

## CALIFORNIA COASTAL COMMISSION

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

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## RECORD PACKET COPY



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-123

APPLICANT: Greg and Bonnie Harris AGENT: Rick Harrel

PROJECT LOCATION: 29100 Upper Ramirez Motorway (also referred to as Ramirez Ridge Road and Upper Ramera Motorway), approximately 300 ft. southwest of Latigo Canyon Road, Los Angeles County (APN: 4464-024-013)

PROJECT DESCRIPTION: Construct 3369 sq. ft., two story single family residence with garage, driveway, swimming pool, water storage tank, and septic system. No grading.

Lot Area	5.47 acres
Building Coverage	3099 sq. ft.
Pavement Coverage	1578 sq. ft.
Landscape Coverage	none
Parking Spaces	2 covered, 2 open
Project Density	.18 du
Ht abv fin grade	26 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, Department of Regional Planning dated 3-6-96; Sewage Disposal System Approval for Design Purposes Only, County of Los Angeles, Department of Health Services, dated 6-27-96.

SUBSTANTIVE FILE DOCUMENTS: "Update Engineering Geologic Report Proposed Custom Single Family Residence 29100 Upper Ramera Motorway [sic]" by Mountain Geology, Inc., May 3, 1996; "Addendum Geology and Soils Report Proposed Custom Single Family Residence 29100 Ramirez Ridge Road [sic]", by Mountain Geology Inc., December 14, 1990; Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permits 4-96-022, Smith, 4-95-196, Russell, 4-96-025, Jason, and 4-96-086, Gonzalez.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development is a single family residence, with two bedroom modules connected to the main residence by enclosed walkways, located at a high elevation at the crest of a saddle visible from most of the surrounding area. The site is visible from most of the surrounding National Park land and a nearby trail and is located within the designated Eastern Wildlife Migration Corridor. Staff recommends approval of the proposed project with eight (8) Special Conditions addressing design restrictions, future development restriction, landscape and erosion control plans, plans conforming to the consulting geologist's recommendations, wild fire waiver of liability, final Fire Department clearance of access road, and fence type.

I. STAFF RECOMMENDATION

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. DESIGN RESTRICTIONS

Prior to 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 and

roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. 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 prior liens.

## 2. FUTURE IMPROVEMENTS

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 4-96-123, and that any future additions or improvements to the property, including clearing of vegetation and grading, will require an amendment to permit 4-96-123 or will require an additional permit from the Coastal Commission or its successor agency. The removal of vegetation consistent with special condition four (3) (c) of this permit 4-96-123 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.

## 3. LANDSCAPE AND EROSION CONTROL PLANS

Prior to issuance of permit, the applicant shall submit a landscape and erosion control plan prepared by a licensed landscape architect or otherwise qualified landscape professional and an erosion control plan prepared by a licensed engineer for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development 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) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the approved landscape plan within thirty (30) days of final occupancy of the residence. Landscaping of the water tank and residence shall be required for purposes of screening and softening the visual impacts of the structures. Native, visually compatible plant type species shall be used. Such planting shall be adequate to provide ninety (90) percent coverage within one (1) year and shall be repeated, if necessary, to provide such coverage.
- (c) Vegetation within 50 feet of the proposed 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 foot radius of the main structure. 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. The fuel modification plan shall be reviewed and approved by the Los Angeles County Forestry Department.

#### 4. DRAINAGE PLANS

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan, designed by a licensed engineer which will not result in increases in either peak run-off volume or velocity for a 25 year / 24 hour rainfall event. Specifically, runoff volumes and velocities for a 25-year and 24-hour event must be calculated for existing and post-project conditions to demonstrate that no increase in runoff volume or velocity will occur. The drainage and erosion control plan shall include, but not be limited to, a system which collects run-off from the roofs, patios, driveways, parking areas, and other impervious surfaces, and discharges it in a non-erosive manner, including if appropriate on-site detention/desilting basins, dry wells, etc. If any on-site detention system is planned either on or upslope from an engineered fill or an identified landslide, the drainage and erosion control plans shall be reviewed and signed by a licensed civil engineer or engineering geologist, indicating that the drainage and erosion control plan will not negatively impact or destabilize the identified fill or landslide. Should the project's drainage structures fail or result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration. The erosion control plan shall assure that run-off from the area south of Upper Ramirez Motorway shall not drain to the area north of Upper Ramirez Motorway.

#### 5. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the geology consultant's review and approval of all project plans. All recommendations contained in the two reports, "Update Engineering Geologic Report Proposed Custom Single Family Residence 29100 Upper Ramera Motorway" by Mountain Geology, Inc., May 3, 1996 and "Addendum Geology and Soils Report Proposed Custom Single Family Residence 29100 Ramirez Ridge Road", by Mountain Geology Inc., December 14, 1990 including issues related to site preparation, foundations, and drainage, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

#### 6. 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.

#### 7. FIRE ACCESS

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, evidence that the Los Angeles County Fire Department has reviewed and approved the access road to the site and the driveway and fire turn around on-site. Any substantial changes to the access road and/or the driveway shall require an amendment to this permit.

#### 8. FENCE TYPE

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, plans indicating the type of fencing to be used in the subject development. The applicant agrees that the fencing on site must be of a type that will not restrict wildlife movement or cause injury to wildlife. Barbed wire, mesh or chain link fencing shall not be permitted. Fencing of the entire parcel shall not be permitted.

### IV. Findings and Declarations.

#### A. Project Location and Description

The project site is located on 5.47 acres in a mountainous area in the unincorporated portion of the Santa Monica Mountains. (Exhibits I and II) The proposed development includes a 3369 sq. ft. two story single family residence with garage, driveway, swimming pool, water storage tank, and septic system. No grading is proposed. The proposal includes two residential modules connected to the main building by enclosed walkways. The module to the west includes an enclosed two car garage, bedroom, bath and second story loft. The module to the east includes a bathroom and bedroom in a single story. There is no cut and fill or landscaping proposed, although incidental grading and landscaping may result from construction, burying of utilities, and the like. Runoff is directed away from the environmentally sensitive area to the north.

The project site is on the crest of a saddle visible from most of the surrounding land including National Parks land to the north (Significant Oak Woodland, Newton Canyon Inland Environmentally Sensitive Habitat Area and Eastern Wildlife Migration Corridor). The bottom of Newton Canyon is located approximately 3/4 mi. to the north and the Backbone Trail is located approximately 1 mi. to the north, with portions visible from the project site. The saddle trends east to west at approximately the 2000 ft. elevation and is below Castro Peak which is at approximately the 2800 ft. elevation.

Most of the topgraphy will be unaffected because no grading is proposed. The project site has evidence along the crest of the saddle of being cleared with possible minor grading in recent years for purposes of a fuel break, but there is no record of coastal permit activity for the site. A review of aerial photos between 1977 and the present indicates that the road through the property was existing in its approximate present location and that the building site has been cleared as a fuelbreak since at least that time.

The site is presently developed along both sides of Upper Ramirez Motorway, an unpaved, graded dirt road connecting adjacent properties, and others along the same ridgeline, to Latigo Canyon Road. There is also an unpaved driveway onto the site, a water line and a "fifth wheel" trailer which is used by the applicant during the weekends.

**B. Environmentally Sensitive Resources.**

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

**Section 30231:**

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.

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 proposed project is located within an area designated by the Malibu/Santa Monica Mountains Land Use Plan as the Eastern Wildlife Corridor. A study by England and Nelson designates these areas as Significant Ecological Areas (SEA). The report describes the concept of an SEA as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities.

Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible ...

If the biotic resources of significant ecological areas are to be protected and preserved in a pristine state, they must be left undisturbed. Thus, the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

The Commission has relied on the certified Malibu/Santa Monica Mountains LUP for guidance in past permit decisions. Areas between several of the Significant Watersheds are designated as Wildlife Corridors in order to ensure that wildlife populations which live in the relatively undisturbed habitat areas of the significant watersheds are able to freely pass between these watersheds. Policies which provide for the protection of wildlife corridor areas are contained in LUP Table 1, which specifies that the same standards be applied to Wildlife Corridors as those applied to Significant Watersheds with the exception of density policies.

The Land Use Plan policies addressing protection of Significant Watersheds (and by reference Wildlife Corridors) 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.

Table 1 states that for "existing parcels smaller than 20 acres in proximity to existing development and/or services, and/or on the periphery of the significant watershed", residential uses are permitted: "at existing parcel cuts (buildout of parcels of legal record) in accordance with specified standards and policies...". The Table 1 policies applicable to Significant Watersheds and, therefore, Wildlife Corridors are as follows:

Allowable structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat.

Structures shall be located as close to the periphery of the designated watershed as feasible, or in any other location for which it can be demonstrated that the effects of development will be less environmentally damaging.

Streambeds in designated ESHAs shall not be altered except where consistent with Section 30236 of the Coastal Act.

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 sq. ft.

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.

Site grading shall be accomplished in accordance with the stream protection and erosion control policies.

Designated environmentally sensitive streambeds shall not be filled. Any crossings shall be accomplished by a bridge.

Additionally, for Wildlife Corridors:

The fencing of entire parcels shall be prohibited in order to allow free passage of wildlife.

Other applicable LUP policies include:

P64 An Environmental Review Board (ERB) comprised of qualified professionals with technical expertise in resource management (modeled on the Significant Ecological Areas Technical Advisory Committee) shall be established by the Board of Supervisors as an advisory body to the Regional Planning Commission and the Board to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs. The ERB shall provide recommendations to the Regional Planning Commission (or decision making body for coastal permits) on the conformance or lack of conformance of the project to the policies of the Local Coastal Program. Any recommendation of approval shall include mitigation measures designed to minimize adverse impacts on environmental resources. Consistent with P271 (a)(7), projects shall be approved by the decision making body for coastal permits only upon a finding that the project is consistent with all policies of the LCP.

P65 The Environmental Review Board shall consider the individual and cumulative impact of each development proposal within a designated Significant Watershed. Any development within a significant watershed shall be located so as to minimize vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts. Therefore, development should be clustered and located near existing roads, on areas of relatively gentle slopes as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons which serve as primary wildlife corridors.



- P67 Any project or use which cannot mitigate significant adverse impacts as defined in the California Environmental Quality Act on sensitive environmental resources (as depicted on Figure 6) shall be denied.

#### Stream Protection and Erosion Control

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.
- P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways should be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped.

- 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 the maximum extent feasible.
- P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The proposed project site contains steep slopes and drains to the Newton Canyon blue line stream and nearby environmentally sensitive habitat areas, and is situated within the designated Eastern Wildlife Migration Corridor.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in ESHAs and Significant Watersheds. When the Commission has found that single-family development would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, the development has been permitted. Although the certified LUP takes a different approach than some past permit decisions by allowing some residential development within SEA's and Significant Watersheds, subject to conformance with the policies stated above, the goal of the LUP remains the same -- to protect significant ecological corridors as viable units.

Table 1 further states that site grading shall be accomplished in accordance with the stream protection and erosion control policies of the LUP. These policies emphasize that new development shall be designed to minimize grading and vegetation removal to "ensure the potential negative effects of runoff and erosion on these resources are minimized". Additionally, these policies specify that projects shall: "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 the maximum extent feasible". These policies ensure that the biological productivity and quality of coastal streams are maintained and that the habitat values of areas like Significant Watersheds and Wildlife Corridors are protected against significant disruption.

Development proposed is consistent with Table 1 policies because the parcel is under 20 acres and does locate structures in proximity to an existing roadway and water line, is away from the watershed periphery, has no stream alteration involved, and minimizes grading and vegetation removal. Furthermore, the onsite accessway is 100 ft. in length and is therefore in conformance with the Table 1 requirement that onsite access roads shall not exceed 300 ft. in length. The following examines the proposed project, for conformance with the resource protection policies of the Coastal Act and the Land Use Plan, through a further discussion of consistency with certain Table 1 policies and Stream Protection and Erosion Control policies as noted above.

Table 1 specifies that grading and vegetation removal shall be limited and that the standard for a graded building pad shall be a maximum of 10,000 sq. ft. No grading for a building pad is proposed, inasmuch as the development is proposed on existing terrain, which is the natural terrain according to review of maps and aerial photos by staff, as possibly modified by fuelbreak maintenance over the years. The site of the building and surrounding development would be approximately 5000 sq. ft., which would conform to the Table 1 limit of 10,000 sq. ft. limit even if the site had been newly graded. The on-site access road is less than 300 feet, or one-third of the parcel depth, as required. Further, the lack of grading lessens the potential impact of runoff within the meaning of P82, P88, and P91 above, as well as reducing vegetation removal as required by policy P88.

Policies P64 and P65 require Environmental Review Board (ERB) review which has been completed for the proposed development. The ERB reviewed the proposal and determined that to avoid adverse impacts to the adjacent environmentally sensitive habitat areas that could be caused by the project through use of a "broad weir" to spread out run-off from impervious surfaces and bring run-off to the southwest corner of the property to "bubble-up". The southwest corner is the lowest point on the other side of the saddle from the National Parks and ESH land. The conditions on this permit for erosion control mechanisms on the property include the ERB recommendations which implement P64 and P65.

As mentioned previously, the applicant proposes no grading, although a minor, incidental amount of grading may result. To ensure that the proposed project minimizes potential erosional impacts to the adjacent blue line stream, the Commission finds it necessary to impose Special Condition 3. This condition requires the applicant to submit detailed drainage and erosion control plans, including plans to show that runoff from the project is minimized and is directed off site in a non-erosive manner. This will ensure consistency with above-noted policies P63, P82, P88, P91, and P96 by avoiding impacts on the watershed and stream to the north and mitigating all other drainage impacts to a level of insignificant impact.

Because the site is located within a designated Wildlife Corridor, fencing of the parcel could interfere with wildlife movement or injure wildlife. For this reason, the Commission finds it necessary to impose Special Condition 8 to prohibit fencing of the entire parcel, and to require that any fencing materials utilized for partial fencing on site are of a type that will not block or injure wildlife. This ensures consistency with the above-noted LUP prohibition of fencing which impacts on wildlife.

Further, relative to the designated Wildlife Corridor, additions or improvements to the property could have significant adverse impacts on environmentally sensitive resources. To ensure that any future development which might otherwise be exempt from Commission permit requirements is reviewed by the Commission for conformity with the resource/ESHA protection policies of the Coastal Act, it is necessary to require a future improvements deed restriction (Special Condition 2). This further ensures evaluation of future development for consistency with the above-noted LUP policies P63, P82, P88, P91, and P96 to minimize the effects of runoff, erosion, and hydrology on habitat values.

Landscaping measures are also a part of the LUP policies (P84, P88). The requirement for landscape plans which utilize native vegetation for all disturbed areas (Special Condition 3) meet these concerns. These conditions will ensure that all impacts of disturbance and increased impervious surfaces and increase in peak runoff rates resulting from the proposed project are mitigated to the maximum extent feasible, thereby minimizing any adverse affects on the habitat of the designated Wildlife Corridor and the nearby ESHA.

In summary, the proposed development will not cause adverse impacts such as increased erosion or runoff, with the landscape and erosion control plan and drainage control plan, and a limitation on fence type. These conditions thereby minimize any adverse affects on the habitat of the designated Wildlife Corridor and the nearby ESHA.

Therefore, for all of the reasons set forth above, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30230, 30231 and 30240 of the Coastal Act.

### C. Visual Impacts

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall

be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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 property ranges from approximately 1940 ft. to 2040 ft. above sea level with the development proposed at an elevation of approximately 2024 ft. As previously noted, the project site is on the crest of a saddle visible from most of the surrounding land including National Parks land to the north (Significant Oak Woodland, Newton Canyon Inland Environmentally Sensitive Habitat Area and Wildlife Migration Corridor) and the Backbone Trail located approximately 1 mi. to the north, with portions visible from the project site. The saddle trends east to west at approximately the 2000 ft. elevation below Castro Peak.

Development constitutes infill of a sparsely developed area of single family residences, with large amounts of public open space nearby. The surrounding area is characterized by more vacant land and undisturbed native vegetation than found in the development recently approved to the north, i.e. 4-96-086, Gonzalez, along Latigo Canyon Road. Areas of the Santa Monica Mountains National Recreation Area which are visible nearby include virtually all the area to the north commencing at the property line, while most of the area visible to the southwest beyond about two miles' distance is also National Recreation Area land. The property is also visible from the Backbone Trail, as noted, which is located approximately a mile north of the project site.

The impact on views from the park areas is generally not blocked by intervening topography. The view impact from Latigo Canyon Road near the site is decreased by location of the residence behind intervening topography and approximately three hundred feet away.

The view impact is increased by the design which shows the residence being built along the ridge of the saddle. However, the proposed development site is the most suitable location for a residence on this site. The view impact is lessened by the shallow roofline and any alternative design would result in additional grading for a new building site.

Since the site will be visible from several public park areas including the Backbone Trail, there is need to avoid visually intrusive bright colors or white tones. The use of earth tones for buildings and roofs minimizes the visual impact of structures and helps blend in with the natural setting. The Commission finds a deed restriction (special Condition # 1) which limits the future color of the residence and other structures, such as the water tank, is necessary to avoid future adverse impacts on surrounding views. In addition, the Commission finds it necessary to require a future development restriction (Special Condition # 2) to ensure that any future development that might otherwise be exempt from Commission permit requirements is reviewed by the Commission for conformity with the visual resource policies of the the Coastal Act.

Further, the use of native plant material in landscaping plans can soften the visual impact of construction and development in the Santa Monica Mountains. The use of native plant materials to revegetate disturbed or graded areas not only reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in nearby streams, but ensures that the natural appearance of the site remains after development. Therefore, the Commission finds it necessary to require the applicant to submit final landscaping and erosion control plans designed to minimize and control erosion and screen or soften the visual impact of the development.

The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30251 of the Coastal Act.

#### D. 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 area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the area 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.

The Commission reviews the proposed project's risks to life and property for development such as proposed in this application in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted two geologic reports titled: "Update Engineering Geologic Report Proposed Custom Single Family Residence 29100 Upper Ramera Motorway" by Mountain Geology, Inc., May 3, 1996 and "Addendum Geology and Soils Report Proposed Custom Single Family Residence 29100 Ramirez Ridge Road", by Mountain Geology Inc., December 14, 1990. The 1996 report notes that:

...the proposed development will be safe against hazard from landslide, undue settlement or slippage, and that the proposed development will not have an adverse affect on the stability of the subject site or immediate vicinity, provided our recommendations are made part of the development plans and implemented during construction.

The 1996 Geotechnical report addresses a number of issues and recommends further review of foundation footings, replacement of material onsite with compacted fill, and other specific design and foundation recommendations, including fill placement, subdrains, and utility trench backfill. Based on the findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans.

Minimizing the erosion of the site is important to reduce geological hazards and minimize sediment deposition in nearby environmentally sensitive habitat area including a significant watershed and significant oak woodlands. In addition, the recommendations of the consulting geologists emphasize the importance of proper drainage and erosion control measures to ensure the stability of development on the site. For these reasons the Commission finds it necessary to require a drainage/erosion control plan prepared by a licensed engineer to minimize erosion on the site and sedimentation off-site on the environmentally sensitive habitat area.

Therefore, the Commission finds it necessary to require the applicant to submit: (1) project plans that have been certified in writing by the consulting geology consultant as conforming to their recommendations, for the final project design, grading and drainage plans for the residence; and (2) a drainage/erosion control plan to minimize erosion and provide for surface discharge in a non-erosive manner. With conditions number three (3) and four (4) requiring these plans, the project will be consistent with the above-noted Coastal Act and Land Use Plan policies.

In the event that the site is selectively cleared of native brush pursuant to the County Fire Department (i.e. Forestry Department) requirements for clearing and thinning the area 200 feet from the residence, any replacement plants should minimize and control erosion, as well as screen and soften the limited visual impact of the proposed development. Special Condition number three (3) requires the use of native plant materials, plant coverage and replanting requirements and the submittal of a fuel modification plan approved by the Los Angeles County Forestry Department.

Additionally, 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 will only approve the project if the applicant assumes liability from the 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.

Although the applicant has received preliminary approval from the LA County Fire Department for on-site improvements, the Fire Department has not reviewed offsite access condition for compliance with County standards. Staff discussions with the County Fire Department and the staff site visit indicate that additional evaluation and possible redesign of the roadway and driveway to the building site from Latigo Canyon Road may be necessary. This may include all weather paving of the roadway near the intersection of Upper Ramirez Motorway and Latigo Canyon Road. Modifications may be necessary on or off site to ensure proper fire vehicle access and turning movements. Although a letter has been received from the Fire Department regarding the

adequacy of on-site improvements, dated 8/19/96, they indicate that additional work may be necessary for their final check-off, including possible grading on- or off-site. Therefore, condition no. 7 is necessary to ensure that the applicant has obtained Fire Department review that construction plans for access to and on the project site has been designed to be acceptable for fire control access purposes. Any substantial changes required by the Fire Department to the access road and/or driveway shall require an amendment to this permit.

Thus, the Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist; a wild fire waiver of liability and fire control access; and require a landscape and erosion control plan will the proposed project be consistent with Section 30253 of the Coastal Act.

#### E. Septic System

The Commission recognizes that the potential buildout of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. 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.

The proposed development includes constructing a septic tank and seepage permit based on percolation tests by a qualified professional, as reviewed by the County of Los Angeles, Department of Health Services. The Commission has found in past permit actions that compliance with the County of Los Angeles health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

#### F. 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).

#### G. 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 design restrictions, future development conditions, landscape and erosion control plans, plans conforming to the consulting geologist's recommendations, and a wild fire waiver of liability. 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.

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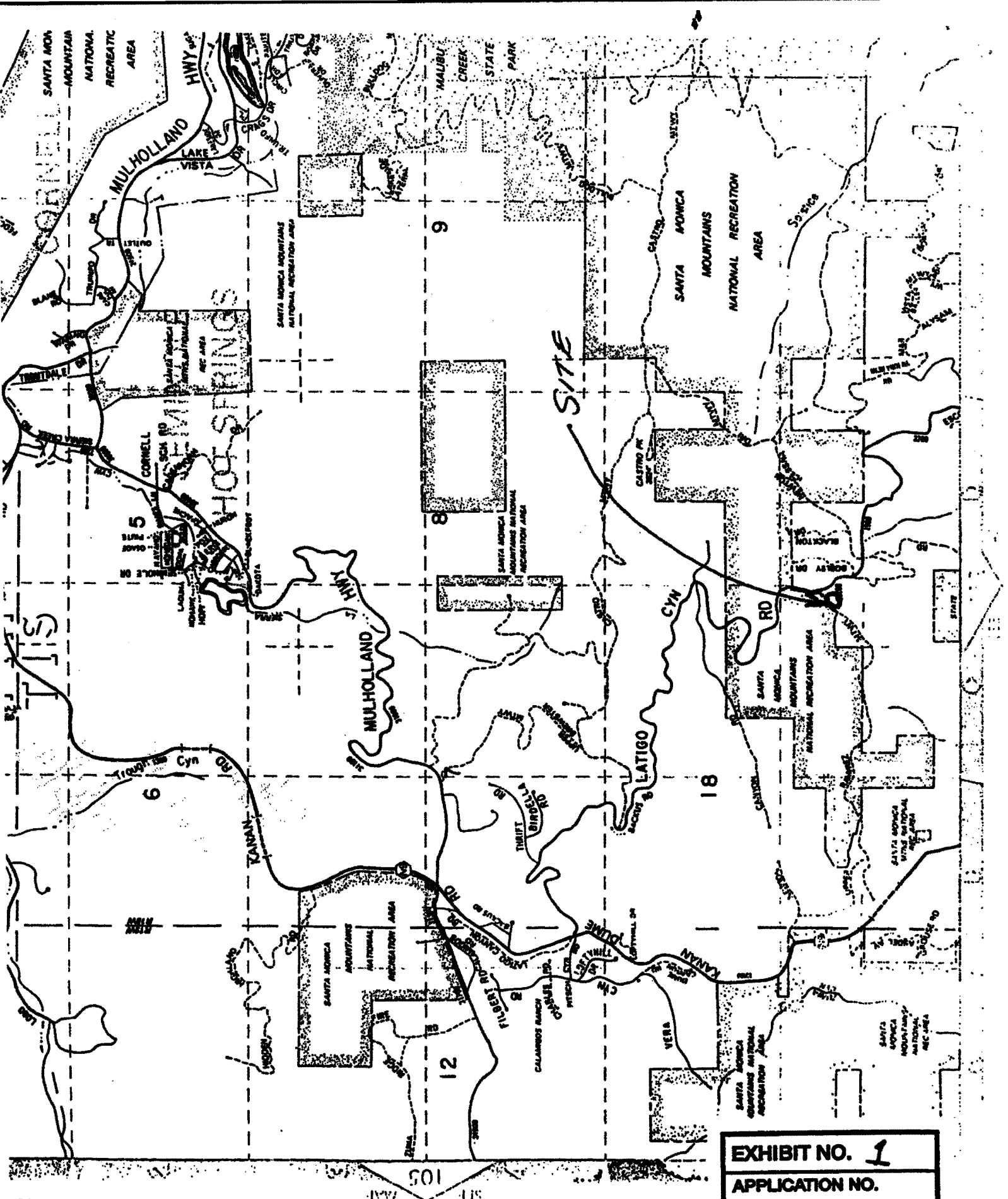
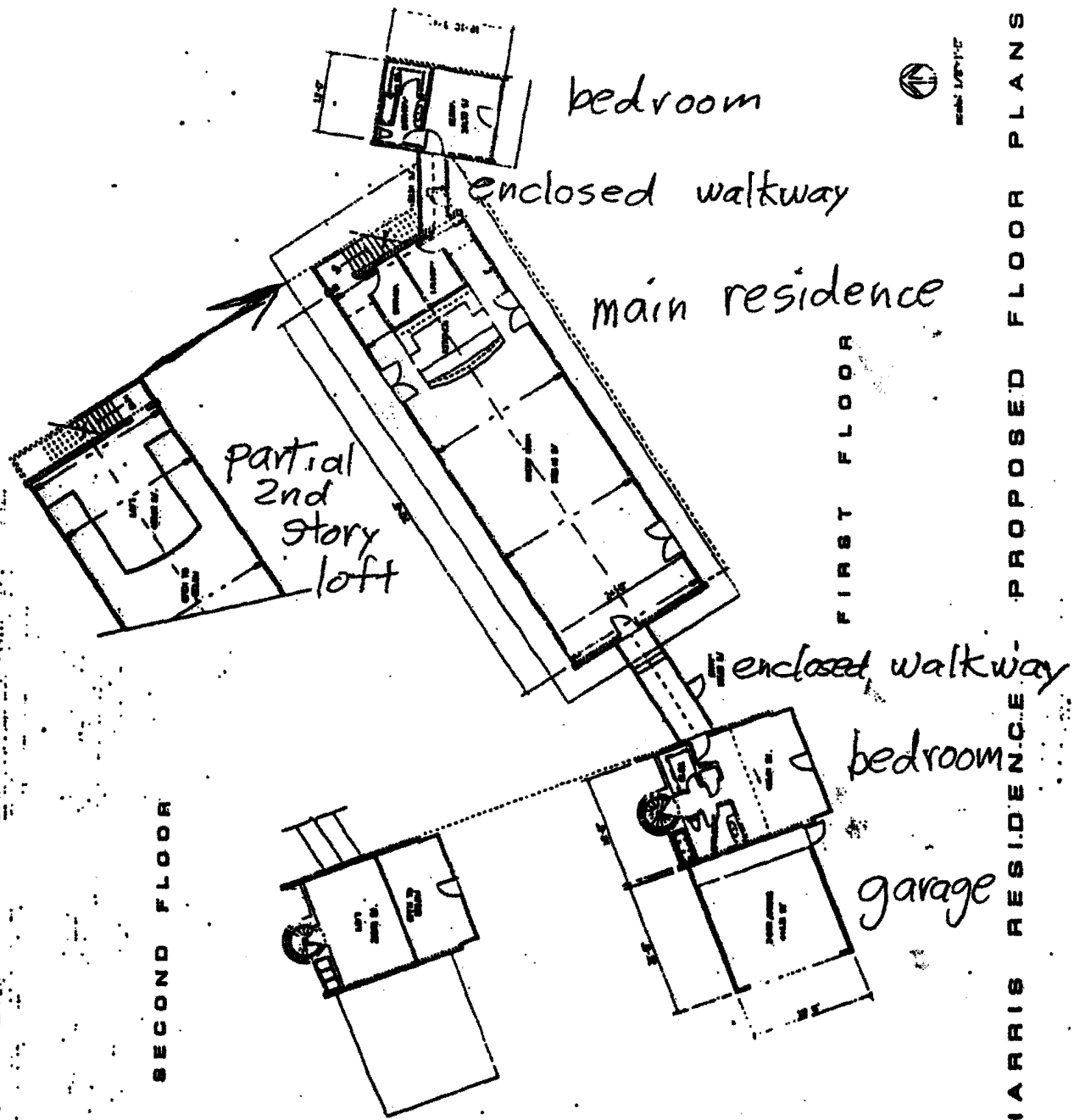


EXHIBIT NO. 1
APPLICATION NO.
4-96-123
Harris
Project Location

DETAIL

LOS





ALPHABETIC  
 ORDER  
 COMMUNITY  
 DEVELOPMENT  
 DISTRICT

APR 18 1998

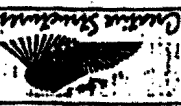
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 10/10/98

EXHIBIT NO. 3
APPLICATION NO.
4-96-126 Harris
Floor Plan

EXTERIOR ELEVATIONS

PLEMAN-HARRIS RESIDENCE

ARCHITECT  
JAMES HARRIS ARCHITECTS  
2210 BROADWAY  
NEW YORK, N.Y. 10024

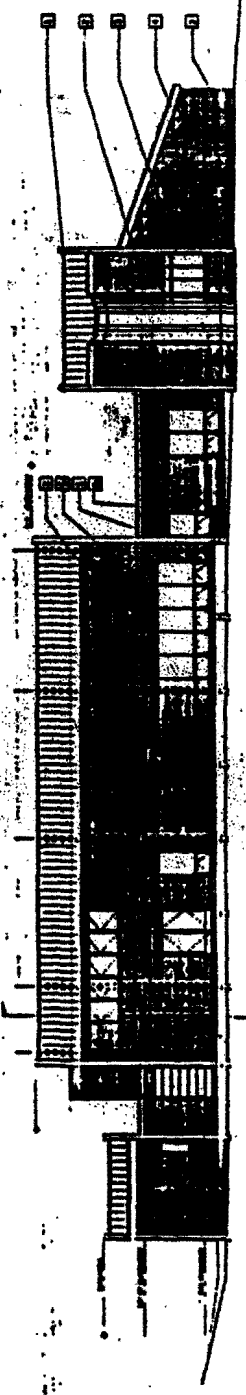


DATE: 12/15/88  
PROJECT: PLEMAN-HARRIS RESIDENCE

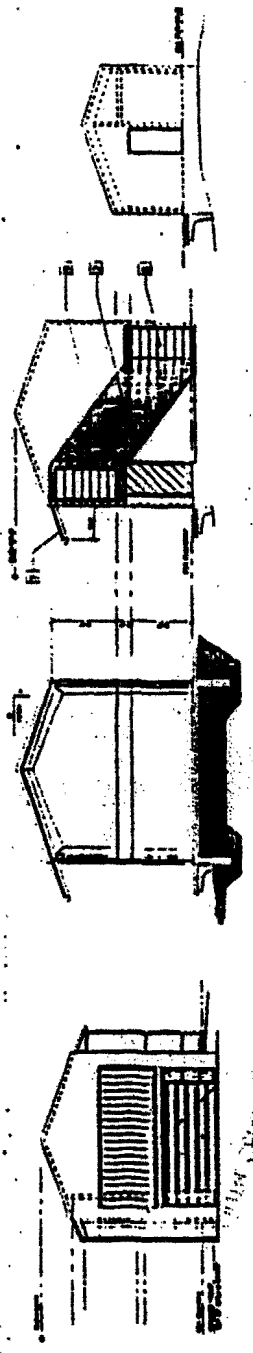
EXHIBIT NO.	4
APPLICATION NO.	4 - 96 - 126 Harris
Elevations	

No Scale

- 1. KEY LEGEND
- 2. NORTH SIDE ELEVATION
- 3. WEST SIDE ELEVATION
- 4. EAST SIDE ELEVATION
- 5. SOUTH SIDE ELEVATION
- 6. SECTION A-A
- 7. SECTION B-B
- 8. SECTION C-C
- 9. SECTION D-D
- 10. SECTION E-E
- 11. SECTION F-F
- 12. SECTION G-G
- 13. SECTION H-H
- 14. SECTION I-I
- 15. SECTION J-J
- 16. SECTION K-K
- 17. SECTION L-L
- 18. SECTION M-M
- 19. SECTION N-N
- 20. SECTION O-O
- 21. SECTION P-P
- 22. SECTION Q-Q
- 23. SECTION R-R
- 24. SECTION S-S
- 25. SECTION T-T
- 26. SECTION U-U
- 27. SECTION V-V
- 28. SECTION W-W
- 29. SECTION X-X
- 30. SECTION Y-Y
- 31. SECTION Z-Z



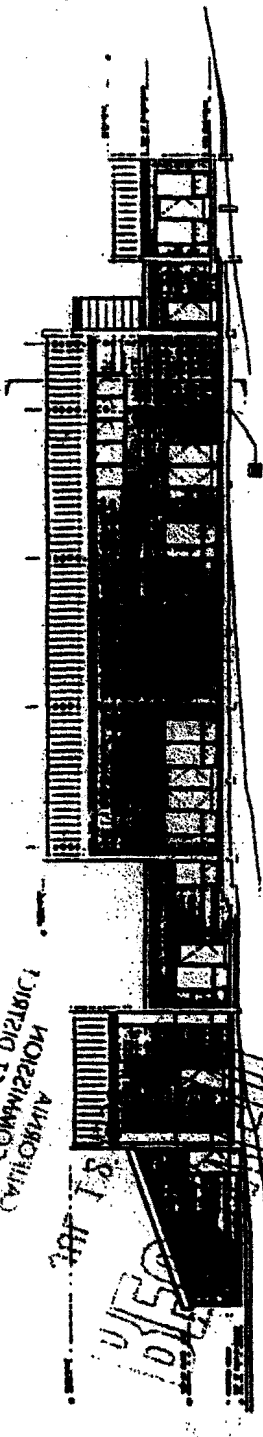
NORTH SIDE ELEVATIONS



WEST SIDE ELEVATION  
SECTION A-A

EAST SIDE ELEVATION

EAST SIDE ELEVATION



SOUTH SIDE ELEVATIONS

PLEMAN / HARRIS RESIDENCE - PROPOSED EXTERIOR ELEVATIONS

APPROVED  
COMMISSION  
JAN 19 1989

10/15/88

