

**CALIFORNIA COASTAL COMMISSION**

SOUTHERN CENTRAL COAST AREA  
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Commission Action:  
8004A

STAFF REPORT: REGULAR CALENDAR**Th 11d**

APPLICATION NO.: 4-97-070

APPLICANT: Carrie &amp; Brent Baltin AGENT: Burdge &amp; Associates

PROJECT LOCATION: 825 Crater Oaks Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,834 sq. ft. two-story, 28 foot high, single family residence, with attached subsurface, 704 sq. ft., two car garage, and driveway. Connect residence to existing septic system approved in coastal permit no. P-79-6276. Grading proposed includes 1,176 cubic yards of cut and 47 cubic yards of fill, exporting 1,129 cubic yards of material to an appropriate disposal site outside the coastal zone. An unpermitted, 75 sq. ft. (approximate), tree house within a protected oak tree exists on site as an 'as built' development. The applicants propose to remove this structure within two weeks of the Commission's action on this application.

Lot Area	0.91 acres
Building Coverage	4,538 sq. ft.
Pavement Coverage	6,402 sq. ft.
Landscape Coverage	8,700 sq. ft.
Parking Spaces	2
Plan Designation	Residential I
Zoning	1 du / acre
Ht abv ext grade	28 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 4/1/96; Sewage Disposal Approved, Department of Health Services, Los Angeles County, dated 2/21/89; Fire Department, Los Angeles County, dated 2/8/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-97-108, (Wooller); Coastal Permit No. P-79-6276, (Schafer & Dahleen); Coastal Permit No. 4-96-041, (Zeluck-Leeds); Coastal Permit No. 5-87-539, (Levy); Geologic and Soils Engineering Exploration Update, Proposed Residence and Detached Garage Portion of Lot 2, Edenwild Tract, 825 Crater Oaks Drive, Monte Nido, California, dated January 3, 1997, by Parmelee-Shick and Associates, Inc., Geotechnical Services; Los Angeles County Oak Tree Permit # 97-005, Oak Tree Report and Update, dated June 18, 1990 and January 2, 1997, by Oak Resource Group, James Dean, A.S.L.A. Landscape Architect.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with three conditions; addressing the consulting geologist's recommendations; a wild fire waiver of liability; and landscaping/erosion

control, drainage, and fuel modification plans. The property is located within the Monte Nido area but not located within any designated habitat area such as the nearby Cold Creek Resource Management Area. The building site is located at the base of a small ridge among numerous mature oak trees and drains into Cold Creek. The proposed project, as conditioned, will protect these coastal resources.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth 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.

### III. SPECIAL CONDITIONS:

#### 1. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans. All recommendations contained in the report: Geologic and Soils Engineering Exploration Update, Proposed Residence and Detached Garage Portion of Lot 2, Edenwild Tract, 825 Crater Oaks Drive, Monte Nido, California, dated January 3, 1997, by Parmelee-Shick and Associates, Inc., Geotechnical Services, shall be incorporated into all final design and construction plans including; foundation design, floor slabs, decking and paving, retaining walls, setbacks, grading, temporary excavations, and drainage must be incorporated into the final plans. All plans must be reviewed and approved by the geologic consultant.

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.

#### 2. WILD FIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant 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, operations, 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.

#### 3. LANDSCAPE/EROSION CONTROL, FUEL MODIFICATION, AND DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a landscape / erosion control plan designed by a licensed landscape architect and approved as a fuel modification plan by the Los Angeles County Fire Department, and a drainage plan designed by a licensed engineer. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of final occupancy of the residence. 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 ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the driveway 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 disposal location.
- d) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.
- e) Vegetation within 50 feet of the proposed residence may be removed to mineral earth, except for the protected oak trees. 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 foot radius of the residence, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and locations of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the final fuel modification plan has been reviewed and approved by the Los Angeles County Fire Department, Fire Prevention Bureau.

#### IV. Findings and Declarations

##### A. Project Description and Background

The project site is located in the Monte Nido area, northwest of Cold Canyon Road within the Santa Monica Mountains. The site is not located within the Monte Nido small lot subdivision. The site is accessed from Crater Oaks Drive and includes numerous oak trees which is considered a disturbed woodland. The subject lot is surrounded by existing single family residences. (Exhibits 1 - 3)

The applicants propose to construct a 3,834 sq. ft., two story, 28 ft. high from existing grade, single family residence with attached 704 sq. ft. subsurface two car garage, driveway, small driveway bridge over a drainage, and retaining walls. The residence will be connected to an existing septic tank and seepage pit on site approved by coastal permit no. P-79-6276, (Schafer & Dahleen). (Exhibits 6 - 13) The building site will be cut into the base of a small ridge among the oak trees. The oak trees are protected through Oak Tree Permit No. 97-005, issued by Los Angeles County to allow this

project to encroach within the protected zone of three oak trees to accommodate this residence. A total of 1,223 cubic yards of grading is proposed on the 0.91 acre lot for the building pad and driveway, including 1,176 cubic yards of cut, 47 cubic yards of fill, and export of 1,129 cubic yards to an appropriate disposal site outside the coastal zone.

The subject site is not located within the Malibu Cold Creek Resource Management Area designated by the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan (LUP). Further, the site is not located within the area designated as an oak woodland in the LUP. (Exhibits 4 and 5)

As a result of coastal permit P-79-6276, a septic system and some cut and fill was completed on site; however, the approved residence was not constructed. In 1987, the Commission approved a second coastal permit (5-87-539, Levy) to construct a 6,000 square foot residence and garage. This residence was not constructed and the permit expired. The property now includes an unpermitted children's tree house structure of about 75 sq. ft. in size located within the protected canopy of oak tree number 96 as noted on the site plan. The applicant proposes to remove this substantial tree house structure within two weeks of the Commission's action to approve this application for the new residence. (Exhibit 6)

#### B. Geologic and Fire Hazards

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

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

PI47 Continue to evaluate all new development for impact on, and from, geologic hazard.

PI56 Continue to evaluate all new development for impact on, and from, fire hazard.

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 subject lot is a partially graded hillside and terrace site within the Monte Nido area along Cold Creek Road. The building pad consists of alluvium

silt overlying a bedrock known as Conejo Volcanics. The western portion of the site includes a portion of a small ridge with slopes ranging from 2 : 1 to 1 1/2 : 1. The slope flattens to less than 5 : 1 on the eastern portion of the site. The building pad is located at the base of the ridge and will be cut into the site. Vegetation consists of numerous oaks, some pine trees, chaparral and grasses. The site drains by sheetflow to a drainage located on the eastern portion of the lot, which also drains properties to the north as Crater Oaks Drive does not have curbs and gutters. According to the Los Angeles County of Public Works Department, the OES-FEMA map dated 9-21-94 indicates that this site has burned in the past 10 to 30 years.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and erosion hazard, the applicants submitted a geologic/geotechnical report titled: Geologic and Soils Engineering Exploration Update, Proposed Residence and Detached Garage Portion of Lot 2, Edenwild Tract, 825 Crater Oaks Drive, Monte Nido, California, dated January 3, 1997, by Parmelee-Shick and Associates, Inc., Geotechnical Services. The report addresses the geology and soil issues by concluding:

"Based upon exploration, research, consultation and review of the prepared development plans, it is the finding of PSA that construction of the proposed project is feasible from a geologic and soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are implemented during construction."

The recommendations in this report address the following issues: foundation design, floor slabs, decking and paving, retaining walls, setbacks, grading, temporary excavations, and drainage. These recommendations include removing a portion of the alluvium and placing the foundation footings and piles into the bedrock.

As a result of the issuance of coastal permit 5-87-539, the prior owner recorded an assumption of risk deed restriction on the property. Since the residence was not constructed, that coastal permit expired. It is unclear as to the reason for this assumption of risk condition. The current applicant's geology report indicates that the site is stable as long as the foundation and pilings are placed into the volcanic bedrock on the site, thus, no new assumption of risk condition is needed for this project.

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with 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 applicants to submit the final project plans that have been certified in writing by the engineering geologist and engineer consultants as conforming to their recommendations, as noted in special condition one (1).

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

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through 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, as incorporated by condition number two (2).

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in nearby drainages and creeks, including environmentally sensitive habitats along Cold Creek and downstream in the Malibu Creek Significant Watershed. The building site is about 50 feet above the elevation of and drains into Cold Creek which is located about 800 feet to the south of the property. Although this portion of Cold Creek is not located within the Cold Creek Resource Management Area (it is located within the watershed above this project site), it does drain into the Malibu Creek Significant Watershed located to the west and southwest. In addition, the recommendations of the consulting engineer emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site.

Therefore, the Commission finds that it is necessary to require the applicant to submit landscape and fuel modification plans for the proposed development. These plans will incorporate native plant species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans will also illustrate that existing vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus, allowing for the continued use of existing native plant materials for on site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive deep root systems, provided by these species. The landscape plan will also provide for the protection of the oak trees on site by providing for compatible native species to be planted near the oak trees. Special Condition number three (3) provides for such a landscape/erosion control plan prepared by a licensed landscape architect and a fuel modification plan approved by the Los Angeles County Fire Department.

The Commission also finds it necessary for the applicant to submit a drainage plan that will adequately direct drainage from the residential drainage pad to the on-site drainage channel in a non-erosive manner. Without such a plan to reduce erosion from storm water runoff, the building site could become unstable. Condition number three (3) also provides for such a drainage plan to reduce erosion of soil from the site.

Thus, the Commission finds that only as conditioned: to incorporate all recommendations by the applicant's consulting geologist; provide for the wild

fire waiver of liability; and require landscape/erosion control, fuel modification, and drainage plans, will the proposed project be consistent with Section 30253 of the Coastal Act.

### C. Visual Impacts

Section 30251 of the Coastal Act states in part 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 of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In addition, the certified Los Angeles County Land Use Plan includes numerous policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains. These policies include: minimizing alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas 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; and site structures to conform to the natural topography, as feasible.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Cold Creek Canyon Preserve is recognized as a "Scenic Area" which is given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. As previously stated, this project involves the construction of a 28 foot high (from existing grade) residence, with a subsurface garage, totalling 4,538 square feet, located at the base of a relatively small ridge. The subject site is located about four miles inland within the valley of Cold Creek at an elevation of about 550 feet above sea level. The top of the ridge within this neighborhood is about 600 feet above sea level.

The development of the residence and garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted; or two, whether or not public views from public parks and trails will be impacted. A private road provides access from Cold Canyon Road to the subject parcel and surrounding parcels. The site is located about

one third of a mile from Cold Canyon Road. The subject lot is not visible from Cold Canyon Road to the southeast but maybe visible to the south from Pioma Road and a scenic turnout along Pioma Road.

Regarding public trails, there are three trails, two existing and one planned trail located within about one half mile of the project site. To the south is the existing Backbone Trail, a section known as the Three Park Trail. To the north and west is the planned Calabasas - Cold Creek Trail. To the east is the existing Stunt High Trail. The proposed residence will not be visible from the Calabasas - Cold Creek Trail because the residence will be cut into the base of the east side of the ridge opposite the trail to the west. The residence may be visible from the Backbone Trail and the Stunt High Trail. In addition, the project has the potential to be visible from Malibu Creek State Park to the south and the trails within it. However, its visibility from the public roads and trails noted above will be limited for a number of reasons including: the distance from the trail, the heavily vegetated nature of the Cold Creek vicinity, and the mature trees surrounding the project site.

To conform with the policies of the Coastal Act and County LUP regarding visual impacts, the Commission has in past permit actions required that structures not break ridgelines by siting them down the slope, in areas not visible, or when no other alternative is available, restricting the height of the structure. In this case, given the topography, size of the property, height and bulk of the residence, the base of the small ridge is a suitable site on the property to minimize any adverse impacts from public view. The project site does not include a major scenic ridgeline.

Regarding landform alteration, the amount of final grading to prepare the building site is reasonable, consisting of 1,176 cubic yards of cut, a portion (47 cubic yards) to be filled on site, and 1,129 cubic yards to be exported outside the coastal zone. The residence and garage is proposed to be cut into the hillside. A small amount of the cut material will be spread on the residential site to fill certain portions of the site for the residence and driveway. All exposed fill areas on the residential site will be landscaped as required by condition number three (3) to minimize erosion of the fill material. The applicant's project will minimize grading and will not significantly alter the existing landform on the property; therefore, the proposed project is consistent with the Coastal Act and the guidance provided by the Malibu/Santa Monica Mountains Land Use Plan (LUP) policies regarding landform alteration.

To ensure that any potential visual impacts of the grading and project construction have been adequately mitigated to the extent feasible and to minimize soil erosion, the Commission finds that it is necessary to require the applicants to submit landscape/erosion control and fuel modification plans. The existing oak trees along the western portion of the property will be retained. The landscape plan provides for new plants which will blend with the surrounding native vegetation. Special Condition number three (3) requires a landscape plan and fuel modification plan that also provides for the use of only native plant materials, plant coverage and replanting requirements. It also requires the submission of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if grading occurs during the rainy season. Therefore, the existing and new vegetation will minimize and control erosion, as well as screen and soften the visual impact of the proposed development.

Therefore, the proposed project as conditioned will not adversely impact public views of the proposed project and subject site. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

#### D. Environmentally Sensitive Resources

Section 30231 of the Coastal Act states:

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

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

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

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

A consultant's report prepared for Los Angeles County in 1976 by England and Nelson designates the Cold Creek Significant Watershed as a Significant Ecological Area (SEA). However, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) does not designate the subject property as located within this watershed which is designated as the Cold Creek Resource Management Area in the LUP. (Exhibits 4 & 5)

The subject lot includes numerous significant mature oak trees, Coast Live Oak (*Quercus agrifolia*), and a couple pine trees. Although these oaks are considered a disturbed habitat they are not located within the area mapped and designated as an oak woodland in the LUP. (Exhibit 5) The Los Angeles County Department of Regional Planning approved the project in concept determining that the project was not located within a sensitive environmental resource area and was, therefore, exempt from review by the Environmental Review Board. However, the County's approval did include an oak tree permit (#97-005) which allowed portions of the structure, driveway and walkways to be located within the dripline or canopy of these protected trees.

The applicant submitted an Oak Tree Report and Update completed by James Dean A.S.L.A., Landscape Architect, Oak Resource Group, dated June 18, 1990 and January 2, 1997. This report indicates that the health of the oak trees on the site has improved since 1990 from fair to good to above average health as a result of a wet cycle since the end of the drought. The report recommends that excavations within the driplines be completed by hand digging. This recommendation is incorporated as a condition of the County oak tree permit noted above.

To minimize potential project impacts, the applicants propose to construct permeable surfaces for the driveway and walkways within the drip lines of these oak trees to protect the trees. The proposed driveway will be constructed with ungrouted stone and pea gravel joints and the walkways will be constructed of decomposed granite and railroad ties. Although the oak trees are considered native vegetation surrounding the site, no significant vegetation is to be removed as a part of the development of the residence. Therefore, the proposed residence, garage, driveway and walkways are designed to minimize any disruption of the habitat values of the oak trees and adequately protect them.

However, within the canopy of one of the protected oak trees (tree number 96 as noted on the plans) is a recently constructed children's tree house placed between three trunks of a tree. This development is considered an "unpermitted" as built project that requires a coastal development permit. The County's approval included an oak tree permit which allows for the encroachment of the structure, driveway, and walkways within the dripline or canopy of the existing oak trees. The County approval does not indicate that any development is allowed within the canopy of the oak trees. In fact, the County's approval defines the "protected zone" as to the area extending five feet beyond the dripline of the oak tree, or fifteen feet from the trunk, whichever is greater. Further, the County conditions of approval require that no temporary structures shall be placed within the protected zone of any oak tree. Therefore, the County's approval of the encroachment of the proposed residence, driveway, and walkways did not include the tree house structure.

The Coastal Act requires that environmentally sensitive habitat areas be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Such a structure has the potential to damage or injure the significant oak tree, thereby disrupting its habitat value. Clearly, any structure located within the canopy of a protected oak tree can not be considered to be dependent on such resource. To resolve this issue, the applicants propose to remove this "unpermitted" structure within two weeks of the date the Commission approves this application for a coastal permit. Therefore, the Commission finds that as proposed by the applicants, the proposed project will adequately protect these oak trees on the subject site.

Additionally, LUP policy P96 specifies that water quality be protected from degradation resulting from development. As mentioned above, although the proposed project site is not located on a lot that is within the Cold Creek Resource Management Area, the lot does drain into Cold Creek. The project site drains into an on-site drainage swale that crosses the property on the east side in a north to south manner. This drainage swale drains into Cold Creek which is located about 800 feet to the south. The drainage swale flows only during periods of rainfall; there is no groundwater present on the site according to the applicants' geologist. This swale drains the surrounding properties during periods of rainfall because there are no curbs and gutters along Crater Oaks Drive. Although the lot does contain a minor drainage swale draining the building pad; the proposed drainage plan as required by condition number three (3) will minimize on-site erosion.

However, there remains a risk that sediment could enter the Cold Creek drainage from slopes graded or disturbed by construction activities. Condition number three (3) addresses this issue by requiring all disturbed areas to be landscaped and if grading occurs during the rainy season, sediment

basins will be required on site prior to or concurrent with grading operations and maintained during the development process. The Commission finds that minimizing site erosion will add to the protection of the on-site oak woodland and the Cold Creek Canyon Watershed. Erosion can be further minimized by requiring the applicant to landscape all disturbed areas of the site with native, drought tolerant, and non-invasive, plants that are compatible with the surrounding environment. Therefore special condition number three (3) is required to ensure that all areas disturbed or graded as a part of this project, are stabilized and landscaped properly following construction activities. To ensure that no adverse impacts result from vegetation management activities, required by the Los Angeles County Fire Department, these landscape plans will also illustrate how fuel modification is implemented on site. Thus, these landscape/erosion control, drainage, and fuel modification plans will serve to ensure that the proposed development minimizes erosion and sedimentation.

Thus, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30231 and 30240 of the Coastal Act.

#### E. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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.

Section 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan includes the following policies concerning sewage disposal, which are used as guidance:

- P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause aggravate public health problems.
- P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...
- P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The proposed development includes connecting the proposed residence to an existing 1,500 gallon septic tank and seepage pit to provide sewage disposal. This septic system was approved by the Commission in coastal permit no. P-79-6276 and constructed in 1989. The applicant has submitted an approval for the sewage disposal from the Department of Health Services, Los Angeles County. This approval indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles Plumbing Code. The septic pit is located at least 800 feet from Cold Creek. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### F. Violation

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

A portion of the proposed project includes the "unpermitted" development (children's tree house structure located within the canopy of a protected oak tree per Los Angeles County Oak Tree Permit # 97-005) which requires a coastal permit to be in conformance with the Coastal Act. Because the applicants propose to remove the structure within two weeks of the Commission's action on this application for a coastal permit, the project will be in conformance with the Coastal Act regarding this unpermitted portion of the project. Therefore, only as conditioned, is the proposed development consistent Sections 30231, 30240, 30250, 30251 and 30253 of the Coastal Act.

#### G. Local Coastal Program.

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. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding visual impacts, geologic impacts, septic systems, and the protection of ESHA. As conditioned, the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. 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 implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### H. California Environmental Quality Act (CEQA)

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be

supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate conditions addressing coastal issues discussed above. The proposed project, as conditioned, will not have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project has been determined to be consistent with CEQA and the policies of the Coastal Act.

8004A

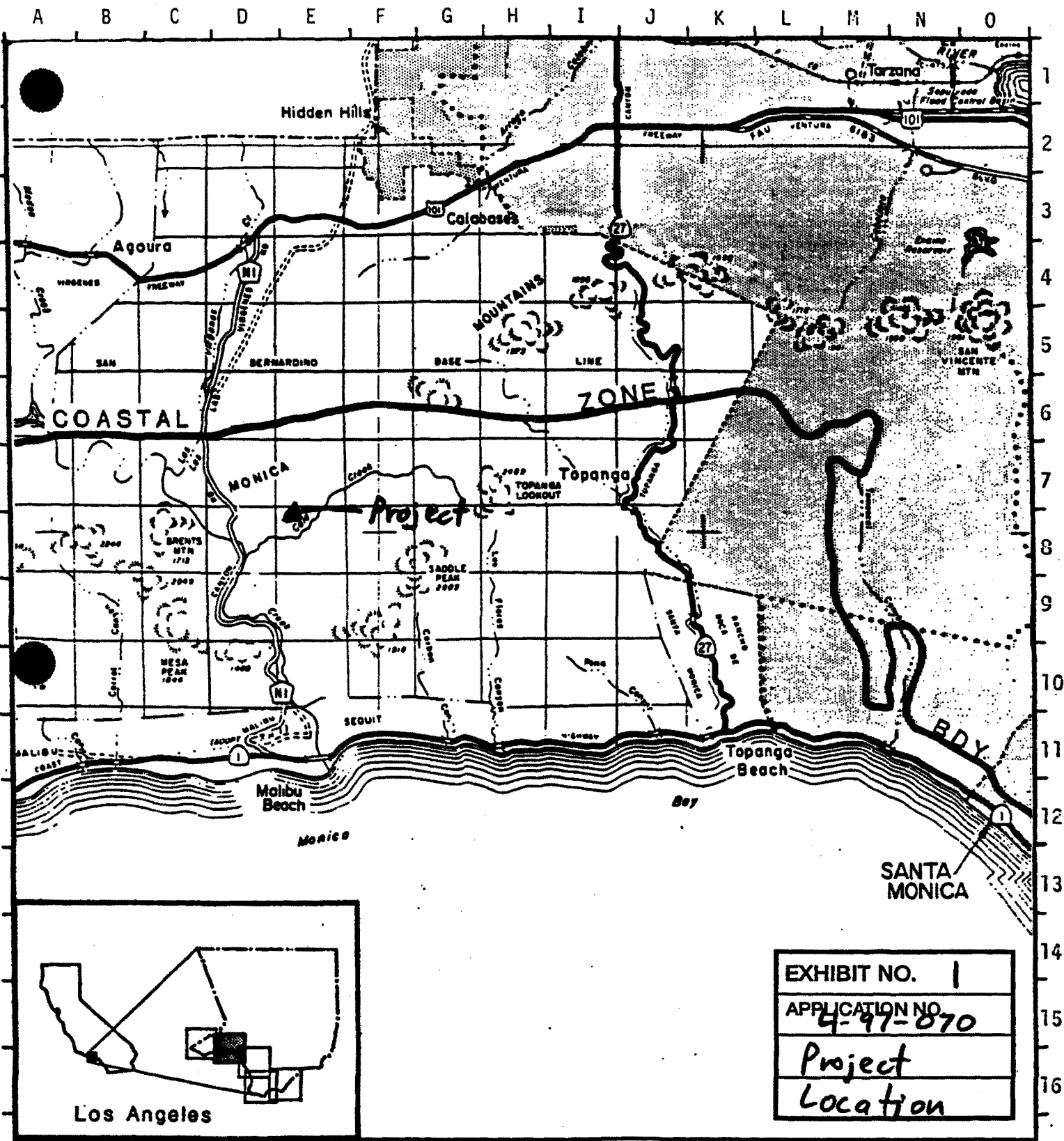
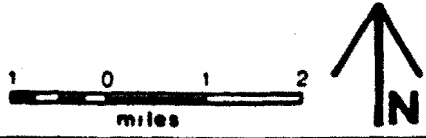


EXHIBIT NO.	1
APPLICATION NO.	4-97-870
Project	
Location	

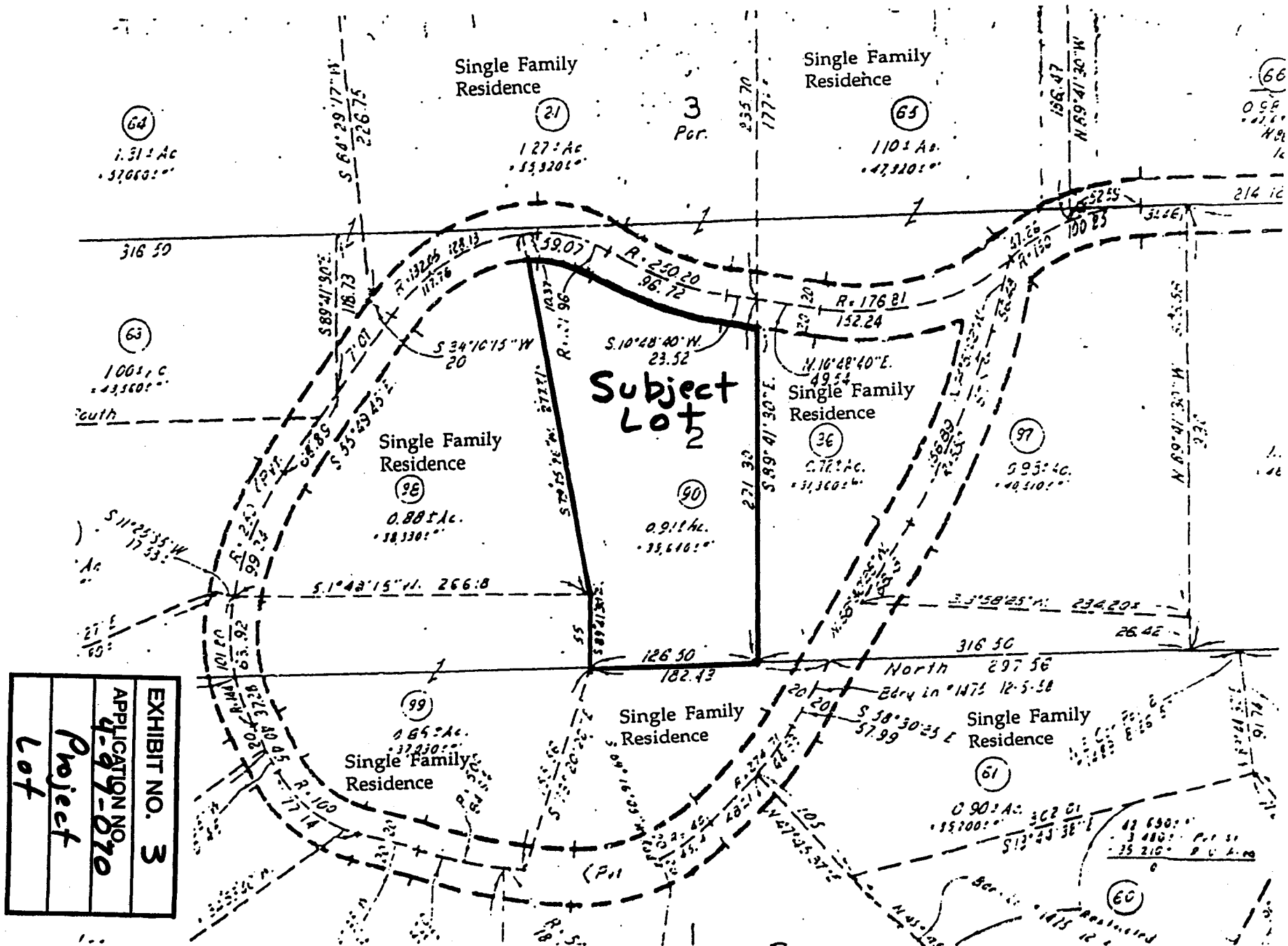
LOCATION MAP

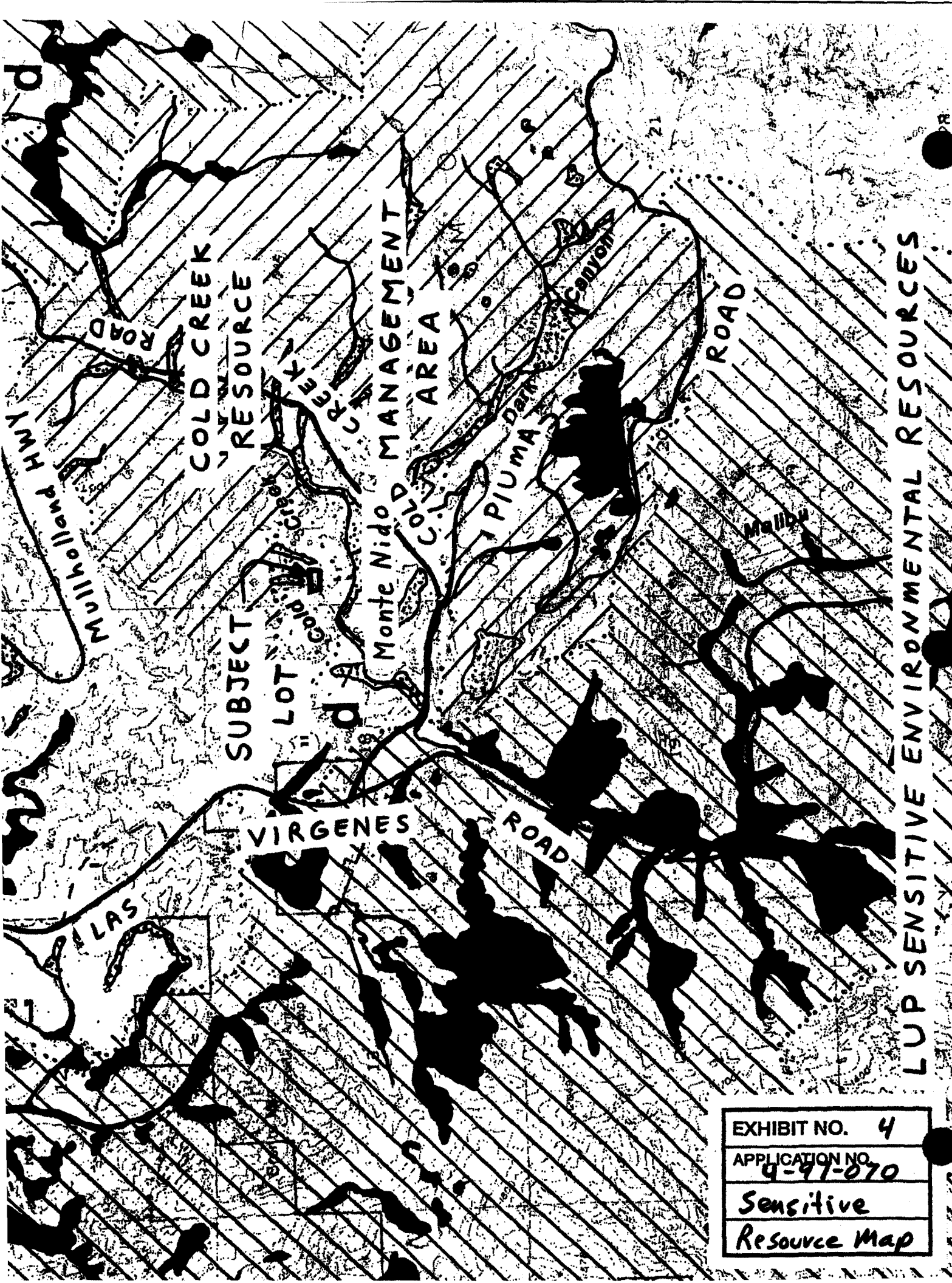




# Land Use Map

**Baltin Residence**  
825 Crater Oak Drive  
Calabasas, Ca.





LUP SENSITIVE ENVIRONMENTAL RESOURCES

EXHIBIT NO.	4
APPLICATION NO.	9-97-070
Sensitive	
Resource Map	

# CALIFORNIA CIVIL DESIGN GROUP

Civil Engineering and Land Surveying

## SENSITIVE RESOURCE AREA

BALTIN COASTAL  
PERMIT 4-97-70

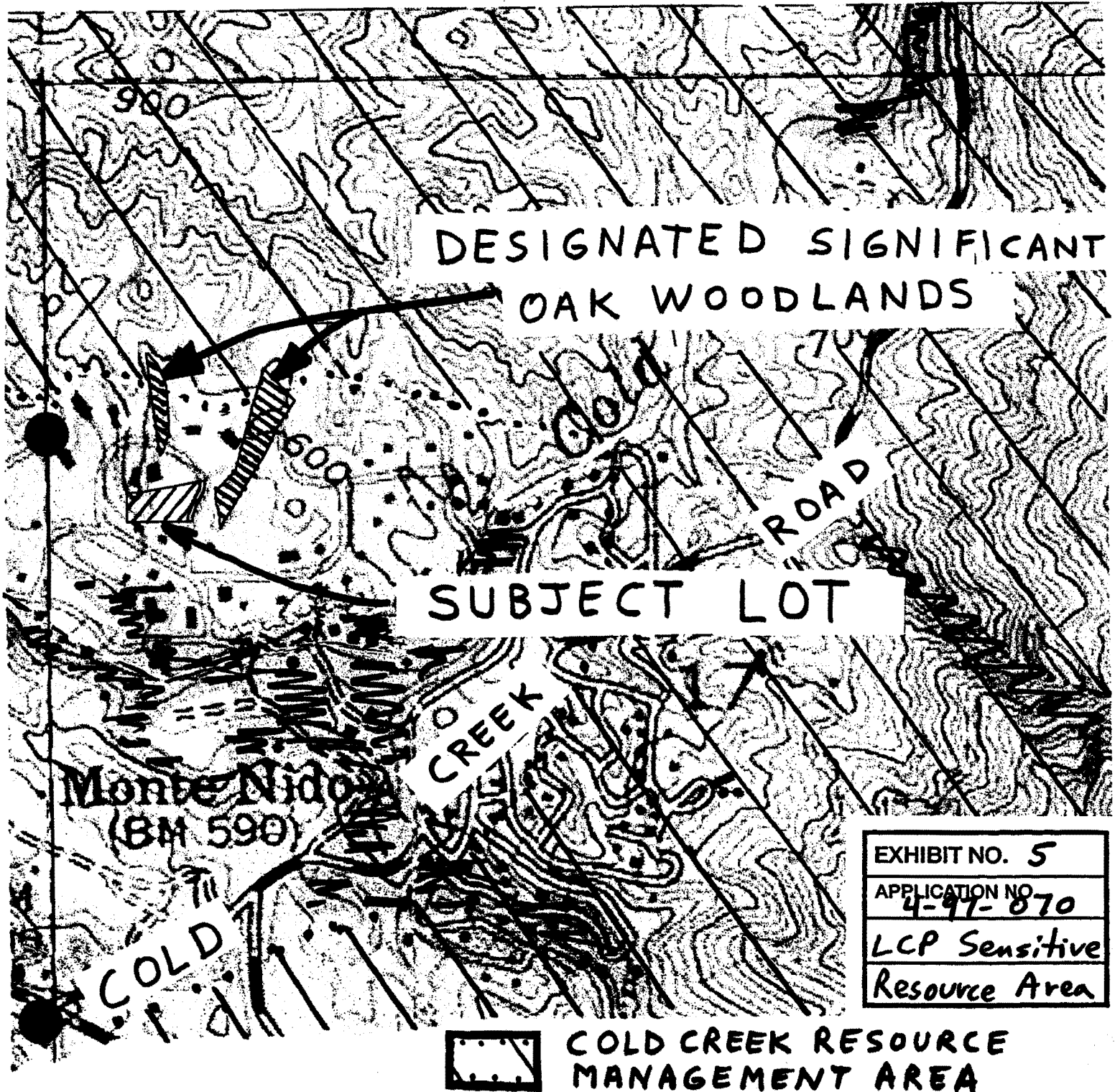
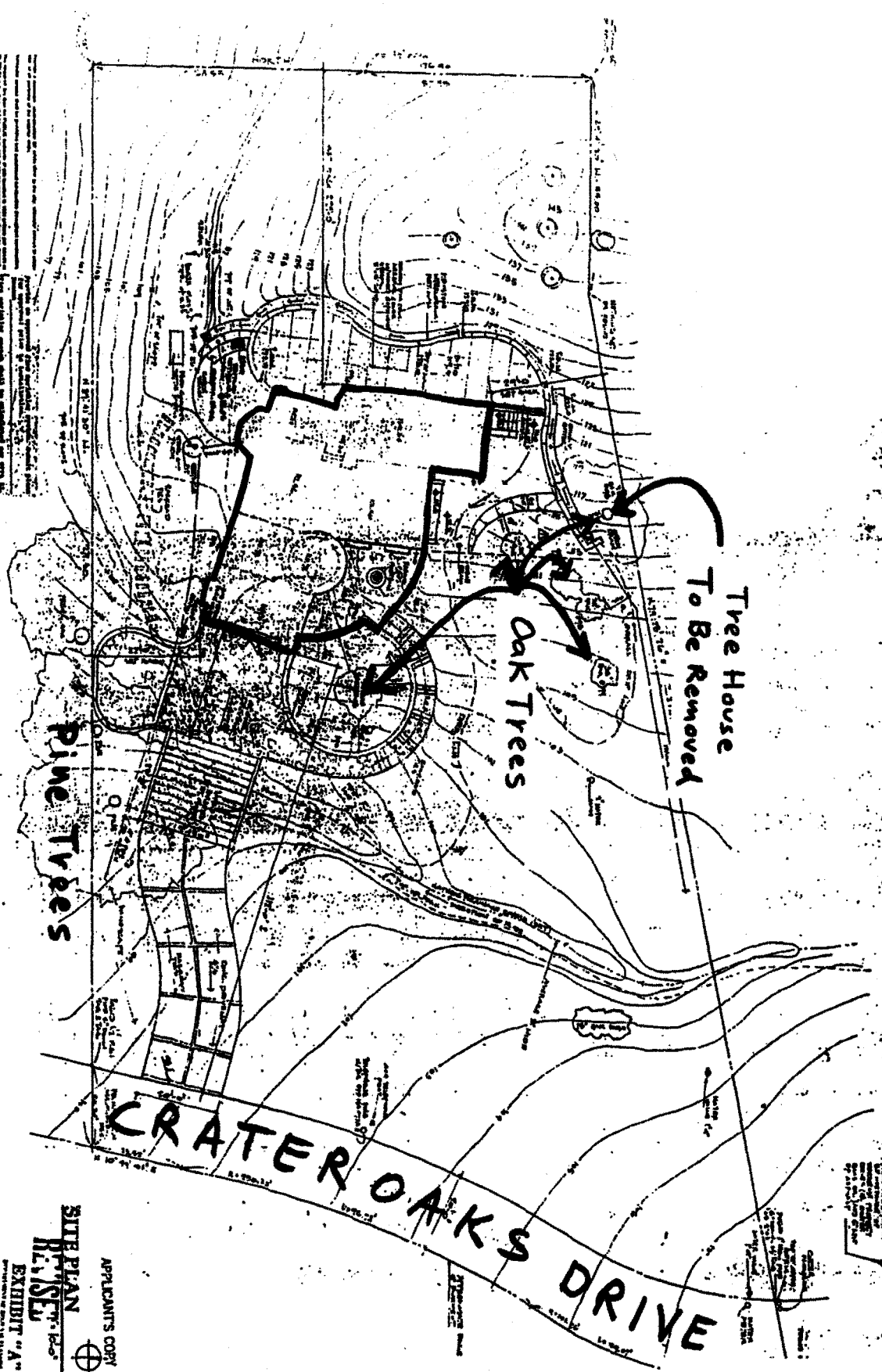


EXHIBIT NO. 5
APPLICATION NO. 4-97-870
LCP Sensitive Resource Area



CRATER OAKS DRIVE

Tree House  
To Be Removed

Oak Trees

Pine Trees

EXHIBIT NO. 6
APPLICATION NO. 9-97-070
Site Plan

RESIDENCE

325 Crater Oaks Dr.  
Monte Nido, Ca.

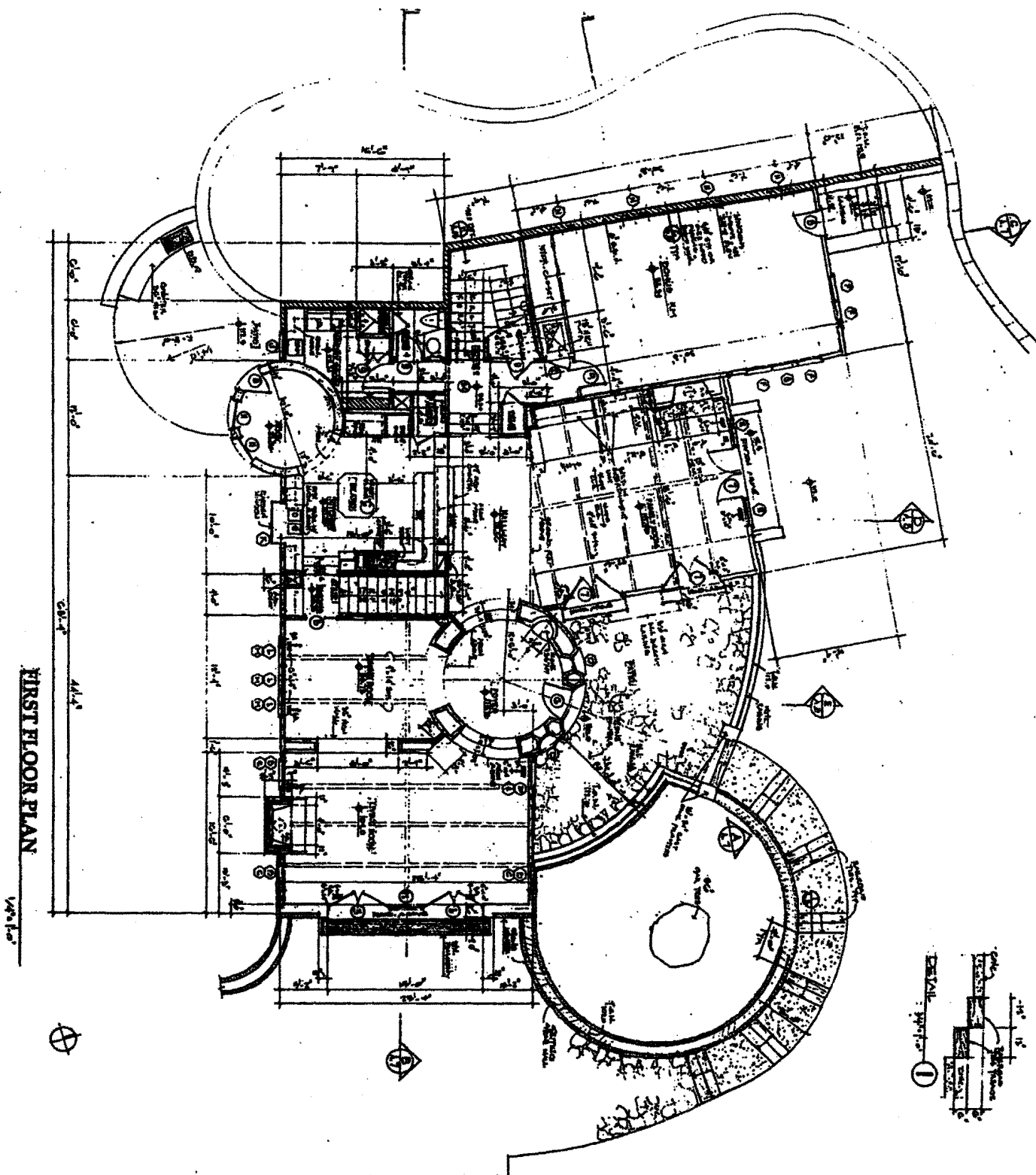
47-005

**BURDGE & ASSOCIATES**  
PLANNERS  
1000 17th St. Suite 100  
San Francisco, CA 94103  
(415) 398-4910

APPLICANT'S COPY  
SITE PLAN  
EXHIBIT "A"  
APPROVED FOR THE CITY OF SAN FRANCISCO  
DATE: 10/1/97  
BY: [Signature]

THE CITY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF STREETS AND HIGHWAYS  
100 MARKET STREET, 12TH FLOOR  
SAN FRANCISCO, CA 94102  
(415) 398-4910





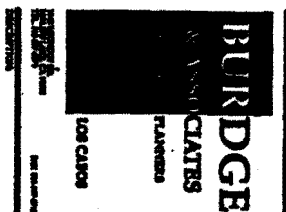
FIRST FLOOR PLAN

EXHIBIT NO. 8

APPLICATION NO. 4-97-070

First Floor Plan

325 Center Oaks Dr.  
Morrisville, NC





49-1-0

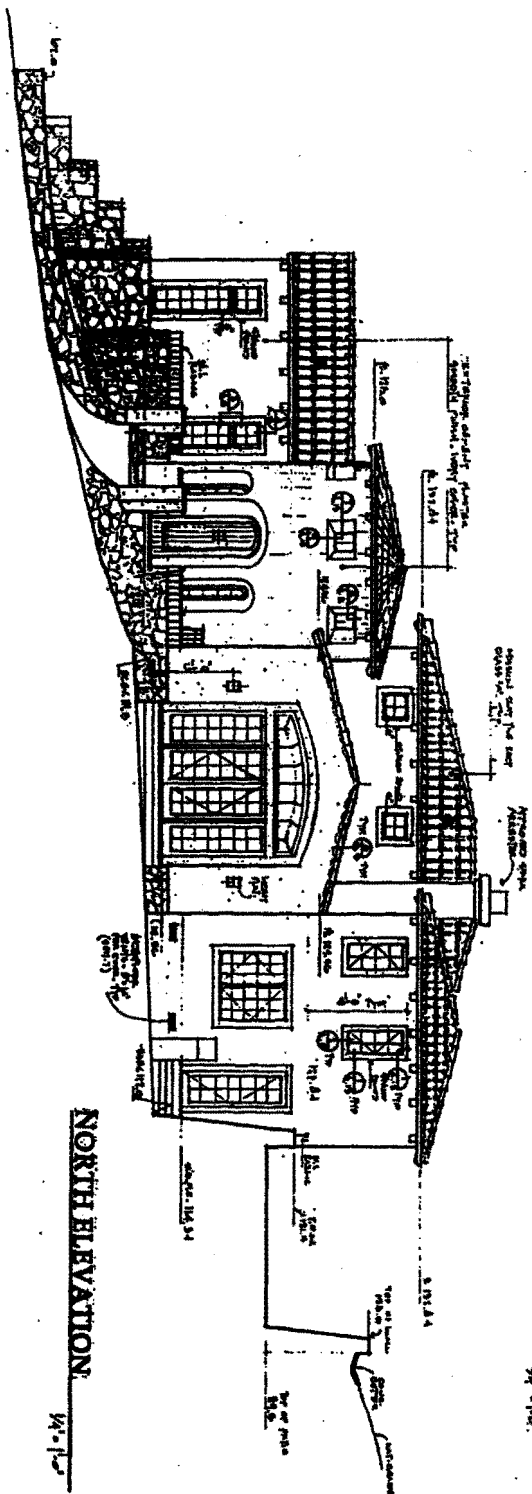
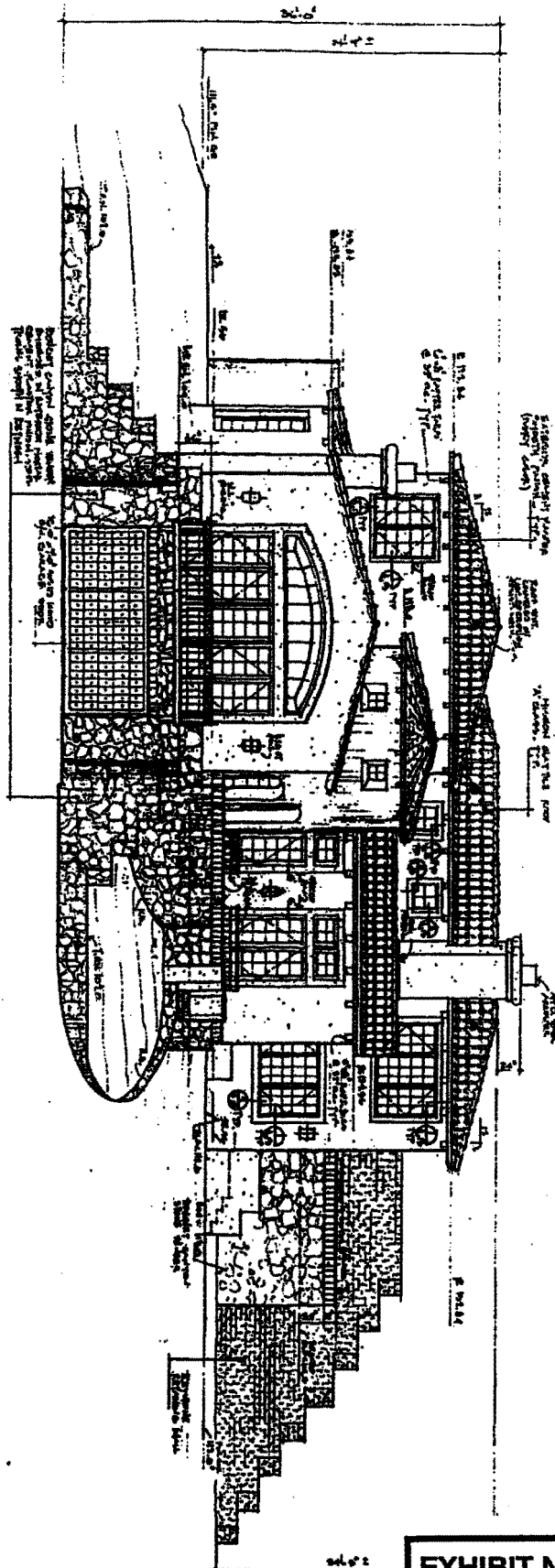
## Second Floor Plan

**825 Crater Oaks Dr.  
Monte Nido, Ca**

**BURDGE  
& ASSOCIATES**  
PLANNERS  
LOS CAÑOS

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DATE 4-12-97



**EXHIBIT NO. 10**

**APPLICATION NO.**

PLICATION NO.  
**4-97-070**

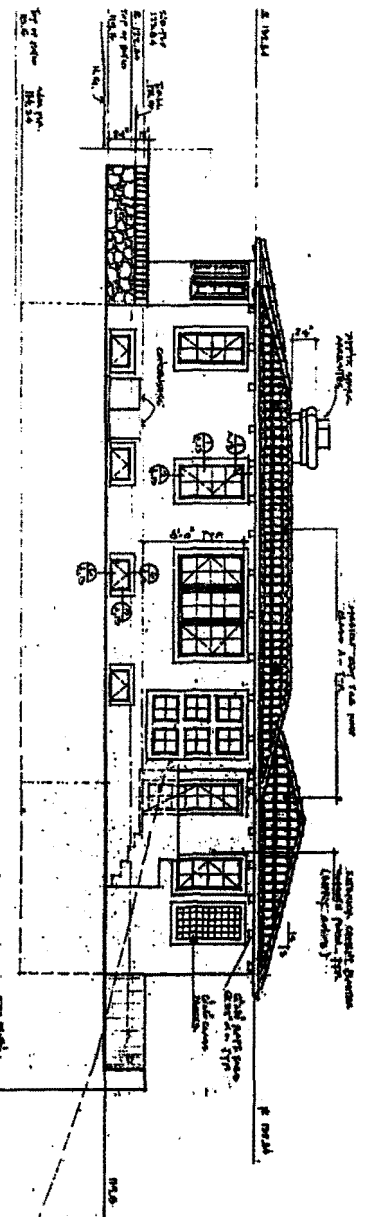
North & East	Elevations
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**825 Crater Oaks Dr.  
Monte Nido, CA**

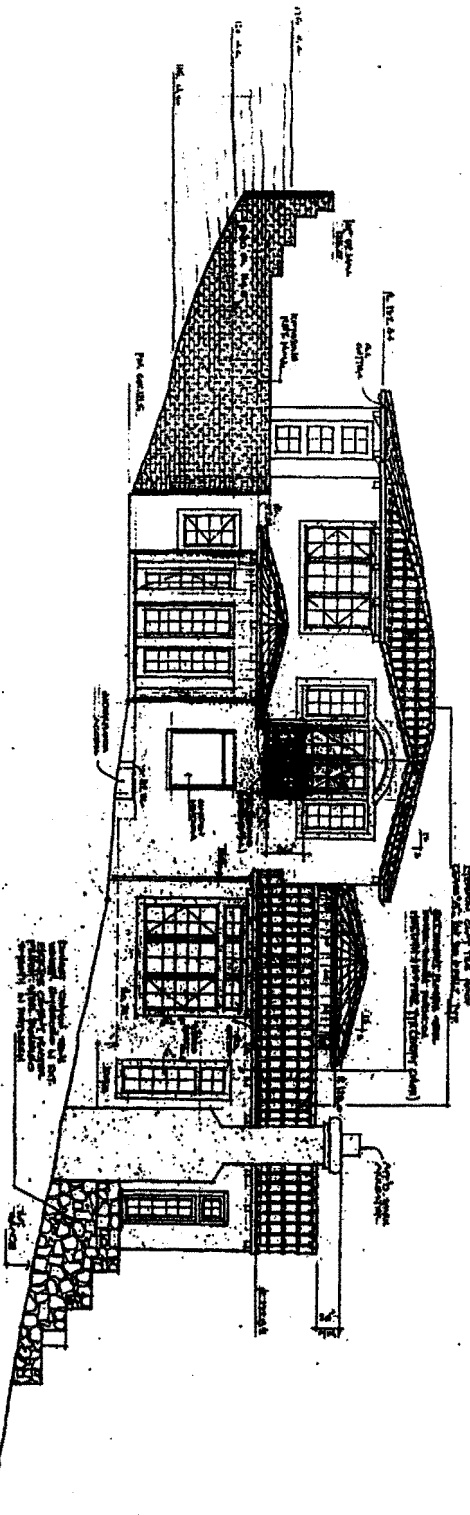
BURDEGI

## PLAYERS

**LOS CAJONES**



## WEST ELEVATION



**SOUTH ELEVATION**

**EXHIBIT NO. 11**

APPLICATION NO.

## West & South Elevations

825 Crater Oaks Dr.  
Monte Nido, Ca

[illegible]

BRIDGE

# CLATES

## PLANNING

**LOS CAJONES**

**NEW**

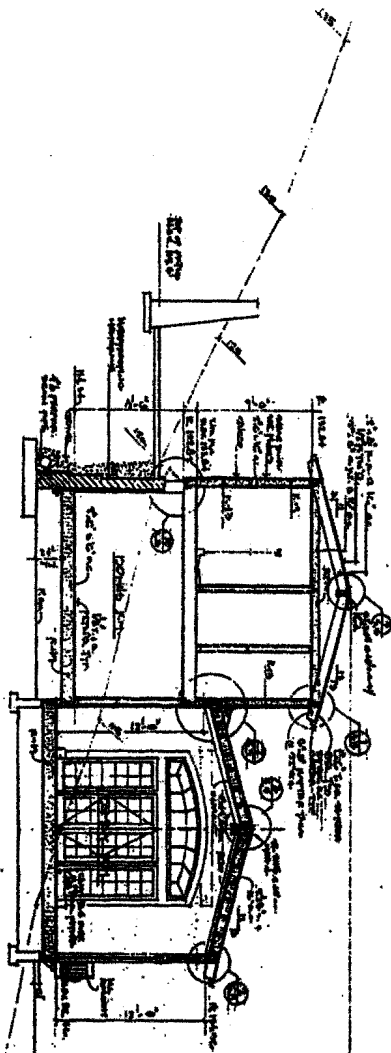
**THE UNIVERSITY OF TEXAS AT AUSTIN**  
**DEPARTMENT OF CIVIL ENGINEERING**  
**10000 DAVIS CIRCLE**  
**AUSTIN, TEXAS 78712**

**TEL: 512/495-6200**

**FAX: 512/495-6200**

**WWW.CIVIL.UTEXAS.EDU**

**A-5**



## Sections

**825 Canyon Oaks Dr.  
Marble Falls, Ca**

SECTION ————— 11



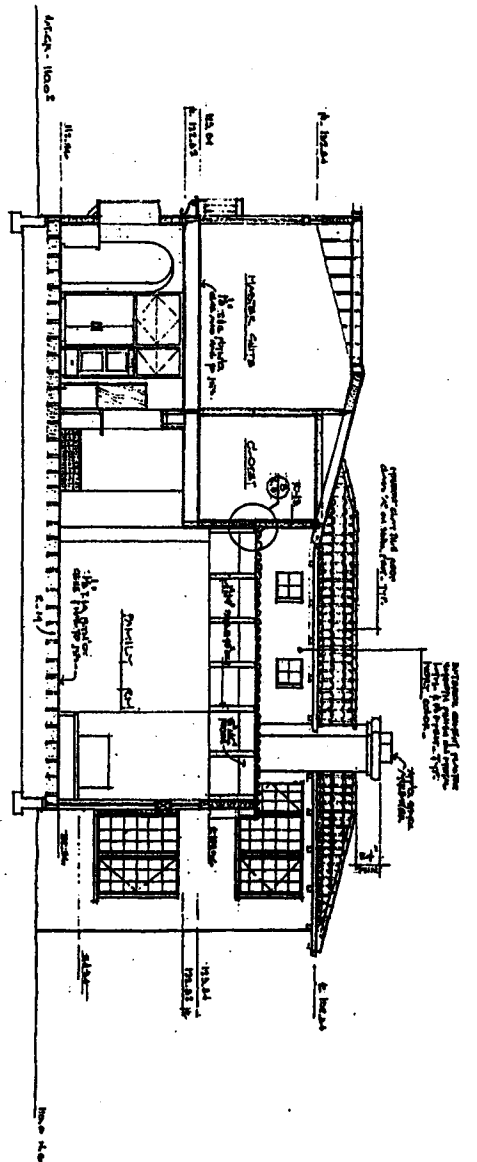
BRIDGE

## CLIMES

108 CARS

10

11-7

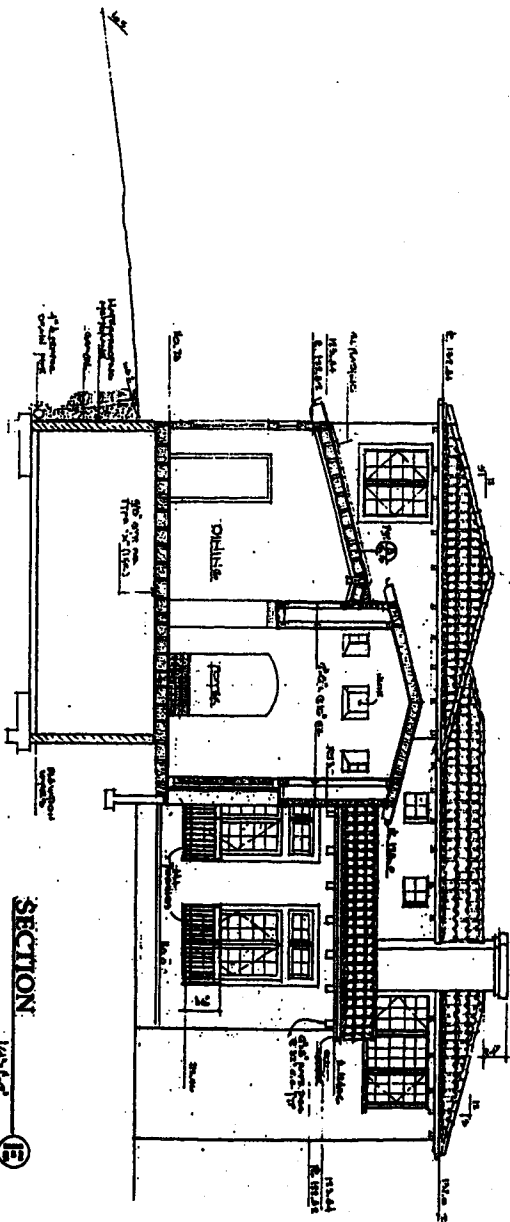


**825 Crater Oaks Dr.  
Monte Nido, Ca**

EXHIBIT NO. 13

APPLICATION NO. 9-97-070

## Sections



BURIDGE

**LOS CAMOS**

DATE	DESCRIPTION	AMOUNT	BALANCE
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