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PETE WILSON, Governor

STATE OF CALIFORNIA-THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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Commission Action:		
7476A		

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-006

APPLICANT: Mr. & Mrs. D. Williams

AGENT: Matthew Richman, AIA

PROJECT LOCATION: 2070 McKain Street, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct new detached two story, three car, garage structure (1,360 sq. ft.) with second story recreation room (700 sq. ft.) above. Connect bath in recreation room to existing septic system. Convert existing 400 sq. ft. carport to family room attached to two story, 3,400 sq. ft. residence. Grading of about 226 sq. ft. of material is proposed.

Lot Area	47,600 sq. ft.
Building Coverage	3,460 sq. ft.
Pavement Coverage	3,537 sq. ft.
Landscape Coverage	17,000 sq. ft.
Parking Spaces	3 spaces
Plan Designation	Residential I
Zoning	l du/acre
Project Density	l du/acre
Ht abv fin grade	27.5 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, Planning Department, County of Los Angeles, dated 11/27/95; Sewage Disposal Approval, Department of Health Services, Los Angeles County, dated 11/18/96.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Exploration, Proposed Garage, 2070 North McKain Street, Los Angeles County, California, by Parmelee-Schick and Associates, Inc., dated March 29, 1996; Coastal Permit No. 4-95-216, Cosentino; Coastal Permit No. 4-96-022, Smith; Coastal Permit No. 4-96-157, Tartol.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed detached garage and recreation room and the carport conversion to a family room within the existing residence with four (4) Special Conditions addressing: plans conforming to the consulting geologist's recommendations; a wild fire waiver of liability; landscape and fuel modification plan; and a future improvements restriction.

STAFF RECOMMENDATION :

The staff recommends that the Commission adopt the following resolution:

I. <u>Approval with Conditions</u>.

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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Compliance</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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

Prior to the issuance of the permit the applicant shall submit, for the review and approval by the Executive Director, evidence of the consulting geologist's review and approval of all project plans. All recommendations contained in the report: "Geologic and Soils Engineering Exploration Proposed Garage, 2070 North McKain Street, Los Angeles County, California", by Parmelee-Schick and Associates, Inc., dated March 29, 1996, including issues related to <u>foundation</u> <u>design. retaining walls. waterproofing. floor slabs. and drainage</u>, shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic consultant.

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.

2. WILD FIRE 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, operations, 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. LANDSCAPE AND FUEL MODIFICATION PLAN

Prior to issuance of permit, the applicant shall submit a landscape and erosion control plan and fuel modification plan for review and approval by the Executive Director. The plans shall incorporate the following criteria:

a) All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled <u>Recommended Native Plant Species for Landscaping in the Santa Monica</u> <u>Mountains</u>, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The trees to be removed shall be replaced with vertical landscape elements such as native trees and other vegetation planted in locations which will screen the garage/recreation room from McKain Street and the public trail.

b) Vegetation within 50 feet of the proposed structure and existing residence with the converted carport may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200 foot radius of the structures or as required by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Forestry Department.

4. FUTURE IMPROVEMENTS

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that any future structures, additions or improvements related to the garage and recreation structure, approved under coastal development permit number 4-96-006, will require a permit from the Coastal Commission or its successor agency. 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 conveyed.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The project site is located south of the intersection of Mulholland Highway and Stunt Road and on the south side of McKain Street. (See Exhibits 1 and 2) The project site is bounded by McKain Street on the north and west sides. South of the subject site and along Stunt Road are lands owned by the Santa Monica Mountains National Recreation Area. The subject site is surrounded by residentially developed properties.

The applicant proposes to construct a detached two story structure near the existing two story residence and carport. The proposed structure is a three car garage, of 1,360 sq. ft., with a recreation room and bathroom, of 700 sq. ft., above. (Exhibits 3 - 8) The proposed structure will be connected to the existing septic system for the residence. The applicants also propose to convert the existing carport into a family room, creating a total residence structure of 3,400 sq. ft.. (Exhibit 9) With the addition and carport conversion the total square footage of both structures is 4,760 sq. ft. The applicant has submitted a landscape plan noting the removal of two pine trees and the replanting of two new pine trees near the proposed garage. Although Cold Creek is located to the south of the subject property on the opposite side of a small ridge, the property is not located within any designated Environmentally Sensitive Habitat or Significant Watershed. (Exhibit 10)

The project site is not located in an environmentally sensitive habitat or resource area designated by the Malibu/Santa Monica Mountains Local Coastal Plan and therefore is not subject to review by the Environmental Review Board. The Los Angeles County Land Use Plan designates the lot as Residential I, one dwelling unit per one acre. The density at one dwelling unit per acre is consistent with the allowable density in the Los Angeles County certified Land Use Plan. There are two existing or proposed trails within one mile of the property, the Calabasas - Cold Creek Trail and the Stokes Ridge Trail.

B. Geologic and Fire 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, 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.

In addition, the certified Los Angeles County Land Use Plan includes the following policies regarding hazards, which are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to this area 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.

The property consists of a rectangular shaped parcel of about 1.1 acres located south of Mulholland Road and the intersection of Stunt Road. The site is bounded to the north and west along a turn on McKain Street. The subject site is a sloping parcel with a level pad with minor cut and fill where the existing residence is located. The residence is located near the center of the parcel. The garage and recreation room structure is proposed for the northern portion of the along McKain Street. The proposed garage and recreation structure will be located on a 2:1 slope that flattens to a gentle slope where the proposed driveway will lead to to McKain Street.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, erosion and fire hazards. Regarding the geologic and erosion hazards, the applicant submitted a geologic report to address this issue: Geologic and Soils Engineering Exploration Proposed Garage, 2070 North McKain Street, Los Angeles County, California, by Parmelee-Schick and Associates, Inc., dated March 29, 1996.

The geology report notes that the project site consists of basalt bedrock overlain by silty sand. The basalt bedrock is common to this area of the Santa Monica Mountains. The massive nature of the bedrock is favorable for the gross stability of the site and proposed project. The site is not located within any special studies zone (Alquist-Priolo Act, 1972) and no known active fault cross the site.

This report indicates that this building site where the additions are proposed to be constructed are free from hazard of landslide, settlement or slippage and that the proposed structure is feasible. The report concludes by stating:

Providing the recommendations contained in this report are properly implemented, the site is safe from landslide hazard, differential movement, settlement, and slippage. Furthermore, the proposed construction will not adversely affect any of the offsite properties. All specific elements of the Los Angeles County Department of Building and Safety Code shall be followed in conjunction with the design and future construction work.

The recommendations in this geology report regarding the proposed structure, foundation design, retaining walls, waterproofing, floor slabs, and drainage, provides for final review and approval by the consulting geologist of the final project design and drainage plans for the structure. These recommendations are incorporated into special condition number one (1) to be completed prior to the issuance of the permit.

Additionally, 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 will only approve the project if the applicant assumes liability from the associated risks. According to the Los Angeles County of Public Works Department, the OES-FEMA map dated 9-21-94 indicates that the area of the site has burned in the past 1 to 10 years. In fact, the recent 1995 wildfire burned across nearby properties. 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 two (2).

The Commission finds that only as conditioned to incorporate all recommendations by the applicant's consulting geologist, and the wild fire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

C. <u>Visual Impacts</u>

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.

The applicant propose to construct a two story structure including a three car garage and recreation room and convert an existing carport into a family room. The applicant proposes to cut about 226 cubic feet of material to create a level pad for the structure a few feet above McKain Street. The cut material will be disposed of in a landfill located outside the coastal zone.

The County of Los Angeles Malibu Land Use Plan protects visual resources in the Santa Monica Mountains. In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission examines the building site and the proposed structure.

The garage/recreation room structure raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted. The site is not visible from either Mulholland Highway or Stunt Road. The proposed project will be visible from McKain Street, as the structure is located at a turn in the road. However, McKain Street is not a designated scenic road in the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan. In addition, the project site is located in a valley heavily forested with many native and non-native trees and other vegetation.

Regarding public trails, McKain Street is noted as part of the Calabasas -Cold Creek trail on the Los Angeles County Department of Parks and Recreation map dated June 1983. As noted above, the project site is located adjacent to McKain Street and this trail near the intersection of McKain Street and Stunt Road. This trail connects a few hundred yards to the north with the Stokes Ridge Trail. Because the trail is located within a forested valley, there are no public views along this section of the trail to either the coast or the Santa Monica Mountains. This trail located along McKain Street is within a residential neighborhood with scattered large residences. The trail is located on the opposite side of McKain Street from the subject parcel as a dedicated easement.

Further, the proposed two story structure with the garage and recreation room above will be cut into the hillside about eight feet, thereby siting the structure at about the same grade as McKain Street and the Calabasas - Cold Creek trail. A number of other two story structures are located along this road and trail. In addition, the project site is heavily forested with many mature trees, thereby screening the structure along the road except for the immediate area where a twenty foot driveway will lead into the three car The applicants propose to remove two mature pine trees to construct garage. the structure. The applicant has submitted a landscape plan that proposes to replace these two pine trees with two new pines trees adjacent to the Unfortunately, these pine trees are not native species; structure. landscape plan needs to be revised to include native tree species. Condition number three (3) requires a landscape plan with native species which will replace these trees in locations which will further screen the garage from view along the trail and is consistent with a fuel modification plan approved by the Los Angeles County Forestry Department.

In conclusion, the structure will be visible along a public trail for a distance generally limited to the width of the garage within a forested valley. These limited visual impacts can be mitigated by requiring all disturbed areas and the perimeter of the structures to be adequately landscaped. The landscaping should consist of native, drought resistant plants. The landscape plan should be designed to minimize and control erosion, as well as, screen and soften the visual impact of the structures. The applicant has submitted a landscape plan which does not adequately address these issues. As noted above, this property is located in a high fire hazard area. Condition number three (3) provides for such review and approval to ensure that fire retardant plants compatible with the surrounding vegetation are planted and the site will be selectively cleared of native brush pursuant to the Fire Department requirements for clearing the area around the proposed

Page 7

addition. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act.

D. <u>Second Residential Unit</u>

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

(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 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 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.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units or those that appear to be a second dwelling unit. The applicant proposes to construct a 700 square foot recreation room with three separate rooms, one of which is a bathroom on the second floor of a three car garage of 1,360 sq. ft. This structure is detached from the existing 3,400 sq. ft. residence and carport. The carport is proposed to be converted to a family room within the existing residence. The site is a residential parcel in the Malibu and Santa Monica Mountain areas. Although the application states the project is a recreation room, the project summary on the submitted plans indicate that the 700 sq. ft. area is a "new guest room'. The Commission considers the project to be a secondary dwelling unit.

In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in the certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu 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. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, and farm labor unit; and 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu/Santa Monica Mountains Land Use Plan 1986, page 29).

As proposed, the detached from the main residence is a 700 sq. ft. three room recreation area that is habitable space, a second dwelling unit, which conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. To ensure that any additions or improvements that could further intensify the use of this second unit will be reviewed by the Commission, condition number four (4) is required. Therefore, Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

E. <u>Septic System</u>

The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. 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 30250(a) of the Coastal Act states in part that:

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes using the existing septic system for the proposed addition to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Los Angeles County Health Department. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Los Angeles County Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. 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 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 of Los Angeles' ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. <u>California Environmental Ouality Act</u>

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, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate the recommendations of the consulting geologist, a waiver of wildfire liability, landscape and fuel modification plan, and future improvements restriction. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act. 7476A

Page 10



















