

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 3/1/96
Hearing Date: 3/12-15/96
Commission Action:

STAFF REPORT: CONSENT CALENDAR

W17C

APPLICATION NO.: 4-95-199

APPLICANT: Janet & Larry Meltzer

AGENT: Donald Schmitz

PROJECT LOCATION: 19871 Grandview Dr., Topanga Canyon, Los Angeles County

PROJECT DESCRIPTION: Construct three story detached 2,305 sq. ft. garage with a 1,096 sq. ft. third floor recreation room, driveway/bridge, retaining walls, septic system and lot merger of lots 3, 4, 5 and 6 of Block 6 as shown on Tract Map No. 8859. No grading is proposed.

Lot Area	43,940 sq. ft.
Building Coverage	1,096 sq. ft.
Pavement Coverage	1,240 sq. ft.
Landscape Coverage	8,000 sq. ft.
Parking Spaces	9 covered
Project Density	1 dua
Ht abv fin grade	35 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Health Services Approval in Concept; Department of Regional Planning, Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 4-95-165 (Tushita Trust), 4-95-200 (Fenton), 4-95-237 (Perman), 4-95-243 (Cortazzo), 4-95-138 (Bates), 4-95-138 (McDonald); Malibu/Santa Monica Mountains Land Use Plan; Report of Engineering Geologic Investigation, Proposed Single-Family Residence, 19871 Grandview Drive, Topanga Area, Los Angeles County, California, dated 9/12/94, prepared by Harley Tucker Incorporated; Soils Engineering Investigation Report, Proposed Single Family Residence, 19871 Grand View Drive, Topanga, California, dated September 20, 1994, prepared by Coastline Geotechnical Consultants, Inc.

SUMMARY OF STAFF RECOMMENDATION:

The proposed project includes the construction of a three story detached garage with third floor recreation room, accessory to an existing single family residence with an existing large swimming pool/deck complex and two

III. Special Conditions.

1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Report of Engineering Geologic Investigation, Proposed Single-Family Residence, 19871 Grandview Drive, Topanga Area, Los Angeles County, California, dated 9/12/94, prepared by Harley Tucker Incorporated and the Soils Engineering Investigation Report, Proposed Single Family Residence, 19871 Grand View Drive, Topanga, California, dated September 20, 1994, prepared by Coastline Geotechnical Consultants, Inc. shall be incorporated into all final design and construction plans including foundation, grading, and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of 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 consultants shall be in substantial conformance with the plans approved by the Commission relative to foundation, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

2. 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.

3. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-95-199; and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection 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.

4. Ancillary Structure Restriction

Prior to the issuance of the Coastal Development Permit, the applicant

The applicant owns four contiguous lots (3, 4, 5, and 6 of Block 6 as shown on Tract map No. 8859) in the Fernwood small lot subdivision that constitute three parcels on the Assessor's parcel map (parcels APN 4447-020-002, -003, and -004). Lots 5 and 6 were combined into APN 4447-020-004 at some time in the past. The residence, most of the pool/deck and a portion of the downhill greenhouse and storage building area are found on lots 5 and 6. Subsequently, parcels 3 and 4 are held together through a "Covenant and Agreement to Hold as One Parcel" dated September 11, 1995. The applicant is now proposing to combine all four lots (3, 4, 5, and 6), i.e. three assessors' parcels (parcels APN 4447-020-002, -003, and -004), through another "Covenant and Agreement to Hold as One Parcel" so that a single assessors' parcel will result. The recommended conditions, discussed below, propose rather that these be merged as one lot.

The proposed project site is located on Grandview Drive in the Fernwood small lot subdivision in Topanga Canyon. (see Exhibit IV) This area is developed with many single family residences. The project constitutes infill of an existing developed area which will not impact on neighborhood character and coastal views from scenic roadways and designated overlooks. Based on these circumstances and past Commission actions in the Fernwood small lot subdivision, therefore, no restrictions on the color and appearance of the structure is necessary.

Under the current Malibu/Santa Monica Mountains Land Use Plan (LUP), certified by the Coastal Commission, the site is designated as Rural Land III (1 du per 2 acres) and Residential I (1 du per 1 acre). Nearby areas are designated as Significant Oak Woodland and Savannah. The project does not involve the removal of any oaks nor does it involve the intrusion into any riparian areas. No identified streams or environmentally sensitive habitat areas cross the site although there are oak trees and other native vegetation on the site, especially at the steep, lower elevations. There is an intermittent "blue line" stream nearby. (see Exhibit V)

B. Cumulative Impacts of Development

The Coastal Act requires that new development be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously if all lots were developed. In addition, future build-out of second units on each existing lot within the Coastal Zone would create adverse cumulative impacts on coastal resources and public access.

The proposed project involves the construction of an ancillary structure which is defined under the Coastal Act as new development. New development raises issue with respect to cumulative impacts on coastal resources. In particular, the construction of an ancillary structure of this size, which could convert

use of sewer rather than septic system; and, the assurance that parking and circulation will not be adversely impacted .

In the Malibu/Santa Monica Mountains area, 2,110 residential units are the maximum number of units which may be constructed prior to the construction of upgrades to the existing infrastructure (Policy 274 of the Malibu LUP, which is considered as guidance). This policy is based on evidence that the area's infrastructure cannot support more development [Certified Malibu Santa Monica Mountains Land Use Plan 1986, pg. 29 and P.C.H. (ACR), 12/83 pg. V-1 - VI-1].

The Commission in past permit actions, has also 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 a number of permits in the vicinity which were evaluated for the appropriate GSA. [Coastal development permits 4-95-165 (Tushita Trust), 4-95-200 (Fenton), 4-95-237 (Perman), 4-95-243 (Cortazzo), 4-95-138 (Bates), 4-95-138 (McDonald)]

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.

In this case the applicant is proposing to merge 4 lots into one lot which will total 43,940 square feet or just over 1 acre in size. Currently the site is developed with a two story, 2485 sq. ft. single family residence with pool and deck complex, a small pool building, and, below the pool and deck level, two small greenhouses and one storage structure.

The proposed detached three story structure is ancillary to the single family residence on site and includes a 1,096 sq. ft. recreation area on the third floor and 2,305 sq. ft. of garage/storage on the lower two levels. The Commission has consistently limited the size of second residential units in the Malibu/Santa Mountains coastal zone to 750 sq. ft. As previously mentioned, policy 271 of the certified Malibu LUP specifically requires that the interior floor space of second units not exceed 750 sq. ft. However, in this case, the project description and plans submitted propose that the third floor space will be used as a "recreation room" and is not a second residential unit. A second unit is normally characterized as a self-contained dwelling unit with kitchen facilities on a parcel that is developed with a single family residence. In this case the third floor recreation room contains a single bathroom and a wet bar area. Therefore, the proposed structure, as currently configured and planned, will not generate the traffic and sewage effluent impacts associated with a separate second residential unit.

As previously mentioned, the proposed development is in the Fernwood small lot subdivision where the Commission has required "residential" development to

Act. The Commission finds that as conditioned, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

C. Geologic Stability/Drainage and Erosion/Wild Fires

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, 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.

The applicant has submitted a Report of Engineering Geologic Investigation, Proposed Single-Family Residence, 19871 Grandview Drive, Topanga Area, Los Angeles County, California, dated 9/12/94, prepared by Harley Tucker Incorporated and a Soils Engineering Investigation Report, Proposed Single Family Residence, 19871 Grand View Drive, Topanga, California, dated September 20, 1994, prepared by Coastline Geotechnical Consultants, Inc. for the subject site. The applicants' consultants determined that the proposed project site is favorable from a geologic standpoint with no evidence of geologic instability. The applicant's geological investigation states that:

Providing the recommendations contained in this report, in addition to those of the Geotechnical Engineer, are followed, the site is safe from landslide hazard, settlement or slippage. Furthermore, the proposed construction will not adversely affect off-site properties.

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 in compliance with approved plans and specifications will not affect neighboring property adversely.

The applicant has stated that the project will not require grading and the Commission notes that should the project be modified to include grading an amendment to this permit will be required.

The proposed development footprint is a steep, disturbed area lacking vegetative cover. An increase in impervious surfaces may increase siltation and run-off from the site down the slopes, which will in turn affect the quality of the stream below the site. The increase in impermeable surfaces from the structures and paving for patios and the driveway will result in an increase in rainfall, which would not infiltrate but instead run off the developed surface. The increased runoff will contribute to increased erosion and sedimentation of downstream areas if not properly controlled.

The proposed development, however, contains a collection system for runoff which will convey it to a energy dissipator downhill from which it will run

pit was given, for design purposes, Approval in Concept by the County Department of Health Services and was considered as part of the above-noted geologic report. The Commission has found in past permit actions that compliance with health and plumbing codes will minimize any potential for waste water discharge which would adversely affect biological productivity and the quality of coastal waters. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with 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 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 will not prejudice County ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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, to be consistent with any applicable requirements 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 would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

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MINI ELEV PLAN

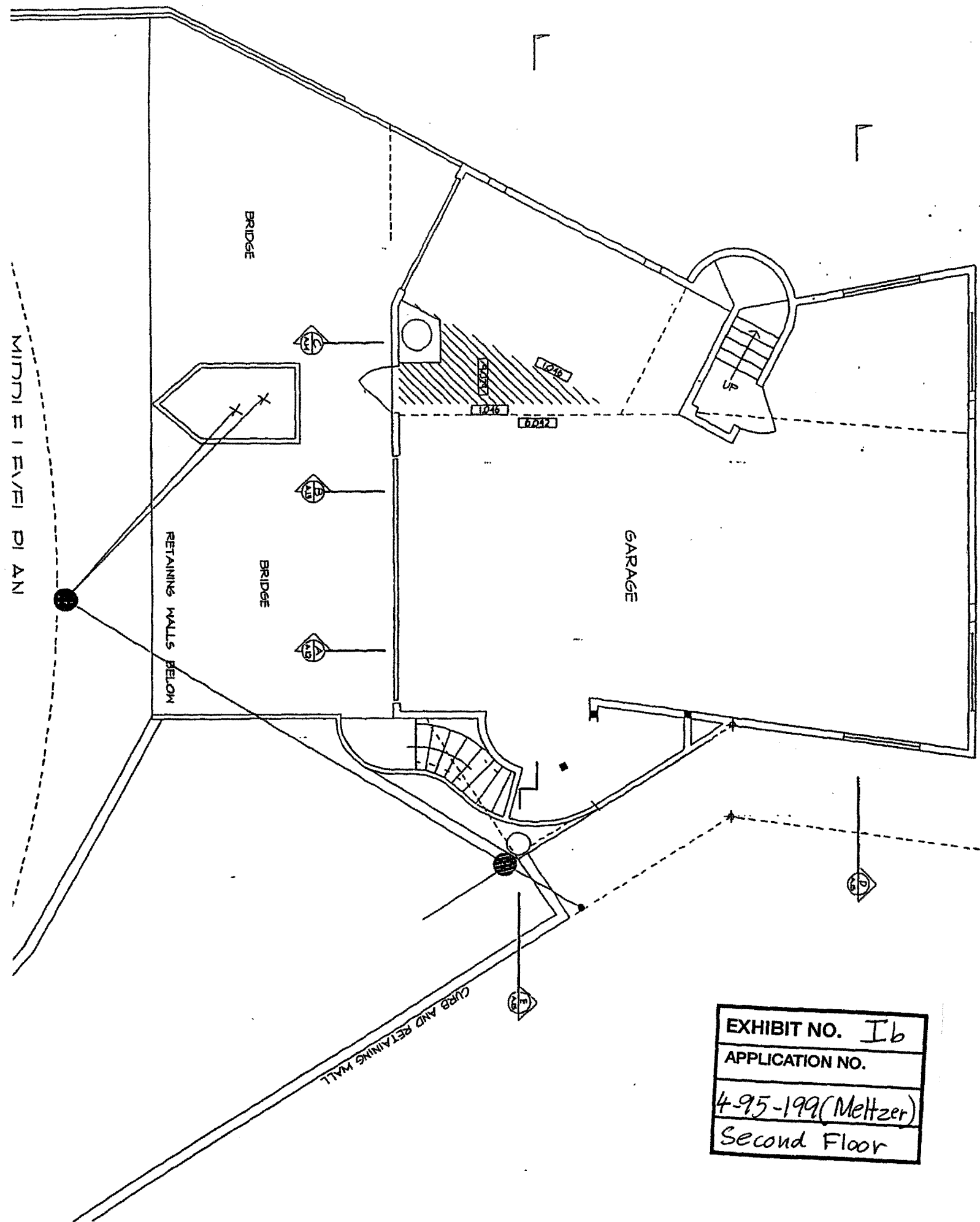


EXHIBIT NO. Ib

APPLICATION NO.

4-95-199(Meltzer)

Second Floor

Architectural drawing showing a building elevation with various dimensions and annotations. The drawing includes a large central section with a width of 35'-0" and a height of 25'-0". To the left, there is a section labeled "LARGE LIVING ROOM TO BE REMOVED". Below this, a dashed line indicates the "ROAD AND PROPERTY LINE SKETCH". Dimensions for the lower section include 7'-0", 3'-0", 7'-0", and 6'-0". A small section on the right is labeled "2'-0" x 12'".

South Elevation

NORTH ELEVATION

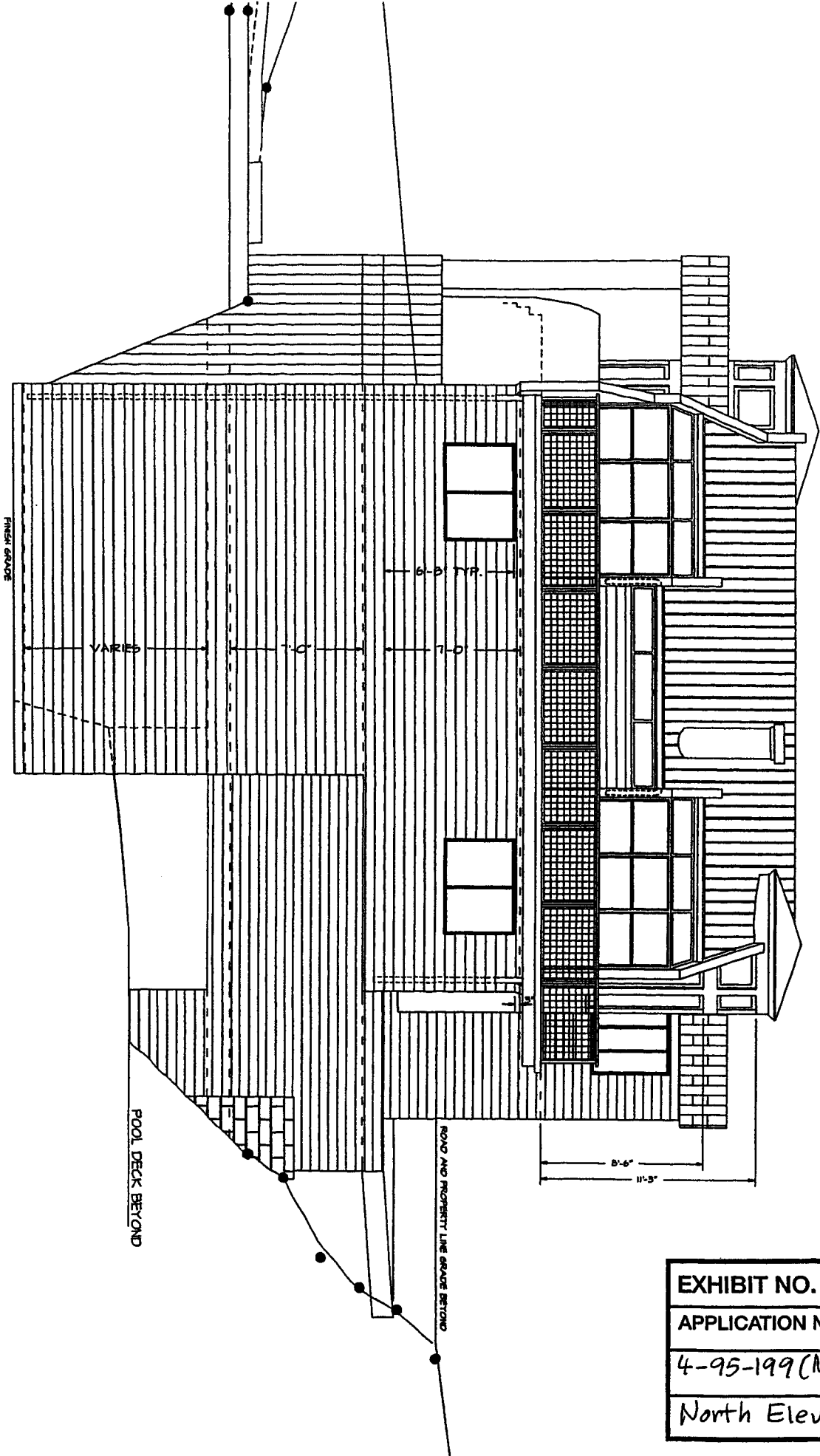


EXHIBIT NO. Π_c
APPLICATION NO.
4-95-199 (Meltzer)
North Elevation

SEE 629 MAP

629

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PROJECT SITE

SEE ~~VA~~ FILE

- 1 PAS LAS POCITOS
- 2 PAS LAS LOMAS
- 3 PAS DE LAS CASADAS
- 4 PAS LA VALLE
- 5 PAS DE MONCLOVA
- 6 PAS DE LA SUERTE
- 7 PAS DE LA RISA
- 8 PAS PUERTO BELLO
- 9 PAS DE PAZARO
- 10 PAS HARIPOSA
- 11 PAS MALABUENA
- 12 PAS DE LAS LOMAS ALTAS
- 13 PAS DE LA FORTUNA
- 14 PAS DE LAS FLORES
- 15 PAS DE LA ESTRELLA
- 16 PAS OL CASTILLO
- 17 PAS BRILLANTE
- 18 PAS ALLEGRE
- 19 PAS DE LAS ANSOLES

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SEE B-36

- 1 DRIFTWOOD DR
2 DRIFTWOOD PL
3 TERRACE PO
4 WESTVIEW LN
5 OCEAN VY
6 PACIFIC PL
7 MONTEKI WY
8 KINK PL

EXHIBIT NO. <u>IV</u>
APPLICATION NO.
<u>4-95-199 (Meltzer)</u>
<u>Project Location</u>

4-95-196