

## CALIFORNIA COASTAL COMMISSION

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

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Staff: MB-V JB  
Staff Report: 11-30-95  
Hearing Date: 12-13-95



**W18h**

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-218

APPLICANT: Joseph and Forough Sagati AGENT: None

PROJECT LOCATION: 7044 Dume Dr., City of Malibu, Los Angeles County

DESCRIPTION: Construct 750 sq. ft. guest house with detached two car garage; enclose 200 sq. ft. deck on existing house; upgrade septic system

Lot Area	27,440 sq. ft.
Building Coverage	4,250 sq. ft.
Pavement Coverage	4,500 sq. ft.
Landscape Coverage	16,250 sq. ft.
Parking Spaces	4 covered
Zoning	SF-L 2 du/ac
Plan Designation	SF-L 2 du/ac
Project Density	2 du/a
Ht abv fin grade	18 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions regarding future improvements and wildfire hazard.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Condition.

### 1. Future Improvements Deed Restriction

Prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-95-218 is only for the proposed development and that any future additions or improvements to the guest unit will require a permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

### 2. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### IV. Findings and Declarations

The Commission hereby finds and declares as follows:

##### A. Project Description and Background

The applicant proposes construction of a 750 sq. ft. guest house, enclosure of 200 sq. ft. deck on the existing resident, and an upgrade of the septic system to 1500 gallons with addition of one more seepage pit. The new building will be single story with two rooms, two bathrooms, a kitchen and a small deck. There will be an adjacent, detached two car garage of 400 sq. ft.. There is already a 2800 sq. ft. single family residence with 500 sq. ft. detached garage on the 27,440 sq. ft. lot.

The existing residence is located in an area inland of Point Dume and inland of the first public road. (Exhibits I and II) The site of the guest house is located closer to Dume Dr. than the existing residence and connected thereto by a private access road.

An archaeological reconnaissance was performed for the site by the City Archaeologist (November 28, 1994) including a site visit with a Native American cultural resource consultant and a literature search. The study found no archaeological resources on the site.

##### B. Septic Systems

The proposed development includes an addition to an existing on-site septic system to provide sewage disposal. The addition has received approval in concept from the City Environmental Health Department. The Commission recognizes that the potential build-out of lots in the Malibu coastal area, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

Section 30231 of the Coastal Act states that:

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.

There is no review by a consulting engineer of the guest house or septic system. However, the City has evaluated (via "approval in concept") the addition new septic tank so that it could be constructed in conformance with the standards of this controlling governing agency. The Commission therefore finds that the project is consistent with Section 30231 of the Coastal Act and policies 217 and 218 and 226 of LUP.

C. Guest Units

Section 30250 of the Coastal Act states, in part:

(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 a significant adverse effects, either individually or cumulatively, on coastal resources.

Sections 30250 of the Coastal Act addresses the cumulative impacts of new development. Based on these policies, the Commission has limited the development of second dwelling units on residential lots in the Malibu coastal area. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads. In past permit decisions, the Commission has consistently restricted the construction of second units, whether for elderly use, guesthouses, or other purposes to a maximum of 750 square feet. The restriction on the size of such units is necessary given the traffic and infrastructure constraints which exist in the Malibu along with the large number of existing vacant residential lots.

As proposed, the 750 square foot guest house conforms to the 750 sq. ft. restriction imposed by the Commission. However, in order to ensure that no future additions are made to the guest house which would bring the unit out of conformance with the the 750 sq. ft. restriction, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new permit if additions or changes to the development are proposed in the future that might result in the guest unit exceeding 750 sq. ft. Only as conditioned is the proposed development consistent with Section 30250 of the Coastal Act

D. Wildfire Hazard

Section 30253 of the Coastal Act states in part that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

As the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Therefore, as conditioned the proposed project is consistent with Section 30253 of the Coastal Act.

E. Local Coastal Program.

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

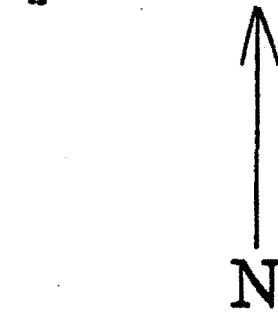
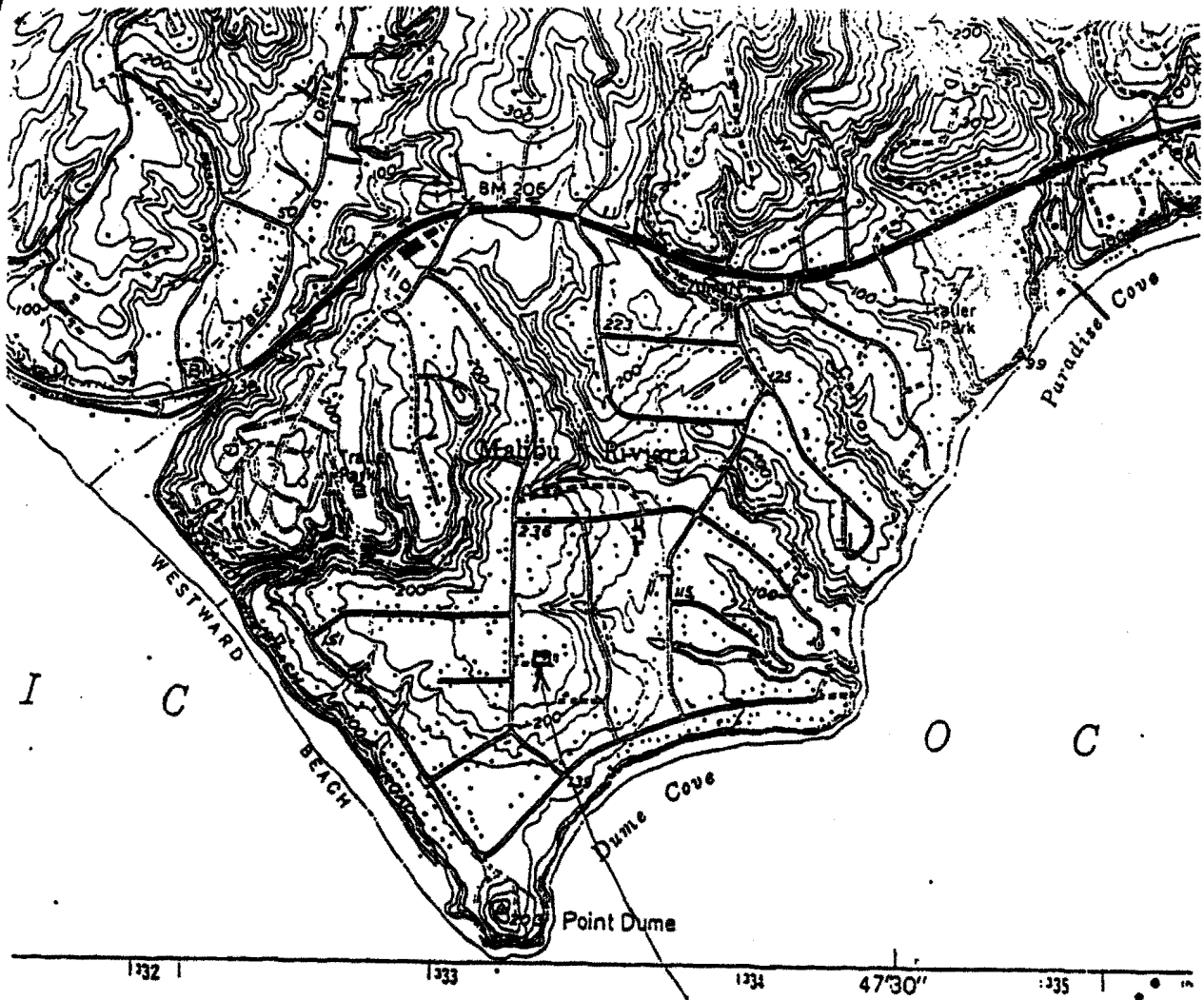
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment.

The proposed project, as conditioned will not have 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.



Scale 1: 24,000

Project area

EXHIBIT NO.	I
APPLICATION NO.	
4-95-218 (Sagat)	
Project Location	

Figure 1: Project Location, on portion of Point Dume USGS 7.5' Quadrangle.

