070.B; County Code is available on-line at the DRP web site). This includes keeping of horses. The County Health Department requires any barn to be at least 100 feet from a residence. Around the house the only place would be the area to the east, but that area is where the septic system is located and that is prohibited (see plans attached). The west and south have the watercourse.

The existing barn was a compromise, partially a garage and partially a barn. It was a very poor barn! The stalls are very small and there is no opportunity to add attached corral space to the stalls because of the bearing walls. The outside pipe corrals are the only alternative. The existing barn is located on a hillside between the road and a watercourse. We have two pipe corrals there because there is not enough room to put them together. There is not enough room there for the barn and the arena is located in another area. The only alternative, that doesn't require massive grading of one of the hilltops, is to put the barn in the watercourse north of the arena, the place that you approved the tennis court. I don't believe the County would allow the construction in that area. The logical place that meets all of the County requirements, Zoning, Health Department, Setbacks, and the minimization of grading is the selected location. It is already flat, meets all of the other requirements and is adjacent to the riding arena.

I have had one of my engineers review the original Tennis Court. We located it on the new topographic map by measuring the location from the property boundaries. The enclosed earthwork exhibit indicates that the cut is approximately the same as the riding arena but without the fill. However, we did not elevate the Tennis Court above the drainage course, we assumed the water would flow over the court, which would not be approved by County Building and Safety. If the court was elevated a foot above the flow then there would have been an additional 414 cu. yds of fill. My Transmittal of May 24, 2000 included grading quantities for the Corral/Arena and the new Barn. The guest house will be less because we are reverting to the original plans, which are already approved. William Rose and Associates prepared cross sections through the barn area and the arena to generate the grading quantities and they are in your files. Additional copies are enclosed. One note; Bill Rose revised the barn plans to eliminate the retaining wall, with minimal grading, and that is the design we would prefer to build. I don't have time to have additional plans drawn, so please use the plans in the cross-sections. The County Fire Department has approved the existing roads at 20 feet width. Some additional widening will have to be done to the road through the center of the site if they request the widening. That is the original width of the street.

I am not sure how much you kept from Permit 4-00-011 so I have made a number of copies of the material that I have in my files and that I can easily generate to meet your concerns.



Therefore, the following items are attached for your files:

- 4 copies of approved Septic System Plans for the property dated 1-19-89
- 4 set of Barn Plans Approved in Concept by DRP as case no. 46116, 4-26-99
- 4 sets of Barn Structural and Building Plans from ZJS Engineering dated 1-13-2000
- 4 set of Grading cross-sections for the new barn and Riding Arena, May, 2000, WRA
- 1 copy of Transmittal to Steve Hudson dated May 24, 2000 from KHA
- 1 copy of Fuel Modification Letter from L.A. Co. Fire, dated May 22, 2000
- 1 copy of the approved Fuel Modification Plans dated 5-18-00
- 1 Approval of L.A. Co. Fire Department for road width, 20 feet
- 1 approved Plans for Access to site and improvements by L.A. Co. Fire, dated 6/7/00
- 1 Tennis Court Earthwork Exhibit, May 14, 2003

I believe that this answers all of the questions in your letter of May 8, 2003. If I missed something please call me as I also want to meet the deadline.

CC&R, Inc.

Karl P. Hinderer AICP
Director of Planning

cc: The Bob Trust

D:\Topanga Ranch\Topanga Ranch\response to Coastal Letter 2003 ltr.wpd Jn1810

MAY 15 2003
SOUTH CENTRAL COAST DISTRICT

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



M E M O R A N D U M

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Ventura Staff

SUBJECT: Designation of ESHA in the Santa Monica Mountains

DATE: March 25, 2003

In the context of the Malibu LCP, the Commission found that the Mediterranean Ecosystem in the Santa Mountains is rare, and especially valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Therefore, areas of undeveloped native habitat in the Santa Monica Mountains that are large and relatively unfragmented may meet the definition of ESHA by virtue of their valuable roles in that ecosystem, regardless of their relative rarity throughout the state. This is the only place in the coastal zone where the Commission has recognized chaparral as meeting the definition of ESHA. The scientific background presented herein for ESHA analysis in the Santa Monica Mountains is adapted from the Revised Findings for the Malibu LCP that the Commission adopted on February 6, 2003.

For habitats in the Santa Monica Mountains, particularly coastal sage scrub and chaparral, there are three site-specific tests to determine whether an area is ESHA because of its especially valuable role in the ecosystem. First, is the habitat properly identified, for example as coastal sage scrub or chaparral? The requisite information for this test generally should be provided by a site-specific biological assessment. Second, is the habitat largely undeveloped and otherwise relatively pristine? Third, is the habitat part of a large, contiguous block of relatively pristine native vegetation? This should be documented with an aerial photograph from our mapping unit (with the site delineated) and should be attached as an exhibit to the staff report. For those habitats that are absolutely rare or that support individual rare species, it is not necessary to find that they are relatively pristine, and are neither isolated nor fragmented.

**Designation of Environmentally Sensitive Habitat in the
Santa Monica Mountains**

The Coastal Act provides a definition of "environmentally sensitive area" as: "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 30107.5).

EXHIBIT 19
5-88-605-A1
ESHA Memo

There are three important elements to the definition of ESHA. First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

The first test of ESHA is whether a habitat or species is rare. Rarity can take several forms, each of which is important. Within the Santa Monica Mountains, rare species and habitats often fall within one of two common categories. Many rare species or habitats are globally rare, but locally abundant. They have suffered severe historical declines in overall abundance and currently are reduced to a small fraction of their original range, but where present may occur in relatively large numbers or cover large local areas. This is probably the most common form of rarity for both species and habitats in California and is characteristic of coastal sage scrub, for example. Some other habitats are geographically widespread, but occur everywhere in low abundance. California's native perennial grasslands fall within this category.

A second test for ESHA is whether a habitat or species is especially valuable. Areas may be valuable because of their "special nature," such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. For example, reproducing populations of valley oaks are not only increasingly rare, but their southernmost occurrence is in the Santa Monica Mountains. Generally, however, habitats or species are considered valuable because of their special "role in the ecosystem." For example, many areas within the Santa Monica Mountains may meet this test because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. Of course, all species play a role in their ecosystem that is arguably "special." However, the Coastal Act requires that this role be "especially valuable." This test is met for relatively pristine areas that are integral parts of the Santa Monica Mountains Mediterranean ecosystem because of the demonstrably rare and extraordinarily special nature of that ecosystem as detailed below.

Finally, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. Within the Santa Monica Mountains, as in most areas of southern California affected by urbanization, all natural habitats are in grave danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.

Ecosystem Context of the Habitats of the Santa Monica Mountains

The Santa Monica Mountains comprise the largest, most pristine, and ecologically complex example of a Mediterranean ecosystem in coastal southern California.

California's coastal sage scrub, chaparral, oak woodlands, and associated riparian areas have analogues in just a few areas of the world with similar climate. Mediterranean ecosystems with their wet winters and warm dry summers are only found in five localities (the Mediterranean coast, California, Chile, South Africa, and south and southwest Australia). Throughout the world, this ecosystem with its specially adapted vegetation and wildlife has suffered severe loss and degradation from human development. Worldwide, only 18 percent of the Mediterranean community type remains undisturbed¹. However, within the Santa Monica Mountains, this ecosystem is remarkably intact despite the fact that it is closely surrounded by some 17 million people. For example, the 150,000 acres of the Santa Monica Mountains National Recreation Area, which encompasses most of the Santa Monica Mountains, was estimated to be 90 percent free of development in 2000². Therefore, this relatively pristine area is both large and mostly unfragmented, which fulfills a fundamental tenet of conservation biology³. The need for large contiguous areas of natural habitat in order to maintain critical ecological processes has been emphasized by many conservation biologists⁴.

In addition to being a large single expanse of land, the Santa Monica Mountains ecosystem is still connected, albeit somewhat tenuously, to adjacent, more inland ecosystems⁵. Connectivity among habitats within an ecosystem and connectivity among ecosystems is very important for the preservation of species and ecosystem integrity. In a recent statewide report, the California Resources Agency⁶ identified wildlife corridors and habitat connectivity as the top conservation priority. In a letter to governor Gray Davis, sixty leading environmental scientists have endorsed the

¹ National Park Service. 2000. Draft general management plan & environmental impact statement. Santa Monica Mountains National Recreation Area – California.

² Ibid.

³ Harris, L. D. 1988. Edge effects and conservation of biotic diversity. *Conserv. Biol.* 330-332. Soule, M. E., D. T. Bolger, A. C. Alberts, J. Wright, M. Sorce and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92. Yahner, R. H. 1988. Changes in wildlife communities near edges. *Conserv. Biol.* 2:333-339. Murphy, D. D. 1989. Conservation and confusion: Wrong species, wrong scale, wrong conclusions. *Conservation Biol.* 3:82-84.

⁴ Crooks, K. 2000. Mammalian carnivores as target species for conservation in Southern California. p. 105-112 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. and R. F. Noss. 1998. Do habitat corridors provide connectivity? *Conserv. Biol.* 12:1241-1252. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: *Metapopulations and Wildlife Conservation*, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

⁵ The SMM area is linked to larger natural inland areas to the north through two narrow corridors: 1) the Conejo Grade connection at the west end of the Mountains and 2) the Simi Hills connection in the central region of the SMM (from Malibu Creek State Park to the Santa Susanna Mountains).

⁶ California Resources Agency. 2001. Missing Linkages: Restoring Connectivity to the California Landscape. California Wilderness Coalition, Calif. Dept of Parks & Recreation, USGS, San Diego Zoo and The Nature Conservancy. Available at: <http://www.calwild.org/pubs/reports/linkages/index.htm>

conclusions of that report⁷. The chief of natural resources at the California Department of Parks and Recreation has identified the Santa Monica Mountains as an area where maintaining connectivity is particularly important⁸.

The species most directly affected by large scale connectivity are those that require large areas or a variety of habitats, e.g., gray fox, cougar, bobcat, badger, steelhead trout, and mule deer⁹. Large terrestrial predators are particularly good indicators of habitat connectivity and of the general health of the ecosystem¹⁰. Recent studies show that the mountain lion, or cougar, is the most sensitive indicator species of habitat fragmentation, followed by the spotted skunk and the bobcat¹¹. Sightings of cougars in both inland and coastal areas of the Santa Monica Mountains¹² demonstrate their continued presence. Like the "canary in the mineshaft," an indicator species like this is good evidence that habitat connectivity and large scale ecological function remains in the Santa Monica Mountains ecosystem.

The habitat integrity and connectivity that is still evident within the Santa Monica Mountains is extremely important to maintain, because both theory and experiments over 75 years in ecology confirm that large spatially connected habitats tend to be more stable and have less frequent extinctions than habitats without extended spatial structure¹³. Beyond simply destabilizing the ecosystem, fragmentation and disturbance

⁷ Letters received and included in the September 2002 staff report for the Malibu LCP.

⁸ Schoch, D. 2001. Survey lists 300 pathways as vital to state wildlife. Los Angeles Times. August 7, 2001.

⁹ Martin, G. 2001. Linking habitat areas called vital for survival of state's wildlife Scientists map main migration corridors. San Francisco Chronicle, August 7, 2001.

¹⁰ Noss, R. F., H. B. Quigley, M. G. Hornocker, T. Merrill and P. C. Paquet. 1996. Conservation biology and carnivore conservation in the Rocky Mountains. *Conserv. Biol.* 10: 949-963. Noss, R. F. 1995. Maintaining ecological integrity in representative reserve networks. World Wildlife Fund Canada.

¹¹ Sauvajot, R. M., E. C. York, T. K. Fuller, H. Sharon Kim, D. A. Kamradt and R. K. Wayne. 2000. Distribution and status of carnivores in the Santa Monica Mountains, California: Preliminary results from radio telemetry and remote camera surveys. p 113-123 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62. Beier, P. 1996. Metapopulation models, tenacious tracking and cougar conservation. In: Metapopulations and Wildlife Conservation, ed. D. R. McCullough. Island Press, Covelo, California, 429p.

¹² Recent sightings of mountain lions include: Temescal Canyon (pers. com., Peter Brown, Facilities Manager, Calvary Church), Topanga Canyon (pers. com., Marti Witter, NPS), Encinal and Trancas Canyons (pers. com., Pat Healy), Stump Ranch Research Center (pers. com., Dr. Robert Wayne, Dept. of Biology, UCLA). In May of 2002, the NPS *photographed* a mountain lion at a trip camera on the Back Bone Trail near Castro Crest – Seth Riley, Eric York and Dr. Ray Sauvajot, National Park Service, SMMNRA.

¹³ Gause, G. F. 1934. The struggle for existence. Baltimore, William and Wilkins 163 p. (also reprinted by Hafner, N.Y. 1964). Gause, G. F., N. P. Smaragdova and A. A. Witt. 1936. Further studies of interaction between predators and their prey. *J. Anim. Ecol.* 5:1-18. Huffaker, C. B. 1958. Experimental studies on predation: dispersion factors and predator-prey oscillations. *Hilgardia* 27:343-383. Luckinbill, L. S. 1973. Coexistence in laboratory populations of *Paramecium aurelia* and its predator *Didinium nasutum*. *Ecology* 54:1320-1327. Allen, J. C., C. C. Brewster and D. H. Slone. 2001. Spatially explicit ecological models: A spatial convolution approach. *Chaos, Solitons and Fractals*. 12:333-347.

can even cause unexpected and irreversible changes to new and completely different kinds of ecosystems (habitat conversion)¹⁴.

As a result of the pristine nature of large areas of the Santa Monica Mountains and the existence of large, unfragmented and interconnected blocks of habitat, this ecosystem continues to support an extremely diverse flora and fauna. The observed diversity is probably a function of the diversity of physical habitats. The Santa Monica Mountains have the greatest geological diversity of all major mountain ranges within the transverse range province. According to the National Park Service, the Santa Monica Mountains contain 40 separate watersheds and over 170 major streams with 49 coastal outlets¹⁵. These streams are somewhat unique along the California coast because of their topographic setting. As a "transverse" range, the Santa Monica Mountains are oriented in an east-west direction. As a result, the south-facing riparian habitats have more variable sun exposure than the east-west riparian corridors of other sections of the coast. This creates a more diverse moisture environment and contributes to the higher biodiversity of the region. The many different physical habitats of the Santa Monica Mountains support at least 17 native vegetation types¹⁶ including the following habitats considered sensitive by the California Department of Fish and Game: native perennial grassland, coastal sage scrub, red-shank chaparral, valley oak woodland, walnut woodland, southern willow scrub, southern cottonwood-willow riparian forest, sycamore-alder woodland, oak riparian forest, coastal salt marsh, and freshwater marsh. Over 400 species of birds, 35 species of reptiles and amphibians, and more than 40 species of mammals have been documented in this diverse ecosystem. More than 80 sensitive species of plants and animals (listed, proposed for listing, or species of concern) are known to occur or have the potential to occur within the Santa Monica Mountains Mediterranean ecosystem.

The Santa Monica Mountains are also important in a larger regional context. Several recent studies have concluded that the area of southern California that includes the Santa Monica Mountains is among the most sensitive in the world in terms of the number of rare endemic species, endangered species and habitat loss. These studies have designated the area to be a local hot-spot of endangerment in need of special protection¹⁷.

Therefore, the Commission finds that the Santa Monica Mountains ecosystem is itself rare and especially valuable because of its special nature as the largest, most pristine,

¹⁴ Scheffer, M., S. Carpenter, J. A. Foley, C. Folke and B. Walker. 2001. Catastrophic shifts in ecosystems. *Nature* 413:591-596.

¹⁵ NPS. 2000. *op.cit.*

¹⁶ From the NPS report (2000 *op. cit.*) that is based on the older Holland system of subjective classification. The data-driven system of Sawyer and Keeler-Wolf results in a much larger number of distinct "alliances" or vegetation types.

¹⁷ Myers, N. 1990. The biodiversity challenge: Expanded hot-spots analysis. *Environmentalist* 10:243-256. Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. da Fonseca and J. A. Kent. 2000. Biodiversity hot-spots for conservation priorities. *Nature* 403:853-858. Dobson, A. P., J. P. Rodriguez, W. M. Roberts and D. S. Wilcove. 1997. Geographic distribution of endangered species in the United States. *Science* 275:550-553.

physically complex, and biologically diverse example of a Mediterranean ecosystem in coastal southern California. The Commission further finds that because of the rare and special nature of the Santa Monica Mountains ecosystem, the ecosystem roles of substantially intact areas of the constituent plant communities discussed below are "especially valuable" under the Coastal Act.

Major Habitats within the Santa Monica Mountains

The most recent vegetation map that is available for the Santa Monica Mountains is the map that was produced for the National Park Service in the mid-1990s using 1993 satellite imagery supplemented with color and color infrared aerial imagery from 1984, 1988, and 1994 and field review¹⁸. The minimum mapping unit was 5 acres. For that map, the vegetation was mapped in very broad categories, generally following a vegetation classification scheme developed by Holland¹⁹. Because of the mapping methods used the degree of plant community complexity in the landscape is not represented. For example, the various types of "ceanothus chaparral" that have been documented were lumped under one vegetation type referred to as "northern mixed chaparral." Dr. Todd Keeler-Wolf of the California Department of Fish and Game is currently conducting a more detailed, quantitative vegetation survey of the Santa Monica Mountains.

The National Park Service map can be used to characterize broadly the types of plant communities present. The main generic plant communities present in the Santa Monica Mountains²⁰ are: coastal sage scrub, chaparral, riparian woodland, coast live oak woodland, and grasslands.

Riparian Woodland

Some 49 streams connect inland areas with the coast, and there are many smaller drainages as well, many of which are "blue line." Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the plant communities in the area²¹. At least four types of riparian communities are discernable in the Santa Monica Mountains: walnut riparian areas, mulefat-dominated riparian areas, willow riparian areas and sycamore riparian woodlands. Of these, the

¹⁸ Franklin, J. 1997. Forest Service Southern California Mapping Project, Santa Monica Mountains National Recreation Area, Task 11 Description and Results, Final Report. June 13, 1997, Dept. of Geography, San Diego State University, USFS Contract No. 53-91S8-3-TM45.

¹⁹ Holland R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. State of California, The Resources Agency, Dept. of Fish and Game, Natural Heritage Division, Sacramento, CA. 95814.

²⁰ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000. (Fig. 11 in this document.)

²¹ Ibid.

sycamore riparian woodland is the most diverse riparian community in the area. In these habitats, the dominant plant species include arroyo willow, California black walnut, sycamore, coast live oak, Mexican elderberry, California bay laurel, and mule fat. Wildlife species that have been observed in this community include least Bell's vireo (a State and federally listed species), American goldfinches, black phoebes, warbling vireos, bank swallows (State listed threatened species), song sparrows, belted kingfishers, raccoons, and California and Pacific tree frogs.

Riparian communities are the most species-rich to be found in the Santa Monica Mountains. Because of their multi-layered vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, they are attractive to many native wildlife species, and provide essential functions in their lifecycles²². During the long dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas' wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the way.

The streams themselves provide refuge for sensitive species including: the coast range newt, the Pacific pond turtle, and the steelhead trout. The coast range newt and the Pacific pond turtle are California Species of Special Concern and are proposed for federal listing²³, and the steelhead trout is federally endangered. The health of the streams is dependent on the ecological functions provided by the associated riparian woodlands. These functions include the provision of large woody debris for habitat, shading that controls water temperature, and input of leaves that provide the foundation of the stream-based trophic structure.

The importance of the connectivity between riparian areas and adjacent habitats is illustrated by the Pacific pond turtle and the coast range newt, both of which are sensitive and both of which require this connectivity for their survival. The life history of the Pacific pond turtle demonstrates the importance of riparian areas and their associated watersheds for this species. These turtles require the stream habitat during the wet season. However, recent radio tracking work²⁴ has found that although the Pacific pond turtle spends the wet season in streams, it also requires upland habitat for refuge during the dry season. Thus, in coastal southern California, the Pacific pond turtle requires both streams and intact adjacent upland habitats such as coastal sage

²² Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

²³ USFWS. 1989. Endangered and threatened wildlife and plants; animal notice of review. Fed. Reg. 54:554-579. USFWS. 1993. Endangered and threatened wildlife and plants; notice of 1-year petition finding on the western pond turtle. Fed. Reg. 58:42717-42718.

²⁴ Rathbun, G.B., N.J. Scott and T.G. Murphy. 2002. Terrestrial habitat use by Pacific pond turtle in a Mediterranean climate. *Southwestern Naturalist*. (in Press).

scrub, woodlands or chaparral as part of their normal life cycle. The turtles spend about four months of the year in upland refuge sites located an average distance of 50 m (but up to 280 m) from the edge of the creek bed. Similarly, nesting sites where the females lay eggs are also located in upland habitats an average of 30 m (but up to 170 m) from the creek. Occasionally, these turtles move up to 2 miles across upland habitat²⁵. Like many species, the pond turtle requires both stream habitats and the upland habitats of the watershed to complete its normal annual cycle of behavior. Similarly, the coast range newt has been observed to travel hundreds of meters into upland habitat and spend about ten months of the year far from the riparian streambed²⁶. They return to the stream to breed in the wet season, and they are therefore another species that requires both riparian habitat and adjacent uplands for their survival.

Riparian habitats in California have suffered serious losses and such habitats in southern California are currently very rare and seriously threatened. In 1989, Faber estimated that 95-97% of riparian habitat in southern California was already lost²⁷. Writing at the same time as Faber, Bowler asserted that, "[t]here is no question that riparian habitat in southern California is endangered."²⁸ In the intervening 13 years, there have been continuing losses of the small amount of riparian woodlands that remain. Today these habitats are, along with native grasslands and wetlands, among the most threatened in California.

In addition to direct habitat loss, streams and riparian areas have been degraded by the effects of development. For example, the coast range newt, a California Species of Special Concern has suffered a variety of impacts from human-related disturbances²⁹. Human-caused increased fire frequency has resulted in increased sedimentation rates, which exacerbates the cannibalistic predation of adult newts on the larval stages.³⁰ In addition impacts from non-native species of crayfish and mosquito fish have also been documented. When these non-native predators are introduced, native prey organisms are exposed to new mortality pressures for which they are not adapted. Coast range newts that breed in the Santa Monica Mountain streams do not appear to have adaptations that permit co-occurrence with introduced mosquito fish and crayfish³¹. These introduced predators have eliminated the newts from streams where they previously occurred by both direct predation and suppression of breeding.

²⁵ Testimony by R. Dagit, Resource Conservation District of the Santa Monica Mountains at the CCC Habitat Workshop on June 13, 2002.

²⁶ Dr. Lee Kats, Pepperdine University, personal communication to Dr J. Allen, CCC.

²⁷ Faber, P.A., E. Keller, A. Sands and B.M. Massey. 1989. The ecology of riparian habitats of the southern California coastal region: a community profile. U.S. Fish and Wildlife Service Biological Report 85(7.27) 152pp.

²⁸ Bowler, P.A. 1989. Riparian woodland: An endangered habitat in southern California. Pp 80-97 in Schoenherr, A.A. (ed.) Endangered plant communities of southern California. Botanists Special Publication No. 3.

²⁹ Gamradt, S.C., L.B. Kats and C.B. Anzalone. 1997. Aggression by non-native crayfish deters breeding in California newts. *Conservation Biology* 11(3):793-796.

³⁰ Kerby, L.J., and L.B. Kats. 1998. Modified interactions between salamander life stages caused by wildfire-induced sedimentation. *Ecology* 79(2):740-745.

³¹ Gamradt, S.C. and L.B. Kats. 1996. Effect of introduced crayfish and mosquitofish on California newts. *Conservation Biology* 10(4):1155-1162.

Therefore, because of the essential role that riparian plant communities play in maintaining the biodiversity of the Santa Monica Mountains, because of the historical losses and current rarity of these habitats in southern California, and because of their extreme sensitivity to disturbance, the native riparian habitats in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

Coastal Sage Scrub and Chaparral

Coastal sage scrub and chaparral are often lumped together as "shrublands" because of their roughly similar appearance and occurrence in similar and often adjacent physical habitats. In earlier literature, these vegetation associations were often called soft chaparral and hard chaparral, respectively. "Soft" and "hard" refers to differences in their foliage associated with different adaptations to summer drought. Coastal sage scrub is dominated by soft-leaved, generally low-growing aromatic shrubs that die back and drop their leaves in response to drought. Chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves that minimize water loss during drought.

The two vegetation types are often found interspersed with each other. Under some circumstances, coastal sage scrub may even be successional to chaparral, meaning that after disturbance, a site may first be covered by coastal sage scrub, which is then replaced with chaparral over long periods of time.³² The existing mosaic of coastal sage scrub and chaparral is the result of a dynamic process that is a function of fire history, recent climatic conditions, soil differences, slope, aspect and moisture regime, and the two habitats should not be thought of as completely separate and unrelated entities but as different phases of the same process³³. The spatial pattern of these vegetation stands at any given time thus depends on both local site conditions and on history (e.g., fire), and is influenced by both natural and human factors.

In lower elevation areas with high fire frequency, chaparral and coastal sage scrub may be in a state of flux, leading one researcher to describe the mix as a "coastal sage-chaparral subclimax."³⁴ Several other researchers have noted the replacement of chaparral by coastal sage scrub, or coastal sage scrub by chaparral depending on fire history.³⁵ In transitional and other settings, the mosaic of chaparral and coastal sage

³² Cooper, W.S. 1922. The broad-sclerophyll vegetation of California. Carnegie Institution of Washington Publication 319. 124 pp.

³³ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. (See attached comment document in Appendix).

³⁴ Hanes, T.L. 1965. Ecological studies on two closely related chaparral shrubs in southern California. Ecological Monographs 41:27-52.

³⁵ Gray, K.L. 1983. Competition for light and dynamic boundary between chaparral and coastal sage scrub. Madrono 30(1):43-49. Zedler, P.H., C.R. Gautier and G.S. McMaster. 1983. Vegetation change in response to extreme events: The effect of a short interval between fires in California chaparral and coastal sage scrub. Ecology 64(4): 809-818.

scrub enriches the seasonal plant resource base and provides additional habitat variability and seasonality for the many species that inhabit the area.

Relationships Among Coastal Sage Scrub, Chaparral and Riparian Communities

Although the constituent communities of the Santa Monica Mountains Mediterranean ecosystem can be defined and distinguished based on species composition, growth habits, and the physical habitats they characteristically occupy, they are not independent entities ecologically. Many species of plants, such as black sage, and laurel sumac, occur in more than one plant community and many animals rely on the predictable mix of communities found in undisturbed Mediterranean ecosystems to sustain them through the seasons and during different portions of their life histories.

Strong evidence for the interconnectedness between chaparral, coastal scrub and other habitats is provided by "opportunistic foragers" (animals that follow the growth and flowering cycles across these habitats). Coastal scrub and chaparral flowering and growth cycles differ in a complimentary and sequential way that many animals have evolved to exploit. Whereas coastal sage scrub is shallow-rooted and responds quickly to seasonal rains, chaparral plants are typically deep-rooted having most of their flowering and growth later in the rainy season after the deeper soil layers have been saturated³⁶. New growth of chaparral evergreen shrubs takes place about four months later than coastal sage scrub plants and it continues later into the summer³⁷. For example, in coastal sage scrub, California sagebrush flowers and grows from August to February and coyote bush flowers from August to November³⁸. In contrast, chamise chaparral and bigpod ceanothus flower from April to June, buck brush ceanothus flowers from February to April, and hoaryleaf ceanothus flowers from March to April.

Many groups of animals exploit these seasonal differences in growth and blooming period. The opportunistic foraging insect community (e.g., honeybees, butterflies and moths) tends to follow these cycles of flowering and new growth, moving from coastal sage scrub in the early rainy season to chaparral in the spring³⁹. The insects in turn are followed by insectivorous birds such as the blue-gray gnatcatcher⁴⁰, bushtit, cactus wren, Bewick's wren and California towhee. At night bats take over the role of daytime insectivores. At least 12 species of bats (all of which are considered sensitive) occur in

³⁶ DeSimone, S. 2000. California's coastal sage scrub. *Fremontia* 23(4):3-8. Mooney, H.A. 1988. Southern coastal scrub. Chap. 13 in Barbour, M.G. and J. Majors; Eds. 1988. *Terrestrial vegetation of California*, 2nd Edition. Calif. Native Plant Soc. Spec. Publ. #9.

³⁷ Schoenherr, A. A. 1992. *A natural history of California*. University of California Press, Berkeley. 772p.

³⁸ Dale, N. 2000. Flowering plants of the Santa Monica Mountains. California Native Plant Society, 1722 J Street, Suite 17, Sacramento, CA 95814.

³⁹ Ballmer, G. R. 1995. What's bugging coastal sage scrub. *Fremontia* 23(4):17-26.

⁴⁰ Root, R. B. 1967. The niche exploitation pattern of the blue-gray gnatcatcher. *Ecol. Monog.* 37:317-350.

the Santa Monica Mountains⁴¹. Five species of hummingbirds also follow the flowering cycle⁴².

Many species of 'opportunistic foragers', which utilize several different community types, perform important ecological roles during their seasonal movements. The scrub jay is a good example of such a species. The scrub jay is an omnivore and forages in coastal sage scrub, chaparral, and oak woodlands for insects, berries and notably acorns. Its foraging behavior includes the habit of burying acorns, usually at sites away from the parent tree canopy. Buried acorns have a much better chance of successful germination (about two-fold) than exposed acorns because they are protected from desiccation and predators. One scrub jay will bury approximately 5000 acorns in a year. The scrub jay therefore performs the function of greatly increasing recruitment and regeneration of oak woodland, a valuable and sensitive habitat type⁴³.

Like the scrub jay, most of the species of birds that inhabit the Mediterranean ecosystem in the Santa Monica Mountains require more than one community type in order to flourish. Many species include several community types in their daily activities. Other species tend to move from one community to another seasonally. The importance of maintaining the integrity of the multi-community ecosystem is clear in the following observations of Dr. Hartmut Walter of the University of California at Los Angeles:

"Bird diversity is directly related to the habitat mosaic and topographic diversity of the Santa Monicas. Most bird species in this bio-landscape require more than one habitat for survival and reproduction." "A significant proportion of the avifauna breeds in the wooded canyons of the Santa Monicas. Most of the canyon breeders forage every day in the brush- and grass-covered slopes, ridges and mesas. They would not breed in the canyons in the absence of the surrounding shrublands. Hawks, owls, falcons, orioles, flycatchers, woodpeckers, warblers, hummingbirds, etc. belong to this group. Conversely, some of the characteristic chaparral birds such as thrashers, quails, and wrentits need the canyons for access to shelter, protection from fire, and water. The regular and massive movement of birds between riparian corridors and adjacent shrublands has been demonstrated by qualitative and quantitative observations by several UCLA students⁴⁴."

Thus, the Mediterranean ecosystem of the Santa Monica Mountains is a mosaic of vegetation types linked together ecologically. The high biodiversity of the area results

⁴¹ Letter from Dr. Marti Witter, NPS, dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

⁴² National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁴³ Borchert, M. I., F. W. Davis, J. Michaelsen and L. D. Oyler. 1989. Interactions of factors affecting seedling recruitment of blue oak (*Quercus douglasii*) in California. *Ecology* 70:389-404. Bossema, I. 1979. Jays and oaks: An eco-ethological study of a symbiosis. *Behavior* 70:1-118. Schoenherr, A. A. 1992. A natural history of California. University of California Press, Berkeley. 772p.

⁴⁴ Walter, Hartmut. Bird use of Mediterranean habitats in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

from both the diversity and the interconnected nature of this mosaic. Most raptor species, for example, require large areas and will often require different habitats for perching, nesting and foraging. Fourteen species of raptors (13 of which are considered sensitive) are reported from the Santa Monica Mountains. These species utilize a variety of habitats including rock outcrops, oak woodlands, riparian areas, grasslands, chaparral, coastal sage scrub, estuaries and freshwater lakes⁴⁵.

When the community mosaic is disrupted and fragmented by development, many chaparral-associated native bird species are impacted. In a study of landscape-level fragmentation in the Santa Monica Mountains, Stralberg⁴⁶ found that the ash-throated flycatcher, Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, and California towhee all decreased in numbers as a result of urbanization. Soule⁴⁷ observed similar effects of fragmentation on chaparral and coastal sage scrub birds in the San Diego area.

In summary, all of the vegetation types in this ecosystem are strongly linked by animal movement and foraging. Whereas classification and mapping of vegetation types may suggest a snapshot view of the system, the seasonal movements and foraging of animals across these habitats illustrates the dynamic nature and vital connections that are crucial to the survival of this ecosystem.

Coastal Sage Scrub

"Coastal sage scrub" is a generic vegetation type that is inclusive of several subtypes⁴⁸. In the Santa Monica Mountains, coastal sage scrub is mostly of the type termed "Venturan Coastal Sage Scrub." In general, coastal sage scrub is comprised of dominant species that are semi-woody and low-growing, with shallow, dense roots that enable them to respond quickly to rainfall. Under the moist conditions of winter and spring, they grow quickly, flower, and produce light, wind-dispersed seeds, making them good colonizers following disturbance. These species cope with summer drought by dying back, dropping their leaves or producing a smaller summer leaf in order to reduce water loss. Stands of coastal sage scrub are much more open than chaparral and contain a greater admixture of herbaceous species. Coastal sage scrub is generally restricted to drier sites, such as low foothills, south-facing slopes, and shallow soils at higher elevations.

⁴⁵ National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701. and Letter from Dr. Marti Witter, NPS, Dated Sept. 13, 2001, in letters received and included in the September 2002 staff report for the Malibu LCP.

⁴⁶ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: A Santa Monica Mountains case study. p 125-136 in: Keeley, J. E., M. Baer-Keeley and C. J. Fotheringham (eds), 2nd Interface Between Ecology and Land Development in California, U.S. Geological Survey Open-File Report 00-62.

⁴⁷ Soule, M. E, D. T. Bolger, A. C. Alberts, J. Wright, M. Soric and S. Hill. 1988. Reconstructed dynamics of rapid extinctions of chaparral-requiring birds in urban habitat islands. *Conserv. Biol.* 2: 75-92.

⁴⁸ Kirkpatrick, J.B. and C.F. Hutchinson. 1977. The community composition of Californian coastal sage scrub. *Vegetatio* 35:21-33; Holland, 1986. op.cit.; Sawyer and Keeler-Wolf, 1995, op.cit.

The species composition and structure of individual stands of coastal sage scrub depend on moisture conditions that derive from slope, aspect, elevation and soil type. Drier sites are dominated by more drought-resistant species (e.g., California sagebrush, coast buckwheat, and *Opuntia* cactus). Where more moisture is available (e.g., north-facing slopes), larger evergreen species such as toyon, laurel sumac, lemonade berry, and sugar bush are common. As a result, there is more cover for wildlife, and movement of large animals from chaparral into coastal sage scrub is facilitated in these areas. Characteristic wildlife in this community includes Anna's hummingbirds, rufous-sided towhees, California quail, greater roadrunners, Bewick's wrens, coyotes, and coast horned lizards⁴⁹, but most of these species move between coastal sage scrub and chaparral during their daily activities or on a seasonal basis.

Of the many important ecosystem roles performed by the coastal sage scrub community, five are particularly important in the Santa Monica Mountains. Coastal sage scrub provides critical linkages between riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for local endemics, supports rare species that are in danger of extinction, and reduces erosion, thereby protecting the water quality of coastal streams.

Riparian woodlands are primary contributors to the high biodiversity of the Santa Monica Mountains. The ecological integrity of those riparian habitats not only requires wildlife dispersal along the streams, but also depends on the ability of animals to move from one riparian area to another. Such movement requires that the riparian corridors be connected by suitable habitat. In the Santa Monica Mountains, coastal sage scrub and chaparral provide that function. Significant development in coastal sage scrub would reduce the riparian corridors to linear islands of habitat with severe edge effects⁵⁰, reduced diversity, and lower productivity.

Most wildlife species and many species of plants utilize several types of habitat. Many species of animals endemic to Mediterranean habitats move among several plant communities during their daily activities and many are reliant on different communities either seasonally or during different stages of their life cycle. Without an intact mosaic of coastal sage scrub, chaparral, and riparian community types, many species will not thrive. Specific examples of the importance of interconnected communities, or habitats, were provided in the discussion above. This is an essential ecosystem role of coastal sage scrub.

A characteristic of the coastal sage scrub vegetation type is a high degree of endemism. This is consonant with Westman's observation that 44 percent of the species he sampled in coastal sage scrub occurred at only one of his 67 sites, which were

⁴⁹ National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

⁵⁰ Environmental impacts are particularly severe at the interface between development and natural habitats. The greater the amount of this "edge" relative to the area of natural habitat, the worse the impact.

distributed from the San Francisco Bay area to Mexico⁵¹. Species with restricted distributions are by nature more susceptible to loss or degradation of their habitat. Westman said of this unique and local aspect of coastal sage scrub species in California:

"While there are about 50 widespread sage scrub species, more than half of the 375 species encountered in the present study of the sage scrub flora are rare in occurrence within the habitat range. In view of the reduction of the area of coastal sage scrub in California to 10-15% of its former extent and the limited extent of preserves, measures to conserve the diversity of the flora are needed."⁵²

Coastal sage scrub in southern California provides habitat for about 100 rare species⁵³, many of which are also endemic to limited geographic regions⁵⁴. In the Santa Monica Mountains, rare animals that inhabit coastal sage scrub⁵⁵ include the Santa Monica shieldback katydid, silvery legless lizard, coastal cactus wren, Bell's sparrow, San Diego desert woodrat, southern California rufous-crowned sparrow, coastal western whiptail, and San Diego horned lizard. Some of these species are also found in chaparral⁵⁶. Rare plants found in coastal sage scrub in the Santa Monica Mountains include Santa Susana tarplant, Coulter's saltbush, Blockman's dudleya, Braunton's milkvetch, Parry's spineflower, and Plummer's mariposa lily⁵⁷. A total of 32 sensitive species of reptiles, birds and mammals have been identified in this community by the National Park Service.⁵⁸

One of the most important ecological functions of coastal sage scrub in the Santa Monica Mountains is to protect water quality in coastal streams by reducing erosion in the watershed. Although shallow rooted, the shrubs that define coastal sage scrub have dense root masses that hold the surface soils much more effectively than the exotic annual grasses and forbs that tend to dominate in disturbed areas. The native shrubs of this community are resistant not only to drought, as discussed above, but well adapted to fire. Most of the semi-woody shrubs have some ability to crown sprout after

⁵¹ Westman, W.E. 1981. Diversity relations and succession in Californian coastal sage scrub. *Ecology* 62:170-184.

⁵² Ibid.

⁵³ Atwood, J. L. 1993. California gnatcatchers and coastal sage scrub: The biological basis for endangered species listing. pp.149-166 *In: Interface Between Ecology and Land Development in California*. Ed. J. E. Keeley, So. Calif. Acad. of Sci., Los Angeles. California Department of Fish and Game (CDFG). 1993. The Southern California Coastal Sage Scrub (CSS) Natural Communities Conservation Plan (NCCP). CDFG and Calif. Resources Agency, 1416 9th St., Sacramento, CA 95814.

⁵⁴ Westman, W.E. 1981. op. cit.

⁵⁵ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁵⁶ O'Leary J.F., S.A. DeSimone, D.D. Murphy, P.F. Brussard, M.S. Gilpin, and R.F. Noss. 1994. Bibliographies on coastal sage scrub and related malacophyllous shrublands of other Mediterranean-type climates. *California Wildlife Conservation Bulletin* 10:1-51.

⁵⁷ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁵⁸ NPS, 2000, op cit.

fire. Several CSS species (e.g., *Eriogonum cinereum*) in the Santa Monica Mountains and adjacent areas resprout vigorously and other species growing near the coast demonstrate this characteristic more strongly than do individuals of the same species growing at inland sites in Riverside County.⁵⁹ These shrub species also tend to recolonize rapidly from seed following fire. As a result they provide persistent cover that reduces erosion.

In addition to performing extremely important roles in the Mediterranean ecosystem, the coastal sage scrub community type has been drastically reduced in area by habitat loss to development. In the early 1980's it was estimated that 85 to 90 percent of the original extent of coastal sage scrub in California had already been destroyed.⁶⁰ Losses since that time have been significant and particularly severe in the coastal zone.

Therefore, because of its increasing rarity, its important role in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, coastal sage scrub within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Chaparral

Another shrub community in the Santa Monica Mountain Mediterranean ecosystem is chaparral. Like "coastal sage scrub," this is a generic category of vegetation. Chaparral species have deep roots (10s of ft) and hard waxy leaves, adaptations to drought that increase water supply and decrease water loss at the leaf surface. Some chaparral species cope more effectively with drought conditions than do desert plants⁶¹. Chaparral plants vary from about one to four meters tall and form dense, intertwining stands with nearly 100 percent ground cover. As a result, there are few herbaceous species present in mature stands. Chaparral is well adapted to fire. Many species regenerate mainly by crown sprouting; others rely on seeds which are stimulated to germinate by the heat and ash from fires. Over 100 evergreen shrubs may be found in chaparral⁶². On average, chaparral is found in wetter habitats than coastal sage scrub, being more common at higher elevations and on north facing slopes.

The broad category "northern mixed chaparral" is the major type of chaparral shown in the National Park Service map of the Santa Monica Mountains. However, northern mixed chaparral can be variously dominated by chamise, scrub oak or one of several species of manzanita or by ceanothus. In addition, it commonly contains woody vines and large shrubs such as mountain mahogany, toyon, hollyleaf redberry, and sugarbush⁶³. The rare red shank chaparral plant community also occurs in the Santa Monica Mountains. Although included within the category "northern mixed chaparral" in

⁵⁹ Dr. John O'Leary, SDSU, personal communication to Dr. John Dixon, CCC, July 2, 2002

⁶⁰ Westman, W.E. 1981. op. cit.

⁶¹ Dr. Stephen Davis, Pepperdine University. Presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

⁶² Keely, J.E. and S.C. Keeley. Chaparral. Pages 166-207 in M.G. Barbour and W.D. Billings, eds. North American Terrestrial Vegetation. New York, Cambridge University Press.

⁶³ Ibid.

the vegetation map, several types of ceanothus chaparral are reported in the Santa Monica Mountains. Ceanothus chaparral occurs on stable slopes and ridges, and may be dominated by bigpod ceanothus, buck brush ceanothus, hoaryleaf ceanothus, or greenbark ceanothus. In addition to ceanothus, other species that are usually present in varying amounts are chamise, black sage, holly-leaf redberry, sugarbush, and coast golden bush⁶⁴.

Several sensitive plant species that occur in the chaparral of the Santa Monica Mountains area are: Santa Susana tarplant, Lyon's pentachaeta, marcescent dudleya, Santa Monica Mountains dudleya, Branton's milk vetch and salt spring checkerbloom⁶⁵. Several occurring or potentially occurring sensitive animal species in chaparral from the area are: Santa Monica shieldback katydid, western spadefoot toad, silvery legless lizard, San Bernardino ring-neck snake, San Diego mountain kingsnake, coast patch-nosed snake, sharp-shinned hawk, southern California rufous-crowned sparrow, Bell's sparrow, yellow warbler, pallid bat, long-legged myotis bat, western mastiff bat, and San Diego desert woodrat.⁶⁶

Coastal sage scrub and chaparral are the predominant generic community types of the Santa Monica Mountains and provide the living matrix within which rarer habitats like riparian woodlands exist. These two shrub communities share many important ecosystem roles. Like coastal sage scrub, chaparral within the Santa Monica Mountains provides critical linkages among riparian corridors, provides essential habitat for species that require several habitat types during the course of their life histories, provides essential habitat for sensitive species, and stabilizes steep slopes and reduces erosion, thereby protecting the water quality of coastal streams.

Many species of animals in Mediterranean habitats characteristically move among several plant communities during their daily activities, and many are reliant on different communities either seasonally or during different stages of their life cycle. The importance of an intact mosaic of coastal sage scrub, chaparral, and riparian community types is perhaps most critical for birds. However, the same principles apply to other taxonomic groups. For example, whereas coastal sage scrub supports a higher diversity of native ant species than chaparral, chaparral habitat is necessary for the coast horned lizard, an ant specialist⁶⁷. Additional examples of the importance of an interconnected communities, or habitats, were provided in the discussion of coastal sage scrub above. This is an extremely important ecosystem role of chaparral in the Santa Monica Mountains.

Chaparral is also remarkably adapted to control erosion, especially on steep slopes. The root systems of chaparral plants are very deep, extending far below the surface and

⁶⁴ Ibid.

⁶⁵ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁶⁶ Ibid.

⁶⁷ A.V. Suarez. Ants and lizards in coastal sage scrub and chaparral. A presentation at the CCC workshop on the significance of native habitats in the Santa Monica Mountains. June 13, 2002.

penetrating the bedrock below⁶⁸, so chaparral literally holds the hillsides together and prevents slippage.⁶⁹ In addition, the direct soil erosion from precipitation is also greatly reduced by 1) water interception on the leaves and above ground foliage and plant structures, and 2) slowing the runoff of water across the soil surface and providing greater soil infiltration. Chaparral plants are extremely resistant to drought, which enables them to persist on steep slopes even during long periods of adverse conditions. Many other species die under such conditions, leaving the slopes unprotected when rains return. Since chaparral plants recover rapidly from fire, they quickly re-exert their ground stabilizing influence following burns. The effectiveness of chaparral for erosion control after fire increases rapidly with time⁷⁰. Thus, the erosion from a 2-inch rain-day event drops from 5 yd³/acre of soil one year after a fire to 1 yd³/acre after 4 years.⁷¹ The following table illustrates the strong protective effect of chaparral in preventing erosion.

Soil erosion as a function of 24-hour precipitation and chaparral age.

Years Since Fire	Erosion (yd ³ /acre) at Maximum 24-hr Precipitation of:		
	2 inches	5 inches	11 inches
1	5	20	180
4	1	12	140
17	0	1	28
50+	0	0	3

Therefore, because of its important roles in the functioning of the Santa Monica Mountains Mediterranean ecosystem, and its extreme vulnerability to development, chaparral within the Santa Monica Mountains meets the definition of ESHA under the Coastal Act.

Oak Woodland and Savanna

Coast live oak woodland occurs mostly on north slopes, shaded ravines and canyon bottoms. Besides the coast live oak, this plant community includes hollyleaf cherry, California bay laurel, coffeeberry, and poison oak. Coast live oak woodland is more

⁶⁸ Helmers, H., J.S. Horton, G. Juhren and J. O'Keefe. 1955. Root systems of some chaparral plants in southern California. *Ecology* 36(4):667-678. Kummerow, J. and W. Jow. 1977. Root systems of chaparral shrubs. *Oecologia* 29:163-177.

⁶⁹ Radtke, K. 1983. *Living more safely in the chaparral-urban interface*. General Technical Report PSW-67. U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Berkeley, California. 51 pp.

⁷⁰ Kittredge, J. 1973. *Forest influences — the effects of woody vegetation on climate, water, and soil*. Dover Publications, New York. 394 pp. Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. (Table 1). The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. *FireSmart: protecting your community from wildfire*. Partners in Protection, Edmonton, Alberta.

⁷¹ Ibid.

tolerant of salt-laden fog than other oaks and is generally found nearer the coast⁷². Coast live oak also occurs as a riparian corridor species within the Santa Monica Mountains.

Valley oaks are endemic to California and reach their southern most extent in the Santa Monica Mountains. Valley oaks were once widely distributed throughout California's perennial grasslands in central and coastal valleys. Individuals of this species may survive 400-600 years. Over the past 150 years, valley oak savanna habitat has been drastically reduced and altered due to agricultural and residential development. The understory is now dominated by annual grasses and recruitment of seedlings is generally poor. This is a very threatened habitat.

The important ecosystem functions of oak woodlands and savanna are widely recognized⁷³. These habitats support a high diversity of birds⁷⁴, and provide refuge for many species of sensitive bats⁷⁵. Typical wildlife in this habitat includes acorn woodpeckers, scrub jays, plain titmice, northern flickers, cooper's hawks, western screech owls, mule deer, gray foxes, ground squirrels, jackrabbits and several species of sensitive bats.

Therefore, because of their important ecosystem functions and vulnerability to development, oak woodlands and savanna within the Santa Monica Mountains met the definition of ESHA under the Coastal Act.

Grasslands

Grasslands consist of low herbaceous vegetation that is dominated by grass species but may also harbor native or non-native forbs.

California Perennial Grassland

Native grassland within the Santa Monica Mountains consists of perennial native needlegrasses: purple needlegrass, (*Nassella pulchra*), foothills needlegrass, (*Nassella lepida*) and nodding needlegrass (*Nassella cernua*). These grasses may occur in the same general area but they do not typically mix, tending to segregate based on slope

⁷² NPS 2000. op. cit.

⁷³ Block, W.M., M.L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* 18(3):72-76. Pavlik, B.M., P.C. Muick, S. Johnson, and M. Popper. 1991. *Oaks of California*. Cachuma Press and California Oak Foundation, Los Olivos, California. 184 pp.

⁷⁴ Cody, M.L. 1977. Birds. Pp. 223-231 in Thrower, N.J.W., and D.E. Bradbury (eds.). *Chile-California Mediterranean scrub atlas*. US/IBP Synthesis Series 2. Dowden, Hutchinson & Ross, Stroudsburg, Pennsylvania. National Park Service. 1993. A checklist of the birds of the Santa Monica Mountains National Recreation Area. Southwest Parks and Monuments Assoc., 221 N. Court, Tucson, AZ. 85701

⁷⁵ Miner, K.L., and D.C. Stokes. 2000. Status, conservation issues, and research needs for bats in the south coast bioregion. Paper presented at *Planning for biodiversity: bringing research and management together*, February 29, California State University, Pomona, California.

and substrate factors⁷⁶. Mixed with these native needlegrasses are many non-native annual species that are characteristic of California annual grassland⁷⁷. Native perennial grasslands are now exceedingly rare⁷⁸. In California, native grasslands once covered nearly 20 percent of the land area, but today are reduced to less than 0.1 percent⁷⁹. The California Natural Diversity Database (CNDDDB) lists purple needlegrass habitat as a community needing priority monitoring and restoration. The CNDDDB considers grasslands with 10 percent or more cover by purple needlegrass to be significant, and recommends that these be protected as remnants of original California prairie. Patches of this sensitive habitat occur throughout the Santa Monica Mountains where they are intermingled with coastal sage scrub, chaparral and oak woodlands.

Many of the raptors that inhabit the Santa Monica Mountains make use of grasslands for foraging because they provide essential habitat for small mammals and other prey. Grasslands adjacent to woodlands are particularly attractive to these birds of prey since they simultaneously offer perching and foraging habitat. Particularly noteworthy in this regard are the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, red-shouldered hawk, red-tailed hawk, golden eagle, American kestrel, merlin, and prairie falcon⁸⁰.

Therefore, because of their extreme rarity, important ecosystem functions, and vulnerability to development, California native perennial grasslands within the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

California Annual Grassland

The term "California annual grassland" has been proposed to recognize the fact that non-native annual grasses should now be considered naturalized and a permanent feature of the California landscape and should be acknowledged as providing important ecological functions. These habitats support large populations of small mammals and provide essential foraging habitat for many species of birds of prey. California annual grassland generally consists of dominant invasive annual grasses that are primarily of Mediterranean origin. The dominant species in this community include common wild oats (*Avena fatua*), slender oat (*Avena barbata*), red brome (*Bromus madritensis* ssp. *Rubens*), ripgut brome, (*Bromus diandrus*), and herbs such as black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*) and sweet fennel (*Foeniculum vulgare*). Annual grasslands are located in patches throughout the Santa Monica Mountains in previously disturbed areas, cattle pastures, valley bottoms and along roadsides. While many of

⁷⁶ Sawyer, J. O. and T. Keeler-Wolf. 1995. A manual of California vegetation. California Native Plant Society, 1722 J St., Suite 17, Sacramento, CA 95814.

⁷⁷ Biological Resources Assessment of the Proposed Santa Monica Mountains Significant Ecological Area. Nov. 2000. Los Angeles Co., Dept. of Regional Planning, 320 West Temple St., Rm. 1383, Los Angeles, CA 90012.

⁷⁸ Noss, R.F., E.T. LaRoe III and J.M. Scott. 1995. Endangered ecosystems of the United States: a preliminary assessment of loss and degradation. Biological Report 28. National Biological Service, U.S. Dept. of Interior.

⁷⁹ NPS 2000. op. cit.

⁸⁰ NPS 2000. op. cit.

these patches are dominated by invasive non-native species, it would be premature to say that they are never sensitive or do not harbor valuable annual native species. A large number of native forbs also may be present in these habitats⁸¹, and many native wildflowers occur primarily in annual grasslands. In addition, annual grasslands are primary foraging areas for many sensitive raptor species in the area.

Inspection of California annual grasslands should be done prior to any impacts to determine if any rare native species are present or if any rare wildlife rely on the habitat and to determine if the site meets the Coastal Act ESHA criteria.

Effects of Human Activities and Development on Habitats within the Santa Monica Mountains

The natural habitats of the Santa Monica Mountains are highly threatened by current development pressure, fragmentation and impacts from the surrounding megalopolis. The developed portions of the Santa Monica Mountains represents the extension of this urbanization into natural areas. About 54% of the undeveloped Santa Monica Mountains are in private ownership⁸², and computer simulation studies of the development patterns over the next 25 years predict a serious increase in habitat fragmentation⁸³. Development and associated human activities have many well-documented deleterious effects on natural communities. These environmental impacts may be both direct and indirect and include the effects of increased fire frequency, of fire clearance, of introduction of exotic species, and of night lighting.

Increased Fire Frequency

Since 1925, all the major fires in the Santa Monica Mountains have been caused by human activities⁸⁴. Increased fire frequency alters plant communities by creating conditions that select for some species over others. Strong resprouting plant species such as laurel sumac, are favored while non-sprouters like bigpod ceanothus, are at a disadvantage. Frequent fire recurrence before the non-sprouters can develop and reestablish a seed bank is detrimental, so that with each fire their chances for propagation are further reduced. Resprouters can be sending up new shoots quickly, and so they are favored in an increased fire frequency regime. Also favored are weedy and invasive species. Dr. Steven Davis in his abstract for a Coastal Commission

⁸¹ Holstein, G. 2001. Pre-agricultural grassland in Central California. *Madrono* 48(4):253-264. Stromberg, M.R., P. Kephart and V. Yadon. 2001. Composition, invasibility and diversity of coastal California grasslands. *Madrono* 48(4):236-252.

⁸² National Park Service. 2000. Draft: General Management Plan & Environmental Impact Statement, Santa Monica Mountains National Recreation Area, US Dept. of Interior, National Park Service, December 2000.

⁸³ Swenson, J. J., and J. Franklin. 2000. The effects of future urban development on habitat fragmentation in the Santa Monica Mountains. *Landscape Ecol.* 15:713-730.

⁸⁴ NPS, 2000, op. cit.

Workshop stated⁸⁵ *"We have evidence that recent increases in fire frequency has eliminated drought-hardy non-sprouters from chaparral communities near Malibu, facilitating the invasion of exotic grasses and forbs that further exacerbate fire frequency."* Thus, simply increasing fire frequency from about once every 22 years (the historical frequency) to about once every 12 years (the current frequency) can completely change the vegetation community. This has cascading effects throughout the ecosystem.

Fuel Clearance

The removal of vegetation for fire protection in the Santa Monica Mountains is required by law in "Very High Fire Hazard Severity Zones"⁸⁶. Fuel removal is reinforced by insurance carriers⁸⁷. Generally, the Santa Monica Mountains are considered to be a high fire hazard severity zone. In such high fire hazard areas, homeowners must often resort to the California FAIR Plan to obtain insurance. Because of the high risk, all homes in "brush areas" are assessed an insurance surcharge if they have less than the recommended 200-foot fuel modification zone⁸⁸ around the home. The combination of insurance incentives and regulation assures that the 200-foot clearance zone will be applied universally⁸⁹. While it is not required that all of this zone be cleared of vegetation, the common practice is simply to disk this zone, essentially removing or highly modifying all native vegetation. For a new structure not adjacent to existing structures, this results in the removal or modification of a minimum of three acres of vegetation⁹⁰. While the directly impacted area is large, the effects of fuel modification extend beyond the 200-foot clearance area.

Effects of Fuel Clearance on Bird Communities

The impacts of fuel clearance on bird communities was studied by Stralberg who identified three ecological categories of birds in the Santa Monica Mountains: 1) local and long distance migrators (ash-throated flycatcher, Pacific-slope flycatcher, phainopepla, black-headed grosbeak), 2) chaparral-associated species (Bewick's wren, wrentit, blue-gray gnatcatcher, California thrasher, orange-crowned warbler, rufous-crowned sparrow, spotted towhee, California towhee) and 3) urban-associated species

⁸⁵ Davis, Steven. Effects of fire and other factors on patterns of chaparral in the Santa Monica Mountains, Coastal Commission Workshop on the Significance of Native Habitats in the Santa Monica Mountains. CCC Hearing, June 13, 2002, Queen Mary Hotel.

⁸⁶ 1996 Los Angeles County Fire Code Section 1117.2.1

⁸⁷ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024. Vicars, M. (ed.) 1999. FireSmart: protecting your community from wildfire. Partners in Protection, Edmonton, Alberta.

⁸⁸ Fuel Modification Plan Guidelines. Co. of Los Angeles Fire Department, Fuel Modification Unit, Prevention Bureau, Forestry Division, Brush Clearance Section, January 1998.

⁸⁹ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

⁹⁰ Ibid.

(mourning dove, American crow, Western scrub-jay, Northern mockingbird)⁹¹. It was found in this study that the number of migrators and chaparral-associated species decreased due to habitat fragmentation while the abundance of urban-associated species increased. The impact of fuel clearance is to greatly increase this edge-effect of fragmentation by expanding the amount of cleared area and "edge" many-fold. Similar results of decreases in fragmentation-sensitive bird species are reported from the work of Bolger et al. in southern California chaparral⁹².

Effects of Fuel Clearance on Arthropod Communities

Fuel clearance and habitat modification may also disrupt native arthropod communities, and this can have surprising effects far beyond the cleared area on species seemingly unrelated to the direct impacts. A particularly interesting and well-documented example with ants and lizards illustrates this point. When non-native landscaping with intensive irrigation is introduced, the area becomes favorable for the invasive and non-native Argentine ant. This ant forms "super colonies" that can forage more than 650 feet out into the surrounding native chaparral or coastal sage scrub around the landscaped area⁹³. The Argentine ant competes with native harvester ants and carpenter ants displacing them from the habitat⁹⁴. These native ants are the primary food resource for the native coast horned lizard, a California "Species of Special Concern." As a result of Argentine ant invasion, the coast horned lizard and its native ant food resources are diminished in areas near landscaped and irrigated developments⁹⁵. In addition to specific effects on the coast horned lizard, there are other Mediterranean habitat ecosystem processes that are impacted by Argentine ant invasion through impacts on long-evolved native ant-plant mutualisms⁹⁶. The composition of the whole arthropod community changes and biodiversity decreases when habitats are subjected to fuel modification. In coastal sage scrub disturbed by fuel modification, fewer arthropod

⁹¹ Stralberg, D. 2000. Landscape-level urbanization effects on chaparral birds: a Santa Monica Mountains case study. Pp. 125–136 in Keeley, J.E., M. Baer-Keeley, and C.J. Fotheringham (eds.). *2nd interface between ecology and land development in California*. U.S. Geological Survey, Sacramento, California.

⁹² Bolger, D. T., T. A. Scott and J. T. Rotenberry. 1997. Breeding bird abundance in an urbanizing landscape in coastal Southern California. *Conserv. Biol.* 11:406-421.

⁹³ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056.

⁹⁴ Holway, D.A. 1995. The distribution of the Argentine ant (*Linepithema humile*) in central California: a twenty-year record of invasion. *Conservation Biology* 9:1634-1637. Human, K.G. and D.M. Gordon. 1996. Exploitation and interference competition between the invasive Argentine ant, (*Linepithema humile*), and native ant species. *Oecologia* 105:405-412.

⁹⁵ Fisher, R.N., A.V. Suarez and T.J. Case. 2002. Spatial patterns in the abundance of the coastal horned lizard. *Conservation Biology* 16(1):205-215. Suarez, A.V. J.Q. Richmond and T.J. Case. 2000. Prey selection in horned lizards following the invasion of Argentine ants in southern California. *Ecological Applications* 10(3):711-725.

⁹⁶ Suarez, A.V., D.T. Bolger and T.J. Case. 1998. Effects of fragmentation and invasion on native ant communities in coastal southern California. *Ecology* 79(6):2041-2056. Bond, W. and P. Slingsby. Collapse of an Ant-Plant Mutualism: The Argentine Ant (*Iridomyrmex humilis*) and Myrmecochorous Proteaceae. *Ecology* 65(4):1031-1037.

predator species are seen and more exotic arthropod species are present than in undisturbed habitats⁹⁷.

Studies in the Mediterranean vegetation of South Africa (equivalent to California shrubland with similar plant species) have shown how the invasive Argentine ant can disrupt the whole ecosystem.⁹⁸ In South Africa the Argentine ant displaces native ants as they do in California. Because the native ants are no longer present to collect and bury seeds, the seeds of the native plants are exposed to predation, and consumed by seed eating insects, birds and mammals. When this habitat burns after Argentine ant invasion the large-seeded plants that were protected by the native ants all but disappear. So the invasion of a non-native ant species drives out native ants, and this can cause a dramatic change in the species composition of the plant community by disrupting long-established seed dispersal mutualisms. In California, some insect eggs are adapted to being buried by native ants in a manner similar to plant seeds⁹⁹.

Artificial Night Lighting

One of the more recently recognized human impacts on ecosystem function is that of artificial night lighting as it effects the behavior and function of many different types of organisms¹⁰⁰. For literally billions of years the only nighttime sources of light were the moon and stars, and living things have adapted to this previously immutable standard and often depend upon it for their survival. A review of lighting impacts suggests that whereas some species are unaffected by artificial night lighting, many others are severely impacted. Overall, most impacts are negative ones or ones whose outcome is unknown. Research to date has found negative impacts to plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals, and a detailed literature review can be found in the report by Longcore and Rich¹⁰¹.

Summary

In a past action, the Coastal Commission found¹⁰² that the Santa Monica Mountains Mediterranean Ecosystem, which includes the undeveloped native habitats of the Santa Monica Mountains, is rare and especially valuable because of its relatively pristine

⁹⁷ Longcore, T.R. 1999. Terrestrial arthropods as indicators of restoration success in coastal sage scrub. Ph.D. Dissertation, University of California, Los Angeles.

⁹⁸ Christian, C. 2001. Consequences of a biological invasion reveal the importance of mutualism for plant communities. *Nature* 413:635-639.

⁹⁹ Hughes, L. and M. Westoby. 1992. Capitula on stick insect eggs and elaiosomes on seeds: convergent adaptations for burial by ants. *Functional Ecology* 6:642-648.

¹⁰⁰ Longcore, T and C. Rich. 2002. Protection of environmentally sensitive habitat areas in proposed local coastal plan for the Santa Monica Mountains. The Urban Wildlands Group, Inc., P.O. Box 24020 Los Angeles, CA 90024.

¹⁰¹ Ibid, and Ecological Consequences of Artificial Night Lighting, Conference, February 23-24, 2002, UCLA Los Angeles, California.

¹⁰² Revised Findings for the City of Malibu Local Coastal Program (as adopted on September 13, 2002) adopted on February 6, 2003.

character, physical complexity, and resultant biological diversity. The undeveloped native habitats within the Santa Monica Mountains that are discussed above are ESHA because of their valuable roles in that ecosystem, including providing a critical mosaic of habitats required by many species of birds, mammals and other groups of wildlife, providing the opportunity for unrestricted wildlife movement among habitats, supporting populations of rare species, and preventing the erosion of steep slopes and thereby protecting riparian corridors, streams and, ultimately, shallow marine waters.

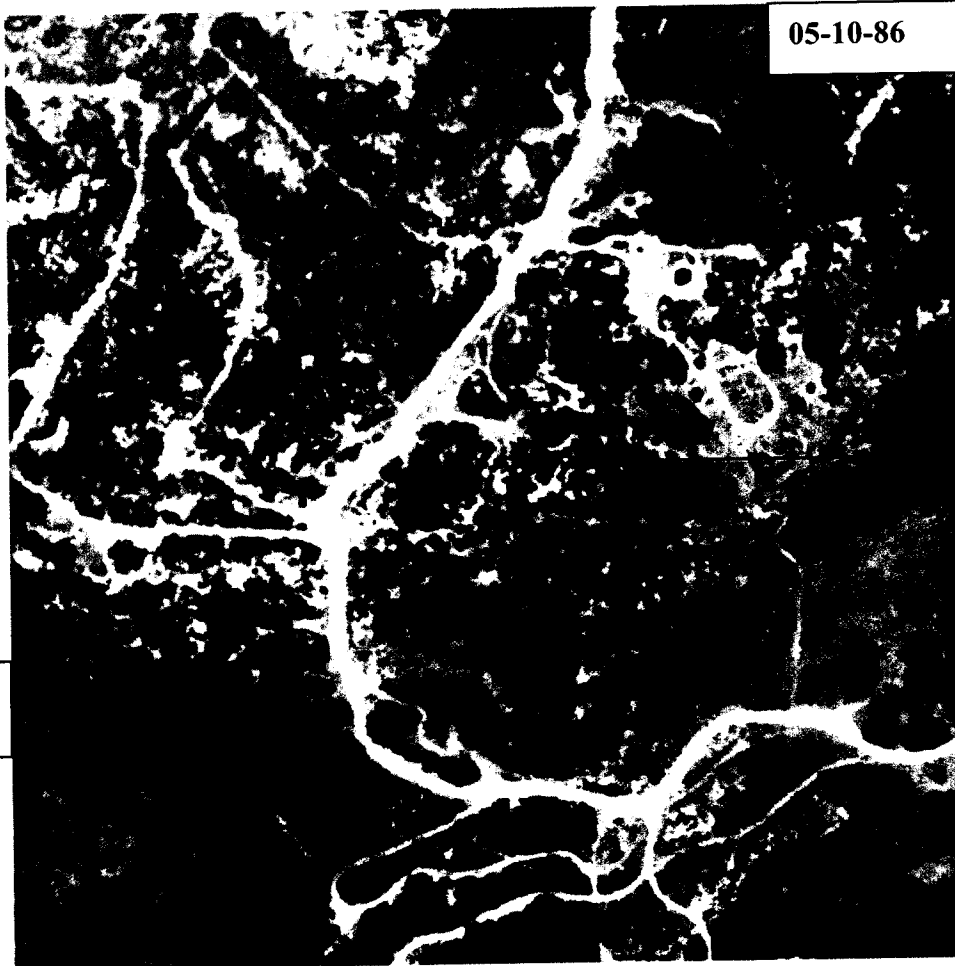
The importance the native habitats in the Santa Monica Mountains was emphasized nearly 20 years ago by the California Department of Fish and Game¹⁰³. Commenting on a Draft Land Use Plan for the City of Malibu, the Regional Manager wrote that, "It is essential that large areas of land be reclassified to reflect their true status as ESHAs. One of the major needs of the Malibu LUP is that it should provide protection for entire drainages and not just stream bottoms." These conclusions were supported by the following observations:

"It is a fact that many of the wildlife species of the Santa Monica Mountains, such as mountain lion, deer, and raccoon, have established access routes through the mountains. They often travel to and from riparian zones and development such as high density residential may adversely affect a wildlife corridor.

Most animal species that exist in riparian areas will, as part of their life histories, also be found in other habitat types, including chaparral (sic) or grassland. For example, hawks nest and roost in riparian areas, but are dependent on large open areas for foraging. For the survival of many species, particularly those high on the food chain, survival will depend upon the presence of such areas. Such areas in the Santa Monica Mountains include grassland and coastal sage scrub communities, which have been documented in the SEA studies as supporting a wide diversity of plant and animal life."

This analysis by the Department of Fish and Game is consonant with the findings of the Commission in the case of the Malibu LCP, and with the conclusion that large contiguous areas of relatively pristine native habitat in the Santa Monica Mountains meet the definition of ESHA under the Coastal Act.

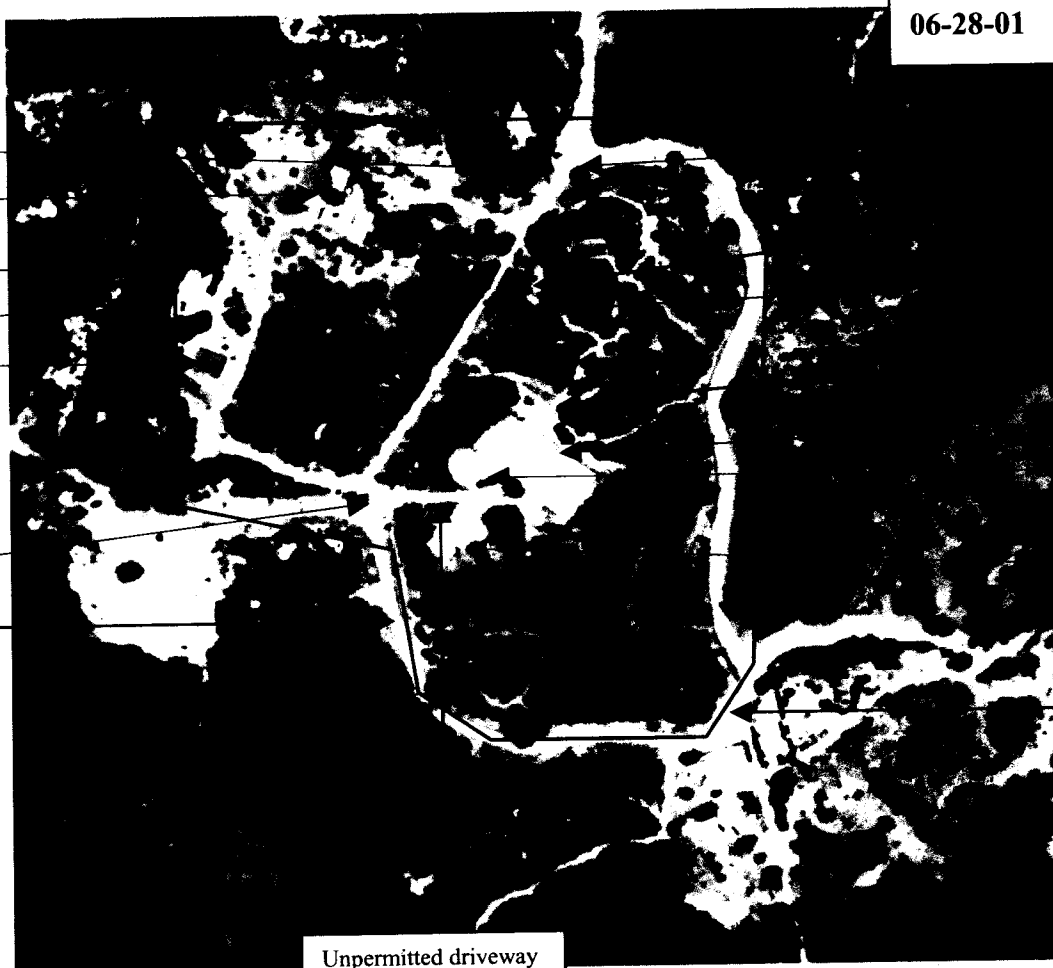
¹⁰³ Letter from F. A. Worthley, Jr. (CDFG) to N. Lucast (CCC) re Land Use Plan for Malibu dated March 22, 1983.



05-10-86

Subject 16.95
acre Parcel

Hillside
Drive



06-28-01

Will Geer Road

No. Entry Gate

Site Approved
Guest House

Site Proposed
Guest House

Site Approved
Tennis Court

Unpermitted
Riding Arena

Unpermitted
Circular Corral

Unpermitted
Corral and Shed
on unpermitted
graded pad

Approx Parcel
Boundary

Exhibit 20
5-88-605-A1
Aerial Photos of
Site 1986 - 2001

Unpermitted driveway

Barn
Alt # 2

Residence

Barn
Alt # 1

Corral

Barn

So. Entry
Gate

Hillside
Drive





Looking East, Site Proposed Second Barn (2,099 sq. ft., Six Stalls) on Unpermitted Graded Pad (former mobile home site used by prior owner during residence construction according to agent) with Unpermitted Corral and Shade Shed. Note Surrounding Chaparral Vegetation, Coastal Sage Scrub, Oak Tree, Sycamore Tree. Barren and Non-Native Weed Species Located on Graded Pad



Exhibit 21
5-88-605-
A1
Proposed
Second
Barn Site





Looking west at 1,000 sq. ft. Barn and surrounding corral, note native vegetation in background



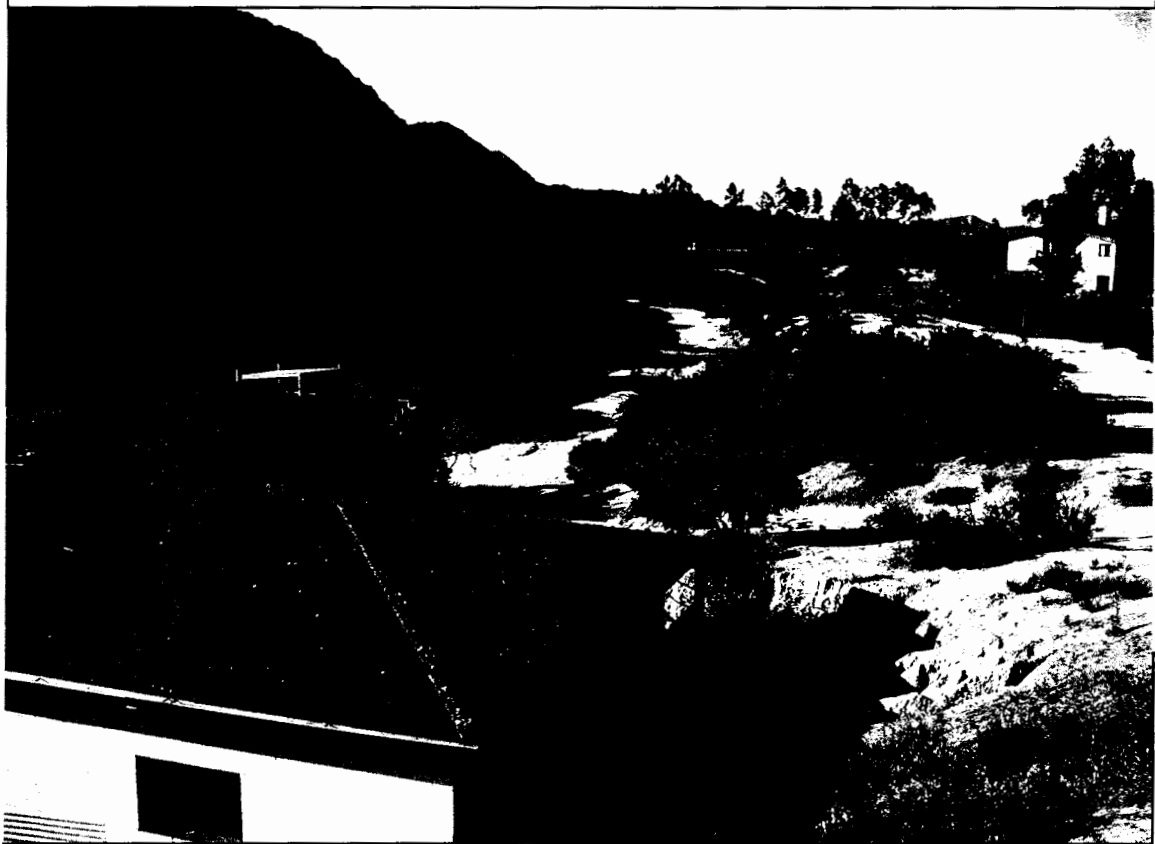
Looking northwest at barn, corral with shade structures at base of hillside.
Note native vegetation surrounding barn and corral

Exhibit 22
5-88-605-
A1
Approved
Barn and
Corral





Looking northwest at corral with shade structure, barn to left. Note erosional features.



Looking north, at barn, corral and shade structures on left. Two Story Residence on right, phase 1. Note chaparral, coastal sage scrub, and erosional features. Alternative # 1 site for new barn is located on eroded area between barn and residence, at least 100 feet from residence.

**Exhibit 23
5-88-605-A1
Barn,
Corral,
Residence,
and
Alternative
site # 1 for
new barn**





Looking northeast at Alternative Site # 2 for new barn on north side of driveway to residence. New barn on this site may need to be redesigned to fit within fuel modification area for residence and guest house and be located at least 100 feet from both the residence and guest house. Residence is behind photographer, guest house is proposed to be located to right well beyond photo. North entry gate is located near tall deciduous trees on right in the background of site.

Exhibit 24
5-88-605-A1
Alternative
Site # 2 for
New Barn





Looking south at unpermitted riding arena, unpermitted corral and shade shed behind arena on unpermitted graded pad, unpermitted circular corral is not visible to right of arena behind chaparral. Approved tennis court site is located within drainage area partially on the arena site. Note chaparral and coastal sage scrub vegetation, property drains from right to left to offsite blue line stream. Dirt road bisects parcel into west and east halves. Photo taken from proposed site for guest house.



Looking southeast to unpermitted riding arena cut into slope and drainage area with native vegetation.

Exhibit 25
5-88-605-
A1
Riding
Arena,
Corral,
and Shed

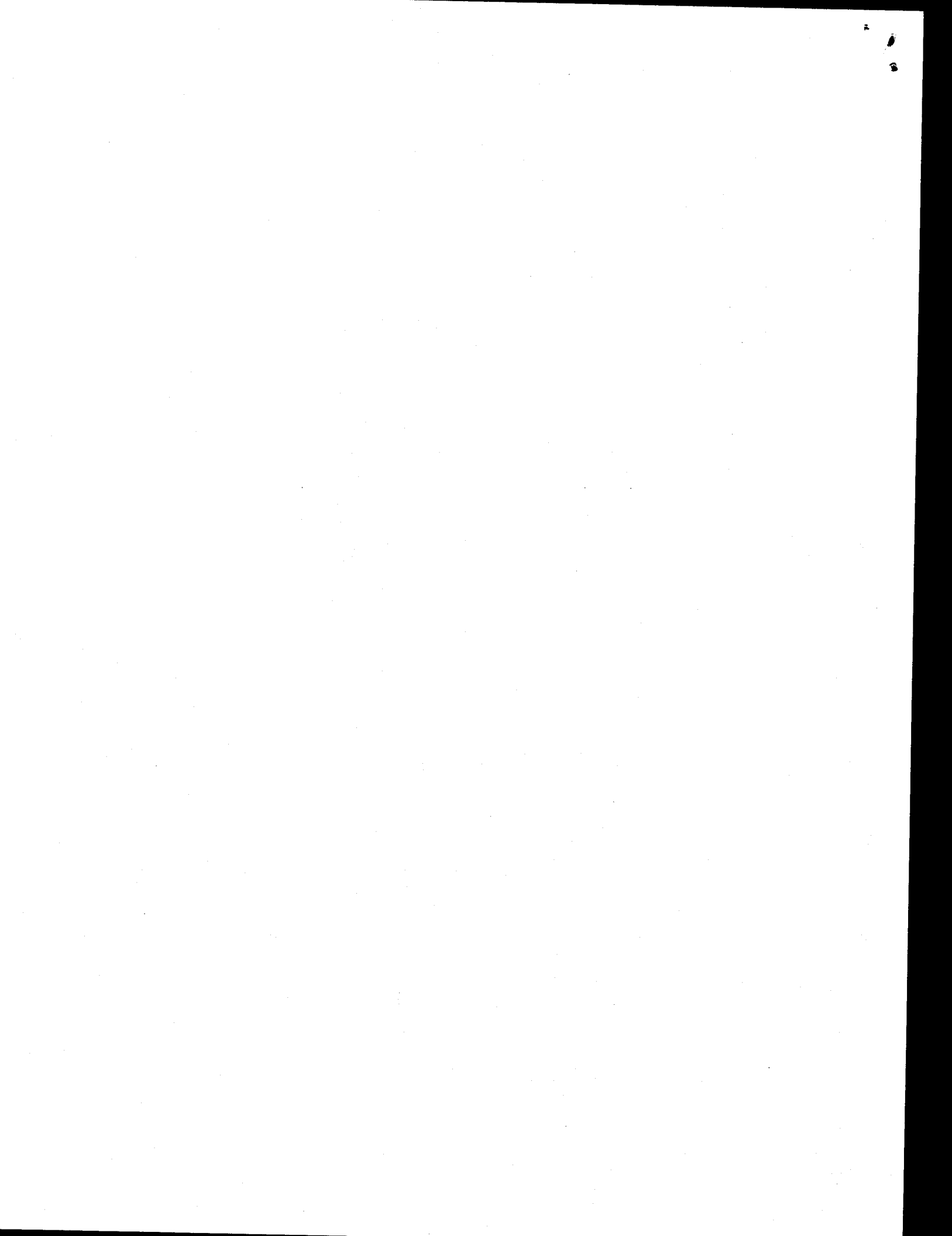


Looking north at unpermitted circular corral. Note coastal sage scrub and chaparral vegetation surrounding the corral.



Looking northeast at unpermitted circular corral and unpermitted riding arena. Note surrounding coastal sage scrub and chaparral vegetation. Photo taken from unpermitted driveway.

Exhibit 20
5-88-605-
A1
Riding
Arena,
Circular
Corral





Looking northeast to unpermitted riding arena and unpermitted driveway. Driveway also accesses unpermitted graded pad, corral and shed located to right of photo from dirt road that bisects parcel identified in Exhibit 25. Circular corral located to left beyond photo.

Exhibit 27
5-88-605-A1
Riding
Arena &
Driveway
Access

