

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
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Staff: A. Verbanac
Staff Report: 4/13/00
Hearing Date: 5/9-12/00
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: AMENDMENT**

APPLICATION NO.: 4-94-122-A4

APPLICANT: Don Schmitz

PROJECT LOCATION: 2700 Mar Vista Motorway, Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a one-story, 18 ft. high, 2,100 sq. ft. single family residence with a 990 sq. ft., 20 ft. high, detached garage, a gate and 7ft. high brick and wrought iron fence, water well and tank, pool, septic system, horse corral, 2000 cu. yds. of grading (2000cu. yds. cut, 0 cu. yds. fill).

PREVIOUSLY AMENDED FOR: (A1) conversion of approximately two acres to an orchard and vineyard, (A2) change the pool location and construct an elevated breezeway and pool deck, (A3) delete the previously approved 990 sq. ft. detached garage and construct additions consisting of a 256 sq. ft. living room extension with mezzanine, 89 sq. ft. spa room, and a 35 ft. high, 505 sq. ft. entry tower, 760 sq. ft. attached garage with 360 sq. ft. sub-story storage area, and 761 sq. ft. 2-bedroom, second story addition above the garage.

DESCRIPTION OF AMENDMENT: Convert a previously approved elevated breezeway to construct a detached, 9 ft. above grade, 731 sq. ft. pool cabana with no proposed grading, vegetation removal, or change in the existing septic system.

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval in Concept 10/05/99, County of Los Angeles Department of Health Services review and approval of existing septic system 2/04/00.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 4-94-122 (Schmitz), 4-94-122A (Schmitz); Immaterial Amendments 4-94-122A2 (Schmitz), 4-94-122A3 (Schmitz), Certified Malibu/Santa Monica Mountains Land Use Plan.

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

4-94-122A4 (Schmitz)

- 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.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

Summary and Staff Recommendation:

Staff recommends that the Commission approve the proposed amendment with Two (2) Special Conditions regarding (1) color restriction, and (2) a revised future improvements deed restriction for the proposed pool cabana.

I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-94-122A4 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

4-94-122A4 (Schmitz)

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-94-122A3 continue to apply. In addition, the following revised special condition is hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-94-122A4.

Special Conditions

4. Revised Future Improvements

This permit is only for the development described in Coastal Development Permit No. 4-94-122A1-A4. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to permitted structures approved under Coastal Development Permit No. 4-94-122A1-A4, including the single family residence, orchard/vineyard, or detached pool cabana, and any grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 2, shall require an amendment to Permit No. 4-94-122A4 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Prior to the issuance of the coastal development permit amendment the applicant shall Execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall

4-94-122A4 (Schmitz)

include a legal description of 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.

6. Revised Color Restriction

The color of the single family residence, garage, roof, water tank, fencing, and pool cabana permitted hereby shall be restricted to a color compatible with the surrounding environment (white or red tones shall not be acceptable). All windows shall be comprised of non-glare glass.

A. Prior to the issuance the coastal development permit the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background.

The applicant proposes to convert a previously approved elevated breezeway into a detached, 9 ft. above grade, 731 sq. ft. pool cabana, with one bathroom to be connected to the existing septic system on site. Construction of the proposed project will only require that the elevated breezeway be enclosed at each side to create interior floor space underneath the pool deck (Exhibit 6). Therefore no grading or vegetation removal will result from construction of the pool cabana, and no change in the existing septic system or previously approved fuel modification plan is proposed.

The subject parcel is a 5.85 acre lot accessed from Mar Vista Motorway, (previously Baller Motorway), located east of Latigo Canyon Road in the Santa Monica Mountains (Exhibit 1). The area surrounding the subject parcel is a rural area characterized by

4-94-122A4 (Schmitz)

expansive, naturally vegetated coastal mountains and hillsides, sparsely developed with single family homes. The eastern portion of the subject site contains a large knoll which provides the building site for previously approved development, as well as the proposed cabana, while the western portion of the site consists of undisturbed, steeply descending slopes heavily vegetated with native chaparral and grasses (Exhibits 3,4). Slope gradients at the subject site range from 3:1 to 5:1 with total physical relief across the property on the order of 40 to 80 ft. The site is located on a prominent northeast to southwest trending ridge, which is designated as a significant ridgeline in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). The project site is visible from Latigo Canyon Road, and from portions of several public trails traversing the Santa Monica Mountains in the near vicinity. Particularly, the large knoll, containing existing development on site and the location for the proposed pool cabana, is visible from many points along Latigo Canyon Road and may be visible from portions of several public hiking trails, including the Solstice Canyon Trail, a trail which is recognized in the Malibu/Santa Monica Mountains Land Use Plan (Exhibit 7).

On February 8, 1995 the Commission approved, with special conditions, Coastal Development Permit (CDP) 4-94-122 for: construction of a single family residence at the subject site consisting of a one-story, 2100 sq. ft. home, a detached garage, fencing, water well and tank, a new septic system, horse corrals, 2000 cu. yds. of grading, and paving of an access road to the site. Three subsequent permit amendments, CDP 4-94-122A1-A3, have eliminated the detached garage and have permitted additions to the single family home, a slight reconfiguration of the pool location, construction of an elevated breezeway, and conversion of approximately 2 acres of naturally vegetated land surrounding the residence to an orchard/vineyard (Exhibit 5). The underlying CDP 4-94-122 and subsequent amendments A1-A3 have permitted the above mentioned development, with special conditions regarding drainage, erosion control, landscaping and fuel modification plans, disposal of excess cut material, future improvements, fence type to allow for wildlife movement, color restriction, geologic recommendations, and wild fire waiver of liability. Additionally, regarding the approved orchard/vineyard, special conditions required the applicant to submit revised plans which incorporated the project's consulting biologist recommendations for the approved orchards/vineyards, including planting native grasses between rows of trees, timing and implementation of erosion plans, and implementing environmentally sound farming techniques.

The subject site is currently developed with a one-story, 1200 sq. ft. single family residence, water well and tank, septic system, horse corrals, an access road and driveway, and a vineyard (Exhibit 4). The vineyard surrounds the residence within the 200 ft. radius, fuel modification zone required by the Los Angeles County Fire Department. The maintained vineyard surrounding the residence provides sufficient vegetation thinning and clearance to meet the requirements of the Fire Department for fire prevention measures at the site. Therefore construction of the proposed pool cabana will not require vegetation disturbance for fuel modification purposes, other than that previously approved by the Commission under CDP 4-94-122 and 4-94-122A.

No designated environmentally sensitive habitat areas are located at the subject site, however, the site is bisected by the Solstice Canyon Watershed boundary encompassing the entire east portion of the site, and all existing and proposed areas of development (Exhibit 7). Additionally, drainage at the subject site flows from the east portion of the property into one of two designated blueline streams in Solstice Canyon. Riparian habitat areas associated with the blueline streams and several drainages within Solstice Canyon are designated as inland environmentally sensitive habitat areas by the certified Malibu/Santa Monica Mountains LUP (Exhibit 7).

B. Sensitive Environmental Resources

The project site is located on the periphery of the Solstice Canyon Watershed, a significant watershed designated by the Malibu/Santa Monica Mountains LUP. The Coastal Act mandates that such sensitive environmental resources within designated watersheds be protected and maintained as much as feasible.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

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 states:

- (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.**

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption and degradation of habitat values.

To assist in the determination of a proposed project's consistency with Sections 30230, 30231, and 30240 of the Coastal Act, the Commission has looked to the certified Malibu/Santa Monica Mountains LUP for guidance. The LUP has been found to be consistent with Coastal Act Policies and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. In its findings regarding the certification of the Malibu/Santa Monica Mountains LUP, the Commission emphasized the importance placed by the Coastal Act on protection of sensitive environmental resources and found that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

In past permit actions, the Commission has looked to Table 1 standards of the certified LUP for guidance in its review of development proposed within significant watersheds. Table One policies of the LUP require, in part, that grading be minimized to reduce potential negative effects of runoff and erosion on watersheds and streams, that grading and vegetation removal be limited to that necessary to accommodate a residential unit, garage, one other accessory structure, one access road, and brush clearance required by the Los Angeles County Fire Department for fire safety measures. Furthermore, Table One policies require that proposed structures be clustered and located in close proximity to existing roadways, services, and other development to minimize potential

4-94-122A4 (Schmitz)

impacts on surrounding habitat, and as close to the periphery of the designated watershed as feasible.

In prior permit actions on the subject site, the Commission has concluded that due to topographic constraints at the subject site, and the undisturbed, heavily vegetated nature of the western portion of the subject parcel, the only feasible location for development at the site is the large knoll contained in the east portion of the parcel, within the Solstice Canyon Watershed boundary. The Commission, in previously permit actions on CDP # 4-94-122 and #4-94-122A, has found that, as conditioned, proposed development, and subsequent amendments to the original permit, were consistent with Coastal Act policies, and that the project would have no significant impact on sensitive environmental resources of the Solstice Canyon Watershed. The Commission found that potential impacts of the proposed development on sensitive resources were adequately minimized through special conditions which required the applicant to submit landscaping, fuel modification, erosion control and drainage plans, two future improvements restrictions, and plans indicating that native grass plantings be incorporated in approved orchards/vineyards. Additionally, the Commission imposed conditions on the new development requiring the applicant to implement environmentally sound farming techniques, incorporate recommendations of the project's consulting biologist into the maintained orchard/vineyard, and requiring that proposed fencing at the site be of a type not to restrict wildlife movement within the watershed.

The applicant is now proposing to enclose a previously approved elevated breezeway to construct a detached, 9 ft. above grade, 731 sq. ft pool cabana. Construction of the proposed cabana will require that the sides of the elevated breezeway be enclosed to create 731 sq. ft. of interior floor space beneath the pool deck and that a toilet sump be installed to connect the one bathroom proposed for the cabana into the existing septic system. The proposed cabana will be constructed entirely within the footprint of the approved elevated breezeway therefore no grading or landform alteration, or removal of vegetation will be required for the structure other than that previously approved by the Commission. Furthermore, enclosing the elevated breezeway to construct the proposed cabana will not result in an increase of impervious surfaces at the project site. Therefore the proposed project will not result in increased run-off or erosion with the potential to adversely impact coastal waters and sensitive habitat within the Solstice Canyon watershed.

The proposed cabana will be constructed in close proximity to existing development at the site, in an area previously disturbed by grading and vegetation removal. The Commission notes that construction of a detached structure at the site, though located in close proximity to existing development, has the potential to extend the 200 ft. radius fuel modification zone, required by the Los Angeles County Fire Department for fire prevention measures at the site. Extending the required fuel modification zone to accommodate fire protection measures for the new structure would require additional

4-94-122A4 (Schmitz)

vegetation disturbance beyond that previously approved by the Commission. However, Commission approval of CDP # 4-94-122A permitted vegetation clearance and thinning for the existing vineyard surrounding the project site, which also provides an adequate fuel modification zone for the required fire protection measures of developed structures at the site. Therefore no vegetation thinning or clearance will be required for fuel modification requirements around the proposed pool cabana other than the vegetation disturbance previously approved by the Commission for the vineyard. As such, the Commission finds that the proposed project will not result in disturbance of vegetation other than that previously approved under CDP #4-94-122 and #4-94-122A for the residence and vineyard, and that the proposed project will not result in significant disruption or degradation of environmentally sensitive resources or habitat values at the project site.

The Commission notes that the proposed project will not result in grading, landform alteration, additional impervious surfaces, vegetation disturbance, or consequent soil erosion or run-off to the coastal waters or sensitive environmental resources within the Solstice Canyon Watershed. Therefore, the Commission finds that the proposed project will not cause significant adverse impacts to sensitive environmental resources of the Solstice Canyon Watershed and is consistent with Sections 30230, 30321, and 30240 of the Coastal Act.

C. Visual Resources

The Coastal Act requires scenic and visual qualities to be considered and preserved.

Section 30251 states:

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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu/Santa Monica Mountains LUP contains numerous policies regarding the protection of visual resources. The Coastal Commission has utilized these policies as guidance in past permit decisions. LUP policies particularly applicable to the proposed project include:

4-94-122A4 (Schmitz)

- P 91 *All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*
- P125 *New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands.*
- P129 *Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*
- P130 *In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:*
- Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.*
 - Minimize the alteration of natural landforms.*
 - Be landscaped to conceal raw-cut slopes.*
 - Be visually compatible with and subordinate to the character of its setting.*
 - Be sited so as to not significantly intrude into the skyline as seen from public viewing places.*
- P134 *Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.*
- P135 *Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.*

The project site is located on a prominent northeast to southwest trending ridge, which is designated as a significant ridgeline in the certified Malibu/Santa Monica Mountains Land Use Plan (LUP). Additionally, the large knoll contained in the east portion of the property and identified as the most feasible building site for development at the subject site, is significantly visible along the ridgeline from Latigo Canyon Road, and from portions of several public trails traversing the mountains in the near vicinity, including the Solstice Canyon Trail which is recognized in the Malibu/Santa Monica Mountains Land Use Plan (LUP).

The Commission has previously addressed potential visual impacts on scenic public views resulting from approved development at the project site. In approving CDP # 4-94-122 with conditions, the Commission found that potential visual impacts resulting from the development would be adequately mitigated by imposing a color restriction on the residence (Special Condition 6) and a future developments deed restriction, (Special Condition 4). Special condition 6 required that the residence be finished only with colors

4-94-122A4 (Schmitz)

compatible with the surrounding environment and that windows be comprised of non-glare glass to blend the new residence with the natural landscape. Special Condition 4 required the applicant to record a future developments deed restriction, ensuring that any future development at the project site is reviewed by the Commission for consistency with the view protection policies of the Coastal Act.

The applicant is proposing to enclose a previously approved elevated breezeway to construct a detached, 9 ft. above grade, 731 sq. ft. pool cabana. The Commission notes that construction of the cabana will intensify development at the site and create a new structure which may potentially impact scenic and visual resources of the area. However, the Commission also notes that the proposed pool cabana is designed to tuck into the natural topography of the site and will be constructed only 9 ft. above grade. The proposed cabana will be constructed below the horizon of the significant ridgeline so as not to intrude into the skyline, and no grading, landform alteration, or vegetation clearance will be required for construction. Therefore, the Commission finds that the design and location of the proposed pool cabana will serve to minimize impacts to public scenic views. However, due to the highly visible nature of the project site from several scenic viewing areas, the Commission finds it necessary to revise the existing color restriction condition for the project to include the proposed pool cabana, to further mitigate potential visual impacts associated with the proposed project. Therefore, **Special Condition 6** requires the proposed pool cabana to be finished only with colors compatible with the surrounding environment and that windows be comprised of non-glare glass to blend the new structure with the natural landscape.

Regarding additions or improvements that may be proposed for the pool cabana in the future, certain types of development to the cabana, which might otherwise be exempt, have the potential to impact scenic and visual resources in this area of the Santa Monica Mountains. Therefore, the Commission finds it necessary to revise the existing future development deed restriction, required under CDP 4-94-122A1-A3, to include the proposed pool cabana to ensure that any additions or improvements to the permitted pool cabana are reviewed by the Commission for compliance with the scenic resource policies of the Coastal Act. Therefore, **Special Condition 4**, the revised future development deed restriction, requires the applicant to obtain an amended or new coastal development permit if additions or improvements to the structure are proposed in the future.

The Commission finds that, as conditioned, the proposed project will minimize adverse impacts on scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

D. Cumulative Impacts

4-94-122A4 (Schmitz)

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.

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. Construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission

4-94-122A4 (Schmitz)

action in 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, and 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). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose, as a guest unit, rather than as second residential units with intensified demands on coastal resources and community infrastructure.

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 forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or 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. Thus, 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 in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to convert a previously approved elevated breezeway into a detached, 731 sq. ft. pool cabana. The proposed cabana will include one bathroom which will be incorporated into the septic system servicing the existing residence on site. The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be a secondary dwelling. The Commission notes that the proposed cabana is not a second residential unit and that the proposed 731 total square footage of the proposed structure conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for secondary units in the Malibu/Santa Monica Mountains area. However, the Commission also notes that improvements to the cabana could easily convert the structure into a secondary dwelling and additions to the structure could exceed the 750 sq. ft. standard and further intensify the use of the subject parcel. As such, the Commission finds it necessary to ensure that no additions or improvements are made to the detached pool cabana in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicant to record a revised future development deed restriction, as specified in

4-94-122A4 (Schmitz)

Special Condition 4, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structure are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed project, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

E. 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 amendment will be in conformity with the provisions of Chapter 3. The proposed amendment will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

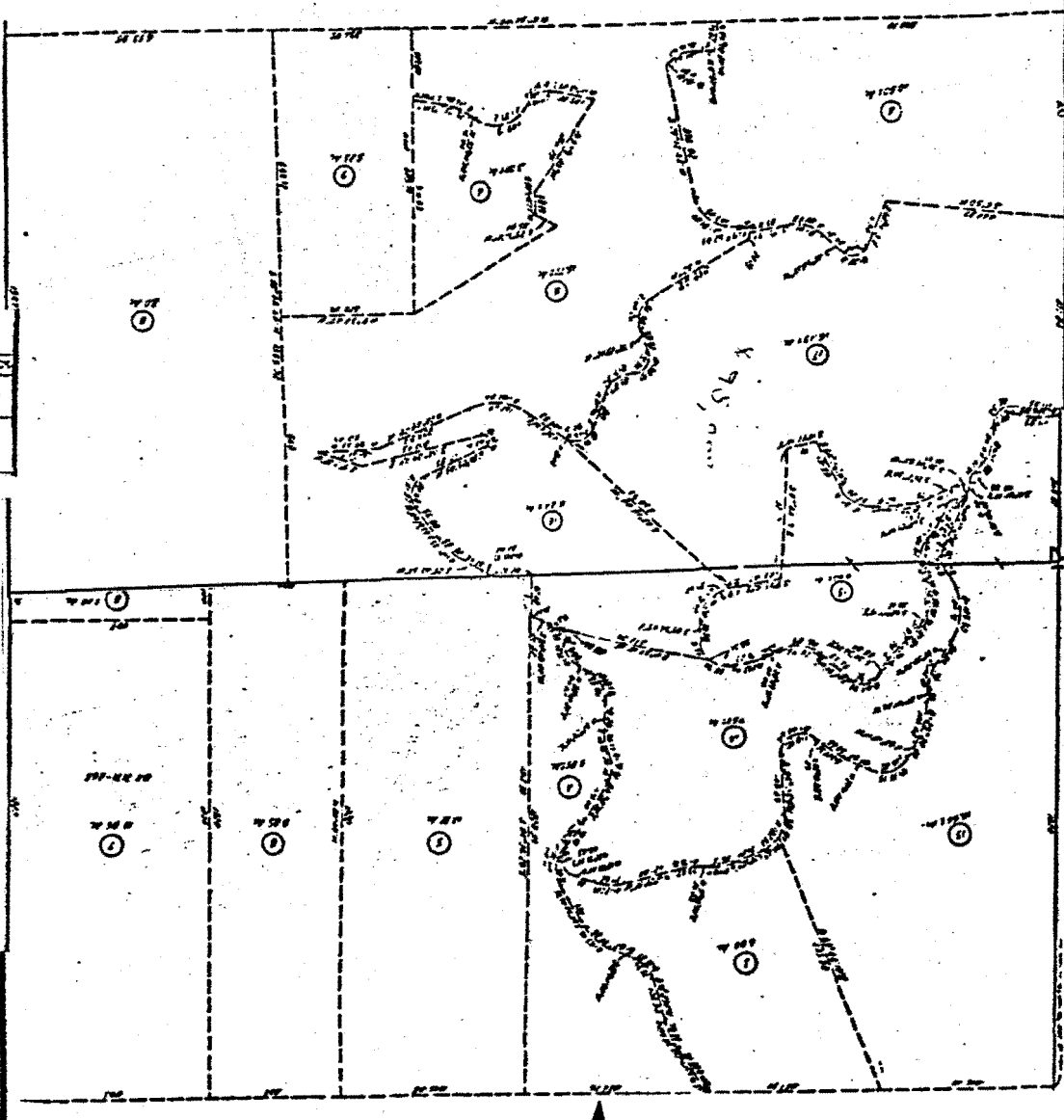
Therefore, the Commission finds that approval of the proposed amendment, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment 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 would have on the environment.

4461	2
SCALE 1" = 200'	

4461	3
SCALE 1" = 200'	



↑
Subject Parcel

EXHIBIT 2
CDP # 4-94-122A4
PARCEL MAP

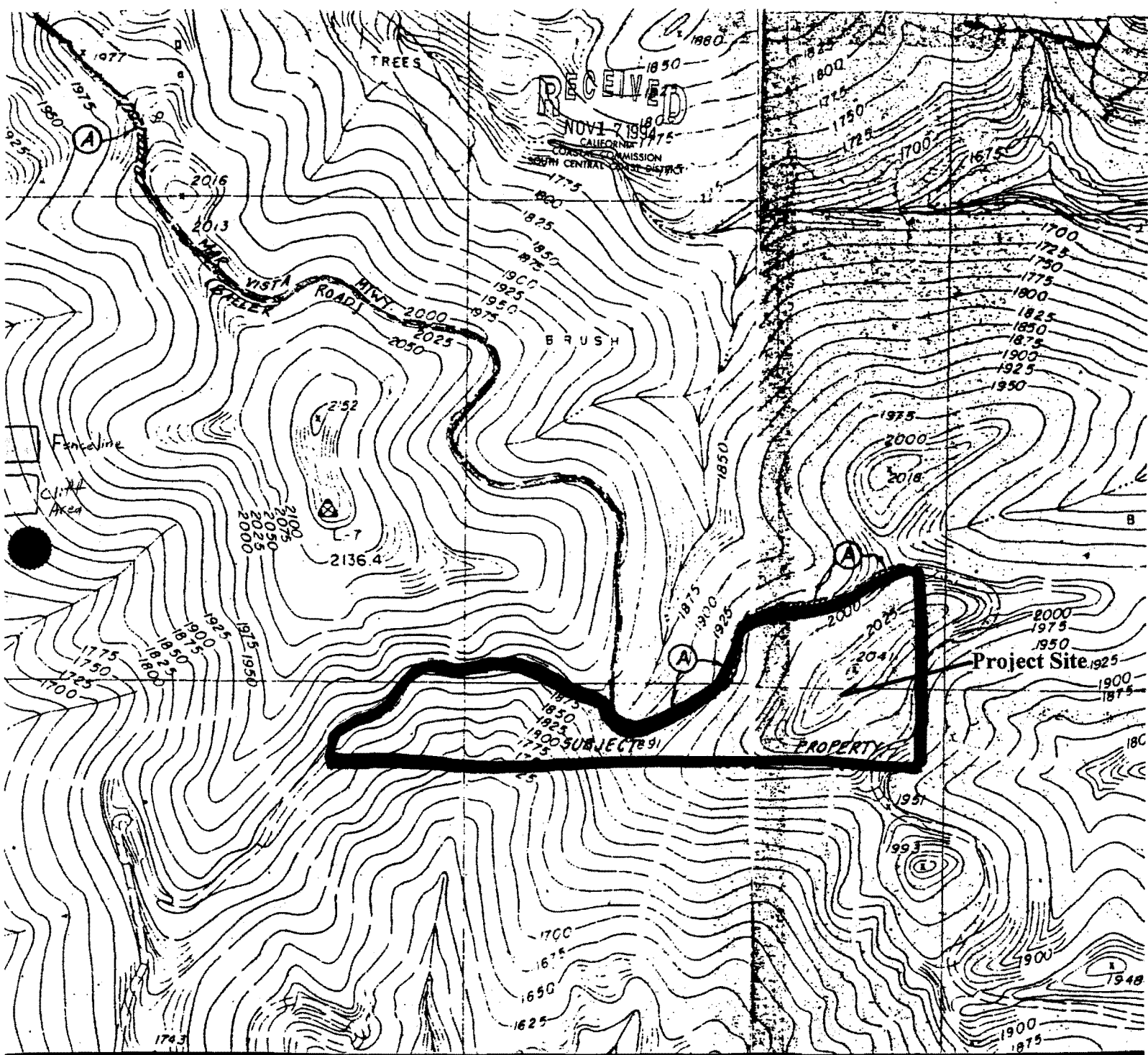
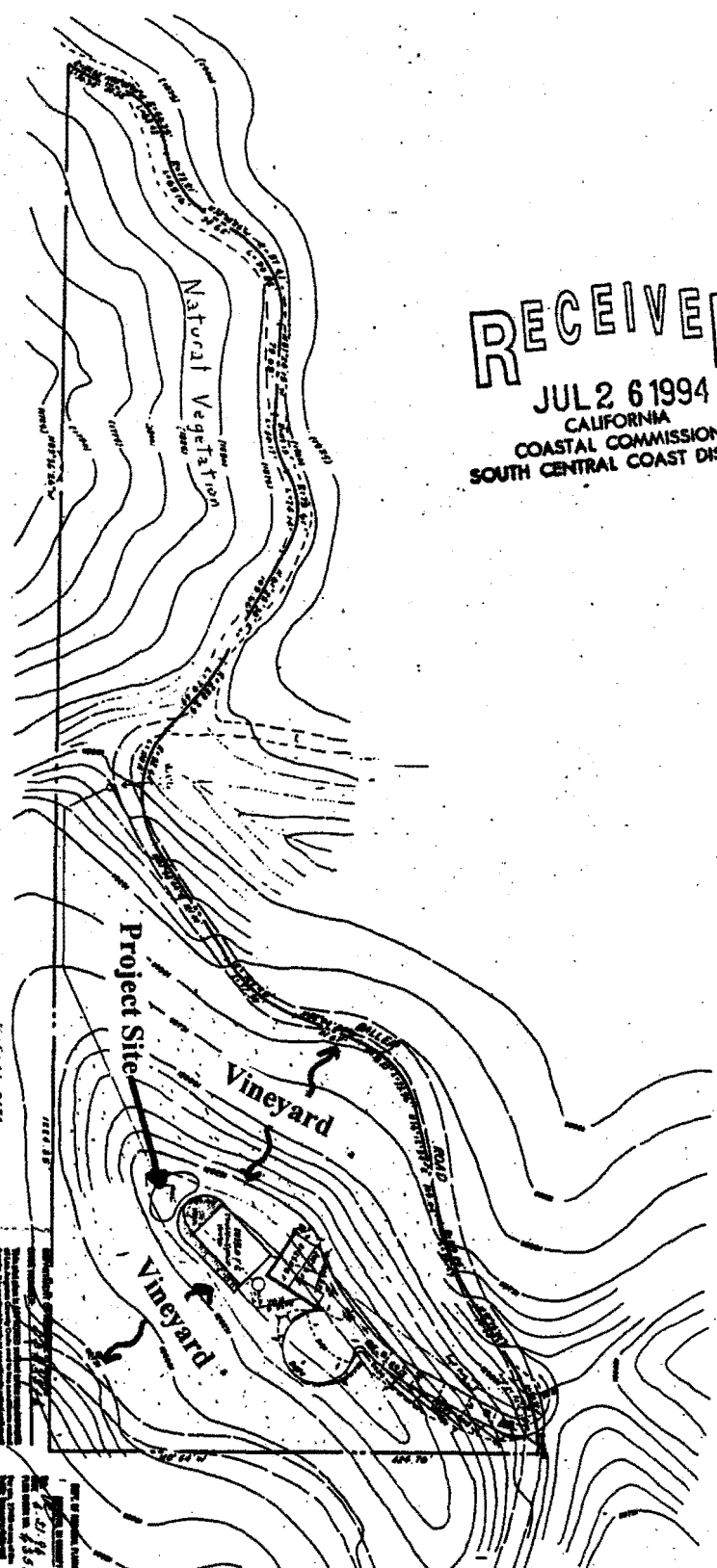


EXHIBIT 3
CDP # 4-94-122A4

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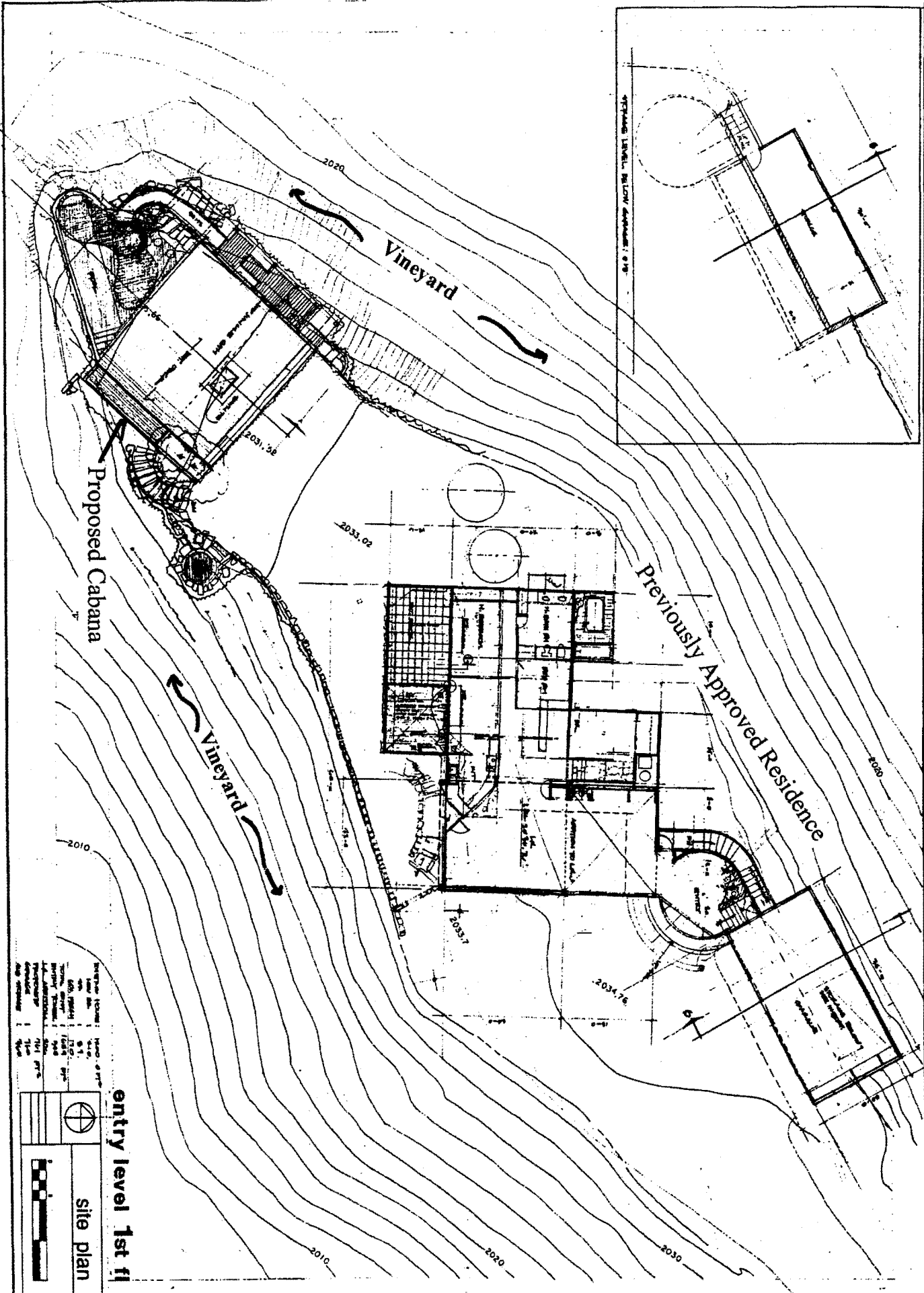
2. EROSION RISK
 1. EROSION - 5.0%
 2. EROSION - 10.0%
 3. EROSION - 15.0%
 4. EROSION - 20.0%
 5. EROSION - 25.0%
 6. EROSION - 30.0%
 7. EROSION - 35.0%
 8. EROSION - 40.0%
 9. EROSION - 45.0%
 10. EROSION - 50.0%

Approved for a 12 month period by the Santa Barbara County Board of Supervisors on May 12, 1994. This approval is subject to the conditions set forth in the attached Resolution. The applicant shall submit a final report to the Board of Supervisors on or before May 12, 1995. No construction activities shall be permitted on the site without approval of an O&M Plan.

EXHIBIT 4
CDP # 4-94-122A4
Existing Site Plan

EXHIBIT 4
CDP # 4-94-122A4
Existing Site Plan

GRADING PLAN
 OF THE W. 1/2 OF SE 1/4 OF SEC. 21,
 T. 1 S., R. 18 W., S.B.M.
 2718 OCEAN PARK BL., STE. 1000, SANTA MONICA, CA. 90405



Proposed Cabana

Previously Approved Residence

Vineyard

Vineyard

entry level 1st fl

site plan

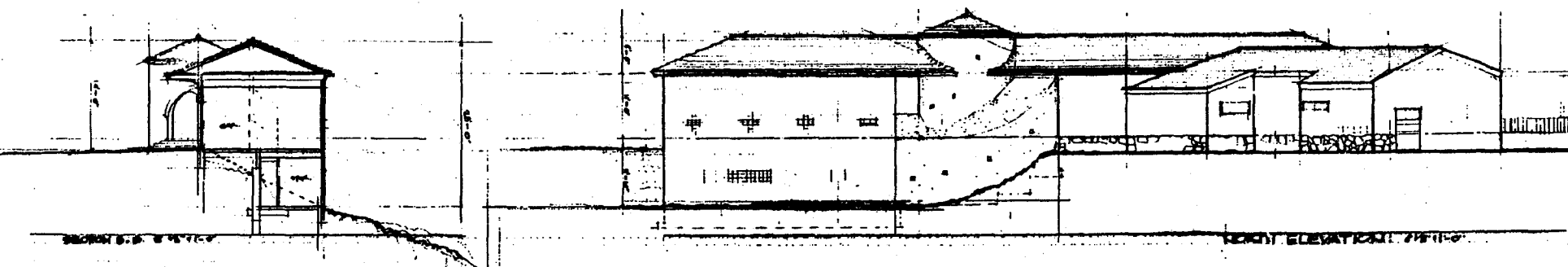
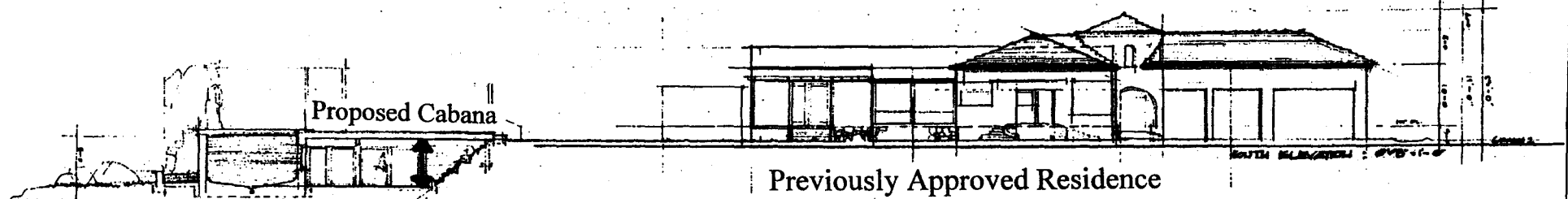
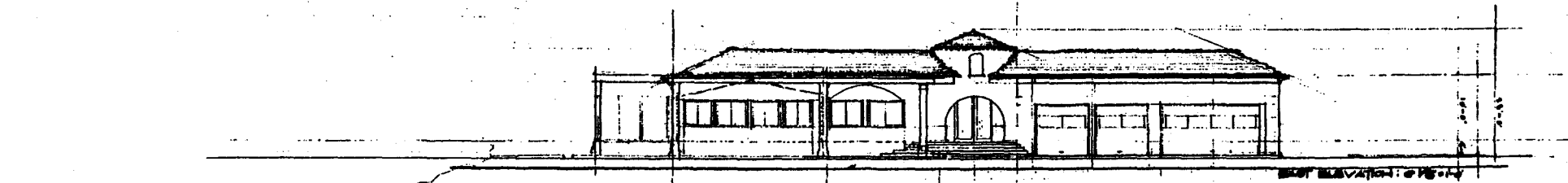
Project Name:	4-94-122A4
Site No.:	122A4
Scale:	1" = 20'
North Arrow:	↑
Prepared by:	[Signature]
Checked by:	[Signature]
Date:	10/1/01

EXHIBIT 5

CDP # 4-94-122A4

Proposed Site Plan

Sheet No.	1 of 1
Date	10/1/01
Scale	1" = 20'



Proposed Cabana
Elevated Breezeway
To Be Enclosed

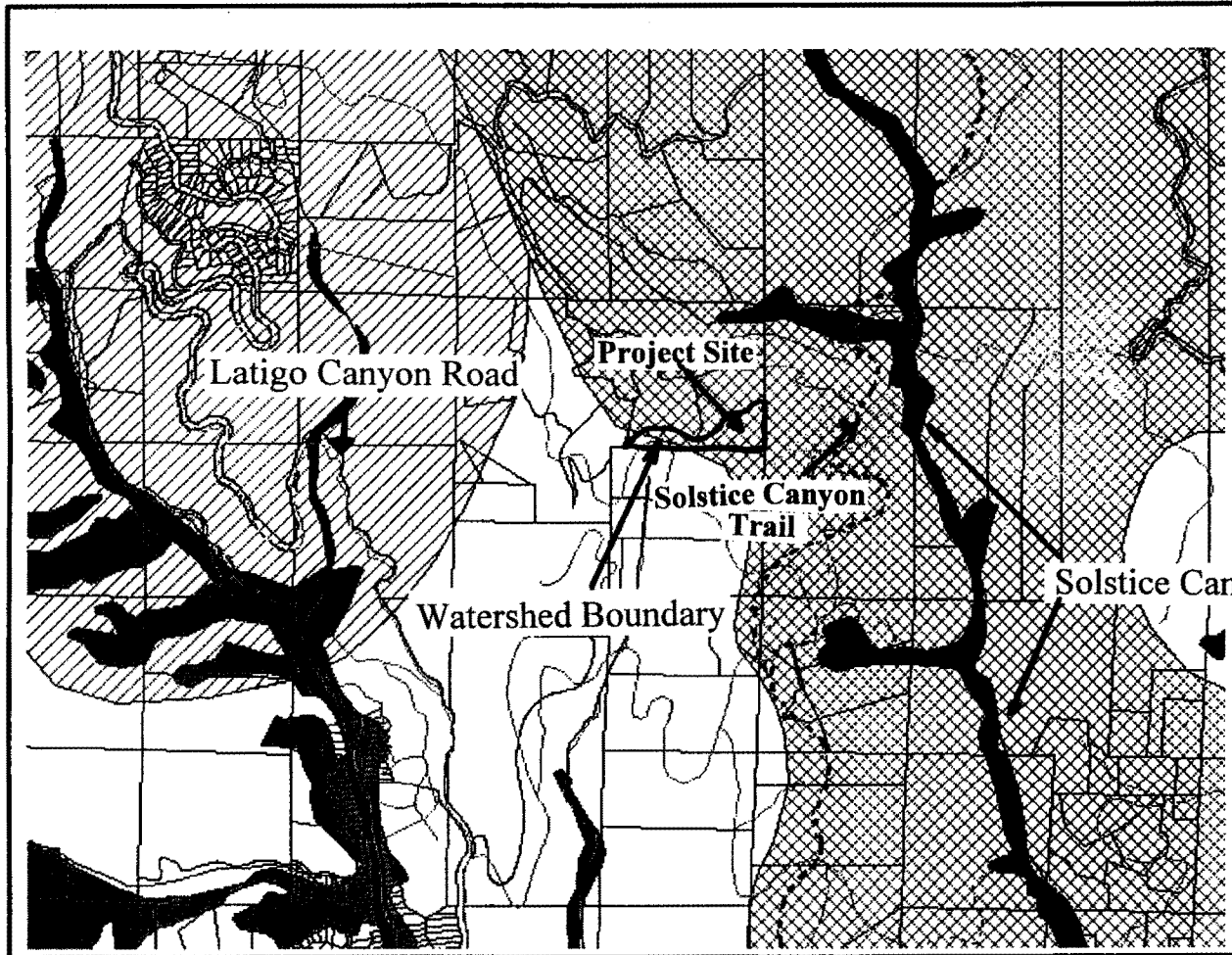
Previously Approved Residence

REVISION
DATE
BY

EXHIBIT 6
CDP # 4-94-122A4
Elevations

DATE
BY

4-94-122A4 (Schmitz) 2700 Mar Vista Motorway









- trailslacoplan
- StrmsCCC
- streets
- laprls
- esha (ESHA)
 -  Coldcreek management area
 -  inland
 -  locally disturbed resources
 -  significant watersheds resident
 -  wildlife migration corridor
 -  czbdy



EXHIBIT 7
CDP # 4-94-122A4
Coastal Resource Map

