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CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-110

APPLICANT: Ray Stroeber

PROJECT LOCATION: 2175 Cold Canyon Road, Calabasas; Los Angeles County.

PROJECT DESCRIPTION: Construct 2 story, 28 ft. high, 4,504 sq. ft. single family residence with attached garage, deck, swimming pool, and septic system. Grading of 2374 cu. yds. (1187 cu. yds. cut and 1187 cu. yds. fill) and overexcavation and recompaction of 650 cu. yds. Cut includes 1070 cu. yds. for building pad and 117 cu. yds. for driveway to be filled in a natural swale northwest of the building pad.

Lot Area	3.1 acres
Building Coverage	3,640 sq. ft.
Pavement Coverage	8,000 sq. ft.
Landscape Coverage	18,000 sq. ft.
Parking Spaces	2 covered, 2 open
Plan Designation	Residential I, 1 du/acre
Project Density	.3 du/a
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: Los Angeles County: Regional Planning Department, plot plan no. 45465, site plan review and approval in concept, March 26, 1998; approval in concept from Regional Planning Department dated 4-9-96; Environmental Review Board review, November 17, 1997; Fire Department, determination that feasible in concept, dated 12/30/97; Department of Health Services, in concept approval dated 5/4/10/98.

SUBSTANTIVE FILE DOCUMENTS: GeoConcepts, Inc., Limited Soils Engineering Investigation, August 4, 1997; Pacific Geology Consultants, Inc., Report of Preliminary Engineering Geologic Investigation, July 24, 1997; Coastal Development Permits No. 5-86-371 and -371A, 4-96-235 and -235A (Wallis).

SUMMARY OF STAFF RECOMMENDATION:

This project involves the construction of a single family residence and related improvements located between Mulholland Highway and Cold Canyon Road in the Santa Monica Mountains. Staff recommends approval of the residence and related improvements with special conditions for landscaping and erosion control, future improvements, design restriction for color and glare, disposal of excess cut off-site, 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 and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within sixty (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all existing graded roads and pads.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (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. Future Improvements

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the

development described in the coastal development permit 4-98-110, and that any future additions or improvements to the property, including clearing of vegetation and grading, will require an amendment to permit 4-98-110 or will require an additional permit from the Coastal Commission or its successor agency.

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

3. Design Restrictions

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record deed restrictions for the property, in a form and content acceptable to the Executive Director, which restrict the color of the subject structures and roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass.

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

4. Revised Grading Plans and Excess Fill Material Disposal Site.

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, revised grading plans that illustrate the deletion of the fill area (approximately 1200 cu. yds.) identified in Exhibit 6. The applicant shall also submit the location of the disposal site for the excess fill material identified in Exhibit 6 (approximately 1200 cu. yds.). If the disposal site for the subject fill material is located within the Coastal Zone, the site must have a valid coastal development permit. All excess fill shall be removed at the completion of grading and prior to the commencement of construction of the residence. No stockpiled fill shall remain on the applicant's property.

5. Geologic Recommendations

Prior to issuance of the coastal development permit the applicants shall submit evidence to the Executive Director of the Consultant's review and approval of all final design and construction plans. All recommendations contained in the GeoConcepts, Inc., Limited Soils Engineering Investigation, August 4, 1997 and Pacific Geology Consultants, Inc., Report of Preliminary Engineering Geologic Investigation, July 24, 1997 shall be incorporated into the final project plans including site preparation, foundations, and drainage.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading

and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

6. 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 the central portion of an area bounded by Mulholland Highway on the north and a loop of Cold Canyon Road on the south. The site is designated as Rural land I allowing one residence per acre. Surrounding uses are predominantly residential. The project site is located north of the LUP-designated Cold Creek Resource Management Area.

The applicant proposes to construct a 2 story, 28 ft. high, 4,504 sq. ft. single family residence with attached garage, deck, swimming pool, and septic system with grading of of 2374 cu. yds. (1187 cu. yds. cut and 1187 cu. yds. fill) and overexcavation and recompaction of 650 cu. yds. The cut includes 1070 cu. yds. for the building pad and 117 cu. yds. for the driveway to be removed and filled in a natural swale northwest of the building pad. The grading is needed for site preparation for the residence and driveway off of Cold Canyon Road to the south. The fill is proposed in a portion of a natural depression adjacent to Mulholland Drive to the northwest of the house site. The natural depression is located between the house site and a more prominent natural swale and flood hazard area further to the west on the site. The site contains ruderal vegetation and chapparal consisting of predominantly laurel sumac and scrub oak.

The proposal originally included a concrete block wall approximately 300 ft. long and 6 ft. high along the rear of the residence along and adjacent to the right of way of Mulholland Highway. Staff noted to the applicant the potential visual impact along the scenic roadway, as raised by LUP policy P141 which required that walls allow for view retention from scenic roadways. The applicant sent a letter to staff amending the application to eliminate the wall. A cut along the length of a portion of the eliminated wall will be retained, however, according to the applicant, as part of the rear of the building pad.

The location and site circumstances are similar to that found in the development proposed nearby under Coastal Development Permit No. 4-96-235 and -235A (Wallis) and 4-96-176 (Kasco). The western natural swale, noted previously, is a continuation of the swale found at the east end of the Kasco property, located opposite on the north side of Mulholland Road.

Elevations on the site range from approximately 1020 to 1040 feet. There has been minor recent soil disturbance in the area of the proposed building pad.

The site contains the previously noted natural swale to the west of the proposed residence which is a designated floodway. No development is proposed in this area. The swale is not designated as a blue line stream, but the watercourse itself is designated on the LUP Sensitive Environmental Resources map as an inland environmentally sensitive habitat area. The same map notes that the swale leads, on the south side of Cold Canyon Road, to a locally disturbed sensitive resource area tributary to Cold Creek. There was a lack of riparian vegetation evident in this area in the swale during the staff site visit, although there was flowing water. Downstream, the swale drains under Cold Canyon Road through a 48 in. culvert into a lined channel south of the road, which changes into a natural drainage bordered with riparian vegetation after approximately fifty feet, which is the beginning of the locally disturbed sensitive resource area.

There is a minor natural swale to the east of the building site in addition, which has no designation as a sensitive habitat. This area contains chapparal and ruderal vegetation.

B. Environmentally Sensitive Resources

Section 30250(a) provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Section 30105.5 of the Coastal Act broadly defines the term "cumulatively", in terms of past, current and probable future projects.

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.

The LUP contains several policies designated to protect the Resource Management Area, such as the Malibu-Cold Creek Resource Management Area

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

The applicable Malibu/Santa Monica Mountains Land Use Plan policies include: P64 Environmental Review Board (ERB) review by qualified professionals to review development adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs and provide recommendations and mitigation measures; P67 Denial of any project or use which cannot mitigate significant adverse impacts; P68 Protection of environmentally sensitive habitat areas (ESHAs) against significant disruption of habitat values, and allow only uses dependent on such resources, excluding residential uses; P74 New development located as close as feasible to existing roadways, services, and existing development; P79 Natural vegetation buffer areas to protect all sensitive riparian habitats and all development other than driveways and walkways set back at least 50 feet from the outer limit of designated environmentally sensitive riparian vegetation; P80 New septic systems at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits; P82 Grading minimized to ensure the potential negative effects of runoff and erosion; P84 Landscape plans shall balance long-term stability and minimization of fuel load and use native plant species consistent with fire safety requirements; P88 For areas of high potential erosion hazard, site design to minimize grading activities and reduce vegetation removal based on clustering, minimize access road grading, building and access envelopes, sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped; P91 minimize impacts and alterations of physical features, such as ravines and hillsides and processes of the site; P96 Avoid degradation of the water quality of groundwater basins, nearby streams, or wetlands.

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 project site is located north of the LUP-designated Cold Creek Resource Management Area, as previously noted. The Cold Creek watershed consists of about 8 square miles (5000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains. Both the lands and the remainder of the watershed serve as tributary areas to Cold Creek and the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas.

Past Coastal Commission decisions have documented the habitat values contained in the Cold Creek Watershed. Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research. In recognition of these outstanding natural resources, State Parks and Recreation acquired the 320-acre Stunt Ranch in the heart of the Cold Creek watershed to protect the unique flora and fauna of this watershed.

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

As noted above, the site contains a western, natural swale draining into Cold Creek, which is not designated as a blue line stream and lacks riparian vegetation. There is also a minor swale to the east of the project site. Both are designated as a flood hazard areas on the County Assessor's maps. No development is proposed in either area. There are no sensitive habitat resources on site, except for the aforementioned chaparral and western watercourse.

After development approximately 75% of the site will remain undisturbed chaparral and ruderal vegetation, except for the building area and removal of vegetation in the surrounding area due to fire clearance requirements. As noted on the project plans, all brush removal will be completed by hand except for the graded areas within 200 ft. of the proposed.

The project was reviewed by the County Environmental Review Board on November 17, 1997 because the site was within the area of the tributary ESHA and Significant Oak Woodland, as found by the County. These designations are equivalent to the certified LUP designation of inland environmentally sensitive habitat area and locally disturbed sensitive resource area. The Board recommended a number of conditions on the project to protect environmentally sensitive habitat areas including minimization of brush clearance, deletion of myoporum and use of California Native Plant Society approved list landscaping, earth tone colors for the residence and use of low intensity lighting, and requirement of a fuel modification and revegetation plan.

Section 30240 requires siting and design to protect against degradation of environmentally sensitive habitat areas, and provision of adequate setbacks from such areas where necessary. The standards for such setbacks are found in the certified LUP used as guidance in past Commission decisions. The project design is consistent with the above LUP policies in provision of such setbacks. The project site does not contain a natural vegetation buffer area or a tree canopy, such as often associated with stream corridors and riparian areas, so an alternative method is necessary to determine setback distance relative to LUP policies. The 50 to 70 ft. wide flood hazard area boundary was used in County review as a delineation of the sensitive area around the stream. The septic system and the closest building are approximately 140 ft. away from this flood area, which places such development at approximately 175 ft. away from the center of the watercourse. By locating the development with the setbacks as proposed, the habitat area is protected against disruption in a manner consistent with LUP policies P68, P79, and P80 and PRC Section 30240.

Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion, ...and minimizing alteration of natural streams. In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The

impervious surfaces created by the building will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. Increased erosion in addition to raising issues relative to geologic stability as addressed above, also result in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian systems and water quality. The increased sediments from site runoff will be absorbed on site, or flow through the drainage control system proposed to the natural swale leading to Cold Canyon Creek. Some drainage, consequently, will enter the waters downhill and can result in impacts which adversely impact riparian systems and water quality. These impacts include:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.
7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

In this case, the proposed project could significantly increase the amount of impervious surfaces on the subject site. However, the project plans include a drainage plan, as noted above, to control and convey erosion off-site in a non-erosive manner. This plan includes rip-rap energy dissipators, swales, and use of the concave driveway to convey water to an existing 48 inch culvert under Cold Canyon Road.

The Commission finds that this plan together with the landscaping/erosion control plan required (Condition 1) will not only minimize erosion and ensure site stability, but also minimize any adverse affects of sedimentation on the habitat of the designated blue-line stream and offshore areas. The landscaping/erosion control plan will also ensure that the vegetation removed for purposes of fire hazard reduction shall be minimized to preserve natural vegetation and conform to the requirements of the County of Los Angeles Forestry Department. The project as conditioned therefore protects against disruption of habitat values and protect the stream and riparian corridor's biological productivity.

In summary, the Commission finds that only as conditioned in one (1) above will the proposed project be consistent with the policies found in Sections 30231, 30240 and 30250(a) of the Coastal Act.

C. Visual Resources/Alteration of Natural Landforms

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: P90 grading in upland areas to minimize cut and fill operations; P91 development to minimize impacts and alterations of physical features; P125 development sited and designed to protect public views from LCP-designated scenic highways and set below road grade; P130 along scenic highways, new development sited and designed to protect views to and along scenic features, minimize the alteration of natural landforms, landscape raw cut slopes, visually compatible with and subordinate to the setting; P132 maintain the character and value of Mulholland Scenic Corridor; P135 ensure that earthmoving activity blends with the existing terrain; P 142 development along scenic roadways set below road grade.

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

The two stories and bulk of the proposed residence and the proposed grading of 3674 cu. yds. creates a potential impact on views in the area from Mulholland Road. The proposed development is on the Mulholland Scenic Corridor. The potential impact on the scenic corridor includes a vista point designated a few hundred feet to the east along the same side of the highway which will not have a view of the site. The following reviews the development impact upon the scenic and visual resources and natural landform.

The site of the proposed residence is located seventy feet south of Mulholland Road. The site is also approximately three feet below road grade and fourteen feet below the grade of a small knoll immediately adjacent to Mulholland Road and north of the building site. Views across the property at the proposed house location are oblique because of the blockage by the knoll. Any view by the traveler along Mulholland Highway

would encompass previously approved development of higher elevations on low lying hills well below the surrounding ridgelines. The view across the building mass will be toward such development rather than the undeveloped scenic ridges at higher elevations.

The proposed development will be lower in appearance than the existing residences to the southeast and southwest which form a backdrop to the site. Regardless, the proposed development is a large 28 ft. high and 4,500 sq. ft. single family residence which will create a bulk visible from the scenic highway, and located within the scenic corridor. At a height of 28 ft., the proposed residence will extend above the level of the roadway by approximately 10 ft.. Since the site will be visible from the designated scenic corridor, the conditions of approval recommended below are necessary to ensure consistency with PRC Section 30251.

A second potential view impact is from public lands and trails in the surrounding area. Surrounding trails include the Stokes Ridge Trail to the north and the Calabasas/Cold Creek Trail to the south. Surrounding public lands include State owned lands to the south and southeast. The project is generally not visible from such trails and nearby public lands because of intervening topography. Surrounding development on low-lying hills further reduces the view impact from higher elevations. The nearby trail loop to the southwest of the site, part of the Calabasas/Cold Creek Trail, as it intersects with Cold Canyon Road, has only a potential minor, oblique view of the project site.

Use of native plant material in suitable landscaping plans can soften the visual impact of construction and development in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas not only reduces the adverse affects of erosion, but ensures that the natural appearance of the site remains after development. The above-required special condition 1 for final landscaping and erosion control plans designed to minimize and control erosion will also screen or soften the visual impact of the development.

While the proposed residence is located in a manner consistent with past Commission actions and existing development patterns, future development (including accessory structures and additions to the single family residence), which would otherwise be exempt from Commission, may create additional visual impact. Under existing regulations, such development would be exempt. Therefore, special condition 2 is necessary to ensure that any future development that might otherwise be exempt is reviewed by the Commission for conformity with the visual resource policies of the the Coastal Act.

Because the residence is visible from a scenic highway, there is need to avoid visually intrusive bright colors or white tones. The use of earth tones for buildings and roofs minimizes the visual impact of structures and helps blend in with the natural setting. The Commission finds that a deed restriction through special Condition 3 is necessary to limit the future color of the residence to avoid adverse impacts on surrounding views.

In addition to the above discussion of the proposed residence, the change in natural landform requires review relative to Coastal Act policies. The grading associated with the project includes restructuring the site to take advantage of the existing bench south of the aforementioned knoll. This site is located between the two natural swales which are flood ways. Removal and

redistribution of materials to the minor swale immediately northwest of the proposed pad is proposed. The central portion of the pad under the house, swimming pool, and septic system is proposed for compaction.

The proposal includes four cut and/or fill areas. The following indicates the quantitative breakdown (cu. yds.) of the cut and fill associated with each area. This does not include the overexcavation and recompaction of 650 cu. yds. on the building pad. The first cut and fill area is associated with construction of the driveway to Cold Canyon Road. This area contains a 3:1 cut slope of approximately 5 to 10 ft. wide as well as a 20 ft. wide pavement and will result in 117 cu. yds. of cut. The second cut area is for the building pad, measures approximately 140 ft. by 160 ft., includes an area of compaction, contains approximately 22,400 sq. ft. of surface area, and will result in 1070 cu. yds. of cut. The third area is for fill only and would be the disposal area for the cut from the remainder of the property, or the total of the two cut areas or 1187 cu. yds. of fill. This area is roughly circular and is approximately 60 ft. in diameter and approximately 2800 sq. ft. in area. According to the applicant, the cut area for the pad includes the ten foot wide by 130 ft. long cut slope at a 1.5:1 angle along the south side of Mulholland Highway. As indicated previously, while this cut was associated with the now deleted ornamental wall, it will be retained as part of the pad design.

The proposal, as noted above, includes an on-site fill disposal area northwest of the proposed building in a swale between the building pad and the western floodway. The 1187 cu. yds. of cut as noted above would be deposited in this location. This excess fill will represent a change in natural landform because the minor swale would change from a natural drainage, leading to the westernmost floodway and ESHA, to a pad and artificial slope at a 2:1 gradient. The artificial slope would be 30 by 60 ft. approximately in size and would be noticeable looking north and uphill from Cold Canyon Road. It would be noticeable, but to a much lesser extent from Mulholland Highway since the top of the slope and level of the fill pad would be approximately ten feet below road level.

The disposal of fill in this area in order to balance cut and fill on site does not minimize the alteration of the natural landform on the site in a manner consistent with the provisions of PRC Section 30251. Furthermore, this unnecessary modification of the landform is also inconsistent with the LUP policies to minimize alterations of physical features, protect public views from scenic highways and maintain the character and value of Mulholland Scenic Corridor. For these reasons, the Commission finds it is necessary to require the applicant to submit revised grading plans which illustrate the deletion of this fill area from the plans, as shown on Exhibit 6. The Commission further finds it necessary to require the applicant to remove the fill from the area illustrated on Exhibit 6 to a site either outside the Coastal Zone or to a site within the Coastal Zone permitted to receive the material, as specified in condition 4.

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 was feasible from a geologic standpoint. The consulting geologist found that:

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer are followed, the residence and guest house will be safe from landslide hazard, settlement or slippage. In addition, the proposed construction will not adversely affect off-site properties from a geologic standpoint.

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geotechnical consultant, as noted in special condition 5.

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 6. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Only as conditioned above is the project consistent with Section 30253 of the Coastal Act.

E. Septic Systems

The proposed development includes the installation of an on-site septic system and septic pits 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 Commission has found in past permit decisions that favorable percolation test results, in conjunction with adequate setbacks from streams and other water resources, and/or review by local health departments ensures that the discharge of septic effluent from the proposed project will not have adverse effects upon coastal resources. The applicant has submitted favorable results of a percolation test performed on the subject property by GeoConcepts, Inc.. The report indicates that the site percolates adequately. The project has also received approval in concept from the County Department of Health Services. The Commission has found in past permit actions that such compliance with the County of Los Angeles health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed project is consistent with Section 30231 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, as conditioned, will be in conformity with the provisions of Chapter 3. 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 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.

As discussed above, the proposed project has been mitigated to incorporate landscape and erosion control plans, drainage plans, and plans conforming to the consulting geologist's recommendations. The proposed amended 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 amended project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

8431A

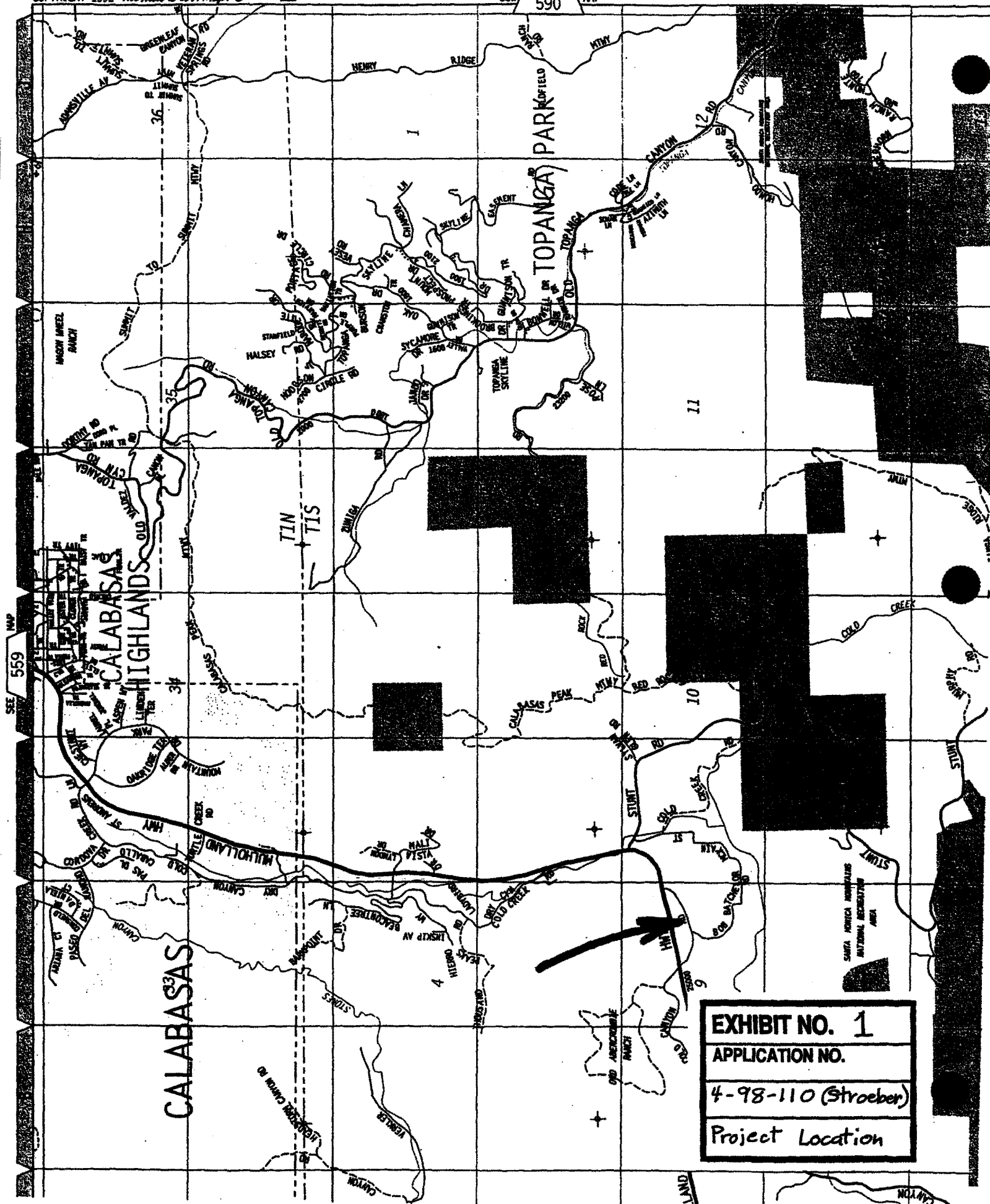
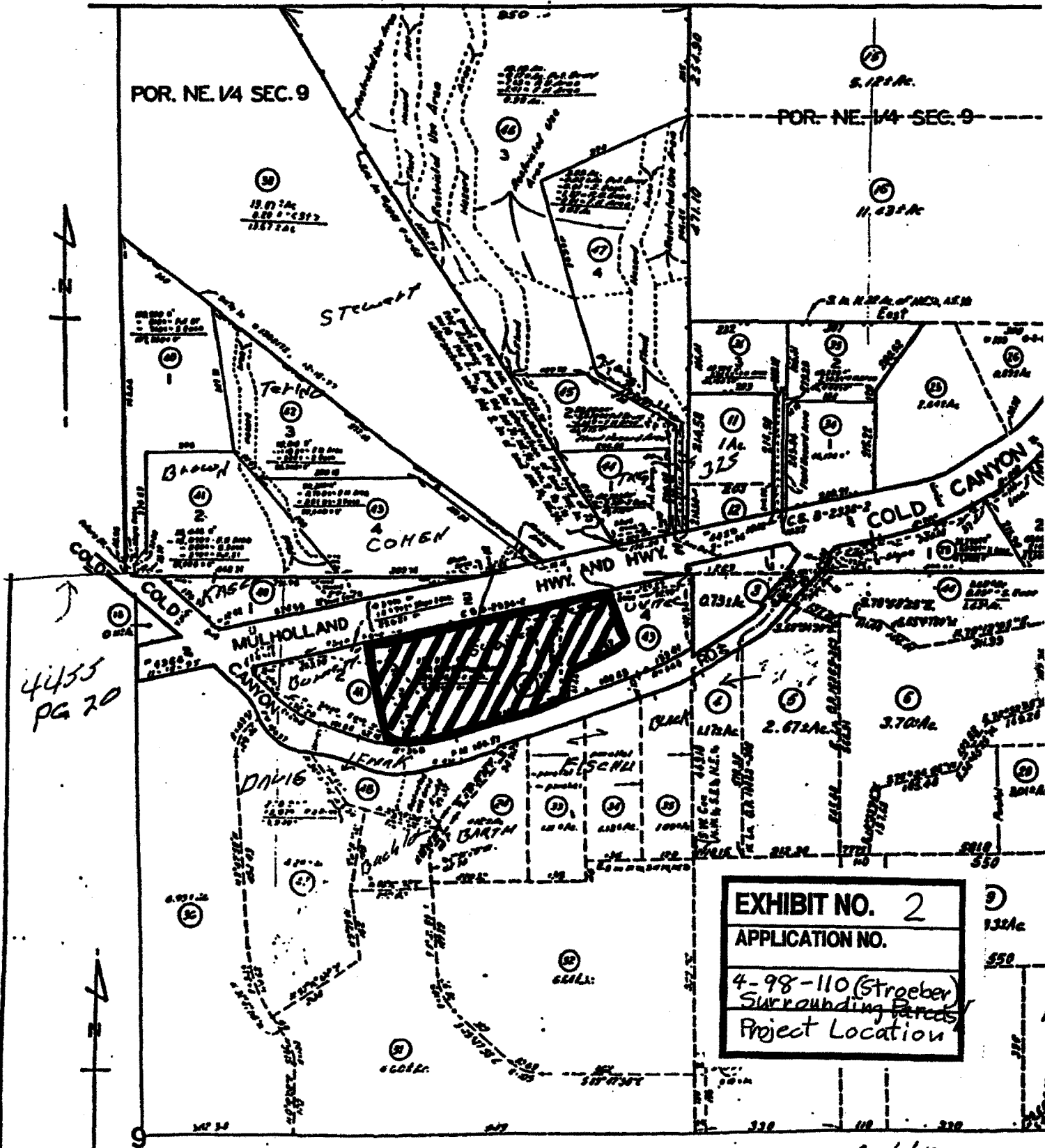


EXHIBIT NO. 1
APPLICATION NO.
4-98-110 (Stroeber)
Project Location

2175 Cold Canyon Rd
Owner 100' from property

4455 19

SCALE 1" = 200'



4455
PG 20

2175 Cold Canyon Rd

OWNER:
NORTTRIDGE LUMBER NCA
RAY STROEBER
P.O. BOX 104
TOPANGA, CA 90290
(310) 455-3000

PRIVATE RESIDENCE
2175 COLD CANYON RD.
CALIFORNIA CA

PLOT PLAN
GRADING & LANDSCAPE
PLAN

DATE	7/20/97
SCALE	1" = 20'
A-1	

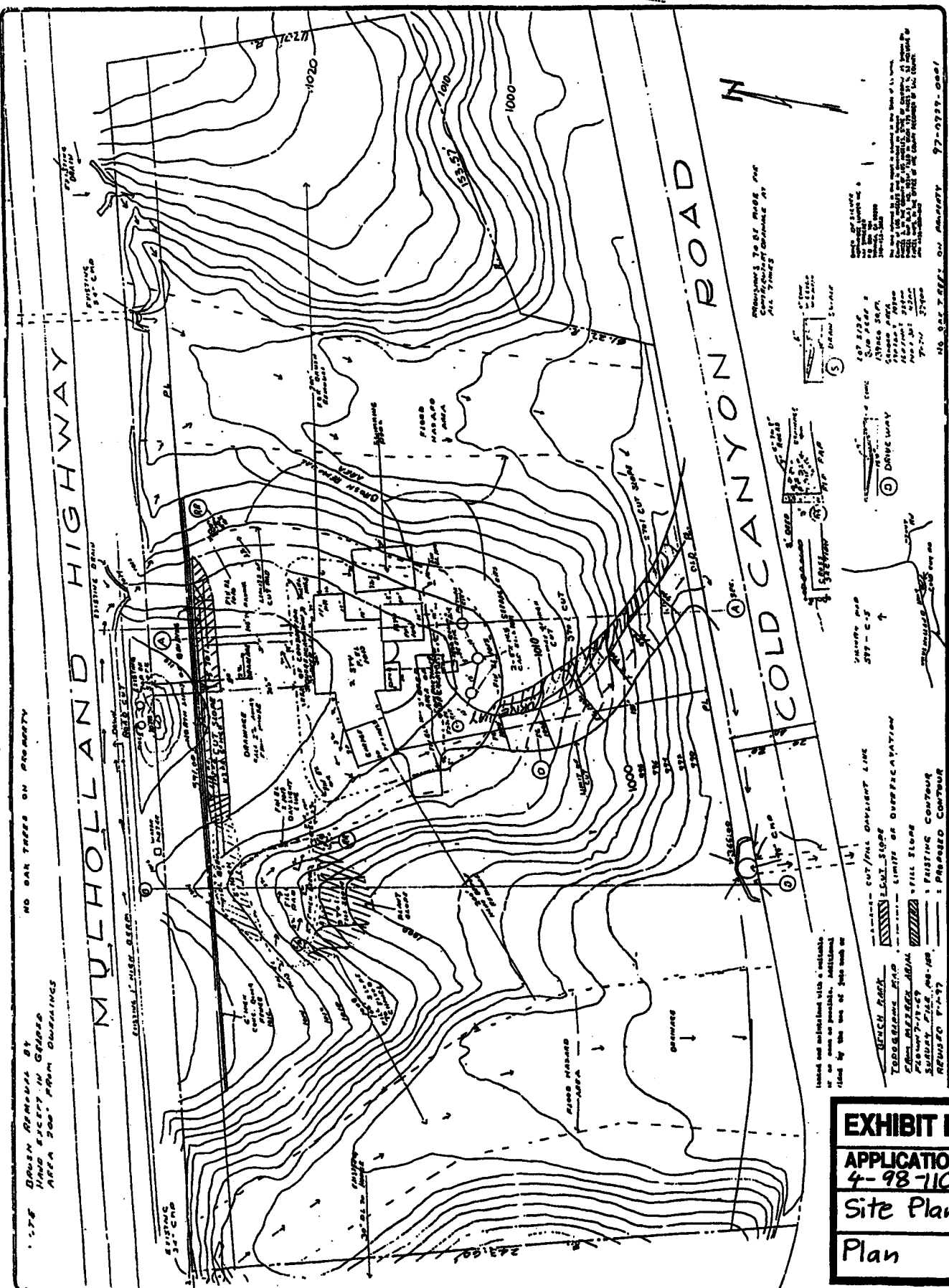


EXHIBIT NO. 3
APPLICATION NO.
 4-98-110 (Straeber)
Site Plan/Drainage
Plan

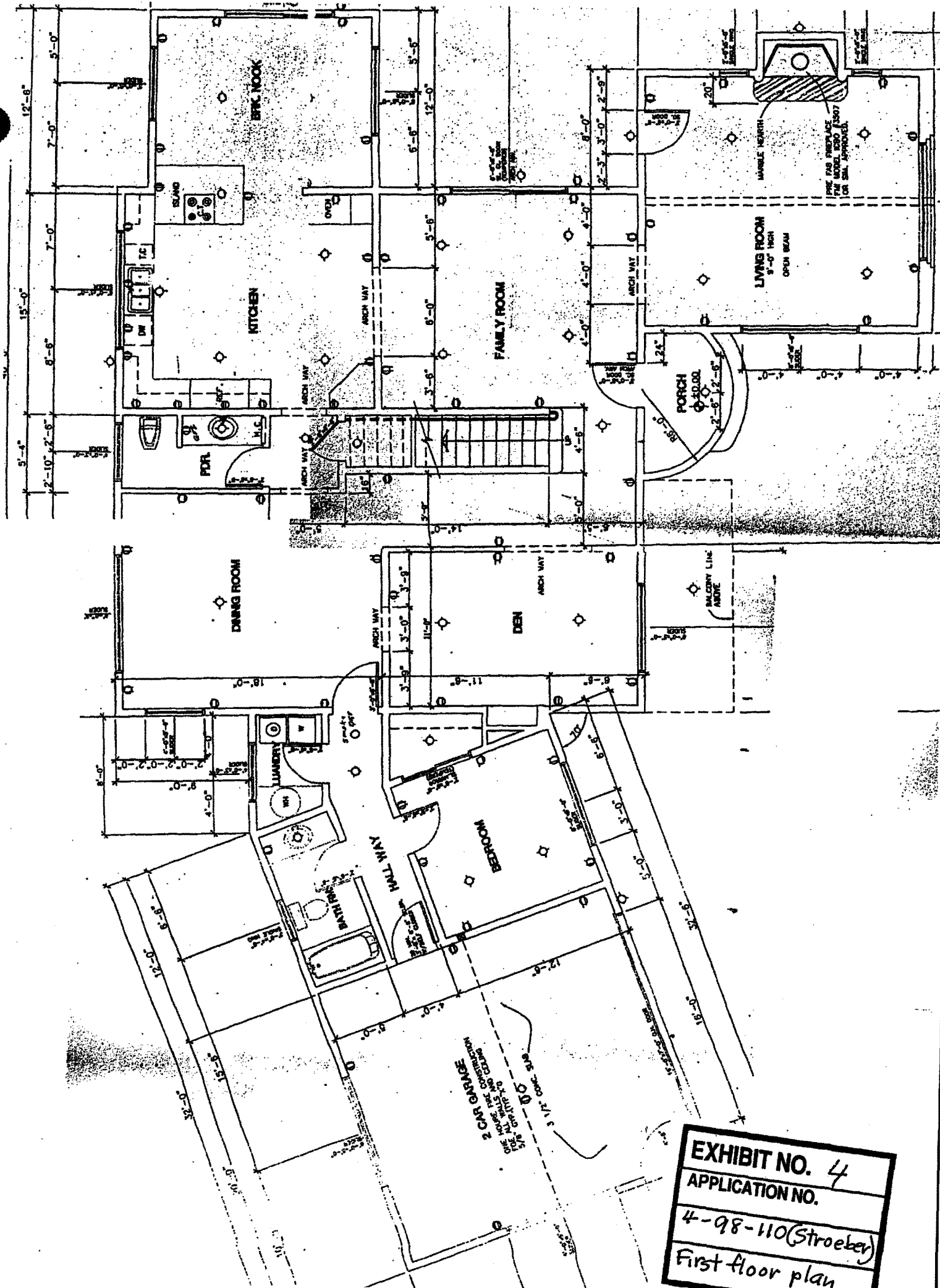
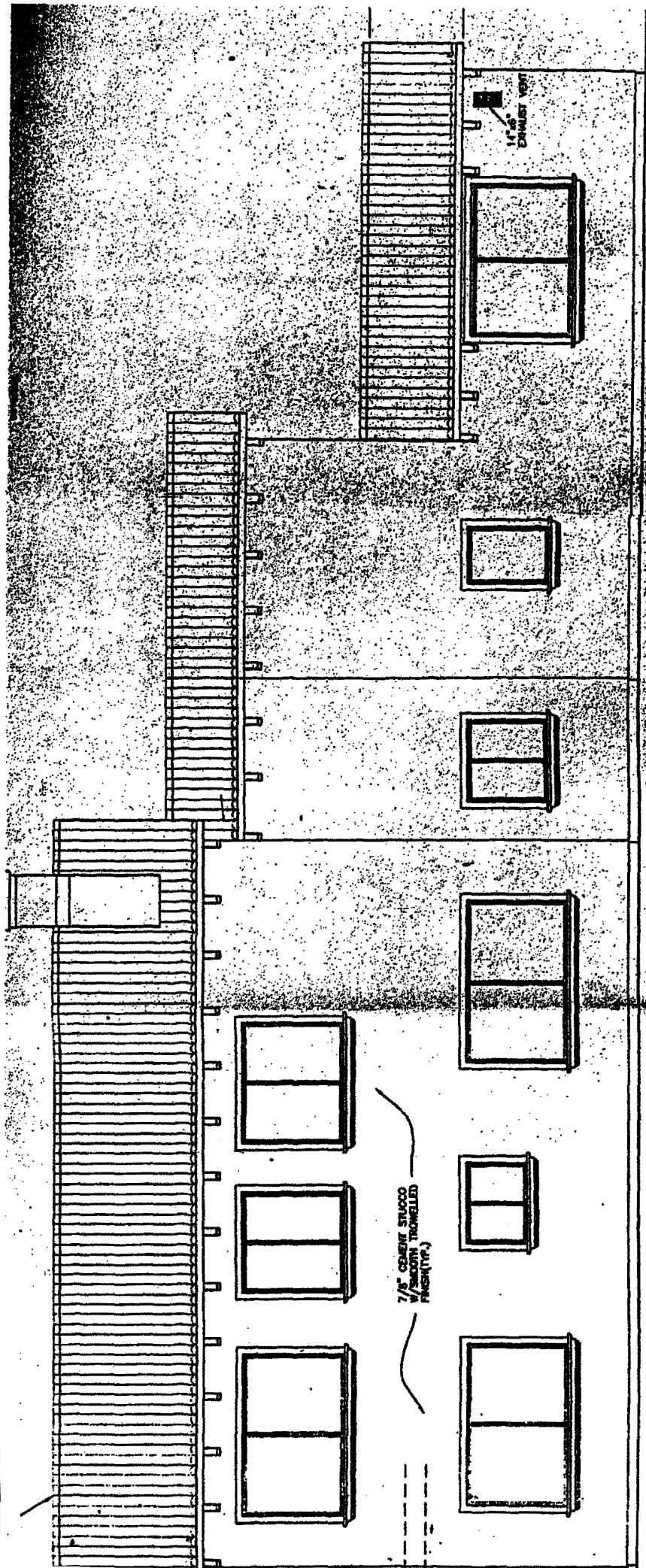


EXHIBIT NO. 4
APPLICATION NO.
4-98-110 (Stroeber)
First floor plan

EXHIBIT NO. 5a
APPLICATION NO.
4-98-110 (Stroeber) (rear of house)
Elevation looking S from Mulholland



ELEVATION

EXHIBIT NO. 5b
APPLICATION NO.
4-98-110 (Streober)
Elevation facing east

DELEO MISSION STYLE
CLAY TILES-PEACH/
BUFF BLEND.(TYP.)
CLASS 'A' L.C.B.O.#3416
R.R.#24834

CHIMNEY W/ APPROVED
SPARK ARRESTOR

feet. (T 31-B)
force masonry chimney.

CHIMNEY W/ APPROVED
SPARK ARRESTOR

7/8" CEMENT STUCCO
W/SMOOTH TROWELLED
FINISH(TYP.)

TOP OF

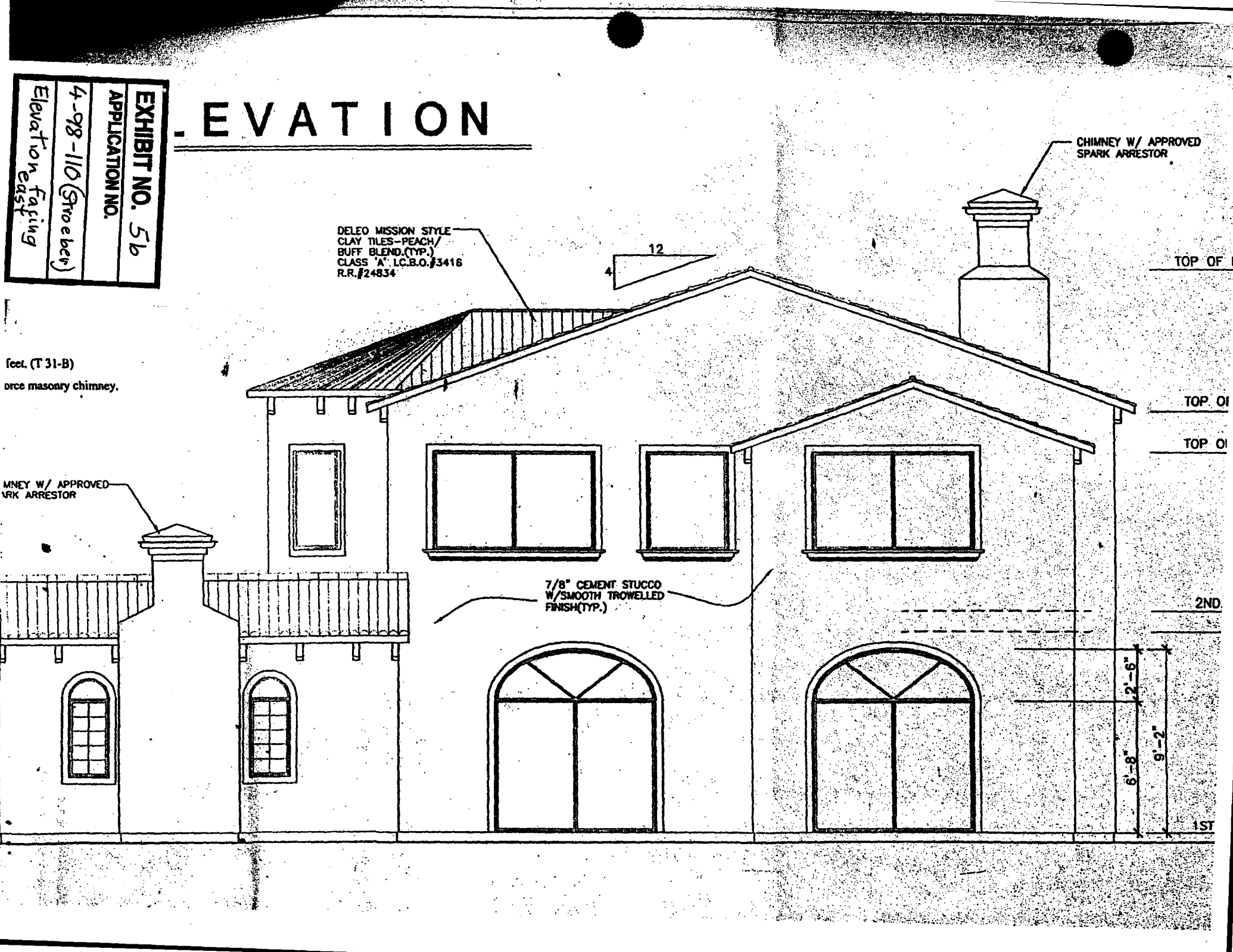
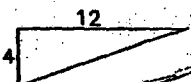
TOP OF

TOP OF

2ND

1ST

6'-8"
9'-2"
2'-6"



W. J. Peterson

45469

MULHOLL

req of the
code and
14 of the
lo, State

EXISTING 1' HIGH BERM →

A PERMIT
conditions
Richard
St.

WATER
METER

591.00

6' HIGH
CONC. BLOCK
FENCE
1016

FILL BERM
5' HIGH

2. SERPAG.
CAP AT 7

FIN EL
1013

FILL
PAD

FIN EL
= 1012
DAYLIGHT
LINE

1012

1' HIGH BERM

FIN EL
= 1011

1008

100' SLOPE
FILL FLOOD
CHANNEL

2 TO 1
FILL SLOPE

FIN EL
1012

Area of excess
fill

PLANT
SLOPE

EXHIBIT NO. 6
APPLICATION NO. 4-98-110 (Stroeber)
Fill to be removed from parcel

200'
HAND GRASS
REMOVAL

