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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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 Staff Report: 9-17-96
 Hearing Date: Oct. 8-11, 1996
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-95-163

APPLICANT: Tryon and Dolores Sisson

AGENT: Land and Water Company

PROJECT LOCATION: 27835 Borna Road and the adjacent vacant lot, Malibu; Los Angeles County (APNs: 4461-039-005 and -006)

PROJECT DESCRIPTION: Request for restoration of two graded areas on two vacant lots with the removal of a modular home, walls and trash; revegetation of the disturbed areas with native plants, and the placement of a gate.

Lot Area	24.14 acres total
Building Coverage	0 proposed
Pavement Coverage	0 proposed
Landscape Coverage	0 proposed
Parking Spaces	0
Plan Designation	M2: Mountain Land- 1 du/ 20 ac.
Project Density	0 du/a
Ht abv fin grade	N/A

LOCAL APPROVALS RECEIVED: Los Angeles County approval in concept not required for this grading.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Appeal Determination of 4-95-163 (Sisson); Coastal Development Permit Applications 4-94-122 (Schmitz), 4-95-125 (Burrett), 4-95-126 (Whaling), and 4-95-196 (Russell).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is applying for restoration of the site to restore the habitat and vegetative cover in two areas previously graded by the previous owner of the two lots. Restoration will also include the removal of unpermitted developments on site and provide a gate to deter people from driving on the restored areas. This project is located within the upper portion of the Solstice Canyon Significant Watershed and is highly visible from nearby parkland and trails. Staff is recommending approval of the project with special conditions requiring a seeding plan, condition compliance, and timing of completion of work.

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STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as 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 development during construction, 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.

III. Special Conditions.

1. Seeding Plan

Prior to the issuance of the permit the applicant shall submit, for the review and approval of the Executive Director, a list of seeds to be used for the restoration of the disturbed areas. This plan shall include the plant

species, which shall be from native plants and endemic to the area, and shall include the method of distribution. If both broadcast seeding and hydroseeding will be done, the applicant shall identify those areas on a site plan.

2. Condition Compliance

The requirements specified in the foregoing special condition that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 45 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will terminate this permit approval.

3. Timing of Completion of Work

The applicant agrees to remove all structures from lot 6, including the mobile home, walls and trash, and complete the restorative revegetation of all disturbed areas as shown in Exhibit 4 within 60 days of the issuance of this permit. The applicant may request a one-time sixty day extension for the commencement of the planting plan. In any event, whether or not an extension is granted, all work must be completed no later than March 30, 1997.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description

The applicant is applying for the restoration of two areas previously graded by the previous property owner. Restoration includes the removal of the mobile home, wall and trash from the eastern site, the removal of rye grass and the revegetation of disturbed and/or barren areas with a native seed mix. To deter people from driving on the areas to be restored, the applicant will place a gate on Borna Drive at the entrance to the two parcels.

The previous grading on the two sites resulted in the formation of two driveways and building pads, one driveway and pad for each lot. Approximately 3,646 cubic yards of grading (2,139 cu. yds. cut, 1,507 cu. yds. fill) was done by the previous owner. Since it was graded by the previous owner in 1984 the site has been relatively undisturbed. The pad on the western lot (lot 5) has naturally reestablished itself with native vegetation such as laurel sumac and buckwheat. The other lot (lot 6), however, is sparsely vegetated with native vegetation. In addition, there are large areas which are dominated with non-native invasive rye grass. Lot 6 is where the mobile home, wall and trash are located; these are to be removed.

The two lots are located on Borna Drive, west of Latigo Canyon Road. Lot 6 has been given the address of 17835 Borna Drive; lot 5 does not have an assigned address. The lots are located within the Solstice Canyon Watershed. The lot to the immediate southeast of lot 6 is owned by National Park Service. Similarly, National Park Service owns the eleven acre lot two lots to the west of lot 5. None of the lots within the immediate surrounding area have been developed. There are currently no residences on Borna Drive; however the Commission has approved a residence at 27979 Borna Drive which is four lots to the west of the subject lots [4-95-196 (Russell)].

The two lots are characterized by steep slopes on the north side of the parcels leading to an east-west trending ridge. The steep south facing slopes drain into Solstice Canyon. The mobile home trailer to be removed is visible from Baller and McReynolds Motorway to the south. These Motorways are used as pedestrian, equestrian and bike trails; however the designated County trails do not directly correspond with these motorways.

B. Project Background

Violation History

In 1984, Commission staff first notified the previous owner, Fred Peck, of the alleged violation of two vacant lots on Borna Road. The unpermitted development was described as grading, the installation of a water tank, the installation of three residential trailers, the construction of a partial fence around the site and the installation of an electric meter for utility service. In response to the violation, the previous property owner submitted an application, later to be deemed incomplete by Commission staff. This application, 5-85-194 (Peck), was never completed by the applicant. As the necessary information was not submitted, the application was eventually returned to the applicant.

While working with the Attorney General's office attempting to resolve the outstanding violation, the previous owner then submitted a second coastal development permit application. This application, 5-88-665 (Peck), however, was also incomplete and never filed. Thus, the previous property owner, on two separate occasions did make some attempt at administrative resolution of this case. Litigation of the case was postponed on several occasions in anticipation of the administrative resolution that did not occur.

Although no permits were granted to the previous owner for the unpermitted developments, over the years some of the unpermitted developments were removed from the site. When the current property owner took ownership of the lots, only one mobile home, walls, trash, the gate and pilasters remained on site.

The change in ownership of the property from Peck to the current owners occurred without knowledge of the Commission enforcement staff. Upon receiving information that the current applicants owned the property, Commission staff contacted the new owners regarding the outstanding violation.

Permit History

This permit application was initially received by Commission staff on July 28, 1995. The application was submitted in response to a letter sent by the Commission's Statewide Enforcement Staff regarding the unpermitted grading of two lots, and the placement of a mobile home, gate and pilasters. The applicants chose not to apply for restoration of the entire site and chose not to develop the site at this time. On August 8, 1995, the application was originally determined to be incomplete by Commission staff pursuant to 14 C.C.R. Section 13050 et seq., as it was missing information necessary to determine whether the proposed project complies with all relevant policies of the Coastal Act. In subsequent correspondences, the applicants' agent submitted most of the required documents. As of July, 9, 1996, the application was incomplete for failing to provide percolation tests for lot 5 and subsurface geologic reports.

Appeal History

The applicant requested, and received on July 9, 1996, a hearing with the Commission to appeal the Executive Director's decision that the application was incomplete. The Commission, on July 9, 1996, voted to direct staff to file the application based on the fact that the grading on site was not proposed as future residential building sites. As such, the Commission concluded, full geology reports, including subsurface testing and percolation tests would not be required for the review of the after-the-fact grading.

Current Violation Status

Subsequent to the Commission's determination to file the application, Commission staff met with the applicant's representative on site and agreed that since the applicant was not proposing any structures or building pads the project description should be for the removal of the unpermitted structures and restoration of the areas disturbed by grading activities. The applicant has modified the project description to include the restoration of portions of site as well as the removal of the unpermitted developments. It was determined that since a significant portion of lot 5 has already re-established itself and since restorative grading would not be possible to recreate a natural looking knoll, restorative grading would not be necessary or advised. Likewise, restoration of lot 6 would require the removal of all man-made developments, such as the walls, mobile home and trash and the revegetation of portions of the lot. It was determined that revegetation efforts on lot 6 were necessary because revegetation was sparse and there are large patches of non-native rye grass which needs to be removed. Moreover, it was determined that in the removal of the mobile home and other developments on lot 6, disturbance of the area would occur leaving the area barren of vegetation in many areas. Thus, the applicant has agreed to do restorative revegetation on lot 6.

It should be noted that the unpermitted developments which occurred on these two lots have a long and unique history. As mentioned above, the grading which occurred, was performed by a previous property owner a number of years ago. The current property owner has stated that he is an innocent purchaser and should not be held responsible for the unpermitted development performed by a previous property owner years ago. However, he is willing to carry out reasonable restorative measures to mitigate the impacts of the unpermitted development. The agreement for restoration of the site is unique in that restorative grading is not being proposed as it is not advisable in this case, and would most certainly cause more damage to the areas which are re-establishing themselves. Moreover, no permanent development is proposed at this time. If, and when, permanent development, such as a single family residence, is proposed, the siting of development, site stability and septic system issues will be addressed at that time. To resolve this outstanding violation, the applicants are willing to restore the vegetative cover for habitat protection, viewshed protection and erosion control.

B. Development

Pursuant to Section 30060(a) of the Coastal Act, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person wishing to perform or undertake any

development in the Coastal Zone shall obtain a coastal development. Development is defined in Section 30106 of the Coastal Act to read, in part, as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials;... construction, reconstruction, demolition, or alteration of the size of any structure..."

This application includes the removal of structures and restorative revegetation. These activities do constitute development under 30106 of the Coastal Act and thus they do require a coastal development permit.

C. Environmentally Sensitive Habitat Areas and Scenic Resources

The Coastal Act has declared that sensitive environmental areas require additional protection to protect stream beds and their adjacent areas, and to maintain the continuity of vegetation cover. In conjunction with the mandates of the Coastal Act, the Malibu/Santa Monica Mountains Land Use Plan has identified six classes of sensitive environmental resources that require protection under the Coastal Act. Significant Watersheds are classified as a significant environmental resource.

As stated in the preceding section, this site is located completely within the Solstice Canyon significant watershed. The subject sites are located in the upper portion of the watershed where the deep canyons drain the steep slopes of the site. These canyons which the site drain directly into are tributaries to a blueline stream which is approximately 800 feet downslope of the subject sites. This blueline stream is the west fork of Solstice Canyon Stream, the major stream in this watershed. Thus, development of the subject sites can have significant impact on the drainage and water quality of the entire watershed.

The proposed project includes restorative revegetation of previously graded areas and the removal of unpermitted developments. These activities will affect the environmental character of the watershed. In order to ensure that development does not cause adverse environmental impacts to the watershed, the developments must be reviewed against the Chapter Three policies of the Coastal Act. The applicable sections are as follows:

Section 30231 of the Coastal Act:

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 30250(a) of the Coastal Act states:

(a) 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 30240 of the Coastal Act:

(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 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 area 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.

Solstice Canyon comprises 2,880 acres of land situated west of Corral Canyon and North of Pacific Coast Highway in the Santa Monica Mountains. The watershed actually includes both the main canyon and Dry Canyon, a small tributary to the east. The canyon contains significant wildlife values and includes a perennial stream, a waterfall and riparian woodland with stands of sycamore and white alder as well as high scenic values. In the past the area was known to contain nesting sites for the endangered Peregrine falcon and may have potential for future re-introduction efforts. Much of the northern portion of the watershed, comprising approximately 825 acres is State and Federal parkland. Some of the southern portion, comprising approximately 400 acres, of the watershed is also parkland. The majority of the lots on the eastern side of the watershed are large parcels, 40 to 80 acres in size. The western portion of the watershed is characterized by smaller, less than twenty acre sites. This is where the subject parcels are located.

In certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP) in December, 1986 the Commission approved the designation of Solstice Canyon as one of eight Significant Watersheds, and approved Latigo Canyon Stream as one

of many inland ESHAs. In addition, the LUP has designated the riparian areas and oak woodlands within each Significant Watershed (which were previously designated by the County as Significant Ecological Areas) as Environmentally Sensitive Habitat Area's (ESHA's). All lands within Significant Watersheds are designated M-2 (20 acre minimum parcel size) for purposes of development due to the sensitive resources contained in each. All parcels of less than 20 acres are nonconforming but may be developed if found consistent with all other policies after extensive review. Those lots which cannot sustain development are eligible for the County's lot retirement program.

In certifying the Malibu/Santa Monica Land Use Plan the Commission found that the land use and development policies within the LUP are consistent with the Coastal Act Policy. Therefore, Commission staff has used the the LUP as guidance in the analysis of a development's consistency with the Coastal Act. The LUP policies provide specific recommendations for development that is consistent with the resource protection policies of the Coastal Act. For example, Section 30231 of the Coastal Act mandates that run-off be controlled, adverse effects from waste water are minimized and buffer areas from riparian habitats are maintained. As such, many projects within the watershed have conditions required drainage and erosion control plans, reduced grading, reduced areas of disturbance and revegetation of exposed and disturbed areas.

The Land Use Plan policies addressing protection of ESHA's and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The LUP contains several policies designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development:

Protection of Environmental Resources

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.

In part, the Table 1 policies for parcels under 20 acres in a significant watershed state as follows:

Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department. The standard for a graded building pad shall be a maximum of 10,000 square feet.

New on-site access roads shall be limited to a maximum length of 300 feet or one-third of the parcel depth, whichever is smaller. greater lengths

may be allowed through conditional use, provided that the environmental review Board and County Engineer determine that there is no acceptable alternative.

The applicable Coastal Act sections noted above mandate the minimization of impacts to coastal resources. Specifically, Section 30231 of the Coastal Act calls for the protection, and where possible, enhancement of the biological qualities and productivity of coastal waters, including streams and drainage areas, by requiring the control and prevention of run-off, and siltation, and by requiring buffer areas of natural vegetation. Section 30231 also mandates the maintenance of natural buffer areas to protect riparian areas. Section 30250 of the Coastal Act mandates that new development does not create adverse impacts, either individually or cumulatively, on coastal resources. Finally, Section 30240 of the Coastal Act mandates the protection of significant environmentally sensitive habitat areas, and requires the minimization of adverse impacts.

The original removal of vegetation and placement of structures on the site created adverse impacts to the environmental and visual resources of the area. The removal of the native vegetation provided an area for non-native invasive rye grass to grow. This grass outcompetes the native vegetation reducing the native habitat for wildlife. The original loss of vegetative cover resulted in the loss of habitat for many native fauna species found in the Santa Monica Mountains, such as deer, raccoon, skunk, coyote, bobcat, and cougar. Vegetation cover is also used for protection and feeding for many small mammals and reptiles, invertebrates and birds. Natural ground cover provides fauna with food, shelter, and protection from the sun and predators. Removing this vegetation cover deprives animals of these essential necessities forcing the overcrowding in other areas or death from overpopulation and fierce competition. Likewise substituting the native vegetation with other vegetation deprives animals of the ecological system to which they are adapted. This in turn can lead to a loss of certain species in the area. Finally, the clearance of vegetation would remove young plants and thus interrupt the natural cycle of vegetation succession which allows the perpetuation of this natural habitat. These actions are inconsistent with Section 30240 of the Coastal Act.

The removal of vegetation also leaves barren areas which are subject to erosion. There is some significant erosion on one portion of Borna Drive, however it is not possible to determine if that erosion resulted from the grading and vegetation clearance on the lots. There is some evidence of erosion in the formation of small rills along the driveways, especially on lot 5. Erosion leads to excessive sediments in coastal waters; this is an activity which is inconsistent with Section 30231 of the Coastal Act. Similarly, the previous work which occurred resulted in barren areas, large patches of brown rye grass and the mobile home, which was not screened with landscaping. These activities created a visual eyesore, conflicting the mandates of Section 30251 of the Coastal Act.

This project involves restoration of two previously graded and disturbed areas. The restoration is aimed at removing man-made structures and non-native vegetation and replanting those and other barren areas with native plants. This project is consistent with all the noted Sections of the Coastal Act as the proposed restoration will result in the removal of development which impacts the coastal resources including environmental and scenic resources, and will result in a net increase of resources in the area by

returning a previous resource to its original habitat function and value as described below. The project will also retard erosion and re-establish the visual quality of the area.

In reseeding the area, the subject site will provide a native habitat area for wildlife. These native areas are used by wildlife for shelter, feeding grounds, breeding grounds, protection from the natural elements, such as sun and rain, and protection from predators. The reseeding of the area will provide the growth of native vegetation in the upper reaches of the watershed and remove a seed stock of non-native rye grass from the area. The removal of the rye grass will remove potential seeds which could infiltrate other areas. Rye grass is a non-native invasive plant species which is abundant in disturbed areas. Although much of the watershed is not disturbed and is covered with a dense chaparral vegetation, rye grass seed blown in pristine areas could lay dormant for quite some time. If the vegetation was removed in these more pristine areas through development or fire, for example, the rye grass could establish itself in these areas. Thus, the removal of the rye grass is not only beneficial for the immediate area, but also for other areas within the watershed.

The revegetation will also deter any potential for erosion which could occur after the mobile home, walls, trash and rye grass are removed. The retention of barren areas leaves the soils subject to runoff and erosion. The reseeding of these areas will allow plants to take root of the soil and thereby reduce any potential for erosion. Finally, the reseeding of barren areas and areas where the rye grass is removed will mitigate the visual impacts associated with the placement of the mobile home and the growth of rye grass.

Section 30250 of the Coastal Act addresses the cumulative and individual impacts associated with development of sites. In this case, the proposed project will remove developments on site and restore the function and value of the area. However, if this work was not completed, the existing site would contribute to the adverse impacts associated with uncontrolled development of the site such as habitat loss, invasion of invasive species, and visual impacts. In development projects recently approved by the Commission, the Commission has found that there exists both the potential for individual and cumulative impacts associated with development in the Solstice Canyon Watershed. For example, in 4-94-122 (Schmitz), the Commission found that the grading and development of a ridgetop site south of the subject sites would create adverse individual and cumulative adverse environmental impacts including sedimentation and siltation of the streams, increases in run-off quantities and velocities, loss of habitat, and the loss of vegetative cover. In order to mitigate these impacts, the Commission found it necessary to require a number of special conditions designed to reduce and eliminate these impacts.

Similarly, in 4-95-196 (Russell), the Commission made similar findings and required the special conditions aimed at reducing the pad size, requiring protection of the vegetative cover and providing drainage and erosion control devices. The site subject to 4-95-196 (Russell) is located four lots to the west of lot 5. In that permit, the Commission found it necessary to reduce the amount of vegetation clearance to a maximum distance of 200 feet around the approved residence, and required drainage and erosion control plans to minimize off-site adverse impacts.

Finally, in 4-95-125 (Burrett) and 4-95-126 (Whaling) the Commission found that the protection of the area from siltation, sedimentation and habitat loss was also a significant action which must be undertaken. The sites subject to these permits are located just west of Borna Drive. They are located outside the Solstice Canyon Watershed, but are within the adjacent Wildlife corridor.

The applicant submitted a plan which shows the area to be revegetated; however this plan does not specify the seeds to be used or clarify if the seeding is to be done by hand or hydroseed mix. Therefore, the Commission finds it necessary to require the applicant to submit a seeding plan which identifies the seeds to be use and the method of distribution. Moreover, since the implementation of this permit is required to resolve the violation, the Commission finds it necessary to require the applicant to submit this seeding plan within 45 days of Commission action as noted in special condition 2. Finally, to ensure that the site will not contribute to sedimentation and siltation off site, not be subject to erosion, provide vegetative cover and a habitat area, the Commission finds it necessary to require that the proposed removal of development and rye grass and the reseedling of the site occur in a timely manner. The re-seeding of the site will consist of seeding and/or hydro-seeding with a native plant mix. No restorative grading is required in this instance since restorative grading would not be possible to recreate natural looking knolls and a significant portion of lot 5 and portions of lot 6 have already re-established. The Commission finds, that as conditioned, the project is consistent with the applicable Sections of the Coastal act noted above.

G. Violation

Prior to the submittal of this application, the previous property owner graded pads and driveways on the two subject lots. The previous property owner also placed developments on the site. Now remaining on the site are a triple wide mobile home, walls, trash, a gate, and pilasters. The grading of the two lots altered the topography by removing the peak of a knoll on one lot and creating a terraced pad on the other lot. The grading of these sites created erosion and negatively affected the water quality of the watershed. The grading also resulted in the removal of vegetation which cerated a direct loss of wildlife habitat. Finally, the violation involved the placement of a mobile home, gate and pilasters which created an adverse visual impact from nearby trails and NPS land.

The Commission notes however, that although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

H. Local Coastal Plan

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 coastal program that is in

conformity with the provisions of Chapter 3 (commencing with Section 30200).

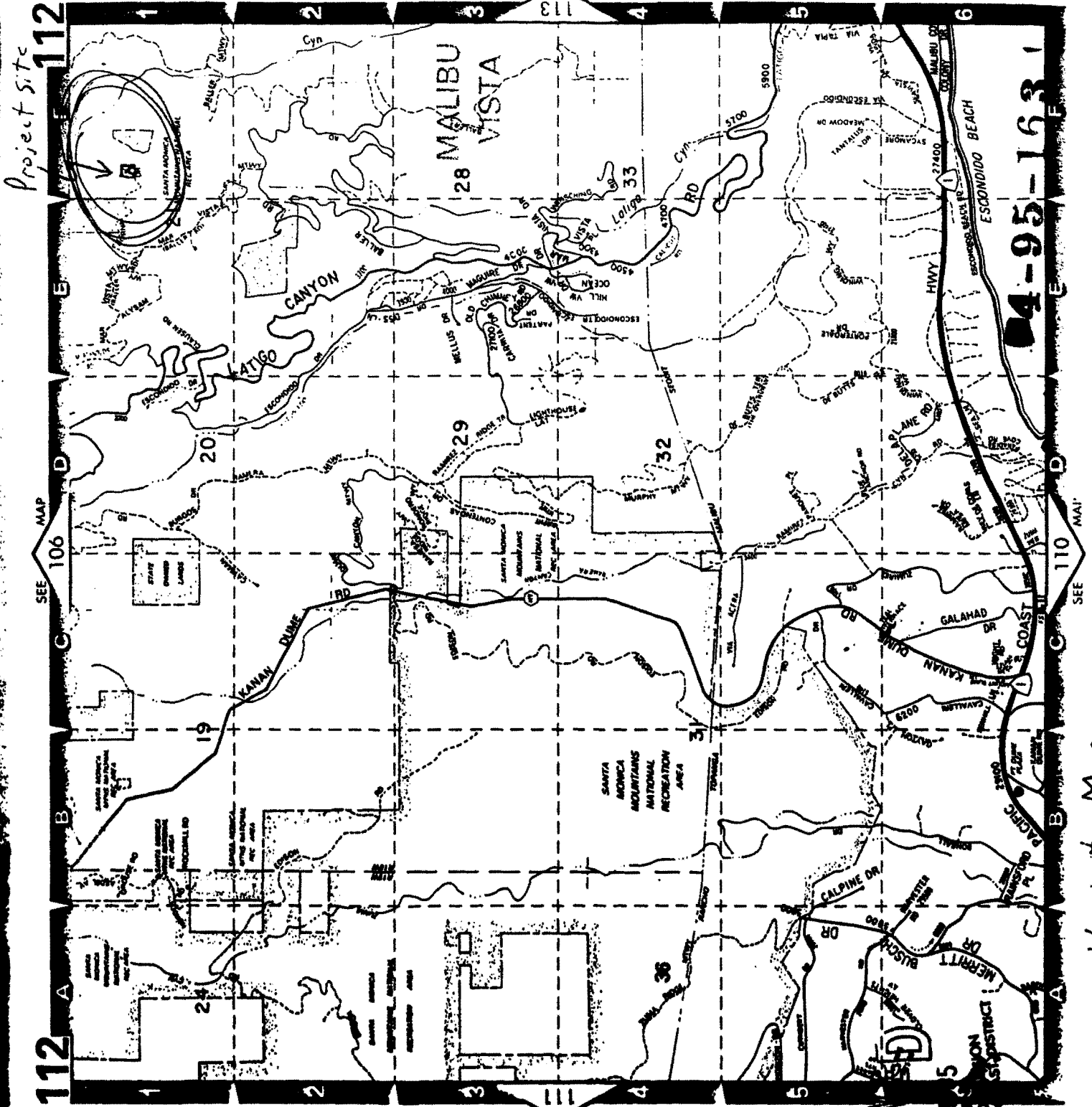
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. As conditioned, the proposed development will not create adverse impacts and is consistent with the applicable sections of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the County of Los Angeles to prepare a certifiable Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act.

I. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would substantially lessen any significant adverse impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

2104M



LOS ANGELES CO.

DETAIL

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Exhibit 1: Location Map
4-95-163

Vicinity Map

SUBJECT
SITE

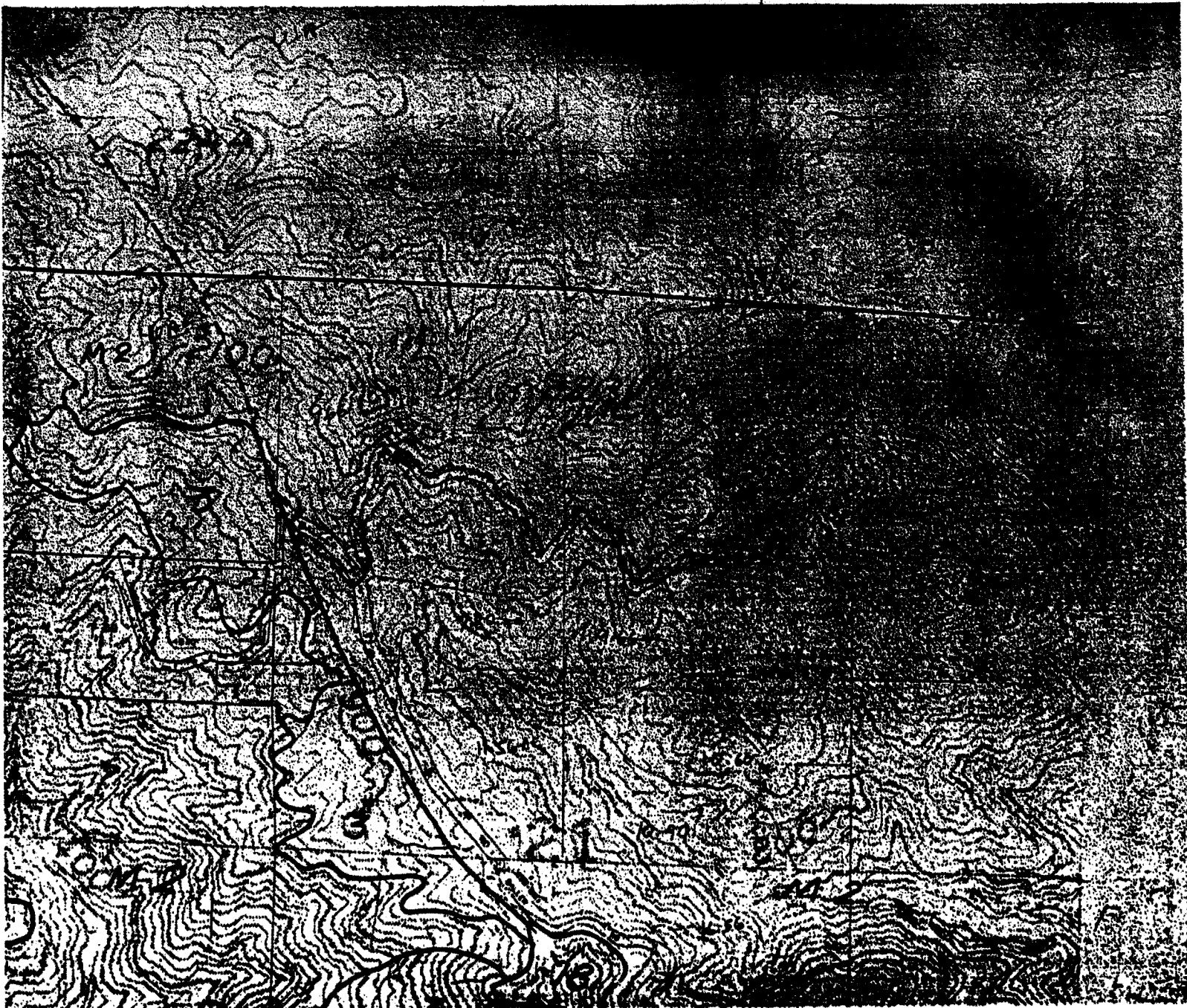


Exhibit 2: Parcel Location
4-95-163

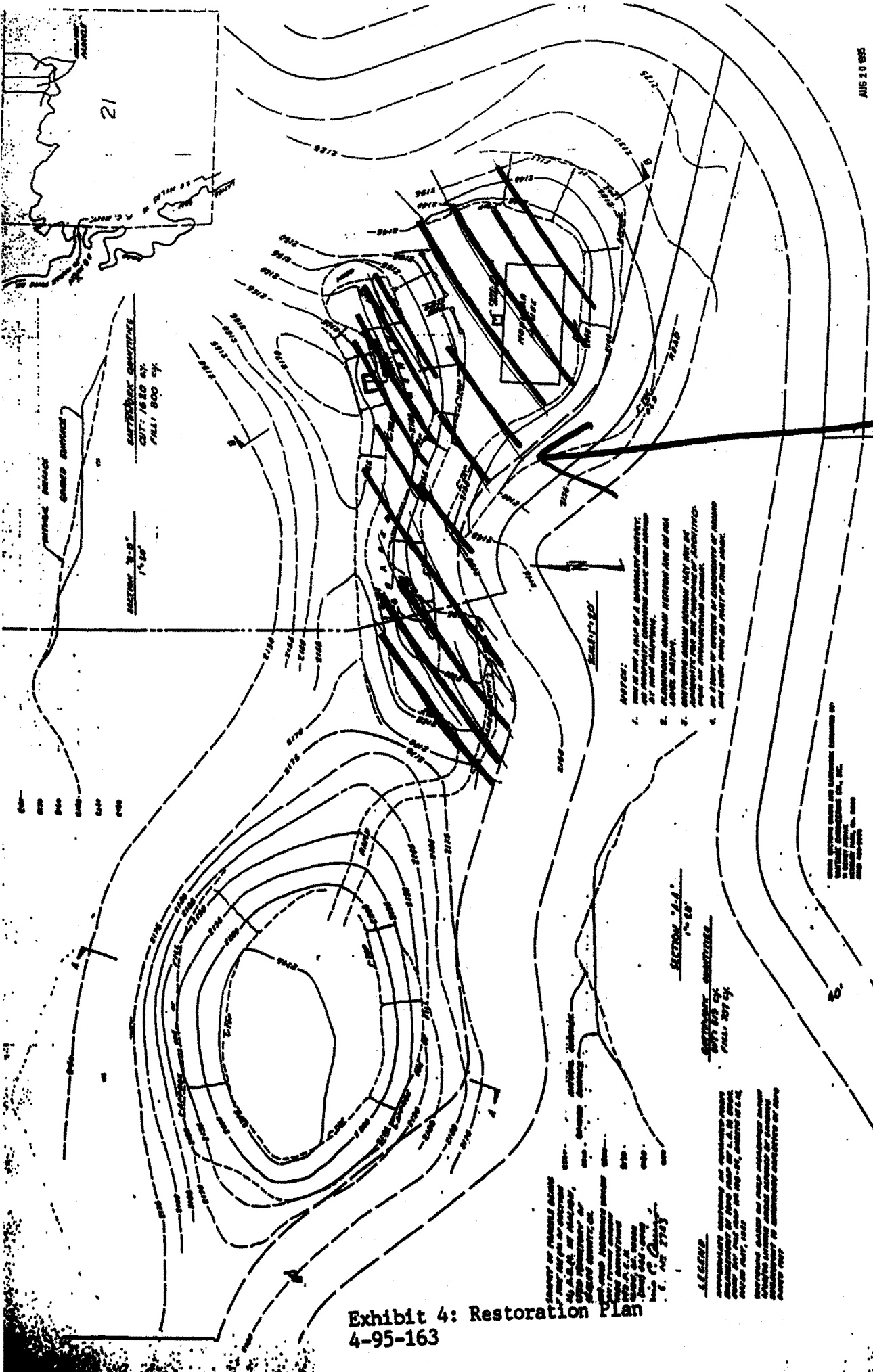


Exhibit 4: Restoration Plan
4-95-163

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AREA TO BE
REVEGETATED

AUG 20 1995