

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800 FAX (805) 641-1732

www.coastal.ca.gov

W10

SOUTH CENTRAL COAST DISTRICT (VENTURA) DEPUTY DIRECTOR'S REPORT

For the

December Meeting of the California Coastal Commission

MEMORANDUM

Date: December 9, 2009

TO: Commissioners and Interested Parties
FROM: John Ainsworth, South Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Central Coast District Office for the December 9, 2009 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the South Central Coast District.

REGULAR WAIVERS

1. 4-09-091-W Barbara A. Sausse' (Malibu, Los Angeles County)

DE MINIMIS WAIVERS

1. 4-09-048-W Gary & Jeannine Isbell (Calabasas, Los Angeles County)
2. 4-09-069-W Patricia Corriea (Topanga, Los Angeles County)

MISCELLANEOUS

1. A-4-STB-06-054 & 055 **Objection letter received**

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
4-09-091-W Barbara A. Sausse'	Replacement of existing septic system with new Microseptec system and new seepage pits for a new residence previously approved (in Exemption 4-08-062-X) as replacement for a single family residence destroyed by fire.	2007 Corral Canyon Road, Malibu (Los Angeles County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
4-09-048-W Gary & Jeannine Isbell	Installation of a 20 ft. by 28 ft. ground-mounted photovoltaic solar array at an existing single family residence (originally approved pursuant to Coastal Development Permit 4-00-013).	26046 Mulholland Highway, Calabasas (Los Angeles County)
4-09-069-W Patricia Corriea	Proposed lot line adjustment/lot combination to combine four residentially developed lots resulting in two lots with separate residences. The four lots currently have the following areas: APN 4447-013-010, 13,908 sq. ft.; APN 4447-013-017, 4,985 sq. ft.; APN 447-013-020, 10,454 sq. ft.; APN 4447-013-022, 10,595 sq. ft. The resulting two lots provide the existing development with adequate setbacks from resulting lot lines and are proposed to be as follows: New Lot 1 will have 23,005 sq. ft. with a residence, garage, workshop and shed; New Lot 2 will have 16,856 sq. ft. with a residence, guest house and shed. No additional development, grading or vegetation removal is proposed.	1509 & 1507 Bainum Drive, Topanga (Los Angeles County)

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: December 2, 2009
TO: All Interested Parties
SUBJECT: Waiver of Coastal Development Permit Requirement
Waiver No.: 4-09-091-W

Based on project plans and information submitted by the applicant regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Section 13250(c) of the Administrative Regulations (Title 14, Division 5.5).

Applicant(s): Barbara Sausse'

Location: 2007 Corral Canyon Road (Malibu Bowl Small Lot Subdivision, Santa Monica Mountains, Los Angeles County)

Description: Replacement of existing septic system with new Microseptec system and new seepage pits for a new residence previously approved (in Exemption 4-08-062-X) as replacement for a single family residence destroyed by fire.

Rationale: The proposed septic system will be located on a site that was previously developed with a residence and will not result in the removal of native vegetation or increased development area. As such, there are no individual or cumulative adverse impacts on coastal resources associated with this project and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

IMPORTANT: This waiver is not valid until reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on December 9, 2009. If three or more Commissioners object to this waiver, a coastal permit will be required.

Persons having questions or wishing to object to the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,

PETER M. DOUGLAS
Executive Director

A handwritten signature in black ink, appearing to read 'Barbara J. Carey'.

By: Barbara J. Carey
Title: Supervisor, Planning and Regulation

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
19 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
805) 585 - 1800



**NOTICE OF COASTAL DEVELOPMENT PERMIT
WAIVER-DE-MINIMIS**

Date: November 1, 2009
To: All Interested Parties
Subject: Waiver of Coastal Development Permit Requirement
Waiver No.: 4-09-048

Based on project plans and information submitted by the applicant regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Section 13250(c) of the Administrative Regulations (Title 14, Division 5.5).

Applicant: Gary and Jeannine Isbell

Location: 26046 Mulholland Highway, Calabasas, Los Angeles County [4455-048-008]

Description: Installation of a 20 ft. by 28 ft. ground-mounted photovoltaic solar array at an existing single family residence (originally approved pursuant to Coastal Development Permit 4-00-013).

Rationale: The proposed project is relatively minor in nature. The proposed solar electric panels will be placed within 100 feet of existing development, within the required fuel modification area. As proposed, the project will not result in any significant adverse impacts to sensitive habitat, public access, or public views. Therefore, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of December 9-11, 2009. If three Commissioners object to this waiver, a coastal permit will be required.

Persons having questions or wishing to object to the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,

Peter M. Douglas
Executive Director

A handwritten signature in black ink, appearing to read "Andrew D. Berner".

By: Andrew D. Berner
Assistant Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER-DE MINIMIS

DATE: November 19, 2009

TO: John Mac Neil
2330 N. Topanga Canyon Blvd.
Topanga, CA 90290

RE: Waiver of Coastal Development Requirements No. 4-09-069-W

Based upon the project plans and information submitted by the applicants named below for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

Applicant: Patricia Corriea

Agent: John MacNeil

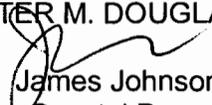
Location of Proposed Development: 1507 & 1509 Bainum Drive, Topanga, (Los Angeles County), CA (APN's 4447-013-010, 017, 020, 022)

Description of Proposed Development: Proposed lot line adjustment/lot combination to combine four residentially developed lots resulting in two lots with separate residences. The four lots currently have the following areas: APN 4447-013-010, 13,908 sq. ft.; APN 4447-013-017, 4,985 sq. ft.; APN 4447-013-020, 10,454 sq. ft.; APN 4447-013-022, 10,595 sq. ft. The resulting two lots provide the existing development with adequate setbacks from the resulting lot lines and are proposed to be as follows: New Lot 1 will have 23,005 sq. ft. with a residence, garage, workshop and shed; New Lot 2 will have 16,856 sq. ft. with a residence, guest house and shed. No additional development, grading or vegetation removal is proposed.

Rationale: This is a minor lot line adjustment/lot combination among four lots resulting in a reduction in the number of lots and increasing the size of the resulting lots from as small as 4,985 sq. ft. to as large as 23,005 sq. ft. The lots were created in 1926 as a portion of Tract No. 8859 consistent with Subdivision Map Act and County land division ordinances at the time of creation. Between 1960 and 1964 portions of three lots were adjusted to the current configuration consistent with Subdivision Map Act and County land division ordinances at the time of creation. All four lots have existing development constructed between 1934 and 1957 consisting of two separate single family residences, a guest house, garage, workshop and two sheds. No additional development has occurred since 1977. The two residences and guest house are bisected by two of these existing lot lines. Although the resulting lots are inconsistent with the Commission certified Los Angeles County Land Use Plan land use densities for this site (Rural II, one unit per 2 acres), the proposed change would reduce the inconsistency on the two resulting lots. The lot line adjustments are proposed to relocated existing lot lines from beneath existing development and provide for a development setback from the new lot lines. The two resulting lots will continue to have existing residential development. There are no coastal resources affected by this proposal, since no grading, physical development, or vegetation clearing is proposed. Therefore, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act and involves no potential for any adverse effect, either individually or cumulatively, on coastal resources.

IMPORTANT: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of December 9-11, 2009. If four Commissioners request that this waiver not be effective, a coastal development permit will be required.

Truly yours,
PETER M. DOUGLAS

By: 
Title: Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**District Director's Report**

DATE: November 30, 2009

TO: Commissioners and Interested Persons

FROM: South Central District Staff

SUBJECT: Time Extension for Coastal Development Permits A-4-STB-06-054 & 055 (Chase)

The applicants request a one-year Time Extension to previously approved Coastal Development Permits No. A-4-STB-06-054 & 055 (Approved July 9, 2007). These permits were approved for the following development:

CDP A-4-STB-06-054 (Parcel 22): Construction of a three-level, 1,798 sq. ft., maximum 28 ft. 10-inch high, single family residence with 419 sq. ft. garage and carport, and 567 sq. ft. of decks.

CDP A-4-STB-06-055 (Parcel 23): Construction of a three-level, 1,998 sq. ft., maximum 28 ft. 10-inch high, single family residence with 610 sq. ft. garage-carport-laundry, and 828 sq. ft. of decks.

The Executive Director determined on September 30, 2009, that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act. This Determination was reported to the Commission at the October 2009 Commission meeting. Notice of this determination was mailed to neighboring property owners within 100 feet. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there are changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

One letter of objection to the time extension was received from Rick and Janet Stich on October 12, 2009, within 10 working days of the mailed notice (Exhibit 1). Two additional letters (Exhibit 2) were received outside the objection period, on October 15, 2009, which is the 11th working day after the extension notice was published. These two letters from Bonnie Murdock and Bruce Murdock were therefore not submitted in a timely manner and are thus not valid objections. Notwithstanding the untimeliness of

these two letters, they do not in any case identify changed circumstances affecting the consistency of the development with the Coastal Act.

The applicants' agent has submitted a letter (Exhibit 3), dated November 19, 2009 in response to the letters of objection. The letter states that the objection letters: "did not raise any new issues or identify any new facts". The letter goes on to discuss the applicants' progress on condition compliance and voicing objection to the Commission's imposition of an off-site wetland mitigation condition of approval. The discussion of the required off-site mitigation is not germane to the extension request and is not discussed herein.

The Stich letter (Exhibit 1) contains a discussion of the permitting history on the subject project sites, as well as the importance of vernal pool and wetland habitat. The letter requests that the Commission carefully question the automatic extension of the permits. However, no argument is made that there are changed circumstances affecting the project sites that would affect the developments' consistency with the Coastal Act. Staff is not aware of any changed circumstances affecting the project sites. As such, the Executive Director has determined that the objection does not raise an issue with conformity with the Coastal Act. Therefore, the Executive Director is reporting the time extension to the Commission pursuant to above referenced regulation. If three commissioners object to the Executive Director's determination on the time extension, it will be scheduled as a material time extension at a subsequent meeting.

RECEIVED
OCT 12 2009

October 12, 2009

California Coastal Commission
89 South California Street Suite 200
Ventura, California 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Re: Permit # A-4-STB-06-054-E1 (and adjacent lot) - Extension Request for Coastal Development Permit

To Whom It May Concern,

We would like to request that the extension of the Coastal Permit for the properties listed above not be approved. The Chase family and their legal representative tried for over ten years to obtain a permit to build **inside** the 100 foot buffer for the vernal pool/wetland on the protected property contiguous with their lots.

The Coastal Commission did grant the building permit, but it should be noted that for those 10 plus years, numerous County and State governmental agencies did not grant the permit because of sensitive, environmental, wetland issues. When the County finally, reluctantly, signed off, they granted a footprint that was significantly smaller than what the Coastal Commission approved. It took the Chases so long to get their permit because it was a project that was actually never meant to be approved.

There are less than 2% of California's bluff-top, coastal vernal pools and their supporting wetlands left. This is a healthy, active vernal pool, with all the supporting and important wetland plants present.

This property was a wetland at the beginning of this process, is a wetland now, and will always be a wetland.....until, of course, building begins on the site.

For our community and for this vernal pool site, we respectfully request that the Coastal Commission carefully question the automatic extension of this permit.

Sincerely,



Rick and Janet Stich
6865 Del Playa Drive
Isla Vista, California 93117

EXHIBIT 1
Extension Requests A-4-STB-06-054 & 055

Bonnie Murdock
6870 Del Playa Dr.
Isla Vista, CA 93117
10 October 2009

RECEIVED
OCT 15 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast Area
89 S. California St., Suite 200
Ventura, CA 93001

Re: Permit No: A-4-STB-06-054-E1

Dear Members of the California Coastal Commission,

I oppose the time extension on a previously approved CDP for construction of a residence at the 6800 block of Del Playa Dr., Isla Vista (Santa Barbara County).

Is this infill housing or a plan to build in an open space that was and still is a wetland? The Chase family spent more than 10 years in litigation to get Permit No:A-4-STB-06-054-E1. Now they are asking for an extension of this permit. If they build it will impede habitat restoration in this sensitive wetland.

The permit in question puts a house near the middle of 7 contiguous lots. Five of the lots are in public ownership and have had some habitat restoration in the two years since the Chase's building permit was issued. Before the Commission grants an extension of the permit, I suggest that the current wetland status needs to be determined.

Sincerely,

Bonnie Murdock

Bonnie Murdock

EXHIBIT 2
Extension Requests
A-4-STB-06-054 & 055

RECEIVED
OCT 15 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Bruce Murdock
6870 Del Playa Drive
Isla Vista, CA 93117
10 October 2009

California Coastal Commission
South Central Coast District
89 S. California St., Suite 200
Ventura, CA 93001

Subject: Extension of Coastal Development Permit A-4-STB-06-055-E1 and adjacent lot.

The applicants (Chase family) have requested a time extension on the previously approved CDP. I object to this extension.

Enough is enough. It would be one thing for the applicants to ask for an extension so the already-started project can be completed

There has been no substantive work on the parcel leading to construction. To date, subsoil sampling via two 4" borings were done, and a biologist placed a large number of colored flags on the property marking wetland plants. These activities happened over a year ago.

There have been no postings for an impending building permit. No other signage has been placed. No surveyor's markers are present.

In short, there is no evidence the applicants are going to use the CDP. How many extensions and other Coastal Commission requests must be tolerated before the CDP is allowed to lapse?

The CDP should never have been issued in the first place. The Chase properties were wetlands when purchased in 1984, and they were so warned. The properties are wetlands now, and they will be wetlands in the future. Please carefully consider whether this CDP should be automatically extended.

Please deny the time extension request for permit A-4-STB-06-055-E1.

Regards,



Bruce Murdock

NELSON LAW FIRM
735 STATE STREET
SUITE 212
SANTA BARBARA, CALIFORNIA 93101

JEFFREY C. NELSON

Phone (805) 845-7710

Jeff@JeffNelsonLaw.com

November 19, 2009

Ms. Barbara Carey
Supervisor, Planning & Regulation
California Coastal Commission
89 S. California Street, Suite 200
Ventura, CA 93001

Via E-Mail

Re: One year Extension of Permits No. A-4-STB-06-054-E1
and Permit No. A-4-STB-06-055-E1

Dear Ms. Carey:

The purpose of this letter is to provide input on the above extension request. Pursuant to Section 13169, the executive director determined there were no changed circumstances affecting the proposed development, consistent with the Coastal Act. Following public noticing, letters were filed by two original appellants who had opposed development of the homes, but whose opposition was unavailing as the permits were issued notwithstanding objections from these neighboring appellants.

The letters filed by the Stiches and Murdocks did not raise any new issues or identify any new facts. Moreover, the letters assume that no efforts of consequence have been undertaken under the permits. Indeed, substantial efforts have been undertaken as is set forth in our letter of June 9, 2009, concerning on-site and off-site biological mitigation efforts and architecture for the projects.

The reason the homes have not pulled final permits is because the applicants could not get any public agency with degraded wetlands to agree to have those degraded wetlands restored consistent with the off-site mitigation condition for these two homes.

That condition is not something that was within the power of the applicants to satisfy on their own. While these efforts were underway, a case put into question the Commission's off-site mitigation condition in this regard. The County of Santa Barbara, through its LCP, does not require, for a project like this, off-site mitigation for restoration of an ESHA other than a deposit of money with an agency that has within its purview restoration of ESHA's. (Prior County CDP in lieu fee deposits have been no more than \$3,000 per lot, made to IVRPD). If the

Coastal Commission had stayed within the confines of the County's LCP, this permit would not have been delayed as it has been.

In Security National Guarantee, Inc. vs. California Coastal Commission (2008) 159 Cal.App.4th 402, the court determined that the Coastal Commission did not have the power to declare property as an ESHA during a CDP appeal. The Coastal Commission action in that case was overturned for a variety of manners in which the Commission imposed additional ESHA related standards not found in the local agency's LCP.

Imposing a condition that thwarts a permit because it goes beyond the conditions of a County LCP has the same effect of the Coastal Commission exceeding on appeal the jurisdiction of the County LCP it is implementing in the appeal. That has been the case here. The fact that the County did not impose an off-site mitigation condition on these very permits is the best example that off-site mitigation for two small single family homes on existing lots is beyond the LCP ESHA requirement of the County LCP. If the County itself had imposed such a requirement, it would have posed a taking issue for the County on these parcels once again, particularly when the County then refuses to allow restoration of its degraded wetland next door to these sites. The new permits for these lots were done per a settlement agreement with the County designed to avoid a taking.

We continue to work with UCSB in seeking to fund ESHA restoration that UCSB would like to undertake and have funded, or partially funded, by this project, and we are hopeful that is a basis for overcoming the last impediment to pulling the permit on this matter. We have sent e mail to Shana Gray on this.

In any case, the parties who submitted letters in response to the permit extension did not raise new facts, were unaware of efforts done to implement conditions and provide a net environmental benefit from the projects, and the only condition that has delayed implementing the project may well be excessive and unwarranted based on the recent cited case and other legal precedents.

Thank you for this opportunity to provide further input on this matter.

Very truly yours,

Jeff Nelson

Jeffrey C. Nelson

Cc: Shana Gray
Gary Timm
Kathy and Chris Chase