

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-194

APPLICANT: KASCO, LP

AGENT: Alan Satterlee

PROJECT LOCATION: 24641 Dry Canyon-Cold Creek Road, Calabasas (Los Angeles County)

PROJECT DESCRIPTION: Construct a 3,681 sq. ft., two-story, 21 foot high, single family residence including attached 600 sq. ft. three car garage and septic system. 3,180 cu. yds. of grading (2,100 cu. yds. cut, 1,180 cu. yds. fill, and export of 920 cu. yds. of material outside the coastal zone).

Lot area:	57,030 sq. ft.
Building coverage:	3,681 sq. ft.
Pavement coverage:	3,360 sq. ft.
Landscape coverage:	29,520 sq. ft.
Parking spaces:	three covered, three open
Height above finished grade:	21 feet

SUMMARY OF STAFF RECOMMENDATION

The proposed development of a single family residence is on a steep site in the Mulholland Corridor that visually impacts on nearby trails. The project is across the highway and approximately one hundred feet from Dry Canyon Creek, a designated environmentally sensitive habitat area. The surrounding area is designated a disturbed sensitive resource area in the certified LUP. 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, design restrictions, future development restriction, and removal of excavated material.***

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning, Approved In Concept, 8/27/98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Coastal development permit 4-98-155 (Armen); Brian A. Robertson & Associates, Inc. Acceptance Geotechnical Responsibility For 24641 Dry Canyon-Cold Creek Road, June 23, 1988 and Supplemental Geotechnical Letter # 5, April 19, 1999; A Coast Engineering, Soil Feasibility Study, September 24, 1990.

RESOLUTION:

The staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

Staff recommends a YES vote on the following motion:

I move that the Commission approve with special conditions CDPs # 4-99-194 per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

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 permutee 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 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 Brian A. Robertson & Associates, Inc., Acceptance Geotechnical Responsibility For 24641 Dry Canyon-Cold Creek Road, June 23, 1988 and Supplemental Geotechnical Letter # 5, April 19, 1999 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 Plans**

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 and 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. Color Restrictions

- a. The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass. Night lighting shall be directed downward and shielded to limit visibility from off the site to the maximum extent feasible.
- b. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. Future Development Deed Restriction

- a. This permit is only for the development described in coastal development permit No. 4-99-194. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number two (2), shall require an amendment to Permit No. 4-99-194

from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- b. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Removal of Excavated Material

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 3,681 sq. ft., two-story, 21 foot high, single family residence including attached 600 sq. ft. three car garage and septic system, and 3,180 cu. yds. of grading (2,100 cu. yds. cut, 1,180 cu. yds. fill, and export of 920 cu. yds. of material outside the coastal zone). Construction activity will avoid an oak tree located in the road right of way.

The project location is on the steep, uphill side of Dry Creek Cold Canyon Road, but is also within approximately 100 ft. of the centerline of Dry Canyon Creek. The bank is on the immediate opposite side of the roadway. Dry Canyon Creek is a USGS-designated blue line stream designated as a disturbed sensitive resource area (DSRA) on the certified Malibu/Santa Monica Mountains Land Use Plan (LUP).

Surrounding development along the Creek is single family residential in character and land to the north, west and south is vacant hillside containing chaparral habitat.

The project includes grading for roadway and pad improvements which extend onto an adjacent parcel to the south. The applicant has furnished a grant of easements across this parcel which allows for necessary improvements. Further, the owner of this adjacent property has been invited to join in the application as co-applicant.

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 Calabasas Peak and Dry Canyon Creek to the east and Stokes Canyon to the west. The site is, as noted, on a steep slope above Dry Canyon Creek on the uphill side of the roadway, opposite the creek.

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 forty (40) feet moving from southwest to northeast. Slope drainage is by sheet flow runoff and drainage is directed toward the east draining toward the road and the creek.

1. Geology

The applicant has submitted a Brian A. Robertson & Associates, Inc., Acceptance Geotechnical Responsibility For 24641 Dry Canyon-Cold Creek Road, June 23, 1988 and Supplemental Geotechnical Letter # 5, April 19, 1999 which states that:

It is the finding of this firm, that the proposed project (and seepage pit) will be safe from geotechnical hazards (i.e. landslide, settlement or slippage) and will not adversely affect adjacent properties, in compliance with Section 111 of the County Building Code, provided our recommendations are incorporated into the design and properly 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 northeast toward the road and creek nearby, approximately one hundred feet from the site, based on the centerline. Dry Canyon Creek is a disturbed sensitive resource area (DSRA) in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP), as noted previously.

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.

The proposed drainage plans and erosion control include retaining walls, splash walls, diverters, velocity reducers, and drains. Although these measures will reduce significant adverse impacts on drainage, water quality or erosion, approval is recommended with conditions which address other potential effects of erosion and/or sedimentation. 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 DSRAs 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.

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 3,681 sq. ft., two-story, 21 foot high, single family residence including attached 600 sq. ft. three car garage and septic system, and 3,180 cu. yds. of grading (2,100 cu. yds. cut, 1,180 cu. yds. fill, and export of 920 cu. yds. of material outside the coastal zone).

The proposed development is located in the Mulholland Scenic Corridor and is visible from the Stokes Ridge Trail. 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 project requires approximately 3,200 cu. yds. of grading.

Although this grading will result in an alteration of natural landform, the combined factors of the need for access using the existing turnoff from Dry Canyon Cold Creek Road, together with the steepness of the lot, presence of blind curves on the roadway in both directions, and unusual small triangular lot shape, result in no other feasible safe project location for the proposed single family residence. The proposed amount of grading is a moderate amount given the steepness of the lot and lack of alternative building sites. The applicant has minimized grading to the extent that the proposed pad is only large enough to accommodate the drainage and erosion control system, the residence, driveway, and a small yard area on an 8,000 sq. ft. pad. The grading does not result in large cut and fill slopes in that the maximum cut is on the order of thirty five feet immediately in back of the residence in a location partially blocked from the road, with the remaining slopes on the order of twenty feet. In addition, the proposed residence at a height of 21 feet presents a lower profile than a potentially higher two story residence, which lessens the cumulative impact on visual quality.

The structure is not visible from Mulholland Highway, a designated scenic highway nearby, but is located within the Mulholland scenic corridor where potential visual impacts are considered based on this designation in the certified Land Use Plan for the Santa Monica Mountains. The project, also, is visible from the Stokes Ridge Trail on the ridgeline to the east. In addition, the proposed design sets the project above the road grade of Dry Canyon Cold Creek Road, further increasing the visual impact on the surrounding area. Since the site will be visible from the locations described, the conditions of approval recommended below are necessary to ensure consistency with PRC Section 30251.

Use of native plant material, as previously recommended, will soften the visual impact of the project, in addition to reducing the adverse effects of erosion. In addition, as recommended in *special condition five (5)*, there is a need to avoid visually intrusive colors in the residence of driveway, including white tones and bright colors. The use of earth tones for buildings, roofs and driveways minimizes the visual impact of structures and helps blend in with the natural setting. The Commission finds that a deed restriction through *special condition five (5)* is therefore necessary.

While the proposed residence is located in a manner which is consistent, as conditioned, with past Commission actions regarding visual quality, there is the potential that future development (including accessory structures and additions to the single family residence) which would otherwise be exempt from Commission review, would create additional visual impact. Therefore, *special condition six (6)* is necessary to ensure that such development is reviewed by the Commission for conformity with the visual resource policies of the Coastal Act.

In summary, the Commission finds that only as conditioned, will the project 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. Environmentally Sensitive Habitat Areas/Water Quality

The protection of Environmentally Sensitive Habitat Areas and water quality is addressed in the following PRC policies:

Section 30231.

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

Section 30240.

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

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

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that provide useful guidance in evaluating the consistency of the proposed development with the policies of the Coastal Act. These policies have been found by the Coastal Commission in certifying the LUP to incorporate the resource protection requirements of Coastal Act Sections 30240 and 30231 for application to specific sensitive resource areas in Malibu and therefore continue to serve as guidance in reviewing proposed development for consistency with Coastal Act policies.

Specifically applicable LUP policies addressing the protection of DSRs and ESHAs and thereby incorporating the resource protection policies that are relevant to the proposed project include (paraphrased): ***P 74 development located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources; P 79 set back development at least 50 feet from riparian vegetation; P 86 drainage control systems to minimize effects of runoff and erosion; P 91 development designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site.***

The proposed residence and septic system are approximately 100 ft. of the centerline of Dry Canyon Creek. Dry Canyon Creek is a USGS-designated blue line stream and DSRA designated in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The Creek area downstream of the site in the vicinity of Mulholland Highway is designated as an Environmentally Sensitive Habitat Area in the certified LUP.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. The Commission finds, as previously noted, that the project will significantly increase the amount of impervious surfaces on the site which will increase 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, which could destabilize the site and cause sedimentation and result in degradation to riparian systems in the following manner:

- Eroded soil contains nitrogen, phosphorous, and other nutrients which, when carried into water bodies, trigger algal blooms that reduce water clarity and deplete oxygen which leads to fish kills and creates odors.
- Excessive deposition of sediments in streams blankets the bottom fauna, paves stream bottoms, and destroys fish spawning areas.
- Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitats.
- Suspended sediment abrades and coats aquatic organisms.
- Erosion removes the smaller and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

As noted previously, the proposed drainage plans and erosion control include retaining walls, splash walls, diverters, velocity reducers, and drains reduce significant adverse impacts on drainage, water quality or erosion. The above Geologic Stability and Hazards Section recommended *special condition two (2)*, which, in addition to ensuring site stability, will mitigate the effects of erosion and/or sedimentation which contribute to water pollution. The condition 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.

As previously noted, the proposed project is across the roadway from Dry Canyon Creek and the proposed residence is approximately one hundred feet from the centerline of the Creek. Adequate distances from creeks are necessary to maintain natural vegetation buffers that protect riparian habitats. Policy 79 of the Santa Monica Mountains LUP requires that development be setback a minimum of 50 feet from sensitive riparian vegetation that is not considered ESHA (eg. disturbed sensitive resource areas). In the case the proposed development is setback over 100 feet from the offsite riparian area. As discussed above, given the small size of the parcel and steepness of the site there are no other feasible building sites further from the riparian area offsite. Therefore, the Commission finds the building site is the only feasible building location on the subject site and complies with the setback requirements of the LUP and past permit actions related to stream setbacks involving disturbed resource areas.

Although the proposed structures are setback 160 feet from the stream the County Forestry Department can require up to 200 feet of vegetation thinning to minimize fuel load around a structure. Staff has confirmed with the Forestry Department that the department does not require the removal of riparian vegetation within a stream corridor. Fuel modification in riparian areas is usually limited to the selective thinning of dead material from the stream corridor. In this case, the proposed structures are located approximately 160 feet from the riparian area off-site and therefore very minimal to no fuel modification is expected to be required in the riparian area. Therefore, the Commission finds that the proposed project is consistent with stream protection policy of the Coastal Act.

In summary, the above provisions ensure, for the reasons noted, protection of environmentally sensitive habitat areas and the biological productivity of coastal waters in a manner consistent with PRC Sections 30231 and 30240.

E. 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 seepage pits. The closest seepage pit to the edge of the blue line stream, based on the edge of the highway adjacent to the stream, is approximately 110 feet. This distance to the stream is consistent with the minimum distance of 100 specified in the certified LUP.

The installation of a private sewage disposal system was reviewed by the consulting geologist, Brian A. Robinson, Inc. and found not to create or cause adverse conditions to the site or adjacent properties. 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 Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if 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.

4-99-194

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

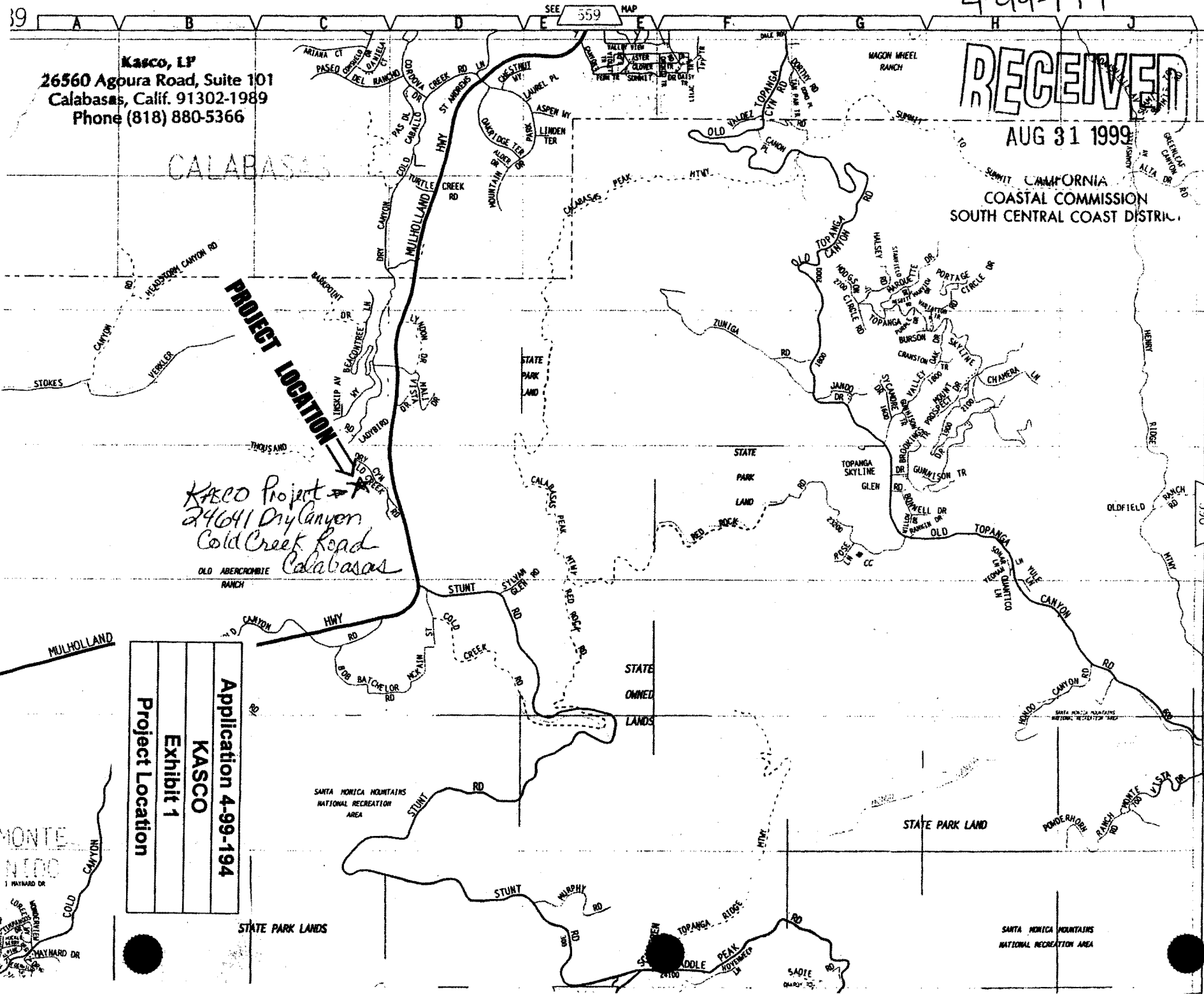
Kasco, LP
26560 Agoura Road, Suite 101
Calabasas, Calif. 91302-1989
Phone (818) 880-5366

CALABASAS

PROJECT LOCATION

KASCO Project
24641 Dry Canyon
Cold Creek Road
Calabasas

Application 4-99-194
KASCO
Exhibit 1
Project Location



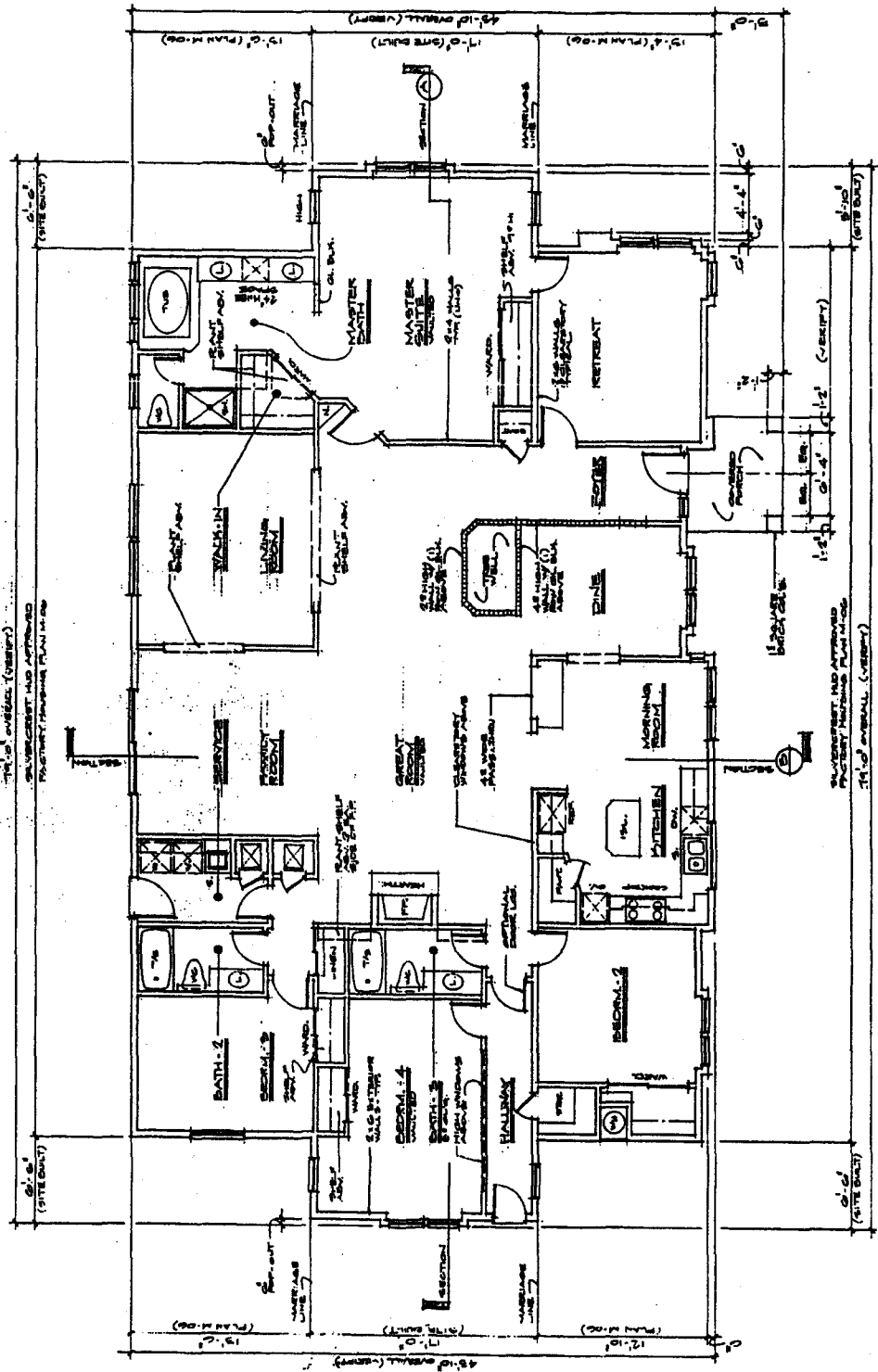
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SEE 590 MAP

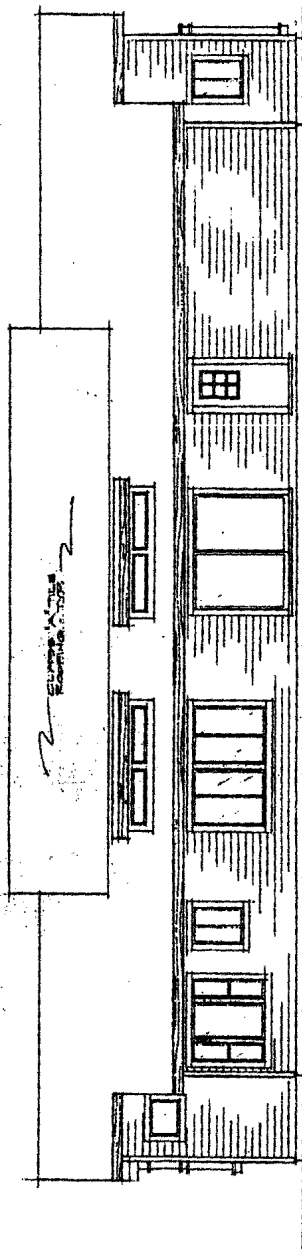


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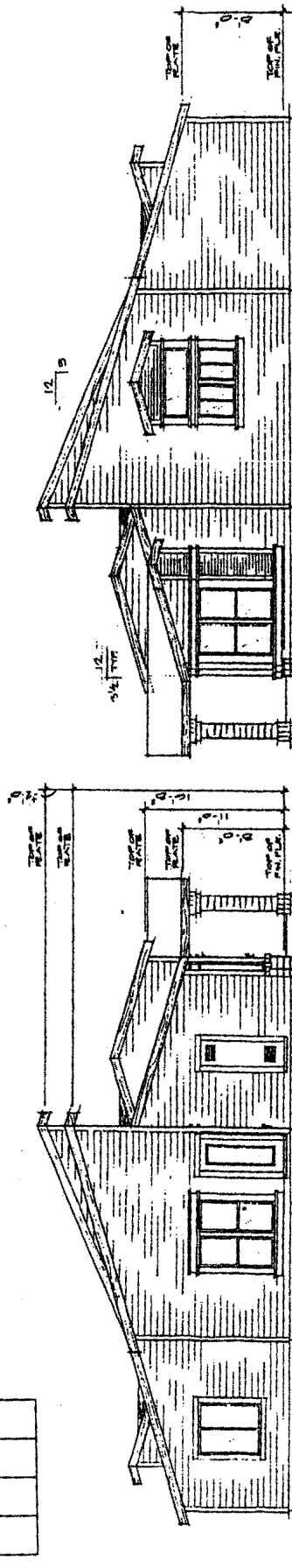
Application 4-99-194
KASCO
Exhibit 3
Floor Plan

[illegible]

Application 4-99-194
KASCO
Exhibit 4
Elevations

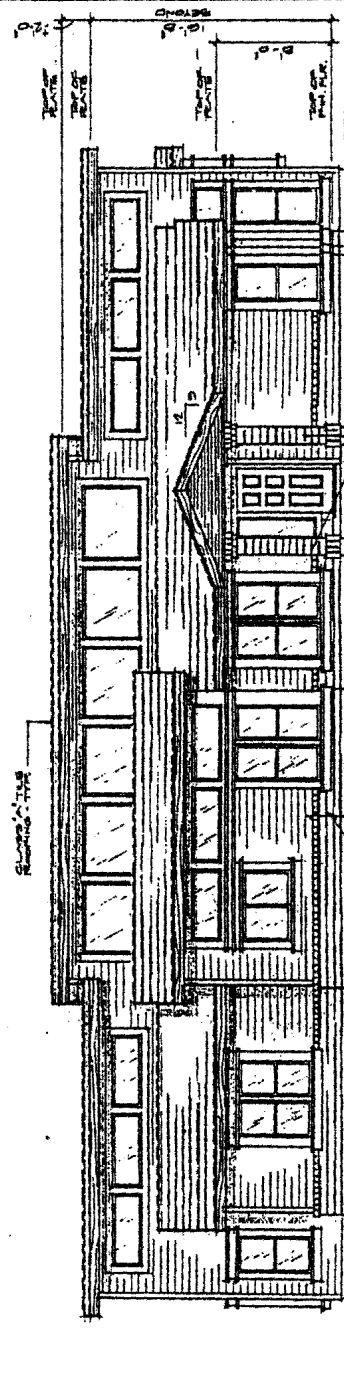


REAR ELEVATION



LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION



FRONT ELEVATION

PLAN 0

ALAN GATNER ENTERPRISES

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