

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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**RECORD PACKET COPY**

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Staff Report: 02/21/2000  
Hearing Date: 03/17/2000  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-99-198

**APPLICANT:** David and Rebecca Halbreich

**AGENT:** Don Schmitz

**PROJECT LOCATION:** 1045 Cold Canyon Road, Calabasas, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 24 ft. high, 3,557 sq. ft. single family residence with attached 2-car garage, new septic system, driveway, motorcourt, pool, terrace, deck, retaining walls up to 6 ft. in height, 728 cu. yds. of grading (437 cu. yds. cut, 291 cu. yds. fill, 146 cu. yds. export), and 370 cu. yds. of overexcavation.

Lot area:	124,207 sq. ft.
Building coverage:	2,944 sq. ft.
Pavement coverage:	5,179 sq. ft.
Landscape coverage:	6,210 sq. ft.
Unimproved area:	109,874 sq. ft.
Parking spaces:	5

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Regional Planning Approval-in-Concept 7/21/99, County of Los Angeles Department of Health Services Sewage Disposal System Design Approval 9/02/99, County of Los Angeles Fire Department, Fuel Modification Unit Approved Fuel Modification Plan 3/06/00.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan, Malibu/Cold Creek Resource Management Area Environmental Review Board Evaluation 7/21/99, Update Engineering Geologic Report by Mountain Geology, Inc. dated 10/20/99, Update Geotechnical Engineering Investigation by West Coast Geotechnical dated 11/10/99, Residential Waste Water Disposal System Consultant Report by Barton Slutske dated 7/25/99, Coastal Development Permit No. P-81-7701 (Western Estates), 5-83-290E6 (Cold Creek Associates), 4-96-047 (DaSilva), 4-99-083 (Heeney).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with **8 Special Conditions** regarding (1) conformance to geologic recommendations for design and construction, (2) landscaping and erosion control, (3) removal of natural vegetation, (4) drainage and polluted run-off control, (5) removal of excavated material, (6) design restriction, (7) future development, and (8) wildfire waiver of liability.

The proposed project site is located in Calabasas on a west-facing hillside off of Cold Canyon Road and is within the Cold Creek Resource Management Area, adjacent to and upslope from Cold Creek (Exhibit 1). Cold Creek is designated as a blueline stream by the United States Geological Survey and the stream's associated habitat corridor is designated as an Environmentally Sensitive Habitat Area (ESHA) by the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). In addition, the southern portion of the subject site is traversed by a natural drainage course, which is not a designated blueline stream, however, surrounding habitat associated with the natural drainage is designated by the LUP as environmentally sensitive significant oak woodland (Exhibit 9). An existing building pad, the area identified for proposed development, is located upslope from all designated ESHA at the project site. As such, no sensitive riparian habitat or individual oak trees will be removed during construction of the proposed residence. Additionally, the applicants have submitted a landscaping and fuel modification plan for the project site signed and approved by the Los Angeles County Fire Department Fuel Modification Unit on 3/06/00, which indicates that no vegetation clearance or thinning will be required for fuel modification purposes in the riparian corridor of Cold Creek or in the area designated as significant oak woodland (Exhibit 10). Therefore, all designated environmentally sensitive habitat areas of the project site will be protected from significant disruption of habitat resulting from construction of the proposed residence and vegetation removal for fire safety requirements.

The proposed project site is currently developed with a graded building pad, driveway, and site drainage swales previously approved under Coastal Development Permit P-81-7701 and 5-83-290E6. The proposed development will be visible from Cold Creek Trail, which is located west of the subject site, and a hiking and equestrian trail easement dedicated under CDP P-81-7701 located along the subject parcel's west property boundary (Exhibit 9).

**I. STAFF RECOMMENDATION****MOTION:**

*I move that the Commission approve Coastal Development Permit No. 4-99-198 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Plans Conforming to Geologic Recommendation**

All recommendations contained in the Update Engineering Geologic Report prepared by Mountain Geology, Inc. dated 10/20/99 and the Update Geotechnical Engineering Investigation prepared by West Coast Geotechnical dated 11/10/99 shall be incorporated into all final design and construction including foundations, grading, drainage, and sewage disposal. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and engineering geologist. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

#### **2. Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised 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 geotechnical and geologic engineering consultants to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and 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. 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.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings 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) No clearing, thinning, or other disturbance of vegetation shall be permitted within the areas designated as riparian canopy and/or significant oak woodland as illustrated on the Fuel Modification Plan revised on 2/23/00 and approved by the County of Los Angeles Fire Department Fuel Modification Unit on 3/06/00.
- (4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence and retaining wall west of the residence from the views of the Cold Creek Trail located west of the project site, and of the dedicated hiking and equestrian trail easement located along the west property boundary.
- (5) 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.
- (6) 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.
- (7) 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 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 surrounding 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. Drainage and Polluted Runoff Control Plans**

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geotechnical engineer and engineering geologist to ensure the plan is in conformance with the consultants' recommendations. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates, and other solids and 2) remove or mitigate contaminants through

infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

#### **5. 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 excavated material from the site. Should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

#### **6. Color Restriction**

The color of the structures, roofs, and driveway permitted hereby shall be restricted to a color compatible with the surrounding environment (white and red tones shall not be acceptable). All windows shall be comprised of non-glare glass.

- A. Prior to the issuance the coastal development permit the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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. Future Improvements**

This permit is only for the development described in Coastal Development Permit No.



4-99-198. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the permitted structures approved under Coastal Development Permit No. 4-99-198, and any grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-99-198 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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 incorporating all of the above terms of this condition. The deed restriction shall include legal description 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.

#### **8. Wildfire Waiver of Liability**

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

### **IV. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Project Description and Background**

The applicants are proposing to construct a two-story, 24 ft. high, 3,557 sq. ft. single family residence with an attached 2-car garage, new septic system, driveway, motorcourt, pool, terrace, deck, and retaining walls up to 6 ft. in height. Approximately 728 cu. yds. of grading (437 cu. yds. cut, 291 cu. yds. fill, 146 cu. yds. export), and 370 cu. yds. of overexcavation is proposed for the new development in addition to previous

grading required to create the existing building pad and driveway approved under Coastal Development Permit P-81-7701 (Western Estates).

The project site is located on a sparsely populated hillside just north of the Monte Nido area in Calabasas, adjacent to and west of Cold Canyon Road. The subject parcel is accessed directly from Cold Canyon Road via an existing driveway permitted under CDP P-81-7701. Additional development existing at the site permitted under CDP P-81-7701 includes a level building pad and drainage system consisting of concrete swales. The subject parcel is situated on a west-facing slope descending westerly from Cold Canyon Road to Cold Creek. Cold Creek is a perennial stream designated as a blue line stream by the United States Geological Survey. The southern portion of the subject parcel also descends south from the edge of the building pad to a natural drainage course, which is not a designated blue line stream. Slope gradients within the subject parcel range from relatively flat in the area of the existing building pad to 1½:1, with a total physical relief of approximately 150 ft. The entire parcel is located within the Cold Creek Resource Management Area, as well as portions of designated environmentally sensitive habitat areas associated with the Cold Creek riparian corridor and significant oak woodland habitat within the natural drainage course south of the building pad. Cold Creek, its associative floodplain, and a dedicated equestrian trail easement traverse the subject parcel along the west property boundary. The natural drainage traverses the parcel within the south and east property boundaries draining directly to Cold Creek. Both Cold Creek and the natural drainage are located down slope of the proposed building site. As such, no sensitive riparian or significant oak woodland habitat will need to be removed for construction of the proposed residence.

The subject site is lot eight of a ten lot, 85 acre subdivision approved by the Commission in 1981 (P-81-7701). The permit also included grading for access roads, building pads, drainage facilities, and septic systems, and included one 59 acre open space parcel dedicated for recreational use. The Commission approved the permit with conditions, one of which required the dedication of the hiking and equestrian trail easement along the west property boundary previously mentioned.

The proposed development will be located on an existing building pad which is down slope from Cold Canyon Road, and upslope from Cold Creek and a dedicated trail easement to the west, and the natural drainage to the south. Because the proposed project site is located upslope from the dedicated trail easement, development onsite will not interfere with public access along this trail. However, the proposed project will be visible from the trail easement, as well as the 59 acre parcel dedicated for recreational use located across Cold Creek, west of the subject site. This 59 acre open space parcel also contains a significant stretch of the Cold Creek Trail, a designated trail in the Land Use Plan from which the proposed development will also be visible.

## **B. Geology and Fire Hazard**

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

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area 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.

### **Geology**

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The applicant has submitted an Update Engineering Geologic Report prepared by Mountain Geology, Inc. dated 10/20/99 and an Update Geotechnical Engineering Investigation prepared by West Coast Geotechnical dated 11/10/99 which evaluate the geologic stability of the subject site in relation to the proposed development. The consultants have determined that the project site is appropriate for the proposed project. The Update Engineering Geologic Report prepared by Mountain Geology, Inc. dated 10/20/99 states:

*Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Geotechnical Engineer are complied with during construction.*

Furthermore, the Update Geotechnical Engineering Investigation prepared by West Coast Geotechnical dated 11/10/99 states:

*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 development plans and are implemented during construction.*

The Update Engineering Geologic Report prepared by Mountain Geology, Inc. dated 10/20/99 and the Update Geotechnical Engineering Investigation prepared by West Coast Geotechnical dated 11/10/99 include several recommendations to be incorporated into project construction, design, and drainage to ensure stability and geologic safety of the project site. To ensure that the recommendations of the above mentioned consultants are incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the applicant to submit project plans certified by the consulting geotechnical and geologic engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed development, as approved by the Commission, which may be recommended by the consultants shall require an amendment to the permit or a new coastal development permit.

The Commission finds that minimizing site erosion will aid in maintaining the geologic stability of the project site, and that erosion will be minimized by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical and geologic engineer, as specified in **Special Conditions 2 and 4**. Special Condition 4 also requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a nonerosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition 4.

Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 146 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 5** requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition 2** requires the applicant to submit revised landscaping plans certified by the consulting geotechnical

and geologic engineer as in conformance with their recommendations for landscaping of the project site. Special Condition 2 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has also caused the loss or degradation of major portions of the native habitat and the loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees that originate from other continents, often used as landscaping in this area, invade and seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 2.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 3**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

### Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in 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 **Special Condition 8**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 8, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that as conditioned to incorporate all recommendations defined by the project's geotechnical and geologic engineering consultants for construction, design, drainage, sewage disposal, erosion control, and landscaping, and inclusion of the wildfire waiver of liability, the proposed project is consistent with Section 30253 of the Coastal Act.

### **C. Environmentally Sensitive Habitat**

Section 30230 of the Coastal Act states that:

***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.***

Section 30231 states:

***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 states:

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

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

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as 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. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

To assist in the determination of a proposed project's consistency with Sections 30230, 30231, and 30240 of the Coastal Act, the Commission has looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The Land Use Plan has been found to be consistent with Coastal Act Policies and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources and found that:

*Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.*

Specifically, Policy 79 of the LUP provides that in order to protect sensitive riparian habitats, all development, other than driveways and walkways, should be setback at least 50 ft. from the outer limit of designated environmentally sensitive riparian vegetation to maintain a natural buffer area. Table 1 of the LUP further provides that new structures shall be located 100 ft. from the outer limit of the riparian tree canopy. Policy 79 of the LUP also provides that seepage pits for new septic systems shall be located at least 100 ft. from the outer edge of riparian or oak tree canopies. In addition, Policy 82 of the LUP, in concert with the Coastal Act, provides that grading shall be minimized to ensure that the potential negative effects of runoff and erosion on watershed and streams is minimized. Further, Policies 84 and 94, in concert with the Coastal Act, provide that disturbed areas shall be revegetated with native plant species within environmentally sensitive habitat areas and significant watersheds.

As previously mentioned, the proposed project site is located on a west-facing hillside west of Cold Canyon Road within the Cold Creek Resource Management Area and is adjacent to and upslope from Cold Creek. Cold Creek is designated as a blueline stream by the United States Geological Survey and the stream's associated riparian corridor is designated as an Environmentally Sensitive Habitat Area (ESHA) by the Malibu/Santa Monica Mountains Land Use Plan (LUP). Additionally, portions on the south side of the subject site are traversed by a natural drainage course, which is not a designated blueline stream, however, surrounding habitat associated with the natural

drainage is designated by the LUP as environmentally sensitive significant oak woodland habitat. The area proposed for construction of a new residence is an existing building pad that is located upslope from Cold Creek and all designated ESHA at the project site. As such, development of the proposed single family residence will occur within an area previously disturbed by past grading and vegetation removal, and therefore will not result in removal of sensitive riparian habitat, individual oak trees, or significant oak woodland habitat at the project site.

In past permit actions regarding new development adjacent to riparian habitat, the Commission has required that all new development, consistent with Table 1 of the Malibu/Santa Monica Mountains LUP, be located more than 100 ft. from the outer limit of the riparian vegetation canopy in order to provide for an adequate buffer area from new development. However, in the case of the proposed project, the Commission notes that due to the location of the existing building pad previously approved by the Commission, it is not possible to construct the proposed development (or any less environmentally damaging alternative) on the subject site consistent with the 100 ft. setback from the riparian canopy typically required by the Commission.

The proposed development will be located on an existing building pad between Cold Canyon Road and the blueline stream (Cold Creek) on the subject site, and just north of the natural drainage course which runs adjacent to the southern property boundary. The location of the proposed residence is constrained by the fact that a building pad exists on site which was previously approved by the Commission and found to be an appropriate building site for a single family residence. Though the location for the proposed residence will not accommodate the required setbacks typically required by the Commission for resource protection of environmentally sensitive habitat areas, any alternative location for siting the development will not serve to significantly reduce environmental impacts associated with development of the site. Relocation of the proposed development to accommodate the required 100 ft. setback from the environmentally sensitive habitat areas on site would require a significant amount of grading for a new building pad and access road due to the steeply descending gradients of the lot. Therefore, the Commission notes that due to the location of the existing building pad, and the fact that any alternative building site would cause to increase potential environmental impacts resulting from significant grading and landform alteration at the subject site, it is not feasible to construct any type of new development, including the proposed residence, that would be setback 100 ft. or more from the outer limit of designated ESHA as typically required. The Commission further notes that due to the location of the existing building pad in relation to Cold Creek and the natural drainage, a reduction in the size of the proposed residence would not serve to provide a significantly larger setback area of the proposed development from the environmentally sensitive habitat areas.

The proposed project will not provide for a 100 ft. setback from the designated ESHA on site typically required for new development. However, the Commission notes that the proposed development will be located at least 50 ft. or more from the outer limit of the



riparian tree canopy and designated significant oak woodland habitat, and the residence will be located approximately 155 ft. from the centerline of the blueline stream. The proposed septic pit area will be located more than 200 ft. from the blueline stream and the edge of the riparian corridor, and will be located as far as feasible, approximately 60 ft. from the natural drainage and designated significant oak woodland habitat along the south property boundary. In addition to the above mentioned setback/buffer areas, the applicant has submitted a Fuel Modification Plan approved by the Los Angeles County Fire Department Fuel Modification Unit which indicates that no cutting or clearing of vegetation will be required for fuel modification purposes in the riparian corridor or oak woodland habitat. The Approved Fuel Modification Plan indicates that the existing setback areas for the proposed residence from the edge of the riparian corridor and significant oak woodland habitat will be adequate for vegetation thinning/clearance requirements for fire safety, and all existing riparian vegetation and oak trees on the subject site will be preserved. The Commission notes that no removal, thinning, or other disturbance of vegetation will occur in the riparian corridor or significant oak woodland habitat as a result of constructing the proposed residence and subsequent fuel modification requirements for fire safety standards. Therefore, the Commission finds that the proposed project is adequately located and designed, through minimum setback/buffer requirements and an accommodating fuel modification plan, to minimize significant disruption of sensitive riparian and oak woodland vegetation existing at the project site.

The Commission further finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition 2** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used.

The Commission notes that seasonal streams and drainages, such as Cold Creek and the natural drainage located on the subject site, in conjunction with primary waterways, provide important habitat for riparian plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased

erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat. As discussed in detail above, the Commission notes that although the proposed development will be located as far as feasible from the riparian and oak tree habitat (designated as ESHA by the LUP), due to the location of the previously approved building pad, it is not possible for the proposed development (or any feasible alternative) to be setback 100 ft. or more from those resources as typically required by the Commission to ensure adequate resource protection. In the case of the proposed project, no removal of vegetation in environmentally sensitive habitat areas identified on site is proposed and the Commission notes that all natural vegetation buffer areas currently existing at the subject site will be maintained. Additionally, because the existing building pad is located approximately 25 ft. upgrate from the established flood zone of Cold Creek, no streambed alteration or interference of stream flow in Cold Creek will result from the proposed project. However, the Commission finds that potential adverse effects to the value and quality of Cold Creek, and of the riparian and oak tree habitat on the subject site, may be further minimized through the implementation of an appropriate landscaping plan utilizing native plant species, and implementation of a drainage and polluted runoff control plan.

The proposed project includes approximately 728 cu. yds. of grading (437 cu. yds. of cut, 291 cu. yds. of fill, and 370 cu. yds. of overexcavation). Although no grading is proposed within the riparian corridor or oak tree habitat of the subject site, the proposed grading will result in potential adverse effects to the environmentally sensitive habitat areas on site and downstream areas. Grading for the proposed project is limited to preparing the existing building pad for construction of the new residence and no significant landform alteration is proposed. However, all grading activities at the project site have the potential to increase erosion on site and increase sedimentation into Cold Creek, the natural drainage course, and downstream areas. The Commission finds that minimizing site erosion will reduce the project's individual and cumulative potential to adversely affect the designated ESHA associated with Cold Creek and the natural drainage course, as well as sensitive resources located downstream of the project site.

Erosion and sedimentation can best be minimized by requiring the applicant to implement a drainage and polluted runoff control plan (discussed in further detail under Section E. Water Quality), by incorporating interim erosion control methods during construction, and by landscaping disturbed areas of the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes or riparian areas, and therefore do not prevent erosion in such areas. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, in order to minimize erosion and excess sedimentation into Cold Creek and the natural drainage course on site and downstream areas, **Special Condition 2** requires that all disturbed and graded areas

be stabilized and vegetated with appropriate native plant species. Special Condition 2 also requires that an interim erosion control plan be prepared and submitted with proof of review by the project's consulting geotechnical and geologic engineer, as conforming to their recommendations to reduce excess erosion and sedimentation from the project site into Cold Creek and the natural drainage during construction activities. Furthermore, **Special Condition 3** requires that no removal or thinning of natural vegetation for fuel modification purposes shall occur until grading or building permits have been secured from the local government and construction of the permitted development has commenced. The limitation imposed by Special Condition 3 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and runoff control devices and implementation of the landscaping and interim erosion control plans. Finally, to minimize the impacts of potential erosion resulting from stockpiles of excess grading material on site, **Special Condition 5** requires the applicant to export all excess grading material to an appropriate site for disposal.

Further, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as specified by **Special Condition 4**, to incorporate drainage and polluted runoff control measures into development of the project site. To ensure that the project's drainage and runoff control structures will not contribute to further erosion and sedimentation at the project site or surrounding area, and to ensure that the project's drainage structures shall be repaired should the structures fail in the future, Special Condition 4 also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

As previously discussed, portions of the subject site have been identified by the Malibu/Santa Monica Mountains LUP as riparian habitat and significant oak woodland, resources designated as environmentally sensitive habitat areas. Due to the unique nature of the subject site, the Commission finds that the amount and location of any new development on the subject site is significantly limited by the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, or landscaping that may be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition 7**, the future development deed restriction, has been required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

## **D. Visual Resources**

Section 30251 of the Coastal Act states:

***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 reservation 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 contains numerous policies regarding the protection of visual resources. The Coastal Commission has utilized these policies as guidance in past permit decisions. LUP policies particularly applicable to the proposed project include:

- P 91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands.
- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
  - Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
  - Minimize the alteration of natural landforms.
  - Be landscaped to conceal raw-cut slopes.
  - Be visually compatible with and subordinate to the character of its setting.
  - Be sited so as to not significantly intrude into the skyline as seen from public viewing places.
- P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The subject site is located within a rural area characterized by expansive, naturally vegetated mountains and hillsides, which are traversed by scenic, public trails. The site is not visible from any designated scenic highways, however, the subject site is located directly east of a 59 acre open space parcel dedicated for recreational use, containing a significant stretch of Cold Creek Trail, a hiking and equestrian trail identified in the Malibu/Santa Monica Mountains LUP. The project site is also visible from a dedicated hiking and equestrian trail easement located along the west property boundary.

As stated previously, the applicants propose to construct a two-story, 24 ft. high, 3,557 sq. ft. single family residence with attached 2-car garage, new septic system, driveway, motorcourt, pool, terrace, deck, retaining walls up to 6 ft. in height, 728 cu. yds. of grading (437 cu. yds. cut, 291 cu. yds. fill, 146 cu. yds. export), and 370 cu. yds. of overexcavation. The project site is located on a sparsely developed hillside on a west-facing slope highly visible from the recreational areas mentioned above. Grading for the proposed project is proposed only within the immediate area of the existing building pad to prepare the pad for construction of the new residence, therefore no significant landform alteration of the site will result from the proposed grading. The proposed development will be consistent with development existing in surrounding areas of the project site, and the applicants have worked with Commission Staff in revising project plans to reduce the heights of retaining walls and a terrace proposed on the west side of the residence which would be highly visible from the recreational areas mentioned. Project plans originally submitted for the proposed project indicated that a large terrace was proposed on the west side of the residence. The proposed terrace extended over and down the existing building pad requiring a 12 ft. high retaining wall. Revised project plans propose a smaller terrace and maximum 6 ft. high retaining which does not significantly extend beyond the existing building pad, and which can be successfully screened with landscaping to reduce visual impacts. Despite these mitigation measures, however, the proposed residence will be visible from some locations along Cold Creek Trail and will be significantly visible from the trail easement located along the west property boundary. Due to the highly visible nature of the project site from several public viewing areas, the Commission finds it necessary to require mitigation measures to minimize visual impacts associated with development of the project site.

The Commission finds it necessary to require the applicant to record a deed restriction providing specific limitations on the materials and colors acceptable for the development on the subject site, as specified in **Special Condition 6**. These restrictions generally limit colors to natural tones that will blend with the background of the environment and require the use of non-glare glass. White and red tones are not acceptable. If fully implemented by present and future owners of the proposed residence, Special Condition 6 will ensure that development of the site will be as visually unobtrusive to visual resources of the area as possible.

Visual impacts associated with proposed retaining walls, grading, and the structure itself, can be further reduced by the use of appropriate and adequate landscaping. **Special Condition 2**, the landscaping and fuel modification plan, requires that vertical screening elements be incorporated into the landscaping plan to soften views of the proposed residence and retaining wall from Cold Creek Trail and the hiking and equestrian trail easement on the subject property. In addition, Special Condition 2 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. The implementation of Special Condition 2, therefore, will help to partially screen and soften the visual impact of the development as seen from recreational use areas near the subject site. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition 2 also requires the applicant to revegetate all disturbed areas in a timely manner, and includes a monitoring component, to ensure the successful establishment of all newly planted and landscaped areas over time.

Finally, regarding future developments or improvements, certain types of development to the property, normally associated with a single family residence which might otherwise be exempt, have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the entire property, which might otherwise be exempt, are reviewed by the Commission for compliance with the scenic resource policy, Section 30251 of the Coastal Act. **Special Condition 7** the Future Development Deed Restriction, will ensure that the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Therefore the Commission finds that, as conditioned, the proposed development will minimize adverse impacts to scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

## **E. Water Quality**

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

***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.*

As described, the proposed project includes construction of a two-story, 24 ft. high, 3,557 sq. ft. single family residence with attached 2-car garage, new septic system, driveway, motorcourt, pool, terrace, deck, retaining walls up to 6 ft. in height, 728 cu. yds. of grading (437 cu. yds. cut, 291 cu. yds. fill, 146 cu. yds. export), and 370 cu. yds. of overexcavation. The use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The removal of natural vegetation and placement of impervious surfaces associated with new residential development reduces infiltration of rainwater into the soil thereby increasing the rate and volume of runoff, which in turn causes increased erosion and sedimentation. Infiltration of precipitation into the soil reduces runoff and provides for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area and coastal waters by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

The project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas on site. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat

the runoff from the site, as specified in **Special Condition 4**. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The proposed development includes installation of an on-site septic system with a 2,000 gallon tank to serve the residence. The 2,000 gallon septic tank will be located on the northern side of the building pad, from which effluent from the septic system will be pumped upgrade, away from Cold Creek, and disposed of through 2 septic pits. The applicants' engineering geologic consultants have evaluated the proposed septic system and conclude in their Update Engineering Geologic Report dated 10/20/99, that the site is suitable for the septic system and that there will be no adverse impact to the site or surrounding area from use of the proposed septic system. Finally, the County of Los Angeles Department of Health Services has approved the design of the proposed sewage disposal system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

## **F. LOCAL COASTAL PROGRAM**

Section 30604 of the Coastal Act states:

- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with 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 project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that



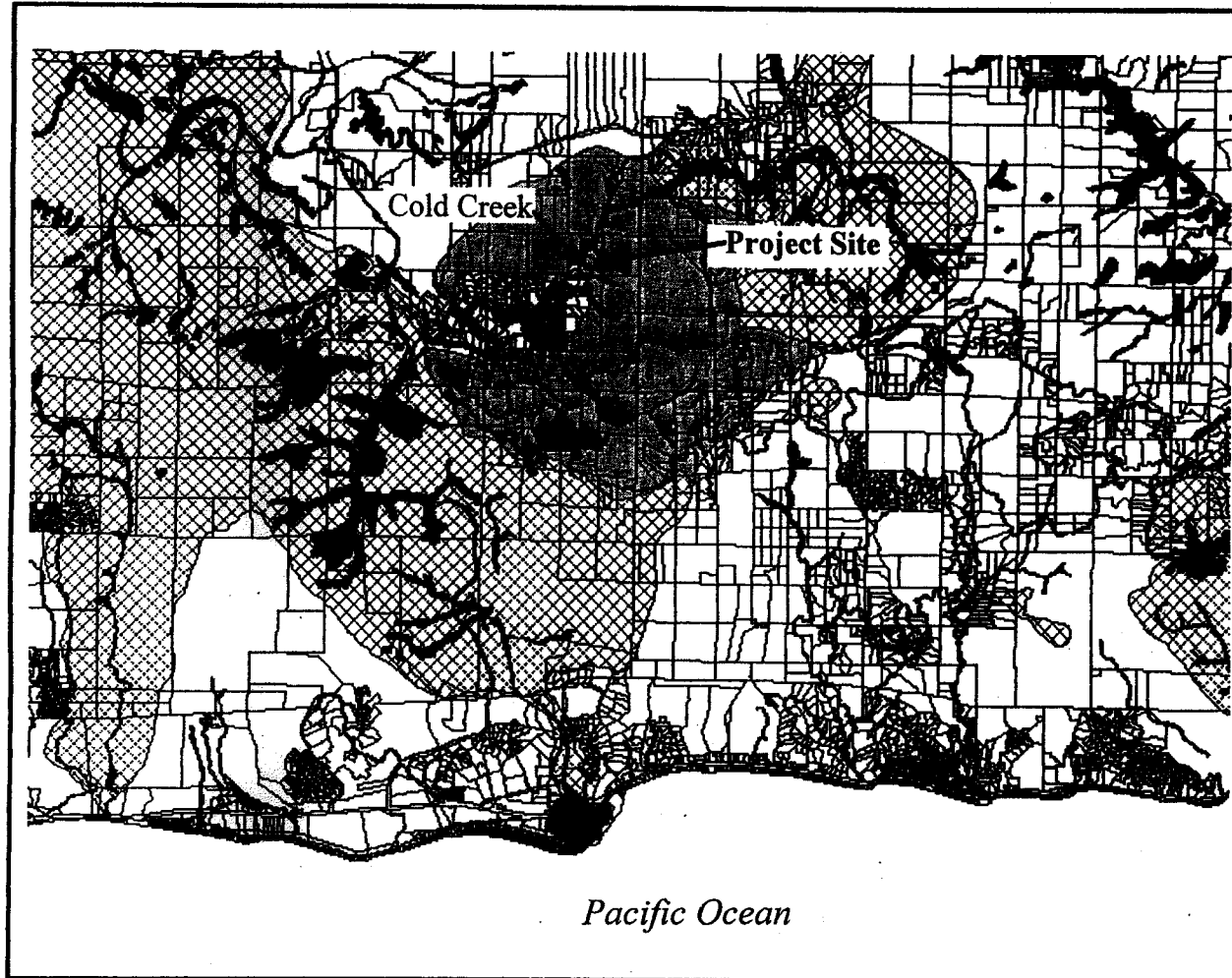
approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

## **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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally 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 effect which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

4-99-198 (Halbreich) 1045 Cold canyon Road



- laprcls
- esha (ESHA)
- Coldcreek management area
  - inland
  - locally disturbed resources
  - oak woodlands and savannahs
  - significant watersheds residential
  - wildlife migration corridor

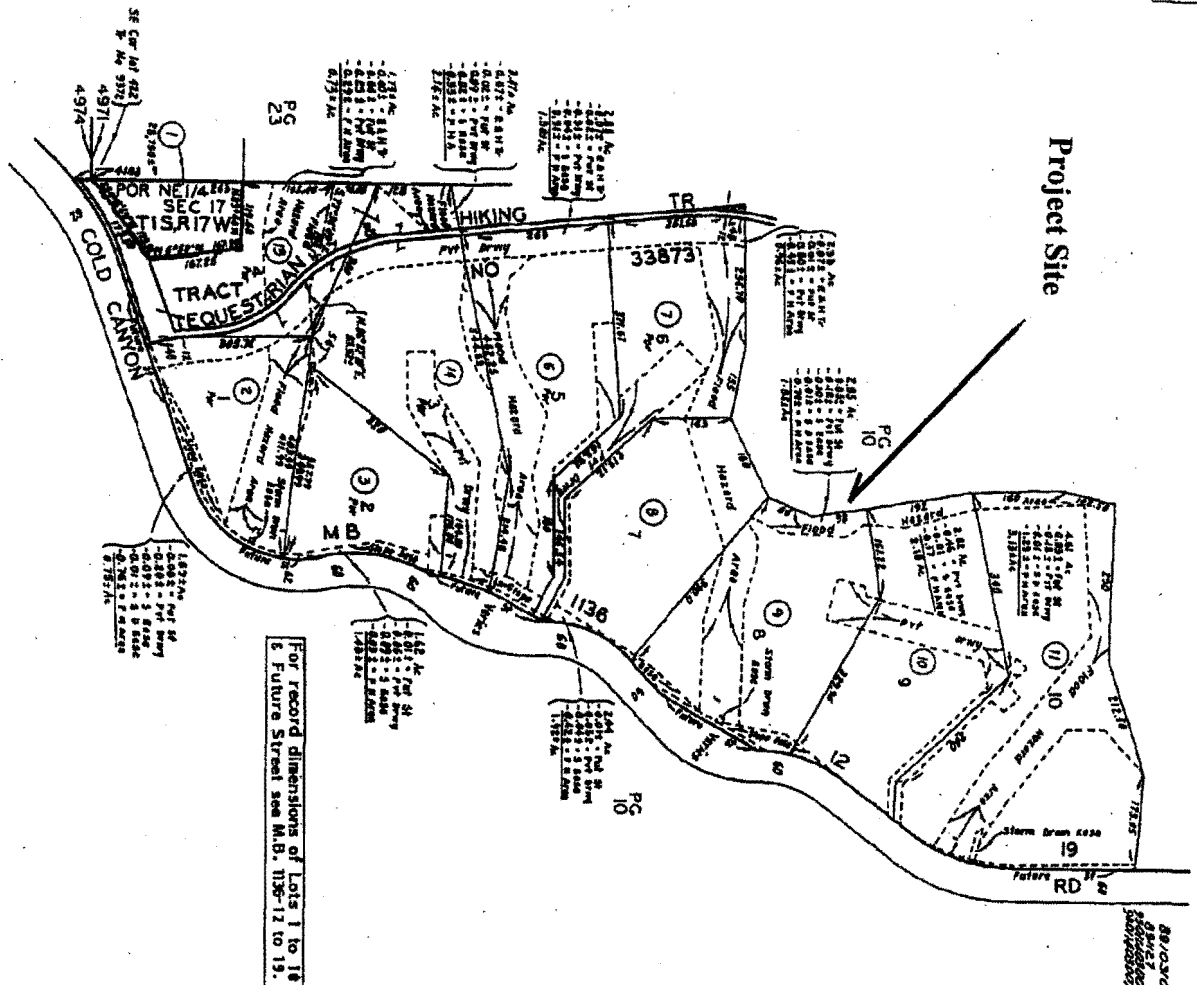
EXHIBIT 1

CDP #4-99-198

VICINITY MAP



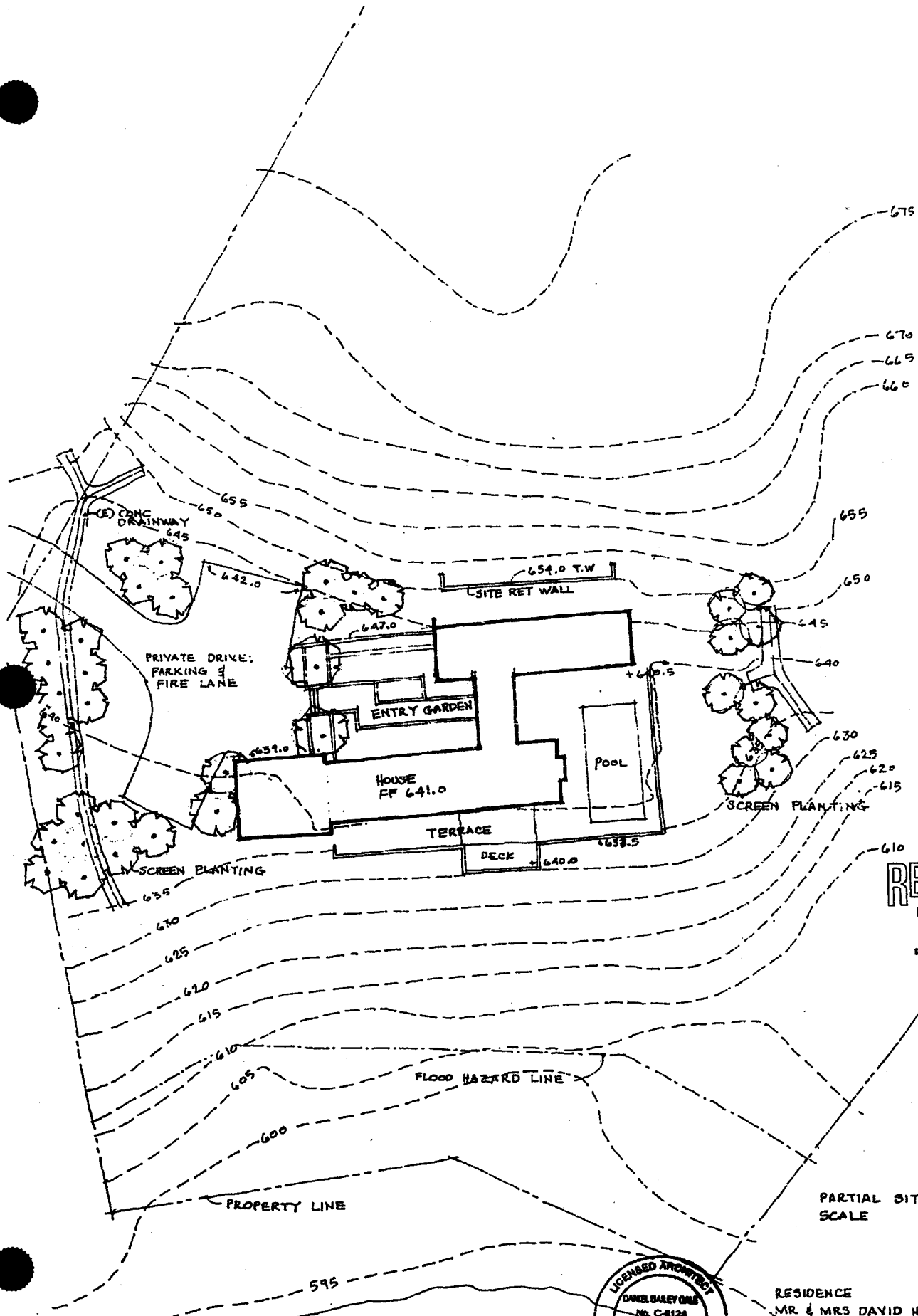
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## PARCEL MAP



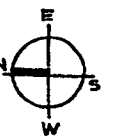


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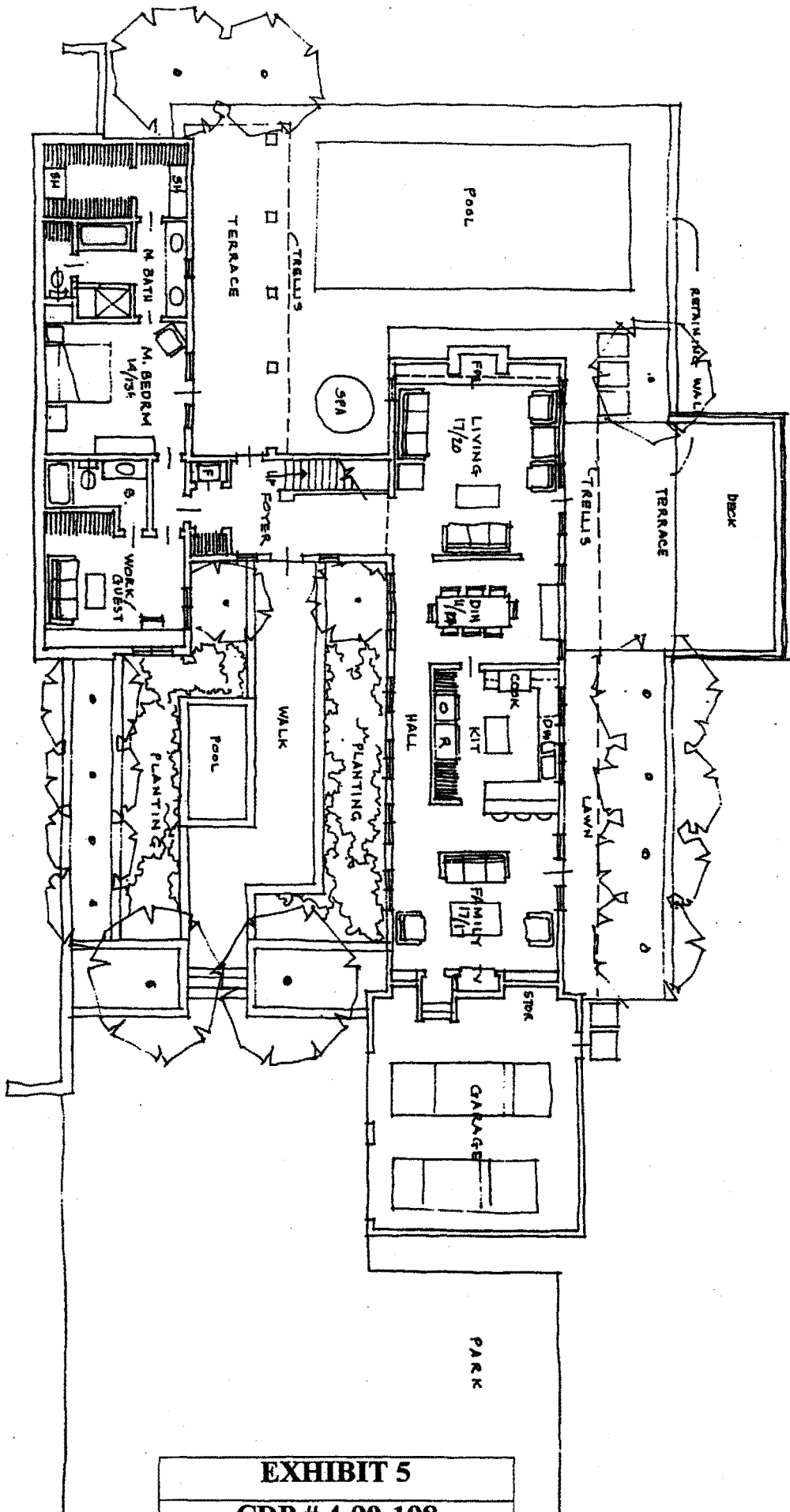
CALIFORNIA  
COUNTY OF LOS ANGELES  
SOUTH CENTRAL DISTRICT

PARTIAL SITE PLAN  
SCALE 1" = 20'0"



RESIDENCE  
MR & MRS DAVID HALBREICH  
LOT 8 COLD CANYON ROAD  
ACT 33873 - 1001 COLD CANYON RD  
COUNTY OF LOS ANGELES  
DANIEL B. GALE, A.I.A., ARCHITECT  
ALVAREZ, CALIFORNIA 5/10/99

**EXHIBIT 4**  
**CDP # 4-99-198**  
**Site Plan**



MAIN FLOOR PLAN • 1/8" = 1'-0"



AREA CALC.

MAIN FLOOR 2335  
UPPER FLOOR 1224  
GARAGE 550

EXHIBIT 5

CDP # 4-99-198

First Floor Plan

UPPER FLOOR PLAN - 1/8" = 1'-0"

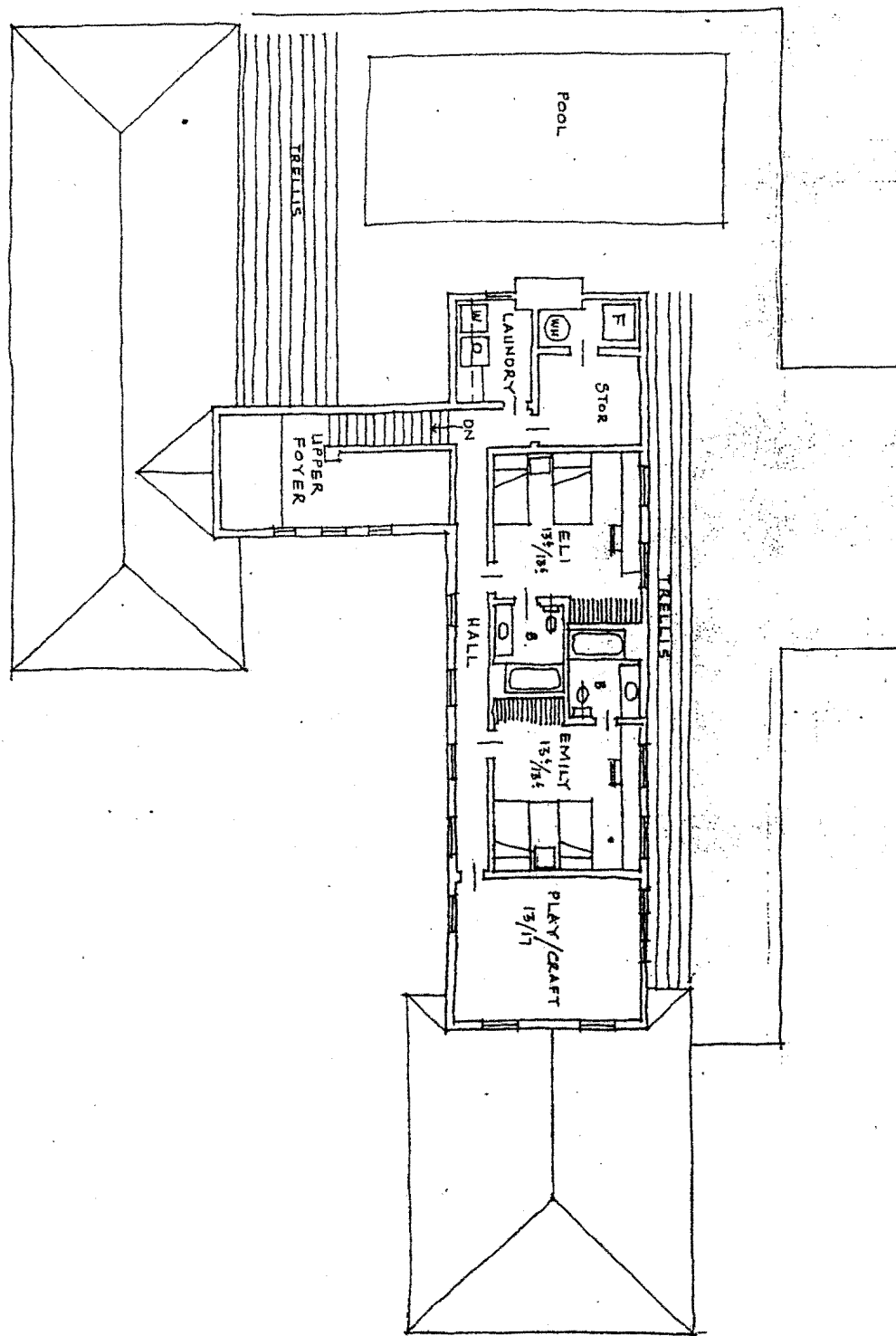


EXHIBIT 6
CDP # 4-99-198
Second Floor Plan

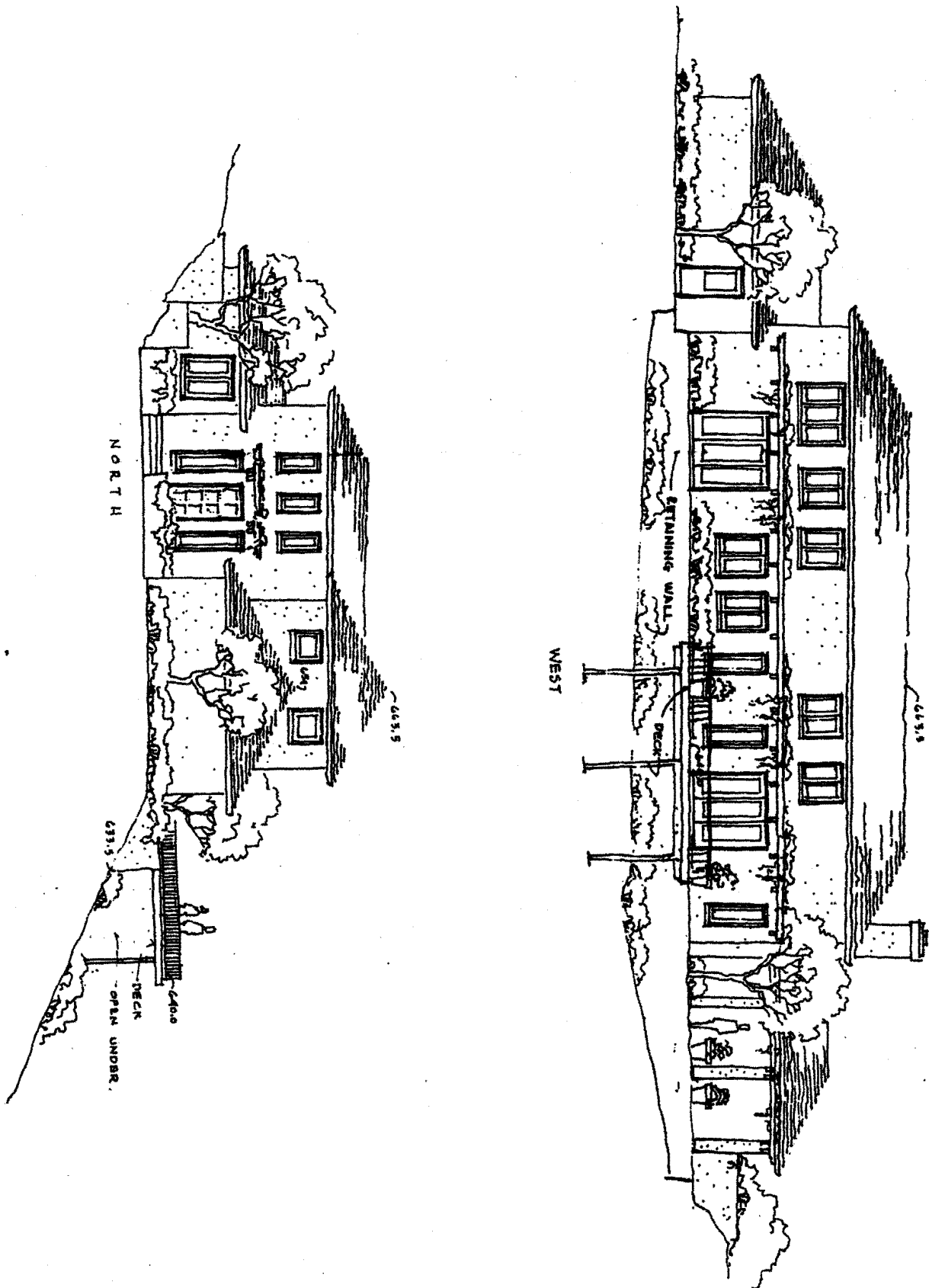


EXHIBIT 7
CDP # 4-99-198
Elevations



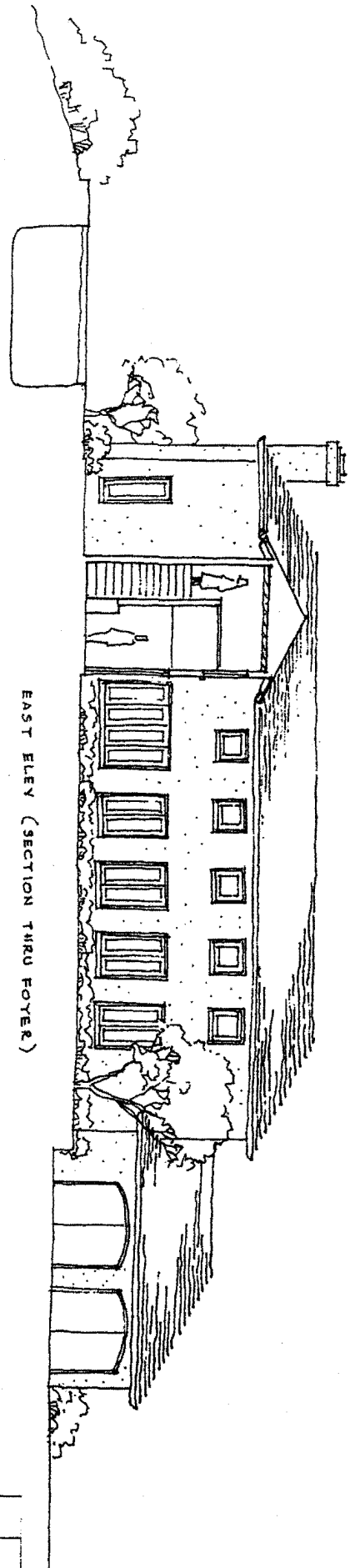
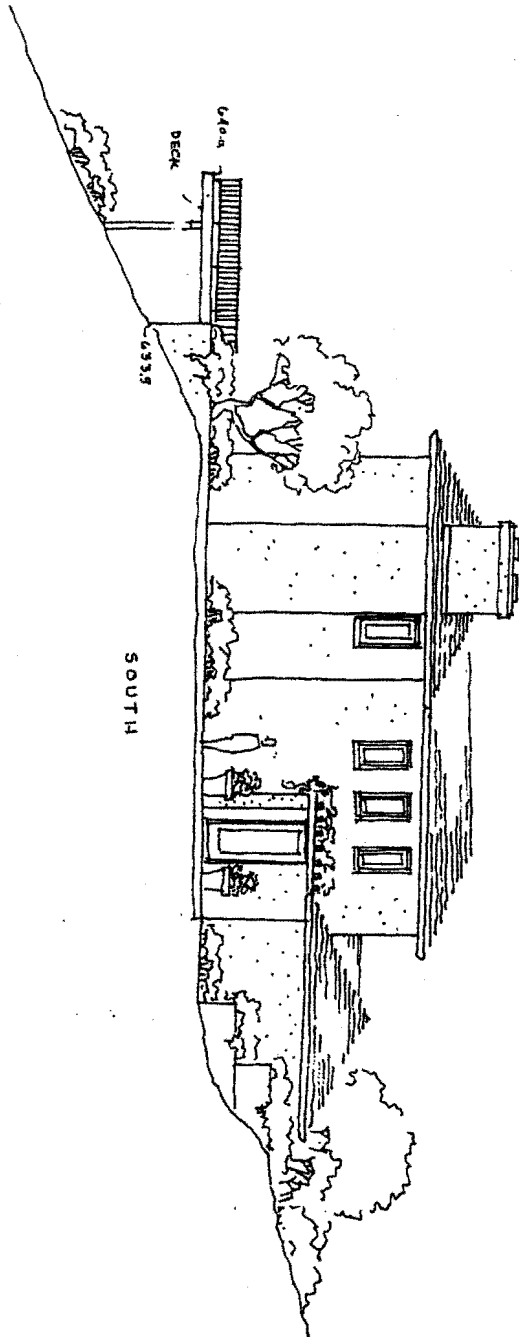
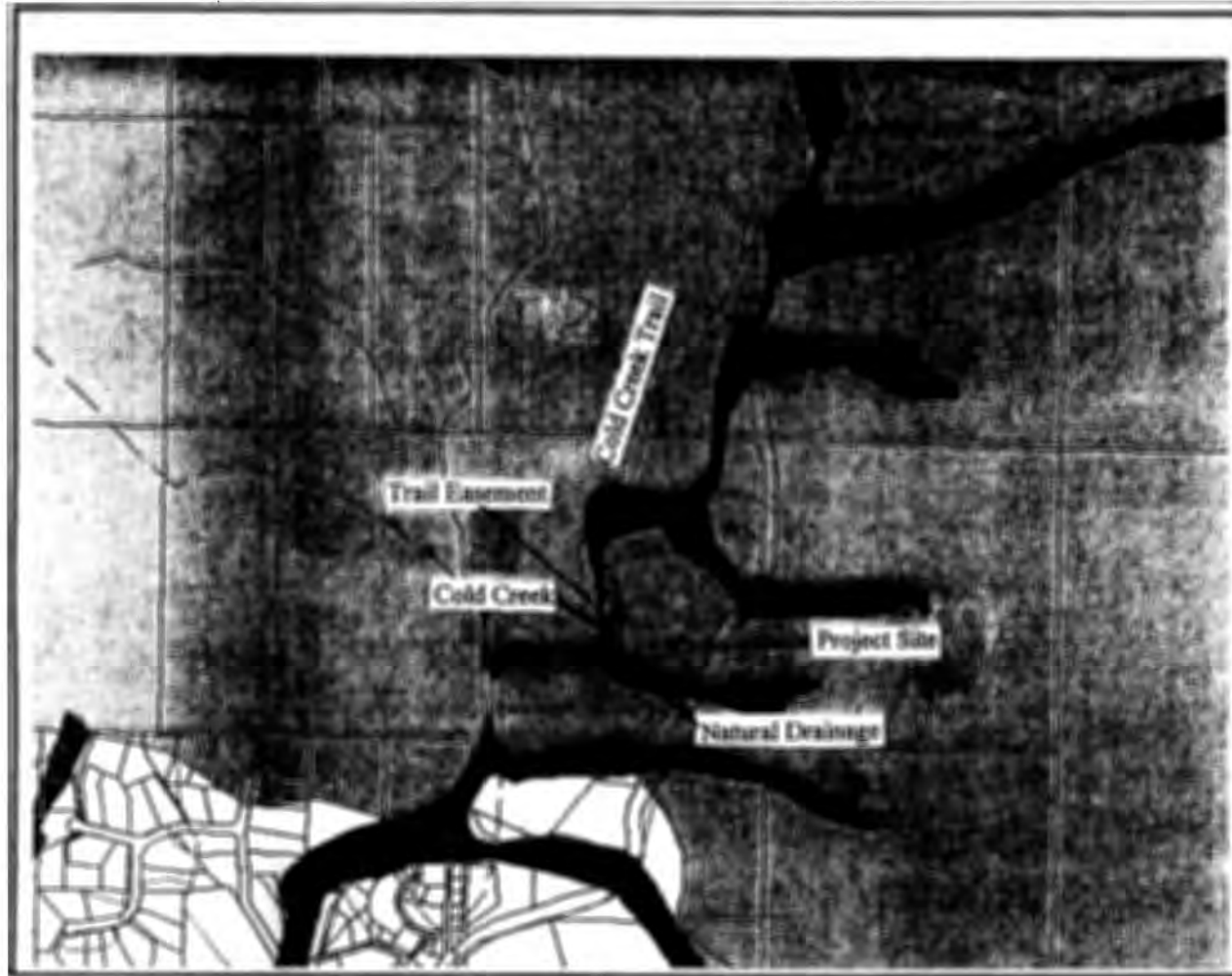


EXHIBIT 8
CDP # 4-99-198
Elevations

# 1045 Cold Canyon Road



- trails lacoplan
- StrmsCCC
- streets
- laprcls
- esha (ESHA)
  - Coldcreek management area
  - Inland
  - locally disturbed resources
  - oak woodlands and savannahs
  - significant watersheds residential
  - wildlife migration corridor

EXHIBIT 9

CDP # 4-99-198

Coastal Resources



