

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

2 SOUTH CALIFORNIA ST., SUITE 200

MANTURA, CA 93001

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-138

APPLICANT: Douglas and Candida Stoutenborough

AGENT: Barrey Robles, AIA and Liaf Robles

PROJECT LOCATION: 24885 Mulholland Hwy., Calabasas; Los Angeles County

PROJECT DESCRIPTION: Construction of a 3,985 sq. ft., 30 ft. high single family residence with an attached two car garage, septic system, pool, spa, tennis court, driveway, and landscaping. Applicant proposes 3,088 cu. yards of grading (2,014 cu. yds. of cut and 1,074 cu. yds. of fill).

Lot area:	1.48 acres
Building coverage:	4,282.75 sq. ft.
Pavement coverage:	16,822 sq. ft.
Landscape coverage:	10,176 sq. ft.
Parking spaces:	2
Ht above fin grade:	30' 0"

LOCAL APPROVALS RECEIVED: L.A. County Regional Planning Approval-in-Concept; L.A. County Fire Department Approval; L.A. County Health Department Approval.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Investigation Report dated November 11, 1997 prepared by Alpine Geotechnical; Building and Site Plans prepared by Barrey Robles, AIA; Grading Plans prepared by Diamond West Engineering, Inc.; Letter from Susan Terino Property Owner at 24879 Mulholland Highway (APN# 4455-019-036); Malibu/Santa Monica Mountains Land Use Plan; Los Angeles County Department of Parks and Recreation Trail Map; Coastal Development Permit 4-97-227 (Triege); Coastal Development Permit 4-98-007 (Thompson); Coastal Development Permit 4-98-110 (Stroeber).

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to construct a 3,985 sq. ft., 30 ft. high single family residence with an attached two car garage, septic system, pool, spa, tennis court, driveway, and landscaping. The applicant also proposes 3,088 cu. yards of grading (2,014 cu. yards of cut and 1,074 cu. yards of fill). Staff recommends that the Commission approve the proposed project subject to

six (6) special conditions relating to: removal of excavated material, landscape and fuel modification plans, drainage and erosion control plans, conformance with geologic recommendations, a deed restriction for future improvements, assumption of risk, and waiver of wildfire liability. As conditioned the proposed project does not cause any adverse environmental effects and is found to be consistent with all applicable sections of the Coastal Act.

The subject site is located on a 1.48 acre lot north of Mulholland Highway within the Calabasas area of the Santa Monica Mountains. The site is visible from Mulholland Highway a designated scenic highway according to the Malibu/ Santa Monica Mountains Land Use Plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 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 development during construction, 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. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide for the review and approval of the Executive Director the location of the proposed disposal site for the 940 cu. yds. of cut. All excavated materials from the proposed project shall be removed from the subject site and taken to the approved disposal site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

2. Landscape and Fuel Modification Plans

Prior to the issuance of the coastal development permit, the applicant shall submit landscaping and fuel modification plans prepared by a licensed landscape architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (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, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Plantings shall include vertical elements to partially screen or soften the visual impacts of the residence, pool, backyard, and tennis court as seen from Mulholland Highway.
- (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 (2) years from the date of initial planting, and this requirement shall apply to all disturbed soils;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) Vegetation within 50 feet of the proposed house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in

accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure, or as determined by the Los Angeles 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.

3. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off and erosion control plan from a licensed engineer which assures that run-off from the roof, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheetflow 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. With the acceptance of this permit, the applicant agrees that should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs or restoration.

4. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in "Geologic and Soils Engineering Investigation" by Alpine Geotechnical, dated November 11, 1997, shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the consultants.

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.

5. Future Improvements

Prior to the issuance of a coastal development permit, the applicant as landowner 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 Coastal Commission Permit 4-98-138 and that any future additions or improvements to the subject property, that might otherwise be exempt under Public Resource Code Section 30610(b), will require a permit from the Coastal Commission or the local government certified to issue such permit. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved structure and selective thinning within 200 foot radius of the approved residence as provided in Special Condition 1(b) above, are permitted and shall not require a new permit.

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.

6. Wildfire 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, 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:

A. Project Description and Background

The applicant proposes to construct a 3,985-sq. ft., 30-ft. high single family residence with an attached two-car garage, septic system, pool, spa, tennis court, driveway, and landscaping. The applicant also proposes 3,088 cu. yards of grading (2,014 cu. yards of cut and 1,074 cu. yards of fill).

The proposed project is located within the Santa Monica Mountains, in Los Angeles County. Specifically, the building site is located immediately west of the terminuses of both Cold Canyon Road and Stunt Road. The proposed project site consists of a 1.48-acre parcel located on the north side of Mulholland Highway (Exhibit 1,2). The subject site has a land use designation of Residential I. The Malibu/Santa Monica Mountains Land Use Plan (LUP) defines the Residential I designation as, "Residential areas usually characterized by a grouping of housing units on gently sloping or flat terrain often within established rural communities." Under the Residential I land use designation, one dwelling unit per acre is allowed. Access to the lot is via an existing driveway, which serves the three adjacent residences (Exhibit 2,3). The owner of the driveway, Susan Terino, has submitted a letter stating that the applicant may use the driveway to ingress and egress to the subject site (Exhibit 4). The property has a maximum elevation of 1,034 feet, and a minimum of 992 feet. The site contains a descending hillside that gently slopes to the southeast and southwest. The slope of the southwest portion of the hill descends at a ratio 4:1 to 2.5:1 (horizontal to vertical). The slope of the southeast portion ranges from a 10:1 slope to a 4:1 slope. A concrete drainage channel exists immediately to the west of the property boundary (Exhibit 3). This drainage channel runs into a culvert that directs waterflow under the Mulholland Hwy., and eventually into Cold Creek, a United States Geological Services (U.S.G.S.) designated blueline stream.

The surrounding properties of the subject site have been developed with single family residences. Many of these residences also have horse corrals, tennis courts, and swimming pools. The proposed development on this property consists of a two story single family

residence with a swimming pool and tennis court. (Exhibit 3) The view behind the project consists of a mountainside with no ocean or valley views.

The proposed project is located approximately 1000 feet north of the Cold Creek significant watershed, as designated by the Malibu/Santa Monica Mountains LUP. In addition, the site is located between two oak woodland and savanna disturbed resource areas (Exhibit 5). The oak woodland to the west is approximately 700 feet away and the oak woodland to the east is approximately 650 feet away. The proposed project is also located approximately 600 feet west of the Stokes Ridge Trail, a future proposed trail by the Los Angeles County Department of Parks and Recreation Trail Map (Exhibit 6).

There have been no previous permits obtained for the subject property. The site is unimproved upon except for an existing 3-foot high chain link fence that encloses the property.

B. Visual Resources 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 of 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 LUP provides policy guidance regarding the protection of visual resources. The Coastal Commission as guidance, in the review of development proposals in the Santa Monica Mountains has applied these policies.

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 the maximum extent feasible.

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

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 LUP.

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

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

1. Visual Resources

In the review of this project, the Commission has analyzed the potential impacts on public visual resources. There are two designated visual resources in the vicinity of the project that could possibly be affected by the proposed development. The first resource is the Mulholland Highway, which is classified as a First Priority Scenic Highway by the Malibu/Santa Monica Mountains LUP, and the second resource is a public viewing area located approximately 600 feet west of the proposed development (Exhibit 7). Also, the property is located approximately 600 feet to the west of the proposed Stokes Ridge Trail.

(a) Public Scenic Highway

The applicant proposes to construct a two story, 30 feet in height, 3,985 sq. ft single family residence with a two car garage on a building pad cut into a hillside. The proposed project is located adjacent to Mulholland Highway, a Malibu/Santa Monica Mountains LUP designated First Priority Scenic Highway. Mulholland Highway was given this designation because it is the key highway traversing the core of the Santa Monica Mountains. Both P125 and P130 of the LUP provide guidance on new developments near scenic highways. These policies state the protection of public views along scenic highways as their overall goals, but specifically say that developments should be sited below the highway grade where physically and economically feasible. It is not physically feasible for the project to be below the grade of the road. The proposed residence will be 30 feet high and 54 feet above the grade of Mulholland Highway. For traffic approaching the property from the east, the existing residence to the east, the steep slope located adjacent to Mulholland Highway, and the existing landscaping on site will obstruct views of the property from most angles. The proposed tennis court and 10 foot chain link fence surrounding it will be visible to travelers from the east due to their location on the southeast corner of the parcel. When traffic approaches from the west, the entire project will be visible when looking up from the southwest corner of the lot. The property slopes downward to the highway at a 4:1 ratio which increases to 2.5:1 by the edge of the property. Currently, the residence located north of the property can be viewed from Mulholland Highway.

The proposed project single family residence will be setback 190 feet away from Mulholland Highway and , therefore, will not significantly impact views along the scenic highway. In addition, the proposed project is visually compatible with the existing single family residences along Mulholland Highway. The applicant has submitted a draft landscaping plan with the application. Included in these plans is a proposal to screen the proposed residence and tennis

court with trees to soften the visual effects of the proposed project. However, in order to verify that these plans are carried out and that any possible visual effects of the proposed project are minimized, the Commission requires that the applicant submit landscaping and fuel modification plans as discussed in Special Condition Two (2).

In addition, any future improvements to the property, which could be exempt from a coastal development permit, could degrade views from Mulholland Highway. To ensure that any future developments to the property are reviewed so as to protect the visual resources along Mulholland Highway, the Commission finds it necessary to require a deed restriction be recorded on the subject parcel which acknowledges that all future development proposed on the site must first be submitted to the Commission for its review (Special Condition Five). The deed will run with the land binding all successors and assigns, and shall be recorder free from prior liens that the Executive Director determines may effect the enforceability of the restriction.

(b) Public Viewing Area

The public viewing area specified in the LUP Visual Resources Map is located on the south side of Mulholland Highway approximately 600 feet to the west of the proposed project (Exhibit #8). The public viewing area is marked on the Visual Resources Map; however, due to recent development and landscaping blocking the viewing area, only a small section of the valley and mountain views remain visible. The proposed project is to the northeast of the viewing area and would not be visible from the viewing area, due to the topography of the site and existing development. The Commission finds that the proposed project would not significantly impact the public viewing area.

(c) Public Trails

The Los Angeles County Department of Parks and Recreation Trail Map identifies a proposed future trail in the area. The proposed project lies approximately 600 feet to the west of the Stokes Ridge Trail. This trail would connect with the existing Stunt High Trail to the Calabasas Cold Canyon Trail. Views of the proposed project would be minimal from the trail. (Exhibit 6)

(d) Conclusion

The proposed project is visually compatible with the surrounding area. Coastal Development Permit 4-98-110(Stroeber) located approximately 200 feet southwest of the subject property permitted a single-family residence with a swimming pool at 2175 Cold Canyon Road. The residence at 24975 Mulholland Highway located approximately 300 feet away has a pool, cabana, and tennis court. Also, the adjacent residence to the east, 24871 Mulholland Highway, constructed a horse corral in their front yard (Exhibit 2).

In order to minimize the visual impacts of the proposed project on the surrounding areas' visual resources, appropriate drought resistant and fire retardant plants compatible with the surrounding vegetation need to be planted to partially screen and soften the public views of the project. In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing up to a 50-foot area and selective thinning an area up to 200 feet from the structure. The applicant has submitted a draft version of the landscaping plan, however this plan does not include landscaping measures necessary to stabilize the site. Therefore, the Commission finds a landscape plan is necessary which includes replacement plants which will minimize and control erosion, as well as screen with vertical elements and

mitigate the visual impacts of the proposed development as seen from Mulholland Highway. The landscape plan must provide for new plants, which will blend with the surrounding native vegetation. Special Condition Two (2) requires a landscaping and fuel modification plan that necessitates the use of only native plant materials, provides for plant coverage and replanting requirements and submission of a fuel modification plan approved by the Los Angeles Fire Department. Furthermore, in order to address any visual impacts of future development that may be exempt from Commission review, Special Condition Five (5) is required so that future development will be reviewed for visual resource compliance .

2. Landform Alteration

The subject site is located on a descending sloping hillside with a drainage course running on the west portion of the property. The applicant proposes 3,088 cubic yards of grading. (2,104 cubic yards will be cut and 1,074 cubic yards will be fill). Approximately 12 feet will be cut out of the north portion of the hillside to create a pad for the driveway, garage, and residence, and approximately 8 to 10 feet of fill will be used to create a pad for the tennis court, pool, and backyard in the southern portions of the property.

Section 30251 of the Coastal Act states that permitted development should minimize the alteration of natural landforms and be visually compatible with the surrounding areas. The proposed grading includes 1,237 cubic yards of grading (1,050 cubic yards of cut and 187 cubic yards of fill) for the driveway and firetruck turnaround; 584 cubic yards of grading (509 cubic yards of cut and 75 cubic yards of fill) for the building pad; 506 cubic yards of grading (65 cubic yards of cut and 441 cubic yards of fill) for the pool and landscape area; and 761 cubic yards of grading (390 cubic yards of cut and 371 cubic yards of fill) for the tennis court (Exhibit 8). There will be 940 cubic yards of excess cut. The applicant has not provided the Commission the location of the proposed disposal site, therefore, Special Condition One (1) requires the applicant to dispose of the excess cut at a location that is reviewed and approved by the Executive Director. If the site is within the coastal zone, then a coastal development permit is required.

The proposed grading will level the northern portion of the property adjacent to the existing single family residence to create a flat pad area for all development. Thus, by altering the topography of the site the development will also alter the site's natural drainage. In order to ensure that all water run off from the site does not increase the amount of erosion into the drainage course, neighboring properties, or along Mulholland Highway the Commission requires that the applicant submit a drainage plan as noted in Special Condition Three (3). The plan shall address the site's drainage and shall include means of mitigation for the increase of impervious surfaces on site.

Even though the project does include some landform alteration, certain efforts on the applicant's part have minimized the amount of landform alteration. First, by utilizing the existing driveway to the east of the property, the applicant has reduced the amount of grading necessary for access to the residence. Also, the major amount of on site grading, 1,237 cu. yds., is for the construction of the driveway and firebrick turnaround, to conform to public safety standards set by the Los Angeles County Fire Department. Grading for the creation of the tennis court pad and pool area are minor amounts necessary to level the property.

However, additional landform alteration has the potential to increase water runoff thus

increasing the amount of erosion and sediment into the drainage course. In order to prevent adverse effects from additional landform alteration, the Commission has required the applicant to record a future improvements deed restriction that would necessitate a Coastal Development Permit for any further development or grading on site, as noted by Special Condition Five (5).

The Commission finds that the development, as conditioned, will be sited and designed to protect public views to and along 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 significantly impact the scenic public views in this area of the Santa Monica Mountains and is consistent with Section 30251 of the Coastal Act.

C. Geological and Natural 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, 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 that 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.

1. Geologic Stability

Section 30253 of the Coastal Act states that new development must assure stability and structural integrity. The applicant has submitted a Geologic and Soils Engineering Investigation, prepared by Alpine Geotechnical, dated November 11, 1997 that concludes that the site is suitable for the proposed project. The geologic report states, "The geologic structure is favorably oriented for the stability of the site and proposed project. The massive nature of the bedrock is favorable for the gross stability of the site." In conclusion, the report says:

"It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed grading and development will not have an adverse effect on the geologic stability of the property outside the building site provided our building recommendations are followed during construction."

Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with Section 30253 as long as all recommendations of the consulting geologist are incorporated into the final project plans. Therefore, in order to ensure that all building recommendations of the consulting geologist are incorporated into the final plans, the Commission finds it necessary that the applicant submit proof that the consulting geologist's recommendations have been followed, as noted in Special Condition Four (4).

2. Erosion

Section 30253 also states that new development shall neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area. Minimizing the erosion on the site is important to maintaining the geologic stability of the site, as well as minimizing the sediment deposition to offsite areas.

The proposed project requires 3,088 cubic yards of grading. This amount of grading has the potential to cause extensive erosion due to the alteration of natural landforms and by disturbing the existing vegetation. The potential impacts of erosion caused by the grading can be addressed by the landscape plan required by Special Condition Two(2). All graded and disturbed areas on the subject site are required to be planted with native species within 60 days of the final occupancy of the residence. Also, all cut and fill slopes are required to be planted with native species at the completion of final grading. Furthermore, if any grading takes place during the rainy season, sediment basins are required throughout the entire development process in order to control runoff from the site.

The addition of impervious surfaces to the subject site will increase the volume and velocity of runoff from the site. This runoff has the potential to erode and impact the geologic stability of the subject site and adjacent property. Alpine Geotechnical's Engineering Report states, "Positive control of surface water should be established...Preserving proper surface drainage is also important...The property owner should be reminded of the need to preserve proper drainage." Therefore, the Commission finds it necessary to require a drainage and erosion control plan reviewed and approved by a licensed engineer, as noted in Special Condition Three (3). This will minimize the possible erosive effects of the proposed project, and further safeguard the geologic stability of the site.

3. 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 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 for the applicant's decision to develop.

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 combined with the natural characteristics of the native vegetation pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Four (4).

The Commission finds that only as conditioned above is the proposed project consistent with Sections 30253 of the Coastal Act.

D. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) must be protected against disruption of habitat values.

(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 in 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.

The proposed project is not located within a Malibu/Santa Monica Mountains LUP designated ESHA, but is situated approximately 1000 feet north of the Cold Creek significant watershed, approximately 650 feet west of a locally disturbed oak woodland and savanna, and approximately 700 feet east of another locally disturbed oak woodland and savanna (Exhibit #6).

Section 30240 mentions that development adjacent to ESHA's shall minimize adverse effects which could possibly degrade the sensitive resource. Drainage from the site is directed towards a concrete drainage channel on the west boundary of the property by the natural contours of the site. The drainage course channels runoff from the property under the Mulholland Highway and eventually into the Cold Creek watershed (Exhibit 8). Erosion on site would result in an increase in sedimentation in the Cold Creek ESHA. Minimization of the on site erosion will reduce the potential for adverse impacts from the proposed project. Therefore, a landscape plan, as specified in Special Condition Two (2), is required to ensure that all disturbed areas are stabilized and vegetated in order to minimize the cumulative impacts of the proposed project on the surrounding ESHA's.

The proposed project will significantly increase the amount of impervious surfaces on the subject site. The impervious surfaces on site will increase both the volume and velocity of stormwater runoff from the site, and could lead to further erosion on site and downstream in the watershed. Thus, a drainage plan, as specified in Special Condition Two (3), is necessary to mitigate the possible impacts from the development on the surrounding ESHA's.

The Commission finds that the special conditions requiring landscape and drainage plans in addition to the distance of the proposed project from the surrounding ESHA's prevents any adverse effects, which would significantly degrade such areas. Therefore, the Commission

finds that only as conditioned as above is the proposed project consistent with Section 30240 of the Coastal Act.

E. Septic System

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, minimizing alteration of natural streams.

The proposed project includes the installation of an on-site septic system. A percolation test was performed as part of Alpine Geotechnical's Geology and Soils Report, and the report states that, "The average percolation rate of 22.7 gallons per minute...will provide the appropriate absorption." In addition, the applicant has obtained approval in concept for their septic system from the Los Angeles County Department of Health on June 10, 1998.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

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

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

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

Therefore, the Commission finds that approval of the proposed development, as conditioned,

will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would substantially lessen any significant adverse effects which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

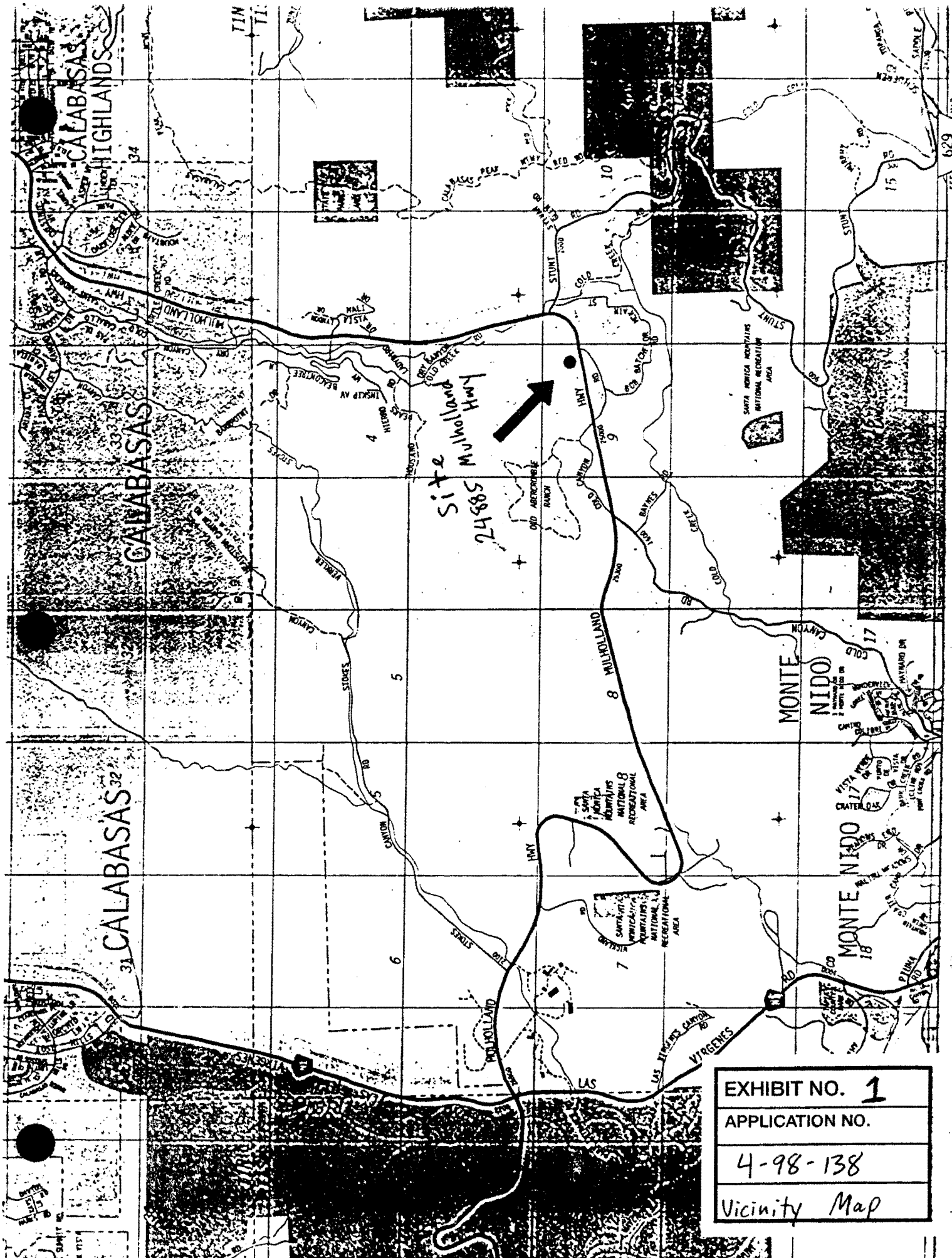


EXHIBIT NO. 1
APPLICATION NO.
4-98-138
Vicinity Map

200' 1996

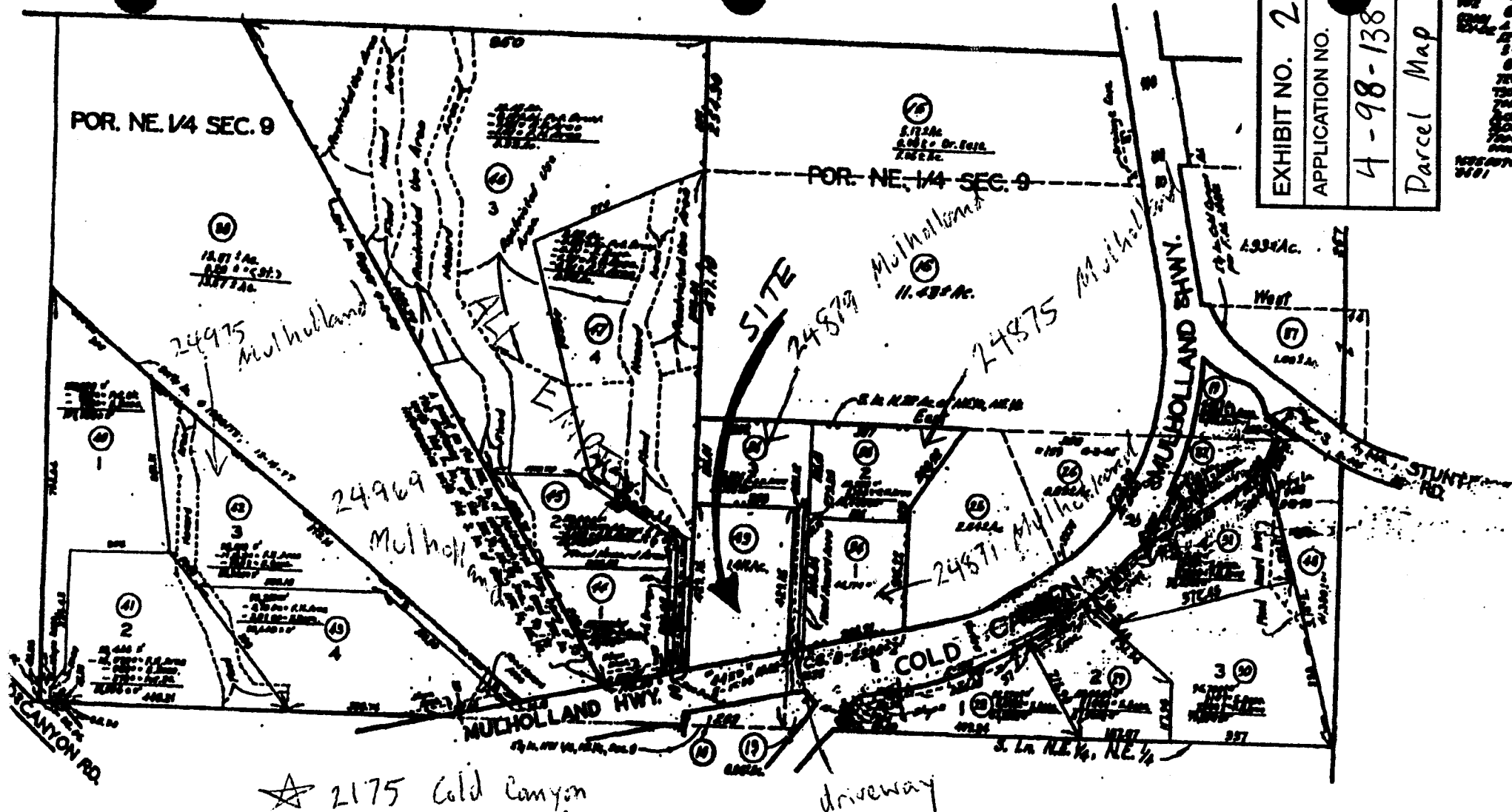


EXHIBIT NO. 2
APPLICATION NO.
4-98-138
Parcel Map

☆ 2175 Cold Canyon
PARCEL MAP
 P.M. 44-41-43

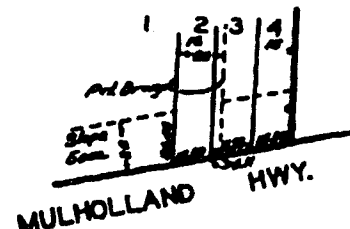
T. 1 S., R. 17 W.

PARCEL MAP
 P.M. 38-62

PARCEL MAP
 P.M. 37-36

PARCEL MAP
 P.M. 17-4-5

DETAIL
 NO SCALE



PREV. ASSNT. SEE:

APN
 4455-019-049

I integrate plan to the Secretary
and plan to accompany.

Site Plan

SUSAN B. TERINO

24879 Mulholland Highway
Calabasas, California 91302
(818) 222-5163

July 6, 1998

Ms. Sue Brooker
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, California 93001

Dear Ms. Brooker:

As the legal owner of the property located at 24879 Mulholland Highway, with the private road (Assessor's Parcel No. 4455-019-036), this road currently serves not only my residence, but also 24875 Mulholland Highway and 24871 Mulholland Highway. My successors and I are granting use of this road to Douglas and Candida Stoutenborough and their successors, as owner/owners of Assessor's Parcel No. 4455-019-049. This roadway will be used only for ingress and egress to their property, a single-family residence.

Sincerely,

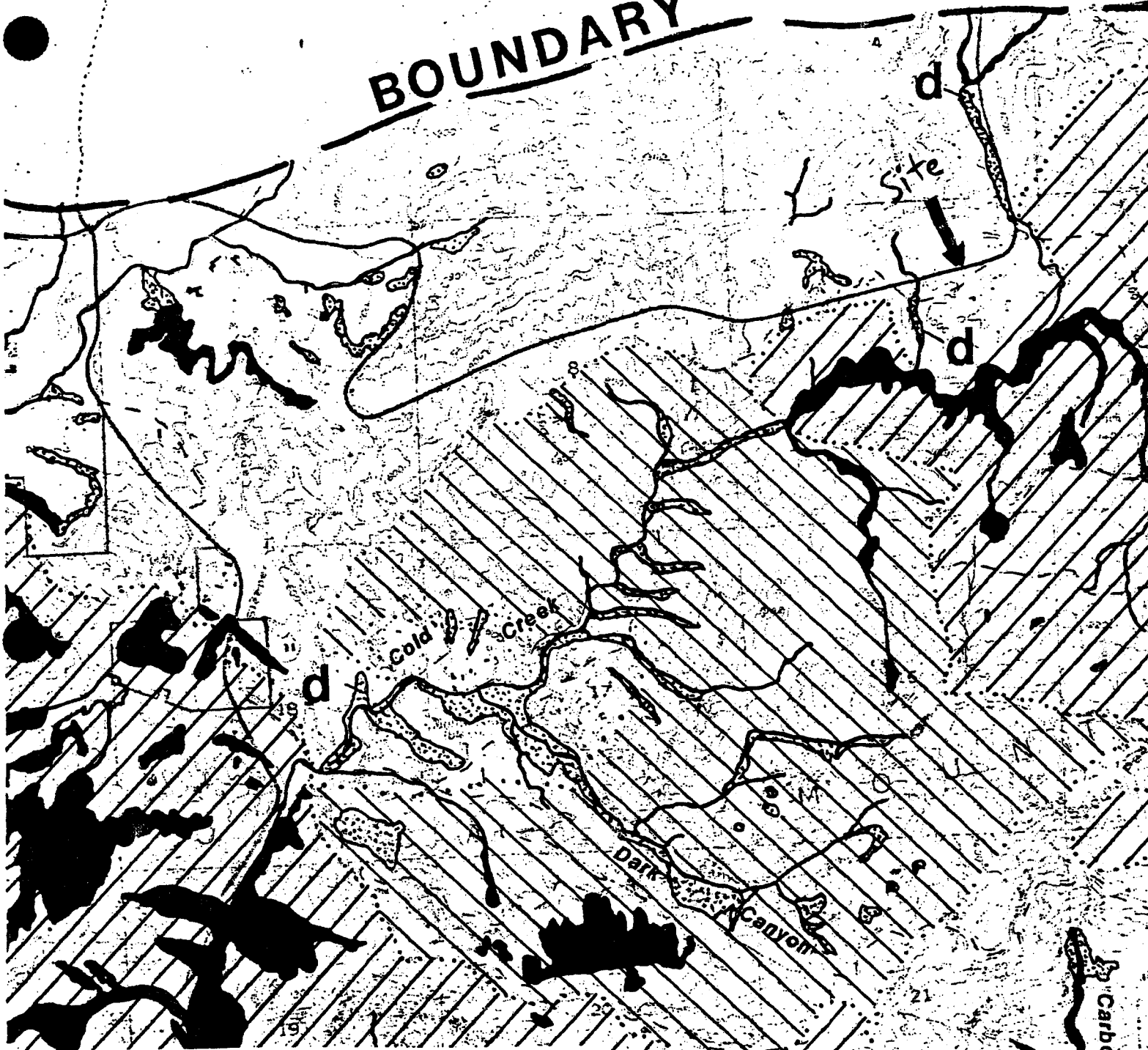

Susan B. Terino

cc: Douglas Stoutenborough
Barrey Robles, A.I.A. Architect
Imad Aboujawdah, Diamond West Engineering, Inc.

MP001.doc

EXHIBIT NO. 4
APPLICATION NO.
4-98-138

BOUNDARY



MALIBU/
COLD CREEK RESOURCE
MANAGEMENT AREA

SIGNIFICANT OAK WOODLAND
AND SAVANNAHS

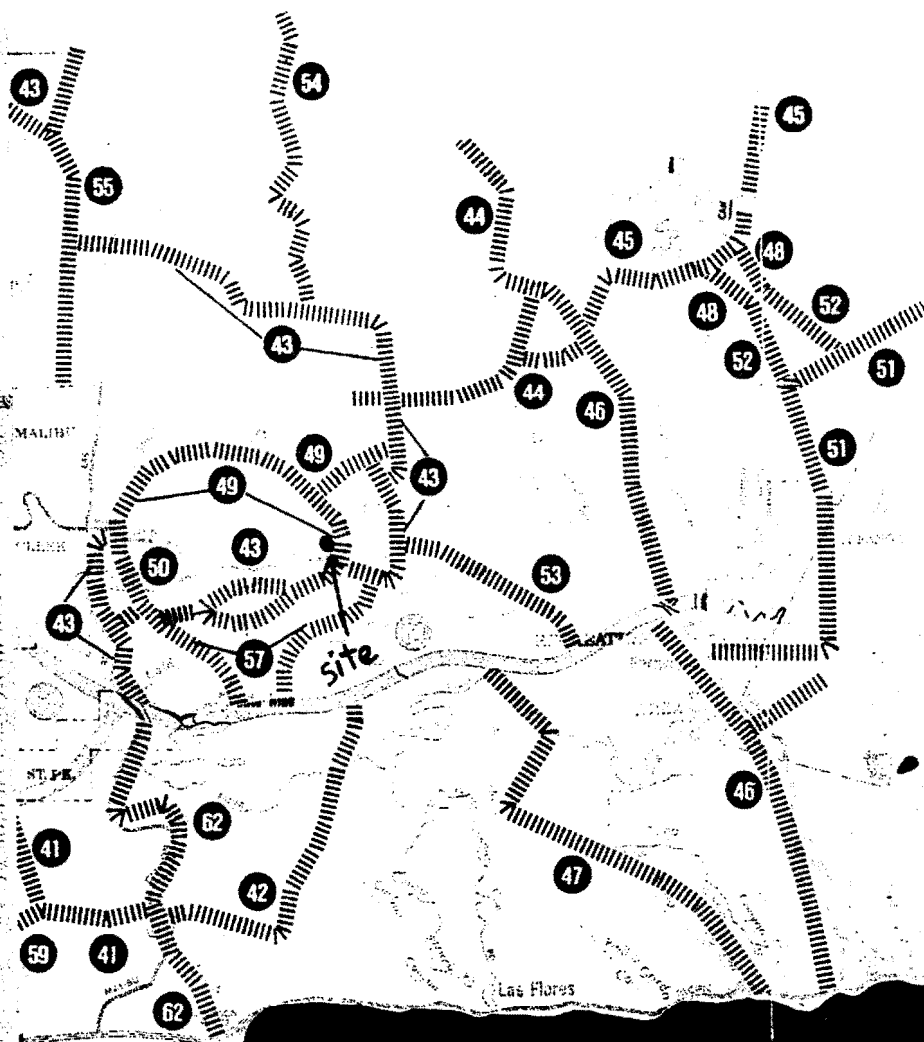
LOCALLY DISTURBED
SENSITIVE RESOURCES AREAS

EXHIBIT NO. 5

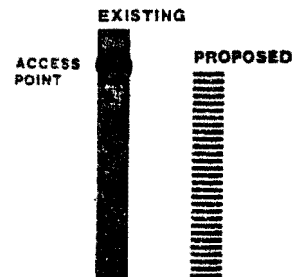
APPLICATION NO.

4-98-138

Sensitive Resources



COUNTY TRAILS



P A C I F I C

see reverse side for continuation

NUMBER	LENGTH	RATING
43	1.2	1
44	1.2	1
45	1.2	1
46	1.2	1
47	1.2	1
48	1.2	1
49	1.2	1
50	1.2	1
51	1.2	1
52	1.2	1
53	1.2	1
54	1.2	1
55	1.2	1
56	1.2	1
57	1.2	1
58	1.2	1
59	1.2	1
60	1.2	1
61	1.2	1
62	1.2	1

Calabasas Cold Creek Trail
 Topanga-Henry Ridge Trail to Calabasas
 Topanga-Henry Ridge Trail to Serrania Park
 Topanga-Henry Ridge Trail
 Tuna Canyon Trail
 Topanga-Henry Ridge Trail to Santa Maria Canyon Trail
 Stokes Ridge Trail to Calabasas Trail
 Cold Creek and Stokes Ridge Connector Trail
 Santa Maria Canyon Trail
 Santa Maria Canyon Loop Trail
 Camp Stausen Connector Trail
 Valley Circle Scenic Corridor Trail
 Las Virgenes Trail
 Escondido Falls Trail
 Stunt High Trail

EXHIBIT NO. 6

APPLICATION NO.

4-98-138

Trail Map

2

EXHIBIT NO.	7
APPLICATION NO.	4-98-138
Visual Resources	

- SIGNIFICANT RIDGELINE
- VIEWSHED BOUNDARY
- SCENIC HIGHWAY
- * VISTA POINT
- PUBLIC VIEWING AREA

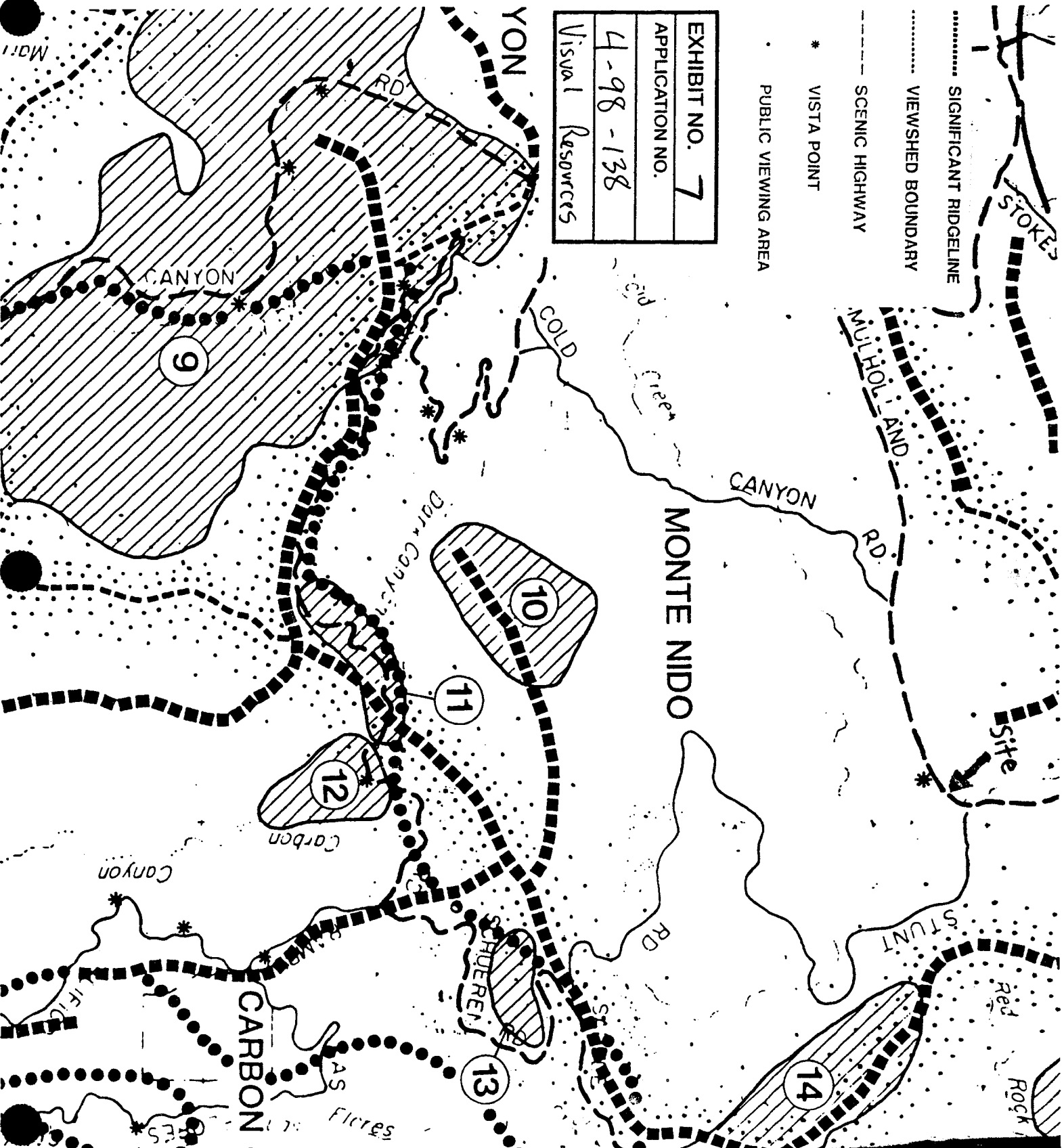
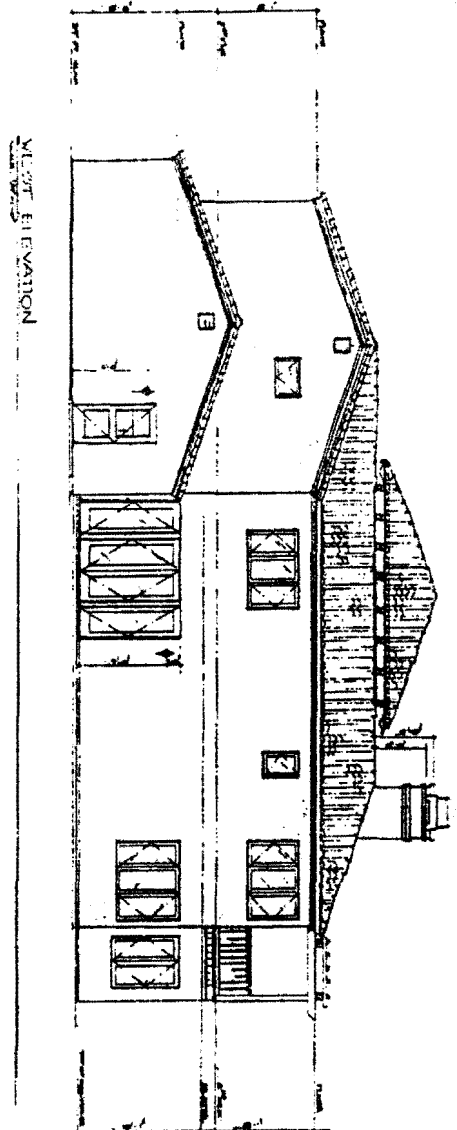
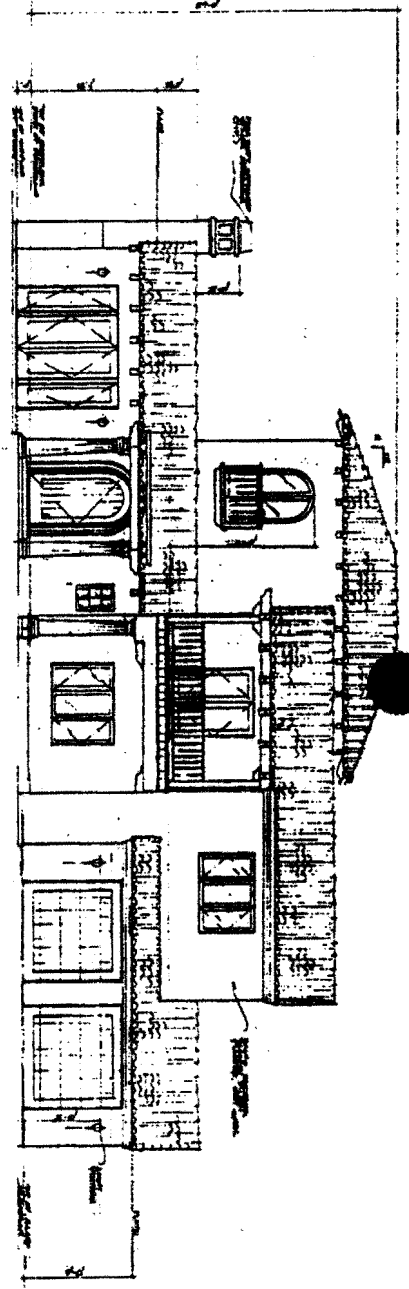
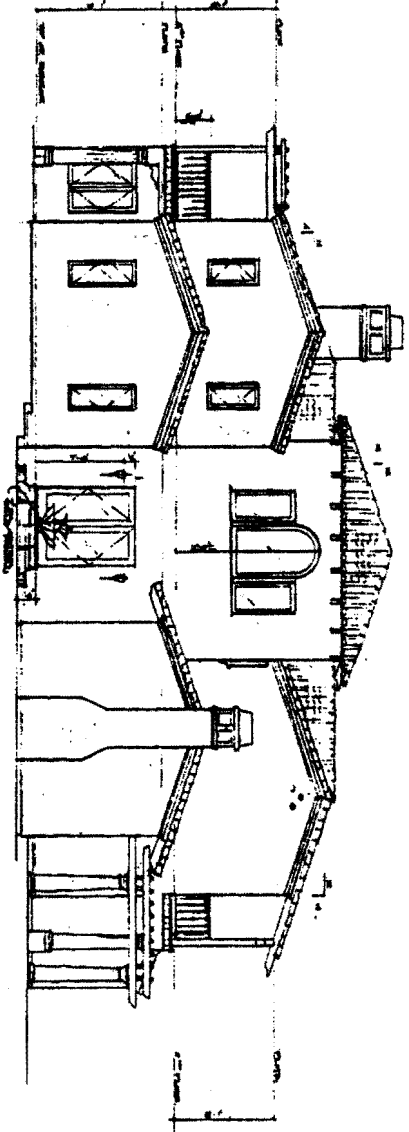


EXHIBIT NO. 9
APPLICATION NO.
4-98-138
House Elevations

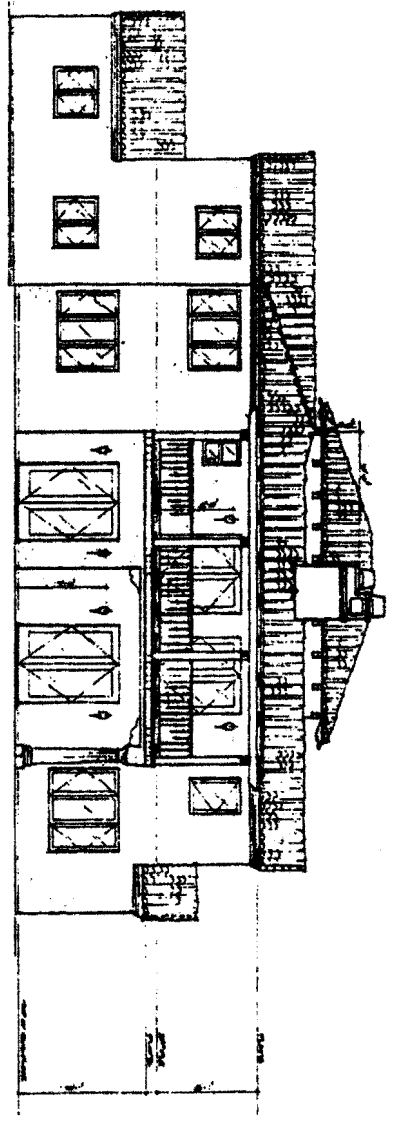




NORTH ELEVATION (present)



EAST ELEVATION



SOUTH ELEVATION

EXHIBIT NO. 10
APPLICATION NO.
4-98-138
House Elevations

FIRST FLOOR PLAN

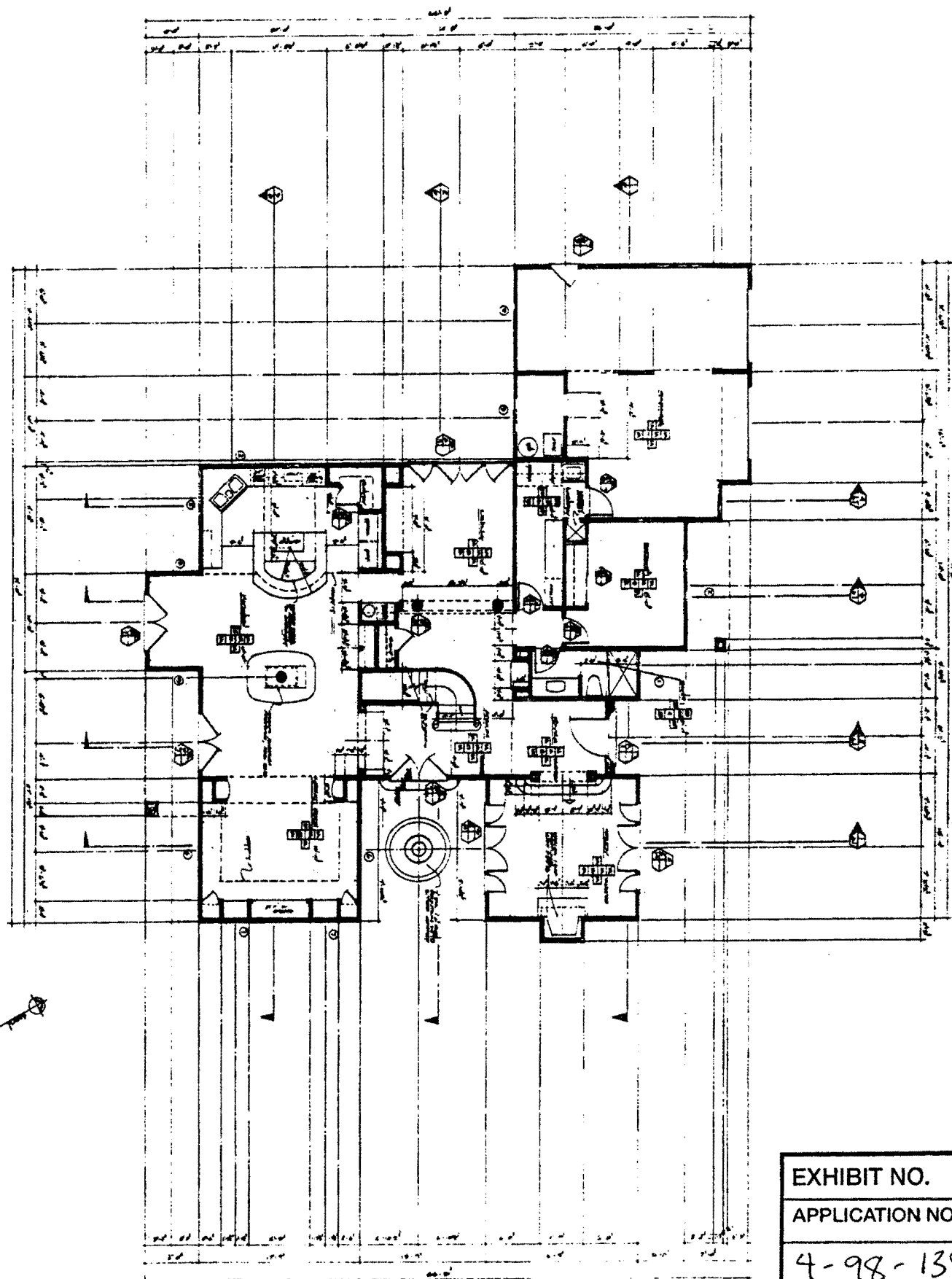


EXHIBIT NO. 11
APPLICATION NO.
4-98-138
1st Floor Plan

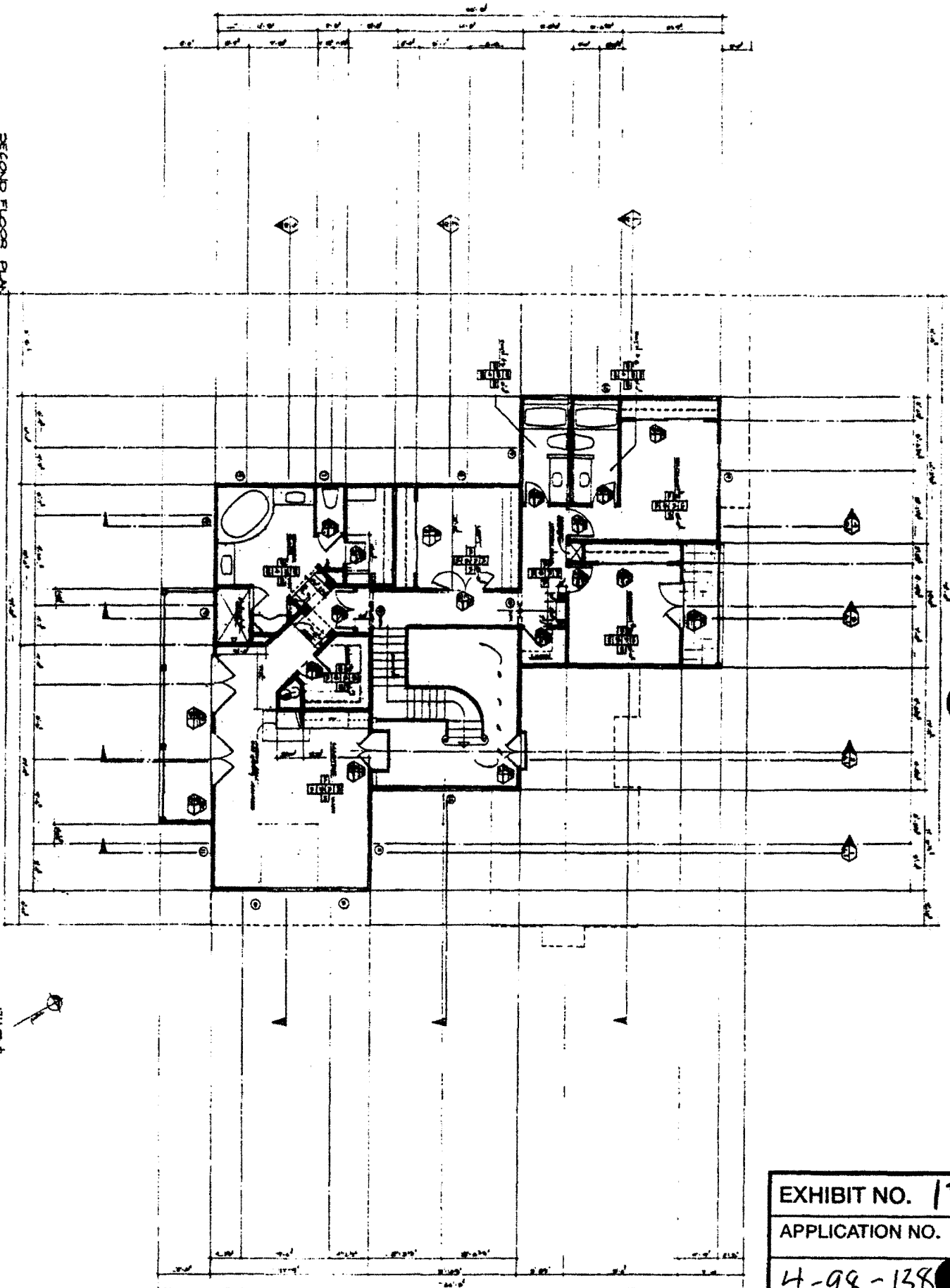
4

Room	Area	Notes
Living Room	1,200 sq. ft.	
Dining Room	800 sq. ft.	
Kitchen	600 sq. ft.	
Bedroom	1,000 sq. ft.	
Bathroom	400 sq. ft.	
Study	300 sq. ft.	
Entry	200 sq. ft.	
Garage	1,000 sq. ft.	
Other	100 sq. ft.	

Residence for Doug and Ondale (Lutonborough)
24961 Mulholland Highway
Calabasas, California

barney robbles ass. ARCHITECT
ARCHITECTS
10000 MULHOLLAND BLVD. SUITE 100
CALABASAS, CA 91302
TEL: (818) 341-1111 FAX: (818) 341-1112

SECOND FLOOR PLAN



1711.75 ft

EXHIBIT NO. 12

APPLICATION NO.

4-98-138

2nd Floor Plan

4.1

SECOND FLOOR PLAN

Residence for Doug and Candice (Stoutborough)

24985 Mulholland Highway
Calabasas, California

Inventory of contents

EXHIBIT NO. 12

ALL OTHERS MUST BE MAILED WITHIN 30 DAYS OF THE DATE OF THE HEARING

RYE PLAN

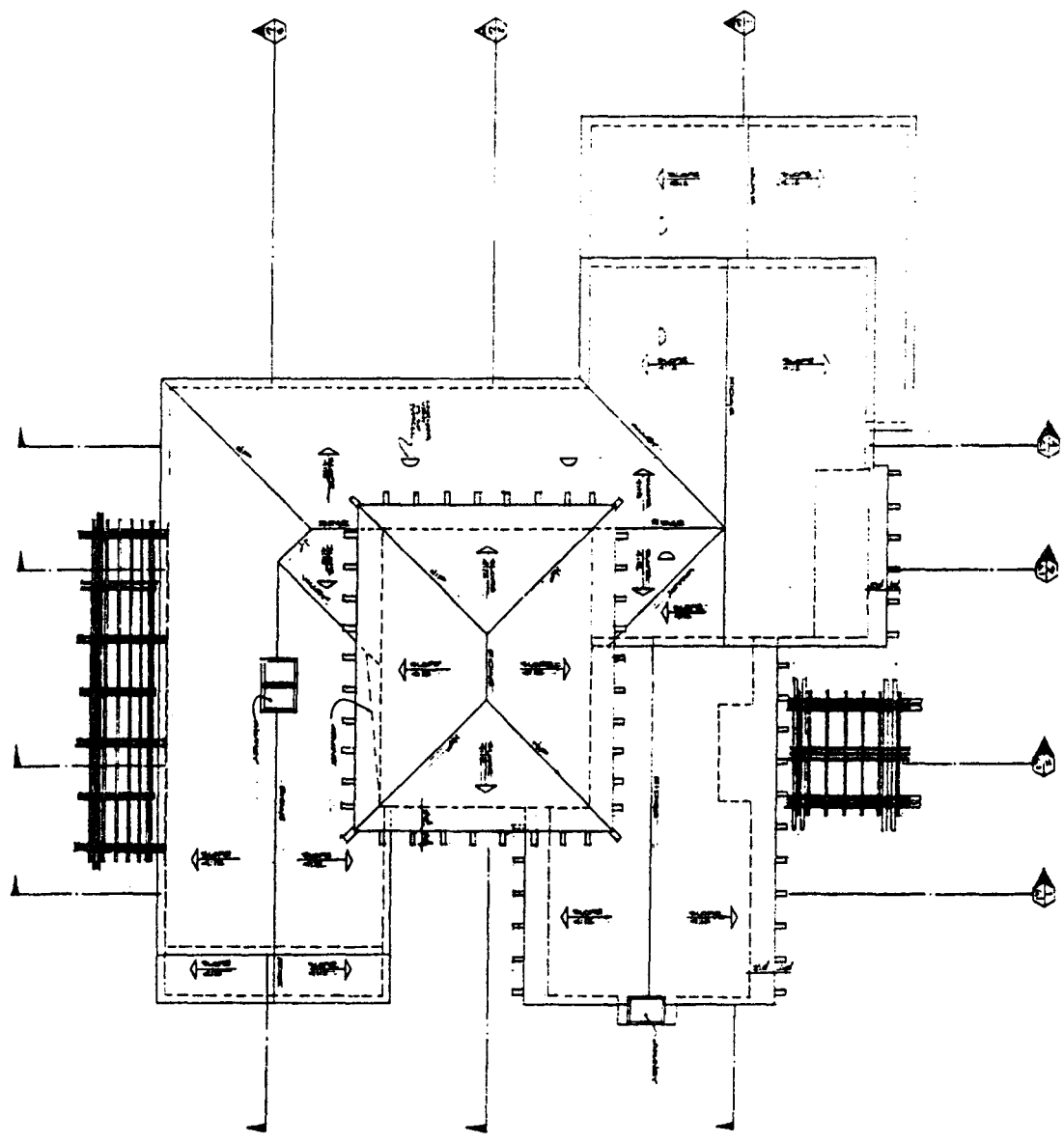


EXHIBIT NO. 13
APPLICATION NO.
4-98-138
Roof Plan

4.2

ROOF PLAN

Residence for Doug and Candice Sloutenborough
2485 Mulholland Highway
Olathe, Kansas

BENNETT ROBLES AND ASSOCIATES ARCHITECTS
1400 ARCADE COURT, SUITE 100, OLAKE, CALIFORNIA 94553
TELEPHONE 925-834-4765 FAX 925-834-4765

