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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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7433A

STAFF REPORT: REGULAR CALENDAR

Th 14d

APPLICATION NO.: 4-96-084

APPLICANT: Peter Van Hagan AGENT: Judy Braue

PROJECT LOCATION: 912 Latigo Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct an approximate 400 sq. ft. modular home, three amateur radio antennae (maximum height 103 ft., 103 ft., and 120 ft. when fully extended, retractable to 39 ft., 39 ft., and 40 ft. when not in use), a new 4700 gallon water tank, chain link fence surrounding each antennae, and the home, entry gate and fencing, all on existing graded pads. Grade about 40 cubic yards of material to be balanced on site. The applicant proposes to use the home and radio antennae for personal use and up to four radio contests per year with eight other persons at the site. Site will be used approximately two to four times a month by the applicant; full time occupancy is not proposed. The proposed structure includes a bathroom and septic system. An existing 'as built' two story dome structure, trailer, and various refuse will be removed to appropriate sites outside the coastal zone. A restoration plan to replant about one-half acre is proposed for the dome site and a portion of an existing 'as built' road. An existing 'as built' water tank will provide irrigation for the restoration.

Lot Area	25 acres
Building Coverage	400 sq. ft.
Pavement Coverage	NA
Landscape Coverage	0.5 acres
Parking Spaces	6
Zoning	1 du/ 20 acres and 1 du/ 10 acres
Plan Designation	Mountain Land and Rural Land I
Project Density	1 du/ 25 acres
Ht abv fin grade	
home	8.5 feet
antennae extended	103', 103', 120'
retracted	39', 39', 40'

LOCAL APPROVALS RECEIVED: Project Approval in Concept, Department of Regional Planning, Los Angeles County, dated 6/27/96; Amateur Radio Antenna Permit No. 95-043-3, granted by the Los Angeles County Regional Planning Commission; Mitigated Negative Declaration No. 95-043, dated May 25, 1995; Environmental Review Board recommendation dated April 17, 1995.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-96-090, Frazier; Geologic Investigation for Proposed Radio Tower Facility, Approximately 25 Acres-Vicinity of Castro Peak, Malibu Area, by Keith W. Ehlert, Consulting Engineering Geologist, dated June 18, 1996; Percolation Testing for Proposed Leach Field, Keith W. Ehlert, Consulting Engineering Geologist, dated November 13, 1996.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with six (6) Special Conditions; addressing a Revised Long-term Demolition / Revegetation Plan, a Landscape and Fuel Modification Plan, Future Improvements Restriction, Wild Fire Waiver of Liability, Design Restrictions, and Condition Compliance. The project site is located on the north flank of Castro Peak about 4 and 1/2 miles from the coast. The modular home is proposed for a two level graded pad along the north side of Castro Motorway (a dirt roadway), about two miles east of its junction with Latigo Canyon Road. The site is about 300 feet below Castro Peak which includes a number of communication towers and facilities. The applicant proposes to use three antennae, extended 103 to 120 feet high, for personal global radio amateur communication and for up to four radio amateur communication contests per year. When the antennae are not in use they will be lowered to 40 feet or less. The site includes two small oak woodlands which are mapped as an Environmentally Sensitive Habitat Area. There are no public trails on the property; the Backbone Trail is now re-located to the south side of Castro Peak, about one half mile away. The project as proposed and conditioned will protect and restore these environmental and visual resources.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS:

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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 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.

III. SPECIAL CONDITIONS:

1. REVISED DEMOLITION AND SITE REVEGETATION PLAN

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval by the Executive Director, a revised Demolition and Site Revegetation Plan that provides for: 1) the removal of the wood geodesic dome structure, the residential trailer inside the dome and other miscellaneous refuse in the vicinity of the dome within six months of Commission action; 2) a detailed revegetation plan for areas disturbed by past unpermitted grading, construction and storage activities, as shown on Exhibit 3. This program shall be prepared by a qualified botanist, ecologist, or resource specialist who is experienced in the field of restoration ecology and who has a background knowledge of habitats associated with the Santa Monica Mountains. In order to minimize irrigation needs and assist in the successful revegetation of the site, the revegetation plan shall be implemented within 30 days of the start of the 1997 rainy season (November 1, 1997). Additional time to implement the demolition and Site Revegetation plan may be granted by the Executive Director for good cause. The Site Revegetation Plan shall also include, but not be limited to the following:

- a) The revegetation plan shall include the plan objectives, performance standards, and technical specifications. The technical specifications shall include a schedule of activities, a final list of plant materials, and description of the methods to be used during implementation of the plan. The specifications shall require, to the greatest extent possible, that all biological materials used on the site be of local origin; that is, that seeds, salvaged plants and top soil originate on site or from the nearest possible source that matches the site in climate and biological factors. The specifications shall also include maintenance criteria for weeding, re-planting and other mid-program corrections, as needed.
- b) A two year monitoring Program shall be included which monitors the project for compliance with the guidelines, performance standards and technical specifications of the plan. At the end of the two year

period, a detailed report shall be submitted for review and approval of the Executive Director. If this report indicates that the revegetation project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised, or supplemental, program to compensate for those portions of the original plan which were not successful. The revised, or supplemental revegetation program shall be processed as an amendment to this coastal development permit.

2. LANDSCAPE AND FUEL MODIFICATION PLAN

Prior to issuance of the coastal development permit, the applicant shall submit a landscaping and fuel modification plan approved by the Los Angeles County Forestry Department, for review and approval by the Executive Director. This plan shall incorporate the following criteria:

- a) All graded and disturbed areas on the building pad site and the immediate surroundings shall be planted and maintained for erosion control purposes. To minimize the need for irrigation, all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- b) Vegetation within 50 feet of the proposed modular house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure, or as required by the Los Angeles County Forestry Department. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Forestry Department.

3. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit 4-96-084, and that any future additions, changes in use, or improvements to the property, including clearing of vegetation and grading, increased occupancy of the modular home will require an amendment to permit 4-96-084 or will require an additional permit from the Coastal Commission or its successor agency. The removal of vegetation consistent with special condition two (2) (b) of this permit 4-96-084 is permitted. The document shall be recorded as a covenant with the land binding all successors and assigns in interest to the subject property, and shall be recorded free of prior liens.

4. WILD FIRE WAIVER OF LIABILITY

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the

California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

5. DESIGN RESTRICTIONS

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which restricts the color of the subject structures, fences, and roofs to colors compatible with colors of the surrounding environment. White and galvanized steel tones shall not be acceptable, except for the antennae, towers, and two water tanks. All windows and glass for the proposed structure shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of liens.

6. CONDITION COMPLIANCE

All requirements specified in the above conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 90 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

IV. FINDINGS AND DECLARATIONS:

A. Project Description and Background

The applicant proposes to construct an approximate 400 sq. ft. mobile home on a concrete foundation for occasional residential purposes and install three amateur radio antennae and related equipment on the site for personal use. Three free standing antennae when fully extended are 103, 103 and 120 feet in height, and when not in use retracted to 35, 35 and 40 feet high, respectively. (Exhibits 4 and 5) The applicant is in escrow to purchase the property from the prior owners.

The project site is a 25 acre parcel located in a remote area on the north and landward side of Castro Peak, about four and one half miles inland from the coast. (Exhibits 1, 2 and 3) The top of Castro Peak includes numerous public and private communication towers, repeater dishes, and facilities. The existing two level building pad, at the 2550 foot elevation, is 300 feet in elevation below the top of Castro Peak. The pad, about 12,600 sq. ft. in size, is immediately adjacent to the Castro Peak Motorway, a dirt, dry weather roadway. (Exhibit 4) The Castro Peak Motorway is accessed from Latigo Canyon Road about two miles to the west. About one mile from the project site to the east and Latigo Canyon on the west, a locked gate blocks public vehicular access along Castro Peak Motorway to the project site. Although the building site is currently vacant, the lower portion of the property includes 'as built' unpermitted water tank, geodesic dome structure, a residential mobile trailer, an extension of an existing dirt road, and various refuse. (Exhibit 3) The surrounding parcels are vacant except for an apparent 'as built' mobile home, two graded pads, storage shed and dirt driveway on the parcel to the south.

The applicant proposes to use the site and mobile home about 2 - 4 times per month for his hobby, which is conducting amateur worldwide high frequency radio communications, and to conduct up to four contests on the site with a total of nine persons in attendance. The Los Angeles County Regional Planning Commission has restricted the use of the site to prohibit full time residential use of the mobile home and commercial use of the radio equipment, finding the primary purpose of the modular home is to house the amateur radio equipment. Since the use of the modular home is on an occasional basis, the applicant proposes to bring water in five gallon containers for personal use. The proposed structure includes a bathroom connected to a septic system. The proposed 4700 gallon water tank for fire emergency purposes, and the 'as built' water tank for site revegetation purposes, will be filled with water hauled in to the site. Electricity will be provided by an on-site electrical generator, stored in the modular home or taken off-site after each visit.

Regarding coastal resources, the property includes substantial chaparral habitat, two small oak woodlands, some grasses, and a eucalyptus tree. According to the OES-FEMA map the site burned in the last 10 - 30 years; the site did not burn in the 1996 Malibu area fire.

The Los Angeles County Environmental Review Board recommended that the project be found consistent with County requirements with modifications and recommendations now incorporated into the project. The Regional Planning Commission approved the Amateur Radio Antenna Permit No. 95-043-3 with many conditions: allowing for 20 year permit; a limit on radio contests to four per year and up to nine persons and vehicles at one time; restricting the use of the modular home to its primary purpose of housing amateur radio equipment; the applicant is not allowed to live in the modular home on a full time basis; locating the mobile home to the middle of the graded pad; and limiting the height of the antennae to the applicant's proposed heights.

B. Geologic and Fire 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P149 Continue to require a geologic report, prepared by a registered geologist, to be submitted at the applicant's expense to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica

Fault Zone. The report shall include mitigation measures proposed to be used in the development.

P154 Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic system.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

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. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The 25 acre property consists of a two level graded pad located directly north and adjacent to Castro Peak Motorway, an unpaved roadway. A narrow dirt roadway leads to the northeast portion of the property where the 'as built' water tank, dome and residential trailer are now located. The property ranges from the 2275 foot elevation at northwest portion to 2575 foot elevation at the southwest portion of the property south of Castro Peak Motorway. The building site on the graded pad at the 2550 foot elevation is located on the north flank of Castro Peak about 300 feet below the Peak. The nearest residences are about one quarter to one half mile to the west of the building site, except for an apparent 'as built' residential trailer on the adjoining property to the southwest. Site drainage is by sheet flow runoff directed towards the north into drainages leading to the Malibu Lake area.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and erosion hazard, the applicants submitted a geology report titled: Geologic Investigation For Proposed Radio Tower Facility, Approximately 25 Acres-Vicinity of Castro Peak Malibu Area, dated June 18, 1996 by Keith W. Ehlert, consulting Engineering Geologist.

The report addresses the geology and soil issues by stating:

The bedrock (Miocene Topanga Foundation) observed on the site is generally well bedded and bedding within the area of the proposed improvements is dipping steeply northerly. ... Based on the geologic data I obtained, it is my opinion that the proposed facility can be constructed without any adverse impact on site geology and the proposed facility can be constructed without hazard of landslide or slippage. It is important to recognize that the site could be subject to severe, and possible destructive, ground shaking and possible ground deformation from earthquakes. This risk is associated with most properties in southern California.

The report did not include any recommendations for the modular home and antennae. Based on the findings of the consulting geologist, the Commission finds that the development is consistent with Section 30253.

To ensure all disturbed slopes and soils at the building site are stabilized with landscaping after construction to minimize erosion, a landscape plan that includes native drought resistant, and fire retardant plants compatible with the surrounding vegetation is necessary. Revegetation of the unpermitted grading and construction site is discussed below in section IV D. For these reasons, the Commission finds it necessary to require the applicant to submit a landscape plan to provide plantings primarily of native species as noted in special condition three (3).

In addition, the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing and thinning the area 200 feet from the residence. The project site is located in an fire hazard area. The replacement plants provided in the landscape plan will minimize and control erosion and reduce the fire hazard to the structures. Special Condition number three (3) also requires the submittal of a fuel modification plan approved by Los Angeles County Department of Forestry.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number four (4).

Thus, the Commission finds that only as conditioned to incorporate a landscape plan, fuel modification plan, and wildfire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states in part 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to maximum extent feasible.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
- minimize the alteration of natural landforms.
- be landscaped to conceal raw-cut slopes.
- be visually compatible with and subordinate to the character of its setting.
- be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

The applicant proposes to construct a single story modular home, 8.5 feet high and three amateur radio antennae between 103 and 120 feet high on an existing graded two level pad. The subject site is located about four and one half miles inland, on the north side of Castro Peak, and therefore, is not visible south along the coast. When fully extended, the three antennae will not be visible from the coast as Castro Peak visually blocks views from the south. However, the site is somewhat visible to the west along a short portion of Kanan Dume Road, and is visible to the north. The project site is visible from some National Park land to the north located within and beyond the coastal zone. Most of the National Park Land in the vicinity is located to the south of the project site on the south flank and ridges of Castro Peak area; public views of this site from parkland to the south is not possible due to the geography. The West Mulholland Highway Sandstone and Saddle Rock areas to the northeast are designated as scenic elements in the Malibu/Santa Monica Mountains Land Use Plan and are given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the modular home and the three antennae raise two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted. The siting and height of the three antennae will be visible from Kanan Dume Road and the Mulholland Highway. The modular home will be to a limited degree visible from these public highways due to its 8.5 foot height. The proposed water tank for fire protection purposes will not be visible because of its location on the lower pad among existing mature trees which screen the site. The existing 'as built' water tank is located along the dirt road leading to the lower portion of the property, therefore its visibility will be limited. Compared to the public visibility of the communication towers and facilities on the top of Castro Peak to the south, the visibility of the project will be minimal.

Regarding public trails, the proposed Backbone equestrian and hiking trail, designated along the Castro Motorway on the Malibu/Santa Monica Mountains Area

Plan Trails System, dated June 1983, Los Angeles County Department of Parks and Recreation, has been relocated to the south side of Castro Peak. The Backbone trail is now located on the opposite side of Castro Peak about one half mile to the south of the project site. The project site and antennae will not be visible to the public along the Backbone trail due to the geography of the area. The site will not be visible from other public trails in the coastal zone.

In addition, future developments or improvements to the property have the potential to create visual impacts as seen from the public places noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, are reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Special Condition number three (3), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Although the three antennae will be visible to a limited degree from Kanan Dume Road, the antennae can not be painted a color to blend in with the surrounding area as galvanized steel can not be readily painted. However, the applicant proposes to extend these antennae to the full 103 to 120 foot height only when the antennae are in use which is on a limited basis. The applicant proposes to retract the antennae to 39 to 40 foot height when the antennae will not be in use. The two water tanks are also galvanized steel and can not be readily painted to blend in with the surrounding area, however, these tanks will be placed in locations which are not visible or are of limited visibility from public viewing locations.

Further, because the modular home will be visible to a limited degree at a distance from Kanan Dume Road to the west and Mulholland Highway to the north, it is necessary to ensure that the design of the project will not create visual impacts. To ensure that the colors of the modular home, the potential glare of window glass, and proposed fencing and gate will not create visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the surrounding environment and non-glare glass as required by special condition number five (5).

Therefore, the proposed project, as conditioned, will not impact the scenic public views in this area of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. Land Resources/Environmentally Sensitive Habitat Areas

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:

Section 30250

(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 a 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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240

(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.

The Malibu/Santa Monica Mountains LUP contains several policies (P63 - P68, P74, P82, P84, P88, P91, and P96) designated to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development.

The project site is located on the northern ridge and flank of Castro Peak. The 25 acre parcel is part of a relatively undisturbed upper watershed draining into Malibu Lake, outside the coastal zone. Two oak woodlands are designated on the site as Environmentally Sensitive Habitat Areas by the Malibu/Santa Monica Mountains Land Use Plan. Two unnamed tributaries are located immediately to the north of the property draining to the west and to the east from this ridgetop property. The watershed serves as tributary areas to not only Malibu Lake, but also the downstream Malibu Creek and Malibu Lagoon Significant Ecological Areas located in the coastal zone.

The applicant proposes to construct the modular home and antennae with a limited amount of grading, about 40 cubic yards of cut, which will be balanced on site. This part of the project can meet the above Coastal Act ESHA policies, as conditioned, in part because the modular home, three antennae, and new water tank will be located on an existing graded pad adjacent to the Castro Peak Motorway and will not impact designated ESHA areas. Limited grading and vegetation removal is proposed. Further, worldwide communication facilities need to be located on or near mountain peaks and in this case adjacent ESHA areas to operate effectively.

The real issue of concern relative to sensitive resources and nearby ESHA areas is the prior grading to extend the existing road to the lower portion of the property and create the site for the 'as built' dome structure. This additional grading and construction of the dome and storage of an airstream trailer occurred between 1986 and 1994 according to the Commission's aerial photographs of the site. According to the prior owners, this development occurred after 1989, after the property was sold to the current owner. This prior grading and vegetation removal has impacted the watershed by eroding this area and adding sediment to the downstream creeks. In addition, the removal of the vegetation has a cumulative impacts on habitat available for wildlife.

To resolve this unpermitted development, the applicant, who is in escrow to purchase this property, proposes to remove and restore this unpermitted development. The applicant has submitted a Long-term Demolition/Restoration Plan, dated October 2, 1996. The Plan proposes a two step demolition and restoration plan to return the property to its natural state. After approval by the Commission and the close of escrow for the purchase of the property the applicant will: 1) hire and instruct a team to demolish and dispose of existing geodesic dome structure to a refuse depository outside the coastal zone; 2) the air stream trailer will be removed from the site to a location outside the coastal zone; and 3) all remaining refuse on the property will be removed off site and disposed of at a refuse depository outside the coastal zone. The applicant proposes a six month period to complete this removal as weather and access on dirt roads may delay completing this portion of the project. After the demolition and removal is complete, revegetation of the area will begin. The applicant proposes to complete the revegetation of the dome site first. The 'as built' road, the lower extension about 500 feet long is proposed to be restored after the dome area is restored, due to the fact that this is the only route to the dome site. The applicant's proposed demolition plan is appropriate. However, the Commission finds the applicant's restoration plan needs to be further revised to ensure the site will be adequately revegetated, by requiring technical specifications and a monitoring program, as specified in condition one (1).

At the proposed building site, the disturbed slopes and soils will be stabilized with landscaping after construction to minimize erosion and reduce the fire hazard, as required by condition number two (2). Thus, this landscape, fuel modification, and erosion control plan will serve to ensure that the proposed development will not adversely impact the sensitive watershed.

Further, future developments or improvements to the property normally associated with a single family residence, which might otherwise be exempt, have the potential to impact these sensitive environmental resources noted above. It is necessary to ensure that future developments, improvements or changes in the intensity of use or occupancy normally associated with a single family residence, which might otherwise be exempt, is reviewed by the Commission for compliance with the coastal resource protection policies of the Coastal Act. Condition number three (3), the future improvements deed restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act. Thus, the Commission finds that as conditioned, the proposed project is consistent with Sections 30240 and 30250(a) of the Coastal Act.

E. Septic System

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

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 in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

In addition, the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan includes the following policies concerning sewage disposal, which are used as guidance:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes...

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The proposed development includes the construction of a septic system and leach field system to provide for sewage disposal. The applicant has submitted a percolation test report and plans designing the sewage disposal system completed by an Engineering Geologist. The applicant has submitted the plans for approval by the Los Angeles County Health Department. Staff's review of the plans and percolation test report indicates that the percolation rate will meet the minimum requirements of the Uniform Plumbing Code. The Commission has found in past permit actions that compliance with health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. Violation

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.

Because a portion of the proposed project includes after the fact development (an existing geodesic dome, residential trailer, various debris, and about 850 foot extension of an existing graded dirt road) and requires a coastal permit in order to be in conformance with the Coastal Act. The Commission finds it necessary to require the applicant to fulfill all of the special conditions as a prerequisite to the issuance of this permit, as required by special condition number six (6) within a reasonable period of time, within ninety (90) days of Commission action. Only as conditioned is the proposed development consistent Sections 30231, 30250, 30251 and 30253 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

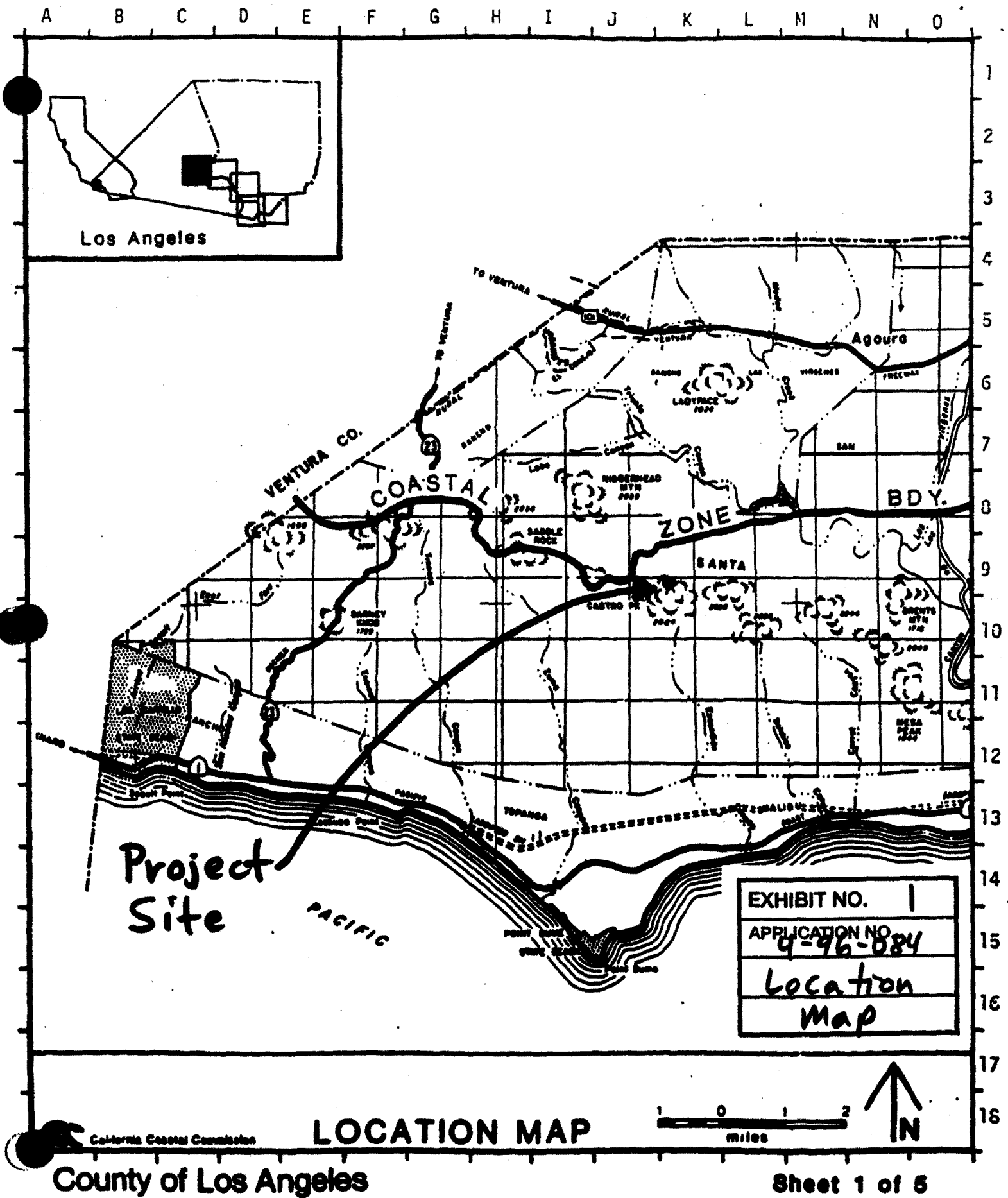
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice 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 the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed 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).

H. 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 Commission 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 a demolition and site revegetation plan, a landscape and fuel modification plan, future improvements restriction, wildfire waiver of liability, design restrictions, and condition compliance conditions. As conditioned, 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 Commission finds that the proposed project, as conditioned 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.



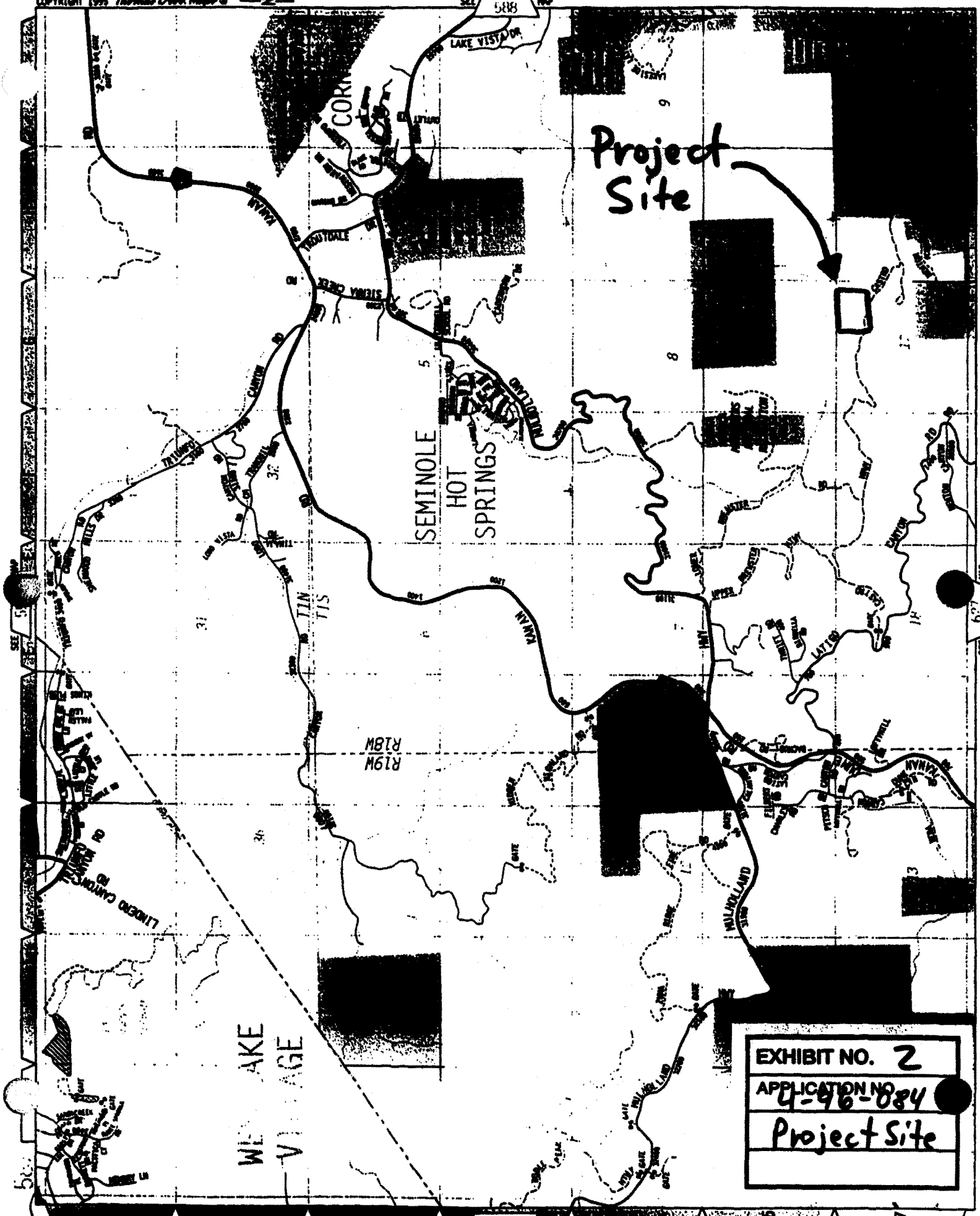
SEE 588 MAP

Project Site

SEMINOLE
HOT
SPRINGS

WEAKE
VILLAGE

EXHIBIT NO. 2
APPLICATION NO.
4-96-084
Project Site



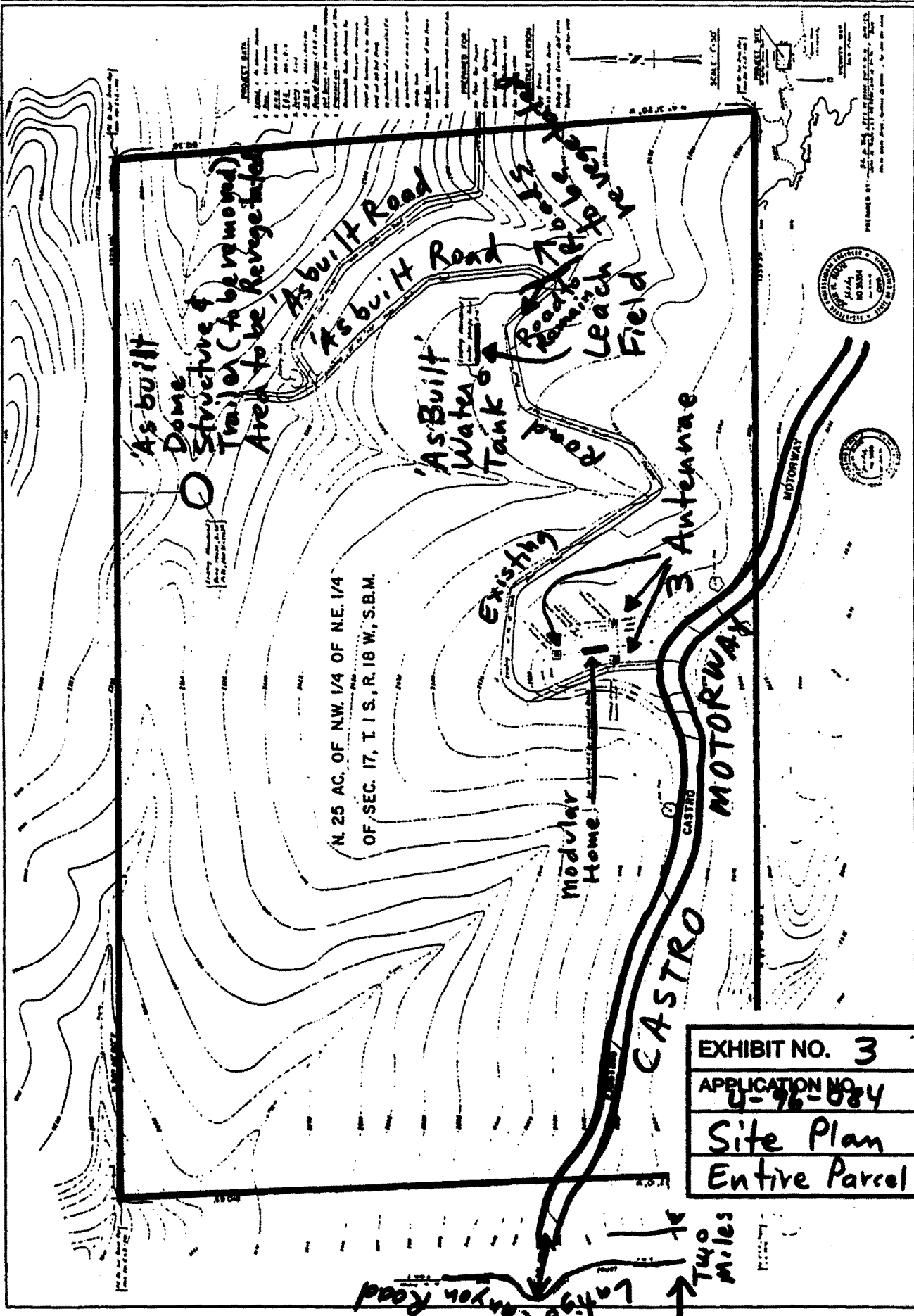


EXHIBIT NO. 3
 APPLICATION NO. 4-96-084
 Site Plan
 Entire Parcel

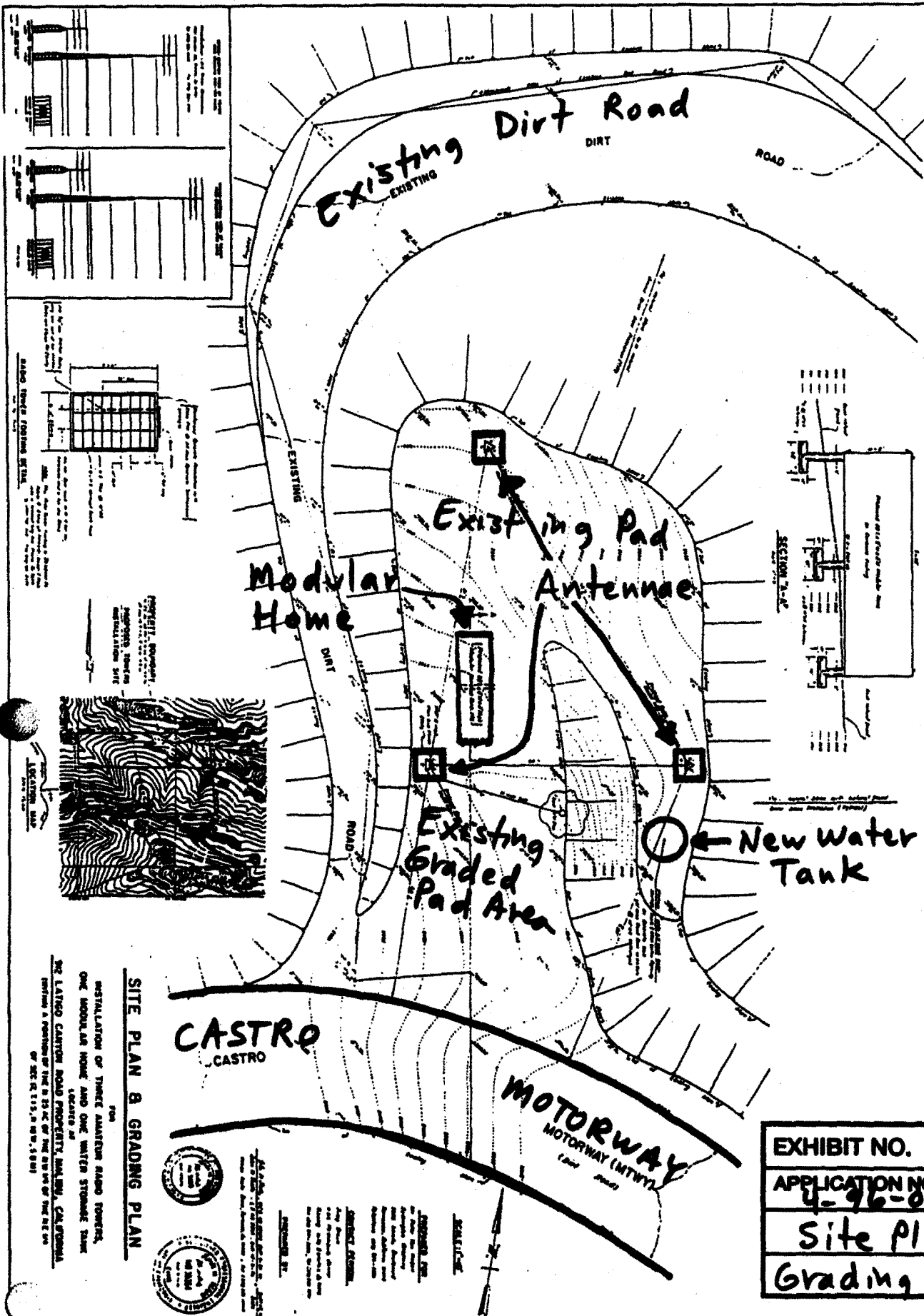
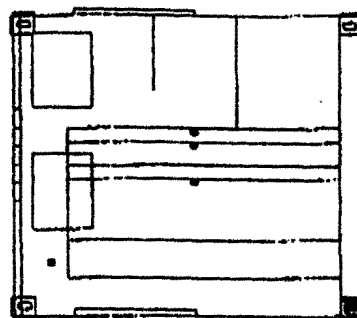
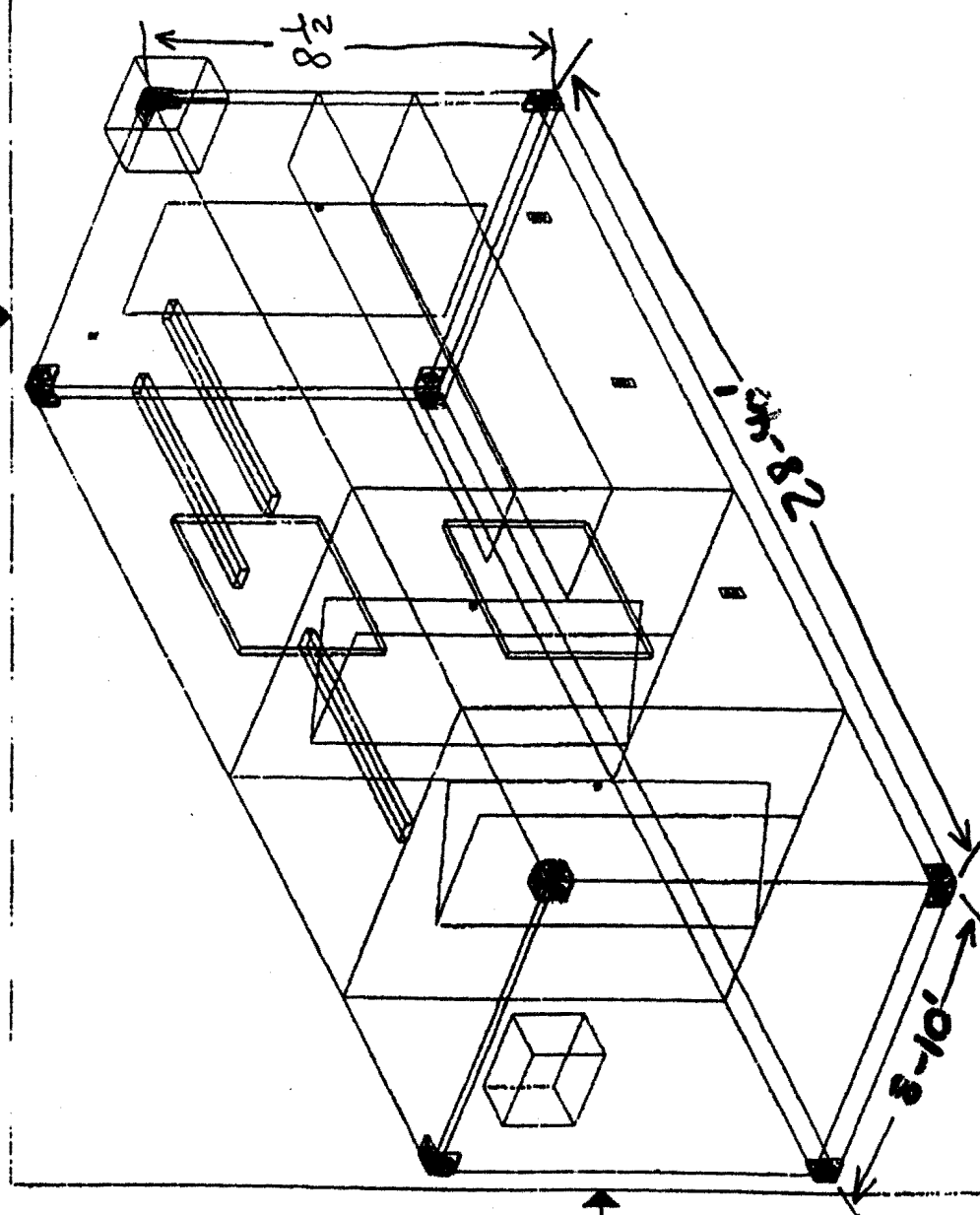


EXHIBIT NO. 4
APPLICATION NO. 4-96-084
Site Plan & Grading Plan

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Empty weight 600 lbs.



Martin Container, Inc.
1402 E. Lomita Blvd.
Wilmington, CA 90748
(310) 830-5000

Peter VonHagen

28' Office Container

EXHIBIT NO. 5

APPLICATION NO. 4-96-028

Modular Home Plan

