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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
9 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



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Request Filed: 3/17/98
Staff: MB-V
Staff Report: 3/20/98
Hearing Date: 4/7-10/98

STAFF REPORT: REVOCATION REQUEST

APPLICATION NO.: R-4-95-235 and -235-A

APPLICANT: Gene and Martha Wallis

PROJECT LOCATION: 1849 Cold Canyon Road, Calabasas, Los Angeles County

ORIGINAL PROJECT DESCRIPTION: Construction of a 2100 sq. ft. two story single family residence with 1250 sq. ft. detached storage building, swimming pool, wrought iron and chain link fence; horse corral; septic system; and grading of 1800 cu. yds. (900 cu. yds. cut and 900 cu. yds. fill).

PROJECT AMENDMENT: Addition of a 608 sq. ft. basement with bathroom and shower; minor expansion to the dining room; minor expansion and redesign to the master bedroom; redesign to the entry creating a porch; redesign of the smaller bedroom on the second story; and redesign of the garage.

PERSONS REQUESTING REVOCATION: (1) Mick Snider, 1933 Cold Canyon Road, Calabasas, Los Angeles County; (2) Richard & Margaret Miller, 1954 Cold Canyon Road, Calabasas, Los Angeles County.

PROCEDURAL NOTE:

The Commission's regulations state the grounds for the revocation of a coastal development permit as follows:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;
- (b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations Section 13105.

Section 13108 (d) provides:

A permit may be revoked by a majority vote of the members of the commission present if it finds that any of the grounds specified in Section 13105 exist. If the commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

APPLICANT'S CONTENTION:

The first applicant for revocation, Mick Snider, contends that the grounds in 14 Cal. Code of Regulations Section 13105(b) exist because he received no notice of the permit proceedings and had no opportunity to participate in the proceedings. He asserts further that the following reasons support the revocation request: (1) the location of the storage building will obstruct his view and lower his property value; (2) the permitted storage building is actually intended to be used for storage of heavy equipment such as trucks and trailers, including a fuel truck; (3) his property will be contaminated by fuel runoff from heavy equipment stored at subject site; and (4) the permittees have altered the natural drainage at the subject site, causing drainage onto Mr. Snider's property. The applicant has not asserted grounds for revocation pursuant to Section 13105(a). The second applicant, the Millers, contend that they never received notice of the permit proceedings. No further reason for the revocation is asserted.*

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that no grounds exist for revocation under either Section 13105(a) or Section 13105(b) and deny the request.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution and findings:

I. Denial

The Commission hereby denies the request for revocation on the basis that (1) there was no intentional inclusion of inaccurate, erroneous or incomplete information in connection with the coastal development permit application where accurate & complete information would have caused the Commission to require additional or different conditions on the permit or deny the application; and (2) there was no failure to comply with the notice provisions of Section 13054 where the views of the persons not notified were not otherwise not made known to the Commission and could have caused the Commission to require additional or different conditions or deny the application.

*Footnote: Staff notes that although the Millers' letter does not specify that it constitutes a revocation request, it asserts a "protest" relative to notice and has therefore been deemed such a request, together with Mr. Snider's request.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description/Background

On February 9, 1996 the Coastal Commission approved coastal development permit number 4-95-235 for construction of a 2100 sq. ft. two story single family residence with 1250 sq. ft. detached storage building, swimming pool, wrought iron and chain link fence, horse corral, septic system, and grading of 1800 cu. yds. (900 cu. yds. cut and 900 cu. yds. fill) at 1849 Cold Canyon Road, Calabasas, Los Angeles County. (Exhibit 1)

The Executive Director approved an immaterial amendment to this permit 4-95-235-A on March 20, 1996 to add a 608 sq. ft. basement with bathroom and shower, minor expansion to the dining room, and minor expansion and redesign to the master bedroom, and to redesign the entry creating a porch, the smaller bedroom on the second story, and the garage. (Exhibit 2)

The permit was approved with three special conditions regarding a landscaping and erosion control plan, conformance to the consultants geologic recommendations, and a wild fire waiver of liability. The permit and amendment became effective upon completion of the requirements of conditions of approval and the permit was mailed to the applicants on December 29, 1997.

B. Grounds for Revocation

Pursuant to Section 13108(d) of 14 California Code of Regulations, the Commission has discretion to grant or deny a request for revocation of a coastal development permit if it finds that a ground specified in Section 13105 exists. The alleged grounds for revocation of the permit is that the applicant failed to comply with the Commission's public notice requirements. More specifically, the essential question the Commission must consider is whether or not there was "failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application."

The first part of the question is whether or not the applicant complied with the notice provisions of Section 13054. Both Mick Snider (Exhibit 1) and Richard and Margaret Miller (Exhibit 2) assert that they did not receive notice. Only Mr. Miller has specifically requested a revocation review, however.

Staff has reviewed the file records for the permit and permit amendment in order to determine whether the notice provisions of Section 13054 were met.

1. There is a list of persons noticed in the file for the original permit and the amendment. The lists respectively contain the names and addresses of surrounding property owners, including Mr. Snider and Mr. and Mrs. Miller, as required by Section 13054 of the Cal. Code of Regulations. The

submittal of the lists at the time the application was received in each case was noted on the jacket cover and initialed by Commission staff. Thus, the applicant appears to have complied with Section 13054's requirement of mailing notice to the Millers and Mr. Snider.

2. The file records kept by the clerical staff of the South Central Area office show that the hearing notice for the original permit was mailed to these parties (i.e. surrounding property owners) on January 25, 1996. Further, a notation on the file jacket by clerical staff of the South Central Area office shows that the notice for the amendment was mailed to these parties on March 26, 1996.
3. The file shows that the South Central Area Office received a declaration of posting from the Wallises indicating that the Public Notice of the original application was posted on the site on January 16, 1996. Further, the public notice on the proposed amendment was posted on the site on March 7, 1996.

The second and third portions of 13105(b) ask whether the views of persons not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions or deny the application. Mr. Snider's reasons for supporting the revocation were, as noted previously, that: (1) the location of the storage building will obstruct his view and lower his property value; (2) the permitted storage building is actually intended to be used for storage of heavy equipment such as trucks and trailers, including a fuel truck; (3) his property will be contaminated by fuel runoff from heavy equipment stored at subject site; and (4) the permittees have altered the natural drainage at the subject site, causing drainage onto Mr. Snider's property. These assertions were not made known to the Commission, so that the second part of the test is met.

The third part of the question is whether or not any of the assertions of Mr. Snider could have caused a different decision by the Commission.

1. The first assertion of lowering of property value does not address any policy question under the Coastal Act and, therefore, would not have caused a different decision by the Commission.
2. The second assertion is the intended use of the storage building for heavy equipment such as trucks and trailers, including a fuel truck. The Coastal Commission did consider the accessory building as part of the project. The use of the accessory building is not addressed by the Commission findings and conditions as such buildings are routinely reviewed and approved in rural areas of the Santa Monica Mountains as ancillary to residential development. Further, the Commission did consider the potential effect of the storage building relative to erosion and sedimentation, including potential effects on the nearby blue line stream, and introduced a condition requiring a landscape and erosion control plan to address these potential effects. Mr. Snider has not provided any new information addressing the Commission's findings and conditions relative to the structure.
3. Thirdly, Mr. Snider has asserted that his property will be contaminated by runoff from the heavy equipment to be stored at the subject site. The application did not include a request for storage of heavy equipment and creation of a storage yard for heavy equipment would have to be reviewed at the time that an application is received by the Coastal Commission. The second part of Mr. Snider's assertion, that his property would be

contaminated by runoff, is unlikely to be true since his property is uphill of the Wallises property. Conversations between Mr. Snider and staff indicate his concern that the topography around the storage building will be altered in a manner inconsistent with the proposed plans causing erosion onto his property. Such an alteration is not shown on the plans included with the project proposal as reviewed and approved by the Commission. Any additional development of the Wallis property to change the topography and runoff would be subject to review under a separate permit or amendment application.

4. Lastly, Mr. Snider asserts that drainage has been altered to drain onto his property. That is not the case as shown by the site plan reviewed by the Coastal Commission as Exhibit II in the staff report for application 4-95-235, which show that while the topography was changed, drainage was downhill to the blue line stream and/or the basin created by Mulholland Highway. As noted previously, the Commission considered the potential effect of erosion and sedimentation and introduced a condition requiring a landscape and erosion control plan to address these potential effects.

For these reasons, the information contained in the assertions could not have caused the Commission to require additional or different conditions on a permit or deny the application. Therefore, the Commission finds that the third element of the test of 13105(b) is not met.

Because only one of the three essential elements of 13105(b) is satisfied, the Commission finds that no grounds exist under 13105(b). Staff notes that the applicants for revocation did not assert that the grounds for revocation under 13105(a) existed. Staff, however, has investigated independently through file research to determine whether such grounds exist. Staff investigation disclosed no evidence supporting such a ground. The Coastal Commission finds not grounds exist under 13105(a). The Coastal Commission finds that the revocation request should be denied on the basis that neither 13105 (a) or (b) has been satisfied.

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2/18/98

California Coastal Commission
89 So. California St. 2nd Floor
Ventura CA 93001

EXHIBIT NO.	1
APPLICATION NO.	
	4-95-235-A
	Wallis
	Revocation Request

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

R4-95-235

Dear Commissioner,

According to the enclosed information you sent to me regarding Article 16. Revocation of Permits, Section 13105, paragraph b, I was not notified about the building permit granted to Gene and Martha Wallis, #4-95-235A. When I called your office, to inquire about the new construction happening next to my property line, I was told that notice of this construction was sent to me and my two neighbors on March 12, 1996.

I immediately went to my neighbor, Mr. Miller to inquire if he had received any notice. Mr. Miller said he was not notified. Mr. Goeshem does not live in our area so I could not get confirmation on his receipt of the notice. Mr. Miller and I sent letters to your office to let you know that we did not get notices.

According to Section 13106. Initiation of Proceedings, I did not have an opportunity to participate in the original permit proceedings because I did not get notification. I would like to make application to the executive director of the commission to request revocation of the permit.

The grounds for this request will be enumerated in the next several paragraphs.

Mr. Wallis is building a 25 x 50 foot storage building that is to be 17 feet tall. The planned location of this storage building is to be 15 feet from the property line of my front yard. The location and possible usage of this building are two reasons for my objection. The location of this building will totally obscure my view from every room facing the front of my property thus depleting the value of my property substantially.

Mr. Wallis was hired as my contractor to put in my water line in 1992, he has heavy equipment stored on his property, trucks, caterpillar tractors and fuel trucks which he uses to operate his business, Versatile Enterprises, Lic # 390075. Zoning restrictions in our community does not permit the storage of this heavy equipment in our residential area. Currently this issue is under investigation by the zoning and building department. I am concerned that the reason Mr. Wallis wants to build this large storage facility for a proposed 2500 square foot house is because he wants to store some of his heavy equipment and fuel truck in the storage facility. Why else would he build the 1250 sq.ft. storage facility before he builds the proposed house. Mr. Wallis' primary residence/business location is several hundred feet from this proposed storage building. It makes sense that he will store his equipment and fuel truck in this facility. Having been in the 1993 and 1996 fires, I would rather not have fuel truck stored 15 feet from my property line.

Further, when Mr. Wallis was our contractor for the water line, we had a financial dispute over the final cost which went \$17,000 over our initial agreement of \$20,000. We resolved this dispute in arbitration and small claims court where Mr. Wallis could not provide any documentation for this overage. The American Arbitration Association's final decision was for us not to pay any additional amount to Mr. Wallis.

and that after their review of his costs directed Mr. Wallis to give us a refund of \$2800 on what we paid him. Mr. Wallis failed to pay the money and he placed some large concrete blocks 15 feet from our front property line to obstruct our view and to harass us. The American Arbitration Association advised me to go to small claims court to collect the awarded amount and to get Mr. Wallis to remove the large blocks. The judge (Judgement filed and entered on 11/17/95 in Malibu Judicial District Case # CSC15655) in small claims court told Mr. Wallis to pay the money and to move the large blocks or he would be in contempt of court. The money was paid and the blocks were moved. Now to our surprise, without any notification, a 17 foot tall storage building is going up in place of the large concrete blocks that the judge said must be removed.

The Santa Monica Mountain area is very environmentally conscious, I am concerned about the contamination of my property caused by the run-off of fuel from the heavy equipment and/or the fuel truck that he may store so close to my property line. Mr. Wallis has brought in several dump trucks of dirt to raise the ground level so the storage building will obstruct my view even more. He has altered the natural drainage of rain water causing drainage on to my property which did not exist before he altered the grade of his property.

Allowing Mr. Wallis to continue to build will not only severely impact our view, but the location is invasive and detrimental to our property value. I have been advised by a local realtor that this storage building spanning the 50 feet of the front door view of my home will lower the value of my home considerably and that I will need to seek a major concession of my property value on my property taxes.

Each of these issues, we have raised should have been a significant red flag in the issuance of this permit. If Mr. Wallis uses this facility for the storage of his heavy construction equipment, there are still additional issues of access and egress of heavy equipment entering and leaving the contiguous driveway several times each day in the operation of his construction business. Currently, Mr. Wallis has another property which is located to the south of his main residence on Mulholland Highway. He has been storing heavy equipment at this site for the past few years. This equipment is clearly visible from the highway and I have observed that he is constantly going in and out of the driveway of this property with this equipment on a daily basis, dumping dirt/fill or removing dirt/fill.

In the interest of all concerned, the placement of this type of structure on the Wallis property merits considerable investigation on the part of the commission. Time is of the essence, since the foundation of this storage facility has not been poured as I submit this request for your consideration.



MICK SNIDER
1933 COLD CANYON RD
CALABASAS CA
91302

*A copy of this letter
will be given to
an attorney when
we secure one.
We are in the
process of
finding
att*

RECEIVED

FEB 24 1998

COASTAL COM.
SOUTH CENTRAL COAST DIS.

2/16/8

California Coastal Commission
South Central Coast Area
89 South California St. Suite 200
Ventura, CA 93001

To Whom It May Concern,

This is a letter to inform you that I never recieved written notice to inform me about the development of the property at 1849 Cold Canyon Road in Calabasas, California by Gene Wallis. I would like to file a protest in regards to this development.

Sincerely,

Richard C. Miller
Margaret D. Miller

Mr. & Mrs. Miller

1954 Cold Canyon Rd.
Calabasas, CA. 91302

EXHIBIT NO.	2
APPLICATION NO.	4-95-235
	Wallis
	Letter from Millers

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641-0142



Filed: 12-29-95
 19th Day: 2-16-96
 180th Day: 6-26-96
 Staff: MB-V
 Staff Report: 1-18-96
 Hearing Date: February 9, 1996

STAFF REPORT: CONSENT CALENDAR

W20d

APPLICATION NO.: 4-95-235

APPLICANT: Gene and Martha Wallis AGENT: None

PROJECT LOCATION: 1849 Cold Canyon Road, Calabasas; Los Angeles County

PROJECT DESCRIPTION: Construct 2100 sq. ft. two story single family residence with 1250 sq. ft. detached storage building, swimming pool, wrought iron and chain link fence; horse corral; septic system; grading of 1800 cu. yds. (900 cu. yds. cut and 900 cu. yds. fill)

Lot Area	46,502 sq. ft.
Building Coverage	3,950 sq. ft.
Pavement Coverage	2,400 sq. ft.
Landscape Coverage	30,000 sq. ft.
Parking Spaces	3 covered
Project Density	1 du/acre
Ht abv fin grade	35 feet

EXHIBIT NO. 2
APPLICATION NO. R 4-95-235
Staff Report
15 pp. (p1)

LOCAL APPROVALS RECEIVED: Los Angeles County Fire Department review and proposed development project review PP 44409 and approval in concept from Regional Planning Department.

SUBSTANTIVE FILE DOCUMENTS: Gold Coast Geoservices, Inc., Geologic/Geotechnical Engineering Report (November 14, 1995) and Septic System Design (November 18, 1995); Malibu/Santa Monica Mountains Land Use Plan, 1986; Coastal Development Permits Applications No. 5-86-371 and 5-86-371A (Wallis), 4-95-26 (Hutchinson), and 4-94-122 (Schmitz).

SUMMARY OF STAFF RECOMMENDATION:

This project involves the construction of a single family residence and related improvements located just off Mulholland Highway on Cold Canyon Road in the Santa Monica Mountains. Staff recommends approval of the residence and related improvements with special conditions for landscaping and irrigation, plans conforming to the geologist recommendations, and wild fire waiver of liability.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval

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

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. Special Conditions.

1. Landscaping and Erosion Control Plan

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

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within three years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Forestry Department.

2. Geologic Recommendations

All recommendations contained in the Gold Coast Geoservices, Inc., Geologic/Geotechnical Engineering Report (November 14, 1995) and Septic System Design (November 18, 1995) engineering geologic report dated October 20, 1993, shall be incorporated into all final design and construction including foundations, driveway, the septic system and drainage, and all plans must be

reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicants shall submit evidence to the Executive Director of the Consultant's review and approval of all final design and construction plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

3. Wild Fire Waiver of Liability

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

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Background

The lot encompasses a roughly triangular shape north of Cold Canyon Road and northeast of the intersection with Mulholland Highway. Elevations on the site range from generally 980 to 1005 feet. The lot formally contained a vineyard and also a residence which burned down, all prior to the 1976 Coastal Act according to the applicant (personal communication). The site has been graded, possibly for fire control purposes, has burned over and has secondary eucalyptus growth and a few remnants of scrub vegetation.

The site is approximately 200 feet east of a tributary stream to Cold Creek. This stream is recognized on the USGS maps as a blueline stream. The stream is subject to habitat protection policies because of the blueline status and wetland vegetation. The resource map of the Malibu/Santa Monica Mountains Land Use Plan, used by the Commission to identify environmentally sensitive habitat areas, does not designate it as an environmentally sensitive habitat area. The tributary, characterized by dense willow growth, drains into a basin formed by the raised roadway of Mulholland Highway.

The site is designated as Agriculture 1 acre (A1A) allowing one residence per acre. Surrounding uses are predominantly residential. (see Exhibit I) The project site is located just north of the LUP-designated Cold Creek Resource Management Area (See Exhibit IV).

B. Environmentally Sensitive Resources

As noted above, the site is approximately 200 feet east of a tributary stream to Cold Creek, recognized on the USGS maps as a blueline stream. The stream is subject to habitat protection policies because of the blueline status and wetland vegetation.

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

PRC Section 30231 states:

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

PRC Section 30240 states:

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

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

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

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

- P79 To maintain natural vegetation buffer areas that protect all sensitive riparian habitats as required by Section 30231 of the Coastal Act, all development other than driveways and walkways should be set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation.
- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

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

The subject site is located approximately 200 feet east of a tributary stream to Cold Creek. This stream is recognized on the USGS maps as a blueline stream, but the resource map of the Malibu/Santa Monica Mountains Land Use Plan, used by the Commission to identify environmentally sensitive habitat areas, does not name it as an environmentally sensitive habitat area. The stream does drain into such an area. Although the nearby stream is not recognized in the LUP a ESHA the stream does have some habitat value because of the the presence of wetland vegetation, primarily willows.

The blueline stream tributary, characterized by dense willow growth, drains into a basin formed by the raised roadway of Mulholland Highway, and thereafter reassumes its status as a blueline stream and drains into Cold Creek. The basin drains a number of properties and is in turn drained by a culvert and a tower drain which comes into play when the outflowing culvert is clogged.

There are no sensitive resources on site, although the northwest corner is designated as a flood hazard area. This is an approximate 70 ft. by 70 ft. by 70 ft. triangle. It is a swale which drains into the no name blueline stream.

The applicant is proposing to grade 1800 cu. yds. (900 cu. yds. of cut and 900 cu. yds. of fill) to create a residential building pad and pad for a future storage building. Given the fill pad is within a small drainage which drains to a tributary to Cold Creek, the Commission finds that it is necessary to require the applicant to submit landscaping plans for all disturbed areas, to minimize and control erosion, and protect against sedimentation of the nearby creek.

A horse corral and stable is proposed at the northwest corner of the property. The Commission has routinely allowed horse facilities in the Santa Monica Mountains, which supports the retention of the rural character of the area. At the same time, the Commission must address the potential adverse impacts associated with the removal of vegetation for the placement of horses and the impacts on off-site areas to which the site will drain.

The horse corral is set back over two hundred feet from the blueline stream which provides an adequate buffer area between the corral and the blueline stream. In addition, the area between the corral and the stream is gently sloping and therefore runoff from the corral will not rapidly flow to or transport manure into the stream. The runoff will have a chance to slowly absorb and filter through the buffer area and then eventually into the stream course. Furthermore, the 200 foot setback complies with the 50 foot

setback requirements of the Malibu LUP and also ensures compliance with the other stream protection policies of the LUP. Therefore, the Commission finds that the corral will not adversely impact the biological productivity of coastal streams, minimizes the adverse effects of runoff, will not disrupt habitat values and is consistent with Sections 30231 and 30240 of the Coastal Act.

The County of Los Angeles County has also required a number of conditions in their approval of the project which will further serve to ensure that water quality of the area will not be degraded. These requirements include:

- o All animal waste will be removed weekly
- o Use of manure as a ground cover is prohibited
- o Rodent and pest control
- o Drainage and discharge of wastewater per Water Resources Control Board requirements
- o Berming of all areas where horses are kept
- o Concrete floors and drains in the stables.

The Commission also recognizes the applicant's desire to fence the property for protection and privacy. The Commission can accommodate the applicant's desires within the mandates of Section 30240 of the Coastal Act since the wildlife travel corridor would be off-site along the blue line stream corridor.

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

C. Visual Resources

Section 30251 of the Coastal Act states that:

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

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

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

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

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

- minimize the alteration of natural landforms.

- be landscaped to conceal raw-cut slopes.

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

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

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

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

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

The proposed development is just off the Mulholland Scenic Corridor and the view of most of the site is blocked by topography or major vegetation, which also blocks much of the site from higher surrounding areas. In addition, there are no scenic roadways looking down on the site. The raised design of Mulholland Highway to the south also mitigates view impacts. Finally, the minimal grading associated with the project does not represent a significant alteration of the landform. To ensure the visual impacts of the proposed grading and soil disturbance have been mitigated to the greatest extent feasible and to minimize site erosion, the Commission finds that it is necessary to require the applicant to submit landscaping and fuel modification plan for all graded and disturbed areas of the site. Therefore, the Commission finds that, only as conditioned to ensure that the visual impacts of the project are minimized, does the project conform with Section 30251 of the Coastal Act.

D. Hazards

Section 30253 of the Coastal Act states:

New development shall:

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

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

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

The applicant is proposing to construct a single family residence. The consulting geologist has found that the proposed development will not be subject to flood hazard, seismic hazard, high water table, or landslide. The applicant's environmental and geotechnical consultant has reviewed the proposed development of a single family residence on this site and concluded that:

The findings of this investigation indicate that the property is suitable for the proposed rough grading and site development as shown on the Grading Plan prepared by Michael Jaurequi. Based upon our test results and geologic and geotechnical analysis of the project, the following recommendations are provided for your consideration. Applicable elements of these recommendations shall be incorporated into the plans for development of the parcel.

The recommendations included professional review during planning and construction phases including adherence to the following: fill compaction; lowering building to exposed bedrock; site drainage; foundation systems; and premoistening.

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

Finally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the

liability from the associated risks, as stated in special condition 3. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Only as conditioned above is the project consistent with Section 30253 of the Coastal Act.

E. Septic Systems

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The applicant has submitted favorable results of a percolation test performed on the subject property by Gold Coast Geoservices, Inc. dated November 30, 1995. The report indicates that the site percolates adequately. The Commission has found in past permit decisions that a favorable percolation test results, in conjunction with adequate setbacks from streams and other water resources, ensures that the discharge of septic effluent from the proposed project will not have adverse effects upon coastal resources. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed

development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

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

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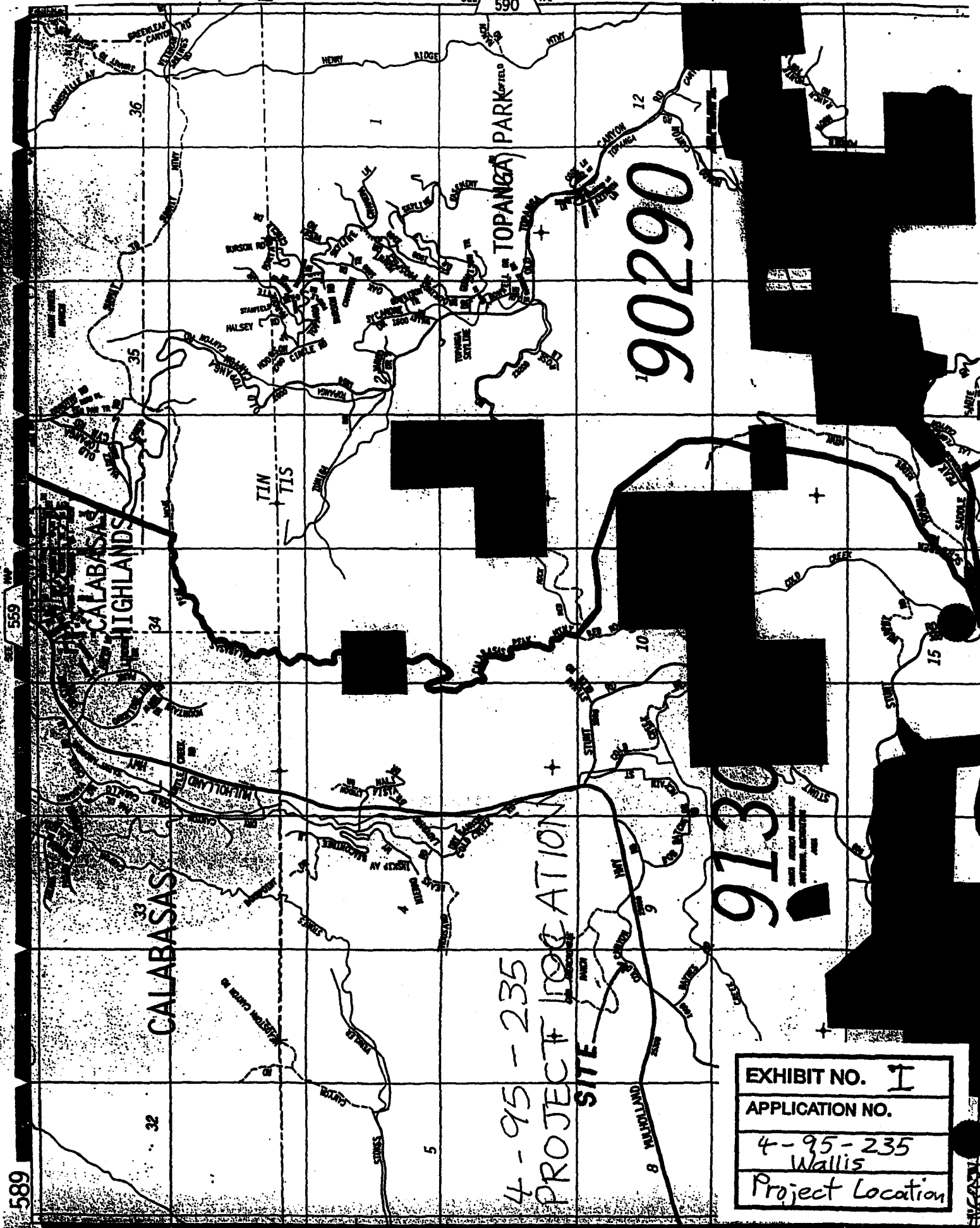


EXHIBIT NO. I
APPLICATION NO.
4-95-235 Wallis
Project Location

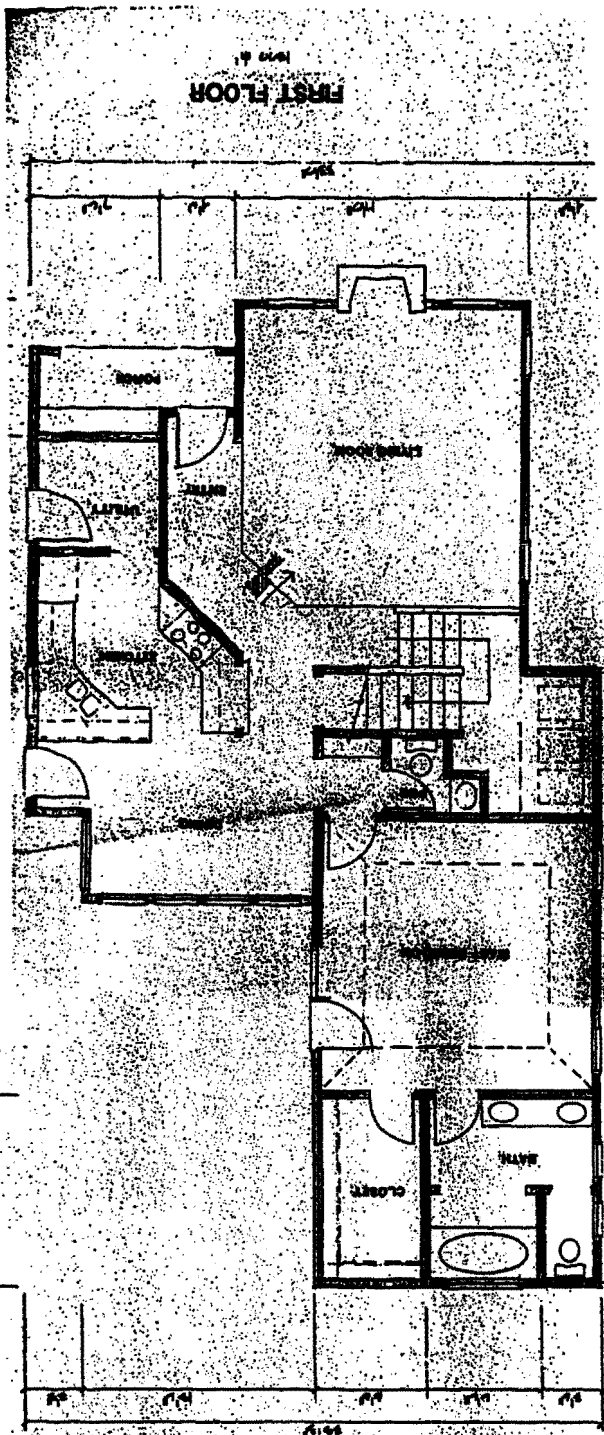
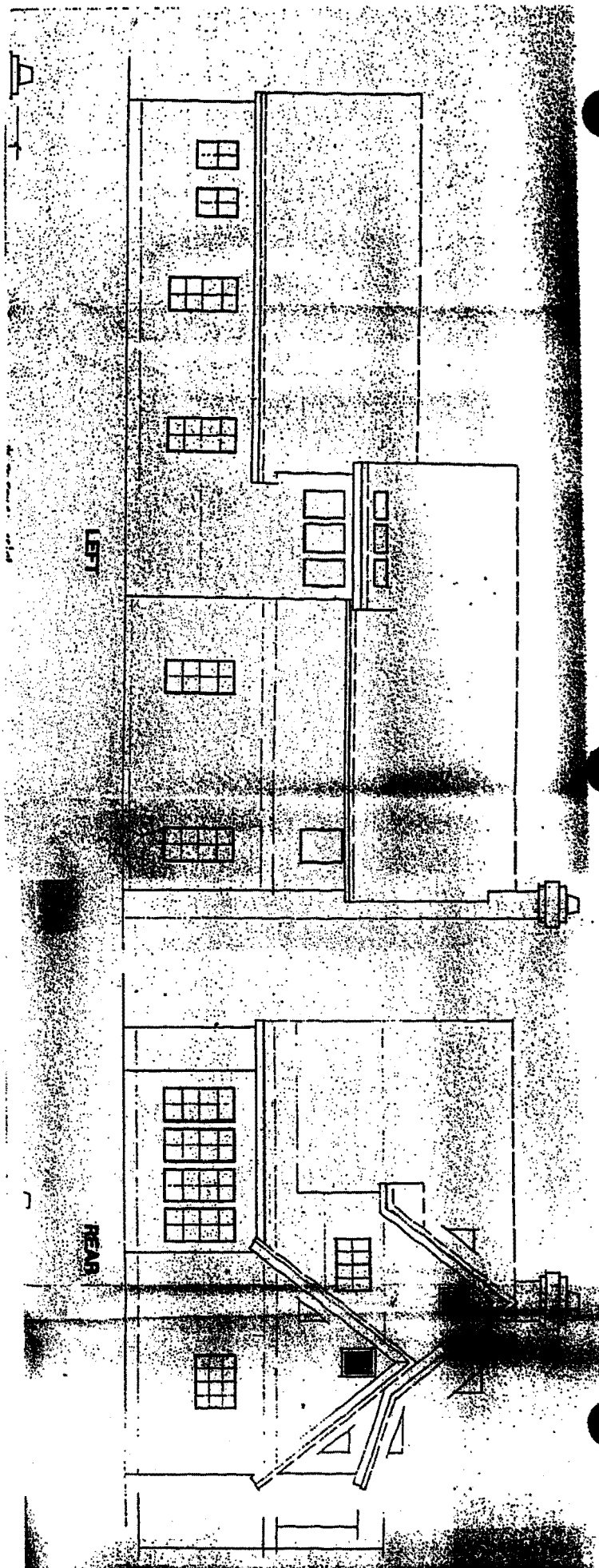


EXHIBIT NO. III
APPLICATION NO.



BOUNDARY

Site Location

N. Hood Hwy

EXHIBIT NO. **IV**
APPLICATION NO.
4-95-235
Wallis
LUP Resource Map

Dark Canyon

P15

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

NOTICE OF INTENT TO ISSUEAMENDMENT TO PERMIT

Date: March 20, 1996

Permit Number 4-95-235A issued to Gene and Martha Wallis

for Construction of 2100 sq. ft. two story single family residence with 1250 sq. ft. detached storage building, swimming pool, wrought iron and chain link fence; horse corral; septic system; grading of 1800 cu. yds. (900 cu. yds. cut and 900 cu. yds. fill)

at 1849 Cold Canyon Road, Calabasas, Los Angeles County.

has been amended to include the following changes:

Add 608 sq. ft. basement with bathroom and shower; minor expansion of dining room; minor expansion and redesign of master bedroom; redesign entry creating porch; redesign smaller bedroom on second story; redesign garage

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received.

The amendment is being held in the Commission office until fulfillment of Special Conditions 1 - 3 imposed by the Commission. Once these conditions have been fulfilled, the amendment will be issued. For your information, all the imposed conditions are attached.

Sincerely,

PETER M. DOUGLAS
Executive Director

By: Merle Betz
Title: Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its conditions and the remaining conditions of permit number 4-95-235

Date 3/24/96

Signature Martha A. Wallis

C6: 6/88
3169C/MB/dp

EXHIBIT NO.
APPLICATION NO.
4-95-235-A
Wallis
Immaterial Amendment