

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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Staff: SPF-VNT *SPF*
Staff Report: 8-15-96
Hearing Date: Sept. 10-13, 1996
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-034

APPLICANT: Don Mellein

AGENT: Land and Water Company

PROJECT LOCATION: A portion of Sequit Road fronting 2955 Sequit Road, Malibu;
Los Angeles County

PROJECT DESCRIPTION: Improvements to a portion of Sequit Road to widen that portion of the road fronting lots 97-99, including a shallow cut in the road to lower the elevation, a three and a half foot high retaining wall to support the road, and changes to the applicant's driveway. Total grading for the site is 85 cubic yards (70 cu. yds. cut, 15 cu. yds. fill).

Lot area:	Adjacent lots are approx.. 14,000 sq. ft.
Building coverage:	0 new sq. ft.
Pavement coverage:	approx.. 185 linear ft.
Landscape coverage:	0 new sq. ft.
Parking spaces:	0

LOCAL APPROVALS RECEIVED: Approval in concept from Los Angeles County
Department of Public Works, Road Division

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan and
Coastal Development Permit Applications 4-93-130 (Sequit Road), 4-94-224
(McReynolds Road Homeowners) and 5-91-331 (Bill et. al.).

SUMMARY OF STAFF RECOMMENDATION:

The proposed project is for minor improvements to a portion of Sequit Road to widen the road. The project is consistent with the policies of the Coastal Act. Staff recommends that the Commission approve the project with special conditions related to road maintenance and the removal of excess cut material.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Road Maintenance

It shall be the applicant's responsibility to maintain the portion of the road subject to this permit in working order. Should the road or retaining wall fail or result in any erosion, the applicant/landowner or successor interests

shall be solely responsible for any necessary repairs and restoration. Should the restoration or repairs involve significant grading, vegetation removal or replacement, or landform alteration, an amendment to this coastal development permit or a new coastal development permit shall be required.

2. Excess Cut Material Disposal Site

Prior to the issuance of the permit the applicant shall submit, for the review and approval of the Executive Director, the location of the disposal site of the excess cut material. If the site is located within the Coastal Zone, the site must have a valid coastal development permit.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to improve 185 linear feet of Sequit road which fronts the applicant's three lots. This portion of Sequit Road is that portion west of the bend in the road as noted on Exhibit 2. The improvements include minor grading (70 cu. yds. cut) of the road to lower the elevation and thereby widen the road. The project also includes a minor re-alignment of the applicant's driveway to the west of its current location. This action is being done to allow for the road widening, and results in minor fill (15 cu. yds. fill) and the construction of a three and a half foot retaining wall on the upslope side of the applicant's driveway. Fill on the driveway will be a maximum depth of 2 feet. Exhibits 3 through 5 show the details of the work proposed.

Currently, the subject portion of Sequit road is approximately ten feet wide. There are steep slopes both on the upslope and downslope side of the road. By cutting the road bed, the width of the road can be widened by three feet. Additional improvements to widen the road further may be forthcoming, but will be handled under separate coastal development permits.

The widening of the road is necessary to provide better access to the residences along Sequit Drive. The applicant has been working with the County of Los Angeles Department of Public Works, Road Maintenance Division to create a situation which will allow for better access of the area. There has been some questions raised in the past as to whether or not the applicant built his residence within the road easement. Regardless of the findings of any investigation by the County or neighbors, the County of Los Angeles finds that the proposed project is a first step in widening the road and resolving the issues of access on this street. The County of Los Angeles Permit Division of Public Works has reviewed the project and given their preliminary approval.

Sequit Road is located within the El Nido Small Lot Subdivision, in Solstice Canyon. Sequit road begins at the intersection of Seabreeze, Sequit and Coral Glen Roads running north-south. Half way down the road, it curves and runs east-west. The entire road, with the exception of the portion subject to this permit was the subject of a previous Commission Action. In 4-93-130 (Sequit Homeowners) the Commission approved a project to widen and pave Sequit Road to a width of 20 feet, where feasible.

Sequit Road is a County dedicated, but not maintained road. County Road Code Section 831(4) states in part, "where land is dedicated as public street the owner of the abutting property is presumed to be the owner of the fee to the street center. Thus, the street, although not private, is owned by the property owners along Sequit Road. In this case, there are two underlying property owners for this section of Sequit Road, one of which is the applicant. In regards to the other property owner across whose property the proposed development is located within, this individual has been notified of said development pursuant to section 30601.5 of the Coastal Act. Section 30601.5 states as follows: "All holders or owners of any interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant." Staff has received no objections to the project proceeding across the easement from those notified.

Many of the lots along this road are developed; some of the lots have been restricted as open space through the TDC program. The most recently approved residences required improvements to the road by the Los Angeles County Fire Department. This project is consistent with the project previously approved by the Commission to improve Sequit Road. The proposed project will not create increased traffic in and of itself, but rather will continue to improve the access to the existing and future residences of the area.

B. Road Improvements and Geologic Hazards

Section 30250(a) of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30253 of the Coastal Act states in part:

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.

Consistent with the noted Sections of the Coastal Act, the Malibu/Santa Monica Mountains Land Use Plan contains policies which address the need to ensure that geologic conditions are not created or exacerbated through development or road improvements. For example, P147 suggests that new development be

evaluated for impact on, and from, geologic hazards; P148 suggests that development and road grading be limited on unstable slopes to assure that development does not contribute to slope failure. P154 suggests that development be reviewed to ensure that it does not generate excessive runoff, debris, and/or chemical pollution which would significantly negatively affect the natural hydrological system. P159 recommends the continuation of present requirements on new development to provide emergency vehicular access and fire-flow water supply as determined by the Forester and Fire warden. Finally, P210 states that roadway improvements should be the least environmentally damaging alternative and mitigate against environmental and aesthetic impacts.

As stated above, this project involves the minor widening of one portion of Sequit Road which was not included in a previous permit to widen and pave Sequit Road. The Commission has previously considered the issues related to road construction and improvement and found that their development should avoid creating geologic hazards or adverse environmental or visual impacts. A brief history of the Commission's recent actions relative to road improvements in Malibu is noted below.

In Malibu, the Commission granted a permit for the widening and paving of of Dume and Ramera Motorways in Malibu [5-91-331 (Bill et. at.)]. This road was an existing fire road. The project was approved with several conditions regarding road maintenance and the protection of public rights.

In 4-94-224 (McReynolds Road Homeowners) the Commission approved improvements of two miles of existing dirt road with the installation of drainage devices and paving of the road. The Commission found that the protection of the environmental and visual resources must be ensured and therefore required drainage plans which showed the directing of runoff in a non-erosive manner. The Commission also found that the applicant shall be responsible for all road maintenance and repairs.

Finally, in 4-93-130 (Sequit Road), the Commission approved the widening and paving of Sequit Road with special conditions to maintain the trail along the road and protect the stream adjacent to Sequit Road. Drainage devices were required, as they were in the above noted permit. Likewise, the applicants were required to be responsible for maintenance and repairs of the site. The CDP 4-93-130 did not include the subject portion of Sequit Road.

This project is minor in nature compared to the projects noted above. Only a minor portion of Sequit Road is proposed for improvements. The remainder of the road, as noted above was already approved for improvements. There are no environmental or visual impacts associated with this development. The stream which is parallel to the north-south portion of Sequit Road is not adjacent to the east-west portion of Sequit Road. The latter portion of the road is where the subject improvements will occur.

The improvement to this portion of Sequit Road is consistent with the paving and widening that was approved in 4-93-130 (Sequit Homeowners). The Commission found that the improvements to Sequit Road shall not create adverse impacts to the area as a result of erosion or improper drainage. The Commission found in 4-93-130 that:

As with any changes to the natural topography and ground cover, the development of this road could alter the stability of the adjacent properties and alter the drainage patterns along the road if not

engineered and constructed properly. Changes in the drainage pattern could include increasing the velocity of water running down the road; changing flow patterns; and altering the erosion rates of the downslope areas and the stream bank. Although the road has been in existence for many years, the widening and paving of the road could affect the stability of the road and increase erosion on area adjacent to the road.

This project poses the same potential adverse impacts related to erosion and drainage. The placement of an impervious material on the road creates an increase in run-off from the site down the slopes because paving results in a far greater fraction of rainfall which does not infiltrate but instead runs off the developed surface. This increase in runoff will increase erosion of the slopes resulting in an increase of siltation into downslope areas. This increase in siltation negatively affects the quality of the coastal waters. Erosion also adversely affects habitat by the loss of vegetation cover and degradation of the area. Erosion of the slope will also lead to slope instability and could result in road failure. These actions are inconsistent with Sections 30250 and 30253 of the Coastal Act.

This portion of the road is between two portions which were approved under 4-93-130. West of the subject portion of road, there is an Arizona Crossing and a culvert which takes water from the site and directs it in a non-erosive manner down the slope to the stream below. The Arizona crossing and culvert were part of the drainage plans approved in 4-93-130. That permit also required curbs along the side of the road. Runoff from this portion of the road will be directed toward the existing culvert to ensure that the adverse impacts noted above do not occur. The plans submitted by the applicant do include berms on each side of the road to direct drainage away from the edge of the slope. The plans also include metal reflectors on the edge of the downslope side to increase safety on the road. Thus the applicant has included measures to control erosion.

Even though erosion control devices are a part of this project, some repair and maintenance of the road and slopes may be necessary. Maintenance and repair of the road shall be the responsibility of the applicant/landowner or successor in interest. The Commission has found in past permit action that any maintenance or repairs of the road which are necessary are the responsibility of the applicants responsible for the improvements to the road. Therefore, consistent with past permit action, it shall be the responsibility of the applicant to make any repairs should any failure to the subject portion of the road occur. Should those repairs require grading, landform alteration, vegetation removal or the replacement of vegetation an amendment to this permit, or a new coastal development permit shall be required. This requirement of the applicant is stated in special condition 2.

Finally, the Commission notes that this project involves 70 cubic yards of cut material and only 15 cubic yards of fill material. If the excess 55 cubic yards of fill was left on the road, it would create a safety hazard. If the excess fill is placed along the side of the road, the loose fill will be eroded and cause sedimentation in the stream below. In other coastal development permits, the Commission requires that excess cut material be removed from the site. In order to minimize or altogether eliminate any potential adverse environmental impacts from the retention of any excavated material, the Commission finds it necessary to require the applicant to remove all excess excavated material from the site in a timely manner, as noted in

special condition 2. The applicant shall be required to notify the Executive Director of the location of the excess material disposal site. If this site is located within the Coastal Zone, the site must have a valid coastal development permit for the importation of the fill.

The Commission finds that only as conditioned above is the proposed project consistent with Sections 30250 and 30253 of the Coastal Act.

C. 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding grading and visual impacts, geology, archaeology, and septic systems. As conditioned the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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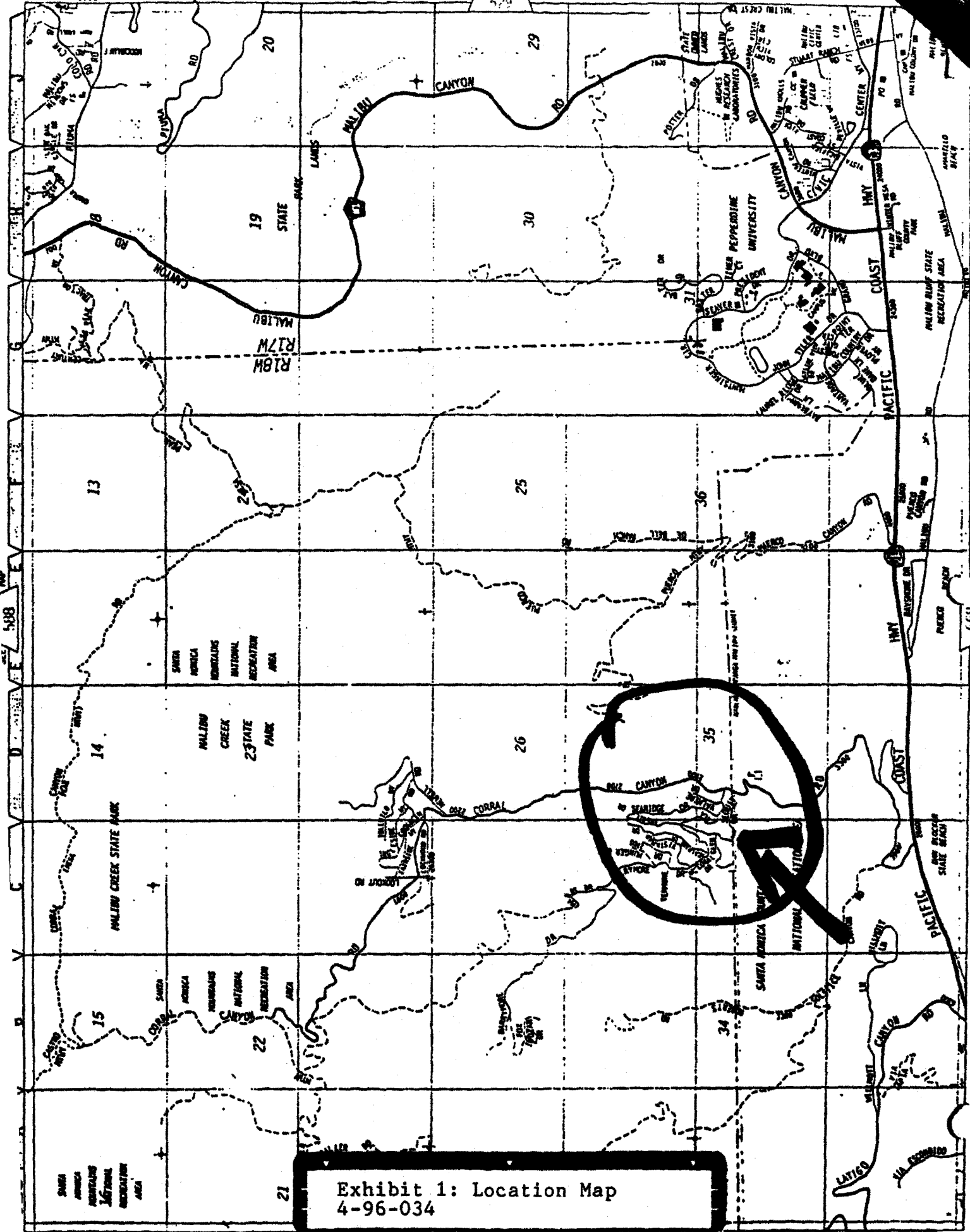
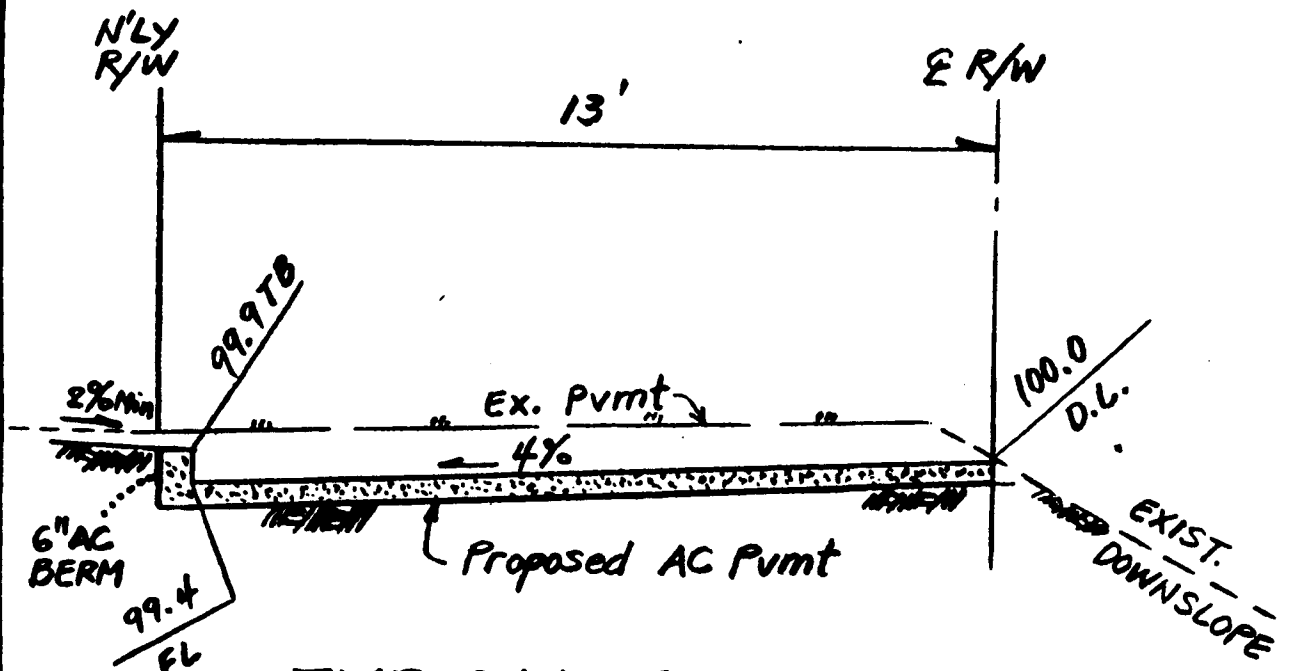


Exhibit 1: Location Map
4-96-034

SEE 6483 MAP

N 5°

TRACT

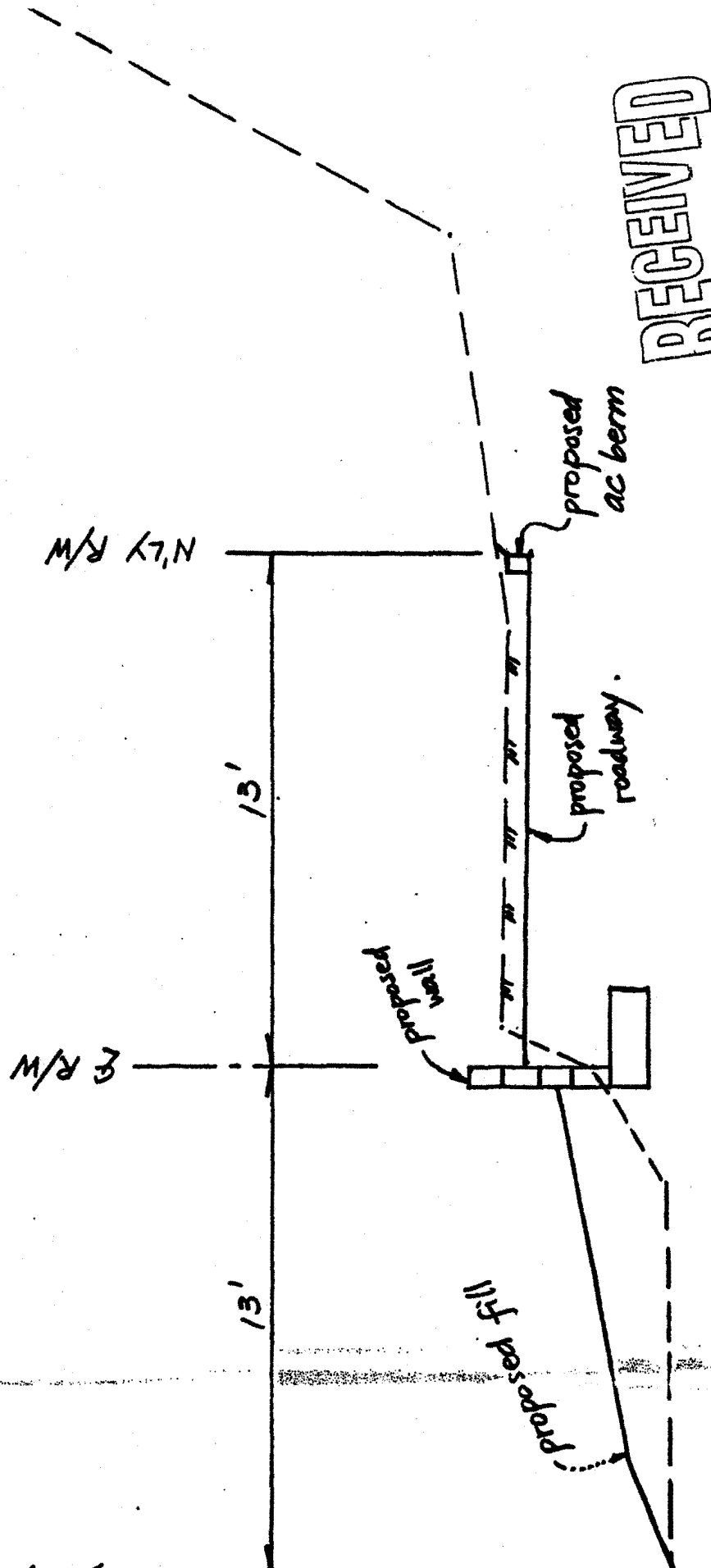


TYPICAL SECTION

SEQUIT DRIVE

Exhibit 4: Road Detail
4-96-034

Exhibit 5: Driveway Detail
4-96-034



RECEIVED

JUN 24 1996

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

CROSS-SECTION @ STATION 1+20