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STAFF REPORT: REGULAR CALENDAR

Application No.: **4-12-024**

Applicant: **Greenleaf Canyon Partners, LLC**

Project Location: **1300 Greenleaf Canyon Road, Topanga, Santa Monica Mountains, Los Angeles County (APN: 4438-017-001)**

Project Description: **Request for after-the-fact approval of a 1,028 sq. ft. addition to an existing 1,300 sq. ft. single family residence; conversion of an existing 605 sq. ft. detached garage into a guest residence; construction of a pool with patio involving approximately 100 cu. yds. of cut grading and approximately 160 linear ft. of 1-2 ft. high retaining walls; placement of a 120 sq. ft. pool equipment storage shed and two other storage sheds (150 sq. ft. and 37 sq. ft. in size); an approximately 100 sq. ft. tree house in a non-native Eucalyptus tree; 440 sq. ft. ground-mounted solar panel; and 127 cu. yds. of grading to widen an existing dirt road. The application also includes relocation of an existing, as-built ground-mounted solar collection panel for pool heating (approximately 500 sq. ft.), removal of an approximately 100 sq. ft. chicken coop structure, and re-vegetation of disturbed areas of the site where unpermitted development occurred.**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with 13 special conditions. The project site is located on an approximately 20 acre property at 1300 Greenleaf Canyon Road in the Topanga area of the Santa Monica Mountains, Los Angeles County. The property is in the northernmost portion of the County's coastal zone and approximately one mile west of Topanga Canyon Boulevard. The property is bisected by Greenleaf Canyon Road and a blue-line canyon stream that runs north to south through the property. The property is dominated by undisturbed riparian oak woodland and chamise chaparral vegetation that is part of a larger contiguous area of native vegetation that constitutes H1-type and H2-type sensitive environmental resource area (SERA) (H1 and H2 habitats constitute environmentally sensitive habitat areas (ESHA) under the Coastal Act) and is designated as such by the Los Angeles County-Santa Monica Mountains

LCP, with the exception of the existing residential development in the southeast corner of the property. The area of the existing residential development on the property is designated as H3 habitat by the Santa Monica Mountains LCP, which does not constitute SERA. However, there are scattered native oak trees within the area of the existing residential development on the property that are protected as a significant coastal resource by the policies of the certified LCP. The existing and proposed residential development on the property is clustered in the southeast corner of the subject 20 acre property and is located approximately 300 feet east of the on-site canyon stream. Further, all proposed development is located within the fuel modification area of the existing residence. As such, the proposed development does not result in any adverse impacts to SERA.

A 1,300 sq. ft. single family residence and a 605 sq. ft. detached garage were permitted on the subject property by Los Angeles County prior to the effective date of the Coastal Act. In 1987, the detached garage was converted to a guest house without the required coastal development permit. As such, the applicant now requests after-the-fact approval for the conversion. The Santa Monica Mountains LCP requires a transfer of development credit (TDC) for all new guest houses in order to mitigate for the cumulative impacts of an additional residential unit on a parcel already developed with a single family residence. The LCP also requires an additional on-site waste water treatment system for guest houses that is separate from the main residence system. As such, cumulative impact mitigation and County of Los Angeles Department of Environmental Health and Public Works approval are required as special conditions.

One of the primary issues raised by this application is the encroachment of proposed accessory development on site into the dripline of an oak tree on site in non-compliance with the certified Los Angeles County Santa Monica Mountains Local Coastal Program (LCP). In 1993, a 1,028 sq. ft. addition was made to the existing residence. In addition, at the same time, the property owner also constructed a pool, patio, and 120 sq. ft. accessory structure/pool equipment building on a slope to the east of the existing residence on the site. Installation of the pool and patio involved approximately 100 cu. yds. of cut grading and approximately 160 linear ft., 1-2 ft. high retaining walls. Moreover, a portion of the as-built pool, patio, and retaining wall encroaches into the dripline of an oak tree on site. The County issued a building permit for the residence addition and the pool. However, no coastal development permit was obtained for the improvements. The applicant is now requesting after-the-fact approval of these as-built improvements. The as-built addition to the existing residence is exempt from the requirement of a coastal development permit. However, the addition of the pool, patio, retaining walls, and 120 sq. ft. accessory structure/pool equipment building are not exempt from coastal permit requirements under Section 30610 of the Coastal Act, and as further defined by Section 13250 of Title 14 of the California Code of Regulations, because the development required significant grading and retaining walls to construct the flat pad area where the development is located, which is not exempt from the requirement to obtain a coastal development permit and which poses a risk of significant alteration of landforms and adverse environmental effects. The applicant now requests after-the-fact approval of the as-built grading, retaining walls, pool, patio, and accessory structure/pool equipment building as part of the proposed project.

The certified LCP prohibits removal or encroachment into the protected zone of native trees for accessory uses or structures. In this case, a segment of the western portion of the proposed as-built pool patio and associated concrete foundation/retaining wall encroaches into the canopy and protected zone of one on-site oak tree (Tree No. 2). Thus, the as-built pool, patio, and associated

retaining walls constitute development that is accessory to the existing residence and which would be in non-compliance with the native tree protection policies of the LCP in its as-built configuration. Moreover, staff notes that it is feasible for the existing pool/patio to be either removed or reconfigured in a manner that avoids encroachment into the protected zone of native oak trees. As such, to ensure the project's consistency with the oak tree protection policies of the certified LCP, it is necessary to require the applicant to submit final revised plans prior to issuance of the permit that reflect either the removal of the pool, patio, and retaining walls or the reconfiguration of the as-built pool/patio in a manner that avoids encroachment into the protected zone of any oak tree on-site. The applicant is also required to have a biological consultant or arborist monitor the affected oak tree annually for a period of ten years to determine if the tree is adversely impacted by the approved project, and should the tree be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement seedling-sized trees on the site at a rate of 10:1.

There is also a historic secondary dirt access road on the subject property that was utilized for construction of the as-built pool in 1993. According to historic aerial photos, the road pre-dates the Coastal Act. However, a portion of the road was widened by approximately 10 feet without the required coastal development permit, where approximately 127 cu. yds. of material was cut from the road and placed on the roadside slope the descends south of the road. The placement of fill on the roadside slope resulted in minor encroachment (less than 10% encroachment) into the protected zone of seven on-site native oak trees (Tree Nos. 6, 7, 12, 17, 22-24). The majority of the unpermitted grading occurred on the portion of the fill slope outside of the oak tree driplines. Moreover, given that the relatively small amount of unpermitted fill grading occurred over a relatively large area, the applicant's geologic engineering consultants have indicated that it is infeasible to remove the fill that occurred within the driplines and/or protected zones of these oak trees and instead proposes to restore the descending slope below the road to an approximation of its previous condition by re-vegetating this area with native vegetation using hand tools. To ensure that adverse impacts to the trees is avoided during re-vegetation activities, a special condition requires the applicant to (1) install temporary protective barrier fencing around the protected zones of all oak trees for the duration of construction operations, (2) have a biological consultant or arborist monitor the oak trees annually for a period of ten years to determine if the trees are adversely impacted by the approved project, and (3) should any of the trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement seedling-sized trees on the site at a ratio of 10:1.

In addition, two ground-mounted solar arrays have been placed on the property without the required coastal development permits. One of the existing, unpermitted solar arrays is proposed to be retained in its existing location on the historic dirt access road north of the residence. The other existing, unpermitted solar array is a water-heating array that is located on a slope to the east of the residence. The applicant proposes to remove this array and relocate it to adjacent to the other existing solar array on the historic dirt access road north of the residence and re-vegetate the area in order to cluster development and minimize removal of native vegetation, as required by the policies of the certified LCP. Further, an approximately 100 sq. ft. tree house was also constructed without the benefit of a permit in a non-native Eucalyptus tree on-site. The applicant is requesting after-the-fact approval of the tree house as part of the proposed project. The tree house is located within the irrigated fuel modification zone of the existing residence and guest house and is not habitable and does not require additional fuel modification.

The Los Angeles County-Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for completion of review. In this case, the subject permit application was filed complete by the Commission prior to certification of the LCP and the applicant opted to remain with the Commission for completion of review. The standard of review for the proposed development is the policies and provisions of the certified Santa Monica Mountains Local Coastal Program (LCP). As conditioned, the proposed project is consistent with all applicable policies and provisions of the Santa Monica Mountains LCP.

Table of Contents

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 4-12-024 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 and provisions of the Los Angeles County-Santa Monica Mountains Local Coastal Program. 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 qualified licensed professional. The Plan shall include detailed drainage and runoff control plans with supporting calculations. The plans shall incorporate long-term post-construction Best Management Practices (BMPs) that protect water quality and minimize increases in runoff volume and rate in the project design of developments in the following order of priority:

1. Site Design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

2. Source Control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

3. Treatment Control BMPs: Systems designed to remove pollutants from stormwater by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters. Where post-construction treatment of stormwater runoff is required, treatment control BMPs (or suites of BMPs) shall, at a minimum, be sized and designed to treat, infiltrate, or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

The 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. Projects shall incorporate Low Impact Development (LID) techniques in order to minimize stormwater quality and quantity impacts from development, unless a credible and compelling explanation is provided as to why such features are not feasible and/or appropriate. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation.

2. Post-development runoff rates 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 areas 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 and cisterns.

4. Landscape plants shall have low water and chemical treatment demands and be consistent with **Special Condition 5, Re-vegetation and Fuel Modification Plan**. 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 and, if applicable, in accordance with engineered plans prepared by a qualified licensed professional.

6. Runoff shall be discharged from the developed site in a non-erosive manner. Energy dissipating measures shall be installed where needed to prevent erosion. Plan details and cross sections for any rock rip-rap and/or other energy dissipating devices or structures associated with the drainage system shall be prepared by a qualified licensed professional. The drainage plans shall specify the location, dimensions, cubic yards of

rock, etc. for any velocity reducing structure with the supporting calculations showing the sizing requirements and how the device meets those sizing requirements. The qualified, licensed professional shall ensure that all energy dissipaters use the minimum amount of rock and/or other hardscape necessary to protect the site from erosion.

7. 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.

8. For projects located on a hillside, slope, or which may otherwise be prone to geologic instability, site drainage and BMP selection shall be developed concurrent with the preliminary development design and grading plan, and final drainage plans shall be approved by a licensed geotechnical engineer or engineering geologist.

9. 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 affected 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed 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.

4. Interim Erosion Control Plan 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 a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are 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. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.

(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.

(g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

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 permitted disposal site or recycled at a permitted 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 necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed 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. Re-vegetation and Fuel Modification Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two sets of a final re-vegetation plan and fuel modification plan, 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 plan is in conformance with the following requirements:

A. Re-vegetation Plan

1. The final re-vegetation plan shall specify that all proposed re-vegetation areas, and the area of the pool/pool patio that is removed pursuant to Special Condition 10 (Revised Plans) of this permit, will be planted with locally indigenous plant species that are consistent with the surrounding native vegetation and habitats, and are consistent with the final Fire Department-approved Fuel Modification Plan requirements. The re-vegetation plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful re-vegetation. The plan shall include a description of technical and performance standards to ensure successful re-vegetation. A temporary irrigation system may be used until the plants are established, but in no case shall the irrigation system be in place longer than two (2) years. Re-vegetation shall meet the approved performance standards within five (5) years and shall be repeated, if necessary, to meet the performance standards. The Executive Director may extend this time period for good cause. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the re-vegetation requirements.

2. The final re-vegetation plan shall include a monitoring program, that demonstrates how the approved re-vegetation performance standards prepared pursuant to section (1) above shall be implemented and evaluated for compliance with this Special Condition. The program shall require the applicant to submit, on an annual basis for a period of five years (no later than December 31st each year), a written report, for the review and approval of the Executive Director indicating the success or failure of the restoration project. The annual report shall include further recommendations and requirements for additional re-vegetation activities in order for the project to meet the criteria and performance standards listed in the plan. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the plantings. If these inputs are required beyond the first four (4) years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the re-vegetation of native plant species on-site is adequate to meet the performance standards by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation.

3. At the end of the five year period, a final detailed report shall be submitted, for the review and approval of the Executive Director, that indicates whether the on-site landscaping is in conformance with the re-vegetation plan approved pursuant to this Special Condition. The final report shall include photographic documentation of

plant species and plant coverage. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original plan that were not successful. The revised, or supplemental, restoration program shall be processed as an amendment to this Coastal Development Permit.

B. Final Fuel Modification Plan

Vegetation within 20 feet of the proposed single family residence and detached guest house may be removed to mineral earth, and vegetation within a 200-foot radius of the main structure and guest house 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. The Final Fuel Modification Plan shall show that no additional fuel modification (beyond that required for the single family residence and guest house) is required for any of the proposed accessory structures including the pool equipment shed, two additional sheds, or the tree house. Should the applicant fail to submit the evidence that no additional fuel modification will be required for the above referenced accessory structures, then the applicant shall submit revised plans deleting these structures consistent with **Special Condition Ten (10), Revised Plans**.

C. Conformance with Coastal Commission Approved Site/Development Plans

The Permittee shall undertake development in accordance with the final Re-vegetation and Fuel Modification Plans. The final Re-vegetation 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.

6. Future Development Restriction

This permit is only for the development described in this Coastal Development Permit. 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 re-vegetation plan prepared pursuant to **Special Condition 5, Re-vegetation and Fuel Modification Plan,** shall require an amendment to this Coastal Development Permit

from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. 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.

8. Oak Tree Protection and Monitoring

To ensure that on-site oak trees in the area of the proposed development are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zone (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of the oak trees in the area of the proposed development 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 the oak trees. The approved removal of existing development within the canopy and/or protected zone of on-site oak trees shall be conducted using only hand-held tools.

The applicant shall retain the services of a biological consultant or arborist to monitor all oak trees in the vicinity of the approved project (Oak Trees No. 2-10, 12, 17, 22-24), to determine if the trees are adversely impacted by the approved project. An annual monitoring report shall be submitted for the review and approval of the Executive Director for 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 seedling-sized 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.

9. Pool and Spa Drainage and Maintenance

By acceptance of this permit, the applicant agrees to install a no chlorine or low chlorine purification system and agrees to maintain proper pool water pH, calcium and alkalinity balance to ensure any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality, native trees, or environmentally sensitive habitat areas. In addition, the applicant agrees not to discharge chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

10. Revised Plans

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two sets of revised project plans that demonstrate the following:

1. The plans shall either: (a) delete the pool and its related patio and retaining walls in their entirety or (b) reconfigure the as-built pool, patio, retaining walls, and fill grading in a manner that avoids any encroachment into the protected zone of any oak tree on-site. Protected zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Any reconfiguration of the pool/pool patio shall also remain within the irrigated fuel modification zone of the existing residence and not result in the approved building site area to exceed 10,000 sq. ft. The revised plans shall also identify construction measures and practices that will avoid adverse impacts to on-site oak trees during construction. All plans must be drawn to scale with dimensions shown.

2. Delete the proposed guest house, or demonstrate that a Transfer of Development Credit (TDC) has been obtained in accordance with **Special Condition Eleven (11)** and that County approval has been obtained for the onsite wastewater treatment system (OWTS) for the guest house in accordance with **Special Condition Twelve (12)**. Should the applicants demonstrate fulfillment of Special Condition Eleven (11) and Special Condition Twelve (12), then the revised plans must depict the location of the on-site wastewater treatment system.

3. Delete the accessory structure/pool equipment shed, two additional sheds, and tree house, or demonstrate that no additional fuel modification (beyond that required for the single family residence and guest house) is required for the above referenced accessory structures in accordance with **Special Condition Five (5), Part B** (Final Fuel Modification Plans).

B. The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

11. Cumulative Impacts Mitigation

A. Transfer of Development Credit (TDC)

1. The applicant shall mitigate the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains by ensuring that development rights have been permanently extinguished for a property(ies) equivalent to one Transfer of Development Credit (TDC) in the Santa Monica Mountains Coastal Zone that satisfies the criteria for TDC donor lots established in Santa Monica Mountains LIP Section 22.44.1230 and that has not previously been retired, through a Transfer of Development Credit (TDC) transaction as described below. That lot shall be known as the "TDC lot".
2. The TDC transaction shall result in development, as defined in Section 22.44.630 of the Santa Monica Mountains LIP, grazing, or agricultural activities being prohibited on the TDC lot(s) except for:
    a) Brush clearance required by Los Angeles County for permitted structures on adjacent parcels.
    b) Planting of native vegetation and other restoration activities, if approved by Los Angeles County in a coastal development permit;
    c) If approved by Los Angeles County in a new coastal development permit,
        i. construction and maintenance of public hiking trails; and
        ii. construction and maintenance of roads, trails, and utilities consistent with existing easements.
3. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, for the review and approval of the Executive Director, that all of the following steps have been completed for one of the following two methods.

    a) <u>Open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcel(s).</u>

        i. The applicant shall submit, for the review and approval of the Executive Director, evidence that a public entity or private non-profit association acceptable to the Executive Director has acquired an Open Space / Conservation Easement, pursuant to a grant deed acceptable to the Executive Director, over the TDC lot(s). The recorded easement grant deed shall include the current legal description on title to the property, as shown in the current deed or Preliminary Report, of the TDC lot(s). The recorded document shall reflect that development of the TDC lot(s) is restricted as set forth in section 2, above. The grant of easement shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. Such grant of easement shall run with the land in favor of

the People of the State of California, binding all successors and assigns, and shall be irrevocable.

ii. The applicant shall provide evidence, for the review and approval of the Executive Director, that the TDC lot(s) has been combined with an adjacent lot that is (i) developed or developable, (ii) held in common ownership with the TDC lot(s), (iii) in the same tax rate area as the TDC lot(s); and (iv) the lots are free of tax liens. If the TDC lot(s) has been combined with an adjacent lot, the document combining them shall be subject to the review and approval of the Executive Director, and recorded free of prior liens, including tax liens and encumbrances that the Executive Director determines may affect the interest being conveyed, on all of the properties involved; and the combined lot shall be considered and treated as a single parcel of land for all purposes with respect to the lands included therein, including but not limited to sale, conveyance, taxation, lease, development, or encumbrance. The extinguishment of development potential and lot combination shall also be accurately reflected in the records of the County Tax Assessor. Commission staff will forward appropriate documents to the County Tax Assessor's Office along with requests on behalf of the Coastal Commission to issue a combined single assessor parcel number (APN) and affix the appropriate stamp indicating that any future division of the single parcel requires Coastal Commission consent.

iii. The applicant shall provide a Preliminary Report (issued by a licensed title insurance company) that reflects the single combined parcel.

b) Open space deed restriction and transfer in fee title to a public entity.

i. The applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the TDC lot(s) an open space deed restriction, in a form and content acceptable to the Executive Director, restricting development of the TDC lot(s) consistent with section B, above. The deed restriction shall include a legal description of the entire TDC lot(s). The deed restriction shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed.

ii. The applicant shall submit, for the review and approval of the Executive Director, evidence that fee title to the TDC lot has been successfully transferred to a public entity, acceptable to the Executive Director, after the recordation of the deed restriction listed in subsection (b)i above and that the document effectuating the conveyance has been recorded with the Los Angeles County Recorder.

12. County Department of Environmental Health and Public Works Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, evidence of Approval from the

County of Los Angeles Departments of Environmental Health and Public Works for an on-site waste water treatment system (OWTS) for the proposed guest house that is separate from the OWTS for the primary structure, to comply with Section 22.44.1370 of the Santa Monica Mountains Local Coastal Program. The system shall be sited and designed to comply with Section 22.44.1340(B) of the Santa Monica Mountains Local Coastal Program.

13. Open Space Conservation Easement

A. No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved building site, within the portion of the property identified as the "open space conservation easement area", as shown in **Exhibit 7** except for:

(1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan for structures approved by the County of Los Angeles in a coastal development permit;

(2) Drainage and polluted runoff control activities required and approved by the County of Los Angeles in a coastal development permit;

(3) Planting of native vegetation and other restoration activities, if approved by the County of Los Angeles in a coastal development permit;

(4) If approved by the County of Los Angeles in a coastal development permit,

a. construction and maintenance of public hiking trails; and

b. construction and maintenance of roads, trails, and utilities consistent with existing easements.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority ("MRCA") on behalf of the people of the State of California an open space conservation easement over the "open space conservation easement area" described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit 7**. The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances (other than existing easements for roads, trails, and utilities) which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

IV.FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The project site is located on an approximately 20 acre property at 1300 Greenleaf Canyon Road in the Topanga area of the Santa Monica Mountains, Los Angeles County (APNs: 4438-017-001). The property is in the northernmost portion of the County's coastal zone and approximately one mile west of Topanga Canyon Boulevard (**Exhibits 1-3**). The property is bisected by Greenleaf Canyon Road and a blue-line canyon stream that run north to south through the property. The stream and canyon floor is dominated by Southern Oak Woodland vegetation. The topography of the property gradually ascends on either side of the stream corridor and transitions to a chamise chaparral vegetation community. There are also scattered non-native Eucalyptus trees on the subject property. However, the property is dominated by relatively undisturbed oak woodland and chamise chaparral vegetation that is part of a larger contiguous area of native vegetation that constitutes H1-type and H2-type sensitive environmental resource area (SERA) under the Los Angeles County-Santa Monica Mountains Local Coastal Program (the equivalent of environmentally sensitive habitat area (ESHA) under the Coastal Act), with the exception of the existing residential development in the southeast corner of the property (**Exhibit 5**). Access to the existing residence on-site is from an existing paved driveway that extends east a short distance from Greenleaf Canyon Road. There is also an existing dirt road that extends southeast approximately 200 feet from Greenleaf Canyon Road toward the existing as-built pool, patio, and three accessory structures/sheds. There are other residences located within this narrow canyon, located on adjacent properties to the north and south.

The applicant, Greenleaf Canyon Partners LLC, requests after-the-fact approval of a 1,028 sq. ft. addition to an existing 1,300 sq. ft. single family residence; conversion of an existing detached 605 sq. ft. garage into a guest residence; construction of a pool with patio involving approximately 100 cu. yds. of cut grading and approximately 160 linear ft. of 1-2 ft. high retaining walls; placement of a 120 sq. ft. pool storage shed and two other storage sheds (150 sq. ft. and 37 sq. ft. in size); an approximately 100 sq. ft. tree house in a non-native Eucalyptus tree; 440 sq. ft. ground-mounted solar panel array; and 127 cu. yds. of grading to widen an existing dirt road. The application also includes removal of an existing ground-mounted solar collection panels for pool heating (approximately 500 sq. ft.), and removal of an approximately 100 sq. ft. chicken coop structure. The removed ground-mounted solar collection panels for pool heating (approximately 500 sq. ft.) is proposed to be relocated to an area adjacent to the proposed as-built solar panel array. The application also includes re-vegetation of the area of the site where the chicken coop and ground-mounted solar collection panels were located, as well as a portion of the existing dirt road that was widened and the roadside slope, and re-vegetation of the areas where existing development is proposed to be removed. (**Exhibit 4**)

A 1,300 sq. ft. single family residence and a 605 sq. ft. detached garage were permitted on the subject property by Los Angeles County prior to the effective date of the Coastal Act. In 1987,

the detached garage was converted to a guest house without the required coastal development permit. As such, the applicant now requests after-the-fact approval for the conversion. In 1993, a 1,028 sq. ft. addition was made to the existing residence. In addition, at the same time, the property owner also constructed a pool, patio, and 120 sq. ft. accessory structure/pool equipment building on a slope to the east of the existing residence on the site. Installation of the pool and patio involved approximately 100 cu. yds. of cut grading and approximately 160 linear ft., 1-2 ft. high retaining walls. Moreover, a portion of the as-built pool, patio, and retaining wall encroaches into the dripline of an oak tree on site. The County issued a building permit for residence addition and the pool. However, no coastal development permit was obtained for the improvements. The applicant is now requesting after-the-fact approval of these as-built improvements. The as-built addition to the existing residence is exempt from the requirement of a coastal development permit. However, the addition of the pool, patio, retaining walls, and 120 sq. ft. accessory structure/pool equipment building are not exempt from coastal permit requirements under Section 30610 of the Coastal Act, and as further defined by Section 13250 of the California Code of Regulations, because the development required significant grading and retaining walls to construct the flat pad area where the development is located, which is not exempt from the requirement to obtain a coastal development permit and which poses a risk of significant alteration of landforms and adverse environmental effects. The applicant now requests after-the-fact approval of the as-built pool development as part of the proposed project.

There is also a historic secondary dirt access road on the subject property that was utilized for construction of the as-built pool in 1993. According to historic aerial photos, the road pre-dates the effective date of the Coastal Act. However, a portion of the road was widened by approximately 10 feet without the required coastal development permit, where approximately 127 cu. yds. of material was cut from the road and placed on the roadside slope the descends south of the road. The applicant proposes to restore the widened portion of the road and roadside slope by re-vegetating both with appropriate native plant species.

Further, an approximately 100 sq. ft. tree house was also constructed without the required coastal development permit in a non-native Eucalyptus tree on-site. The tree house is located within the irrigated fuel modification zone of the existing residence and guest house and is not habitable. The applicant is requesting after-the-fact approval of the tree house as part of the proposed project.

The applicant submitted an Oak Tree Report and a Biological Resources Evaluation, both of which are listed in the Substantive File Documents, depicting the location of native vegetation and oak trees and their protected zones within the vicinity of the proposed project. The existing and proposed residential development on the property is clustered in the southeast corner of the subject 20 acre property and is located approximately 300 feet east of the on-site canyon stream. Further, all proposed development is located within the fuel modification area of the existing residence. As such, the proposed development does not result in any adverse impacts to SERA. However, according to the Oak Tree Report, the approximately 127 cu. yds. of material that was cut from the dirt road and placed on the roadside slope the descends south of the road had resulted in minor encroachment (less than 10% encroachment) into the protected zone (defined as that area five feet outside the oak canopy or fifteen feet from the trunk(s), whichever is larger) of 7 on-site oak trees (Tree Nos. 6, 7, 12, 17, 22-24). In addition, a segment of the western portion of the proposed as-built pool and patio and associated concrete foundation wall/retaining

walls encroaches into the canopy and protected zone of one on-site oak tree (Tree No. 2) (**Exhibit 6**).

The proposed development is clustered with existing development on the property and is compatible with the character of the area and is not visible from any scenic public viewing areas.

The Los Angeles County-Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for completion of review. In this case, the subject permit application was filed complete by the Commission prior to certification of the LCP and the applicant opted to remain with the Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP.

B. HAZARDS AND GEOLOGIC STABILITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following development policies related to hazards that are applicable to the proposed development:

SN-1 All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.

SN-11 New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

SN-12 Site, design and size all new development to minimize risks to life and property from flood hazard, considering changes to inundation and flood zones caused by rising sea level.

SN-16 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.

SN-17 New development shall not increase peak stormwater flows.

SN-20 Ensure that all new development is sized, designed and sited to minimize risks to life and property from fire hazard.

SN-21 Design and site new development in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance.

SN-24 Structures shall be constructed with appropriate features and building materials, including but not limited to: fire-resistant exterior materials, windows and roofing, and eaves and vents that resist the intrusion of flame and burning embers.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.2102 "Development Standards," in relevant part, states:

A. All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.

…

D. All recommendations of the consulting licensed professional and/or the County geotechnical staff shall be incorporated into all final design and construction…

…

G. New development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a qualified licensed professional that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of stormwater runoff in compliance with the LID requirements of this LIP.

…

K. As a condition of approval of new development within or adjacent to an area subject to flooding, land or mudslide, or other high geologic hazard, prior to issuance of the Coastal Development Permit, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the County and agrees to indemnify the County against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

The proposed development is located in the Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Therefore, to address these hazards, the SMM LCP includes a number of policies and provisions related to hazards and geologic stability. Policies SN-1, SN-11, SN-12 and SN-20 require that new development be sited, sized and designed to minimize risks to life and property from different kinds of hazards. Policies SN-16 and SN-17 require that new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams and new development shall not increase peak stormwater flows.

The submitted Geologic and Geotechnical Engineering Investigation Report referenced as a Substantive File Document, concludes 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 report contains 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, and pursuant to LIP Section 22.44.2102 (D), the Commission requires the applicant to comply with the recommendations contained in the applicable report, 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. Pursuant to LIP Section 22.44.2102(G), the Commission requires the applicant to submit drainage and interim erosion control plans certified by the geotechnical engineer.

Policies SN-21 and SN-24 require that all new development is sited and designed in a manner that minimizes the threat of loss from wildland fires while avoiding the need for excessive vegetation clearance. Collectively, these policies encourage the clustering of residential structures both on individual lots and on multiple adjacent lots to provide for more localized and effective fire protection measures, such as consolidation of required fuel modification and brush clearance.

Further, pursuant to SN-11 which requires 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 geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP, 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. Pursuant to LIP Section 22.44.2102 (D), 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. Additionally, consistent with LIP Section 22.44.2102(K), 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, as determined in the findings above, to assure the project's consistency with the geologic, flood, and fire hazard policies of the Santa Monica Mountains LCP 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 Plan
Special Condition 4: Interim Erosion Control Plan and Construction Responsibilities
Special Condition 5: Re-vegetation and Fuel Modification Plan
Special Condition 7: Deed Restriction

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with the applicable geologic, fire and flood hazard policies of the Santa Monica Mountains LCP.

C. WATER QUALITY

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of water quality:

CO-2 Site, design, and manage new development and improvements, including but not limited to, landscaping to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume. Review new development and improvements for potential degradation of water quality, and ensure that they meet the requirements of the NPDES Municipal Stormwater Permit's Low Impact Development (LID) Requirement, included as part of the Local Implementation Program.

CO-3 To reduce runoff and erosion and provide long-term, post-construction water quality protection in all physical development, prioritize the use of Best Management Practices (BMPs) in the following order: 1) site design BMPs, 2) source control BMPs, 3) treatment control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, require treatment control BMPs, in addition to site design and source control measures. Design, construct, and maintain any required treatment control BMPs (or suites of BMPs) so that they treat, infiltrate, or filter the amount of storm water runoff produced by all storms up to and including the 85^{th} percentile, 24-hour storm event for volume-based BMPs and/or the 85^{th} percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. Prioritize the use of Low Impact Development in project design to preserve the natural hydrologic cycle and minimize increase in storm water or dry weather flows.

CO-4 Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.

CO-5 Infiltrate development runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows.

CO-30 Site new OWTS and require them to be designed so that impacts to sensitive environmental resources are minimized, including grading, site disturbance, and the introduction of increased amounts of water. Adequate setbacks and/or buffers shall be required to protect H1 habitat and surface waters from lateral seepage from the sewage effluent dispersal system and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise.

CO-76 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving water body.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.1340 "Water Resources", in relevant part, states:

B. Water wells, geologic testing, and on-site wastewater treatment systems (OWTS).

…

3. New OWTS shall comply with all current County Environmental Health OWTS standards and Water Resources Control Board requirements. Coastal development permit applications for OWTS installation and expansion, where groundwater, nearby surface drainages or slope stability are likely to be adversely impacted as a result of the projected effluent input to the subsurface, shall include a study prepared by a California Certified Engineering Geologist or Registered Geotechnical Engineer that analyzes the cumulative impact of the proposed OWTS on groundwater level, quality of nearby surface drainages, and slope stability…

a. New OWTS shall be sited so that impacts to sensitive environmental resources are minimized including grading, site disturbance, and the introduction of increased amounts of water. To the extent feasible, OWTS shall be sited within the approved building site area and/or the associated irrigated fuel modification zones, and in an area that can be accessed from existing or approved roads for maintenance purposes;

b. New OWTS shall be of appropriate and adequate size, capacity, and design to serve only the intended development. In areas with constraints to OWTS, including but not limited to, substandard, Rural Villages and geologic hazard areas, the County may permit innovative and alternative methods of wastewater treatment and disposal provided that installation, operation, and maintenance of such systems minimize impacts to public health, water quality and natural resources, and are acceptable to the County and to the Regional Water Quality Control Board; and

c. Adequate setbacks and/or buffers shall be required to protect H1 habitat area and surface waters from lateral seepage from the sewage effluent dispersal systems and, on or adjacent to beaches, to preclude the need for bulkheads, seawalls or revetments to protect the OWTS from coastal erosion, flooding and inundation, initially or as a result of sea level rise. Leachfields shall be located at least 100 feet and seepage pits shall be located at least 150 feet from any stream, as measured from the outer edge of riparian canopy, or from the stream bank where no riparian vegetation is present, and at least 50 feet outside the dripline of existing oak, sycamore, walnut, bay, and other native trees.

…

E. Where BMPs are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The selection of the BMPs shall be prioritized in the following order: 1) site design BMPs (e.g., minimizing the project's impervious footprint or using pervious pavements), 2) source control BMPs (e.g., revegetate using a plant palette that has low fertilizer/pesticide requirements), and 3) treatment control BMPs (e.g., use vegetated swales). When the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be required, in addition to site design and source control measures. The design of BMPs shall be guided by the current edition of the

California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks, or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development, and specific to a climate similar to the Santa Monica Mountains.

…

H. Construction Runoff and Pollution Control Plan (CRPCP) is required for all development projects that involve on-site construction to address the control of construction-phase erosion, sedimentation, and polluted runoff. This plan shall specify the temporary BMPs that will be implemented to minimize erosion and sedimentation during construction, and minimize pollution of runoff by construction chemicals and materials.

…

I. A Post-Construction Runoff Plan (PCRP) is required for all development that involves on-site construction or changes in land use (e.g., subdivisions of land) if the development has the potential to degrade water quality or increase runoff rates and volume, flow rate, timing, or duration.

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. LUP Policy CO-2 and CO-76 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. To reduce runoff and erosion and provide long-term, post construction water quality protection in all physical development, CO-3 states that the use of Best Management Practices (BMPs) shall be employed to the maximum extent practicable to minimize polluted runoff. New development is required to minimize impervious surfaces, convey drainage in a non-erosive manner, and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4 and CO-5).

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, LUP Policy CO-3 and LIP Section 22.44.1340 require 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. In order to ensure that the project drainage, both during and after construction, minimizes impacts to water quality as required by these policies and provisions, the

Commission requires Special Condition Three (3) and Special Condition Four (4), for the submittal of an interim erosion control plan and a permanent drainage and polluted runoff control plan, both of which incorporate BMPs during the construction and post-development stages of the project.

There is also a historic secondary dirt access road on the subject property that was utilized for construction of the as-built pool in 1993. According to historic aerial photos, the road pre-dates the effective date of the Coastal Act. However, a portion of the road was widened by approximately 10 feet without the benefit of a coastal development permit, where approximately 127 cu. yds. of material was cut from the road and placed on the roadside slope the descends south of the road. The applicant proposes to restore the widened portion of the road and roadside slope by re-vegetating both with appropriate native plant species. In addition, ground-mounted solar arrays have been placed on the property without the required coastal development permits. One of the existing, unpermitted solar arrays is proposed to be retained in its existing location on the historic dirt access road that is within the fuel modification area of the existing residence. The other existing, unpermitted solar array is a water-heating array that is located on a slope to the east of the residence. The applicant proposes to relocate it to adjacent to the other existing solar array on the historic dirt access road north of the residence and re-vegetate the area in order to cluster development and minimize removal of native vegetation. In order to minimize the removal of native vegetation and erosion from the site, the Commission finds it necessary to require the applicant to prepare and implement a final re-vegetation plan for all disturbed or graded areas of the site (as required by Special Condition Five (5)).

Additionally, both leakage and periodic maintenance drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing the instability of the site and adjacent properties and potential impacts from pool chemicals (i.e. pool water algaecides, chemical pH balancing, and other water conditioning chemicals). In order to minimize adverse impacts to water quality resulting from the approved pool pursuant to Special Condition 10, the Commission requires Special Condition Nine (9), which requires the applicant to install no or low chlorine purification systems, and to not discharge pool water into a street, storm drain, creek, canyon drainage channel, or other location where it could enter receiving waters.

Section 22.44.1370 of the certified LIP requires that all accessory dwelling units have an OWTS separate from the OWTS utilized for the primary structure. As mentioned previously, a component of the proposed project includes request for after-the-fact approval to convert an existing 605 sq. ft. detached garage to a guest house. The applicant, however, has not proposed the construction of an additional OWTS to separately serve the guest house, as required by LIP Section 22.44.1370. The LCP requires that new OWTS minimize impacts to sensitive resources, including grading, site disturbance, and the introduction of increased amounts of water. Further, the LCP requires adequate buffers from H1 habitat areas and surface waters to protect those resources from lateral seepage from the sewage effluent dispersal systems. As such, the Commission requires Special Condition Twelve (12) in order to ensure that the applicants obtain County of Los Angeles approval for the subject system, and submit project plans depicting its location on the subject property. Further, Special Condition 12 requires the system to be sited and designed to comply with Section 22.44.1340(B) of the certified LIP.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with water quality policies of the Santa Monica Mountains LCP:

Special Condition 3: Permanent Drainage and Polluted Runoff Control Plan
Special Condition 4: Interim Erosion Control Plan and Construction Responsibilities
Special Condition 5: Re-vegetation and Fuel Modification Plan
Special Condition 9: Pool and Spa Maintenance
Special Condition 12: County Environmental Health Department Approval

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable water quality policies of the Santa Monica Mountains LCP.

D. ENVIRONMENTALLY SENSITIVE HABITAT AND NATIVE TREE PROTECTION

The following Santa Monica Mountains Local Coastal Program (LCP) policies related to the protection of environmentally sensitive habitat are applicable in this case:

CO-33 Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.

1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity--alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak, sycamore, walnut and bay woodlands, and rock outcrop habitat types. Wetlands, including creeks, streams, marshes, seeps and springs, are also H1 habitat. Coast live and valley oak, sycamore, walnut, and bay woodlands are all included in H1 habitat. H1 habitat also includes populations of plant and animals species (1) listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. A subcategory of H2 habitat is H2 "High Scrutiny" habitat, which comprises sensitive H2 habitat species/habitats that should be given avoidance priority over other H2 habitat. This habitat contains (1) CNDDB-identified rare natural communities; (2) plant and animal species listed by the State or Federal government as rare, threatened, or endangered; listed by NatureServe as State or Global-ranked 1, 2, or 3, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats. H2 "High Scrutiny" habitat also includes (1) plant and animals species listed by the State or Federal government as rare, threatened or endangered, listed by NatureServe as State or Global ranked 1, 2, or 3, and identified as California Species of Special Concern, and/or (2) CNPS-listed 1B

and 2 plant species, normally associated with H1 habitats, where they are found as individuals (not a population) in H2 habitat.

CO-34 H3 habitat consists of areas that would otherwise be designated as H2 habitat, but the native vegetation communities have been significantly disturbed or removed as part of lawfully-established development. This category also includes areas of native vegetation that are not significantly disturbed and would otherwise be categorized as H2 habitat, but have been substantially fragmented or isolated by existing, legal development and are no longer connected to large, contiguous areas of coastal sage scrub and/or chaparral-dominated habitats. This category includes lawfully-developed areas and lawfully-disturbed areas dominated by non-native plants such as disturbed roadside slopes, stands of non-native trees and grasses, and fuel modification areas around existing development (unless established illegally in an H2 or H1 area). This category further includes isolated and/or disturbed stands of native tree species (oak, sycamore, walnut, and bay) that do not form a larger woodland or savannah habitat. While H3 habitat does not constitute a SERA, these habitats provide important biological functions that warrant specific development standards for the siting and design of new development.

CO-44 New development shall be sited in a manner that avoids the most biologically-sensitive habitat onsite where feasible, while not conflicting with other LCP policies, in the following order of priority: H1, H2 High Scrutiny, H2, H3. Priority shall be given to siting development in H3 habitat, but outside of areas that contain undisturbed native vegetation that is not part of a larger contiguous habitat area. If infeasible, priority shall be given to siting new development in such H3 habitat. If it is infeasible to site development in H3 habitat areas, development may be sited in H2 habitat if it is consistent with the specific limitations and standards for development in H2 habitat and all other provisions of the LCP. New development is prohibited in H1 habitat unless otherwise provided in Policy CO-41.

CO-51 Where new residential development is permitted in H3 habitat, the maximum allowable residential building site area shall be 10,000 square feet, or 25 percent of the parcel size, whichever is less.

CO-74 New development shall be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources.

CO-67 Coastal development permits for the development of uses allowed within or adjoining H1 and H2 habitat shall include an open space conservation easement over the remaining H1 habitat, H1 habitat buffer, or H2 habitat, in order to avoid and minimize impacts to biological resources.

CO-77 New development in H2 and H3 habitat areas shall be sited and designed to minimize removal of native vegetation and required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of natural vegetation, and irrigation of natural areas, while providing for fire safety. Where clearance to mineral soil is not required by the Fire Department, fuel load shall be reduced through thinning or mowing, rather than complete removal of

vegetation. All vegetation removal, thinning and mowing required for new development must avoid disturbance of wildlife and special-status species, including nesting birds.

CO-117 Require open space easements or deed restrictions as part of development projects on sites containing SERAs in order to ensure that approved building site areas are limited and impacts to coastal habitat are minimized.

The applicant submitted an Oak Tree Report and a Biological Resources Evaluation, both of which are listed in the Substantive File Documents, depicting the location of native vegetation and oak trees and their protected zones within the vicinity of the proposed project. The existing and proposed residential development on the property is clustered in the southeast corner of the subject 20 acre property and is located approximately 300 feet east of an on-site canyon stream. The property is bisected by a blue-line canyon stream that run north to south through the property. The stream and canyon floor is dominated by Southern Oak Woodland vegetation. The topography of the property gradually ascends on either side of the stream corridor and transitions to a chamise chaparral vegetation community. There are also scattered non-native Eucalyptus trees on the subject property. However, the property is dominated by relatively undisturbed oak woodland and chamise chaparral vegetation that is part of a larger contiguous area of native vegetation that constitutes H1-type and H2-type sensitive environmental resource area (SERA) under the Los Angeles County-Santa Monica Mountains LCP (the equivalent of environmentally sensitive habitat area (ESHA) under the Coastal Act), with the exception of the existing residential development in the southeast corner of the property. The single family residence and detached garage structure on the subject property pre-dates the effective date of the Coastal Act.

This developed portion of the site is designated as H3 habitat (existing development) on the LCP's Biological Resources Map (Map 2 of the Land Use Plan). Given the disturbed nature of the developed portion of the site, the H3 designation is appropriate. The remainder of the property that contains undisturbed oak woodland and chaparral vegetation constitute H1 and H2 SERA habitat, respectively, and are designated as such on the LCP's Biological Resources Map (Map 2 of the Land Use Plan).

All proposed development that is the subject of this application are located within the existing developed portion of the site and the associated fuel modification area of the existing residence. As such, the proposed development will not result in any direct adverse impacts to H1 or H2 SERAs. However, the proposed project is located in close proximity to individual native oak trees that are protected as a significant coastal resource, but that do not constitute an oak woodland H1 habitat, pursuant to the policies of the LCP. Protection of oak trees on-site is discussed further below.

In addition, based upon the applicants draft fuel modification plan, the proposed development will not result in expansion of existing fuel modification requirements into SERAs. However, because the applicant has not yet submitted a fuel modification plan approved by the County Fire Department that confirms the proposed development will not result in expansion of fuel modification requirements beyond what is required for the residence and guest house, **Special Conditions 5 and 10** are required. Special Condition 5 states, in part, that the applicant shall provide an approved Final Fuel Modification Plan that shows that no additional fuel modification (beyond that required for the single family residence and guest house) is required for any of the proposed accessory structures including the pool equipment shed, two additional sheds, or the

tree house. Should the applicant fail to submit the evidence that no additional fuel modification will be required for the above referenced accessory structures, then the applicant shall submit revised plans deleting these structures, pursuant to Special Condition 10 (Revised Plans).

In order to minimize removal of native vegetation on-site and further cluster development in order to contain all development within a 10,000 sq. ft. building site area, as required by the policies of the LCP, the applicant proposes to remove an existing, unpermitted ground-mounted solar collection panel for pool heating (approximately 500 sq. ft.) and a 100 sq. ft. chicken coop structure that are located east of the residence and restore the disturbed areas with native vegetation, consistent with fuel modification requirements. The removed ground-mounted solar collection panel for pool heating (approximately 500 sq. ft.) is proposed to be relocated to an area adjacent to the proposed as-built solar panel array on an existing road north of the residence.

Further, the policies and provisions of the Santa Monica Mountains LCP specifically require the recordation of open space easements or deed restrictions in order to ensure that approved building site areas are limited and the remaining sensitive habitats on a project site are protected. Therefore, in order to ensure that the remaining habitat on this property is protected, Special Condition Thirteen (13) requires that the applicant grant an open space and conservation easement over the portion of the property outside of the approved building site, as depicted on Exhibit 7. As detailed in Special Condition 13, the open space and conservation easement will run with the land and will prohibit all development, with exceptions including fuel modification required by the Los Angeles County Fire Department undertaken in accordance with development approved in a CDP(s) issued by the County; drainage and polluted runoff control activities approved in a CDP(s) issued by the County; construction and maintenance of public hiking trails, if approved by the County in a coastal development permit; and construction and maintenance of roads, trails, and utilities pursuant to existing easements, if approved by the County in a coastal development permit. Under the terms of Special Condition 13, an open space and conservation easement over the open space will be granted by the applicant to the Mountains Recreation and Conservation Authority ("MRCA"), a joint powers authority. The MRCA is a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation and management of open space, parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns or are owned by the Santa Monica Mountains Conservancy. The governing board of the MRCA has agreed to accept all open space easements required by the Commission for properties within the Santa Monica Mountains National Recreation Area.

Lastly, 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 LCP is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply 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, or change in intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed for consistency with the resource protection policies of the LCP, Special Conditions Six (6) and Seven (7) are required.

Oak Tree Protection

The Santa Monica Mountains Local Coastal Program (LCP) contains the following policies related to the protection of native oak trees:

CO-99 New development shall be sited and designed to preserve oak, walnut, sycamore, bay, or other native trees to the maximum extent feasible that are not otherwise protected as H1 or H2 habitat and that have at least one trunk measuring six inches or more in diameter, measured at four and one-half feet above natural grade. Removal of native trees shall be prohibited except where no other feasible alternative exists. Development shall be sited to prevent any encroachment into the protected zone of individual native trees to the maximum extent feasible, as set forth below. Protected Zone means that area within the dripline of the tree and extending at least five feet beyond the dripline, or 15 feet from the trunk of the tree, whichever is greater. Removal of native trees or encroachment in the protected zone shall be prohibited for accessory use or structures. If there is no feasible alternative that can prevent tree removal or encroachment, then the alternative that would result in the fewest or least-significant impacts shall be selected. Adverse impacts to native trees shall be fully mitigated, with priority given to on-site mitigation. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid impacts to native trees and/or woodland habitat.

When unavoidable adverse impacts to native trees will result from permitted development, the impacts must be mitigated in accordance with the following standards and subject to a condition of approval requiring a native tree replacement planting program:

Impact	**Mitigation Ratio (no. of replacement trees required for every 1 tree impacted/removed)**
Removal	10:1
> 30% encroachment into protected zone	10:1
Encroachment that extends within 3 ft. of tree trunk	10:1
Trimming branch over 11 in. diameter without encroachment within 3 ft. of tree trunk	5:1
10-30% encroachment into protected zone without encroachment within 3 feet of tree trunk	5:1
< 10% encroachment into protected zone and without encroachment within 3 ft. of tree trunk	None. Monitoring required.

Where development encroaches into less than 30 percent of the protected zone of native trees, each affected tree shall be monitored annually for a period of not less than 10 years. An annual monitoring report shall be submitted for review by the County for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall mitigate the impacts at a 10:1 ratio with seedling-sized trees.

CO-100 New development on sites containing oak, walnut, sycamore, bay, or other native trees shall incorporate the following native tree protection measures:

a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.

b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.

c. The applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the Director, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

LIP Section 22.44.1240 “Vegetation Management and Landscaping”, in relevant part, states:

A. Vegetation Management

…

6. New development shall be sited and designed to avoid removal of locally-indigenous vegetation where feasible.

…

B. Landscaping

…

2. All new development shall minimize removal of natural vegetation, including locally-indigenous vegetation to minimize erosion and sedimentation, impacts to scenic resources, and impacts to sensitive resources.

LIP Section 22.44.1920(J), in relevant part, states:

J. Open Space Requirement. All CDPs that include the approval of structures within H2 "High Scrutiny" Habitat or H2 Habitat, adjacent to H1 habitat, or adjacent to parklands, shall be conditioned to require the preservation in perpetuity of the remaining H1 habitat, H2 habitat, H1 habitat buffer, or parkland buffer on-site. On a parcel that includes steep lands (lands over 50 percent slope), all CDPs that include the approval of structures shall be conditioned to require the permanent preservation of the steep lands on-site.

…

The certified Santa Monica Mountains LCP recognizes that native trees, including oak trees, are an important coastal resource even where they are not part of larger woodland that is SERA/ESHA. Native trees prevent the erosion of hillsides and stream banks, moderate water temperatures in streams through shading and 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. As required by LUP Policy CO-99, as well as LIP Section 22.44.1240, new development can only encroach or result in the removal of native oak trees on-site if there are no other feasible alternatives to develop the property. Removal of native trees or encroachment in the protected zone is prohibited for accessory use or structures. Additionally, oak trees are an important component of the visual character and scenic quality of the area and must be protected in order to ensure that the proposed development is visually compatible with this character, as required by LIP Section 22.44.1240.

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, stretching as far 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 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 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 (in other words, portions of the proposed structures, or grading will be located within) the protected zone of an oak tree can also result in significant adverse impacts. 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. 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. Further, the introduction of development within oak 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 (including death), depending on the location and extent of the encroachments.

As discussed previously, the portions of the proposed as-built development are located near several oak trees in the developed portion of the site. According to the Oak Tree Report, the approximately 127 cu. yds. of material that was cut from the dirt road and placed on the roadside slope the descends south of the road had resulted in minor encroachment into the protected zone (defined as that area five feet outside the oak canopy or fifteen feet from the trunk(s), whichever is larger) of 7 on-site oak trees (Tree Nos. 6, 7, 12, 17, 22-24) (Exhibit 7). According to the Oak Tree Report, the encroachment into the protected zone of 7 on-site oak trees from the minor amount of fill placed on the roadside slope is not significant and is not expected to adversely impact the oak trees. The majority of the unpermitted grading occurred on the portion of the fill slope outside of the oak tree driplines. Moreover, given that the relatively small amount of unpermitted fill grading occurred over a relatively large area, the applicant's geologic engineering consultants have indicated that it is infeasible to remove the fill that occurred within the protected zones/driplines of these oak trees and instead proposes to restore the descending slope below the road

to an approximation of its previous condition by re-vegetating this area with native vegetation using hand tools. To ensure that adverse impacts to the trees is avoided during re-vegetation activities and project construction, Special Condition Eight (8) 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 for the duration of 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. The oak trees shall also be monitored annually for a period of ten years by a biological consultant or arborist to determine if the trees are adversely impacted by the approved project. Should any of the trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement seedling-sized trees on the site at a rate of 10:1.

The LCP prohibits removal or encroachment of native trees for accessory use or structures. In this case, a segment of the western portion of the proposed as-built pool patio and associated concrete foundation/retaining wall encroaches into the canopy and protected zone of one on-site oak tree (Tree No. 2) (Exhibit 7). Thus, the as-built pool, patio, and associated retaining walls constitute development that is accessory to the existing residence and which would be in non-compliance with the native tree protection policies of the LCP in its as-built configuration. Moreover, staff notes that it is feasible for the existing pool/patio to be either removed or reconfigured in a manner that avoids encroachment into the protected zone of native oak trees. As such, to ensure the project's consistency with the oak tree protection policies of the certified LCP, it is necessary to require the applicant to submit final revised plans prior to issuance of the permit that reflect either the removal of the pool, patio, and retaining walls or the reconfiguration of the as-built pool/patio in a manner that avoids encroachment into the protected zone of any oak tree on-site. The revised plans shall also reflect that any reconfiguration of the pool/pool patio shall also remain within the irrigated fuel modification zone of the existing residence and not result in the approved building site area to exceed 10,000 sq. ft. The revised plans shall also identify construction measures and practices that will avoid adverse impacts to on-site oak trees during construction.

In addition, Special Condition Eight (8) 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 for the duration of 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. The affected oak tree shall also be monitored annually for a period of ten years by a biological consultant or arborist to determine if the trees are adversely impacted by the approved project. Should any of the trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement seedling-sized trees on the site at a rate of 10:1.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with the environmentally sensitive habitat and oak tree protection policies of the Santa Monica Mountains LCP:

Special Condition 8: Oak Tree Protection and Monitoring
Special Condition 6: Future Improvements Restriction
Special Condition 7: Deed Restriction
Special Condition 10: Revised Plans

Special Condition 13: Open Space Conservation Easement

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable oak tree protection and habitat protection policies of the Santa Monica Mountains LCP.

E. CUMULATIVE IMPACTS

The following Santa Monica Mountains Land Use Plan policies related to the cumulative impacts are relevant in this case:

LU-1 New residential, commercial, or industrial development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

LU-24 The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as detached garage, stable, workshop, gym, studio, pool cabana, office, or tennis court structures are clustered to minimize required fuel modification. Certain confined animal facilities may be allowed outside of the building site area consistent with Policy CO-103. Second residential units (guesthouse, granny units, etc.) shall be limited in size to a maximum of 750 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Garages provided as part of a second residential until shall not exceed an additional 750 square feet (3-car) maximum.

LU-33 Require that new development be compatible with the rural character of the area and the surrounding natural environment.

CO-74 New development shall be clustered to the maximum extent feasible and located as close as possible to existing roadways, services and other developments to minimize impacts to biological resources.

In addition, the following certified Santa Monica Mountains Local Implementation Plan (LIP) sections are specifically applicable in this case.

Section 22.44.1370 states, in relevant part:

A.The purpose of this section is to provide for accessory dwelling units and other habitable accessory structures. Only one such accessory dwelling unit or habitable accessory structure shall be allowed on a property.

B.All proposed accessory dwelling units and habitable accessory structures shall be required to retire one transfer of development credit pursuant to Section 22.44.1230. Caretaker's dwelling units (caretaker's residences and mobile homes), as described in this section, shall be exempt from this requirement.

C.Accessory Dwelling Units.

1. The following accessory dwelling units may be permitted in the Coastal Zone subject to the following requirements. All accessory dwelling units shall:

a. Contain no more than 750 square feet of floor area;

b. Be clearly subordinate to the primary use or dwelling on the property, and shall be clustered on the same building site area as the primary use or residence;

c. Be compatible in terms of external appearance with existing residences in the vicinity of the lot or parcel of land on which it is proposed to be constructed;

d. Have an on-site wastewater treatment system (OWTS) approved by the Departments of Public Health and Public Works that is separate from the OWTS for the primary structure(s) if applicable;

e. Have a maximum height consistent with the standard in Section 22.44.1250;

…

The Santa Monica Mountains LCP emphasizes the need to address the cumulative impacts of new development in the Santa Monica Mountains area, particularly those of subdivisions, multi-family residential development, and second residential units, all of which result in increased density. It is particularly critical to evaluate the potential cumulative impacts of increased density given the existence of thousands of undeveloped and poorly sited parcels in the mountains that were created decades ago in antiquated subdivisions. Furthermore, construction of a guesthouse unit or second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, guesthouses and second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

As described above, all proposed development has been sited in a clustered configuration, immediately adjacent to existing residential development and roadways on the subject property, consistent with LCP policies LU-1 and CO-74. As a component of the subject permit application, the applicant is proposing to convert a pre-existing 605 sq. ft. detached garage square foot to a guest unit that is consistent with the maximum square footage (750 square feet) outlined in LIP Section 22.44.1370. LIP Section 22.44.1370 also requires that all proposed accessory dwelling units and habitable accessory structures shall be required to retire one transfer of development credit. In order to ensure that cumulative impacts are minimized, consistent with LIP Section 22.44.1370, the Commission has required Special Condition Eleven (11), which requires that prior to issuance of the coastal development permit, the applicant submit evidence that the development rights have been retired on a parcel(s) equivalent to one transfer of development

credit. As detailed in the LIP, this may be accomplished either through: 1) an open space easement dedication and the merging or recombination of the retired lot(s) with one or more adjacent developed or buildable parcels, or 2) an open space deed restriction and transfer in fee title to a public entity. However, Special Condition 10 also provides that if a Transfer of Development Credit (TDC) is not obtained in accordance with Special Condition 11 and that County approval is not obtained for an onsite wastewater treatment system (OWTS) for the guest house in accordance with Special Condition 12, then the revised plans must depict deletion of the proposed guest house.

The following special condition is required, as determined in the findings above, to assure the project's consistency with the applicable cumulative impact policies of the Santa Monica Mountains LCP:

Special Condition 10: Revised Plans
Special Condition 11: Cumulative Impact Mitigation

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the applicable cumulative impact policies of the Santa Monica Mountains LCP.

F. UNPERMITTED DEVELOPMENT

Unpermitted development occurred on the subject parcel prior to submission of this permit application. The applicant is requesting after-the-fact approval of the unpermitted development identified by staff that is not exempt from the requirement of a coastal development permit, which consists of (1) conversion of an existing 605 sq. ft. garage into a guest residence, (2) construction of a pool with patio involving approximately 100 cu. yds. of cut grading and retaining walls, (3) placement of a 120 sq. ft. pool storage shed and two other storage sheds (150 sq. ft. and 37 sq. ft. in size), (4) construction of an approximately 100 sq. ft. tree house in a non-native Eucalyptus tree, (5) installation of a 440 sq. ft. ground-mounted solar panel, and (6) performance of 127 cu. yds. of grading to widen an existing dirt road. The application also requests authorization for some work that has not yet occurred, including relocation of an existing ground-mounted solar collection panel for pool heating (approximately 500 sq. ft.), and removal of an approximately 100 sq. ft. chicken coop structure. Finally, the application also proposes re-vegetation of disturbed areas of the site where unpermitted development occurred.

The Commission is granting after-the-fact approval for those components of the subject application that have already occurred or already exist, subject to conditions, for the reasons discussed in full in the preceding sections of this report. Of particular note is the condition requiring revised plans (Special Condition 10) in which the unpermitted pool and pool deck and associated retaining walls are either deleted from the plans or shown to be reconfigured in a manner that avoids encroachment into the driplines and protected zones of on-site oak trees. If the applicant chooses to reconfigure these items but does not implement development consistent with the approved revised plans, that would constitute a failure to comply with the terms and conditions of this permit, and thus, a violation of the Coastal Act. Alternatively, if the applicant chooses to remove these items from the plans, then they will remain as unpermitted development, and the Commission would hope that the applicant would voluntarily remove them. Failure to do so would also be a continuing violation of the Coastal Act. In either case,

the Commission's Enforcement Division would consider further enforcement options to resolve the violation after the Commission's action on this item.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the certified Los Angeles County-Santa Monica Mountains LCP. Review of this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. 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 LCP 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 above, the proposed development, as conditioned, is consistent with the policies of the certified Santa Monica Mountains Local Coastal Program. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. 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 13

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

Los Angeles County-Santa Monica Mountains Local Coastal Program; Preiminary Geologic and Soils Engineering Investigation Report, prepared by Geoconcepts, Inc., dated February 2, 2010; Oak Tree Report, prepared by Kay Greeley, dated July 25, 2013; Biology Study, prepared by Kay Greeley, dated June 27, 2013; Expanded Biology Study, prepared by Seven Elk Ranch Design Inc., dated January 20, 2014.

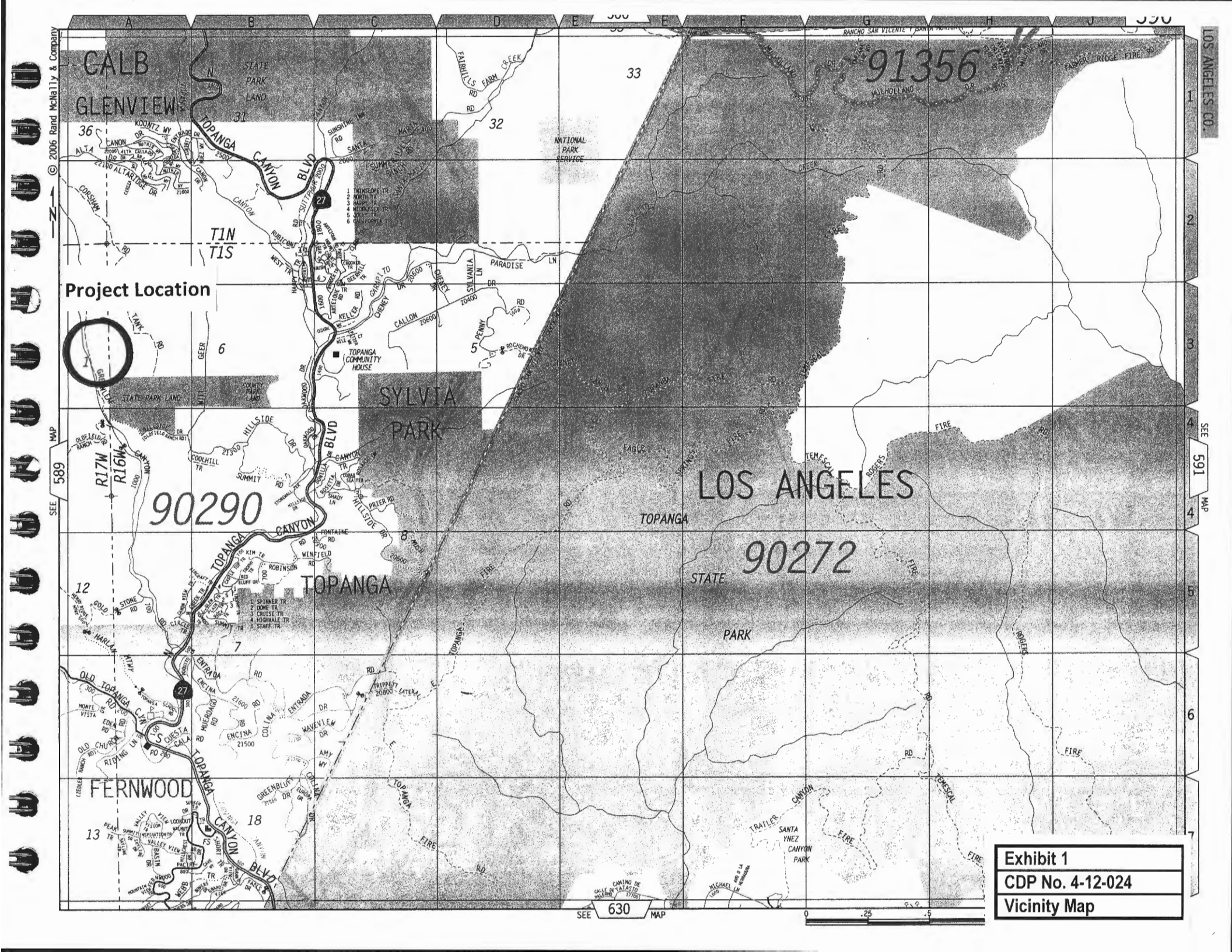

Exhibit 1
CDP No. 4-12-024
Vicinity Map

12-21-64
681122
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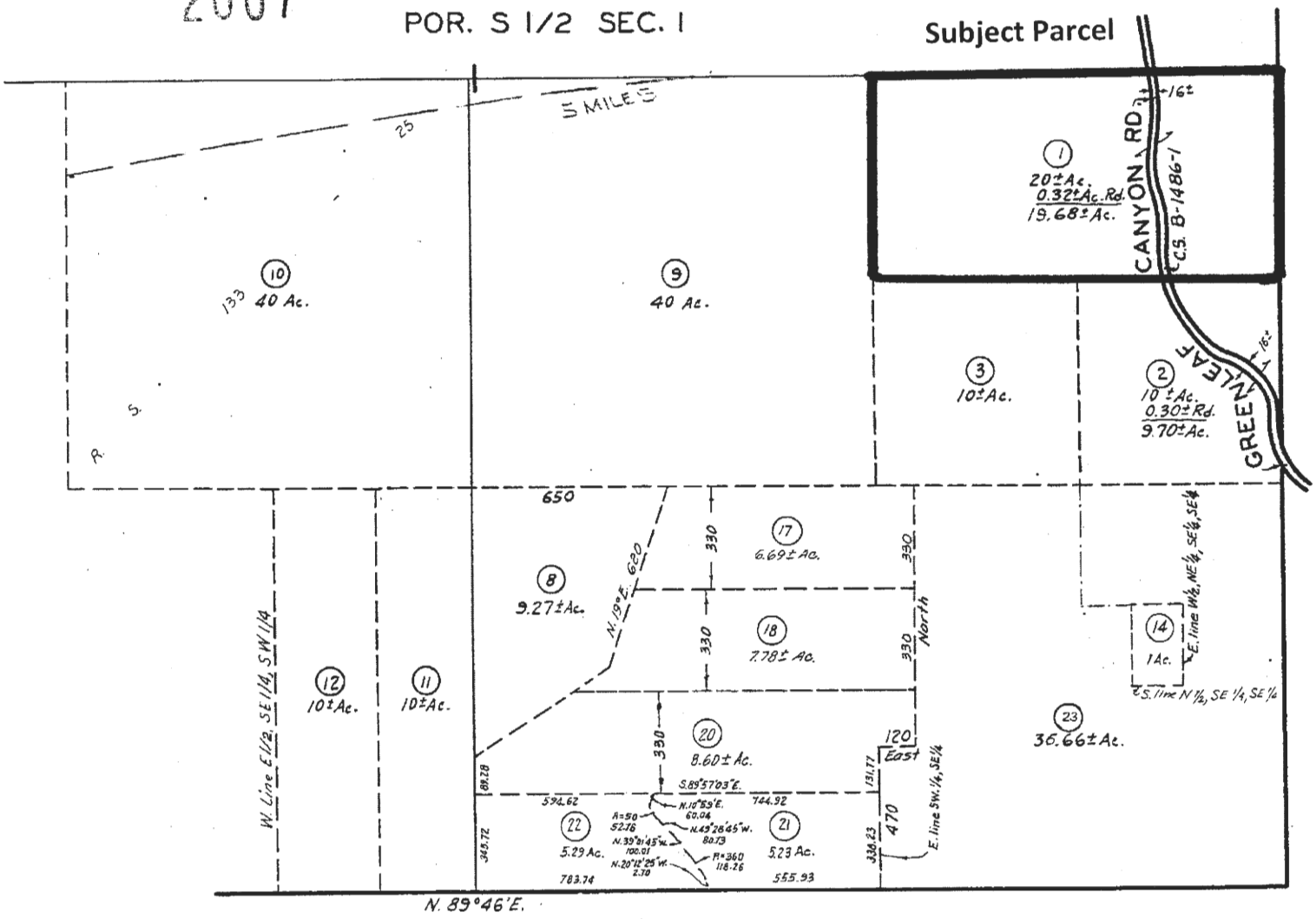
8308168

2001041609
200703190

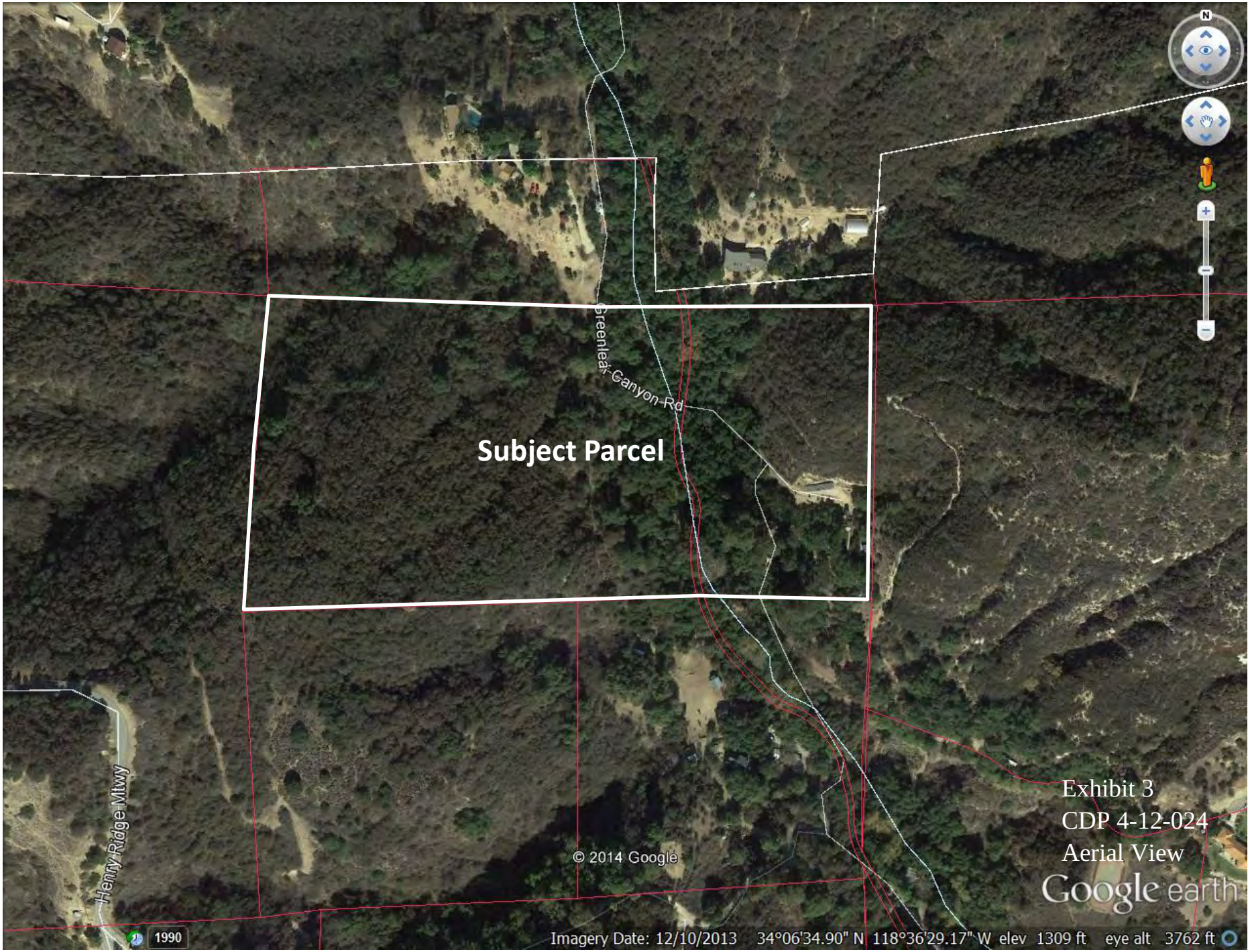
2007

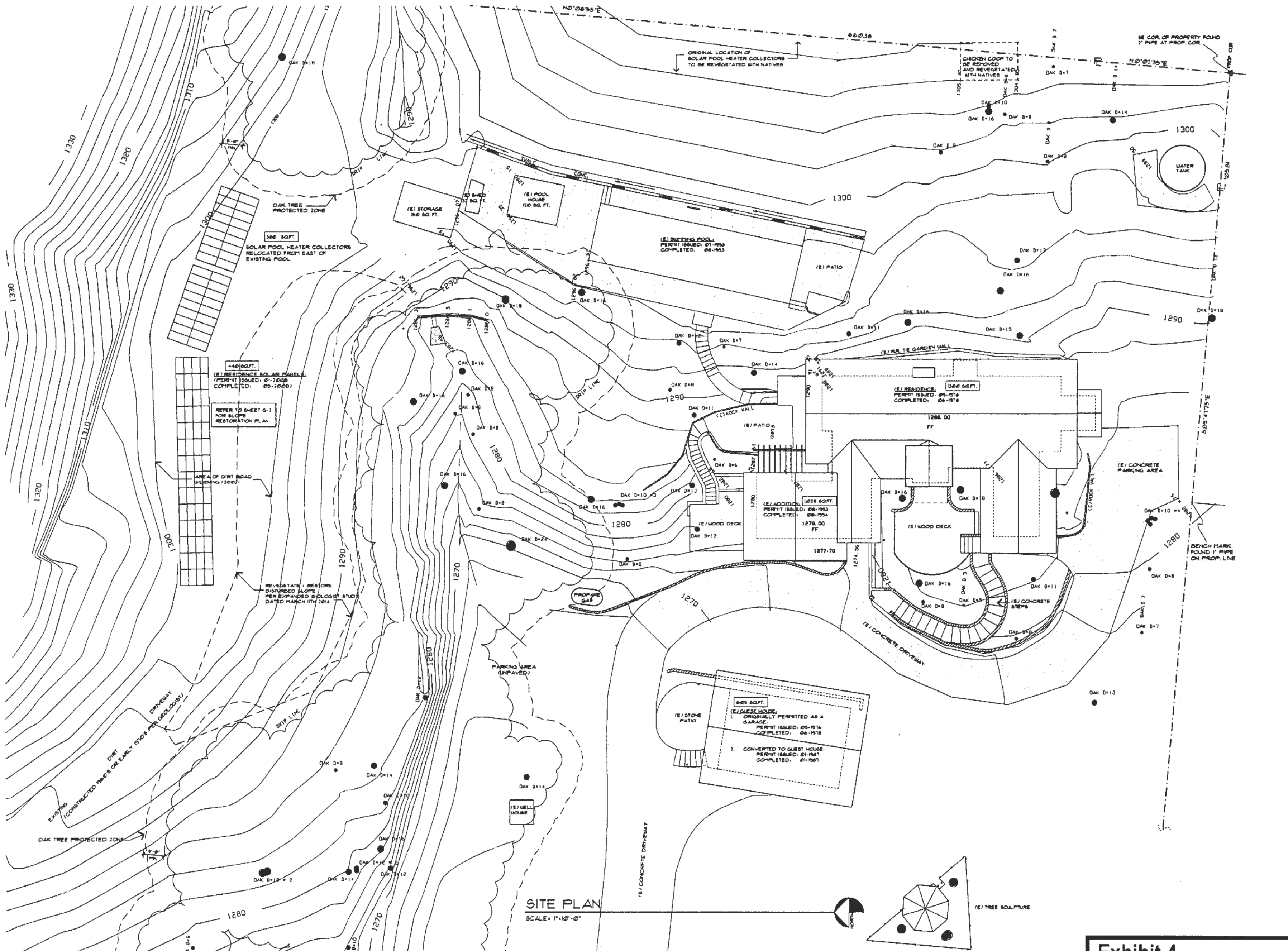


T. 1 S., R. 17 W.

PREV. ASSM'T. SEE: 496 – 1

Exhibit 2
CDP No. 4-12-024
Parcel Map


Greenleaf Canyon Rd
Subject Parcel
Henry Ridge Mtwy
© 2014 Google
Exhibit 3
CDP 4-12-024
Aerial View
Google earth
1990
Imagery Date: 12/10/2013 34°06'34.90" N 118°36'29.17" W elev 1309 ft eye alt 3762 ft



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Sheet Title

SITE PLAN
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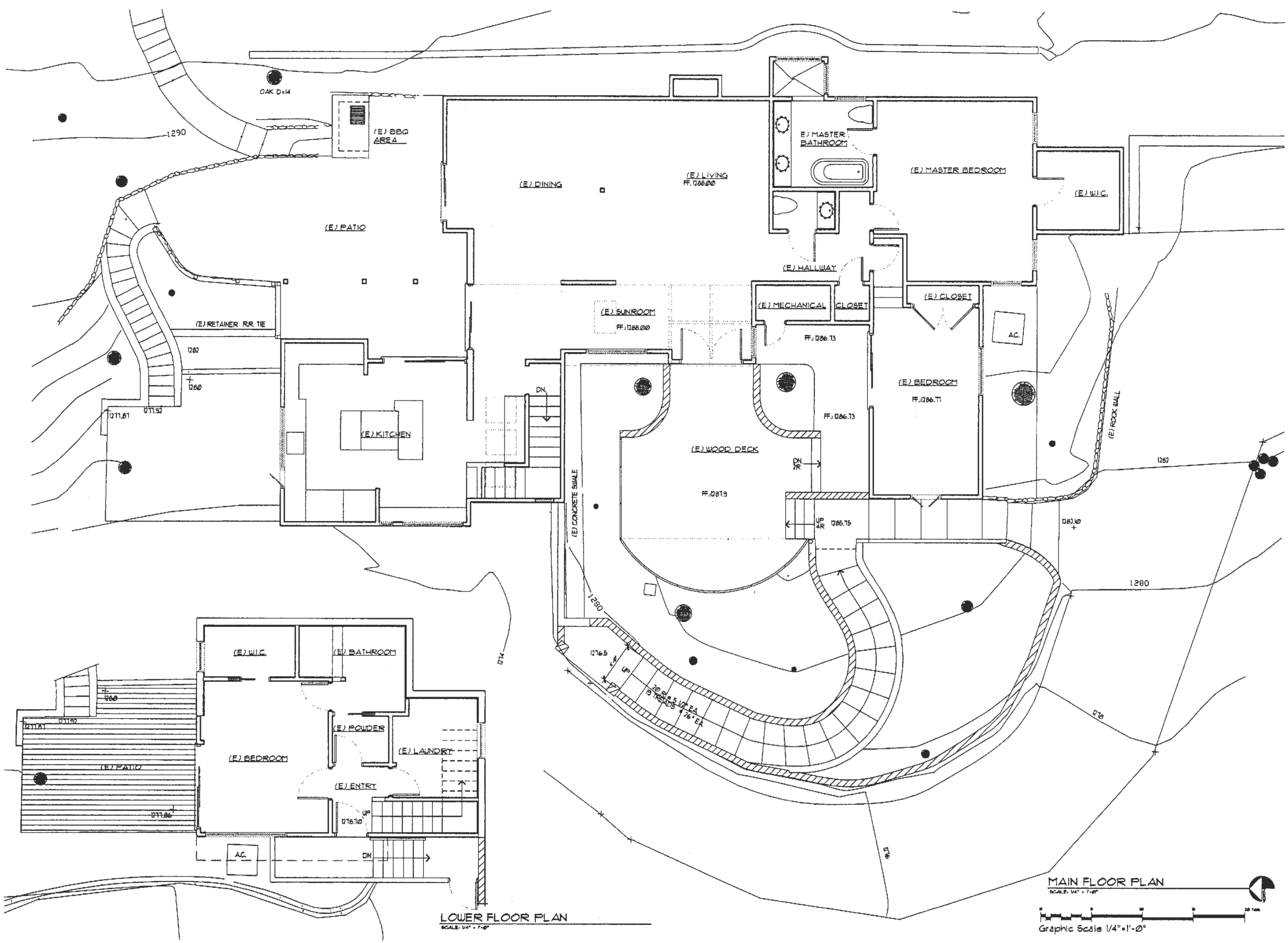
A-1

Exhibit 4
CDP No. 4-12-024
Project Plans



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RESIDENCE FLOOR PLANS
1/4"=1'-0"

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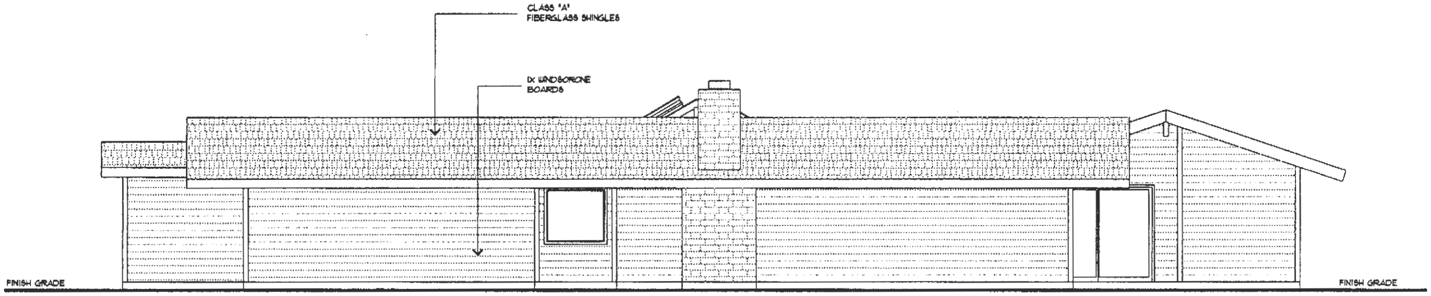
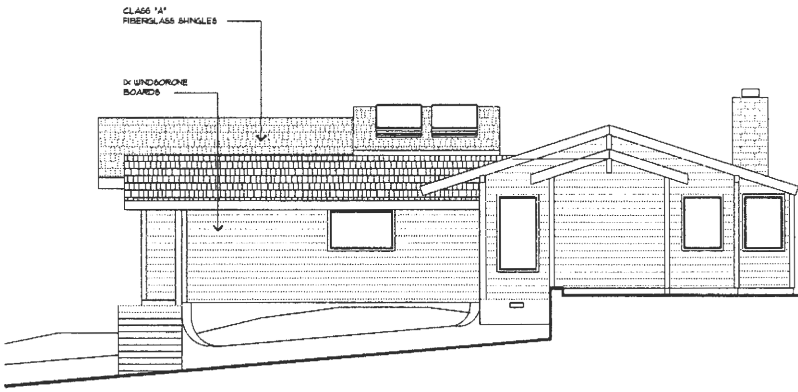
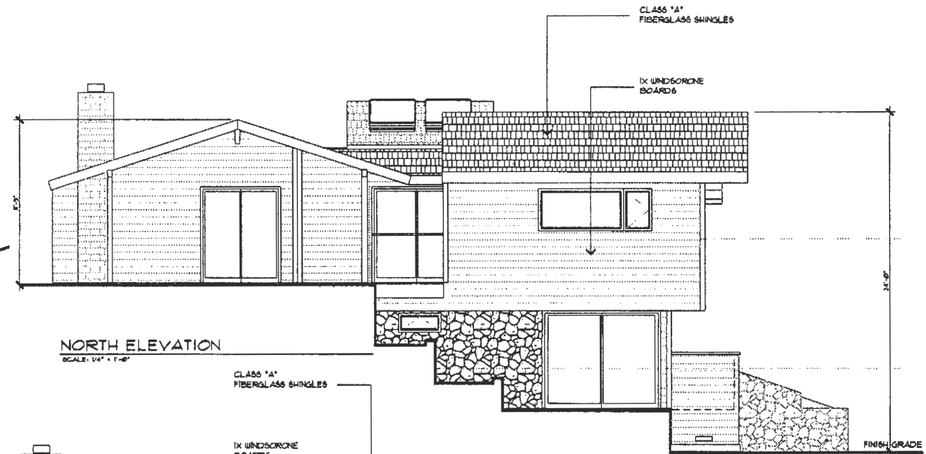


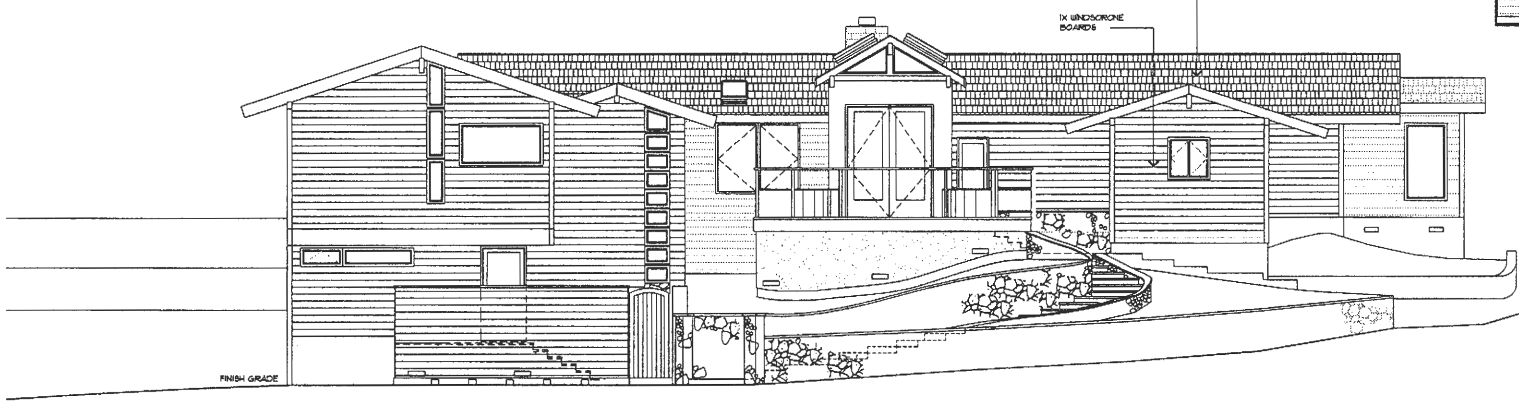
EAST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

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RESIDENCE
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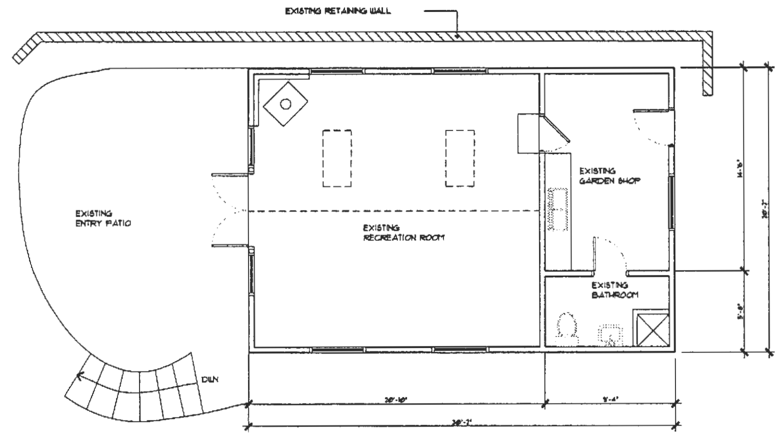
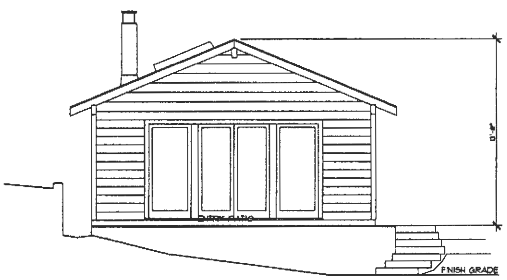


GUEST HOUSE FLOOR PLAN
SCALE: 1/4" = 1'-0"



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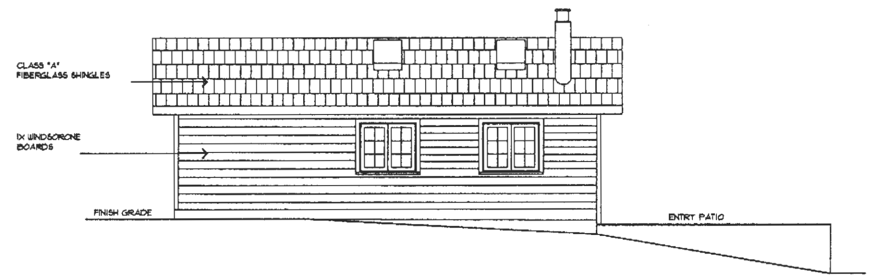
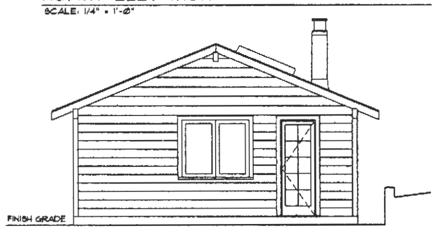
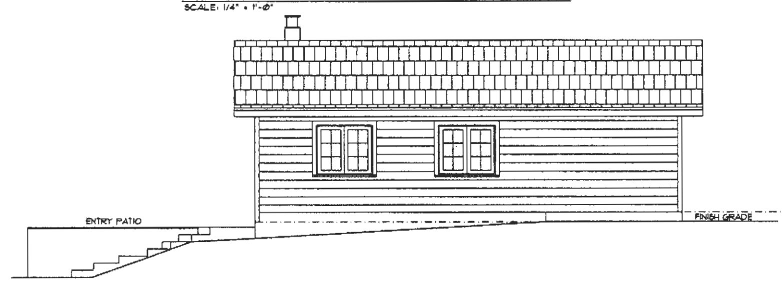
SCALE: 1/4" = 1'-0"



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



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



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

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GUEST HOUSE FLOOR PLAN & ELEVATIONS
1/4" = 1'-0"

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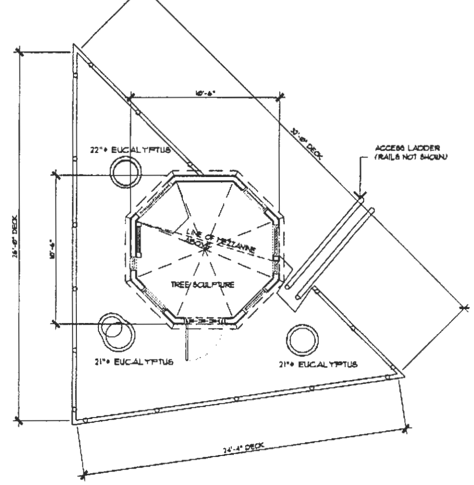
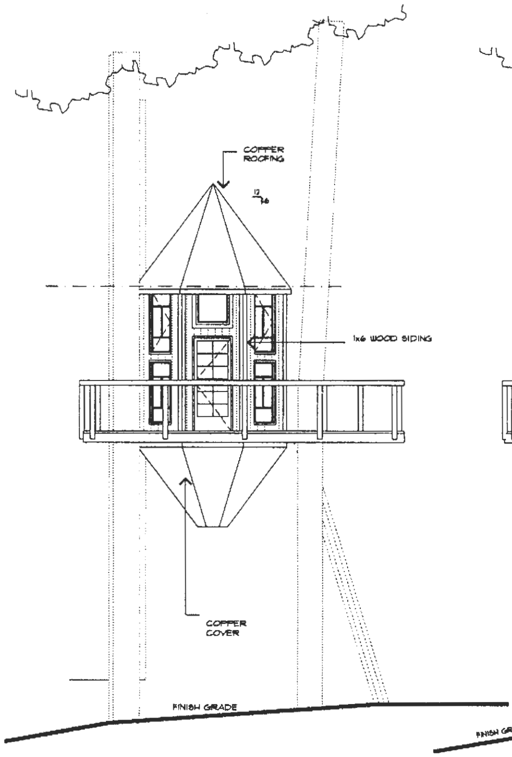
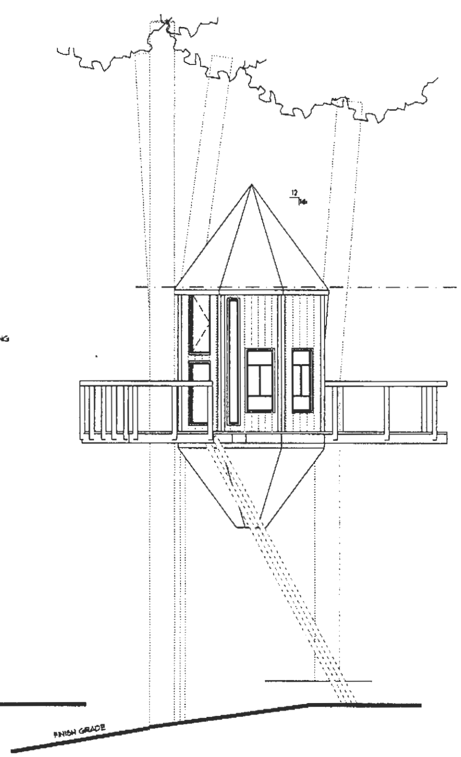


TREE SCULPTURE
FLOOR PLAN
SCALE: 1/4"=1'-0"



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



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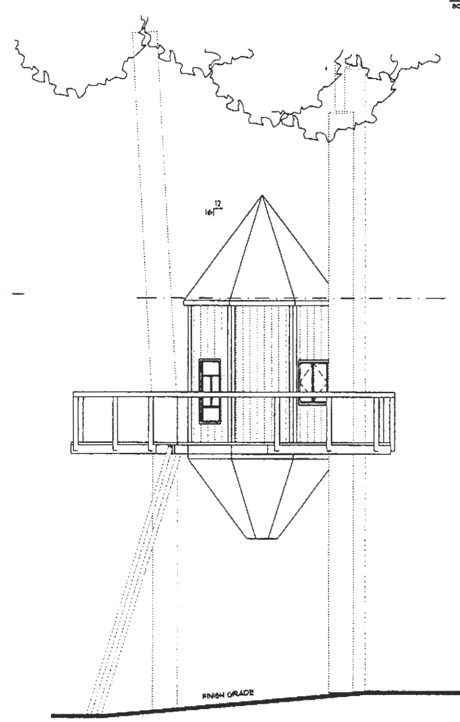

NORTH ELEVATION
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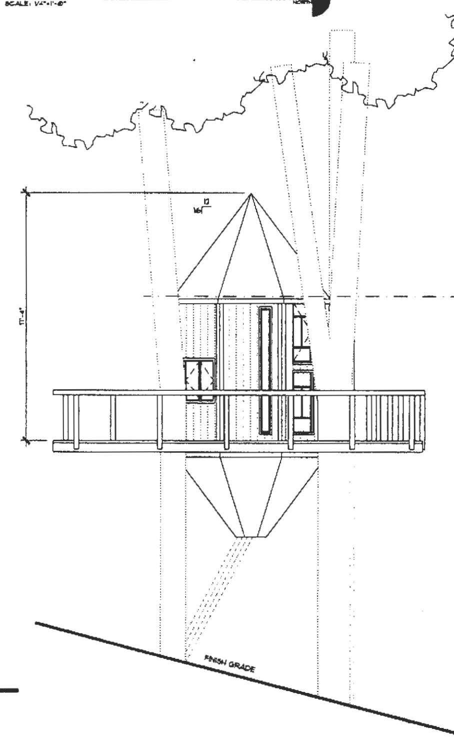

WEST ELEVATION
SCALE: 1/8"=1'-0"

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TREE SCULPTURE
1/4"=1'-0"

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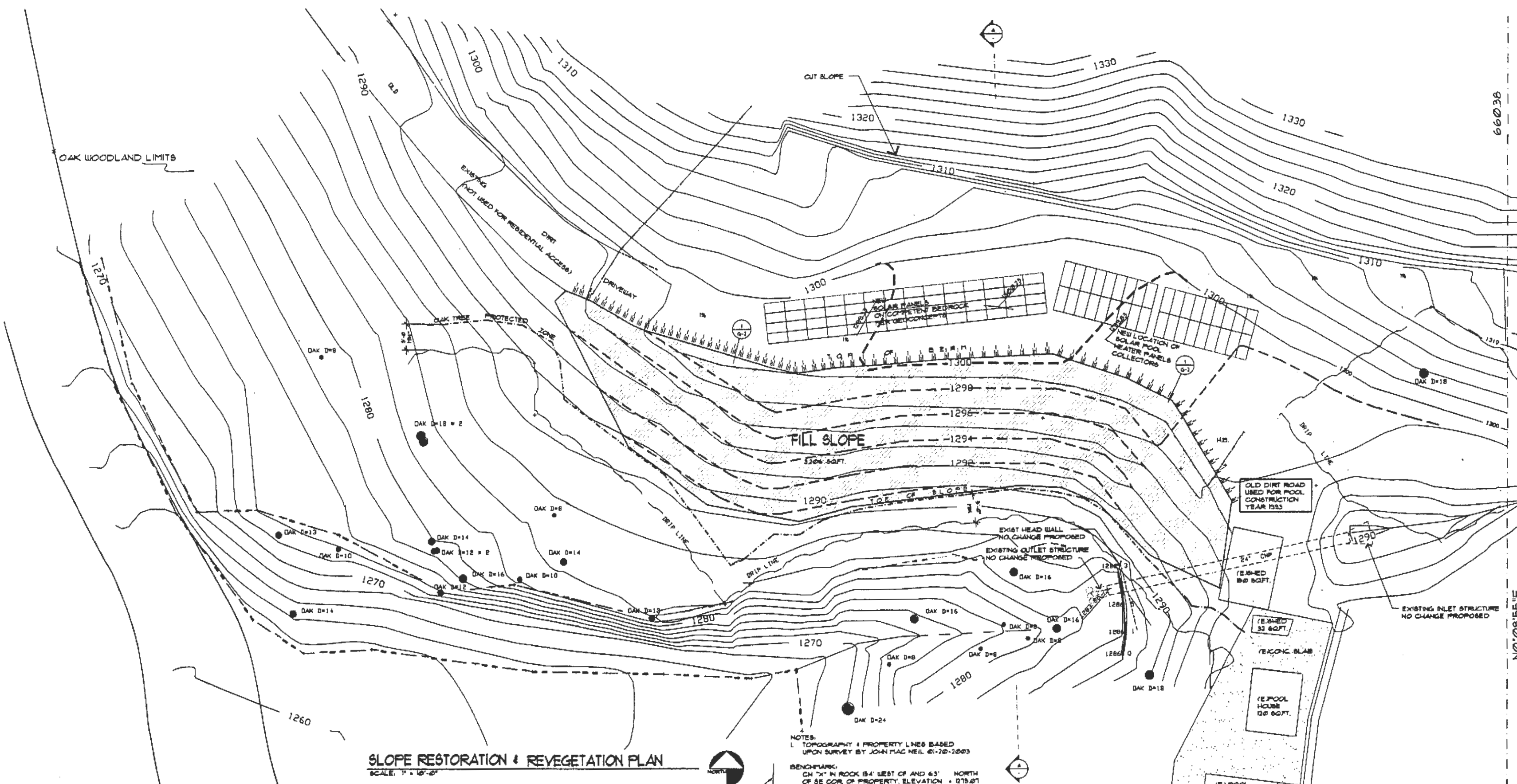


SLOPE RESTORATION & REVEGETATION PLAN

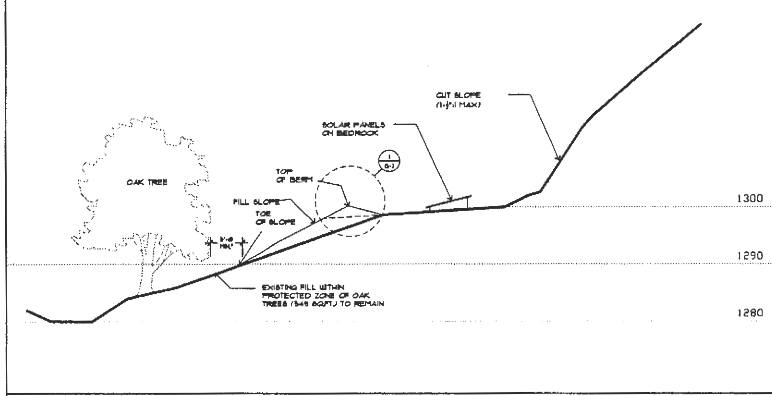
SCALE: 1" = 10'-0"

NOTES:

1. TOPOGRAPHY & PROPERTY LINES BASED UPON SURVEY BY JOHN MAC NEIL 01-20-2003

BENCHMARK:

CH "X" IN ROCK 154' WEST OF AND 63' NORTH OF SE COR. OF PROPERTY. ELEVATION = 1273.07



SECTION A-A'

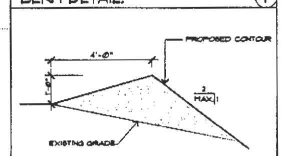
SCALE: 1" = 10'-0"

LEGEND:

- TOTAL DISTURBED AREA = 3206 SQ. FT. TO BE RESTORED & REVEGETATED PER BIOLOGIST EXPANDED STUDY DATED MARCH 11, 2014
- TOP OF BERM
- TOE OF SLOPE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- DRAINAGE PATTERN, 2% MIN. AWAY FROM BLDG. AND FILL SLOPES
- EXISTING FENCE

VOLUME:
UNCOMPACTED FILL = 127 CUBIC YARDS
CUT = 127 CUBIC YARDS

BERM DETAIL. (1)



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SLOPE RESTORATION & REVEGETATION PLAN

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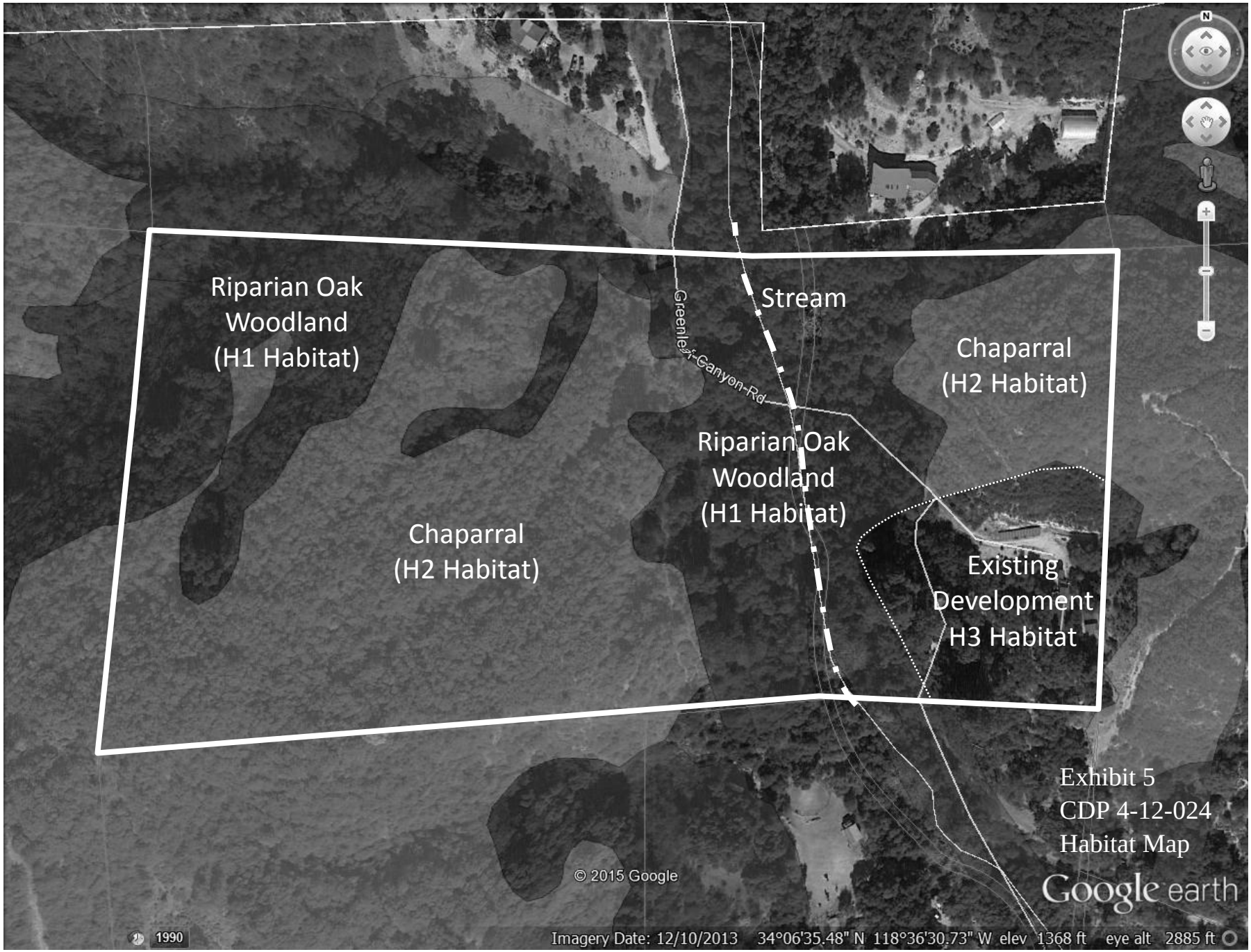
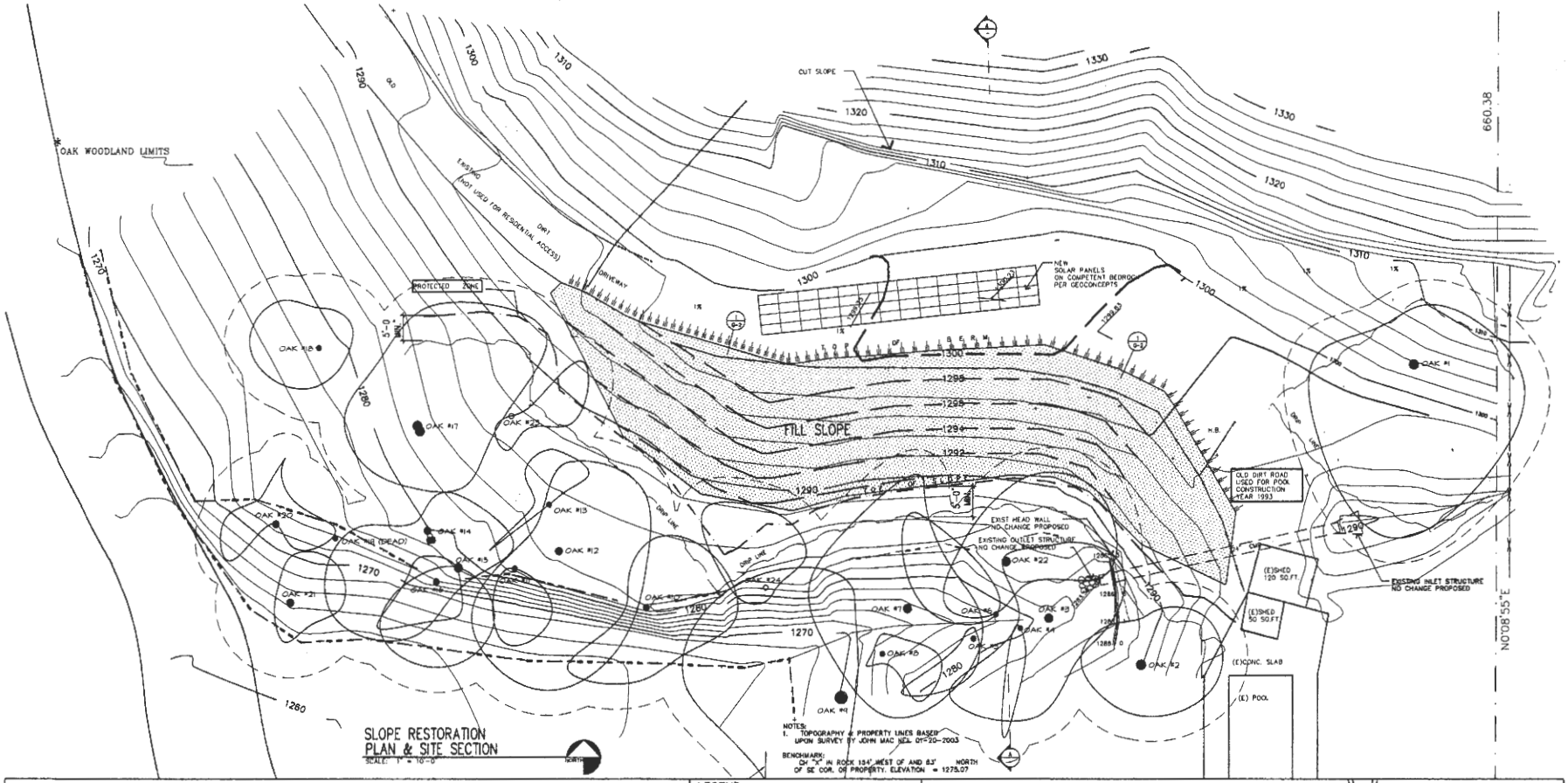
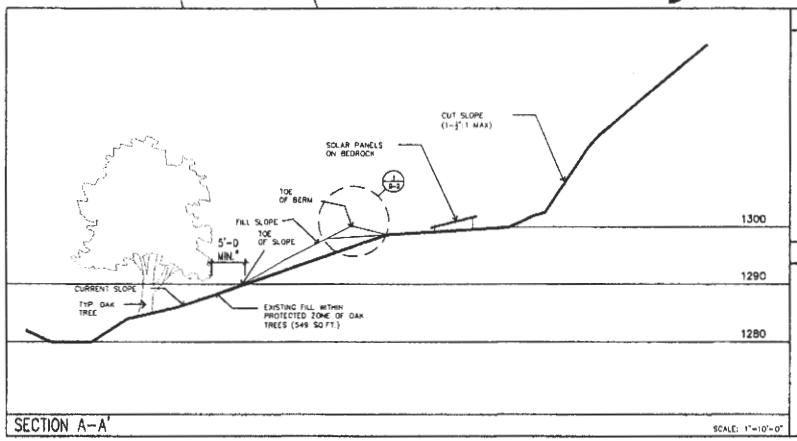
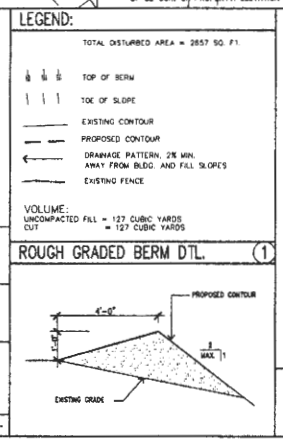
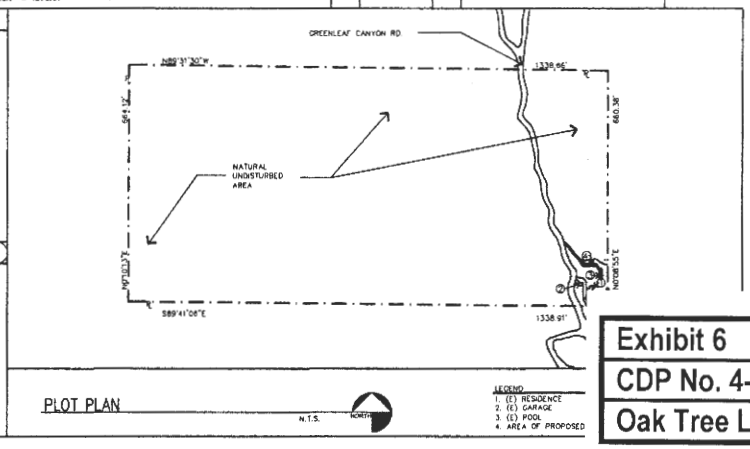


Note:Habitat boundaries indicated on this map are approximate









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SLOPE RESTORATION PLAN

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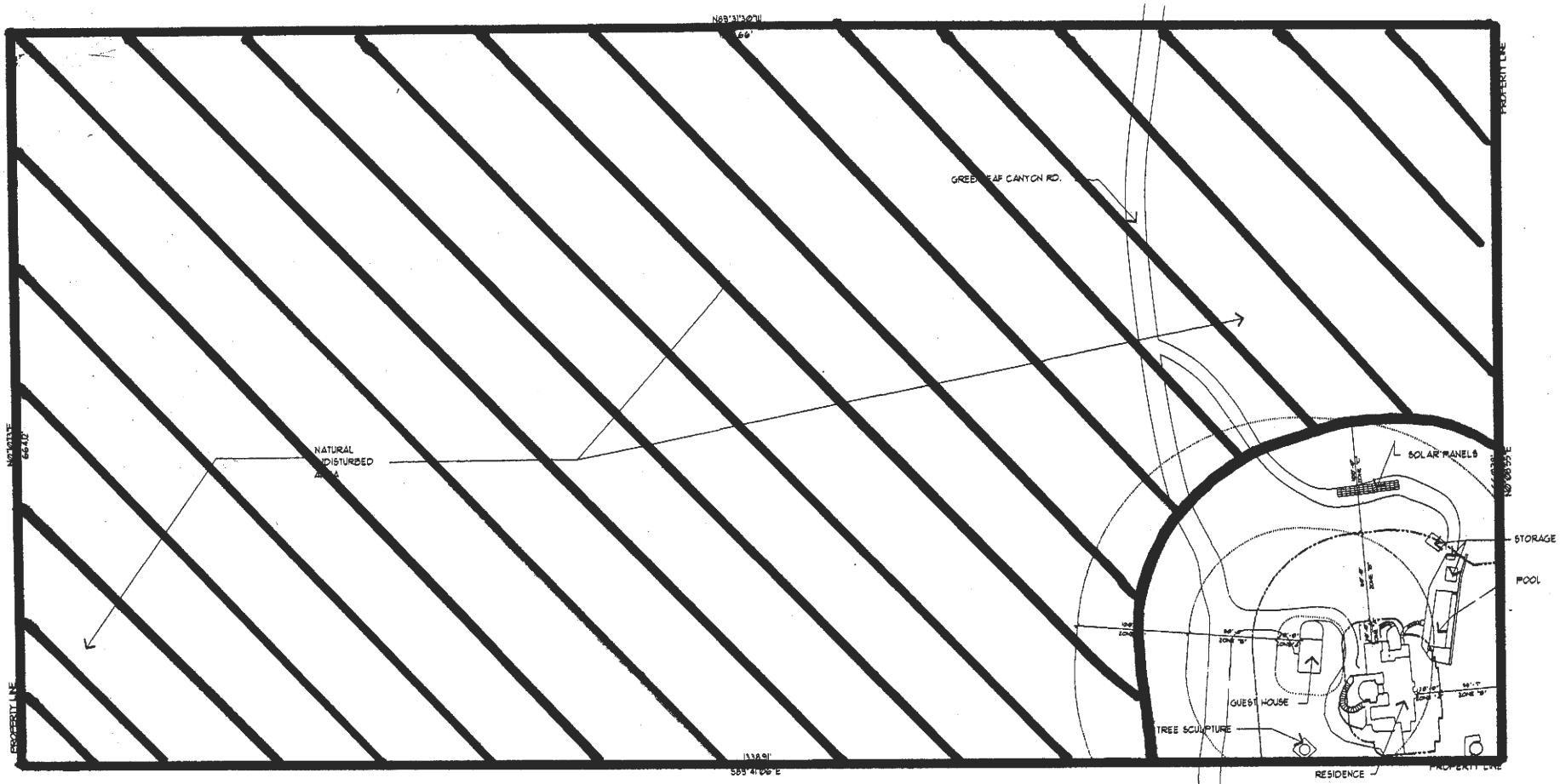
7-24-13

Exhibit 6
CDP No. 4-12-024
Oak Tree Location Map

Oak Tree Location Map from the July 25, 2013 Oak Tree Report by Kay Greeley



ZONE A : ATTRIBUTE ZONE

- EXTENDS 30 FEET BEYOND THE EDGE OF ANY COMBUSTIBLE STRUCTURE, ACCESSORY STRUCTURE, APPENDAGE OR PROJECTION. OVERHANGS OR OTHER PARTS OF THE STRUCTURE NOT ADEQUATELY REFLECTED ON THE PLANS MAY REQUIRE THE APPROVAL OF PLANT LOCATION ON THE APPROVED PLAN.
- IRRIGATION BY AUTOMATIC OR MANUAL SYSTEMS SHALL BE PROVIDED TO LANDSCAPES TO MAINTAIN HEALTHY VEGETATION AND FIRE RESISTANCE.
- LANDSCAPING AND VEGETATION IN THIS ZONE SHALL CONSIST PRIMARILY OF GROUND LIVING, GROUND COVERS NOT EXCEEDING 6 INCHES IN HEIGHT, AND ADEQUATELY SPACED SHRUBS. THE OVERALL CHARACTERISTICS OF THE LANDSCAPE SHALL PROVIDE ADEQUATE DEFENSIBLE SPACE IN A FIRE ENVIRONMENT.
- PLANTS IN ZONE A SHALL BE SPARINGLY, HIGHLY FIRE RESISTANT AND SPACED APPROPRIATELY. SPECIES SELECTION SHOULD BE MADE REFERENCING THE FUEL MODIFICATION PLANT LIST. OTHER SPECIES MAY BE UTILIZED SUBJECT TO APPROVAL, FINAL OR REVISED PLANS SUBMITTED AFTER 2 MONTHS FROM THE INITIAL SUBMITTAL WILL HAVE PLANTS IN ALL ZONES EVALUATED BASED ON THE MOST CURRENT FUEL MODIFICATION PLANT LIST AVAILABLE FROM THE FUEL MODIFICATION UNIT.
- EXCEPT FOR ORNAMENTALLY GROWN OR NATIVE TREES SHALL IN STATURE, TREES ARE GENERALLY NOT RECOMMENDED WITHIN ZONE A.
- TARGET SPECIES WILL TYPICALLY NOT BE ALLOWED WITHIN 30 OR MORE FEET OF COMBUSTIBLE STRUCTURES, AND MAY REQUIRE REMOVAL IF LIGHTING OR SITE.
- VINES AND CLIMBING PLANTS SHALL NOT BE ALLOWED ON ANY COMBUSTIBLE STRUCTURE REQUIRING REVIEW.

ZONE B : IRRIGATED ZONE

FIRE ACCESS ROAD ZONE

- EXTENDS A MINIMUM OF 10 FEET FROM THE EDGE OF ANY PUBLIC OR PRIVATE ROADWAY THAT MAY BE USED AS ACCESS FOR FIRE-FIGHTING APPARATUS OR RESOURCES.
- CLEAR AND REMOVE FLAMMABLE BROWSE FOR A MINIMUM OF 10 FEET ON EACH SIDE OF FIRE ACCESS ROADS. (FIRE CODE 325.11) ADDITIONAL CLEARANCE BEYOND 10 FEET MAY BE REQUIRED UPON INSPECTION.
- FIRE ACCESS ROADS, DRIVEWAYS AND TURNAROUNDS SHALL BE MAINTAINED IN ACCORDANCE WITH FIRE CODE. FIRE ACCESS HOUSE SHALL HAVE UNOBSTRUCTED VERTICAL CLEARANCE FOR A WIDTH OF 26 FEET. (FIRE CODE 503.2.1)
- LANDSCAPING AND NATIVE PLANTS WITHIN THE FIRE ACCESS ROAD ZONE SHALL BE APPROPRIATELY SPACED AND MAINTAINED TO PROVIDE SAFE SHELTER IN WILDLAND FIRE ENVIRONMENTS.
- ALL TREES, UNLESS OTHERWISE APPROVED, SHALL BE PLANTED FAR ENOUGH FROM STRUCTURES AND FIRE DEPARTMENT ACCESS AS TO NOT OVERHANG ANY STRUCTURE OR ACCESS AT MATURITY.

MAINTENANCE

ROUTINE MAINTENANCE SHALL BE REQUIRED AND PERFORMED IN ALL ZONES. REQUIRED BMPS INCLUDE BUT ARE NOT LIMITED TO THOSE NOTED IN THE FUEL MODIFICATION GUIDELINES AND THOSE OUTLINED BELOW:

- REMOVAL OR THINNING OF UNDESIRABLE COMBUSTIBLE VEGETATION AND REMOVAL OF DEAD OR DYING LANDSCAPING TO MEET MINIMUM BRUSH CLEARANCE REQUIREMENTS.
- PRUNING AND THINNING TO REDUCE THE OVERALL FUEL LOAD AND CONTINUITY OF FUEL.
- FUEL LOADS SHALL BE REDUCED BY PRUNING LOWER BRANCHES OF TREES AND TREES/SHRUBS TO 1/3 OF TREE HEIGHT, OR 6 FEET ABOVE LOWEST HANGING BRANCHES TO THE GROUND, TO HELP PREVENT FIRE FROM SPREADING INTO NATIVE VEGETATION.

: open space area

FUEL MODIFICATION PLAN

SCALE: 1"=50'-0"

NORTH

0 10 50 100 200

GRAPHIC SCALE

Exhibit 7
CDP No. 4-12-024
Open Space Easement Area