

CALIFORNIA COASTAL COMMISSION
South Central Coast
89 S. California St. Ste 200
Ventura, CA 93001-2801
(805) 641-0142

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Filed: 1/19/96
49th Day: 3/8/96
180th Day: 7/17/96
Staff: R. Richardson
Staff Report: 1/25/96
Hearing Date: Feb. 6-9, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-011

Applicant: Alfred Brostowicz

Agent: Andrew Duncan

PROJECT LOCATION: 3352 Tuna Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of a second floor 813 sq. ft. art studio and a 339 sq. ft. addition to an existing 2547 sq. ft. single family residence with no grading or changes to the septic system.

Lot area:	.95 acres
Building coverage:	4,011 sq. ft.
Pavement coverage:	8,005 sq. ft.
Landscape coverage:	1,700 sq. ft.
Parking spaces:	2
Plan designation:	Rural Land II, 1 du/5 acres
Ht abv fin grade:	21 ft. 2 in.

LOCAL APPROVALS RECEIVED: Los Angeles County Regional Planning Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan 1986, Coastal Development Permit 4-95-165

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed improvements and additions to the subject property with special conditions which address the cumulative impacts associated with the proposed development. More specifically, the applicant is required to record a future improvements deed restriction prohibiting the any future conversion of the 813 sq. ft. art studio to a second unit

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 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 Development:

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. 4-96-011; 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.

2. Second Structures

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that for the art studio shall be prohibited for conversion to a second unit by constructing bathroom or kitchen facilities.

The deed restriction shall be recorded with the deed to the parcel APN 4448-007-076 as a covenant running with the land and shall bind all successors and assignees of the permit. Any change in use of this accessory structures shall require a separate coastal development permit or an amendment to coastal development permit 4-96-011.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to construct a second floor 813 sq. ft. art studio and a 339 sq. ft. addition to an existing 2547 sq. ft. single family residence with no grading or changes to the septic system. The subject site is developed with an existing 3,446 sq. ft. single family residence that was built prior to the Coastal Act. The parcel is located on the periphery, just outside of the Tuna Canyon Significant Watershed. The proposed project will be located within the structure's existing footprint. As such, the project was exempt from review by Los Angeles County's Environmental Review Board. Under the current Malibu LUP, which the Commission considers as guidance, the site is designated as a combination of Rural Land II (one dwelling per five acres). The site is identified on the 1978 build-out maps which indicate that the lot was created prior to 1978.

B. Cumulative Impacts of New Development.

The proposed project involves the construction of a second story 813 sq. ft. art studio above a detached garage which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of an additional structure with plumbing facilities on a site where a primary residence and several other accessory structures exist intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads. Sections 30250 of the Coastal Act addresses the cumulative impacts of new development.

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.

In addition, the certified Malibu LUP, which the Commission 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 consistent with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission. These policies have been articulated in both coastal development permit conditions and policies and implementing actions of LCPs. Further, the long-time Commission practice in implementing has upheld the policies, for example 750 sq. ft. size limit in the Malibu/Santa Monica Mountains Coastal Zone. Staff notes that this 750 sq. ft. maximum guest house/second unit size is only imposed where units are intended as habitable structures and not on such uses as garages, exercise rooms, art studios, etc.

With respect to past permit conditions on second units and guesthouses, Commission action has varied based upon such factors as the types of units proposed, the differences in conditions (or lack thereof) attached by local governments, and differences in the characteristics of the communities where such units are proposed. Limiting the size of second residential units, guest houses and other appurtenant structures generally results in a smaller number of occupants which also reduces the impacts on services such as roads, water and sewage disposal. Further, smaller second units and guesthouses reduces the potential for these structures to become separate, permanent dwelling units.

The Coastal Act requires that new development, including second units and other accessory structures, 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. In addition, the presence of second units on each existing lot within the Coastal Zone would create adverse cumulative impacts on coastal resources and public access.

Although the new development proposed is for the construction of an art studio to a detached structure the project raises issue relative to the cumulative impacts associated with the construction of second units due to the potential for the structure's conversion into a second unit where interior improvements would be exempt.

The Commission notes that concerns about the potential future impacts on coastal resources and coastal access might occur with any further development of the subject property because of the extensive development already on the site. Impacts such as traffic, sewage disposal, recreational uses, visual and scenic quality and resource degradation would be associated with the development of any additional units in this area. 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.

Moreover, Staff notes that the art studio could potentially be converted into a second unit by modifying the interior to include a kitchen. Further, given the close proximity to the existing single family residence, a bathroom could potentially be constructed without expanding the septic system. Special condition #2 has been crafted to ensure that this art studio will not be converted into a large second unit by any method in the future. 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.

D. Geologic Stability

Section 30253 of the Coastal Act states:

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.

Section 30253 requires that new development minimize risk to life and property in areas of high geologic, flood and fire hazard, and assure stability and structural integrity. The applicant is proposing the construction of an 800 sq. ft. art studio on the second floor of the existing garage. Additionally, the applicant is proposing the addition of 339 sq. ft. to the existing single family residence. The entire project is contained within the existing garage and structure footprint and will therefore require minor foundation improvements.

The applicant has submitted a letter from Brian Cochran Associates, Inc. Consulting Structural Engineers dated 1/25/96. The letter states that:

The subject property is suitable for proposed development from a geologic and soils standpoint. It is the opinion of the undersigned that the proposed project will be safe from landslide, settlement slippage, and the proposed grading and development will not have adverse effect on the geologic stability of the property outside the building site, provided our recommendations are followed during construction.

Based on the conclusions of the consulting geologist the Commission finds that the development will be free from geologic hazards. Therefore, the Commission finds that the proposed project consistent with Section 30253 of the Coastal Act.

C. 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).

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding grading and visual impacts, geology, and septic systems. As conditioned the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. 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 implementation program for Malibu and the Santa Monica Mountains consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 may have on the environment. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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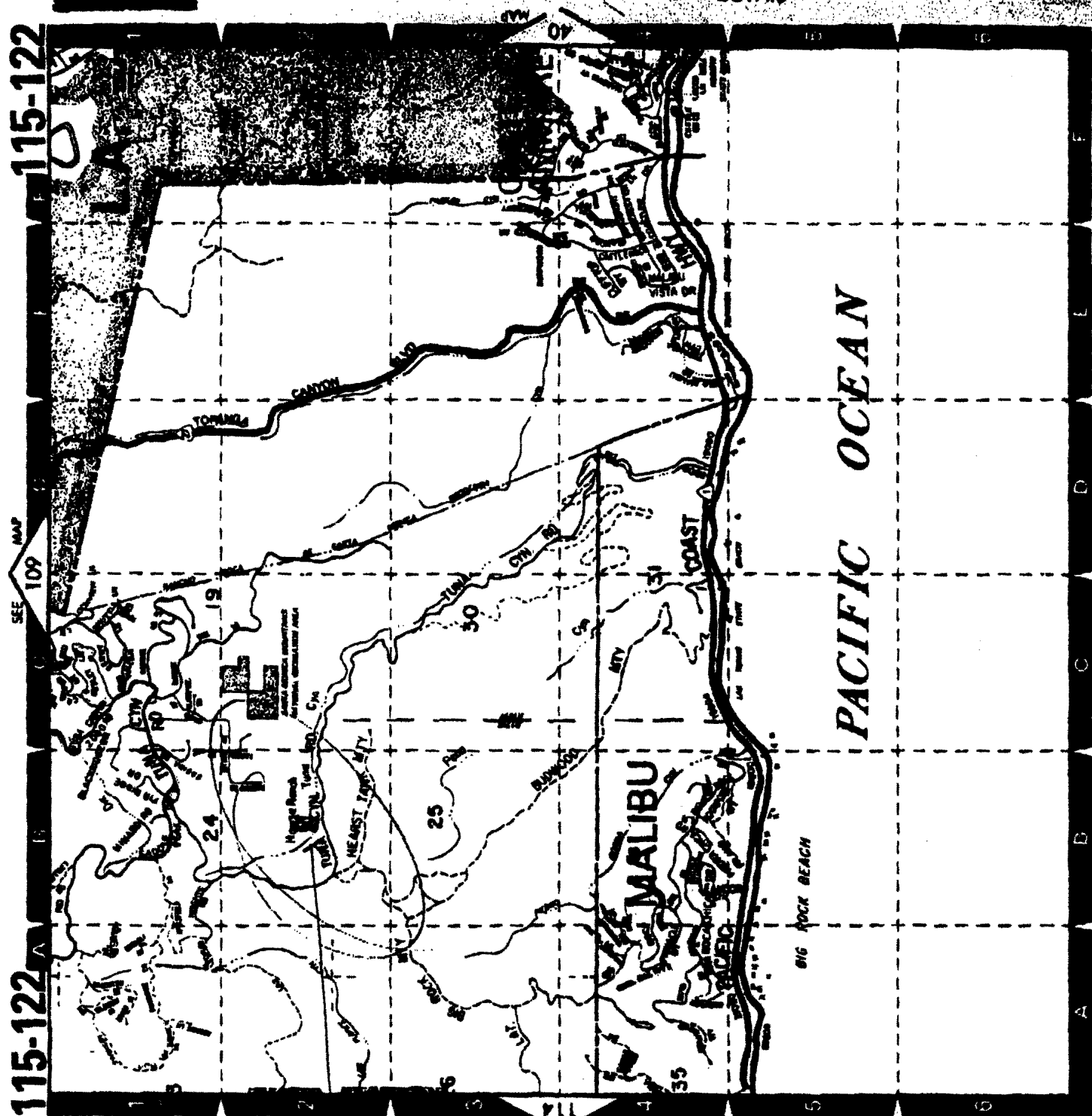
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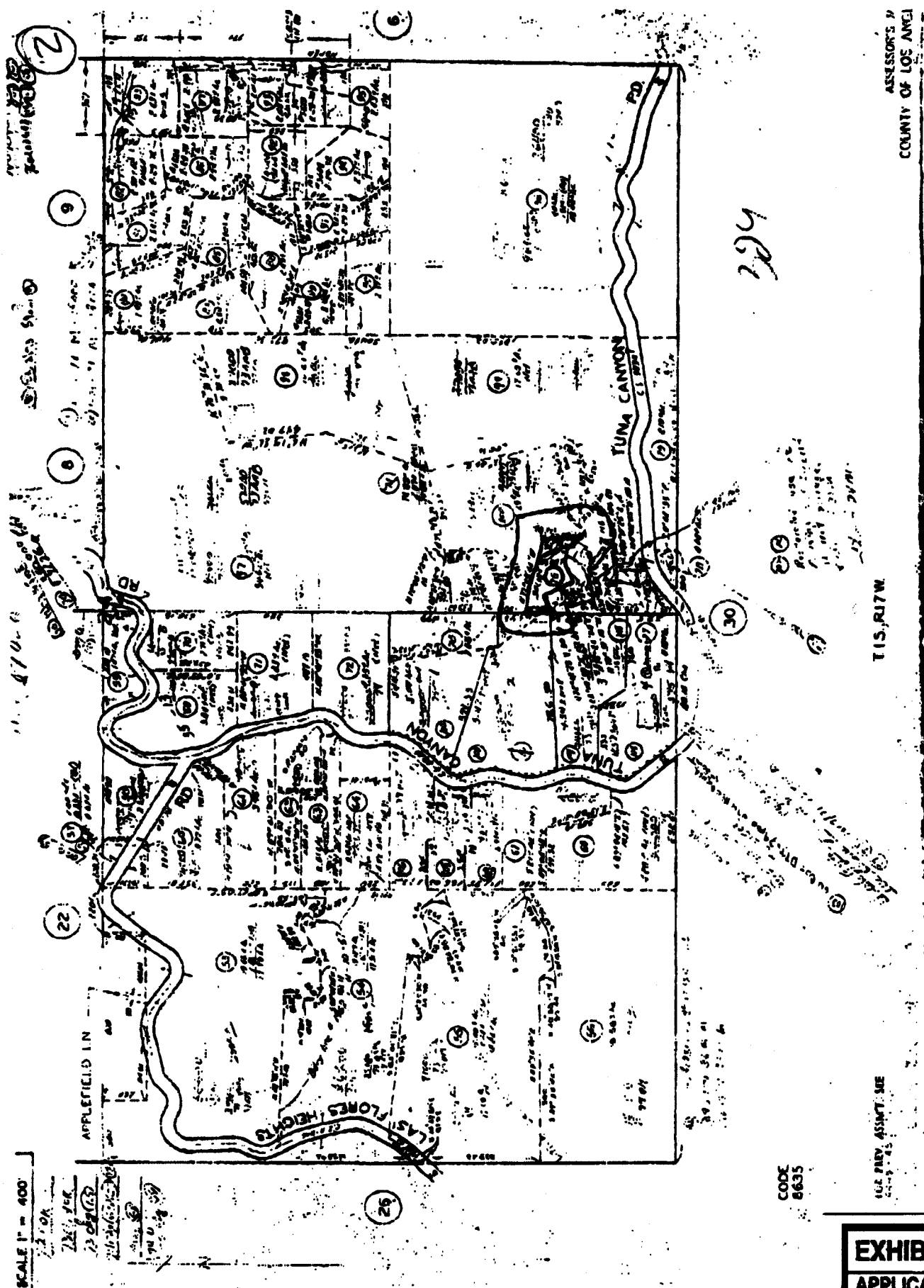
EXHIBIT NO. 1

APPLICATION NO.

4-96-011

area map





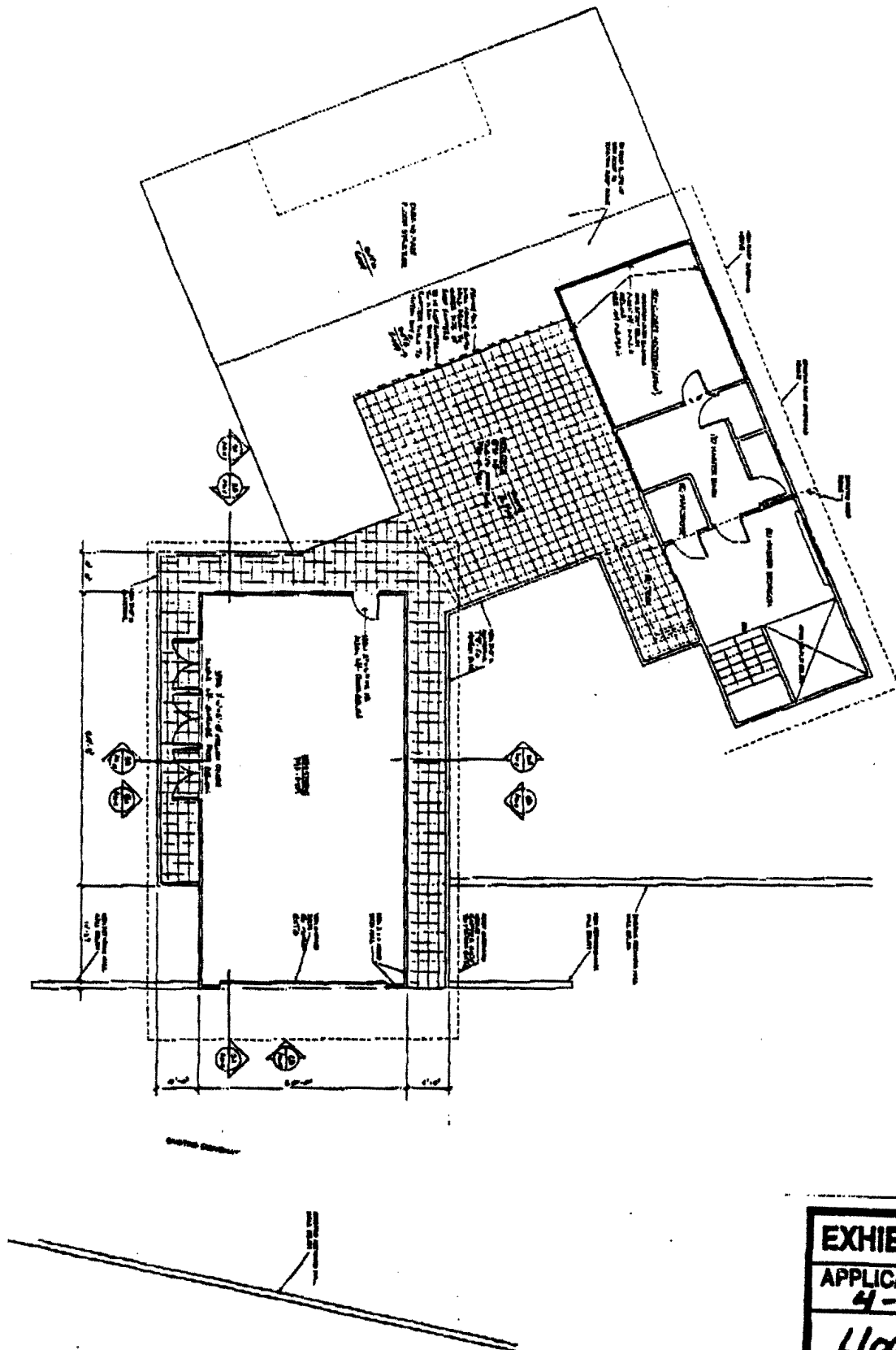
ASSESSOR'S MAP
COUNTY OF LOS ANGELES

TIS, R17W

CODE
8635

100 PAV. ASSMT. SEE

EXHIBIT NO. 2
APPLICATION NO. 4-96-011
parce.L map



① SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"
DATE: 1/26/96

EXHIBIT NO. 3

APPLICATION NO.

4-96-011

floor plan

BROSTOWICZ
GARAGE ADDITION
3352 TUNA CANYON ROAD
TOPANGA, CA. 90290



Site plan

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KMC
44382

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APPLICANT'S COPY

RECEIVED

JAN 19 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXIST. RETAINING WALLS

341.15.

Legal Description:
W 1/2 of SE 1/4 - Sec.
In the Community of T.
County of Los Angeles.

DEPARTMENT OF REGIONAL PLANNING
9/23/89

CASE NUMBER

Problem

This plot plan is APPROVED subject to the requirements of Los Angeles County Code and to the conditions imposed by the City of Los Angeles.

EXIST. RESIDENCE : —

herein. It is applicable only to any change in or distance requirement for the SECOND FLOOR. ADDITION. SEE or within two years. Such approval shall not be construed to permit the addition of any provision of any County ATTACHED PLANS. distance or Scale, etc.

Significance

101

EXIST. ONE STORY RESIDENCE

Approved for additions to single family residence including an 800 square foot artist's studio over the existing garage. Studio shall not be used for any commercial purpose and shall not be converted to a second dwelling unit or guest house. No kitchen or cooking facility is permit and the studio shall not be rented. Development site is located in the Tuna Canyon Significant Watershed and within 200 feet of the Tuna Canyon Environmentally Significant Habitat Area designated on the Malibu Local Coastal Plan. The proposal is not, however, outside the footprint of the existing structures or outside the envelop of site development and, therefore is exempt from recommendation by the County's Environmental Review Board, under the provisions of County's Zoning Ordinance Sections 22.44.310.A and 22.56.2290.A.1 relating to exemption from EIRs. Even though the proposal is an addition to a single family residence, Section 13250 of the California Code of Regulations may require submission for a coastal development permit.

Second Story Garage Addition

3352 Tuna Canyon Road
Topanga, CA 90290

Applicant:

Fred Brownstein
(310)455-1910

Plot Plan

1" = 30' Scale

North

