

CALIFORNIA COASTAL COMMISSION

H CENTRAL COAST AREA UTH CALIFORNIA ST., SUITE 200 TURA, CA 93001 (805) 641 - 0142

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Staff:

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Staff Report:

2/16/99

Hearing Date:

3/9-12/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.:

4-98-117

APPLICANT:

William Holmes

AGENT: leff Pierce

PROJECT LOCATION:

1949 Cold Canyon Road, Calabasas (Los Angeles County)

PROJECT DESCRIPTION: Construct 4,130 sq. ft., two-story, 30 foot high, single family residence with attached 840 sq. ft. four car garage and septic system. 3,000 cu. yds. of grading (1,500 cu. yds. cut and 1,500 cu. yds. fill)

Lot area:

1 acre

Building coverage:

3,654 sq. ft.

Pavement coverage:

13,910 sq. ft. 10,783 sq. ft.

Landscape coverage:

Parking spaces:

four covered

Ht abv fin grade:

30 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approved In Concept, 12/20/97; Department of Health Services, Sewage Disposal System Approved for Design, 6/30/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan: West Coast Geotechnical: "111" statement letter report, December 8, 1998; Percolation Test Report and Design of an Onsite Private Sewage Disposal System, November 16, 1998; and Update Geotechnical Engineering Report, August 12, 1998; Coastal development permit 4-98-110 (Stroeber).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the project with special conditions relating to: conformance to geologic recommendations, landscape, drainage and erosion control, and fire waiver of liability.

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 impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

- 1. <u>Notice of Receipt and Acknowledgment</u> The permit is not valid and development shall not commence until a copy of the permit, signed by the permute or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration</u> 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. <u>Compliance</u> 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. <u>Interpretation</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u> The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u> 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. <u>Terms and Conditions Run with the Land</u> These terms and conditions shall be perpetual, and it is the intention of the Commission and the permute to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Plans Conforming to Geologic Recommendations

Prior to the issuance of a 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 the West Coast Geotechnical: "111" statement letter report, December 8, 1998; Percolation Test Report and Design of an Onsite Private Sewage Disposal System, November 16, 1998; and Update Geotechnical Engineering Report, August 12, 1998 shall be incorporated into all final design and construction including site preparation, grading, and foundations. 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 development permit.

2. Landscaping and Erosion Control Plan

- (a) Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:
 - (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation 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 plan species which tend to supplant native species shall not be used.
 - (2) 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, and this requirement shall apply to all disturbed soils;

- (3) Plantings will 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;
- (4) 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.
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. 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 Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

(b) Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-

site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Waiver of Liability

Prior to the issuance of a 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 proposed to construct a 4,130 sq. ft., two-story, 30 foot high, single family residence with attached 840 sq. ft. four car garage and septic system and 5,000 cu. yds. of grading (2,500 cu. yds. cut and 2,500 cu. yds. fill). The one acre site was previously filled artificially, as discussed in greater detail below. The site is located on a gently sloping one acre lot in the Calabasas area north of Mulholland Drive and adjacent and north of Cold Canyon Road.

The middle of the site contains a disturbed drainage swale, which continues the natural swale which enters from the north and drains west toward an unnamed tributary of Cold Creek. The unnamed tributary is a USGS-designated blue line stream. The blue line stream portion close to the site north of Cold Canyon Road is not a designated environmentally sensitive habitat area in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). However, this area contains significant riparian vegetation (willows) and has been used for bird watching because of the convenient location off of Mulholland Drive.

Surrounding development is single family residential to the east, south, and west and vacant land to the north. A Significant Oak Woodland, located northwest of the site, is upstream and unaffected by the proposal. The area to the south and downstream is the Cold Creek Significant Watershed.

The subject site had been previously filled artificially up to ten feet deep several decades ago, prior to the Coastal Act, according to the applicant, using the excess fill from nearby road construction. The project's grading is primarily the redistribution of this fill. The proposal would include a cut and fill on the approximate eastern two-thirds of the site to create a flat pad for the house, garage, guest parking area, and yard at a common level.

B. Geologic Stability and 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 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 prominent geomorphic features in the area are Cold Creek Canyon to the south, Stokes Creek to the north, and a ridge in between these two east-west trending canyons. The site is located on an irregular landform below and north of a bend in Cold Creek Road. A natural swale drains into the site from the north and drains to the west. There are no unusual features affecting the site. The project, as noted, uses cut and fill to create a flat building site. Physical relief across the site has a total variation in elevation of on the order of twenty-five (45) feet moving from east to west. Slope drainage is by sheet flow runoff and drains directed toward the west eventually draining into the previously noted unnamed tributary.

1. Geology

The applicant has submitted a West Coast Geotechnical: "111" statement letter report, December 8, 1998 which states that:

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 recommendations are made part of the project plans and implemented during construction.

Given the findings and recommendations of the consulting engineering geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the 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 engineering geologists as conforming to their recommendations, as noted in *special condition number one* (1) for the final project plans for the proposed project.

2. Erosion

Surface drainage, as noted above, on site is predominately by sheet flow toward the north, toward an unnamed tributary of Cold Canyon Creek which drains toward the south and is approximately 1000 feet to the west of the proposed residential structure. The creek is designated as an environmentally sensitive habitat area in the land use component of the Malibu/Santa Monica Mountains LCP. The consulting geologist is concerned about the drainage associated with the proposal and recommended that drainage should be dispersed in a non-erosive manner to preclude concentration of runoff and erosion.

Due to previous fill, noted in the geotechnical report as up to ten feet in thickness, the site has potentially erodable soils. The project will significantly increase the amount of impervious surfaces on the site, increasing both the volume and velocity of storm water runoff. If not controlled and conveyed off the site in a non-erosive manner, this runoff will result in increased erosion on and off the site. Increased erosion may also result in sedimentation of the nearby stream. Therefore, the Commission finds it necessary to require the applicant to submit a detailed drainage and erosion control plan for the proposed development. Further, landscaping is necessary as part of this plan to minimize the potential for erosion of grading and disturbed soils and thereby ensure site stability. Special condition number two (2) is necessary to ensure that a landscape and erosion control plan is reviewed and approved by the consulting engineering geologist and includes measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring. Such a plan ensures site stability and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30253.

3. Fire

The Coastal Act also 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.

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.

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 number three (3). The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

C. 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 certified Malibu/Santa Monica Mountains LUP provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public park lands. Where physically and

economically feasible, development on sloped terrain should be set below road grade. In areas of instanced suzzerds is processed, the Commission zard processed with the project size of the potential cost to the public, as well

- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
 - be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP;
 - minimize the alteration of natural land forms;
 - be landscaped to conceal raw-cut slopes;
 - be visually compatible with and subordinate to the character of its setting;
 - be sited so as not to significantly intrude into the skyline as seen from public viewing places.
- P134 Structures shall be sited to conform to the natural topography, as feasible.

 Massive grading and reconfiguration of the site shall be discouraged.

The applicant is proposing to construct a 4,130 sq. ft., two-story, 30 foot high, single family residence with attached 840 sq. ft. four car garage and septic system and 5,000 cu. yds. of grading (2,500 cu. yds. cut and 2,500 cu. yds. fill) on a gently sloping site at the approximate 1000 ft. elevation, with the building pad below the adjacent road. As noted previously, the site was previously filled artificially using the excess fill from nearby road construction and the project's grading redistributes this fill on the approximate eastern two-thirds of the site to create a flat pad for the house, garage, guest parking area, and yard at a common level.

To evaluate potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as parks and trails. The Commission typically examines the building site, any proposed grading, and the size of the structure. Staff conducted a site visit of the subject property and found the proposed building pad location and alteration of landform to be appropriate for the following reasons.

The applicant had previously miscalculated the grading and subsequently reduced the grading to 5,000 cu. yds. approximately with 2,500 cubic yards of cut and 2,500 cu. yds. of fill. Staff expressed concern relative to the amount of landform alteration resulting from the proposed grading plan. After discussions with staff, the applicant reduced the pad size and redesigned the grading, relocated the driveway, decreased the intrusion into the swale across the property, and made a minor adjustment in the house location. This resulted in a reduction of grading to 3,000 cu. yds. approximately with 1,500 cu. yds. of cut and 1,500 cu. yds. of fill.

This redesign reduces the grading and minimizes alteration of landform to a level consistent with Coastal Act policies because of the smaller pad size and construction below road grade and the lack of visibility of the site, due to intervening topography. The structure will not be visible to either the east or west from Mulholland Highway, a designated scenic highway nearby, and the designated scenic corridor. Because of the adjacent knoll to the north, the project will not be visible from the Stokes Ridge Trail on the ridgeline further to the north. In addition, the proposed design sets the project below the road grade of Cold Canyon Road which decreases the visual impact on the surrounding area. Consequently, the proposed which decreases the visual impact upon the quality of views from the surrounding area. In addition, the proposed reduction of grading to approximately 3,000 cubic yards minimizes the landform alteration to accommodate a modest size house and smaller yard area. Further, the proposed landscaping, noted above as required by proposed condition two (2), will soften and screen the residence and ensure consistency with the visual character of the surrounding residential area.

Therefore, the proposed project, as conditioned, will not adversely impact the natural landform, scenic public views and visual character in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. <u>Septic System</u>

The Commission recognizes that the potential build-out of lots in Malibu, 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, minimizing alteration of natural streams.

The proposed septic system includes a septic tank and leach pit seepage pits. The installation of a private sewage disposal system was review by the consulting geologist, West Coast Geotechnical, and found not to create or cause adverse conditions to the site or adjacent properties.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for and is sufficient to serve the proposed single family residence. The applicant has submitted a design approval for the sewage disposal system from the County of Los Angeles Department of Health Services, based on a three bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform 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 Section 30231 of the Coastal Act.

E. 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 certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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.

The 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.

WEST COAST SOULS

A DIVISION OF L. LISTON & ASSOCIATES, INC.

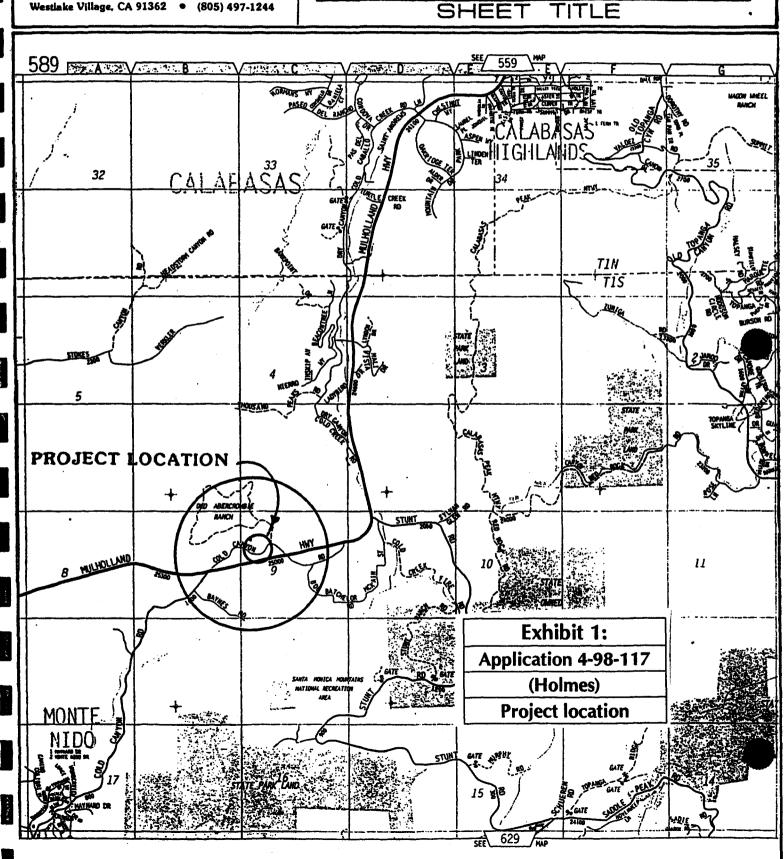
31238 Via Colinas, Unit E • (818) 991-7148 Westlake Village, CA 91362 • (805) 497-1244 PROJECT HOLMES RESIDENCE

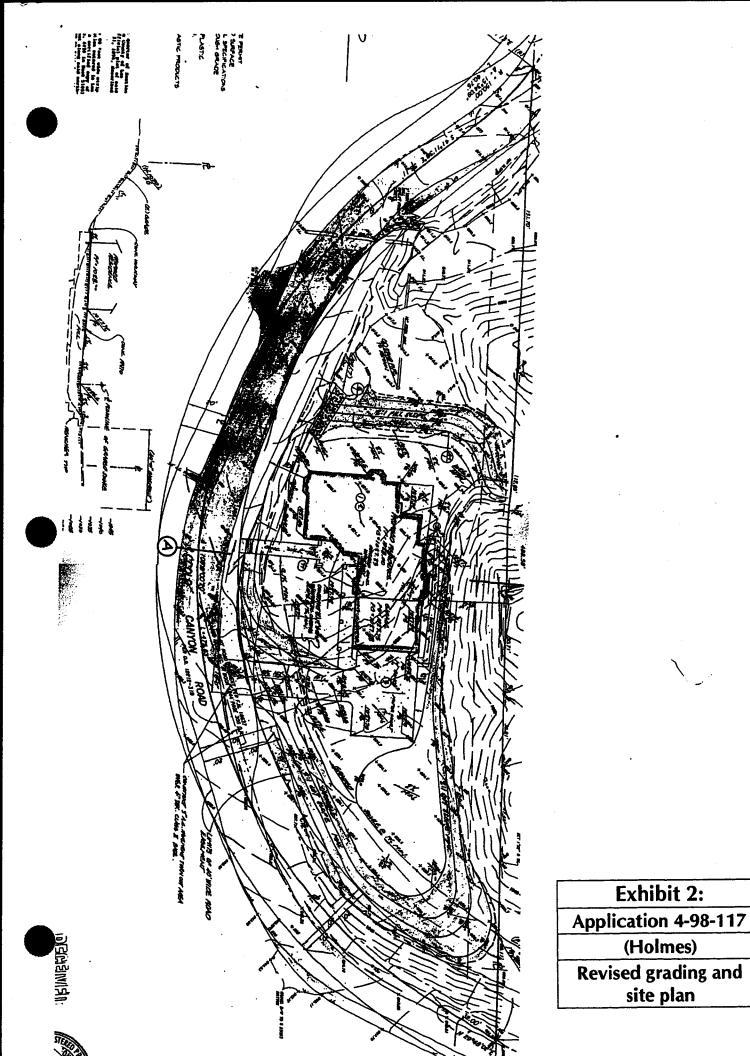
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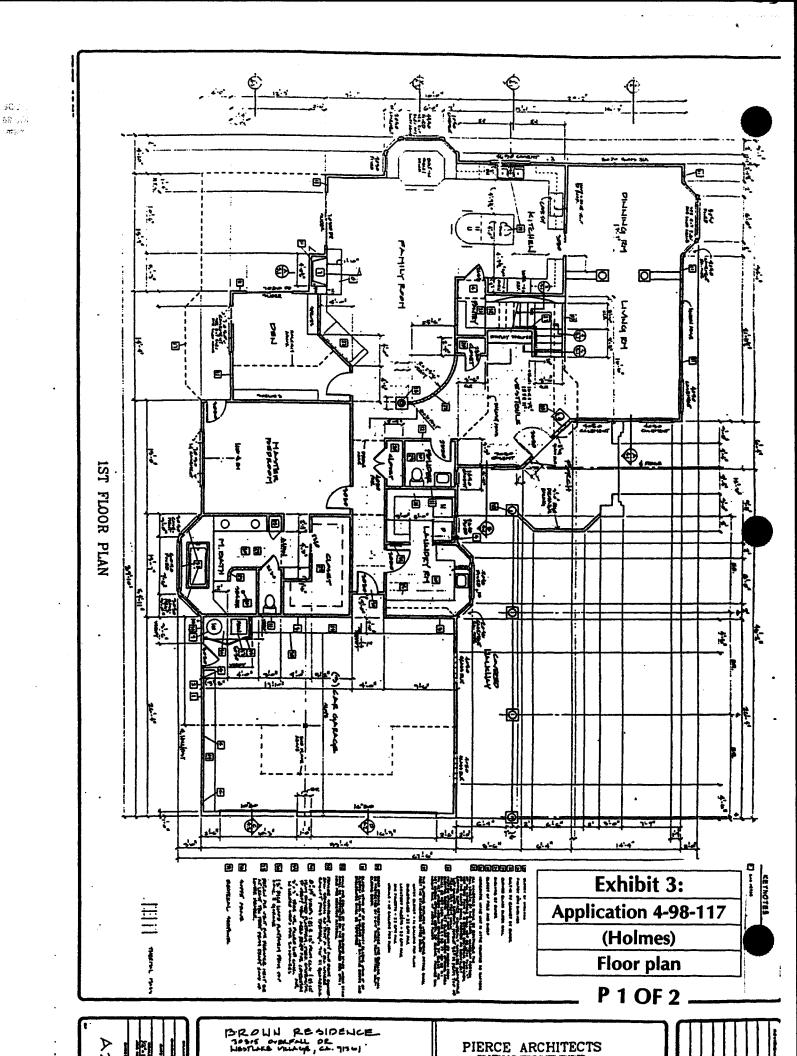
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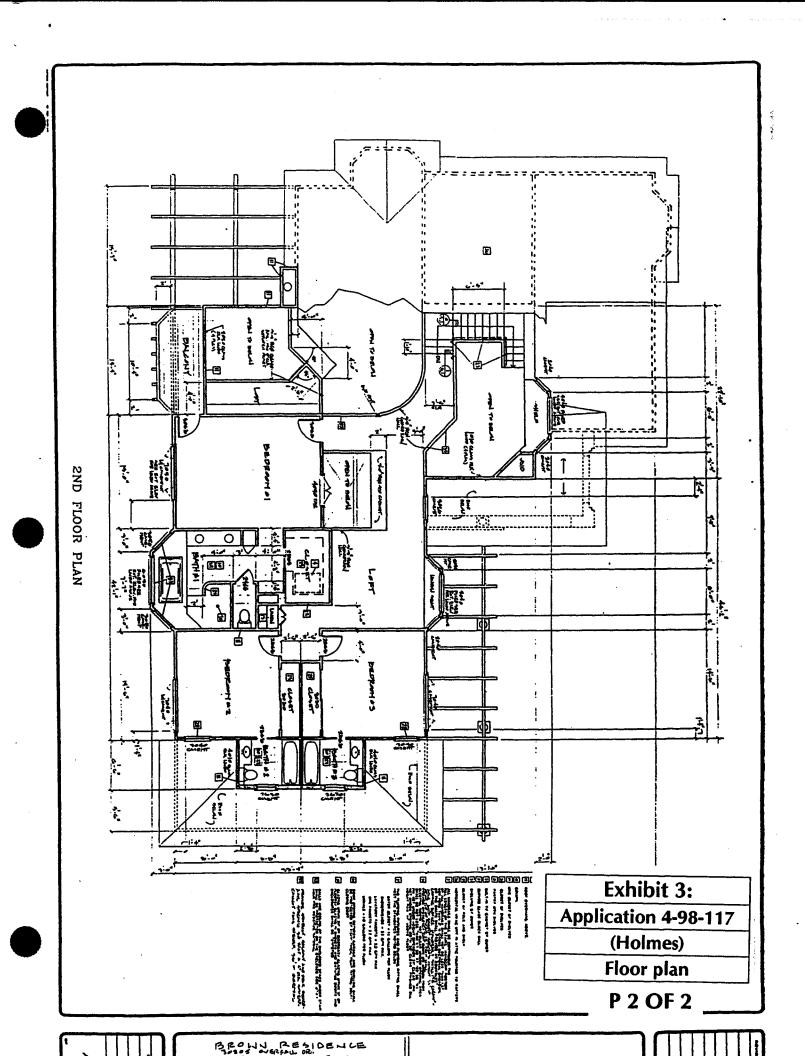
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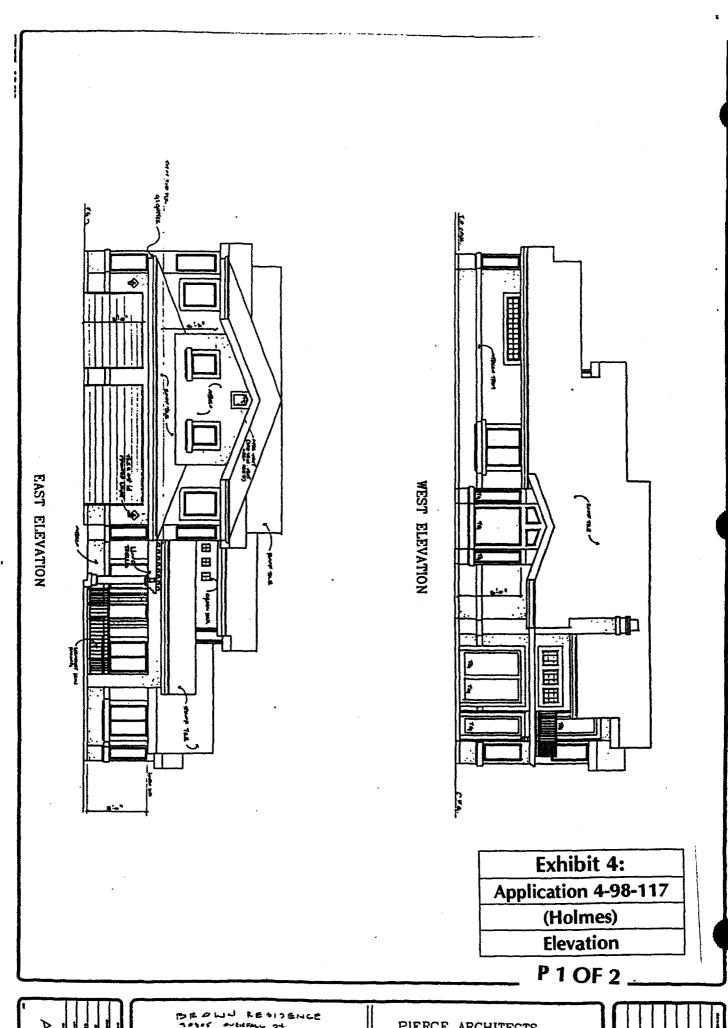
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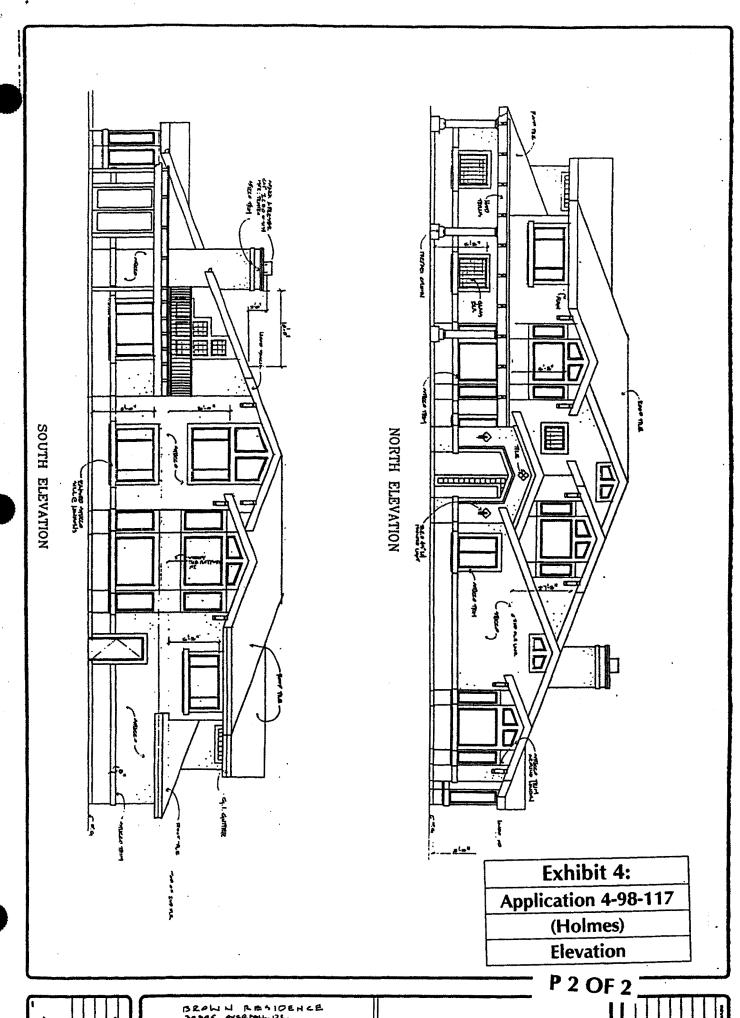








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