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**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
(805) 585-1800

Filed: 6/25/01  
49th Day: 8/13/01  
180th Day: 12/22/01  
Staff: J Johnson-V  
Staff Report: 10/24/01  
Hearing Date: 11/16/01  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: PERMIT AMENDMENT

**APPLICATION NO.:** 5-85-214-A-4

**APPLICANT:** Cold Canyon 10, LLC

**AGENT:** Mark Handel

**PROJECT LOCATION:** 1955 Cold Canyon Road, Malibu, Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Subdivide three (3) parcels consisting of about 160 acres into 13 residential lots, grade a total of 134,600 cubic yards of material to create one access road and 13 building pads (removal and compaction; cut 31,700 cubic yards and fill 31,700 cubic yards; road cut 29,700 cubic yards and road fill 28,500 cubic yards; site pad cut 7,000 cubic yards and site pad fill 6,000 cubic yards).

**DESCRIPTION OF AMENDMENT:** Construct two vehicle and one pedestrian security gates and a continuous fence set back from Cold Canyon Road for a distance of 200 ft. in each direction.

#### SUMMARY OF STAFF RECOMMENDATION

The project site is located within the Cold Creek Watershed just north of the two intersections of Mulholland Highway and Cold Canyon Road. In January 2000, the Commission approved the division of three (3) lots consisting of about 160 acres into 13 lots, with a total of 134,600 cubic yards of grading. The applicant commenced grading and the construction of the subdivision in 2000. The applicant now proposes to construct two security gates and a pedestrian gate located 50 feet from Cold Canyon right of way and a continuous fence set back 20 feet from Cold Canyon right of way for a distance of 200 feet in each direction. The maximum height of the gates is eight feet and the fence is five and one half feet high. The gate and fence is proposed to provide security into Abercrombie and Delphine Lanes, private roads accessing these 13 lots. There are no public lands, trails, or access to public lands within the subdivision. This portion of Cold Canyon Road where the proposed gate will be located is not a designated scenic highway and is not visible from nearby Mulholland Highway which is designated a scenic highway. The property is not located within either the mapped Significant Cold Creek Watershed or the Cold Canyon Resource Management Area. Staff recommends approval of the proposed project, with conditions addressing disposal of excavated material, future development deed restriction, and a color and lighting restriction deed restriction. Therefore, staff recommends that the Commission find that the proposed project, as conditioned, is consistent with the resource protection policies of the Coastal Act.

**LOCAL APPROVALS RECEIVED:** Los Angeles County Regional Planning Department "Approval in Concept", dated 5/7/01; Los Angeles County Department of Public Works Site Plan Approval, dated 5/3/01.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit No. 5-85-214, A-1, A-2, A-3 (Cold Canyon 10 LLC); Coastal Permit Application Number 4-00-223, La Chusa Highlands Improvement Association; certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan.

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change, or,
2. Objection is made to the Executive Director's determination of immateriality, or,
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code Section 13166). The Executive Director has determined that this proposed amendment is a material change and will therefore be processed as a material amendment.

#### **I. STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following motion and resolution:

**MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-85-214-A-4 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## **II. Approval with Conditions**

Staff Note: All standard and special conditions attached to the original permit as amended shall remain in effect and are attached in Exhibit 8 and incorporated herein.

## **III. Special Conditions**

### **10. Disposal of Excavated Material (new)**

The applicant shall dispose of all excavated material consisting of about 35 cubic yards to an appropriate disposal site located either outside the Coastal Zone or a site located within the Coastal Zone with a valid Coastal Development Permit for the disposal of fill material.

### **11. Future Development Deed Restriction (new)**

- A. This permit is only for the development described in coastal development permit number 5-85-214-A-4. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the portion of the parcels as generally depicted in Exhibit four (4) for the gates and fence structures. Accordingly, any future improvements to the permitted structures, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Coastal Permit No.5-85-214 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO 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 in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcels and the restricted area. 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.

**12. Color and Lighting Restriction Deed Restriction (New)**

- A. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of the structures, the gates and fence, authorized by the approval of coastal development permit amendment number 5-85-214-A-4. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the exterior surfaces of all structures including the gates, pilasters, fences and walls as authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. The metal fence and gate structures shall be a black color.

The approved structures shall be colored with only the colors authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing may only be applied to the structures authorized by coastal development permit amendment number 5-85-214-A-4 if such changes are specifically authorized by the Executive Director as complying with this special condition.

- B. The only outdoor, night lighting that is allowed on the project site is the following to minimize night time intrusion of light and the disruption of wildlife traversing this area at night within this rural area:
- 1) The minimum necessary to light the immediate vehicle and pedestrian gate areas and sidewalk for security purposes and safe vehicle and pedestrian use including lighting for a resident directory and entry and exit keypads used for ingress and egress to Abercrombie Lane at Cold Canyon Road on the project site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, that are directed downward and shielded, may use lighting controlled by motion detectors, and use energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or incandescent bulbs that do not exceed a 60 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director as reasonably necessary.

No lighting around the perimeter of the project site, on the gates above a two foot elevation above finished grade, or along the fencing, and no lighting for aesthetic purposes is allowed on the project site.

- C. **PRIOR TO 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure 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.

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

The Commission hereby finds and declares:

##### **A. Project Location and Description**

The subject site is located about four and one quarter miles inland of the coast on the inland side of Cold Canyon Road, north of two intersections with Mulholland Road and is located west of Stunt Road. The 160-acre property is now divided into thirteen parcels ranging from 10 to 26 acres in size accessed by two private roads, Abercrombie and Delphine Lanes. These roads lead to thirteen building pads clustered on the southeast portion of the property near Cold Canyon Road (Exhibits 1-4).

The surrounding area is partially developed; parcels along Cold Canyon Road include numerous residences ranging from one half acre to 40 acres in size. Although the site is not located within any designated Significant Watersheds, it does include two small areas of designated Environmentally Sensitive Habitat (Exhibit 5). There is a riparian area located in the center of the property and significant oak woodland located at the southern portion of the property designated as Environmentally Sensitive Habitat, although based on a 1997 site visit there were no trees in the vicinity of the mapped designated oak woodland. The property burned in the 1993 Malibu Fire.

The applicant proposes to construct two vehicle security gates, a pedestrian gate, setback 50 feet from Cold Canyon Road right-of-way. A continuous fence is also proposed set back 20 feet from Cold Canyon Road right-of-way for a distance of 200 ft. in each direction (Exhibits 4 and 6). The maximum height of the gates is eight feet and the fence is five and one half feet high (Exhibits 6 - 7). The gate will be located within the private road right-of-way and portions of the fence will be located on two separate parcels located on either side of the entry road (Exhibit 4).

##### **B. Background**

On November 21, 1979, the State Coastal Commission approved a prior coastal development permit for a 51 lot residential subdivision on the subject site in Coastal Permit Appeal No. 204-79. The Commission approval included conditions addressing: a requirement to participate in a Conservancy Program to extinguish the development

potential on 48 lots; incorporate an on-site tertiary treatment plant, and reduce grading to a minimum of 1,400 cubic yards per residence, not including grading for streets; recording an offer to dedicate an Open Space/Viewshed Easement, restricting development on about 85 acres of the site. After the Commission's approval of a one year time extension, the permit expired in 1982.

On September 27, 1985, the Commission approved Coastal Permit Number 5-85-214 to subdivide the same three parcels consisting of 160 acres into 23 lots utilizing on-site septic systems for sewage disposal. The Commission approval included conditions addressing: participation in an In Lieu Fee Program for Cold Creek Watershed Lot Retirement Program; revised grading plans; revised project plans redesigning number of lots from 51 to 23; an Offer To Dedicate an Open Space and View Protection Easement over hillside portions of the project site; and an on-site sewage disposal system. Grading consisted of a total of 187,199 cubic yards of material to create one access road and 23 building pads. Grading for the access road from Cold Canyon Road consisted of a road cut of 76,251 cubic yards with a road fill of 88,541 cubic yards of material. Grading for the 23 building pads consisted of a cut of 13,344 cubic yards and a fill of 9,063 cubic yards of material. The applicant proposed to balance a total of 98,000 cubic yards of material on site. These grading quantities did not include any removal and recompaction necessary to remediate the site.

The Commission amended the permit on July 9, 1987 to delete the first condition requiring participation with the Cold Creek Watershed Lot Retirement Program (Permit Amendment No. 5-85-214-A). The Commission substituted a condition to retire 20 lots based on the policies contained in the certified Malibu/Santa Monica Mountains Land Use Plan (Exhibit 13).

In May 1997, the applicant submitted an application to amend the subject Coastal Permit (Number 5-85-214-A-2) to reconfigure and reduce the number of approved lots from 23 to 13. This application was determined to be incomplete and was returned to the applicant in April 1998.

The Commission amended the permit in July 1999 to reconfigure and reduce the number of approved lots from 23 to 13, similar to the application for the second amendment above. A coastal permit was issued in August 2000 for this project to subdivide three (3) parcels consisting of 160 acres into 13 residential lots, grade a total of 134,000 cubic yards of material to create one access road and 13 building pads. The development to create this subdivision appears to be completed as a result of an October 2001 staff site visit.

### **C. ESHA and Visual Resources**

Section 30240 of the Coastal Act states that:

- (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.

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 LUP contains the several policies regarding the protection of environmentally sensitive habitat areas, and visual resources that are applicable to the proposed development. The LUP policies (P68, P82, P133, P136, and P141 incorporated by reference) have been found by the Commission as consistent with the Coastal Act and therefore, may be considered as guidance by the Commission in determining consistency of the proposed project with the Coastal Act. These LUP policies require that grading for new development ensure that the potential negative effects of runoff and erosion on these environmentally sensitive resources are minimized. Further, new development be encouraged to use architectural design that reflects the unique visual and environmental character of the Malibu coastal zone and in existing communities should respect the prevailing architectural and visual character of existing structures. Lastly that fencing or walls be designed and constructed to allow for view retention from scenic roadways.

1. ESHA Resources

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition into drainages that ultimately drains into Cold Creek, an Environmentally Sensitive Resource watershed designated as a Significant Watershed in one portion of the watershed and as the Cold Creek Resource Management Area in another portion of the watershed. It is important to identify that the property is not located within either the Significant Cold Creek Watershed or the Cold Canyon Resource Management Area. There is a riparian area and significant oak woodland designated as Environmentally Sensitive Habitat located on the property beyond the existing private road and graded building pads. Based on a staff visit, there were no significant trees on the property, particularly in the vicinity of the mapped designated oak woodland. However, these mapped trees may have been mapped in error or may be located on adjoining properties or the mapped designation may have reflected large

chaparral vegetation that has since burned. The remainder of the property is covered with chaparral species and grasses and includes numerous species of wildlife.

The applicant proposes to construct two vehicle and one pedestrian security gates and a fence set back from Cold Canyon Road for a 200-foot continuous length for both directions along Cold Canyon Road. The maximum height of the gates is eight feet while the fence is five and one half feet high. The proposed gates are set back 50 feet from Cold Canyon Road, while the fence is proposed to be set back 20 feet from this Road. The proposed security gates and fencing is not located near this mapped sensitive habitat nor any other identified habitat on the property. Because the fencing on either side of the entry gates will only extend 200 feet in either direction, wildlife movement may occur to and from the southern portion of the property to other lands within this area. Any future approvals for additional proposed fencing of these parcels within the subject subdivision needs to address and allow for wildlife movement.

The applicant proposes to excavate about 35 cubic yards of material to construct the foundation for the gate posts and the footing for the fence. To minimize the potential for erosion and sedimentation into the drainages leading to Cold Canyon Creek, the applicant also proposes to export this cut material to a disposal site located outside the coastal zone.

Therefore, Special Condition Number One (1) requires the applicant to carry out this portion of the project description by exporting about 35 cubic yards of material to a disposal site located outside the coastal zone and also allow this material to be exported to a disposal site located within the coastal zone with a valid coastal permit for the disposal of fill material. Special Condition Number One (1) is necessary to ensure compliance with the coastal resource protection policies addressing environmentally sensitive habitats areas, Coastal Act Section 30240.

## 2. Visual Resources

The Commission examines the construction site, the proposed grading, and the size of the proposed structures. The development of the gates and the fences raises two issues regarding the siting and design: one, whether or not public views from public roadways, including designated scenic highways, will be adversely impacted, or two, whether or not public views from public trails or lands will be impacted.

The project site is located along Cold Canyon Road north of Mulholland Highway and just north of two separate intersections of Mulholland Highway and Cold Canyon Road (Exhibits 2 and 3). Although the certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan designates Mulholland Highway as a Scenic Highway, it does not designate Cold Canyon Road as a Scenic Highway. However, new development is encouraged to use architectural design that reflects the unique visual and environmental character of the Malibu coastal zone and in existing communities should respect the prevailing architectural and visual character of existing structures. Further,



proposed fencing or walls be designed and constructed to allow for view retention from scenic roadways

The applicant has revised the original design of the gates and fence to open up the visual appearance of the gates and fence with a wrought iron design allowing the public along Cold Canyon Road to view the lands and future development through the gates and fence. No lights are proposed on the gates or fence except for low level security lighting at the gate entrances. Staff conducted a site visit of the proposed project site and reviewed other entry gates along Cold Canyon Road. Although these proposed gates and fence will be different in design than those existing now in the vicinity of the project, it appears that the proposed revised design will be compatible with the prevailing architectural and visual character of the existing gates and wall, while reflecting the unique visual and environmental character of this portion of the Malibu coastal zone. It is important to note that the proposed project will not be visible from Mulholland Highway, except for a short length of eastern portion of the fence viewed at a distance of about 250 feet from the intersection of Mulholland Highway and Cold Canyon Road. This public view of a portion of the proposed fence five and one half feet high is determined to be insignificant relative to public views along a designated scenic highway, however, the gate and fence will be visible by the public along Cold Canyon Road.

Regarding public trails, the proposed gates and fence will not be visible from any public lands or trails. The subdivided lands beyond the proposed gate do not include any public trails or lands. There are no public trails in the immediate vicinity of the project site that may need additional public parking, the nearest public trail, the Calabasas – Cold Creek Trail, is located about 800 feet to the south and is south of Mulholland Highway along a portion of Cold Canyon Road located south of the Highway. The nearest public lands identified on Exhibit 2 are located about two third of a mile to the southeast.

The Commission notes concern about the potential for future impacts on coastal visual resources that may occur as a result of further development of the subject property. Specifically, the expansion or alteration of the gates and or the fencing on these two parcels (APN 4455-060-001 and 006) may adversely affect the scenic and visual quality along Cold Canyon Road. Therefore, the Commission finds it is necessary to require the applicant to record a Future Development Deed Restriction to ensure that expanded or altered development on these parcel that would otherwise be exempt from Commission permit requirements will be reviewed for consistency with the coastal resource policies of the Coastal Act. Special Condition Number Eleven (11) is necessary to ensure that any future expansion or alteration which otherwise may be exempt from coastal permit requirements will be consistent with the Coastal Act.

In order to ensure that the structural appearance, i.e. color of the exterior surfaces of the gates, pilasters, and fences will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and black for the metal portions of the gates and fence proposed as required by Special Condition

Number Twelve (12). In addition, Special Condition Number Twelve (12) requires that night security lighting in the immediate vicinity of the entry gates. The only outdoor, night lighting that is allowed on the project site is to minimize night time intrusion of light within this rural area. Special Condition requires that only the minimum necessary to light the immediate vehicle and pedestrian gate areas and sidewalk for security purposes and safe vehicle and pedestrian use including lighting for a resident directory and entry and exit keypads be used for ingress and egress to Abercrombie Lane at Cold Canyon Road on the project site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, that are directed downward and shielded, may use lighting controlled by motion detectors, and use energy efficient bulbs such as compact florescent that do not exceed a 12 watt rating, or incandescent bulbs that do not exceed a 60 watt rating, or bulbs generating the equivalent amount of lumens, unless a higher wattage is authorized by the Executive Director as reasonably necessary. And lastly, no lighting around the perimeter of the project site, on the gates above a two foot elevation above finished grade, or along the fencing, and no lighting for aesthetic purposes is allowed on the project site. The restriction on night lighting is necessary to protect the night time rural character of this portion of the Santa Monica Mountains consistent with the scenic and visual qualities of this coastal area. In addition, low intensity security lighting will assist in minimizing the disruption of wildlife traversing this area at night that are commonly found in this rural and relatively undisturbed area.

Therefore, the Commission finds that the proposed project, as conditioned, will minimize grading and landform alteration, minimize erosion on the property and sedimentation on and beyond the property, and protect any designated ESHA located on the property and downstream in the Cold Creek Watershed. The proposed project, as designed and conditioned, will also protect the scenic and visual quality of the coastal zone and will not be located along any designated scenic highway. Therefore the proposed project amendment, as conditioned, is consistent with Sections 30240 and 30251 of the Coastal Act.

#### **D. Local Coastal Program**

Section 30604 of the Coastal Act states that:

- (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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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

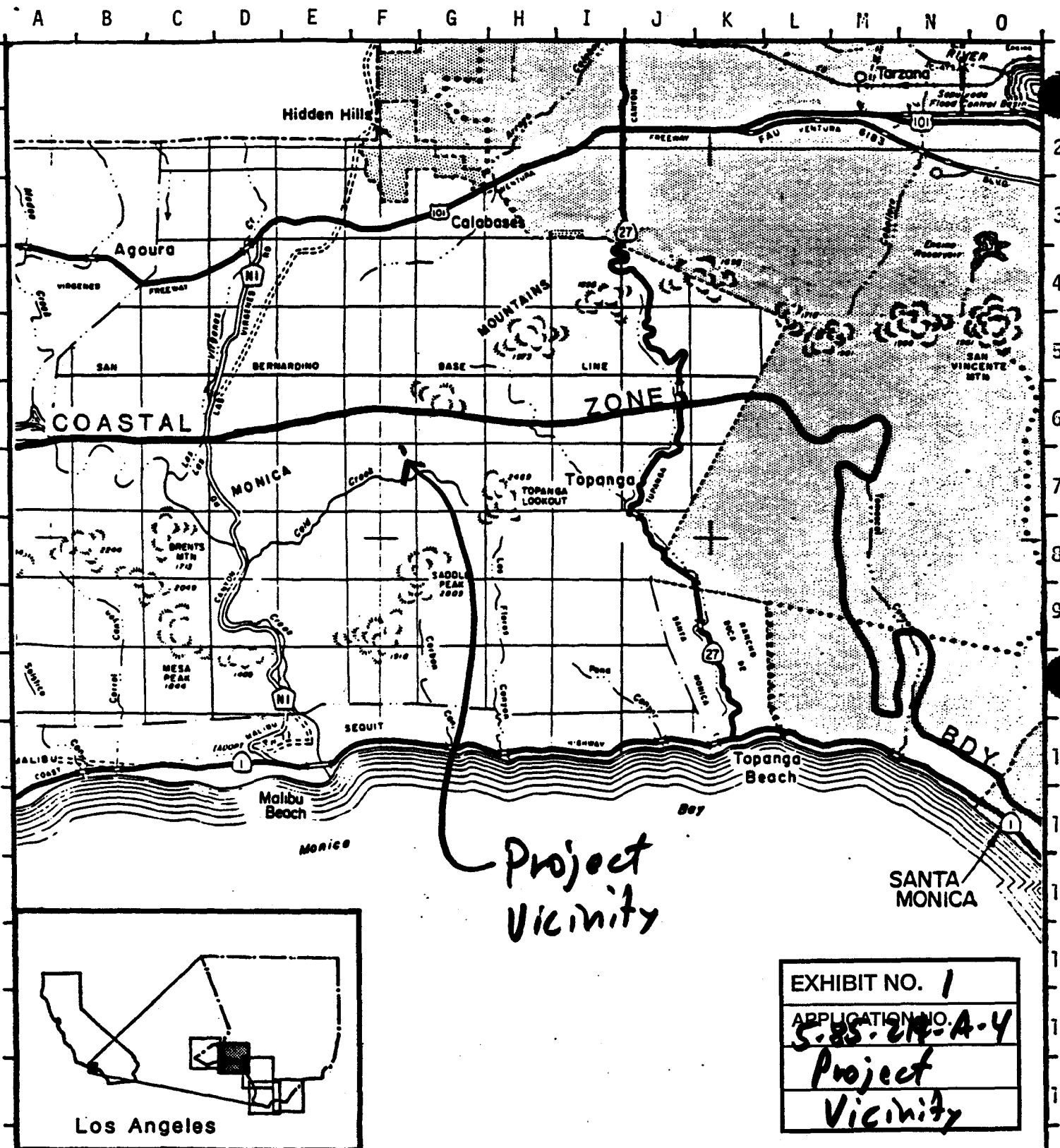
will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development (coastal permit amendment), as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**E. California Environmental Quality Act**

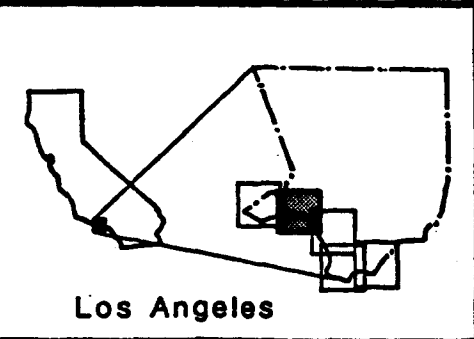
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project amendment, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

585214A4coldcanyon10llcreport



*Project Vicinity*



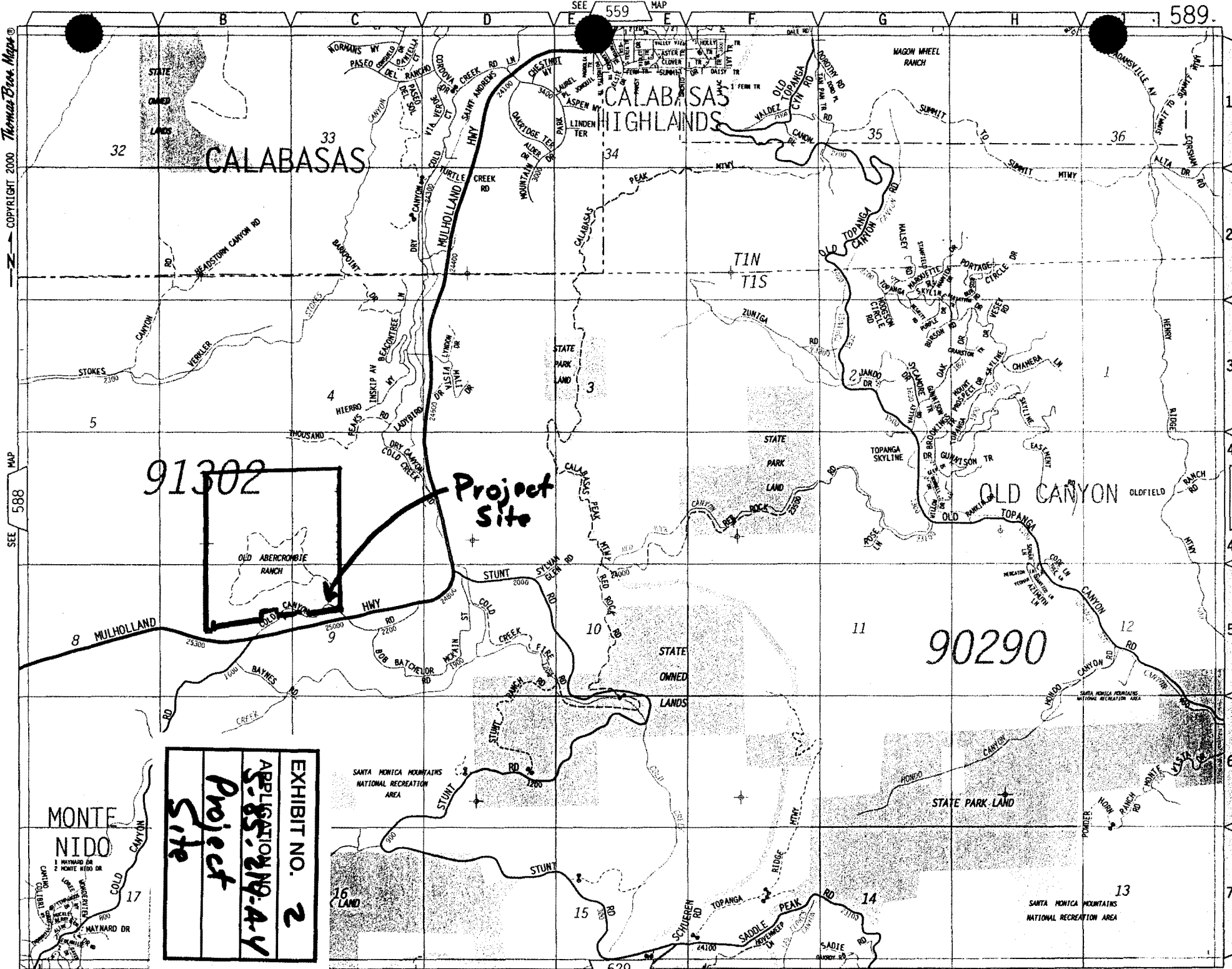
Los Angeles

EXHIBIT NO. 1
APPLICATION NO. 5-85-24-A-4
<i>Project Vicinity</i>

California Coastal Commission

LOCATION MAP





91302

Project Site

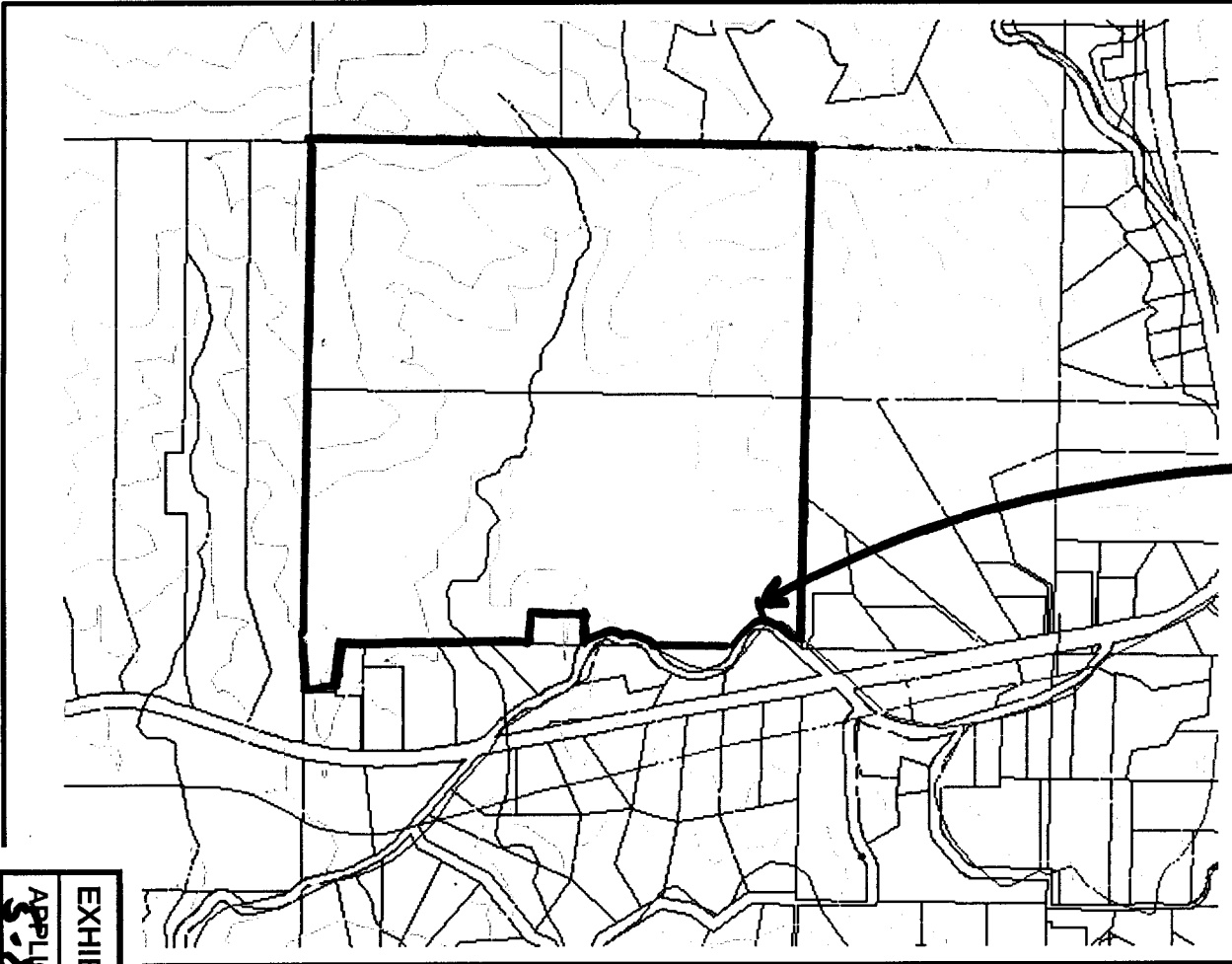
90290

EXHIBIT NO. 2  
 APPLICATION NO. 219-A-V  
 Project Site

MONTE NIDO  
 1 MAYNARD DR  
 2 MONTE NIDO DR  
 3 MAYNARD DR  
 4 MAYNARD DR  
 5 MAYNARD DR  
 6 MAYNARD DR  
 7 MAYNARD DR  
 8 MAYNARD DR  
 9 MAYNARD DR  
 10 MAYNARD DR  
 11 MAYNARD DR  
 12 MAYNARD DR  
 13 MAYNARD DR  
 14 MAYNARD DR  
 15 MAYNARD DR  
 16 MAYNARD DR  
 17 MAYNARD DR

LOS ANGELES COUNTY

585214a4coldcanyon10llcgate



- contours @ 100ft
- Blue Line Streams
- streets
- laprcs

Project Site



Wednesday, Oct 17 2001

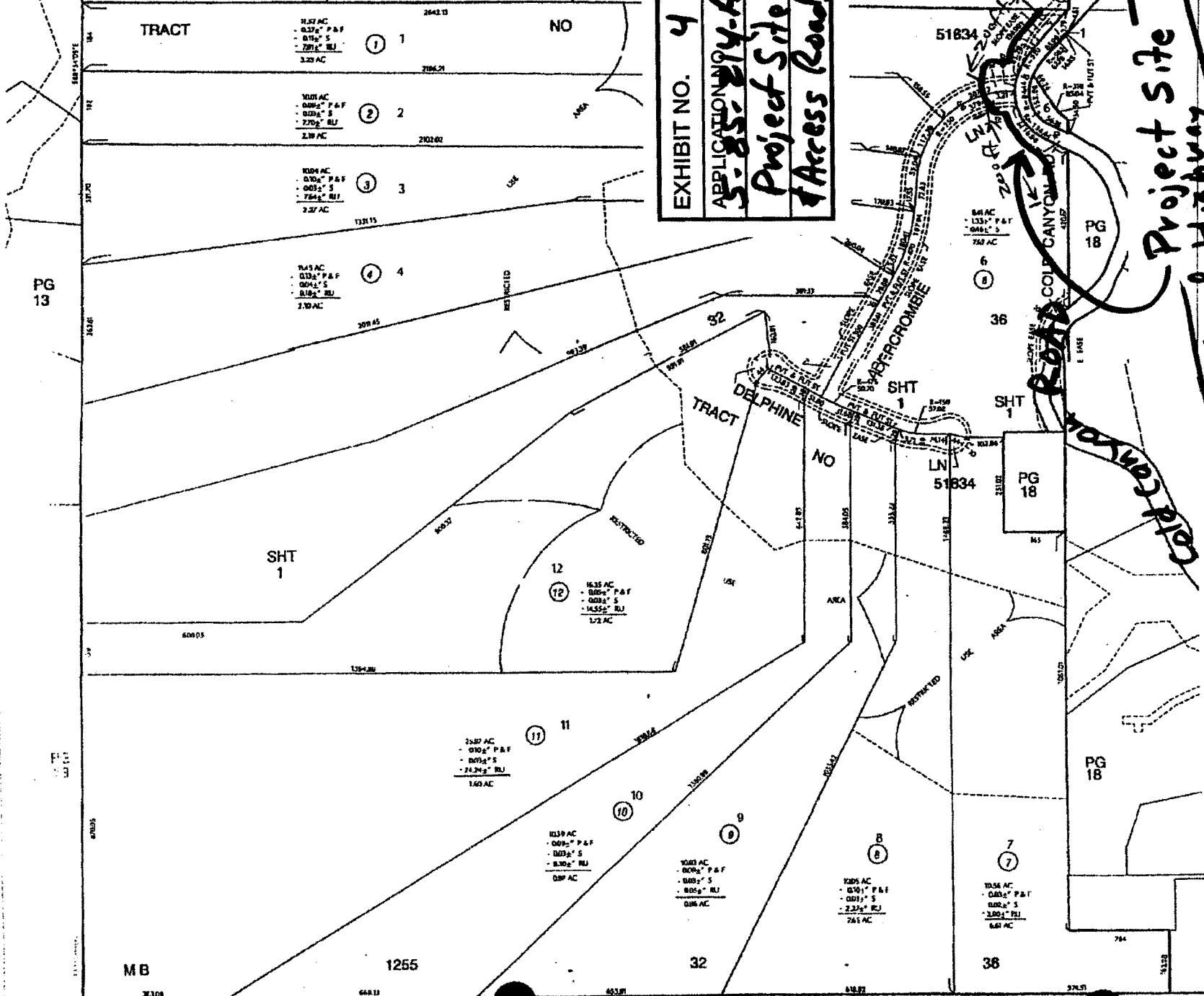
EXHIBIT NO. 3  
APPLICATION NO. 01-0001  
Project Site  
W/M Subdivision



SCALE 1" = 200'  
SPO430°W

PG 13

EXHIBIT NO. 4  
APPLICATION NO. 85-214-A-4  
Project Site  
Access Roads



PG 13

PG 18

PG 18

PG 18

PG 18

MB

1255

32

36

PG 58

FOR DIMENSIONS OF PVT & FUT. STABLE  
SEE TR. NO. 24834 M. & 25132-36.

Project Site  
Mulholland Highway

# Z. BOUNDARY

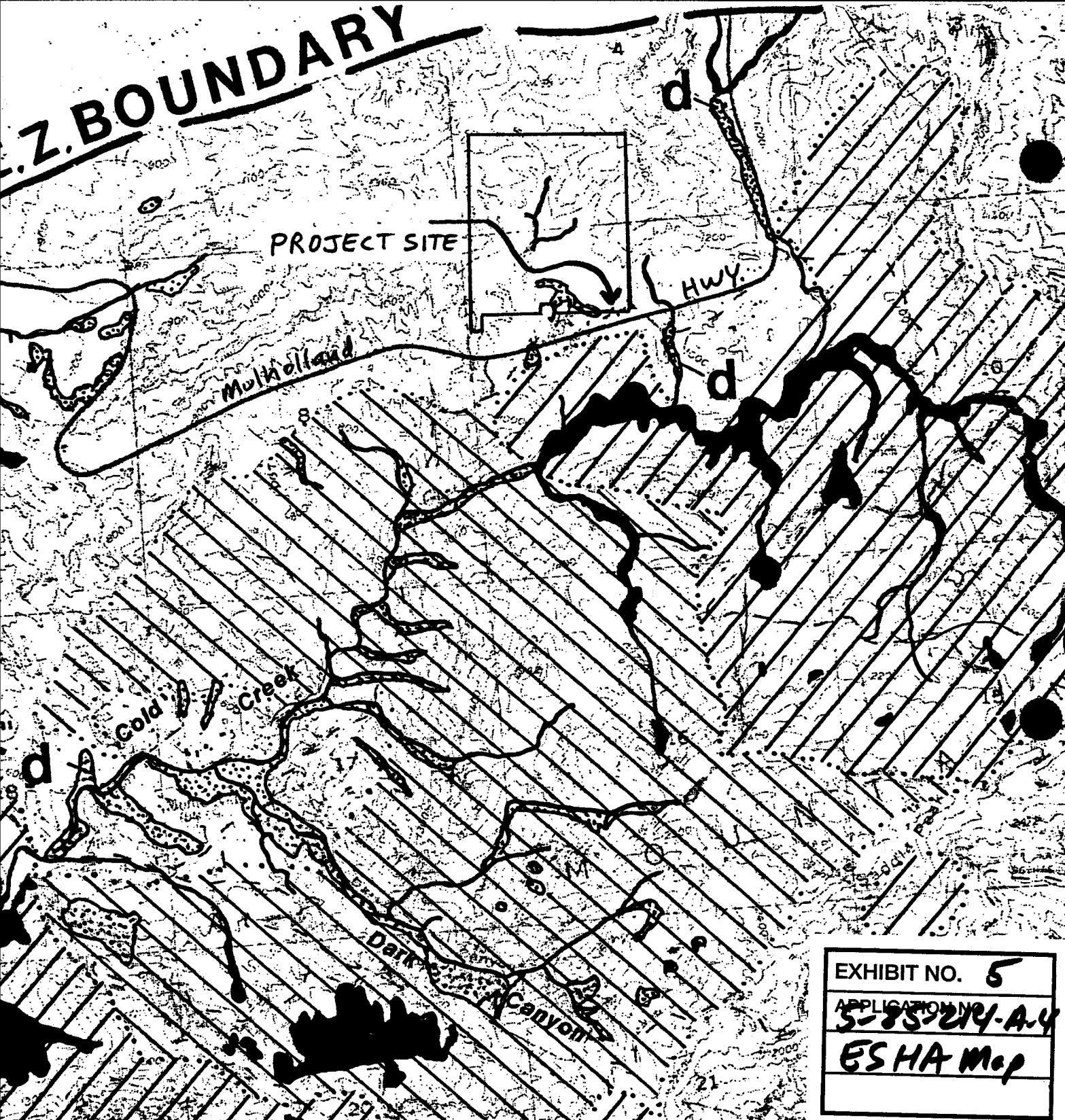


EXHIBIT NO. 5  
 APPLICATION NO. 5-85-214-A-4  
 ESHA Map

## SENSITIVE ENVIRONMENTAL RESOURCES OVERLAY ZONES

ENVIRONMENTALLY SENSITIVE HABITAT AREA — RESOURCE DEPENDENT USES		INLAND		MALIBU/ COLD CREEK RESOURCE MANAGEMENT AREA
		OFFSHORE — KELP BEDS		SIGNIFICANT OAK WOODLAND AND SAVANNAHS
		SHORELINE — ROCKY AREAS		LOCALLY DISTURBED, SENSITIVE RESOURCES AREAS
				north



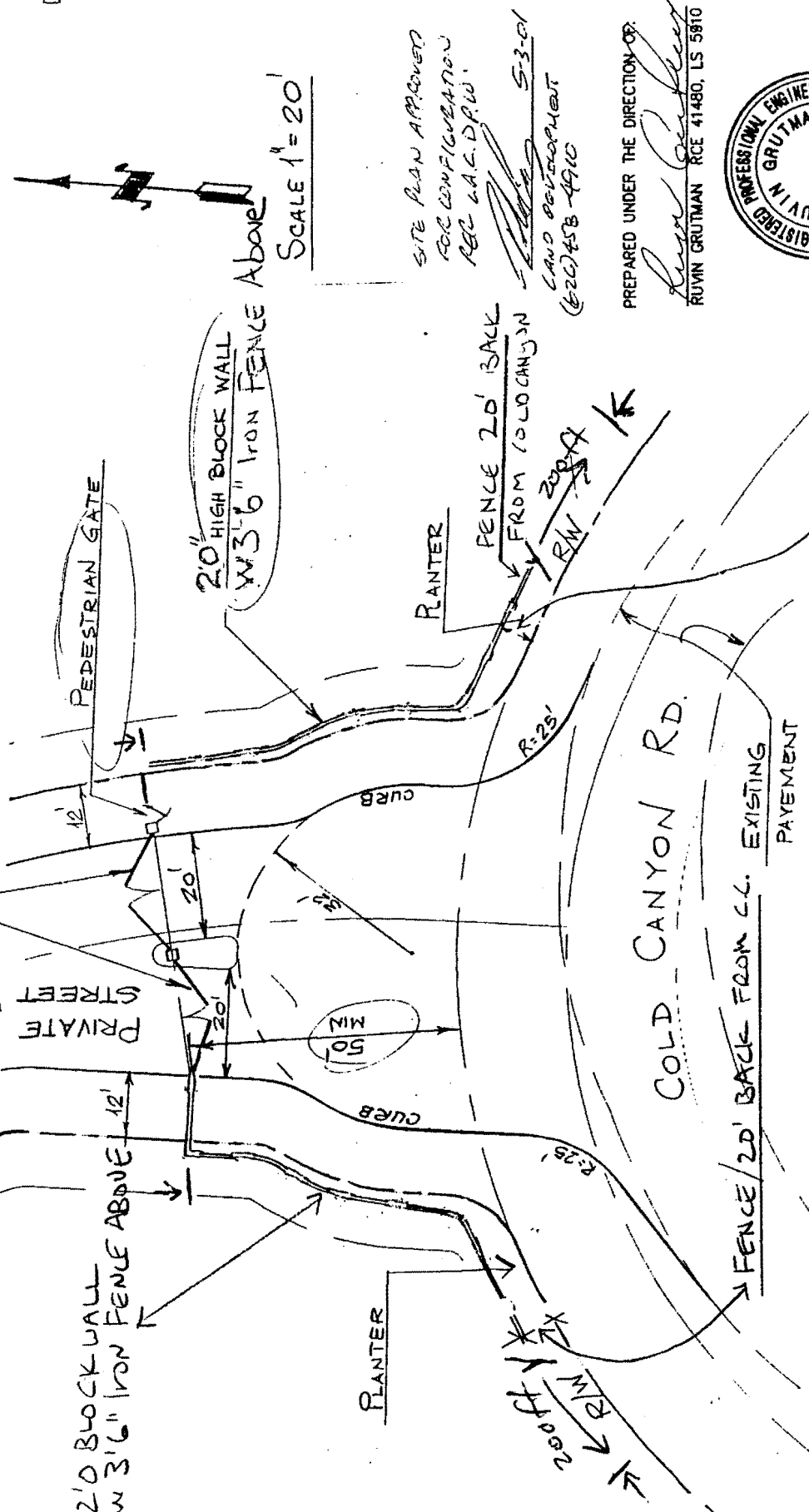


DATE 10-19-01

SHEET NO 1  
 OF 1 SHEETS

JOB # 82009

NO.	REVISIONS



SITE PLAN APPROVED FOR CONFIGURATION REC L.A.C.D.P.W. 5-3-01  
 LAND DEVELOPMENT (E20) 45B-4910

PREPARED UNDER THE DIRECTION OF:  
*Ruvyn Grutman*  
 RUVYN GRUTMAN RCE 41480, LS 5810



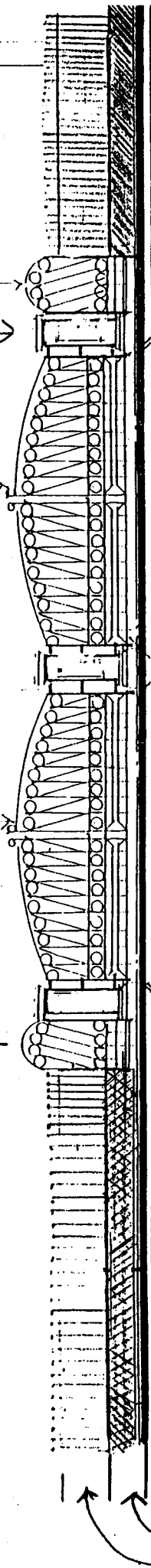
TRACT 51634

SECURITY GATE PLAN  
 1" = 20'

EXHIBIT NO. 6  
 APPLICATION NO. 585-219-A-4  
 Site Plan

20 FT. W.I. GATES TO F  
 REQUIREMENTS THE  
 GATE PILEASTERS - 5  
 3 ONLY  
 PEDESTRIAN  
 2'0" WALL

PED GATE



ENTRY GATE ELEVATIONS

TRACT 51634

2' high wall  
 3'6" iron fence

200' feet - 20' back from cold canyon  
 ALONG COLD CANYON

REVISED DATE  
 10-19-01

EXHIBIT NO.	7
APPLICATION NO.	5-85-24-A4
Elevation	

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

RECEIVED  
AUG 14 2000  
CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Date: August 10, 2000

Permit No: 5-85-214

Issued to: Cold Canyon 10, LLC  
C/O Mark Handel

for: Subdivide three (3) parcels consisting of 160 acres into 23 lots, grade total of 187,199 cu. yds. of material to create one access road and 23 building pads (road cut, 76,251 cu. yds.; road fill, 88,541 cu. yds.; pad cut, 13,344 cu. yds.; pad fill, 9,063 cu. yds.).

at: 1955 Cold Canyon Road, Malibu (Los Angeles County)

has been amended to include the following change: Subdivide three (3) parcels consisting of about 160 acres into 13 residential lots, grade a total of 134,600 cu. yds. of material to create one access road and 13 building pads (removal and compaction; cut 31,700 cu. yds. and fill 31,700 cu. yds.; road cut 29,700 cu. yds. and road fill 28,500 cu. yds.; site pad cut 7,000 cu. yds. and site pad fill 6,000 cu. yds.)

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions are still in effect.

PETER M. DOUGLAS  
Executive Director

*[Signature]*  
By: James Johnson  
Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understood the above amendment and agree to be bound by the conditions as amended of Permit No. 5-85-214.

Date: 8-10-00  
8-10-00

Signature: *[Signature]*

EXHIBIT NO.	8
APPLICATION NO.	5-85-214-A-4
Coastal Permit	
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### 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 in the application for permit, subject to any special conditions 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 project during its development, 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.

### SPECIAL CONDITIONS:

1. **Cumulative Impact Mitigation (Revised Special Condition Replaces Previously Amended (No. 5-85-214-A-1) Special Condition No. 1)**

Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, subject to the review and approval of the Executive Director, that the cumulative impacts of the subject development with respect to build-out of the Santa Monica Mountains are adequately mitigated. Prior to issuance of this permit, the applicants shall provide evidence to the Executive Director that development rights for residential use have been extinguished on ten (10) building sites located within the Cold Creek Watershed (Zone II) portion of the Santa Monica Mountains Local Coastal Program Segment in the Coastal Zone. The method used to extinguish the development rights shall be either:

- a) a TDC-type transaction, consistent with past Commission actions;

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b) participation along with a public agency or private nonprofit corporation to retire habitat or watershed land in amounts that the Executive Director determines will retire the equivalent number of potential building sites. Retirement of a site that is unable to meet the County's health and safety standards, and therefore unbuildable under the Land Use Plan, shall not satisfy this condition.

The building sites on which development rights are extinguished must either be a legal lot located in a small-lot subdivision or a potential building site located in a Significant Watershed. Retirement of any lot demonstrated to be unbuildable under the Land Use Plan shall not satisfy this condition.

Unsubdivided land located within a Significant Watershed may be used to generate development rights according to a ratio which is consistent with residential densities contained in the certified Land Use Plan.

2. **Special Condition 2 has been deleted**
3. **Special Condition 3 has been deleted**
4. **Open Space/View Easement**

Prior to the transmittal of the permit, the applicant shall be required to map and record an irrevocable offer to dedicate to a public agency or private association acceptable to the Executive Director an easement for open space and view protection restricting further development over the steep hillside portions of the project site. The maps of the areas subject to the open space/view protection easement shall be subject to review and approval by the Executive Director.

The offer shall run with the land in favor of the People of the State of California. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

5. **Sewage Disposal**

Prior to transmittal of permit, the applicant shall be required to provide plans which allow for project sewage disposal via a non-growth inducing connector line to Tapia Treatment Facility service lines, such a connector line if used as the sewage disposal system for the project shall be sized and designed only for the proposed development. Such plans shall be subject to review and approval by the Executive Director. In the alternative, the applicant may utilize on-site a sewage disposal system if evidence is submitted for review and approval by the Executive Director of the Commission which shows no off-site impacts from on-site sewage disposal.

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

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### 6. Landscaping and Erosion Control Plans (New)

Prior to issuance of a coastal development permit, the applicant shall submit final landscape and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The final plans shall incorporate the following criteria:

#### A) Landscaping Plan

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes at the completion of site grading. The applicant shall notify the Executive Director within ten (10) days in writing of the date the site's final grading inspection is completed by the Los Angeles County Department of Building and Safety. 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.

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**B) Interim Erosion Control Plan**

- 1) The Interim Erosion Control 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 Interim Erosion Control Plan shall specify that no grading shall take place during the rainy season (November 1 – March 31).
- 3) The Interim Erosion Control 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 completion of grading, 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.

**7. OPEN SPACE DEED RESTRICTION (New)**

- A. No development, as defined in Section 30106 of the Coastal Act or any agricultural related activities shall occur in the area located between the "No Build Line" and the existing recorded Offer To Dedicate Open Space area as shown in Exhibit 14 except for:

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1. Vegetation removal for fire management purposes to protect any future permitted residential development pursuant to a fuel modification plan approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau.

AND

2. the following development, if approved by the Coastal Commission as an amendment to this coastal development permit:

Planting of native vegetation and minor hiking and equestrian trails.

**B. PRIOR TO 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 restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. 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. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION (New)**

All recommendations, applicable to the subdivision, grading and site improvements, contained in the Engineering Geologic Memorandum/Update, Vesting Tentative Tract #30737, dated February 12, 1997, Engineering Geologic Memorandum, Effluent Discharge-Private Disposal System, dated April 16, 1987, and Engineering Geologic Memorandum, Update and Review of Grading Plan, dated May 16, 1986, by Geoplan, Inc., and 1955 Cold Canyon Road letter dated February 18, 1997 and Tentative Tract Plan, Tract No. 30737, dated January 31, 1995, by Earth Systems Consultants shall be incorporated into all final design and construction plans including site preparation, grading, and private sewage disposal system. All plans must be reviewed and approved by the consultants. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's 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.



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**9. WILDFIRE WAIVER OF LIABILITY (New)**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, 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.

**10. FUTURE DEVELOPMENT DEED RESTRICTION (New)**

A. This permit is only for the development described in Coastal Development Permit No. 5-85-214-A-3. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the area located between the "No Build Line" and the approved graded building pad identified on each of the thirteen lots on Exhibit 14 of the Staff Report. Accordingly, any future improvements to the area located between the "No Build Line" and the approved graded building pad, including the clearing of vegetation or grading, other than as provided for in the erosion control plan prepared pursuant to Special Condition Number Six B (6 B) and any future Commission approved fuel modification plans, shall require an amendment to Permit No. 5-85-214-A-3 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. PRIOR TO 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, which reflects the above restrictions on development in the deed restriction and 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.

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