

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

SANTA ANA, CA 92701

(805) 641-0142

Filed: 6/23/97
49th Day: 8/11/97
180th Day: 12/20/97
Staff: MB-V
Staff Report: 7/22/97
Hearing Date: 8/12-15/97

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-057

APPLICANT: Rita George AGENT: Terry Valente

PROJECT LOCATION: 19890 Grandview Dr., Topanga Canyon, Los Angeles County

PROJECT DESCRIPTION: Construct 20 ft. high, 703 sq. ft., two story studio;
merger of lots 5, 6, 7 and 8 of Block 7 as shown on Tract Map No. 8859. No
grading is proposed.

Lot Area	20,000 sq. ft.
Building Coverage	764 sq. ft.
Pavement Coverage	128 sq. ft.
Landscape Coverage	3500 sq. ft.
Parking Spaces	none
Ht abv fin grade	20 feet

LOCAL APPROVALS RECEIVED: County of Los Angeles, Department of Health Services
Approval in Concept, dated 2/24/97; Department of Regional Planning: Covenant
and Agreement to hold Property as One Parcel, dated October 22, 1996; and
Approval in Concept, dated 3/11/97.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 4-94-124 (Geer) and
4-95-199 (Meltzer); Malibu/Santa Monica Mountains Land Use Plan; Coastline
Geotechnical Consultants, Inc., Geotechnical Engineering Investigation,
Proposed Studio-Accessory Building, 19890 Grandview Drive, August 5, 1996.

SUMMARY OF STAFF RECOMMENDATION:

The proposed project includes the construction of a two story detached studio,
accessory to an existing single family residence. The proposal also includes
a lot merger of 4 lots. Staff recommends that the Commission approve the
proposed project with Special Conditions relating to geology, wild fire waiver
of liability, and future improvements.

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. Plans Conforming to Geologic Recommendation

All recommendations contained in the Coastline Geotechnical Consultants, Inc., Geotechnical Engineering Investigation, Proposed Studio-Accessory Building, 19890 Grandview Drive, August 5, 1996 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 (Small Lot Subdivisions)

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 4-97-057 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.

A. Project Description.

The project is located in the Topanga Canyon area of the Santa Monica Mountains. (Exhibit 1) The applicant proposes the construction of a 20 ft. high, 703 sq. ft., two story accessory building to be used as a studio. (Exhibit 2) The studio (Lots 5 and 6) will tap into an existing septic system

connected to an existing single family residence (Lot 8). This existing residence is 1,424 sq. ft. and includes a 400 sq. ft. carport. The proposal also includes the merger of four 5,000 sq. ft. lots into one 20,000 sq. ft. lot, i.e. the merger of lots 5, 6, 7 and 8 of Block 7 as shown on Tract Map No. 8859 through a Covenant and Agreement to Hold Property as One Parcel, dated October 22, 1996 and recorded November 19, 1996. No grading is proposed.

The proposed project site is located on Grandview Drive in the Fernwood small lot subdivision in Topanga Canyon. 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. This finding is consistent with the Commission's decision on a similar project across the street, whereby that more visible project (i.e. located on the downslope side of Grandview Drive) was found to not raise a visual quality issue for similar reasons.

Under the current Malibu/Santa Monica Mountains Land Use Plan (LUP), certified by the Coastal Commission, the subject parcels are designated as Rural Land III (1 du per 2 acres) and Residential I (1 du per 1 acre). Nearby areas, across the street and seventy feet below the site, 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 and no oak trees and other native vegetation are affected. The proposed development was found exempt by the County from the need for Environmental Review Board review.

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 to a second unit at a later date, could intensify the use of the site and impacts public services, such as water, sewage, electricity and roads.

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development (Section 30106). New development raises issue with respect to cumulative impacts on coastal resources.

Section 30250(a) of the Coastal Act states:

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 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 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 the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30252 of the Coastal Act discusses new development requiring that the location and amount of new development should maintain and enhance public access to the coast. The section enumerates methods that would assure the protection of access and states that such maintenance and enhancement could be received by (in part), "...providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads... and by, assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by..."

In addition, the certified Malibu LUP, which the Commission certified as consistent with the Coastal Act and now considers as guidance for implementing the Chapter 3 policies of the Coastal Act, contains policy 271 which states:

"In any single-family residential category, the maximum additional residential development above and beyond the principal unit shall be one guesthouse or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."

The issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Malibu Land Use Plan (LUP). In its review and certification of the LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Other limitations placed on additional or second unit development include: the allowance of no more than 1 (one) second unit; the location in proximity to the primary residence of less than 250 ft.; the approval of a conditional use permit; the 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].

In addition, 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 4-95-199 (Meltzer), 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, such as noted above, 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.

Currently the site is developed with a residence of 1,424 sq. ft. and includes a 400 sq. ft. carport. The proposal also includes the merger of four 5,000 sq. ft. lots into one 20,000 sq. ft. lot, i.e. the merger of lots 5, 6, 7 and 8 of Block 7 as shown on Tract Map No. 8859 through a Covenant and Agreement to Hold Property as One Parcel, dated October 22, 1996 and recorded November 19, 1996.

The proposed detached studio is ancillary to the single family residence on site and includes a bathroom and loft. The Commission has consistently limited the size of second residential units in the Malibu/Santa Monica 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. In this case, the project description and plans submitted propose that the unit will be used as a studio 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. The proposed residence has a bathroom, fireplace, a "writing nook" that could serve as kitchen, and a loft that could serve as a sleeping area. Therefore, the proposed structure, as currently configured and planned, may be converted to a second unit and generate the traffic and sewage effluent impacts associated with such 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

comply with the Gross Structural Area Formula. In this case the two previous lots 7 and 8 are combined for purposes of the GSA calculation, which is consistent with past Commission practice. The GSA for the parcels over which the proposed structure is located is 2,000 sq. ft. The proposed 764 sq. ft. studio is in compliance with the GSA for this site. Further, the proposed structure will not generate any adverse impacts either individually or cumulatively on coastal resources.

The Commission notes that concerns about the potential future impacts on coastal resources and coastal access may occur with any further development of the subject property. Additions to the proposed structure or existing residence, conversion of the proposed structure in a second residential unit or other site improvements could result in adverse environmental impacts. Additional development on this moderately sloping parcel would increase impervious surfaces, thereby, increasing runoff which would result in on and off site erosion, sedimentation of nearby streams, degradation of riparian and upland habitat and destabilize the site from a geologic standpoint. Soils in this small lot subdivision have been identified as highly erosive.

Furthermore, this small lot subdivision has a total of 2,651 lots in a very constrained steeply sloping area with narrow winding access roads and only one throughfare or escape route. Therefore, this area is subject to a very high fire hazard. In addition, build-out of all these lots would generate 12,690 car trips, increasing traffic on both Topanga Canyon Blvd and Pacific Coast Highway. Conversion or additions of the proposed structure to a second residential unit would contribute additional traffic which could both individually and cumulatively result in adverse traffic impacts and increase fire hazards within the area if not mitigated. As cited above, impacts such as geologic stability, traffic, sewage disposal, and resource degradation could result if additional development were constructed on the subject site. Therefore, the Commission finds it is necessary to require the applicant to record a future improvements deed restriction.

Thus, the findings and special conditions attached to this permit will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal 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/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 applicant has submitted a Coastline Geotechnical Consultants, Inc., Geotechnical Engineering Investigation, Proposed Studio-Accessory Building, 19890 Grandview Drive, August 5, 1996, for the subject site. The applicants' consultants determined that the proposed project site is favorable from a geologic standpoint. 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.

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.

Based on the recommendations of the consulting geologists 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 and soils geotechnical consultants' 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 geologist and engineering geologists as conforming to their recommendations.

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.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the 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. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

D. 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:

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 development will connect to the septic system which serves the main residence and was given, for design purposes, Approval in Concept by the County Department of Health Services. 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, as proposed, 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.

As discussed above, the proposed project has been mitigated to incorporate plans conforming to the consulting geologist's recommendations, wild fire waiver of liability, and deed restriction on future development. The proposed

development, as conditioned, will not have significant effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

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PLOT PLAN scale 1/8" = 1'-0"

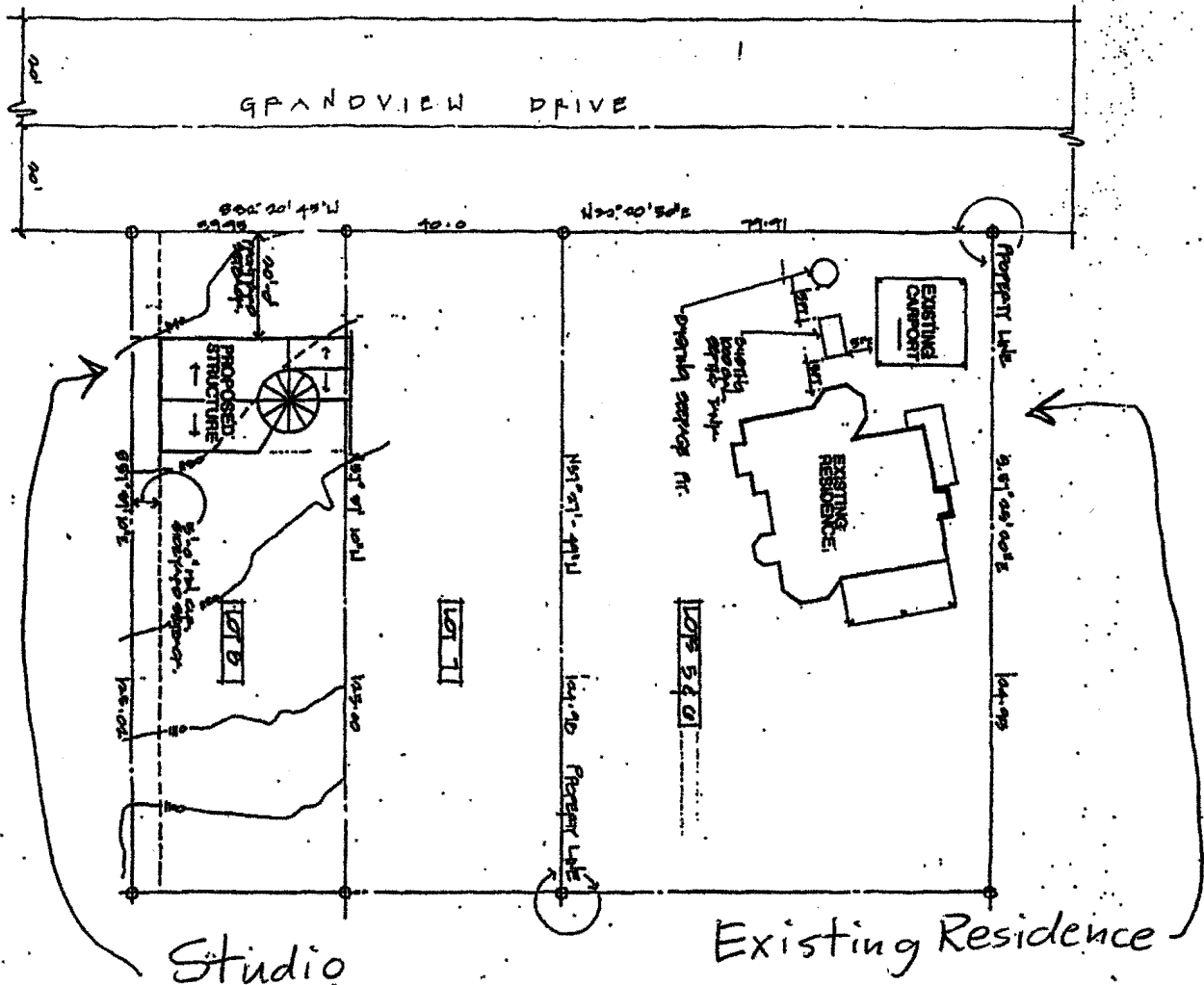
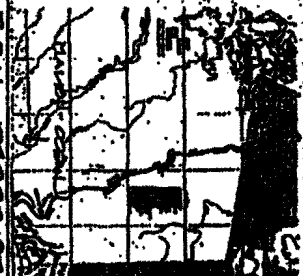


EXHIBIT NO. 2
APPLICATION NO.
4-97-057(George)
Existing Residence, Studio, 4 lots

VICINITY MAP



LEGAL DESCRIPTION

Lot 5, 6, 7 & 8.
Block 1.
Tract No. 2057, T2S, R1E, S1/4, Sec. 16.

CONSULTANTS

PROJECT STATISTICS

OWNER: P.P.R. George
1000 Grandview Dr.
Boulder, CO.
SCALE OF MAP: 1/8" = 1'-0".
GIVE ALL SPACES: ONE INCH.
FOR RESIDENTIAL CONSTRUCTION.

SHEET INDEX

- 1. NOT PAID/PAID FOR DAY.
- 2. SITE PLAN/ONE SEPARATE.
- 3. NO FLOOR PLAN.
- 4. ELEVATIONS.
- 5. SEPARATE.



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INCORPORATED
3821 MacArthur Highway - Suite 112
Columbus, CA 95026
(916) 391-7171 • (916) 451-7115
FAC (916) 391-7171

Sheet Title
PLOT PLAN

Job Name

P.P.R. George
1000 Grandview Dr.

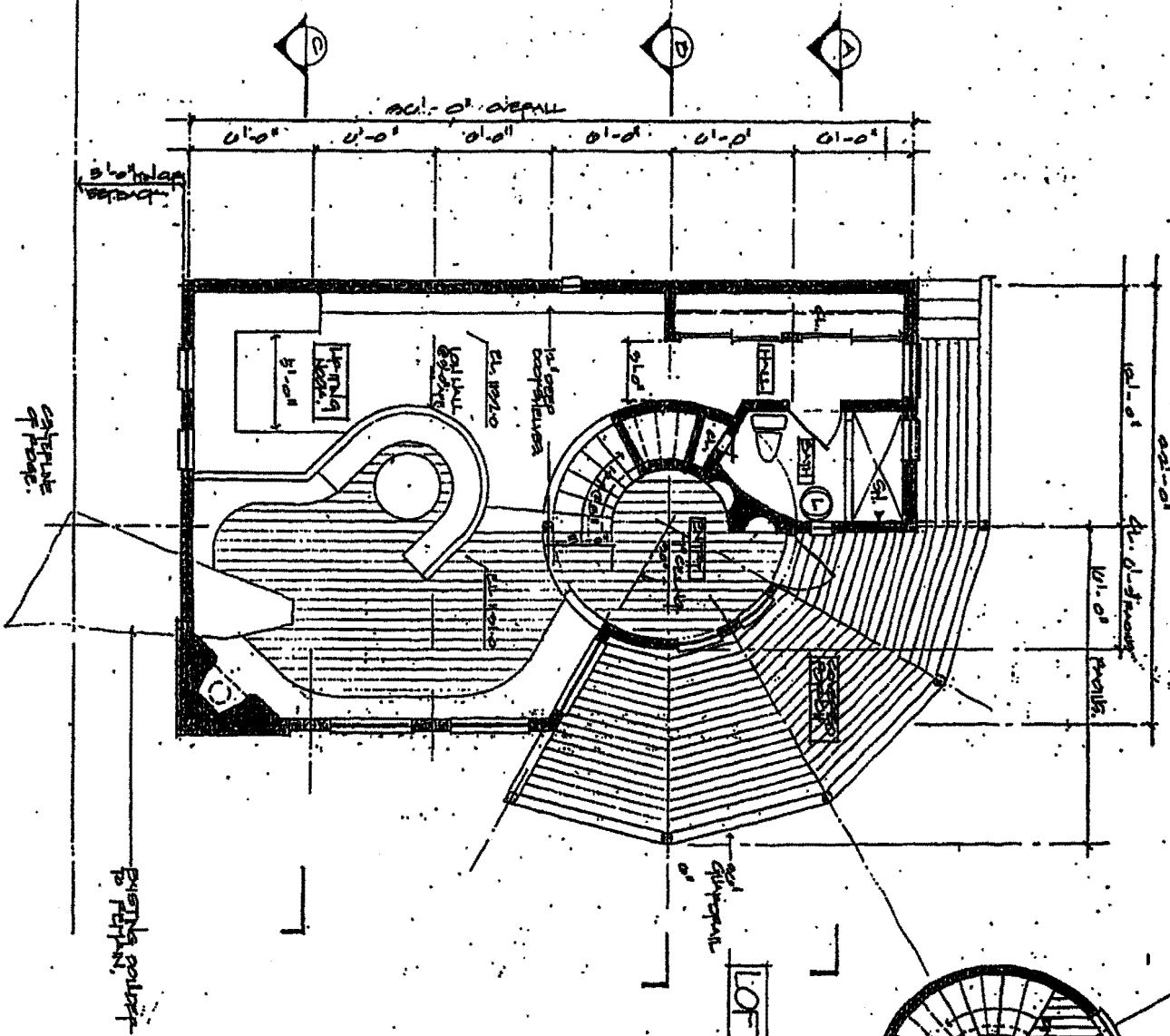
Date/Rev.

6-10-90.

Sheet
A-1

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FLOOR PLAN 4'-11" x 4'-11"



LOFT PLAN 4'-11" x 4'-11"

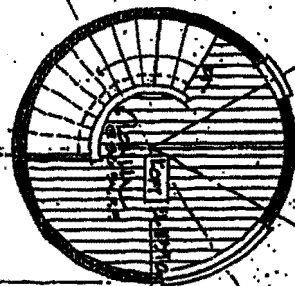


EXHIBIT NO.	3
APPLICATION NO.	4-97-057(George)
Floor Plan	

Job Name
 RITA GEORGE
 10-10-96

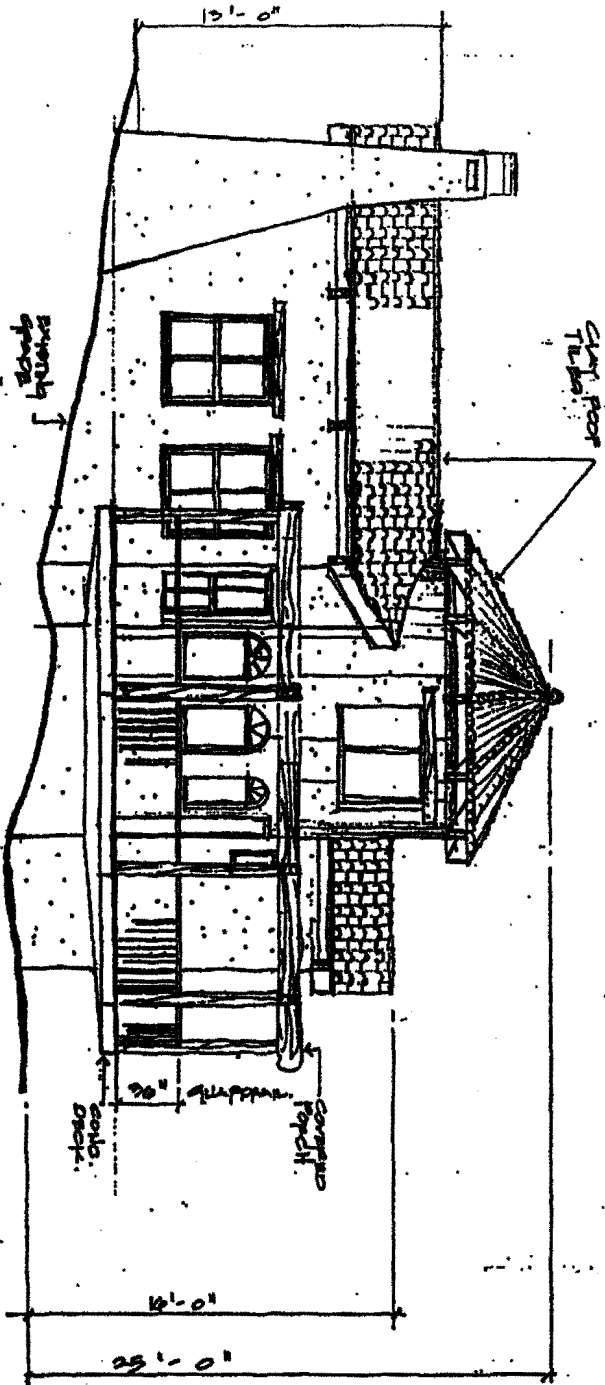
Sheet Title
 FLOOR PLAN

City of San Francisco
 Department of Public Works
 1001 Bay Street
 San Francisco, CA 94133
 (415) 321-3171

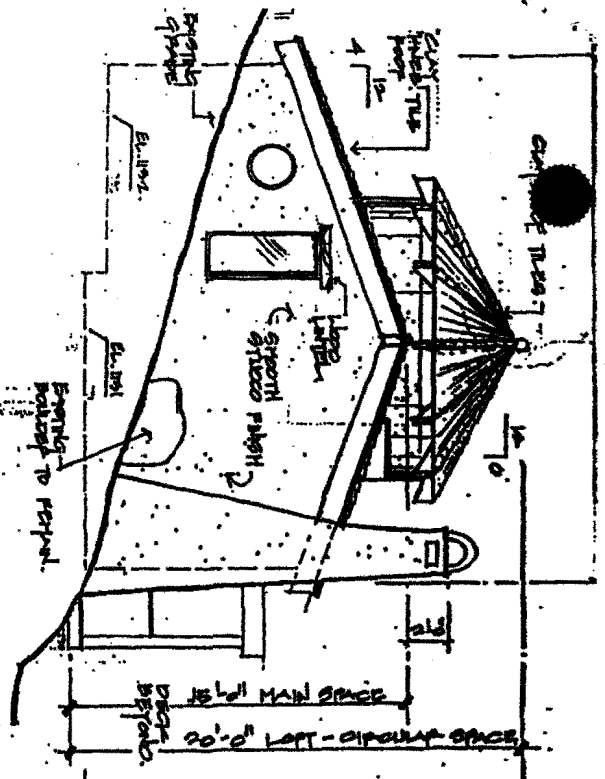


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EAST ELEVATION 14'-11" x 29'-0"



SOUTH ELEVATION 14'-11" x 29'-0"



NORTH ELEVATION 14'-11" x 29'-0"

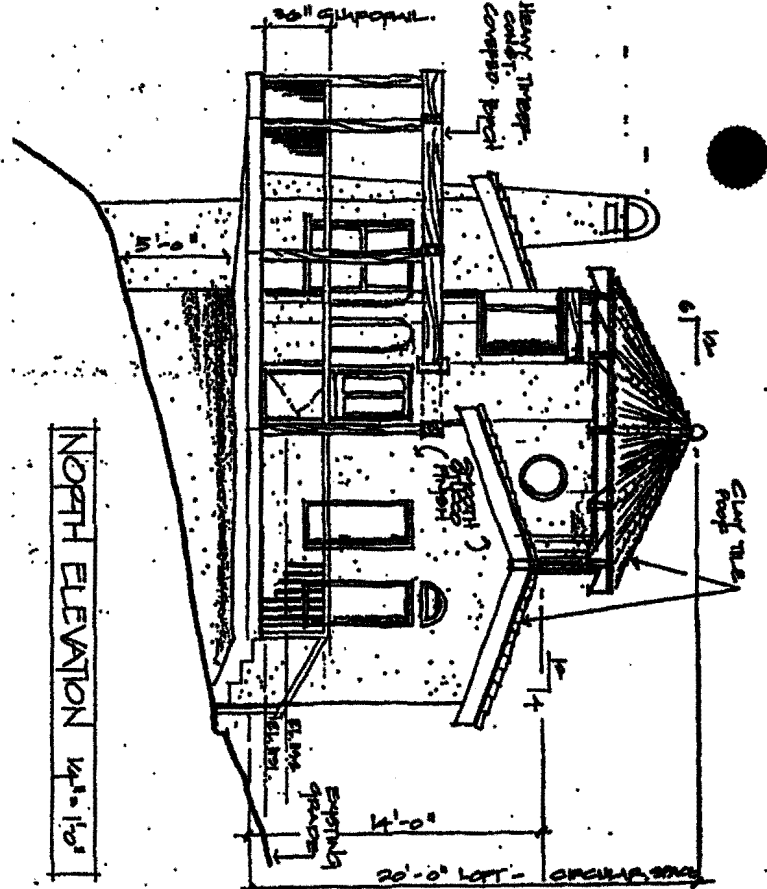


EXHIBIT NO.	4
APPLICATION NO.	4-97-057 (George)
Elevations	

of 1 Sheet
A-1

Date Recd.
10-10-76

Job Name
PITA-GEORGE
Housing Sub

Sheet Title
ELEV.

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Architects
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