

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-011

APPLICANT: Gary Bardovi

PROJECT LOCATION: 845 Cold Canyon Road, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,815 sq. ft., single story single family residence, with attached two car garage, septic tank and seepage pits, and no grading.

Lot Area	82,210 sq. ft.
Building Coverage	3,815 sq. ft.
Pavement Coverage	5,340 sq. ft.
Landscape Coverage	6,000 sq. ft.
Parking Spaces	2 covered
Zoning	1 du/ 5 acres
Plan Designation	Rural Land II, 1 du/2 ac
Project Density	1 du/ 2 acres
Ht abv fin grade	21 feet

LOCAL APPROVALS RECEIVED: Site Plan Review/Approval in Concept, Department of Regional Planning, Los Angeles County, dated 1/13/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit Nos. 4-96-047 (DaSilva), 5-83-290 (Cold Creek Associates), and 4-96-147 (Sobel); Lawrence Young, Subsurface Soil Percolation Test, September 29, 1997; Oro Engineering Corporation, Soil Engineering Report for a Proposed Single Family Residence, January 4, 1998.

SUMMARY OF STAFF RECOMMENDATION: The proposed developed is located on a previously graded pad in a subdivision previously approved by the Coastal Commission. The site contains a tributary of Cold Creek, a blue line stream, and the associated riparian corridor (Environmentally Sensitive Habitat Area). The site is adjacent to the Stunt High equestrian trail and the Cold Creek Resource Management Area. Staff recommends approval of the proposed project with four (4) Special Conditions; addressing the consulting geologist's recommendations, a wild fire waiver of liability, a landscaping and fuel modification plan, and a future improvements restriction.

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 Oro Engineering Corporation, Soil Engineering Report for a Proposed Single Family Residence, January 4, 1998 shall be incorporated into all final design and construction including final grading, foundation and slab design, retaining walls, septic system, 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 AND FUEL MODIFICATION PLAN

Prior to issuance of the permit, the applicant shall submit landscaping and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Forestry Department for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- A) All disturbed areas on the subject site and access easement shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping 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 and disturbed soils 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.

- C) Should construction 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) 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.

4. FUTURE DEVELOPMENT RESTRICTION

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 4-98-011; and that any future additions or improvements to the property, including clearing of vegetation and grading, will require an amendment to Permit No. 4-98-011 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The removal of vegetation consistent with Special Condition three (3.D.) of this permit 4-98-011 is permitted.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

A. Project Description and Background

The applicant proposes to construct a 3,815 sq. ft., single story single family residence, with attached two car garage, septic tank and seepage pits, and no grading on a 82,210 sq. ft. lot. The plans include a driveway, walkway and fence.

The project site is at the approximate 645 ft. elevation. The site is a rough triangle in shape and is on an existing building pad located north of the

Monte Nido area, west of Cold Canyon Road. (Exhibit 1 and 2) The site is divided into roughly three areas. The pad is adjacent to a tributary of Cold Creek and the Malibu/Cold Creek Resource Management Area. The northern area associated with the tributary is approximately one-third of the site, located below the pad, containing a stream and oaks, sycamores and underbrush. The pad and related slopes consume approximately one-third of the site, adjacent to the west property line. Along Cold Canyon Road, on a slope above the pad and creek is a scrub area ranging from 650 to 700 ft. in elevation.

The subject property is within approximately 50 feet south of the Cold Creek Environmentally Sensitive Resource Area, which includes a significant oak woodlands and savannahs. South of this area, and north of the building pad, is a tributary of Cold Creek, which traverses across the northern portion of property. The tributary of Cold Creek is a blue line stream is an Environmentally Sensitive Habitat Area surrounded by a disturbed oak woodland. This oak woodland is designated as a disturbed ESHA in the certified LUP. No low-lying riparian vegetation was observed in this area at the time of the staff site visit. Vegetation along the stream was confined to a mix of scrub and chaparral with oaks and sycamores. The applicant noted that the flow at the time of the site visit was the first observed during the present rainy season.

The building pad is located immediately adjacent to the disturbed oak woodland/riparian area. The proposed residence is located 100 ft. from the centerline of the stream. The closest point of the proposed residence is located 60 feet from the oak canopy. Within the oak woodland/riparian area, oak and sycamore trees are found (based on trunk location) within approximately one hundred feet of the house and septic system and seventy-five feet from the edge of the pad. (Exhibit 4) Other native vegetation bordering the oak woodland/riparian area includes cercocarpus (mahogany), chemise (greasewood), summac, and ceonothus.

The northern approximate third of the site along the creek, roughly corresponding to the oak woodland/riparian area, is designated as a Flood Hazard Area and drainage easement on the Assessor's map. No development is proposed in this area so that there is no interference with potential flood flows.

The property presently contains several small animal coops, of which the larger A-frame structure is occupied by several rabbits, chickens, and roosters. There is also lumber, drums, and miscellaneous material adjacent to the coops. This development is below the building pad approximately thirty feet from the stream in an oak and underbrush area. This development is not part of the project proposal and the applicant has indicated that the animals will be removed and located in the vicinity of the house after completion of the project.

The Los Angeles County Environmental Review Board has recommended a number of conditions on the project to protect environmentally sensitive habitat areas including minimization of brush clearance, use of California Native Plant Society approved list landscaping, filtering of run-off, earth tone colors for the residence, requirement of a fuel modification and revegetation plan, prohibition of construction within the protection zone (dripline plus five feet) of any tree and requirement of an oak tree permit for removal.

The subject site is lot 1 of a ten lot, 85 acre subdivision approved by the Commission in 1981 (P-81-7701). This permit included the grading of roads, building pads, and septic systems. The subject property is adjacent to an equestrian and hiking trail, the Stunt High trail, along the west side of the property associated with the land division. This trail easement was acquired under the subdivision approval. The proposed development will not interfere with the trail easement.

The west side of the property also contains an access easement to Cold Canyon Road. The easement leads directly to the road, i.e. there are no other properties that need to be crossed in order to reach the proposed project.

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 to evaluate impact upon geologic hazard (P 147) and fire hazard (P 156). In addition, the Plan includes policies which require a geologic report prior to approval (P 149) and that the project not generate excessive runoff, debris, and/or chemical pollution that would impact on the natural hydrologic system (P 154).

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. 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 parcel consists of a rough graded building pad and driveway about 20 feet in elevation above the centerline of Cold Creek, west of Cold Canyon Road. The building pad consists of silty sand overlaying on bedrock. 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.

Regarding the geologic and erosion hazard, the applicants submitted a Lawrence Young, Subsurface Soil Percolation Test, September 29, 1997 and an Oro Engineering Corporation, Soil Engineering Report for a Proposed Single Family

Residence, January 4, 1998. In addition, they have submitted a Geologic Review Sheet for the underlying tract noting that a geologic report was prepared for the site (Gorian Associates, Inc., dated 9/24/80) and noting that the subdivision was approved subject to the recommendations of that report including geologist review of grading. The subdivision was subject to a coastal development permit and the project has now been completed. The Oro Engineering Report, prepared by a certified geotechnical engineer, notes that:

the site located at 845 Cold Canyon Rd., Monte Nido, California is suitable for the proposed development, providing the design and construction are properly execute in accordance with the recommendations contained herein.

The report addresses the geology and soil issues by stating:

Our slope stability analysis indicates that the slope on the subject property has a safety factor greater than 1.5, which is considered to be grossly stable. ... The soil engineer should be notified prior to the beginning of the grading operation and should be notified at regular intervals in order to test the compacted fill. ... Grading should be performed in accordance with the requirements of the County of Los Angeles. ... if constructed in accordance with our recommendation and if properly maintained, (1) the proposed development will be safe against hazard from landslide, settlement, or slippage, and (2) the proposed buildings or grading construction will have no adverse effect on the geotechnical stability of property outside of the building site.

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 geology consultant 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 through revegetation is important to reduce geological hazards and minimize sediment deposition in Cold Creek, a blue line stream with an associated riparian area (Environmentally Sensitive Habitat Area), as well as the nearby Cold Creek Resource Management Area to the north. The building site has a relatively flat topographic relief, but drains into a portion of Cold Creek and riparian habitat areas located on the property. 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.

The applicants have submitted a site, drainage, and fuel modification plan which minimizes erosion from the project site to Cold Creek. The plans show the pad to drain into a three ft. by three ft. by 2 ft. deep catch basin with decomposed granite and filter fabric liner connected by a drain to a V-channel filled with rip-rap located immediately off-site.

In addition, the Commission finds that the use of native plant materials to revegetate disturbed soils and previously graded areas reduces the adverse affects of erosion and ensures that the natural appearance of the site remains after development. This has been a requirement in review of development in this previously approved tract, most recently in application 4-96-047 (DaSilva). Such revegetation includes replanting disturbed areas, stabilizing areas with native vegetation, and requirement of special stabilization measures during the rainy season. Therefore, the Commission finds it necessary to require through condition number three (3) that the applicant to submit final landscaping and erosion control plans designed to minimize and control erosion and screen or soften the visual impact of the development.

Special Condition number three (3) requires a landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements and the submittal of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if construction occurs during the rainy season. The site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing and thinning the area 200 feet from the residence. The replacement plants provided in the landscape plan will minimize and control erosion. This is especially important because the site presently contains a barren cut slope southeast of the pad and a smaller fill slope along the existing private road, southwest of the pad, with some ruderal vegetation. Revegetation will as well as screen and soften the limited visual impact of the proposed development from the equestrian trail west of the building pad.

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 a landscape and erosion control plan 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 the following 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: P91 new development to minimize impacts and alterations of physical features and processes of the site; P129 structures designed and located for attractive appearance and relationship with the surroundings; P130 In highly scenic areas and along scenic highways, new development be sited and designed to protect views to and along the ocean and to and along other scenic features, minimize the alteration of natural landforms, conceal raw-cut slopes, be compatible with and subordinate to the setting; and not to significantly intrude into the skyline. P134 Structures conform to the natural topography and discourage massive grading and reconfiguration.

The applicant proposes to construct a 3,815 sq. ft., single story single family residence, with attached two car garage, septic tank and seepage pits, and no grading on a 82,210 sq. ft. lot. The plans include a driveway, walkway and fence. 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 nearby Cold Creek Canyon Canyon Preserve/Resource Management Area is recognized as a "Scenic Area" which is given special treatment when evaluating potential impacts caused by new development i.e. the building site, the proposed grading, and the size of the building pad and structures. The development of this single story residence on an existing pad does not significantly impact public views from public roadways or viewpoints. The proposed residence and garage, it is well beyond and hidden from the nearest public road, Cold Canyon Road. Further Cold Canyon Road is not designated as a scenic highway by the Malibu/Santa Monica Mountains Land Use Plan.

However, the question remains of whether or not public views from public trails will be impacted. An equestrian trail, the Stunt High trail, is located adjacent to the western portion of the subject parcel. The Stunt High trail is a designated trail in the certified LUP and showed evidence of being used adjacent to the proposed development at the time of the staff site visit. Further north, near the DaSilva property (4-97-047) is the Calabasas - Cold Creek trail which intersects with the Stunt High trail.

The proposed residence will be visible from the Stunt High trail. Visibility will not be as limited due to the topography of the site as was true, in comparison, with the circumstances as found in permit 4-97-047 relative to

vegetation and topography considerations. However, in the case of the present application, the residence is designed to be visually compatible and subordinate to the topography of the building site, by locating the residence on the existing pad and being "tucked in" to two previously cut and/or fill slopes, in conformity with a subdivision previously approved by the Commission. In addition, the applicants propose a landscape plan that includes native, drought resistant, and fire retardant plants compatible with the surrounding vegetation. The site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing the area 200 feet from the structure. The replacement plants will minimize and control erosion, as well as screen and soften the visual impact of the proposed development. These measures are significant in decreasing the visual impact on the trail.

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.

The above measures are adequate if recognized and enforced through a special condition similar to past Commission action in the project area. Special Condition number three (3) requires a landscape plan and fuel modification plan that provides for the use of only native plant materials, plant coverage and replanting requirements and 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.

Further, future developments or improvements to the property have the potential to create visual impacts as seen from the public equestrian trail on the property. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, is reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Condition number four (4), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore, the proposed project will not impact the scenic public views in this area. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Public Access and Recreation

Generally, the Coastal Act requires that public access and recreational opportunities to and along the coast be provided in all new development projects except where adequate access exists nearby. (Sections 30210, 30212 and 30214) In addition, the certified Los Angeles County Land Use Plan includes the following policy regarding protection of public access and recreational opportunities, 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: P32 Provide a safe trail system to link major recreational facilities and trail systems of adjacent jurisdictions, provide recreational corridors between the mountains and the coast, minimize impact on adjacent property, communities, and fragile habitats (especially) Environmentally

Sensitive Habitats, connect with populated areas, accommodate multiple use link to community trail systems; provide a diversity of recreational and aesthetic experiences; Reserve certain trails for walking and hiking only; prohibit public use of motorized vehicles.

The project site is located nearly five miles from the coast and inland of the first public road along the coast, Pacific Coast Highway. Therefore, access to the beach is not an issue. The Santa Monica Mountains include a number of public hiking and equestrian trails established to allow the public to access the area to and along this section of coast. There are two major trails in the vicinity of this project as noted in the map of the Malibu/Santa Monica Mountains Trail System, Los Angeles County Department of Parks and Recreation, dated June 1983. As noted above, one of these trails, the Stunt High trail, is along on the western portion of the project site. There is a recorded offer to dedicate an easement over the Stunt High Trail as indicated on the recorded tract map for the subdivision. To the north of the property, is the Calabasas to Cold Creek Trail.

The proposed residence, garage and driveway will not block access and the above-recommended conditions ensure compatibility with the adjacent Stunt High trail. Therefore, the Commission finds that the proposed project does not affect public access to and along the coast and is thus, consistent with the public access and recreation policies, Sections 30210, 30212, and 30214, of the Coastal Act.

E. Land Resources/Environmentally Sensitive Habitat Areas

The subject parcel is located approximately 50 ft. away from, and downhill of, the Cold Creek Resource Management Area. The Resource Management Area encompasses sensitive riparian woodlands, and is an inherent component of the Malibu Creek/Lagoon ecosystem. Further, the blue line tributary that flows across the northern edge of the parcel is a disturbed oak woodland, which is an ESHA designation.

This tributary flows into a portion of the Cold Creek resource area associated with the Monte Nido community. This area contains a disturbed oak woodland surrounded by an area which is not specifically designated on the resource map in the certified LUP. However, this area is surrounded by designated resource areas and has resource values and ecological relationships with designated areas in the LUP. Further downstream, drainage from the subject parcel flows into a LUP-designated Inland Environmentally Sensitive Habitat Area along Malibu Creek and through a significant watershed. Further downstream, drainage flows into Malibu Lagoon.

Section 30250 (a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able

to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a 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.

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30230

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

Section 30231

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:

Section 30240

(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.

The habitat values contained in the Cold Creek Watershed have been well documented. 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). The England and Nelson report also cites the specific habitat values of Cold Creek Canyon as follows, albeit it should be noted that the subject property is actually outside the SEA/Significant

Watershed:

"This is a relatively undisturbed natural sandstone basin. The floor of the valley is steep, with springs and a perennial stream, Cold Creek. The year-round surface water, which is uncommon in southern California, supports an unusually diverse flora. The extreme range in physical conditions, from wet streambed to dry rocky ridges, makes the area a showplace for native vegetation. Pristine stands of chaparral, southern oak woodland, coastal sage scrub, and riparian woodland are all found in the area. Several plant species that are uncommon to the general region are found here. Those include stream orchis (*Epipachis gigantea*), red mimulus (*Mimulus cardinales*), Humboldt lily (*Lilium humboldtii* var. *ocellatum*), big-leaf maple (*Acer macrophyllum*) and red shank (*Adenostema sparsifolium*). In addition, the presence of several tree-sized flowering ash (*Fraxinus dipetala*), reaching 40 feet in height, is a unique botanical oddity. This scrub species has a normal maximum height of 15 to 20 feet."

Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research. The Mountains Restoration Trust and Occidental College have holdings in the area that are used for education and visited by qualified biologists.

The Cold Creek watershed consists of about 8 square miles (5000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as tributary areas to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has also been included in the inventory of California Natural Areas Coordinating Council, which includes this area as one of the 1,250 such natural areas in the State of California exhibiting "the significant features of the broad spectrum of natural phenomena that occur in California... These areas include those that are unique or outstanding examples and those that are typical or representative of a biotic community of geological formation. All areas have been selected on their merit..."

In recognition of these outstanding natural resources, State Parks and Recreation acquired the 320-acre Stunt Ranch in the heart of the Cold Creek watershed to protect the unique flora and fauna of this watershed. This ranch is directly adjacent to the 530-acre Cold Creek Preserve. The University of California's Natural Reserve System will be using portions of Stunt Ranch and the Cold Creek Preserve for teaching and research use in the field-oriented natural sciences. Cold Creek is also used as a control in regional water quality studies.

A report prepared for L.A. County Department of Regional Planning by Richard Friesen of the L.A. County Museum of Natural History also discusses the ecological significance of the Cold Creek SEA. The report states that the stream is "fed by several year round springs and seepage areas and has uncommonly interesting and healthy riparian communities". The report notes that the Cold Creek watershed is the last remaining watershed in the Santa Monica Mountains known to still contain representatives of Stone flies (Plecoptera)-aquatic insects that are very sensitive to increased siltation and runoff of petroleum-derived compounds from asphalt and other sources. Other more sensitive animal species "likely to utilize Cold Creek riparian and stream-side woodlands include the Bobcat (*Lynx rufus*), Mountain Lion (*Felis*

concolor), white-tailed kite (*Elanus leucurus*), Long-eared owl (*Asio otus*) Ringtail (*Bassariscus astutus*), Long-tailed Weasel (*Mustela frenata*), and two-striped Garter Snake (*Thamnophis couchi*)."

The report further states that the riparian woodland is "fragile and susceptible to watershed damage (vegetation removal and grading), water diversion, and stream pollution" and that chaparral is "subject to severe fire damage when extreme fire protection prevents natural burning cycles from occasionally reducing fire loads." When such impacts do not complicate recovery, riparian woodlands and chaparral "are generally capable of self-restoration after floods and fires." The report concludes that the primary impacts upon ecological resources in the SEA are due to residential development which contributes to cumulative impacts to "local land forms (through grading and erosion), stream pollution (through applying chemical pesticides and herbicides and septic tank seepage), and to biotic communities (through vegetation removal)."

A report prepared by the Coastal Conservancy in 1980 states that:

there is extremely limited development potential in the watershed...the watershed has already been developed (at about 250 built homes) to a level beyond its carrying capacity... a Los Angeles County study found pollution in Cold Creek and concluded that Cold Creek probably does not meet standards for freshwater recreational uses and that it would be desirable to retire up to approximately 300 building sites generally lying in the southern and eastern portions of the watershed. The southern and eastern portions of the watershed which have remained relatively undeveloped, rise in a rugged and steep manner to the scenically spectacular Saddle Peak. The northern and western portion of the watershed, especially north of the lower reaches of Cold Creek (the Monte Nido area) have experienced dense and active subdivision and residential development.

The Land Use Plan policies addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources in coastal canyons in the Santa Monica Mountains which require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The LUP contains several policies designated to protect the Resource Management Area, such as the Malibu-Cold Creek Resource Management Area which is adjacent to the project location, from both the individual and cumulative impacts of development. Table 1 states that existing residential parcels smaller than 20 acres "... may be developed provided that habitat disruption can be fully mitigated as determined by the Environmental Review Board." The project was reviewed by the County Environmental Review Board, as already noted and their concerns are reflected in these findings and conditions.

The applicable Malibu/Santa Monica Mountains Land Use Plan policies include:

P64 Environmental Review Board (ERB) review by qualified professionals

to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs and provide recommendations to the Regional Planning Commission on conformance or lack of conformance to the policies of the Local Coastal Program, including mitigation measures designed to minimize adverse impacts on environmental resources, with a finding of consistency with all policies of the LCP; P65 Environmental Review Board consideration of the individual and cumulative impact of each development proposal within a designated Significant Watershed, minimizing vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts, and clustering near existing roads, on relatively gentle slopes, as far as possible outside riparian areas in canyons; P67 Denial of any project or use which cannot mitigate significant adverse impacts; P68 Protection of environmentally sensitive habitat areas (ESHAs) against significant disruption of habitat values, and allow only uses dependent on such resources, excluding residential uses.

P74 New development located as close as feasible to existing roadways, services, and existing development; P79 Natural vegetation buffer areas to protect all sensitive riparian habitats and all development other than driveways and walkways set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation; P80 New septic systems at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits;

P82 Grading minimized to ensure the potential negative effects of runoff and erosion; P84 Landscape plans shall balance long-term stability and minimization of fuel load and use native plant species consistent with fire safety requirements; P88 For areas of high potential erosion hazard, site design to minimize grading activities and reduce vegetation removal based on clustering, minimize access road grading, building and access envelopes, sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped; P91 minimize impacts and alterations of physical features, such as ravines and hillsides and processes of the site; P96 Avoid degradation of the water quality of groundwater basins, nearby streams, or wetlands.

As previously noted above, the applicant proposes to construct a 3,815 sq. ft., single story single family residence, with attached two car garage, septic tank and seepage pits, and no grading on a 82,210 sq. ft. lot with an existing building pad and access driveway. The plans include a driveway, walkway and fence.

Additionally, LUP policies (P78, P82, & P91) specify that grading activities be minimized, that structures be clustered, that development be designed to minimize landform alteration, and that said development is placed as close to existing services as possible. In the case of the proposed residence, the structure is accessed via a driveway that serves other adjacent lots, and therefore the structures are clustered. The driveway will not need to be modified to serve the proposed development to meet the County of Los Angeles Fire Department's standard width of 20 feet. The project will not affect any natural landforms as the site's building pad is already graded. Although native vegetation does surround the site, including oak trees, no significant vegetation is to be removed as a part of the development of the residence.

Table 1 policies also specify that development be located in proximity to existing roads, services and other development to minimize impacts on habitat, and that streambeds, and ESHAs not be altered and that they are protected to the greatest extent possible. Additionally, LUP policy P96 specifies that and water quality be protected from degradation resulting from development. As mentioned, the proposed project site is located on a lot that is adjacent to the Cold Creek Resource Management Area.

Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion,...and minimizing alteration of natural streams. In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the building will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. Increased erosion in addition to raising issues relative to geologic stability as addressed above, also result in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts 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 stream banks 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.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

However, there remains a risk that sediment could enter the Cold Creek drainage from slopes recently graded or disturbed by construction activities. The Los Angeles County Environmental Review Board has provided on January 22, 1996 recommendations leading to a new drainage plan to address drainage

issues. The Environmental Review Board also found this project consistent with the Malibu/Cold Creek Resource Management Area. This drainage plan is now part of the applicant's submittal.

The Commission must ensure that measures are adequate to ensure that runoff will be conveyed off-site in a non-erosive manner and minimize erosion on and off site. In the case of this project, the applicant has provided a site, drainage, and fuel modification plan which minimizes erosion from the project site to Cold Creek, as noted previously. The drainage plan includes a drain with a filter conveyed to an existing channel with rip-rap for flow dissipation ending about 60 ft. from the blue line tributary. The plans show the pad to drain into a three ft. by three ft. by 2 ft. deep catch basin with decomposed granite and filter fabric liner connected by a drain to a V-channel filled with rip-rap located immediately off-site.

This plan will minimize erosion by slowing down and deflecting the flow from the imperiable surfaces on the site including roofs, driveways, walkways, etc.. The proposed drainage system will also avoid sedimentation onto adjoining land by filtering runoff and dispersing flow in a non-erosive manner. Consequently, the grading and drainage plan controls sedimentation and hydrological impacts, to protect against disruption of habitat values and protect biological productivity.

The Commission finds that further minimizing site erosion is necessary to add to the protection of the adjacent ESHA and the Cold Creek Canyon Watershed. Erosion can be 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, this landscape and fuel modification plan will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act.

Further, future developments or improvements to the property normally associated with a single family residence, which might otherwise be exempt, have the potential to impact these sensitive environmental resources noted above. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, is reviewed by the Commission for compliance with the coastal resource protection policies of the Coastal Act. Condition number four (4), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Thus, the Commission finds that as conditioned, the proposed project is consistent with Sections 30231, 30240, and 30250(a) of the Coastal Act.

F. 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: P 217 Wastewater management operations not degrade streams or adjacent coastal waters or cause aggravate public health problems; P 218 Individual septic tank systems only in full compliance with building and plumbing codes; P 226 Sewage disposal adequate without creating hazards to public health or coastal resources for the life of the project.

The proposed development includes constructing a new septic pit and system to provide sewage disposal. The septic pit is located at least 100 feet from the creek. The applicant has provided percolation tests with assurance of a registered geotechnical engineer that the project will not create off-site adverse effects. This test indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles Plumbing Code. 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.

G. Local Coastal Program

Section 30604 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 Chapter 3 (commencing with Section 30200) 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 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 of Los Angeles' ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

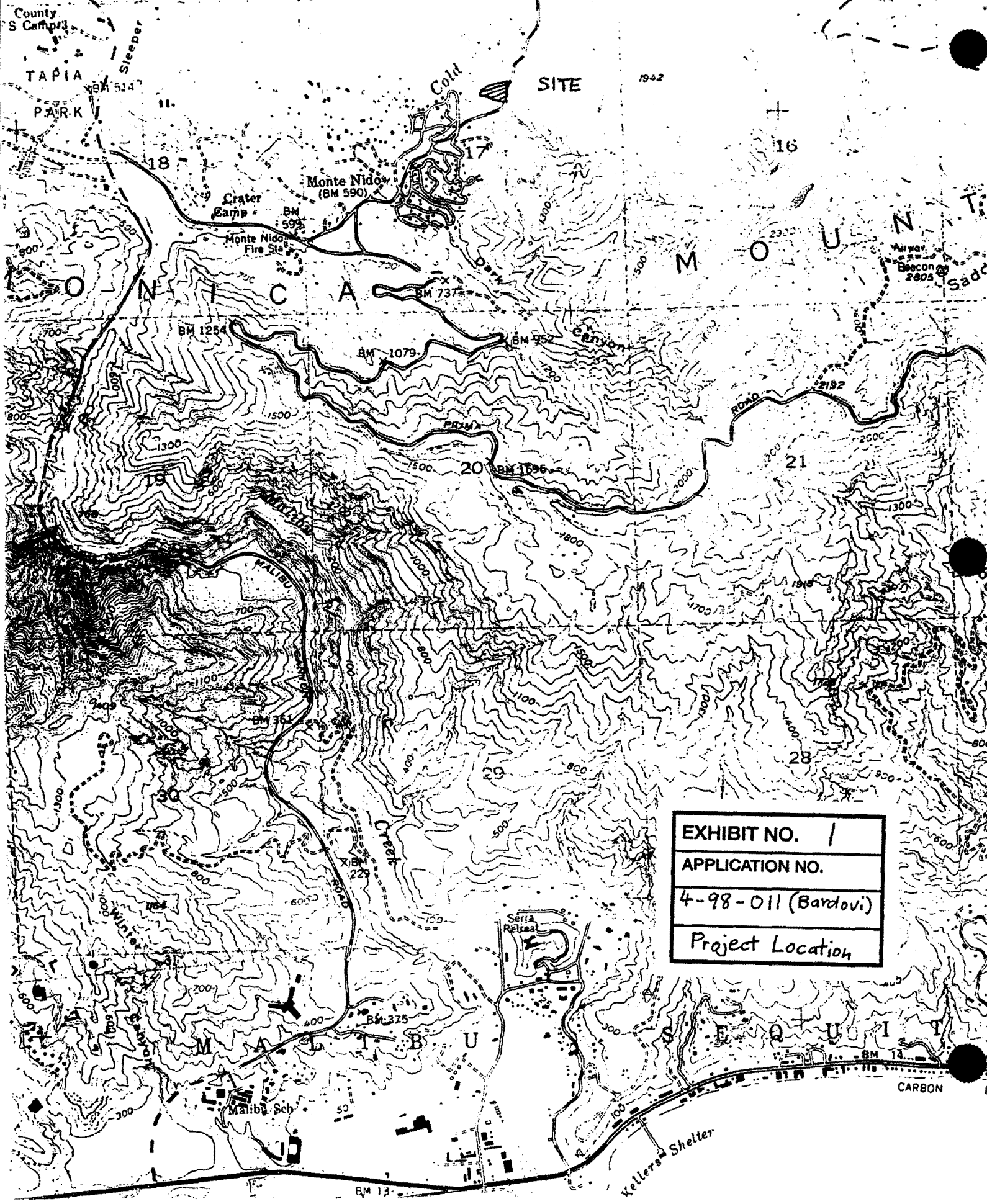
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any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

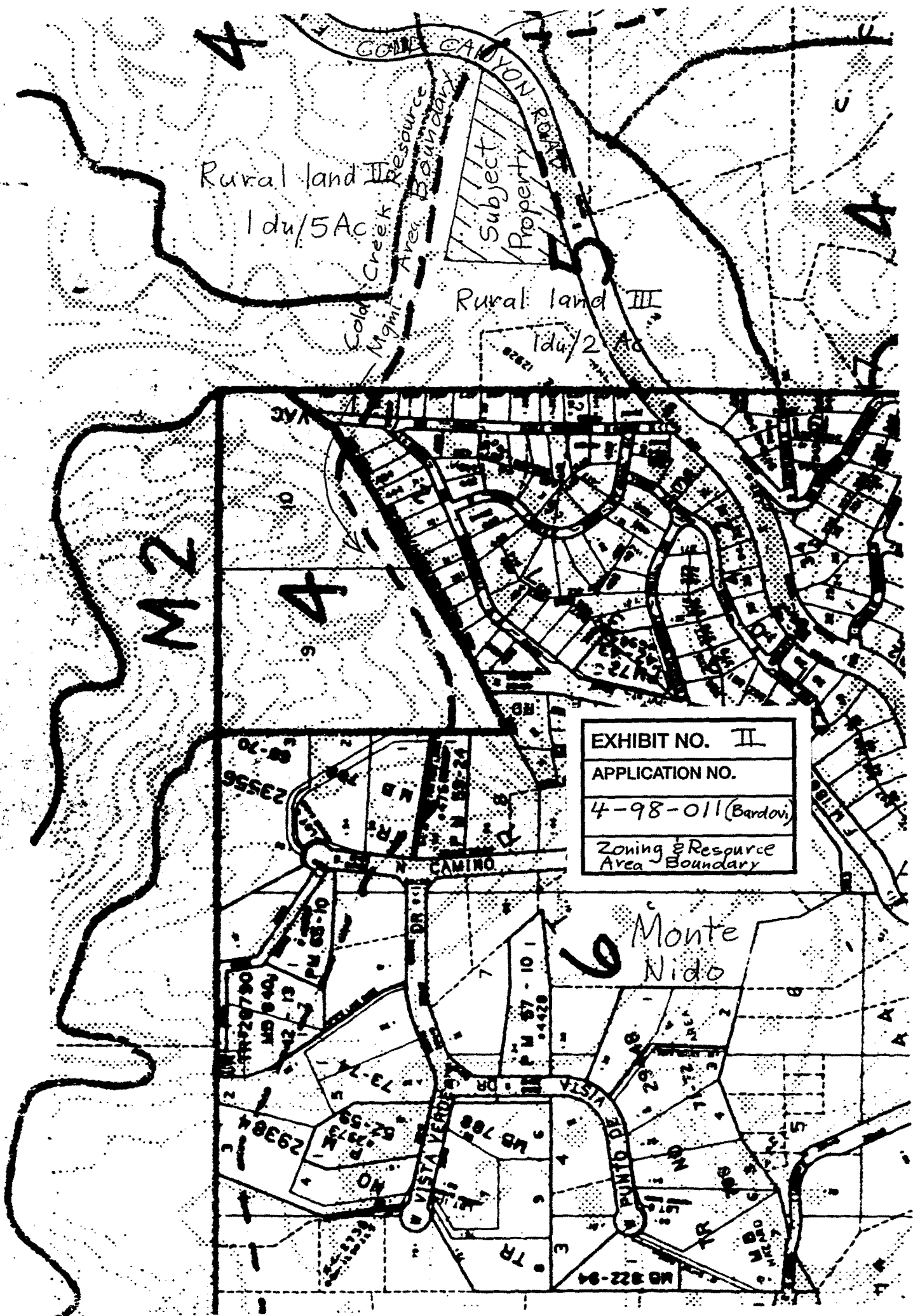
As discussed above, the proposed project has been mitigated to incorporate all recommendations by the applicant's consulting geologist, a wild fire waiver of liability, a landscape and fuel modification plan, and a future improvements restriction. The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

8305A

SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

1691





Rural land II
1 du/5 Ac

Rural land III
1 du/2 Ac

Subject Property

Cold Creek Mgmt. Area Boundary

CANYON ROAD

CAMINO

VISTA VERDE

Monte Nido

EXHIBIT NO. II
APPLICATION NO.
4-98-011 (Bardovi)
Zoning & Resource Area Boundary

M2

4

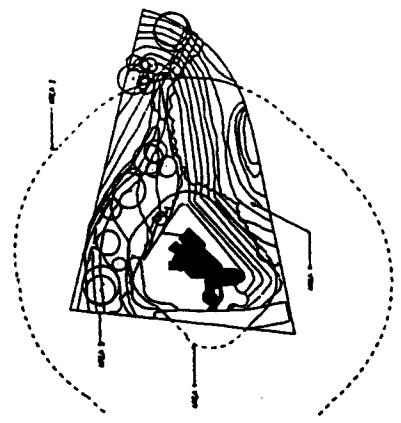
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BY	W. J. [illegible]
FOR	W. J. [illegible]
PROJECT	W. J. [illegible]
SCALE	1" = 100'
NO. OF SHEETS	1
TOTAL NO. OF SHEETS	1

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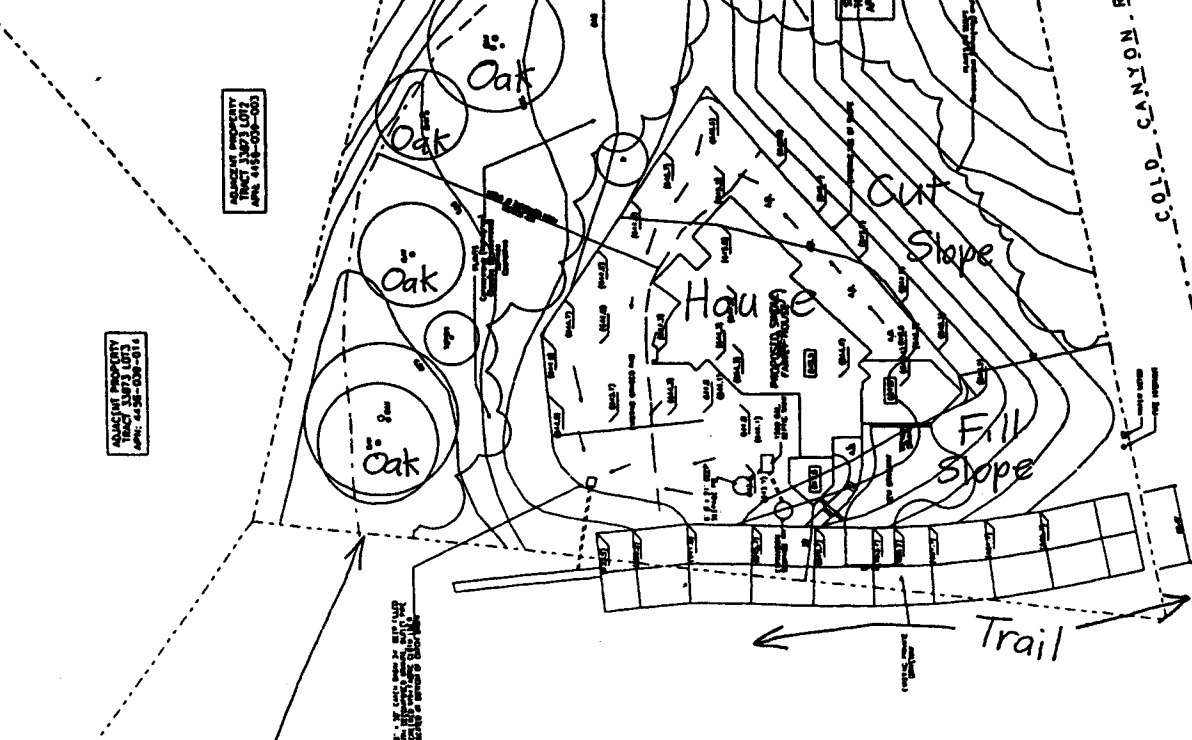
BARDOV RESIDENCE
141 COLG CANYON ROAD
SANTA MONICA, CA 90402

**SITE DRAINAGE &
FUEL MODIFICATION PLAN**

A1



RECEIVED
JAN 26 1993
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Tributary

EXHIBIT NO. <u>III</u>
APPLICATION NO.
4-95-011 (Bardov)
Resource Area, Site Plan, Trail, Cut Slopes

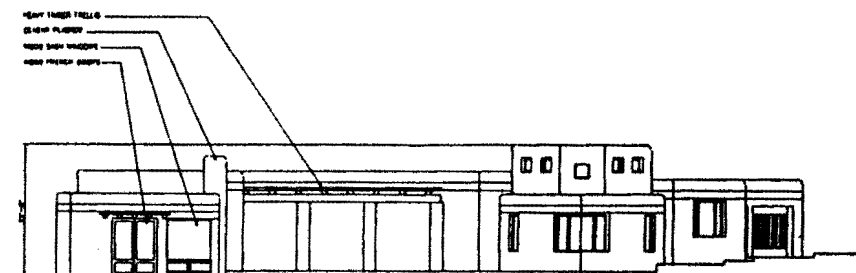
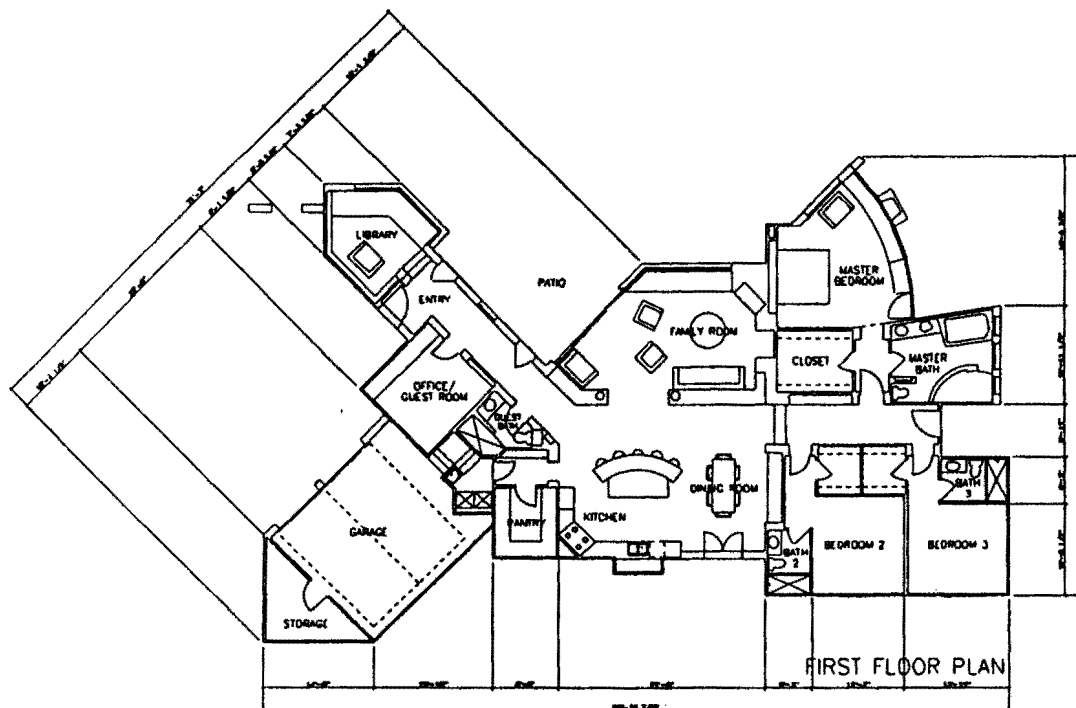
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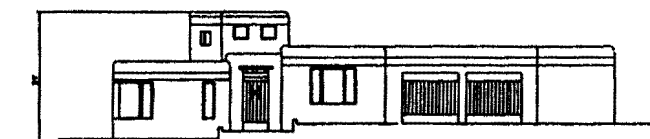
CALIFORNIA
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SOUTH CENTRAL COAST DISTRICT

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EXHIBIT NO. IV
APPLICATION NO.
4-95-011 (Bardou)
Floor Plan & Elevations



NORTHWEST ELEVATION



WEST ELEVATION



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

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FLOOR PLAN
EXTERIOR ELEVATIONS

