

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 OYAJA, CA 93001
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 Staff: Betz-V *ja*
 Staff Report: 10/5/96
 Hearing Date: November 12, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-152

APPLICANT: Neil & Phyllis Petzing Agent: None

PROJECT LOCATION: 26228 Ingleside Way, County of Los Angeles

DESCRIPTION: Construct 1812 sq. ft., 29 foot high, two story single family residence with attached 995 sq. ft. garage, pool, hot tub, and septic system. Removal of oak tree and trimming of eight trees. Removal of retaining wall and shed. No grading proposed

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| Lot Area | 15,927 sq. ft. |
| Building Coverage | 1,986 sq. ft. |
| Pavement Coverage | 1,628 sq. ft. |
| Landscape Coverage | none |
| Parking Spaces | 4 covered |
| Project Density | .36 dua |
| Ht abv nat. grade | 29 feet |

LOCAL APPROVALS: Department of Regional Planning, Oak Tree Permit # 95-052-(3) and Plot Plan approval 44739.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 4-92-092 (Wagner) and 4-95-200 (Fenton); Geologic/Geotechnical Engineering Report Proposed Single Family Residence Ingleside Way, Gold Coast GeoServices, Inc., October 11, 1996 and the Percolation Test Results Report, Gold Coast GeoServices, Inc., October 2, 1996 .

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding landscaping and erosion control, geology, a wild fire waiver of liability and future improvements. The proposed development is infill on a vacant lot with some minor existing development in the Malibu Bowl small lot subdivision. The site does contain oak trees and was subject to a County oak tree permit allowing removal of one damaged tree.

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 Plan

Prior to issuance of permit, the applicant shall submit detailed landscaping and erosion control plans prepared 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 at the completion of grading. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All disturbed areas shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two years and shall be repeated, if necessary, to provide such coverage.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic/Geotechnical Engineering Report Proposed Single Family Residence Ingleside Way, Gold Coast GeoServices, Inc., October 11, 1996 and the Percolation Test Results Report, Gold Coast GeoServices, Inc., October 2, 1996 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.

3. 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.

4. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development permit 4-96-152 is only for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. 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. Clearing of vegetation consistent with County Fire Department requirements is permitted. The document shall run with the land binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 1812 sq. ft., 29 foot high, two story single family residence with attached 998 sq. ft. garage, pool, hot tub, and septic system. Removal of oak tree and trimming of eight trees is proposed in conformity with a County approved oak tree permit. There is also the removal of a retaining wall and shed. No grading is proposed as the access road to the site and the pad already exist.

The proposal contains a drainage system with walls, swales and drains to convey the runoff from the building pad as well from uphill, from both on and off the site, to Ingleside Way.

The proposed project is located in the Malibu Bowl Small lot subdivision on a slope above Ingleside Way vegetated with mature oak trees, but otherwise substantially cleared of native vegetation. Development will constitute infill of an existing developed small lot subdivision.

Although there are oak trees on site the site is not in an LUP designated oak wood land or disturbed oak woodland. Site development will require the removal of one damaged oak tree. The County of Los Angeles has issued an oak tree permit for this site which requires the applicant to mitigate for the loss of the damaged oak at a 2 to 1 ratio. In addition, the permit requires protective measures to be implemented during construction to ensure the oak trees on site will not be damaged.

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, including Topanga Canyon:

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- 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.
- P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.
- 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.
- P136 New development in existing communities should respect the prevailing architectural and visual character of existing structures.

Slopes on the site are steep, in the range of 3:1 except for a portion of the building site which is flat. An old, gentle-sloping road cut extends diagonally across the site and is the location of approximately one-third of the residence, the driveway, and the septic system and other improvements. Given the sloping topography of this site, the proposed building and improvements location partially on the existing graded area constitutes the preferred building site on the parcel.

Given the topography, the presence of mature oak trees, and location within the mass of existing development, the structure proposed for this site would not be very visible from the surrounding area. The proposed residence will not block views of the surrounding terrain or impact upon views from any public viewing areas. In addition, the applicant has designed a residence which is built to the slope and minimizes the grading necessary to construct the residence.

Although no grading is proposed, some minimal soil disturbance can be anticipated as a result of site preparation. Since much of the site has previously been disturbed (removal of native vegetation). In order to minimize erosion, ensure site stability and soften the visual impact of the development the Commission finds that it is necessary to require the applicant to submit landscape and erosion control plans. Only as conditioned is the proposed project consistent with Section 30253 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 is used as guidance in the review of residential development proposals within small lot subdivisions.

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.

Past permit decisions for small lots have reflected Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) which 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 GSA calculation for the proposed project site. The maximum allowable GSA for the site is 1,819 sq. ft. The proposed 1,819 sq. ft. structure (excluding the garage) is in conformance with the maximum allowable GSA for the site.

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. 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 addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

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

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.

P154 Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic system.

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

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 the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

In the Geologic/Geotechnical Engineering Report Proposed Single Family Residence Ingleside Way, Gold Coast GeoServices, Inc., October 11, 1996, the consulting engineering geologists concluded that:

... the proposed structure will be safe against hazard from landslide, settlement, or slippage, and that the proposed construction will have no adverse geologic effect on offsite properties.

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. 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 landscape plans which specify use of native, drought-resistant plants, as noted above.

Because the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

Therefore, The Commission finds that only as conditioned will the proposed project be consistent with Section 30253 of the Coastal Act.

E. 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 septic system including a 1000 gallon tank was subject to a Percolation Test Results Report, Gold Coast GeoServices, Inc., October 2, 1996 which found that percolation of the project site was adequate and exceeds Plumbing Code requirements. The commission has found in past permit actions that compliance with the plumbing code will minimize the potential for waste water discharge which could adversely impact coastal streams and waters. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. 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. 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).

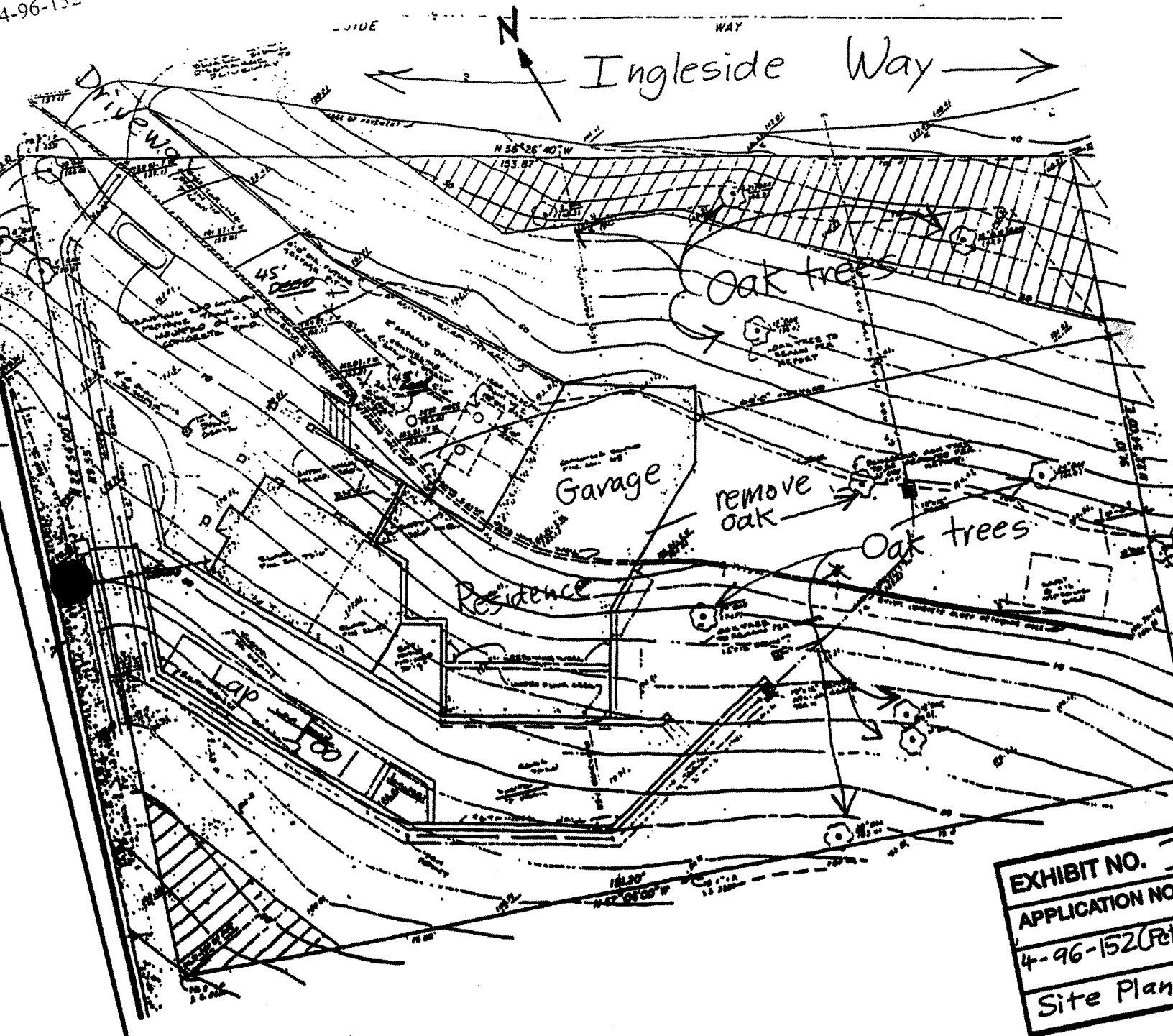
G. California Environmental Quality Act

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)(1) 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.

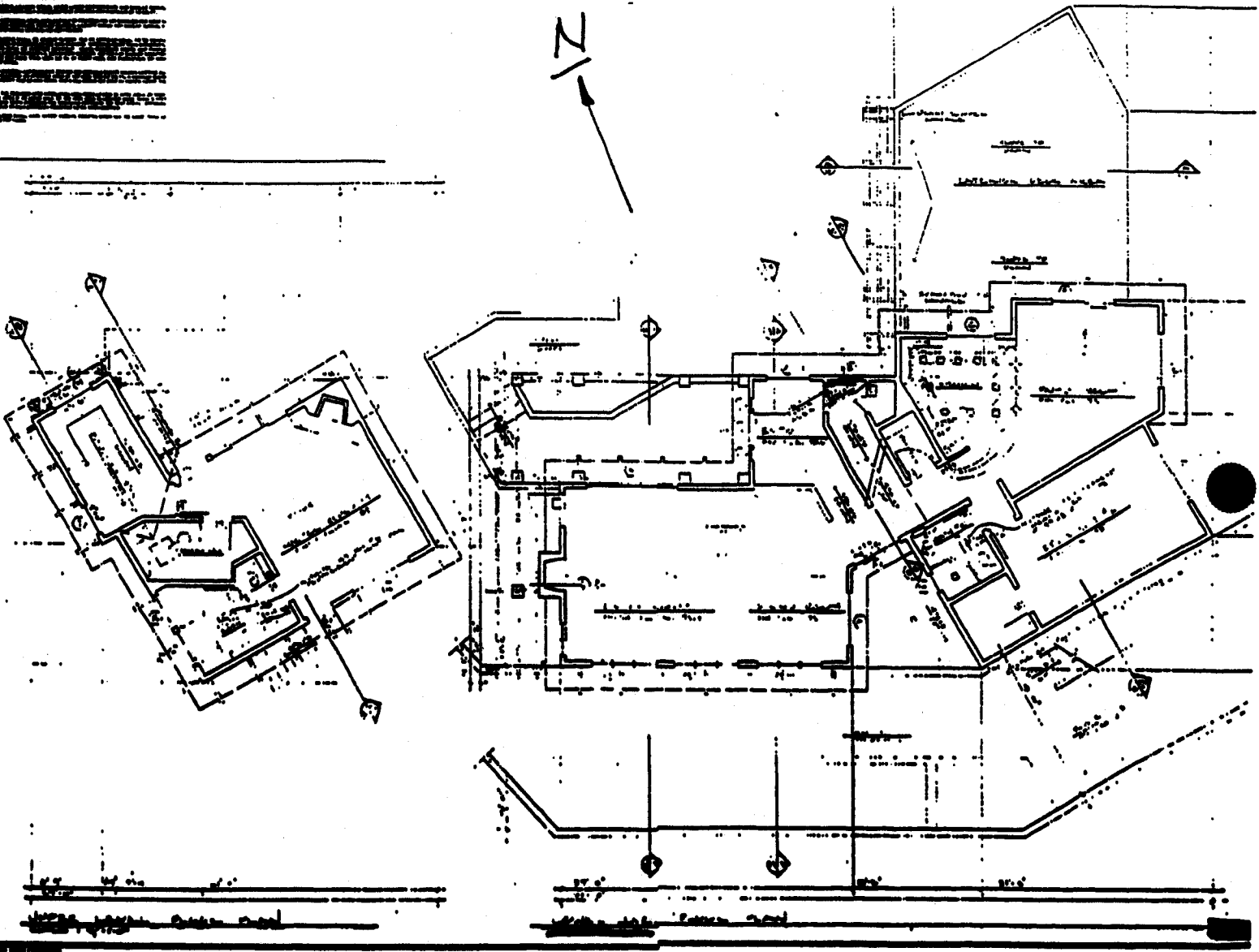
The proposed development would cause no adverse environmental impacts which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

Phyllis A. Petzing
Ingleside way
Ca. 90265

4-96-152



IMPORTANT NOTES



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| EXHIBIT NO. III |
| APPLICATION NO. |
| 4-96-152 (Petzing) |
| Floor Plans |