

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
100 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Filed: 2/19/03
49th Day: 4/09/03
180th Day: 8/18/03
Staff: LKF-V *fer*
Staff Report: 4/18/03
Hearing Date: 5/09/03
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-224

APPLICANT: Cynthia Maxwell

PROJECT LOCATION: 24875 Mulholland Highway, Calabasas (Los Angeles County)

PROJECT DESCRIPTION: Interior conversion of an existing 1,202 sq. ft. three car garage/shop resulting in a 560 sq. ft. two car garage and a 642 sq. ft. guest unit, and after the fact approval for replacement of an existing 1200 gallon septic system with a new 1500 gallon septic system.

Lot area	1.2 acres
Building coverage	1,700 sq. ft.
Pavement coverage	1,200 sq. ft.
Landscape coverage	21,780 sq. ft.
Height Above Finished Grade	13.5 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, September 5, 2002; County of Los Angeles, Environmental Health, Approval in Concept, February 5, 2002.

SUBSTANTIVE FILE DOCUMENTS: Certified 1986 Malibu-Santa Monica Mountains Land Use Plan; "Limited Engineering Geologic Report, Evaluation of Two Percolation Test Holes and a Groundwater Hole, 24875 Mulholland Highway, Calabasas Area of Los Angeles County, California," Pacific Geology Consultants, Inc., dated December 30, 2001; "Supplemental Engineering Geologic Report, Proposed Seepage Pit Construction, 24875 Mulholland Highway, Calabasas Area of Los Angeles County, California," Pacific Geology Consultants, Inc., dated January 26, 2002; Percolation test report, prepared by Lawrence Young, Registered Environmental Health Specialist, dated January 9, 2002.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **TWO (2) SPECIAL CONDITIONS** regarding (1) future development restriction and (2) deed restriction.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-224 pursuant to the staff recommendation.*

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Malibu Local Coastal Program. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. 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.
- 5. 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.

III. SPECIAL CONDITIONS

1. Future Development Restriction

This permit is only for the development described in coastal development permit No. 4-02-224. Pursuant to Title 14 California Code of Regulations 13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) shall not apply to the guest house and accessory structure. Accordingly, any future improvements or change of use to the guest house and accessory structure approved under Coastal Development Permit No. 4-02-224, shall require an amendment to Permit No. 4-02-224 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Deed Restriction Condition

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is proposing to convert the interior of an existing 1,202 sq. ft. garage/shop into a 560 sq. ft. garage and a 642 sq. ft. guest unit. The applicant also proposes after the fact approval for replacement of an existing 1200 gallon septic system with a new 1500 gallon septic system. No grading is proposed (**Exhibits 2, 3, and 4**).

The project site contains an existing single family residence and is located on the north side of Mulholland Highway in the Calabasas area of Los Angeles County (**Exhibit 1**). No sensitive habitat exists on the subject site. The area surrounding the project site contains similar residential development. The site is visible from Mulholland Highway, a designated Scenic Road in the 1986 certified Malibu-Santa Monica Mountains Land Use Plan; however, since no changes to the footprint of the residence and no significant changes to the appearance of the residence are proposed, the proposed project have no adverse impacts on visual resources.

The proposed development includes the replacement of an existing 1,200 sq. ft. on-site private sewage disposal system with a new 1,500 sq. ft. septic system. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of water quality resources. Therefore, the proposed project will have no adverse impacts on water quality resources.

B. CUMULATIVE IMPACTS

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. 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 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 §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The 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 §30250 and §30252, the Commission has limited the development of second units on residential parcels in the 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 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 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 and the fact that they are intended only for occasional use by guests, 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 or residential second units. 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 the attendant 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 LCPs 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.

The applicant is proposing to convert a portion of an existing 1,202 sq. ft. garage/shop into a 642 sq. ft. guest unit. The proposed guest unit consists of a living room, study, bedroom, bath and laundry room. The Commission notes that the proposed 642 sq. ft. guest unit conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for second dwellings in the Santa Monica Mountains area. However, the Commission notes that additions or improvements to the structures could easily convert to additional habitable square footage, beyond that approved by the Commission, therefore increasing the potential to use the proposed structure as a second residential unit.

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 considered a secondary dwelling. The Commission finds that the proposed guest unit conforms to the 750 sq. ft. allowed by the Commission in past permit action. However, the Commission finds it necessary to ensure that no additions or improvements are made to the guest unit in the future that may enlarge or further intensify the use of that structure without due consideration of the cumulative impacts that may result. Thus, the Commission finds it necessary to impose the future development restriction, as specified in **Special Condition One (1)**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structures are proposed in the future. In addition, **Special Condition Two (2)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

C. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

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 to 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 project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §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 by any conditions of approval, 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 effect that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

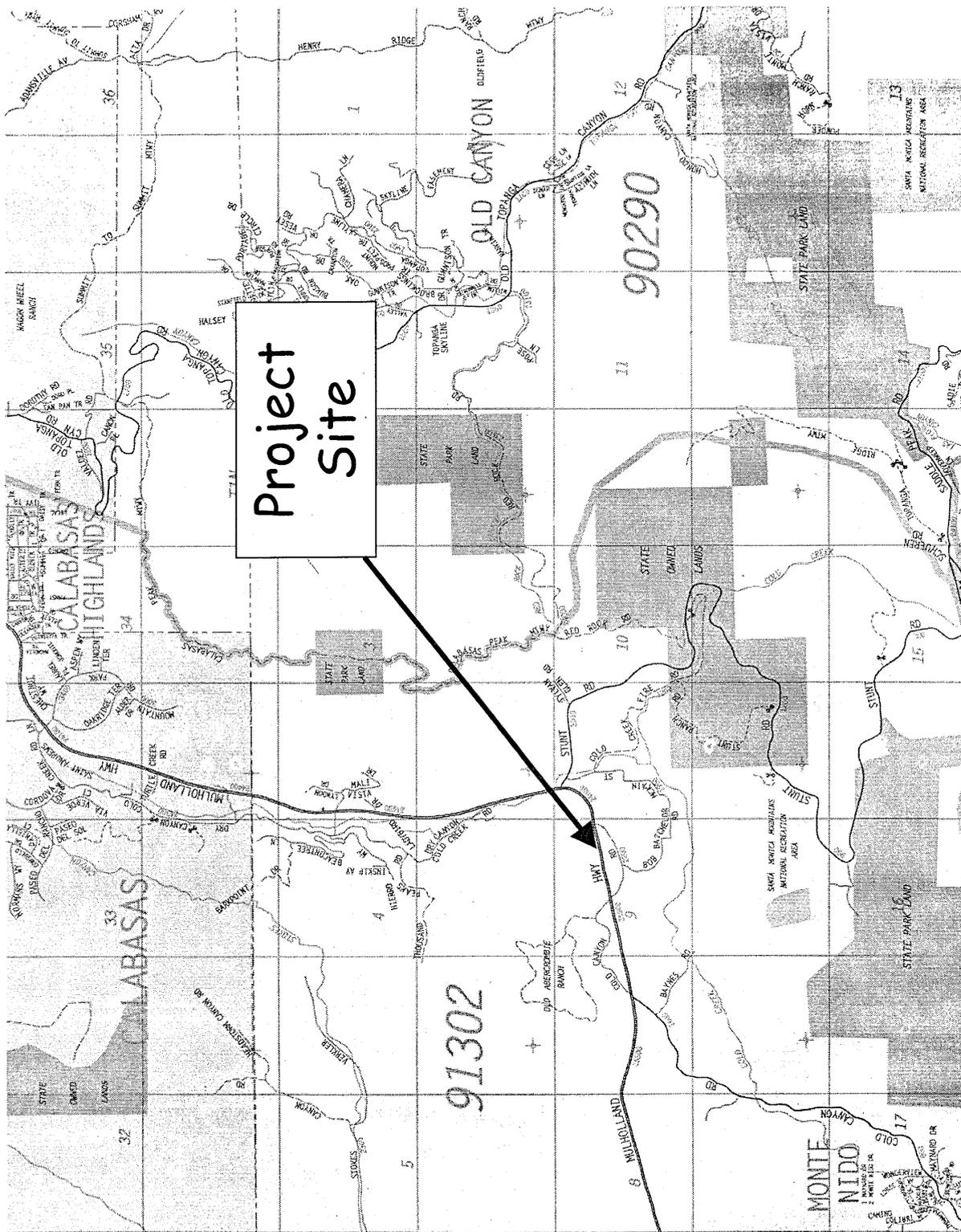
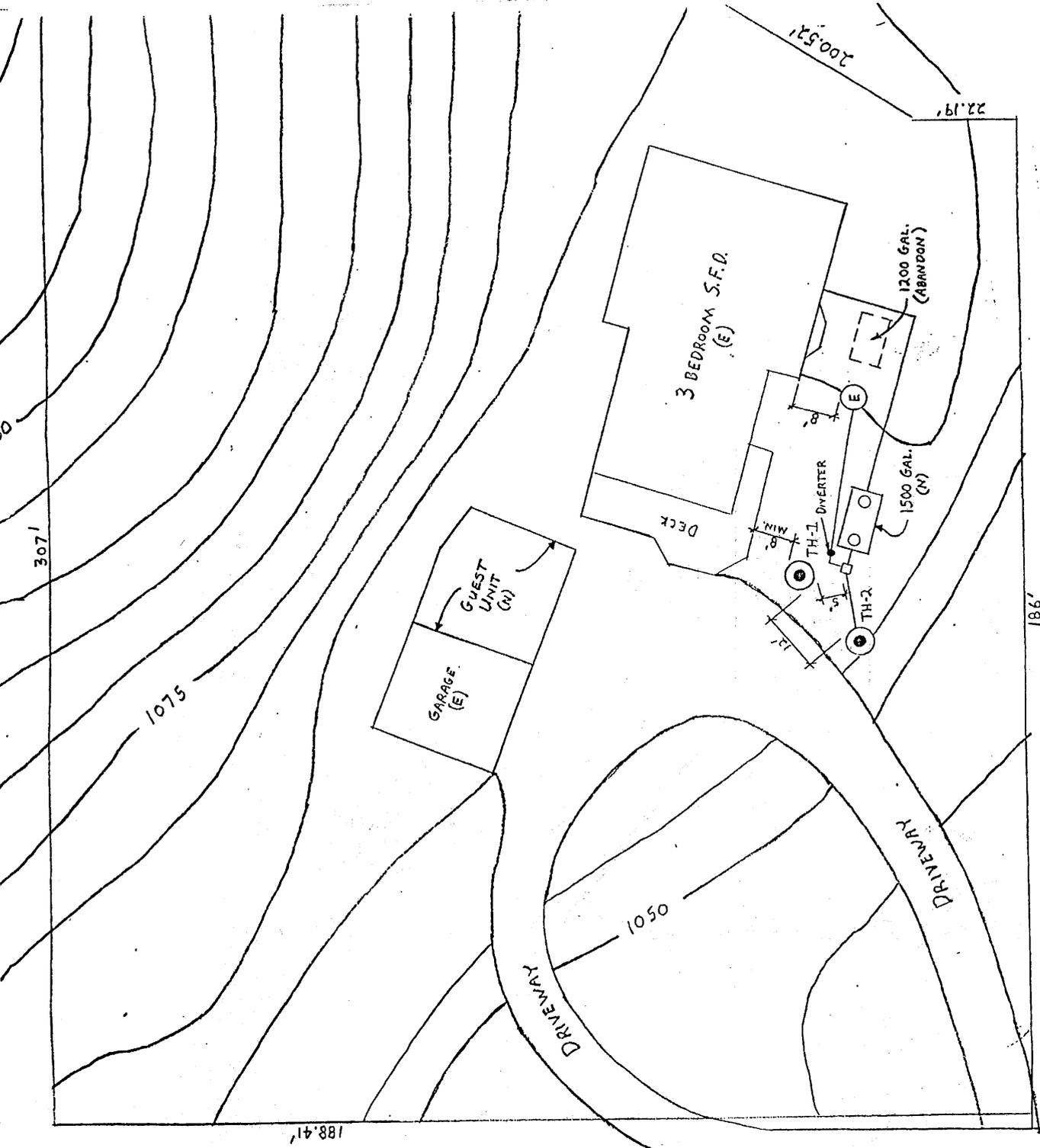


EXHIBIT NO. 1
APPLICATION NO.
4-02-224
VICINITY MAP



J. HOLLAND HWY.
 AS, CA 91302

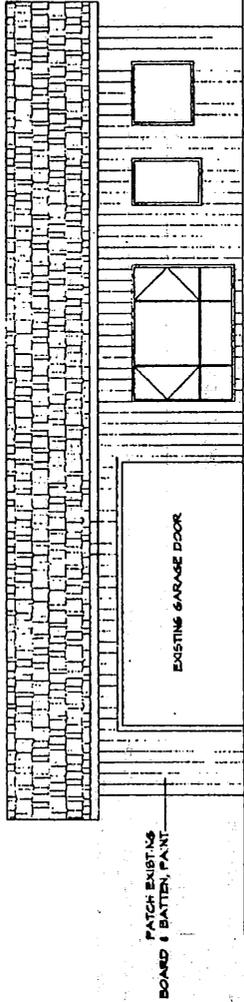
EXHIBIT NO. 2
APPLICATION NO.
4-02-224
SITE PLAN

EXTERIOR FINISH NOTES:

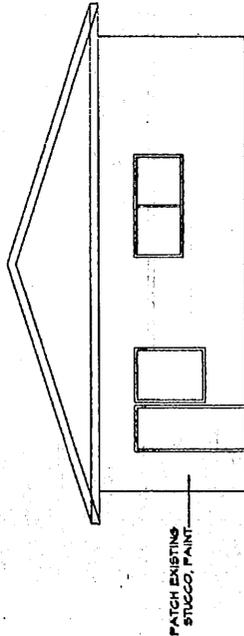
1. ALL PATCH WORK IS TO MATCH ADJACENT EXISTING FINISHES.
2. ADDRESS SIGNAGE SHALL COMPLY WITH COUNTY OF LOS ANGELES SIGN ORDINANCE AND FIRE DEPARTMENT REQUIREMENTS.
3. SEAL ALL EXISTING PENETRATIONS, EXISTING AND NEW WINDOW FRAMES AND DOOR FRAMES. SEAL ALL EXISTING AND NEW DOOR AND WINDOW FRAMES.
4. PATCH EXISTING BOARD & BATTEN PAINT.
5. STUCCO, COMPLY WITH LBC 2506 MANUF. "LA HABRA STUCCO" (818) 504-4180 OR EQUAL CMF SERIES 7/8" 5-COAT PROCESS OVER METAL LATH (COMPLY MIBC 2506) OVER 1/4" FELT SAID FINISH COAT COLOR TO MATCH EXISTING

FIRE DEPARTMENT NOTES:

1. CONSTRUCTION SHALL COMPLY WITH COUNTY OF LOS ANGELES FIRE DEPT. REQUIREMENTS.
2. PROVIDE A MINIMUM UNOBSTRUCTED 30" WIDTH CLEAR TO THE SKY, VEHICULAR ACCESS TO WITHIN 10' OF ALL EXITS OR TO THE EXTERIOR WALLS.
3. WALLS AND CEILING SHALL BE PROVIDED AND MAINTAINED SERVICEABLE THROUGHOUT CONSTRUCTION. FIRE CODE 9013
4. THE REQUIRED FIRE FLOW FOR PUBLIC HYDRANTS AT THIS LOCATION IS 1250 GALLONS PER MINUTE AT 20 PSI FOR A DURATION OF 2 HOURS, OVER AND ABOVE THE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 909.3
5. ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN TITLE 24, 504.1. WOOD SHINGLE AND WOOD SHAKE ROOFS ARE PROHIBITED REGARDLESS OF CLASSIFICATION UNDER JSC STANDARD 15-2. BUILDING CODE 9409.2
6. THE ROOF SHALL BE FIRE-STOPPED ON EAVES UNDER THE TILE. BUILDING CODE 9409.3
7. WALLS FORMING THE ENCLOSURE OF A BUILDING SHALL BE ONE-HOUR FIRE-RESISTIVE CONSTRUCTION ON THE EXTERIOR SIDE AS APPROVED BY THE BUILDING OFFICIAL. BUILDING CODE 9409.3
8. EXTERIOR WINDOWS, CURTAIN AND WINDOW WALLS, SKYLIGHTS, AND EXTERIOR DOORS SHALL BE MULTI-LANED PANELS. BUILDING CODE 9409.4
9. OPENINGS INTO ATTICS, FLOORS, OR OTHER ENCLOSED AREAS SHALL NOT EXCEED 44 SQUARE INCHES EACH. SUCH OPENINGS SHALL BE COVERED WITH CORROSION-RESISTANT WIRE MESH OPENINGS OF 1/4" INCH. BUILDING CODE 9409.5
10. PROVIDE SPARK ARRESTORS IN CHIMNEYS USED WITH FIREPLACES OR HEATING APPLIANCES IN WHICH SOLID OR LIQUID FUEL IS USED WITH OPENINGS NOT TO EXCEED 1/2 INCH. FIRE CODE 11B12. BUILDING CODE 91023.9
11. UNDER-FLOOR AREAS SHALL BE ENCLOSED TO THE GROUND WITH CONSTRUCTION AS REQUIRED FOR EXTERIOR WALLS. BUILDING CODE 9409.6
12. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 11122.1 WITH TITLE 24, 910.6.1 REGARDING FIRE-ALARMING SYSTEMS. SMOKE DETECTORS SHALL BE HARD WIRED WITH BATTERY BACKUP. SEE FLOOR PLAN FOR LOCATIONS.
13. PROVIDE ONE-HOUR FIRE RESISTIVE OCCUPANCY SEPARATION BETWEEN THE R-3 DWELLING AND THE U-1 GARAGE.
14. BUILDING ADDRESS NUMBERS TO BE PROVIDED 1/2 THE STREET NUMBERS SHALL 1/2 GROUND. FIRE CODE



SOUTH ELEVATION



EAST ELEVATION

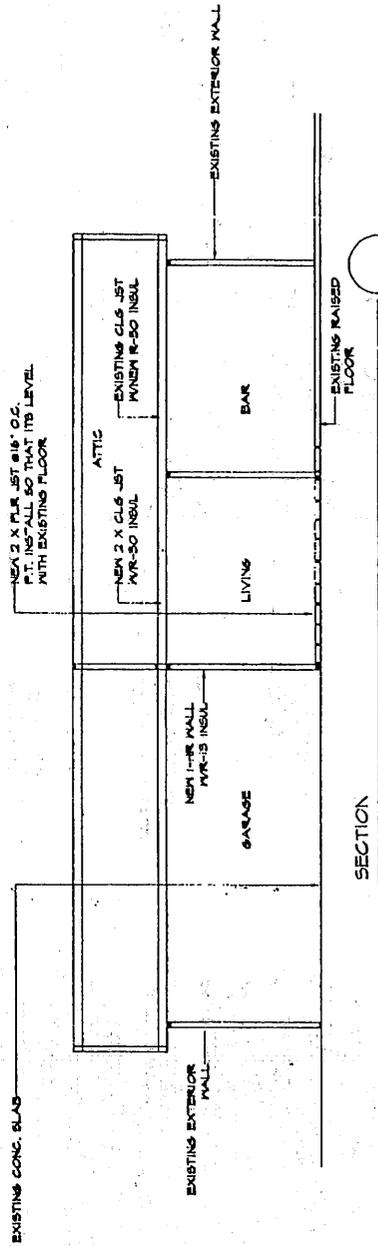


EXHIBIT NO. 4
APPLICATION NO.
4-02-224
ELEVATIONS