

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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**RECORD PACKET COPY**

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Staff: J. Johnson
Staff Report: 6/13/01
Hearing Date: 7/10/01
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.: 4-00-115****APPLICANTS: Raymond Stewart****PROJECT LOCATION: 24969 Mulholland Highway, Calabasas, Los Angeles County**

PROJECT DESCRIPTION: Divide a 14.04 acre parcel into two parcels, one 11.71 acres with existing single family residence, garage and guest house, the other a 2.33 acre parcel that is vacant. Grade 1,095 cubic yards of cut and 1,680 cubic yards of fill for building pad, proposed driveway, fire truck turnaround, and widening of existing driveway, and 1,240 cubic yards of grading for removal and recompaction, and construct these driveway improvements.

Existing Parcel Area: 14.04 acres
Proposed Parcel 1: 11.71 acres
Proposed Parcel 2: 2.33 acres
Plan Designation: Rural Land III, and Mountain Land
Zoning: 1 du / 2 acre, 1 du / 20 acres

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed land division with Special Conditions addressing plans conforming to geotechnical recommendations, drainage and polluted runoff control plan, landscaping and erosion control plans, and cumulative impact mitigation. The project site is located in the Calabasas area along the north side of Mulholland Highway about four miles inland of the Coast and about one third of a mile west its intersection with Stunt Road. The proposed parcel sizes of one dwelling unit per eleven and two acres are larger than the average size of the residential parcels located in the vicinity of the project site. Therefore, the proposed project, as conditioned, will be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Regional Planning Department, dated May 17, 2000; County of Los Angeles Fire Department Approval, dated 5/7/00.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit No. 4-00-195, Simons and Rundel; Coastal Permit Application No. 4-93-056.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-115 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.

II. SPECIAL CONDITIONS

1. PLANS CONFORMING TO GEOTECHNICAL RECOMMENDATIONS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geotechnical Engineer consultant's review and approval of all project plans, including a landscape plan. All recommendations contained in the submitted geologic report titled:

Updated Geotechnical Investigation by Miller Geosciences, Inc., dated 3-14-01,

shall be incorporated into all final design and construction including: grading recommendations. All plans must be reviewed and approved by the consultants.

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 PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, 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 in the vicinity of the proposed grading. The plan shall be reviewed and approved by the consulting geotechnical engineer to ensure the plan is in conformance with the engineer'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, infiltrate or filter stormwater from each runoff event, up to and including the 85th 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 30th 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 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 February 5, 1996. 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.

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 may specify that grading may 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.

4. CUMULATIVE IMPACT MITIGATION

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 one (1) building site in the Santa Monica Mountains Coastal Zone. The method used to extinguish the development rights shall be either:

- a) a Transfer of Development Credit (TDC);
- 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.

IV. Findings and Declarations

A. Project Description and Location

The project site is located in the Calabasas area along the north side of Mulholland Highway about four miles inland of the Coast and about one third of a mile west its intersection with Stunt Road (Exhibits 1 and 2). The fourteen acre site is accessed from Mulholland Highway along a private driveway to an existing residence, garage and second floor guest house, pool and tennis court. The Commission's records indicate that the garage/guest house and an addition to the residence was approved in 1987 (Coastal Permit No. 5-87-544).

The applicant proposes to divide a 14.04 acre parcel into two parcels, one at 11.71 acres with existing single family residence, garage and guest house, the other a 2.33 acre parcel that is vacant (Exhibit 3). In addition, the project includes the grading of 1,095 cubic yards of cut and 1,680 cubic yards of fill for the building pad, proposed driveway, fire truck turnaround, and widening of existing driveway, and 1,240 cubic yards of grading for removal and recompaction. Total grading is 4,015 cubic yards of material (Exhibit 4). The applicant proposes to construct the new driveway, fire truck turnaround and widen a portion of the existing driveway.

The project site not located in the designated Cold Creek Significant Watershed or Management Area although site drains to Cold Canyon Creek. There are no designated Sensitive Resources on the site. The certified Los Angeles County Land Use Plan (LUP) designates portions of this parcel as Rural Land III, and Mountain Land allowing one dwelling unit for two acres and twenty acres, respectively.

B. Geologic Stability, Water Quality, ESHA, and Landform Alteration

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. **Section 30231 of the Coastal Act** states as follows:

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic 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.

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.

1. Geologic Stability/Water Quality/ESHA

The proposed development site is located in the southern Calabasas area of the Santa Monica Mountains. The Santa Monica Mountains is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to this mountain area include landslides, erosion, and flooding. Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition into the onsite drainage leading to Cold Canyon Creek. Although, this drainage is not a blue line stream, once water runoff from the subject site reaches Cold Canyon Creek it becomes a designated blue line stream. Cold Canyon Creek, located about a third of a mile to the south, is an Environmentally Sensitive Resource designated as a Significant Watershed within 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 of these designated areas which are located well beyond the project site. There are no designated Environmentally Sensitive Habitat Areas on the subject site.

a. Geologic Stability

The subject site of about 14 acres includes steep slopes on the northern half of the property and gently sloping land on the remaining southerly half. The existing building on one proposed parcel and the proposed building sites on the new second parcel are located on the southerly portion of the property on moderate to gentle terrain descending south and southeast. The proposed second 2.33 acre parcel slopes to the west and south with a total relief of 65 feet across a 640 foot long eastern property line. The proposed location of the new access driveway will extend directly from the existing driveway to the existing residence along the shortest distance possible to the building pad. Some removal and recompaction is needed for the building site and new driveway consisting of 1,240 cubic yards of material. Site grading consists of 1,095 cubic yards of cut and 1,680 cubic yards of fill for building pad, proposed driveway, fire truck turnaround, and widening of existing driveway (Exhibit 4). The existing driveway proposed to be used in part as a common driveway will be widened to meet the Los Angeles County Fire Department standards. This amount of proposed grading is the minimum necessary to construction a future residence on site and meet the Los Angeles County Fire Department standards.

The applicant submitted two geotechnical investigations for the proposed project: Preliminary Geotechnical Investigation dated 6-4-99 and an Update Geotechnical Investigation dated 3-14-01 completed by Miller Geosciences, Inc. These consultants addressed the geologic stability of the proposed two parcel land division by concluding that:

Based upon the findings of our investigation, the building site for Parcel 2 is considered to be suitable from a soil engineering standpoint for construction of a single family residence, provided the recommendations included herein are followed and integrated into the construction plans. Since an existing residence currently occupies Lot 1, it is our opinion the parcel split is feasible from a geotechnical viewpoint.

These recommendations related to the grading are proposed by the applicant as part of this application, ie., the removal and recompaction of the building site and driveway extension and construction of the new driveway and widening of the existing driveway. In addition, the applicant's consultant recommends that slope maintenance be provided consisting of a landscape and erosion control plan. The recommendations in this geotechnical report addresses the following grading recommendations including fill keys, suitability of materials, slope maintenance, expansive soils, and shrinkage/bulking. Based on the findings and recommendations of the consulting geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans.

The consulting geotechnical engineer also recommended a slope maintenance program including proper drainage control, planting, irrigation and rodent control. The Commission finds that the development is consistent with Section 30253 as required by Special Condition Number Three which provides for a landscape and erosion control plan. The final landscape plan should be designed to minimize and control erosion. The landscape plan should include primarily native, drought resistant plants. All cut and fill slopes shall be stabilized at the completion of final grading and adequate to provide 90 percent coverage within two years. Planting shall be maintained throughout the life of the project in accordance with the approved plan. Grading may be allowed during the rainy season (November 1 – March 31) with the interim erosion control measures identified in the Interim Erosion Control Plan. The plan shall include temporary erosion control measures should grading cease for a period of time of more than 30 days. Lastly, a landscape monitoring report shall be provided five (5) years from the date of the final grading inspection by the Los Angeles County Department of Building and Safety to ensure that the final landscape plan has meet the performance standards in the plan and provide a revised plan in the event the landscaping is not in conformance with the approved final landscape plan.

Therefore, the Commission finds it necessary to require the applicant to submit project plans, including a landscape plan that have been certified in writing by these consultants as conforming to their recommendations, as noted in Special Condition Number One for the final plans for the proposed project. In addition, Special Condition Number Three requires the applicant to submit a landscape and erosion control/drainage plan with a monitoring plan meeting the above requirements to minimize the potential for erosion on site and sedimentation on site and downstream.

b. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains and Malibu area has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase in runoff, erosion, and sedimentation, 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 requires that the biological productivity and quality of coastal waters and streams be maintained and restored by minimizing the effects of waste water discharges and controlling runoff, among other means.

As described above, the proposed project includes the grading of 1,095 cubic yards of cut and 1,680 cubic yards of fill for the building pad, proposed driveway, fire truck turnaround, and widening of existing driveway, and 1,240 cubic yards of grading for removal and recompaction. Total grading is 4,015 cubic yards of material (Exhibit 4). The applicant proposes to construct the new driveway, fire truck turnaround and widen a portion of the existing driveway.

The site where proposed parcel 2 is located is considered a "hillside" development, as it involves moderately sloping terrain (topographic range of about 60 feet) with soils that are susceptible to erosion. Further, use of the site for residential purposes introduces potential

sources of pollutants such as petroleum, household cleaners, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The proposed development will result in removal of vegetation and 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. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. 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.

When infiltration is impeded by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

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

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 85th 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 Number Two, 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 Number Two and Three are necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

In order to ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through Special Condition Number Two, to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

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 and 30240 of the Coastal Act to adequately protect the designated ESHA beyond the subject site, the Cold Creek Significant Watershed, and the Cold Canyon Resource Management Area, located downstream from adverse impacts.

c. Landform Alteration and Visual Resources

The project site is located within the viewshed of Mulholland Highway, just east of one of three separate intersections of Mulholland Highway and Cold Canyon Road (Exhibit 2). The certified Los Angeles County Malibu/Santa Monica Mountains Land Use Plan designates Mulholland Highway as a Scenic Highway. The Land Use Plan provides guidance for new development along scenic highways to be sited and designed to protect views along the ocean, minimize alteration of landforms, be visually compatible with and

subordinate to the character of its setting, and be sited so as to not significantly intrude into the skyline as seen from public viewing places (P130). Further guidance is provided in the Land Use Plan to maintain the character and value of the Mulholland Scenic Corridor as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains (P132). Due to extensive landscaping on the property and along Mulholland Highway, the proposed building site is not visible from Mulholland Highway to the south. The portion of the property visible from Mulholland Highway is the northern portion of the parcel that rises up to the 1,335 foot elevation level. The proposed building site is located on the less sloping area of the parcel at the 1,075 foot elevation level. Although, the Mulholland Highway along the subject parcel is located at the 1,025 foot elevation level, the proposed building site is located about 500 feet landward of the Highway. As a result of the distance from the Highway and the existing extensive onsite landscaping, the proposed building site and driveway improvements are not visible to the public from along the Highway. Although there is a mapped public trail, Calabasas – Cold Creek Trail, located to the south of Mulholland Highway, visibility of the building site will be limited if visible at all due to the distance and onsite and offsite landscaping in this area (Exhibit 5).

Regarding minimizing the alteration of landforms, the grading proposed for the new driveway, fire truck turnaround area and the widening of a portion of the existing driveway is the minimum necessary to meet the standards of the Los Angeles County Fire Department. The grading proposed for the building pad will create a modest 5,000 sq. ft. pad area. The applicant's Geotechnical Engineer recommends that removal and recompaction grading be completed for the construction of the paved driveway areas and the building pad to meet the necessary Los Angeles County Public Works Department Building Standards. Therefore, the applicant's proposed grading quantities identified above will minimize the alteration of natural landforms.

Therefore, the Commission finds that the proposed project, as conditioned, will minimize geologic hazards, grading and landform alteration, minimize erosion on the property and sedimentation on and beyond the property, protect designated ESHA located downstream in the Cold Creek Watershed and coastal visual resources. Therefore the proposed project, as conditioned, is consistent with Sections 30231, 30240, 30251 and 30253 of the Coastal Act.

C. New Development/ Cumulative Impacts

Section 30250 (a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either

individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively", as it is applied in Section 30250(a) to mean that:

... the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

In addition, the certified Land Use Plan includes policy 271 regarding land divisions. This LUP policy cited below has been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act. Policy 271 states, in part, that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map is inserted in the inside back pocket

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.

The Coastal Act requires that new development, including land divisions, be permitted within, contiguous with, or in close proximity to existing developed areas or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The land use designations in the Los Angeles County Land Use Plan provide guidance for the Commission to consider, among other issues, during the review of land divisions.

The applicant proposes a minor land division of one parcel into two parcels, one with residential development and one vacant parcel both served in part by one access driveway. This parcel is located within Los Angeles County outside the residentially developed area commonly known as the Malibu terrace which is located within the City of Malibu.

The Commission has reviewed land division applications to ensure that newly created parcels are of sufficient size, have access to roads and other utilities, are geologically stable and include appropriate building pad areas where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular,

the Commission has ensured that future development on new parcels minimize landform alteration and impacts on visual and environmentally sensitive habitat area resources. These issues are discussed above.

The land use designations will be addressed first. A review of the Malibu/Santa Monica Mountains designated Land Use Plan indicates that there are two County land use designations on the property; Rural Land III, and Mountain Land, providing one residential unit each for two and twenty acres, respectively. Over one half of the parcel, or more than seven acres is designated as one unit per two acres and less than the remaining one half of the parcel is designated as one unit per twenty acres. The LUP density standard or guideline for this site allows for three parcels. The applicants are requesting a two lot subdivision to allow for two parcels each with a single family residence. Given the proposed density of two parcels are less than what may be allowed under the LUP density guideline, the Commission finds that the proposed two parcel subdivision is in substantial conformance with the LUP density guideline for these proposed parcels. In approving the proposed Tentative Minor Land Division Map, the County of Los Angeles found that the project density was consistent with the density range of the land use categories.

Although the subject parcel is in substantial conformance with the density guideline in the Los Angeles County LUP, the proposed land division must meet the standards of the Coastal Act. Section 30250 provides the standard of review for the Commission to consider when reviewing this application for a land division. The proposed land division is not located within a developed area, as the Commission has found development located within the Malibu terrace as the 'developed area' of the Santa Monica Mountains area. The subject site is located about four miles inland of the coast within an area the Commission has found to be the 'undeveloped area' in past Commission action. Coastal Act Section 30250 requires that new development, located outside existing developed areas, including this proposed land division, must meet three tests. These tests include: 1) the site must have adequate public services, 2) in locations where the development will not have significant adverse effects on coastal resources, and 3) land divisions outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. These requirements are to ensure that development is located in close proximity to existing development and in areas with adequate public services. In other words, this policy is to prevent the "leap frogging" of new development into undeveloped areas, thereby preventing the potential significant adverse impacts of such development on coastal resources. As a result, it is possible for a proposed land division to be consistent with the maximum allowable density under the Land Use Plan, yet be inconsistent with Section 30250(a) of the Coastal Act because it does not meet the 50 percent developed parcel or average lot size criteria.

Regarding the first test, adequate public services, the subject property with an existing single family residence and a guest house/garage is served by the following public services: water is provided by the Los Angeles County Water Works District; fire suppression is provided by the Los Angeles County Fire Department; a paved public road (Mulholland Highway) exists along the southern property boundary maintained by the County of Los Angeles Public Works Department; electric power is provided by Southern

California Edison. Sewage disposal service is provided by an on-site private septic system, as is common in this area. The applicant provided a percolation report titled: Preliminary Percolation Testing dated February 22, 2001 by Miller Geosciences, Inc. confirming that percolation rates for an intended private sewage disposal system on proposed Parcel 2 are feasible. Therefore, the proposed project is located in an area where adequate public services are available, and therefore, the project meets the first test.

Regarding the second test, first the issue of impacts to coastal resources on an individual basis will be discussed; cumulative impacts will be discussed next below. The applicant proposes to divide one parcel into two parcels. The subject parcel after the land division will have a single family residence and a guest house/garage on one parcel while the second parcel will be vacant. Both lots will be connected by common driveway to Mulholland Highway. This application includes the grading of the building pad, new driveway access and fire truck turnaround and a widening of a part of the common driveway and the construction of these driveway improvements. Special Condition Number Three requires a landscape and erosion control plan to adequately mitigate erosion on site and sedimentation offsite. The parcel is not visible from any public lands or trails; therefore, no adverse visual impacts are expected as a result of the land division. Therefore, the proposed project, as conditioned, will not create adverse impacts on coastal resources on an individual basis.

Regarding the issue of cumulative impacts to coastal resources, the Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit actions. The cumulative impact issue is important because of the existence of thousands of undeveloped and poorly sited parcels and multi-unit projects. The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots minimizes landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches would be expected to grow tremendously.

As a means of addressing the cumulative impact problem in past actions, the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program as mitigation (Coastal Permit No. 155-78, Zal; 158-78, Eide; 182-81, Malibu Deville; 196-

86, Malibu Pacifica; 5-83-43, Heathercliff; 5-83-591, Sunset-Regan; 5-85-748, Ehrman & Coombs, and 4-00-195, Simons & Rundel). The TDC program resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time new parcels or units were created. The intent was to insure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

In 1986, the Commission certified the Malibu/Santa Monica Mountains Land Use Plan. The Plan contained six potential mitigation programs that if in place would adequately mitigate the cumulative impacts of new development. However, in approving the above cited permit requests, the Commission found that none of the County's six mitigation programs were defined in the LUP as "self-implementing" or adequate to offset the impact of increased lots in the Santa Monica Mountains and that mitigation was still required to offset the cumulative impacts created by land divisions and multi-unit projects. The Commission found that the TDC program, or a similar technique to retire development rights on selected lots, remained a valid means of mitigating cumulative impacts. Without some means of mitigation, the Commission would have no alternative but denial of such projects based on the provisions of Section 30250(a) of the Coastal Act.

Because the applicant proposes to divide an existing parcel into two parcels, mitigation for cumulative impacts is necessary. As discussed above, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review indicates that the incremental contribution to cumulative impacts would be the creation of one additional lot. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development or intensification of residential development of the additional lot in this area. Therefore, the Commission determines that it is necessary to impose Special Condition Number Four on this application, in order to insure that the cumulative impacts caused by creating one additional legal lot is adequately mitigated. The Commission finds it necessary to require Special Condition Number Four to require the applicant to mitigate the cumulative impacts of the subdivision of this property, either through purchase of one (1) TDC or the 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 created, in this case one site.

Regarding the third test of Section 30250, a review of the surrounding existing parcels was made. The area surrounding the subject parcel within a one quarter mile radius was identified within the same watershed. Using aerial photographs and assessor records, the number, size, average parcel size and developed status were analyzed for these parcels. To determine the appropriate surrounding area in the Santa Monica Mountains, the Commission has, in past permit decisions, considered the average and mean lot size within one quarter of a mile, with consideration to major topographic features. In a past court decision (*Billings vs. California Coastal Commission*) the court examined the use of an arithmetic mean to determine the size of lots that was typical for a geographic area. In *Billings*, the court rejected the arbitrary delineation of a one quarter mile radius as the sole criteria for determining the appropriate surrounding area, and instead found that it was

appropriate to also take into consideration major topographic features such as ridgelines to determine the surrounding area. Also in Billings, the court rejected the Commission's use of the arithmetic mean to determine the "average" parcel size and rather found the use of a median or mode to be more appropriate. The Commission has found that the mode is a method of calculating the average that is of limited utility. Thus, the median is the best method of arriving at the average lot or parcel size.

The subject parcel is located on the north side of Mulholland Highway east of its intersection with Stunt Road. This area is characterized by parcels ranging in size from less than a half acre to forty-six acres in size. The surrounding area selected for this parcel is a one quarter mile radius surrounding the subject parcel, all located within the same watershed. There are 69 parcels range in size from less than less than a half acre to eleven acres. The average parcel size using the arithmetic mean is 2.25 which is less than the smaller of the two proposed parcels at 2.33 acres in size. Therefore, the proposed parcel sizes are larger than the average parcel size of surrounding lots. A visual review of aerial photographs indicates that over 50 % of these surrounding parcels are developed with residential development. Therefore, the applicants propose a land division where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels, meet the third test of Section 30250.

As discussed above, this application, as conditioned, meets all of the applicable tests of Section 30250. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 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 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 applicants. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' 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 (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

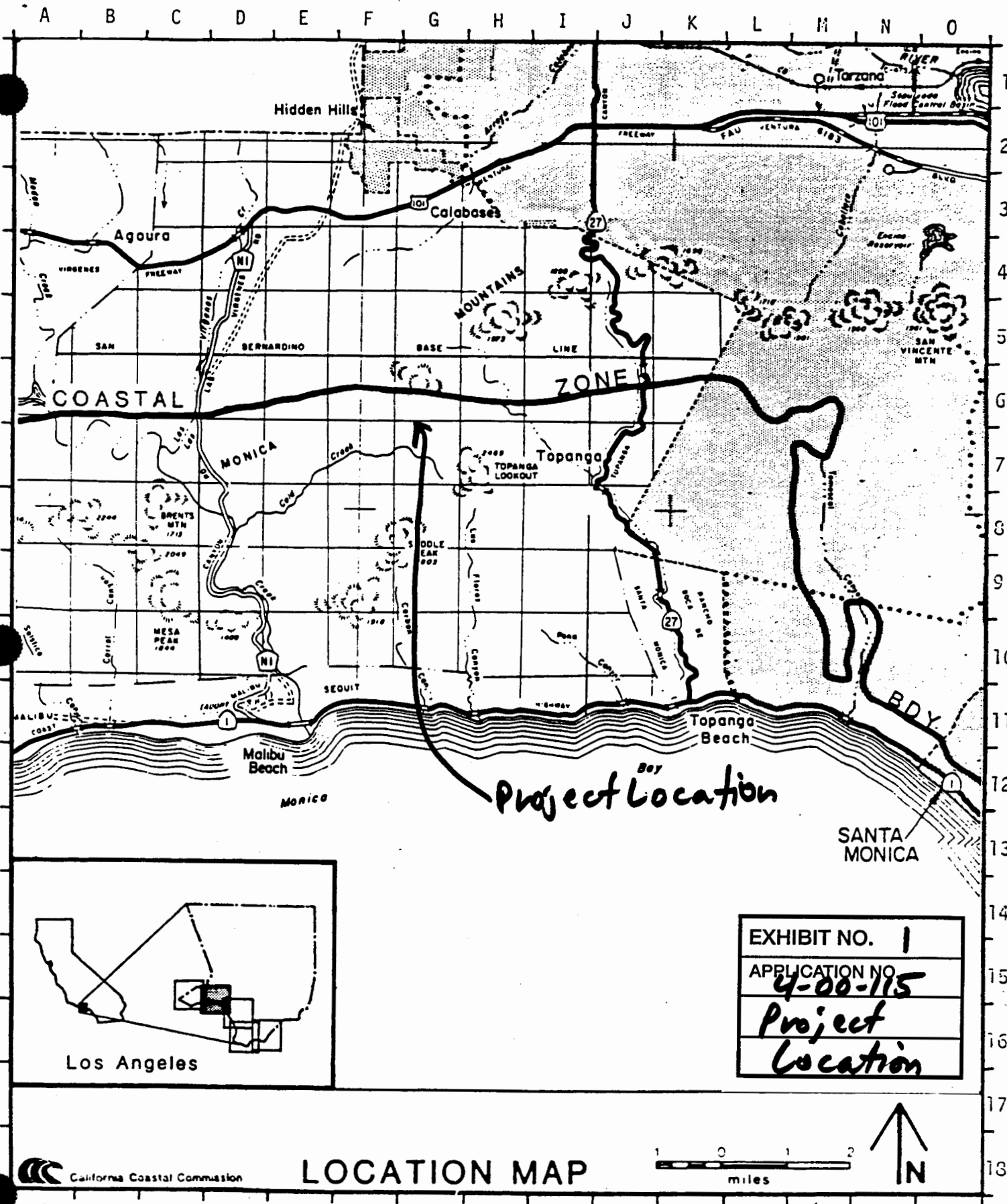


EXHIBIT NO. 1
APPLICATION NO. 4-00-115
Project Location

California Coastal Commission

LOCATION MAP

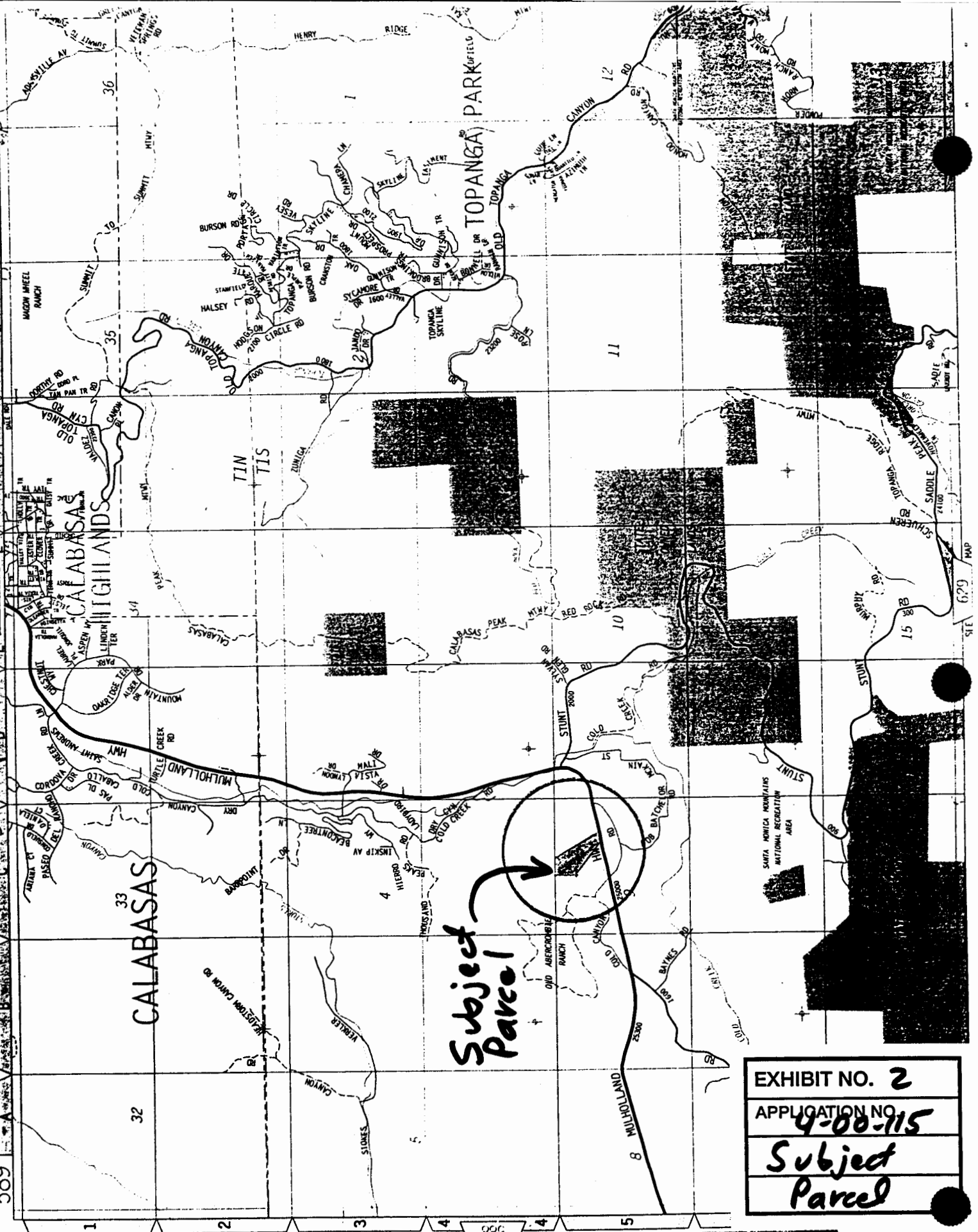


P.M. 25251 Vicinity Map

SEE MAP 559

589

LOS ANGELES CO. DETAIL MAP 588

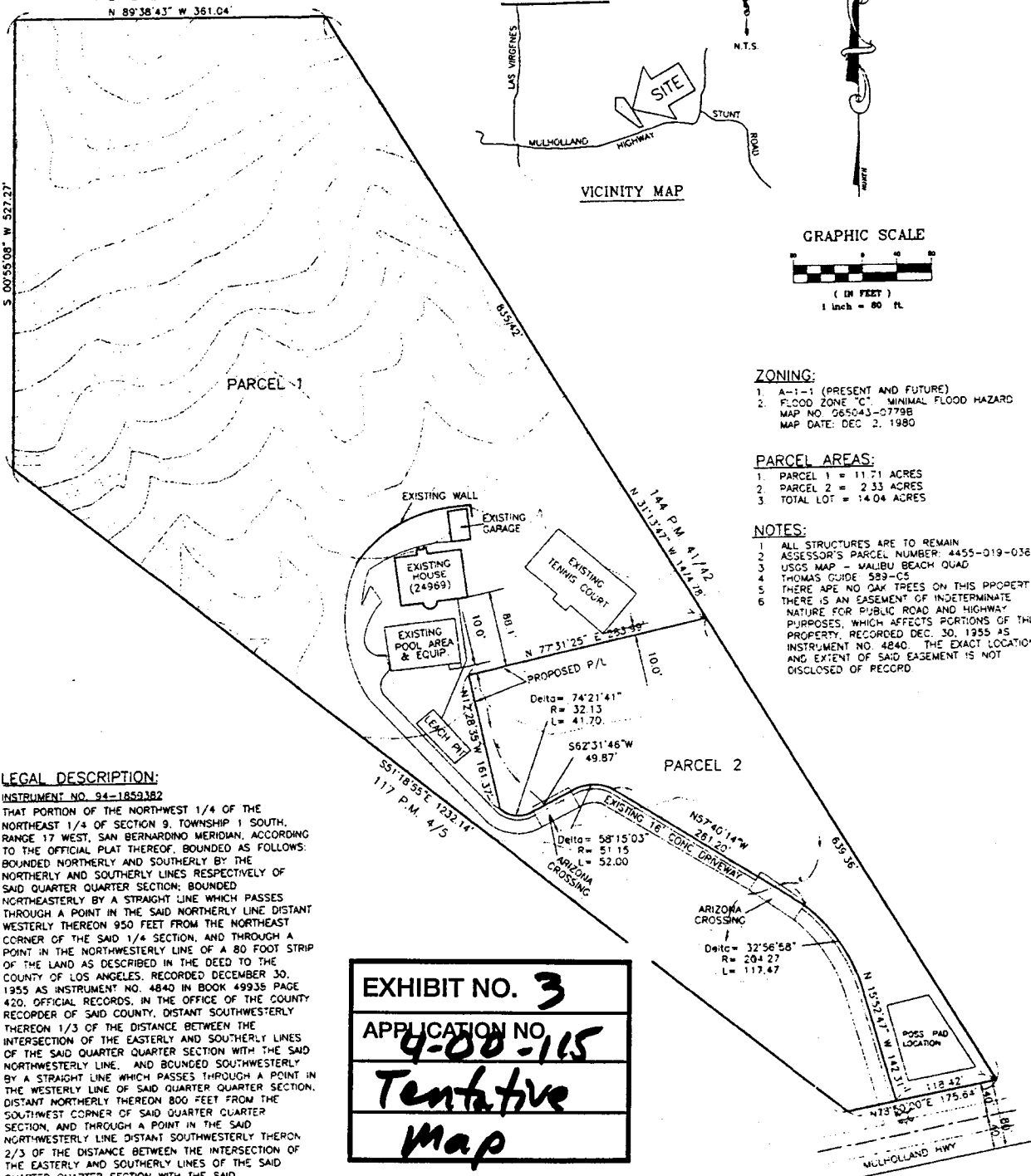
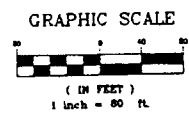
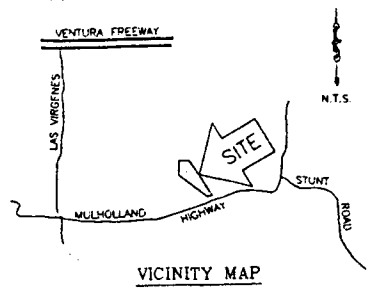


Subject Parcel

EXHIBIT NO. 2
APPLICATION NO. 4-00-115
Subject Parcel

N'LY LINE SECTION 9
N 89°38'43" W 361.04'

W'LY LINE N/E 1/4 SECTION, SECTION 9
S 00°55'08" W 527.27'



- ZONING:**
- A-1-1 (PRESENT AND FUTURE)
 - FLOOD ZONE "C", MINIMAL FLOOD HAZARD
- MAP NO. 065043-0779B
MAP DATE: DEC. 2, 1980

- PARCEL AREAS:**
- PARCEL 1 = 11.71 ACRES
 - PARCEL 2 = 2.33 ACRES
 - TOTAL LOT = 14.04 ACRES

- NOTES:**
- ALL STRUCTURES ARE TO REMAIN
 - ASSESSOR'S PARCEL NUMBER: 4455-019-036
 - USGS MAP - MALIBU BEACH QUAD
 - THOMAS GUIDE 589-CS
 - THERE ARE NO OAK TREES ON THIS PROPERTY
 - THERE IS AN EASEMENT OF INDETERMINATE NATURE FOR PUBLIC ROAD AND HIGHWAY PURPOSES, WHICH AFFECTS PORTIONS OF THIS PROPERTY, RECORDED DEC. 30, 1955 AS INSTRUMENT NO. 4840. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD

LEGAL DESCRIPTION:
INSTRUMENT NO. 94-1859382

THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 17 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, BOUNDED AS FOLLOWS: BOUNDED NORTHERLY AND SOUTHERLY BY THE NORTHERLY AND SOUTHERLY LINES RESPECTIVELY OF SAID QUARTER QUARTER SECTION; BOUNDED NORTHEASTERLY BY A STRAIGHT LINE WHICH PASSES THROUGH A POINT IN THE SAID NORTHERLY LINE DISTANT WESTERLY THEREON 950 FEET FROM THE NORTHEAST CORNER OF THE SAID 1/4 SECTION, AND THROUGH A POINT IN THE NORTHWESTERLY LINE OF A 80 FOOT STRIP OF THE LAND AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES, RECORDED DECEMBER 30, 1955 AS INSTRUMENT NO. 4840 IN BOOK 49936 PAGE 420, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DISTANT SOUTHWESTERLY THEREON 1/3 OF THE DISTANCE BETWEEN THE INTERSECTION OF THE EASTERLY AND SOUTHERLY LINES OF THE SAID QUARTER QUARTER SECTION WITH THE SAID NORTHWESTERLY LINE, AND BOUNDED SOUTHWESTERLY BY A STRAIGHT LINE WHICH PASSES THROUGH A POINT IN THE WESTERLY LINE OF SAID QUARTER QUARTER SECTION, DISTANT NORTHERLY THEREON 800 FEET FROM THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION, AND THROUGH A POINT IN THE SAID NORTHWESTERLY LINE DISTANT SOUTHWESTERLY THEREON 2/3 OF THE DISTANCE BETWEEN THE INTERSECTION OF THE EASTERLY AND SOUTHERLY LINES OF THE SAID QUARTER QUARTER SECTION WITH THE SAID NORTHWESTERLY LINE

EXHIBIT NO. 3
APPLICATION NO. 4-00-115
Tentative Map

SUBDIVIDER

CONDITIONALLY
APPROVED BY THE HEARING OFFICER THIS
5th DAY OF **OCTOBER** 19 **99**
DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES
PLANNING DIRECTOR
Donald C. Callister

DEPT OF REGIONAL PLANNING
JUL 23 1998 TENTATIVE
RECEIVED CS INDEX NO. 144-077 **98 090**

PREPARED BY
PEAK SURVEYS INC.
CIVIL ENGINEERING & LAND SURVEYING
2482 TOWNSGATE RD. SUITE D
WESTLAKE VILLAGE CA 91361
(805) 437-0102 (918) 889-3579



PREPARED FOR:
RAY STEWART
24969 MULHOLLAND HWY.
CALABASAS, CA 91302
(818) 876-0200

SITE ADDRESS:
24969 MULHOLLAND HWY.
AGOURA, CA 91301

DATE PREPARED:
JULY 1998

VESTING TENTATIVE MINOR LAND DIVISION
LOS ANGELES COUNTY
PARCEL MAP NO. 25251
DRAWN BY / DATE: CD/RS 7/16/98
CHECKED BY / DATE: SHEET 1 OF 1

SUBDIVIDER

N'LY LINE SECTION 9
N 89°38'43" W 361.04'

W'LY LINE N/E 1/4 SECTION, SECTION 9
S 07°55'08" W 527.27'

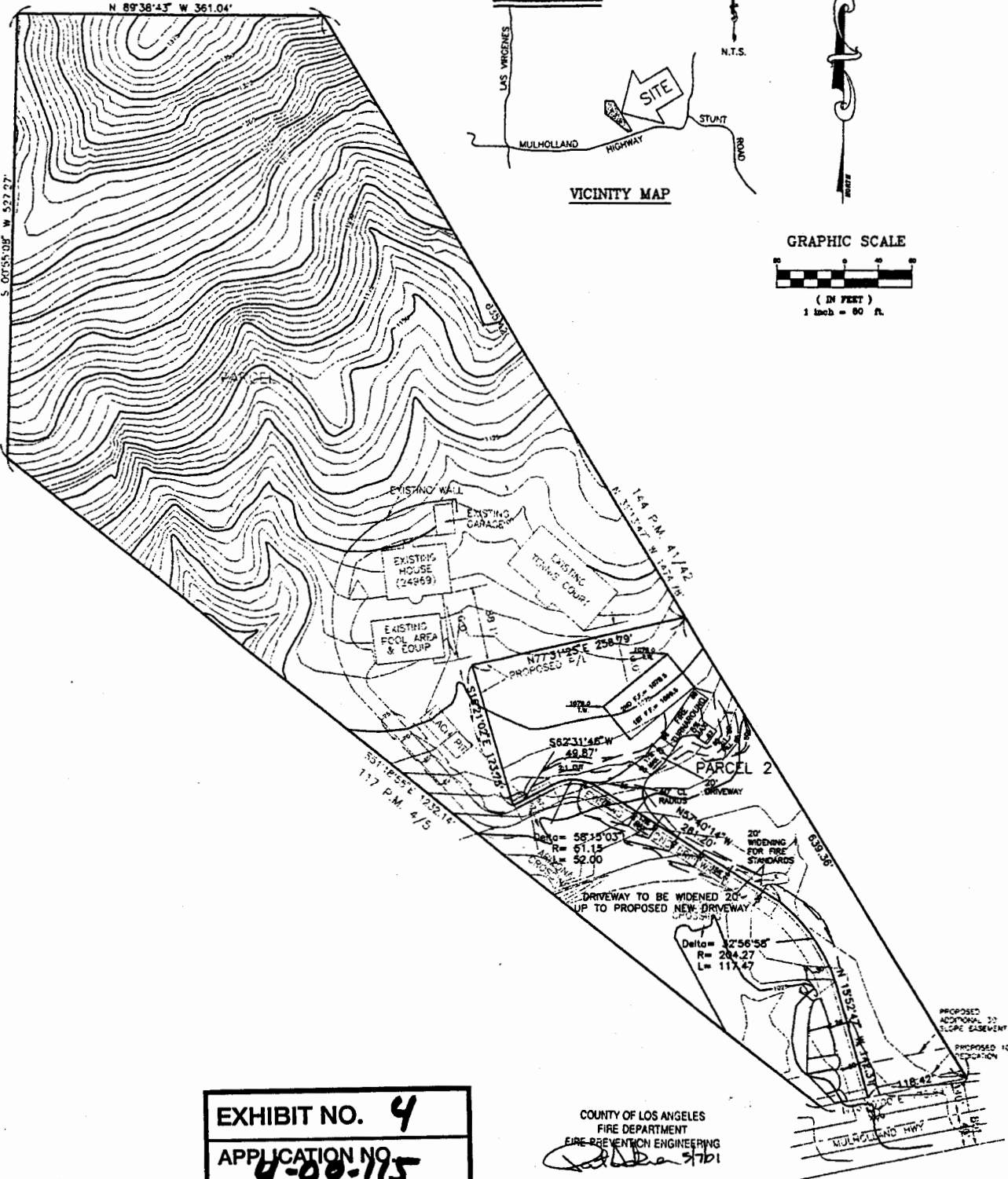
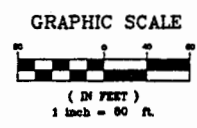
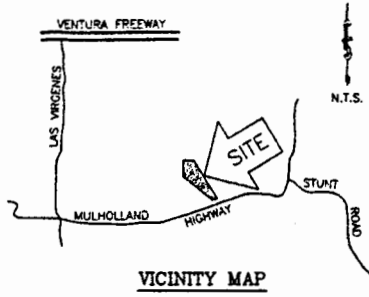


EXHIBIT NO. 4
APPLICATION NO. 4-00-115
Grading Plan

COUNTY OF LOS ANGELES
 FIRE DEPARTMENT
 FIRE PREVENTION ENGINEERING
[Signature] 5701

EARTHWORK VOLUMES:

PROPOSED PAD GRADING:	605 CU. YDS. CUT, 715 CU. YDS. FILL
PROPOSED DRIVEWAY:	240 CU. YDS. CUT, 360 CU. YDS. FILL
COMBINED PAD AND DRIVEWAY GRADING:	1920 CU. YDS.
FIRE TURNAROUND:	35 CU. YDS. CUT, 560 CU. YDS. FILL
FIRE DRIVEWAY WIDENING:	215 CU. YDS. CUT, 45 CU. YDS. FILL
COMBINED FIRE ACCESS GRADING:	855 CU. YDS.
REMOVAL AND RECOMPACTION:	1240 CU. YDS.

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 WESTLAKE VILLAGE CA 91361
 (805) 497-0102 (818) 882-3579



PREPARED FOR:
 RAY STEWART
 24969 MULHOLLAND HWY.
 CALABASAS, CA 91302
 (818) 876-0200
 SITE ADDRESS:
 24969 MULHOLLAND HWY.
 AGOURA, CA 91301
 DATE PREPARED:
 JULY 2000

CONCEPTUAL GRADING PLAN	
LOS ANGELES COUNTY	
PARCEL MAP NO. 25251	
DRAWN BY / DATE D 7-5-00	CHECKED BY / DATE
SHEET 1 OF 1	

Project Site

9 CALABASAS-COLD CREEK TRAIL

EXHIBIT NO. 5
APPLICATION NO. 4-00-115
Malibu/Santa Monica Trails

TRAIL SYSTEM

