

Item TH 8b

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: CAREY
Staff Report: 10/16/03
Hearing Date: 11/5-7/03



STAFF REPORT: AMENDMENT

APPLICATION NO: 4-02-013A

APPLICANT: Raymond and Darojka Monti **AGENT:** Don Schmitz and Associates

PROJECT LOCATION: 1800 Mar Vista Ridge Motorway, Santa Monica Mountains, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a new 1,560 sq. ft., 17' 5" high, one-story single family residence (SFR), with attached, 598 sq. ft., subterranean 2-car garage, septic system; well; 2, 4,000-gallon water storage tanks; and 620 cu. yds. of grading (250 cu. yds. of cut and 370 cu. yds. of fill). Paving of approximately 2,335 sq. ft. of the existing access road to meet fire department requirements. In addition, proposed project includes a request for after-the-fact placement of a temporary 40' x 8' x 10' storage container on site during construction.

DESCRIPTION OF AMENDMENT: Redesign of the approved residence to: 1) increase the total square footage to 3,120 sq. ft.; 2) add a 684 sq. ft. roof terrace; 3) increase the total height of the structure from existing grade to 35 feet; 4) reduce the size of the garage to 504 sq. ft.; 5) reduce the total grading to 275 cu. yds; and 6) add a temporary 272 sq. ft. construction trailer to be used on the site during construction.

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval in Concept

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the amendment request with Special Conditions relating to structural appearance, deed restriction, removal of temporary construction trailer, and removal of excess cut material. As conditioned, the amended project will be consistent with Sections 30230, 30231, 30240, and 30251 of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (§13166 of the California Code of Regulations).

I. STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit amendment, with special conditions.

MOTION

Staff recommends a **YES** vote on the following motion. This will result in the adoption of the following resolution and findings.

I move that the Commission approve with special conditions Coastal Development Permit Amendment 4-02-013A per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

RESOLUTION

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

II. SPECIAL CONDITIONS.

NOTE: All standard and special conditions attached to the previously approved permit remain in effect.

1. Structural Appearance

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette (the size of the palette shall be no larger than 8.5 by 11 inches) and material specifications for the outer surface of all structures authorized by approval of Coastal Development Permit 4-03-012A. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, fencing or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by Coastal Development Permit 4-02-013A if such changes are specifically authorized by the Executive Director as complying with this special condition.

2. Deed Restriction

Prior to issuance of the coastal development permit the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to these permits, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of these permits as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

3. Removal of Temporary Construction Trailer

The applicant shall remove the temporary construction trailer within two years of the issuance of this Coastal Permit or within sixty (60) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the County of Los Angeles. The Executive Director may grant additional time for good cause.

4. Excess Graded Material

The applicant shall remove all excess graded material to an appropriate disposal site located outside of the Coastal Zone. Prior to the issuance of the coastal development permit, the applicants shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

III. FINDINGS.

A. Amendment Description and Background

The applicant proposes an amendment to redesign the approved residence to: 1) increase the total square footage to 3,120 sq. ft.; 2) add a 684 sq. ft. roof terrace; 3) increase the total height of the structure from existing grade to 35 feet; 4) reduce the

size of the garage to 504 sq. ft.; 5) reduce the total grading to 275 cu. yds; and 6) add a temporary 272 sq. ft. construction trailer to be used on the site during construction.

The Commission previously acted to approve the construction of a new 1,560 sq. ft., 17' 5" high, one-story single family residence (SFR), with attached, 598 sq. ft., subterranean 2-car garage, septic system; well; 2, 4,000-gallon water storage tanks; and 620 cu. yds. of grading (250 cu. yds. of cut and 370 cu. yds. of fill). Paving of approximately 2,335 sq. ft. of the existing access road to meet fire department requirements. In addition, proposed project includes a request for after-the-fact placement of a temporary 40' x 8' x 10' storage container on site during construction.

B. Visual Resources.

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. The property consists of 11 acres of located along the northeast side of Mar Vista Ridge Motorway, approximately one mile east of Latigo Canyon Road. Vegetation on-site consists of native chaparral and riparian vegetation; however the building pad area and adjacent areas also contain some non-native grasses as the result of previous, pre-coastal disturbance on the site. The property is bounded by an unidentified dirt road on its northerly side, and by Mar Vista Motorway on its southwesterly side. The proposed building site is located adjacent to Mar Vista Ridge Motorway, in the southern part of the parcel, near the top of a northwest trending ridge. Slopes in the vicinity of the proposed building area are gentle to moderate, not exceeding 2.3:1. Approximately, 200 feet to the east of the proposed building site, however, slopes increase to 1.5:1. The maximum elevation change on the site is approximately 160 feet. The entire parcel is located within the Solstice Canyon Significant Watershed Area, a designated sensitive resource area in the Malibu/Santa Monica Mountains Land Use Plan. There are public parklands (Santa Monica Mountains National Recreation Area) in the area to the north, northeast, and northwest of the project site. The Commission previously found that the proposed structure would not have adverse visual impacts on trails, scenic roads, or parklands in the area. While the project site is located on a ridge, the visual impacts of the development on public viewing areas were minimized by intervening topography, the proposed fill, and the low height of the approved project.

In the case of the amended project, the proposed residence will be located in the same area of the site and mostly within the same footprint as the originally approved residence. The applicants now propose to add a lower, semi-subterranean level to the structure. The approved project included only a garage at subterranean level with a prefabricated structure placed above. The approved grading included fill placed on the east side of the garage. The proposed structure would include a full semi-subterranean level with garage and recreation room. Additionally, the grading would be revised to eliminate the fill east of the structure. Instead, this area would be cut in order to match the grade of the structure lower level. Finally, a roof terrace is proposed to be added, which includes a roofed area over a portion of the roof for the main level of the structure. These proposed changes will result in doubling the structure height from 17 feet, 5 inches to 35 feet above existing grade. As proposed, the structure at this height will be much more visible from public parkland, particularly from the east side where the full height will be above grade. The full height of the structure will not be visible from the west. The amended structure has been sited and designed to minimize visual impacts by locating in the same footprint as the approved structure, and by extending the highest portion of the structure (roof terrace) across only a portion of the residence.

The visual impact of the proposed structures and retaining walls can be further minimized by requiring the residence to be finished in a color consistent with the surrounding natural landscape and, further, by requiring that windows of the proposed structure be of a non-reflective glass type. To ensure visual impacts associated with the colors of the structure and the potential glare of the window glass are minimized, the Commission requires the applicant to use colors compatible with the surrounding environment and non-glare glass, as detailed by **Special Condition 1**.

Special Condition 2 requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the subject property and provides any prospective purchaser with recorded notice that the restrictions are imposed on the subject property.

The proposed amended project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore the Commission finds that, as conditioned, the proposed amendment is consistent with Section 30251 of the Coastal Act.

C. Environmentally Sensitive Habitat Area

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

(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 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values.

The Commission found, in the approval of the original residence, that the project site contained habitat considered ESHA. The development was restricted to a 10,000 sq. ft. development area and all development was clustered within the development area, with the exception of the well, a previously existing shooting platform, and a temporary storage container.

The applicants now propose the placement of a temporary construction trailer on the site that is not within the 10,000 sq. ft. development area. The trailer will be located on a disturbed area of the site. As such, its use during construction of the approved residence will not have adverse impacts on ESHA on the site, so long as it is removed once construction is completed so the area can be landscaped in accordance with an

approved landscape plan required under Special Condition 3 of the original permit. To ensure that the trailer is removed after construction, Special Condition 3 of this amendment requires that the trailer be removed within 2 years of permit issuance or within 60 days of the applicants' receipt of a certificate of occupancy for the residence.

As described above, the applicant is proposing to modify the project grading to eliminate the fill east of the structure. Instead, this area would be cut in order to match the grade of the structure lower level. The proposed grading includes 275 cu. yds. of cut. This cut material, if not properly disposed of could have adverse impacts on ESHA. To ensure that excess cut material is moved off site so as not to contribute to unnecessary landform alteration and to minimize erosion and sedimentation from stockpiled excavated soil, the Commission finds it necessary to require the applicant to dispose of the material at a appropriate disposal site or to a site that has been approved to accept fill material, as specified in **Special Condition 4**.

The proposed amended project, as conditioned, will not result in a significant adverse impact to environmentally sensitive resources on the project site or the surrounding area. Therefore the Commission finds that, as conditioned, the proposed amendment is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

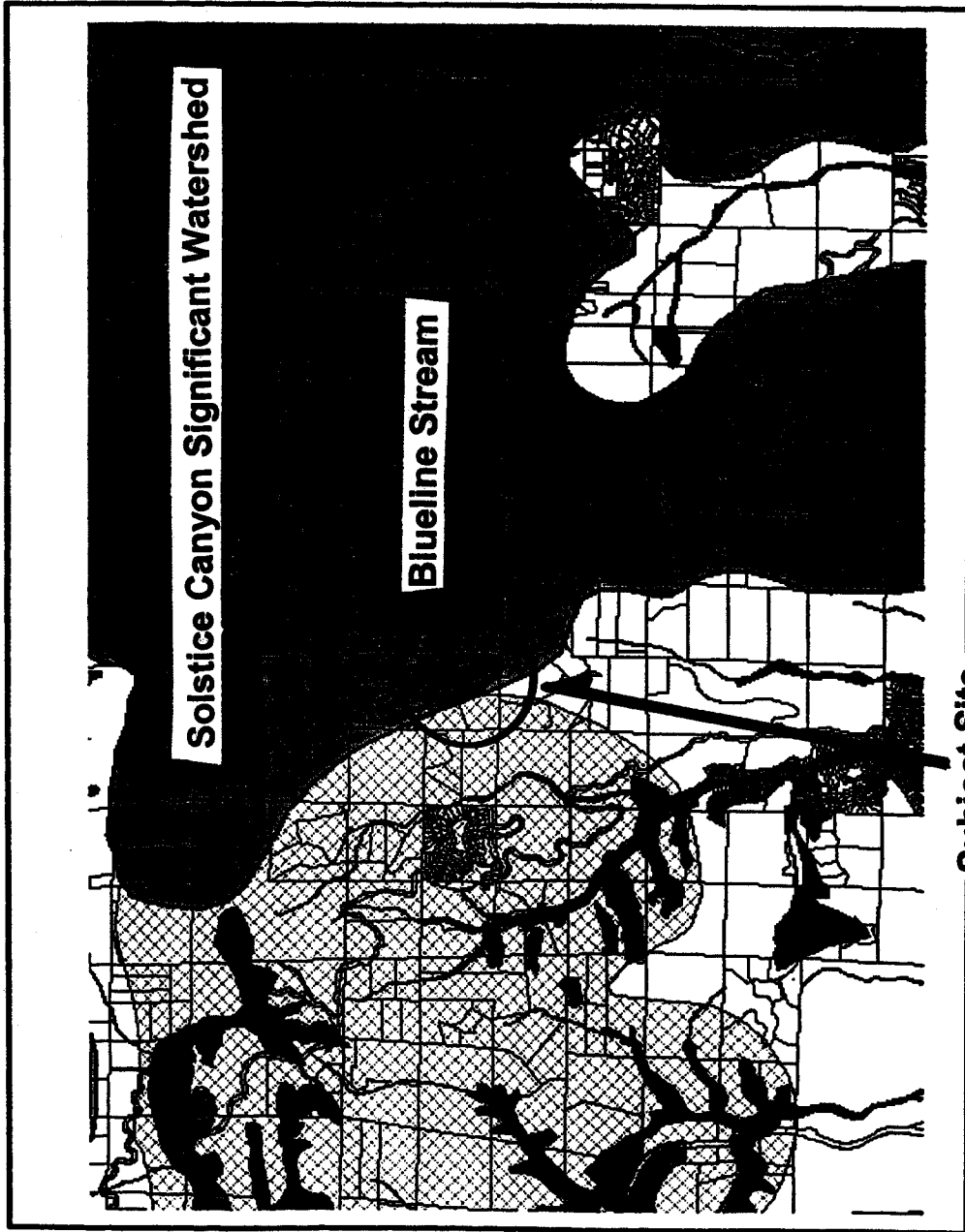
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project, as amended, will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed developments, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally Quality Act (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 which would substantially lessen any significant adverse effect that the activity may have on the environment.

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

4-02-013 Monti



Subject Site



EXHIBIT NO. 2
APPLICATION NO.
4-02-013A
ESJIA MAP

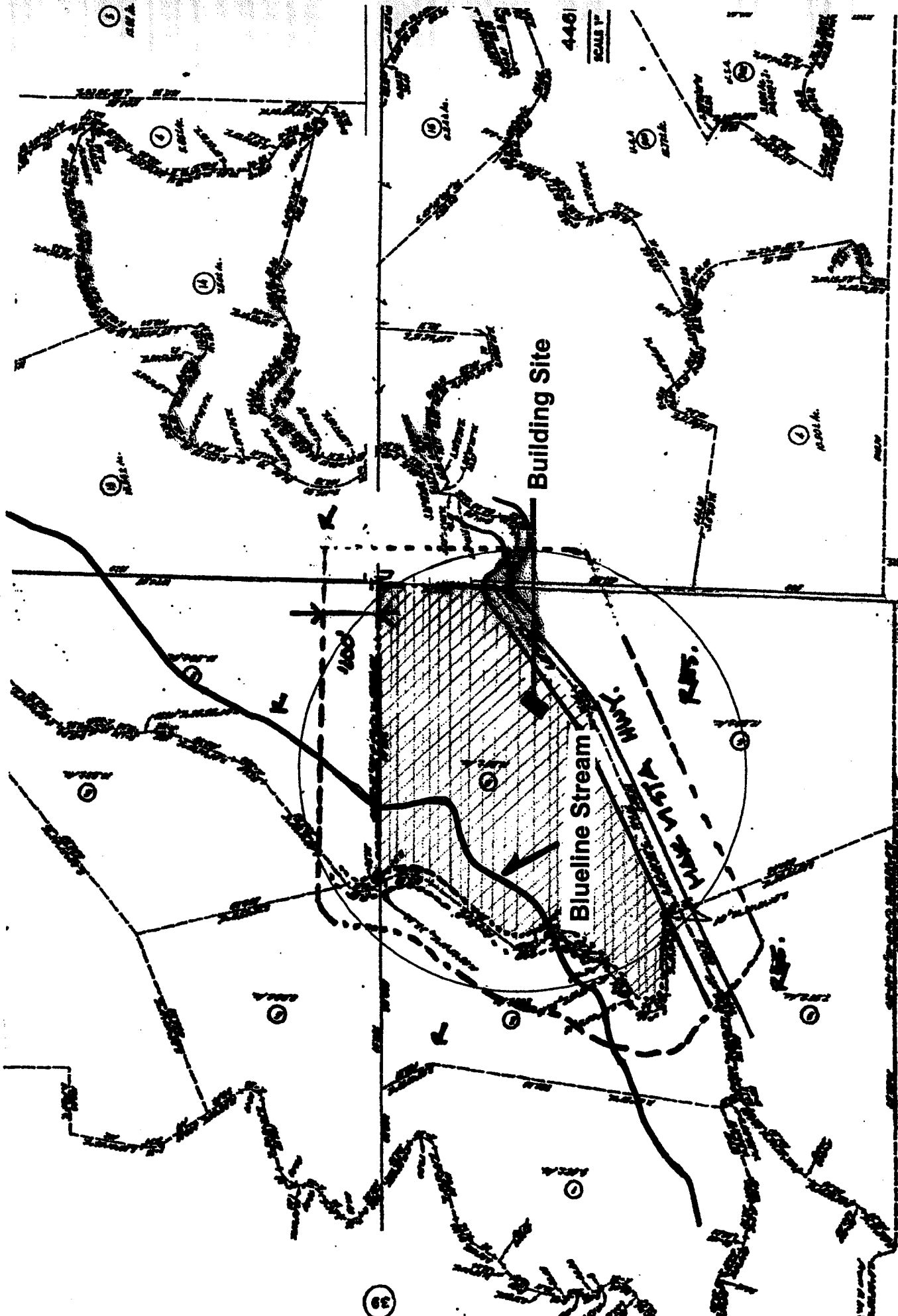


EXHIBIT NO. 3
APPLICATION NO.
4-02-013A

SCALE 200'

