

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
22 SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
(714) 641-0142

Filed: 12/7/98  
49<sup>th</sup> Day: 1/25/98  
180<sup>th</sup> Day: waived  
270<sup>th</sup> Day: 9/5/99  
Staff: mb-V *CD*  
Staff Report: 7/22/99  
Hearing Date: 8/10-13/99

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-98-117

**APPLICANT:** William Holmes **AGENT:** Jeff Pierce

**PROJECT LOCATION:** 1949 Cold Canyon Road, Calabasas (Los Angeles County)

**PROJECT DESCRIPTION:** Construct a 4,430 sq. ft., two-story, 30 foot high, single family residence with attached 877 sq. ft. four car garage and septic system. 3,100 cu. yds. of grading (1,550 cu. yds. cut and 1,550 cu. yds. fill).

<b>Lot area:</b>	1 acre
<b>Building coverage:</b>	3,654 sq. ft.
<b>Pavement coverage:</b>	13,910 sq. ft.
<b>Landscape coverage:</b>	10,783 sq. ft.
<b>Parking spaces:</b>	four covered
<b>Height above finished grade:</b>	30 feet

**STAFF NOTE:** This project was postponed from the meeting of May, 1999. There were objections received from neighbors concerning alleged project impacts on drainage and erosion affecting the surrounding area. The applicant waived time relative to Government Code Sec. 65952 and requested Commission consideration at the August, 1999 meeting. The Permit Streamlining Act requires the Commission to act on this application at the August, 1999 Commission meeting.

Relative to objections received from neighbors concerning alleged project impacts on drainage and erosion affecting the surrounding area, the applicant hired a new consultant to review the neighbor's allegations and evaluate the conclusions of the geology and hydrology reports for the project. The new consultant's report was provided to the Commission staff and confirms that the septic system design for the site is acceptable and that the development of a residence on the site will not have adverse effects on drainage in the area. In fact, the consultant concludes that the proposed erosion control, grading and reconfiguration of the fill presently on the site, and required landscaping, will reduce erosion from the site. The Commission staff agrees with these conclusions and has determined that the project will not have significant adverse impacts on drainage, water quality or erosion.

### **SUMMARY OF STAFF RECOMMENDATION**

The proposed development of a single family residence is on a site that does not impact visually on the Mulholland Highway scenic corridor or adversely affect the character of the surrounding area. Staff recommends approval of the project with special conditions relating to: ***conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, and conformance with grading plan.***

**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 permits 4-98-110 (Stroeber) and 5-85-214-A-3 (Ghosn).

### **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. **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 permit 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 plans 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**

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, 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:

**A) Landscaping Plan**

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for 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 plant 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) 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.
- 5) 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. Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and 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.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C. 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. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surroundings the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

**4. 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.

**5. Conformance to Grading Plan**

By accepting this permit, the applicant agrees that all grading will take place in accordance with the submitted Grading & Drainage Plan dated February 2, 1999 and that any change in the proposed plan shall be submitted for the review and approval of the Executive Director.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description and Background**

The applicant proposes to construct a 4,430 sq. ft., two-story, 30 foot high, single family residence with attached 877 sq. ft. four car garage and septic system and 3,100 cu. yds. of grading (1,550 cu. yds. cut and 1,550 cu. yds. fill). The acre site was previously filled artificially, as discussed in greater detail below. The site is located on a gently sloping 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 entering from the north, and drains west toward an unnamed tributary of Cold Creek. The unnamed tributary is a USGS-designated blue line stream. This 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 by groups for organized bird watching because of the convenient location off of Mulholland Highway.

Surrounding development is single family residential in character immediately to the east, south, and west and vacant land to the north. A residential subdivision is proposed on the property to the north. This subdivision (5-85-214-A-3, Ghosn) received a permit amendment at the Commission meeting of July, 1999 for reduction of the proposed subdivision from 23 to 13 lots on approximately 160 acres and reduction of grading from 274,800 to 134,600 cubic yards. The area of the proposed subdivision [5-85-214-A-3 (Ghosn)] drains downhill to and across the Holmes parcel.

A Significant Oak Woodland, located northwest of the site, is upstream and unaffected by the proposal. Approximately one quarter mile to the south and downstream is the Cold Creek Significant Watershed and related blue line streams.

The subject site had been previously artificially filled (several decades ago) with up to ten feet of dirt prior to enactment of the Coastal Act. According to the applicant, this was for disposal of excess fill from nearby road construction.

Staff has reviewed aerial photographs of the site and determined, based on the appearance of prior disturbance, that this fill took place prior to the Coastal Act. This fill is not the same as the fill deposited in the summer of 1998, as discussed below in section E. The presently proposed grading includes some redistribution of the earlier (pre-Coastal Act) fill since 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.

After the application was received in April, 1998, additional fill was deposited in the northeast corner of the site. The County Building and Safety Department and Commission staff have verified that this fill has now been removed. This fill was deposited above a portion of the location of the previous older fill as discussed above. This newer fill location will be further altered by the proposed development.

#### **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 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, as noted previously, 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 (25) feet moving from east to west. Slope drainage is by sheet flow runoff and drainage is 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, dated 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 northwest, toward an unnamed tributary of Cold Canyon Creek which drains toward the south. The unnamed tributary 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 evaluated the drainage associated with the proposal and made recommendations to ensure that drainage should be dispersed in a non-erosive manner to preclude concentration of runoff and erosion.

Commission consideration of the project was postponed from the meeting of May, 1999 because objections were received from neighbors concerned with alleged project impacts on drainage and erosion affecting the surrounding area. The applicant waived time relative to Government Code Sec. 65952 and requested Commission consideration at the August, 1999 meeting.

Neighbors of the project allege that the project will cause drainage and erosion problems. Four letters were received opposed to the project. (Exhibits 5 through 8) to which the project's engineering and geotechnical consultant responded. (Exhibit 9). The letters from project opponents allege that the project will increase siltation and erosion upstream of blue line streams and ESHAs and also challenged the efficacy of the proposed septic system.

The project proposes to collect runoff in an existing artificial basin where it discharges through a drain and flows through a pipe and then discharges into a swale along the north side of Cold Canyon Road. The water entering this basin enters from upstream of the project site, along the natural swale from the north, as well as from the building site. It will then flow along the swale until the swale reaches ground level and then sheet flow across Cold Canyon Road. At that point it will flow through a natural swale to a basin constructed at the northeast corner of Cold Canyon Road and Mulholland Highway. This basin is located at the point where the aforementioned unnamed tributary would have flowed naturally under Mulholland Highway, but where because of the basin storm water is collected and then flows through a raised stand pipe.

The applicant hired a new project consultant, RJR Engineering Group, Inc. to review the geologic and hydrology studies for the site and the opponent's concerns. RJR Engineering Group, Inc. found that the hydrology report prepared for the site did not find any problems, did adequately address the drainage relative to sensitive habitats and geologic stability, and showed that local drainage would not be inhibited or compromised. The firm also found that the location of the house would "... further ensure that localized drainage would not be inhibited or compromised." Based on their site visit, they found that there were no visible signs of sediment or erosion from the site onto the surrounding watershed.

In summary, the consultant concludes that the proposed drainage plans, erosion control, grading and reconfiguration of the fill presently on the site, and required landscaping, will reduce erosion from the site. Commission staff agrees with these conclusions, and has determined that the project, as conditioned, will not have significant adverse impacts on drainage, water quality or erosion. For the reasons discussed below in these findings, approval is recommended with conditions which address any other potential effects of erosion and/or sedimentation during site

preparation and during the life of the project in a manner consistent with Coastal Act policies.

Due to previous fill, noted in the geotechnical report as up to ten feet in thickness, the site has 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, if not controlled, may also result in sedimentation of the nearby stream.

Although the applicant has submitted a detailed drainage and erosion control plan for the proposed development, there is a need for interim erosion control measures to protect the site and the surrounding area and ensure the success of this submitted plan. Landscaping is recommended as a necessary 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)*, therefore, ensures that the 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 on the downstream blue line streams and ESHAs in a manner consistent with PRC Section 30253.

In addition, *special condition number three (3)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place without implementation of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Section 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation.

Further, *special condition number five (5)* is necessary to ensure that the revised grading plan submitted after filing the application is conformed to during construction thereby reducing the amount of proposed grading and reducing project impacts from erosion and sedimentation, which could affect slope stability and the downstream habitat.

### 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 four (4)*. 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 policies protect visual resources, used as guidance by the Commission in reviewing development proposals in the Santa Monica Mountains which are applicable to the proposal:

**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.***

***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 4,430 sq. ft., two-story, 30 foot high, single family residence with attached 877 sq. ft. four car garage and septic system and 3,100 cu. yds. grading (1,550 cu. yds. cut and 1,550 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 filled artificially using the excess fill from nearby road construction and the project's proposed 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. Additional fill deposited without benefit of a coastal development permit in the summer of 1998 has been removed.

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 to be 24,000 cu. yds. and subsequently reduced the grading to approximately 5,000 cu. yds. 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 3,100 cu. yds., i.e. 1,550 cu. yds. cut and 1,550 cu. yds. 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 Mulholland 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, further decreasing the visual impact on the surrounding area.

Consequently, the proposed residence will not adversely 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 the proposed house and smaller yard area. Further, the proposed landscaping noted above as required by *proposed condition two (2)* will soften the view impact of 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. Septic System**

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 neighbors have objected to the proposed septic system as proposed either too close to the drainage course or in the streambed.

The proposed system is not inconsistent with PRC Section 30231 because it is approximately eighty feet to the east of the drainage course, which does not contain sensitive or riparian vegetation, is not designated in the Malibu/Santa Monica Mountains

LUP Sensitive Environmental Resources Map, and is not a designated environmentally sensitive habitat. The proposed septic system, further, is located approximately fifteen feet in elevation above the drainage course so that it does not raise a concern relative to location in the drainage course.

The installation of a private sewage disposal system was reviewed by the consulting geologist, West Coast Geotechnical, and found not to create or cause adverse conditions to the site or adjacent properties. As noted previously, in response to concerns addressed to the Commission, another engineering firm reviewed the original project's engineering and geotechnical consultants studies and found that percolation as proposed was adequate and is commonplace throughout California. RJR Engineering Group, Inc. noted that percolation into bedrock as proposed in the septic system design is commonplace throughout California and is adequate. Because the construction would result in replacement of unengineered fill with engineered fill, development was found to mitigate erosion impacts.

Staff agrees with the consultant's conclusions and concludes that the evidence shows that the proposed septic system does not result in significant impact on the biological quality of coastal waters or affect water courses or related vegetation.

A percolation test performed on the subject property indicates that 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 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.

#### **E. Violation**

As noted under project description, unpermitted fill has taken place on the site after the application was received, but has since been removed. Such fill has taken place without the benefit of a coastal permit application, and consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

As previously noted, the unpermitted fill has been deposited and removed in an area that is proposed for development in the north east corner of the property. Because this is in an area where clearance of vegetation can cause sedimentation and drainage

problems until the project is completed, the above-recommended condition on planting of graded and disturbed areas is necessary [special condition 2.a.(1)].

#### 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 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).

#### 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.

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.

**A DIVISION OF L. LISTON & ASSOCIATES, INC.**

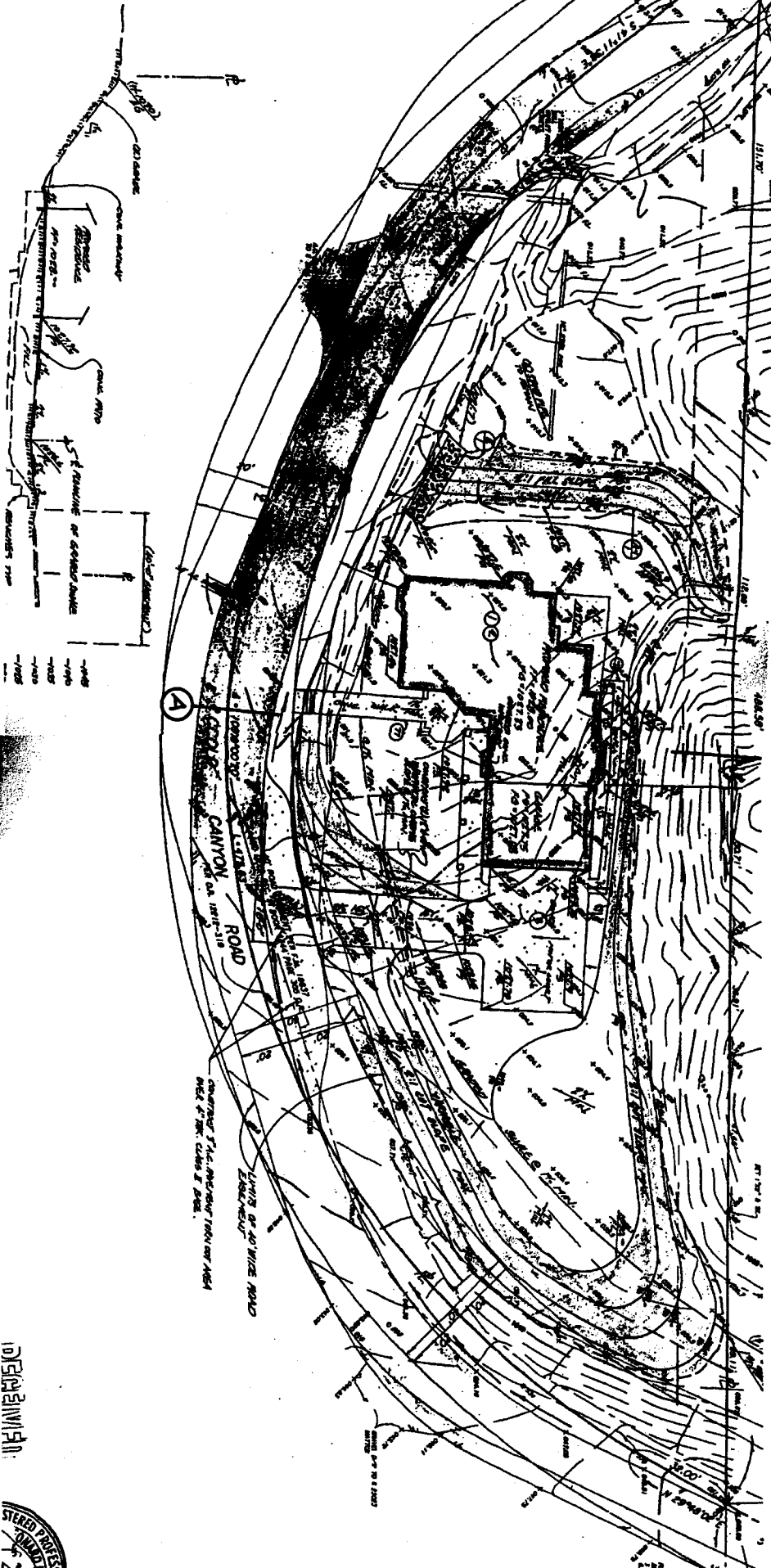
PROJECT Holmes Residence  
ADDRESS 1949 Cold Cyn Rd.  
DRAWN D.A.L. CHECKED CL  
DATE 11/17/98 JOB NO. 3260

**Exhibit 1:**  
**Application 4-98-117**  
**(Holmes)**  
**Project location**



CONTRACT NO. 4-98-117  
 DATE: 11/11/98  
 DRAWN BY: J. L. HARRIS  
 CHECKED BY: J. L. HARRIS  
 IN CHARGE: J. L. HARRIS  
 PROJECT: 4-98-117  
 SHEET: 1 OF 1

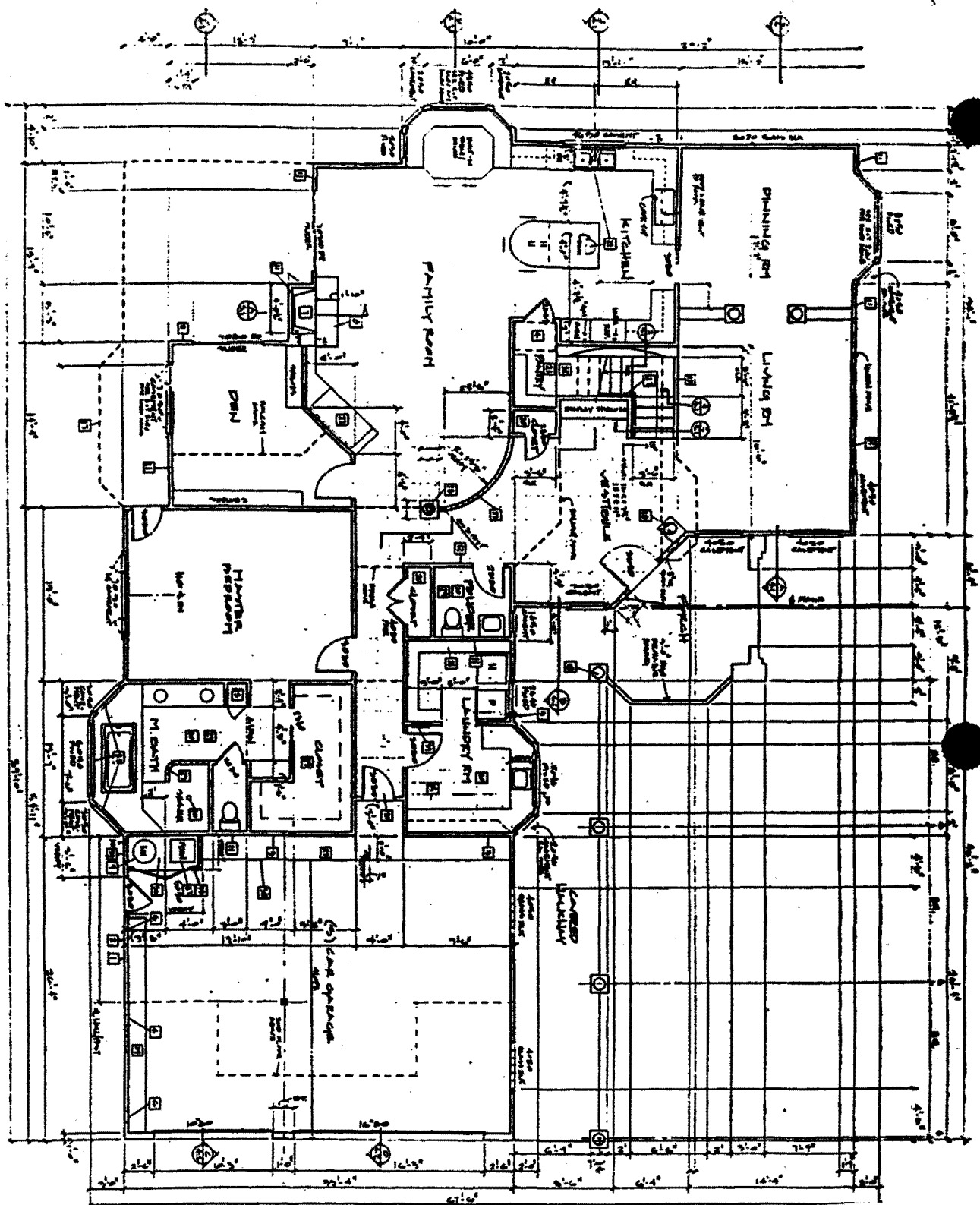
PERMIT  
 SURFACE  
 SPECIFICATIONS  
 FOR GRACE  
 LUSTIC  
 SITE PRODUCTS



<b>Exhibit 2:</b>
<b>Application 4-98-117</b>
<b>(Holmes)</b>
<b>Revised grading and site plan</b>

10/15/98





**Exhibit 3:**  
**Application 4-98-117**  
**(Holmes)**  
**Floor plan**

**P 1 OF 2**

### RETNOTES

BROWN RESIDENCE  
30905 OVERFALL DR.  
HUNTERS VILLAGE, CA. 91561

**PIERCE ARCHITECTS**

A2

[illegible][illegible]

[illegible]

**P 2 OF 2**

[illegible]

BROWN RESIDENCE  
30805 OVERFALL DR.  
WESTLAKE VILLAGE, CA 91361

PIERCE ARCHITECTS

4







# Cold Creek Community Council

P.O. Box 8066 Calabasas, California 91372

April 30, 1999

The Hon. Sara Wan, Chair  
California Coastal Commission  
22350 Carbon Mesa Rd.  
Malibu, CA 90265

Exhibit 5: p1 of 2
Application 4-98-117
(Holmes)
Goode Objection Letter

Re: *Permit Number:* 4-98-117 (1949 Cold Canyon Road, Calabasas)  
*Applicant:* William Holmes  
*Hearing:* Regular Calendar, May 11, 1999, Santa Rosa  
*Item No:* Tu 4d

Dear Ms. Wan:

This application raises important Coastal Act issues including concerns about erosion and siltation control upstream of blue line streams and ESHA watershed, and the efficacy of the planned septic system. There are people within our organization who wish to give oral testimony, and it is impossible for any of them to travel to Santa Rosa. We request that the hearing be continued to the June meeting in Santa Barbara.

This property lies on the southern portion of a roughly 200 acre natural bowl formed by steep slopes to the north, northeast and northwest. Water from the bowl flows southerly and intersects the applicant's property at its western end. A natural watercourse, now buried beneath unpermitted artificial fill, runs westerly through the center of the planned building site. We are concerned because the enormous water flow across the property which occurs during years of above average rainfall was apparently not considered in the staff analysis.

The footprint of the planned dwelling unit occupies almost the entire natural watercourse, inviting severe adverse impacts upon the downstream blue line stream, an integral part of the Cold Creek watershed. The situation is serious enough to cause us believe that a new and full analysis should be made as to whether or not this site is suitable for a residence. Certainly the dwelling footprint should be greatly reduced, and drainage and erosion plans reengineered to accommodate known water flow during the heavier rainfall years.

The Hon. Sara Wan, Chair  
April 30, 1999  
Page 2

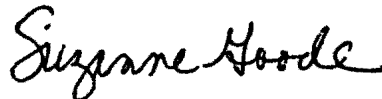
Another serious concern is the septic system. An EIR prepared some years ago for an applicant seeking to build a large number of houses in the contiguous bowl property to the north, stated that the entire bowl is underlain with shallow bedrock, and called into question the efficacy of septic systems. We believe that this condition together with the at times heavy water flow across applicant's land combine for potential disaster. The inevitable high saturation of the shallow soil above the bedrock could cause total septic system failure upstream of ecologically significant watershed. Further, we note that the staff report states that septic analysis was for a three bedroom house, whereas applicant's proposed structure is now four bedrooms.

We question the staff conclusion that the unpermitted fill has been entirely removed. Although a great deal of fill was taken away, contiguous property owners will testify in Santa Barbara that applicant's building site remains three to five feet above where it was before the unlawful filling took place.

Because excessive lighting adversely affects the habitat of indigenous wildlife, we urge that lighting restrictions be made part of the conditions.

Thank you for your cooperation in this matter.

Very truly yours,



Suzanne Goode,  
President  
(818) 880-0364

cc All Commissioners and Alternates

Exhibit 5: p2 of 2
Application 4-98-117
(Holmes)
Goode Objection Letter

To The California Coastal Commission  
 South Central Coast Area  
 89 So. California Street, Suite 200  
 Ventura, California, 93001

May 3, 1999

Exhibit 6: p1 of 2
Application 4-98-117
(Holmes)
Miller Objection Letter

Regarding Permit Number 4-98-117  
 Applicant William Holmes  
 Project Location

1949 Cold Canyon Rd.

Calabasas (County Los Angeles) XAPN(6) A

4455-08-11

Hearing Date, Tuesday, May 11<sup>th</sup>, 1999

Item # 9d

Place, Flamingo Resort Hotel  
 2777 Fourth Street

Santa Rosa, CA, 94505

In regard to the above building application, I strongly disapprove of any home building on this particular property. It is the creek bed for the runoff from the watershed from the hills above, and in heavy rains, such as in the early '90s, it becomes a sizable streambed, bounded on one side by a steep hillside and the other side by Cold Canyon Road with nowhere else for the watershed above to drain.

On the early 1960s the then-owner got a permit to build a dam with overflow pipe at the lower (west) end of the property with the



(2)

intention of having a trout farm - which he did not follow up on. However, this became a sizable body of water (referred to locally as "Lake Ridiculous", and was there for years before the dam was removed. Anyway it always had water in it from the normal water runoff from the hills. I have pictures of this "lake" as evidence in case it is needed.

This creek runs down alongside Cold Canyon Rd for several hundred feet to a culvert under the road that drains into a creek bed that runs along the bottom of my property to a culvert under Netholland Highway and on into Malibu Creek.

Obviously, any septic tank on the proposed building site would be flushed down the creek in any heavy storm.

I think it would be a major mistake to approve any home building on this property. The amount of water draining off these hills in the 1980s storm overflowed the culvert under Cold Canyon Rd. and made the road impassable. Further down the block another stream from these hillsides took out the road, which was closed for a year.

In any case, I hope this application can be postponed and rescheduled at a location nearby where

Exhibit 6: p2 of 2

Application 4-98-117

(Holmes)

Miller Objection  
Letter

Sincerely,  
Richard C. Miller 9/302  
1954 Cold Canyon Rd. Calabasas

**Kenneth Wikle**  
*Attorney at Law*  
25053 Mulholland Highway  
Calabasas, California 91302

(818) 225-8172  
<wikle@usa.net>  
fax: (818) 222-6271

RECEIVED

MAY 11 1999

May 4, 1999

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission  
South Central Coast District  
89 South California Street, Suite 200  
Ventura, California 93001-2801

Via Fax--(805) 641-1732

Re: Permit Number: 4-98-117 (1949 Cold Canyon Road, Calabasas)  
Applicant: William Holmes  
Hearing: Regular Calendar, May 11, 1999, Santa Rosa  
Item No: Tu 4d

Dear Commissioners:

I urge that the above matter be continued to the June meeting in Santa Barbara. I wish to testify as do a number of my neighbors, but none of us can go to Santa Rosa.

The need for testimony relates to factual issues which are apparently in dispute. Applicant claims that the eight feet or so of fill on his proposed building site was placed there by the County Road Department many years ago, long before the Coastal Act. Not so. Approximately ten years ago the owner of the parcel (this may or may not predate applicant's ownership) removed an earthen dam on the west end of the property and pushed that dirt eastward, where it now sits on the proposed building site. This work was done without a Coastal Permit.

Second, applicant claims that the unpermitted fill placed there July of last year was by persons unknown. I can testify that the filling was under the supervision of applicant. Third, applicant claims that all the 1998 fill dirt has been removed. Whereas most of it has (there was a huge amount), the proposed site is still at least three feet above the prior level. No part of it was at road grade before July, 1998, whereas it is now.

<b>Exhibit 7: p1 of 2</b>
<b>Application 4-98-117</b>
<b>(Holmes)</b>
<b>Wilke Objection Letter</b>

California Coastal Commission  
May 4, 1999  
Page 2

There are other issues which need to be addressed. I have observed the extremely heavy water flow over this parcel during heavy rains, including during the 1980 storm where water which initially crossed applicant's property continued downstream and washed out Cold Canyon Road. It does not appear to me that analysis so far has considered flows of that magnitude, which may be due in some part to the fact that at the time of the July, 1998 unpermitted filling, the bulldozer obliterated the water course on the contiguous property just to the north, and 1998-1999 rainfall has been extremely light.

Further, an EIR on the property just to the north, done in about 1979 and doubtless still in Coastal Commission files because the application (Goshen) is still pending, points out that shallow bedrock makes septic systems problematical. Coupling that very thorough geological study with the high water flow situation gives saliency to a potentially serious problem.

The entire fill underlying the proposed house was placed in contravention of the Act. In my view, conduct of this nature should not be rewarded. All unpermitted fill should be removed before a permit is issued.

These issues should be subject of complete testimony and analysis.

Very truly yours,



Kenneth Wikle

<b>Exhibit 7: p2 of 2</b>
<b>Application 4-98-117</b>
<b>(Holmes)</b>
<b>Wilke Objection Letter</b>

2790 Stokes Cyn Rd  
Calabasas CA 91302  
7 May 1999

California Coastal Commission  
89 South California Street, Suite 200  
Ventura CA 98001

Dear Coastal Commissioners:

This letter expresses my concerns about permit # 4-98-117 requested by William Holmes. I am unable to attend the hearing in Santa Rosa next week. I have lived in the area since 1970 and have some historical perspective on this parcel.

The proposed house and other hard surfaces are overly large for this small parcel. If this much building is allowed, future problems are certain to ensue. The parcel lies in a drainage area and is subject to large amounts of water flowing periodically. The septic system is likely to fail; there is a history of septic failure on a nearby parcel. The downstream creekbed will be scoured by the increase in flow. Cold Canyon Road may suffer problems from too much runoff as it did in the early 1980s. I recommend that you reduce the size of the house to allow more open natural drainage space and a better buffer for the septic system.

This parcel is in a rural area and lighting restrictions should apply.

In the event that you find illegal grading has taken place (and it appears that this is the case) then the applicant should not be allowed further concessions.

I was pleased to note that you have required the applicant to use native plant vegetation. Since most plants are native to somewhere on the earth this native plant vegetation should be native to the Santa Monica Mountains. The use of cultivars should also be excluded because they unfairly compete with our true natives.

Thank you for your attention.

Yours truly,

Kathie Renger

Exhibit 8:
Application 4-98-117
(Holmes)
Renger Objection Letter



**ENGINEERING GROUP, INC.**

James O'Tousa, R.G. 4444, C.E.G. 1393  
Robert W. Anderson, R.C.E. 58383  
Jerry M. Crowley, R.C.E. 23325

May 5, 1999

Mr. Merle Betz  
California Coastal Commission  
South Central Coastal Commission District Office  
89 S. California Street  
Ventura, California 93001

Subject: HOLMES PROPERTY  
1949 COLD CANYON ROAD  
CALABASAS, CALIFORNIA

Dear Merle:

RJR Engineering Group, Inc. (RJR) has been retained by Mr. William Holmes, property owner of property at 1949 Cold Canyon Road in the Calabasas area of the County of Ventura, California. The purpose of our study is to review the previous studies performed on the site and evaluate the concerns presently being raised by the neighbors from a civil, planning and geotechnical standpoint.

As a part of this evaluation, RJR has reviewed aerial photographs; previous and current surveys of the site; geotechnical/geologic and percolation studies; and hydrology studies performed for the site. In addition, RJR interviewed the County of Los Angeles Grading and Drainage Engineer, Mr. Sandy Parker; and, reviewed two letters prepared by Victoria Wikle and Kenneth Wikle.

For the ease of review, we have itemized each subject.

#### 1.0. Fill Placement

We understand that over some period of time, several periods of fill have been placed in the existing canyon. This includes a recent violation that occurred in the Winter of 1997-1998. We understand that a series of soil piles were dumped on the lot. Based on the County estimates, and the previous survey, this appears to be on the order of 35 cubic yards. I have enclosed a copy of the letter sent by the California Coastal Commission to the owners at the time of the dumping, Mr. and Mrs. Rasnow. It should be noted that the site was subsequently sold to Mr. Holmes, therefore unfounded allegations that he supervised the fill placement are erroneous. Subsequent to the illegal dumping, the fill was removed under the direction of Mr. Holmes. The fill removal was supervised and approved by the County of Los Angeles, and all citations have been removed from the

RECEIVED MAY 11 1999 COASTAL SOUTH CENTRAL	Exhibit 9: p1 of 5
	Application 4-98-117
	(Holmes)
	RJR Response to Objection Letters

property (Person. Comm., Sandy Parker, May 6, 1999). A copy of the Grading Inspection Card and Final Approval is attached to this letter.

Based on our professional review of the site, previous surveys and recent updated surveys performed by Professional Land Surveyors, it is the opinion of RJR that the site has been returned to approximate condition and relative elevations that existed prior to the illegal dumping. We estimate that approximately 10 feet of unengineered fill do exist at the site, and based on the approved geotechnical/geologic reports, these materials will be removed, and replaced with engineered fill and the appropriate subsurface drains.

## 2.0. Geologic and Geotechnical Stability

In regards to the site development from a geotechnical standpoint, the geotechnical and geologic reports identified no other hazards or conditions on the site that present a hazard or require mitigation, and presented an unconditional 111 statement. Based upon our professional review, and experience with other projects in the area, we are in agreement with these findings.

Site development is typical for this area, and present no special conditions or concern

## 3.0. On-Site Sewage Disposal

With respect to the on-site sewage disposal system, percolation pits into bedrock are common place throughout the area and throughout Northern and Southern California. Percolation pits into bedrock are common place, and references made by Mr. and Mrs. Wikle are erroneous and unfounded.

## 4.0. Drainage

Drainage of any site, especially those in sensitive or marginally sensitive areas are important to the habitat and the overall stability of the site. A Hydrology Report was prepared for the site, and we did not find any problems or concerns.

The approved Grading and Drainage Plan appears to adequately address the drainage for the site, and in fact the house was relocated from the original locations to further ensure that localized drainage would not be inhibited or compromised.

We recommend that upon completion of the grading, the site be landscaped and all slopes be properly vegetated to reduce and minimize erosion. All plants should be native plants to the area, and should be drought and fire resistant. A landscape plan should be prepared by a Landscape Architect.

**Exhibit 9: p2 of 5**

**Application 4-98-117**

**(Holmes)**

**RJR Response to  
Objection Letters**

Based on our site review on May 5, 1999, no visual signs of erosion or excess sediment were being shed from the site into the surrounding watershed, and some erosion control/SWPPP measures were still in place.

Site development will mitigate any issues raised by Mr. and Mrs. Wikle. In fact, the sooner site development occurs the sooner the potential for excess erosion will be mitigated, since the unengineered fill will be removed and replaced with engineered fill.

#### 5.0. Setbacks

As you are aware, RJR performed hundreds of projects every year relating to site development, and we are very familiar with the local agencies requirements for site development. In addition, RJR is the geologic and geotechnical reviewers for the County of Ventura. Based on our review of the plans, the setbacks for the site more than meet the requirements of the County of Los Angeles, and in fact exceed that which would be required. Therefore, it is our professional opinion that the setbacks are suitable for the intended construction and for the conditions that exist at the site.

#### 6.0. Remaining Issues

We would agree in concept that any development in the area should be sensitive to the surrounding environment. It would seem logical and prudent that the client use common sense in regards to fencing and lighting.

It appears from the comments in the letter that the adjacent neighbor is attempting to dictate land-use and development. The Architectural and Civil Plans present a modest and common sense approach to the development of the site, and no additional restrictions or conditions should be imposed on this site than on any other site that is presently being developed or is currently in use.

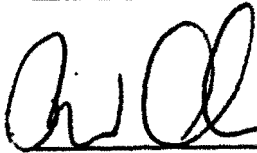
In summary, it is the professional opinion of RJR that the proposed sit development is suitable from an civil engineering standpoint and no special or adverse site conditions were encountered in the previous studies that would warrant special design considerations or site development restrictions.

<b>Exhibit 9: p3 of 5</b>
<b>Application 4-98-117</b>
<b>(Holmes)</b>
<b>RJR Response to Objection Letters</b>

If you or any staff of the Coastal Commission have any questions, please feel free to give us a call at (805) 650-5125.

Sincerely,

**RJR ENGINEERING GROUP, INC.**



Robert W. Anderson, P.E.  
R.C.E. 58,383  
Senior Partner



<b>Exhibit 9: p4 of 5</b>
<b>Application 4-98-117</b>
<b>(Holmes)</b>
<b>RJR Response to Objection Letters</b>



**KEEP THIS CARD AT JOB SITE**

DEPARTMENT OF PUBLIC WORKS  
BUILDING AND SAFETY DIVISION  
4111 NORTH LAS VIRGENES ROAD  
CALABASAS, CALIFORNIA 91302  
TELEPHONE: (818) 880-4150

**GRADING INSPECTION CARD**

PERMIT NO. GR 9803 280001 DATE 8-28-98  
LOCATION Calabasas 1949 Cold Canyon  
OWNER Holmes

	DATE	INSPECTOR'S SIGNATURE
PRE-GRADE MEETING	<u>8/31/98</u>	<u>Kesh</u>

*NA*  
*not*

	DATE	INSPECTOR'S SIGNATURE
INITIAL INSPECTION		
Brushing	<u>NA</u>	<u>mnp.</u>
Brush Removed From Site	<u>NA</u>	<u>mnp.</u>

**PRE-GRADE AND INITIAL INSPECTION REQUIRED PRIOR TO COMMENCING EARTHWORK**

	DATE	INSPECTOR'S SIGNATURE
ROUGH GRADING		
Slopes	<u>NA</u>	<u>mnp.</u>
Drains		
Elevations		
Revised Plans		
Reports/Certifications		
Landscape Plans Submitted	<u>NA</u>	

**ROUGH GRADE APPROVAL REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

	DATE	INSPECTOR'S SIGNATURE
FINAL GRADING	<u>9-18-98</u>	<u>SV</u>
Drainage Devices Paved	<u>NA</u>	
Pad Drainage	<u>9-17-98</u>	<u>SP</u>
Planting	<u>NA</u>	
Landscape/Irrigation	<u>NA</u>	
Revised/As-Built Plans	<u>NA</u>	
Reports/Certifications	<u>9-14-98</u>	<u>SP</u>

**ALL INTERIM INSPECTIONS ARE ONGOING TO ASSURE SITE COMPLIANCE**

Exhibit 9: p5 of 5  
Application 4-98-117  
(Holmes)  
RJR Response to  
Objection Letters

