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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 8414A



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-246

APPLICANT: Michael and Ricki Hanyecz AGENT: David Friedman, Tom Dufour,
 The Technics Group

PROJECT LOCATION: 24610 Thousand Peaks Road, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a 5,133 sq. ft., two story, 35 ft. high, single family residence with attached 699 sq. ft. two car garage, 745 sq. ft. one story, gatehouse/guest house with attached 503 sq. ft. two car garage, retaining wall (maximum 2 1/2 feet high), driveway, septic system, and landscaping. Grading consists of less than 75 cubic yards of material to be balanced onsite.

Lot Area: 10.14 acres
 Building Coverage: 4,707 sq. ft.
 Pavement Coverage: 10,000 sq. ft.
 Landscape Coverage: 1 acre
 Parking Spaces: 4
 Plan Designation: Rural Land I, Rural Land II, Mountain Land
 Zoning: 1 du/ 10 acres, 1 du/ 5 acres, 1 du/ 20 acres
 Project Density: 1 du/10 acres
 Ht abv fin grade: 35 feet

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 12/3/97; Sewage Disposal System Approved, Department of Health Services, Los Angeles County, dated 4/13/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-95-093, Konzelman; Coastal Permit No. 5-84-25 and 5-84-25-A, Andrews; Coastal Permit No. 4-98-007, Thompson; Coastal Permit No. 4-96-215, Zanini.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with five (5) Special Conditions; plans addressing the consulting geotechnical engineer's recommendations, a wild fire waiver of liability, a landscaping, drainage, and fuel modification plans, design restrictions, and future improvements restriction. The project site is located within an existing seven (7) lot subdivision and is not located within an Environmentally Sensitive Habitat Area. However, the site drains to the Cold Creek Watershed through a nearby tributary, Cold Canyon Creek. To the south, Cold Creek is a designated environmentally sensitive habitat area within a significant watershed. The

Stokes Ridge Trail is located to the south and east of the lot, while Dry Canyon Road and Mulholland Highway are located to the east. The project site will be visible from these public roads and the trail. The project as conditioned will protect these visual and environmental resources.

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 two reports, 1) Geotechnical Letter, Proposed Custom Single-Family Residence, Lot 2, Tract 36172, Thousand Peak Road, Calabasas, Los Angeles County, dated December 12, 1997, by West Coast Geotechnical, and 2) Update Geotechnical Engineering Report, by West Coast Geotechnical, dated May 5, 1995, shall be incorporated into all final design and construction including site grading, compaction, utility trench backfill, foundations, lateral design, foundation settlement, foundation setback, retaining walls, concrete slabs-on-grade and pavement, expansive soils, temporary excavations/shoring, drainage and moisture protection, must be incorporated into the final plans. All plans must be reviewed and approved by the geotechnical engineer consultant.

The final plans approved by the consultants 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, DRAINAGE, AND FUEL MODIFICATION PLANS

Prior to issuance of the coastal development permit, the applicant shall submit a revised landscaping and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Fire Department for review and approval by the Executive Director. The applicant shall also submit a drainage/erosion control plan for the control of erosion prepared by a licensed engineer for review and approval by the Executive Director. These plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist 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.

Plantings shall include vertical elements to partially screen and soften the visual impact of the residence and gatehouse/guest house as seen from Mulholland Road and the Stokes Ridge Trail to the east of the subject site. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage.

- b) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved disposal location.
- c) 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 and gatehouse/guest house, or as determined by the Los Angeles County Fire Department. 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 Fire Department, Fire Prevention Bureau.
- e) The drainage/erosion control plan shall assure that run-off from the roofs, patios, driveway and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet flow runoff. The erosion control plan shall include revegetation of the building site with drought-tolerant, native species more specifically described in the landscape plan above. By the acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to insure that the system functions properly. Should the device fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

4. DESIGN RESTRICTIONS

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, which restricts the color of the subject structures and roofs to colors compatible with colors of the surrounding environment. White tones for the structure exterior and red tones for the roof materials shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass.

This deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free from 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 California Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, 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. 4-97-246. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the gatehouse or second unit governed by Coastal Development Permit No. 4-97-246. Accordingly, any future structures, additions or improvements to the gatehouse or second unit on the property or to the clearing of vegetation, that might otherwise be exempt under Public Resource Code Section or 30610(b), shall require an amendment to permit number 4-97-246, or an additional permit from the California Coastal Commission or from the certified local government. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards consistent with special condition number three (3) is permitted.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free from 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 applicants propose to construct a 5,133 sq. ft., two story, 35 ft. high, single family residence with attached 699 sq. ft. two car garage, a 745 sq. ft. one story, gatehouse/guest house with attached 503 sq. ft. two car garage, a retaining wall (maximum 2 1/2 foot tall), driveway, septic system consisting of two septic tanks and a leachfield, and landscaping. Grading consists of less than 75 cubic yards of material for the foundations as the building site has been graded flat. Cut material will be balanced on site, primarily to support the slab foundation. (Exhibits 4 - 12).

The project site is located within a seven lot subdivision accessed from Dry Canyon Road which parallels Mulholland Highway, in the Calabasas area of the Santa Monica Mountains, nearly five miles inland from the coast. (Exhibits 1, 2, and 3) The project site of 10.14 acres is located within a small valley and adjoining hillside at the west end of a canyon leading to Dry Canyon. The proposed building site is located on the southwest portion of the lot which includes a flat building pad. (Exhibits 3 and 4).

The subject site is lot 2 of a seven (7) lot subdivision approved by the Commission as coastal permit 5-84-025 (Andrews). That project included

subdividing two parcels totalling 72 acres into the seven (7) lots. The Commission approved the creation of the subject parcel in 1989, after the fact, in the wake of a violation which resulted in over 400,000 cubic yards of grading for seven building pads ranging in size from 3/4 acre to 1 1/2 acres with a private road and infrastructure. In addition, the Commission approved coastal permit number 5-91-029 (D & D Development) for a 13,380 sq. ft. single family residence on the adjacent lot 4 located at 24931 Thousand Peaks Road in 1991 with conditions addressing landscaping, geology, and visual resources.

The Special Conditions imposed by the Commission in approving the original subdivision in 1984 (Coastal Permit Numbers 5-84-25 and 5-84-25A) included the following:

- 1) Cumulative Impact Mitigation. The applicant fulfilled the Cumulative Impact Condition by entering into an agreement with the Santa Monica Mountains Restoration Trust to retire five lots pursuant to a Transfer of Development Credit (TDC) agreement.
- 2) Fuel Modification Setback Zone. The Fuel Modification Zone Setback Condition was fulfilled by the recordation of a deed restriction approved by the Executive Director in June 1989. That condition essentially required special setbacks for development near the edges of graded/natural areas throughout the subdivision. The subject property (Lot 2) was unaffected by this condition as the graded areas do not interface with natural zones of the property within the proposed area of development.
- 3) Dedication of Trail Easement. The Trail Dedication Condition was considered fulfilled at the time of Commission approval because the applicant had already granted a twenty-foot-wide easement for maintenance of the proposed Stokes Ridge Trail to the Los Angeles County Department of Regional Planning during the Tentative Tract Map (No. 36172) approval process. The trail easement is located to the south of Lot 2 and does not traverse Lot 2.
- 4) Landscape Plans. The Landscape Plans Condition required the implementation of revegetation and erosion control measures and the enhancement of a degraded riparian area at the entrance to the subdivision on Lot 2. This condition has been met on Lot 2.
- 5) Open Space Easements. The Open Space Easements Condition was fulfilled by the applicant through recordation of a deed restriction approved by the Executive Director in June 1989. According to the Exhibit attached to the deed restriction, all of Lot 2, with the exception of the area shown in Exhibit 14 (the envelope of subject proposed project) is subject to the open space easement.

The Commission approved coastal permit number 4-95-093 (Konzelman) in August 1995 to construct a larger residence, guest house, garage, pool, driveway, and septic system on the subject property. Conditions of approval included plans conforming to the geologic recommendation, a landscaping, grading and fuel modification plan, a color restriction, future development restriction, and a wildfire waiver of liability. This approval expired in August 1997 without meeting with these conditions, therefore, no coastal permit was issued for the project. As a result, these deed restrictions addressing a color restriction and future development, were never recorded on the property. Since then the property has been purchased by the current applicants.

The subject property appears to be located within the Rural Land I, Rural Land II, Mountain Land land uses allowing development at densities of one dwelling unit per 10 acres, one dwelling unit per 5 acres, and one dwelling unit per 20 acres, respectively.

B. Geologic and Fire Hazards and ESHA

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.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development.

P154 Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic system.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) 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 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.

Residences are located on the nearby properties to the west, east, and south in addition to numerous vacant lots within the subdivision along Thousand Peaks Road. Since the subject lot is vacant, site drainage is now by sheet flow runoff directed towards the east into existing drainages leading to Dry Canyon Creek.

1. Geologic Hazard

The subject property consists of a natural slope that descends steeply south from a bowl shaped canyon to a flat graded building pad graded as a result of the approved subdivision noted above. The slope on the property trends south-easterly. Elevations on the property range from 1,188 to 1,410 feet above sea level. The proposed main residence building site pad is located at 1,191 feet while the gatehouse/guest house is located at the 1,189 feet above sea level.

Regarding the geologic and erosion hazard, the applicants submitted two geology reports titled, 1) Geotechnical Letter, Proposed Custom Single-Family Residence, Lot 2, Tract 36172, Thousand Peak Road, Calabasas, Los Angeles County, dated December 12, 1997, by West Coast Geotechnical, and 2) Update Geotechnical Engineering Report, by West Coast Geotechnical, dated May 5, 1995. These reports address the geology and soil issues on subject lot 2 by stating:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, excessive settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or the immediate vicinity, provided our recommendations are made part of the development plans and implemented during construction.

The recommendations in these reports address the following issues: site grading, compaction, utility trench backfill, foundations, lateral design, foundation settlement, foundation setback, retaining walls, concrete slabs-on-grade and pavement, expansive soils, temporary excavations/shoring, drainage and moisture protection.

Based on the findings and recommendations of the consulting geotechnical engineer, 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 geotechnical engineer consultant as conforming to their recommendations, as noted in special condition one (1).

2. Wildfire Hazard

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. The applicant may decide that the economic benefits of development outweigh the risk of harm that may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, the proposed residence and other development is in an area subject to extraordinary potential for damage or destruction from wildfire.

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.

In November 1993, the Malibu/Topanga firestorms, for example, burned over 430 homes and over 18,000 acres of land. 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. Areas in the vicinity of the project site to the south and east of the subject property burned in the 1993 Malibu Fire. 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 special condition number two (2).

In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing and thinning the area up to 200 feet from the residence. The replacement plants provided in the landscape plan will minimize and control erosion, as well as screen and soften the limited visual impact of the proposed development from Mulholland Highway and the Stokes Ridge Trail. Special condition number three (3) requires a revised landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements for all disturbed areas on the site and the submittal of a fuel modification plan approved by Los Angeles County Department of Forestry and for sediment basins if grading occurs during the rainy season. The submitted draft landscape plan needs to be revised to replace what appears to be non-native flammable plant species.

3. Erosion and ESHA

Minimizing erosion of the site is also important to reduce geological hazards and minimize sediment deposition in an environmentally sensitive habitat area within Cold Canyon Creek, a tributary leading into Cold Creek, an

environmentally sensitive habitat area within a significant watershed. The building site drains east into an existing drainage area, which leads to Cold Canyon Creek, a tributary which then leads eventually into Cold Creek. The riparian vegetation and habitat located in both Cold Canyon Creek and Cold Creek are designated environmentally sensitive habitat areas. Since the project site and property are not located within any ESHA or Significant Watershed designated area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. Further, the recommendations of the consulting geotechnical engineer emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site. For these reasons, the Commission finds it necessary to require a drainage and erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation offsite into this environmentally sensitive habitat area, as noted in special condition three (3).

To ensure all disturbed slopes and soils are stabilized with landscaping after construction, a revised landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. For these reasons, the Commission finds it necessary to require the applicant to submit a revised landscape plan to provide plantings primarily of native species as noted in special condition three (3).

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geotechnical engineer, a wild fire waiver of liability, and a landscape, drainage, and fuel modification plans, will the proposed project be consistent with Sections 30240 and 30253 of the Coastal Act.

C. Visual Impacts and Landform Alteration

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 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to maximum extent feasible.

P125 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

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.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

In the review of this project, the Commission analyzes the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. The Malibu/Santa Monica Mountains Land Use Plan includes a Visual Resources Map. The ridgeline above and west of the subject site is designated as a "Scenic Area" which is given special treatment when evaluating potential impacts created by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the main residence and attached garage raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted. There are a few residences existing in the vicinity of the project site to the west, east, and south.

The main residence proposed at 35 feet high from existing grade will be visible from Mulholland Drive. The gatehouse proposed at about 24 feet high is also a concern regarding public visibility. The findings of the Commission in approving Coastal Development Permit 5-89-025 (Andrews) for the original subdivision which created the subject parcel state as follows:

In regards to potential visual impact of the proposed project, the Land Use Plan Policy 132 requires that the character and value of Mulholland Scenic Corridor be protected. The proposed project lies to the north of

Mulholland Drive. Staff has analyzed the visibility of the project as seen from Mulholland Drive and has determined that minimal viewshed intrusion will result. The elevation of the project together with the angles of view, serve to minimize the visual impact of the project. However, once the homes are constructed (maximum of 35 feet above existing grade), there would be a need to mitigate the prominence of the structures as seen from Mulholland Drive. Subsequent coastal permits will be required for each home. At that time, special conditions must be required to insure that visual impact is minimized. (emphasis added)

In 1991, the Commission approved a 13,380 sq. ft., 32-foot high from grade single family residence on the lot adjacent to the proposed project (Lot 4, Coastal Permit Number 5-91-029) with a Special Condition pertaining to visual impacts. White structures in mountain areas are highly visible from long distances while structures which have exterior colors that are more compatible with the natural colors found in the surrounding area blend in better and are less visually obtrusive. For this reason, the Commission approved Coastal Permit Number 5-91-029 subject to the requirement that the applicant record a deed restriction limiting the color of the structure to natural earth tones, and precluding the choice of white tones for walls or red for tile roofs. The subject lot includes a graded building pad as a result of the approved subdivision discussed above. Minimal grading of less than 75 cubic yards is proposed to construct the residence and gatehouse. Because the completed residential structures potentially affect public views from Mulholland Highway, a Malibu/Santa Monica Mountains Land Use Plan designated scenic highway, and from the Stokes Ridge Trail, a public trail which traverses the subdivision, the Commission similarly finds it necessary to restrict color choices for the completed project to earth tones compatible with the project's natural surroundings. The Stokes-Ridge Trail is identified on the Los Angeles County Parks and Recreation, Malibu/Santa Monica Mountains Area Plan Trails System, dated June 1983 (Exhibit 13). The Commission finds that the proposed project would be consistent with the visual resource protection policies of the Coastal Act provided condition number four (4) is required to ensure that the colors of the structures and the potential glare of window glass will not create visual impacts. Condition number four (4) limits the wall coloration of the structure to earth tones, precludes the choice of white tones, and restricts the use of red for tile roofing materials, and requires the use of non-glare glass windows.

In addition, the applicant has submitted a preliminary landscape plan which will be subject to the final approval of the Executive Director. The final landscape plan needs to be modified to include native plants and be approved by the Los Angeles County Fire Department as a fuel modification plan. A landscape plan with replacement plants will minimize and control erosion, as well as screen with vertical elements and soften the visual impact of the proposed development as seen by the public from the designated scenic highway and a public trail. To address potential visual impacts of the subject residence from these public viewing locations noted above, appropriate drought resistant, and fire retardant plants compatible with the surrounding vegetation need to be planted to partially screen and soften the public view of the structure. Condition number three (3) requires a landscape plan and fuel modification plan that requires the use of primarily native plant materials, provides for plant coverage and replanting requirements and submission of a fuel modification plan approved by Los Angeles County Fire Department.

Therefore, the Commission finds that the development, as conditioned, will be sited and designed to protect public views to and along the ocean and scenic coastal areas, will minimize the alteration of natural land forms, and will be visually compatible with the character of surrounding areas. Thus, the proposed project, as conditioned, will not impact the scenic public views in this area of the Santa Monica Mountains and is consistent with Section 30251 of the Coastal Act.

D. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(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 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.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (including gatehouses) on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of

existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29). Therefore as a result, the Commission has found that guest houses, gatehouses, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct a detached gatehouse of 745 sq. ft. on the site, consisting of an bedroom, bath, bar, and living/dining room. Attached to the gatehouse is a two car 503 sq. ft. garage. The garage is accessed from the interior of the gatehouse. The garage is considered non-habitable space while the proposed 745 sq. ft. gatehouse complies with the Commission's size limit of 750 sq. ft of habitable space.

The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The gatehouse is considered a second residential unit. However, to ensure that no additions or improvements are made to the gatehouse that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicants to record a future improvements deed restriction, which will require the applicants to obtain an amended or new coastal permit if additions or improvements to the development are proposed in the future as required by condition number five (5). For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

E. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and

entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

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

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

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The proposed development includes constructing two septic tanks (a 1,500 gallon tank near the residence and a 750 gallon tank near the gatehouse) and a leachfield to provide for sewage disposal. The applicants have submitted an approval for the sewage disposal from the Department of Health Services, Los Angeles County, dated 4/13/98. This approval indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles Plumbing Code. The Commission has found in past permit actions that compliance with the County Health and Safety Codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. 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

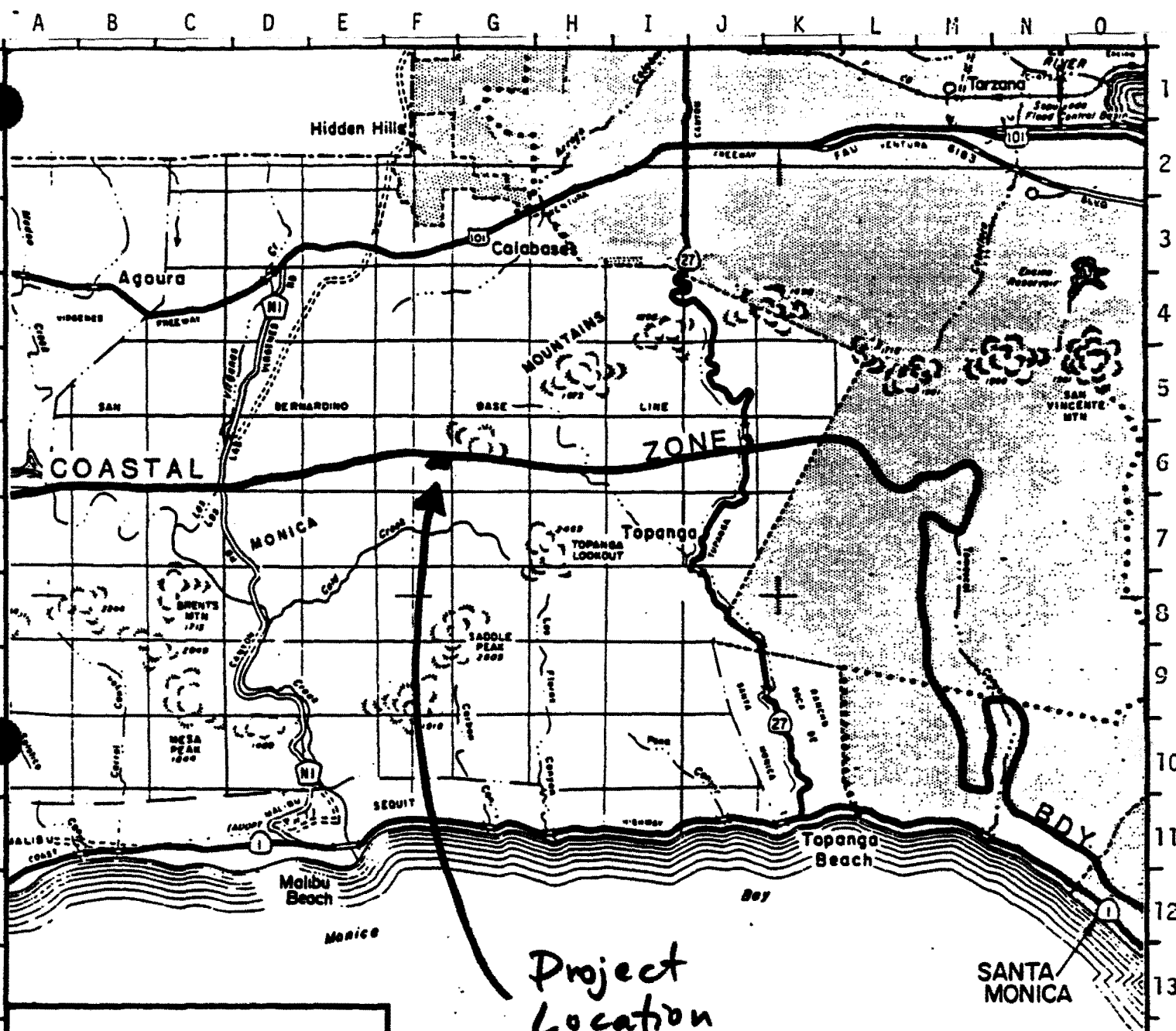
provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable 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).

G. California Environmental Quality Act

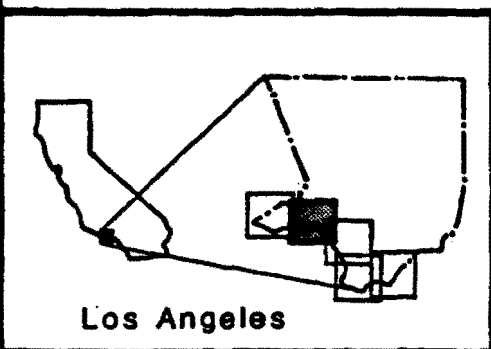
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) 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 effects that the activity may have on the environment.

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 effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

8414A



Project Location



Los Angeles

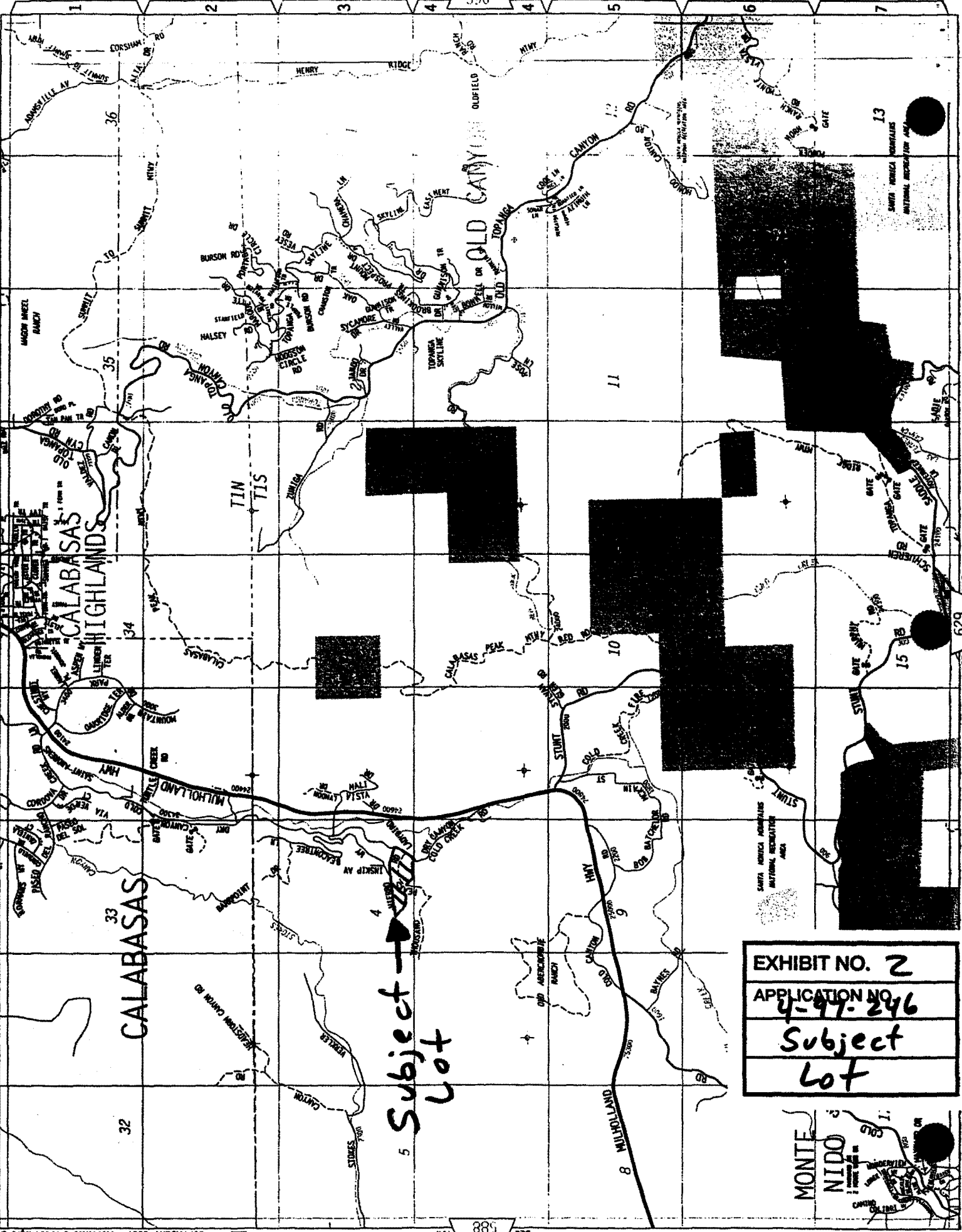
EXHIBIT NO. 1
APPLICATION NO. 97-246
Project
Location



589

SEE 559 MAP

588



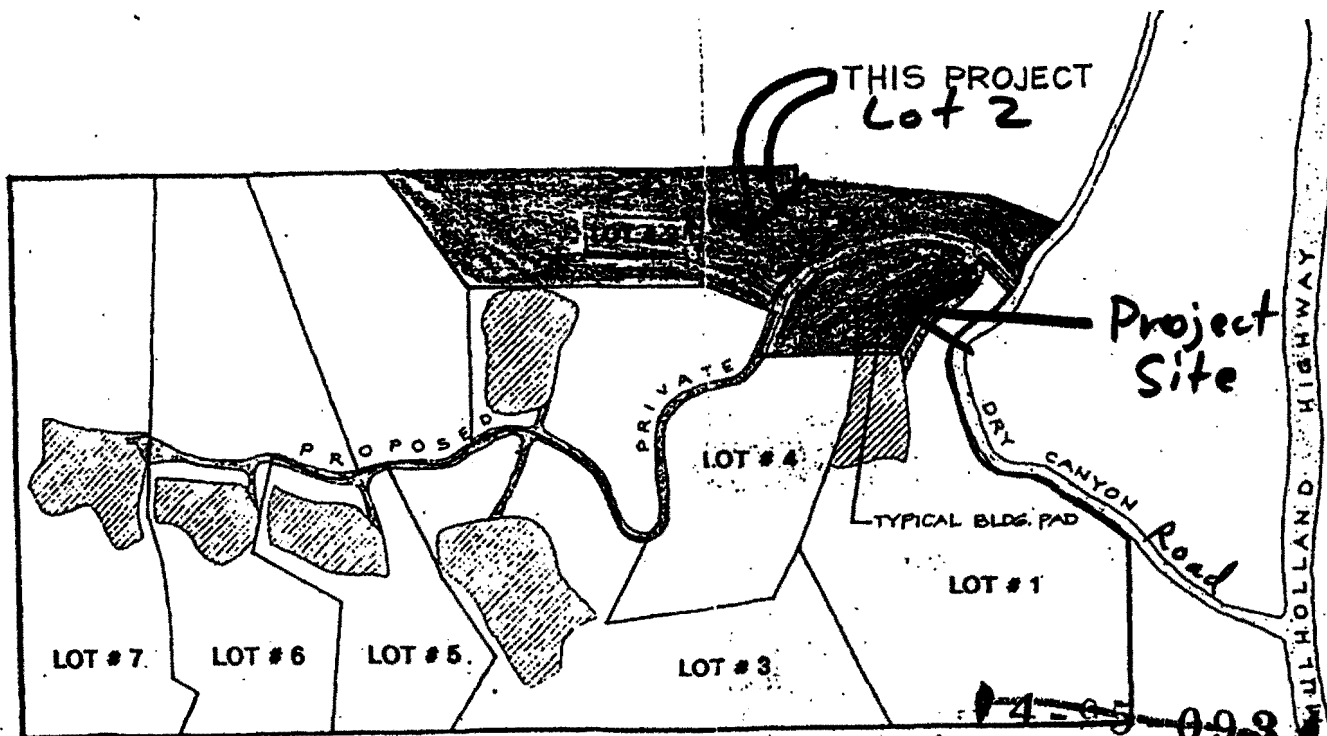
Subject Lot

EXHIBIT NO. 2
APPLICATION NO. 4-97-246
Subject
Lot



COLD CREEK MASTER DEVELOPMENT PLAN

Thousand Peaks Road Subdivision



RECEIVED

DEC 17 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

4-95-099

CA. COASTAL COMM.
PLANS APPROVED

RECEIVED

MAY - 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

These plans must be
present on the project
site & shown to
building & zoning
officials on request.

EXHIBIT NO. 3
APPLICATION NO. 246
Thousand Peaks Subdivision

(A-9.1)

NUMBER (A-9.2)

DATE (A-9.1)

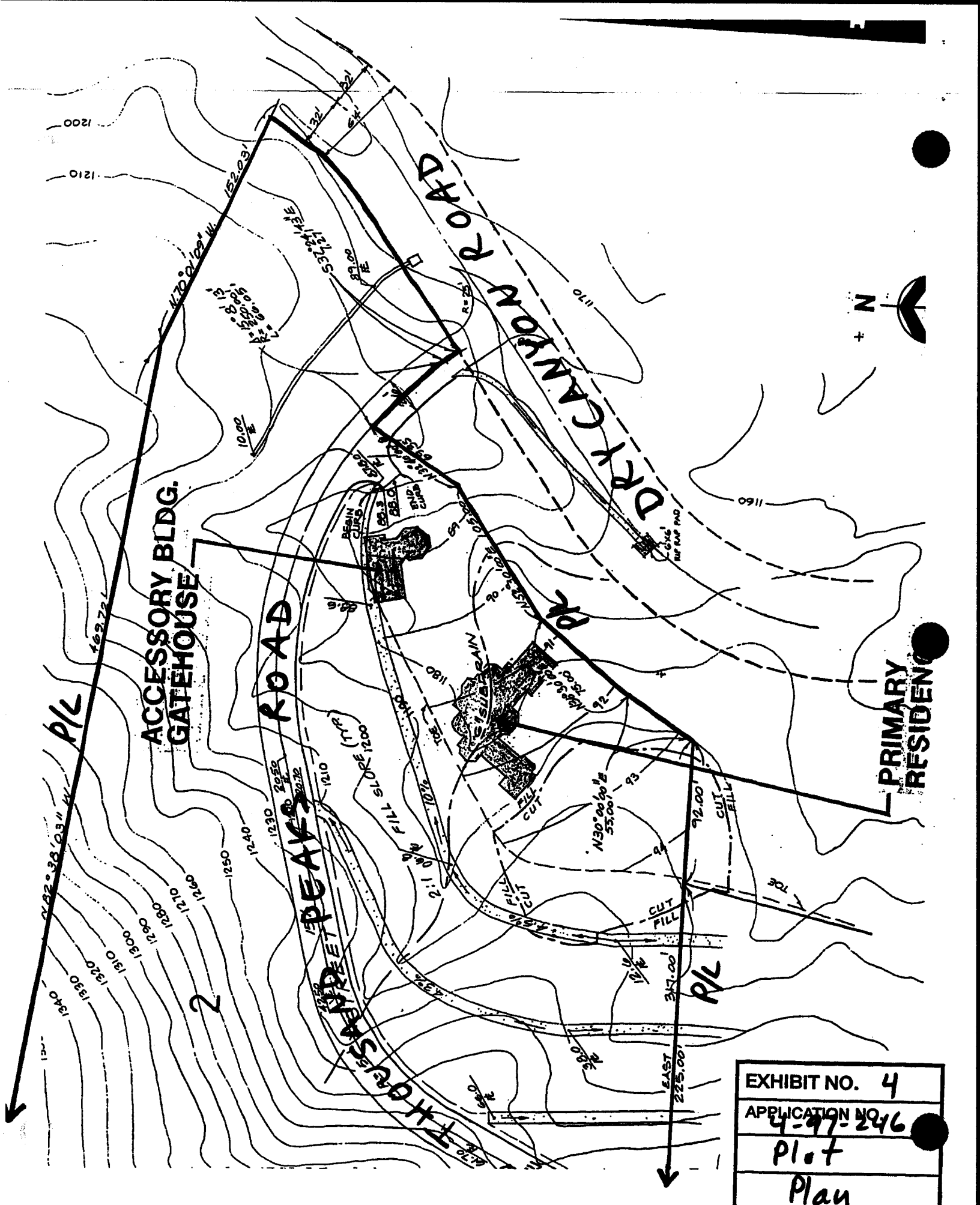
REFERENCE

E

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ALL

ALL



PRIMARY RESIDENCE

EXHIBIT NO. 4
APPLICATION NO. 4-97-246
Plot
Plan

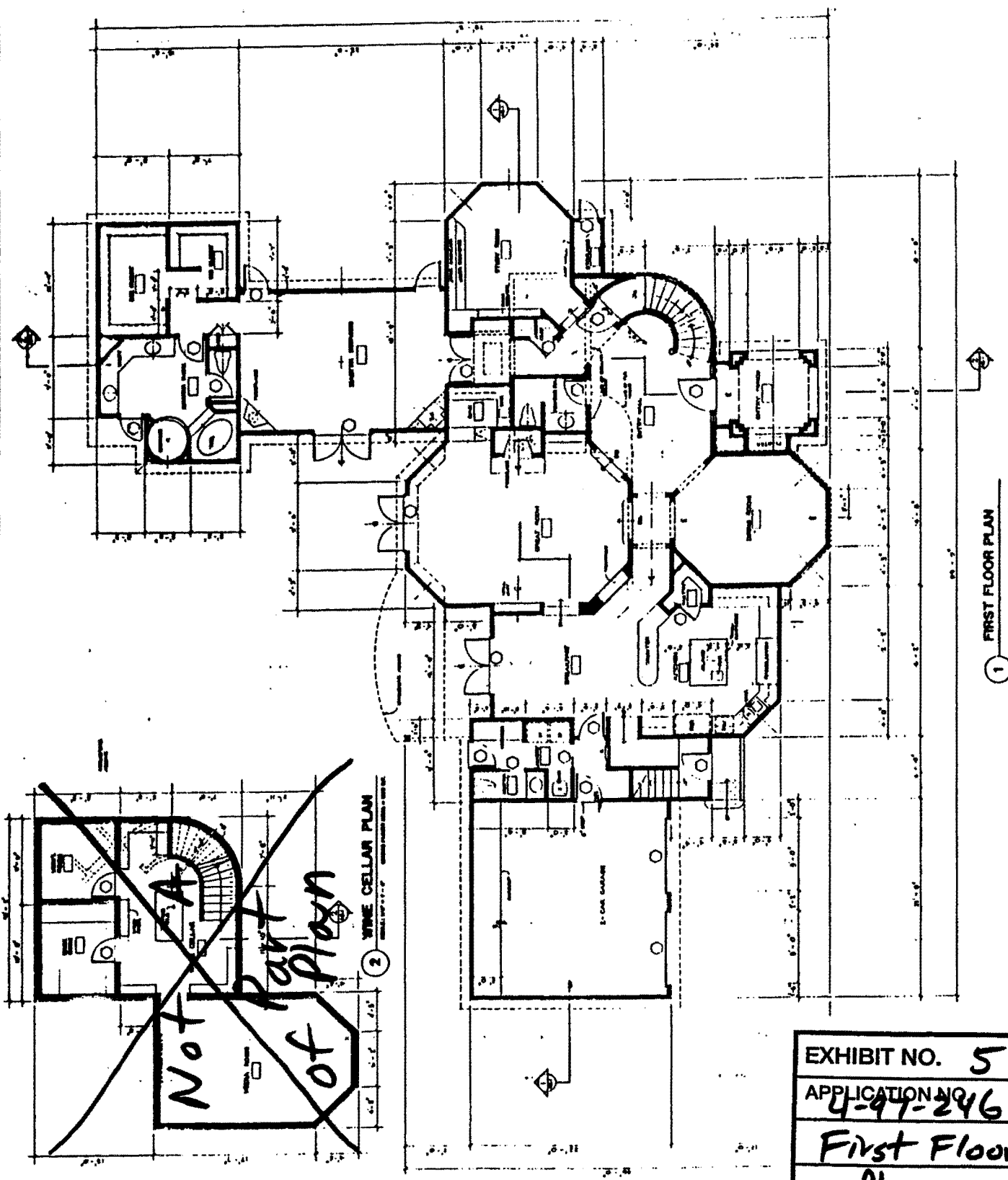
1000 ...
 1000 ...
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Mrs. & Mrs. KONGELMAN

KONGELMAN RESIDENCE

FIRST FLOOR PLAN

A-31



Not Part of Plan

WINE CELLAR PLAN

1 FIRST FLOOR PLAN

EXHIBIT NO. 5
APPLICATION NO. 4-97-246
First Floor Plan

**THE
ANDREWS
GROUP**

Architects
1000 North 17th Street
Phoenix, Arizona 85016
Tel. (602) 258-1000

CLERK
M. J. KENZELMAN

MRS. M. J. KENZELMAN

RESIDENCE

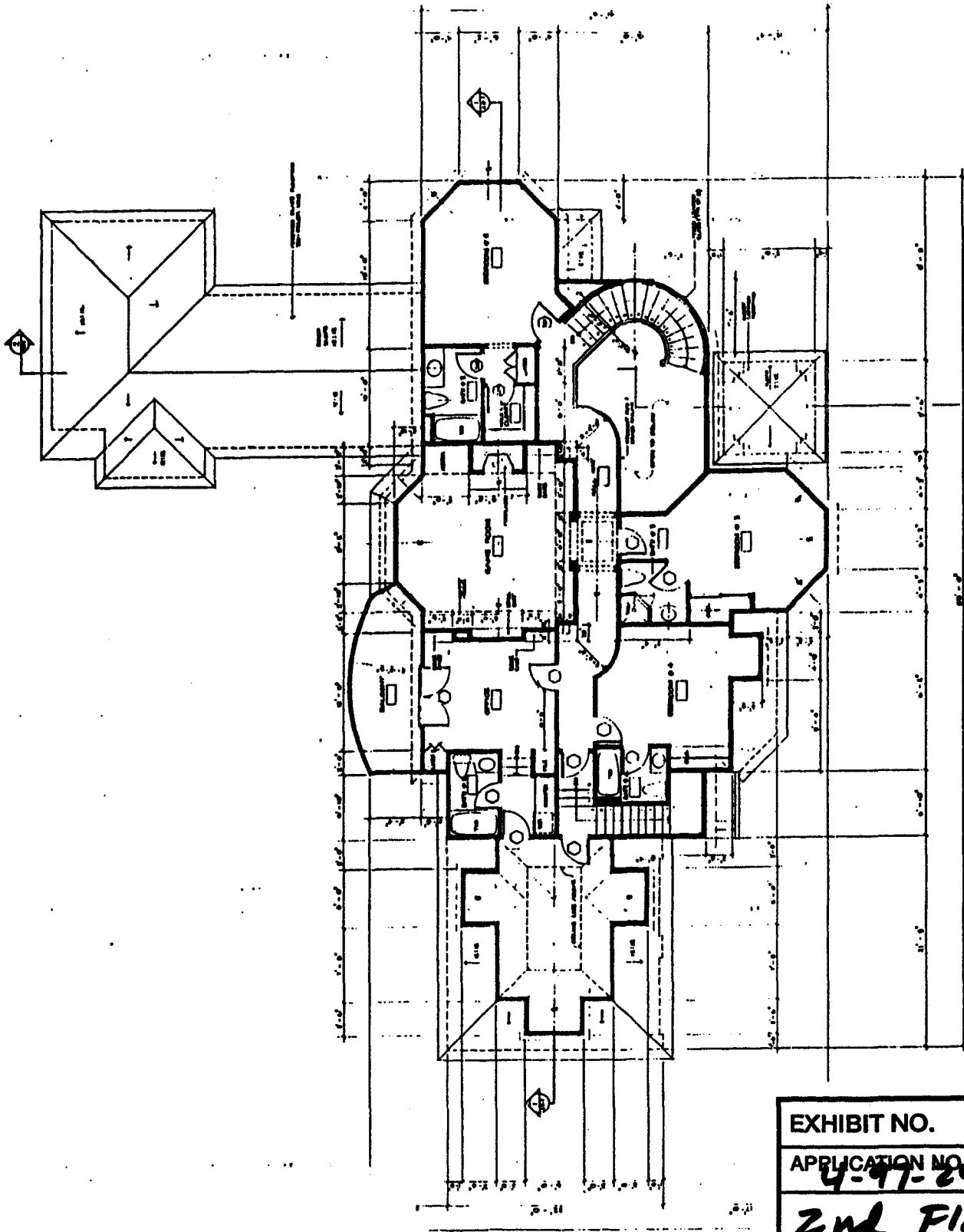
1000 North 17th Street
Phoenix, Arizona 85016

SECOND FLOOR PLAN

NO.	DESCRIPTION	DATE

DATE: 11/14/84
DRAWN BY: J. KENZELMAN

Scale: 1/4" = 1'-0"
Sheet No. A-3.2



1 SECOND FLOOR PLAN

EXHIBIT NO. 6
APPLICATION NO. 4-97-246
2nd Floor
Plan

THE ANDREWS GROUP

ARCHITECTURAL FIRM
 1400 N. W. 10th Ave., Suite 200
 Ft. Lauderdale, FL 33304
 Tel: 954-562-1234

PROJECT DESCRIPTION:
 The project consists of the design and construction of a new residential building for Mr. & Mrs. Konkelman. The building is a single-family residence with a total area of approximately 10,000 square feet. It features a complex roof structure with multiple gables and a central tower. The design is based on the architectural drawings provided by the client.

DATE: 10/15/00

MR. & MRS. KONKELMAN
 12345 N.W. 12th Street
 Fort Lauderdale, FL 33304

PROJECT:

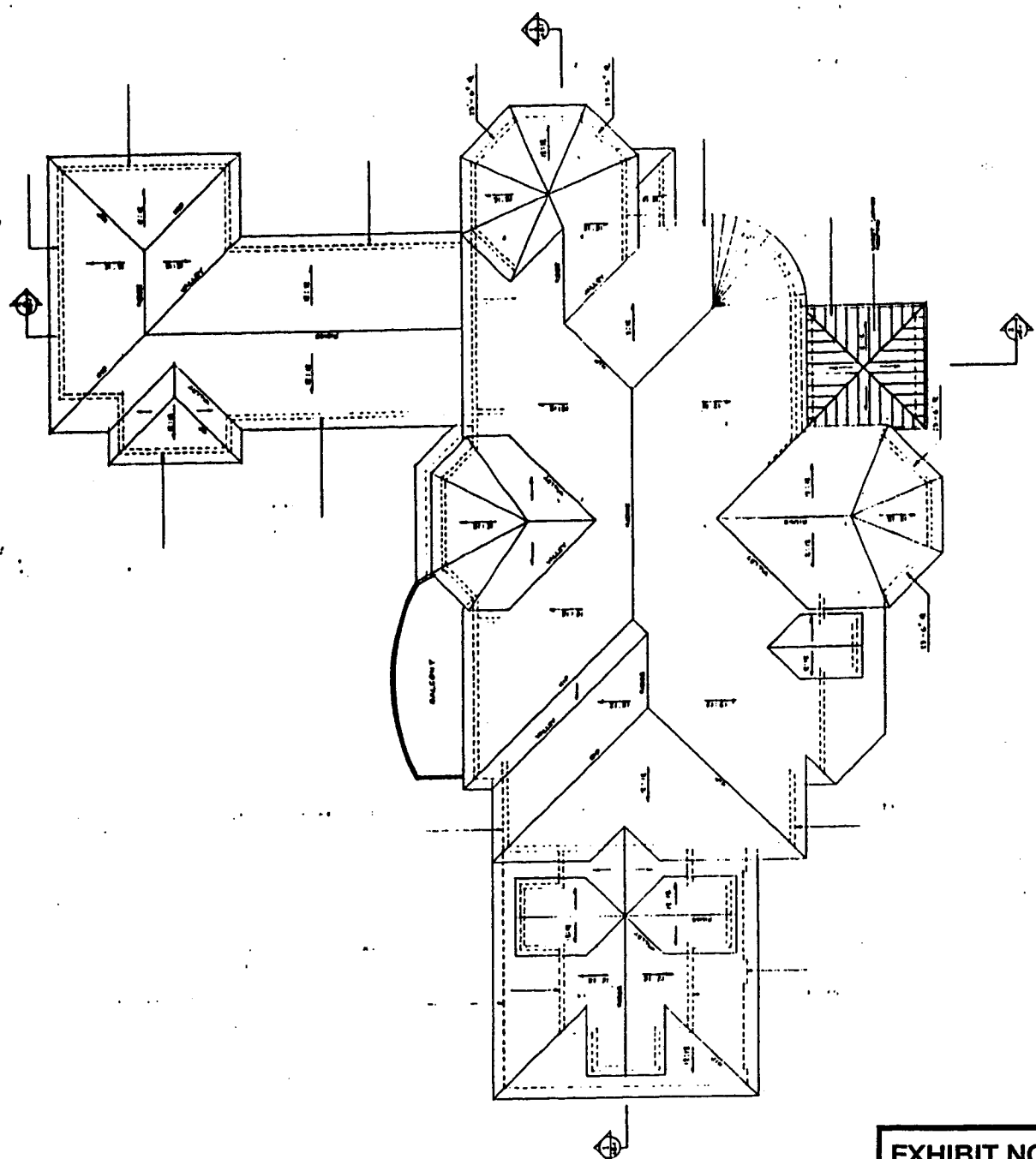
KONKELMAN RESIDENCE
 12345 N.W. 12th Street
 Fort Lauderdale, FL 33304

NO.	DESCRIPTION	DATE	BY

CITY PLAN
 SHEET TITLE

ROOF PLAN

1 SHEET
 2 TOTAL SHEETS
 A-33



ROOF PLAN
 SHEET 1 OF 2

EXHIBIT NO. 7
 APPLICATION NO. *4-97-246*
Roof Plan

THE ANDREWS GROUP

ARCHITECTURAL PLANNING
 INTERIOR DESIGN
 AND CONSTRUCTION ADMINISTRATION
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 333-3333
 FAX: 333-3333

PROJECT INFORMATION
 PROJECT NAME: KONZELMAN RESIDENCE
 PROJECT ADDRESS: 1000 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202
 PROJECT NO.: 4-99-246
 DATE: 10/15/99
 DRAWN BY: J. ANDREWS
 CHECKED BY: J. ANDREWS
 APPROVED BY: J. ANDREWS

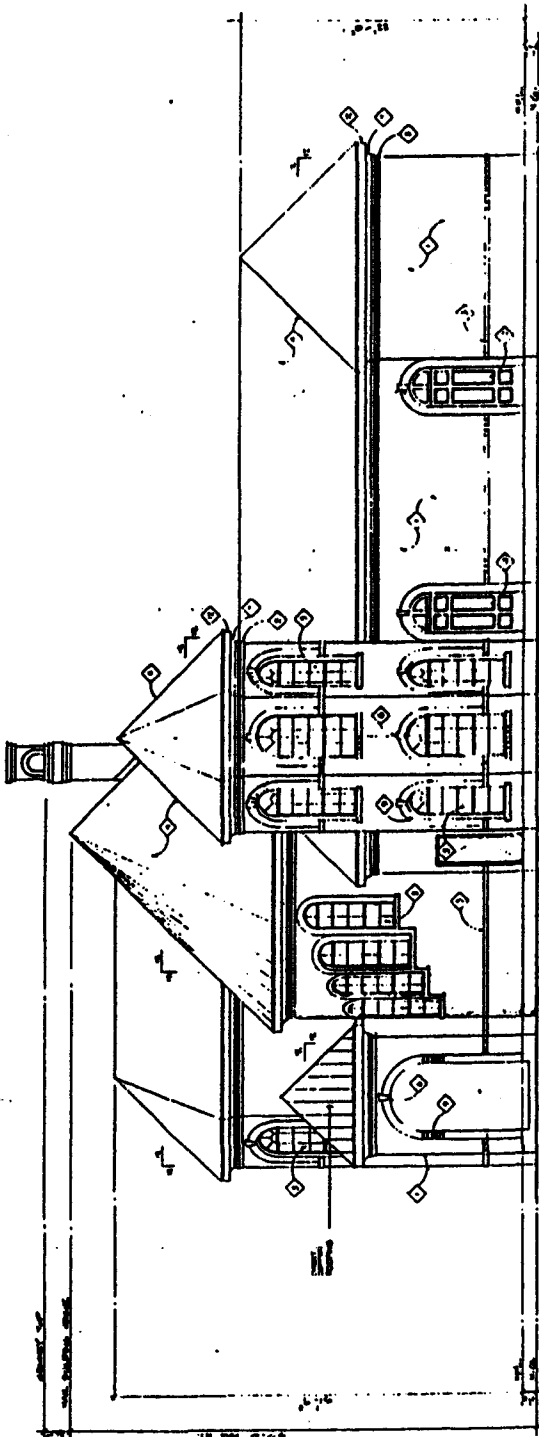
CLIENT
 MR. & MRS. KONZELMAN
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 333-3333

PROJECT
 KONZELMAN RESIDENCE
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 TEL: 333-3333

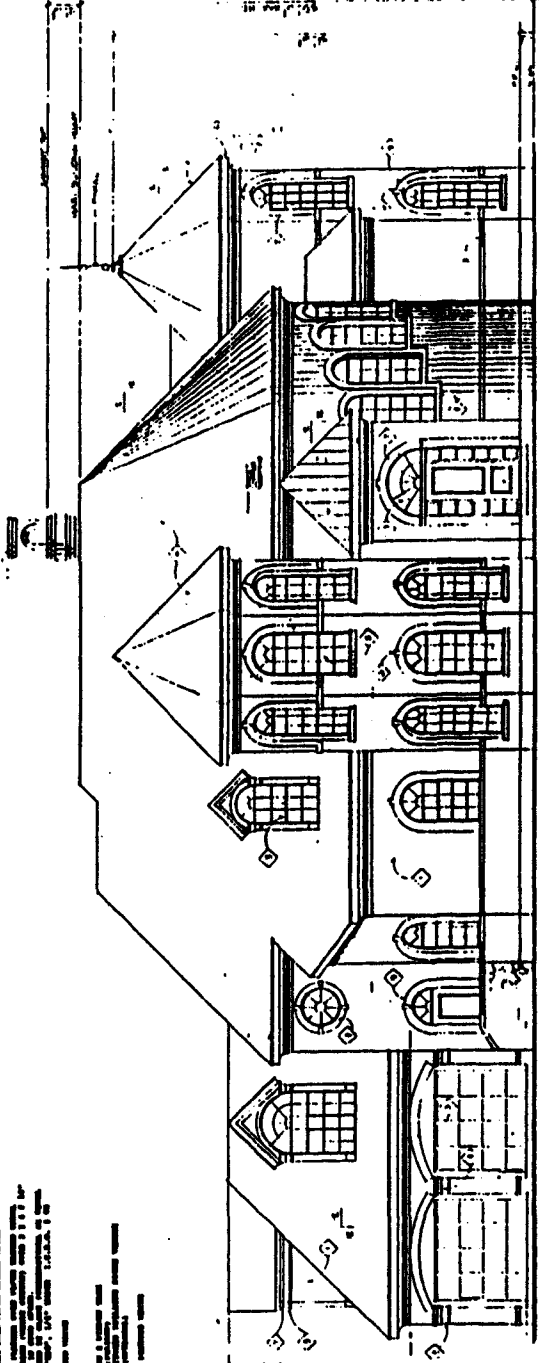
NO.	REVISION	DATE

KEY PLAN
 C. 10TH AVENUE
 MAIN BUILDING ELEVATIONS

NO.	REVISION	DATE



1 WEST BUILDING ELEVATION



2 NORTH BUILDING ELEVATION

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2001 INTERNATIONAL BUILDING CODE (IBC) AND THE 2001 INTERNATIONAL RESIDENTIAL CODE (IRC).
 2. ALL MATERIALS SHALL BE OF QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
 3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
 4. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL PLUMBING DEPARTMENT.
 5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL ELECTRICAL DEPARTMENT.
 6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL MECHANICAL DEPARTMENT.
 7. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL FIRE DEPARTMENT.
 8. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL HEALTH DEPARTMENT.
 9. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL ENVIRONMENTAL DEPARTMENT.
 10. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL TRANSPORTATION DEPARTMENT.

EXHIBIT NO. 8
 APPLICATION NO. 4-99-246
 W/N Building Elevations

THE ANDREWS GROUP

ARCHITECTS
 1000 LEXINGTON AVENUE
 NEW YORK, N.Y. 10022
 TEL. 212-512-2000
 FAX 212-512-2001

NOTICE TO OWNER

This drawing is to be read in connection with the contract documents for the project. It is the responsibility of the architect to provide the owner with a complete set of drawings for the project. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The architect is not responsible for any errors or omissions in the drawings.

CLIENT

MRS. & MRS. KONGZELMAN

1000 LEXINGTON AVENUE
 NEW YORK, N.Y. 10022

PROJECT

KONGZELMAN RESIDENCE

1000 LEXINGTON AVENUE
 NEW YORK, N.Y. 10022

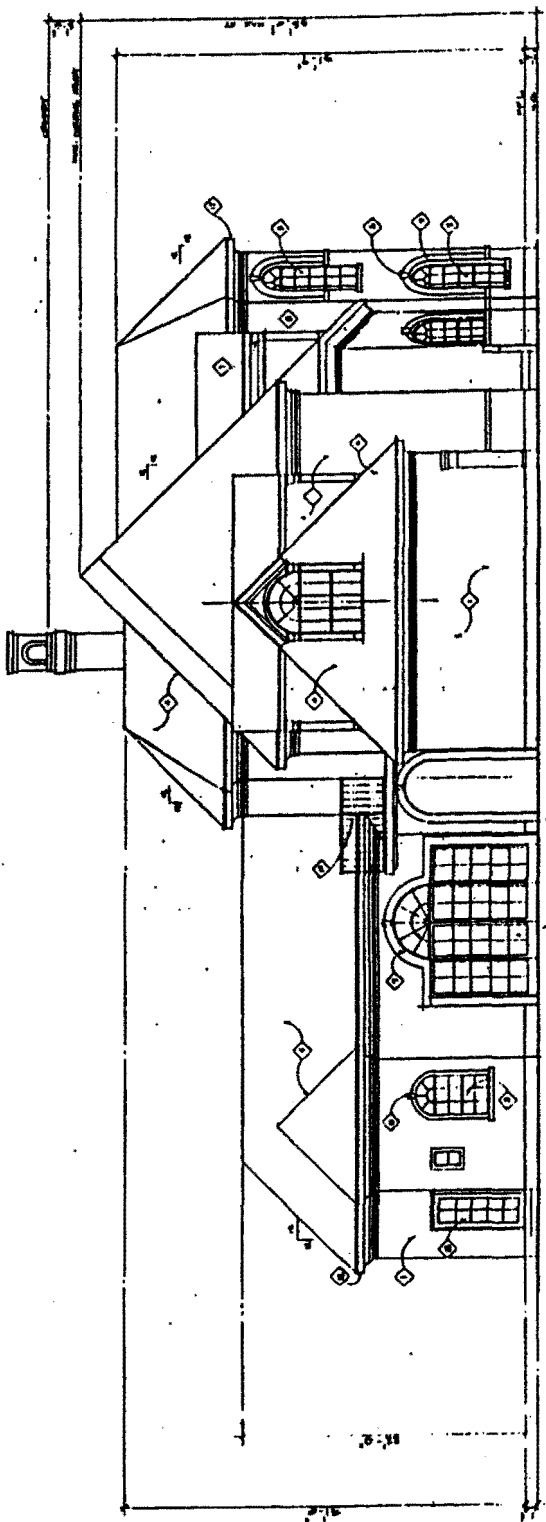
NO.	REVISION	DATE

REV. PLAN

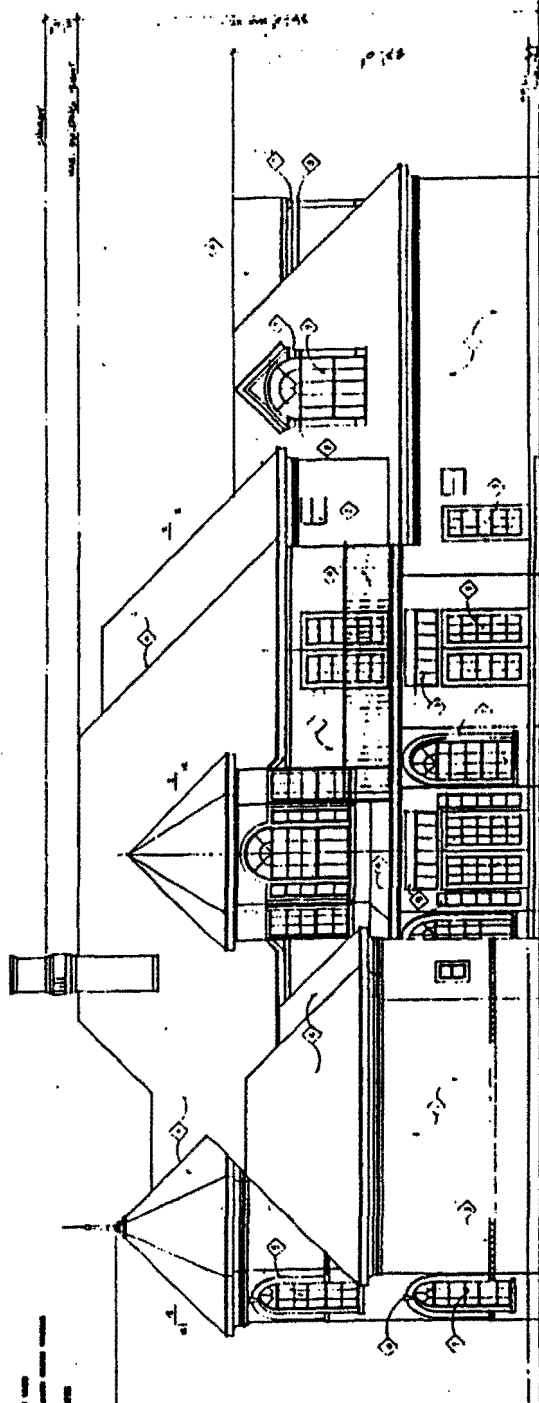
MAIN BUILDING ELEVATIONS

NO.	REVISION	DATE

A-4.2



1 EAST BUILDING ELEVATION



2 SOUTH BUILDING ELEVATION

NOTES
 1. SEE CONTRACT DOCUMENTS FOR ALL SPECIFICATIONS.
 2. MATERIALS TO BE AS SHOWN ON SPECIFICATIONS.
 3. FINISHES TO BE AS SHOWN ON SPECIFICATIONS.
 4. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
 5. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

EXHIBIT NO. 9
APPLICATION NO. 4-97-246
E/S Building Elevations

