

CALIFORNIA COASTAL COMMISSION

14TH CENTRAL COAST AREA
1400 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 9/12/97
49th Day: 10/31/97
180th Day: 3/11/98
Staff: JEL-V
Staff Report: 9/19/97
Hearing Date: 10/7-10/97

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 4-97-166**APPLICANT:** Christopher P. Whitaker**AGENT:** Mark De La Tour**PROJECT LOCATION:** 20126 Observation Drive, Topanga (Los Angeles County)

PROJECT DESCRIPTION: Reconfigure & renovate existing 780 sf two-story single family residence through the creation of a new 5' sideyard, the addition of 441 sf and a 400 sf carport, improved driveway access and a new septic system. 12 cubic yards of grading and use of a travel trailer on site during construction. Existing storage shed over northeast slope to be removed.

Lot area:	6,594 sf
Building coverage:	811 sf
Pavement coverage:	800 sf
Parking spaces:	Two covered spaces
Plan designation:	Residential 1, Rural Land III
Zoning:	1 du/acre, 1 du/2 acres
Ht abv fin grade:	27 ft

LOCAL APPROVALS RECEIVED: Los Angeles County: Department of Regional Planning, Approval in Concept, 3/27/96; Department of Health Services, Approved for Design, 7/30/96; Department of Public Works, Geologic Approval Subject to Conditions, 7/29/97.

SUBSTANTIVE FILE DOCUMENTS: City of Malibu/Santa Monica Mountains Land Use Plan; Geotechnical Engineering Investigation Report, Coastline Geotechnical Consultants, 4/5/95; Coastline Report Update, 6/6/97; Coastline Report Update, 7/23/97; Geologic Report, Geoplan, 10/10/94; Percolation Test Report, Geoplan, 6/28/97; Geoplan Geologic and Percolation Report Update, 5/12/97.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance with future improvements, geologic recommendations, and waiver of liability.

STAFF RECOMMENDATION:**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 on which the Commission voted on the application. 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 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 development during construction, 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. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Commission Permit 4-97-166 is for the approved development only and that any future improvements or additions, on the property including 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 the 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.

2. Plans Conforming to Geologic Recommendation

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. All recommendations contained in Geotechnical Engineering Investigation Report, Coastline Geotechnical Consultants, 4/5/95; and 6/6/97 and 7/23/97 updates; Geologic Report, Geoplan, 10/10/94 and 5/12/97 update; and Percolation Test Report, Geoplan, 6/28/97; and 5/12/97 update, shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the consultants.

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. Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant 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 and Location

The applicant proposes to reconfigure and add to the existing 780 sf single family residence, in order to create a legal 5' sideyard on the southwest, 441 additional square feet of habitable space (for a total 1004 sq. ft.), a two car carport where none exists, improved driveway access and a new septic system. The improved driveway access will require 12 cubic yards of grading and the removal of a 36" palm tree, located in the center of the proposed driveway. The applicant is also proposing to use the existing travel trailer on site during construction.

The parcel is located at the southwest corner of Observation Drive and Kerry Lane and is flanked on either side by residential uses. The Malibu/Santa Monica Land Use Plan (LUP) designates the parcel as Residential 1 (1du/acre) and Rural Land 111 (1 du/acre). The Malibu/Santa Monica LUP also identifies this residential district of Fernwood as one of the small lot subdivision within the County, that requires special conditions to mitigate the impact of cumulative development. The site is an irregularly shaped parcel, characterized by gently sloping to steep terrain, with ungraded but partly excavated oak tree and chaparral covered hillside. The site is located on the crest of a rounded sandstone ridge with rock outcrops.

B. Background

The existing dwelling and driveway, constructed over sixty years ago, are located on a northwest/southeast axis, at an elevation of approximately 1289 ft. The residence has evidently sustained damage during the January 17, 1994, Northridge earthquake according to the geotechnical report. Distress to the property includes minor damage to interior walls and/or ceiling panels, cracks in concrete slabs, cracks in, and/or separation in concrete foundations, and retaining walls, and cracks in the stone masonry chimney.

The residence was originally built-out to the eastern property line without the benefit of a sideyard setback. The proposed plans will remove the five foot portion of the residence which is currently encroaching into the sideyard, thus bringing the structure into conformance. There is also an existing storage shed constructed over the northeastern slope of the property, which the applicant has agreed to completely remove prior to receiving final occupancy permits from the County.

C. Cumulative Impacts of New Development

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

- (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 effect, 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.

Throughout the Malibu/Santa Monica Mountains coastal zone there are a number of areas which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions, known as "small-lot subdivisions" are comprised of parcels of less than one acre but more typically range in size from 4,000 to 5,000 square feet. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources. Cumulative development constraints common to small-lot subdivisions were documented by the Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission in the January 1979 study entitled: "Cumulative Impacts of Small Lot Subdivision Development In the Santa Monica Mountains Coastal Zone".

The study acknowledged that the existing small-lot subdivisions can only accommodate a limited amount of additional new development due to major constraints to buildout of these areas that include: Geologic problems, road access problems, water quality problems, disruption of rural community character, creation of unreasonable fire hazards and others.

Following an intensive one-year planning effort by Commission staff, including five months of public review and input, new development standards relating to residential development on small lots in hillsides, including the Slope-Intensity/Gross Structural Area Formula (GSA) were incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

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 allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development which may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. 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.

The proposed project is located in the small lot subdivision of Fernwood and involves the addition of 441 square feet of habitable space and the reconfiguration of the existing 780 square feet single family residence for a total of 1,005 square feet.

Slope-Intensity Formula:

$$GSA = (A/5) \times ((50-S)/35) + 500$$

GSA = the allowable gross structural area of the permitted development in square feet. The GSA includes all substantially enclosed residential and storage areas, but does not include garages or carports designed for storage of autos.

A = the area of the building site in square feet. the building site is defined by the applicant and may consist of all or a designated portion of the one or more lots comprising the project location. All permitted structures must be located within the designated building site.

S = the average slope of the building site in percent as calculated by the formula:

$$S = I \times L/A \times 100$$

I = contour interval in feet, at not greater than 25-foot intervals, resulting in at least 5 contour lines

L = total accumulated length of all contours of interval "I" in feet

A = the area being considered in square feet

The applicant has submitted a GSA calculation in conformance to Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP). This calculation utilizes a ten-foot interval topographic map, contour length of 180 feet, an area of 6,594 sq. ft and a slope of 27%. Based on these parameters, the **maximum GSA** for this site is **1,366 sq. ft.** Therefore, the proposed net increase of 441 square feet, for a total of 1,005 square feet of habitable space would be consistent with the maximum permitted GSA. In order to ensure that any future development on the project site is consistent with the GSA, the Commission finds it necessary to require the applicant to record a future improvements deed restriction.

A secondary cumulative impact concern is the potential long-term use of the travel trailer as a second residential unit. In consideration of this concern, the applicant has indicated the existing travel trailer shall only be occupied during the construction period. After construction, the trailer will be stored on site but will not be occupied or used as a second unit.

The Commission therefore finds that, only as conditioned, is the proposed project consistent with Section 30250(a) of the Coastal Act.

D. Geologic Stability and Hazards

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 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.

1. Geology

The applicant has proposed 12 cubic yards of grading to widen the existing driveway in order to provide access to the proposed carport, to be located on the first floor of the structure. The applicant has submitted a series of Geotechnical Engineering Reports and updates, dated 4/5/95, 6/6/97 and 7/23/97 prepared by Coastline Geotechnical Consultants for the subject site. The applicants' consultants determined that the proposed project site is grossly and surficially stable and therefore suitable for the proposed development.

The geotechnical report update of July 23, 1997 states that:

Based on the findings summarized in our prior reports, it is our opinion that construction within the building site will not be subject to geotechnical hazards from landslides, slippage or differential settlement in excess of 1 inch vertical movement over a horizontal distance of 30 feet. Further, it is our opinion that the proposed building and anticipated site grading will not adversely effect the stability of the site, or adjacent properties, with the provisos listed above.

Based on the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geotechnical engineering consultant's 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.

2. Fire

Because the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, 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, as incorporated by condition number three. The Commission finds that only as conditioned to incorporate wildfire waiver of liability will the proposed project be consistent with Section 30253 of the Coastal Act.

F. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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, minimizing alteration of natural streams.

The proposed septic system includes a new septic tank and seepage pit. A percolation test was performed on the subject property June 3, 1996 by the geologic consultant Geoplan, and included in their report dated June 28, 1996. The test confirmed that the two bedroom dwelling and the new 750 gallon septic tank will be adequately served by the 5' x 32' (B.I.) seepage pit.

The County of Los Angeles completed a review of the proposed septic system on July 30, 1996. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration percolation capacity of soils, depth to groundwater, etc. Therefore, the Commission finds the proposed residence is consistent with section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604 of the Coastal Act states that:

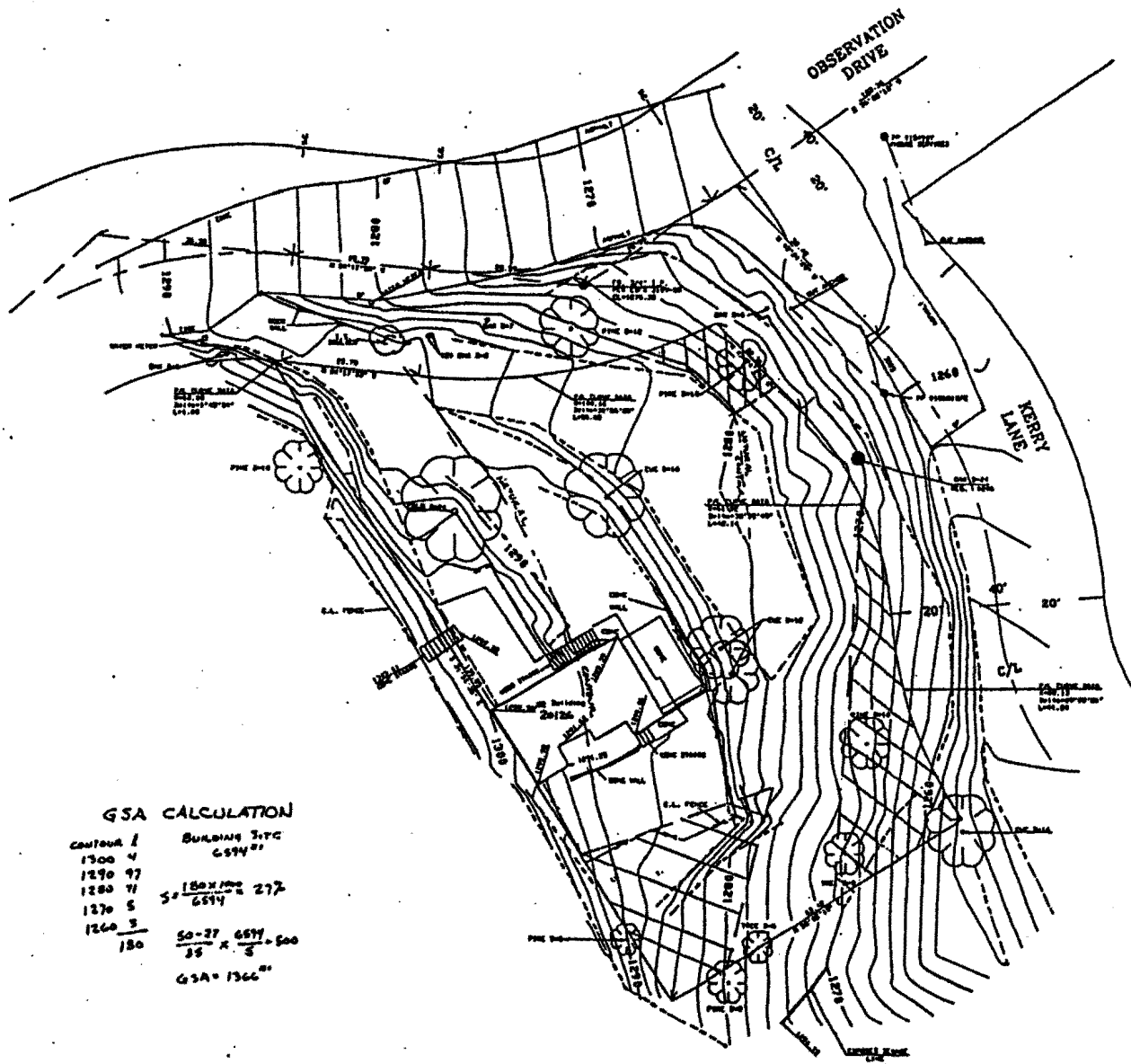
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for 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

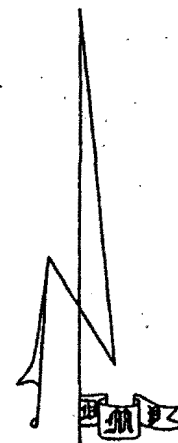
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (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.



GSA CALCULATION


CONTOUR 1	BUILDING 317C
1300 4	6594.01
1290 97	
1280 71	$S = \frac{180 \times 100}{6594} = 272$
1270 5	
1260 3	
180	$\frac{50-27}{35} \times \frac{6594}{3} = 500$
	GSA = 1366.01



SCALE: 1"=10'
DATE: MAY 29, 1994

TOPOGRAPHIC SURVEY

OF LOT 10, BLOCK 17
TRACT No. 8859
PER MAP BOOK 126
PAGES 1 THRU 13

EXHIBIT NO. 2
APPLICATION NO.
49-166 Whitaker
Existing site plan
 California Coastal Commission

EXISTING CONDITIONS	DATE
CHRIS WHITAKER	5-31-94
20126 OBSERVATION DRIVE	5-31-94
TOPANGA, CALIF 90292	
FILE # 7614	
ACAD 7613.DWG 7613.SCR	
TIN C-2	
PROJECT SURVEYOR	
JOHN H. MAC NEIL	L.S. NO. 3358

TOPOGRAPHIC SURVEY
OF LOT 10, BLOCK 17
TRACT No. 8859
PER MAP BOOK 126
PAGES 1 THRU 13

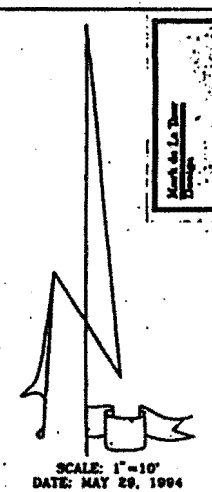
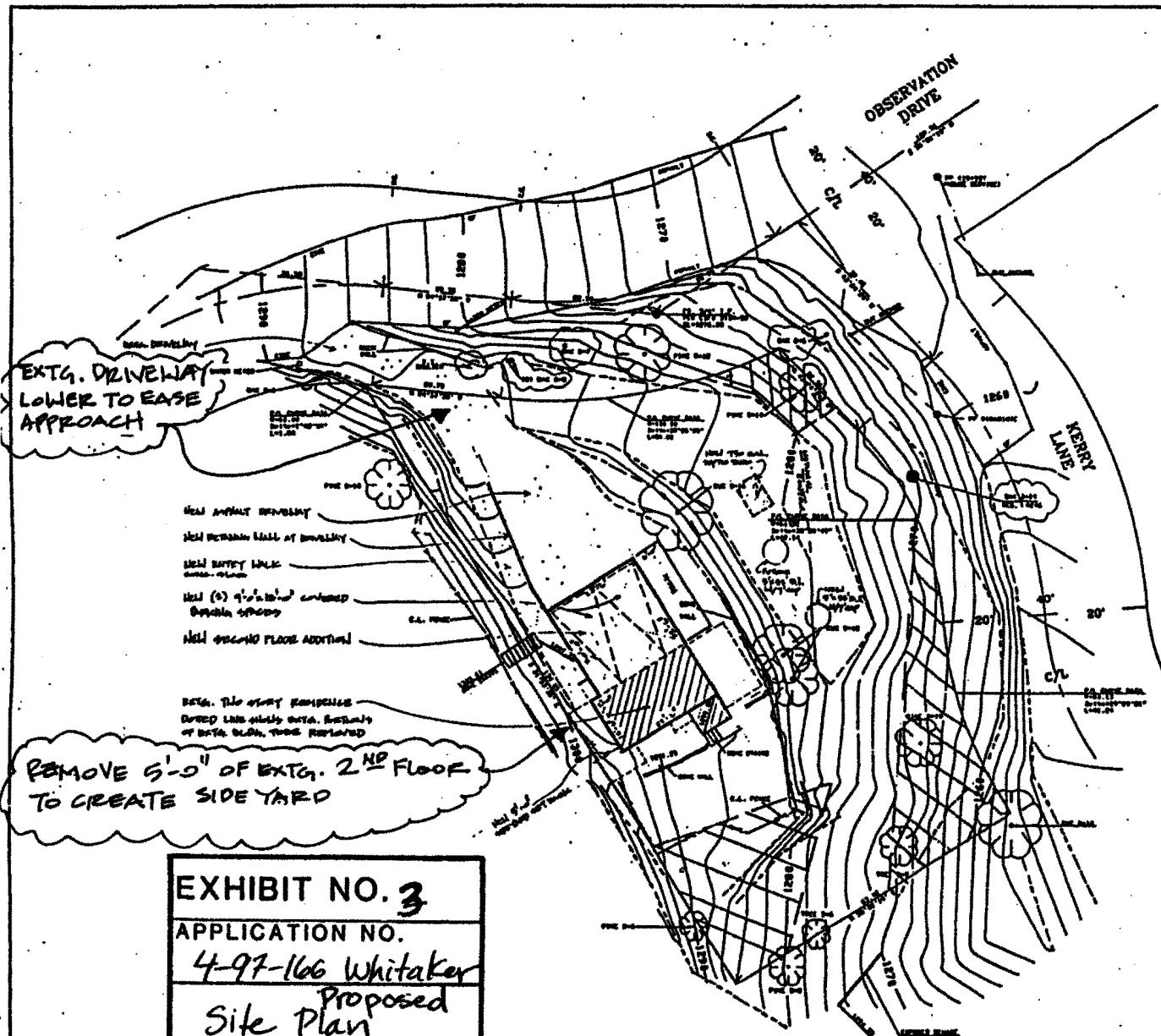
DATE	
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NOTE: EASEMENTS, OTHER THAN SHOWN,
MAY EXIST. CONSULT YOUR TITLE REPORT.

2

JOHN H. MAC NEIL
LICENSED LAND SURVEYOR # 3358
2330 N. TOPANGA CYN BL.
TOPANGA CA 90290



PROPOSED SITE PLAN

JOHN H. MAC NEIL

20122 OBSERVATION DRIVE

TORRANCE, CALIF. 90502

PROJECT SURVEYOR

PLOT PLAN & TOPO.

OF LOT 10, BLOCK 17
TRACT No. 8859
PER MAP BOOK 126
PAGES 1 THRU 13

G.S.A. CALCULATIONS

CONTRIBUTOR	BUILDING SITE
1500	4
1490	11
1250	71
1210	5
1260	3
180	1
	1366

5-180 x 1000 = 27%

50-27 x 1366 = 500

98 x 5 = 490

G.S.A. = 1366

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EXHIBIT NO. 3

APPLICATION NO.

4-97-166 Whitaker

Proposed Site Plan

California Coastal Commission

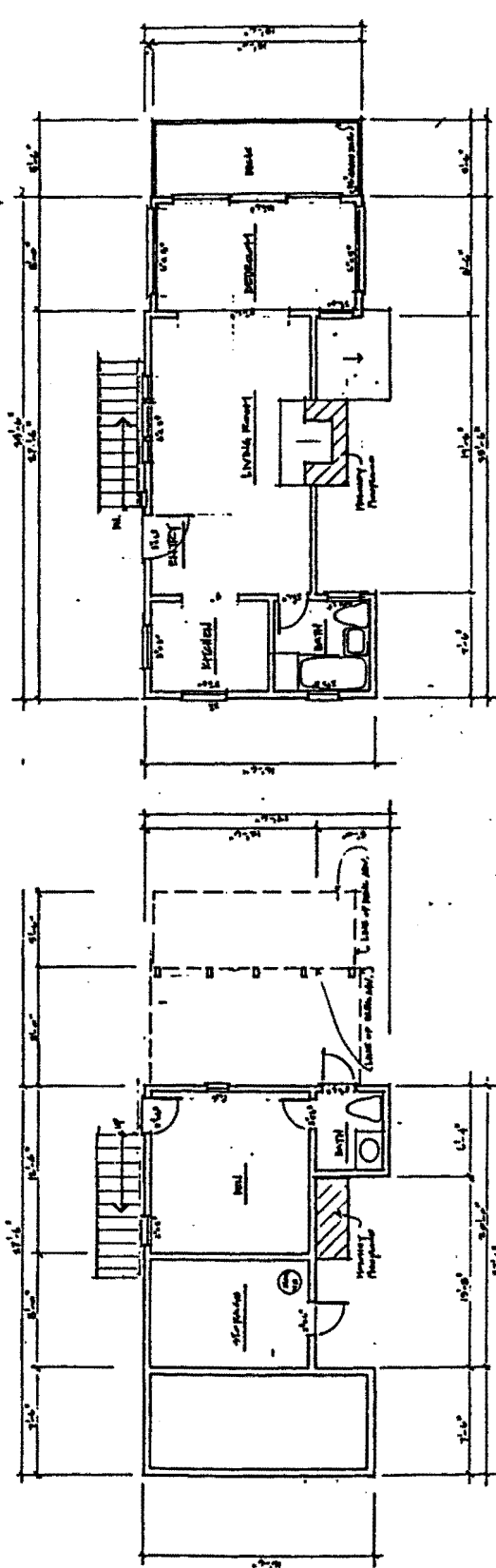
NOTE: EASEMENTS, OTHER THAN SHOWN, MAY EXIST. CONSULT YOUR TITLE REPORT.

JOHN H. MAC NEIL

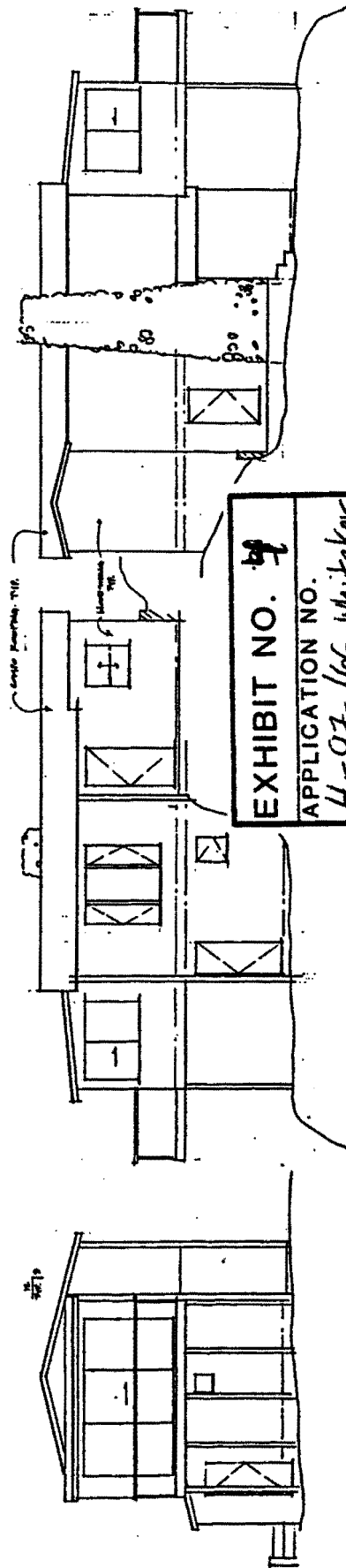
LICENSED LAND SURVEYOR # 3358

2330 N. TOPANGA CYN BL.

TORRANCE, CA 90504




EXISTING - SECOND FLOOR PLAN

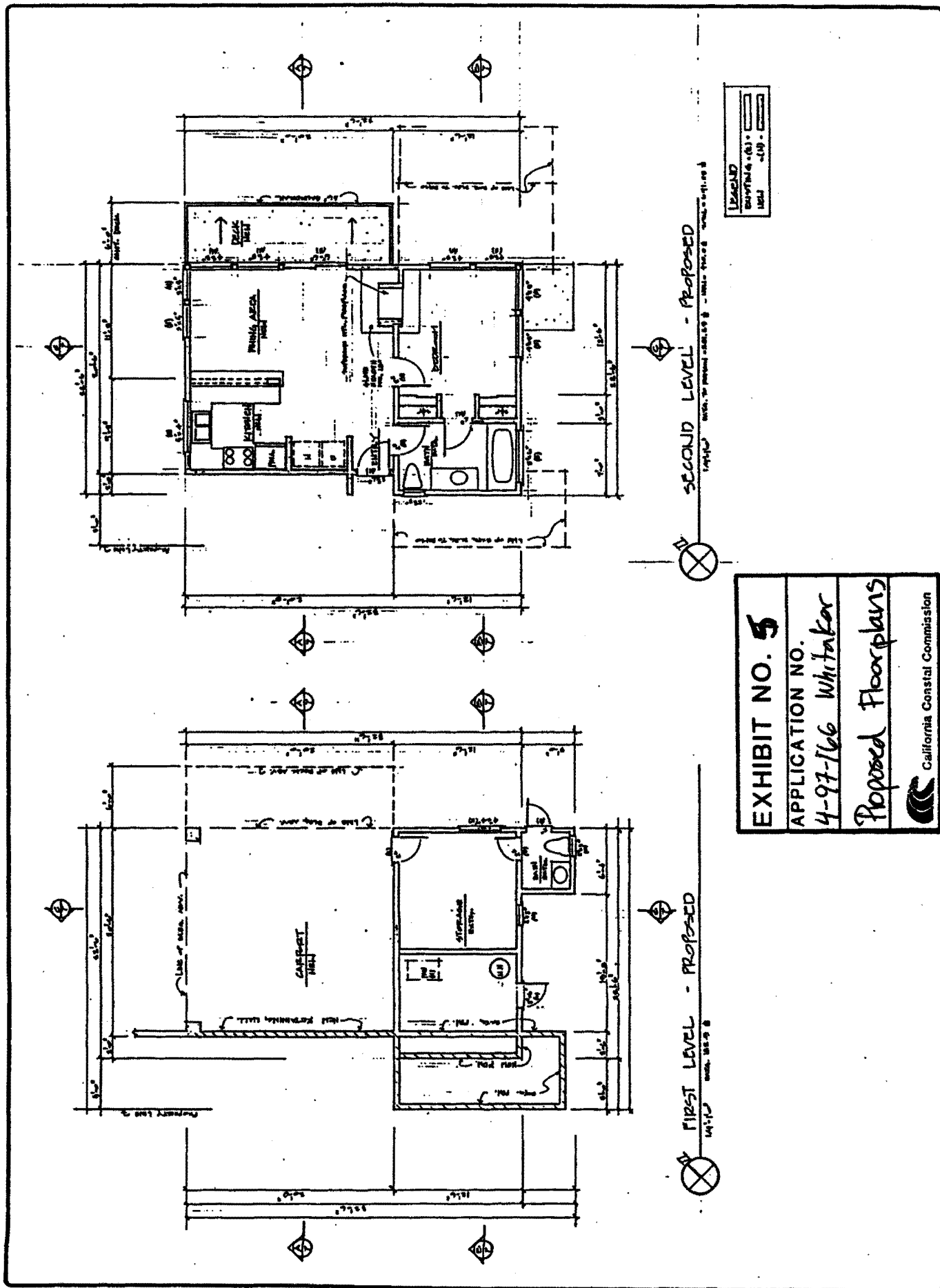


SOUTH ELEVATION

NORTH	ELEVATION
10-2-2	8000 ft.

EAST ELEVATION
W.C. EASTING

EXHIBIT NO. 4
APPLICATION NO. 4-97-166 Whitaker
Existing Floorplans & Elevations
 California Coastal Commission



4							
3							
2							
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NAME	DATE
10-19-49	10-19-49
10-19-49	10-19-49
10-19-49	10-19-49

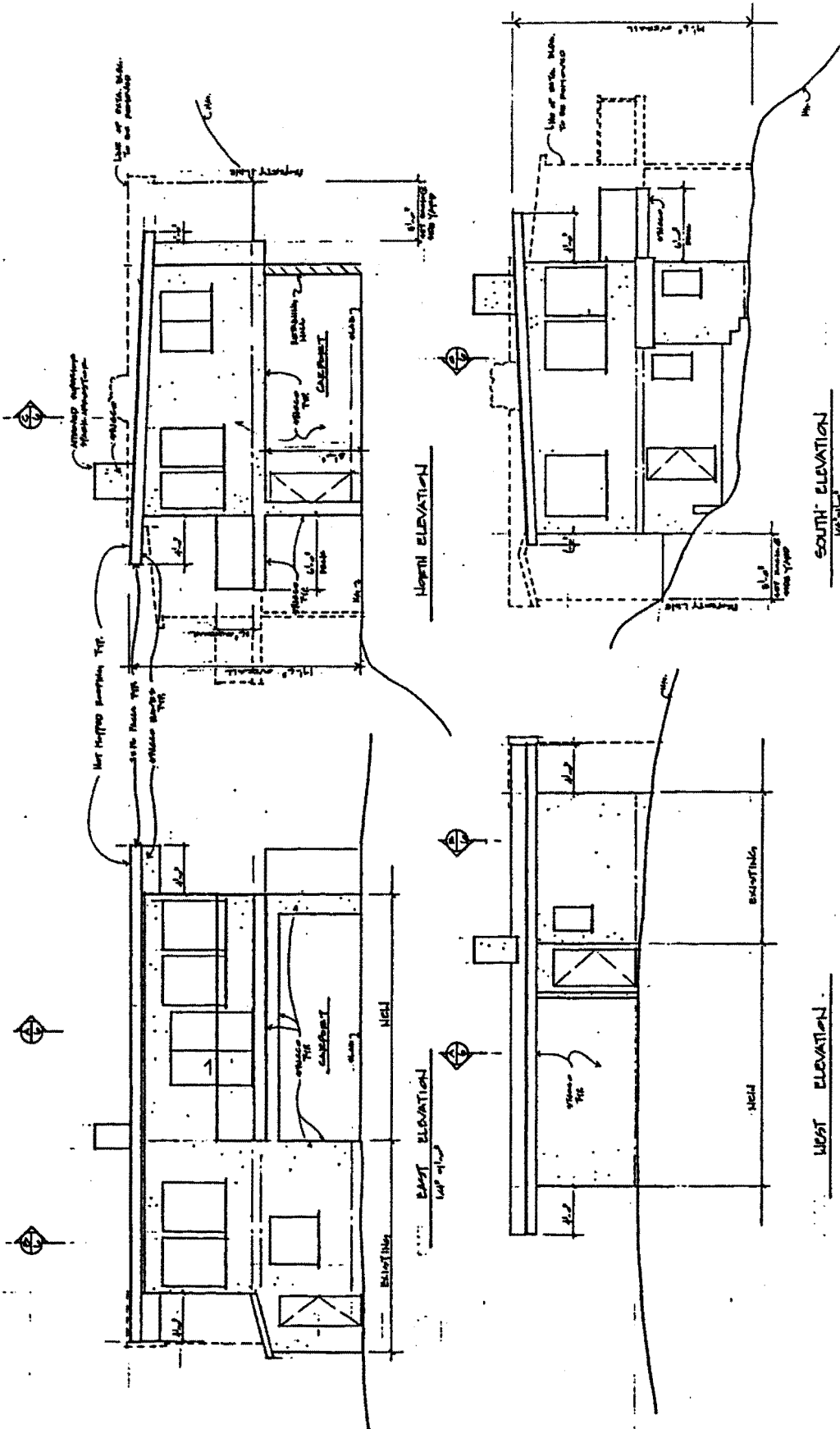


EXHIBIT NO. 6

APPLICATION NO.

4-97-166 Whitaker

Proposed Elevations



California Coastal Commission