

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MURRICA, CA 93001

(805) 641-0142



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Staff: Betz-V
Staff Report: 11/21/96
Hearing Date: 12/10-13/96

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-176

APPLICANT: L. P. Kasco AGENT: None

PROJECT LOCATION: 2085 Cold Canyon Road, Calabasas; Los Angeles County

PROJECT DESCRIPTION: Construct 3,555 sq. ft. single story, single family residence with attached garage, septic system, retaining wall and 1150 cu. yds. of grading (1150 cu. yds. cut and 600 cu. yds. fill)

Lot Area	1 acre
Building Coverage	3555 sq. ft.
Pavement Coverage	1600 sq. ft.
Landscape Coverage	10000 sq. ft.
Parking Spaces	3 covered, 3 open
Plan Designation	Rural land III, 1 du/2 acres
Project Density	1 du/a
Ht abv fin grade	17 feet

LOCAL APPROVALS RECEIVED: Los Angeles County: approval in concept from Regional Planning Department dated 4-9-96; Environmental Review Board review, March 18, 1996.

SUBSTANTIVE FILE DOCUMENTS: Kaup Associates Geotechnical Consultants: Plan Review Update Geologic Report, September 30, 1996; Engineering Geologic Investigation, October 15, 1996; Epsilon Engineering & Inspection Inc.: Test results (untitled), March 7, 1990; Preliminary Soil Investigation, February 21, 1989; Percolation test, October 2, 1990; Review of Geotechnical Report, September 28, 1996; Coastal Development Permits No. 5-86-371 and -371A (Wallis), 4-96-235 and -235A (Wallis).

SUMMARY OF STAFF RECOMMENDATION:

This project involves the construction of a single family residence and related improvements located at the intersection of Mulholland Highway and Cold Canyon Road in the Santa Monica Mountains. Staff recommends approval of

the residence and related improvements with special conditions for landscaping and irrigation, plans conforming to the geologist recommendations, and wild fire waiver of liability.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval

The Commission hereby approves the amendment to the coastal development permit, on the grounds that as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. Special Conditions.

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. 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 County of Los Angeles Forestry Department.

2. Geologic Recommendations

Prior to issuance of the coastal development permit the applicants shall submit evidence to the Executive Director of the Consultant's review and approval of all final design and construction plans. All recommendations

contained in the Kaup Associates Geotechnical Consultants' Plan Review Update Geologic Report, September 30, 1996, Engineering Geologic Investigation, October 15, 1996, and Review of Geotechnical Report, September 28, 1996 shall be incorporated into the final project plans including site preparation, foundations, and drainage.

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 which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The lot encompasses an triangular shape of one acre north of the intersection of Cold Canyon Road and Mulholland Highway. (see Exhibits I through III) The site is designated as Rural land III allowing one residence per two acres. Surrounding uses are predominantly residential.

The applicant proposes to construct a prefabricated (manufactured) 3,555 sq. ft. single story, single family residence with attached garage, septic system, retaining wall and 1150 cu. yds. of grading (1150 cu. yds. cut and 600 cu. yds. fill) on a 1 acre lot. (Exhibit IV) The remaining fill will be disposed of in an approved dump site outside the Coastal Zone. The project will contain three open and three enclosed parking spaces.

The location and site circumstances are similar to that found in the development proposed nearby under Coastal Development Permit No. 4-96-235 and -235A (Wallis). Elevations on the site range from approximately 1020 to 1040 feet. The site has been graded and dumping of soils has taken place in the vicinity of the proposed house site. There has also been recent grading in the swale at the opposite (east) end of the property. The site has remnants of scrub vegetation.

The site, as noted, contains a swale to the east of the site tributary to Cold Creek which is not recognized on the USGS maps as a blue line stream. This area is not proposed for development. The bottom of the swale has no observable outlet under Mulholland Highway and may function as a retaining basin. It has experienced recent grading and only has a few remnants of

stream vegetation. The resource map of the Malibu/Santa Monica Mountains Land Use Plan, used by the Commission to identify environmentally sensitive habitat areas, does not designate it as an environmentally sensitive habitat area. The project site is located north of the LUP-designated Cold Creek Resource Management Area (See Exhibit III).

B. Environmentally Sensitive Resources

As noted above, the site contains a swale without an outlet. This is a former a riparian area draining into Cold Creek, based on the topography and presence of riparian vegetation on both sides of Mulholland Highway. The remainder of the site indirectly drains into and is north of the LUP-designated Cold Creek Resource Management Area. There are no sensitive resources on site, although the eastern swale is designated as a flood hazard area on the Assessor's map.

An environmentally sensitive habitat area is defined in Section 30107.5 of the Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily be disturbed or degraded by human activities and development." The Coastal Act declared that sensitive environmental areas require additional protection to protect stream beds and their adjacent areas, and to maintain the continuity of vegetation cover.

PRC Section 30231 states:

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

PRC Section 30240 states:

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

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

Section 30231 of the Coastal Act calls for the protection, and where possible, enhancement of the biological qualities and productivity of coastal waters, including streams and drainage areas, by requiring the control and prevention of run-off, and siltation, and by requiring buffer areas of natural vegetation. Section 30231 also mandates the maintenance of natural buffer areas to protect riparian areas.

The Certified Malibu/Santa Monica Mountains Land Use Plan, used as guidance in past Commission permit decisions, also contains a number of policies aimed at the protection of resources and stream protection and erosion control:

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

These policies are used as guidance in implementing Coastal Act policies by ensuring that the biological productivity and quality of coastal streams be maintained, the habitat values of undisturbed Watersheds be protected against significant disruption, and the development not increase adverse impacts through uncontrolled run-off and reduction of buffer areas.

The subject site is located approximately one quarter mile north and upstream of the Cold Creek Resource Management Area and Cold Creek. This stream is recognized on the USGS maps as a blueline stream, and the resource map of the Malibu/Santa Monica Mountains Land Use Plan, used by the Commission to identify environmentally sensitive habitat areas, designates it as an environmentally sensitive habitat area.

The proposed grading is in the drainage area tributary to this ESHA increases the amount of run-off and affects its water quality and sedimentation potential. The increased sediments in the water course can adversely impact riparian streams and water quality. These impacts can include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

The applicant is proposing to grade 1150 cu. yds. (1150 cu. yds. of cut and 600 cu. yds. of fill) to create a residential building site. Given the pad drains to Cold Creek, the Commission finds that it is necessary to require the applicant to submit landscaping plans for all disturbed areas, to minimize and control erosion, and protect against sedimentation.

The Commission concludes, that only with the imposed special conditions for the submittal of a landscaping and fuel modification plan, can the project be found consistent with Sections 30231 and 30240 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

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

In addition, the Malibu/Santa Monica Mountains Land Use Plan contains the following policies regarding protection of visual resources which are used as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

- minimize the alteration of natural landforms.

- be landscaped to conceal raw-cut slopes.

- be visually compatible with and subordinate to the character of its setting.

- be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P132 Maintain the character and value of Mulholland Scenic Corridor, as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

All the above LUP policies provide that development protect public views and be sited in consideration of highly scenic areas such as the Mulholland Scenic Corridor, and that earthmoving blend with the natural terrain. These policies have been used in the past to guide Commission decisions.

The proposed development is on the Mulholland Scenic Corridor, but there are no scenic roadways or viewpoints looking down onto the site. The single story of the proposed development will be lower than existing two story residences to the north which form a backdrop to the site. The minimal grading associated with the project includes removal of dumped materials and preparation of a building pad with the remainder and does not represent a significant visual impact. Under such circumstances, a requirement on landscape screening or a restriction on building materials and color is not appropriate for subject site.

To ensure the visual impacts of the proposed grading and soil disturbance have been mitigated to the greatest extent feasible and to minimize site erosion, the Commission finds, as noted above, that it is necessary to require the applicant to submit landscaping and fuel modification plan for all graded and disturbed areas of the site. Therefore, the Commission finds that, only as conditioned to ensure that the visual impacts of the project are minimized, does the project conform with Section 30251 of the Coastal Act.

D. Hazards

Section 30253 of the Coastal Act states:

New development shall:

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

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

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

The applicant is proposing to construct a single family residence. The consulting geologist has found that the proposed development will not be subject to landslide, slippage or excessive settlement if the recommendations of his report is followed. He has also reviewed the proposed development of a single family residence and leachfield and concluded that:

... the site is acceptable from a geotechnical engineering standpoint [and] meets all requirements of the UBC and County Building Ordinance for a single-family dwelling and will not impose any adverse effect on adjacent development.

The recommendation includes the need for further professional review during planning and construction phases including review of finalized grading and foundation plans.

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geotechnical consultant, as noted in special condition 2.

Finally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks, as stated in special condition 3. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Only as conditioned above is the project consistent with Section 30253 of the Coastal Act.

E. Septic Systems

The proposed development includes the installation of an on-site septic system and leach field to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

Section 30231 of the Coastal Act states that:

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

The applicant has submitted favorable results of a percolation test performed on the subject property by Epsilon Engineering & Inspection Inc., Percolation

test, October 2, 1990 which was reviewed and found acceptable by the geotechnical consultants as part of this application. The report indicates that the site percolates adequately. The Commission has found in past permit decisions that favorable percolation test results, in conjunction with adequate setbacks from streams and other water resources, ensures that the discharge of septic effluent from the proposed project will not have adverse effects upon coastal resources. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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

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

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(1) 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 impact which the activity may have on the environment.

The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

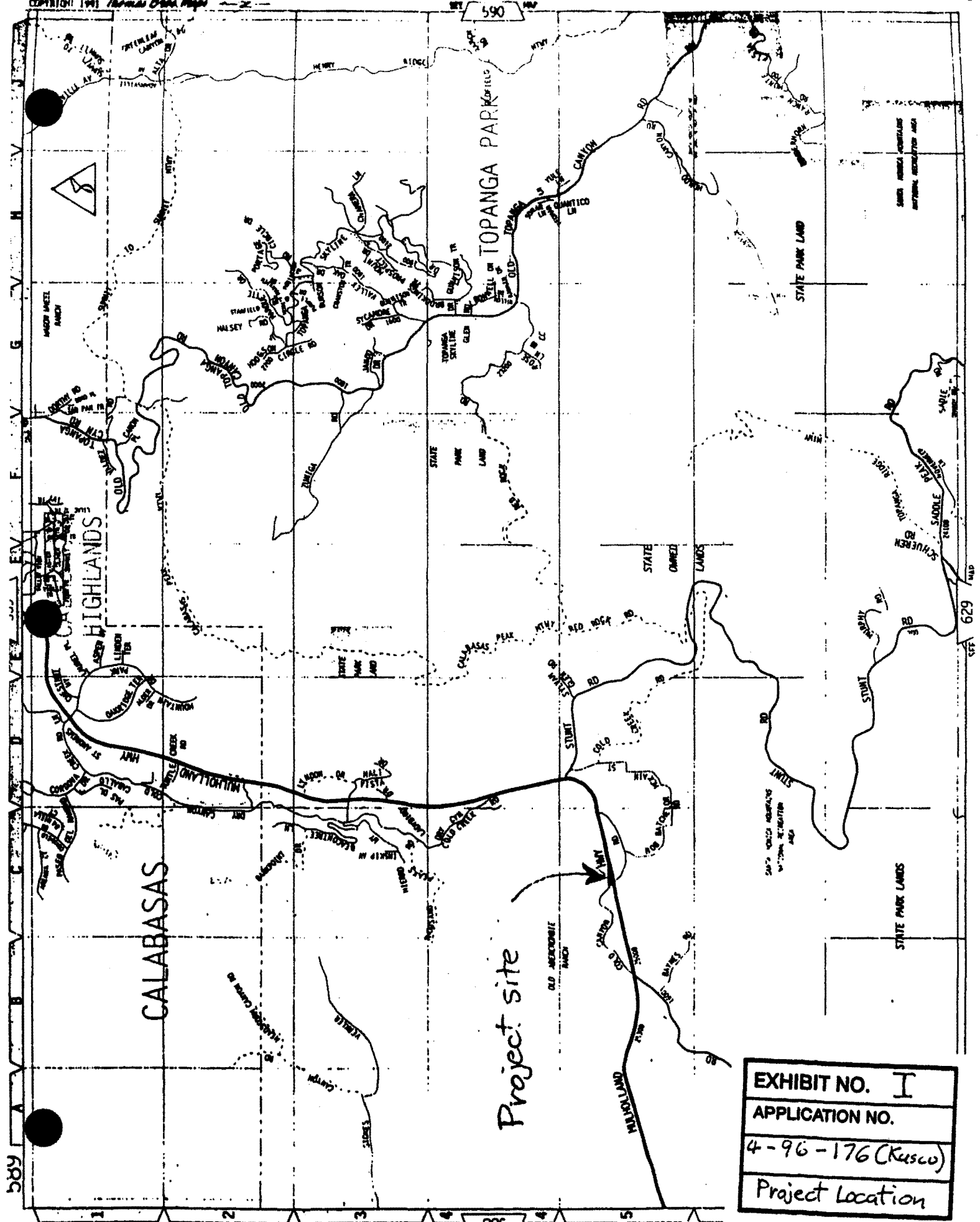


EXHIBIT NO. I
APPLICATION NO.
4-96-176 (Kusco)
Project Location

5

PARCEL MAP NO. 10344

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

SHEET 1 OF 3 SHEETS

SEE SHEET 2

FILED WITH LOS ANGELES
COUNTY RECORDS
APR 27 1966

SEE SHEET 3

Flood Hazard Area

House Site

1.22 AC. GROSS
0.86 AC. NET

2
1.01 AC. GROSS
0.68 AC. NET

ASSIGNMENT TO THE
COUNTY OF LOS ANGELES
FOR FLOOD HAZARD

NOTE
PORTIONS OF PARCELS 1 AND
2 ARE SUBJECT TO FLOOD
HAZARD.

EXHIBIT NO. II

APPLICATION NO.

4-96-176 (Kasco)

Parcel Map

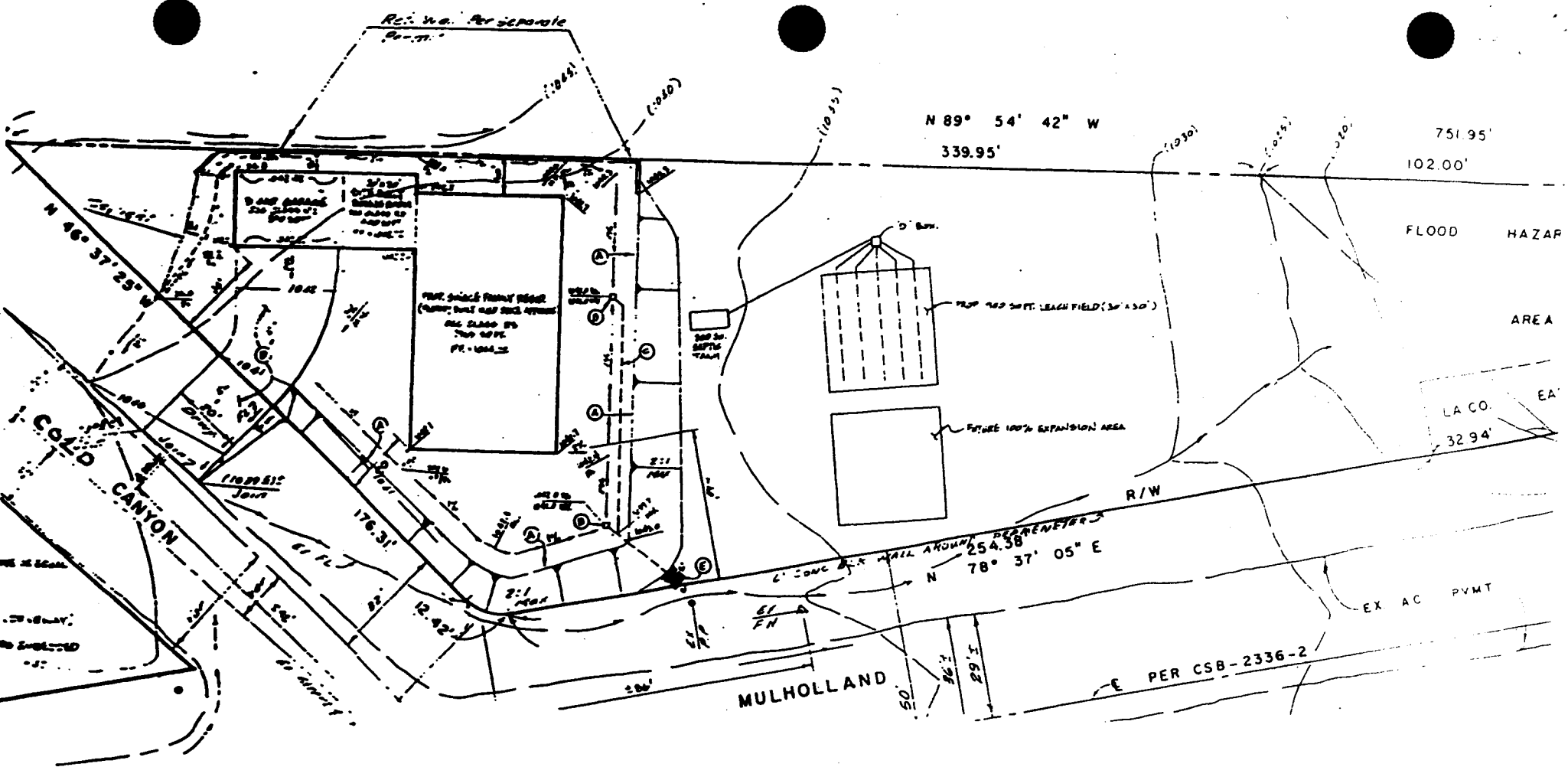


EXHIBIT NO. III
APPLICATION NO.
4-96-176 (Kasco)
Site Plan

SITE PLAN (Reduced)

2085 Cold Canyon - Calabasas

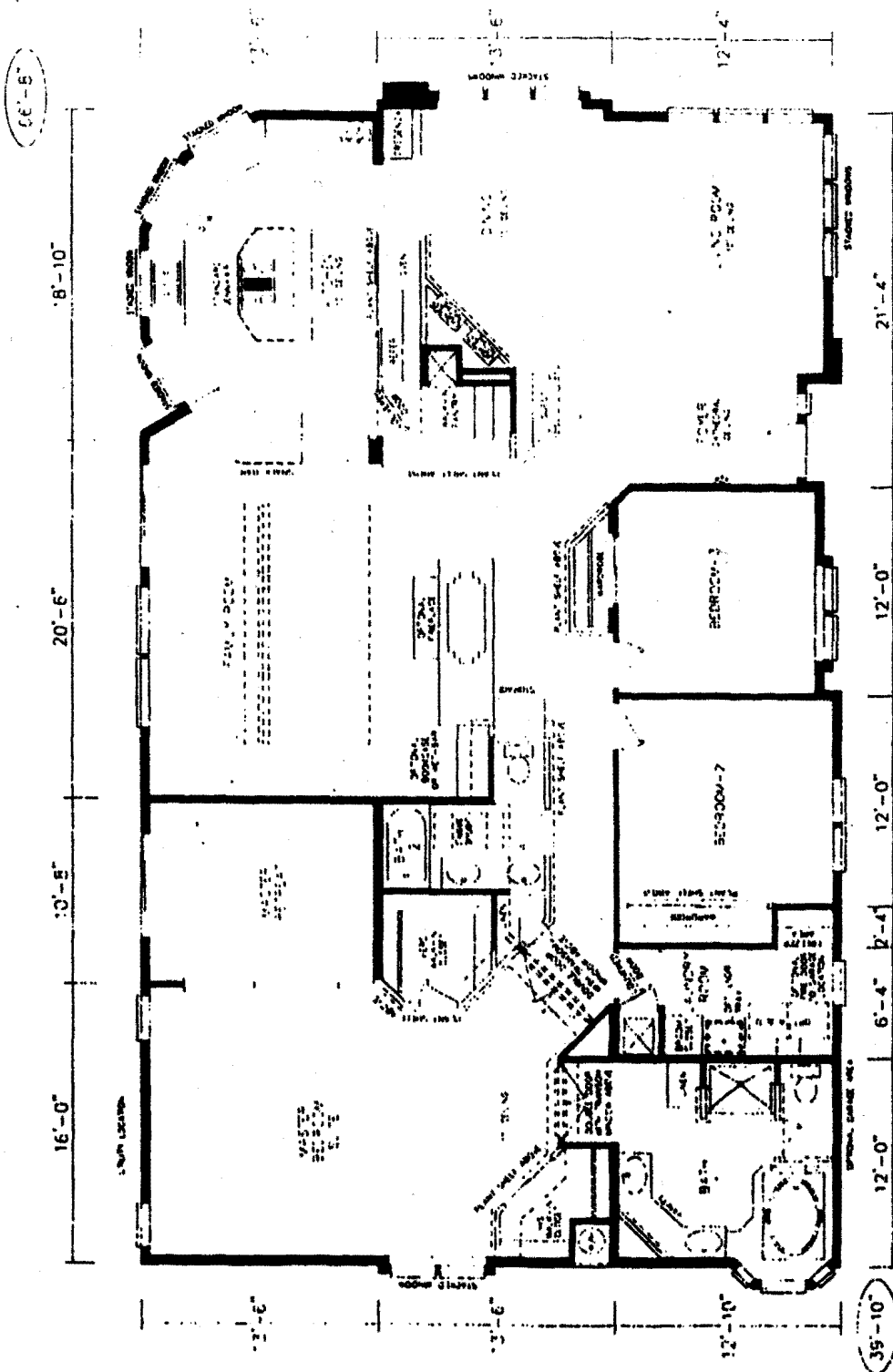


EXHIBIT NO. <i>IV</i>
APPLICATION NO.
4-96-176 (Kasco)
Floor Plan/Illustration