

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 01/16/01  
49th Day: 03/06/01  
180th Day: 07/15/01  
Staff: K. Kemmler  
Staff Report: 01/24/01  
Hearing Date: 02/13-16/01  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: CONSENT CALENDAR

**APPLICATION NO.:** 4-00-213

**APPLICANT:** Brad Salter **AGENT:** Gary Bardovi

**PROJECT LOCATION:** 915 Cold Canyon Road, Calabasas (Los Angeles County)

**PROJECT DESCRIPTION:** Proposal of a new 3,091 sq. ft. two-story, 32 ft. above grade single family residence with attached 572 sq. ft. garage, new septic system, 1,500 cubic yards of overexcavation, 450 cu. yds. export (includes 150 cu. yds. existing stockpiled fill and 300 cu. yds. excavation for pool), swimming pool and spa, gravel driveway, and patios. Request for temporary residential trailer during construction period.

Lot area	6 sq. ft.
Building coverage	2,828 sq. ft.
Pavement coverage	7,081 sq. ft.
Landscape coverage	11,844 sq. ft.
Height Above Finished Grade	32 ft.
Parking spaces	2

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, August 18, 2000; County of Los Angeles Environmental Health Services, Sewage Disposal System Design Approval, June 19, 2000; County of Los Angeles Fire Department, Preliminary Fuel Modification Plan Approval, August 1, 2000; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, September 26, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan, "Geotechnical Update," Gorian & Associates, Inc., June 23, 2000; "Geotechnical Site Update," Gorian & Associates, Inc., June 4, 1998; Coastal Development Permit No. P-81-7701 (Western Estates), 4-99-198 (Halbreich) and 4-98-011 (Bardovi).

### Summary of Staff Recommendation

Staff recommends **approval** of the proposed project with **ten (10) special conditions** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) color restriction, (5) wildfire waiver of liability, (6) future improvements, (7) removal of excess grading material, (8) removal of natural vegetation, (9) pool drainage and maintenance and (10) temporary trailer removal.

## I. Staff Recommendation

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-00-213 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. Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

**4. 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.

**5. 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 Recommendations**

All recommendations contained in the Geotechnical Update dated June 23, 2000 and Geotechnical Site Update dated June 4, 1998 prepared by Gorian and Associates, Inc. shall be incorporated into all final design and construction including *foundations, grading, and drainage*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. 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.

#### **2. Drainage and Polluted Runoff Control Plans**

***Prior to the Issuance of the Coastal Development Permit***, the applicants shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control 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 geologist to ensure the plan is in conformance with consultant's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary 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 or other BMPs 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 or BMPs 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.

The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary 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 or other BMPs 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 or BMPs 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.

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

Prior to issuance of a coastal development permit, the applicants shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's 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 February 5, 1996. 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) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the residence to minimize impacts of the development on public views from Cold Creek Trail located west of the project site, and of the dedicated hiking and equestrian trail also located west of the site (Exhibit 3).
- (4) 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.
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty

foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains. No clearing, thinning, or other disturbance of vegetation shall occur within the sensitive riparian/oak woodland habitat area identified along the natural drainage course as illustrated on Exhibit 6.

**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 applicants 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.

#### **4. Color Restriction**

The color of the structures, roofs, patios 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.

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.

#### **5. 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, and 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 wildfire exists as an inherent risk to life and property.

#### **6. Future Improvements**

This permit is only for the development described in coastal development permit No. 4-00-213. Pursuant to Title 14 California Code of Regulations §13250 (b)(6), the exemptions otherwise provided in Public Resources Code §30610 (a) 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. 4-00-213, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to **Special Condition No. Three (3)**, shall require an amendment to Permit No. 4-00-213 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 descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

#### **7. Removal of Excess Grading Material**

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

#### **8. 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.

#### **9. Pool Drainage and Maintenance**

**Prior to the issuance of the Coastal Development Permit**, the applicant shall submit, for review and approval of the Executive Director, a written plan to mitigate the potential for leakage and discharge from the proposed swimming pool and spa. The plan shall at a minimum: 1) provide a separate water meter for the pool and spa to allow monitoring of water levels for the pool and spa, 2) identify the materials, such as plastic linings or specially treated concrete to be used to waterproof the underside of the pool and spa to prevent leakage, and information regarding past success rates of these materials, 3) identify methods to control pool and spa drainage and to control infiltration and run-off resulting from pool and spa drainage and maintenance activities, 4) periodic disposal of pool and spa water for maintenance purposes will be trucked offsite to an appropriate wastewater disposal facility. The Permittee shall undertake development and maintenance in compliance with the mitigation plan approved by the Executive Director. No changes shall be made to the plan unless they are approved by the Executive Director.

## 10. Temporary Trailer Removal

With the acceptance of this coastal permit, the applicant agrees that the temporary residential trailer on the site shall be removed within two years of the issuance of this Coastal Development Permit or within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles, whichever is less, to a site located outside the Coastal Zone or a site with a valid coastal development permit for the installation of a temporary residential trailer.

## IV. Findings and Declarations

The Commission hereby finds and declares:

### A. Project Description and Background

The applicant is proposing to construct a 3,091 sq. ft. two-story, 32 ft. above grade single family residence with an attached 572 sq. ft. garage, new septic system, swimming pool and spa, gravel driveway, patios and temporary presence of residential trailer during construction period (Exhibit 4 & 5). Approximately 1,500 cubic yards of overexcavation, 450 cu. yds. export which includes 150 cu. yds. existing stockpiled fill and 300 cu. yds. excavation for pool 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 (Exhibit 1). The parcel is bounded on the east by Cold Canyon Road, on the north and south by residences and on the west by a permitted, yet to be constructed residence (Exhibit 2). 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. The subject parcel is situated on a west-facing slope descending westerly from Cold Canyon Road towards Cold Creek. Cold Creek is a perennial stream designated as a blueline stream by the United States Geological Survey. The southern portion of the subject parcel is a natural slope that descends south from the edge of the building pad to the edge of a west-flowing natural drainage course, which is a tributary to Cold Creek and is also designated as a blueline stream (Exhibit 3). Slope gradients within the subject parcel range from relatively flat in the area of the existing building pad to 1½:1 on graded cut slopes, with a maximum relief of approximately 110 ft. A cut slope up to 25 feet high borders the building pad area to the east. The southern boundary of the parcel runs along designated environmentally sensitive habitat area associated with the riparian corridor and significant oak woodland habitat within the natural drainage course just south of the parcel (Exhibit 3). The natural drainage course is located over 100 feet 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 Two 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 that traverses the subdivision.

The proposed development will be located on an existing building pad which is downslope from Cold Canyon Road, upslope from the natural tributary to the south, upslope from Cold Creek and the hiking and equestrian trail to the west and, also located to the west is Cold Creek Trail, a designated trail in the Land Use Plan (Exhibit 3). Because the proposed project site is located upslope from Cold Creek Trail and the hiking and equestrian trail, the proposed project will be visible from both trails, as well as the 59 acre parcel dedicated for recreational use located across Cold Creek, northwest of the subject site.

## **B. Geology and Wildfire Hazard**

The proposed development is located in the Santa Monica Mountains area, an area that 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.

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.*

### **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 project site is a parcel comprised of an existing building pad surrounded by moderately to steeply descending slopes. As previously described, the proposed development will be located in the central portion of the subject property and will utilize the existing building pad for a building location. No development is proposed on the sloping terrain of the site and the proposed project will require minimal grading (300 cu. yds. excavation for the pool)

and approximately 1500 cu. yds. over-excavation will be required to prepare the site and driveway for the proposed development. As such, the Commission notes that the proposed development is designed to minimize the need for grading and excessive vegetation removal on the slopes of the property, as well as avoid direct development on sloped terrain, and therefore will reduce the potential for erosion and geologic instability.

Furthermore, the applicant has submitted a Geotechnical Update dated June 23, 2000 and a Geotechnical Site Update dated June 4, 1998 prepared by Gorian and Associates, Inc. which evaluate the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development the consultants have found that the project site is suitable for the proposed project. The project's consulting geotechnical engineer states in the Geotechnical Site Update dated June 4, 1998 prepared by Gorian and Associates, Inc.:

*It is the opinion of the undersigned, a duly registered geotechnical engineer and engineering geologist, based on tests conducted as outlined in this report and copies of test results being available for review, if the proposed residential project is constructed in accordance with our recommendations and properly maintained, (1) the proposed structure(s) will be against hazard from landslide, settlement, or slippage and that (2) the proposed building or grading construction will have no adverse effect on the geologic stability of property outside of the building site.*

The geotechnical engineering consultant concludes that the proposed development is feasible and will be free from geologic hazard provided their recommendations are incorporated into the proposed development. The Geotechnical Update dated June 23, 2000 and the Geotechnical Site Update dated June 4, 1998 prepared by Gorian and Associates, Inc. contain several recommendations to be incorporated into project construction, design, and drainage to ensure the stability and geologic safety of the proposed project site and adjacent property. To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition No. One (1)**, requires the applicant to submit project plans certified by the consulting geotechnical engineer as conforming to all structural and site stability recommendations for the proposed project. Final plans approved by the consultant 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 consultant shall require an amendment to the permit or a new coastal development permit.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicants to submit drainage and erosion control plans certified by the geotechnical engineer, as specified in **Special Conditions No. Two and Three (2 & 3)**.

The Commission also notes that the quantity of earth removal required for construction of the proposed residence is more than the quantity of recompaction required for construction and also that there currently exists a stockpile of about 150 cu. yds. of excess grading material from previous grading operations, resulting in an excess of 450 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 No. Seven (7)** 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.

Furthermore, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition No. Three (3)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. Special Condition No. Three 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/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage 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. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. 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 No. Three (3)**.

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 No. Eight (8)**. 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. The limitation imposed by Special Condition No. Eight avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

## Wildfire

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 No. Five (5)**, 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 No. Five, 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.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with §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, §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 §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 at the periphery of the Cold Creek Resource Management Area and is adjacent to and upslope from a natural drainage course which is designated as a blueline stream by the United States Geological Survey and also is a tributary to Cold Creek, and the stream's associated riparian corridor is designated as significant oak woodland habitat and, therefore, Environmentally Sensitive Habitat Area (ESHA) by the Malibu/Santa Monica Mountains Land Use Plan (LUP). The area proposed for construction of a new residence is an existing building pad that is located upslope from the natural tributary and the designated ESHA adjacent to 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. The proposed project is found by the Commission to be consistent with this setback as the outermost reach of the proposed structures is approximately 106 feet from the outer limit of the riparian vegetation canopy.

The Commission notes that the proposed development will be located at least 100 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 130 feet 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 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 commission notes that although, the submitted fuel modification plan shows no impact on riparian habitat, the drainage course and associated environmentally sensitive habitat lie within the property boundary of the parcel adjacent to the subject parcel (Exhibit 6), and therefore, would not be reviewed by the Fuel Modification Unit with regard to the proposed project. The Fire Department would, however, seek to modify the vegetation on the adjacent property within the 200 foot radius of the proposed structures on adjacent properties through the Brush Clearance Unit. In order to demonstrate the effects that the proposed project would have on the environmentally sensitive area on the adjacent parcel which includes oak woodland habitat, the applicant has also submitted the current fuel modification requirements assigned by the Brush Clearance Unit with respect to the "riparian zone" (Exhibit 7) along with Exhibit 6 which illustrates the 200 foot radius of each structure (existing on adjacent parcel and proposed on subject parcel) and maps the oak and sycamore tree canopies. The fuel modification zone that extends to 200 feet away from the existing structure encompasses portions of the

natural drainage course and environmentally sensitive habitat area, including nine oak and sycamore trees. The current fuel modification requirements (for Bardovi residence approved under CDP No. 4-98-011) that govern this area clearly exempt oak trees from any disturbance and did not require the removal of any riparian vegetation within the drainage (Exhibit 7). Furthermore, the applicant has submitted a letter from the Brush Clearance Unit (Exhibit 8) stating that "maintenance of vegetation in the riparian zone" will not be required for fire safety of the proposed structure despite the 200 foot proximity to the drainage, hence, all existing riparian vegetation and oak trees 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 No. Three (3)** 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 the natural tributary which flows to Cold Creek located adjacent to 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 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 and the proposed development is 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. However, the Commission finds that potential adverse effects to the value and quality of the natural tributary, 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, **Special Conditions Two and Three (2 & 3)**.

The proposed project includes approximately 1,500 cu. yds. of overexcavation, 300 cu. yds. of excavation and 450 cu. yds. of export. Although no grading is proposed within the 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 the natural drainage course and ultimately, Cold Creek 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 the natural drainage course, as well as sensitive resources located downstream of the project site.

In the case of the proposed project, no removal of vegetation in the sensitive riparian habitat area identified on site is proposed and the Commission notes that a 100 ft. natural vegetation buffer area will be maintained. However, the Commission finds that the value and quality of the riparian habitat on the subject site is directly related to the water quality of the coastal tributary that sustains the habitat. As such, the Commission finds that potential adverse effects of the proposed development on riparian habitat at the site may be further minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition No. Two (2)**, the Drainage and Polluted Run-off Control Plan, which requires the applicants to incorporate appropriate drainage devices and Best Management Practices (BMPs) to ensure that run-off from the proposed structures, impervious surfaces, building pad area, and horse corral is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. **Water Quality** for a more detailed discussion of coastal water quality).

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the

resource protection policies of the Coastal Act, **Special Condition No. Six (6)**, 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 §30230, §30231 and §30240 of the Coastal Act.

#### **D. 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, increase of 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, 32 ft. high, 3,091 sq. ft. single family residence with an attached 572 sq. ft. garage, new septic system, swimming pool and spa, gravel driveway, patios and temporary presence of residential trailer during construction period. The proposed project also involves 1,500 cubic yards of overexcavation, 450 cu. yds. export which includes 150 cu. yds. excess grading material from previous permit existing on lot and 300 cu. yds. excavation for pool. The proposed building location is located upslope from a natural tributary that sustains sensitive riparian habitat. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration

of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition No. Two (2)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition No. Three (3)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The applicant's environmental health specialist performed infiltration tests. The County of Los Angeles Environmental Health Department has given in-concept approval of the proposed septic 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.

The applicant's proposal also includes a swimming pool and spa which can have deleterious effects on the sensitive aquatic habitat if not properly maintained and drained outside of the watershed. The Malibu/Santa Monica Mountains LUP clearly states:

**P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.**

In order to avoid adverse impacts of the proposed pool and spa on the natural tributary adjacent to the project site and downstream areas staff has imposed **Special Condition Number Five (5)** to prevent and significantly reduce the potential for pool and spa water from being discharged into the natural drainage course and environmentally sensitive habitat area to the south of the subject site and ultimately, to Cold Creek (Exhibit 3). However, the Commission also notes that both leakage and periodic maintenance drainage of the proposed swimming pool and spa, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and potential impacts from pool and spa chemicals (i.e. pool and spa water oxidizing or shocking, algaecides, chemical pH balancing, and other water conditioning chemicals) on the designated environmentally sensitive habitat area and blue-line streams. Chlorine and other chemicals are commonly added to pools and spas to maintain water clarity, quality, and pH levels. Therefore, the Commission imposes Special Condition Number Five on the subject application which requires the applicant to submit a written plan which includes measures to minimize the potential for leakage from the pool and spa and specific measures to be implemented during maintenance and periodic drainage of the pool and spa. The plan shall include a separate water meter for the pool and spa which will serve to monitor water levels of the pool and spa and identify leakage. The plan shall also include a description of the materials to be utilized to prevent leakage of the pool and spa shell and shall identify methods to control infiltration and run-off from periodic pool and spa drainage and regular maintenance activities. The Commission finds that, as conditioned to minimize potential impacts of the proposed pool and spa, the project is consistent with §30231, §30240 and §30253 of the Coastal Act.

## **E. 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 southeast of a 59 acre open space parcel dedicated for recreational use. The project site is also visible from a hiking and equestrian trail (Stunt high Trail) as well as Cold Creek Trail, a hiking and equestrian trail identified in the Malibu/Santa Monica Mountains LUP located to the west of the property.

As stated previously, the applicant proposes to construct a two-story, 32 ft. high, 3,091 sq. ft. single family residence with attached 2-car garage, new septic system, driveway, patios, and a swimming pool/spa. 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. However, the proposed residence will be visible from some locations along Cold Creek Trail and Stunt High Trail and the previously mentioned open space. 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 No. Four (4)**. 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 No. Four 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 structures, can be further reduced by the use of appropriate and adequate landscaping. **Special Condition No. Three (3)**, the landscaping plan, requires that vertical screening elements be incorporated into the landscape plan to soften views of the proposed residence from Cold Creek Trail and the hiking and equestrian trail (Stunt High Trail). In addition, Special Condition No. Three 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 No. Three, 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 No. Three 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, §30251 of the Coastal Act. **Special Condition No. Six (6)** 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 §30251 of the Coastal Act.

## **F. Local Coastal Program**

Section 30604(a) of the Coastal Act states:

*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 of the Coastal Act. 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 Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §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 that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any 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.

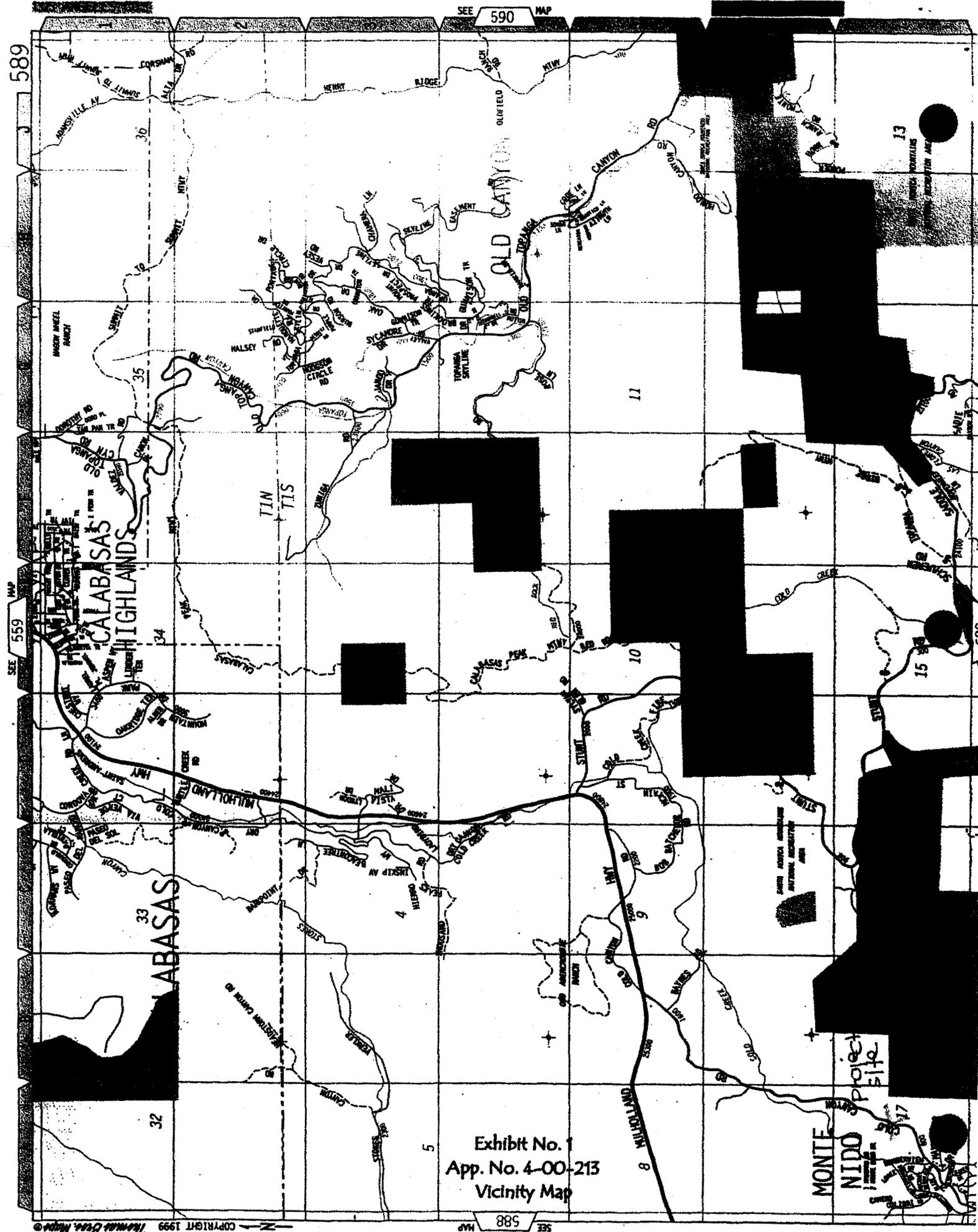


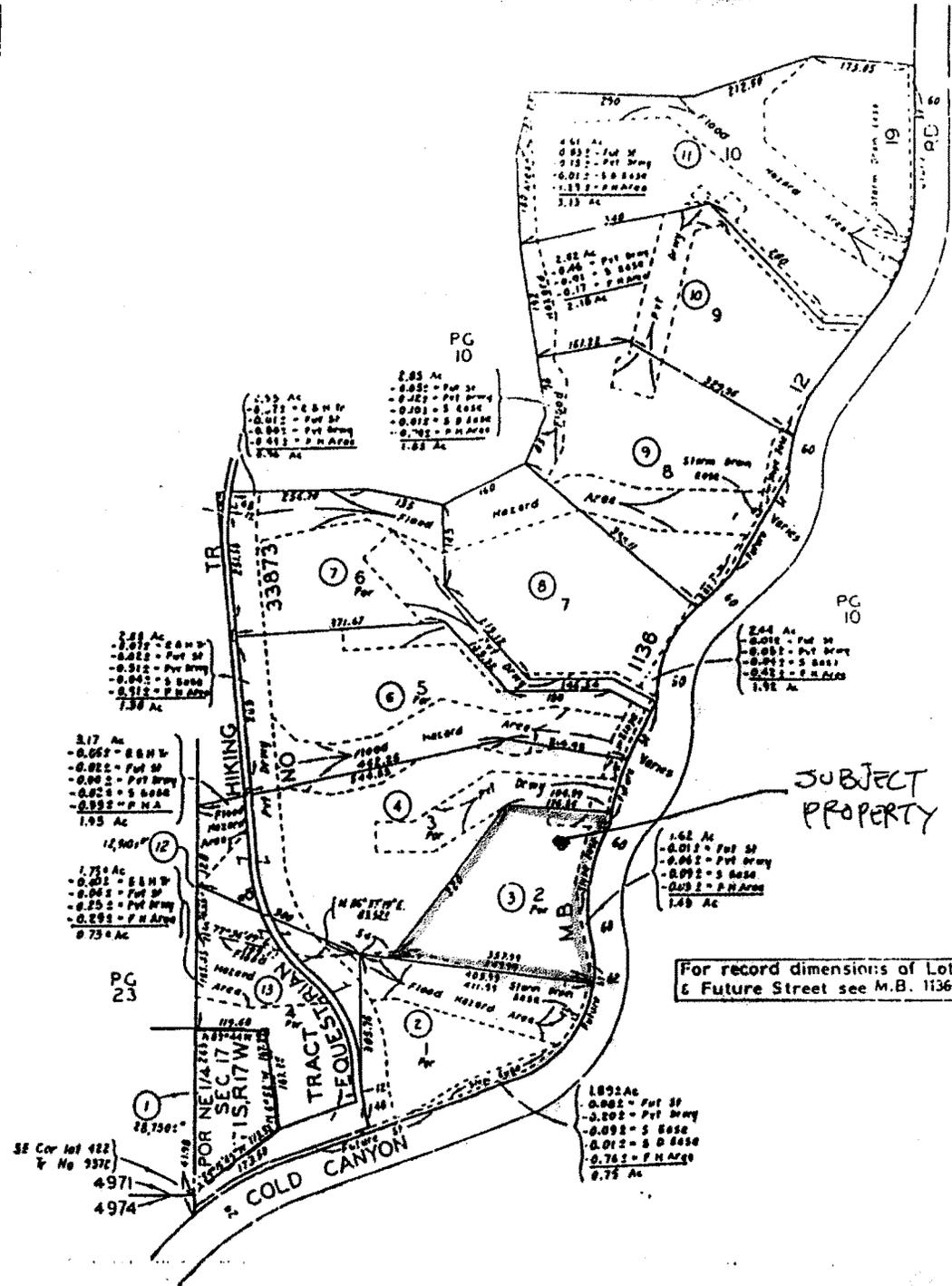
Exhibit No. 1  
 App. No. 4-00-213  
 Vicinity Map

MONTE  
 NIDO  
 Project  
 Site

1993



Exhibit No. 2  
App. No. 4-00-213  
Parcel Map



ITEM #2 - Assessor's Parcel Map

For record dimensions of Lots 1 to 10 & Future Street see M.B. 1136-12 to 19.

SE Cor lot 422  
& No 9376  
4971  
4974

1.892 Ac  
0.002 = Fut St  
0.202 = Pct Drwy  
0.092 = S Base  
0.012 = S D Base  
0.762 = P H Area  
0.78 Ac

2.28 Ac  
0.002 = Fut St  
0.002 = Fut Drwy  
0.042 = S Base  
0.212 = P H Area  
1.98 Ac

3.17 Ac  
0.062 = E&H W  
0.002 = Fut St  
0.002 = Fut Drwy  
0.002 = S Base  
0.002 = P H Area  
1.93 Ac

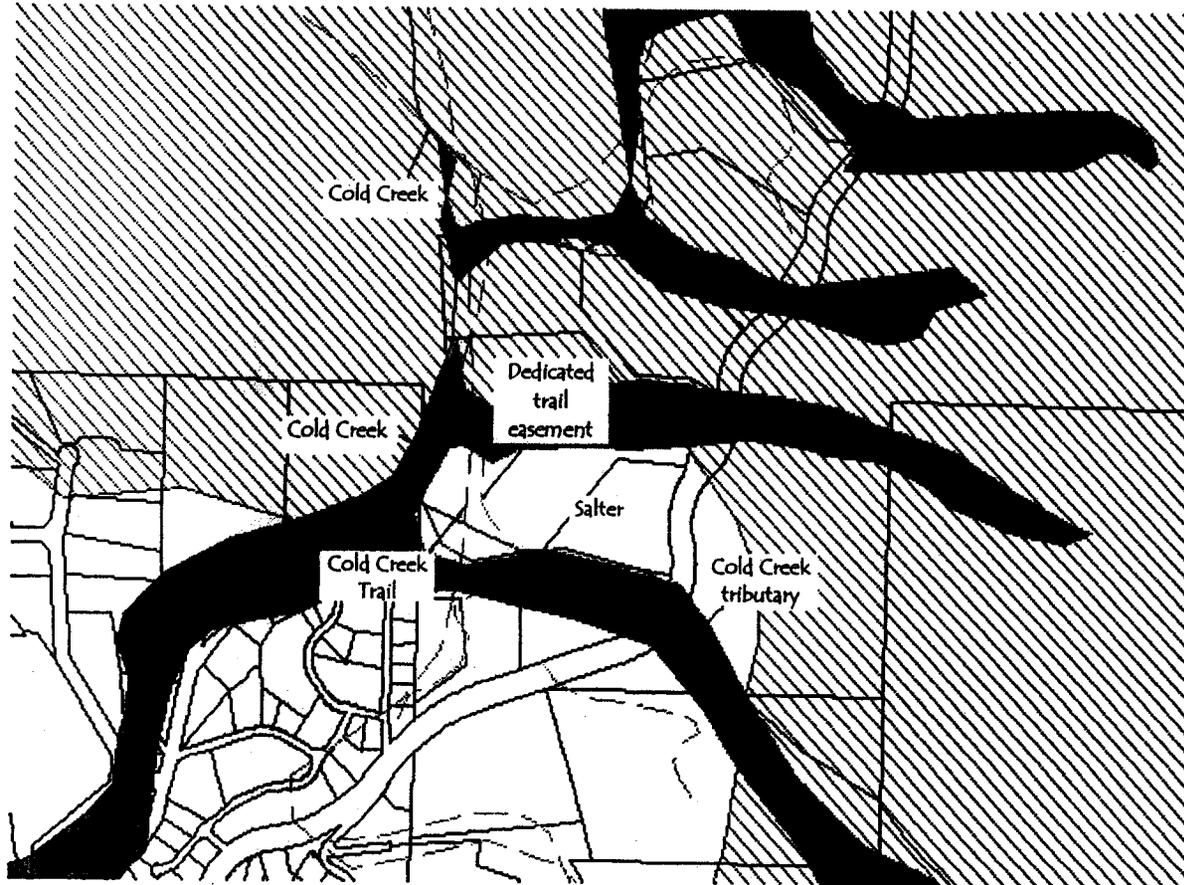
1.75 Ac  
0.002 = E&H W  
0.002 = Fut St  
0.252 = Fut Drwy  
0.002 = P H Area  
0.73 Ac

2.83 Ac  
0.002 = Fut St  
0.222 = Fut Drwy  
0.002 = S Base  
0.012 = S D Base  
0.002 = P H Area  
1.83 Ac

2.44 Ac  
0.002 = Fut St  
0.002 = Fut Drwy  
0.002 = S Base  
0.002 = P H Area  
1.92 Ac

1.62 Ac  
0.012 = Fut St  
0.002 = Fut Drwy  
0.092 = S Base  
0.002 = P H Area  
1.60 Ac

845 Cold Canyon Road, Salter



-  Cold Creek Management Area
-  Oak Woodlands and Savannahs
-  Blue Line Streams
-  Trails





DATE	12/27/20
PROJECT	SALTER RESIDENCE
SCALE	AS SHOWN
BY	ARCHITECTS
CHECKED BY	
DATE	
APP. NO.	4-00-213
PROJECT NO.	
CLIENT	
ADDRESS	
CITY	
STATE	
COUNTY	
ZIP	

**DVORETZKY  
BARDOVI  
BUNNELL**  
ARCHITECTS

**SALTER RESIDENCE**  
1000 W. 10TH ST.  
ANN ARBOR, MI 48106  
TEL: 734.763.1100  
WWW.DVORETZKYBARDOVI.COM

**FLOOR PLANS  
EXTERIOR ELEVATIONS  
SECTIONS**

A2

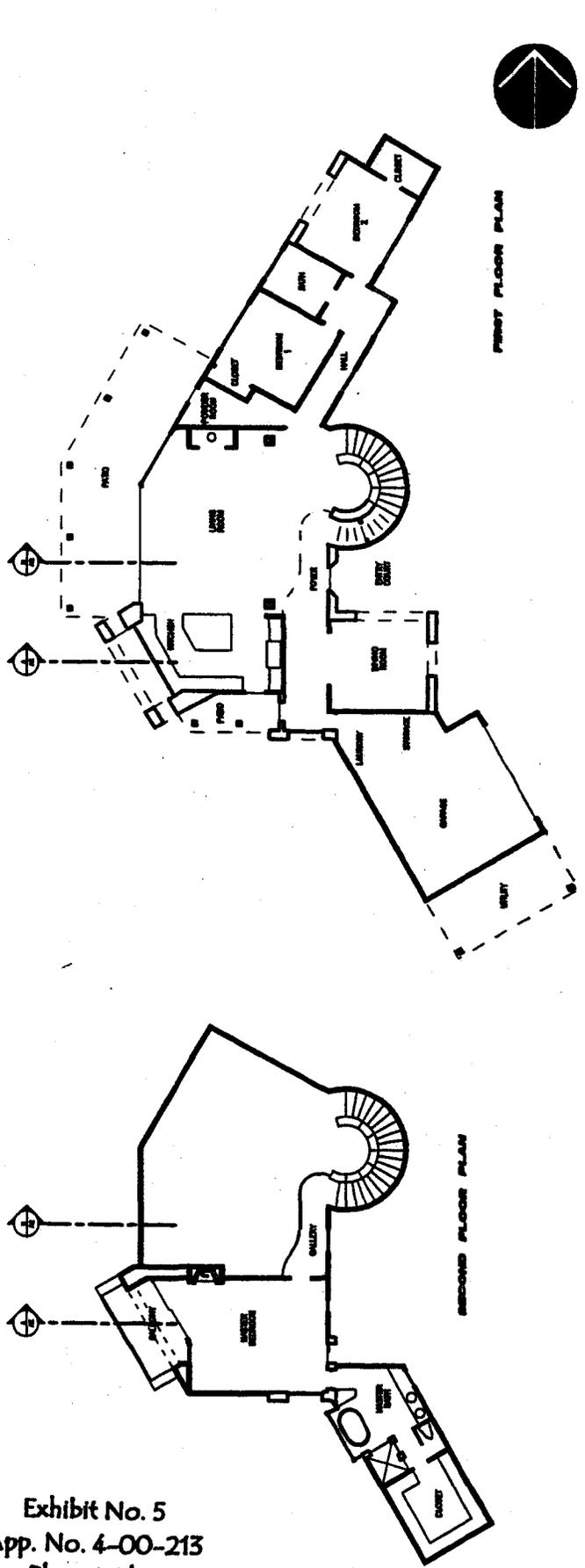
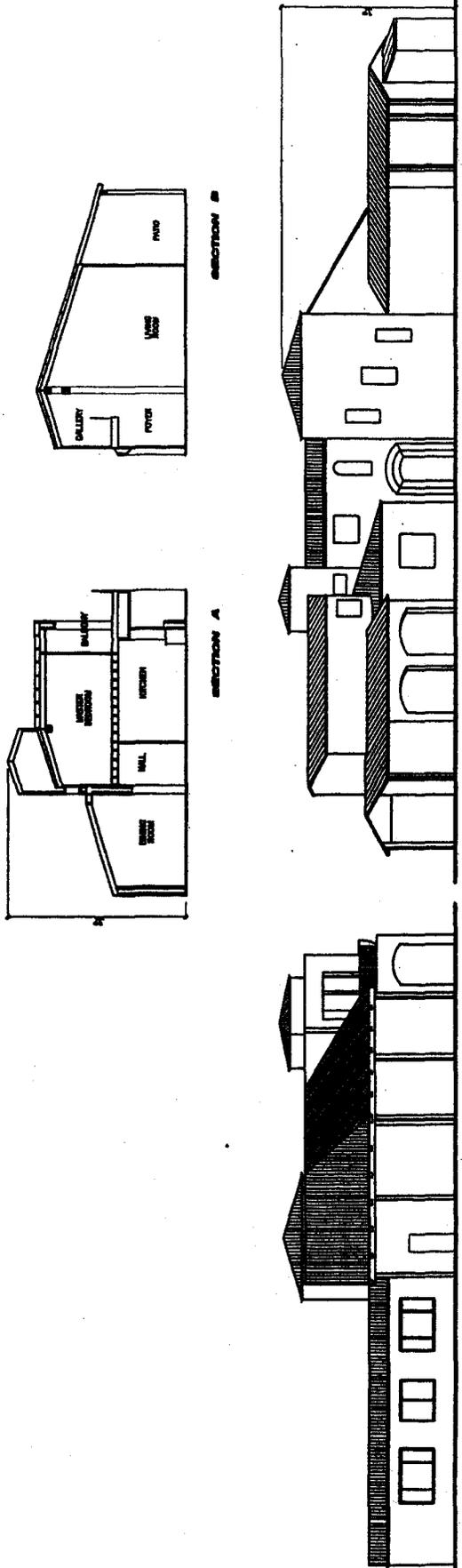
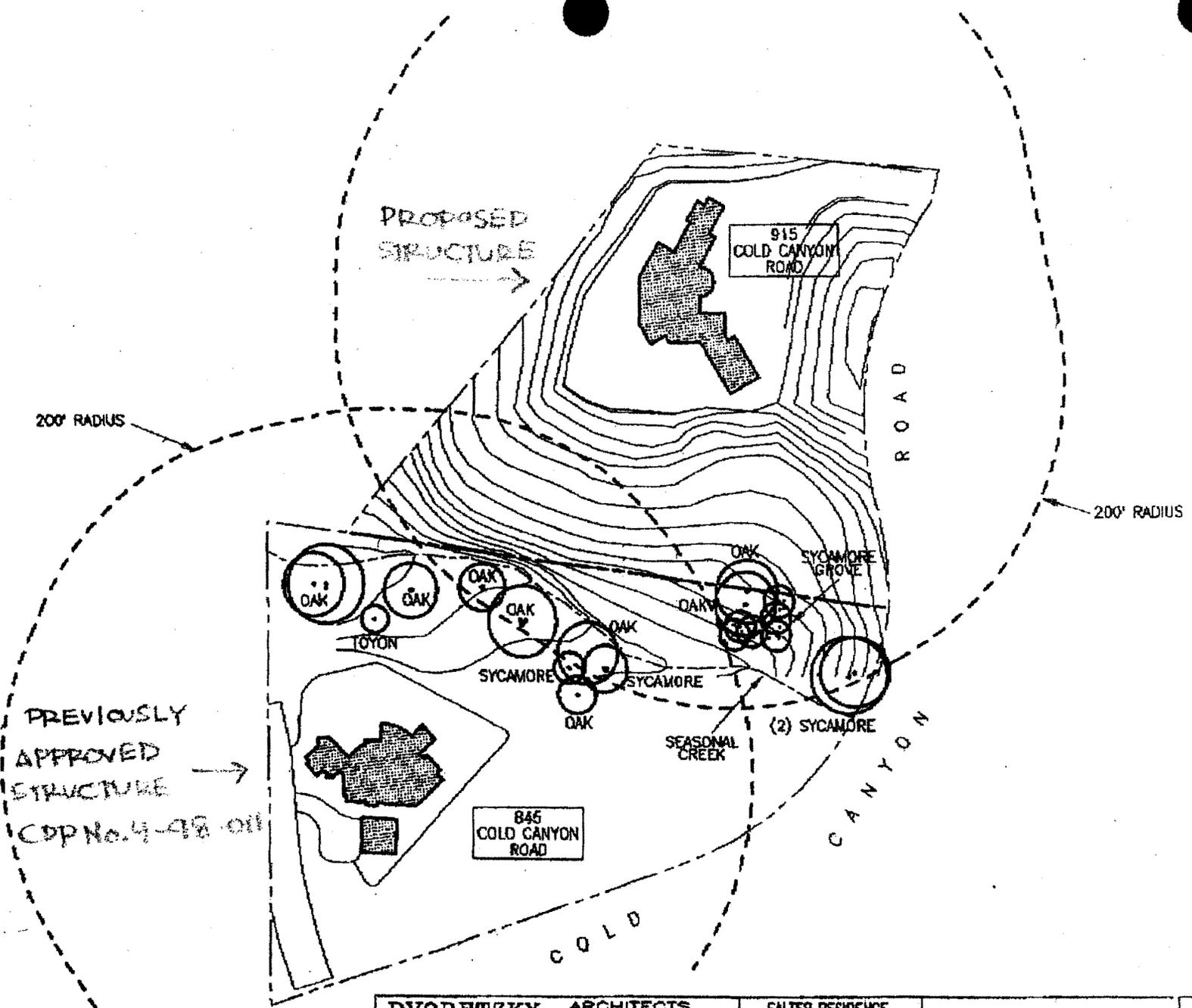


Exhibit No. 5  
App. No. 4-00-213  
Floor Plans & Elevations

Exhibit No. 6  
 App. No. 4-00-213  
 Natural Drainage Course &  
 Riparian Canopy Map



01/17/01

<b>DVORETZKY          BARDOVI          BUNNELL</b>	<b>ARCHITECTS</b> 3611 MOTOR AVE. #108 LOS ANGELES, CA 90034 (310) 559-1332 (310) 358-1442 FAX	<b>SALTER RESIDENCE</b> BRAD SALTER 415 N. Bedford Dr. Suite 410 Beverly Hills, CA 90210 (310) 275-8892	<b>FUEL MODIFICATION          PLOT PLAN</b>	
--	--	--	---	--

**DVORETZKY  
BARDOVI  
BUNNELL**

ARCHITECTS

3611 Motor Avenue #108  
Los Angeles, CA 90034  
(310) 569-1332 Phone  
(310) 569-1442 Fax

**Fuel Modification requirements for 845 Cold Canyon Road  
with respect to Zone F - Riparian Zone**

1. Within the banks or 10 feet on either side of the centerline of the drainage course, whichever is greater:
2. All dead vegetation on the ground including plants, shrubs, tree limbs and branches shall be removed.
3. All ground vegetation (i.e. grasses, winter rye, etc.) shall be trimmed within 2" of the ground. Stands of Pampas grass shall be thinned back and maintained at 2/3 their density. Duff (fallen leaf litter) and decomposing vegetation shall remain on the ground.
4. All trees, brush or shrubs shall have all lower branches removed for the distance of 1/3 the height of the tree, bush or shrub. The exception to this requirement is any species of oak that is protected by the Oak Tree Ordinance. All Sumac shrub shall be thinned back and maintained of 3/4 their density.
5. All trees, brush or shrubs shall have approximately 1/4 of canopy density thinned out and all dead vegetation removed.
6. Sage and buckwheat bushes shall be trimmed back 2/3 of canopy density and all dead vegetation removed. Sage trees shall have all lower branches removed for the distance of 1/3 the height of the tree and the canopy shall be thinned.

January 18, 2001

Kara Kemmler  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001

To Whom It May Concern:

**SUBJECT: PROPERTIES LOCATED ON 915 AND 845 COLD CANYON RD, MALIBU**

If those structures stated above are in the proximity of 200 feet away from a riparian drainage, the County of Los Angeles Fire Department will not require maintenance of vegetation of the riparian zone.

Very truly yours,



Keith Deagon, Deputy Forester, Brush Clearance Unit  
Los Angeles County Fire Department

cc: Gary Bardovi

RECEIVED

JAN 22 2001

Exhibit No. 8  
App. No. 4-00-213  
Letter from Brush Clearance Unit  
LA County Fire Dept.

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

