

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

Filed: 10-27-95
49th Day: 12-15-95
180th Day: 4-24-96
Staff: MB-V
Staff Report: 10-27-95
Hearing Date: 12-13-95



STAFF REPORT: CONSENT CALENDAR

W18d

APPLICATION NO.: 4-95-200

APPLICANT: Lance Fenton Agent: None

PROJECT LOCATION: 4077 Escondido Dr.; Los Angeles County

DESCRIPTION: Construction of a two story, twenty eight foot high, 1525 sq. ft. single family residence on a 5,576 square foot lot with attached garage and septic system. No grading.

Lot area:	5576 sq. ft.
Building Coverage	1525 sq. ft.
Pavement Coverage	500 sq. ft.
Landscape Coverage	4051 sq. ft.
Parking Spaces	2 covered
Ht abv fin grade	28 feet

LOCAL APPROVALS: Approval in Concept; Department of Health Services sewage disposal system approval and septic tank approval.

SUBSTANTIVE FILE DOCUMENTS: 5-95-109 (Smith and Wiener)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding landscaping and erosion control, future improvements, geology, drainage, and wild fire waiver of liability. The proposed development is in an existing developed area of small lots without any significant native vegetation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in

conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

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

III. Special Conditions.

1. Landscaping and Erosion Control

Prior to issuance of permit, the applicant shall submit landscaping and erosion control plans prepared by a licensed architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native

Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

2. Landscape and Irrigation Plan.

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a landscaping and irrigation plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The applicant shall also submit a letter or other evidence to the satisfaction of the Executive Director that the landscaping and irrigation plan, including the amount of water to be delivered to the slope surface, has been reviewed and found acceptable and consistent with all of the recommendations set forth by the geotechnical consultant or licensed engineer, including recommendations to ensure slope stability.

The plan shall incorporate the following criteria:

- (a) all non-native plants shall be removed and replaced by drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species, or species which require artificial irrigation beyond that necessary to establish new plantings, shall not be used. The applicant shall use a mixture of seeds and plants to increase the potential for successful slope stabilization. Such planting shall be adequate to provide 90 percent coverage within 6 months and shall be repeated, if necessary, to provide such coverage.
- (b) The Landscape Plan shall incorporate short-term slope stabilization measures, such as the application of geotextiles, to minimize erosion while plants become established. The plan shall specify the measures to be implemented and the materials necessary to accomplish short-term stabilization.

3. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-95-109 is only for the proposed development and that any future development, additions, or improvements to any portion of the property, made for any purpose, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency whether or not such development, additions, or improvements, might otherwise be exempt from coastal development permit requirements. The removal of vegetation consistent with County Fire Department requirements is permitted. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by policy 271 in the certified Malibu/Santa Monica Mountains Land Use Plan. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

4. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Geotechnical Investigation (August 25, 1995) shall be incorporated into all final design and construction including grading, foundation and drainage. All plans must be reviewed and approved by the consultant. Prior to issuance of the permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

5. Drainage and Erosion Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan, designed by a licensed engineer. The drainage and erosion control plan shall include, but not be limited to, a system which collects run-off from the roofs, patios, driveways, parking areas, and other impervious surfaces, and discharges it in a non-erosive manner off site onto Bowers Drive and/or Webb Trail. Should the project's drainage structures fail of result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

6. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a two story, twenty eight foot high, 1525 sq. ft. single family residence on a 5,576 square foot lot, including a septic tank and two car garage. No new grading is presently proposed, although some minimal earth movement could be anticipated as a result of site preparation and landscaping.

The proposed project is located on a steep hillside between two existing residences and overlooks Webb Trail. At the time of the staff site visit, the site was found to be partially cleared with the remainder covered with ivy, agave (century plants) and opuntia (prickley pear cactus) with no significant native vegetation.

The proposed development is located in the Fernwood small lot subdivision of which many of the lots are developed. The proposed development is within the allowed square footage of 1200 sq. ft. excluding the garage area allowed pursuant to the slope intensity/GSA formula applied by the Commission.

B. Visual 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 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.

In addition, the Certified Malibu/Santa Monica Mountains Land Use Plan contains the following policies regarding protection of visual resources which have been used by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

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

Slopes on site are steep, in the range of 3:1 except that the building site is about 2:1. Given the steeply sloping topography of this site, the proposed building location is the preferred building site on the parcel.

Given this topography, the structure proposed for this site would not be highly visible from the surrounding area. The proposed residence is a two story 28 foot high structure which will not block views of the mountains from any public viewing areas. For these reasons, a restriction on the color of the proposed residence is not necessary. Therefore, the Commission finds that the proposed project can be considered to be one that minimizes grading and landform alteration given the topographic constraints of the the site.

The proposed structure is not excessive in height or bulk and visual impacts, in terms of view from surrounding streets and roads, can be mitigated by requiring landscaping of all graded and disturbed areas with plants consisting of primarily native, noninvasive, drought resistant species. Therefore, to minimize the visual impacts of the proposed project, the Commission finds it is necessary to require the applicant to submit final landscaping plans which are designed to minimize and control erosion, as well as, screen and soften the visual impact of the proposed development.

Although no grading is proposed, some minimal materials movement could be anticipated as a result of site preparation and landscaping, because much of

the site has previously been disturbed (removal of native vegetation). Therefore, the landscaping and erosion control conditions, and drainage and erosion control conditions, are necessary to stabilize slopes and avoid sedimentation.

The Commission finds that as conditioned, the proposed development is consistent with the 30251 of the Coastal Act.

C. Cumulative Impacts

Section 30250(a) of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a 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.

The Certified Malibu/Santa Monica Mountains Land Use Plan contains the gross structural area formula which was used as guidance in the review of development proposals.

The Commission in past permit actions, has recognized certain development constraints common to small-lot subdivisions including geologic and fire hazards, limited road access, septic and water quality problems and disruption of rural community character. As a means of controlling the amount and size of development in small-lot subdivisions the Commission developed the Slope Intensity--GSA formula. The Commission has approved several permits in the vicinity which were evaluated for the appropriate GSA.

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) requires that new development in small lot subdivisions comply with the Slope-Intensity Formula for calculating the maximum allowable Gross Structural Area (GSA) of a residential unit. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos. The basic concept of the formula assumes that the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on coastal resources. Additionally, the slope intensity formula provides that the maximum allowable gross structural area may be increased as follows:

(1) Add 500 sq. ft. for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.

(2) Add 300 sq. ft. for each lot in the vicinity (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

The applicant has submitted a slope intensity calculation shown in the project plans for the proposed project site and a maximum allowable gross structural area. Staff has also performed the calculation and has verified that these figures are essentially correct. The calculation is 1,200 sq. ft. for the proposed development according to the formula used in Commission permit decisions. The proposed structure is consistent with the maximum allowable GSA.

In order to ensure that future development does not occur which would be inconsistent with Policy 271 of the certified LUP relative to the maximum size of residential structures in small-lot subdivisions and Section 30250(a) of the Coastal Act, a special condition requiring Commission review and approval of proposals for future improvements on the site is necessary. The Commission finds that, only as conditioned, is the proposed development consistent with Section 30250 of the Coastal Act.

D. Environmentally Sensitive Resources

Section 30231 of the Coastal Act:

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 of the Coastal Act:

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

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

The Certified Malibu/Santa Monica Mountains Land Use Plan contains a number of policies aimed at the protection of resources and stream protection and erosion control which serve as guidance in review of development proposals:

P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.

P81 To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.

P91 All new development shall be designed to 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 site indirectly drains into Topanga Canyon Creek. The proposed project site is located on the opposite side of a ridge from a tributary of Topanga Canyon Creek which contains an oak woodland which serves as valuable watershed and wildlife habitat.

With the reduction of vegetation cover, an increase in impervious surfaces, and the change in grade there will be an increase in siltation and run-off from the site down the slopes, which will in turn affect the quality of the streams immediately below the site. The increase in impermeable surfaces from the structures and paving for patios and the driveway will result in a far greater fraction of rainfall, which does not infiltrate but instead runs off the developed surface. The increased runoff will contribute to increased erosion and sedimentation of downstream areas if not properly controlled.

Therefore, to ensure that the proposed development does not increase the velocity of runoff, which could result in increased erosion and sedimentation of streams, the Commission requires a condition on drainage and erosion control in addition to that on landscaping and erosion control as discussed above. The Commission, therefore, finds that the development must be denied as inconsistent with Section 30231 and 30240 of the Coastal Act.

E. Geology

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 the Engineering Geology Report of July 18, 1995, the consulting engineering geologists, Geoplan, Inc., concluded that:

... the building site is not affected by landslide, settlement, or slippage. Implementation of a dwelling ins compliance with approved plans and specifications will not affect neighboring property adversely.

Based on the recommendations of the consulting geologist the Commission finds that the development will be consistent with the relevant geology and natural hazards policies of the Malibu/Santa Monica Mountains Land Use Plan, and Section 30253 of the Coastal Act, so long as the geologic consultant's engineering recommendations are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations. Additionally, the Commission finds that an important component in ensuring site stability is the minimization of erosion through proper revegetation of graded or disturbed areas with drought resistant plants. The use of drought resistant vegetation minimizes the amount of extra water added to slopes through irrigation.

Although the applicant does not propose to perform grading on the site, there are areas of the parcel which will be disturbed by the construction activities and by clearing for fuel modification purposes. It is also necessary to avoid plant species which have been designated as invasive plants by the Native Plant Society. As such, the Commission finds it necessary to require the applicant to submit plans which delete invasive plants.

The Commission, therefore, finds that only as conditioned to incorporate all recommendations by the consulting geologist and to submit drainage and erosion control plans, will the proposed development be consistent with Section 30253 of the Coastal Act.

F. Septic System

Section 30231 of the Coastal Act states that:

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

The certified Malibu/Santa Monica Mountains LUP, used as guidance in past Commission decisions, states:

P80 The following setback requirements shall be applied to new septic systems: (a) at least 50 feet from the outer edge of the existing riparian or oak canopy for leachfields, and (b) at least 100 feet from the outer edge of the existing riparian or oak canopy for seepage pits. A larger setback shall be required if necessary to prevent lateral seepage from the disposal beds into stream waters.

The septic system including a 750 gallon tank was given design purposes approval by the County Department of Health Services, and was considered as part of the above-noted geologic report. As reviewed by the County and set forth in the geologic analysis of the septic system, the proposed project will not adversely impact the biological productivity and quality of coastal waters. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 Coastal 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 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 be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and 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 development, as conditioned will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. California Environmental Quality Act

Section 14096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

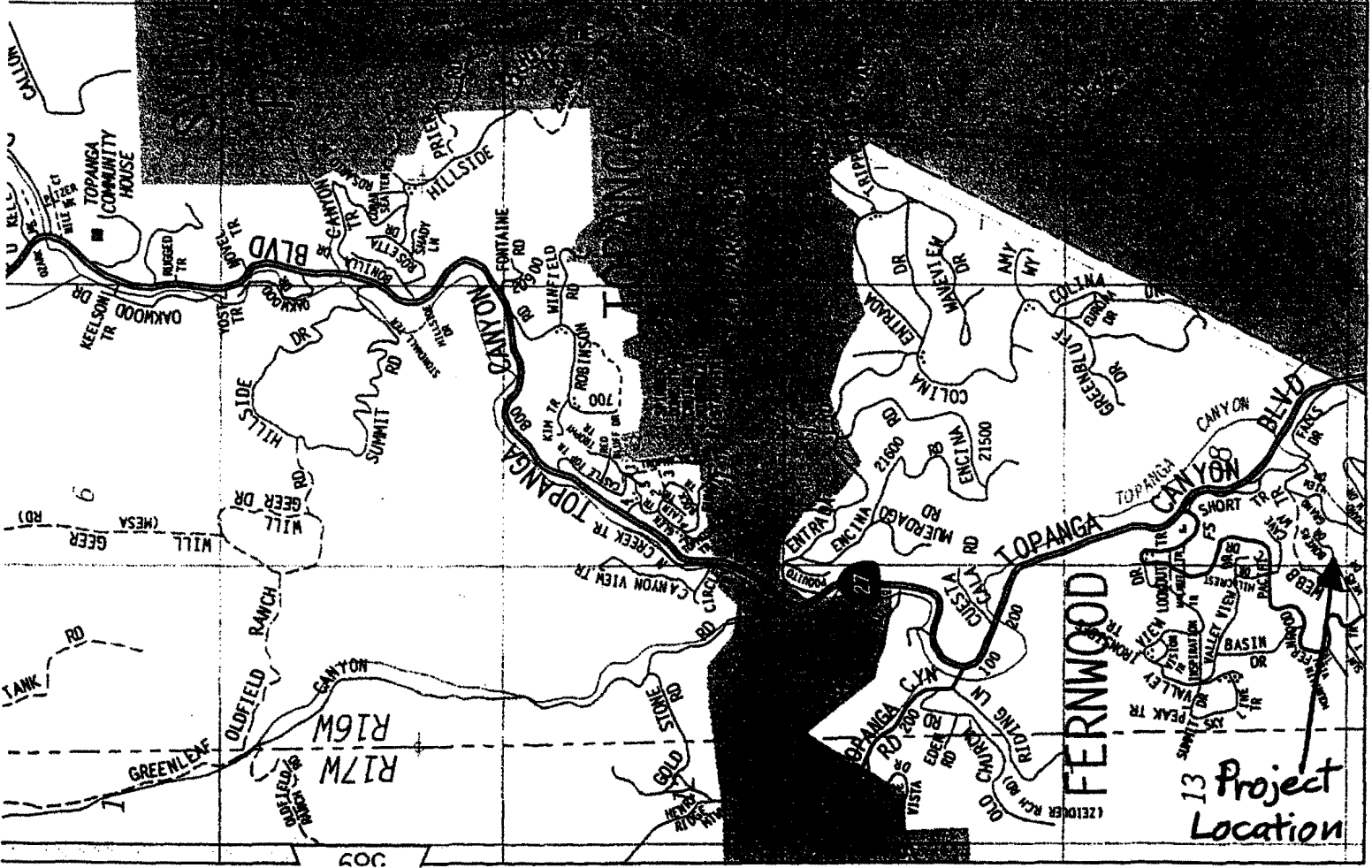
The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

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SEE MAP 630
CANTINO DE CALLE CALTASTO 47758

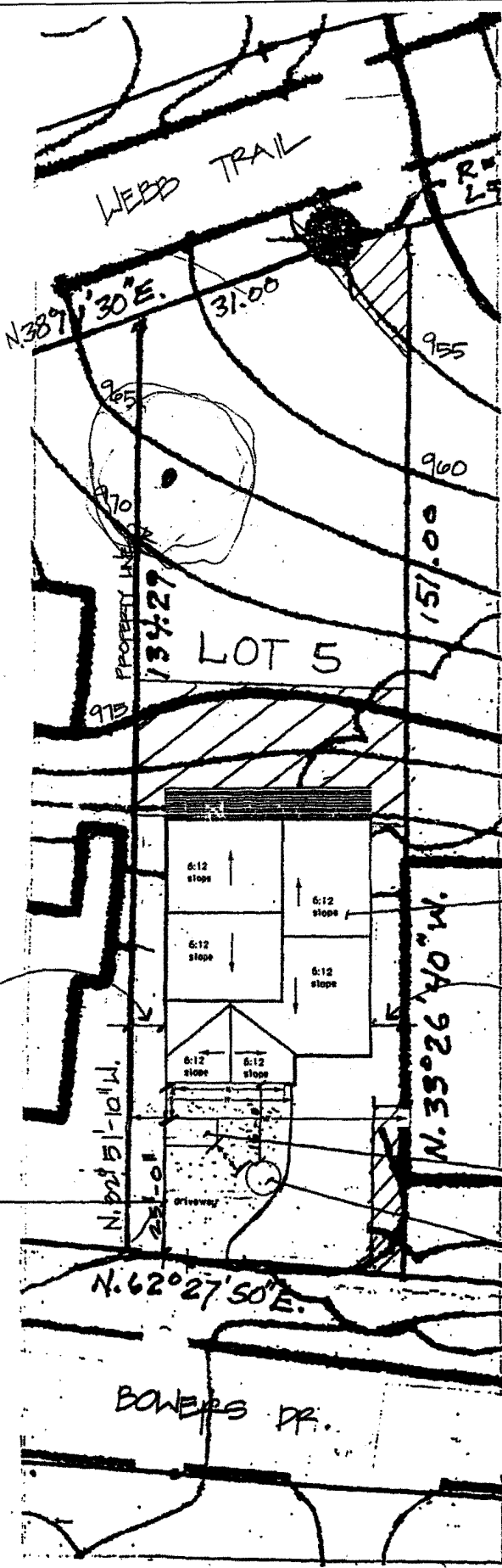
EXHIBIT NO. I
APPLICATION NO.
4-95-200
Fenton Project Location

ROCHEMONT DR
5 PENNY



13 Project Location

square foot,
 residence
 spaces as
 opanga Canyon
 tract with
 backs and
 ral area.
 nsitive
 area or within
 entally
 as designated
 stal Plan.
 within the 35
 owed by the
 . Proposed
 tilevered with
 Two standard
 d parking



PROPOSED RESIDENCE

4 min. OK.

5 FT SIDEYARD SETBACK

750 GALLON SEPTIC TANK.
 MIN 3'-0" FROM STRUCTURE.

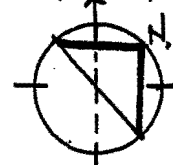
PROPOSED SEEPAGE PIT.

5 FT SETBACK

RD SETBACK

EXHIBIT NO. II
APPLICATION NO.
4-95-200 Foster
Site Plan

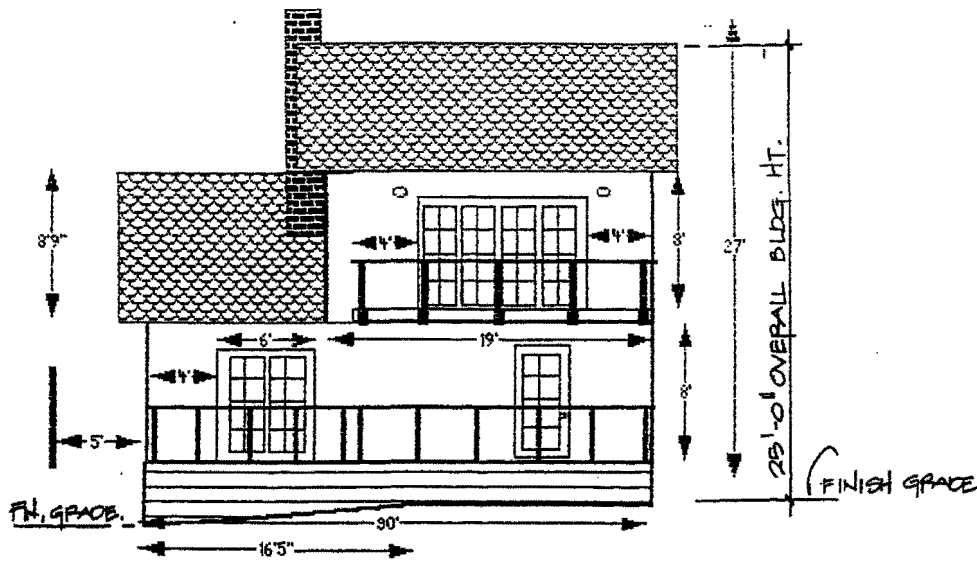
DRAWING NORTH.



PLOT PLAN

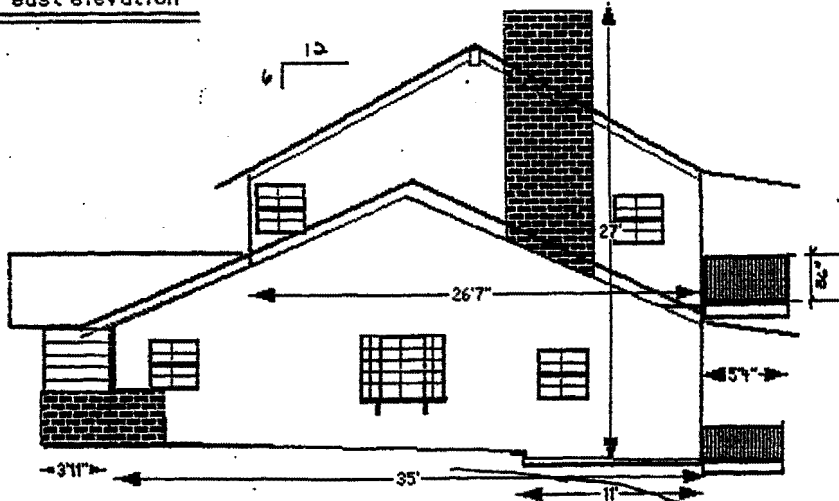
SCALE 1" = 10'-0"

South Elevation



Facing Downslope
(South)

east elevation



Side View
(East)

EXHIBIT NO. III
APPLICATION NO.
4-95-200 Fenton
Elevations

4-95-200 FINISH GRADE

CA. COASTAL COMM.
PLANS APPROVED

Date _____

Sig. _____

These plans must be present on the project site & shown to building & zoning officials on request.

Sheet Title

EXTERIOR
ELEVATIONS

Job Name

FENTON
RESIDENCE
19551 BOWER
TOPANGA, CA

Date-Rev

6.9.95

Sheet

A-3

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