

CALIFORNIA COASTAL COMMISSION

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

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Application No.: 4-97-003
Date: 2/20/97



ADMINISTRATIVE PERMIT

Th 3a

APPLICANT: SEVA Corporation of America d/b/a Anacapa View Estates

PROJECT DESCRIPTION: Pave a 1225 linear ft. (17435 sq. ft.) portion of an existing dirt road to provide all-weather access. Reduce a previously permitted 62' diameter driveway turnaround to a 39'6" diameter turnaround. No grading is required.

PROJECT LOCATION: 5865 South Rambla del Orto, City of Malibu; Los Angeles County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

***NOTE:** P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.*

This permit will be reported to the Commission at the following time and place:

Thursday, March 13, 1997 9:00 A.M.
Carmel Mission Inn, 3665 Rio Road
Carmel, (408) 624-1841

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

A handwritten signature in black ink, appearing to read "S M Hudson".

By: Steven M. Hudson
Title: Staff Analyst

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant proposes to pave a 1225 linear ft. (17435 sq. ft.) portion of an existing dirt road to provide all-weather access. Reduce a previously permitted 62' diameter driveway turnaround to a 39'6" diameter turnaround. No grading is required.

B. Background

The project site is located west of Trancas Canyon, atop a southerly protruding ridge overlooking the Pacific Ocean, at the terminus of Rambla del Orto Drive. Topographically, slopes descend from the top of the ridge at an average gradient of 1.5:1 (H:V). The proposed project will extend across seven (7) different parcels which cover 25.68 acres, all of which are owned by the applicant. An existing dirt road skirts the top of the ridge with its terminuses located on parcels 4470-006-021 (northwest of the single family residence) and 4470-006-031 (southeast of the single family residence). The applicant proposes to pave the existing road in order to improve access to the vegetable garden located on parcel 4470-006-021 and to service the utility connections located along the southeastern spur of the existing dirt road. No identified streams or environmentally sensitive habitat areas cross the site.

The project site has been the subject of past permit action by the Commission. On September 12, 1990, the Commission approved Coastal Development Permit 5-90-497 (Anacapa View Estates) for the demolition of an existing 800 sq. ft. single family residence and construction of a two-story single family residence with a 750 sq. ft. guesthouse, 11-car garage, cabana, swimming pool, and 737 cu. yds. of grading (327 cu. yds. cut and 410 cu. yds. fill) at the subject site. This permit was subject to five (5) special conditions regarding future improvements, color restrictions, landscaping, geology and assumption of risk. The above mentioned permit was amended seven times, all of which were determined to be immaterial.

The applicant is now proposing to pave a 1225 linear foot portion (17435 sq. ft.) of an existing dirt road. At present, 29016 sq. ft. of non-permeable surface exist on site. This project will increase the amount of non-permeable surface to approximately 46451 sq. ft..

C. Geologic Hazards

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

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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.*

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. Development on slopes and the construction of non-permeable surfaces, such as asphalt roads, often intensifies storm runoff in a destructive manner, thereby contributing to an increased potential for erosion and landslides on property.

The applicant proposes to pave a 1225 linear feet portion (17435 sq. ft.) of an existing dirt road skirting the top of a ridge and located on a slope with an average gradient of 1.5:1 (H:V). The applicant has submitted a drainage plan for the paved road sections prepared by a civil engineer. The plan illustrates how runoff will be conveyed off of the paved road sections in a non-erosive manner. As such, the proposed project will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In order to ensure that the project's drainage structures are repaired should the drainage structures fail in the future, special condition number one (1) requires that the applicant/landowner agree to be responsible for any repairs or restoration of eroded areas should the structures fail. Therefore, as conditioned, the Executive Director determines that the proposed development is consistent with Section 30253 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

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

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued 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 drafted in this permit, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Executive Director determines that approval of the proposed development will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires approval of coastal

development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate erosion control plans. As approved, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Executive Director finds that the proposed project, as drafted in this permit to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

SPECIAL CONDITIONS

1. **Drainage Improvements**

With acceptance of this permit, the applicant agrees that should the project's drainage structures fail or result in erosion, the applicant/landowner or successor interests shall be responsible for any necessary repairs and restoration.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

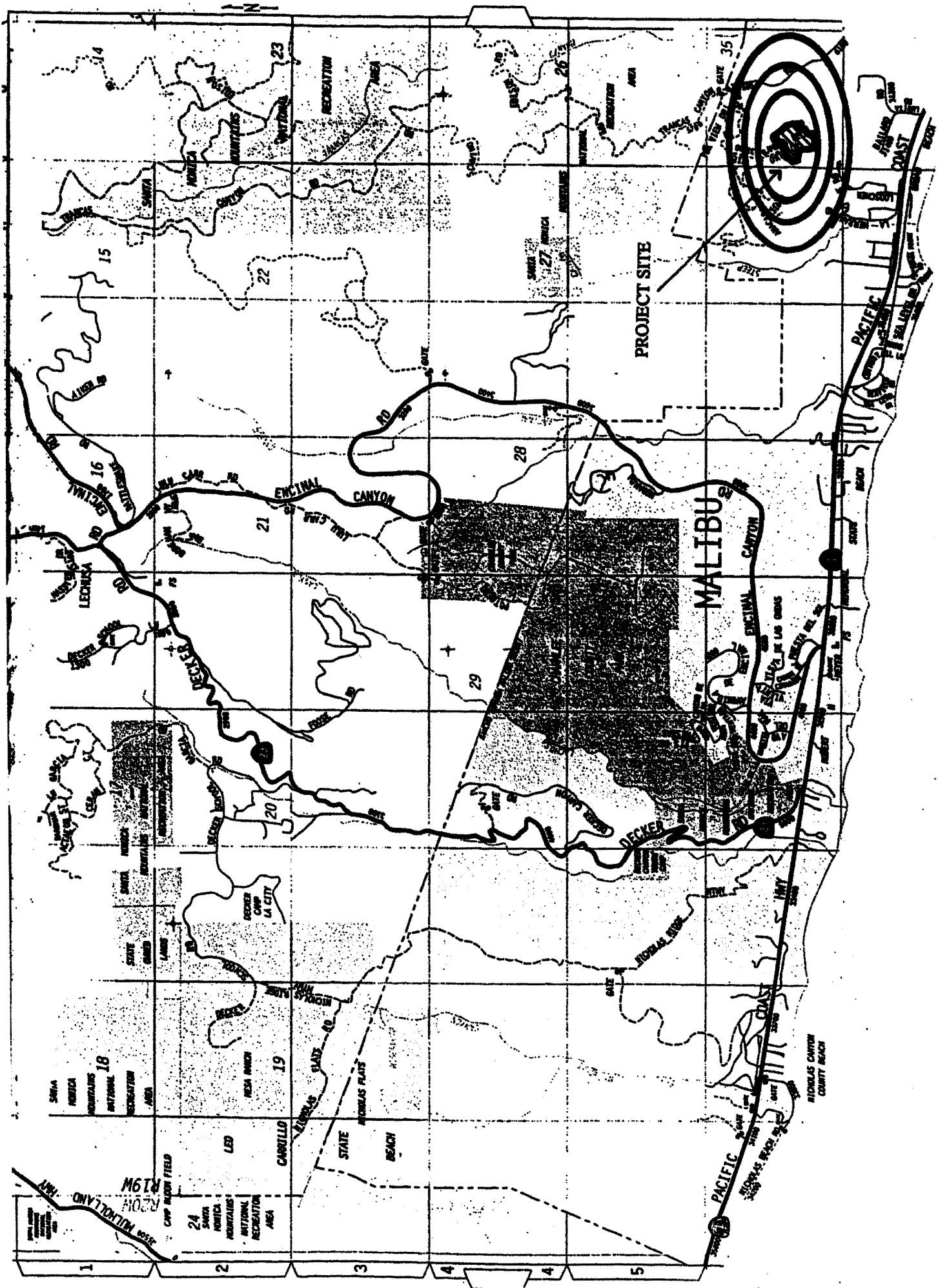


Exhibit No. 1: (4-97-003) Location Map

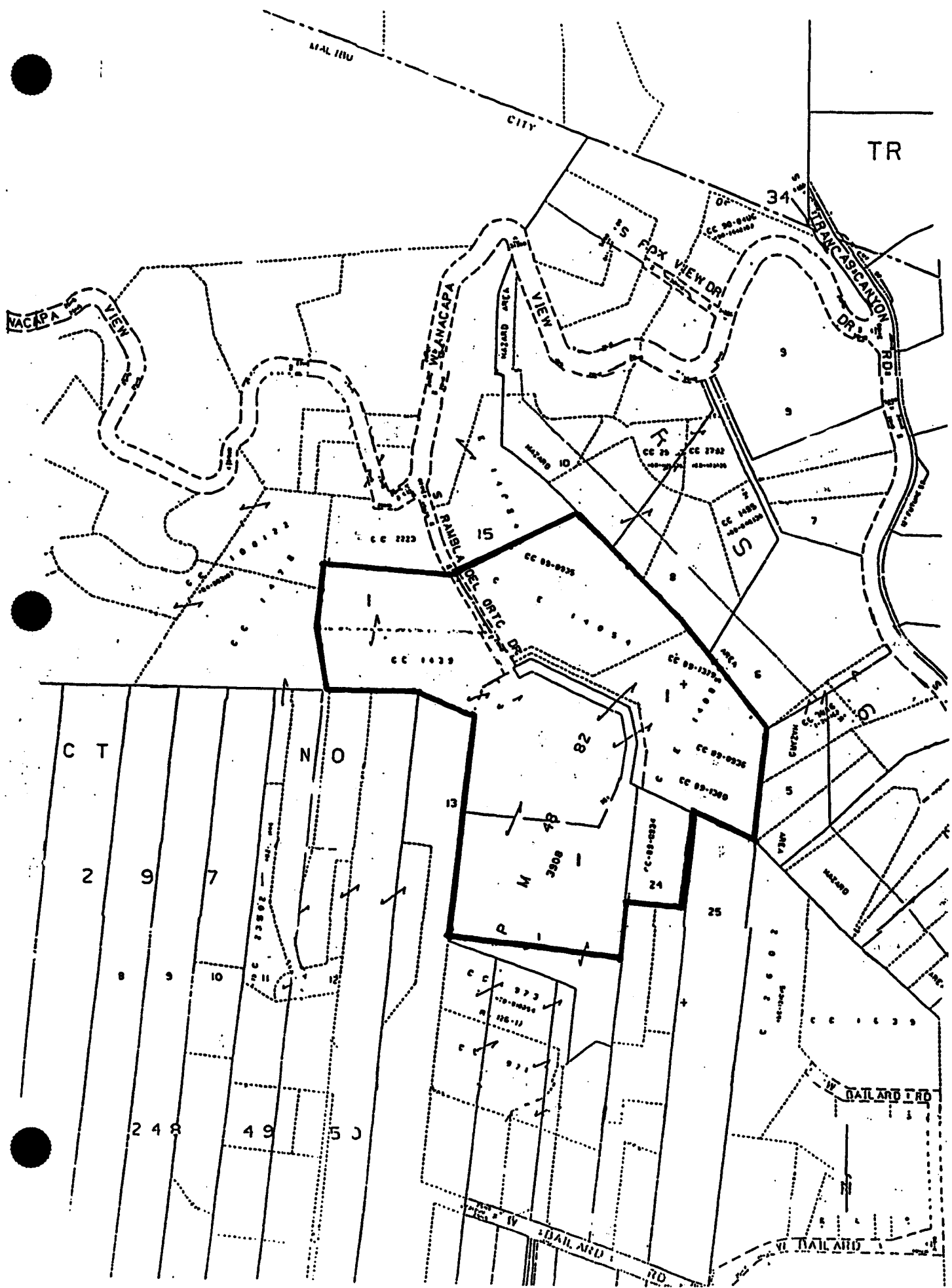


Exhibit No. 2: (4-97-003) Lot Map for Project Site



Exhibit No. 3: (4-97-003) Site Plan



Exhibit No. 4: (4-97-003) Aerial View of Portion of Existing Dirt Road to be Paved