

**CALIFORNIA COASTAL COMMISSION**

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-187

APPLICANT: Dr. Mohinder Sohal

AGENT: Norman Haynie

PROJECT LOCATION: Adjacent and east of the Malibu Vista Community (small lot subdivision) east of Latigo Canyon Road, along a proposed extension off Wirsching Road, extending to Solstice Canyon Park, two miles inland and north of the coast, Santa Monica Mountains, Los Angeles County.

PROJECT DESCRIPTION: Redivision of nine existing lots into nine substantially reconfigured lots. The proposed redivision reconfigures eight "small lot subdivision" parcels ranging in size from 5,150 sq. ft. to 18,610 sq. ft. and one large 86 acre parcel into nine lots ranging in size from 6.30 acres to 18.99 acres. The proposal also includes the construction of nine building pads totalling 79,810 sq. ft., 1.43 miles of access roads, driveways, turnouts, and fire vehicle turnarounds, and a bridge to span a blue line stream. Total grading for the project consists of 37,400 cu. yds. (32,600 cu. yds. cut; 4,800 cu. yds. fill), 27,800 cu. yds. export. Approximately 2.9 miles of retaining walls ranging in height from 2 to 8.3 ft. in height are proposed to support the access road and building pads.

PLAN DESIGNATIONS: Residential III, 1 du/2ac.; Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning Department, tentative lot line adjustment map, approval in concept for Certificates of Compliance No. 101,486, 101,487, and 101,488 dated 10/31/96.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Malibu Local Coastal Plan Research Analysis and Appendices, Los Angeles County Department of Regional Planning, October, 1982; Curtis S. Williams, Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, Santa Monica Mountains Comprehensive Planning Commission and the California Coastal Commission, November 13, 1978; Geoplan Inc., Report of Preliminary Engineering Geologic Investigation Proposed Grading Concept Tentative 10-Lot Subdivision, 10 December 1996; Board of Supervisors, Los Angeles County, Ordinance No. 98-0001, February 6, 1998; Coastal Development Permits: 5-88-997 (Vails); 4-93-144 (World Wide Enterprises, Inc.); 4-93-103 (Murphy - O'Hara); 4-96-028 (Gottlieb et. al.); and 4-96-150 (Rein et. al.).

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SUMMARY OF STAFF RECOMMENDATION: Staff recommends that the proposed development be denied.

The proposed lot configuration is in a scenic and visually sensitive area and development would adversely impact views from surrounding public areas, such as Latigo Canyon Road, Solstice Canyon State Park and the Sostomo Trail. The building pad design and switchback road configuration with large retaining walls significantly alters the natural landforms and creates a manufactured and artificial landscape. Furthermore, the proposed project is not visually compatible with the surrounding area, especially the proposed building sites and roads on the remote undeveloped eastern ridgeline area.

The extension of development onto steep hillsides of undisturbed vegetation will increased volume and velocity of flow, and contribute to related water quality impacts. The proposal will inordinately increase runoff, erosion and siltation within the environmentally sensitive streams and riparian areas. The project is contrary to the intent of the Coastal Act to protect biological productivity and locate development in the appropriate area able to accomodate it without adverse effects on coastal resources.

The project is proposed in an area of high fire hazard. Without a secondary access point and adequate access and circulation the project presents an inordinate fire safety hazard.

There are feasible project alternatives to concentrate development closer to the existing small lot subdivision and away from the Significant Watershed. Such alternatives include clustering building sites, minimizing landform alteration, and reducing visual impacts from public view areas.

In summary, the proposed development is inconsistent with Coastal Act policies relative to landform alteration and visual quality (PRC Section 30251), cumulative impact of new development (PRC Section 30250 (a)), environmentally sensitive habitat areas, significant watersheds and stream protection (PRC Sections 30240, 30250 (a) and 30231), and fire hazards (PRC Section 30253).

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I. STAFF RECOMMENDATION

Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

II. Findings and Declarations.

I. Project Background and Description

A. Project Description

The proposed redivision reconfigures eight "small lot subdivision" parcels ranging in size from 5,150 sq. ft. to 18,610 sq. ft. and one large 86 acre parcel into nine lots ranging in size from 6.30 acres to 18.99 acres. The proposal also includes the construction of nine building pads, 1.43 miles of access roads and driveways, and 5 emergency/fire vehicle turnarounds, and a bridge to span a blue line stream. Total grading for the project consists of 37,400 cu. yds. (32,600 cu. yds. cut; 4,800 cu. yds. fill). Approximately 2.9 miles of retaining walls are proposed ranging from 2 to 8.3 ft. in height proposed to support the access roads and driveways, and cuts for building pads 6 through 8.

The proposed project involves the redivision of nine existing parcels, comprizing 88.23 acres, into nine parcels with a wholly new configuration (Exhibit 3). The proposed project will result in the same number of lots as currently exist. Table 1 shows the existing lot areas and the proposed lot areas after the reconfiguration:

Table I: Existing and Proposed Lot Area

<u>Existing</u>		<u>Proposed</u>	
<u>Lot &amp; Tract</u>	<u>Lot Area</u>	<u>Lot No.</u>	<u>Lot Area</u>
Lot 54, Tract 9289	7,100 sq. ft.	Lot 1	12.08 ac.
Lot 53, Tract 9289	5,150 sq. ft.	Lot 2	5.10 ac.
Lots 50-52, Tract 9289	18,610 sq. ft.	Lot 3	9.26 ac.
Lot 49, Tract 9289	5,280 sq. ft.	Lot 4	7.90 ac.
Lot 48, Tract 9289	6,390 sq. ft.	Lot 5	6.71 ac.
Lot 47, Tract 9289	9,200 sq. ft.	Lot 6	8.47 ac.
Lot 45, Tract 9289	8,670 sq. ft.	Lot 7	6.30 ac.
Lot 44, Tract 9289	16,640 sq. ft.	Lot 8	13.42 ac.
Por. S1/2 Sec. 28 -	86 ac.	Lot 9	18.99 ac.

The applicant asserts that the proposal should be considered as a movement or adjustment of the lot lines of nine existing legal lots. The applicant contends that the proposed adjustment will relocate the building sites (for the eight lots along the west side of Latigo Canyon Creek) well away from an area that is adjacent to, or within, an Environmentally Sensitive Habitat Area (ESHA) and riparian canopy, to proposed sites to the east within a 86 acre parcel. The applicant further contends that the nine lots created are preferable to the thirteen lots which could be created under the certified LUP. Further, the smaller lots would "increase in size by more than 20 times their current size, thereby bringing them much closer to the average size of the lots in the surrounding area [which will] result in much better development for the entire area."

The applicant also asserts that construction on the eight existing smaller lots will otherwise result in homes being located closer to the stream because of the need to put seepage pits adjacent to the road. Further, much of the riparian vegetation would have to be cleared according to Los Angeles County Fire Department requirements for fire protection of 200 feet around residential buildings. This would also result in a significant adverse impact on the riparian habitat which is presently undeveloped except for the stream crossing by the extension from Mar Vista Drive/Wirsching Road. The applicant contends that the project proposal will result in "clustering" of development away from the stream area with the highest habitat value.

A lot line adjustment may be described generally as a shift in the boundary lines between two or more existing parcels, where land taken from one parcel is added to an adjacent parcel. Staff notes that the applicants have described and characterized the development which is the subject of this application as a series of lot line adjustments performed on nine (9) contiguous parcels.

Because the County of Los Angeles processed the redivision as a lot line adjustment without requiring that the applicants were not required to comply with the tentative map provisions of the Subdivision Map Act and related local ordinances, a conditional use permit (CUP) process, Environmental Review Board Review, or more extensive Fire Department review.

The Commission finds the project to constitute "development" subject to the coastal development permit requirements of the Coastal Act. Section 30106 of the Coastal Act defines development (in part) as a "... change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits." [Emphasis added.] The intent and scale of the proposed reconfiguration make it appropriate for the Commission to analyze the lot line adjustment in the same manner as a subdivision for the purpose of evaluating consistency with Coastal Act policies. The applicants' project which proposes to redivide the current nine (9) existing parcels into nine (9) reconfigured lots is a division of land that requires a coastal permit.

The Commission notes that this determination that the applicant's project constitutes development within the meaning of the Coastal Act has no effect on the County's separate determination that the project constitutes a lot line

adjustment for purposes of the Subdivision Map Act and the County's local permit requirements.

B. Proposed Lot Configuration

The project site is located between Latigo and Solstice Canyons about two miles inland and north of the coast at Escondido Beach. (Exhibit 1) The project site is accessed from Latigo Canyon Road by way of an extension of Mar Vista Road designated as Wirsching Road. The project site is characterized by a series of canyons and ridges trending north to south toward the ocean from the east to west trending central ridge of the Santa Monica Mountains. This alteration of canyons and ridges results in steep slopes and fluctuations in elevation, requiring significant landform alteration to introduce development into such an undeveloped area.

The property is presently developed with Wirsching Road, which is an unpaved road, with an unpermitted metal locked gate located just east of Latigo Canyon Creek, and a double culvert at Latigo Canyon Creek. There are no buildings of other structures, except the culvert and gate as noted. There are two north-south running fuel or fire breaks along the two secondary ridges. A review of the contour maps prepared by the applicant and the USGS map indicates a section of a previously graded access at the extreme southeast corner of the property. Wirsching Road exists off the site to the south and then doubles back to serve an existing single family residence located on the same ridgeline and immediately south of the proposed pad on proposed parcel 5.

Part of this project site is located in the Malibu Vista small lot subdivision, one of a number of such small lot subdivisions throughout the Santa Monica Mountains which were subdivided in the 1920's and 1930's into very small 'urban' scale lots, generally ranging in size from 2,000 to 5,000 square feet. The lots in the project area east of Latigo Canyon Road generally range in size from about 5,000 to about 8,000 square feet.

Surrounding development includes large power lines, the developed small lot subdivision to the west, a single family residence to the south, with the remainder in vacant land. The properties to the east are part of the 300 acre Solstice Canyon State Park which includes the Rising Sun/Sostomo Trail which is located approximately .28 mile to the east of the closest proposed residence in subject project (i.e. the proposed residence on Lot 8).

The aforementioned approximate 300 acre area adjacent and east of the project area known as Solstice Canyon Park is in transition from the Santa Monica Mountains Conservancy to the National Park Service. Solstice Canyon Park contains the Conservancy office, silo and warehouse structures formerly used by TRW for calibration of the magnetic sensitivity of satellite instruments, the 1865 Keller house, in nomination for the National Register of Historical Places, and Tropical Terraces, which are part of a destroyed home site recognized for extraordinary design values. Solstice Canyon is one of the few areas in the Santa Monica Mountains with a "spectacular steep-sided canyon cut by an all-year stream lined with alders and sycamores." (California Native Plant Society, Fremontia, October, 1988, p. 29) A rare species, *Baccharis plummerae*, is endemic to the canyon. Meadow rue, *Thalictrum polycarpum*, pitcher sage, *Salvia spathacae*, and Humbolt lily, *Lilium humboldtii*, are found in the canyon.

The park contains a number of hiking trails, of which one, the Sostomo Trail, has views toward the proposed four building pads proposed on the easternmost ridge. The Sostomo Trail is a loop in this portion at the approximate 1200 ft. contour and the views are available from the extreme southwest bend in the loop. Staff was not able to hike the trail and, consequently, observe visual impacts firsthand because the trail was closed due to erosion during the "El Nino" winter storms of early 1998. As noted below, the proposed pads will be excavated below ground level and the actual view impacts depend on the height and mass of future residential development.

A number of single family residences are found to the north on large lots of over 20 acres in size. To the immediate north is a property of 66 acres subject to a permit for construction of a 3,990 sq. ft. single family residence and lot line adjustment in 1994 (coastal development permit 4-93-144, World Wide Resources, Inc.).

### C. Project History

The original eight small lots west of Latigo Canyon are part of a small lot subdivision (Tract No. 9289) known as the Malibu Vista Subdivision. The small lot subdivisions in the Santa Monica Mountains date from the 1930s and the recorded documents in the file for this application do not give the exact date. The large parcel to the east of the small lots dates from an official plat recorded on April 6, 1900. No coastal development permit applications for the subject land have been identified.

The proposed redivision of land is the subject of a request for certificate of compliance dated 8-10-96 and has received a County of Los Angeles Regional Planning Department tentative lot line adjustment map, approval in concept for Certificates of Compliance No. 101,486, 101,487, and 101,488 dated 10/31/96. Because nine lots were involved, County procedures dictated that three certificate of compliance numbers be assigned. Since the County does not consider the project to be a subdivision, there is not County requirement for certificate of compliance review by the County Environmental Review Board, a conditional use permit, or subdivision review. The County should have, however, subjected the proposed development in the Solstice Significant Watershed to Environmental Review Board review; this review was not conducted. The latter two reviews would require further review by the County Fire Department, as discussed in greater detail below.

The application for a coastal development permit was received on November 7, 1996. Staff found the application to be incomplete and on December 5, 1996 requested additional information including grading plans, geology and soil reports, percolation tests, land use plan overlay, average lot size analysis, fire department approval, noticing materials, a vicinity map, application fees, and information on retired lots (i.e. status of "donor" lots as part of the transfer of development credit program). Additional information and clarification rerequested by staff as they further analyzed the project was submitted in response to several staff letters to the applicant in February, 1998. With this information and payment of the remainder of the application fee, the application was filed on March 27, 1998.

Staff has reviewed the project with the applicant in the field in December, 1998 and met with the applicant five times since then. Staff has reviewed

general scenarios for reconfiguring the project with the applicant. A preliminary revised proposal was to create a series of six parcels across the width of the property with retention of development rights on certain lots in the small lot subdivision for further use of transfer of development credits, as well as possibly developing lots later on the eastern ridge. (Norman Haynie, letter of April 2, 1998)

A later proposal was to (1) combine the lots in the small lot subdivision (west of Latigo Canyon Creek) into three larger lots with single family development, (2) reserve one transfer of development credit available on a fourth lot for later use, as well as (3) create five or six building sites on the top of the western ridge, and (4) reserve a potential building site on the eastern ridge, requiring access from the Baller Motorway to the north. Staff did not agree with these alternatives because of the intensity of development proposed on the western ridge, the reservation of development rights for future use, the potential for later development of one or more residences on the eastern ridge in the designated watershed area, the need to extend new roadways beyond the first, western ridge, and the need for a road extension off Wirshing Road to the western ridge crest.

Although the applicant had explored these alternatives, none of these proposals included use of the existing graded road to reach the western ridge crest. Staff noted that the project alternatives in the lot configurations submitted were not amenable to approval with conditions to remedy the Coastal Act policy conflicts identified. Staff suggested recommended that the existing Mar Vista/Wirshing Road route be used, and that development be limited and clustered resulting in four or five lots below the upper knoll on the first, western ridge to minimize landform alteration and visual impacts.

#### D. Comparison to Other Redivision Projects

Staff reviewed permit records to determine if the Commission has previously reviewed similar projects in the Santa Monica Mountains. Staff identified one applications that involved a major reconfiguration of lots as proposed with the effect of creating an extension of much smaller lots onto a single, undeveloped parcel with rugged, undeveloped terrain in application 4-96-150 (Rein, et. al.) in the northern Topanga Canyon area, in Greenleaf Canyon. The proposal was for a redivision of sixteen existing lots into sixteen parcels. The Commission found that the project was to be treated as development of a land division subject to evaluation for consistency with Coastal Act policies, regardless of the County characterization of the project as a lot line adjustment.

Similar to the proposed development, the Rein project included part of a small lot subdivision, which through a complex system of lot line adjustments resulted in division of larger lots in an adjacent undeveloped or sparsely developed area. The subject lots included five lots adjacent to the Topanga Woods small lot subdivision and eleven lots outside the subdivision. The redivision resulted a series of lot line adjustment as in the proposed development.

The Rein application contained no proposal and plan for the access road, which if built would have required extensive, although unspecific, alteration of natural landform. The Fire Department found that the project should be denied



because the access route (Hillside Drive) leading to the site was inadequate and there was lack of secondary access. A portion of the site previously had been reviewed as a three lot land division (Brown, Tentative Parcel Map No. 23547) which documented the high fuel load in the area and the lack of secondary access.

The Commission denied the request because (1) the proposal would not minimize risks to life and property in an area of high fire hazard as required by Section 30253 of the Coastal Act and (2) improvement of an existing access road or provision of a secondary access would require extensive landform alteration inconsistent with Section 30251 of the Coastal Act. The Commission found that the potential benefits as alleged by the applicant of reconfiguring the small lots to create larger sites and better placement of roads and driveways, created the undesirable effect of expanding development into an area with limited access over steep terrain with a high fire danger potential. The Commission found, further, that the improvement to Hillside Drive would result in large manufactured slopes and retaining walls with significant adverse visual impact.

In application No. 4-95-115 (Lauber et. al.) the Commission approved a land division involving 22.6 acres into three parcels with a grading of 96,200 cu. yds. The proposal differed from Sohal in that the project had immediate access off Kanan Dume Road and Ramirez Canyon Road, avoiding the fire access problem. The underlying land use designations were Rural land I (1 du/10 ac) and Rural land III (1 du/2 ac), while two-thirds of the Sohal site is designated M-2 (1 du/20 ac). The project was approved with conditions relative to a revegetation, monitoring, an erosion control program, revegetation plan funding and cumulative impact mitigation, conformance to geologic recommendations, protection of archaeological resources, drainage and erosion control plans, and grading monitoring requirements.

The Commission has also approved permit 4-96-028 (Harberger et. al.) for a lot line adjustment of two parcels and a redivision of three parcels totalling 25.5 acres in the Topanga Canyon area with a special condition for an open space deed restriction. The land use designations were at higher densities allowing smaller lots, in contrast to the Sohal application, because in Harberger the lots were classified at Residential I, II, and III allowing respectively lot sizes of 1, 2 and 5 acres per dwelling unit.

The Harberger project also contrasts with the Sohal proposal in that there was no great disparity between the lot sizes created and the lot sizes of the originating parcels. Furthermore, any grading and road widening associated with future roads was minimal, and 600 ft. or more away from ESHAs. The visual impacts of such grading was considered minimal. Nor did the project site adjacent or near to Topanga Canyon Road raise issues of fire safety and fire vehicle access.

Permit 4-93-103 (Murphy - O'Hara) involved a site with similar topography and resource values to the Sohal application. However, the problems with that site were resolved through use of a clustering concept. That application was for the reduction of eight existing parcels comprising 146 acres into a reconfiguration of five parcels clustered around an existing access road. The project site extended from the north end of DeButts Terrace east to Escondido Canyon, a valuable environmentally sensitive habitat area. Escondido Canyon is located adjacent to and east of Latigo Canyon, at a distance of

approximately one-third mile from the Sohal project area. In contrast to the Sohal project, the Murphy - O'Hara project reduced fire risk, reduced the number of buildable sites, and reconfigured parcels to create building sites near the road that would reduce coastal resource impacts while protecting the Environmentally Sensitive Habitat Area (ESHA).

The review of the above permit decisions shows that the Commission has evaluated numerous forms of land divisions including lot line adjustments for consistency with Coastal Act policies. Such land divisions have only been permitted where adequate fire service and access is available and where new development has not extended into, and intensified development in, undeveloped, rugged areas in the Santa Monica Mountains. The land redivisions were allowed where the resulting parcels were similar in size to the originating parcels. The proposed redivision does not conform to these criteria.

### III. Landform Alteration/Visual Resources

#### A. Coastal Act and LUP Policies

Section 30250(a) states that new development should be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. It is, thus, necessary to also review the proposed project for any significant impacts on coastal resources.

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.

The Malibu/Santa Monica Mountains Land Use Plan (LUP) includes the following policies that pertain to visual quality and landform alteration. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

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.

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

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

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

In addition to the policies, the certified LUP contains a visual resources map which designates scenic resources including four types of areas which are considered significant visual resources in the LUP text i.e. Significant Ridgelines, Scenic Elements and Highly Scenic Areas, Principal Viewsheds, and Scenic Highways. These require special performance standards to maintain their unique visual character and quality.

## B. Site Characteristics

### Topography and Significant Geographic Features of the Site

The project site contains steep topography, with elevations ranging from 550 ft. in the streambed of Latigo Canyon Creek, at the southwest corner of the property, to 1400 ft. at the northeast corner of the property. The property contains two ridgelines located between three U. S. Geologic Survey (USGS) designated blue line streams, with all of these features trending in a north to south direction.

The western ridge is steep sided and flatter along the crest or spine, while the eastern ridge is more gently sided, but has a considerable elevation change along the crest or spine. The elevation change within the property boundary along the western ridge is approximately 150 ft. while the eastern ridge has a change of approximately 450 ft.

The western ridge runs from an elevation 1275 ft. at the north end to 1129 ft. at the south end. It is characterized by a more prominent northern knoll at the 1188 ft. elevation, where two building sites are proposed (lots 1 and 2), and a second knoll at the 1142 ft. elevation (Lots 3 and 4), where two additional sites are proposed. A fifth site (Lot 5) is proposed at the extreme southern end of the ridge.

The eastern ridge runs from an elevation of 1400 ft. at the north end to 950 ft. at the south end. There is a slightly flatter area at the north end on a broad, shallow hill and three pads are proposed there at the approximate 1250 to 1350 ft. elevation. The ninth site is on the crest of this ridge at the south end, at the approximate 1000 ft. elevation.

The property contains several segments of north-south trending blue line streams. The westernmost stream is designated on the Sensitive Environmental Resources Maps as an Inland Environmentally Sensitive Habitat Area in the Malibu Local Coastal Program Land Use Plan (LUP). The other two blue line streams have not been so designated in the LUP. Through LUP policy P57, such a designation is possible through biotic review or other means.

#### Vegetation and Existing Development

The site east of Latigo Canyon Creek is heavily vegetated with chaparral and sage scrub vegetation. According to the National Park Service (personal communication), the roughly northwest half of the site is characterized as mixed chaparral with species such as as chemise and ceonothus, while the roughly southeast half of the site is characterized as coastal sage scrub. A review of the 1994 aerial photo and the vegetation shown on the USGS map shows that the dividing line between these two area corresponds approximately to the boundary of the watershed found on the LUP, with the sage scrub area to the east of the line and within the watershed boundary.

Each ridge on the site has a wide (300 ft. or wider) overgrown fuel or fire break. A review of the 1994 aerial photo and the staff site visit indicates that there is an overgrown 300 wide fuel break running north to south from Ballar Motorway along the western ridge, i.e. closest to the small lot subdivision and Latigo Canyon Creek. It also appears from the 1994 aerials that a second 300 ft. wide fuel or fire break was constructed along the eastern secondary ridge, also running north to south from the Ballar Motorway. An inquiry was made to the County Fire Department, who could not indicate exactly when these fuel breaks were constructed or scheduled for further clearance.

Along the western boundary of the property, the bottom of Latigo Canyon Creek has a variety of riparian and associated mature and undisturbed woodland vegetation. A disturbed, ruderal area in the upper portion of the tier of Residential III lots west of Latigo Canyon Creek resulted from clearance for fuel modification purposes due to fire hazard for benefit of existing residential development within the small lot subdivision.

As previously noted, the site is presently virtually undeveloped, with the exception of Wirsching Road. Consequently, the site has the visual appearance of undeveloped vacant land in character with the surrounding undeveloped vacant and park areas vegetated with chaparral and sage scrub vegetation.

### Surrounding Development

As discussed previously, the project site is located between Latigo and Solstice Canyons about two miles inland and north of the coast at Escondido Beach. The project site is west of, but includes a portion of, the Malibu Vista small lot subdivision. Surrounding development includes large power lines, a single family residence to the south, with the remainder in vacant land. A number of single family residences are found to the north on large lots of over 20 acres in size.

As noted, the properties to the east are part of Solstice Canyon State Park. This includes the Rising Sun/Sostomo Trail. As noted below, the potential view impact of development on proposed lots 6 through 9 depends on the future height and intensity of single family development on the proposed pads.

To the immediate north is a property of 66 acres subject to a permit for construction of a 3,990 sq. ft. single family residence and lot line adjustment in the previously noted 1994 coastal development permit 4-93-144 (World Wide Resources, Inc.).

### C. Viewshed and Visual Resources

Staff has assessed the viewshed and visual resources relative to impact of the proposed development by visiting the project site in December, 1997 and by reviewing the contour maps of the site and surrounding area and the View Resources map in the certified LUP. During the staff site visit in December, staff observed the site from both Latigo Canyon Road and the crest of the westernmost ridge, in the vicinity of the southernmost of the five proposed single family pads proposed. Views were available of surrounding areas, except where impaired by: the higher ridgeline to the east (overlooking Solstice Canyon); the higher ridges inland as part of the transverse Santa Monica Mountain range; and the break in topography toward the coast.

The following discussion examines the visual resources of the property in terms of views from surrounding areas.

The western end of the project site is defined by Latigo Canyon Creek which constitutes a visual resource, because it contains a riparian woodland of visually prominent sycamores, oaks and related vegetation. Views of this area are not available from Latigo Canyon Road, however, but are available from within the small lot subdivision.

The Significant Ridgeline designation is given to the ridgeline just east of the project boundary, overlooking Solstice Canyon. Significant ridgelines constitute a scenic resource in the coastal zone due to their high visibility from many vantage points according to the County of Los Angeles, Local Coastal Plan, December 28, 1982 (p. 233). Ridgelines can be defined as the line separating drainage basins, while Significant Ridgelines are those whose ridge silhouettes the sky or ocean, and those which are clearly visible from scenic roads, and are consequently so designated in the certified LUP.

Five of the proposed building sites are located straddling the crest of the north-south ridge leading to Castro Peak (elevation 2824 ft.). This ridge is prominent, but it is not classified as a significant ridgeline in the certified LUP.

The proposed redivision will result in five building pads sited on the crest of a very prominent ridgeline that is visible from Latigo Canyon Road. Latigo Canyon Road affords significant view opportunities of the coast and the mountains although it is not an LUP-designated scenic highway. Regardless, views from Latigo Canyon Road include a variety of panoramic, scenic vistas of undeveloped canyons and ridgelines. These views, therefore, encompass the area between the scenic roadway and the significant ridgeline.

The views from the south toward the first ridge are blocked by the break in the terrain at the top of the ridgeline, at approximately the point of the existing single family residence south of the proposed development on the ridgeline. Consequently, views are blocked from the three public viewing areas designated in the LUP south of the project site, at the approximate 500, 600 and 700 ft. contours.

In addition to the scenic opportunities from the Latigo Canyon Road, ocean views from the project area are a consideration as PRC Section 30251 includes views to the ocean. The Visual Resources map in the certified LUP designates areas along both sides of Latigo Canyon Road as significant areas having ocean views. The project, however, is not within this area, except possibly for the most southern of the existing small lots above Latigo Canyon Creek.

Solstice Canyon Park to the west contains a number of hiking trails, of which one, the Sostomo Trail, has views of the proposed four building pads proposed on the easternmost ridge from the extreme southwest bend in the loop. The proposed Solstice Canyon Trail (Major Feeder Trail no. 5) is part of the trail system included in the certified LUP. The Solstice Canyon Trail is an important LUP-proposed connector trail, proposed to the northeast of the subject property along an existing unimproved road, an unnamed extension off of Baller Road. When completed, it would connect the Coastal Slope Trail, a major east-west trail along the face of the first line of hills facing the ocean, with the Backbone Trail, a major east-west trail along the crest of the Santa Monica Mountains. On the other hand, the view toward the eastern four building sites is blocked from the west by the aforementioned ridgeline overlooking Latigo Canyon.

In summary, based upon staff visits and review of the LUP policies and maps for the surrounding area, the Commission finds that the proposed project contains areas that are visually prominent, including views from a highway with scenic value and a designated hiking trail and nearby parkland. These visual features are resources that are subject to protection under Section 30251 of the Coastal Act. The following discussion analyzes the landform alteration and visual resource impacts resulting from the proposed grading and other project improvements.

#### D. Analysis of Landform Alteration and Visual Resource Impacts

The proposed project design, grading and other improvements result in the substantial alteration of the natural landforms on the project site. The scale of the proposed landform alterations will also result in significant adverse impacts to the visual resources of the area. The following discussion first describes and quantifies in detail the proposed grading and other project improvements. The second part of the discussion analyzes the natural

landform alteration and visual resource impacts associated with the proposed grading and project improvements.

1. Proposed Grading, Retaining Walls and Road Lengths

The following table summarizes total grading for the proposed project:

Table II: Summary of Proposed Grading  
(in cubic yards)

<u>Source of Proposed Grading</u>	<u>Cut</u>	<u>Fill</u>	<u>Combined Total</u>	<u>Export</u>
Residential pads	25,503	0	25,503	25,503
Malibu Vista/Wirsching Road	1,437	65	1,502	372
New Roadways, Drives, and Turnouts	5,691	4,691	10,382	1,000
TOTALS	32,631	4,756	37,387	27,875

Table III below shows the size of the proposed pads and amount of grading required to construct each building pad site. The amount of grading attributed to each building pad varies greatly from 962 cu. yds. for an almost flat ridge top site on lot 3 to 11,300 cu. yds. for creation of a large cut slope and pad for Lot 9.

Table III: Grading for Residential Building Pads

<u>Proposed Lot No.</u>	<u>Pad Size (sq. ft.)</u>	<u>Cut (cu. yds.)</u>	<u>Fill (cu. yds.)</u>	<u>Export (cu. yds.)</u>
1	9,750	2,527	0	2,527
2	6,600	3,240	0	3,240
3	6,500	962	0	962
4	8,700	1,611	0	1,611
5	12,460	1,920	0	1,920
6	10,500	1,652	0	1,652
7	7,500	1,083	0	1,083
8	8,700	1,208	0	1,208
9	9,100*	11,300	0	11,300
Total	79,810	25,503	0	25,503

\*Does not include approximate 15,000 sq. ft. cut slope.

The proposed development will result in road grading of approximately: 11,900 cu. yds. (1,500 cu. yds. on existing roadways and 10,400 cu. yds. on proposed roadways); of which 7,100 cu. yds. would be cut (1,400 cu. yds. on existing roadways and 5,700 cu. yds. on proposed roadways); and 6,550 cu. yds. would be fill (50 cu. yds. on existing roadways and 4,700 cu. yds. on proposed roadways).

The proposed grading for road cuts requires a system of retaining walls to support the proposed roadway cut and fill areas. These retaining walls range in height from 2 to 8.3 ft. The total length of new retaining walls is 14,945 linear feet, or 2.83 miles, not including those for building pads on lots 6 through 8. Review of the project plans shows that virtually the entire route of approximate one and one-quarter miles of private roads is bordered by retaining walls on one or both sides.

The following Table summarizes the length of existing roadways and new roadways proposed. The development of driveways to the individual building pads on the eastern ridgeline is broken down separately in the application (i.e. lots 6 through 9). Driveways serving Lots 1 through 5 are of a minimal length and are not broken down separately in the application.

Table IV : Roadway and Driveway Lengths (Existing and Proposed)

<u>Location</u>	<u>Length</u>
Existing Mar Vista Dr./Wirsching Rd. (only portion used for proposed development)	1732 ft.
New Roadways and Driveways:	
Existing Wirsching Rd. to Lot 1 Pad	2393 ft.
Lot 1 Pad to Lot 6 Driveway Intersection	612 ft.
Driveways for Lots 6 through 9:	
Lot 6 driveway intersection to driveway on Lot 8	1013 ft.
Lots 6 and 7	540 ft.
Lot 8	175 ft.
Lot 9	1115 ft.
Subtotal: New Roads and Driveways	6963 ft.
Subtotal: Existing Roads	<u>1732 ft.</u>
Total (All roads and driveways)	7580 ft. or 1.43 miles

The width of roadway proposed is twenty feet with twenty-six feet of width for turnout areas, and a thirty-two foot radius for emergency vehicle turnaround areas. Turnout areas allow vehicles to turn off of the main roadway to allow other vehicles to pass them. Turnaround areas are similar to cul-de-sacs in their configuration and allow an emergency vehicle to go in the opposite direction without having to back up.

## 2. Analysis of Visual Impacts and Landform Alteration

Section 30251 requires that permitted development be sited and designed to protect views, minimize the alteration of natural landforms and be visually compatible with character of surrounding areas. The above findings reviewed the geographic characteristics and visual importance of the project site from surrounding public view areas. The previous discussion also provided a



breakdown of the proposed grading and retaining walls required for the construction of access roads and residential building pads.

In the following review, the above-noted visual policies of the certified Malibu/Santa Monica Mountains LUP are used as guidance, but are not discussed individually since they mirror or elaborate upon the policy provisions of Section 30251 of the Coastal Act.

The following discussion examines in detail the siting and design of the project relative to protection of visual resources, minimizing landform alteration and visual compatibility of the project with the surrounding area, by reviewing the proposed development pattern moving visually from the commencement of the project at the boundary of the Malibu Vista small lot subdivision to the most eastern extent of the project. The project results in adverse impacts to visual resources and results in extensive landform alteration.

The proposed access road improvements require widening the existing roadway on Mar Vista/Wirsching Road from approximately 15 to 20 ft. in width to a point up to the approximate midway on the western slope of the western, first ridge on the property. From this point, a new 20 ft. wide road is proposed to switchback and extend up the slope to the ridgeline in two sections totalling approximately 2400 ft.. This new section of road includes a 26 ft. wide fire vehicle turnout and three 26 ft. wide curves which provide transitions between the existing road, the switchbacks and new ridgeline road. Approximately 2400 cu. yds. of grading is required to construct this segment of the access road. To support this roadway, an extensive system of retaining walls is proposed on both sides i.e. upslope (upslope) and downslope (downhill) of the road. The proposed retaining walls on the downslope side of the road range from 3.2 ft. to 5 ft. in height and on the upslope side range from 2 ft. to 7.5 ft. in height. As seen from Latigo Canyon road, the combined height of the upslope and downslope segments of the retaining walls would appear as high as 9.5 ft.

The applicant has attempted to minimize grading through the use of retaining walls to support the road rather than cut and fill slopes which would have required even greater amounts of grading and landform alteration. However, given the steeply sloping topography, the proposed retaining wall system and the switchback road design will significantly alter and reconfigure this visually prominent and steeply sloping hillside landform. In addition, approximately 80,000 sq. ft. of undisturbed scenic hillside vegetation and watershed will be lost due to the construction of the new road segment to the first, western ridge on the property.

The proposed switchback access road segment to the first ridgeline will result in a massive reconfiguration and alteration of the natural hillside topography. The proposed grading and retaining wall design does not blend with the existing terrain of the site and will create an unnatural and artificial appearing landscape, as seen from Latigo Canyon Road, which is not compatible with surrounding natural landforms. Therefore, this segment of the proposed road is not consistent with the requirements of PRC Section 30251 and the visual and landform alteration policies of the Malibu/Santa Monica Mountains LUP used as guidance by the Commission to carry out Section 30251 of the Coastal Act.

The proposed access road proceeds north along the ridge line to building pads for Lots 1 through 5 for a distance of approximately 1,500 ft. The first approximate 300 ft. of the narrow ridge crest in the vicinity of Lot 5 is relatively level and gently slopes up to a small knoll feature on Lots 3 and 4, and then ascends to a higher, more prominent second knoll located in the vicinity of Lots 1 and 2. In order to accommodate the proposed road, building pads and fire vehicle turnaround areas for Lots 1 through 5, approximately 25,000 cu. yds. of grading (all cut) is proposed which will result in the loss of approximately 10 to 30 vertical feet of the ridgeline. The proposed grading will eliminate the lower, more prominent upper knoll landform on the ridge. Table V breaks down the estimated loss of the ridge line resulting from proposed grading on lots 1-5:

Table V: Estimated Loss of Ridgeline (Lots 1-5)

<u>Lot No.</u>	<u>Previous Elevation</u>	<u>Proposed Pad Elevation</u>	<u>Loss of Ridgeline</u>
1	1188 ft.	1165 ft.	23 ft.
2	1180 ft.	1150 ft.	30 ft.
3	1135 ft.	1125 ft.	10 ft.
4	1142 ft.	1130 ft.	12 ft.
5	1129 ft.	1110 ft.	19 ft.

The proposed grading on the first ridge for the access road, fire turnouts and building pads will result in a massive and significant alteration of the natural ridgeline landform. Approximately 1,500 horizontal feet of this visually prominent ridgeline will be lowered by a maximum of 30 vertical feet in a "stair stepped" configuration which will result in a manufactured and artificial appearing landform. Furthermore, 200 feet of vegetation clearance will be required around future residential structures for fire protection. These clearance zones will overlap and create a massive zone (approximately 300,000 sq. ft) of vegetation clearance will create a unnatural appearing landscape which is not compatible with the surrounding natural area.

The proposed project design and grading for pads 1-5 do not minimize the alteration of the natural landforms or blend with the existing terrain or vegetation of the site and will not be visually compatible with and subordinate to the character of the surrounding area as is required under Section 30251 of the Coastal Act. This type of massive reconfiguration of the natural ridgeline landform, further, is not consistent with the visual and landform alteration policies of the Malibu/Santa Monica Mountains LUP used as guidance by the Commission which are designed to carry out Section 30251 of the Coastal Act.

The proposed access road continues down the eastern slope of the ridge in a northerly direction for approximately 600 feet to a proposed bridge which spans a USGS designated blueline stream. The access road then divides into two sections approximately 200 feet southeast of the blueline stream. The

southern road segment is a driveway traversing the western slope of the eastern ridge and leading to the Lot 9 building pad located on the ridge line. The northern road proceeds in a southeastern direction up the western slope of the ridge to a sharp switchback at which point it divides into drives leading north-westerly toward the pads for Lots 6 and 7 and northeasterly toward the pad for Lot 8.

The western slope of the second, or eastern ridgeline is not as steep as the slopes on the western ridge. However, the proposed building sites are located at an elevation several hundred feet higher in elevation than the western ridge building sites 1 through 5. The cumulative length of these eastern road segments to the building pads on Lots 6 through 9 are approximately 4,000 feet.

As with the access road to the western building sites on Lots 1 through 5, the access roads to lots 6 through 9 are proposed to be supported by an extensive system of retaining walls on both the upslope and downslope sides of the roadway. These walls range from approximately 4 to 8 feet in height, or a maximum combined height of over 15 feet at one point, and have a cumulative length of approximately 8,000 feet.

Although these roads improvements are not visible from any designated public view area, this road segment and driveways to Lots 6-9 will substantially alter the hillside landforms due their long length and large retaining walls to necessary to support them. These long road cuts supported by retaining walls in excess of eight feet will create artifical and manufactured appearing landscapes. Similar to Lots 1 through 5, there will be a massive reconfiguration and alteration of the natural hillside topography. The grading and retaining wall design will not blend with the existing terrain of the site and will create an unnatural and artifical appearing landscape incompatible with surrounding natural landforms. Therefore, this segment of the proposed road is not consistent with the requirements of PRC Section 30251 and the visual and landform alteration policies of the Malibu/Santa Monica Mountains LUP used as guidance by the Commission to carry out Section 30251 of the Coastal Act.

Therefore, the Commission finds that the eastern road improvements described above are not consistent with Section 30251 of the Coastal Act.

The proposed building pads for Lots 6-9 are sited on the prominent eastern ridgeline on the property which is at a higher elevation than the western ridgeline. Lots 6-8 are clustered on the crest of the ridgeline towards the northern property boundary which is the highest elevation on the site. Lot nine is located approximately 700 feet south of these lots and is also on the crest of the ridge but at a lower elevation.

Although the applicant has attempted to minimize the pad grading on Lots 6-8 through the use of retaining walls the proposed pads will create three flat buildings pads cut into a very remote undeveloped, prominent and sloping ridgeline landform. These pads will significantly alter this prominent ridgeline and create an artifical and manufactured appearing landform. These three pads (6-8) will be visible from the adjacent State Parkland and the Sostomo Trail and will adversely impact views from the parkland and trail toward this development.

In addition, pad grading for lot nine, located to the south of these three

lots, includes a 100 foot cut slope into the ridge. This large cut slope and flat building pad located on this undeveloped sloping ridgeline will significantly alter this natural ridgeline landform. The proposed grading for this pad creates an artificial landscape which is not compatible with the surrounding natural and undisturbed landscape. Furthermore, this building pad located on this undeveloped and remote ridge line will adversely views from the State Parklands and Sostomo Trail which are adjacent to the project site. Therefore, the Commission finds that proposed building pads on lots 6-9 will adversely impact views from public view areas, do not minimize alteration of natural landforms and are not compatible with the surrounding undeveloped natural areas which is not consistent with Section 30251 of the Coastal Act.

As discussed in detail below, staff met with the applicant's agent on numerous occasions and discussed project alternatives and designs which would protect the visual resources of the area and minimize landform alteration. Staff suggested that the existing Mar Vista/Wirsching Road route be used, rather than construction of a new switch back road, which would be highly visible from the surrounding area, and that the project limit and cluster development on four or possible five lots below the upper prominent knoll on the first, western ridge. This clustering alternative is preferred because it would minimize landform alteration, locate development in an area which would protect views from the adjacent parklands and minimize visual impacts of the project as seen from Latigo Canyon Road. The applicant indicated he was willing to reduce density and cluster the development on the first ridge and use the existing access road but wanted to retain the right to further subdivide or redivide the property in the future in order to develop the far eastern ridgeline on the property. Staff could not recommend of approval this clustered proposal without a restriction prohibiting any future subdivision of the property. The applicant did not agree to this restriction and decided to apply for a permit for the project as described above.

#### 4. Conclusion

In conclusion, based on the above findings, the Commission finds that the proposed redivision is not consistent with Section 30251 of the Coastal Act. The proposed lot configuration locates development on the most scenic and visually sensitive areas on the site which adversely impacts views from surrounding public view areas, such as Latigo Canyon Road, Solstice Solstice Canyon State Park and the Sostomo Trail. The proposed flat building pad design and switchback road configuration with large retaining walls significantly alters the natural landforms on site and creates a manufactured and artificial landscape. Furthermore, the proposed project is not visually compatible with the surrounding area, especially the proposed building sites and roads on the remote undeveloped eastern ridgeline area.

There are alternative lot configurations and development designs that could cluster development in less visually sensitive areas of the site, minimize landform alteration and be more compatible with the character of the surrounding area. Staff has explored these alternative project designs with the applicant's agent and the applicant continues to propose the project described above. The Commission is not opposed to every potential reconfiguration of the subject parcels. The Commission would certainly consider alternative reconfigurations that would include clustering building sites, minimizing landform alteration, and reducing visual impacts from public view areas.

Therefore, the Commission finds that, based on the above findings, the project is not consistent with Section 30251 of the Coastal Act and thus the project is denied.

IV. Environmentally Sensitive Habitat Areas/  
Significant Watersheds and Stream Protection

A. Coastal Act and LUP Policies

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 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 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. Section 30231 of the Coastal Act states as follows:

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.

The Malibu/Santa Monica Mountains Land Use Plan is used as guidance in Commission permit decisions in the City of Malibu. The LUP policies addressing protection of sensitive watershed areas and ESHAs 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 distribution 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 Certified Malibu/Santa Monica Mountains Land Use Plan also contains a number of policies aimed at the protection of resources and stream protection and erosion control: P72 Easements may be required to protect undisturbed watershed cover and riparian areas; P74 New development located to minimize the effects on sensitive environmental resources; P78 Stream road crossings by the least environmentally damaging feasible method, accomplished by bridging, unless other methods are determined less damaging; P79 Maintain natural vegetation buffer areas, development set back at least 50 feet from the outer limit of riparian vegetation; P81 Control runoff into coastal waters, wetlands and riparian areas; maximum rate of storm water runoff not to exceed the [prior] peak level; P82 Grading to minimize runoff and erosion; P86 Drainage control system incorporated into the site design of new developments; Runoff control systems to prevent any increase in site runoff; Impacts on downstream sensitive riparian habitats to be mitigated; P87 Require abatement of any grading or drainage condition on-site; and P96: Not degrade water quality of groundwater basins, nearby streams, or wetlands or allow pollutants to discharge into or alongside coastal streams or wetlands.

Policy P63 of the certified LUP in the section on Environmental Resources, allows uses in areas including Environmentally Sensitive Habitat Areas, Disturbed Sensitive Resource Areas, Significant Watersheds, Significant Oak Woodlands and Wildlife Corridors subject to Table 1 policies. Policy P63 and Table 1 are applicable because the proposed development partially located in the Solstice Canyon Significant Watershed. The County LUP's Table 1 provides specific standards for permitted uses and development standards for Environmentally Sensitive Habitat Areas, Disturbed Sensitive Resource Areas, Significant Watersheds, Resource Management Areas, Wildlife Corridors, and Significant Woodlands. Even though Significant Watersheds do not meet the Coastal Act definition of ESHA these relatively undeveloped watershed areas are functionally related to and directly effect the riparian ESHA's within the canyon bottoms.

When the parcel within the Significant Watershed is over 20 acres in size and is located in a significant watershed, the following restrictions apply. The large 86 acre parcel (proposed lots 6 through 9) are thus subject to these development standards.

#### SIGNIFICANT WATERSHEDS

##### a. EXISTING PARCELS 20 ACRES AND LARGER

- o Structures shall be clustered to minimize the effects on sensitive environmental resources
- o Structures shall be located as close to the periphery of the watershed as feasible, or in any other location in which it can be

demonstrated that the effects of development will be less environmentally damaging.

- o Structures and uses shall be located as close as possible to existing roadways and other services to minimize the construction of new infrastructure.
- o Grading and vegetation removal shall be limited to that necessary to accommodate the residential unit, garage, and other structure, one access road and minimum brush clearance required by the Los Angeles County Fire Department. ... The standard for a graded building pad shall be a maximum of 10,000 square feet.
- o New on-site access roads shall be limited to a maximum length of 300 ft. or one-third of the parcel depth, whichever is smaller. Greater lengths may be allowed provided that the County Engineer and Environmental Review Board determine that there is not an acceptable alternative and that significant impact will not be realized and shall constitute a conditional use.
- o The cleared area shall not exceed 10% of the area excluding access roads.
- o Site grading shall be accomplished in accordance with the stream protection and erosion control policies.
- o Designated environmentally sensitive streambeds shall not be filled. Any crossings should be accomplished by a bridge.
- o Approval of development shall be subject to review by the Environmental Review Board.

Allowable uses in the parcels over 20 acres in size in Significant Watersheds are resource-dependent uses such as nature observation, research/education, and passive recreation including hiking and horseback riding, and residential uses in accordance with the recommended standards and policies and subject to the review of the County Environmental Review Board (ERB). "Development subject to ERB review" includes any development under the Coastal Act, including this development through a "lot line adjustment". The proposed project was not reviewed by the ERB even though it is within a Significant Watershed or sensitive resource area. Under the Los Angeles County Planning and Zoning Code all development within a sensitive resource area are required to be reviewed the ERB as required. The County's Planning and Zoning Code definition of development, within the coastal zone of LA County, is the same as the Coastal Act definition of development. The Coastal Commission has maintained that lot line adjustments and redivisions of property constitute development under the Coastal Act definition of development. However, by characterizing this project as a lot line adjustment the proposed project was determined by the County to be exempt from County Code and permitting requirements, including ERB review.

In addition, as noted previously, clustering is required in Significant Watersheds:

P71 The clustering of buildings shall be required in Significant Watersheds to

minimize impacts unless it can be demonstrated that other environmental mitigation methods would be effective.

Further, as previously noted, the LUP section entitled Land Use Distribution limits land divisions to minimum 20-acre parcels in Significant Watersheds. None of the proposed lots in the Significant Watershed meet these limits.

It is also important to note, further, that the LUP policies on the cumulative impacts of potential build-out of existing non-conforming lots specifically addresses the need to discourage the development of certain lots (i.e. those less than 20 acres in size) in Significant Watersheds, when they are distant from existing services and determined by the ERB to potentially incur a significant adverse impact on the ESHAs or Significant Watersheds. Such lots are considered "non-conforming parcels." The applicant's proposal to redivide eight "non-conforming" small lot parcels over the larger 86 acre parcel will create four substandard parcels, i.e. below the allowed lot size by the LUP land use designation, as discussed in greater detail below under New Development/Cumulative Impacts. The increase in density within the Solstice watershed will result in significant adverse impacts to the significant watershed's resources.

#### B. Environmental Resources

The terrain on the project site, as noted above, consists of two north-south trending ridges that drain into three USGS blueline streams. These blueline streams include: Latigo Creek, located on, and providing drainage for, the western approximate third portion of the project site; an unnamed tributary of Latigo Creek located in, and providing drainage for, the middle approximate third portion of the project site; and an unnamed tributary draining the approximate eastern third of the site into Solstice Creek located off-site.

The eastern drainage and approximately one-third of the middle drainage, noted as tributary to Solstice Canyon Creek, are within the LUP-designated Solstice Canyon watershed. The portion of the watershed within the project site, as noted above, is predominantly sage scrub. This contrasts with the lower portion of Solstice Canyon which is a highly varied, well-developed riparian woodland. The uppermost reaches of the canyon such as the Sohal property are virtually undeveloped. As noted previously, there is the remnant of road grading at the southeast corner of the Sohal property within the watershed. Solstice Canyon historically provided nesting habitat for the endangered peregrine falcon.

Curtis S. Williams, in his study for the Coastal Commission and former Santa Monica Mountains Comprehensive Planning Commission entitled Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone (p. 32), indicated that:

... Almost the entire watershed is severely constrained by high soil erosion potential and fire hazard. ...

... Build-out of existing lots in Solstice Canyon could have serious adverse impacts on the wildlife values of the the watershed. Erosion potential is high to very high throughout the watershed, and significant increases in runoff could result from development. In addition, roads would need to be constructed to virtually all lots outside the El Nido



subdivision, creating further erosion and sedimentation problems. Siltation of the stream and destruction of rare riparian flora could result, even though lots are relatively large.

The middle and western drainages are part of the Latigo Canyon watershed. These areas are not a LUP-designated significant watershed, but provide significant resource values. Although Latigo Canyon is generally characterized by the Williams study (p. 33) as not supporting flora or fauna of special significance, the Canyon:

... remains in a relatively undisturbed state. Because of the steepness of the upper canyon, that portion displays high potential for soil erosion and landslides, and is rated an "extreme" fire hazard.... Development of the upper watershed, along with the Malibu Vista subdivision, could lead to increased runoff, erosion and siltation, although its impact would be uncertain.

The portion of Latigo Canyon Creek within the project site, as noted previously, contains a variety of trees associated with a riparian woodland including oaks, sycamores, etc.. This creek is designated as an inland environmentally sensitive habitat area (ESHA) on the LUP Sensitive Environmental Resources map. Because of fire clearance for adjacent development, as noted previously, the area to the west and above the creek is disturbed. However, the creek itself is undisturbed and contains abundant, mature trees. This confirms the ESHA designation in the LUP. This creek drains into a locally disturbed sensitive resource area on the same Resources map, located at lower elevations downstream at about 1.5 miles south of the site. Disturbed sensitive resource areas are those which are located in areas of existing development and can no longer support a significant number of species normally associated with a healthy habitat.

The Significant Watershed portion of the parcel in Lots 6 through 9 contains an abundance of undisturbed watershed cover mostly in the form of coastal sage and chaparral. This area drains into Solstice Canyon Creek, an ESHA under the Coastal Act. This habitat not only protects on-site soils from erosion of the watershed but also is habitat to a variety of animal species. As proposed, a significant amount of the valuable habitat will be removed to create the building pads (estimated at 80,000 sq. ft.), roadways (estimated at 80,000 sq. ft.) and fire clearance areas for the four building sites (estimated at 560,000 sq. ft.) within the significant watershed. The total is an estimated 691,000 sq. ft. or 16 acres of loss to the significant watershed. This estimate assumes a 200 wide area of vegetation clearance for fuel modification purposes.

### C. Coastal Act and LUP Consistency

#### a. Significant Watershed

The above Coastal Act policies protect ESHAs by not allowing any significant disruption of habitat values, allowing only uses dependent on habitat resources within such areas. Development in significant watersheds shall be sited and designed to prevent degradation of the watershed and thereby protect the biological productivity and quality of coastal waters.

The four eastern proposed building sites (Lots 6 through 9) are located within the western periphery of the Solstice Canyon Watershed area, on the western flank of a prominent north-south trending ridge west of Solstice Canyon. As previously noted, the LUP section entitled Land Use Distribution provides for land divisions to a minimum 20-acre parcel in Significant Watersheds. The proposed lot size for parcels 6 through 9 is clearly inconsistent with this policy because all of the lots are below 20 acres in size. (Table I)

The significant amount of the habitat in the significant watershed will be removed to create the building pads (estimated at 51,000 sq. ft.), roadways (estimated at 80,000 sq. ft.) and fire clearance areas for the four building sites (estimated at 560,000 sq. ft.). The total is an estimated 691,000 sq. ft. or 16 acres of loss to the undeveloped vegetated hillsides within the significant watershed.

The Williams study cited above noted that "Build-out of existing (emphasis added) lots in Solstice Canyon could have serious adverse impacts on the value of wildlife values in the watershed". The proposed redivision would result in a net increase of four substandard developable parcels within the sensitive watershed boundaries. The creation of four substandard or non-conforming lots within this watershed will have significant cumulative and individual resource impacts on the watershed through the significant loss of habitat cover and increased erosion and sedimentation of nearby riparian areas. These adverse project impacts are further discussed below in relation to the ESHA and stream protection policies of the Coastal Act and policy guidance of the certified LUP.

Watersheds by definition are areas where water, sediments and dissolved materials drain to a common outlet. The watershed encompasses a hydrological cycle including surface and subsurface flow. The upland vegetation in the watershed, such as on the project site, benefits the habitat values of the watershed by managing runoff, including absorbing the energy of falling rain, maintaining the capacity of the soil to absorb water, reducing erosion, and promoting infiltration. The vegetation reduces the volume and rate of overland flow. These benefits are lost by grading and/or conversion from open space to urban development as proposed.

Based on past permit decisions and Commission certification of the LUP, conformance to Table 1 policies is necessary to (1) protect Significant Watersheds against disruption of habitat values in a manner consistent with PRC Section 30240 and (2) to maintain the biological quality and productivity of coastal waters including controlling runoff, preventing depletion of ground water supplies and substantial interference with surface flow in a manner consistent with PRC Section 30231.

The proposed development does not meet the first test of Table 1 because of the lack of clustering of the building sites, preferably outside of the area of the defined watershed. The building pads are separated by, respectively, 50 ft. (Lots 7 and 8), 200 ft. (Lot 6 relative to Lots 7 and 8), and 700 ft. (Lot 9 relative to Lots 7 and 8). Each site is separated from the other by a long driveway, rather than using shared driveways as would be typical of clustered development. There is no sharing of emergency vehicle turnaround areas. There is no proximity of the building pads as would be typical of clustered development. This results in an excessive amount of grading and disturbance of the significant watershed. As noted previously, the cumulative

total loss to the undeveloped vegetated hillsides within the significant watershed for lots 6 through 9 is 16 acres.

Clustering and consolidating the lots outside of the watershed boundaries, preferably on the lower portion of the western ridge, would eliminate the significant loss of watershed cover within this particularly sensitive watershed area. For these reasons, the project results in loss of watershed values as described above and does not cluster development as provided under LUP Table I standards. As a related test, the proposed development does not meet the criteria for clustering found in LUP policy P71 because the application has not demonstrated that other environmental mitigation methods would be effective in lieu of clustering.

The proposed development does not meet the second test of Table 1 because the sites proposed would not result in structures which are located as close to the periphery of the watershed as feasible, or in any other location in which it can be demonstrated that the effects of development will be less environmentally damaging. A review of the contour maps by staff has shown that while the proposed building sites for Lots 6 through 9 are located within approximately 100 to 300 ft. of the boundary of the watershed, the sites could feasibly be located further to the west entirely outside the watershed boundary.

Locating outside the boundary is a preferred, reduced and consolidated development alternative, which would concentrate additional development on the lower elevations west of the first, westernmost ridge. Such alternative locations for development are potentially less environmentally damaging where development could be located outside of the Significant Watershed. This is discussed in greater detail under Project Alternatives elsewhere in these findings.

The area of the roadway alone will result in a significant loss of watershed, eliminating the functions of undeveloped hillside vegetation as described above. This could be lessened if, relative to the third test under Table 1, the development within the Significant Watershed was located as close as possible to existing roadways and other services. Lots 6 through 9 are located between 4200 ft. and 5100 ft. of Mar Vista Drive/Wirsching Road, near intersection with Latigo Canyon Creek. As an alternative, a redesign of the lot configuration and clustering could locate these residences closer to existing roads in the previously suggested location in the lower elevations west of the first, western ridge.

The fourth test requires that grading and vegetation removal be limited to that necessary to accommodate the residential unit, garage and one accessory structure with a maximum building pad size of 10,000 sq. ft.. Parcel 9 exceeds this criteria because of the large size of the pad, estimated at 12,000 sq. ft.. In addition, the estimated 15,000 sq. ft. cut slope is unnecessary to provide a site for a residential unit. Such inordinate grading is only necessary because the pad is proposed along the crest of the ridge, and moving it to an alternative location would avoid such grading. Again, this impact could be substantially decreased or eliminated if an alternative design was chosen to place development outside of the watershed.

The proposed development does not meet the fifth test under Table 1 because new on-site access roads are not limited to a maximum length of 300 ft. or

one-third of the parcel depth, whichever is smaller. By either measurement, the Table 1 criteria is exceeded. The one-third depth of the existing 86 acre parcel is approximately 900 ft, whereas lots 6 through 9 are located between 4200 ft. and 5100 ft. east of the existing western boundary, i.e. near the eastern terminus of Mar Vista Drive, where it changes designation at the intersection with Latigo Canyon Creek. Further, as seen by the table on roadways and driveways, all the roads for lots 6 through 9 are well beyond the 300 ft. criteria when considered cumulatively.

The proposed development does not meet the sixth test under Table 1 because vegetation will not be cleared to a maximum area not exceeding 10% of the area not excluding roads. The various building pads, as noted previously, were examined with a two hundred foot fire clearance area around each pad. Such areas encompassed approximately 21 % of the lot areas of proposed lots 6 through 9. This results in a further loss of the watershed benefits as described above. This loss of watershed is the result of the aforementioned proposed creation of a number of substandard, non-conforming lots. The previously noted alternative design would result in elimination of such lots.

The seventh test under Table 1 policies is that site grading shall be in accordance with the stream protection and erosion control policies of the LUP. The project will result in significant impact to nearby streams and riparian corridors because of the loss of watershed cover, increase in impermeable surfaces, and increase in erosion and sedimentation. The stream protection findings, discussed in greater detail how these factors affect the nutrients in the streams, affect stream turbidity, and affect aquatic organisms and vegetation along the streams. Because of the large amount of area disturbed by grading, the project is inconsistent with this test.

The proposed project does conform to the eighth test under Table 1 since no filling of any environmentally sensitive streambed is proposed. The new stream crossing will be accomplished by a bridge on caissons, without development within the stream.

Finally, the proposed development will not meet the last Table 1 test i.e. review by the County Environmental Review Board (ERB) in compliance with Table 1 relative to roads in excess of a maximum length of 300 ft. or one-third of the parcel depth, whichever is smaller. Related to this, there was no ERB determination relative to allowing greater lengths, as allowed by Table 1, relative to determining an acceptable alternative and avoiding significant impact. Consequently, the measures available through the ERB to further protect the watershed resource were not utilized.

In addition to the limitations under Table 1, Section 4.3.1 Circulation policies in the LUP relevant to the proposed project include:

- P192 Permit improvements of roads only where such roads provide legal access to parcels which are already legally developed or which may be developed consistent with other policies of the LUP, including Watershed Plans where necessary.
- P201 ... Roadway improvements permitted under this LCP shall be the least environmentally damaging feasible alternative available.

The proposed development is clearly inconsistent with policy P192 because

access is not proposed either to already developed parcels or parcels which may be developed in accord with any Watershed Plan. Further, relative to policy P201, roadway improvements are not the least environmentally damaging feasible alternative, since there are other feasible road and lot configurations which locate development closer to the existing main circulation system, require less in the way of new road extensions, would direct development away from the sensitive watershed area, and consume less undeveloped land and native vegetation.

In summary, the project's failure to comply with most of the significant watershed requirements under Table 1 and the Circulation Element policies of the County's LUP result in loss of watershed values in conflict with Coastal Act policies 30231 and 30240. The above review showed that the proposal does not meet the various table 1 tests because the proposed development would intrude into steep areas of native vegetation and the sensitive watershed and not provide for the protection of the biological productivity and quality of coastal waters and streams. The massive increase in grading and vegetation disturbance was found in conflict with LUP policies controlling runoff, preserving surface water flows, and maintaining natural vegetation buffer areas that protect riparian habitats. Such intrusion is beyond the capacity (area of accommodation) of existing service systems by virtue of location in these natural, undeveloped areas, contrary to PRC Section 30250(a). Such development was also shown to have significant adverse effects relative to stream protection, as discussed in greater detail below. The review also showed that the proposal is inconsistent with LUP circulation policies protecting watersheds and supporting the least environmentally damaging alternative.

For these reasons, the development is inconsistent with the protection of Significant Watersheds, as protected by PRC Sections 30231, 30240 and 30251(a).

b. Stream Protection

Section 30240 requires that development in areas adjacent to ESHAs (Lots 1 through 5 relative to Latigo Canyon Creek) shall be designed to prevent impacts which would significantly degrade such areas. In addition, Section 30231 of the Coastal Act requires that the biological productivity of streams be maintained through, among other means, minimizing waste water discharges and entrainment, controlling erosion, and minimizing alteration of natural streams.

These Coastal Act policies are reflected in Coastal Act policies such as the previously noted Table 1 which states that site grading shall be accomplished in accordance with the stream protection and erosion control policies of the LUP. These policies protect streams by specifying that new development shall (1) be designed to minimize grading and vegetation removal to "ensure the potential negative effects of runoff and erosion on these resources are minimized"; and (2) "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".

The building sites are located between 150 and 400 ft. away from the closest blue line stream. All of the proposed building sites, described in detail

above, are located on ridgelines which drain into these nearby blue line streams. As noted previously, the middle and western watercourses drains into Latigo Canyon Creek, while the eastern watercourse drains into the more sensitive Solstice Canyon Creek and ESHA as designated in the certified LUP. Latigo Canyon Creek as previously noted, is designated as an Inland Environmentally Sensitive Habitat Area on the LUP Sensitive Environmental Resources Map. The other two blue line streams are not designated as ESHAs but drain into streams and riparian areas that are considered ESHAs.

The following analyzes the increased development, especially in terms of creation of impermeable surfaces and removal of watershed cover, relative to Coastal Act protecting blue line streams. In addition to the blue line streams, these policies also protect downstream areas into which the blue line stream feed, such as the remainder of the watershed, Inland ESHAs, disturbed oak woodlands, and intertidal and offshore areas.

The proposed project will result in clearance of undeveloped land and construction of roads, building pads, retaining walls, and related improvements which will significantly increase the amount of impervious surfaces, increasing both the volume and velocity of storm water runoff. As noted, this includes approximately sixteen acres in the Solstice Canyon significant watershed when fire clearance is considered. An additional loss of approximately 16 acres of vegetation and watershed cover is attributed to development of flat areas and related cuts for lots 1 through 5, together with fire clearance around these proposed pads. Further, approximately five acres of vegetation and watershed removal can be attributed for all areas due to additional clearance for fire protection purposes on each side of the roadway. The combined total is removal of approximately 37 acres of the natural vegetated terrain.

The removal of vegetation and watershed cover on such a massive scale combined with the creation of large, extensive areas of surfaces (roads, building pads, and future structures) on highly erosive soils and areas of steep topographic relief will significantly increase runoff, erosion and siltation of the environmentally sensitive streams and riparian areas, both on- and off-site. Significant increases in erosion and siltation can severely degrade watershed and riparian systems in the following ways:

1. Eroded soil contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Erosion removes the smaller and less dense constituents of topsoil.

These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. The remaining subsoil is often hard, rocky, infertile, and droughty. Thus, reestablishment of vegetation is difficult and the eroded soil produces less growth.

7. Introduction of pollution, sediments, and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they may be harmful to humans, as well as lead to decline of marine species.

Because of these impacts, the increase in runoff, erosion and siltation of the environmentally sensitive streams and riparian areas will constitute significant degradation and not be consistent with preservation of biological productivity of coastal streams. Therefore, the proposed project is not consistent with the stream protection policies of the Coastal Act and the LUP. The proposed development most specifically conflicts with the following LUP policies, as noted previously: P74 - minimize the effects on sensitive environmental resources; P81 - control runoff and not exceed peak level; P82 grading to minimize runoff and erosion; P86 - incorporate drainage control and mitigate downstream impacts; P87 - require drainage and grading abatement on-site; and P96 - not degrade groundwater basins, streams, or wetlands. Such policies carry out the intent of Section 30240 to prevent impacts which would significantly degrade such stream and riparian areas and Section 30231 to maintain their biological productivity.

The applicant has proposed building pads, and an extensive system of roads, drives and related retaining walls but has not submitted a drainage and erosion control plan. The impervious surfaces created by the residence will increase erosion and, if not controlled and conveyed in a non-erosive manner, will result in increased erosion and sedimentation on and off site and contribute to increased erosion and sedimentation of downstream riparian areas if not properly controlled. When paved, the roads, drives and turnarounds will result in a far greater fraction of rainfall which does not infiltrate but instead runs off the developed surface.

The preliminary geotechnical investigation -- Geoplan Inc., Report of Preliminary Engineering Geologic Investigation Proposed Grading Concept Tentative 10-Lot Subdivision, 10 December 1996 -- noted that:

"Appropriate drainage control should be provided for all building sites. All storm water should be directed into the ravine which divides the buildable ridges."

Although this recommendation provides for drainage control, it does not contain specific recommendations as to the location of the above-noted drainage features typically necessary in the Santa Monica Mountains. The project description does not include a system to convey water from disturbed areas. Such a system would include devices, such as found in similar projects in the Santa Monica Mountains, such as swales and berms, energy dissipators, subsurface drains, etc.. In addition, the project description does not include any plan for the grading of roads, driveways and turnaround areas. Further, such erosion control features will result in additional disturbance to landform and vegetative cover, and related problems of loss of habitat

values, hydrological processes, and the like by such additional development of undisturbed natural landforms.

The question remains as to the impact of the increase in storm water flows on the middle blue line stream and downstream areas in Latigo Canyon Creek from disturbance of vacant undeveloped hillsides. When the clearance for the proposed roads and pads is considered in conjunction with fire clearance areas around such roads and pads, the total fire clearance area was estimated to be 37 acres within the project site. Such a large area, approximately 42% of the project area, will inordinately increase impermeable surfaces (roofs, roads and driveways, turnouts, walls, etc.) thus raising the volume of runoff and flow velocities. Even with a system to convey drainage and dissipate flow, such as would be required by permit conditions, the loss in watershed vegetation on the subject steep slopes would result in adverse resource impacts as discussed in these findings. Partial mitigation of such impacts through changes in the project design would be insufficient inasmuch as a project design is the preferred solution requires substantial redesign.

### C. Conclusion

The above shows that the project is inconsistent with Coastal Act and related LUP policies on stream protection. The extension of development into steep hillsides of undisturbed vegetation will increased volume and velocity of flow, and related water quality impacts. This significant degradation cannot be resolved through conditions of approval to bring the project into conformance with Coastal Act and LUP policies. The proposal will inordinately increase runoff, erosion and siltation of the environmentally sensitive streams and riparian areas. In comparison to other projects in the Santa Monica Mountains and project alternatives, such as clustering west of the first ridge above Latigo Creek, the project is contrary to the intent of Sections 30231 and 30240, by not protecting biological productivity and locating development beyond the appropriate area able to accomodate it without adverse effects on coastal resources. Therefore, the development is inconsistent with the protection of coastal streams and waters, as protected by PRC Sections 30231, 30240 and 30250(a).

## V. Hazards

### A. Coastal Act and LCP Policies

PRC Section 30250(a) states that new development should be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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 to Section 30253(a), which requires that development minimize risks to life and property from fire hazard, the Malibu/Santa Monica Mountains Land Use Plan (LUP) includes additional policies which pertain to fire hazard and geologic hazard.

In addition, the following LUP policies specifically address fire hazard:

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

P159 Continue present requirements on all new development for emergency vehicle access and fire-flow water supply as determined by the Forester and Fire Warden until such time as alternative mitigation measures providing an equivalent degree of safety are developed and implemented.

The following LUP policies relate to geologic stability.

P145 On ancient landslides, permit only the following developments for which a recorded assumption of risk shall be required: slope repairs, building repairs, building additions less than 25 percent of the existing structure; replacement of buildings destroyed by fire or earthquake; and new buildings on property where the landslides are completely self-contained within the property boundaries and an acceptable safety factor can be established, and all potential third parties agree to waive liability.

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

P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.

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.

These policies have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

#### B. Fire Hazard

Coastal Act section 30253 (1) requires that new development minimize risks to life and property in areas of high fire hazard. New development must minimize risk from fire hazard and not itself create a fire hazard. The policies of the certified LUP, i.e. P156 and P159 above, used as guidance relative to fire hazard, refer to County Fire Department review of emergency vehicle access and fire flow capacity. The Commission is not limited to LUP criteria, however,

but uses the Coastal Act as the standard of review.

The project is in a high fire hazard area and the development with the long access road and lack of secondary access exacerbates fire hazards contrary to Sections 30253(1) of the Coastal Act. Rather than utilizing a system of interconnected existing roadways, the project includes an access system which would be constructed on undisturbed natural terrain and constitute, therefore, new development under the definition of the Coastal Act. Creation of the proposed lots, building pads, and road system constitutes a commitment to construction of future residences at the locations proposed.

The proposed project site is located in a very high fire hazard zone or fire zone 4 as determined by the County Fire Department. The OES FEMA map of Major Brush Fire Perimeters within Los Angeles County dated 9-21-94 shows the site as within an area that burned between ten and thirty years previously.

This fire danger is exacerbated because the proposed development is sited on ridge crests adjacent to steeply sloping hillsides. Areas with steeper slope have increased fire danger, and development on a ridge crest is exposed to further increased danger because two slopes are involved. As hot air rises and the creation of flammable gases increases at the top of a slope, the speed of the fire and intensity of heat may increase toward the ridge crest. Ridge crests are susceptible to more intense and more capricious fire hazard than lower elevations. Ridge crests are also more susceptible to fires which jump from one ridge to the next. Further, ridge crests may be subject to higher winds than lower elevations.

The Commission notes that although the project is proposed in an area of high fire danger, access to the future building sites is limited to a single narrow and contained access point through the Malibu Vista small lot subdivision. The potential hazard in this high fire danger area is exacerbated by the lack of secondary access. The distance to reach Latigo Canyon Road is approximately one mile on existing streets within the Malibu Vista subdivision, i.e. to the western boundary of the Sohal land division. The additional access distance from the Malibu Vista Subdivision to building sites on the Sohal property continues approximately 3000 feet to the first ridge. It then continues approximately 1700 feet until branching into a series of drives serving lots 6 through 9.

The proposed road has a single ingress/egress point which is through the Malibu Vista small lot subdivision. In the case of the site on lot 9, the worst case, the distance to the Malibu Vista subdivision is 5265 ft., or almost one mile, over existing and proposed roads and drives within the proposed development.

Ocean View Dr. and Mar Vista Dr. provide the only ingress/egress route through the Malibu Vista small lot subdivision and to the project site. These roads do not meet Los Angeles County Fire Department requirements. Ocean View Dr. and Mar Vista Dr. are very narrow, steeply sloping, substandard roads with very tight turns and intersections. It is extremely difficult for emergency vehicles, particularly fire trucks, to negotiate these steep, narrow and curving roads under best of circumstances. During a wildland fire scenario, these roads present an extreme and extraordinary for fire personnel, as well as residents evacuating the area. In the 1993 Malibu fire and the 1992 Oakland fire, there were numerous examples of fire personnel being overrun by fire due to substandard road access in steep wildland areas.

Lastly, there is a substantial volume of anecdotal information concerning the dangers of inadequate fire access, due to lack of secondary access, one way streets, narrow streets, winding roads, steep or narrow turns, etc.. These dangerous features resulted in a number of hazardous episodes during the 1993 firestorm. (Public Safety Study Group, Recommendations Concerning the November, 1993 Malibu-Topanga Wildfire, City of Malibu, 1995).

Because of the lack of a second access and constrained primary access, both residents and public safety personnel may become trapped by a wildfire, depending on the direction it comes from and the characteristics of the fire, and the fire suppression measures utilized. A fire may approach from different directions than expected, a firefront may change directions quickly, or there may be multiple firefronts because of firebrands. Further, the conventional fire may turn into a fire storm, which floats into an area in the vicinity of the only ingress or egress road, trapping people. For example, there was a filmed episode of a fire company being overrun by fire driving the 1993 fire storm in a small lot subdivision in the Corral Canyon area, which has single ingress and egress points and narrow roadways.

The proposed redivision will extend eight small residential lots across two ridgelines accessed by a single road of approximately one mile in length, measured from Latigo Canyon Creek to the end of the longest driveway. The existing small lot subdivision parcels and on- and off-site road configuration are substandard and nonconforming, and currently present a significant fire hazard with respect to emergency access. The proposed redivision extends development further into a more rugged and remote area accessed by a single ingress/egress route which will only exacerbate an already extremely hazardous access situation.

The Commission considers the Fire Department's expertise as part of making the Commission's analysis of the conformity of a development proposal with Section 30253 of the Coastal Act. To address the fire hazard and potential landform alteration issues, staff conducted a site visit and contacted the Los Angeles County Fire Department regarding the road access to future residential development resulting from the proposed project. Jesus Burciaga, Fire Marshall, Fire Prevention Bureau responded in the form of a May 13, 1997 letter which noted that the project was in an area where:

"The inherent risk of development in this remote and high danger area can only be mitigated by comprehensive and early solutions. Although, this is a lot line adjustment and not subject to conditions, the applicant has made an attempt to provide solutions to many of the problems involved with developing in such a high risk area."

Solutions, noted Burciaga, included a paved width of the main access road of 26 or 28 feet (i.e. wider than the 20 ft. presently proposed), on-site parking, 20 ft. driveways for individual lots, widened turn lanes, turnouts, emergency vehicle turnarounds, and a fire hydrant system. The Commission notes that some of these features, such as on-site parking, driveways, and the fire hydrant system, are not shown on the present project plans. Burciaga concluded that:

"If the development proceeds as shown on the map provided, along with the additional improvements mentioned, the Fire Department would not recommend

denial of this project. Although it is impossible to build a perfectly fire safe [sic] in this environment, this project takes a step in the right direction."

Burciaga recommended that for further information staff contact Mitch Deal, the County Fire Department Water, Access and Subdivision Inspector. Deal has noted that the project was not conditioned in the same manner as a subdivision because it was processed as a lot line adjustment. Under the subdivision ordinance of the County, the project would be subject to additional requirements for parking availability on the street frontage, 36 ft. wide paved roads, and a Hillside Conditional Use Permit, according to Deal. Widening of the proposed roads may be required in the future because, according to the Fire Department, road widening requirements are recommended to County decision makers on a case by case basis and would be determined at the time construction of the residences is proposed.

While the provisions of the LUP, noted above, utilize County Fire Department review, this does not indicate that their review is conclusive in terms of PRC Section 30253. This is especially important in the present case where the project was not subject to the same standard of review by the County as would have been used for a new subdivision. To ensure Coastal Act consistency, the Commission has the responsibility to ensure that new development minimizes risks to life and property in areas of high fire hazard. The project does not minimize fire hazard because of the length of roads, difficulty of the route, and lack of a second access.

In reviewing permit application 4-96-150 (Rein et. al.) the Fire Department found that the proposal was not safe in terms of fire hazard, because of the 'narrow and treacherous' single access and the need for a secondary access. Application 4-96-150, denied in April, 1997, involved extension of new roads and drives into an undeveloped fire hazard area by way of a parcel reconfiguration. The Commission found that the net effect of the proposal was to "pick up" and relocate ten lots which presently had street frontage and move them to an area without adequate fire access. In review of a previous subdivision in the project area (the "Brown" subdivision), the (County) Regional Planning Commission had found that existing fire access to the area was inadequate to ensure safe evacuation of even two more building sites. Therefore, the Coastal Commission found that access was even less adequate to provide access for ten more parcels. In making the Rein determination, the Coastal Commission noted that no passable secondary point of access currently existed, that Fire Department staff indicated that a through road was necessary to reduce fire risk, and that no locations for a secondary access had been identified.

In the case of the proposed development, the Fire Department has not specifically indicated that a through road is necessary, but rather that "the applicant has made an attempt to provide solutions involved with developing in such a high risk area." The Fire Department review still raises a serious question relative to lack of secondary access, constrained primary access, and the safety of the proposed development is inconclusive relative to fire safety.

Staff has reviewed various routes for a second access with the applicant in several meetings, but the applicant has indicated that such access is not practical because permission would be necessary from adjacent property

owners. The most feasible secondary access routes discussed included access an existing road traveling northwest to southeast and located northeast of the the subject property (northeast of USGS benchmark 1551). However, given the steeply sloping terrain and sensitive watershed resources on- and off-site, construction of a secondary access road would require a massive amount of grading which would be over and above the proposed grading. The significant amount of grading and landform alteration to construct a secondary access would not be consistent with the visual resource and landform alteration policies of the Coastal Act.

Although the County Fire Department did not apply subdivision regulations to the proposed development, the County Code's requirements for access for subdivisions in wildland areas subject to fire hazards substantiates the need to ensure multiple access or project designs which minimize single outlet access road lengths through clustering or consolidation of lots. The County regulates the size of subdivisions by specifying the amount of units allowed to be serviced by a single outlet (Title 20 Subdivision Regulations Sec. 21.24.020). The criteria allows larger subdivision size based on whether or not the roadway is located in a wildland area subject to hazard from brush or forest fire, such as the Santa Monica Mountains. When a single outlet traverses a wildland area, subdivisions are limited in size to 75 units. Further, street lengths are limited for cul-de-sacs to 1000 ft. when serving land zoned for four units or less per acre, well above the proposed project at approximately 0.1 dwelling units per acre.

New development may be further restricted under Section 21.24.030 which provides that:

... the advisory agency may disapprove a design of a division of land which utilizes a cul-de-sac or branching street system or other single-access street or street system as the sole or principal means of access to lots within the division where the forrester and fire warden advises:

A. That the street or street system will traverse a wildland area which is subject to extreme hazard from brush or forest fires;

B. That the lack of a second route of access would unduly hinder public evacuation and the deployment of fire-fighting and other emergency equipment in the event of a brush or forest fire.

In this case, the proposed project is located in a wildland area subject to extreme fire hazard and, because of the constraint to access through the Malibu Vista small lot subdivision, the lack of a secondary access would hinder public evacuation and deployment of emergency equipment in the event of a fire. However, because this redivision was considered as a series of lot line adjustments, rather than a subdivision by the County, the project was exempt from those fire protection regulations. Although the County Fire Department did not apply the above criteria because the proposed project was not determined to be a subdivision for County purposes, the Commission finds that the lack of access is of concern because of the extensive parcel reconfiguration proposed.

Other local agency fire or subdivision codes and State of California Fire Protection Guidelines require or recommend limiting development when there is

no secondary access. For example, The City of Los Angeles Fire Department standard for distance for a through road is 700 ft. for new development, when development is limited to 20 units or less. The California Department of Forestry and Fire Protection (CDF) has published State Strategic Fire Protection Planning Guidelines (pp. 72-73) which state that:

Access is a major fire protection need, whether wildland or structural. Failure to provide a reasonable access for emergency equipment and evacuation for civilians can result in major loss of life, property, and natural resources. ... Safe access requires street and road networks that limit dead-end roads and driveways.

Road and street networks, whether public or private, must provide for safe access for emergency wildland fire equipment and civilian evacuation. The network should also provide unobstructed traffic circulation during a wildfire emergency. CDF recommends two separate points of ingress/egress for each development.

In addition, the CDF standards for dead end roads and driveways are cumulatively 800 feet of road length for parcels zoned for less than one acre in size, 1,320 feet of road length for parcels of 1 to 4.99 acres in size, 2,640 feet of road length for parcels of 5 to 19.99 acres in size, and 5280 for parcels of 20 acres or larger in size. The Commission finds that these road length standards are consistent with PRC Section 30253. At approximately 1.43 miles of dead end roads and driveways, the proposed project exceeds this standard.

The above shows that the proposed project is inconsistent with PRC Section 30253 (a) requirements to minimize risks to life and property in areas of high fire hazard for a number of reasons. As noted, the proposal is in an area of high fire hazard due to the steep terrain and high fuel load on the project site. Development on ridge crests exacerbates this danger. The primary concern noted was the lack of adequate access for fire vehicle and resident safety including: the lack secondary access to the site; problems with the adequacy of the form of the roadway system (road widths, intersections, tight curves, etc.) both on the site and in reaching the site through the Malibu Vista small lot subdivision; and the inordinate length of roads and drives to reach the proposed building sites. The Fire Department review of access for fire protection purposes to date has not determined that the project will minimize the risks to life and property an area of high fire hazard. These problems with fire safety access were corroborated by a review of current standards used by local governments and the State of California.

In summary, the project is proposed in an area of high fire hazard and experience in the Santa Monica Mountains has shown that there is a real danger to residents and emergency response personnel in such an area without a secondary access point. Adequate access and circulation in terms of fire safety can only achieve a level where the hazard to life and property were minimized, in a manner consistent with the Coastal Act, if the project were redesigned as suggested in the project alternatives section of these findings i.e. by clustering the project and concentrating development closer to the existing small lot subdivision. However, as proposed, the proposal does not minimize risks to life and property in areas of high fire hazard and is, therefore, inconsistent with PRC Section 30253 (1) and must be denied.

### C. Geologic Stability

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to this area include landslides, erosion, and flooding. Bedrock of sandstone and siltstone underlie the site. A large landslide has been mapped to the east of the property, the remnant of a much larger prehistoric landslide.

The applicant has submitted a geology report -- Geoplan Inc., Report of Preliminary Engineering Geologic Investigation Proposed Grading Concept Tentative 10-Lot Subdivision, 10 December 1996 -- which notes that:

On the basis of reconnaissance exploration and review of pertinent and site-specific records contained in our files and in published geologic reports and maps, it is concluded that the preliminary subdivision is reasonable and that it may be designed and implemented in compliance with the Uniform Building Code and recommendations of the projects consultants.

Proposed building sites will not be affected by landslide, settlement or slippage. Implementation of the proposed subdivision will not affect neighboring property adversely.

If residential development is proposed on any of these sites in the future a more detailed geologic and soils assessment will be required to ensure the proposed structures are stable from a geologic standpoint. However, based on the preliminary geologic assessment, future residences can be located in more geologically stable areas than are proposed. However, there is a landslide related to a surclinal fold axis in the vicinity of both the existing Wirsching Road and the proposed switchback road to serve development at the top of the ridge for lots 1 through 5. (Exhibit 9) According to the consulting geologist, the landslide will not affect the site as no landslide debris was discovered on the site and any failure on the site was localized and not part of a larger, deep-seated failure. The geotechnical analysis also states that:

An ancient inactive landslide inferred on the basis of composition and topographic expression is exposed in the cut slope along Wirsching Road at the southwest side of the property. Subsurface exploration of the landslide will be required along with determination of its effect on the feasibility of realignment, grading and construction of the proposed access road.

It has been Commission experience, regardless, that ancient landslides have the potential to result in geologic hazard and that such geologic features require more detailed analysis and potentially modifications to the project design. As noted above, the subject landslide has not been subject to subsurface exploration as required. This investigation may, in turn, result in remedial measures which require a realignment of the existing Wirsching Road and the proposed new access road to the top of the ridge.

Further, based on past Commission experience, the investigation may indicate that mitigations are required in the way of a change in project design if the present and proposed road alignments are maintained, e.g. slope modification,

drainage improvements, deep foundations or piles, hydraugers, and similar measures. These in turn can affect the alteration of natural landform, remove additional native vegetation, and have other adverse effects relative to Coastal Act policies. Consequently, without further geotechnical review relative to the ancient landslide, the Commission cannot find that the proposal minimizes geologic hazard and does not contribute to erosion and geologic instability.

Based on the above, the project proposal does not address all concerns raised by the consulting geologist that would enable the Commission to find that the development is consistent with Section 30253 of the Coastal Act relative to geologic hazards. Consequently, the project must be denied.

#### VI. Septic 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, minimizing alteration of natural streams.

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

The preliminary geologic assessment in Geoplan Inc., Report of Preliminary Engineering Geologic Investigation Proposed Grading Concept Tentative 10-Lot Subdivision, 10 December 1996, the consultant noted that future residences can be located such that adequate septic systems can be provided. The consultant found that:

Sewage Disposal: It is concluded from the engineering geologic investigation and analysis of data that a private sewage disposal system is feasible near the prospective building sites and that it may be designed and implemented in compliance with the Uniform Building Code and the recommendations of the projects consultants.

Letters were furnished by Geoplan, Inc. dated July 28, 1997 and August 25, 1997 (2 letters) evaluating the percolation potential of the site. The reports were based on observations of roadcuts in the area and two test or "pilot" borings. Based on the "pilot" borings and a comparison other seepage pit percolation tests in the same rock type in the project area, the letter reports concluded that the two borings were "representative of conditions likely to be encountered at safe building sites [sic] on all lots in this tentative subdivision." and that "... each lot will contain a geologically safe building site competent to support a dwelling and appurtenances."



Based on the preliminary geologic assessment, test borings, and analysis of the area, the Commission finds that the installation of septic systems on the proposed lots will not contribute to adverse health effects and geologic hazards in the local area. The Commission has found in past permit decisions that favorable percolation test results, in conjunction with adequate setbacks from streams and other water resources, and/or review by local health departments ensures that the discharge of septic effluent from the proposed project will not have adverse effects upon coastal resources. The applicant has submitted the noted favorable results of a percolation tests performed on the subject property by Geoplan, Inc.. The report indicates that the site percolates adequately. Therefore, the Commission finds that, with regard to septic systems, the proposed project is consistent with Section 30231 of the Coastal Act.

## VII. New Development/ Cumulative Impacts

### A. Coastal Act and LUP Policies

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. 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 30105.5 of the Coastal Act defines the term "cumulatively", as it is applied 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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan contains the following policies, used by the Commission for guidance in past permit decisions, regarding land divisions and new development are applicable to the proposed development which have been found consistent with the Coastal Act and have.

Policies 271 and 273 (d) address lot line adjustments and land divisions. Policy 271 states, in part, that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map is

inserted in the inside back pocket ... .

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments.

Because the proposal has the same impacts as a subdivision or redivision of property and the Commission must ensure that Coastal Act is the standard of review, as established in these findings.

In addition, as discussed previously, lots within Significant Watersheds are limited to a size of twenty acres or larger, while the proposed redivision would result in a net increase of four substandard developable parcels within the sensitive watershed boundaries. Creation of four substandard or non-conforming lots within this watershed will have significant cumulative and individual resource impacts due to significant loss of habitat cover and increased erosion and sedimentation of nearby riparian areas.

Further LUP land division policies include:

P273 Development shall conform to Chapter 3, as amended, of the Coastal Act

P273c On property encompassing stream courses, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with P79 and P80 regarding setbacks of new development from stream courses and all other policies of the LCP.

P273d In all other instances, land divisions shall be permitted consistent with the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with the LCP. All land divisions shall be considered to be a conditional use.

P273f Issuance of a conditional certificate of compliance pursuant to Government Code Sec. 66499.35 (b) shall be subject to a coastal development permit which shall be approved, but shall be subject to conditions to implement all applicable policies of this LUP, including land division policies.

The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have adequate reoad access and provision of other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches can be expected to grow tremendously.

B. Land Division under PRC Section 30250(a)

In this case, because the proposed project is a subdivision located outside the developed coastal terrace area of Malibu the criteria provided in Section 30250 (a) relative to subdivisions outside of developed areas is applicable. This section provides that land divisions outside of existing developed areas shall be permitted only when: (1) 50 percent of the usable parcels in the area have been developed; and (2) the created parcels would be no smaller than the average size of the surrounding parcels. These requirements are to ensure that development is located in close proximity to existing development in areas that have adequate public services. In other words, this policy is to prevent the 'leap frogging' of new development into undeveloped areas, thereby preventing the potentially significant adverse impacts of such development on coastal resources.

The Commission has found, in past permit decisions, that "existing developed area" for the Malibu/Santa Monica Mountains area applies only to portions the urbanized strip, or coastal terrace, along Pacific Coast Highway, and does not apply to the interior of the Santa Monica Mountains. The Commission has further found that the area addressed by the 50 percent criterion is the market area, amounting to the entire Malibu/Santa Monica Mountains coastal zone. Within this area, a majority of the existing parcels are not yet developed; thus a land division in this area is not allowed under PRC Section 30250(a). In this case, however, since the number of usable parcels is not increased by the land redivision, the intent of PRC Section 30250(a) is, in effect, met. No additional parcels would be created as a result of this redivision. The maximum density allowed and the total number of residential units that could be permitted on the proposed project site would not be altered by the proposed project. Therefore, the proposed redivision is consistent with this provision of 30250 of the Coastal Act.

Section 30250(a) of the Coastal Act also states that land divisions outside of existing developed areas shall be permitted only where the created parcels would be no smaller than the average size of surrounding parcels. To determine this in the Santa Monica Mountains, the Commission has considered the average and median lot sizes within one-quarter mile, taking into account major topographic and cultural features. In this case, the surrounding area extends from the intermediate ridge above and west of the drainage of Latigo Canyon Creek (established at Latigo Canyon Road) to the upper portions of the Solstice Creek drainage, from the area of higher ridges, generally north of hill 1551 and the upstream end of the southflowing blue line streams, and to the south to where views of the coast line are available i.e. the "military crest" below the approximate 900 ft. contour. The portion of the Malibu Vista small lot subdivision west of Latigo Canyon Road is not part of this area.

However, the 130 small lot parcels east of Latigo Canyon road are part of the study area. Within the defined area, 6545 sq. ft. is the median lot size of the surrounding parcels. Based on this analysis, even the smallest of the reconfigured lots at 5.1 acres would be no smaller than the average or median size of surrounding parcels, consistent with Section 30250(a). For these reasons, the proposed lot sizes conform to the average lot size criteria of this section of the Coastal Act.

### C. Analysis of Cumulative Impacts

The average or median lot size standard is severely skewed in this case by the large number of very small substandard lots within the adjacent Malibu Vista Small lots subdivision. If these small lots were excluded from the count of surrounding lots the median lot size for this area would be 40 acres.

The proposed redivision includes eight of these very small lots located within the Malibu Vista small lot subdivision. There are fourteen of these antiquated small lot subdivisions within the Malibu/Santa Monica Mountains coastal zone, not including 10 small lot subdivisions located on the Malibu Coastal Terrace, that were subdivided in the 1920's and 1930's into very small 'urban' scale lots. These subdivisions consist of parcels of less than one acre but generally ranging in size from 2,000 to 5,000 square feet. When these small lot subdivisions were created it is clear from their design that topographic, geologic, resource and infrastructure constraints of the Santa Monica Mountains were not considered.

The potential cumulative impacts resulting from the build-out of these small lot subdivisions were documented by the Coastal Commission and The Santa Monica Mountains Comprehensive Planning Commission in the January, 1979 study entitled, "Cumulative Impacts Of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone". The study acknowledged that the existing small lot subdivisions can only accommodate a limited amount of additional new development due to the major constraints to build-out of these areas. These constraints include:

Geologic and erosion problems, road access problems, water quality problems due to a concentration of septic systems, creation of unreasonable fire hazards and natural resource and watershed impacts.

In response to the potential cumulative adverse resource impacts associated with the build-out of these subdivisions the Commission has attempted to reduce the build-out impacts of these subdivisions in two ways. First, the Commission designated these subdivisions as donor areas for the Transfer of Development Credit (TDC) program. Due to the small parcels sizes in these subdivisions lots typically receive only a partial transfer of development credit. It should be noted that the eight existing parcels involved in this project have been previously qualified for eight full transfer of development credits because portions of these lots are located within a designated riparian ESHA. Second, the Commission developed the Slope Intensity Formula, which not only limits the size of residences in these areas but also encourages lot consolidation through lot combinations and extinguishment of development rights in exchange for additional residential square footage.

The small lots involved in this redivision range in size from 5,000 to 18,000 sq. ft. Under the LUP density designation for this area the size of these lots is considered non-conforming and substandard. In past permit actions, the Commission has looked to the land use designations of the certified Malibu/Santa Monica Mountains Land Use Plan for guidance on the maximum

allowable density and intensity of land use that may be permitted in any particular area. The LUP density designations are based on the topography of the land. The steeper areas have lower density designations and more level or less steeply sloping areas have higher density designations. The LUP designations over the entire project site are as follows: Mountain Land 2, one dwelling unit per 20 acres; Residential III, one dwelling unit per 2 acres; and Rural Land I, one dwelling unit per ten acres.

Based on a comparison of the proposed parcel sizes and these density designations, the resulting parcel sizes do not conform with the LUP densities, because all of the parcels to be created will have substantial portions that are designated with a land use category that specifies a minimum of both 10 and 20 acres per single family residence. The proposed parcels sizes, as noted, are clearly inconsistent with these designations of minimum parcel size as seen by a comparison of the lot size and proposed lot configuration, location and size with the allowed minimum in the Land Use Plan.

Table VI indicates the size of the new lots to be created and the LUP density designations for each lot. Lot 1 is predominantly zoned as Mountain Land 2 where the minimum lot size is twenty acres, which at 12.08 acres in size is below this standard. Lots 2 through 5 are predominantly zoned as Rural land I where the minimum lot size is ten acres, while Table VI indicates that they are below this standard at, respectively, 5.10, 9.26, 7.90 and 6.71 acres in size. Lots 6 through 9 proposed are all zoned Mountain Land 2 where the minimum lot size is twenty acres, while Table VI indicates that they are below this standard at, respectively, 8.47, 6.30, 13.42, and 18.99 acres in size.

Table VI: Size and Land Use Designation of Proposed Lots

<u>Lot No.</u>	<u>Proposed Lot Area(gross)</u>	<u>Land Use Designations</u>
1	12.08 ac.	Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.
2	5.10 ac.	Residential III, 1 du/2ac.; Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.
3	9.26 ac.	Residential III, 1 du/2ac.; Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.
4	7.90 ac.	Residential III, 1 du/2ac.; Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.
5	6.71 ac.	Rural land I, 1 du/10 ac.; and Mountain Land 2, 1 du/20 ac.
6	8.47 ac.	Mountain Land 2, 1 du/20 ac.
7	6.30 ac.	Mountain Land 2, 1 du/20 ac.
8	13.42 ac.	Mountain Land 2, 1 du/20 ac.
9	18.99 ac.	Mountain Land 2, 1 du/20 ac.
TOTAL	88.23 ac.	----

Further, the certified LUP contains a section entitled Land Use Distribution which provides "a framework within which new development can be accommodated with the Malibu coastal zone." The coastal zone is divided up into four general areas, i.e. the Coastal Terrace, Rural Villages, Significant Watersheds and Other Mountain Areas. The following describes the allowed uses in Significant Watersheds:

New residential uses would be permitted in the designated Significant Watersheds in accordance with the policies, standards and conditions prescribed in Section 4.3.1 of the Plan. In general, these would permit land divisions to a minimum 20-acre parcel. [emphasis added] ... Base on an average of one unit per 20 acres, the significant watersheds could accommodate a maximum of 532 dwelling units.

The certified LUP included a minimum of 20 acres per dwelling unit, except for existing parcels. This minimum was found (p. 16, certified LUP) to adequately address the need to preserve watersheds as natural functioning habitat systems, when considered in conjunction with policies on clustering, stream protection and erosion control, Environmental Review Board Review and other LUP policy requirements. The proposed development includes four parcels, Lots designated 6 through 9, partially or fully within the LUP designated Solstice Canyon Significant Watershed, with sizes of, respectively, 8.4, 6.3, 13.42 and 18.99 acres. These lot sizes are clearly inconsistent with this twenty acre minimum density standard.

Under the LUP density designations for the large 86 acre parcel the maximum number of lots this parcel could be subdivided into would be five parcels provided the lot configuration was consistent with all other policies of the LUP and Coastal Act. In addition, although the Los Angeles County's slope density formula it is currently not part of the Malibu LUP, the maximum number of parcels allowed under this formula would be five.

The applicant asserts in correspondence that the eight existing parcels and the potential to subdivide the large 86 acre parcel would allow 6 lots under the LUP maximum density, and that there are conceptually 14 parcels that could be created over the subject site. Therefore, the applicant argues he would be reducing the potential number of buildable lots by redividing the nine existing lots. However, as staff calculated, only 4 lots could be allowed under the slope/minimum acreage formula or 5 under existing land use designations. Further, the applicant is assuming a maximum LUP density allowance without considering the other resource protection policies of the Malibu/Santa Monica Mountains LUP and the Coastal Act.

Furthermore, given the size and steepness of the existing eight small lots the maximum house size that would be permitted on each of these lots, under the slope intensity formula, would be a 500 square foot residence per lot. Typically, lots of this size and steepness are combined together in order to develop a residence of a reasonable size. Therefore, assuming a modest house size of 1,300 sq. ft. the eight lots could accommodate three reasonable size residences if adequate sewage disposal system could be accommodated on site and emergency fire access were provided.

Although the proposed redivision will not result in a net increase in the number of legal parcels, it will substantially reconfigure eight undersized and nonconforming parcels over a larger area at a density and in a configuration that is not appropriate for the physical and biological characteristics of the site and will result in significant adverse effects on coastal resources. Section 30250 of the Coastal Act specifically requires that new residential development be located where it will not have significant effects, either individually or cumulatively on coastal resources. As has been discussed in greater detail above, the proposed redivision will result in significant adverse effects on visual resources, environmentally sensitive habitat areas, water quality and biological productivity and will not minimize risks from geologic and fire hazards. In addition, the on- and off-site adverse effects of the proposed project, in combination with the potential adverse cumulative or additive effects of the build out of the Malibu Vista Small Lot subdivision and parcels immediately surrounding the project site, will result in even greater impacts adverse impacts on coastal resources of this area.

Furthermore, given the substandard and severely constrained single outlet access through Malibu Vista Small Lot subdivision the project does not minimize risks to life and property in areas of high fire hazard. Emergency access is a critical public service which serves to minimize risks to life and property from fire hazard. Therefore, the Commission cannot find that the proposed development would be located in a area with adequate public services, as is required under Section 30250 (a) of the Coastal Act. An even more dangerous road situation in terms of emergency vehicle access would be created with the cumulative effects of the build-out of the approximate 100 undeveloped parcels in the small lot subdivision.

Therefore, the Commission finds that, based on the above findings, the proposed project is not located in an area with adequate public services (fire access) and will result in significant adverse effects, both individually and cumulatively, on coastal resources which is not consistent with Section 30250(a) of the Coastal Act. Furthermore, there are alternatives which are less environmentally damaging and which could be found consistent with Chapter three policies of the Coastal Act. The following discussion addresses these alternatives in detail.

C. Project Alternatives

1. Redivision at Reduced Densities/ Clustering

The analysis below is based on a theoretical redivision of the subject land to accomodate reduced densities and clustering based on conformance to the allowed lot sizes in the certified LUP. Before examining the alternative, it is appropriate to note that the applicant has proposed and rejected a similar alternative. The alternative examined below is more restrictive than the most recent project alternative proposed by the applicant.

The applicant's latest proposal is dated August 14, 1998 (Exhibit 11). Under this alternative, the applicant would agree to a lot line adjustment to create five lots on the undeveloped 86 acre parcel, not build on the existing eight small lots located above the Latigo Canyon Creek riparian woodland, record an open space easement along the riparian woodland, and delete the proposed new switchback road up the western face of the ridge overlooking Latigo Canyon

Creek. In exchange, the applicant wants the Commission to agree to allow a future, further subdivision a portion of the larger 86 acre parcel into three additional lots. Under this proposal, the applicant postulates that ultimate development would be eight homes, rather than the fourteen homes that he believes could otherwise develop on the Sohal property.

The applicant has not amended his application to reflect this proposal, but has rather stipulated that he would amend his application as proposed in the event that staff would recommend approval of such an alternative if the application were so amended. Staff has declined make such a recommendation both because the merits of such a proposal are not consistent with Coastal Act policies and it would be improper to commit to a course of action which would require Commission action in the future regarding the "reserved" additional three acre land division.

In contrast, the following alternatives reviewed by the staff assume that redivision is allowed at current County standards based on the County's slope-density methodology for non-urban hillside management areas. The County methodology uses the following formula to calculate minimum lot size:

<u>Natural Slope</u>	<u>Minimum Number of Acres per Dwelling Unit</u>
0 to 24.99 %	5
25 to 49.99 %	10
50 % and above	20

Under this methodology, merger of the parcels along Latigo Canyon Creek with the larger 86 acre parcel is assumed, as well as parcel lines conforming roughly with the areas designated with each land use category. The combined parcel would be 87.8 acres in size. The development potential would be based on the underlying land use designation in the certified LUP. The portion of this area designated M-2 at 65.8 acres would be over sixty acres in size, but less than eighty acres in size. This would allow creation of three twenty acre lots under the minimum lot size allowed by the LUP. Further, the remaining portion of the combined parcel would be 21.2 acres, which is over twenty but less than thirty acres in size zoned RL 1. In this area, only two lots of over ten acres in size could be developed. In summary, the combined maximum lots which could be developed is five.

The applicant has also provided an analysis of the number of lots that could be created under the County hillside management formula. Using this formula, the 86 acre parcel could be divided into 4 parcels. Additional development could be proposed on the small lots along Latigo Canyon, i.e. eight lots giving a potential total of twelve lots. Staff has reviewed the applicants calculations and found them to be substantially correct.

Under the above combined lot concept, or scenario, it is assumed that four parcels would be created on the 86 acres and development would be confined to the first, or western ridge closest to Latigo Canyon Creek. It is further assumed that development would be clustered on the lower, more southern portion of the ridge, to avoid the most prominent point at the 1198 elevation.



One major advantage of this scenario and the proposed development is that development would not be extended into the area east of the western ridge. This area includes the Significant Watershed adjacent to Solstice Canyon Park. Consequently, eastward extension of a new roadway beyond the western ridge and related retaining walls, utilities and additional grading would not be necessary. Approximately 4600 linear feet, or 66 % of the new roads and drives would be eliminated. This proposal avoids the related grading and fire safety clearance, resulting in preservation of native habitat and erodible surfaces, and avoiding related runoff and sedimentation impacts.

A second major advantage of this scenario is that the visual impact associated with development of the highest knoll on the western ridge (hill 1198) would be eliminated. This alternative would be even less of an impact if the switchback road off of Wirsching road were eliminated and access was secured by the applicant through the lot to the south. This would allow use of the present developed route for Wirsching Road.

Under this scenario, runoff and sedimentation would be significantly less for the drainages to the east of Latigo Canyon, due to retention of undeveloped brush and chaparral land. No intrusion into the Significant Watershed would take place, although there would have an increase in the intensity of development in the area adjacent to Latigo Canyon Creek. Grading for residential lots would be approximately 25,500 cu. yds. less for both cut and export. Grading for new roads and drives would be approximately two thirds less, or a decrease of approximately 9200 cu. yds.. The combined total would be 34,200 cu. yds. less grading than proposed by the applicant.

Presently, five building sites are proposed in the location of the westernmost ridge, which would be reduced to four to meet the County hillside standard, as well as clustered, under the above alternative. Such clustering should minimize building location on the skyline, which would be consistent with the Coastal Act visual and landform alteration policies, as noted above in the section on Visual Quality. There could be more than one cluster. Two clusters, totalling four units, could be located at an offset from the major ridgeline with each cluster sharing access from common driveways and emergency vehicle turnarounds.

Under this scenario, or with additional development of the lots along the creek as noted in the above variation, there are a number of advantages in terms of visual resources. The most significant view impact of the Sohal proposal would be eliminated i.e. development on the eastern ridge and in the watershed. Further, the alternative would cluster building sites below the prominent upper knoll of the western ridge. Lastly, the potential fire hazard would be minimized where development was not extended into an area surrounded by steep slopes and abundant fuel. There would also be less fire hazard due to reduction of the length of roadway without a second access, by virtue of location of most development near existing development in the small lot subdivision, and closer to a major transportation route (Latigo Canyon Road). The smaller number of units decreases the demand for fire protection in comparison to project proposed.

## 2. Development of Existing Parcels

This alternative assumes that there is no further land division so that development takes place on existing lots at the allowed densities. Under this alternative, the small lots would be developed at allowed densities and a single family residence would be developed on the large 86 acre parcel.

Under this alternative, the existing eight Residential III designated lots along Latigo Canyon Creek would be developed with a single family residences. The size of potential residences on the eight smaller lots would be limited by the slope/density formula of the certified LUP. Considering the small lot size and steep slopes, it would difficult to provide a driveway, septic system and the residence itself. Substantial landform alteration to create building sites below street level and closer to the stream is unlikely. It is more likely that development would be on pilons (caissons) at street level.

These lots range in slope from approximately 75 percent to 150 percent. Under the slope/density formula, these lots would only qualify for the basic allocation of 500 sq. ft. per residential lot, since every lot has a slope of over 50 percent (i.e. a 22.5 degree slope). Thus, the maximum floor area for total residential build-out for the eight Residential III lots would be 4,000 sq. ft. (8 lots X 500 sq. ft.). A hypothetical residence at 500 sq. ft. would be a 20 ft. by 25 ft. single story residence on a platform on caissons, overlooking the stream, and offset from the street with a septic system in the front setback area adjacent to the street.

A more likely scenario, as recently proposed by the applicant but not part of this application, is creation of 3 consolidated parcels, each containing an approximate 1300 sq. ft. residence allowed by the slope/intensity formula in the certified LUP. It may also be possible, based on discussions with the applicant, as noted, to have the street abandoned and construct a septic system in the street area. Larger residences could be proposed through combination of lots to receive a "bonus" of additional floor area under the slope/intensity formula in the certified LUP.

The view impact under this alternative is much less than under other scenarios because the lots are located on the side of a slope within a canyon and, consequently have insignificant impact on views from surrounding land. (These lots are inland of the LUP Viewshed Boundary designation on the Visual Resources map, where sites have visibility to the coastline and are also visible from adjacent Latigo Canyon Road or public lands.)

Under this alternative, development would also minimize, or not significantly increase the fire hazard. Development would be concentrated closer to the existing street system, and not require inordinate extension of roads and driveways for fire vehicle access. By location of most development near existing development in the small lot subdivision, and closer to a major transportation route (Latigo Canyon Road), some of the potential fire hazard would be minimized due to reduction of the length of access without a second access. The potential number of units served would decrease, thus decreasing the demand for fire protection in comparison to project alternatives. Less grading would also be used under this alternative.

An additional single family residence could be built on the remaining 86 acre lot under this alternative. Grading for the pad, driveway, and fire vehicle turnaround would be on the order of greater than 10,000 sq. ft. total, which is assumed to be likely based on the present Sohal proposal. The actual impacts of development depend on the location and intensity of the future single family residence. For example, this single family residence would not necessarily require the extension of a new roadway, as a potential building site may be located adjacent to Wirsching Road.

By virtue of construction of houses on caissons or pilings, development would result in substantially less grading than extension of development into undeveloped areas. In addition, the development of eight of the nine residences on the small lots would result in much less in the way of cumulative development impacts than construction of much larger homes on large lots in an undeveloped area which are likely to be much larger with greater amounts of associated grading.

Under this alternative, runoff and sedimentation would be significantly less to the drainages to the east of Latigo Canyon, due to retention of undeveloped brush and chaparral land. Nor would there be any intrusion into the Significant Watershed, assuming the potential single family residence on the 86 acres are located outside the Solstice Canyon Significant Watershed. On the other hand, there will be an increase in the intensity of development in the area adjacent to Latigo Canyon Creek due to development of impermeable surfaces on the adjacent steep slopes between the stream and Mar Vista Drive.

This alternative would have an adverse effect on the protection of riparian areas and their associated woodlands relative to development of the existing small lots. Clearance for fuel control would result in significant degradation of the mature trees in the riparian woodland adjacent to Latigo Canyon Creek. The LUP required setback from the stream is 50 ft. There is sufficient area on each site to allow for single family residences and the associated improvements without extending development into the stream habitat. However, there is a requirement for a 200 ft. fire clearance area around the residences which would result in removal or thinning of stream vegetation. This fire clearance is a minimum and even more clearance may be necessary to conform to the County of Los Angeles, Fire Department, Fuel Modification Plan Guidelines, January, 1998.

Such clearance will result in the destruction of the riparian woodland in the canyon bottom along Latigo Canyon Creek. As noted previously, this ESHA is relatively undisturbed and contains mature oaks, sycamores, and associated vegetation although it is not recognized as a significant oak woodland under the LUP.. Although development of the existing lots would significantly damage the riparian ESHA of Latigo Creek, this alternative would not have the significant adverse visual and landform alteration impacts, massive loss of watershed and habitat coverage, and adverse impacts to streams as associated with the Sohal proposal. Further, the development of the existing parcels would not increase fire hazards. Therefore, the Commission finds that development in the existing parcel configuration would be less environmentally damaging than the proposed project.

VII. 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 not be in conformity with the provisions of Chapter 3. The proposed development will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development would 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).

IX. 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 to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) 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 effects that the activity may have on the environment.

The Commission finds that as discussed above there are feasible lot configurations, development patterns, and locations for roadway access which could result in less adverse effects on visual quality and alteration of natural landforms, cumulative impacts of development, preservation of environmentally sensitive habitat areas, and hazards.

As discussed above, the proposed project cannot be mitigated to avoid significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. The Commission finds that there are feasible alternatives which would not have significant adverse effects on the environment. Therefore, the Commission finds that the proposed project cannot be found to conform to the requirements of CEQA.

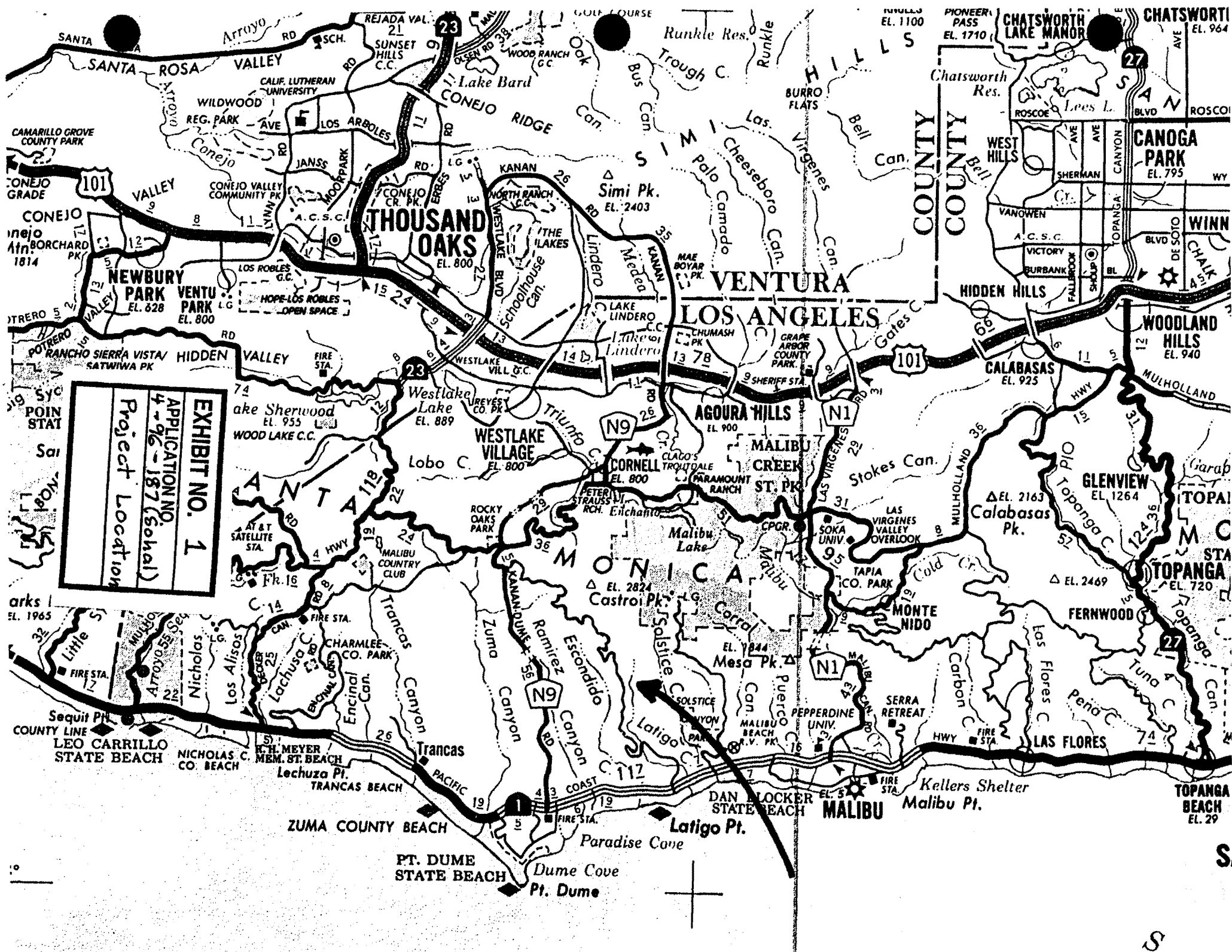


EXHIBIT NO. 1  
APPLICATION NO. 4-96-187 (60hal)  
Project Location

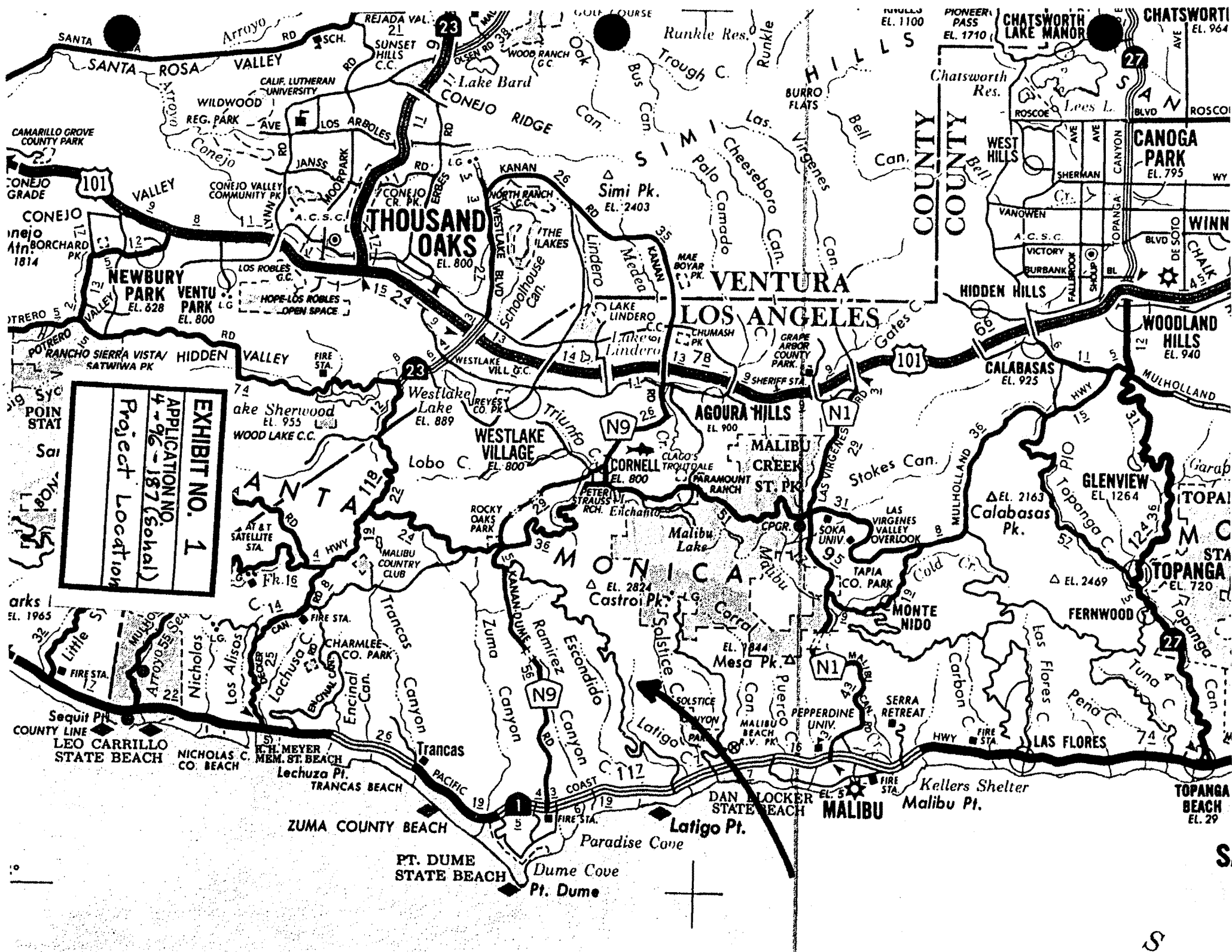
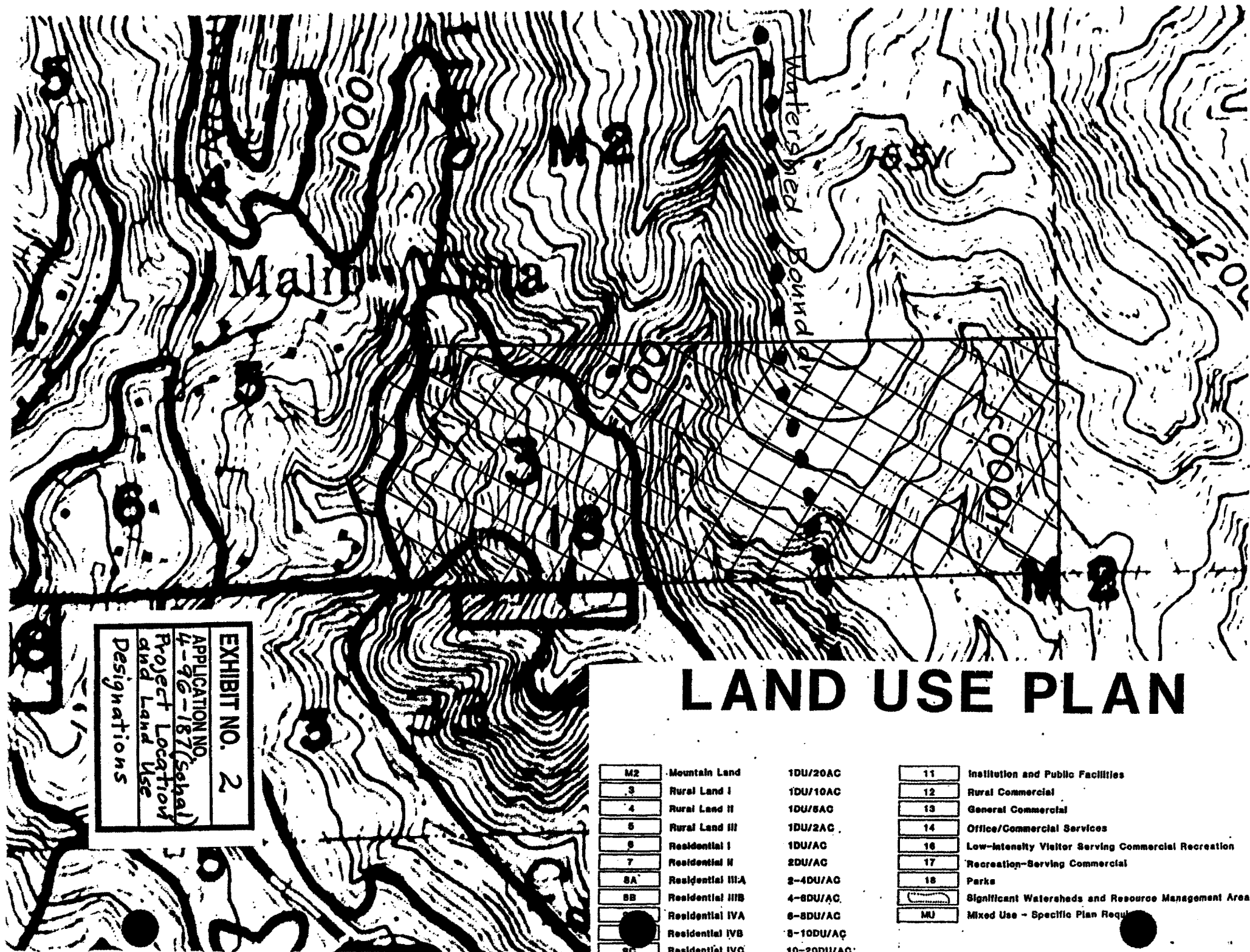


EXHIBIT NO. 1  
APPLICATION NO. 4-96-187 (60hal)  
Project Location



# LAND USE PLAN

M2	Mountain Land
3	Rural Land I
4	Rural Land II
5	Rural Land III
9	Residential I
7	Residential II
8A	Residential IIIA
8B	Residential IIIB
8C	Residential IVA
8D	Residential IVB
8E	Residential IVC

1DU/20AC
1DU/10AC
1DU/5AC
1DU/2AC
1DU/AC
2DU/AC
3-4DU/AC
4-8DU/AC
8-8DU/AC
8-10DU/AC
10-20DU/AC

11	Institution and Public Facilities
12	Rural Commercial
13	General Commercial
14	Office/Commercial Services
16	Low-Intensity Visitor Serving Commercial Recreation
17	Recreation-Serving Commercial
18	Parks
19	Significant Watersheds and Resource Management Areas
MU	Mixed Use - Specific Plan Required

LOT 54, TR. 9289 (APN 4461-13-5)  
7,100 SQ. FT.

LOT 53, TR. 9289 (APN 4461-13-4)  
5,150 SQ. FT.

APN 4461-13-16  
18,610 SQ. FT.

LOT 49, TR. 9289 (APN 4461-12-5)  
5,820 SQ. FT.

LOT 48, TR. 9289 (APN 4461-12-4)  
6,390 SQ. FT.

LOT 47, TR. 9289 (APN 4461-13-3)  
9,200 SQ. FT.

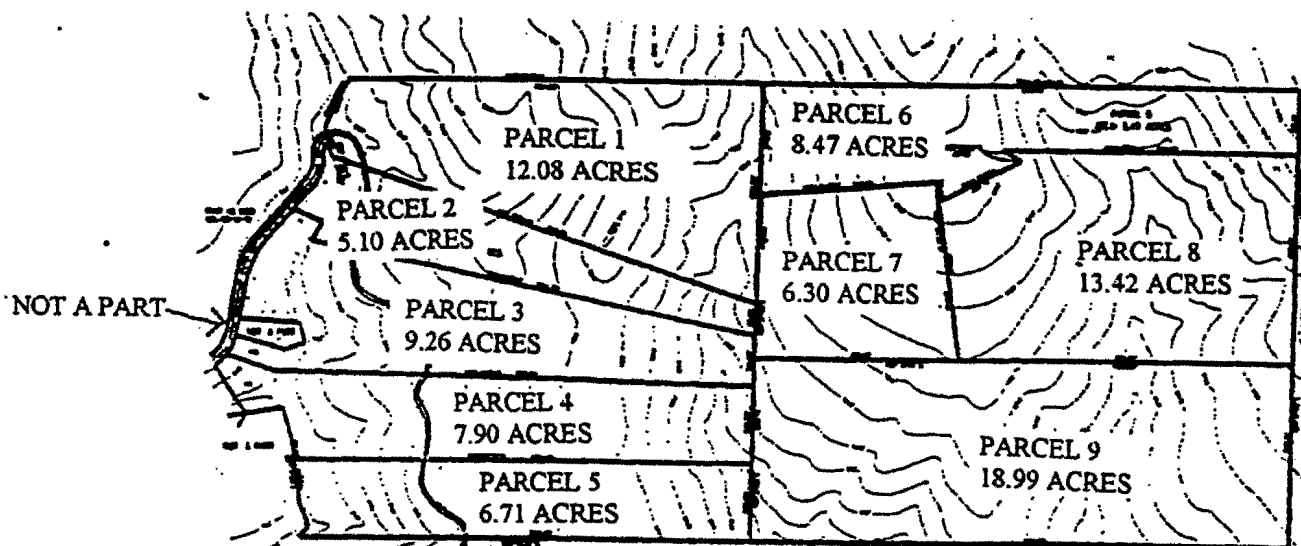
LOT 45, TR. 9289 (APN 4461-12-1)  
8,670 SQ. FT.

LOT 44, TR. 9289 (APN 4461-9-28)  
16,640 SQ. FT.

APN 4461-007-016  
86± ACRES

NOT A PART

### EXISTING LOT CONFIGURATION



### PROPOSED LOT CONFIGURATION

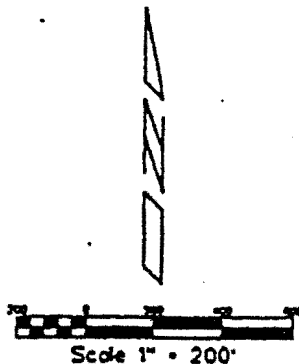


EXHIBIT NO. 3

APPLICATION NO.  
4-96-187(SOHAL)

EXISTING / PROPOSED  
PARCELS



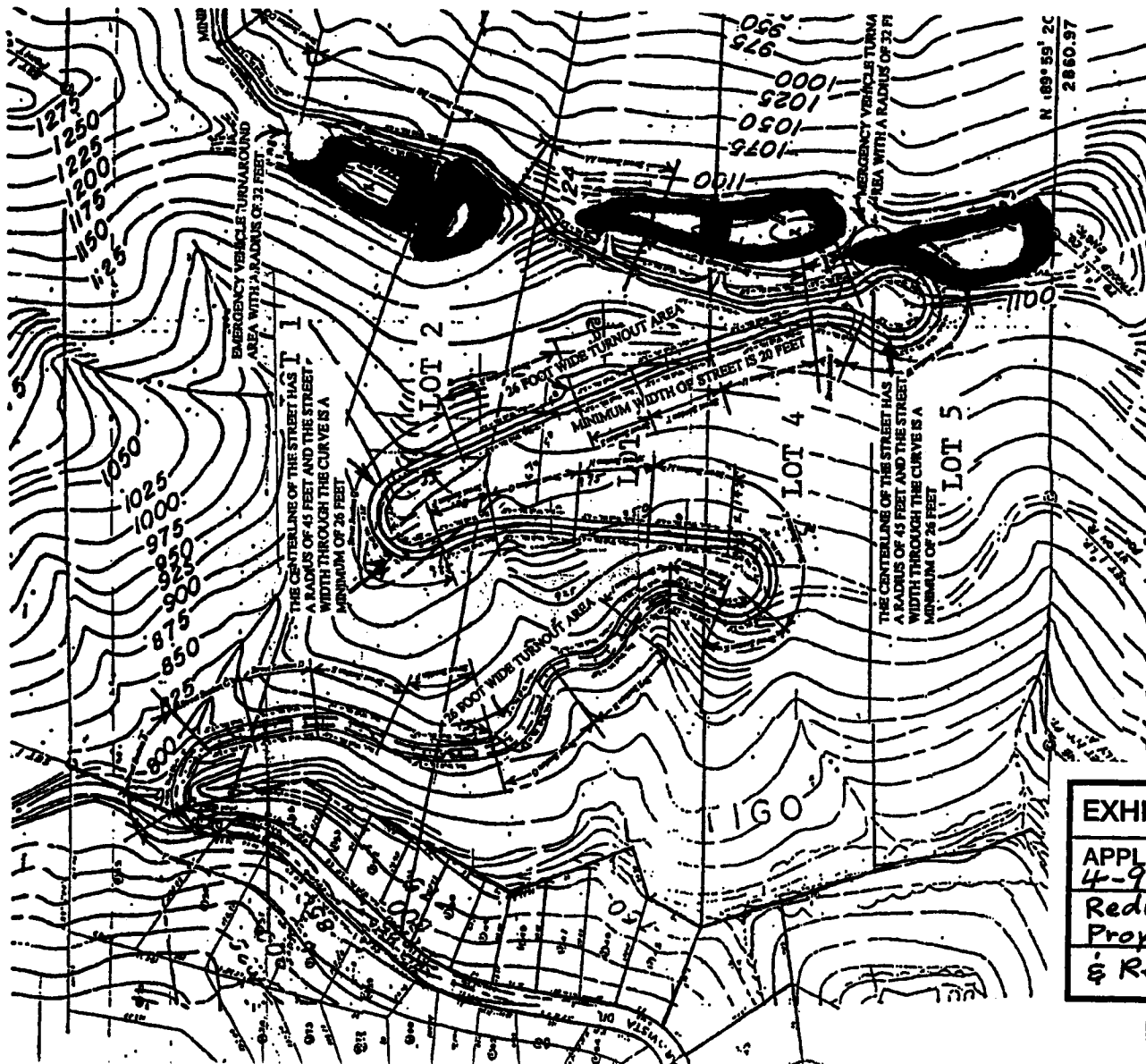
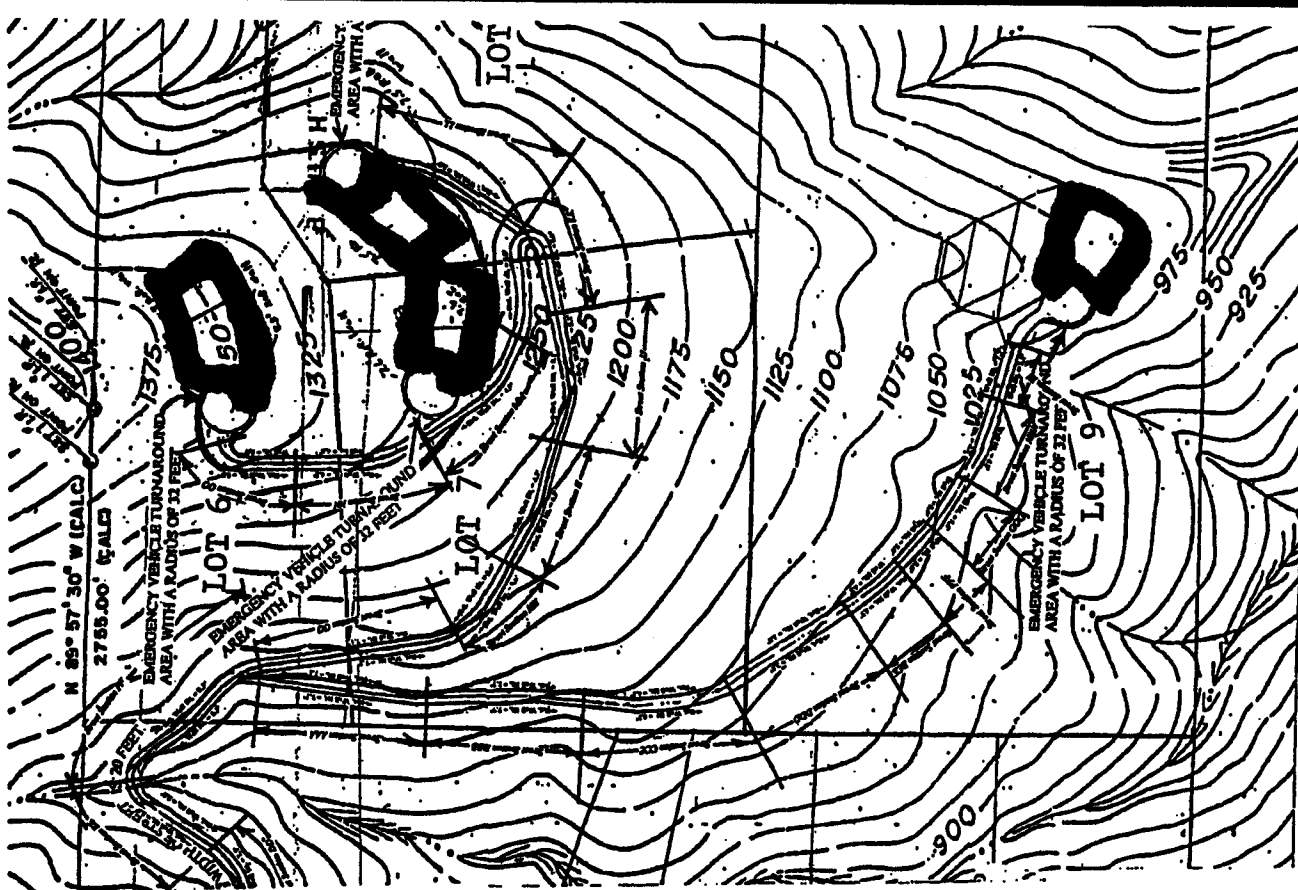


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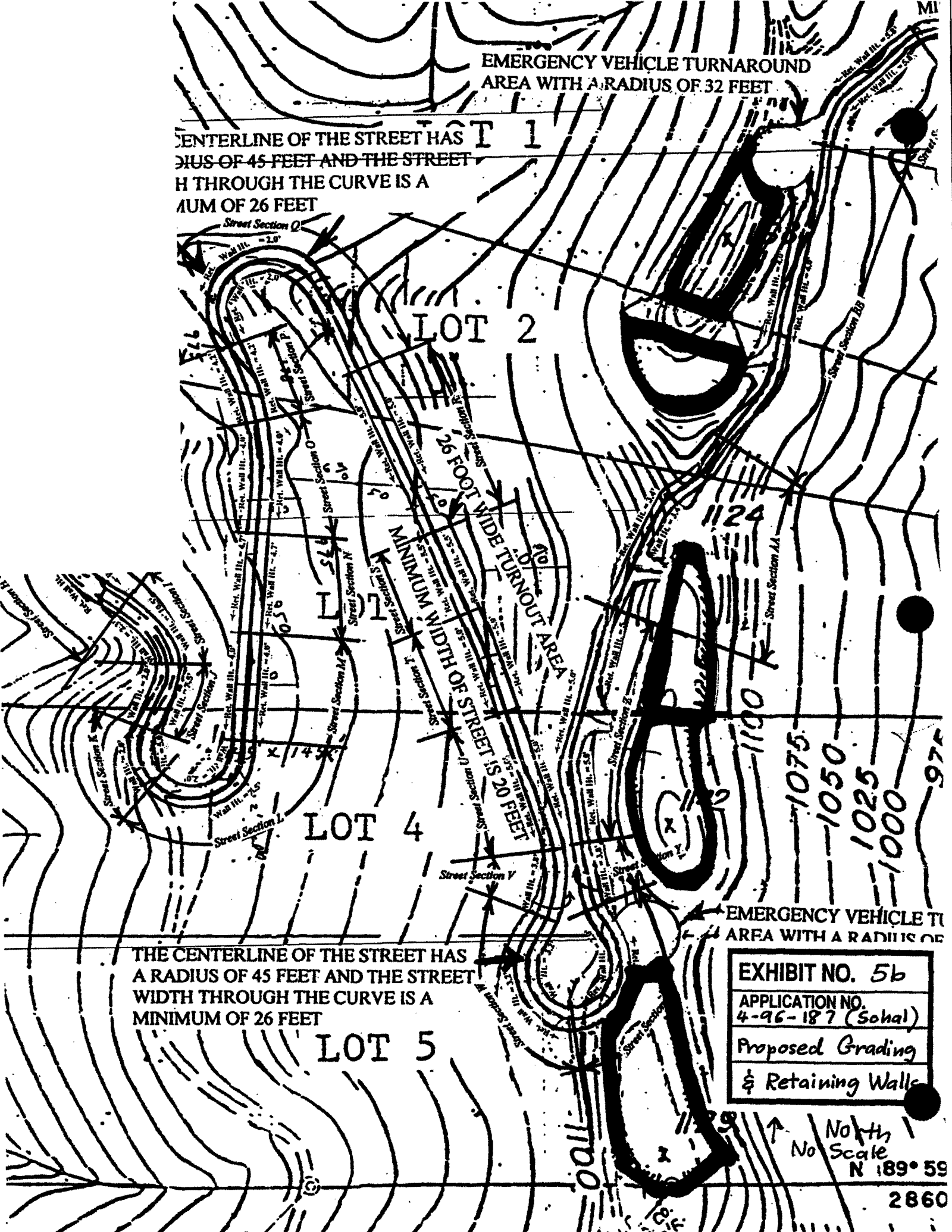
APPLICATION NO.  
4-96-187(Sol)  
Reduction of  
Proposed Grading  
& Retaining Walls





EMERGENCY VEHICLE TURNAROUND  
AREA WITH A RADIUS OF 32 FEET

CENTERLINE OF THE STREET HAS  
A RADIUS OF 45 FEET AND THE STREET  
WIDTH THROUGH THE CURVE IS A  
MINIMUM OF 26 FEET



THE CENTERLINE OF THE STREET HAS  
A RADIUS OF 45 FEET AND THE STREET  
WIDTH THROUGH THE CURVE IS A  
MINIMUM OF 26 FEET

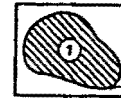
EXHIBIT NO. 5b
APPLICATION NO. 4-96-187 (Sohal)
Proposed Grading & Retaining Walls

North  
Scale  
N 189° 59'  
2860





# VISUAL RESOURCES



SCENIC ELEMENT  
(WITH NUMBERS  
REFERENCED IN TEXT)



VIEWSHED



AREA HAVING  
OCEAN VIEWS  
(FROM EXISTING ROADS)

----- SIGNIFICANT RIDGE

----- VIEWSHED BOUNDARY

----- SCENIC HIGHWAY

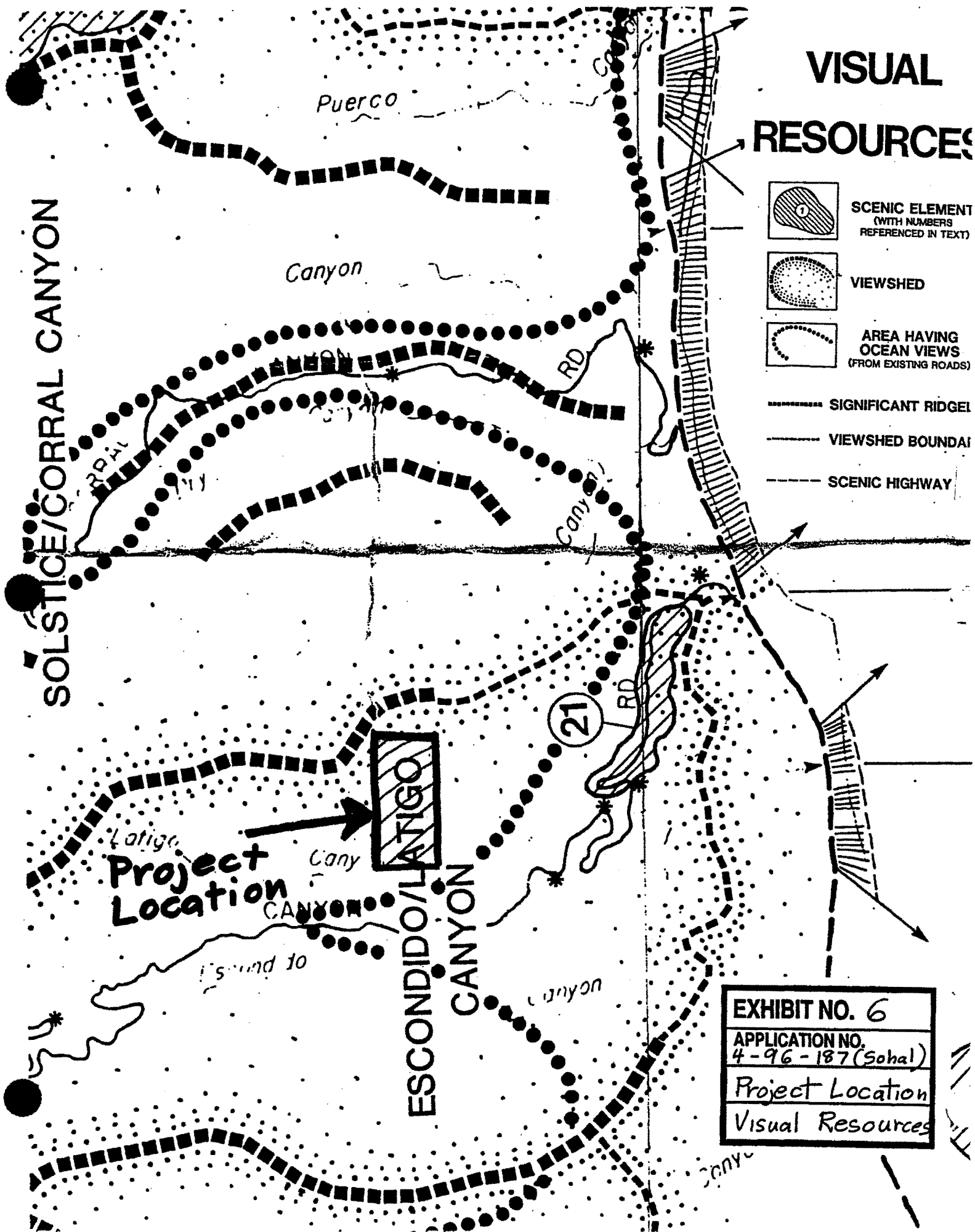


EXHIBIT NO. 6

APPLICATION NO.  
4-96-187 (Sohal)

Project Location  
Visual Resources

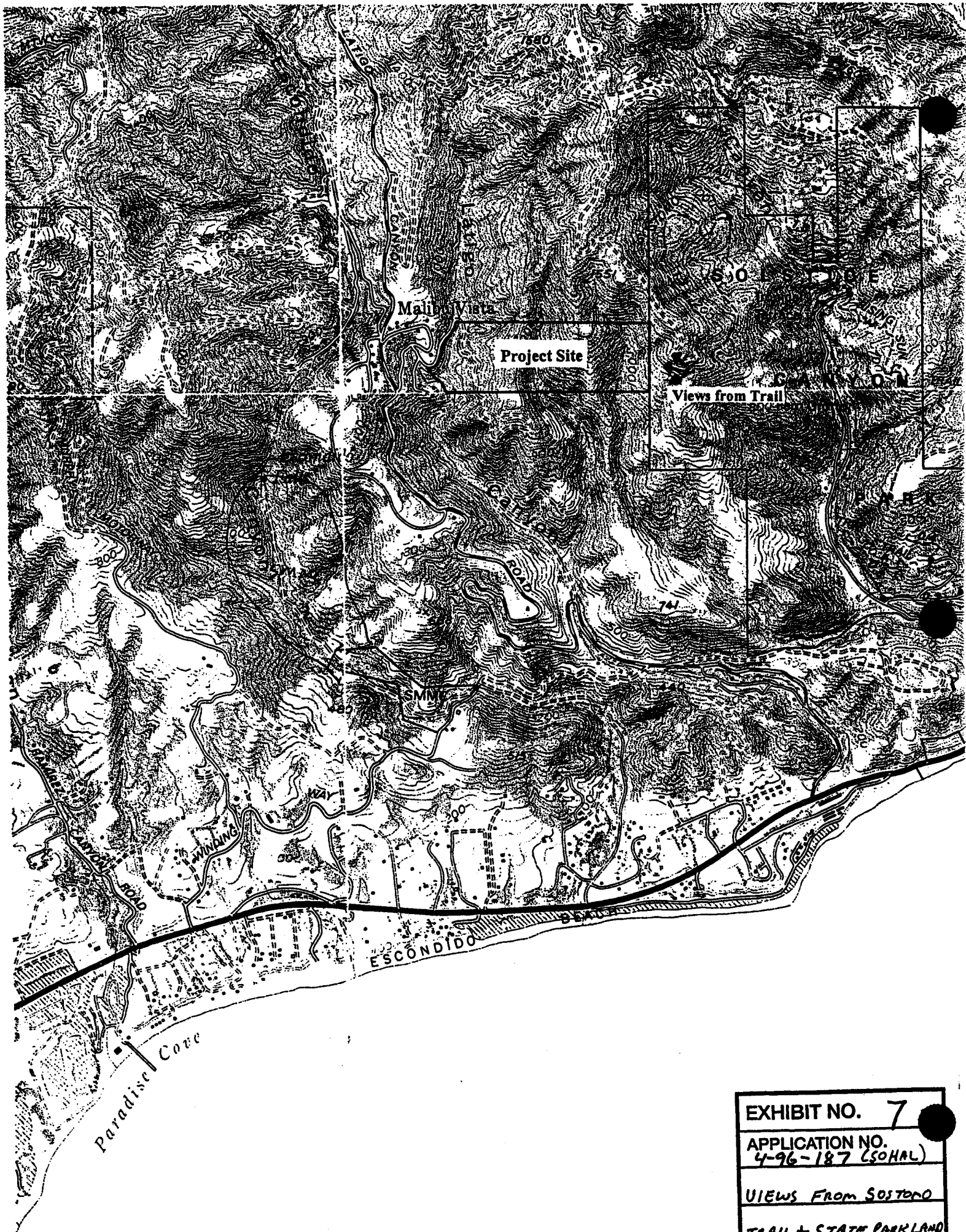
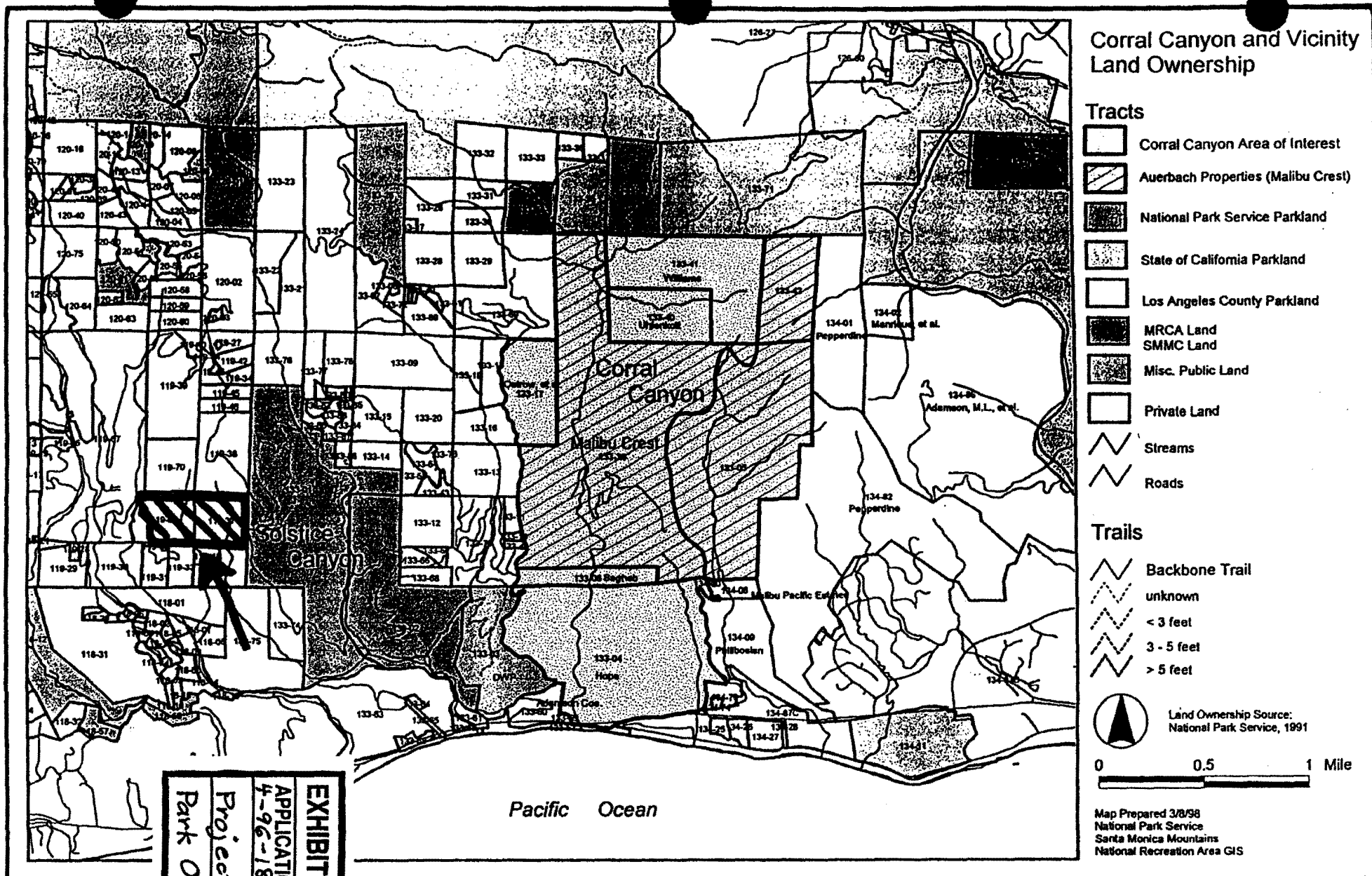


EXHIBIT NO. 7
APPLICATION NO. 4-96-187 (SOHAL)
VIEWS FROM SOSTERO
TRAIL + STATE PARKLAND



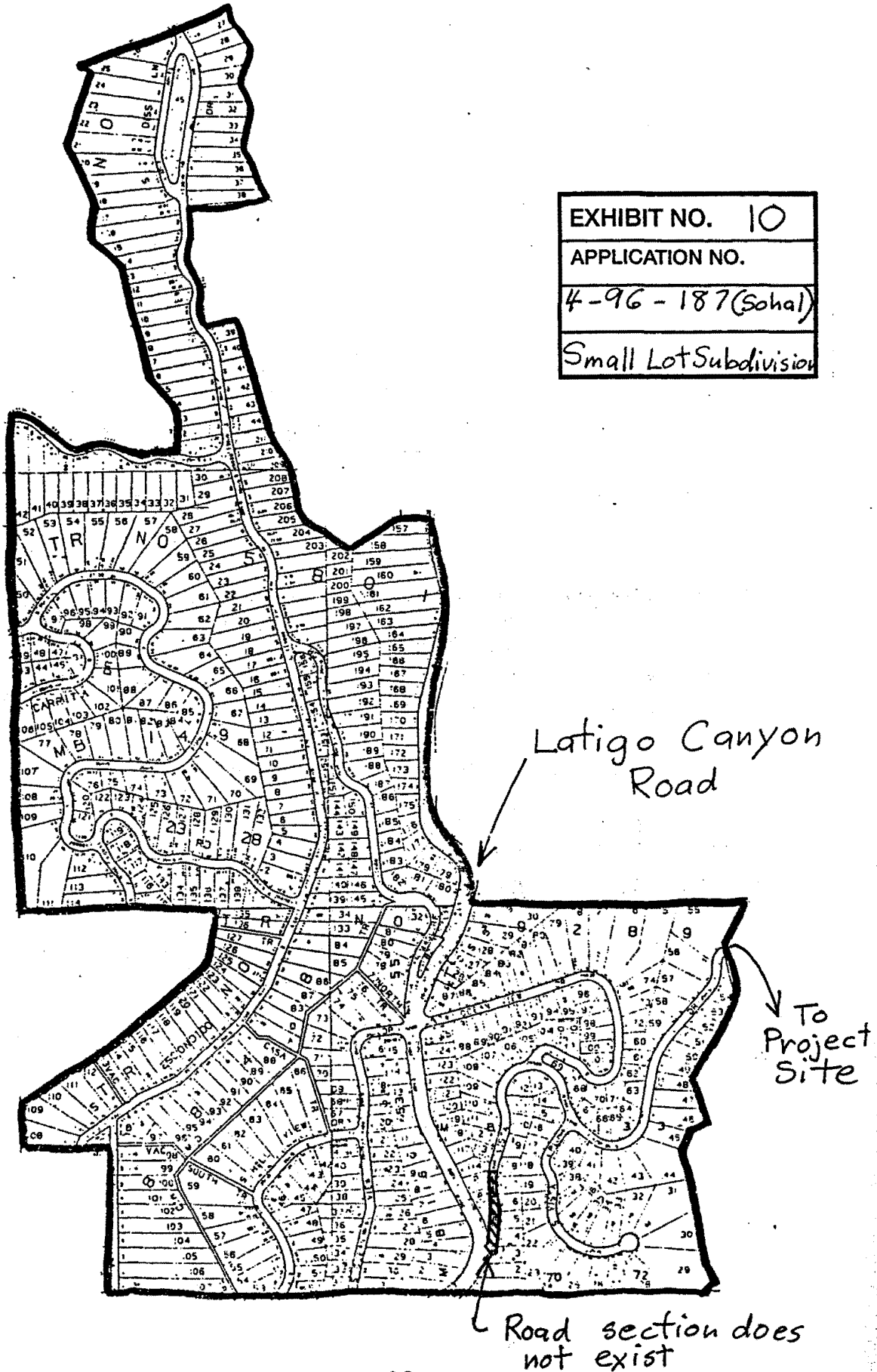






# SUBDIVISION BOUNDARIES MAP

## MALIBU VISTA



**THE MALIBU VISTA  
BY FACSIMILE PROFESSIONAL CENTER**

August 14, 1998

Jack Ainsworth  
California Coastal Commission  
89 S. California St., Ste. 200  
Ventura, CA 93001  
Fax: 805-641-1732

EXHIBIT NO. 11
APPLICATION NO. P1 of 2
4-96-187 (Sohal)
Applicant's Proposal

RE: 4-96-187 (Sohal)

Dear Mr. Ainsworth:

In regard to the future development of the subject eight 9000± square foot parcels and the 85± acre parcel, the following facts exist:

1. The eight smaller parcels can be developed individually with eight small homes and the result would be the entire elimination of 1,200 feet (1/4 mile) of one of the few remaining all year continuously flowing blue water stream virgin riparian habitats and wildlife corridors.
2. In addition, the owner can apply for the subdivision of the 85± acre parcel into six parcels and be consistent with the Coastal Commission L.U.P. Any development would involve the same street improvements that were originally applied for.
3. There are ten additional legal parcels that are adjacent to the 85± acres which will be developed eventually and which will require the exact same street improvements that have been requested in our application. Accordingly, the visual resources of the 85± acres and the surrounding area will be impacted with 11 homes even if the potential subdivision of the 85± acres was denied or the lot line adjustment is denied.

Surely we will get one lot per 20 acres, even if the six lot subdivision is denied, and this will result in four lots instead of one 85± acre lot. Therefore, there will be 14 houses eventually that impact the visual resources, plus the eight smaller houses that will eliminate the riparian habitat.

4. In accord with paragraph "3" above, the existing nine lots will eventually be 13 lots. It is noted that the average lot size when we get a four-lot subdivision approved for the 85± acres relative to all 13 lots is 21.25 acres, and the average lot size in a ¼ mile radius is 1.52 acres.

**THE APPLICANT'S FINAL COMPROMISE POSITION**

- A. The applicant will agree to a five-lot lot line adjustment.

Jack Ainsworth  
August 14, 1998  
Page Two

EXHIBIT NO. 11
APPLICATION NO. p 2 of 2
4-96-187 (Sohal)
Applicant's Proposal

- B. No restriction on any right of the applicant to file for a three parcel subdivision or lot line adjustment relative to the most northerly parcel in the future.
- C. Applicant will agree never to build homes or any structure on the eight existing lots adjacent to the riparian habitat. Lots that are not used for lot line adjustments will be eventually used as T.D.C.s.
- D. The proposed new south to north switchback to the building sites on the 85± acres will be eliminated if this proposal is accepted.

The maximum number of homes will be reduced from a potential of 14 homes on the subject nine lots to a maximum of eight homes, and the Commission will only be agreeing to five homes at this point!

- E. An open space easement will be recorded against the title of the property that contains the riparian habitat so that the blue water stream, the riparian habitat, and the wildlife corridor is protected forever.

When considering my proposal please note that the visual resources of the area to the east of the blue water stream will be impacted with 11-14 homes even if the lot line adjustment is denied. If the lot line adjustment is approved as proposed here there will be 15 homes.

In summary, the visual resources will be impacted very little if the proposed lot line adjustment is approved, but an entire blue water stream riparian habitat and wildlife corridor will be destroyed if it is not approved.

This alternative lot line adjustment proposal is dependent on receiving a positive staff recommendation.

I look forward to your response.

Sincerely yours,

*Norman R. Haynie*

Norman R. Haynie  
Representative for  
Dr. and Mrs. Sohal

NRH/cek

cc: Dr. Mohinder Sohal

