

CALIFORNIA COASTAL COMMISSION

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

Filed: 12/18/02
180th Day: 06/16/03
Staff: JLA
Staff Report: 5/20/03
Hearing Date: 6/11-13/03
Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-87-461-A3

RECORD PACKET COPY

APPLICANT: Gayle Daniel

PROJECT LOCATION: 400 Costa Del Sol Way, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 4,000 square foot single family residence, detached three level garage/guest unit, driveway, pool and septic system. Previously amended to rotate and move residence and detached garage/guest unit 30 feet to the west, add stairway, bathroom to utility area, and bridge access to garage from Costa Del Sol Way.

DESCRIPTION OF AMENDMENT: Revise the design of the previously approved detached three level garage/guest unit by converting the upper level garage over the existing guest unit to a 900 square foot studio, construct a new detached 484 square foot, 12-foot high two-car garage and placement of temporary construction trailer. The upper level studio will not have an interior access connection to the lower level guest unit.

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning, Approval In Concepts, dated 8/29/02.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-87-461-A2.

Staff Note

Due to Permit Streamlining Act requirements the Commission must act on this is permit amendment application at the June 2003 meeting.

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.

If the applicants 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 **approval** of the proposed project amendment with one special condition for the removal of the temporary construction trailer.

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. 5-87-461-A3 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.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, 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

All standard and special conditions previously applied to Coastal Development Permit 4-87-461-A3 continue to apply. In addition, the following new special condition is hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-00-192-A3.

Special Condition

6. Removal of Temporary Structure

With the acceptance of this coastal permit, the applicant agrees to remove the temporary construction trailer from the property within two years of the issuance of this Coastal Development Permit Amendment or within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the Los Angeles County, whichever is less.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is proposing to redesign the previously approved three level garage and guest unit by converting the upper level garage to a 900 sq. ft. studio (Exhibits 2-5). The applicant is also proposing to construct a new detached two car garage on a developed portion of the property directly adjacent to the residence (Exhibit 6). The proposed studio will not have any internal connection to the lower level guest unit. In addition, a bridge structure from Costa Del Sol Way to the previously approved upper level garage will be eliminated. The applicant is also proposing a temporary construction trailer during construction of the main residence which will be placed on an existing level area. The proposed studio will be served by the existing approved septic system for the guest unit/garage structure

The project site is located on Costa Del Sol Way which is accessed from Pioma Road in the Santa Monica Mountains, Los Angeles County (Exhibit 1). There is a public trail (Saddle Peak Trail) that runs along the shoulder of the Costa Del Sol Way.

The proposed detached two car garage is located directly adjacent to the residence on a portion of the previously approved driveway to the residence. The proposed detached

garage will not increase the fuel modification zone surrounding the proposed development. In addition, because the garage is sited between the residence and Costa Del Sol Way at an elevation below the roadway it will not result in adverse impacts to public views.

The Commission previously approved a 4,000 square foot residence, pool, driveway, septic system and a detached three level combination garage and guest unit. The upper level of the detached accessory structure was proposed as a two car 900 sq. ft. garage/storage, the second level was a 900 sq. ft. guest unit and the lower floor was another two garage accessed from a ground level driveway. The permit was amended twice to rotate and move residence and detached garage/guest unit 30 feet to the west, add a stairway, a bathroom to utility area, and bridge access to garage from Costa Del Sol Way. The permit was subject to the following five special conditions: 1) transfer of development credit; 2) open space easement; 3) revised landscaping plan; 4) assumption of risk and 5) future development restriction.

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

Based on the requirements of Coastal Act Sections 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 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 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 (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant is proposing to convert the previously approved upper level 900 sq. ft. garage of the three level garage/guest unit into an architect's studio. The studio unit is not intended to be a residential unit and does not have an internal connection to the guest unit on the second floor. The studio unit includes two rooms and a bathroom. The proposed studio unit is larger than the 750 sq. ft. in size limitation for second residential units and any future conversion of the proposed studio to residential space would not be consistent with past Commission actions on second residential units.

Special Condition 5 of the underlying permit requires the applicant or landowner to submit an amendment to the permit or obtain a new permit for any future improvements or additions to the approved structures/property including any conversion of the non-residential space to residential space. This condition ensures that any conversion of the of the studio to residential space will be reviewed by the Commission to ensure compliance with the 750 sq. ft. second unit requirement. In this case, the future development restriction has been recorded and is reflected on the title to the property. Therefore, a new future development restriction is not necessary in this case.

The applicant is also proposing a temporary construction trailer on the property during the construction of the main residence. To ensure the temporary trailer does not become a permanent second residential unit the Commission finds that it is necessary to require the applicant to remove the trailer within a two year period or within thirty days of the receipt of the certificate of occupancy for the residence which ever is less, as specified in **Special Condition 6**.

Therefore, the Commission finds that the proposed amendment as conditioned is consistent with Section 30250 and 30252 of the Coastal Act.

C. Local Coastal Program

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local 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 Development 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 are 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 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 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.

The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

LOS ANGELES CO.

LOS ANGELES CO.

SEE MAP 626

SEE MAP 628

MAP

MAP

7

6

5

4

3

2

1

629

A

B

C

D

SEE

589

MAP

E

F

G

H

MONTE NIDO

STATE PARK LANDS

16

BROWN LOMA

LOTH LN

2400 RD

ROUNDE MESA

W SADDLE

PIUMA

24500

COSTA DEL

24000

Site

91302

20

PIUMA

RD

VALLE LINDO LN

DONMAR RANCH RD

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

24000

90265

MALIBU

COAST

HWY

22300

CARBON

BEACH

22300

22300

22300

22300

22300

22300

PACIFIC

OCEAN

BIG ROCK

COAST

HWY

20600

20600

20600

20600

20600

20600

20600

20600

Exhibit 1

5-87-641-A3

Location Map

Exhibit 2
CDP 5-87-641-A3
Site Plan

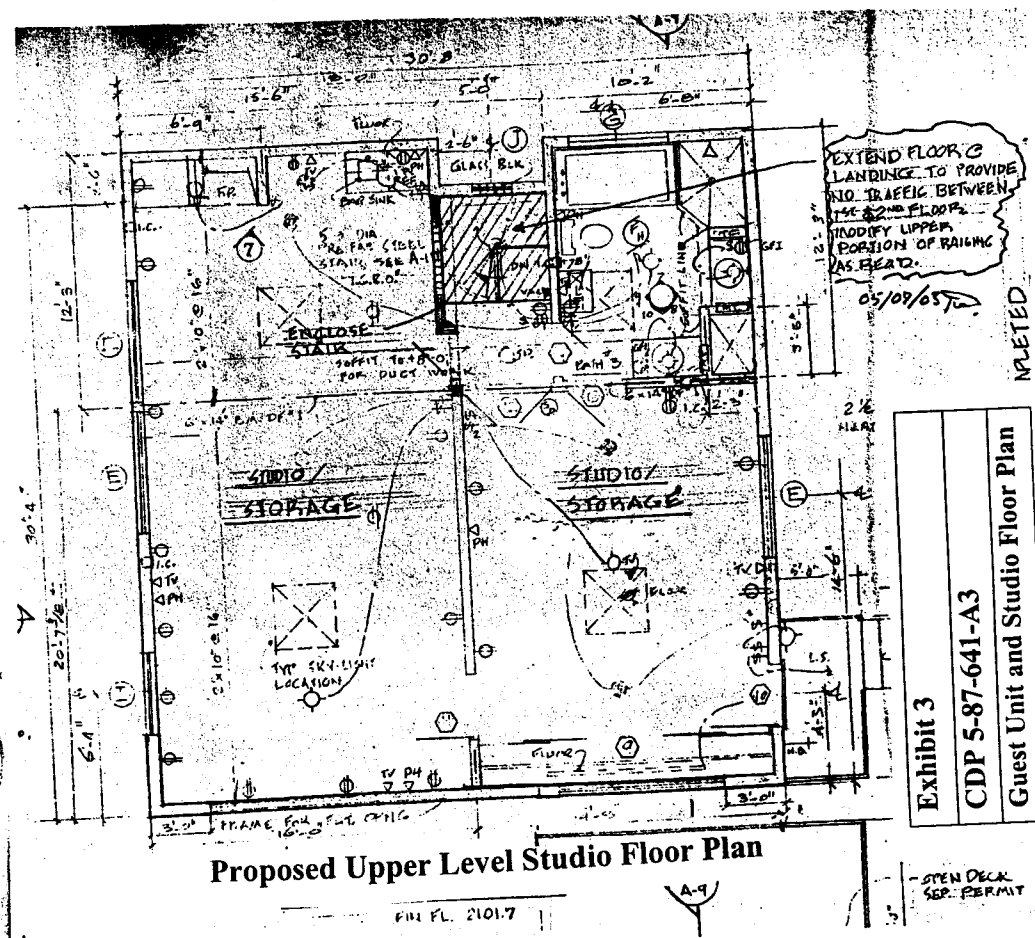
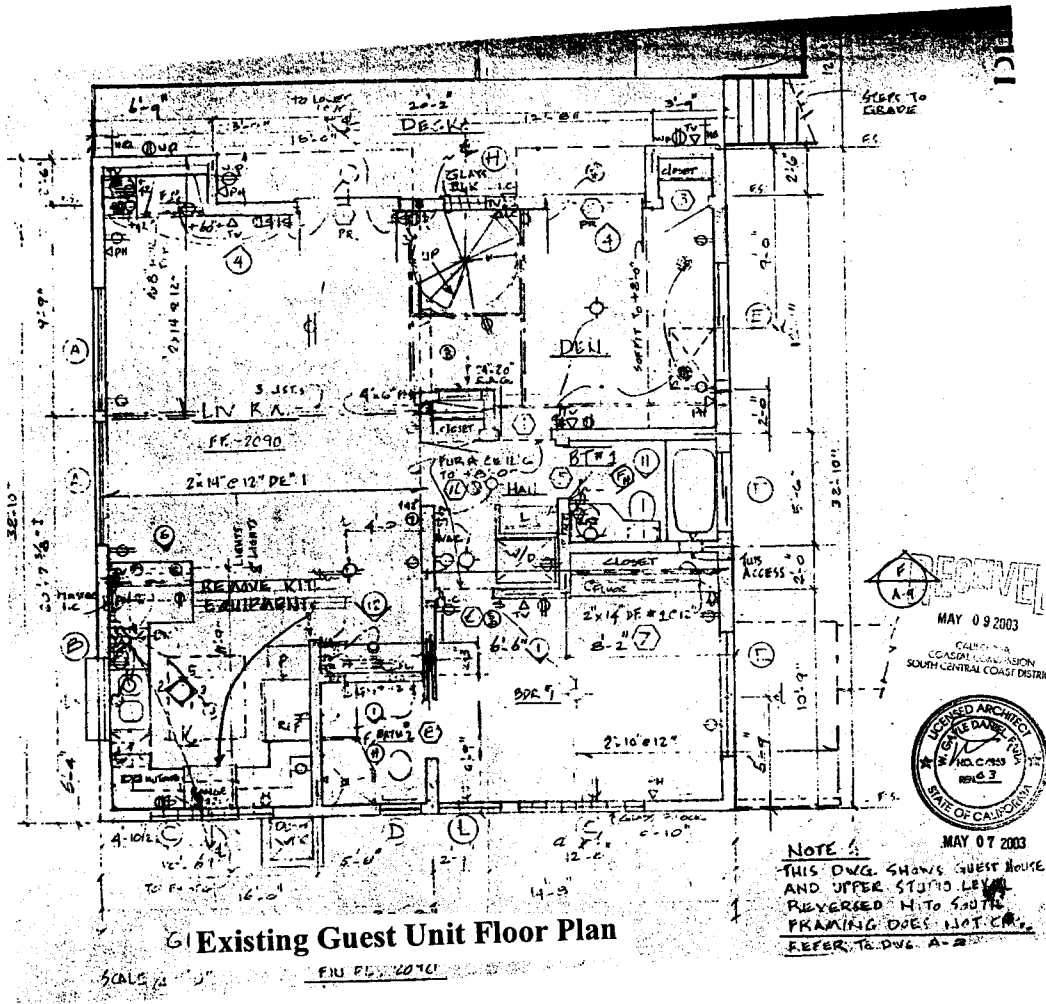


Exhibit 3
CDP 5-87-641-A3
Guest Unit and Studio Floor Plan

OPEN DECK
SEP. PERMIT

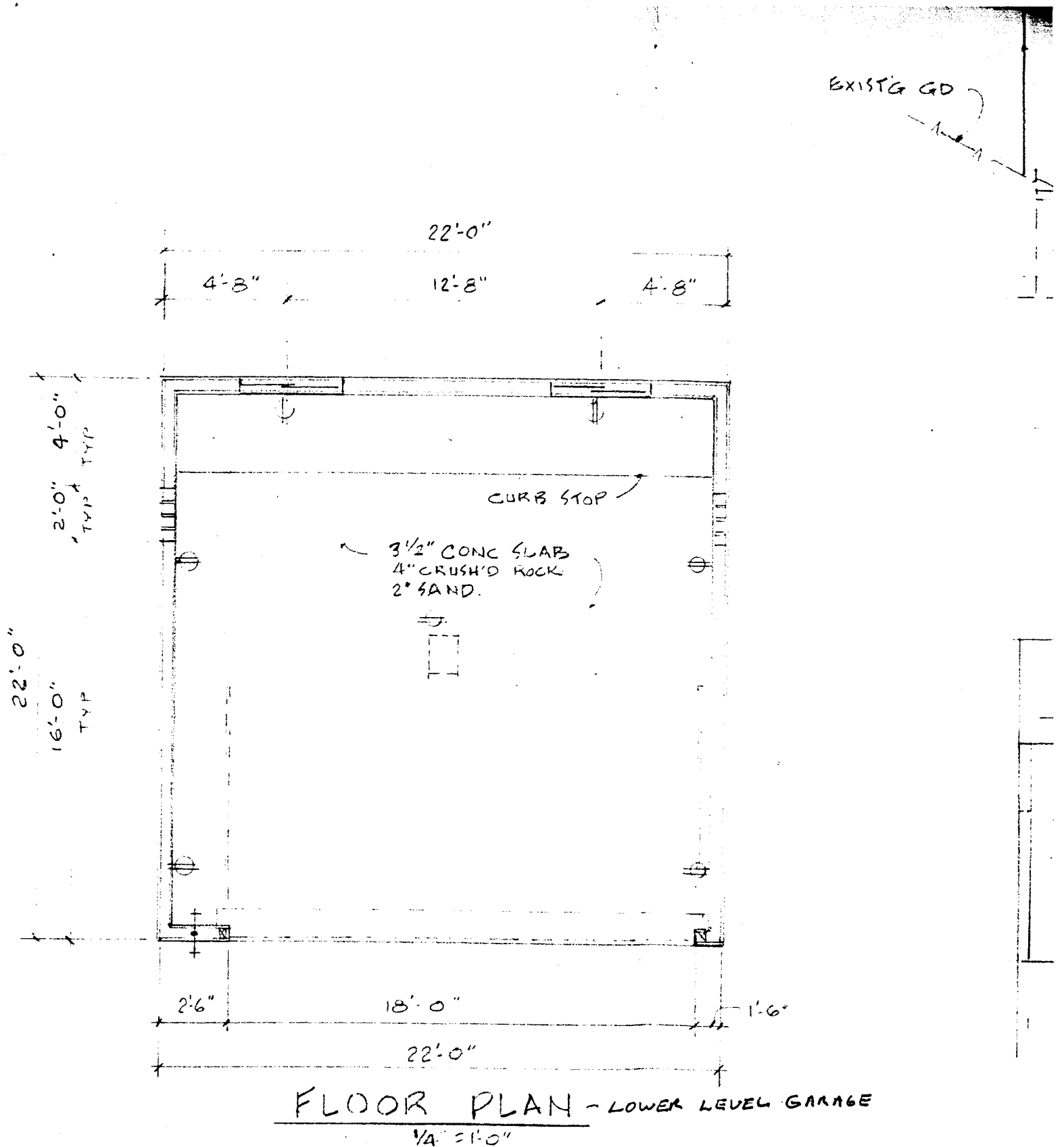
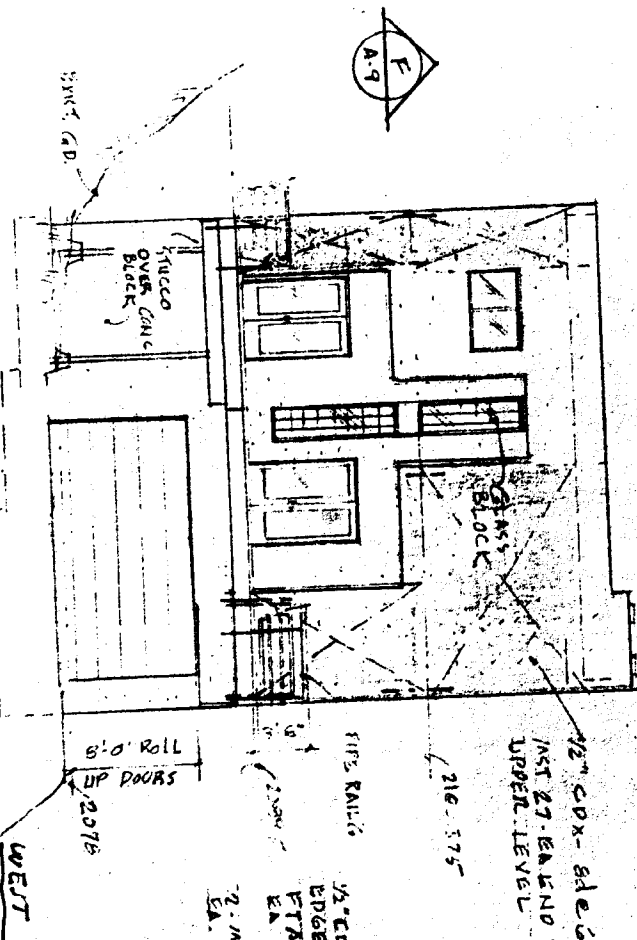
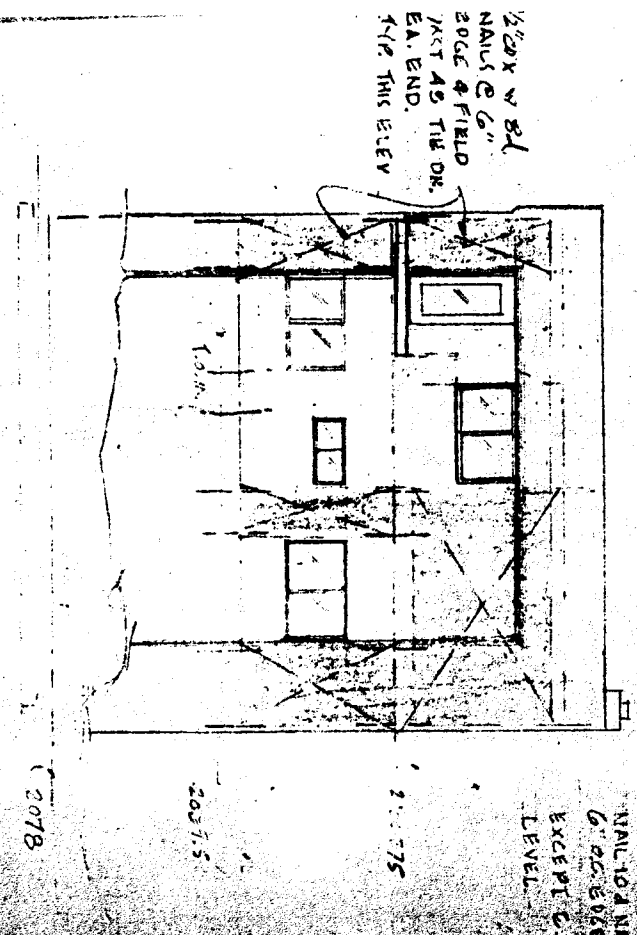
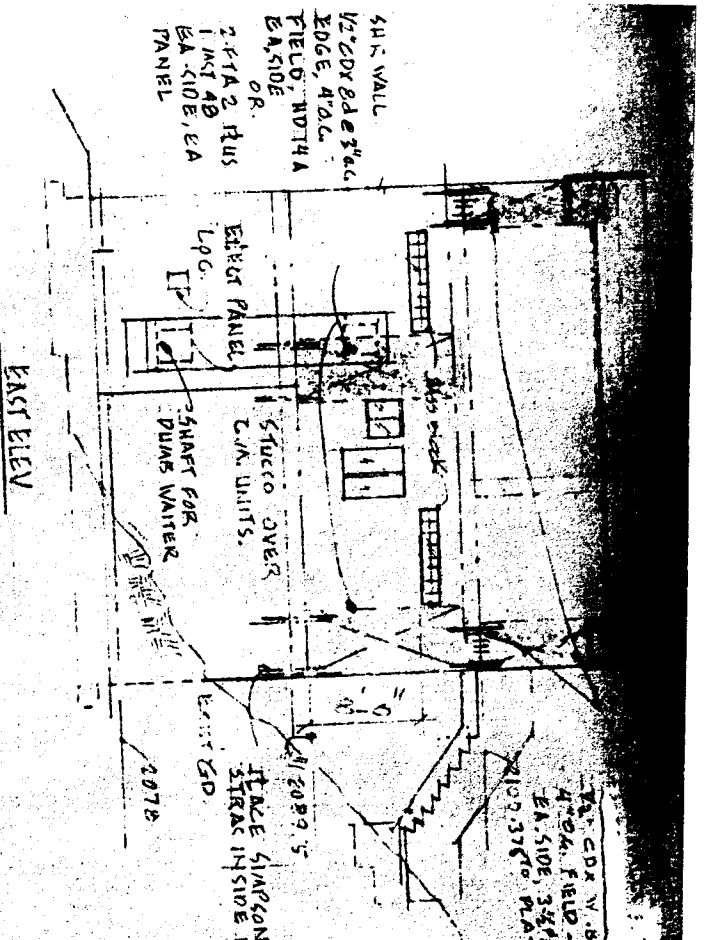
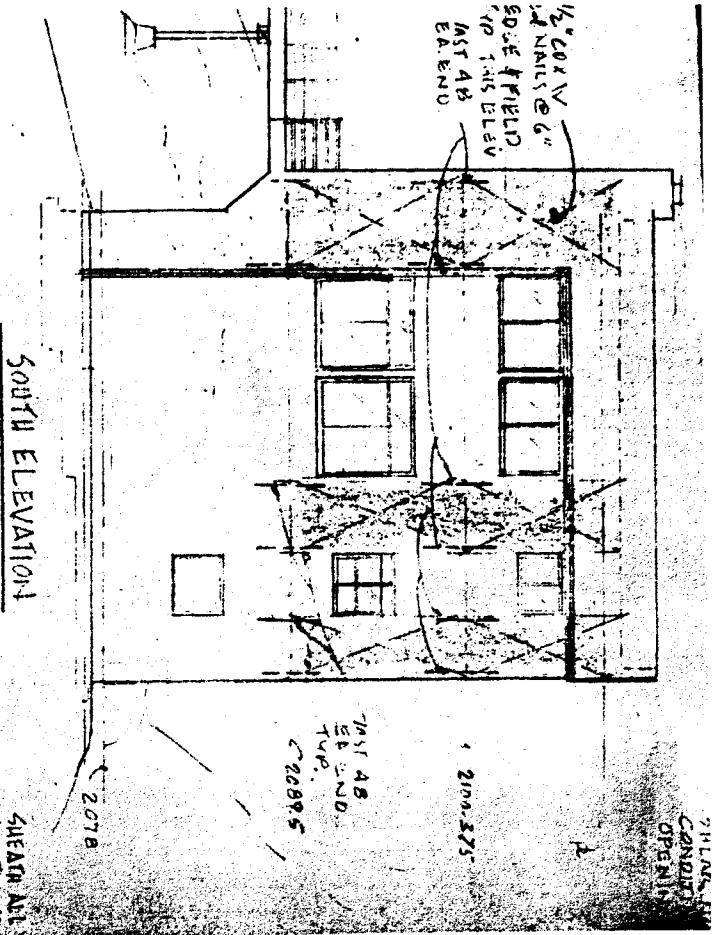
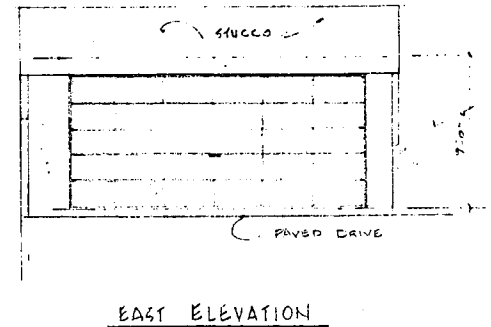
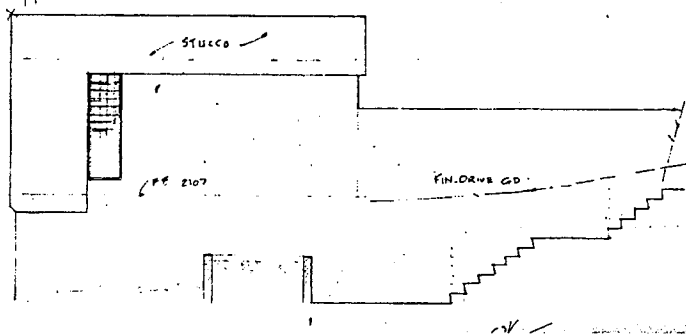
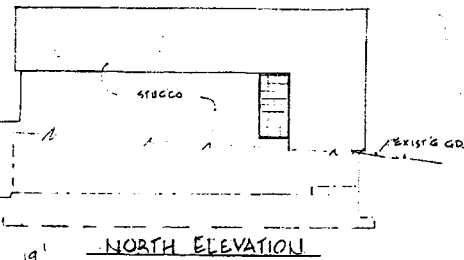
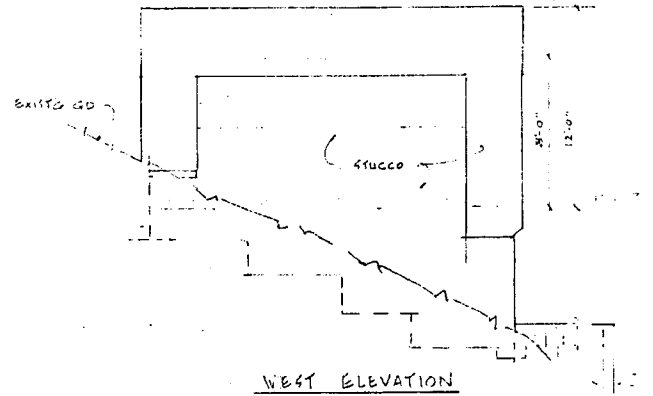
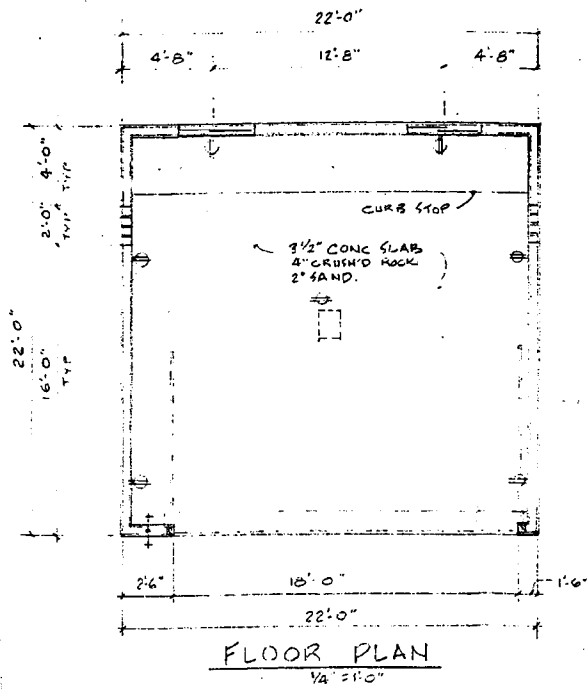


Exhibit 4
CDP 5-87-641-A3
Lower level Garage Floor Plan



SCALE ELEVATIONS 1/8"=1'-0"

Elevations of Garage/Guest Unit/ Studio



Proposed Garage Floor Plan and Elevations

Exhibit 6
CDP 5-87-641-A3
Proposed Detached Garage Floor Plan and Elevations

