

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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49th Day: July 14, 1998
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Staff: Betz-V *ja*
Staff Report: June 17, 1998
Hearing Date: July 7-10, 1998

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-036

APPLICANT: Mr. & Mrs. Lawrence Meltzer AGENT: Terry Valente

PROJECT LOCATION: 19895 Grandview Drive, Topanga, Los Angeles County.

PROJECT DESCRIPTION: After-the-fact construction of three parking spaces along shoulder of Grandview Drive including landscaping, wood wells protecting two existing oak trees, gravel and decomposed granite cover, and 228 cu. yds. of compacted fill.

Lot Area	7800 sq. ft.
Parking Spaces	3 uncovered
Plan Designation	Residential 1, 1 Du/ac

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning, Approval in Concept, dated 2/25/98 and Department of Public Works, permit to construct on the public highway CD649430, dated 1/7/98.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 4-95-199 (Meltzer); Malibu/Santa Monica Mountains Land Use Plan; Pacific Geology Consultants, Inc., Engineering Geology Memorandum, May 8, 1998.

SUMMARY OF STAFF RECOMMENDATION: The proposed development of parallel parking is located along the right of way of Grandview Drive on an undeveloped vacant parcel above a blue line stream. Staff recommends approval of the proposed project with Special Conditions addressing revised landscape and erosion control plans, conformance to the engineering geologist's recommendations, implementation of site restoration, and condition compliance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

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 effects 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 Condition.

1. Revised Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit a revision to the Landscape/Revegetation Plan dated 2/11/98 (Rev.) prepared for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (a) All graded and 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 cut and fill slopes 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. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (d) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission-approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

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 the Pacific Geology Consultants, Inc., Engineering Geology Memorandum, May 8, 1998 including slope stability, compaction, benching, and drainage shall be

incorporated into final project plans. 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. Implementation of Restoration Grading and Revegetation Plans

The applicant shall implement the restoration grading and revegetation measures of the Landscape/Revegetation Plan dated 2/11/98 (Rev.), as amended as specified in condition one (1) above, and the Grading Plan dated 12/5/96 prepared by Cary W. Gepner & Associates in accordance with such plans. The applicant shall remove and recompact the unpermitted fill, remove unpermitted covering, and complete implementation of the Landscape/Revegetation Plan within 60 days of the issuance of the coastal development permit. The Executive Director may grant additional time for good cause.

4. Condition Compliance.

All requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within sixty (60) days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause will result in the nullification of this permit approval.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The present proposal involves the reconstruction of the unpermitted parking area to make it a permanent facility for parking three cars along the side of the road. The reconstruction includes keying the compacted fill into benches cut into natural grade over an elevation range of approximately ten feet. The parking area will drain back toward the street and be covered with compacted gravel and decomposed granite. A wood reinforced well is proposed at each corner of the project to protect two existing oak trees and avoid fill near the trunks.

The project was originally constructed of unengineered fill to provide parking for construction workers serving the nearby development with weighted plastic along the slope. The nearby development, as described below, is under the same ownership, and consisted of a large garage for a classic car and motorcycle collection. Originally the project was utilized for diagonal rather than the presently proposed three parallel spaces and accommodated six or seven vehicles.

Approximately one-third of the disturbed area is within the public right of way, and the project has received an "encroachment permit" i.e. Department of Public Works permit to construct on the public highway CD649430, dated 1/7/98.

In addition to the approval in concept review by the Los Angeles County Department of Regional Planning, the project received an oak tree permit and a plot plan review. The County required removal of invasive non-native plants on the site. The landscape and revegetation plan approved by the County includes replanting with a mixture of toyon, ceonothus, and coyote bush. Retaining walls are shown around the existing two oak trees.

The project site is located on Grandview Drive in the Fernwood small lot subdivision in Topanga Canyon. The project area is developed with a variety of types and sizes of single family residences. The project constitutes infill of an existing developed area because it replaces a portion of a steep, undeveloped residential lot with a parking area. This will not result in any significant development above ground level, or a change in landform, which impacts on neighborhood character and coastal views from any scenic roadways and designated overlooks.

Nearby lands are designated disturbed significant oak woodland and savannah. An intermittent blue line stream is located nearby, directly downhill of the project site. The project does not involve the removal of any oaks nor does it involve the intrusion into any riparian areas. Although there are oak trees within the project footprint, these trees are protected by the landscaping and grading plan proposed because there are wood retaining walls to protect the oak trees which have a cleared area of approximately five to eight feet around their base. The height of the walls is not specified, but is estimated to range from two to eight feet based on the contours provided.

The adjacent property to the west under the same ownership was subject to coastal development permit 4-95-199 (Meltzer) to construct a 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. The garage had the external appearance of a single family residence. The permit was subject to conditions relating to geology, wild fire waiver of liability, future improvements, restrictions on the use of the parking garage/recreation structure, and combination of the 4 lots.

The present project proposal is located on lot 7 which was not a part of the lot combination under permit 4-95-199. The remainder of the combined parcels under that permit had been previously developed with a large swimming pool and deck complex, a single family residence, two green houses, a pool building, and a storage building in addition to the parking garage.

B. Environmentally Sensitive Resources

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30240 of the Coastal Act states that:

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

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

As previously noted, the project involves the reconstruction of a parking area to make it a permanent facility for parking three cars along the side of the road. The project plans include drainage back toward the roadway for the parking area and use of native vegetation.

The Commission has consistently emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The stream downhill at a horizontal and vertical distance of 100 ft. is a tributary of Topanga Canyon Creek, is a recognized blue line stream on the U.S.G.S. maps. The adjacent area is designated as a disturbed sensitive oak woodland and savannah on the LUP Sensitive Environmental Resources map. Such areas are located in areas of existing development and can no longer support a significant number of species normally associated with a healthy habitat. This designation and the LUP policies are used as guidance by the Coastal Commission in permit decisions in the Santa Monica Mountains.

The build-out of this area can create adverse impacts to Topanga Canyon Creek and its tributaries. Because of the distance from the stream, at approximately 100 ft. in elevation below and 100 feet horizontal distance from the project site, the project does not directly impact on the riparian area.

Based on past Commission actions, the impacts of development within the drainage area of the creek are significant. The construction of numerous residences in Topanga Canyon has resulted in increased impervious surfaces, disturbed erodible soils and areas cleared of vegetation. In the case of this project, however, the project's parking surface is permeable and drainage is away from the stream. This will decrease the pollutants and sedimentation eventually flowing into the tributary.

The applicant has submitted a landscape plan using native vegetation which will restore the disturbed slopes. However, the plan contains no provision

for maintenance of disturbed areas, temporary stabilization, or erosion control if construction and grading takes place during the rainy season. The presently proposed plan therefore does not contain measures to ensure the benefits of landscaping will continue after initial construction. In a manner consistent with past Commission decisions, the Commission finds that the landscaping plan with the recommended conditions is required to ensure in the future to not only minimize erosion and ensure site stability, and avoid adverse affects of sedimentation on the habitat of the designated blue-line stream and offshore areas.

Consequently, it is appropriate to augment the landscape plan proposed in special condition of approval number one (1). The condition will ensure that all impacts of site disturbance are mitigated to the maximum extent feasible. Therefore, the Commission finds that only as conditioned will the proposed project be consistent with the policies found in Sections 30230, 30231, and 30240 of the Coastal Act.

C. Geologic Stability

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 of 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.

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.

As previously noted, the applicant proposes the reconstruction of the parking area to make it a permanent facility for parking three cars along the side of the road. The reconstruction was planned under guidance of an engineering geologist and includes compaction and keying the fill into benches cut into natural grade over an elevation range of approximately ten feet.

The applicant has submitted a Pacific Geology Consultants, Inc., Engineering Geology Memorandum, May 8, 1998 which states that:

The areas to receive compacted fill shall be stripped of all vegetation, debris, existing fill and soft or disturbed soils. The fill shall be benched into site bedrock. This office shall observe the excavated areas prior to placing compacted fill and shall perform periodic geologic inspections during grading to insure that the proper benching into competent bedrock is performed.

Providing the recommendations contained in this report, in addition to those delineated on the Grading Plan are followed, the parking area will be safe from landslide hazard, settlement and slippage. In addition, the proposed grading will not adversely [sic] the subject property or affect off-site properties from a geologic standpoint.

Based on the recommendations of the consulting engineering geologist, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, if 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 through condition two (2).

D. Violation

Unpermitted fill has been placed on the site for development of a parking area for construction workers with plastic sheet covered slopes. Such unengineered fill has taken place without benefit of a coastal permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

Materials left on site in an unengineered manner, and without the benefits associated with native vegetation, can cause additional drainage and sedimentation problems. In order to guarantee that such impacts are avoided, and to ensure timely resolution of the problem of unpermitted development, the Commission must ensure timely completion of restoration grading and revegetation measures, and removal or recompaction of fill and removal of other materials such as plastic sheeting, through condition 3. In addition, condition 4 is necessary to ensure compliance in a timely manner.

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 Chapter 3 (commencing with Section 30200) 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 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, as conditioned, will be in conformity with the provisions of Chapter 3. 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 of Los Angeles' ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

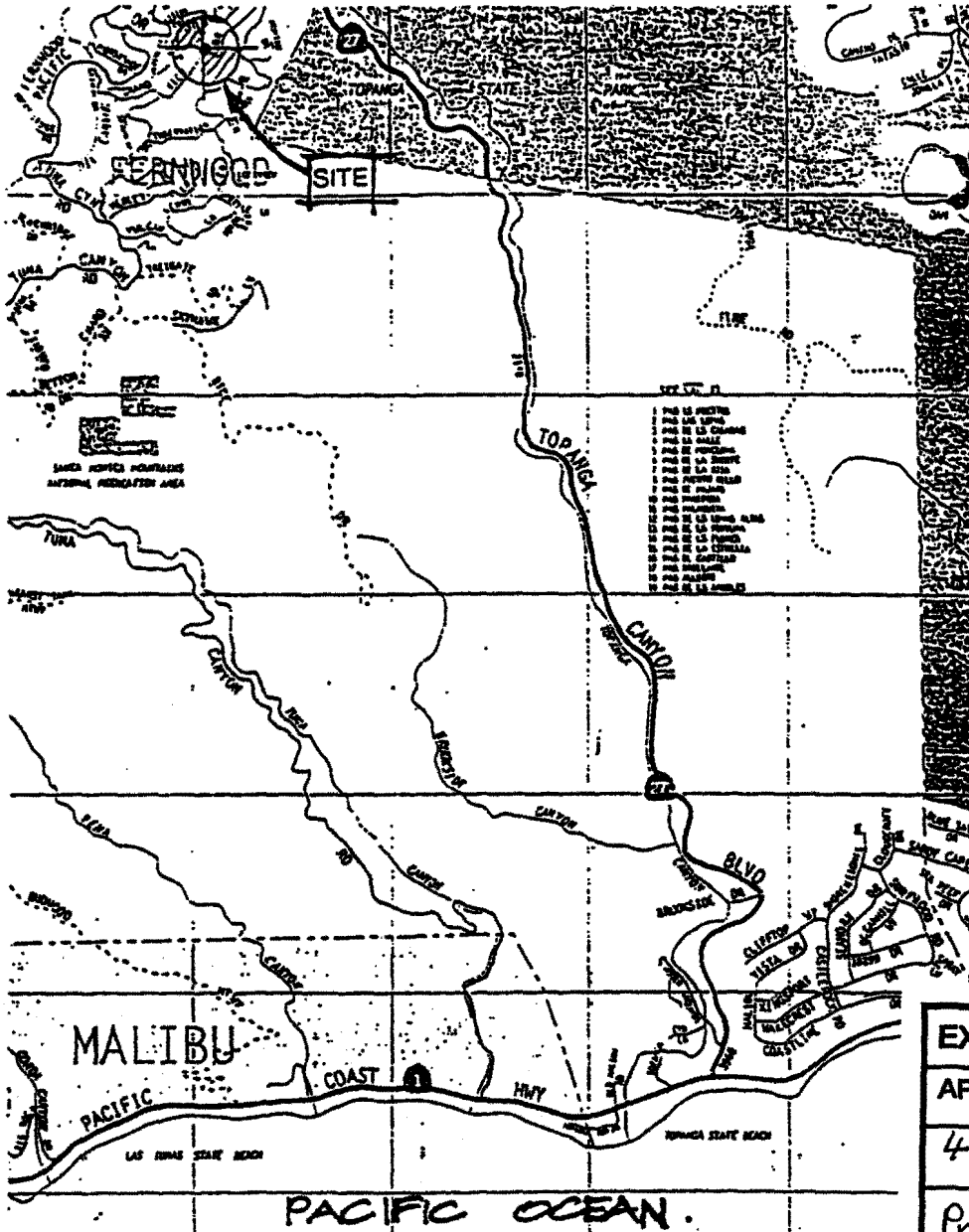
F. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate landscape plans, plans conforming to the consulting geologist's recommendations, implementation of the landscaping restoration and grading plans, and condition compliance. The proposed amended development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed amended 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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VICINITY MAP



Cary W.

22231 Mu
(818):

EXHIBIT NO.	1
APPLICATION NO.	
	4-97-036 (Meltzer)
	Project Location

PROJECT STATISTICS.

OWNER / ADDRESS:

MR & MRS L. MELTZER
19895 GRANDVIEW DR.
TOPANGA, CA 90290

LEGAL DESCRIPTION:

LOT 7, BLOCK 6 OF TRACT
8059, MB 126 1/3 PM 13274.

SCOPE OF WORK:

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