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

Th30a

ADDENDUM

Click here to go to the original staff report.

DATE: June 13, 2012

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th30a, Application No. 4-11-051 (Jantzen), Thurs., June 14, 2012

The purpose of this addendum is to clarify the project description.

1.) Staff would like to clarify the project description and correct an inadvertent error, in the project description contained in the May 24, 2012 staff report to reduce the amount of actual proposed grading for the project. Grading for the residence will involve approximately 454 cu. yds. of grading (139 cu. yds. of cut and 314 cu. yds. of fill) and not 628.5 cu yds. of grading.

In addition, grading for the proposed road improvements will include only 726 cu. yds. of grading (472 cu. yds. of cut and 254 cu. yds. of fill) and not 944 cu. yds. of grading. These changes were due to typographical errors and do not require any changes to the proposed grading plans.

2.) The following change shall be made to the project description on the cover page of the May 24, 2012 staff report (in addition, all other references to the project description in the report are revised accordingly):

Note: Strikethrough indicates text to be deleted from the May 24, 2012 staff report and underline indicates text to be added to the staff report.

Construct a 1,444 sq. ft., 30 ft. high, one–story single family residence with ~~attached carport~~ garage; patio; hammerhead turnaround; water well; septic system; retaining walls; 628.5 cu. yds. of grading (139 cu. yds. of cut, 314.25 cu. yds. of fill, and 175.25 cu. yds. of import). In addition, the project includes ~~vacation of a Los Angeles County public road (Lockview Lane), and~~ roadway improvements to Kerry Lane, including construction of 760 linear ft. of pavement and 120 linear feet of permeable concrete up to 20 ft. wide, 590 ft. long retaining wall ranging from 2-ft. to 6-ft. high, and 944 cu. yds. of grading (472 cu. yds. of cut, 254 cu. yds. of fill, and 218 cu. yds of export).

The applicant has withdrawn the vacation of the Los Angeles County public road Lockview Lane from the project description.

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
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(805) 585-1800

Th30a

ADDENDUM

DATE: June 12, 2012

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th30a, Application No. 4-11-051 (Jantzen), Thurs., June 14, 2012

The purpose of this addendum is to clarify the project description and to attach and respond to a public comment letter.

Note: ~~Strikethrough~~ indicates text to be deleted from the May 24, 2012 staff report and underline indicates text to be added to the staff report.

1.) To clarify the project description and correct an inadvertent error, the following change shall be made to the May 24, 2012 staff report where the project description is noted, including on Pages 1, 18, 27, and 38:

Construct a 1,444 sq. ft., 30 ft. high, one–story single family residence with ~~attached carport~~ garage; patio; hammerhead turnaround; water well; septic system; retaining walls; 628.5 cu. yds. of grading (139 cu. yds. of cut, 314.25 cu. yds. of fill, and 175.25 cu. yds. of import). In addition, the project includes vacation of a Los Angeles County public road (Lockview Lane), and roadway improvements to Kerry Lane, including construction of 760 linear ft. of pavement and 120 linear feet of permeable concrete up to 20 ft. wide, 590 ft. long retaining wall ranging from 2-ft. to 6-ft. high, and 944 cu. yds. of grading (472 cu. yds. of cut, 254 cu. yds. of fill, and 218 cu. yds of export).

2.) In the attached letter dated June 11, 2012, Kerry Lane Protection Project stated their concerns and issues regarding the Kerry Lane road improvements portion of the proposed project and proposed water well and water quality issues. Staff notes that the issues raised in the letter have already been fully addressed in the staff report for the project.

Specifically, in response to questions 1-3, under the title Kerry Lane, the raised issues have already been addressed in the project's staff report. Nonetheless, staff notes here that all Kerry Lane road improvements are proposed to occur within the Los Angeles County Public Roadway Easement area, so the applicant has sufficient legal interest to carry out the required road improvements. Los Angeles County requires that the roadway providing access to this proposed residence be a minimum of 15-20 feet in width. As shown on Exhibit 10 of the staff report, the

applicant proposes the construction of a 590 ft. long retaining wall on the uphill side of the road and 944 cu. yds of grading to carry out the required road widening. Further, the applicant proposes to pave 760 linear feet of roadway with concrete and 120 linear feet of roadway with permeable concrete (to reduce potential impacts to oak trees). As mentioned in the staff report, the proposed road improvements would not require the removal of any oak tree, but will result in unavoidable encroachments into the protected zones of four oak trees. Special Condition 14 "Oak Tree Monitoring" and Special Condition 15 "Fire Protection Department Approval" have been included to reduce the impacts over the oak tree root zone.

Questions 4 and 5 concern the public safety of the road after the proposed improvements are carried out, including the maximum safe speed that should be allowed. These issues are addressed by Los Angeles County's requirements for road width, turn radii, pavement surface, etc. The applicant has provided evidence that the road improvements have received preliminary approval from Los Angeles County, indicating that the road plans meet all minimum requirements. Further, the determination of the speed limit for Kerry Lane is the responsibility of Los Angeles County and there is no basis for review by the Commission in relation to the Chapter 3 policies of the Coastal Act.

In response to questions 6-9, staff notes that these issues have already been fully addressed in the staff report for the project. The applicant will bear the cost and construct the proposed improvements for Kerry Lane road. The applicant has submitted Kerry Lane road improvement project plans prepared by a registered engineer and the final Kerry Lane road improvement project plans must obtain final approval by both the Los Angeles County Department of Public Works, Building and Safety, and the Fire Department to ensure all improvements meet current codes and requirements, including to ensure that road drainage is conveyed in a manner that will not result in increased erosion of the adjacent slope areas. As noted above and in the staff report, all work is proposed within the County's Public Roadway.

In response to questions 1-2 under the title Environmental Impact, the project includes the installation of a water well to support the proposed 1,444 sq. ft. single family residence. Given the small size of the proposed residence on an approximately 6.03-acre parcel, the well will not result in overtaxing the groundwater aquifer for domestic use. Question 3 regarding CEQA review has already been addressed in the project's staff report under section IV.I California Environmental Quality Act. Finally, with regard to question 4, as noted in the staff report, potential impacts to water quality are avoided or minimized by the fact that all proposed development provides a buffer of at least 100 feet from all riparian habitat and stream bed on the site. Further, Special Conditions 3 and 4 require that best management practices are planned and implemented to minimize impacts to water quality, both during and after construction of the proposed development.

Kerry Lane Protection Project

501(c) 3 Organization
20110 Observation Drive
Topanga, CA 90290

June 11, 2012

California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, CA 93001

Dear Commission,

Re: Permit Number 4-11-051

On behalf of the neighbors of Kerry Lane known as the Kerry Lane Protection Project (KLPP) a 501 (c) 3 organization in Topanga, California we submit the following issues for the Commission to consider in reviewing Permit Number 4-11-051.

First, we do acknowledge the permit application appears well written and has been extensively researched and documented. The use of best practice management principles of land management are identified throughout the document which we appreciate.

However, we have a large number of concerns with the project with include the following:

Kerry Lane

1. Kerry Lane is the small dirt road which would provide access to the proposed house is in some places is 9 feet wide. How will Kerry Lane be widened to the required width of 15 feet without removing several of the large Oak Trees that are situated immediately next to the road bed while there is a steep hillside across from the Oak Tree?
2. Will the steep hillside which is part of the land owned by a neighbor on the north side of Kerry Land be removed to provide additional width for Kerry Lane?
3. Will current owners of the land adjacent to Kerry Lane be required to give up part of their land to widen the road to meet County requirements?
4. Even if widened is Kerry Lane a safe road for regular traffic? Kerry Lane is a small dirt road with several very tight curves and a very steep downslope on the south side which make driving very hazardous.
5. What would be the maximum safe speed for traffic on Kerry Lane? Who is responsible for ensuring this new danger is mitigated?
6. Who will bear the cost for changing this small dirt road into a safe surfaced road?

7. What compensation will be provided to those current land owners who could lose land that has been in their use for 50 years?
8. Under what laws is the applicant able to require LA County and the Coastal Commission to take land to build retaining walls on the land of current owners?
9. What measures will be implemented to mitigate the additional water velocity due to the surfacing of 765 feet of Kerry Lane?

Environmental Impact

1. If water well is drilled for the proposed house what will be the impact after several years on the sensitive aquifer system that is underground the proposed house?
2. The area currently supports populations of deer, coyotes, bobcats, raccoons. How will these animals find water if the aquifer system is damaged?
3. Why is there no Environmental Impact Report included in this project?
4. Since there is a blue line stream within the property of the proposed house what assurances does the community have that no toxic materials will end up in this stream?

We request the Commission to take a close look at the issues we have raised above prior to any action on this project. Until they are resolved we have serious concerns about the safety and impact of this project.

We have attached 7 pictures of Kerry Lane to indicate the current state of this small dirt road.

We also have attached our brochure which describes the unique characteristics of the land around Kerry Lane, including the identification of the wide range of species of animals and plants. We have been active in the preservation of this area in the Santa Monica Mountains for over 10 years. We understand your role in monitoring development in the beautiful California coastline and request your consideration of our concerns.

Thank you,

Kerry Lane Protection Project and other neighbors

John McLaughlin John McLaughlin

Susan Lovell

Roger Pugliese

Sophie Calisto

Katrina Johann

Rob Wells

Barbara Wells

Barbara Willahan

Julie Stern

Sinesa Spajic

Linda Bienfield

Cristo Brock

Gene Larson

Nancy Saul

Kate Browning

#1

#2

1'
#3

#4
9.5'

10'
#5

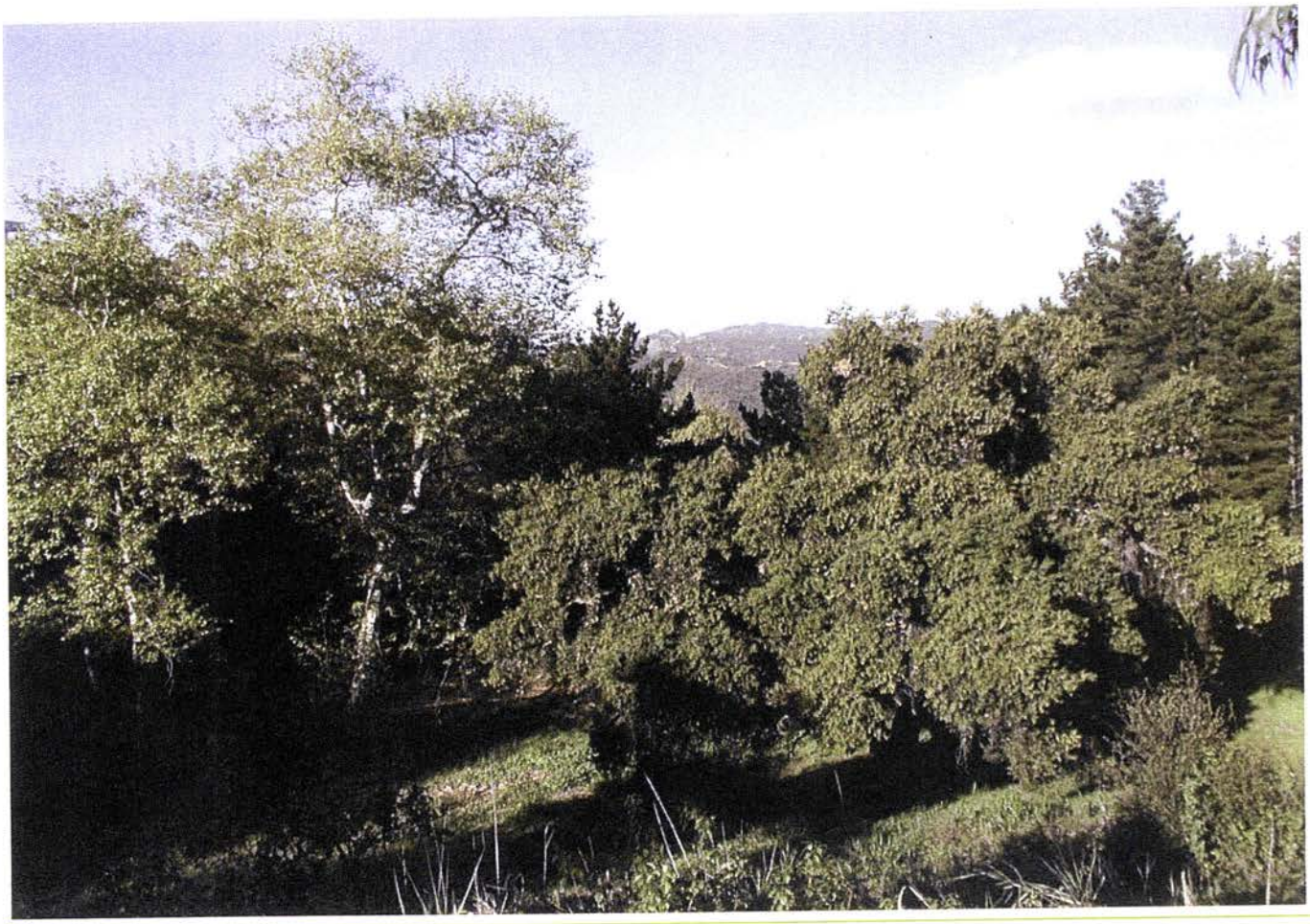
Solid Rock
#6

#7

Kerry Lane Preservation Proposal

Prepared by the Kerry Lane Protection Project

April 2002



For more information, please contact the Kerry Lane Protection Project

20110 Observation Drive

Topanga, CA 90290

310-455-9766

Contents

April 2002

Introduction

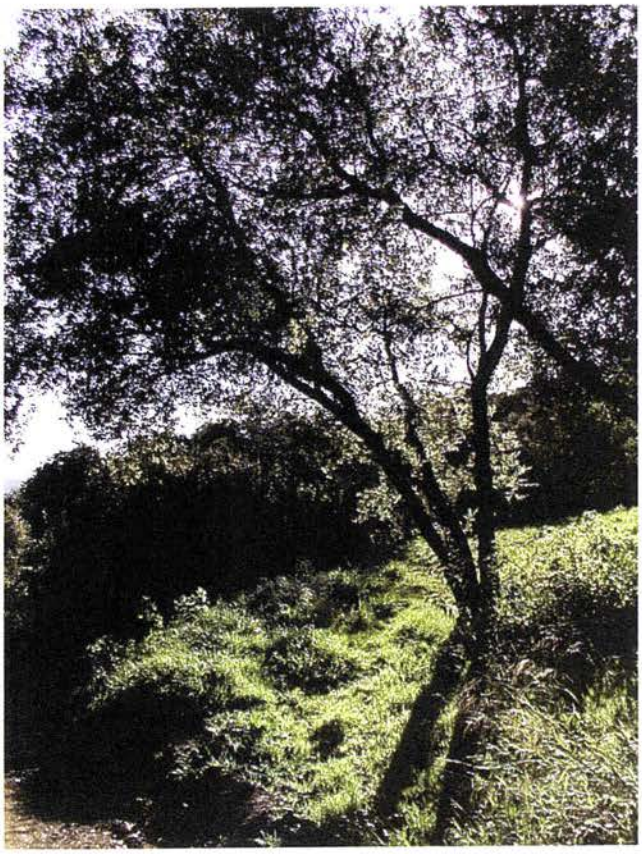
The Kerry Lane/Vulcan Lane loop is a little-known natural gem on the edge of one of the most densely populated neighborhoods in the Santa Monica Mountains. The last unpaved county-maintained road in Los Angeles County, Kerry Lane and the surrounding area is also one of the few remaining undeveloped, open space areas still in private ownership in Topanga Canyon.

For decades, local residents and visitors from other parts of Topanga have come to Kerry Lane to hike, stroll, bicycle and admire the flora and fauna. With its year round natural spring and one of the heaviest yearly rainfalls in the region, the .9-mile loop trail attracts a wide variety of wildlife, wildflowers and other native plants, and offers the chance to enjoy this wildlife in a setting that also has spectacular views of the canyon.

In recent years, development has moved closer to the Kerry Lane loop, but so have the boundaries of Topanga State Park. Recently, California State Parks made a major purchase of 1,659 acres to add to the State Park, which is now directly adjacent to privately held parcels adjacent to Kerry Lane. While the desirability of local real estate poses a threat to this lovely little oasis, the Kerry Lane Protection Project sees a golden opportunity for a conservancy or park agency to acquire Kerry Lane to connect to the new park, preserve its pristine beauty forever, and provide access and enjoyment to the public.

Vision

The vision held collectively by KLPP and its supporters is for the permanent preservation of the interior of the Kerry loop, and of parcels adjacent to both Kerry and Vulcan Lanes and the new Topanga State Park. The vision includes not only ecological and watershed preservation but also creates public access to a large and presently inaccessible area of Topanga State Park.



April 2002

Kerry Lane Preservation Proposal

Background

In 2001, neighbors of Kerry Lane learned that the LA County Department of Public Works planned to pave the dirt road loop, ostensibly in order to mitigate erosion. In response, a group of residents came together to form the Kerry Lane Protection Project, and succeeded in pressuring the County to discontinue the paving plan.

While the KLPP continues to work with County officials to find environmentally acceptable approaches to the problem of erosion, we have a broader vision. KLPP believes that long-term human and ecological interests would be best served by the transfer of land around the Kerry/Vulcan Lane loops into public ownership. KLPP is confident that when the beauty and biological diversity of this property becomes known, land conservancies and other agencies will agree. Given the relatively small amount of land, we feel our goal is economically feasible as well as environmentally desirable.

Topanga State Park has long held a triangle-shaped portion of the State Park that exists to the west of Topanga Canyon Boulevard. Some locals know this area as the "orphan triangle" due to the fact that there is no public access, and there are no park facilities in this area. The new purchase of the Lower Topanga portion of the State Park does not remedy this lack of access and facilities. The entire upper portion of the Lower Canyon purchase will remain relatively inaccessible to the public unless some sort of minimal access is created near Kerry Lane.

April 2002

Unique Ecological Significance

Kerry Lane is ecologically unique in several ways. The Kerry/Vulcan Loop is relatively level, lush plateau surrounded by very rugged, steep terrain. In the interior of the Kerry Loop exists a 'blue line' spring known as Sperling Well. This is a natural spring that was tapped between 1930 and 1950 for water in the local area. The remains of an old pump-house are still in place. Water flows freely in the area even during severe drought condition, creating a small wetland that is frequented by, and sustains, a wide variety of wildlife. During the height of the last severe drought in the late 1980s and early 1990s, the spring remained active and evidence of frequent visits by a variety of wildlife was observed. A water source of this type at this elevation (approximately 1600 feet) is rare. Please see Appendix B, "Habitat Assessment" for more detailed information.

April 2002

Wildlife Sightings on Kerry Lane and Nearby Area

The following are sightings observed by local residents over the years in the Kerry/Vulcan area:

Birds:
See Appendix C.

Mammals:
Mountain Lion
Bobcat
Mule Deer
Brush Rabbit
California Ground Squirrel
Raccoon
Pocket Gopher
Dusky-footed Woodrat

Reptiles:
Pacific Rattlesnake
Coral (Mountain) King Snake
Gopher Snake
Common King Snake
Western Fence Lizard
Alligator Lizard

Amphibians:
Pacific Tree Frog
Newts *(still trying to identify)*

Rare Creature:
Luminodesmous Sequoiensis (Bioluminescent Centipede)
(*Observation being confirmed.*)

Adjacency to Topanga State

Unimproved private property immediately adjacent to Kerry Lane is adjacent to Topanga State Park. An existing officially registered trail (Terry's Trail) leads into the State Park and connects to trails that connect to the State Park east of Topanga Canyon Blvd., and to others that lead all the way to the lower canyon and coastal area to the west of Topanga Canyon Blvd. Kerry Lane is uniquely situated to provide access to this remote portion of Topanga State Park.

Geographical Description

The area that KLPP hopes a public land agency to acquire is approximately 22.5 acres near the western end of Topanga Canyon. This land is divided into roughly 30 small parcels. The area is immediately contiguous with the new State Park acquisition on this area's southern border.

Running through this property are Kerry Lane and Vulcan Lane. These unpaved County roads constitute .7 mile from the beginning of Kerry Lane at Observation to the end of Vulcan Lane at Tuna Canyon Road at the extreme northern point of this potential acquisition.

April 2002

Because of the location of this area, public access could be achieved to the new State Park. Without this acquisition no public access to the northern end of the new State Park is possible. Also public access is achieved from Vulcan Lane to the myriad of trails that run through the new State Park.

Many spectacular views of Topanga State Park can be seen from Kerry and Vulcan Lanes and from the trails that wind through the State Park all the way to the Pacific Ocean. From the lowest point to Tuna Canyon this land elevates about 450 feet and includes a pleasant grade for walking or hiking.

Kerry Lane divides after .2 mile from Observation Drive into a fork, the left option becoming Vulcan and the right remaining Kerry Lane. These two Lanes reconnect after they each travel another .25 mile. They form a loop that surrounds 13 beautiful acres of park like land that includes over 50 pine trees, dozens of huge sycamores and oaks and dozens of other species of indigenous trees and plants. Vulcan Lane continues another .25 mile up to Tuna Canyon Road.

The attached maps indicate the details of the area around Kerry and Vulcan Lane with specific map book, page and parcel numbers. Two of the parcels are currently owned by the Mountain Restoration Trust while the others are privately owned.

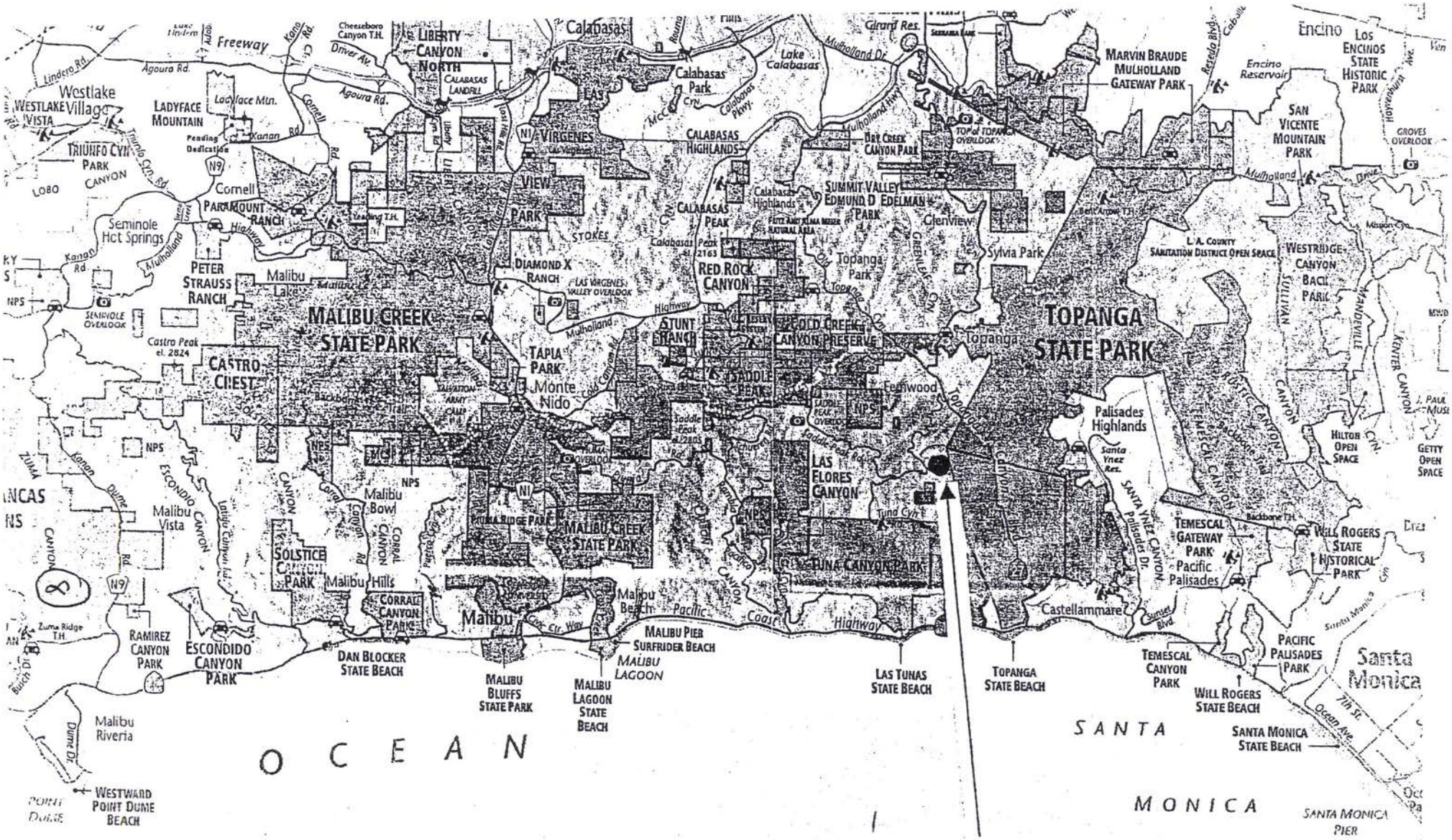
Conclusion

The Kerry Lane Protection Project members believe that the Kerry Lane Loop and adjacent properties would constitute an excellent opportunity for preservation of an area that is unique in several ways. We welcome inquiries regarding the status of the properties and are prepared to assist in any way to facilitate transfer of the properties to a land conservancy.

April 2002

Appendix A

Maps



Trailhead

Trailhead (with parking lot)

Overlook

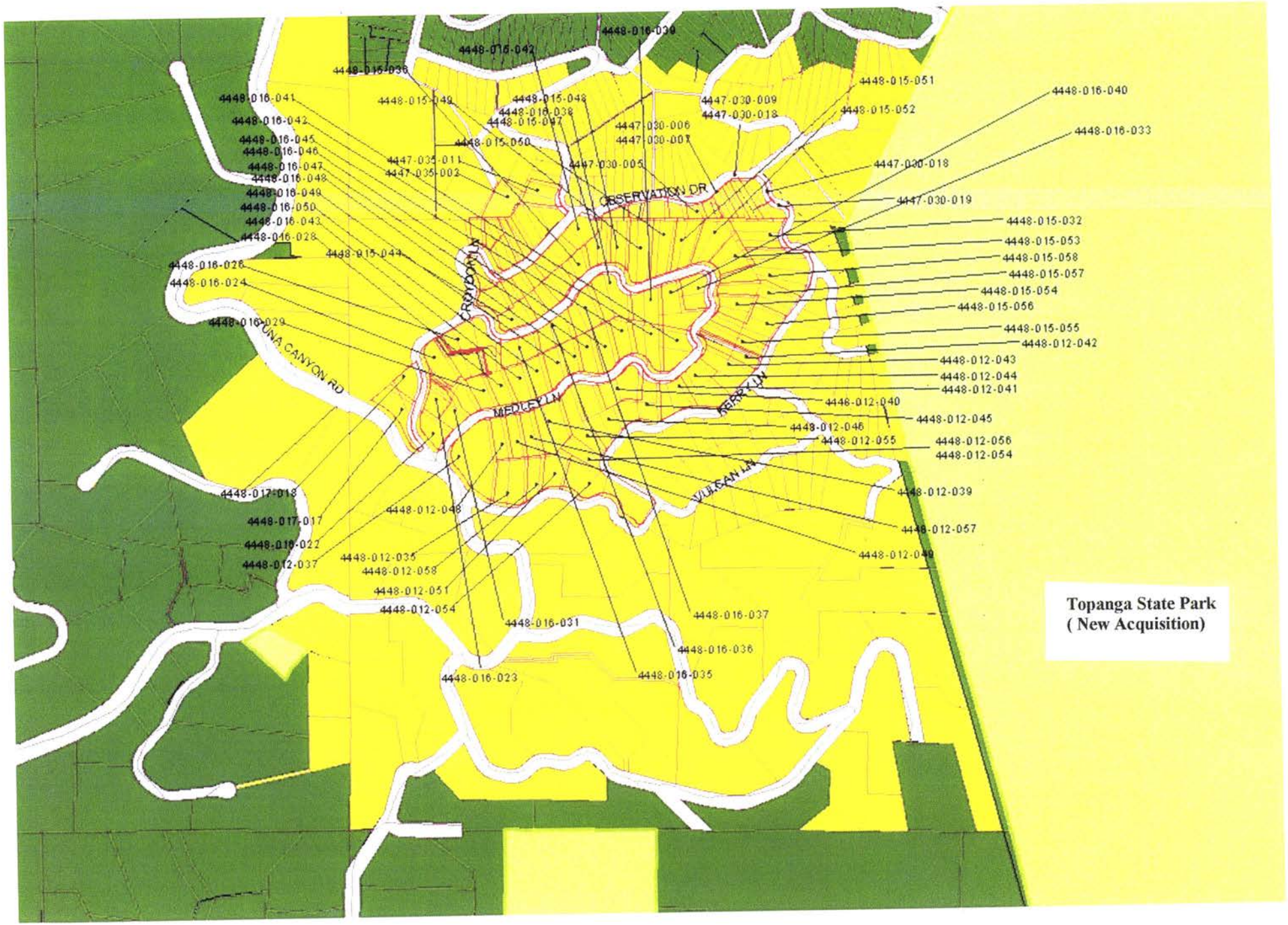
Wildlife Crossing

Backbone Trail

Proposed Kerry Lane Acquistion

Santa Monica Mountains Conservancy

Mountains Recreation and Conservation Authority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4448-012-054
4448-016-031
4448-016-023
4448-016-037
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4448-016-035
CROYDON LN
MEDLEY LN
KERRY LN
VULCAN LN
OBSERVATION DR
TUNA CANYON RD
Topanga State Park
(New Acquisition)

Appendix B

Excerpts from Habitat Assessment for Kerry Lane by Steve Williams, Staff Conservation Biologist, Resource Conservation District:

Field Observations:
Dates of field visits: March 22, April 10, April 11, 2002

Wildlife: (For entire area)
From the ocean to Fernwood, there are four blue-line stream corridors draining west to east into Topanga Creek. Of these, this unnamed stream has the gentlest topography, making it an ideal corridor for wildlife migration from the newly acquired Tuna Canyon property (MRT) to the recently expanded Topanga Canyon State Park. It crosses Highway 27 with a large culvert, providing a safe link between canyons.

During my visits, I happened to observe a few species. On 4/11, after leaving the site, I drove around the Medley Lane loop road. On the lower section, just above Kerry Lane, a juvenile bobcat darted into the brush toward Kerry. On 4/10, a large Cooper's hawk landed in one of the pines adjacent to the riparian area. I also heard the calls of a Great-horned owl and some Pacific tree frogs (Hyla regilla).

Coyotes, brush rabbits and deer are found in most areas in Topanga, and it is likely that they use this site. There are local accounts of mountain lion sightings in the area. I spoke with a property owner ("Art", 4/11) and he gave me what sounded like a credible account of a recent sighting of a lion near his property.

#1 on Detailed Map, Appendix A (Interior of Kerry Loop along riparian corridor from spring to Shuttle Lane):

Erosional features:
No slides or gullying evident: sediment inputs to creek from seasonally imported road fill (Kerry Loop) could impact aquatic organisms.
The geology appears to be of sedimentary origin, with occasional sandstone outcrops above Kerry Lane.

Vegetation description:
The northern interior portion of the Kerry-Vulcan-Shuttle Lane Loop is composed of the California sycamore - coast live oak association (Sawyer, Keeler-Wolf). California sycamores require year-round root saturation, and the perennial spring above these trees has provided some of them with enough moisture to grow to maturity (approx. 75 feet).

Although some of the sycamores are the tallest trees onsite, the California live oak (Quercus agrifolia) provides the most cover along the riparian corridor. Bay laurel (Umbellularia californica), arroyo willow (Salix lasiolepis) and black walnut (Juglans californica) are also well represented in the upper strata of vegetation along the corridor.

The understory shrub layer is composed of elderberry (Sambucus mexicana), and interfacing chaparral species such as Toyon (Heteromeles arbutifolia), holly-leaf cherry (Prunus ilicifolia), scrub oak (Quercus dumosa), greenbark ceanothus (Ceanothus spinosus), bigpod ceanothus (Ceanothus macrocarpus), laurel sumac (Malosma laurina), sugarbush (Rhus ovata) and chamise (Adenostoma fasciculatum).

The lower height strata is largely represented by canyon sunflower (Venegazia carpesioides), heart-leaved penstemon (Keckiella cordifolia), CA blackberry (Rubus ursinus), sticky monkey-flower (Mimulus auranticus), wild cucumber (Marah macrocarpus), poison oak (toxicodendron diversilobum), nightshade (Solanum sp.), giant wild rye (Leymus condensatus) and hedge nettle (Stachys bullata).

The area is surrounded in the upland areas by mixed series chaparral, varying according to slope and aspect.

#2 on map (Below corner of Kerry and Shuttle Lane):
Partially cleared lot. Stream drops about 20 ft. at edge (dry waterfall). Views across Topanga Canyon to Eagle Rock. No houses visible.

Vegetation:
All same (as #1) except for these additions:
Ferns: Polypodium californicum, Aspidotis californica.
Others: mugwort (Artemisia douglasiana), vetch (Vicia sp.), popcorn flower (Emmananthe penduliflora), snowberry (Symphoricarpos mollis) Annual grasses in cleared area: Bromus madritensis, Bromus hordeaceous, Avena barbata.

A few tree tobacco (Nicotiana glauca) and hemlock.

#3 on map (Lockview Lane with riparian area near end):
Narrow road with bulldozer parked at end. Vegetation similar to #1, sycamore and bay dominated riparian overstory with black walnut, elderberry and laurel sumac.

Vegetation:
(same as #1 and #2 except for these additions):

Black sage (salvia mellifera), two-tone everlasting (Gnaphalium bicolor), cobwebby thistle (Cirsium occidentale), vervain (Verbena lasiostachys), telegraph weed (Heterotheca grandiflora), caterpillar phacelia (Phacelia cicutaria), bush poppy (Dendromecon rigida), deerweed (Lotus scoparius), buckwheat (Eriogonum fasciculatum), CA brome (Bromus californica), chaparral currant (Ribes malvaceum ssp. viridifolium), Spanish broom (Spartium junceum)(few), Coyote brush (Baccharis pilularis).

Appendix C

The Birds of Kerry Lane

Scientific Name	Common Name
Cathartes aura	Turkey Vulture
Accipiter cooperii	Cooper's Hawk
Accipiter striatus	Sharp-shinned Hawk
Buteo jamaicensis	Red-tailed Hawk
Buteo lineatus	Red-shouldered Hawk
Falco sparverius	American Kestrel
Callipepla californica	California Quail
Columba fasciata	Band-tailed Pigeon
Zenaida macroura	Mourning Dove
Geococcyx californianus	Greater Roadrunner
Tyto alba	Barn Owl
Bubo virginianus	Great Horned Owl
Otus kennicottii	Western Screech-Owl
Phalaenoptilus nuttallii	Common Poorwill
Aeronautes saxatalis	White-throated Swift
Archilochus alexandri	Black-chinned Hummingbird
Calypte anna	Anna's Hummingbird
Calypte costae	Costa's Hummingbird
Selasphorus rufus	Rufous Hummingbird
Selasphorus sasin	Allen's Hummingbird
Colaptes auratus	Northern Flicker
Melanerpes formicivorus	Acorn Woodpecker
Picoides nuttallii	Nuttall's Woodpecker
Empidonax difficilis	Pacific-slope Flycatcher
Sayornis nigricans	Black Phoebe
Myiarchus cinerascens	Ash-throated Flycatcher
Tyrannus verticalis	Western Kingbird
Hirundo pyrrhonota	Cliff Swallow
Tachycineta thalassina	Violet-green Swallow
Aphelocoma coerulescens	Scrub Jay
Corvus brachyrhynchos	American Crow
Corvus corax	Common Raven
Parus gambeli	Mountain Chickadee
Parus inornatus	Plain Titmouse
Psaltriparus minimus	Bushtit
Sitta carolinensis	White-breasted Nuthatch
Certhia americana	Brown Creeper
Catherpes mexicanus	Canyon Wren
Thryomanes bewickii	Bewick's Wren
Troglodytes aedon	House Wren
Regulus calendula	Ruby-crowned Kinglet
Catharus guttatus	Hermit Thrush
Turdus migratorius	American Robin
Chamaea fasciata	Wrentit
Mimus polyglottos	Northern Mockingbird
Toxostoma redivivum	California Thrasher
Bombycilla cedrorum	Cedar Waxwing
Phainopepla nitens	Phainopepla
Sturnus vulgaris	European Starling
Dendroica coronata	Yellow-rumped Warbler
Dendroica petechia	Yellow Warbler
Dendroica townsendi	Townsend's Warbler
Wilsonia pusilla	Wilson's Warbler
Piranga ludoviciana	Western Tanager
Passerina amoena	Lazuli Bunting
Pheucticus melanocephalus	Black-headed Grosbeak
Junco hyemalis	Dark-eyed Junco
Melospiza melodia	Song Sparrow
Pipilo crissalis	California Towhee
Spizella passerina	Chipping Sparrow
Zonotrichia leucophrys	White-crowned Sparrow
Icterus cucullatus	Hooded Oriole
Icterus galbula	Northern Oriole
Molothrus ater	Brown-headed Cowbird
Carduelis psaltria	Lesser Goldfinch
Carduelis tristis	American Goldfinch
Carpodacus mexicanus	House Finch
Passer domesticus	House Sparrow

Appendix D

KLPP Contacts

Co-Chairs:

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Daughtry, Philip
Dorsey, Don & Donna
George, Rita
Hastings, Woody
Johnson, Jody
Larson, Gene
Wells, Barbara & Rob

Mazur, Dan
McLaughlin, Susan
Penner, Max
Pugliese, Roger
Rider, Julia
Shapiro, Ken & Kelly
Storer, Dorothy & Dennis
Willahan, Barbara

April 2002

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Th30a

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Staff Report:	5/24/12
Hearing Date:	6/14/12

STAFF REPORT: REGULAR CALENDAR

Application No.:	**4-11-051**
Applicant:	**Christof Jantzen**
Agent:	N/A
Project Location:	1840 Kerry Lane, Topanga, Santa Monica Mountains, Los Angeles in the Fernwood Small Lot Subdivision (APN: 4448-014-055)
Project Description:	Construct a 1,444 sq. ft., 30 ft. high, one–story single family residence with attached carport; patio; hammerhead turnaround; water well; septic system; retaining walls; 628.5 cu. yds. of grading (139 cu. yds. of cut, 314.25 cu. yds. of fill, and 175.25 cu. yds. of import). In addition, the project includes vacation of a Los Angeles County public road (Lockview Lane), and roadway improvements to Kerry Lane, including construction of 760 linear ft. of pavement and 120 linear feet of permeable concrete up to 20 ft. wide, 590 ft. long retaining wall ranging from 2-ft. to 6-ft. high, and 944 cu. yds. of grading (472 cu. yds. of cut, 254 cu. yds. of fill, and 218 cu. yds of export).
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed development with **sixteen (16) special conditions** regarding (1) plans conforming to

Geotechnical Engineer's recommendation, (2) assumption of risk, waiver of liability and indemnity, (3) drainage and polluted runoff control plan, (4) interim erosion control plans and construction responsibilities, (5) landscaping and fuel modification plans, (6) structural appearance, (7) lighting restriction, (8) future development restriction, (9) deed restriction, (10) habitat impact mitigation, (11) site inspection, (12) removal of natural vegetation, (13) removal of excavated material, (14) oak tree monitoring, (15) fire protection department approval, and (16) condition compliance.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. Following is a summary of the main issues raised by the project and how they are resolved by staff's recommendation:

- **CUMULATIVE IMPACTS.** The project site is located within a small-lot subdivision, and the proposed residence will conform to the maximum gross structural area allowed for the parcel, thereby minimizing cumulative impacts to coastal resources.
- **OAK TREE PROTECTION.** The project includes the encroachment of development within the protected zone of four oak tree(s) that is unavoidable given the requirements of the Los Angeles County Fire Department for access to the site via Kerry Lane and the location of trees. To help mitigate the impact over the root zone of the two most impacted oak trees; the applicant proposes to utilize a permeable concrete road surface surrounding these two oak trees to allow more percolation of water into the root system. The proposed encroachments have been minimized to the maximum extent feasible. While the encroachments will adversely impact the health of the oak trees, it is unlikely that it will significantly injure the trees' health or result in their death. The applicant is required to monitor the trees with encroachments and if the monitoring reveals that any of these four trees die or suffer reduced health or vigor, replacement trees must be provided as mitigation.
- **ENVIRONMENTALLY SENSITIVE HABITAT AREA.** The project site contains habitat that meets the definition of ESHA and the project will have adverse impacts on ESHA. The proposed residence is not a resource dependent use, but will be approved to permit the applicant a reasonable economic use of the property. The structure is sited to minimize significant disruption of habitat values and the development area is consistent with the maximum that the Commission has previously approved in small lot subdivision parcels that contain ESHA. The project is conditioned to require mitigation for the loss of ESHA due to the development and the required fuel modification around structures.
- **VISUAL RESOURCES.** The proposed structure will be visible from public viewing areas and will adversely impact visual resources. There are no siting or design alternatives that would avoid or significantly reduce visual impacts. The project is conditioned to minimize the visual impacts by requiring that the structure be finished in a color consistent with the surrounding natural landscape, that windows be made of non-reflective glass, by the use of native landscaping, and by limiting night lighting.

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LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated July 20, 2009; County of Los Angeles Environmental Health Services, Sewage Disposal System Conceptual Approval, dated November 26, 2008; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, dated June 17, 2009; County of Los Angeles Environmental Health Division, Production Wells Conceptual Approval, dated January 21, 2009.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 4-11-051 pursuant to the staff recommendation.

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

Resolution:

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

II. STANDARD CONDITIONS

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

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

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

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

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

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

By acceptance of this permit, the applicant agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports referenced as Substantive File Documents. These recommendations, including recommendations concerning foundations, sewage disposal, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wildfire and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability

against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Permanent Drainage and Polluted Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan for the post-construction project site, prepared by a licensed civil engineer or qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather runoff leaving the developed site. The consulting licensed civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

(1) The plan shall demonstrate the use of distributed small-scale controls or integrated Best Management Practices (BMPs) that serve to minimize alterations to the natural pre-development hydrologic characteristics and conditions of the site, and effectively address pollutants of concern.

(2) Post-development peak runoff rate and average volume from the site shall be maintained at levels similar to pre-development conditions.

(3) Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.

(4) Landscaping materials shall consist primarily of native or other low-maintenance plant selections which have low water and chemical treatment demands, consistent with Special Condition 5, Landscaping and Fuel Modification Plans. An efficient irrigation system designed based on hydrozones and utilizing drip emitters or micro-sprays or other efficient design shall be utilized for any landscaping requiring water application.

(5) All slopes shall be stabilized in accordance with provisions contained in the Landscaping and/or Interim Erosion and Sediment Control Condition for this Coastal Development Permit.

(6) Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of outflow drains where necessary. The consulting engineer shall provide plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system. The drainage plans shall specify, the location, dimensions, cubic yards of rock, etc. for the any velocity reducing structure with the supporting calculations

showing the sizing requirements and how the device meets those sizing requirements. The engineer shall certify that the design of the device minimizes the amount of rock and/or other hardscape necessary to meet the sizing requirements.

(7) Post-construction structural BMPs (or suites of BMPs) shall 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.

(8) All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15th each year) and at regular intervals as necessary between October 15th and April 15th of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

(9) For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans shall be approved by the project consulting geotechnical engineer.

(10) Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting licensed civil engineer, or qualified licensed professional, or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Interim Erosion Control Plans and Construction Responsibilities

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices plan, prepared by licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

1. Erosion Control Plan

(a) 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 plan and on-site with fencing or survey flags.

(b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.

(c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.

(d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible.

(e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

(f) 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 geotextiles 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.

2. Construction Best Management Practices

(a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.

(b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.

(c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

(d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

(e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

(f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

(g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

(h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

(i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

(j) The discharge of any hazardous materials into any receiving waters shall be prohibited.

(k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

(l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity

(m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/ development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

5. Landscaping and Fuel Modification Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of landscaping and fuel modification plans, prepared by a licensed landscape

architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape and Fuel Modification plans are in conformance with the following requirements:

A) Landscaping Plan

(1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

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

(3) 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;

(4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

(5) Fencing of the entire property is prohibited. Fencing shall extend no further than the approved development area. The fencing type and location shall be illustrated on the landscape plan. Fencing shall also be subject to the color requirements outlined in Special Condition 6, Structural Appearance, below.

B) Fuel Modification Plans

Vegetation within 20 feet of the proposed house may be removed to mineral earth, vegetation within a 200-foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles

County. Irrigated lawn, turf and ground cover planted within the twenty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

C) Conformance with Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Landscape and Fuel Modification Plans. The final Landscape and Fuel Modification Plans shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

D) Monitoring

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

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the requirements specified in this condition, the applicant, or successors in interest, shall submit, within 30 days of the date of the monitoring report, a revised or supplemental landscape plan, certified by a licensed Landscape Architect or a qualified Resource Specialist, that specifies additional or supplemental landscaping measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. This remedial landscaping plan shall be implemented within 30 days of the date of the final supplemental landscaping plan and remedial measures shall be repeated as necessary to meet the requirements of this condition.

6. Structural Appearance

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of this Coastal Development Permit. The palette samples shall be presented in a format not to exceed 8½" x 11" x ½" in size. The palette shall include the colors proposed for the roofs, trims, exterior surfaces, driveways, retaining walls, and other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or

resurfacing or new windows may only be applied to the structures authorized by this Coastal Development Permit if such changes are specifically authorized by the Executive Director as complying with this special condition.

7. Lighting Restriction

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

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

(2) Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

(3) The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

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

8. Future Development Restriction

This permit is only for the development described in Coastal Development Permit No. 4-11-051. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by this Coastal Development Permit. Accordingly, any future structures, future improvements, or change of use to the permitted structures authorized by this permit, including but not limited to, any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to Special Condition 5, Landscaping and Fuel Modification Plans, shall require an amendment to Coastal Development Permit No. 4-11-051 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

9. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any

reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

10. Habitat Impact Mitigation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a map delineating all areas of chaparral, oak woodland, and coastal sage scrub habitat (ESHA) that will be disturbed by the proposed development, including fuel modification and brush clearance requirements on the project site and adjacent property. The chaparral and coastal sage scrub ESHA areas on the site and adjacent property shall be delineated on a detailed map, to scale, illustrating the subject parcel boundaries and, if the fuel modification/brush clearance zones extend onto adjacent property, adjacent parcel boundaries. The delineation map shall indicate the total acreage for all chaparral and coastal sage scrub ESHA, both on and offsite, that will be impacted by the proposed development, including the fuel modification/brush clearance areas. A 200-foot clearance zone from the proposed structures shall be used to determine the extent of off-site brush clearance for fire protection purposes. The delineation shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains.

Mitigation shall be provided for impacts to the chaparral and coastal sage scrub ESHA from the proposed development and fuel modification/brush clearance requirements by one of the three following habitat mitigation methods:

A. Habitat Restoration

1) Habitat Restoration Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a habitat restoration plan, for the review and approval of the Executive Director, for an area of degraded chaparral and/or coastal sage scrub habitat equivalent to the area of chaparral and/or coastal sage scrub ESHA impacted by the proposed development and fuel modification/brush clearance area. The habitat restoration area may either be onsite or offsite within the coastal zone either in the City of Malibu or elsewhere in the Santa Monica Mountains. The habitat restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries and topographic contours of the site. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover. The restoration plan shall include a statement of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions. If the restoration site is offsite, the applicant shall submit written evidence to the Executive Director that the property owner has irrevocably agreed to allow the restoration work, maintenance and monitoring required by this condition and not to disturb any native vegetation in the restoration area.

The applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating compliance with the performance standards outlined in the restoration plan and describing the revegetation, maintenance and monitoring that was conducted during the prior year. The annual report shall include recommendations for mid-course corrective measures. At the end of the five-year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has been, in part or in whole, unsuccessful, based on the approved goals and performance standards, the applicant shall submit a revised or supplemental restoration plan with maintenance and monitoring provisions, for the review and approval of the Executive Director, to compensate for those portions of the original restoration plan that were not successful. Should supplemental restoration be required, the applicant shall submit, on an annual basis for five years, a written report, for the review and approval of the Executive Director, prepared by a qualified resource specialist, evaluating the supplemental restoration areas. At the end of the five-year period, a final report shall be submitted evaluating whether the supplemental restoration plan has achieved compliance with the goals and performance standards for the restoration area. If the goals and performance standards are not met within 10 years, the applicant shall submit an application for an amendment to the coastal development permit for an alternative mitigation program and shall implement whatever alternative mitigation program the Commission approves, as approved.

The habitat restoration work approved in the restoration plan shall be carried out prior to occupancy of the residence.

2) Open Space Deed Restriction

No development, as defined in section 30106 of the Coastal Act, shall occur in the habitat restoration area, as shown on the habitat restoration site plan required pursuant to (A)(1) above.

Prior to the issuance of the coastal development permit, the applicant shall submit evidence that the applicant has executed and recorded a deed restriction (if the applicant is not the owner, then the applicant shall submit evidence that the owner has executed and recorded the deed restriction), in a form and content acceptable to the Executive Director, reflecting the above restriction on development and designating the habitat restoration area as open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of both the parcel on which the restoration area lies and the open space area/habitat restoration area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3) Performance Bond

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall post performance bonds to guarantee implementation of the restoration plan as follows: a) one equal to the value of the labor and materials; and b) one equal to the value of the maintenance and monitoring for a period of 5 years. Each performance bond shall be released upon satisfactory completion of items (a) and (b) above. If the applicant fails to either restore or maintain and monitor according to the approved plans, the Coastal Commission may collect the security and complete the work on the property.

B. Habitat Conservation

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall (or, if the applicant is not the owner of the habitat conservation site, then the owner of the habitat conservation site shall) execute and record an open space deed restriction in a form and content acceptable to the Executive Director, over the entirety of a legal parcel or parcels containing chaparral and/or coastal sage scrub ESHA. The chaparral and/or coastal sage scrub ESHA located on the mitigation parcel or parcels must be of equal or greater area than the ESHA area impacted by the proposed development, including the fuel modification/brush clearance areas. No development, as defined in section 30106 of the Coastal Act, shall occur on the mitigation parcel(s) and the parcel(s) shall be preserved as permanent open space. The deed restriction shall include a graphic depiction and narrative legal descriptions of the parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

Prior to occupancy of the residence, the applicant shall submit evidence, for the review and approval of the Executive Director, that the recorded documents have been reflected in the Los Angeles County Tax Assessor Records.

If the mitigation parcel(s) is/are larger in size than the impacted habitat area, the excess acreage may be used to provide habitat impact mitigation for other development projects that impact like ESHA.

C. Habitat Impact Mitigation Fund

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and approval of the Executive Director, that payment for compensatory mitigation has been provided to the Mountains Recreation and Conservation Authority to mitigate adverse impacts to chaparral and coastal sage scrub habitat ESHA. The payment shall be calculated as follows:

1. Development Area, Irrigated Fuel Modification Zones, Off-site Brush Clearance

The payment for these areas shall be $12,000 per acre within the development area, any required irrigated fuel modification zones, and required off-site brush clearance areas

(assuming a 200-foot radius from all structures). The total acreage shall be based on the map delineating these areas required by this condition.

2. Non-irrigated Fuel Modification Zones

The payment for non-irrigated fuel modification areas (on-site) shall be $3,000 per acre. The total acreage shall be based on the map delineating these areas required by this condition.

Prior to the payment for mitigation to the Mountains Recreation and Conservation Authority, the applicant shall submit, for the review and approval of the Executive Director, the calculation of the payment required to mitigate adverse impacts to chaparral and/or coastal sage scrub habitat ESHA, in accordance with this condition. After review and approval of the payment calculation, the payment shall be made to the Mountains Recreation and Conservation Authority's Coastal Habitat Impact Mitigation Fund for the acquisition, permanent preservation or restoration of habitat in the Santa Monica Mountains coastal zone, with priority given to the acquisition of or extinguishment of all development potential on properties containing environmentally sensitive habitat areas and properties adjacent to public parklands.. The payment may not be used to restore areas where development occurred in violation of the Coastal Act's permit requirements.

11. Site Inspection

A. By acceptance of this permit, the applicant irrevocably authorizes, on behalf of the applicant and all successors-in-interest with respect to the subject property, Coastal Commission staff and its designated agents to enter onto the property to undertake site inspections for the purpose of monitoring compliance with the permit, including the special conditions set forth herein, and to document their findings (including, but not limited to, by taking notes, photographs, or video), subject to Commission staff providing 24 hours advanced notice to the contact person indicated pursuant to paragraph B prior to entering the property, unless there is an imminent threat to coastal resources, in which case such notice is not required. If two attempts to reach the contact person by telephone are unsuccessful, the requirement to provide 24 hour notice can be satisfied by voicemail, email, or facsimile sent 24 hours in advance or by a letter mailed three business days prior to the inspection. Consistent with this authorization, the applicant and his successors: (1) shall not interfere with such inspection/monitoring activities and (2) shall provide any documents requested by the Commission staff or its designated agents that are relevant to the determination of compliance with the terms of this permit.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to Commission staff the email address and fax number, if available, and the address and phone number of a contact person authorized to receive the Commission's notice of the site inspections allowed by this special condition. The applicant is responsible for updating this contact information, and the Commission is entitled to rely on the last contact information provided to it by the applicant.

12. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

13. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

14. Oak Tree Monitoring

To ensure that all other oak trees located on the subject parcel and along the proposed access road improvements are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. The permittee shall also follow the oak tree preservation recommendations that are enumerated in the Oak Tree Report referenced in the Substantive File Documents.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during all excavation, foundation construction, framing construction, and grading within (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of any oak tree. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permit No. 4-11-051. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director to monitor all oak trees that will be encroached upon (Oak Trees No. 1-4 as referenced in the Oak Tree Report) to determine if the trees are adversely impacted by the encroachment. An annual monitoring report shall be submitted for the review and approval of the Executive Director for each of the ten years. Should any of these trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications,

and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for each of the 10 years. Upon submittal of the replacement planting program, the Executive Director shall determine if an amendment to this coastal development permit, or an additional coastal development permit is required.

15. Fire Protection Department Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**,** the applicant shall submit, for the review and approval of the Executive Director, written evidence that the Los Angeles County Fire Protection Department has reviewed and approved the proposed alternative Kerry Lane access road improvements or evidence that no such approvals are required.

16. Condition Compliance

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a one-story, 30 ft. high, 1,444 sq. ft. single-family residence with attached carport; patio; hammerhead turnaround; water well; septic system; retaining walls; 628.5 cu. yds. of grading (139 cu. yds. of cut, 314.25 cu. yds. of fill, and 175.25 cu. yds. of import). In addition, the project includes the vacation of a Los Angeles County public road (Lockview Lane), and roadway improvements to Kerry Lane, including construction of 760 linear ft. of pavement and 120 linear feet of permeable concrete up to 20 ft. wide, construction of a 590 ft. long retaining wall ranging from 2-ft. to 6-ft. high, and 944 cu. yds. of grading (472 cu. yds. of cut, 254 cu. yds. of fill, and 218 cu. yds of export). The project site is located at 1840 Kerry Lane, in the Fernwood Small Lot Subdivision, in the Santa Monica Mountains area of unincorporated Los Angeles County (APN 4448-014-055).(Exhibits 1-13).

The subject property consists of twenty one (21) contiguous lots that where combined in 1981 to be held as one parcel through the recordation of a “Declaration of Restrictions” on the deeds of each lot, recorded as Document No. 81-371565 (combined lots 7-21 to lot 4) and Document No. 81-665819 (combined lots 1,2,5 and 6 to lots 4 and 3). Prior owners retired the development rights (with the exception of the following: the removal of any vegetation which is non-native

and/or diseased; removal of any vegetation which constitutes or contributed to a fire hazard; the installation or repair of underground utility lines and septic systems, and the posting of signs to prevent trespass) for nineteen (19) of the twenty one (21) combined lots which were used to provide transfer of development credits (TDC) required by the Commission as mitigation for the impacts of additional development rights (creation of additional parcels through subdivision) on two other properties in a different area of the Santa Monica Mountains. Lots 7-21 of Tract 9531 were retired through an open space easement (offer to dedicate easement recorded as Document No. 81-371564) recorded for Coastal Permit No. P-80-7430 (Taylor) and accepted by the Mountains Recreation and Conservation Authority (Document No. 02-0372362). Lots 1, 2, 5, and 6 of Tract 9531 were retired through an open space easement (offer to dedicate easement recorded as Document No. 81-665820) recorded for Coastal Permit No. P-79-5905 (Taylor) and accepted by the Mountains Recreation and Conservation Authority (Document No. 02-1462403) (Exhibits 13). Only two lots (Lots 3 and 4 of Tract 9531) of the twenty one combined lots are not restricted by an open space easement or other restriction, remain developable, and are the proposed location for the residence with attached carport. The septic system is being proposed on Lot 1 of Tract 9531, where the open space easement allows for the development of a septic system. The remaining eighteen lots are proposed to remain undeveloped (Exhibit 2).

The subject property is situated on the east side of Kerry Lane (an existing unpaved public road) and also fronts on the west side of Lockview Lane (vacated) and is surrounded by existing residential development to the north and west and abuts a vast area of public park land owned by Topanga State Parks on the east. The property occupies a portion of the middle-to-upper slopes defining Topanga Canyon with slopes ranging from 1 ½:1 to 3:1. Elevations on the property range from 1375 to 1210 feet above mean sea level. The proposed residence and attached carport would be located at the 1,285 foot elevation and the carport driveway access will be from Kerry Lane. The steeply sloping parcel contains several coast live oaks throughout the entire property; however, only one coast live oak (located on lot 4) is found within the residential development area. The proposed residence is sited to avoid significant encroachment to this one oak tree. Off-site, four coast live oaks are located adjacent to Kerry Lane. The proposed Kerry Lane road improvements, which include the paving of 760 linear ft. with pavement and 120 linear feet of permeable concrete and the construction of retaining walls, will have significant to minimal encroachment to all four coast live oaks trees located adjacent to Kerry Lane. To help mitigate the impact over the root zone of the most impacted oak trees (Tree No. 2 and 3); the applicant proposes to utilize a permeable concrete road surface surrounding these two oak trees to allow more percolation of water into the root system. These road improvements are required by the Los Angeles County Fire Department, Fire Protection Engineering Division in order to provide adequate ingress and egress for fire department equipment and personnel. The applicant does not propose to remove any oak trees.

The majority of the site is vegetated with native mixed chaparral and coastal sage scrub vegetation near the steeper slopes of the site. Ruderal/non-native grassland vegetation is found near the intersection of Kerry Lane and (vacated) Lockview Lane towards the northwestern portion of the parcel. Based on a review of the Commission's historical aerial photographs there has been unpermitted vegetation removal in the northwestern location of the site (between Kerry Lane and Lockview Lane) that occurred after January 1, 1977, the effective date of the Coastal Act without the benefit of a coastal development permit. The proposed residence will be located

within the now disturbed area. The property drains to the northeast into an on-site unnamed tributary which, in turn, drains into Topanga Creek, approximately .5 miles northeast of the property. Both the unnamed tributary and Topanga Creek are indicated as blue-line stream drainages on the U.S Geological Survey (USGS). One smaller drainage also occurs on site where it crosses the southernmost portion of the property however, this drainage is not indicated as a blue-line stream on the USGS topography. The project site is visible from public park lands to the east of the property however; there are no existing or mapped public trails on or adjacent to the subject property.

B. HAZARDS AND GEOLOGIC STABILITY

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

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

The proposed development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted geology, geotechnical, and/or soils reports referenced as Substantive File Documents conclude that the project site is suitable for the proposed project based on the evaluation of the site's geology in relation to the proposed development. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and the surrounding sites, the Commission requires the applicant to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction.

Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Further, the Commission finds that, for the project to ensure stability and avoid contributing significantly to erosion, all slopes and disturbed areas of the subject site must be landscaped, primarily with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

Although the conditions described above render the project sufficiently stable to satisfy the requirements of Section 30253, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including wildfire and erosion, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition, the applicant acknowledges the nature of the fire and/or geologic hazard that exists on the site and that may affect the safety of the proposed development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

Special Condition 1: Plans Conforming to Geotechnical Engineer's Recommendations
Special Condition 2: Assumption of Risk, Waiver of Liability and Indemnity
Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
Special Condition 5: Landscaping and Erosion Control Plans
Special Condition 13: Removal of Excavated Material

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

C. WATER QUALITY

Section 30231 of the Coastal Act states that:

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

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in an increase in impervious surfaces, which leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. The

pollutants commonly found in runoff associated with residential use can reduce the biological productivity and the quality of such waters and thereby reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to minimize the potential for such adverse impacts to water quality and aquatic resources resulting from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control measures during construction and post construction; and 3) revegetating all graded and disturbed areas with primarily native landscaping.

Additionally, the applicant's geologic consultants have concluded that the site is suitable for the proposed septic system and that there would be no adverse impact to the site or surrounding areas from the use of a septic system. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic system, indicating that it meets the plumbing code requirements. The Commission has found that conformance with the provisions of the plumbing code is protective of water resources.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30231 of the Coastal Act:

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plans
Special Condition 4: Interim Erosion Control Plans and Construction Responsibilities
Special Condition 5: Landscaping and Erosion Control Plans
Special Condition 12: Removal of Native Vegetation
Special Condition 13: Removal of Excavated Material

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. CUMULATIVE IMPACTS

Section 30250(a) of the Coastal Act states:

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

Section 30252 of the Coastal Act states:

> *The location and amount of new development should maintain and enhance public access to the coast by (l) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

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

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

1. Small Lot Subdivisions

The proposed project involves the construction of a new single family residence within a small lot subdivision. Small lot subdivisions in the Santa Monica Mountains are designated areas generally comprised of residentially-zoned parcels of less than one acre, but more typically ranging in size from 4,000 to 5,000 square feet. The Commission has found that the total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources, particularly given the small size and steepness of most of the parcels. The future development of the existing undeveloped small lot subdivision parcels will result in tremendous increases in demands on road capacity, services, recreational facilities, beaches, water supply, and associated impacts to water quality, geologic stability and hazards, rural community character, and contribution to fire hazards.

In order to minimize the cumulative impacts associated with developing these parcels, Policy 271(b)(2) of the certified Malibu/Santa Monica Mountains LUP, which has been used as guidance by the Commission in past permit actions, requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development that may be permitted in small lot subdivision areas, to minimize the cumulative impacts of such development, consistent with the policies of the Coastal Act. Additionally, the Commission has, through coastal development permit actions, consistently applied the Slope Intensity Formula to new development in small lot subdivisions. The basic concept of the formula assumes the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that

development on steep slopes has a high potential for adverse impacts on resources. Following is the formula and description of each factor used in its calculation:

Slope Intensity Formula
GSA = (A/5) × ((50-S)/35) + 500
GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.
A = the area of the building site in square feet. The building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.
S = the average slope of the building site in percent as calculated by the formula:
S = I × L/A × 100
I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines
L = total accumulated length of all contours of interval "I" in feet
A = the area being considered in square feet

2. Project Consistency

The proposed project site is located in the Fernwood Small Lot Subdivision, an area subject to the provisions of the slope intensity formula. As previously stated, the subject parcel consists of twenty one (21) contiguous lots that were combined in 1981 to be held as one parcel, through the recordation of a "Declaration of Restrictions" on the deeds of all the properties. The development rights for residential use were extinguished on nineteen (lots 1, 2, 5, 6, and 7-12) of the twenty one lots per the Transfer of Development Credit (TDC) program as mitigation for the previous projects and Coastal Permit as detailed in Section IV A above. The development rights have not been extinguished on the area of the site previously identified as Lots 3 and 4 and this area is therefore "buildable". The applicant is proposing to construct a new one-story, 1,444 sq. ft. single-family residence with attached carport within this "buildable" area of the combined parcel.

The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP. This calculation arrived at a maximum GSA of 1,444 sq. ft. of habitable space based on the area and slope of the project site utilizing the "buildable" area of the site. Staff has confirmed that the applicant's calculations conform to the formula used by the Commission in past permit decisions. The proposed 1,444 sq. ft. of habitable space is consistent with the maximum allowable GSA of 1,444 sq. ft.

The proposed residence has a unique design that includes a central, open courtyard and a partial understory. The applicant has explained that the project has been designed to facilitate passive heating and cooling (as well as use of solar energy). Airflow will extend upslope through the understory to the courtyard above. However, such design features can also allow for future unpermitted conversion to living area in excess of the maximum allowable GSA. Staff worked with the applicant to modify the understory area such that there is no finished floor and the walls are significantly open which will serve to prevent future conversion to living area.

As designed, the proposed project will conform to the GSA allowed for the parcel, thereby minimizing cumulative impacts to coastal resources. However, future improvements on the

subject property could cause adverse cumulative impacts on the limited resources of the subdivision. The Commission, therefore, requires a future improvements restriction on this lot, which would 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.

Additionally, the Commission 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.

The following special conditions are required to assure the project's consistency with Sections 30250 and 30252 of the Coastal Act, as well as the Los Angeles County LUP:

Special Condition 8: Future Development Restriction
Special Condition 9: Deed Restriction

The Commission therefore finds that the proposed project, only as conditioned, is consistent with Sections 30250(a) and 30252 of the Coastal Act, as well as the guidance policies of the Malibu/Santa Monica Mountains Land Use Plan.

E. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHA) by restricting development in and adjacent to ESHA. 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.*

In addition, the Malibu/Santa Monica Mountains LUP provides policy guidance regarding the protection of environmentally sensitive habitats. The Coastal Commission has applied the following relevant policies as guidance in the review of development proposals in the Santa Monica Mountains.

P57 Designate the following areas as Environmentally Sensitive Habitat Areas (ESHAs): (a) those shown on the Sensitive Environmental Resources Map (Figure 6), and (b) any undesignated areas which meet the criteria and which are identified through the biotic review process or other means, including those oak woodlands and other areas identified by the Department of Fish and Game as being appropriate for ESHA designation.

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table l and all other policies of this LCP.

P68 Environmentally sensitive habitat areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P69 Development in areas adjacent to environmentally sensitive habitat areas (ESHAs) shall be subject to the review of the Environmental Review Board, 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.

P72 Open space or conservation easements or equivalent measures may be required in order to protect undisturbed watershed cover and riparian areas located on parcels proposed for development. Where new development is proposed adjacent to Environmentally Sensitive Habitat Areas, open space or conservation easements shall be required in order to protect resources within the ESHA.

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may

be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

1. Project Description and Site Specific Biological Resource Information

As previously mentioned, the subject 6.03-acre site is located on the east side of Kerry Lane within the Fernwood Small Lot Subdivision. The project site descends steeply from the east side of the road into an on-site unnamed tributary, a designated blue-line stream, which in turn, drains into Topanga Creek, approximately .5 miles northeast of the property. The subject property is immediately adjacent to Topanga State Park. The steeply sloping parcel contains several coast live oaks throughout the entire property as well as four coast live oak trees located off-site located adjacent to Kerry Lane. The majority of the site (lots 5-21) is well vegetated with native mixed chaparral, coastal sage scrub and oak woodland vegetation near the steeper slopes and a small disturbed area along Kerry Lane at the northwestern property line is currently vegetated with ruderal/non-native grassland. The naturally and predominantly vegetated area of mixed chaparral and coastal sage scrub extends offsite into a large contiguous system of natural habitat (including chaparral, coastal sage scrub, riparian, and oak woodland habitats) that extends across the property boundary into Topanga State Park (Exhibit 3).

The applicant proposes to construct a 1,444 sq. ft., 30 ft. high, one–story single family residence with attached carport; patio; hammerhead turnaround; water well; septic system; retaining walls; and associated grading. In addition, the project includes vacation of a Los Angeles County public road (Lockview Lane), and roadway improvements to Kerry Lane, including construction of 760 linear ft. of pavement and 120 linear feet of permeable concrete up to 20 ft. wide, 590 ft. long retaining wall with average height of 3.9 ft., and associated grading. The project has been designed to place the residence in the northwestern portion of the property as close to Kerry Lane as geologically feasible. Any alternative location on the site would likely include the removal of more native vegetation.

The applicant submitted a Biological Assessment, listed in the Substantive File Documents, which addresses the habitats present on the project site. The report identifies two vegetation/habitat communities on the project site.

Ruderal/non-native Grassland

This vegetation is found in the northwestern portion of the site adjacent to Kerry Lane. The vegetation within this area is dominated by Mediterranean mustard (*Hirschfeldia incana*), ripgut grass (*Bromus diandrus*), foxtail chess (*Bromus madretensis*), wild oats (*Avena fatua*), and tocolate (*Centaurea melitensis*).

Mixed Chaparral/Sage Scrub

This is the most abundant vegetation type found on site which varies considerably in density from relatively open to closed canopies. The dominant plants in this vegetation type are Laurel-leaf Sumac (*Malosma Laurina*), black sage (*Salvia mellifera*), California Buckwheat (*Eriogonum fasciculatum*), giant rye (*Leymus condensatus*), Mexican elderberry (*Sambucus mexicana*), holly-leaf cherry (*Prunus ilicifolia*), coyote brush (*Baccharis pilularis*) and deer weed (*Lotus scoparius*).

A map of the habitats on the site was also prepared by the biological consultant. Commission staff visited the subject property in March 2012 and confirmed that, with the exception of the disturbed area as a result of unpermitted vegetation removal, the project site is undisturbed and comprised of coastal sage scrub, chaparral habitat areas, and oak woodland. While there is scattered residential development in the area and more intense residential development in the small lot subdivision west of the project site, there is undisturbed, contiguous coastal sage scrub, chaparral habitat, and oak woodland habitat to the south and east of the site. Additionally, there is a large contiguous area of undisturbed habitat directly adjacent to the east property boundary within Topanga State Park.

According to public information, the applicant purchased the subject parcel in 2008 for $200,000. The land use designation of the property is Rural Land III, which allows residential development at a maximum density of 1 dwelling unit per 2 acres of land. The subject parcel (consisting of all twenty one combined lots) is 6.03-acres in size, and there are other scattered, residential developments in the same area to the north and west. There is Public parkland (Topanga State Park) directly adjacent to the project site. There is currently no offer to purchase the property from any public park agency.

The applicant's approved fuel modification plan (approved by the Los Angeles County Fire Department) shoes the use of the standard three zones of vegetation modification. Zones "A" (setback zone) and "B" (irrigation zone) are shown extending approximately 100 feet from the proposed structure. A "C" zone (thinning zone) is provided for a distance of 100 feet beyond the "A" and "B" zones. All proposed development, except for required fuel modification for the proposed residence, is situated in the disturbed portion of the site.

2. ESHA Designation on the Project Site

Pursuant to Section **30107.5**, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

1) Is there a rare species or habitat in the subject area?

2) Is there an especially valuable species or habitat in the area, which is determined based on:

a) whether any species or habitat that is present has a special nature, OR

b) whether any species or habitat that is present has a special role in the ecosystem;

3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are "yes", the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal

sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean 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. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission's Ecologist, Dr. John Dixon[1] (hereinafter "Dr. Dixon Memorandum"), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission's past findings in support of its actions on many permit applications and in adopting the Malibu LCP[2].

As described above, the project site contains pristine mixed chaparral, sage scrub, riparian, and oak woodland habitat that is part of a large, contiguous block of pristine native vegetation. As discussed above and in the Dr. Dixon Memorandum, this habitat is especially valuable because of its special role in the ecosystem of the Santa Monica Mountains and it is easily disturbed by human activity. Accordingly, the Commission finds that the chaparral, sage scrub, riparian, and oak woodland habitat on the project site meets the definition of ESHA in the Coastal Act.

3. Resource Dependent Use

The Commission finds that the project site and the surrounding area constitutes an environmentally sensitive habitat area (ESHA). Section 30240 of the Coastal Act restricts development within ESHA to only those uses that are dependent on the resource. The applicant proposes to construct a single family residence on the parcel. As single-family residences do not have to be located within ESHA to function, single-family residences are not a use dependent on ESHA resources. Section 30240 also requires that ESHA be protected against significant

[1] The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf

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

disruption of habitat values. As the construction of a residence on the site will require both the complete removal of ESHA from the home site and fuel modification for fire protection purposes around it, the proposed project would also significantly disrupt the habitat value in those locations. Application of Section 30240, by itself, would therefore require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources.

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

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

As described above, the subject parcel was designated in the Los Angeles County Land Use Plan for residential use. Residential development has previously been approved by the Commission on sites in the immediate area. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on these facts, along with the presence of existing and approved residential development in the area, the applicant had reason to believe that it had purchased a parcel on which it would be possible to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. There is currently no offer to purchase the property from any public park agency. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the project site would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the project site would create a nuisance under California law. Other houses have been constructed in similar situations in similar habitat areas in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance.

In conclusion, the Commission finds that, notwithstanding Section 30240, a residential project on the subject property must be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

4. Siting and Design Alternatives to Minimize Significant Disruption of Habitat Values

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

Obviously, the construction of residential development, including vegetation removal for both the development area as well as required fuel modification, grading, construction of a residence and accessory structures, and the use of the development by residents will result in unavoidable loss of ESHA. The development can be sited and designed to minimize ESHA impacts by measures that include but are not limited to: limiting the size of structures, limiting the number of accessory structures and uses, clustering structures, siting development in any existing disturbed habitat areas rather than undisturbed habitat areas, locating development as close to existing roads and public services as feasible, and locating structures near other residences in order to minimize additional fuel modification.

In this case, siting and design alternatives have been considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible. In past permit actions, the Commission has allowed up to 10,000 sq. ft. of development area for a residence on a parcel zoned for residential development in this area of the Santa Monica Mountains to avoid a taking of property. In small lot subdivisions, where parcels contain ESHA, the Commission has allowed development up to the maximum allowable GSA in order to permit the applicant a reasonable economic use of their property. In this case, the proposed residence is consistent with the maximum allowable GSA for the property, as discussed above in detail. Additionally, the residence is located as close to the existing access road as feasible, with only a very short driveway with turnaround area. The applicant does not propose other accessory structures. Although a smaller development area would reduce the ESHA loss slightly, the

reduction would not be significant. Further, other resources on the site or in the area, including streams, riparian areas, and visual resources would not be better protected by a smaller development area. As such, the Commission concludes that the proposed siting and design of the project will minimize impacts to ESHA to the extent feasible. The Commission also finds that the approved development area provides a reasonable economic use.

5. Habitat Impact Mitigation

While impacts resulting from development within ESHA can be reduced through siting and design alternatives for new development and by ensuring that the remaining ESHA on the site is permanently protected, they cannot be completely avoided, given the location of ESHA on and around the project site, the high fire risk in the Santa Monica Mountains, and the need to modify fuel sources to protect life and property from wildfire.

Fuel modification is the removal or modification of combustible native or ornamental vegetation. It may include replacement with drought tolerant, fire resistant plants. The amount and location of required fuel modification will vary according to the fire history of the area, the amount and type of plant species on the site, topography, weather patterns, construction design, and siting of structures. There are typically three fuel modification zones applied by the Los Angeles County Fire Department, which include a setback zone immediately adjacent to the structure (Zone A) where all native vegetation must be removed, an irrigated zone adjacent to Zone A (Zone B) where most native vegetation must be removed or widely spaced, and a thinning zone (Zone C) where native vegetation may be retained if thinned or widely spaced although particular high-fuel plant species must be removed. The combined required fuel modification area around structures can extend up to a maximum of 200 feet. If there is not adequate area on the project site to provide the required fuel modification for structures, then brush clearance may also be required on adjacent parcels. In this way, for a large area around any permitted structures, native vegetation will be cleared, selectively removed to provide wider spacing, and thinned. The Commission has found in past permit actions, that a new residential development (with a 10,000 sq. ft. development area) within ESHA with a full 200 foot fuel modification radius will result in impact (either complete removal, irrigation, or thinning) to ESHA habitat of four to five acres.

Obviously, native vegetation that is cleared and replaced with ornamental species or substantially removed and widely spaced will be lost as habitat and watershed cover. As discussed in the Dr. Dixon Memorandum[3], the cumulative loss of habitat cover also reduces the value of the sensitive resource areas as a refuge for birds and animals, for example by making them—or their nests and burrows—more readily apparent to predators. Further, fuel modification can result in changes to the composition of native plant and wildlife communities, thereby reducing their habitat value. Although the impacts from habitat removal cannot be avoided, the Commission finds that the loss of ESHA resulting from the removal, conversion, or modification of natural habitat for new development including the building site area, and fuel modification can be mitigated in order to ensure that ESHA impacts are minimized to the extent feasible.

[3] The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D, is available on the California Coastal Commission website at http://www.coastal.ca.gov/ventura/smm-esha-memo.pdf

The Commission has identified three appropriate methods for providing mitigation for the unavoidable loss of ESHA resulting from development; namely, habitat restoration, habitat conservation, and payment for mitigation. The Commission finds that any of these measures is appropriate in this case to mitigate the loss of ESHA on the project site. The first method is to provide mitigation through the restoration of an area of degraded habitat (either on the project site, or at an off-site location) that is equivalent in size to the area of habitat impacted by the development. A restoration plan must be prepared by a biologist or qualified resource specialist and must provide performance standards, and provisions for maintenance and monitoring. The restored habitat must be permanently preserved through the recordation of an open space easement.

The second habitat impact mitigation method is habitat conservation. This includes the conservation of an area of intact habitat of a similar type as that impacted equivalent to the area of the impacted habitat. The parcel containing the habitat conservation area must be restricted from future development and permanently preserved. If the mitigation parcel is larger in size than the impacted habitat area, the excess acreage could be used to provide habitat impact mitigation for other development projects that impact ESHA.

The third habitat impact mitigation option is the payment for mitigation of impacts to habitat. The payment is based on the habitat types in question, the cost per acre to restore or create comparable habitat types, and the acreage of habitat affected by the project. The Commission has, in past permit decisions, determined the appropriate payment for the restoration or creation of chaparral and coastal sage scrub habitat, based on research carried out by the Commission's biologist. A range of cost estimates was obtained that reflected differences in restoration site characteristics including topography (steeper is harder), proximity to the coast (minimal or no irrigation required at coastal sites), types of plants (some plants are rare or difficult to cultivate), density of planting, severity of weed problem, condition of soil, etc.

The Commission has determined that the appropriate mitigation for loss of coastal sage scrub or chaparral ESHA should be based on the actual installation of replacement plantings on a disturbed site, including the cost of acquiring the plants (seed mix and container stock) and installing them on the site (hydroseeding and planting). The payment amount found by the Commission to be appropriate to provide mitigation for the habitat impacts to ESHA areas where all native vegetation will be removed (building site, the "A" zone required for fuel modification, and off-site brush clearance areas), and where vegetation will be significantly removed and any remaining vegetation will be subjected to supplemental irrigation (the "B" zone or any other irrigated zone required for fuel modification) is $12,000 per acre. Further, the Commission has required a payment of $3,000 per acre for areas where the vegetation will be thinned, but not irrigated ("C" zone or other non-irrigated fuel modification zone).

The acreage of ESHA that is impacted must be determined based on the size of the development area, required fuel modification (as identified on the fuel modification plan approved by the Los Angeles County Fire Department) on the site, and required brush clearance off-site. The Commission finds that it is necessary to condition the applicant to delineate the total acreage of ESHA on the site (and offsite brush clearance areas, if applicable) that will be impacted by the proposed development, and provide mitigation to compensate for this loss of habitat, through one

of the three methods described above. Only as conditioned will the proposed project minimize impacts to ESHA, pursuant to Section 30240 of the Coastal Act.

6. Protection of Oaks

As noted above, the project site contains several Coast Live Oak (*Quercus* agrifolia) trees that are interspersed within habitat on the site. There is an oak woodland area on the project site, to the south of the proposed residence. There is also a single oak tree located to the east and downslope of the proposed residence. The applicant has submitted an oak tree report and update that address the oak trees immediately off-site adjacent to Kerry Lane. These four oak trees are all located adjacent to Kerry Lane (an unimproved road) which has had on-going disturbance. While there are oak trees present, understory plant species are lacking and therefore these four oaks are not considered to be an environmentally sensitive habitat area (ESHA). However, all coast live oak trees found on-site within the habitat has been determined to meet the definition of ESHA above. Through past permit actions in the Santa Monica Mountains, the Commission has found that native oak trees are an important coastal resource, especially where they are part of a larger woodland or other habitat area that is ESHA. As required by Section 30250 of the Coastal Act, the proposed new development can be approved only where it will not have impacts on coastal resources. Additionally, oak trees are an important component of the visual character of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by Section 30251 of the Coastal Act. Furthermore, native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading, provide food and habitat, including nesting, roosting, and burrowing to a wide variety of wildlife. Individual oak trees such as those on or adjacent to the subject site do provide habitat for a wide variety of wildlife species and are considered to be an important part of the character and scenic quality of the area.

Oak trees are easily damaged. They are shallow-rooted and require air and water exchange near the surface. The oak tree root system is extensive, extending as much as 50 feet beyond the spread of the canopy, although the area within the “protected zone” (the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater) is the most important. Oaks are therefore sensitive to surrounding land uses, grading or excavation at or near the roots and irrigation of the root area particularly during the summer dormancy. Improper watering, especially during the hot summer months when the tree is dormant and disturbance to root areas are the most common causes of tree loss. Oak trees in residentially landscaped areas often suffer decline and early death due to conditions that are preventable. Damage can often take years to become evident and by the time the tree shows obvious signs of disease it is usually too late to restore the health of the tree.

Obviously, the removal of an oak tree results in the total loss of the habitat values of the tree. Encroachments into the protected zone of an oak tree can also result in significant adverse impacts. Changes in the level of soil around a tree can affect its health. Excavation can cut or severely damage roots and the addition of material affects the ability of the roots to obtain air or water. Soil compaction and/or pavement of areas within the protected zone will block the exchange of air and water through the soil to the roots and can have serious long term negative effects on the tree.

In order to ensure that oak trees are protected so that development does not have impacts on coastal resources and so that the development is compatible with the visual character of the area, the Commission has required, in past permit actions, that the removal of native trees, particularly oak trees, or encroachment of structures into the root zone be avoided unless there is no feasible alternative for the siting of development.

a. Project Impacts

Most of the oak trees on the proposed project site are not located in proximity to the proposed residence. There is one oak just east and downslope of the residence location. The house has been designed to avoid encroaching into the protected zone of this oak tree. The Oak Tree Report, listed in the Substantive File Documents, indicates that the proposed project includes encroachment into the protected zones (5 feet from the outer limits of the tree dripline or 15 feet from the trunk, whichever is greater) of four oak trees. All four trees (Trees Nos. 1, 2, 3, and 4) are located off-site along Kerry Lane. While these trees are already encroached by the existing alignment of Kerry Lane, the proposed project would result in impacts from the improvements the applicant must make in order to provide all-weather access to the proposed residence (as required by the Los Angeles County Fire Department). The improvements include grading, construction of a retaining wall, and paving the roadway to a 20-foot width. Given the alignment of the roadway, steepness of the slope, and the location of oak trees along Kerry Lane, the encroachment into the protected zones of four oak trees cannot be feasibly avoided. Trees Nos. 1 and 4 are located to the west and upslope of the road. While the road improvements will encroach into the protected zones of these two trees, the encroachments are minor. Also, the trees' position upslope of the road on a relatively steep slope indicates that there is limited potential for impacts from compaction, paving, or runoff. The other two oak trees (Trees Nos. 2 and 3) are located immediately adjacent to the edge of Kerry Lane on the downslope (east) side of the road. In the case of these two trees, there will be a more significant encroachment into the protected zones and pavement will extend close to the trunk of each tree, although the majority of the canopy of each tree extends away from the roadway, over the descending slope. To reduce the impact over the root zone of the most impacted oak trees (Tree No. 2 and 3); the applicant proposes to utilize a permeable concrete road surface surrounding these two oak trees to allow more percolation of water into the root system. The applicant's engineer has certified that the proposed permeable concrete road surface will meet the requirements for all-weather access. However final local "preliminary approval" is still required by Los Angeles County Fire Protection Department prior to the issuance of this permit (Exhibit 11).

b. Oak Tree Encroachment

The project includes permanent encroachments within (in other words, portions of the proposed structures will be located within) the protected zone of oak tree(s) on or adjacent to the site. The "protected zone" is defined as the area around an oak tree that is five feet outside the dripline or fifteen feet from the trunk, whichever is greater. Encroachments of development will result in impacts including, but not limited to: root cutting or damage, compaction, trunk or branch removal or trimming, changes in drainage patterns, and excess watering. Further, the introduction of development within a woodland will interrupt the oak canopy coverage and will lessen the habitat value of the woodland as a whole. The impacts to individual oak trees range from minor to severe lessening of health, (including death) depending on the location and extent of the encroachments.

Given the location of the four individual oak trees adjacent to Kerry Lane, there are no siting alternatives that can be employed as part of the road improvements to avoid or reduce encroachment impacts to the trees. As discussed above, the applicant has included the use of a permeable concrete road surface in the area adjacent to Trees Nos. 2 and 3 to allow more percolation of water into the root system. As such, the proposed encroachment(s) have been minimized to the maximum extent feasible. While the encroachment(s) will adversely impact the health of the oak tree(s), it is unlikely that it will significantly injure the trees' health or result in their death. However, such health and vigor effects may take several years to reveal themselves. In order to minimize such impacts and to provide mitigation for the loss or diminished health of any of the impacted trees, the Commission requires the applicant to provide monitoring of oak trees on the site where development will encroach within their protected zones, for a period of no less than 10 years. If the monitoring reveals that any of these four trees die or suffer reduced health or vigor, replacement trees must be provided as mitigation.

c. Oak Tree Protection Measures and Monitoring

Finally, the Commission finds that impacts to oak trees on the project site and along Kerry Lane will be minimized by employing protective measures during project construction. The applicant shall follow the oak tree preservation recommendations contained in the Oak Tree Report referenced in the substantive file documents. Additionally, the Commission requires the applicant to install temporary protective barrier fencing around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then temporary flagging must be installed on all oak trees to ensure protection during construction. Further, the Commission requires that a biological consultant, arborist, or other resource specialist shall be present on-site during all construction operations that occur on site or along Kerry Lane in proximity to oak trees and shall be directed to immediately notify the Executive Director if unpermitted activities occur or if any oak trees are damaged, removed, or impacted beyond the scope of the work allowed by this coastal development permit. This monitor will have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

7. Additional Mitigation Measures to Address Additional ESHA 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. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. 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. This sort of impact was not addressed in the prior section. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that are not directly and immediately affected by the

proposed development, the Commission requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

In addition, the Commission has found that night lighting of ESHA areas in the Malibu/Santa Monica Mountains may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, the Lighting Restriction condition limits night lighting of the site in general; limits lighting to the developed area of the site; and requires that lighting be shielded downward. Limiting security lighting to low intensity security lighting will assist in minimizing the disruption of wildlife that is commonly found in this rural and relatively undisturbed area and that traverses the area at night.

Furthermore, fencing of the property would adversely impact the movement of wildlife through the ESHA and wildlife migration corridor on this parcel. Therefore, the Commission finds it is necessary to limit fencing, if any, to the perimeter of the approved development area, turnaround, and driveway. This is required to be shown on the landscaping plan.

Additionally, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to require that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. This limitation avoids loss of natural vegetation coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission also finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and 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, the future development restriction is required.

Further, the Commission 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 thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property. Finally, in order to ensure that the terms and conditions of this permit are adequately implemented, the Commission conditions the applicant to allow staff to enter onto the property (subject to 24 hour notice to the property owner) to undertake site inspections for the purpose of monitoring compliance with the permit.

The following special conditions are required, as determined in the findings above, to assure the project’s consistency with Section 30240 of the Coastal Act:

Special Condition 5.	Landscaping and Fuel Modification Plans
Special Condition 7.	Lighting Restriction
Special Condition 8.	Future Development Restriction
Special Condition 9.	Deed Restriction
Special Condition 10.	Habitat Impact Mitigation
Special Condition 11.	Site Inspection
Special Condition 12.	Removal of Natural Vegetation
Special Condition 14.	Oak Tree Monitoring
Special Condition 15.	Fire Protection Department Approval

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

F. 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 Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project site consists of twenty one lots that are combined into one parcel, approximately 6.03 acres in total, located within the Fernwood Small Lot Subdivision in the Santa Monica Mountains. Site elevations range from approximately 1300 to 1235 feet above sea level. The site is accessed from Kerry Lane, an existing road that extends south from Observation Road. The project site is located in a substantially build out small lot subdivision and is visible from Kerry Lane, a public road. Additionally, the development will be visible from public park land to the east; however, the proposed site is surrounded by existing residential development to the north and west. Development of the proposed residence raises two issues regarding the sitting and design: (1) whether or not public views from public roadways will be adversely affected; or, (2) whether or not public views from public lands and trails will be affected.

The applicant proposes to construct a 1,444 sq. ft., 30 foot high one-story single family residence with attached carport, and perform 628.5 cu. yds. of grading. The residence is located as close to the existing access road as feasible, with only a very short driveway with turnaround area. The applicant does not propose other accessory structures. The proposed development will have a maximum height of 30 feet above finished grade. The residence is designed to be stepped into the hillside. The development has been clustered together and designed to reduce landform alteration and removal of native vegetation that is considered environmentally sensitive habitat.

The proposed structure is sited and designed to minimize impacts to visual resources to the extent feasible.

The proposed structure is compatible with the character of other residential development in the area. The proposed structure height is consistent with the maximum height (35 feet above existing grade) that the Commission has permitted in past decisions in the Santa Monica Mountains and with the maximum height (35 feet) allowed under the guidance policies of the Malibu/Santa Monica Mountains LUP. In addition, the development would be partially screened by vegetation.

Even with vegetative screening, the proposed development will be unavoidably visible from public viewing areas. The Commission has considered siting and design alternatives that would avoid or reduce any impacts to visual resources. There is no feasible alternative whereby the structure would not be visible from public viewing areas. To minimize the visual impacts associated with development of the project site, the Commission requires: that the structure be finished in a color consistent with the surrounding natural landscape; that windows on the development be made of non-reflective glass; use of appropriate, adequate, and timely planting of native landscaping to soften the visual impact of the development from public view areas; and a limit on night lighting of the site to protect the nighttime rural character of this portion of the Santa Monica Mountains.

In recognition that future development normally associated with a single-family residence, that might otherwise be exempt, has the potential to impact scenic and visual resources of the area, the Commission requires that any future improvements on the subject property shall be reviewed by the Commission for consistency with the resource protection policies of the Coastal Act through a coastal development permit.

Additionally, the Commission 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.

The following special conditions are required to assure the project's consistency with Section 30251 of the Coastal Act:

Special Condition 5. Landscaping and Fuel Modification Plans
Special Condition 6. Structural Appearance
Special Condition 7. Lighting Restriction
Special Condition 8. Future Development Restriction
Special Condition 9. Deed Restriction

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

G. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. The unpermitted development includes the removal of vegetation in the northwestern portion of the property between Kerry Lane and Lockview Lane. Review of historic aerial photos shows that this vegetation removal occurred after the effective date of the Coastal Act (January 1, 1977). No evidence could be found that this vegetation removal received a coastal permit from this Commission. The applicant's Biological Assessment, listed in the Substantive File Documents states that the disturbed areas on the site have resulted from fuel modification carried out along Kerry Lane, but the areas of vegetation removal extend beyond the area required for such fuel modification.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. The following special condition is required to assure the project's consistency with all applicable Chapter 3 policies of the Coastal Act:

Special Condition 16. Condition Compliance

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will pursue further actions to address this matter.

H. LOCAL COASTAL PROGRAM PREPARATION

Section **30604(a)** 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 coastal 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 to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects 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 development will avoid

or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1 through 16

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, project alternatives and mitigation measures have been considered and incorporated into the project. Five types of mitigation actions include those that are intended to avoid, minimize, rectify, reduce, or compensate for significant impacts of development. Mitigation measures required as part of this coastal development permit include the avoidance of impacts to ESHA through clustering structures. Mitigation measures required to minimize impacts include requiring drainage best management practices (water quality), interim erosion control (water quality and ESHA), limiting lighting (ESHA), restricting structure color (visual resources), and requiring future improvements to be considered through a CDP. Finally, the habitat impact mitigation condition is a measure required to compensate for impacts to ESHA.

The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 16

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Preliminary Geotechnical & Engineering Geologic Investigation" by Strata-Tech, Inc., dated May 13, 2008 (updated June 8, 2009); "Biological Assessment" by Steven Nelson, Consulting Biologist, dated May 2009; "Oak Tree Report" by Lisa Smith, Certified Arborist dated January 30, 2012; "Addendum to Oak Tree Report" by Lisa Smith, dated April 10, 2012; Coastal Development Permit No. 4-09-022 (Jantzen), Coastal Development Permit No. P 80-7430 and Coastal Development Permit No. P 79-5909.

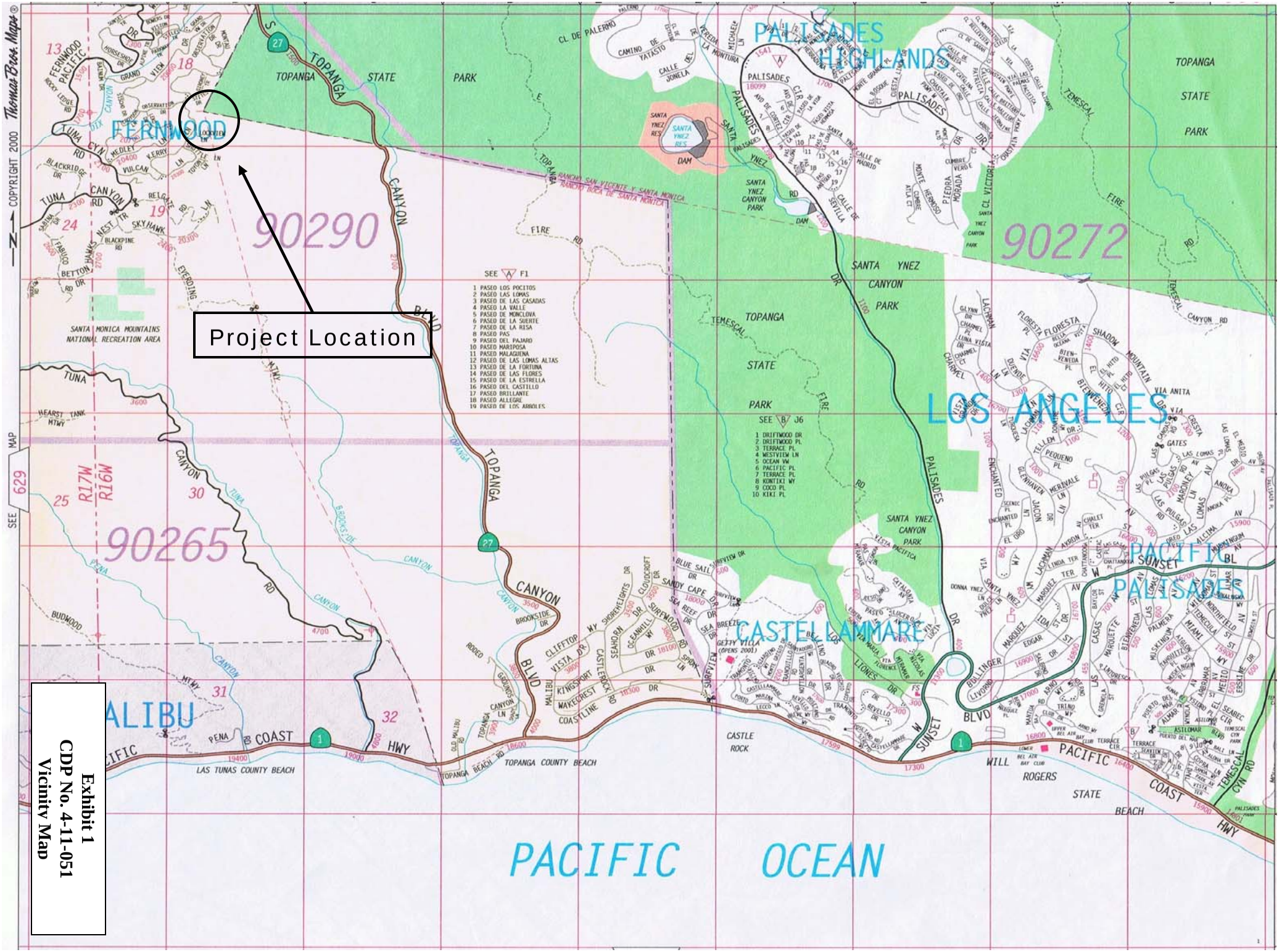


Exhibit 1
CDP No. 4-11-051
Vicinity Map

R – Retired TDC Lot
O – Open Space Easement

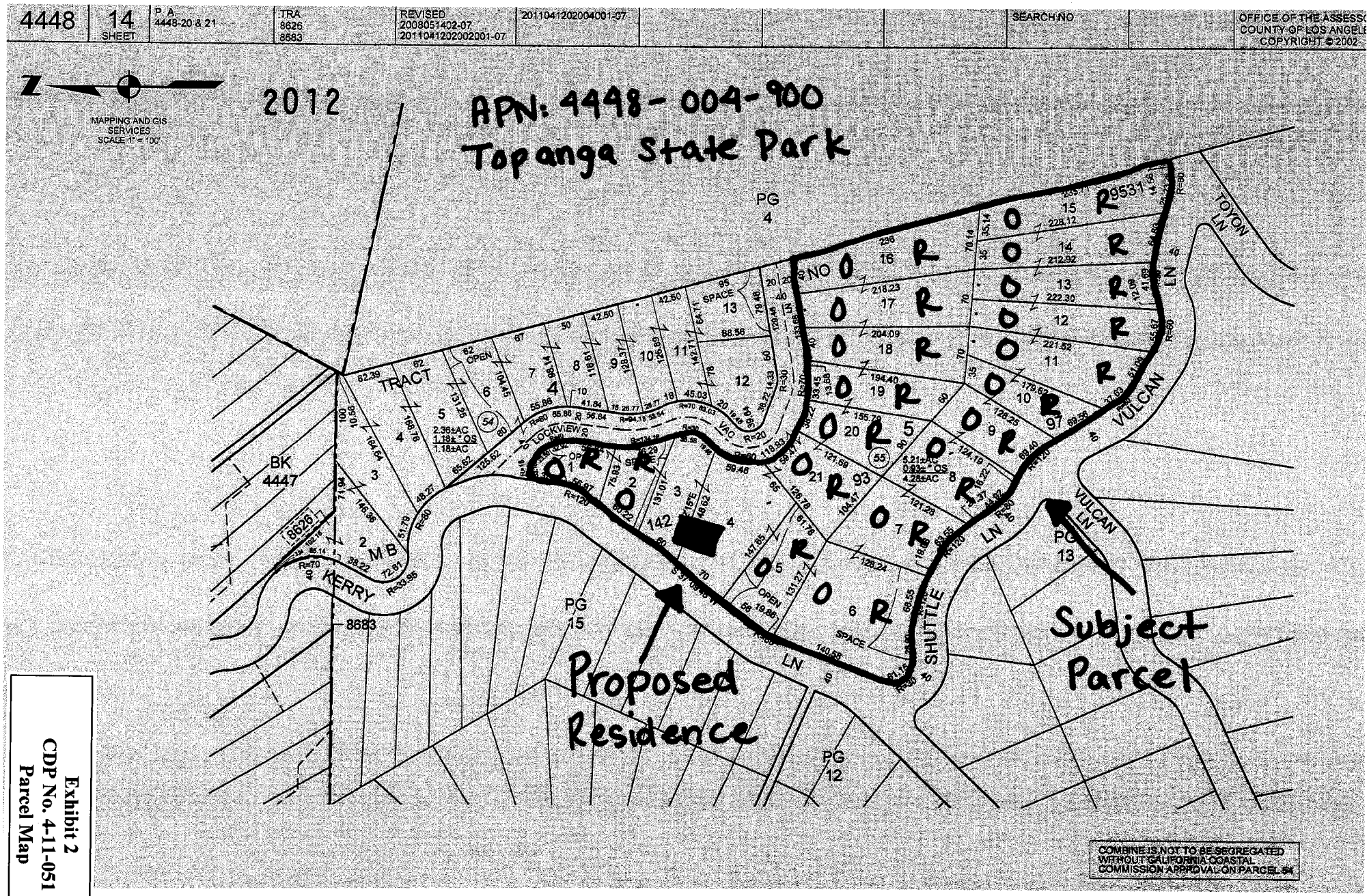
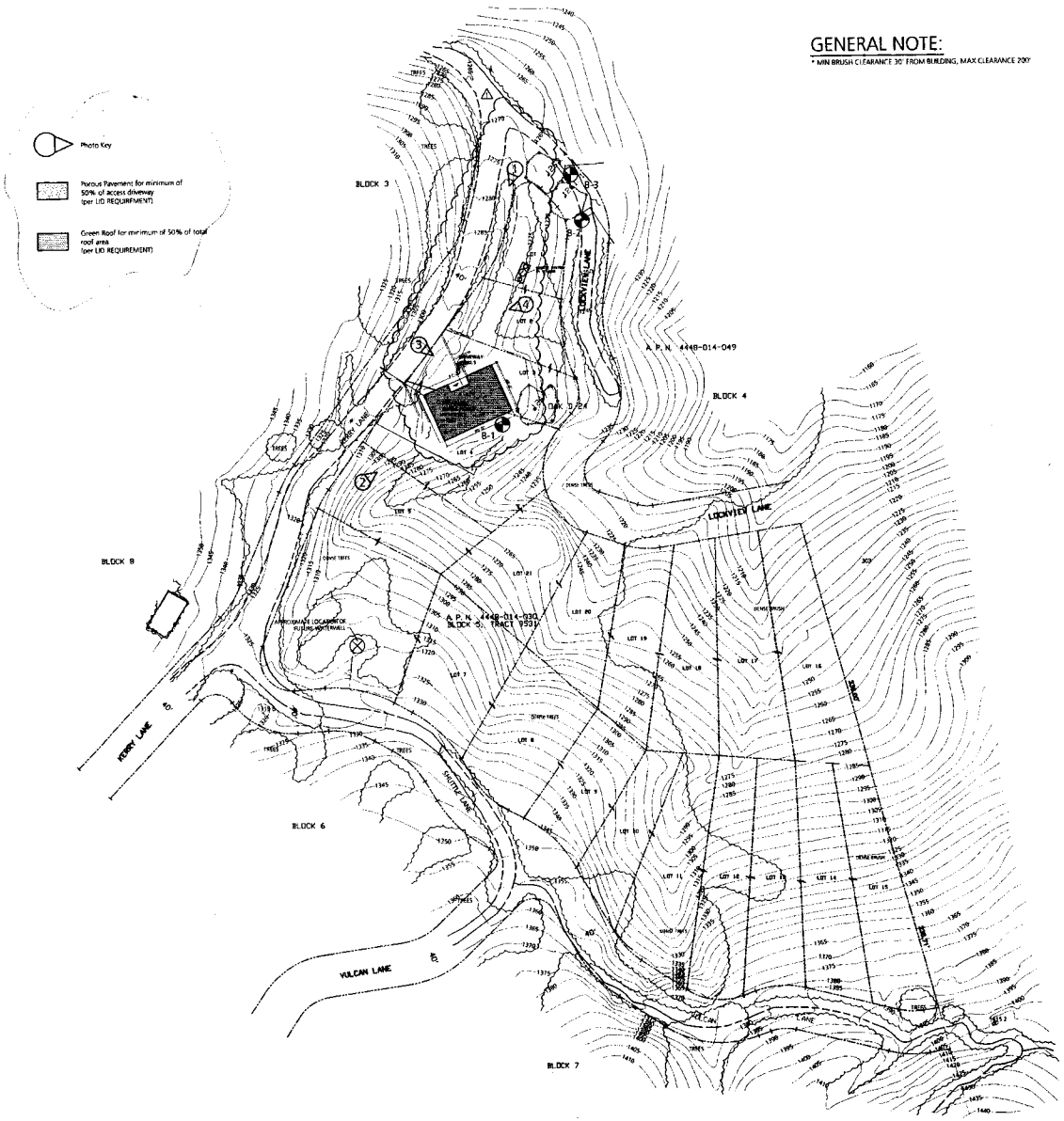


Exhibit 2
CDP No. 4-11-051
Parcel Map

Exhibit 3
CDP No. 4-11-051
Aerial Photo



E PLAN
1" = 50'-0"

Exhibit 4
CDP No. 4-11-051
Site Plan

KERRY LANE RESIDENCE
TOPANGA, CALIFORNIA

CLIENT

ARCHITECT

CONSULTANTS

NOTES

DRAWN BY	EG
CHECKED BY	CJ

DATE	INDEX	ISSUE
6/24/09	1	SITE REVIEW RESUBMISSION

SHEET TITLE
SITE PLAN

A-1.02

SITE REVIEW PERMIT SET
6/25/09

SITE REVIEW RESUBMISSION SET 6/24/09

GENERAL NOTES:

- REQUIRED WINDOW AREA FOR LIGHT SHALL NOT BE LESS THAN 8% OF FLOOR AREA OF A HABITABLE ROOM, NOR LESS THAN 10 SQ. FT. OF FLOOR AREA SHALL BE OPENABLE FOR VENTILATION (CBC 1202.1, 1202.2, 1203.3)
- RECEPTACLES MUST BE INSTALLED AT 12' O.C. MAX IN WALLS. WALLS LONGER THAN 2' AND WALLS LONGER THAN 10' MUST HAVE A RECEPTACLE
- ALL BEDROOM, BATHROOM, & KITCHEN OUTLETS SHALL HAVE GROUNDED ARC FAULT CIRCUIT INTERRUPTER PROTECTION. KITCHEN AND DINING AREAS MUST HAVE A MINIMUM OF (2) 20A CIRCUITS. KITCHEN COUNTER OUTLETS MUST BE INSTALLED IN EVERY COUNTER SPACE 12" OR WIDER, NOT GREATER THAN 4' O.C. AND WITHIN 24" OF THE END OF ANY COUNTER SPACE.
- SHOWERS & TUBS REQUIRE A NON-ABSORBANT SURFACE UP TO 70" ABOVE T.D. DRAIN OUTLET. PROVIDE CURTAIN ROD OR APPROVED ENCLOSURE MATERIAL (CBC 807.1.3)
- PROVIDE ANTI-SIPHON VALVES ON ALL HOSE BIBS (CPC 603.4.7)
- DUCTS SHALL BE SIZED PER CHAPTER 6 OF THE MECHANICAL CODE.
- T-1 CONSTRUCTION SHALL NOT RESTRICT A 5' CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES (POWER POLES, PULL-BOXES, TRANSFORMERS, VAULTS, PUMPS, VALVES, METERS, APPURTENANCES, ETC.) OR TO THE LOCATION OF THE HOOK-UP. THE CONSTRUCTION SHALL NOT BE WITHIN 10' OF ANY POWER LINES WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY.
- PROVIDE ULTRA FLUSH WATER CLOSETS WHICH USE NO MORE THAN 1.6 GALLONS PER FLUSH
- ALL SHOWERS AND TUB-SHOWERS SHALL HAVE EITHER A PRESSURE BALANCE OR A THERMOSTATIC MIXING VALVE.
- PROVIDE 70" HIGH NON-ABSORBENT WALL ADJACENT TO SHOWER AND APPROVED SMOOTH, NON-ABSORBENT MATERIALS FOR SHOWER ENCLOSURE.
- MATERIALS OTHER THAN STRUCTURAL ELEMENTS SHALL BE MOISTURE RESISTANT. GLASS ENCLOSURE DOORS AND PANELS MUST BE LABELED CATEGORY II, SWING DOOR OUTWARD. (LACBC 807.1.3, 2406.4, 2407)
- GLAZING IN HAZARDOUS LOCATIONS SHALL BE TEMPERED DOORS AND ENCLOSURE FOR HOT TUB, BATH TUB, SHOWERS (ALSO GLAZING IN WALL ENCLOSING THESE COMPARTMENTS WITHIN 5' OF STANDING SURFACE.)
- SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY POWER SOURCE FROM THE BUILDING WIRING AND SHALL BE EQUIPPED WITH BATTERY BACK-UP AND LOW BATTERY SIGNAL. SMOKE DETECTORS SHALL BE LOCATED IN EACH SLEEPING ROOM AND HALLWAY OR AREA GIVING ACCESS TO A SLEEPING ROOM, AND ON EACH STORY AND BASEMENT FOR DWELLINGS WITH MORE THAN ONE STORY. SEE PAGE A-0.01
- PROVIDE 32" WIDE DOORS (MIN) TO ALL INTERIOR ACCESSIBLE ROOMS
- PROVIDE SPRINKLERS THROUGH-OUT, THE SPRINKLER SYSTEM SHALL BE APPROVED BY PLUMBING DIV. PRIOR TO INSTALLATION
- SMOKE DETECTORS: PROVIDE 120V WITH BATTERY-BACK-UP SMOKE DETECTORS
- ALL CHIMNEYS / FIREPLACES SHALL HAVE AN APPROVED SPARK ARRESTER (BUILDING CODE 2802.1)
- ALL WINDOWS WITHIN 24" OF DOOR SHALL BE TEMPERED (LACBC 2406.4)
- ALL EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, & GLAZED OPENINGS WITH EXTERIOR DOORS SHALL BE MULTI-PANE GLAZING UNITS WITH A MIN. OF ONE TEMPERED PANE (FIRE CODE 4715.2.2)
- EXTERIOR DOOR ASSEMBLIES SHALL MAINTAIN A MIN. 20 MINUTE FIRE RESISTANCE RATING WHEN TESTED ACCORDING TO ASTME 2074 (FIRE CODE 47.5.2.3)
- IN EVERY BEDROOM PROVIDE ONE OPENABLE ESCAPE WINDOW (LACBC 310.4)
- DECKING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, & BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10' OF THE PRIMARY STRUCTURE SHALL BE APPROVED NONCOMBUSTIBLES CONSTRUCTION (FIRE CODE 4716.1.1)

WALL LEGEND:

EXTERIOR STEEL SHEAR WALL W/ 2 1/2" METAL STUD FURRING @ 24" O.C. & R-13 BATT INSULATION W/ 5/8" TYPE "X" GYP. BOARD W/ SPACKLE & PAINT

INTERIOR CORRUGATED STEEL SHEAR WALL W/ PAINT

WALL / RETAINING WALL W/ FACE SEALER, AS PER STRUCTURAL

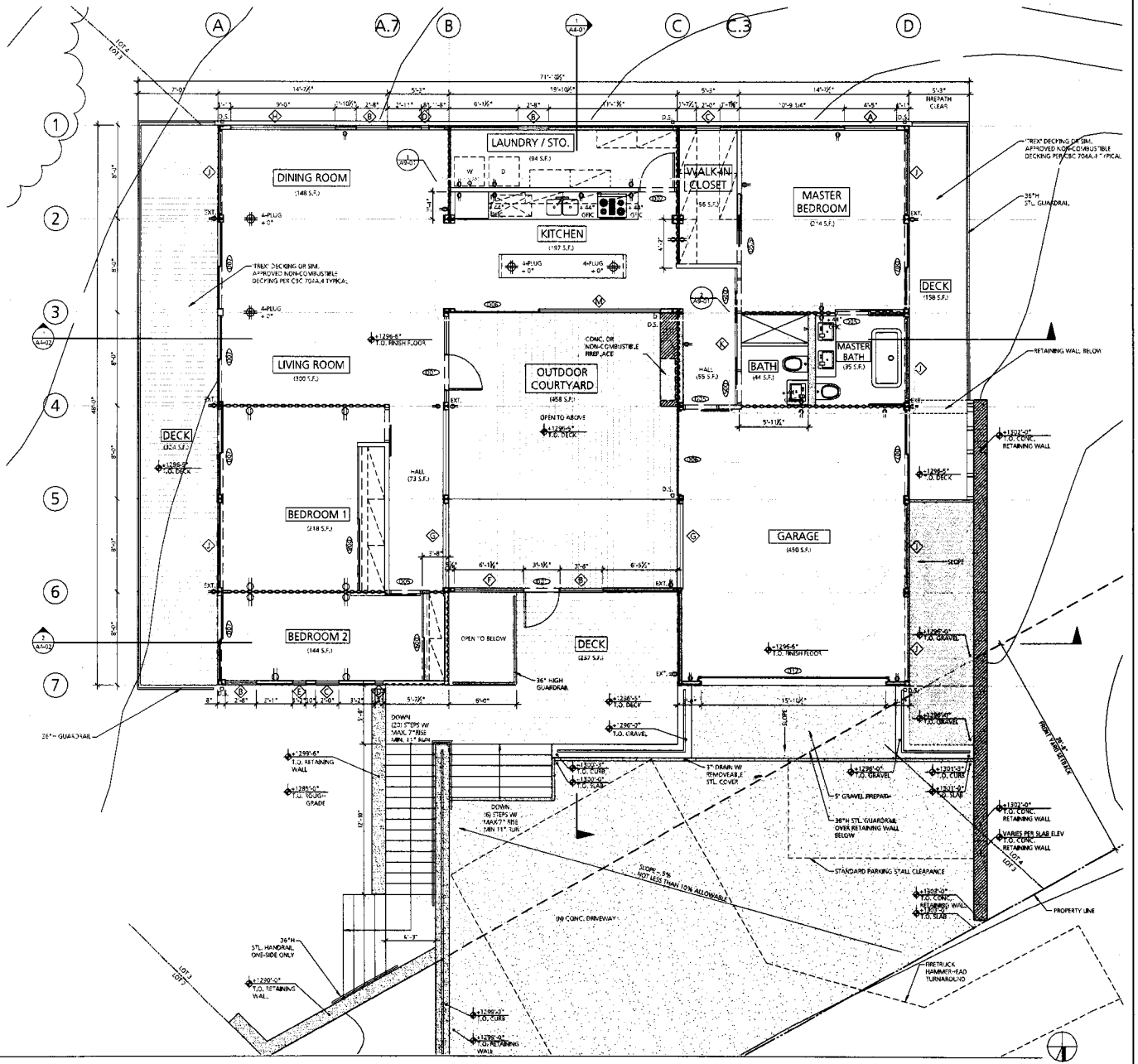
LOAD BEARING WALL W/ 3 1/2" METAL 4" O.C. W/ 5/8" TYPE "X" GYP. BD., PAINT

NON-LOAD BEARING DBL PLUMBING WALL 2" METAL STUDS @ 24" O.C. W/ 5/8" TYPE D., SPACKLE & PAINT

IN FLOOR PLAN

1/4" = 1'-0"

Exhibit 5
CDP No. 4-11-051
Main Floor Plan



KERRY LANE RESIDENCE
1840 KERRY LANE
TOPANGA, CA 90290

CLIENT

ARCHITECT

CONSULTANTS

NOTES

PERMIT SET

LICENSED ARCHITECT
CHRISTOF JANTZEN
No. C-29896
EXP. 08-31-16
STATE OF CALIFORNIA

DRAWN BY	MS
CHECKED BY	CJ

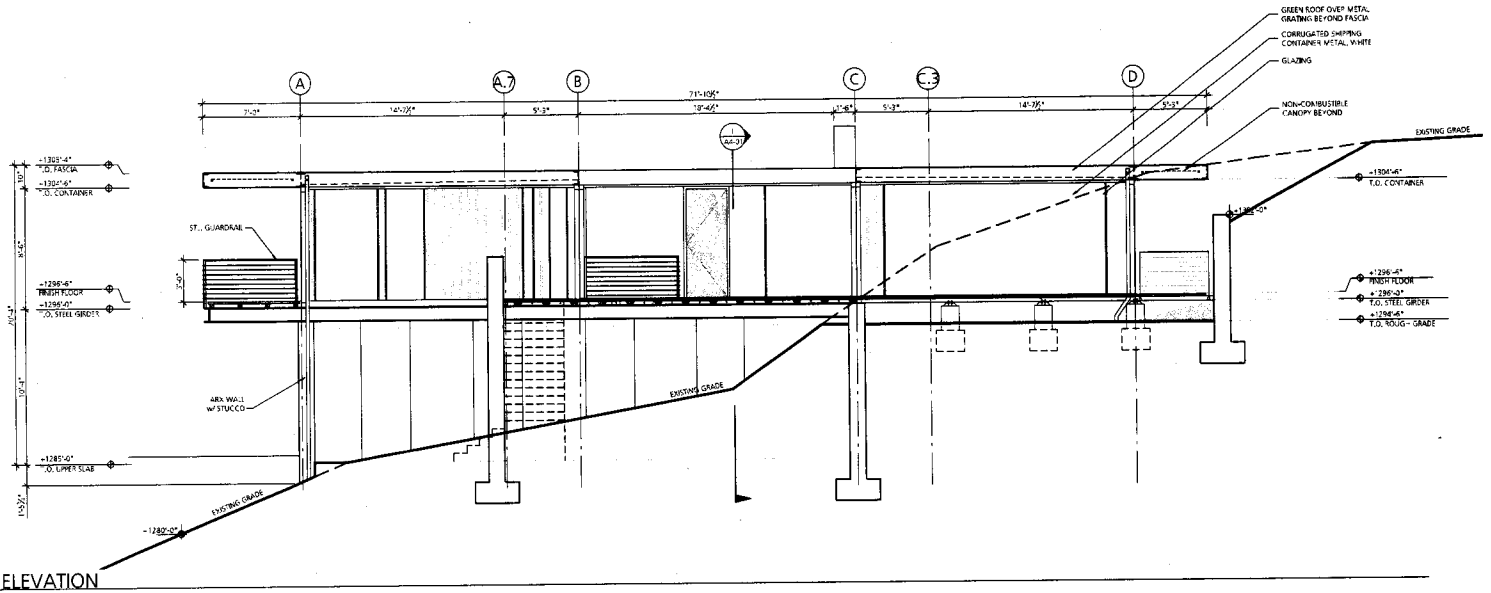
DATE	INDEX	ISSUE

SHEET TITLE
MAIN FLOOR PLAN

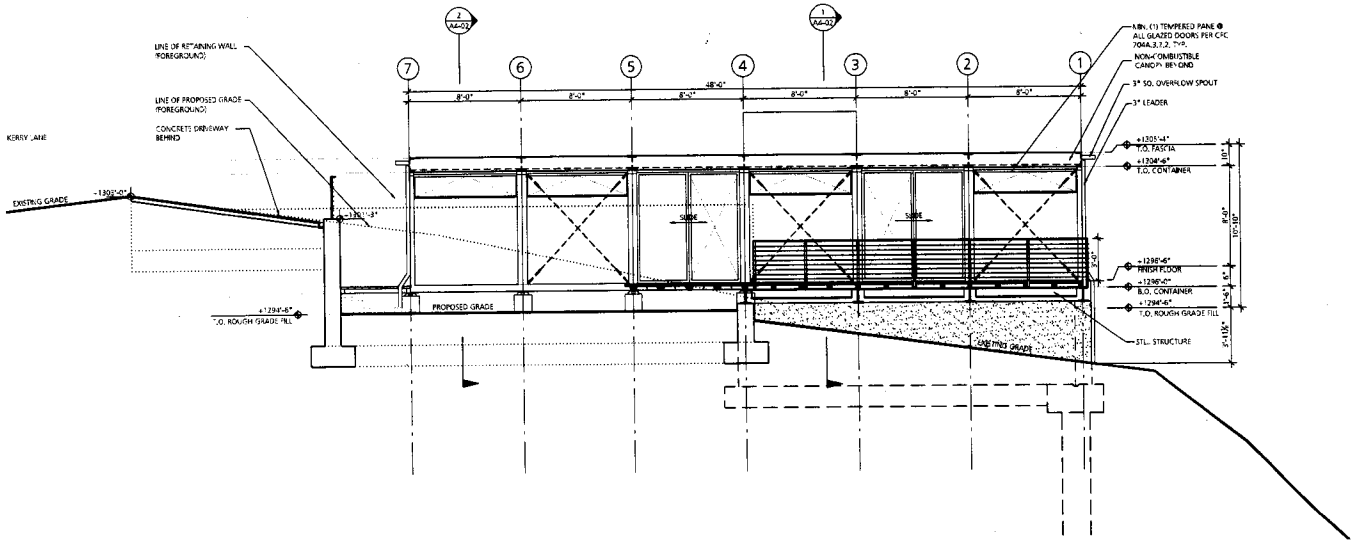
A2-01

PERMIT SET
SHEET:

PERMIT SET–FUEL MODIFICATION PLAN FOR FINAL APPROVAL



NORTH ELEVATION



'EST ELEVATION

Exhibit 6
CDP No. 4-11-051
Elevations

KERRY LANE RESIDENCE
1840 KERRY LANE
TOPANGA, CA 90290

CLIENT

ARCHITECT

CONSULTANTS

NOTES

PERMIT SET

LICENSED ARCHITECT
CHRISTOF JANTZEN
No. C-29898
STATE OF CALIFORNIA

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CHECKED BY	CJ

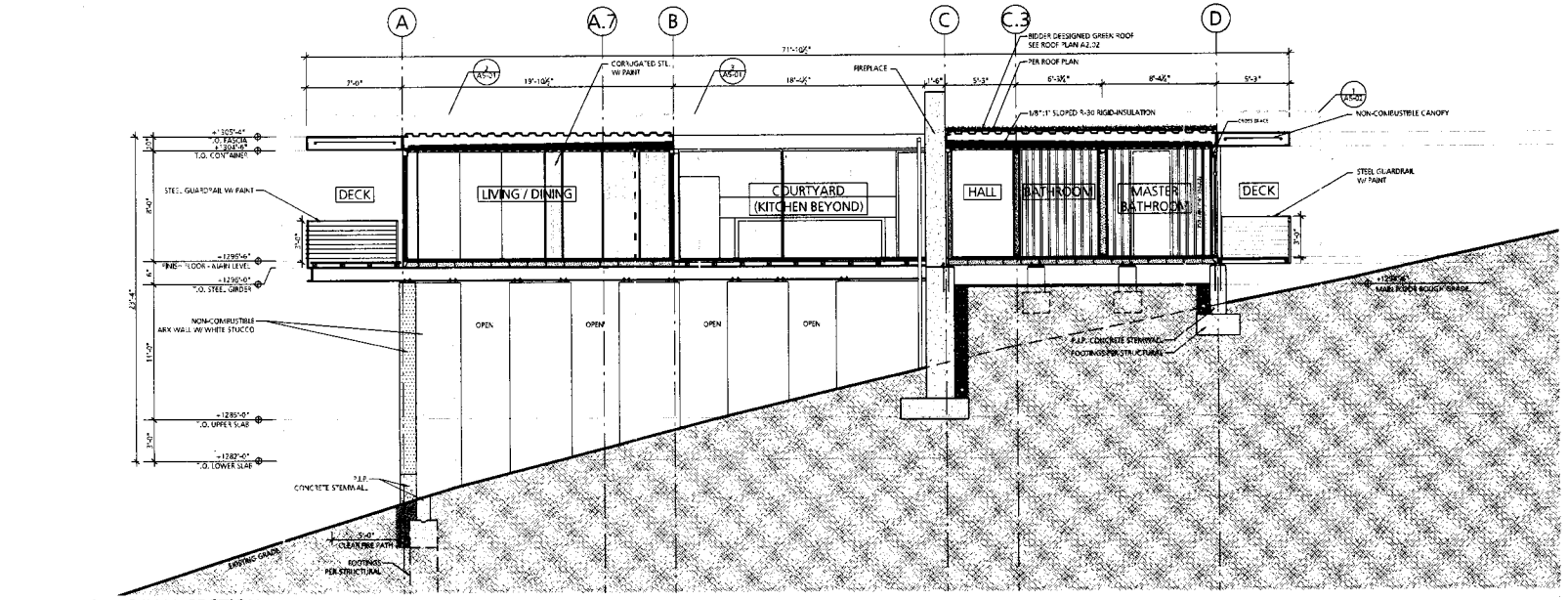
DATE	INDEX	ISSUE

SHEET TITLE
EXTERIOR ELEVATIONS

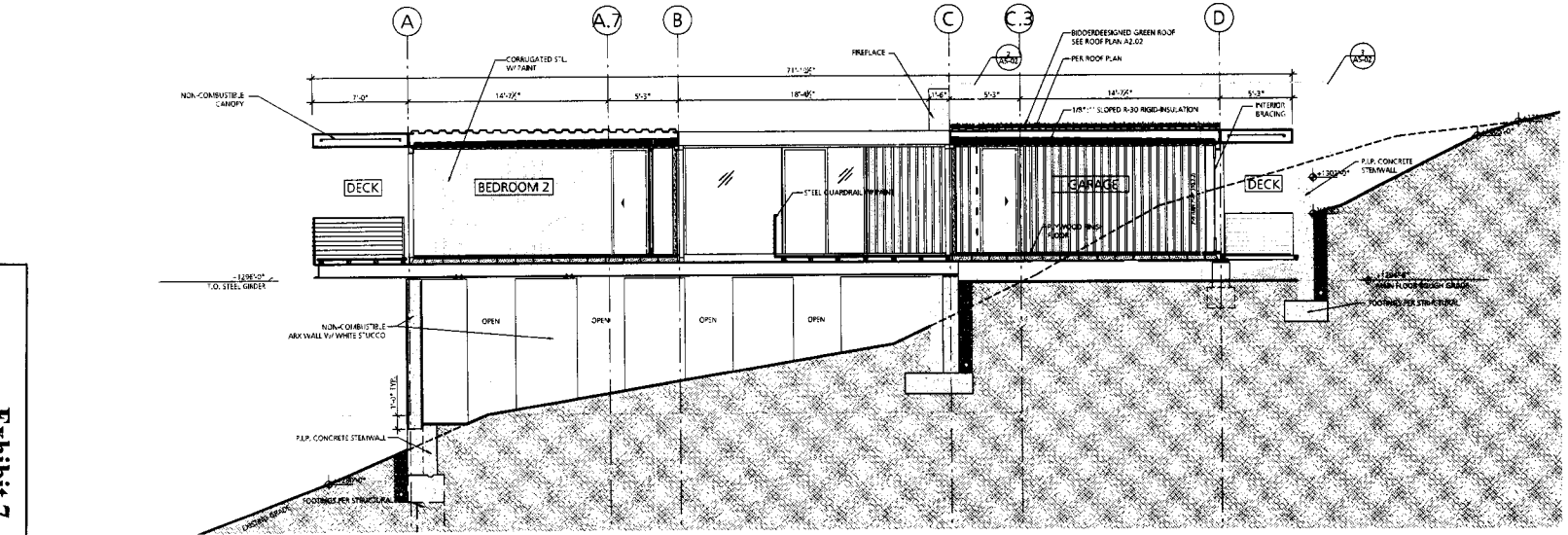
A3-01

PERMIT SET
SHEET:

PERMIT SET--FUEL MODIFICATION PLAN FOR FINAL APPROVAL



A4-02 LONGITUDINAL SECTION
SCALE: 1/4" = 1'



A4-02 LONGITUDINAL SECTION
SCALE: 1/4" = 1'

Exhibit 7
CDP No. 4-11-051
Sections

KERRY LANE RESIDENCE
1840 KERRY LANE
TOPANGA, CA 90290

CLIENT

ARCHITECT

CONSULTANTS

NOTES

PERMIT SET

LICENSED ARCHITECT
CHRISTOF JANTZEN
No. C-29896
STATE OF CALIFORNIA

DRAWN BY	MS
CHECKED BY	CJ

DATE	INDEX	ISSUE

SHEET TITLE
SECTIONS

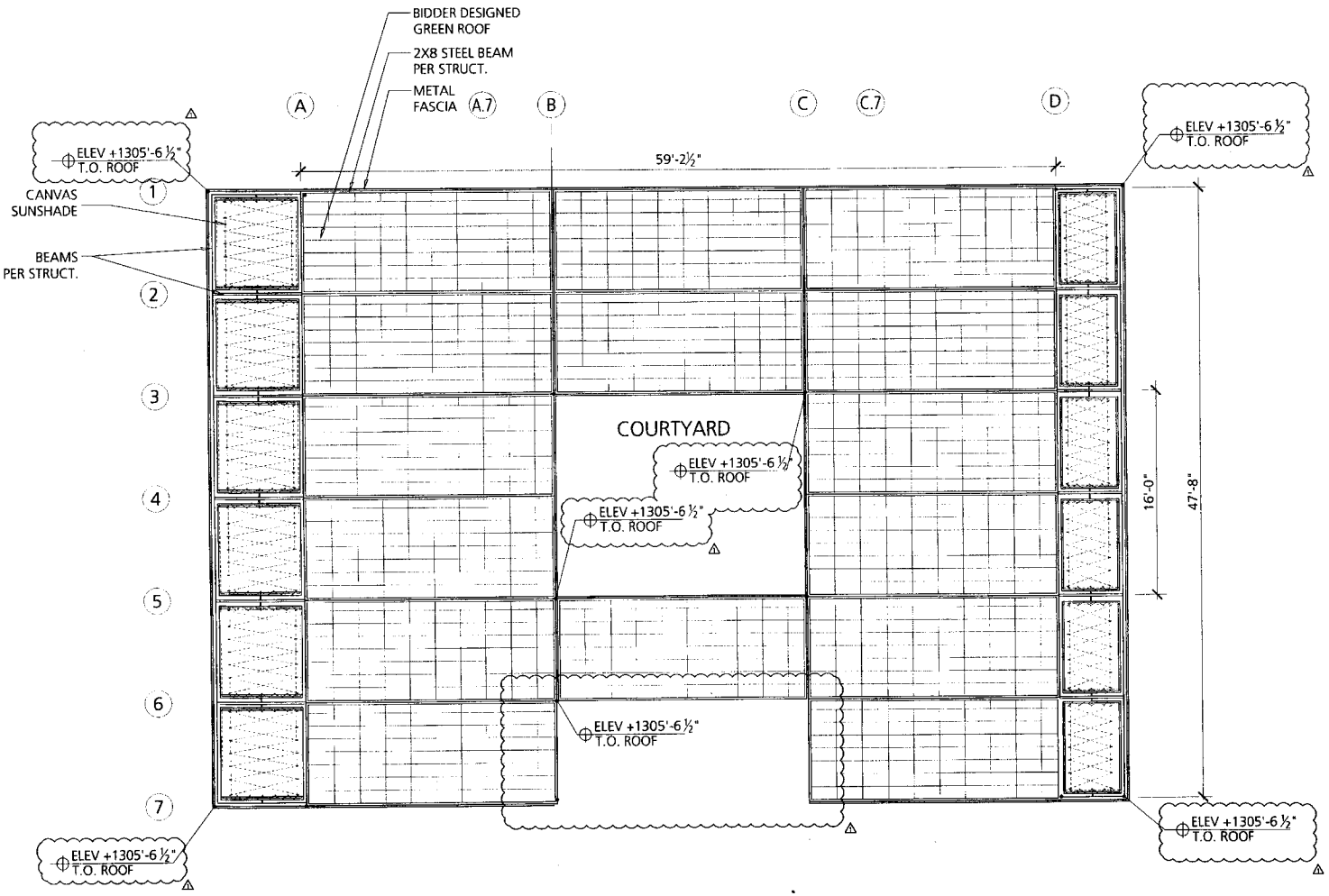
A4-02

PERMIT SET
SHEET:

PERMIT SET--FUEL MODIFICATION PLAN FOR FINAL APPROVAL

GENERAL NOTES:

- SITE DRAINAGE CONVEYED TO STREET VIA NON-ROSIVE DEVISES AS PROVIDED BY CONTRACTOR
- ROOF DRAIN AND OVERFLOW DRAIN MUST BE INDEPENDENT LINES TO YARD BOX
- ROOF DRAINAGE IS NOT PERMITTED TO FLOW OVER PUBLIC PROPERTY.
- OVERFLOW SCUPPERS SHALL HAVE A MINIMUM OPENING HEIGHT OF 4", A MINIMUM AREA THREE TIMES THAT OF THE ROOF DRAIN AND SHALL BE LOCATED NOT MORE THAN 2" ABOVE THE LOW POINT OF THE ROOF (1506, BCM 1506 ARTICLE 1)



F PLAN

Exhibit 8
CDP No. 4-11-051
Roof Plan

KERRY LANE RESIDENCE
TOPANGA, CALIFORNIA

CLIENT

ARCHITECT

CONSULTANTS

NOTES

DRAWN BY	EG
CHECKED BY	CJ

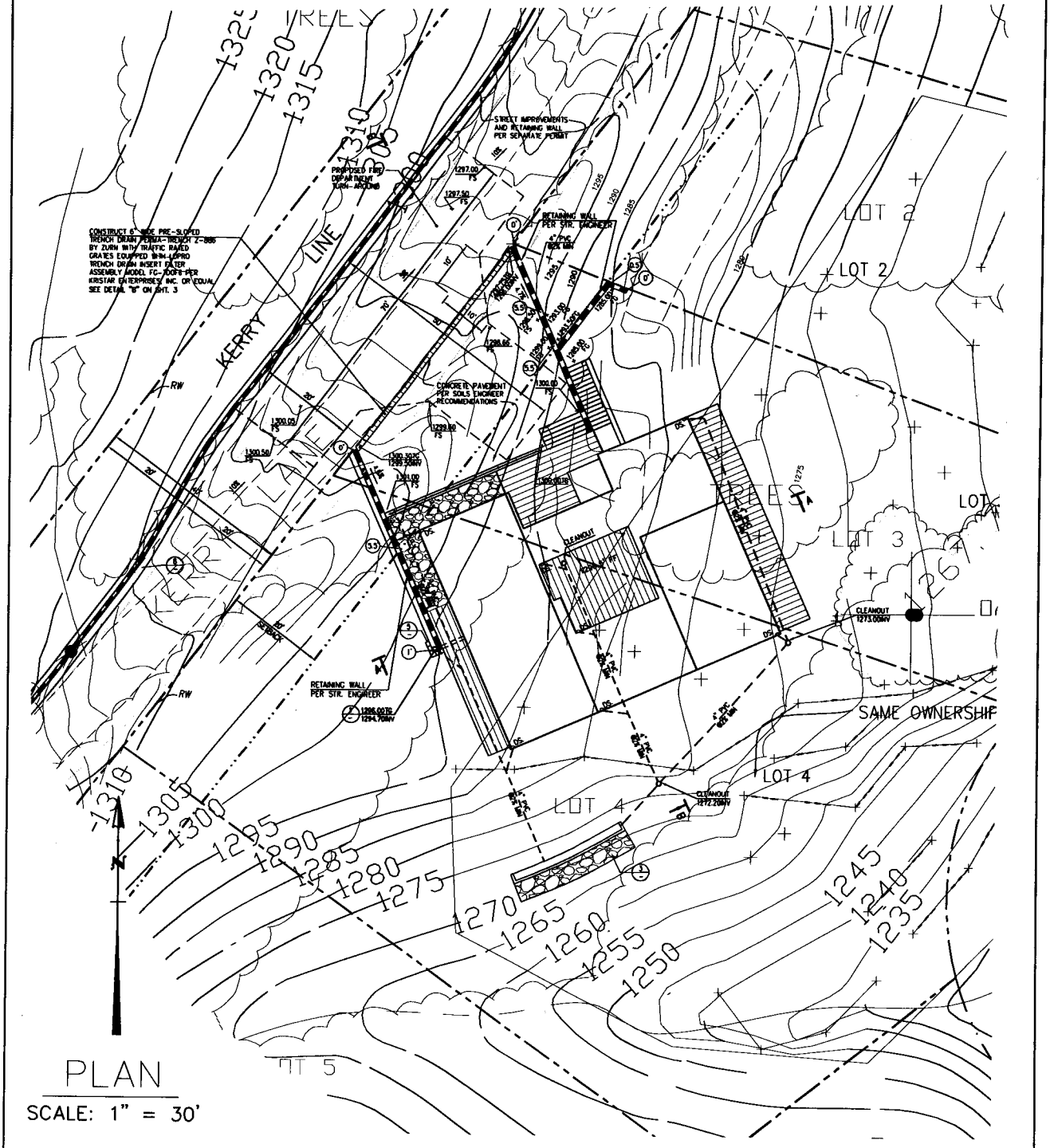
DATE	INDEX	ISSUE
6/24/09	1	SITE REVIEW RESUBMISSION

SHEET TITLE
ROOF PLAN

A-2.03

SITE REVIEW PERMIT SET
6/25/09

SITE REVIEW RESUBMISSION SET 6/24/09



PLAN

SCALE: 1" = 30'

1840 KERRY LANE
CONCEPTUAL LAYOUT / GRADING

GRUTMAN - MAZLER ENGINEERING, INC.

GM Engineering

civil engineers, land surveyors & general contractors

GM ENGINEERING, 14550 HAYNES ST., SUITE 300, VAN NUYS, CA 9
tel. (818) 908-1824 fax#1 (818) 908-3038 fax#2 (818) 908-3814 gm@gmengineering.

DATE: 05-23-12

SHEET NO. 1 OF 1 SHEETS

Exhibit 9
CDP No. 4-11-051
Grading Plan

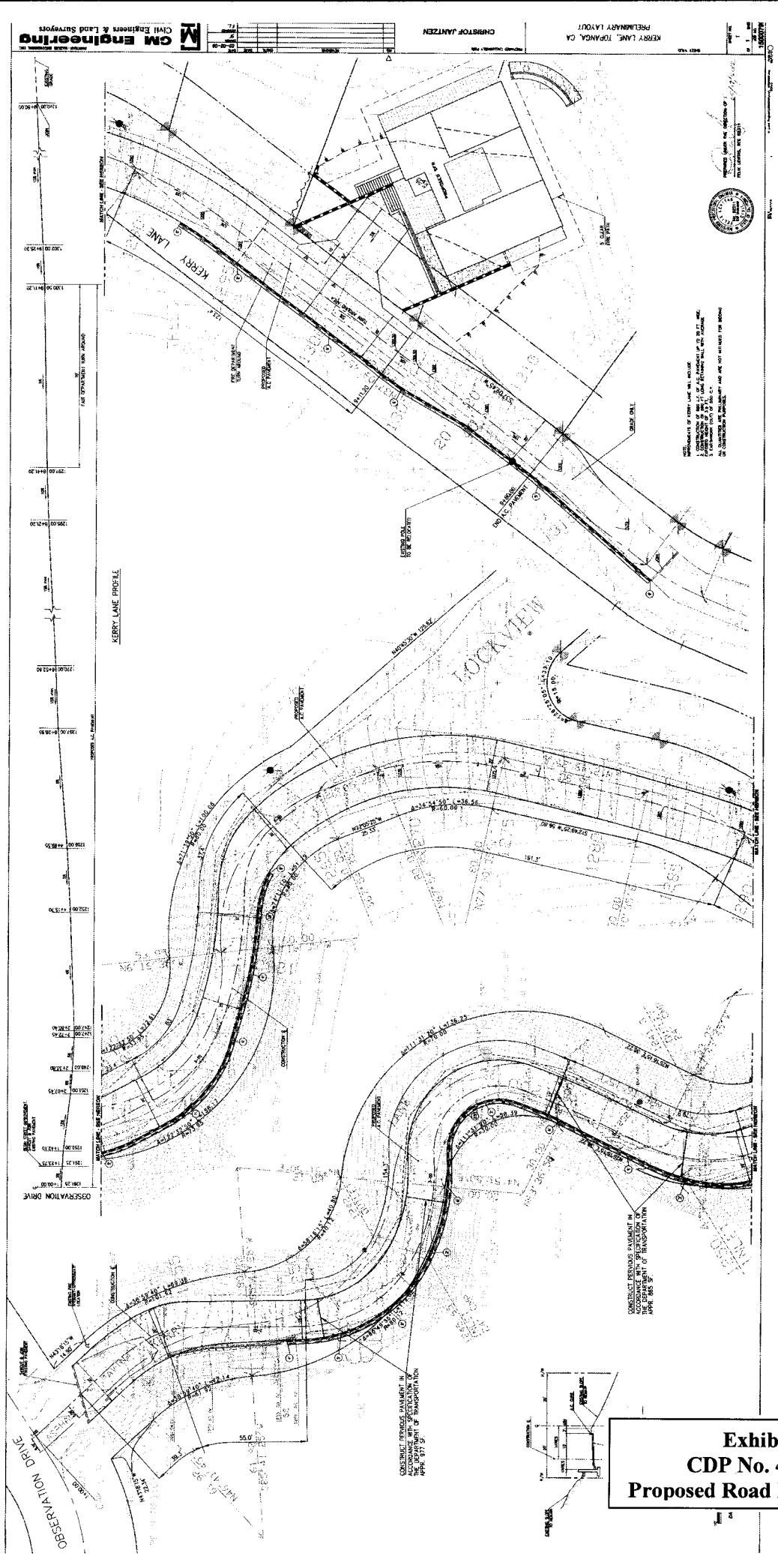


Exhibit 10
CDP No. 4-11-051
Proposed Road Improvements

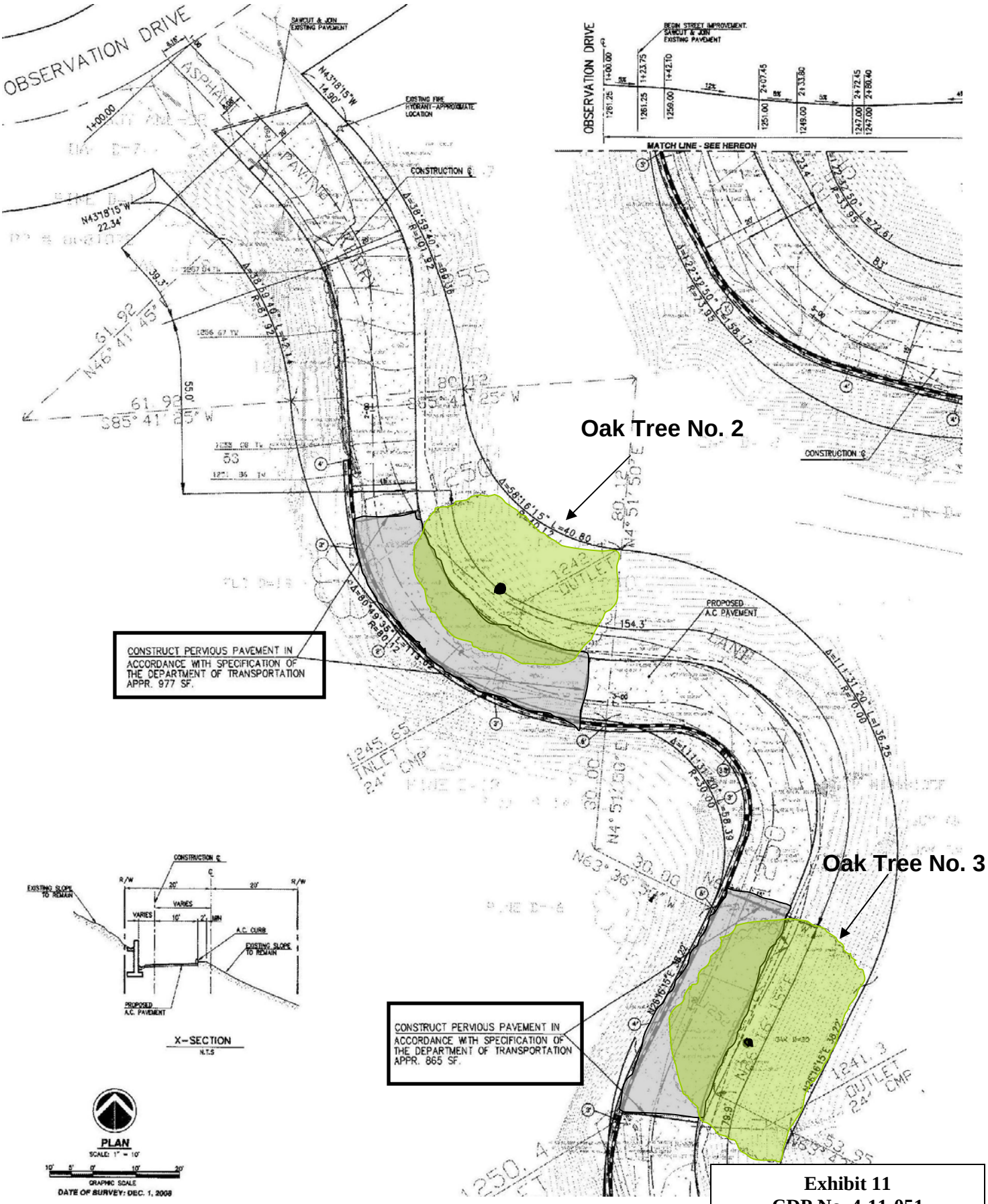


Exhibit 11
CDP No. 4-11-051
Proposed Pervious Pavement

ASSESSMENT FOR FUEL MODIFICATION PLAN #4318 - FFFM T200900133

Zone A- Setback Zone

- Extends 20 feet, measured from edge of open combustible structure, projection or appendage, or projection supported by cantilevers or overhangs, perimeter of combustible decks, balconies, or similar attachments with high fuel load exposure, as applicable to the structure.
- Limited planting and irrigation may be permitted pursuant to applicable regulations. Ground covers and appropriately spaced shrubs and trees. Plants should be low fuel volume and should not provide ladder fuel connection upward or to structure.
- Irrigation Zone A shall be the responsibility of the homeowner or applicant. Systems within this should be designed to meet the plant water requirements. Other systems may be utilized subject to approval.
- Specific plant selection is unique to each site and should be reviewed by a qualified landscape professional.
- Fencing in the setback zone shall be of non-combustible materials.

Zone B-Extended Zone

- Extends from the edge of Zone A up to 100 feet from structure.
- Irrigation may be required on a site-specific basis. Irrigation plans shall be reviewed by a landscape professional. Irrigation should be designed to meet the plant water requirements.
- Limited plant coverage is permitted. Plants should be low fuel volume, deep rooted, drought tolerant, and appropriately spaced. Plant selection should be reviewed by a qualified landscape professional.
- Plants are to be maintained free of dead material and accumulated debris. Species selection should be made to minimize the need for regular pruning.

Zone C-Native Brush Thinning Zone

- Extends from the outside edge of Zone B up to 200 feet from structure.
- Irrigation may be required on a site-specific basis. Irrigation plans shall be reviewed by a landscape professional. Irrigation should be designed to meet the plant water requirements.
- Existing native vegetation may be maintained. Selective thinning of plants, understory removal, removal of dead plants, and pruning of remaining plants to provide adequate separation between crowns. Minimum spacing between crowns should be 10 feet or 10% of the slope distance, whichever is greater. Spacing requirements do not apply to individual trees with no adjacent crowns. Refer to Fuel Modification Plan Guidelines, Section III.B.2 for more information.
- Removal of all dead plants. Maintenance of plants to remove accumulated dead material.
- Trees may be limbed up to a maximum of 6 feet from the ground. Limbing and removal of branches overhanging chimneys, within 10 feet of any structure, and branches touching or overhanging roofs.
- Existing native trees may be removed to create defensible space. Minimum spacing between remaining trees may be required. Refer to Fuel Modification Plan Guidelines, Section III.B.2 for more information.
- Removal of non-native species, such as pepper trees, acacias, and eucalyptus trees, is encouraged. Retention of non-native trees may be permitted provided they do not form a continuous canopy, are not adjacent to other trees, and do not pose a fire hazard.
- Grass and other vegetation located more than 30 inches from the ground may be removed or cut to a maximum height of 30 inches above the ground.

Fire Access Road Zone

- Extends 10 feet from the edge of any paved, or compacted all-weather surface, that is designed to accommodate fire-fighting equipment.
- Clear and remove all flammable vegetation and other combustible growth within the fuel modification zone. Refer to Section III.B.1.b.(1) of the Fuel Modification Plan Guidelines.
- Trees may be retained, maintained, and trimmed to comply with the guidelines provided in the Fuel Modification Plan Guidelines. Trees shall be planted, maintained and trimmed so that they do not form a continuous canopy. Remove dead or dying portions of trees as soon as practicable.
- Irrigation may be required on a site-specific basis. Irrigation plans shall be reviewed by a landscape professional. Irrigation should be designed to meet the plant water requirements.
- Plants are to be maintained free of dead material and accumulated debris.

Maintenance

- **Routine maintenance shall be regularly performed in all zones which requires:**
- Removal of all dead and dying vegetation.
- Pruning and trimming of remaining plants to maintain their required fuel modification distances.
- Irrigation system checks and repairs.
- Trimming of trees to maintain required clearances.
- Removal of accumulated dead vegetation.
- Replacement of plants that have died or have been removed.
- Maintenance of erosion control devices.
- Inspection and maintenance of access roads.
- Annual inspection by the fire department or their designee.

Long Term Maintenance Agreements

The property owner is responsible for the long-term maintenance of the fuel modification plan. If the property is sold, the new property owner will be informed of the maintenance responsibilities. Failure to maintain the plan may result in code enforcement action.

Owner's Signature _____ Date _____

Landscape Architect's Signature _____ Date _____

VEGETATION LEGEND:

EXISTING VEGETATION TO REMAIN

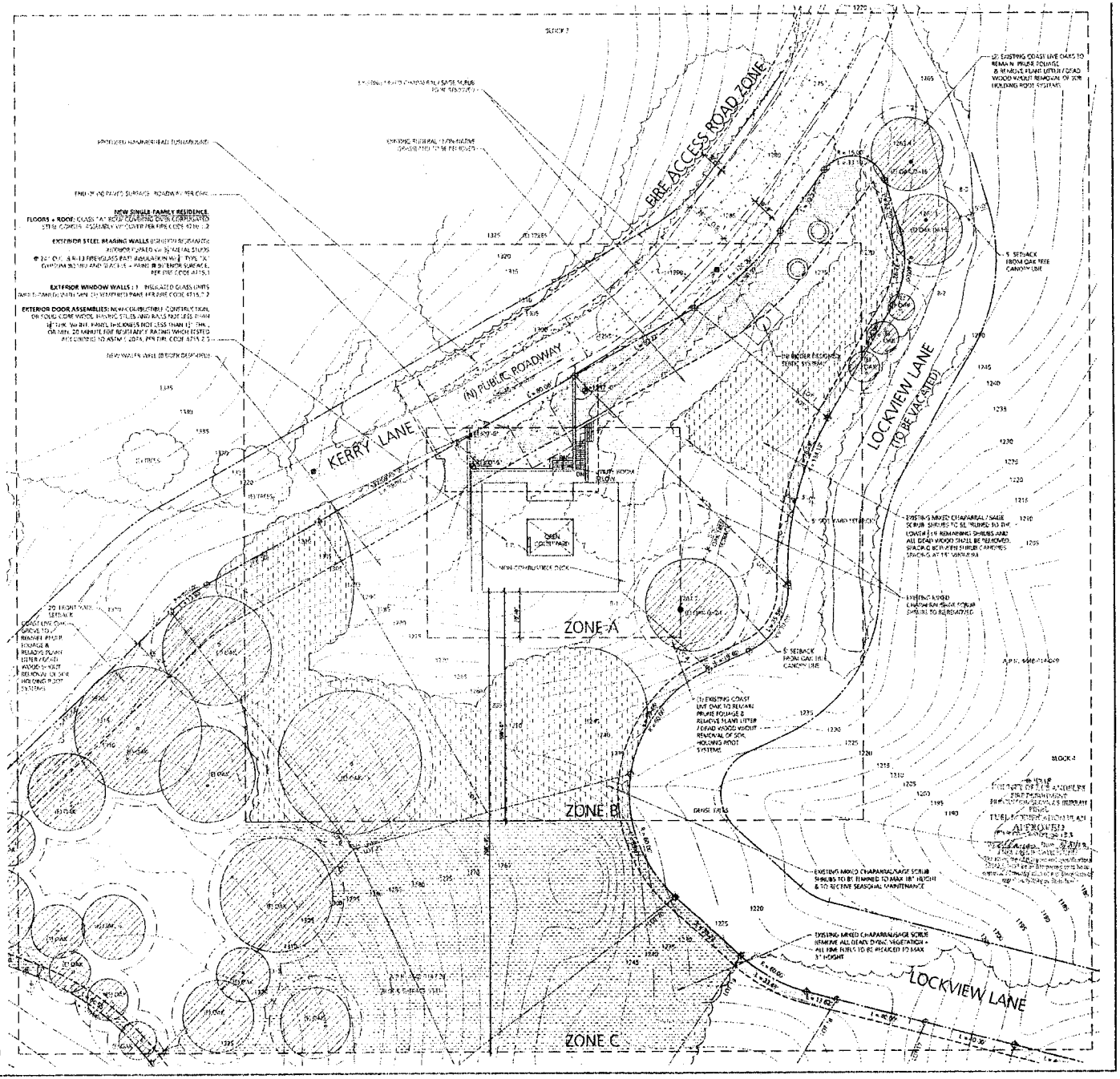
EXISTING VEGETATION TO BE REMOVED

EXISTING VEGETATION TO BE REMOVED

no irrigation required)	
	BOTANICAL NAME
LANT	ARTEMISIA CALIFORNICA ENCELIA CALIFORNICA ERIOGONUM FASCICULATUM ERIOGONUM GRANDIFLORUM ERIOGONUM PARVIFOLIUM ROSA CALIFORNICA SALVIA APIANA SALVIA MELLIFERA SALVIA SPATHACEA TRICHOSTEMA LANATUM
EAT	ACHILLEA MILLEFOLIUM ARCTOSTAPHYLOS GLAUCA ARCTOSTAPHYLOS MANZANITA ARCTOSTAPHYLOS PUNGENS CEANOTHUS CUNEATUS CEANOTHUS DENTATUS CEANOTHUS GRISEUS HORIZONTALIS CEANOTHUS MEGACARPUS CEANOTHUS SPINOSUS CERCOCARPUS BETULOIDES COREOPSIS GIGANTEA ERIOGONUM CROCATUM ERIOGONUM FASCICULATUM ERIOGONUM GRANDIFLORUM ERIOGONUM PARVIFOLIUM GARRYA FLAVESCENS HELIANTHEMUM SCOPARIUM HETEROMELES ARBUTIFOLIA LEPECHINIA CALYCINA LOTUS SCOPARIUS MALACOTHAMNUS FASCICULATUS MALOSMA LAURINA MIMULUS AURANTIACUS PENSTEMON SPECTABILIS PRUNUS ILICIFOLIA QUERCUS AGRIFOLIA RHAMNUS CROCEA RHUS INTEGRIFOLIA RHUS OVATA SALVIA CLEVELANDII SALVIA MELLIFERA SALVIA SPATHACEA TRICHOSTEMA LANATUM

none (no irrigation required)

CAPE / ODIFICATION PLAN



KERRY LANE RESIDENCE
1930 KERRY LANE TOPANGA, CA 90290
CLIENT
ARCHITECT
CONSULTANTS
NOTES
PERMIT SET

LICENSED ARCHITECT — CHRISTOPHER ARNESEN — No. C-29886 — STATE OF CALIFORNIA

DRAWN BY	MS
CHECKED BY	CJ

DATE	INDEX	ISSUE

SHEET TITLE
LANDSCAPE / FUEL MODIFICATION PLAN

L2-01

PERMIT SET
SHEET

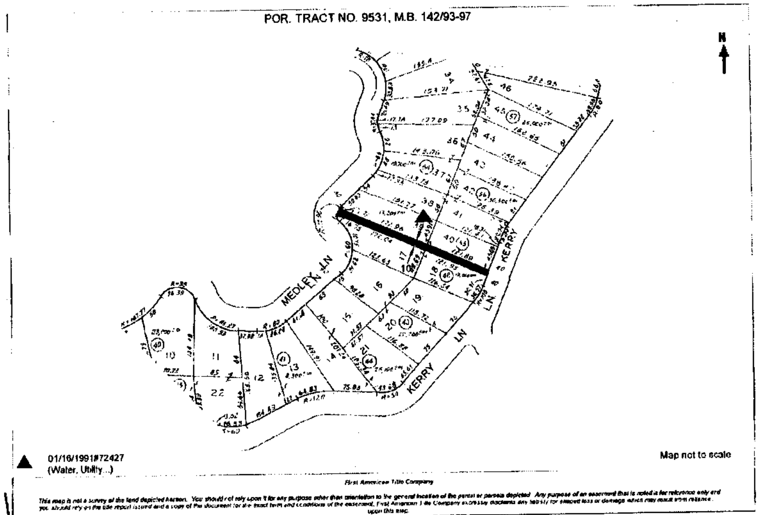
Exhibit 12
CDP No. 4-11-051
Fuel Modifications Plan

PERMIT SET--FUEL MODIFICATION PLAN FOR FINAL APPROVAL

First American Title Company

Plotted Easements
Reference Number : 2975840
County : Los Angeles

POR. TRACT NO. 9531, M.B. 142/93-97



▲ 01/16/1991#72427 (Water, Utility...)

Map not to scale

First American Title Company

This map is not a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. Any purpose of an easement that is noted is for reference only and you should rely on the title report issued and a copy of the document for the exact terms and conditions of the easement. First American Title Company expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.

RECORDING REQUESTED BY:
FIRST AMERICAN TITLE COMPANY

AND WHEN RECORDED MAIL TO:

Gary and Martine Harryman
P.O. Box 1207
Topanga, CA 90290

Order No.: 2975840
Escrow No.: SWH305406-VR
A.P.N. 4448-014-030

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

EASEMENT GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS $0. This conveyance grants an easement with no consideration or value, exempt pursuant to R & T 11911

FOR NO CONSIDERATION,
Colleen Taylor, a married woman

hereby GRANT(S) to **Gary Harryman and Maria Feron, Trustees of the Gary Harryman and Maria Feron Living Trust dated January 17, 2007, their heirs, successors and/or assigns**

an easement over real property in the County of Los Angeles, State of California, and fully described as follows:
An easement for water and utility purposes under the ten-foot strip known as "CHAFFING TRAIL", and located between Lots 17 and 19 of Block 8 and Lots 39 and 40 of Block 3 of Tract 9531, as per map recorded in Book 142, Pages 93 to 97, inclusive of Maps, in the office of the County Recorder of said county.

Kerry Lane, Topanga, CA 90290

Dated: February 26, 2008
STATE OF CALIFORNIA
COUNTY OF Los Angeles } SS

On ____________ before me
a Notary Public, personally appeared Colleen Taylor

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person, acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________
Signature of Notary

Colleen Taylor

(This area for official notary seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

02-25-2008 10:42 FROM: TO:18007152971 P.2

91- 72427

Individual Quitclaim Deed

91- 072427

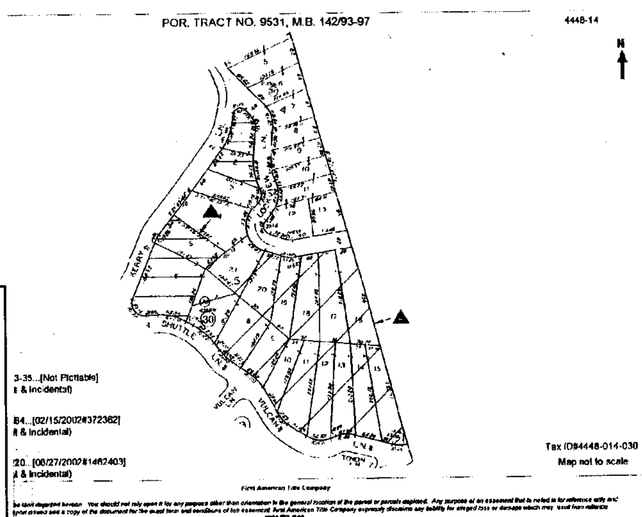
Description: Los Angeles,CA Document-Year.DocID 1991.72427 Page: 1 of 1
Order: trg Comment:

First American Title Company

Plotted Easements
Reference Number : 2975840
County : Los Angeles

POR. TRACT NO. 9531, M.B. 142/93-97

4448-14



3-35...[Not Plottable]
& Incidental)

84...[02/15/2002#372362]
& Incidental)

20...[08/27/2002#1462403]
& Incidental)

Tax:(D84448-014-030

Map not to scale

First American Title Company

This map is not a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. Any purpose of an easement that is noted is for reference only and you should rely on the title report issued and a copy of the document for the exact terms and conditions of the easement. First American Title Company expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.

02-0372362

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, 20TH FLOOR
SAN FRANCISCO, CA 94105

CERTIFICATE OF ACCEPTANCE

OFFER AND DEDICATION OF SCENIC EASEMENT

This is to certify that the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY hereby accepts the Offer to Dedicate a Scenic Easement executed by Colleen Taylor on March 10, 1981 and recorded on April 14, 1981 as Instrument Number 81-371564, of the Official Records in the Office of the Recorder of Los Angeles County.

Dated: Feb. 8, 2002

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

By: [signature]

Its. Chief Deputy Executive Officer

STATE OF CALIFORNIA
COUNTY OF Los Angeles

On 2/8/02, before me, Shannon S. Moncus, a Notary Public personally appeared [signature], personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

02-0372362

PAGE TWO (2) OF TWO (2)

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISSION

OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that the Mountains Recreation and Conservation Authority is a public agency acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Offer to Dedicate executed by Colleen Taylor on March 10, 1981, and recorded on April 14, 1981, in the office of the County Recorder of Los Angeles County as Instrument No. 81-371564.

Dated: February 5, 2002

California Coastal Commission
John Bowers, Staff Counsel

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On February 5, 2002, before me, Patricia Sexton, a Notary Public personally appeared John Bowers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

PATRICIA SEXTON
Commission # 1232048
Notary Public - California
Santa Barbara County
My Comm. Expires May 21, 2003

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

KERRY LANE RESIDENCE
TOPANGA, CALIFORNIA

CLIENT

ARCHITECT

CONSULTANTS

NOTES

SHEET TITLE
DEED INFORMATION

A-1.03

COASTAL COMMISSION SET
11.8.2008

Exhibit 13
CDP No. 4-11-051
Open Space Easement Info.