

# Item Th. 9a

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

## RECORD PACKET COPY

Filed: 12/29/04  
180<sup>th</sup> Day: 6/27/05  
Staff: JLA  
Staff Report: 1/27/05  
Hearing Date: 2/17/05



### STAFF REPORT: AMENDMENT

**APPLICATION NO:** 4-02-153-A

**APPLICANT:** Louis Werbe

**PROJECT LOCATION:** 1771 Rambla Pacifico, Santa Monica Mountains, Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a new two story, 4,996 sq. ft. single family residence with attached 696 sq. ft. garage, driveway, septic system and 2,961 cu. yds. of grading (2,846 cu. yds. cut, 115 cu. yds. fill, 2,731 cu. yds. export).

**DESCRIPTION OF AMENDMENT:** Lower the elevation of the building pad by approximately 20 feet; increase grading from 2,961 cubic yards to 13,480 cubic yards and move the building footprint 19 feet to the southwest.

#### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the amendment request to lower the building pad by 20 feet, increase grading from 2,961 to 13,480 cubic yards, and revise the location of the building footprint. Although a significant amount of additional grading is proposed the grading is primarily excavation to lower the building pad elevation below the grade of Rambla Pacifico Road which will minimize the visual impact of the residence. The proposed grading will not result in any large cut and fill slopes or significantly alter the existing landforms on site. The proposed building pad does not exceed the Commission's 10,000 sq. ft. pad size limitation for residential development within Environmentally Sensitive Habitat Areas (ESHA) and the revised building footprint will not increase the size of the fuel modification zone over what was previously approved by the Commission. Therefore, the amended project will be consistent with Sections 30240, 30230, 30231 and 30251 of the Coastal Act.

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

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

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (§13166 of the California Code of Regulations).

## **I. STAFF RECOMMENDATION:**

The staff recommends that the Commission **APPROVE** the permit amendment, with special conditions.

### **MOTION**

Staff recommends a **YES** vote on the following motion. This will result in the adoption of the following resolution and findings.

*I move that the Commission approve Coastal Development Permit Amendment 4-02-153-A per the staff recommendation as set forth below.*

A majority of the Commissioners present is required to pass the motion.

### **RESOLUTION**

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that, as modified, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

## **II. SPECIAL CONDITIONS.**

**NOTE:** All standard and special conditions attached to the previously approved permit remain in effect.

## **III. FINDINGS.**

### **A. Amendment Description and Background**

The applicant proposes an amendment to lower the building pad elevation by 20 feet and increase grading from 2,961 cubic yards (2,846 cu. yds. cut, 115 cu. yds. fill, 2,731 cu. yds. export) to 13,480 cubic yards (12,800 cu. yds. cut, 7 680 cu. yds. fill, 12,120 cu. yds. export). The applicant also proposes to move the footprint of the residence 19 feet to the southwest. The proposed building pad is 9,970 sq. ft. in size and the applicant has received an approved fuel modification plan from Los Angeles County Department of Forestry that illustrates the new building location will not require an increase the size

of the fuel modification zones over the previously approved location. There are no changes proposed for the previously approved residence.

On May 9, 2003, the Commission approved the construction of a new two story, 4,996 sq. ft. single family residence with attached 696 sq. ft. garage, driveway, septic system and 2,961 cu. yds. of grading (2,846 cu. yds. cut, 115 cu. yds. fill, 2,731 cu. yds. export). The project site is a vacant 17 acre parcel located on the south side of Rambla Pacifico in the Santa Monica Mountains area (Exhibit 1). The permit was approved subject to special conditions requiring (1) Conformance with geologic recommendations; (2) Drainage and erosion control plans; (3) Landscape and erosion control plans; (3) Wildfire waiver of liability; (5) Color restriction; (6) Future development restriction; (7) Lighting restriction; (8) Deed restriction; (9) Habitat Impact Mitigation; (10) Removal of excess excavated material and (11) Restriction limiting removal of natural vegetation. The applicant complied with the permit conditions and the permit was issued and on April 29, 2004.

On June 5, 2003, the Friends of Carbon Canyon, filed a lawsuit challenging the Commission's approval of the coastal development permit. The Petition alleged the development violated Chapter three policies of the Coastal Act because it failed to protect Environmentally Sensitive Habitat and scenic views. The Petition also alleged the Commission abused its discretion by not adhering to the statutory notice and review requirements in the Coastal Act. The Friends of Carbon Canyon claim they sent a letter of opposition to the project by facsimile to the Commission office the day before the hearing and that letter was not presented to the Commission. At the January 2005 the Commission meeting the Commission approved a proposal to settle the litigation in this case. The Commission agreed to process an amendment to the permit to lower the building pad from elevation 1,635 feet to an elevation of 1,615 feet (20 feet lower than the approved building pad) provided there was no increase in the amount of natural vegetation removed, the development area did not exceed 10,000 sq. ft, and landscaping shall be required to partially screen the residence as seen from Rambla Pacific Road.

## **B. 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.***

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The area surrounding the project site is characterized by natural hillside terrain and is vacant to the east, west and south of the site and developed with densely clustered single family residential subdivision to the north (Exhibit 10). The site had been previously disturbed in the area of the proposed building pad and trailing away from that area. Based on review of Commission owned aerial photographs by Commission staff it appears that these disturbed areas existed prior to the effective date of the Coastal Act. Other than the previously existing disturbed areas onsite, the site supports extensive native coastal sage scrub and chaparral plant communities. Thus, the remainder of the site qualifies as environmentally sensitive habitat.

The subject parcel is comprised of moderate to steep sloping hillside terrain, physical relief ranges up to 200 feet. The building site is a knoll at the head of a south descending ridge into Carbon Canyon (Exhibits 10 & 11). As described above, vegetation at the project site is disturbed in the vicinity of the existing building pad and driveway area due to previous vegetation removal and minor grading. However, the hillside terrain surrounding the building site, which has not been previously disturbed, supports extensive native vegetation and natural habitat. The previously submitted vegetation survey prepared by Steven Williams, biologist, illustrates chaparral and coastal sage scrub habitat over most of the site, which is presently intact and undisturbed. In addition, hillside terrain that extends outside the south, east and west property boundaries contains significant chaparral vegetation creating a large area of contiguous habitat. There is a natural drainage onsite that turns into a blueline stream approximately 500 feet below the site and eventually drains into Carbon Canyon Creek during periods of rainfall.

The project site is located in a scenic area and will be visible from Rambla Pacifico Road which affords scenic vistas of the relatively undisturbed canyon area and the upper Carbon Canyon cliffs which are a designated scenic element in the certified 1986 Santa Monica Mountains Land Use Plan.

The applicant is proposing to lower the elevation of the approved building pad from elevation 1,635 ft. to 1,615 ft. (20 feet). To lower the building pad and driveway to this elevation requires 12,800 cu. yds. of excavation. The applicant is proposing to export the majority of the excess excavated material from the site to an appropriate disposal site. Approximately 680 cu. yds. of fill material will be used to remediate an erosional feature adjacent to Rambla Pacifico Road and the proposed driveway to the site. The Los Angeles Department of Building and Safety is requiring the applicant to remediate the erosion that is occurring in this location.

In response to the lawsuit brought by the Friends of Carbon Canyon the applicant has agreed to lower the building pad in order to minimize the visibility of the approved residence as seen from Rambla Pacifico Road and the neighboring subdivision across the street from the site. The approved building pad required the removal of approximately 10 – 15 feet from the knoll resulting a 9,828 square building pad at elevation 1,635. This resulted in a building pad at about the same elevation as Rambla

Pacifico Road. The residence was approved at a height of 24 feet 7 inches. Therefore, the approved residence would have obscured some views of Carbon Canyon as seen from Rambla Pacifico Road. Lowering the building pad to elevation 1,615 ft. will lower the roofline of the residence to elevation 1,639 ft (20 feet below the previously approved roofline elevation). The roofline of the residence will be at or just above the road grade of Rambla Pacifico Road. Lowering the residence will minimize the visibility of the residence and preserve scenic views of Carbon Canyon as seen from Rambla Pacifico Road. There are no changes proposed to the design of the residence other than moving the footprint of the residence 19 feet to the southwest of the previously approved location. Moving the footprint of the residence will not result in any adverse visual impacts.

Lowering the building pad to elevation 1,615 ft. requires a significant amount of grading (12,800 cu. yds of excavation). However, the proposed grading will not result in a significant increase in the size of the development area. The proposed development area is 9,970 sq. ft. excluding the fire turn around and driveway. The Commission previously approved a development area of 9,828 sq. ft. excluding the fire turn around and driveway. In addition, the proposed grading will not result in large cut or fill slopes or a significant amount of landform alteration. Furthermore, lowering the building pad will minimize the visibility of the residence as seen from Rambla Pacifico and preserve scenic views of Carbon Canyon and views of the upper Carbon Canyon Cliffs.

The applicant is also proposing some limited landscape screening of the visible portions of the residences. The proposed landscaping includes some trees that will partially screen the residence but will not adversely impact views of Carbon Canyon as seen from Rambla Pacifico Road. In addition, Special Condition 3 of the previously approved permit specifically requires the applicant to landscape the site and partially screen the residence with landscaping to minimize the visual impact of the residence as seen from Rambla Pacifico. Furthermore, Special Condition 10 of the permit requires the applicant to export any excess excavated material to insure material is not disposed of on site which could result in adverse visual impacts or adverse impacts to water quality of nearby streams and drainages. Finally, the Special Condition 5 of permit requires that the color of the exterior surfaces of the residence be compatible with the surrounding environment. The applicant has submitted an earth tone color palette for the residence that is consistent with the sandstone outcroppings in the area.

The proposed amended project will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed amendment is consistent with Section 30251 of the Coastal Act.

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

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.***

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

***"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, 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, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The Commission found, in the approval of the original residence, that the project site contained habitat considered ESHA. The development was restricted to a development area of less than 10,000 sq. ft. and all development was clustered within the development area.

The proposed development area and building pad are generally in the same location as the previously approved development area except the building pad is 20 feet lower than

the previously approved building pad. The proposed development area has slightly increased from 9,828 sq. ft. to 9,970 sq. ft. and the footprint of the building has been moved 19 feet to the southwest. The lower building pad and minor modification to the building footprint will not result in any additional removal of chaparral ESHA on the property. The applicant has received an approved fuel modification plan from the Los Angeles County Department of Forestry that illustrates the proposed fuel modification plan does not increase the area of fuel modification over and above what was previously approved by the Commission. Therefore, no additional habitat mitigation is necessary for the proposed project.

Los Angeles County Department of Building and Safety has required the applicant to remediate erosion that is occurring adjacent to Rambla Pacifico Road and the proposed driveway. The remedial grading requires 680 cubic yards of fill to create a 4:1 slope and includes drainage features. This slope will be planted with native plants consistent with the requirements of Special Condition 3 (Landscaping and Erosion Control Plans) of the permit. In addition, the proposed grading for the project will result in 12,800 cu. yds. of excess excavated material. To ensure that the excess material is moved off site so as not to contribute to unnecessary landform alteration and to minimize erosion and sedimentation from stockpiled excavated soil Special Condition 10 of the permit requires the applicant to remove the excess material to an appropriate disposal site. The applicant is proposing to export the excess excavated material off the site to an appropriate disposal site.

The amended project will not result in a significant adverse impact to environmentally sensitive resources on the project site or the surrounding area. Therefore the Commission finds that, as conditioned, the proposed amendment is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

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

Section 30604 of the Coastal Act states:

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development 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, as amended, will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. 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 developments, as conditioned, will not

prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

**E. 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 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 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.



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SEE 589 MAP

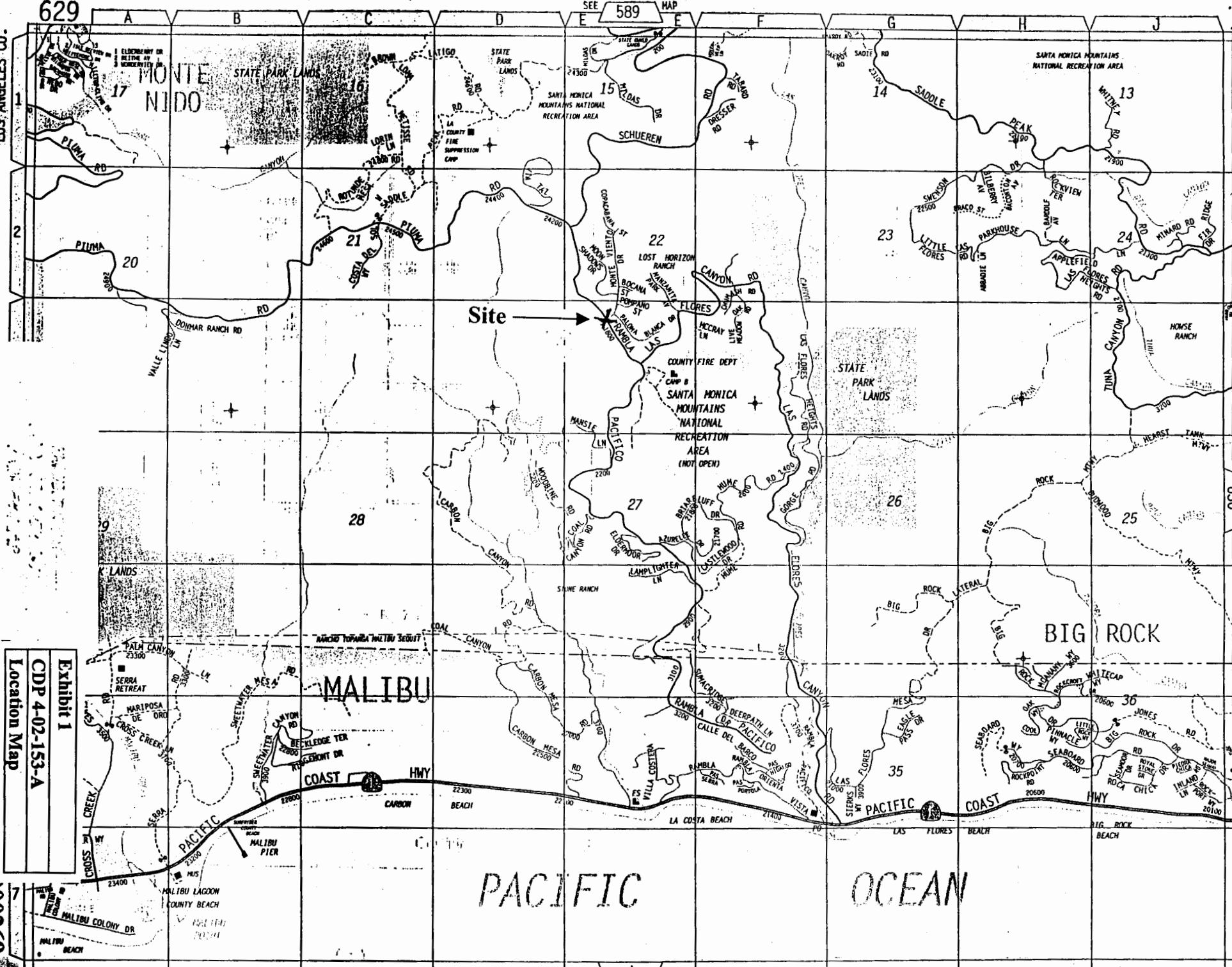


Exhibit 1

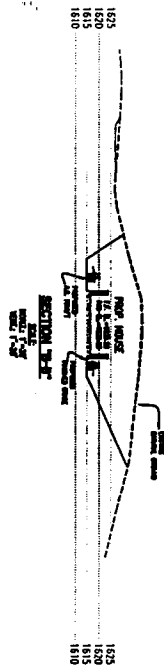
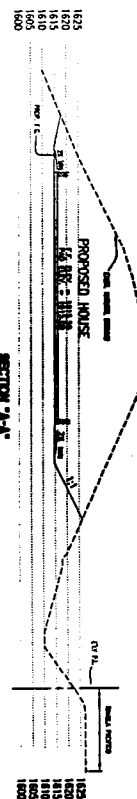
CDP 4-02-153-A

Location Map

000269

SEE vi MAP





ALAN J. JENSEN

**Exhibit 3**  
**CDP 4-02-153-A**  
**Grading Cross Sections**

**GRADING & DRAINAGE PLAN**  
**SECTIONS**

**PROPOSED RESIDENCE**  
**1771 RAMBLA PACIFICO**  
**MALEU, CALIFORNIA**

**81-C**  
**153**

| NUMBER | ELEVATION | AREA   |
|--------|-----------|--------|
| C1     | 1702.40'  | 75.96  |
| C2     | 1702.40'  | 79.12  |
|        |           | 75.00  |
|        |           | 151.15 |
|        |           | 151.15 |

**Exhibit 4**  
**CDP 4-02-153-A**  
**Previously Approved**  
**Site/Grading Plan**

|  |
|--|
| <b>Exhibit 4</b>                                 |
| <b>CDP 4-02-153-A</b>                            |
| <b>Previously Approved<br/>Site/Grading Plan</b> |



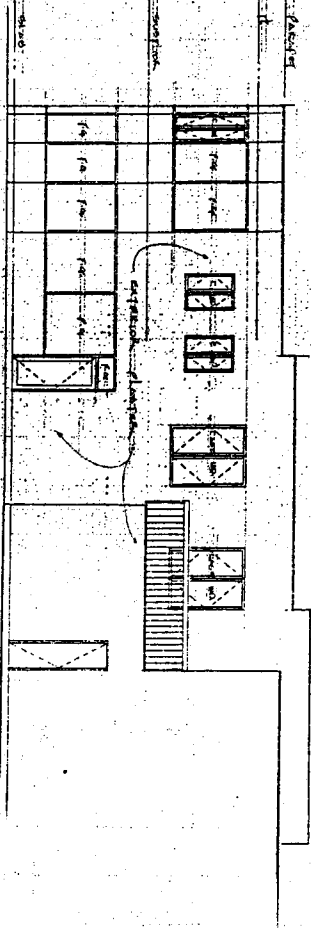
Previously Approved Fuel Modification Plan

000276

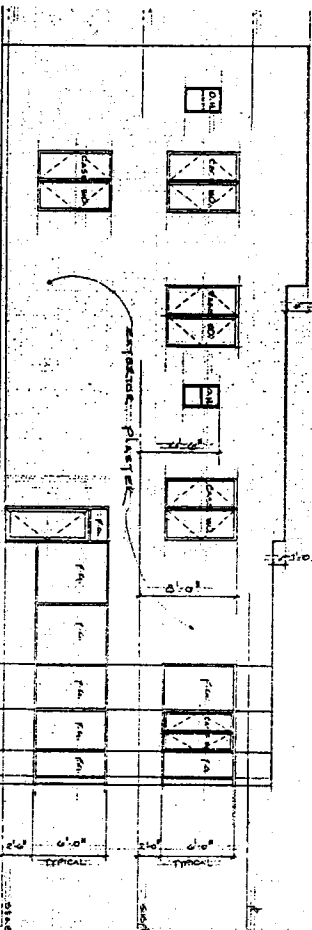
TOTAL HOURS  
SCHEDULED

DATE  
INITIALS  
HOURS  
TOTAL HOURS

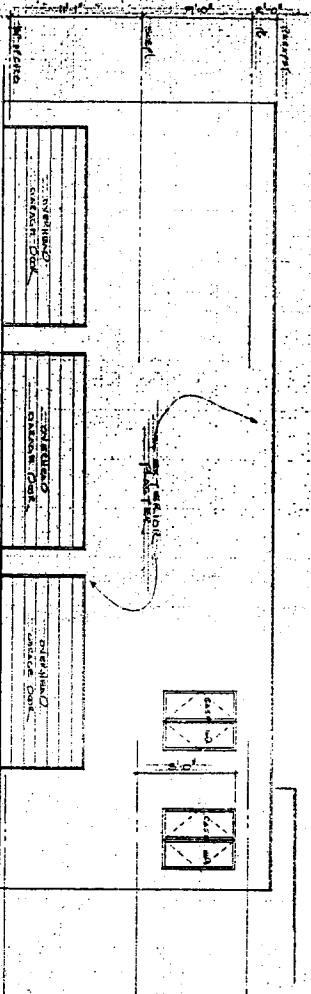
Left Side Elevation 5



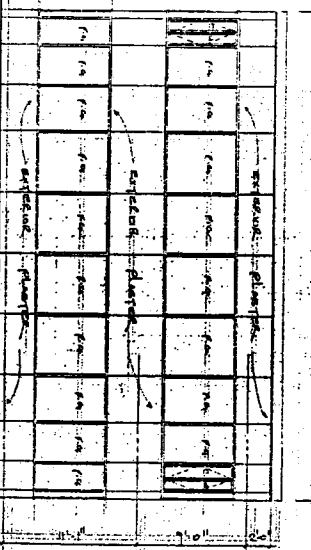
Right Side Elevation 4



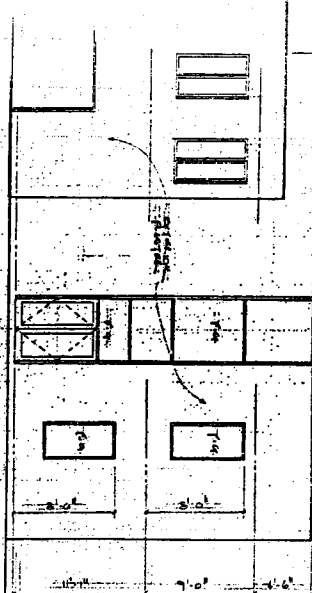
Right Side Elevation 2



REAR Elevation 3



FRONT Elevation 1



EXT. ELEVATION

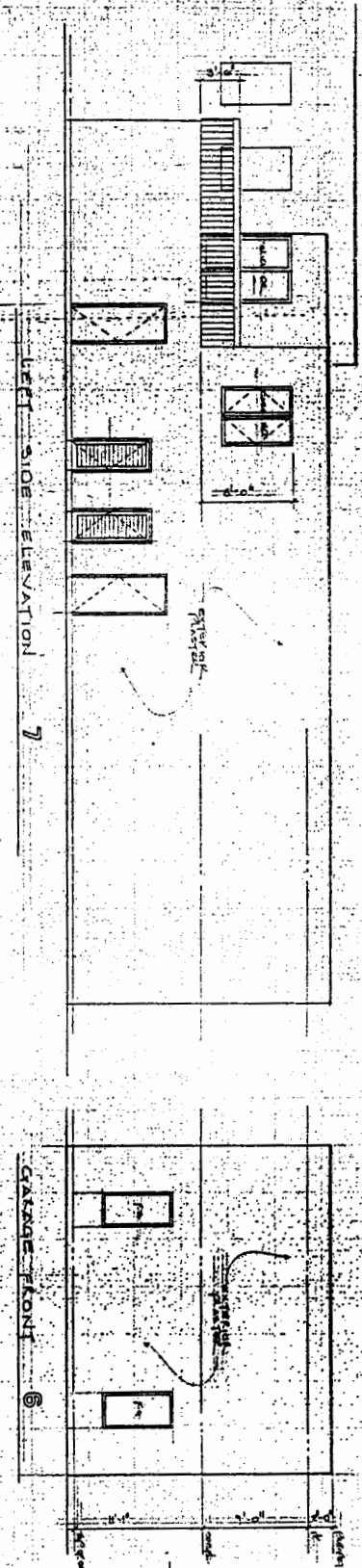
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|--------------------|----------------|------|----------|
| PROJECT NO.        | 47             | DATE | 10/11/11 |
| PROJECT NAME       | CDP 4-02-153-A |      |          |
| PROJECT LOCATION   | CDP 4-02-153-A |      |          |
| PROJECT OWNER      | CDP 4-02-153-A |      |          |
| PROJECT ARCHITECT  | CDP 4-02-153-A |      |          |
| PROJECT ENGINEER   | CDP 4-02-153-A |      |          |
| PROJECT CONTRACTOR | CDP 4-02-153-A |      |          |
| PROJECT SUBMITTER  | CDP 4-02-153-A |      |          |
| PROJECT REVIEWER   | CDP 4-02-153-A |      |          |
| PROJECT APPROVER   | CDP 4-02-153-A |      |          |
| PROJECT DATE       | 10/11/11       |      |          |

Exhibit 7  
CDP 4-02-153-A  
Elevations Of Structure

|             |             |
|-------------|-------------|
| TOTAL HOURS | DATE        |
| SCHEDULED   | INITIAL     |
|             | WORK        |
|             | TOTAL HOURS |

000277

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|                             |  |   |  |  |  |                            |  |  |  |  |  |
|-----------------------------|--|---|--|--|--|----------------------------|--|--|--|--|--|
| <p>NOT FOR CONSTRUCTION</p> |  | <p>JOHN A. ADAMS ARCHITECT</p> <p>ARCHITECTS</p> <p>1000 N. 10TH AVE.</p> <p>PHOENIX, ARIZONA 85001</p> |  | <p>PROJECT TITLE</p> <p>CDP 4-02-153-A</p> |  | <p>DATE</p> <p>11/1/81</p> |  | <p>BY</p> <p>ADAMS</p>   |  | <p>Exhibit 8</p> <p>CDP 4-02-153-A</p> <p>Elevation of Structure</p> |  |
| <p>EXT. ELEVATION</p>       |  | <p>PROJECT TITLE</p> <p>CDP 4-02-153-A</p>  |  | <p>DATE</p> <p>11/1/81</p>                 |  | <p>BY</p> <p>ADAMS</p>     |  | <p>Exhibit 8</p> <p>CDP 4-02-153-A</p> <p>Elevation of Structure</p> |  |  |  |



## CHATTEN-BROWN &amp; ASSOCIATES

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January 25, 2005

Honorable Commissioners  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA. 94105-2219

Re: *Friends of Carbon Canyon v. Coastal Commission (Louis Werbe)*, Los Angeles Superior Court Case BS083588; Amendment to Coastal Permit for 1771 Rambla Pacifico

Dear Commissioners,

Our client Friends of Carbon Canyon supports the amended permit application which has resulted from the conditional settlement in the above-entitled case. As we understand it, the revised project will lower the building pad height to 1615 feet above sea level and have a height limitation on all proposed structures of 1639 feet above sea level; it will have a landscape plan that is (1) acceptable to our client, (2) designed to reduce the visual impacts of the Project on views enjoyed by the public from Rambla Pacifico and from properties across the street from the Project, and (3) not obstruct those views, now or in the future, due to the height of the plantings; it will not increase the amount of disturbance of natural vegetation in and around the Project site from what was originally approved by the Commission; and it will not increase the fuel modification area in and around the Project site from what was originally approved by the Commission.

The revision is a vast improvement over the previously approved project and would resolve the above-entitled litigation. Friends of Carbon Canyon supports this project revision and asks that you approve this amendment.

Thank you for your consideration.

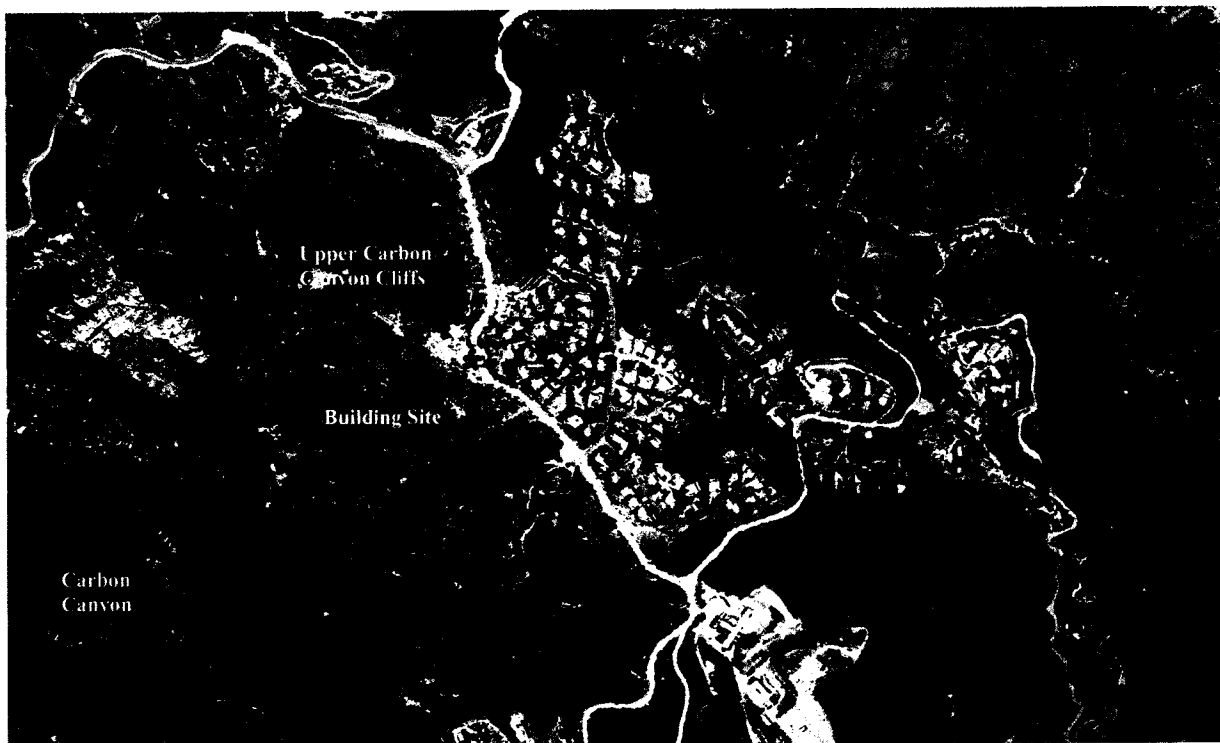
Sincerely,

  
Douglas P. Carstens

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|  |
|--|
| Exhibit 9                                |
| CDP 4-02-153-A                           |
| Letter Supporting The<br>Amended Project |





**Aerial Photograph of Site**



**View of Southwest Side of Building Site**

Exhibit 10  
4-02-153-A (Werbe)  
Aerial Photograph &  
View of Southwest Side of  
the Building Site





**View of Site Looking North From Rambla Pacifico Road**



**View of Site Looking Southwest From Rambla Pacifico Road**

Exhibit 11  
4-02-153-A (Werbe)  
View of Site from  
Rambla Pacifico Road





**Photographic Simulation of Residence**

Exhibit 12  
4-02-153-A (Werbe)  
Photographic Simulation  
of Residence

