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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA
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 VENTURA, CA 93001
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 Staff: mb-V
 Staff Report: 4/19/99
 Hearing Date: 5/11-14/99



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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-95-210-A2

APPLICANT: Brian Bosworth

PROJECT LOCATION: 6375 Meadows Court, Malibu, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a 638 sq. ft., 24 ft. high second story guest unit above previously approved detached garage.

Lot area: 1.71 acres
 Height above average finished grade: 24 ft.

PREVIOUS AMENDMENTS: Deletion of basement and reduction in size of cabana.

LOCAL APPROVALS RECEIVED: City of Malibu, Site Plan Review No. 98-094, February 18, 1999 and approval in concept, dated 2-18-99.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Coastal development permits 4-95-210-A2 (Bosworth), 5-95-210, 5-81-11, -11A through A5 (Sycamore Meadows, Inc.) and 5-90-1097A5 (Fishpan).

SUMMARY OF STAFF RECOMMENDATION

The proposed amendment is the addition of a second story guest quarters above the previously approved garage. The underlying permit was for a single family residence with attached garage, pool and cabana, tennis court, septic system, and no new grading. The guest quarters include a kitchen, living room, bedroom, etc., which indicate the addition it could be used as a separate residential unit. Staff recommends approval of the project with a special condition relating to: ***cumulative impacts of development.***

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,

- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the proposed amendment will affect a permit condition required for the purpose of protecting a coastal resource. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. 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 governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration** If development has not commenced, the permit will expire two years from the date 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 permute to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Condition

1. Future Improvements
 - a. This permit is only for the development described in coastal development permit No. 4-95-210-A2. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a)-(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structure (guest unit) shall require an amendment to Permit No. 4-95-210-A-2 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
 - b. Prior to the 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, reflecting the above restrictions on development in the entire parcel. The deed restriction shall include legal descriptions of both the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. **Project Description and Background**

The applicant proposes to construct a 24 ft. high, second story, 638 sq. ft. guest unit above a garage detached from a single family residence as approved under Coastal development permit 5-95-210 (Bosworth) at 6375 Meadows Court on a 1.71 acre lot. The project site is located inland of the Pacific Coast Highway and surrounding development consists of large single family residences.

The project design includes a partially exterior stairway, bedroom, kitchen, bathroom, living room, a roofed deck, and a balcony. The stated purpose of the proposed guest unit is to accommodate a family member.

The applicant originally received approval in 1995 to construct a 28 foot high, two story, 8,250 sq. ft. single family residence with attached garage, pool and cabana, tennis court, septic system, with no new grading beyond what was allowed by the underlying subdivision [5-81-11, -11A through A5 (Sycamore Meadows, Inc.)]. The permit was later amended to delete a basement and then amended immaterially to reduce the cabana from 500 to 310 sq. ft.

The proposed development is in a subdivision that had a complex history including a violation and issues concerning drainage, open space, visual quality and archaeological resources [5-81-11, -11A through A5 (Sycamore Meadows, Inc.) and 5-90-1097A5 (Fishpan)]. The project will not affect the separate subdivision-wide drainage system required by the earlier permits.

The proposed development is adjacent to a trail connector along the edge of the subdivision connecting the Coastal Slope Trail to the Pacific Coast Highway. Because it is similar in appearance and mass to the previously approved subdivision, the proposed second story addition will not have a significant visual impact upon views from this trail.

B. Guest Unit

The proposed project is construction of a 638 sq. ft., second story guest unit with an exterior stairway, bedroom, kitchen, bathroom, living room, a roofed deck, and a balcony. The stated purpose of the proposed guest unit is to accommodate a family member. Such development 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 this guest unit, which may become a potential second residential unit on a site where a primary residence exists, will intensify the use of the site and impacts on public services, such as water, sewage, electricity and roads.

Section 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 Coastal Act requires that new development, including accessory structures, be permitted only where public services are adequate and only where coastal resources will suffer adverse cumulative impacts from such development. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impacts 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 coastal access. 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.

The Commission examines the potential future impacts on coastal resources that might occur with any further development of the proposed structure or any change to residential use. Impacts such as traffic, sewage disposal, recreational uses, and grading can affect the scenic quality and natural resources of the area and are associated with the enlargement of existing residential structures or the development of an additional unit. Limiting the size and use of appurtenant structures generally reduces the impacts on services such as roads, water and sewage disposal.

The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The proposed 638 sq. ft. guest unit needs to be consistent with the Commission's certification of the Malibu/Santa Monica Mountains LUP and past permit actions allowing for such structures in the Malibu area. The project is consistent with the 750 sq. ft. maximum guest unit limitation in these decisions.

To ensure that no additions or improvements are made to the guest house that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction. Recordation of such a document requires the applicant to obtain an amended or new coastal permit if additions or improvements to the

development (guest unit) are proposed in the future as required by *Special Condition number one (1)*.

Thus, the findings attached to this permit and *Special Condition number one (1)* 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. 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.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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).

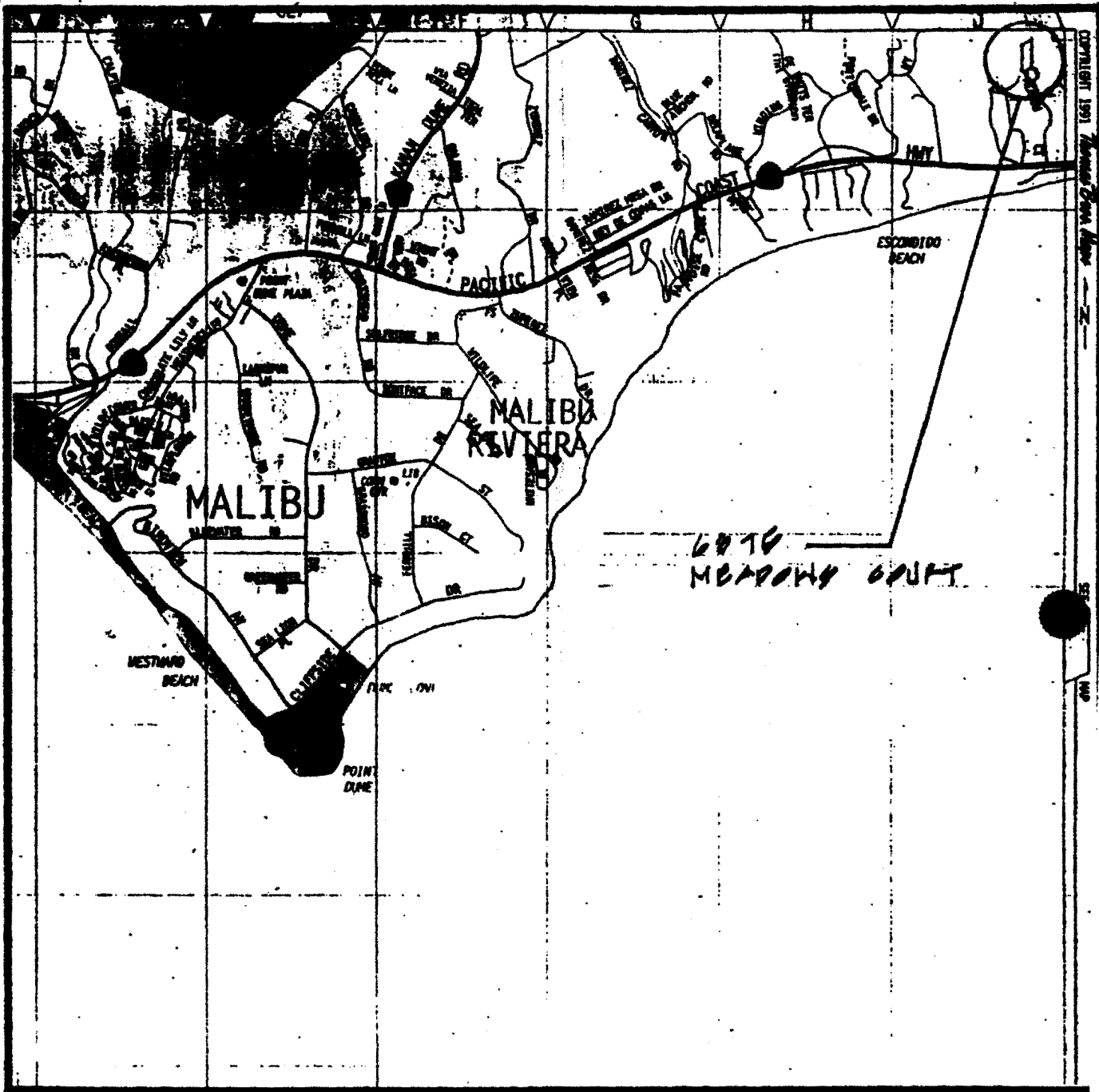
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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 amendment 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 amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. 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, as conditioned, 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 would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



VICINITY MAP

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ARCHITECT:

ROBERT H. HAUGHTMAN
ARCHITECT A. I. A.

Exhibit no. 1
Application No.
4-95-210-A2
Bosworth
Project Location

Provide a minimum unobstructed 34" width space on the sky-
walking access to within 150' of all portions of the
entire wall.

Walkways across shall be provided and maintained serviceable
throughout construction.

The required fire flow for public hydrants at this location
is 1500 gallons per minute at 2 1/2 psi for a duration of 1
hour. Fire and above the minimum daily domestic demand.

All road crossings shall be of a fire resistant class "A" as
specified in the Building Code.

Fire roads shall be fire stopped at the curb ends to preclude
entry of flame or smoke under the walls.

Provide spark arrestors in chimneys of all fireplaces with
openings not to exceed 1/2 inch.

Structure of trees and vegetative growth will be maintained
per Fire Code.

Interior wall openings shall be of standards approved for
fire-retardant construction in accordance with the Building
Code.

Water flow, drainage shall be confined to the ground with
construction as required for exterior walls.

Exterior balconies, decks, patios and similar appendages
extending beyond the exterior wall, when of masonry
construction, shall be of masonry per local fire codes
specified in which and depth or of a fire-resistant treated
lumber.

Comply with state or local fire alarm system.
Smoke detectors shall be hard wired with battery backup.
(Indicate locations on floor plan.)

Provide one hour fire protective assembly separation between
the hot drilling and the K garage. Indicate on the floor
plan.

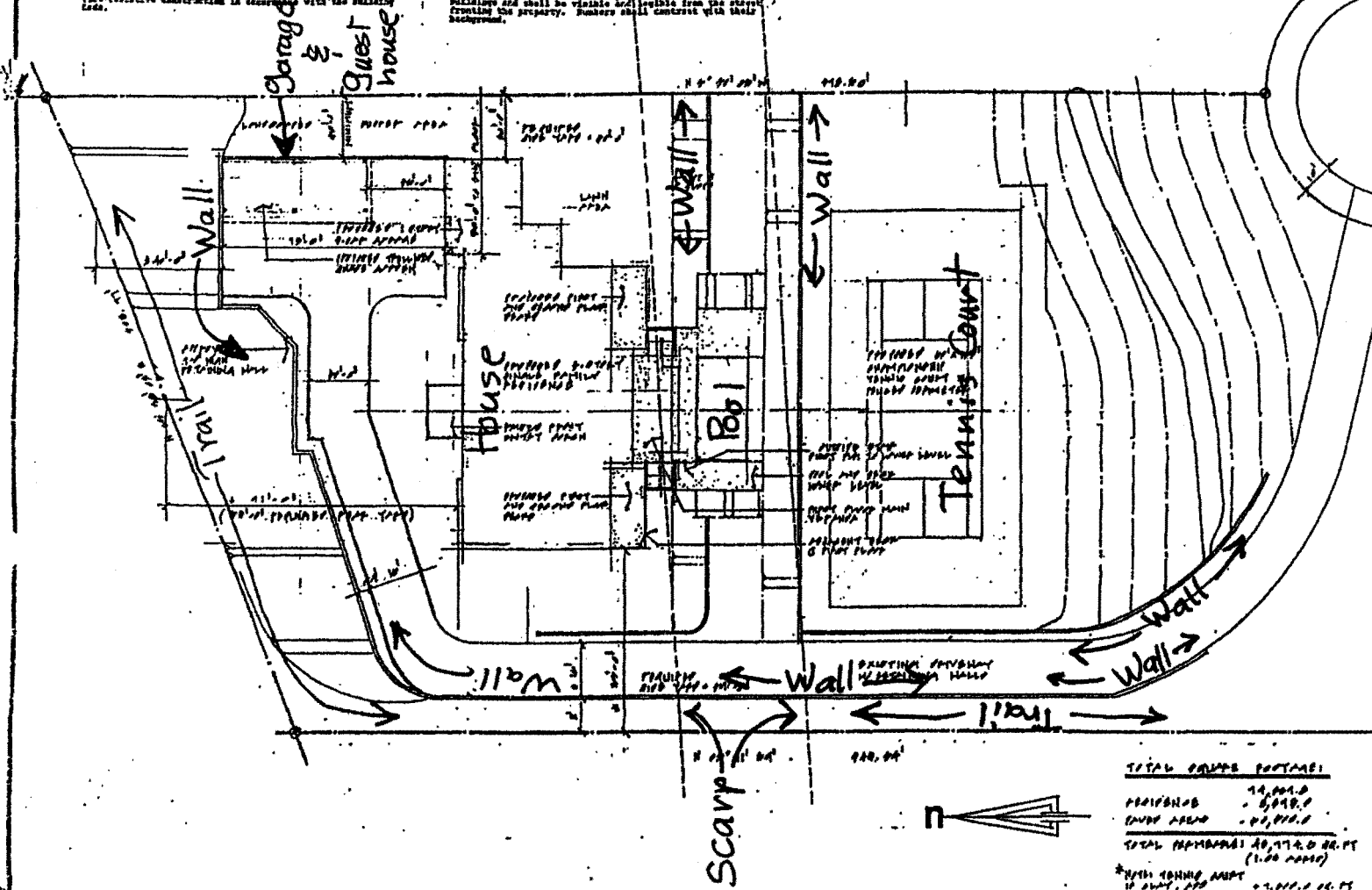
Exit doors shall be openable from the inside without use of a
key or any special knowledge or effort.

Width and height of required entry doorways shall comply with
Title 24. (Indicate on door schedule.)

Building address numbers to be provided on front of all
buildings and shall be visible and legible from the street
fronting the property. Numbers shall contrast with their
background.

Exhibit no. 2
Application No.
4-95-210-A2
Bosworth
Site Plan

REVISIONS	BY
APR 21, 1995	PKB
AUGUST 24, 1995	PKB
APRIL 18, 1996	PKB



TABULATION

TOTAL AREA WT 1
AREA AREA 11,700.00
(11,700.00 sq. ft.)

TOTAL DEVELOPMENT
AREA PERCENTAGE:
8,001.00 sq. ft. - PERCENTAGE
68.37%

TOTAL TABULATION:

RESIDENT	1	1,100.00 sq. ft.
POOL & GARAGE	1	1,100.00 sq. ft.
NEW POOL	1	1,100.00 sq. ft.
TENNIS COURT	1	1,100.00 sq. ft.
WALL	1	1,100.00 sq. ft.
TOTAL DEVELOPMENT	5	5,500.00 sq. ft.
TOTAL DEVELOPMENT PERCENTAGE	47.01%	

TOTAL SQUARE FOOTAGE:

RESIDENT	11,000.00
POOL & GARAGE	1,100.00
NEW POOL	1,100.00
TOTAL DEVELOPMENT	13,200.00
TOTAL DEVELOPMENT PERCENTAGE	113.68%

*WITH TENNIS COURT
11,000.00 sq. ft.

site plan

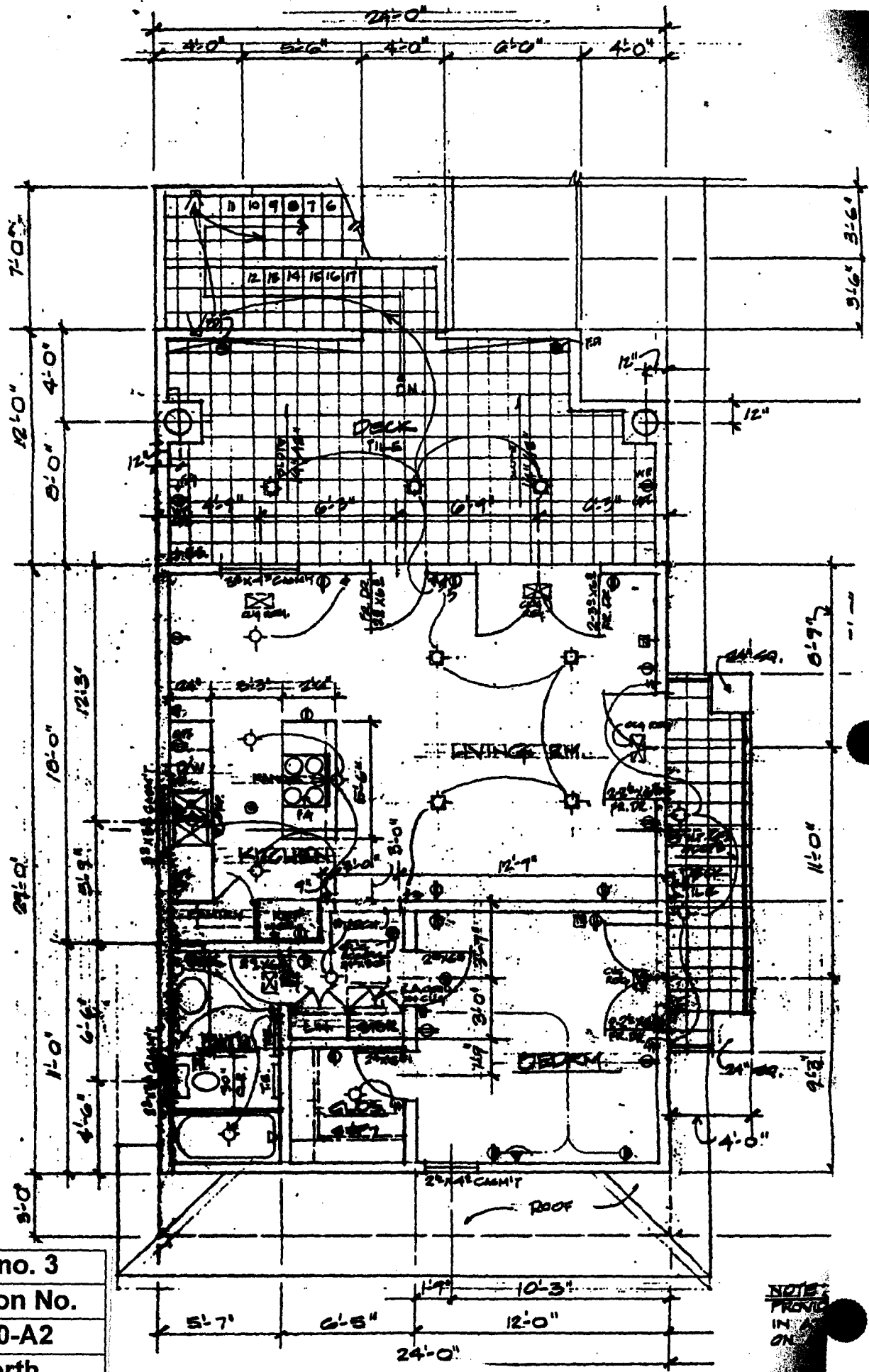


Exhibit no. 3
 Application No.
 4-95-210-A2
 Bosworth
 Floor plan

NOTE:
 PROVIDED
 IN A
 ON



SCALE: 1/4" = 1'-0"

WEST ELEVATION

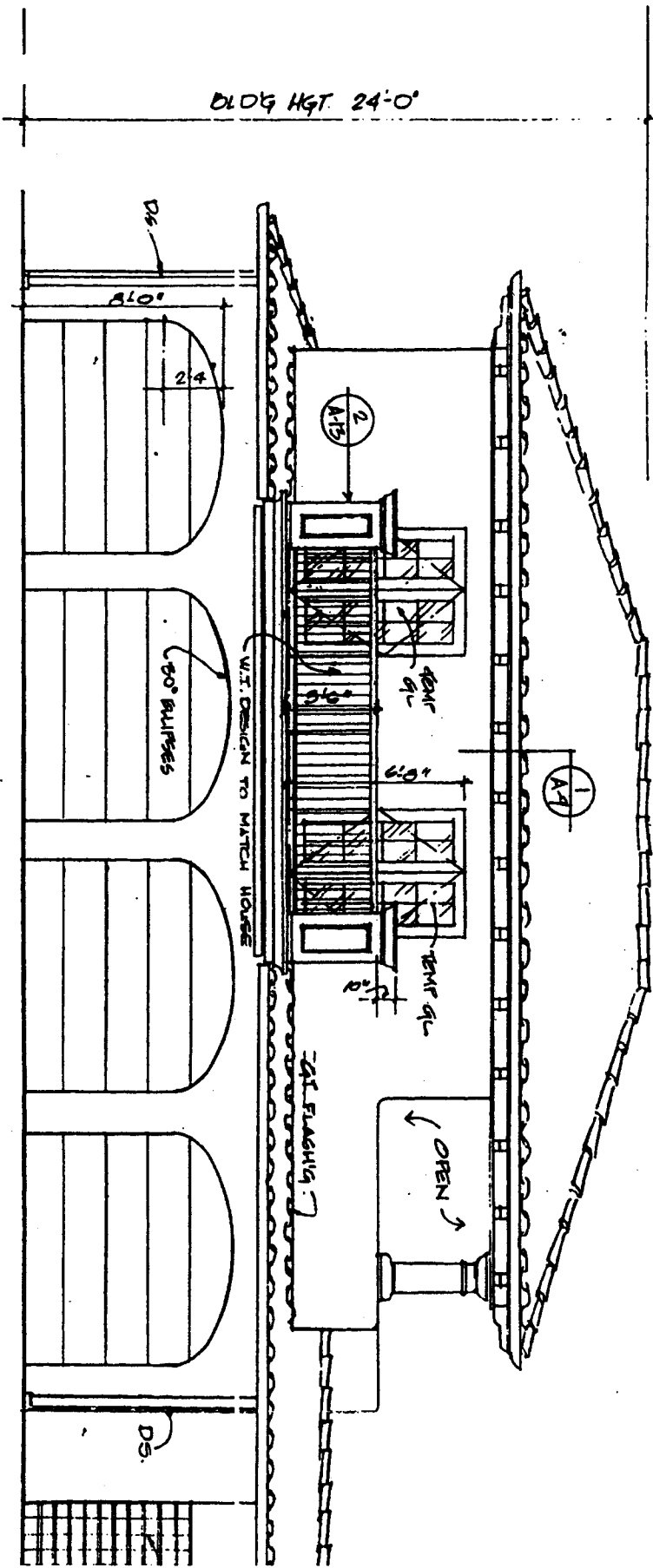
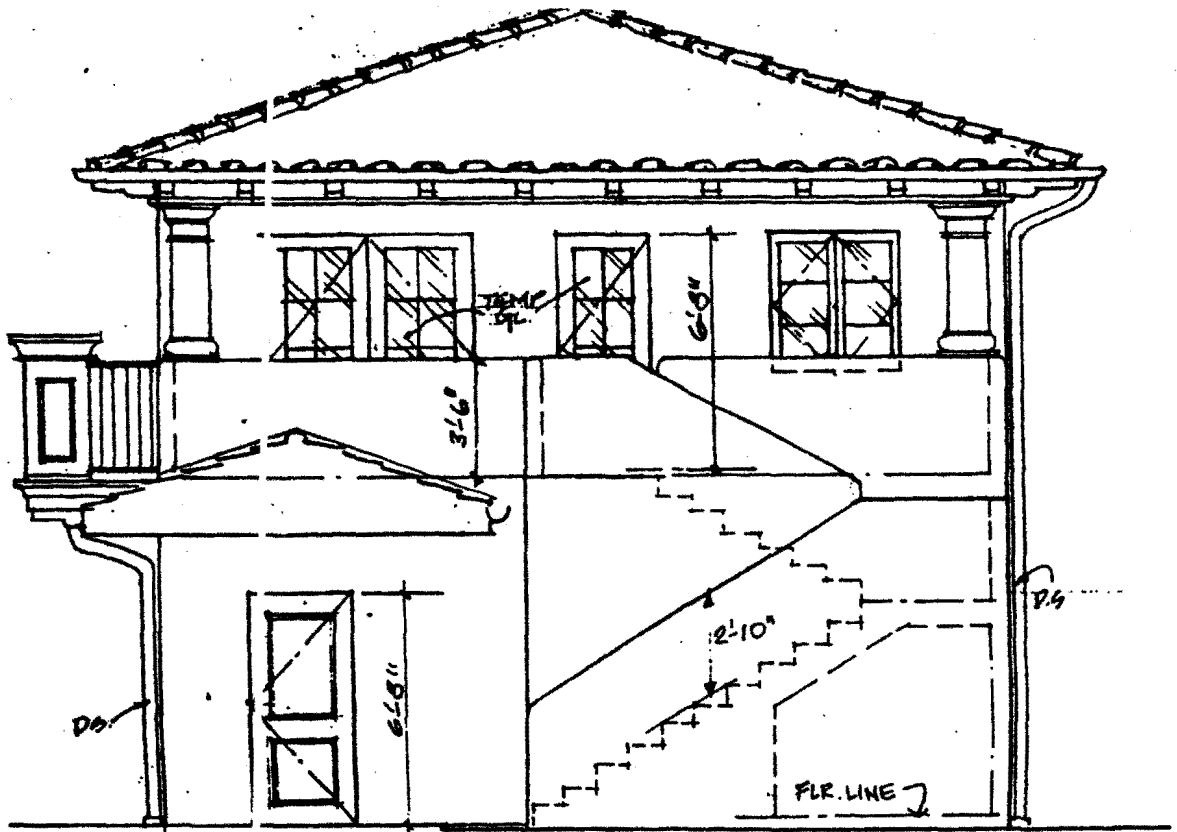


Exhibit no. 4a
Application No.
4-95-210-A2
Bosworth
Elevation



NORTH ELEVATION

SCALE: 4" = 1'-0"

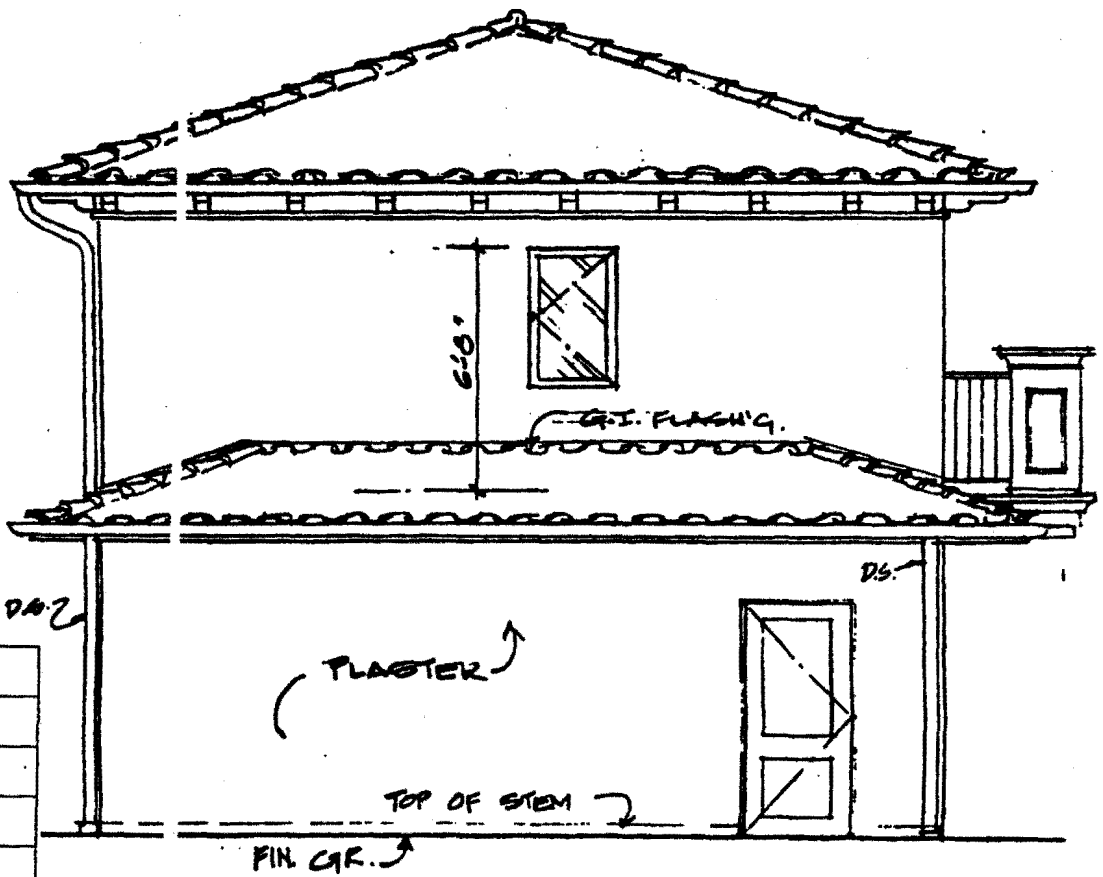


Exhibit no. 4b
Application No.
4-95-210-A2
Bosworth
Elevation