

Tul86

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/23/97
49th Day: 7/11/97
180th Day: 11/19/97
Staff: J Johnson
Staff Report: 6/19/97
Hearing Date: 7/8-11/97
Commission Action:
8006A

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-041

APPLICANT: Lena Pousette

PROJECT LOCATION: 1177 Latigo Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,111 square foot, one story split level, single family residence, 550 square foot two car garage, swimming pool, septic system, and driveway. Widen about a 2,700 foot length of Castro Peak Motorway to 20 feet and pave 1,045 feet of the road (total length of road to site is about 4,200 feet). Grade a total of 1,714 cubic yards, cut 519 cubic yards and fill 622 cubic yards for the residence, cut 580 cubic yards for the road widening, and export 477 cubic yards to a disposal site outside the coastal zone. The applicant is also requesting "after the fact" approval of a temporary construction trailer to be relocated on the building site, a storage structure, and an abandoned vehicle and boat.

Proposed Residence

Lot Area	10 acres
Building Coverage	3,661 sq. ft.
Pavement Coverage	1,600 sq. ft.
Parking Spaces	2
Plan Designation	Rural Land II and Mountain Land
Zoning	one du/ 5 and 20 acres
Project Density	1 du/10 acres
Ht abv fin grade	15 feet

Castro Peak Motorway

Pavement Coverage	20,900 sq. ft.
-------------------	----------------

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Department of Regional Planning, dated 11/26/96; Approval in Concept, Los Angeles County Department of Health Services, dated 6/28/96; Preliminary Approval, County of Los Angeles, Fire Department, dated 8/15/96.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions addressing landscape/erosion control and drainage plans; road maintenance; removal of temporary trailer, storage structure, and vehicles; plans conforming to the geologic recommendations; wildfire waiver of liability; design restrictions; future improvements; and condition compliance, to bring this project into compliance with the Coastal Act. The project site is bisected by the coastal

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. LANDSCAPE/EROSION CONTROL AND 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 landscape / erosion control plan designed by a licensed landscape architect and a drainage plan designed by a licensed engineer. 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 according to the submitted landscape plan within ninety (90) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled "Recommended Native Plant Species for Landscaping Wildland Corridors 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 cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including the existing graded driveway and pads. Plantings shall include vertical elements to screen and soften the visual impact of the residence and garage as seen from the south and southwest.
- c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained onsite unless removed to an appropriate approved disposal location.
- d) The drainage plan shall illustrate that run-off from the roof, patios, driveway and all other impervious surfaces on the subject parcel and along the Castro Peak Motorway will be collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet-flow runoff. Should the residential project's drainage structures fail or result

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.

6. 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 residence, garage, and roofs to colors compatible with the surrounding environment. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

7. FUTURE IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, 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 No. 4-97-041; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards consistent with special condition number one (1) is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

8. 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 120 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

The Commission hereby finds and declares as follows:

A. Project Description and Background

The project site is located within a partially developed subdivision nearly five miles inland along a saddle between a ridge and the west flank of Castro Peak. The ten acre lot is accessed from Latigo Canyon Road and a 4,200 foot length of Castro Peak Motorway, a private drive that is a dirt roadway. The coastal zone boundary bisects the lot nearly in half with the southern portion located within the coastal zone. The building site is located on the southern portion of the lot south of Castro Peak Motorway in an area which also serves as a long established fire break. (Exhibits 1, 2, and 3)

co-applicant." A total of 11 property owners or parties were notified of the pending permit action under Section 30601.5 (Caddells example, Exhibit 10). As of the date of this staff report the property owners have not joined this application.

B. Environmentally Sensitive Resource 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:

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.

Section 30105.5 of the Coastal Act defines the term "cumulatively", as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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

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:

(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 Land Use Plan policies addressing protection of Environmentally Sensitive Habitat Areas (ESHA's) are among the strictest and most comprehensive in addressing new development. In its findings

consistent with the Malibu/Santa Monica Mountains Land Use Plan. ERB review was required by the County because the northern portion of the ten acre lot is located within the Upper La Sierra Canyon Significant Watershed but is not within 200 feet of the Upper La Sierra Canyon ESHA. Recommendations were made by the ERB to the County Department of Regional Planning on July 15, 1996 which included the following: the removal of all eucalyptus and pine trees within 100 feet of the residence; trees are to be pruned/thinned according to the County approved fuel modification plan, all oaks to be retained on site (outside coastal zone); record covenant restricting property to one single family residence; plant only native plant species; runoff from stable and corral to be collected onsite and filtered (outside coastal zone); use earth tones of local area for house exterior.

Additional LUP policies specify that grading activities be minimized and that development be designed to minimize grading and potential impacts to ESHA, and that said development is placed as close to existing services as possible. The project description as described above, limits residential development to one site and includes grading of a total of 1721 cubic yards of cut and and fill for the building pad, driveway turnaround, and Castro Peak Motorway road improvements. Grading to construct the residence and driveway turnaround will be 519 cubic yards of cut and 622 cubic yards of fill. Grading to widen Castro Peak Motorway will require a cut of 580 cubic yards. The applicant proposes to export 477 cubic yards of this cut material to a location outside the coastal zone. The building site is located on the flat graded portion of a small saddle between a ridge and a flank of Castro Peak, thus minimizing the need for further grading to expand the flat building pad. Additionally, the proposed structure is to be located about 150 feet along an existing driveway leading from Castro Peak Motorway. The road widening proposed is the minimum needed to satisfy Los Angeles County Fire Department requirements while reducing the need to grade the road. Therefore, this grading is determined to be reasonable in order for the applicant to construct the proposed project while consistent with the above LUP grading policies.

The Land Use Plan includes policies stating that in disturbed areas landscaping shall include native plants consistent with fire safety requirements by balancing the long-term stability while reducing the fire load. The applicant submitted a Landscape Plan and Fuel Modification Plan approved by the Los Angeles County Fire Department which identifies planting zones, a maintenance program, and landscape and erosion control program. The plan indicates that all graded areas shall be planted and maintained for erosion control and visual enhancement at the completion of grading. The plan needs to be revised to state that all disturbed areas shall be planted and maintained for erosion control and visual enhancement, rather than all graded areas. In addition, the plans need to identify that the planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage, rather than 90 percent coverage within 90 days, as indicated on the plans. The shorter time frame is not necessary at this site. Lastly, the plans need to identify that should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction and retain sediment on site. Therefore, the Commission finds it necessary to require the applicant to submit a revised landscape/erosion control plan providing for replanting of all disturbed areas with 90 percent coverage within two years, and include

Thus, as conditioned, the project is found to be in conformance with the LUP that pertain to locating development outside of designated watersheds and close to the periphery of designated ESHA's while protecting streams and ESHAs from alteration and disturbance to the greatest extent possible.

The certified Los Angeles County Land Use Plan provides guidance to the Commission to consider. The Commission's standard of review for this project are the policies of the Coastal Act. Therefore, Commission finds that the project is located near existing developed areas able to accommodate it with adequate public services. Furthermore, the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Commission also finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA, will be protected as a result of the proposed project as conditioned. Thus, the proposed project, as conditioned, is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic Stability

Section 30253 of the Coastal Act states:

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, 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.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu 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 on property.

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 hazard, the applicants submitted two geologic reports, the first is titled "Engineering Geologic Report", and Addendum Engineering Geologic Report" dated August 5, 1991 and February 15, 1997, respectively, prepared by Donald Kowalewsky, Environmental & Engineering Geology. These reports state:

From an engineering geologic standpoint, the proposed construction of a single family residence is feasible. Provided the following recommendations are incorporated in the plans and implemented, future construction can be made safe from landslide, settlement or slippage. In addition, construction utilizing the following recommendations, will not adversely affect offsite property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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. The property has burned in the past 10 - 30 years according to a map by the Office of Emergency Services and Federal Management Agency (OES - FEMA), dated 9/21/94, and is located within a fire break area. 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 five (5).

The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act states:

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

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan includes numerous policies which are applicable to the proposed development. These policies include: minimizing alterations of physical features, such as ravines and hillsides; site and design new development to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands; structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; in highly scenic areas 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; and site structures to conform to the natural topography, as feasible.

However, because the site is located below a significant ridgeline and will be visible from public locations noted above, mitigation to address potential visual impacts is needed. The proposed one story, split level, residence and detached garage will be less visually intrusive through the use of earth tones for the structures and roofs and non-glare glass which helps the structure blend in with the natural setting. The Commission finds it necessary to impose condition number six (6), design restrictions, to restrict the color of the subject structures to those compatible with the surrounding environment and prohibit the use of white tones, while requiring the use of non-glare glass windows to reduce visual impacts.

Furthermore, in order to ensure that future additions that might otherwise be exempt from coastal permit requirements, are reviewed for compliance with Section 30251 of the Coastal Act, the Commission finds it necessary to require that any future developments will require Commission review as provided by condition number seven (7).

Although there is no way to fully screen the residence from locations visible by the public, it is possible to partially screen the proposed structure by requiring the applicant to landscape the site with native plants, compatible with the surrounding environment and designed to screen and soften the visual impacts of the development. The Commission has found that the use of native plant materials, including vertical elements, in landscaping plans can soften the visual impact of new development in the Santa Monica Mountains. The use of native plant materials to revegetate graded or disturbed areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHAs, and soften the appearance of development within areas of high scenic quality. Condition number one (1) requires that the landscape plan be completed within thirty (30) days of residential occupancy and that planting coverage be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. The landscaping plan shall include vertical elements to break up the view of the proposed structures as seen to the south and southwest. Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast, and thus, is consistent with Section 30251 of the Coastal Act.

E. Septic Systems

The proposed development includes the installation of an onsite septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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.

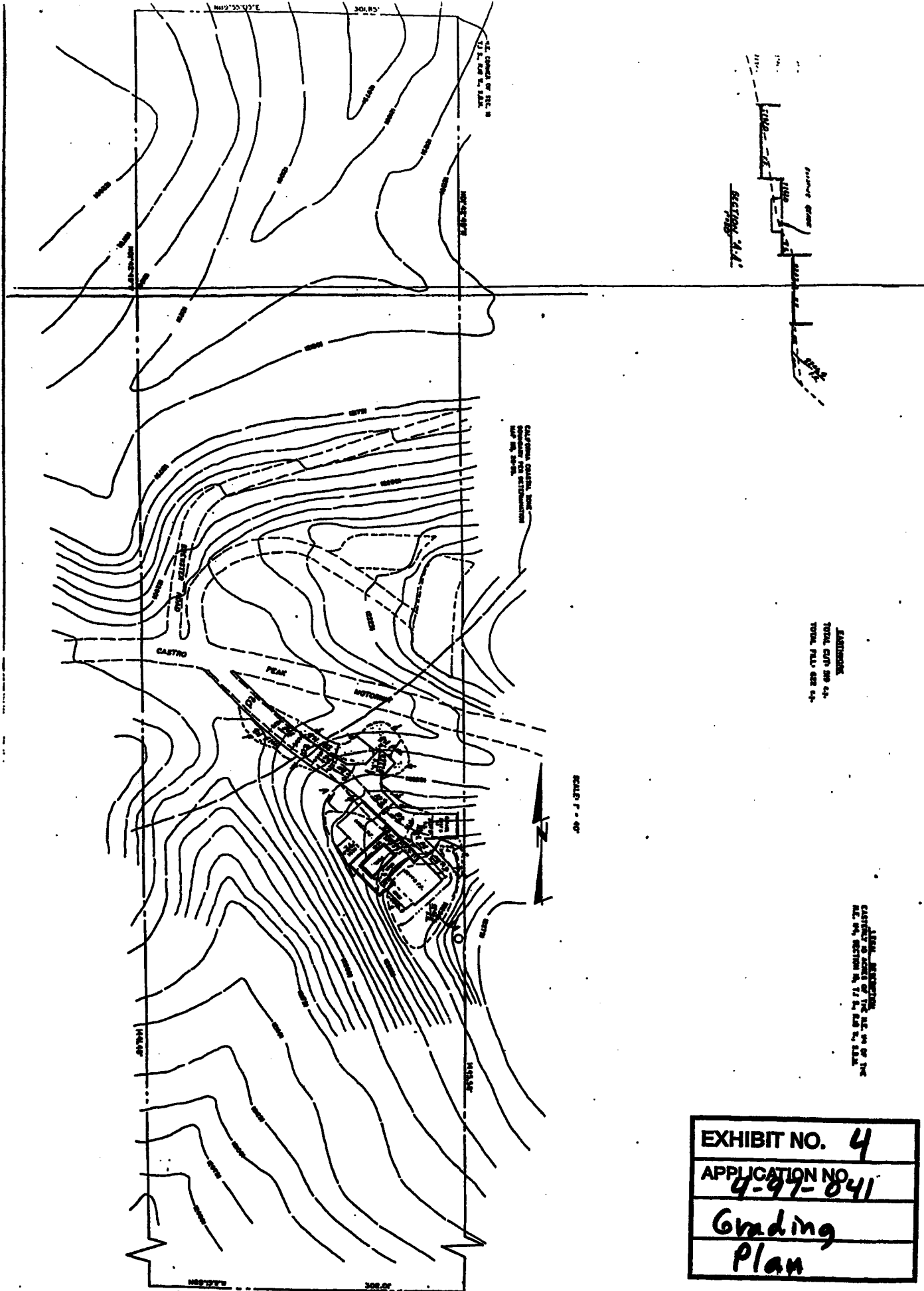
development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act (CEQA)

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)(1) 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 conditions addressing coastal issues discussed above. 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 has been determined to be consistent with CEQA and the policies of the Coastal Act.

8006A



EARTHWORK
 TOTAL CUT 100 cu yd
 TOTAL FILL 600 cu yd

ALTERNATE PROPOSAL
 ALTERNATE NO. 1
 ALTERNATE NO. 2
 ALTERNATE NO. 3
 ALTERNATE NO. 4
 ALTERNATE NO. 5
 ALTERNATE NO. 6
 ALTERNATE NO. 7
 ALTERNATE NO. 8
 ALTERNATE NO. 9
 ALTERNATE NO. 10

EXHIBIT NO. 4
APPLICATION NO. 4-97-841
Grading Plan

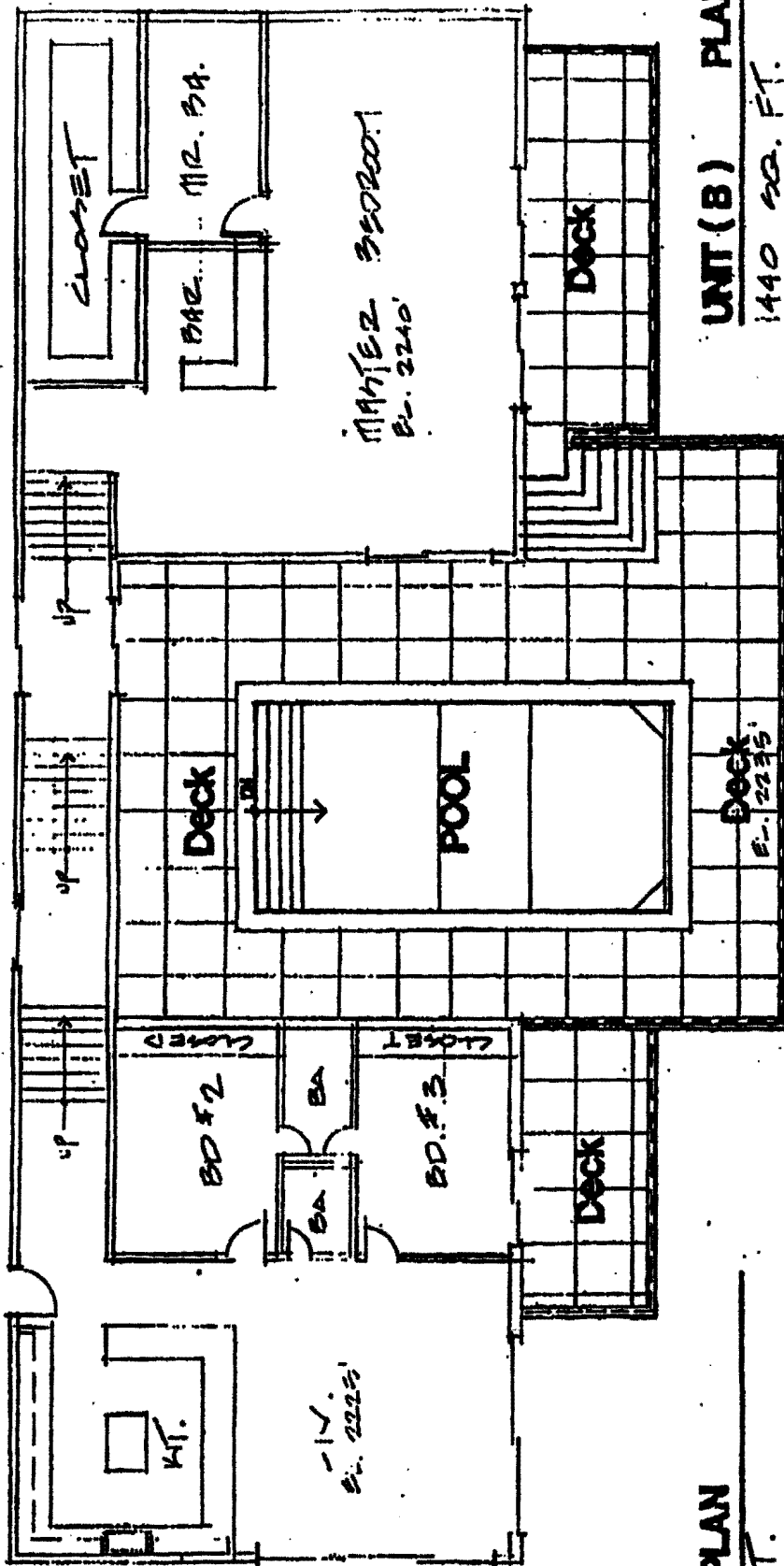


EXHIBIT NO. 6
APPLICATION NO. 4-99-041
Floor Plan

UNIT (A) PLAN
1440 SQ. FT.

UNIT (B) PLAN
1440 SQ. FT.
311 TOTAL SQ. F.

From :

Mar. 05. 1988 03:05 PM

P01

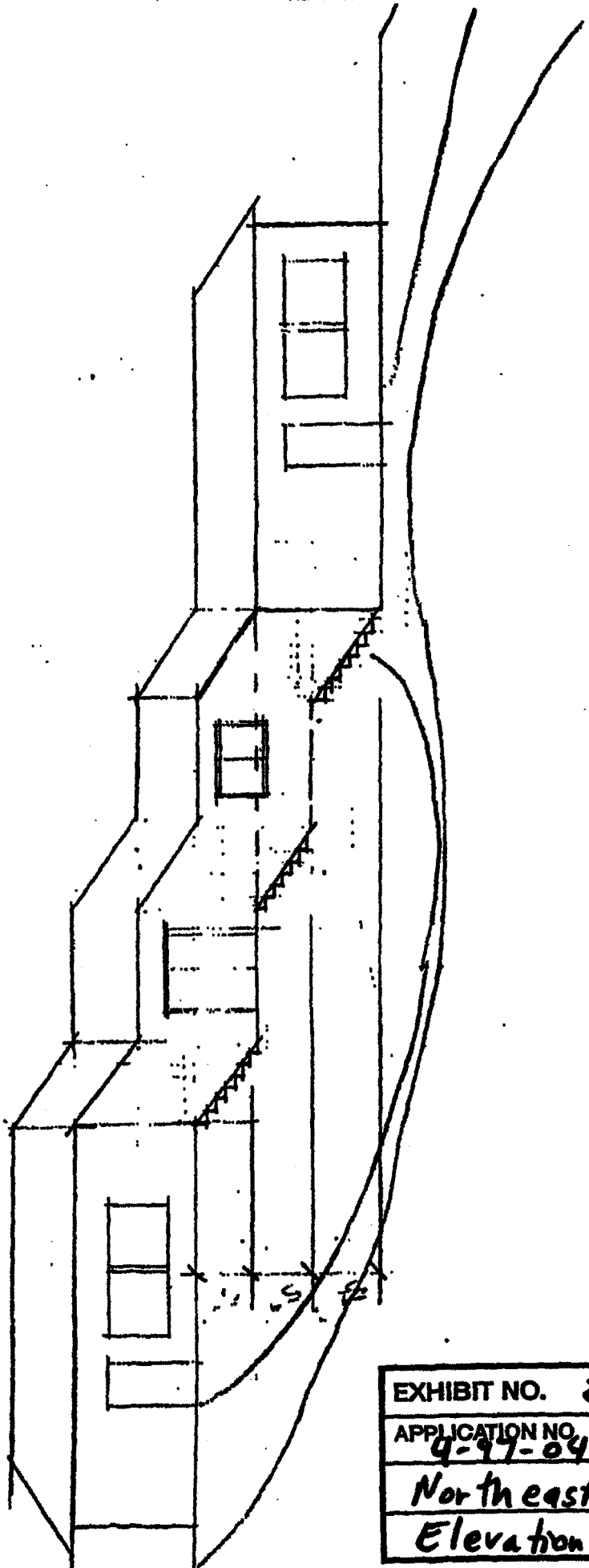


EXHIBIT NO. 8

APPLICATION NO. 9-97-041

North east

Elevation

CALIFORNIA COASTAL COMMISSION

1000 CENTRAL COAST AREA
 500 CALIFORNIA ST., SUITE 200
 JEROME, CA 93001
 5) 641-0142



June 12, 1997

Robert C. and Grace E. Caddell
 PO Box 2044
 Nantucket, MA 02584

RE: Coastal Development Permit Application No. 4-97-041, Lena Pousette, 1177 Latigo Canyon Road, Malibu, Los Angeles County

Dear Robert and Grace Caddell;

This office has received an application from Lena Pousette for the construction of a 3,111 sq. ft. one story single family residence, two car garage, swimming pool, septic system, driveway, and "as built" temporary construction trailer and storage structure at 1177 Latigo Canyon Road, Malibu. The application is filed and scheduled for a public hearing at the Coastal Commission's July 8 - 11, 1997 meeting in Ventura.

In addition to the proposed residence, the applicant requests the approval to widen about 2,700 feet of Castro Peak Motorway to twenty feet and pave about 1,045 foot length of the Motorway to access the proposed residence. These improvements will require grading about 580 cubic yards of material along the road to widen and pave sections of the road.

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.

Because our records in the application file indicate that you are the owner of a fee interest in the property (APN 4464-025-003) across which the road widening and paving improvements are proposed, the Commission is notifying you of the application pursuant to Section 30601.5. With this letter, staff invite you to join this application as a co-applicant if you so choose. If you wish to join as a co-applicant, you may indicate your agreement by signing and returning a copy of this letter, preferably within ten days. If you have any questions or need further information about this application and the proposed project, please call me at the number above.

Sincerely,


 James Johnson
 Coastal Program Analyst

AGREED:

Names (Print)

Property Address

Signatures

cc: Donald Schmitz, Agent
 pousetco.doc

EXHIBIT NO. 10
APPLICATION NO. 4-97-041
Road Easement
Owners