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CALIFORNIA COASTAL COMMISSION

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

Page 1 of 7
 Permit Application No. 4-98-116 *ja*
 Date May 22, 1998



RECORD PACKET COPY

ADMINISTRATIVE PERMIT

APPLICANT: Timothy and Jean Schmit Agent: David C. Tobin & Asso.

PROJECT DESCRIPTION: Construct a 667 sq. ft. second floor addition consisting of a studio, bathroom and maids room, over an existing garage attached to a single family residence. A new separate septic system is proposed to serve the new addition. No grading is proposed.

PROJECT LOCATION: 2002 Stunt Road, Calabasas; Los Angeles County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE: Tuesday, June 9, 1998
 TIME: 9:00 A.M.
 PLACE: Radisson Hotel
 1111 Cabrillo Boulevard
 Santa Barbara, CA 93103
 (805) 963-0744

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: Merle Betz
 Title: Coastal Program Analyst

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The proposed project involves the construction of a second story addition of 667 sq. ft. above an existing attached garage for purposes of an interconnected studio, bathroom and maid's room, with new, separate septic system with no grading at 2002 Stunt Road, Calabasas, Los Angeles County. The site contains a single family residence, corral, livestock shed, swimming pool, lawn, landscaping, walls and fencing, as well as development permitted by a previous administrative permit 4-95-117 (Schmit) consisting of addition of a 864 sq. ft. accessory building for a dance practice studio and music practice room with loft and "tuck under" parking (i.e. carport). The additions are attached to the primary residence while the development reviewed in the previous administrative permit 4-95-117 (Schmit) was a detached accessory building with a garage. The additions do not constitute an accessory unit because they are attached to the main residence and have an interior accessway to the remainder of the house.

As noted, the proposed development includes a septic system, which triggers the need for a coastal development permit. Additions to a single family residence and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) are exempt under Section 13250(b)(4) of the administrative regulations. However, under Section 13250(b)(3) the expansion of a septic system is a class of development that requires a coastal development permit because it involves a risk of adverse environmental effects. In comparison to the previous addition to the residence, the distinction is that this proposal includes a separate septic system and this is an expansion of the septic system presently found on the property.

The development is in an existing landscaped and developed area. The site of 66,646 sq. ft. is located on Stunt Road in the Santa Monica Mountains. No grading is proposed. In addition, the structure is not proposed as a second residential unit. Earlier approved development on this parcel included a single family residence and jacuzzi (77-232, Cohen) and a single family residence and jacuzzi and subdivision (77-464, Cohen).

The site is designated Mountain Land (1 du/20 ac) in the County land use map and is immediately adjacent to the State Parks land (County "Parks" land use designation) on the same side of the street and across the street. The area is across the street from a vacant brush habitat, which is the location of a trailhead of the Calabasas-Cold Creek trail.

B. Resource Protection

The proposed development is located within the Cold Creek Canyon significant watershed as identified in the County Land Use Plan and used for guidance in past Commission actions. The Land Use Plan policies addressing protection of ESHA's and Significant Watersheds are among the strictest and most comprehensive in addressing new development. In certifying the Malibu/Santa Monica Land Use Plan the Commission found that the land use and development policies within the LUP are consistent with the Coastal Act. Commission staff has used the the LUP as guidance in the analysis of a development's

consistency with the Coastal Act. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources.

Since the project involves development adjacent to resource areas and within a significant watershed, the project must be reviewed against the following policies of the Coastal Act:

Section 30231 of the Coastal Act:

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:

(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.

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.

To the south on the adjacent property is a clearance area of 200 ft. required because the existing house is in close proximity to the property line and adjoining State park property. Because development is proposed over an existing garage, the construction of the proposed development will not change the building footprint. The fire clearance (fuel modification) area required by the County of Los Angeles for fire safety is measured from this footprint. Existing residential development has already resulted in a brush clearance of 200 ft. which extends onto the adjacent State Park lands. Since the footprint of development is not changed, the proposed addition will not change this fire clearance area.

The LUP contains several policies designed to protect the Significant Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. These policies need to be examined even for properties such as the subject one where the lot is developed and there is no increase in lot coverage and impereable surfaces.

Because the proposed addition is within the footprint of the existing structure, there will be no impacts to the surrounding native vegetation or habitat, and no increase in adverse effects and the like, because drainage from the existing buildings is already provided on the site and no additional drainage controls are necessary. Once built, the proposed project will not affect nearby areas or have no adverse impacts on nearby resources.

Development in significant watersheds is regulated to avoid significant individual and cumulative impacts, as intended by the LUP standards. The proposed accessory development is consistent with the Table I standards for existing parcels smaller than 20 acres on the periphery of a significant watershed and/or with proximity to existing development and/or services. The limitation in Table I is one accessory structure, as allowed by the County Land Use Plan and used as guidance in past decisions. The proposed development is not an accessory structure but, by being attached to the residence and above an existing attached garage, is merely an addition to an existing single family residence.

Therefore, the Executive Director determines that the proposed development is consistent with Section 30231, 30240 and 30250 of the Coastal Act.

C. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards. 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 constructing a new separate septic system to serve the proposed improvements consisting of a studio, bathroom and maids.

room, over an existing garage attached to a single family residence. This system was subject to review by the County of Los Angeles Department of Health Services for minimum requirements of the plumbing code, April 17, 1998, an amendment to earlier approval of the sewage plan for the house and later improvements. The Commission has found in past permit actions that compliance with the County of Los Angeles health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters and streams. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

D. Access

The Coastal Act requires the Coastal Commission to provide the maximum public access for every project and to reserve lands suitable for coastal recreation for that purpose.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a) states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where...

Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed development is for the use of the residents of the property and will not increase vehicular generation, foot or horse traffic or parking demand which would interfere with the trailhead across the street. The permit will not interfere with any rights of public access which may exist on adjacent property. The Executive Director determines that the project is consistent with the policies of the Coastal Act regarding access and recreation.

E. Second Units

Section 30250 of the Coastal Act states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effects, either individually or cumulatively, on coastal resources.

The LUP provides in policy 271 (p. 92) that:

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.

Sections 30250 of the Coastal Act addresses the cumulative impacts of new development. Based on these policies, the Commission has limited the development of second dwelling units on residential lots in the Santa Monica Mountains. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads. In past permit decisions in the Santa Monica Mountains and Topanga Canyon, the Commission has consistently restricted the construction of second units, whether for elderly use, guesthouses, or other purposes to a maximum of 750 square feet. The restriction on the size of such units is necessary given the traffic and infrastructure constraints which exist along with the large number of existing vacant residential lots.

However, the proposed residence is not a second residence or guest house. No kitchen facilities are permitted by the County. Past Commission actions have allowed living quarters with separate exterior entrances as ancillary and attached to the primary residence without any special conditions relative to the cumulative impact of development. Further, the proposed project has interior hallway access to the remainder of the house. Therefore, the construction of the project -- an addition of 667 sq. ft. to an existing attached garage for studio, bathroom and maid's room, with new, separate septic system, and no grading -- would not be subject to the 750 sq. ft. restriction imposed by the Commission because it is not a residential unit. Therefore, the Executive Director determines that the proposed development is consistent with Section 30250 of the Coastal Act.

F. Local Coastal Plan

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 coastal 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.

The proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore,

the Executive Director finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. 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 to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would substantially lessen any significant adverse effects which the activity may have on the environment.

The proposed development would cause no adverse environmental effects which would not be adequately mitigated by the project conditions required herein. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

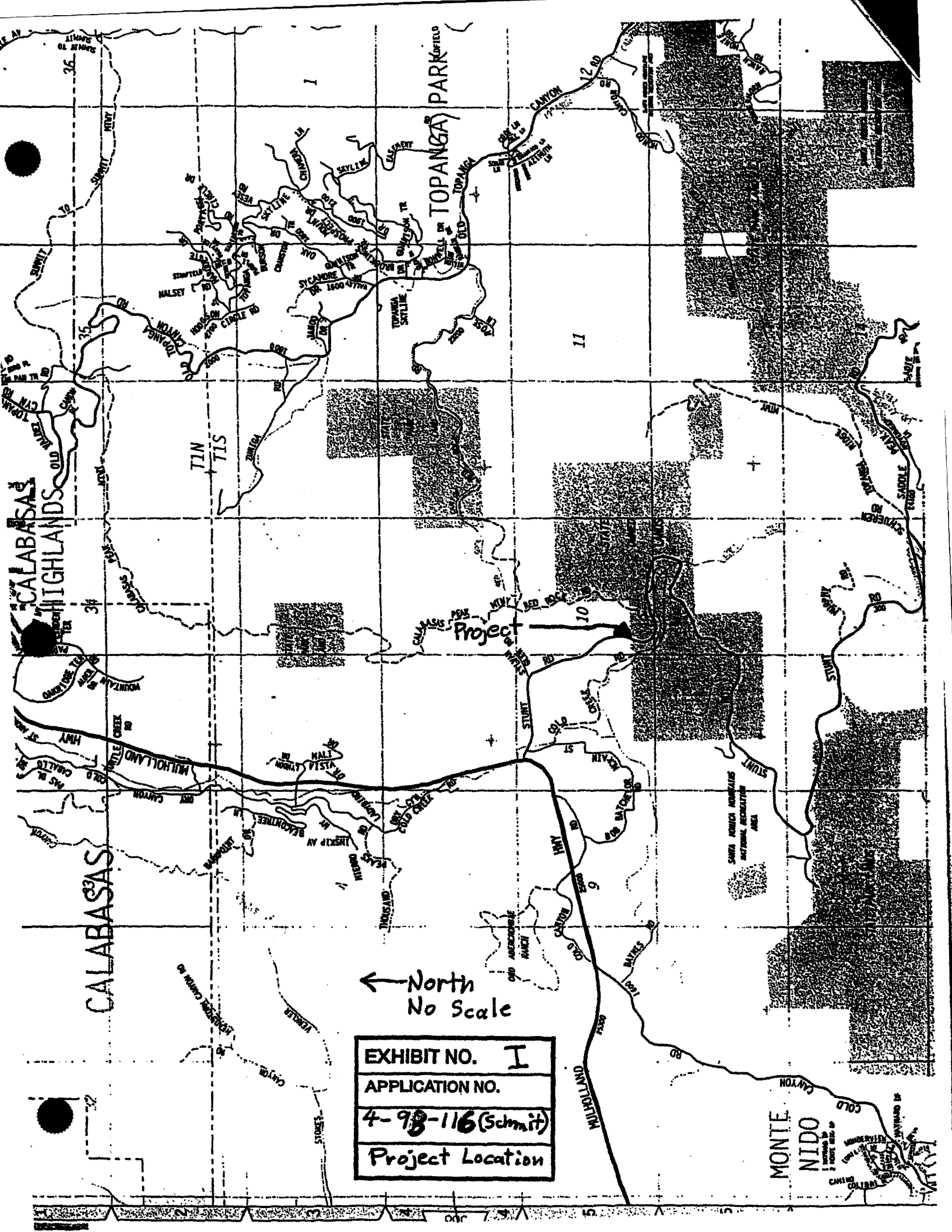
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

8448A



← North
No Scale

EXHIBIT NO. I
APPLICATION NO.
4-98-116 (Schmit)
Project Location

MONTE NIDO
CANYON

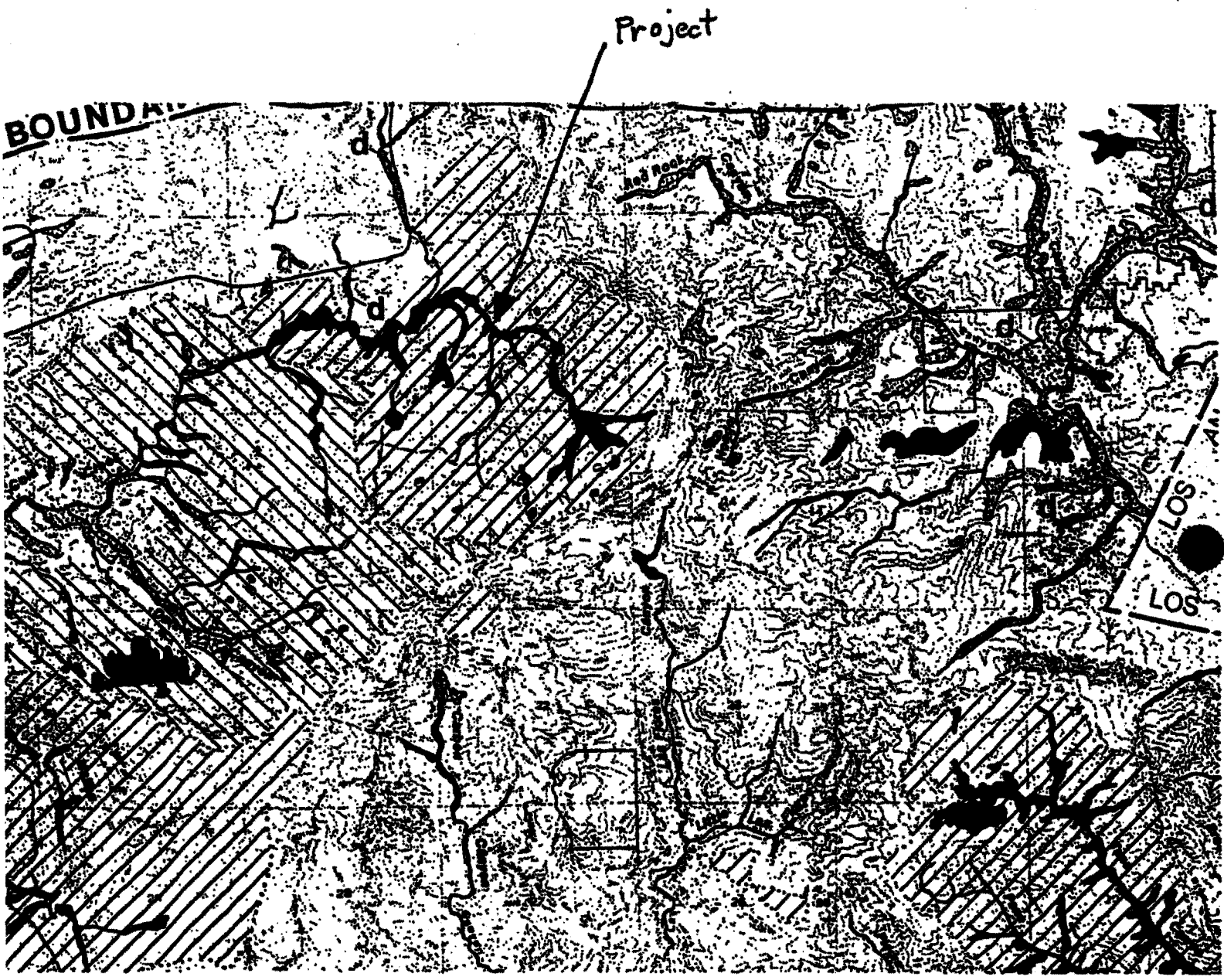


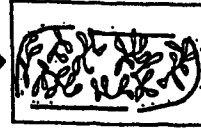
EXHIBIT NO. II a
APPLICATION NO.
4-98-116 (Schmit)
Resource Area

No Scale
↑ North

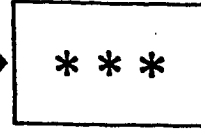
**ENVIRONMENTALLY SENSITIVE
HABITAT AREA → RESOURCE
DEPENDENT USES**



INLAND



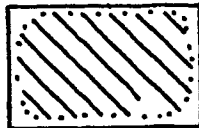
**OFFSHORE --
KELP BEDS**



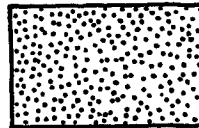
**SHORELINE --
ROCKY AREAS**



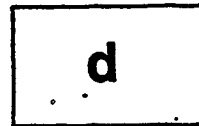
**SHORELINE --
SEA LION HAUL OUT**



**MALIBU/
COLD CREEK RESOURCE
MANAGEMENT AREA**

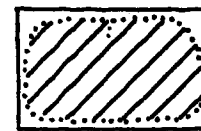


**SIGNIFICANT OAK WOODLAND
AND SAVANNAHS**



**LOCALLY DISTURBED
SENSITIVE RESOURCES AREAS**

**SIGNIFICANT WATERSHEDS
RESIDENTIAL -- RESOURCE
DEPENDENT USES**



**WILDLIFE MIGRATION
CORRIDOR**

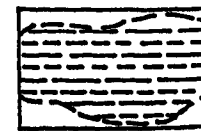


EXHIBIT NO. II b
APPLICATION NO.
4-98-116 (Schmit)
Key to Resource Map

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APR 21 1998

RECEIVED

Proposed
addition

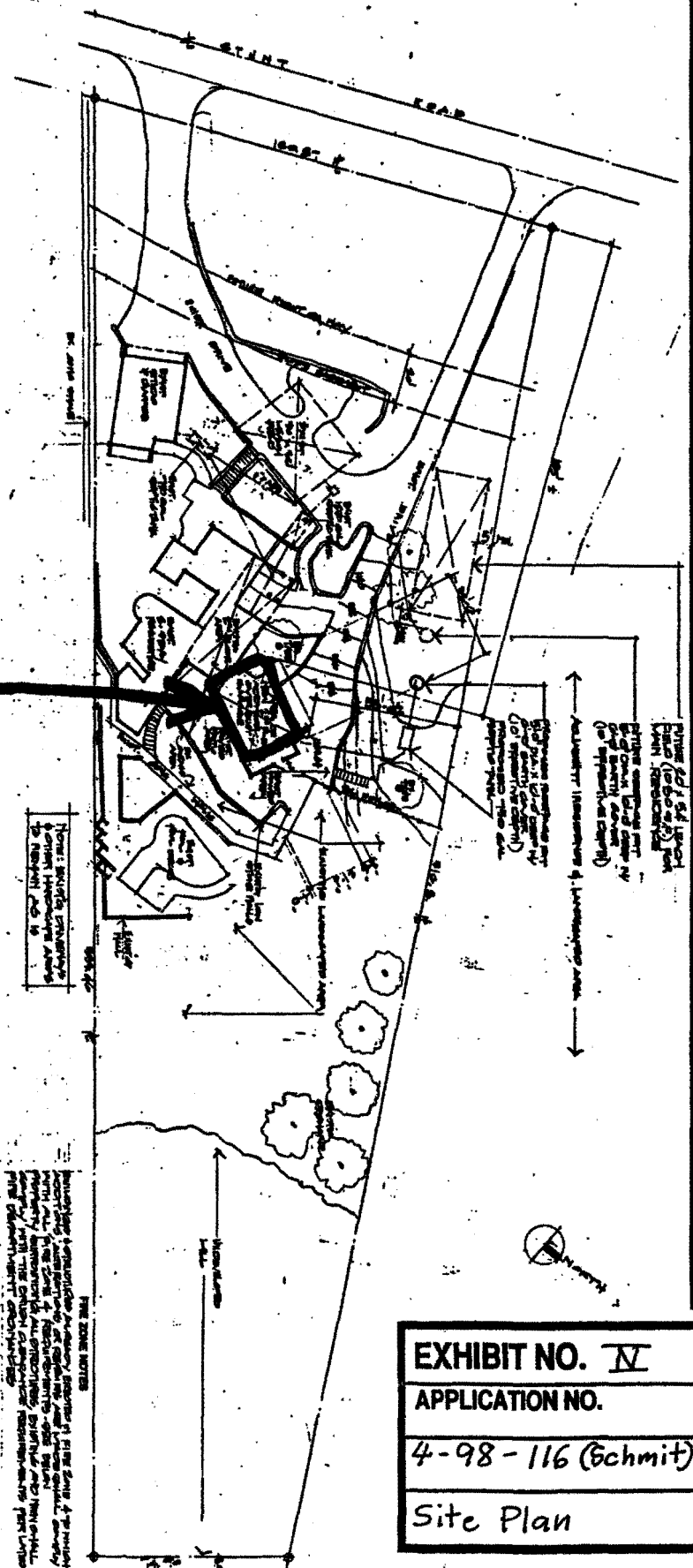


EXHIBIT NO. IV
APPLICATION NO.
4-98-116 (Schmit)
Site Plan

PERMITS & REQUIREMENTS

1. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

2. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

3. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

4. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

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13. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

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16. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

17. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

18. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

19. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

20. The proposed addition shall be constructed in accordance with the California Building Code, as amended, and the California Fire Code, as amended.

SHEET TITLE A-1 SITE PLAN	PROJECT PROPOSED ADDITION AND REMODEL TO THE RESIDENCE OF MR. TIMOTHY AND MRS. JEAN SCHMIT 2002 STUNT ROAD CALABASAS, CA 91302	DCTA DAVID C. TOWBIN, AIA & ASSOCIATES INC. ARCHITECTURE DESIGN PLANNING 4033 Howe Drive, Torrance, California 91302 Tel: (310) 705-7544 Fax: (310) 705-0558	JOB NUMBER DCTA	REVISED	PRINTED
			DATE		
SCALE: 1/8" = 1'-0"			DRAWN		
			APPROVED		