

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Staff: MB/V *ja*  
Staff Report: 6/17/98  
Hearing Date: 7/7-10/98

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-98-155

APPLICANT: Christopher and Camille Armen

PROJECT LOCATION: 24555 Dry Canyon Cold Creek Road, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,519 sq. ft., two story, 32.5 ft. high, single family residence with attached 600 sq. ft. two car garage, and septic system. No grading is proposed.

Lot Area:	1.26 acres
Building Coverage:	2,520 sq. ft.
Pavement Coverage:	6,300 sq. ft.
Landscape Coverage:	7,000 sq. ft.
Parking Spaces:	2 covered
Plan Designation:	Rural Land II, 1 du/5 ac; Rural Land III, 1 du/2 ac; and Mountain Land, 1 du/20 ac.
Project Density:	.8 du/acre
Ht abv fin grade:	32.5 ft.

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 5/6/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit Nos. 4-97-246 (Hanyecz) and 5-89-897 (Stevens); West Coast Geotechnical, Update Geotechnical Engineering Report, Proposed Single Family Residence, April 1, 1998; Craig Stevens, Percolation Test Results, November 30, 1989.

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SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with five (5) Special Conditions relative to plans addressing geotechnical recommendations, a wild fire waiver of liability, a landscaping, drainage, and fuel modification plan, design restrictions, and a deed restriction on future development.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects 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 West Coast Geotechnical, Update Geotechnical Engineering Report, Proposed Single Family Residence, April 1, 1998 shall be incorporated into all final design and construction including site preparation, foundations, and drainage 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 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 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 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, 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 Forestry Department.
- d) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 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.
- f) The permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the final approved plan shall be reported to the Executive Director. No changes in the final approved plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

#### 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

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 4-98-155, and that any future additions or improvements to the property, including clearing of vegetation and grading, that might otherwise be exempt under PRC Section 30610 (a) will require an amendment to permit 4-98-155 or will require an additional permit from the Coastal Commission or the affected local government authorized to issue coastal development permits. Removal of vegetation consistent with special condition 3(c) is permitted.

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

#### IV. Findings and Declarations.

##### A. Project Description and Background

The applicants propose to construct a 3,519 sq. ft., two story, 32.5 ft. high, single family residence with attached 600 sq. ft. two car garage, septic system, and no grading on a 1.26 acre lot off of Mulholland Highway at 24555 Dry Canyon Cold Creek Road, Calabasas.

The project site is north of the project approved by the Commission on the May, 1998 agenda for a 5,133 sq. ft. two story residence and gatehouse/guest house at 2460 Thousand Peaks Road, application 4-97-246 (Hanyecz). The project site is adjacent to the subdivision underlying the Hanyecz property. This subdivision was approved by the Commission as coastal permit 5-84-025 (Andrews), subdividing two parcels totalling 72 acres into the seven (7) lots, accessed from Dry Canyon Cold Creek Road. The project site is located above a small valley parallel to Mulholland Highway leading to Cold Creek.

The project site was subject to an earlier coastal development permit, administrative permit 5-89-897 (Stevens) for a 4,700 sq. ft., 31 ft. high single family residence with attached garage, swimming pool, septic system, and 2400 cu. yds. of grading (900 cu. yds. cut and 1,500 cu. yds. fill). A

violation was associated with that permit which consisted of construction of an access road and building pad. The permit was subject to conditions relative to landscaping and fuel modification plans, and plans conforming to the geologic recommendations. The permit was acknowledged and a notice of permit effectiveness was issued on February 15, 1990. Construction in addition to the road and pad has not taken place, although there are construction materials presently stored on the property. The area of grading is now revegetated with native vegetation.

#### B. Geologic and Fire Hazards

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

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

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

In addition, the certified Los Angeles County Land Use Plan, used by the Commission for guidance in permit decisions, 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 evaluate all new development for impact on, and from, geologic hazard; P149 require a geologic report prior to approval within potentially geologically unstable areas; includes mitigation measures; P154 review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution; P156 Continue to evaluate all new development for impact on, and from, fire hazard.

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, or an existing concrete swale along the north property line, directed towards the east into existing drainages leading to Dry Canyon Creek.

Regarding the geologic and erosion hazard, the applicants submitted a report by West Coast Geotechnical, Update Geotechnical Engineering Report, Proposed

Single Family Residence, April 1, 1998. The report addresses the geology and soil issue of the project by stating:

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

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).

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.

The proposed residence and other development is in an area subject to extraordinary potential for damage or destruction from wildfire and contains natural slopes containing native vegetation as well as native vegetation which has revegetated areas subsequent to grading under administrative permit 5-89-897 (Stevens). Surrounding areas contain native vegetation, and there are undisturbed areas of native vegetation, revegetated areas of native and non-native vegetation where there has been single family development.

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. Minimizing erosion and sedimentation not only reduces

geological hazards but also protects the resource values of Cold Canyon Creek and the tributary leading into Cold Creek, as discussed in greater detail below. For these reasons, 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.

In conclusion, the Commission finds that with conditions one (1) through (3) the permit will be consistent with the provisions of PRC Section 30253 relative to fire and geologic hazards and stability and structural integrity.

### C. Environmentally Sensitive Habitat Areas

The riparian vegetation and habitat located in both Cold Canyon Creek and its tributary Cold Creek are designated environmentally sensitive habitat areas. The area around Cold Canyon Creek is a disturbed environmentally sensitive habitat area within a significant watershed, as mapped by the LUP, used as guidance in permit decisions by the Commission. The proposed residence will be located approximately 500 ft. distance from the tributary and approximately one-half mile distance from Cold Creek.

Sections 30231 of the Coastal Act is designed to protect the biological productivity and quality of coastal waters, including streams:

#### Section 30231

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

In addition, Section 30240 of the Coastal Act states that:

#### Section 30240

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

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

The habitat values contained in the Cold Creek Watershed have been well documented. The Cold Creek watershed consists of about 8 square miles (5000 acres) of generally rugged terrain within the heart of the Santa Monica Mountains as documented in the certified LUP and past permit actions. The



project area is also tributary to the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas. The Cold Creek watershed has been included in the inventory of the California Natural Areas Coordinating Council. 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, used as guidance in Commission permit decisions, addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources in coastal canyons in the Santa Monica Mountains which require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

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

P64 Environmental Review Board (ERB) review by qualified professionals to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs and provide recommendations to the Regional Planning Commission on conformance or lack of conformance to the policies of the Local Coastal Program, including mitigation measures designed to minimize adverse impacts on environmental resources, with a finding of consistency with all policies of the LCP; P65 Environmental Review Board consideration of the individual and cumulative impact of each development proposal within a designated Significant Watershed, minimizing vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts, and clustering near existing roads, on relatively gentle slopes, as far as possible outside riparian areas in canyons; P67 Denial of any project or use which cannot mitigate significant adverse impacts; P68 Protection of environmentally sensitive habitat areas (ESHAs) against significant disruption of habitat values, and allow only uses dependent on such resources, excluding residential uses.

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

P82 Grading minimized to ensure the potential negative effects of runoff and erosion; P84 Landscape plans shall balance long-term stability and minimization of fuel load and use native plant species consistent with fire safety requirements; P88 For areas of high potential erosion hazard, site design to minimize grading activities and reduce vegetation removal based on clustering, minimize access road grading, building and access envelopes, sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped; P91 minimize impacts and

alterations of physical features, such as ravines and hillsides and processes of the site; P96 Avoid degradation of the water quality of groundwater basins, nearby streams, or wetlands.

The applicant proposes to construct a 3,519 sq. ft., two story, 32.5 ft. high, single family residence with attached 600 sq. ft. two car garage, septic system, and no grading on a 1.26 acre lot above a disturbed environmentally sensitive resource area tributary to Cold Creek, as noted on the certified LUP Sensitive Environmental Resources Map. The proposed residence, as noted above, will be located approximately 500 ft. distance from the tributary and approximately one-half mile distance from Cold Creek.

Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion, and minimizing alteration of natural streams. In this case, the proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces created by the building will increase both the volume and velocity of storm water runoff from the site. If not controlled and conveyed off-site in a non-erosive manner this runoff will result in increased erosion on and off site. Increased erosion in addition to raising issues relative to geologic stability as addressed above, also result in sedimentation of the nearby stream. The increased sediments in the water course can adversely impact riparian systems and water quality. These impacts include:

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

The Commission must ensure that measures are adequate to ensure that runoff will be conveyed off-site in a non-erosive manner and minimize erosion on and off site. A landscaping and erosion control plan will minimize erosion by slowing down and deflecting the flow from the impermeable surfaces on the site including roofs, driveways, walkways, etc.. Such a plan for the drainage system will also avoid sedimentation onto adjoining land by filtering runoff and dispersing flow in a non-erosive manner. Consequently, the grading and drainage plan controls sedimentation and hydrological impacts, to protect against disruption of habitat values and protect biological productivity.

The Commission finds that further minimizing site erosion is necessary to add to the protection of the adjacent ESHA and the Cold Creek Canyon Watershed. Erosion can be minimized by requiring the applicant to landscape all disturbed areas of the site with native, drought tolerant, and non-invasive, plants that are compatible with the surrounding environment. Therefore special condition number three (3) is required to ensure that all areas disturbed or graded as a part of this project, are stabilized and landscaped properly following construction activities. To ensure that no adverse impacts result from vegetation management activities, required by the Los Angeles County Fire Department, these landscape plans will also illustrate how fuel modification is implemented on site. Thus, this landscape and fuel modification plan will ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act.

Since the project site and property are not located within or adjacent to any ESHA or Significant Watershed designated area, the proposed project was not reviewed by the Los Angeles County Environmental Review Board. Regardless, to ensure all disturbed slopes and soils are stabilized with landscaping after construction, a revised landscape plan is necessary that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation. For these reasons, the Commission requires 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 a fuel modification plans will the proposed project be consistent with Sections 30240 of the Coastal Act.

#### D. Visual Impacts and Landform Alteration

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 creates a potential impact on views in the area from Mulholland Road and Stokes Ridge Trail. The proposed development is on the Mulholland Scenic Corridor. The following reviews the development impact upon the scenic and visual resources and natural landform.

The site of the proposed residence is located approximately 600 ft. west of Mulholland Highway. The site is also approximately 40 ft. above road grade on Dry Canyon Cold Creek Road. The proposed development is a large, 32.5 ft. high, 3,519 sq. ft. single family residence which will create a bulk visible from the scenic highway and located within the scenic corridor.

A second view impact is from public lands and trails in the surrounding area. A nearby trail is the Stokes Ridge Trail to the south, and portions of the trail on both the east and west sides of Mulholland Highway are visible from the project site. Surrounding public lands include State owned lands to the south and southeast. The project is generally not visible from public lands because of intervening topography. However, the project site is visible from the Calabasas Peak area to the east, which is a designated Scenic Element on the Visual Resources map of the certified LUP and is State owned park land. Since the site will be visible from the locations described, the conditions of approval recommended below are necessary to ensure consistency with PRC Section 30251.

Use of native plant material, as recommended above, 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.

Because the residence is visible from a scenic highway, and within a designated scenic corridor, 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 4 is necessary to limit the future color of the residence to avoid adverse view impacts from surrounding scenic roadway, public trails, and parklands.

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 5 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 Coastal Act.

In summary, 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.

#### 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 policies concerning sewage disposal, used as guidance in past Commission decisions. 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 not degrade streams or adjacent coastal waters or cause aggravate public health problems; P 218 Individual septic tank systems only in full compliance

with building and plumbing codes; P 226 Sewage disposal adequate without creating hazards to public health or coastal resources for the life of the project.

The proposed development includes constructing a new septic pit and system to provide sewage disposal. The applicant has provided percolation tests with assurance of a registered geotechnical engineer that the project will not create off-site adverse effects. The 1989 percolation tests were reviewed in preparation of the 1998 update geotechnical report. This test indicates that the sewage disposal system for the project complies with all minimum requirements of the County of Los Angeles Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### 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.

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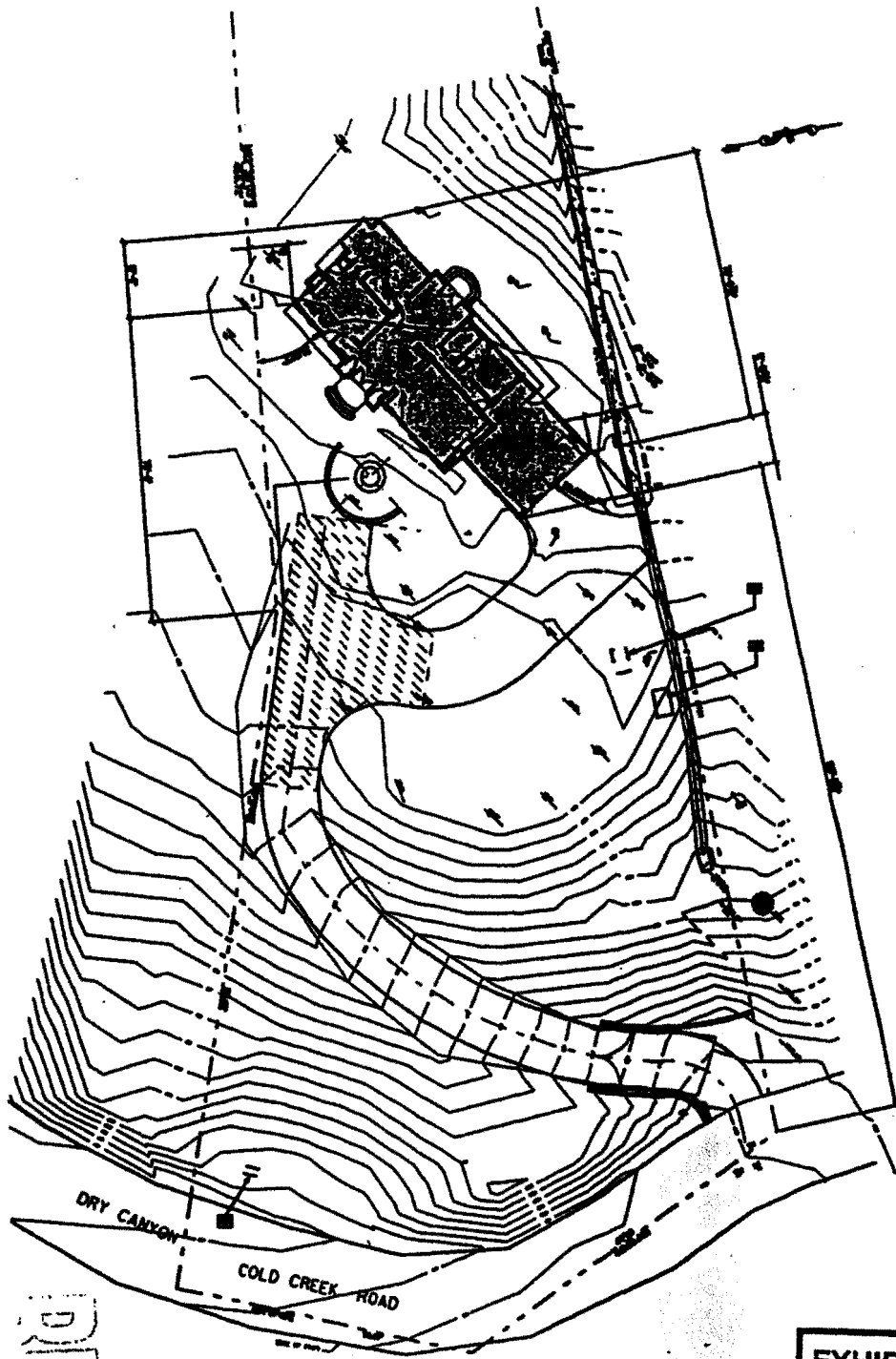


EXHIBIT NO. 3
APPLICATION NO.
4-98-155(Armen)
Site Plan

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SOUTH CENTRAL COAST DISTRICT

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COASTAL COMMISSION  
SOUTH CENTRAL COAST

EXHIBIT NO. 4
APPLICATION NO.
4-98-155 (Armen)
Elevation

