

CALIFORNIA COASTAL COMMISSION

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

Filed: 4/24/98
49th Day: 7/17/98
180th Day: 11/25/98
Staff: Betz-V *for*
Staff Report: 6/18/98
Hearing Date: 7/7-10/98

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-92-092-A2

APPLICANT: Chris Loguidice AGENT: Leonard Steinbrueck

PROJECT LOCATION: 26190 Inglese Way, Malibu, Los Angeles County

DESCRIPTION OF AMENDMENT: Add 440 sq. ft. second floor studio-workshop over garage and 120 sq. ft. hallway and stairway connection to main residence. No grading.

Lot Area	9,600 sq. ft.
Building Coverage	2,015 sq. ft.
Parking Spaces	2 covered
Project Density	4.5 dua
Ht abv fin grade	18 feet

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning, Approval in Concept, 4-9-98.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Development permits 4-92-092 (Wagner) and -092 A1 (Loguidice).

SUMMARY OF STAFF RECOMMENDATION:

The proposed development is an addition of floor area to the main residence through construction of a studio-workshop over the garage and connection to the main residence. Staff recommends approval of the proposed residence with special conditions relative to cumulative impact mitigation, future improvements (relative to the addition), and wild fire liability and that the original special conditions remain in effect relative to landscaping, conformance to geologic recommendations, and future improvements (relative to the original development).

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit on the grounds that, as conditioned, 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 effects on the environment within the meaning of the California Environmental Quality Act.

NOTE: The standard conditions of the permit remain in effect. Special Conditions Nos. 1 through 3 of the original permit remain in effect.

II. Special Conditions.

4. Cumulative Impact Mitigation

Prior to issuance of this permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on any combination of lots within the Malibu Bowl small lot subdivision, to comply with the requirements of the slope intensity formula in accordance with Policy 271(b)(2) of the previously certified Malibu/Santa Monica Mountains for Los Angeles County (specified below), provided such lots are legally combined with other developed or developable building sites within the same small lot subdivision. The maximum allowable gross structural area of 1,900 sq. ft. may be increased by 500 sq. ft. by extinguishing development rights on each lot contiguous to the building site or by 300 sq. ft. for each lot which is not contiguous but which is in the same small lot subdivision.

5. Future Improvements (Small Lot Subdivisions)

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development permit amendment 4-92-092 A2 is only for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or the affected local government authorized to issue coastal development permits. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by Policy 271 in the previously certified Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County. Clearing of vegetation consistent with County Fire Department requirements is permitted. The document shall run with the land binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

6. 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.

III. Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Background

1. Proposed Development and Location

The project location is a hillside lot in the Malibu Bowl small lot subdivision. The project site is an irregularly shaped lot bordered on the north and east side by Ingleside Road. The project site is located at the approximate 1200 ft. elevation and there is approximately 30 ft. of elevation change on the property, for an average slope of 26%.

The application requests to add a 440 sq. ft. second floor studio-workshop over the detached garage and add a 120 sq. ft. hallway and stairway connection to the existing 1895 sq. ft. main residence.

The proposed project is located away from the seven oak trees, on the site or immediately adjacent to the site, which were protected under the original permit and amendment. Consequently, the amendment did not require further review by the County Environmental Review Board.

2. Previously Approved Development

The Commission approved permit 4-92-092 for Beth Wagner, subsequently transferred to Chris Loguidice (December 7, 1994), for construction of a 35 foot high, 1895 square foot single-family residence with a 480 square foot garage and septic system, grading of 159 cubic yards of cut and 159 cubic yards of fill, and a lot line adjustment reconfiguring three lots. The permit was subject to conditions regarding conformance to geologic recommendations, a landscaping and erosion control plan, and a deed restriction requiring a coastal development permit for future development.

The permit was amended (October 2, 1996) to include adjustments in the site plan to protect oak trees, allow grading, paving and storage of construction equipment otherwise not permitted within the protected zone without an Oak Tree Permit, and fencing to protect oak trees during construction the residence has been constructed.

B. Cumulative Impacts

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.

A number of areas in the coastal zone in the Malibu/Santa Monica Mountains area were divided into small "urban" scale lots in the 1920s and 1930s, typically with lots of 4,000 to 5,000 sq. ft. in area. The Commission has found that these subdivisions would result in a number of adverse cumulative impacts on Coastal resources. These impacts were further recognized in Commission permit decisions and the 1986 Malibu/Santa Monica Mountains land use plan certified and used by the Commission as guidance in small lot subdivisions in the City of Malibu.

The Coastal Act requires that new development, including subdivisions and multi-family projects, 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 would grow tremendously if build-out were unregulated. In addition, future build-out of many lots located in environmentally sensitive areas would create adverse cumulative impacts on coastal resources.

The Commission, in past permit actions, has recognized certain development constraints common to small lot subdivisions including geologic and fire hazards, limited road access, septic and water quality problems and disturbance of the rural community character. As a means of controlling the amount and size of development in small lot subdivisions, the Commission has developed the Slope Intensity-Gross Structural Area Formula.

The formula applied is embodied in Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan for Los Angeles County which requires that new development in small lot subdivisions comply with the Slope Intensity Formula for calculating the allowable gross structural area (GSA) of a residential unit. The formula is based on the concept that the suitability of development

of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development of steep slopes has a high potential for adverse impacts on coastal resources.

The GSA formula has been applied in a number of residences in the area through the coastal development permit process. The Coastal Commission has applied this formula in a consistent manner to lessen the cumulative impact of development in past decisions, including the original permit for the subject residence at this address,.

Pursuant to Policy 271 of the Malibu/Santa Monica Mountains Land Use Plan, the maximum allowable gross structural area (GSA) as calculated, may be increased as follows:

- (1) Add 500 square feet for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.
- (2) Add 300 square feet for each lot in the vicinity of (e.g. in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

The subject lot is located within the Malibu Bowl small-lot subdivision. Residences in this area are limited in size by the GSA formula. The maximum allowable GSA calculated under this application was determined to be 1900 sq. ft. by the original permit. In that case the applicant had submitted GSA calculations and a site topographic map. Staff checked the calculations and confirmed the slope. The Commission found that the proposed size of the residence at 1895 sq. ft. was within the 1900 sq. ft. allowed, based on the formula in the LUP used for guidance for small lot subdivisions in Los Angeles County.

The applicant is now proposing an addition of 440 sq. ft. which would result in a single family residence which would be 2335 sq. ft. in size, or 435 sq. ft. that allowed by the GSA formula. To ensure that the cumulative impact of development is not exceeded in accord with the slope intensity-gross structural area formula based on the certified LUP, the Commission must require special condition number four (4). This condition will allow the total allowable GSA to be increased in conjunction with extinguishing development rights on lots contiguous or not contiguous but within the Malibu Bowl Small-lot Subdivision. For contiguous lots, one 500 sq. ft. bonus would be required or for non-contiguous lots, two 300 sq. ft. bonuses would be required to encompass the 435 sq. ft. beyond the allowed GSA. This will bring development into conformance with Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP, as used as guidance in past Commission decisions.

In order to ensure that future additions do not occur which would be inconsistent with the slope intensity-gross structural area formula relative to the maximum size of residential structures in small-lot subdivisions and Section 30250(a) of the Coastal Act, Special Condition number five (5) is necessary to require Commission review and approval of proposals for future improvements on the site to be applicable to the proposed addition. A deed

restriction had earlier been required by the underlying permit for the original residence, and condition number five (5) will have the effect of extending this restriction to the proposed addition.

As an additional concern, the project raises the issue of addition of second units in residential areas. 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. Here however, while originally proposed as a detached unit over the garage, the proposed addition has been revised to be connected by a stairway and hall internally to the main residence.

The issue of second units on lots with primary residences has been the subject of past Commission action since the prior certification of Los Angeles County Land Use Plan (LUP). In its review and action, 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. 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). Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. 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 County has designated this addition as a studio-workshop as part of their approval. While the proposal contains features which make it suitable as a second unit including a bathroom, balcony, and external stairway, because of the attachment to the main residence the Commission does not consider the project to not constitute a secondary dwelling unit.

The Commission found above that Special Condition number four (4) above ensures mitigation of potential cumulative impacts, by decreasing development potential in the small lot subdivision. Further, condition Special Condition number five (5) relative to future development is necessary to ensure that any conversion of the addition to a second unit through external or internal changes to the building design and living space will require a new coastal permit which will consider the cumulative impact of second units.

The Commission finds that the above conditions are necessary for approval to ensure that the proposed project and any future additions will be consistent with the slope intensity-gross structural area calculated as allowable under LUP policy 271 and Section 30250 of the Coastal Act.

C. Hazards

PRC Section 30253 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.

The proposal introduces new development in the form of an addition to a single family residence into a fire prone area. The development is located in the Santa Monica Mountains which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu 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 Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The proposed development, and review at the local level, raise no new issues relative to major geologic or flood hazards.

The original permit was subject to a review of a geotechnical investigation by Mountain Geology, Inc. which found that the existing slopes on the site were grossly stable and that there was no evidence of landslide. The report found that the project was feasible from an engineering standpoint provided the recommendations of the report were followed. The Commission found that the project was consistent with the Coastal Act if the project plans were reviewed by the consulting geologist and soils engineer and conformed to their recommendations. This finding was incorporated into the original permit's conditions of approval through Special Condition one (1), and is required to remain in effect with the proposed addition. With this condition the proposed addition is consistent with PRC Section 30253 relative to geologic hazard.

Because 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. Through the waiver of liability as incorporated through Special Condition number six (6), 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 four (4). In addition to condition one (1) above, the Commission finds that, as conditioned to incorporate the wild fire waiver of liability, the proposed project be consistent with Section 30253 of the Coastal Act.

D. 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 the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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, as conditioned by any conditions of approval, 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.

The proposed 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 project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

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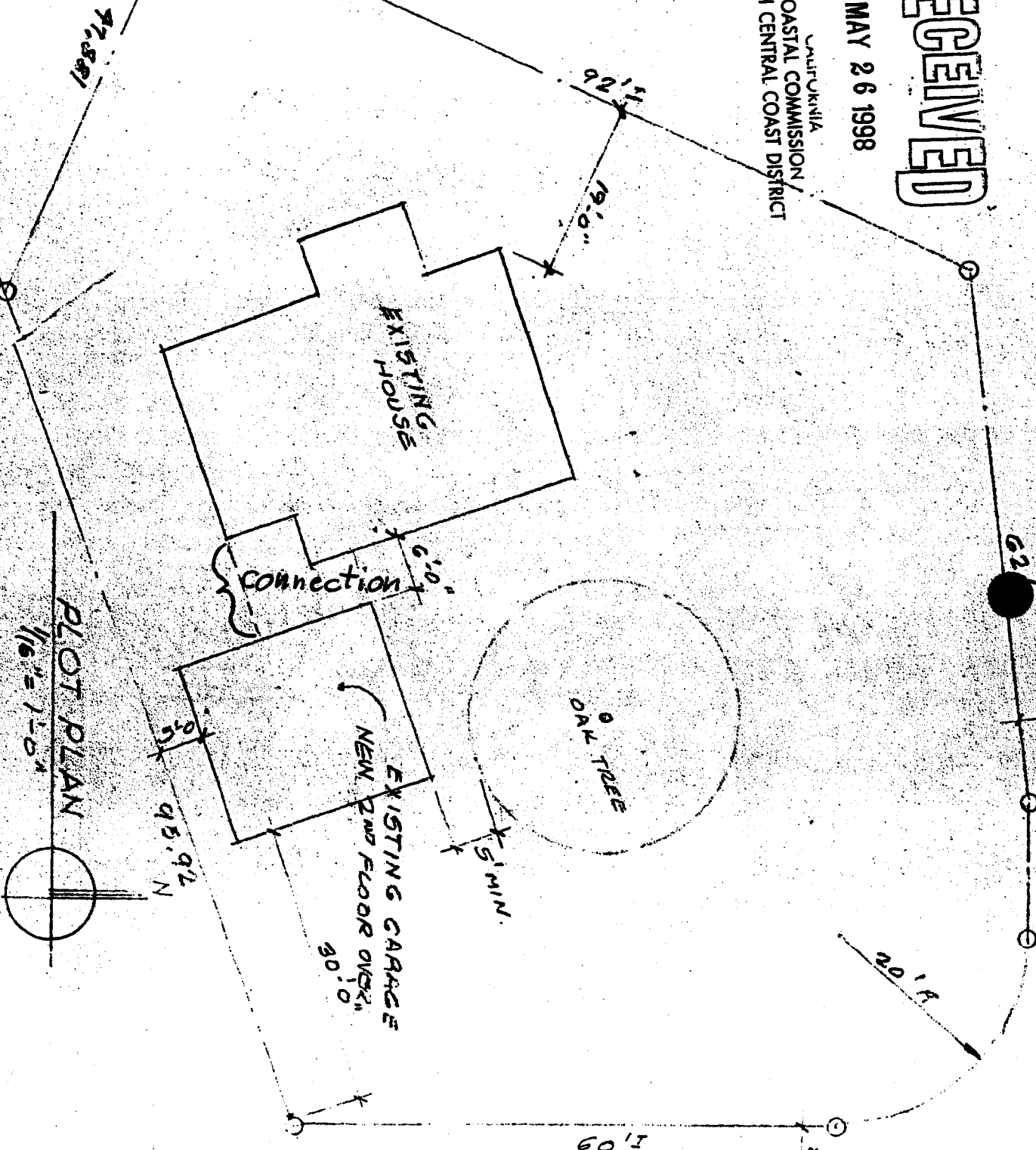


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MAY 26 1998

CAUTION
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



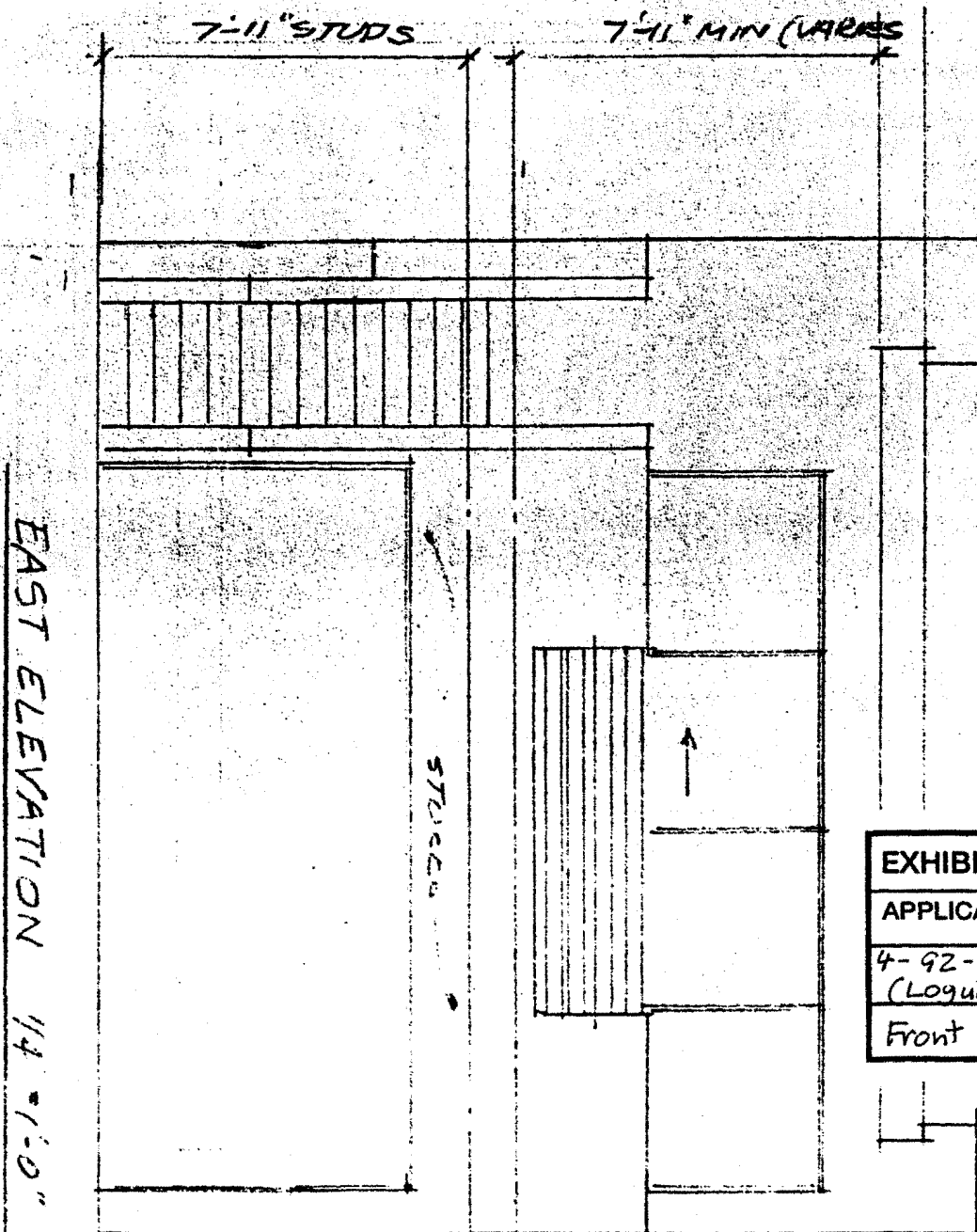
LEGAL
COUNTY MAP
LOT 1 TR
ZONE R-1

EXHIBIT NO. 2
APPLICATION NO.
4-92-092-A2 (Laguidice)
Site Plan

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SOUTH CENTRAL COAST DISTRICT



EAST ELEVATION 14'-10"

EXHIBIT NO. 3
APPLICATION NO.
4-92-092-A2 (Loguidice)
Front Elevation

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Connection to Main
Residence

WATER CLOSET
TO USE 1.6 GPM
18" x 4" PEX PLUMBING

CERAMIC TILE
TO CEILING

BATH

HARDWARE SMOKE
DETECTOR W/
BATTERY BACKUP

AUTOMATIC FIRE
SPRINKLERS

LIVING ROOM

1/2" STRUC. GRADE
PLYWOOD OUTSIDE
OF WALLS.

HIGH HTR.
TO MENTH
70°

4x14 SEL. STR.

DECK + STAIRS TO
BE COVERED WITH
DEX-O-TEX.

ROOF ABOVE

EXHIBIT NO. 4
APPLICATION NO.
4-92-092-A2 (Loguidice)
Floor plan of Studio/Workshop

STUDIO 1/4" = 1'-0"

A BUILDING
STUDIO/WORKSHOP