

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Commission Action:



STAFF REPORT: REGULAR CALENDAR

**W24b**

APPLICATION NO.: 4-96-046

APPLICANT: Richetta LaVoie AGENT: Barry Robles, Architect

PROJECT LOCATION: 3180 Sumac Ridge, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Construction of a new 996 sq. ft., 4 car garage, with a 1,037 sq. ft. second floor guest house.

Lot area: 50,529 sq. ft.  
Building coverage: 1,037  
Pavement coverage: 8,300  
Parking spaces: 8  
Ht abv fin grade: 17'-9"

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department Approval in Concept, City of Malibu Environmental Health Department Septic Approval in Concept.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Geologic and Soils Engineering Investigation, dated November 4, 1994, prepared by Alpine Geotechnical, and four addendum reports dated November 7, 1994, March 27, 1995, August 22, 1995, and February 2, 1996, also prepared by Alpine Geotechnical.
2. Certified Malibu/Santa Monica Mountains Land Use Plan
3. City of Malibu Municipal Code
4. Pacific Coast Highway (ACR 123), California Department of Transportation, December, 1983
5. Coastal Development Permits: 4-95-054 (SAM Trust); 5-88-443 (O'Conner)
6. Local Coastal Program (LCP) Amendments: City of Encinitas LCP Amendment 1-95-B; Del Norte County LCP Amendment #1-95; Santa Barbara County LCP Amendment #3-93-B;.
7. Coastal Development Permit 4-95-237 (Revised Findings)
8. Coastal Development Permit 4-95-243 (Revised Findings)

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed project with special condition requiring the submittal of revised plans which illustrate that the interior floor space of the proposed guest house does not exceed 750 sq. ft.. Staff further recommends conditions regarding future development, geologic recommendations and wildfire waiver of liability.

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I. STAFF RECOMMENDATIONApproval 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 Conditions

#### 1. Revised Plans

Prior to the issuance of the permit, the applicant shall submit revised plans, for the review and approval of the Executive Director, which illustrate that the interior floor space of the proposed second unit (guest house) does not exceed 750 sq. ft.

#### 2. Future Development:

Prior to the issuance of a coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the interior floor space of the second unit (guest house) shall not exceed 750 sq. ft. and that any future structures, additions or improvements to the property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit from the Coastal Commission or its successor agency. Removal of vegetation consistent with L. A. County Fire Department standards relative to fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

#### 3. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geologic and Soils Engineering Investigation, dated November 4, 1994, prepared by Alpine Geotechnical, and four addendum reports dated November 7, 1994, March 27, 1995, August 22, 1995, and February 2, 1996, also prepared by Alpine Geotechnical, shall be incorporated into all final design and construction including foundations, septic systems, and drainage, all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to the issuance of the coastal development permit, the applicant shall submit evidence for the review and approval of the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, septic systems, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

#### 4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant 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:

##### A. Project Description

The applicant is proposing to construct a 996 sq. ft. garage to replace a 630 sq. ft. garage destroyed by the 1993 Old Topanga Firestorm. It should be noted that the proposed 4 car garage consists of two individual 2 car garages connected by a common wall but not by a common door way, and that each garage unit has an individual private entrance. The applicant further proposes the construction of a new 1,037 sq. ft. guest house on the second floor of the garage structure to replace a 700 sq. ft. guest house also destroyed by the firestorm. Both the garage and guest house will combine to create a 2 story, 17'-9", 2,033 sq. ft. structure, on a 1.16 acre lot located in the La Costa area of the City of Malibu. It should be further noted that the destroyed guest house existed on an adjacent lot also owned by the applicant and that the lot subject to this permit approval contained only a 630 sq. ft., 2 car garage and a 2,582 sq. ft. single family residence (SFR) prior to the firestorm.

At the proposed development site a 1,554 sq. ft. SFR is proposed to be rebuilt to replace a 2,582 sq. ft. SFR destroyed by the fire of 1993. The rebuilding of this structure is exempt under the provisions of Section 30610(g)(1) of the California Coastal Act as the SFR is smaller than the destroyed structure and is sited at the same location on the lot as the destroyed structure. Under the current Malibu LUP, which the Commission considers as guidance, the site is designated as a combination of Residential I (one dwelling per acre) and Rural Land III (one dwelling per two acres). The site is located in a fairly builtout area of the City of Malibu, and most of the structures located in this area are rebuilt single family residences that were also destroyed by the 1993 firestorm.

##### B. Background

Staff notes that the issue of second units on lots with primary residences has been the subject of past Commission action in the certification of the Malibu Land Use Plan (LUP). In its review and certification of the 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 given the small size of the units (750 sq. ft.) and the fact that they are likely to be occupied by one or at the 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) than an ordinary single family residence would [Certified Malibu Santa Monica Mountains Land Use Plan 1986, pg. 29 and P.C.H. (ACR), 12/83 pg. V-1 - VI-1].

This 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 functions which in large part consist of: 1) a second unit with kitchen facilities (includes a granny unit, caretaker's unit and

farm labor unit); and, 2) a guesthouse, without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to insure consistency with the Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, pg. 29).

### C. Cumulative Impacts of New Development.

The proposed project involves the construction of a second unit which is defined under the Coastal Act as new development. New development raises issue with respect to cumulative impacts on coastal resources. In particular, the construction of a second unit on the site where a primary residence exists intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads. Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development.

Section 30250(a) of the Coastal Act states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30252 of the Coastal Act discusses new development requiring that the location and amount of new development should maintain and enhance public access to the coast. The section enumerates methods that would assure the protection of access and states that such maintenance and enhancement could be received by (in part), "...providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads... and by, assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by..."

In addition, the certified Malibu LUP, which the Commission certified as consistent with the Coastal Act and now considers as guidance for implementing the Chapter 3 policies of the Coastal Act, contains policy 271 which states:

"In any single-family residential category, the maximum additional residential development above and beyond the principal unit shall be one guesthouse or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."

As explained in the preceding Background Section the issue of second units on lots with primary residences relative to consistency with the new development policies of the Coastal Act has been a topic of local and statewide review and policy action by the Commission. These policies have been articulated in both coastal development permit conditions and policies and implementing actions of LCPs. Further, the long-time Commission practice in approving development has upheld the policies, for example 750 sq. ft. size limit in the City of Malibu. This policy has been upheld in several hundreds of coastal development permit approvals, most recently in March of this year when the Commission heard the revised findings for Perman; 4-95-237, and Cortazzo; 4-95-243, when the applicants sought to construct second units of 1,200 sq. ft. and 1,196 sq. ft. respectively.

To get greater understanding of the statewide practice regarding second units, an examination of Commission practice is in order. With respect to LCPs and subsequent amendments that have been certified by the Commission, other cities and counties have strictly defined the size, location and use of second units. Staff review of LCP implementation policies indicates that typical limitations placed on their development include: a maximum size restriction; the allowance of no more than 1 (one) second unit; the location in proximity to the primary residence of less than 250 ft.; the approval of a conditional use permit; the use of sewer rather than septic system; and, the assurance that parking and circulation will not be adversely impacted (see Exhibit 6a & 6b).

As reviewed by staff several LCPs have been amended to include revised provisions to the implementation component of the LCP. At the October 1995 hearing, the Commission approved revisions to the City of Encinitas (LCPA 1-95-B) and County of San Luis Obispo (LCPA 2-95) LCPs. Under the City of Encinitas LCP, second units were limited to 750 sq. ft. and guest houses were limited to 640 sq. ft. The City's LCP allows no more than 1 unit per site, where the minimum lot size must be greater than 10,000 sq. ft. This policy is more restrictive than the City of Malibu's in that the second unit potential for permanent occupancy is afforded an additional 110 sq. ft. (750 sq. ft.) and the guest house is limited to a smaller sized unit (640 sq. ft.). The approved County of San Luis Obispo amendment encouraged smaller detached units of 640 sq. ft. to 800 sq. ft. However, the amendment also allows structures up to 1200 sq. ft. in size providing that lots which are on private septic systems are a minimum of 1 acre in size. In the case of the larger second units, the LCP placed performance standards on such approvals and required that detached second units could only be approved on a 1 acre site or larger where the site is served by on-site septic system. Additionally, where the larger units are proposed on lots in a land use category other than residential, the site must be larger than five acres. In contrast to the City of Malibu, there are no lot size minimums and the geographic area contains a vast number of lots which are smaller than 1 acre.

Under Santa Barbara County's LCP amendment #3-93-B (certified by the Commission in 1994) there were revisions to the County's Housing Element programs that were located within the coastal zone. The amendment contained a number of components which included provisions for both attached and detached guest units. Specific review of policies pertaining to detached second units find that the County's certified LCP limits the size of second units to 1,000 sq. ft. and precludes the construction of second units within rural residential areas (such as Tecolote Canyon and Summerland) and within land use designations of Special Problem Areas or Special Treatment Areas. Furthermore, the total gross floor area of all covered structures, including

the detached residential second units can not exceed 40% of the gross lot area. As such, the County estimated the total potential buildout of detached second units within the County Coastal Zone at only 49 units. This is in certifying this amendment, the Commission found that the limited number of second units would not compete significantly with Coastal Act priority land uses for limited public resources. In addition the Commission found that by limiting the location of the second units to existing residential developed areas where sufficient infrastructure was available to accommodate the increased demand further insured consistency with the applicable cumulative impact sections of the Coastal Act. Thus, 1,000 sq. ft. was appropriate where only 49 units were contemplated and where there was enough infrastructure. This is in contrast to the Malibu/Santa Monica Mountains area where 2,110 residential units are the maximum number of units which may be constructed prior to the construction of upgrades to the existing infrastructure (Policy 274 of the Malibu LUP, which is considered as guidance). This policy is based on evidence that the area's infrastructure cannot support more development [Certified Malibu Santa Monica Mountains Land Use Plan 1986, pg. 29 and P.C.H. (ACR), 12/83 pg. V-1 - VI-1].

More recently in 1995, the Commission certified Del Norte County LCP amendment #1-95 which involved the establishment for a use permit procedure to allow (in part) for second units. The Commission found that the permanent and temporary placement of second units was consistent with the County's LCP based on modifications that insured that the second units were consistent with the allowable land use plan density and that the subject parcel was twice the minimum parcel size. In the case of granny units which were proposed for senior housing, the size of the units were limited to 700 sq. ft. As proposed by the County and modified by the Commission, second units were not allowed on all sites where the construction of such a unit would conflict with the maximum density under the LUP map certified by the Commission. Moreover, the Commission found that an increase in the County's existing densities, which were established in order to insure that adequate services were available to accommodate allowable future increases in development, would create adverse impacts on coastal resources. In comparison to Del Norte County, the Malibu area does not require a minimum lot size to construct a second unit. In addition, the size of the units are restricted to a maximum of 700 sq. ft. as opposed to the allowed 750 sq. ft. in the Malibu/Santa Monica Mountains area (or 1200 sq. ft. as proposed by the City). As set forth above, the Commission has certified policies and implementing measures that are at the present more restrictive than what is presently imposed in this area of the coast.

With respect to permit conditions, Commission action on second units and guesthouses has varied based upon such factors as the types of units proposed, the differences in conditions (or lack thereof) attached by local governments, and differences in the characteristics of the communities where such units are proposed. In the case of the City of Malibu and the unincorporated Santa Monica Mountains, limitations on the size of second units/guesthouses have historically been placed on their construction for several reasons still existent today. First, as stated in the previous section a second unit is normally characterized as a self-contained dwelling unit with kitchen facilities on a parcel that is developed with a single family residence. Second units as typically described would include a granny unit, caretaker unit or farm labor unit. In areas, such as the City of Malibu, where public

service capacities are limited to support Coastal Act priority land uses (i.e. commercial visitor serving) and public access to the coast, the limit in size of the guest unit ensures against the potential for a large number of occupants. As such, the smaller number of occupants which would range from one to two persons ensures a limited impact on both traffic and sewage disposal. Second, the smaller sized second unit/guesthouse reduces the likelihood that these structures will become separate dwelling units. Third, as set forth in the Malibu LUP, the Commission has found limitations to the capacity of Pacific Coast Highway to serve additional development. Policy 274 of the LUP includes a cap on the number of residential units and commercial square footage which may be approved before improvements to Pacific Coast Highway are made. As stated in this policy, the second units/guesthouses are assigned a half residential unit allocation based on their small size and limited occupancy of these structures. The basis for imposing caps on the number of residential units and the square footage of commercial development and the necessary improvements to the highway came from data designed to measure highway capacity produced by the California Department of Transportation (Certified Malibu/Santa Monica Mountains Land Use Plan 1986, pg. 29). To date, no improvements to the existing infrastructure has occurred and, therefore, there is no basis to alter the present policy, which limits development as certified by the Commission in certifying the LUP.

The Coastal Act requires that new development be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impact problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects. Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. In addition, future build-out of second units on each existing lot within the Coastal Zone would create adverse cumulative impacts on coastal resources and public access.

Due to the fact that the applicant is proposing a 1,037 sq. ft. second unit/guest house, the Commission finds that the larger unit will have cumulative impacts, typical to those of a small house. Within the Malibu/Santa Monica Mountains area, the Commission has adopted several policies to ensure that the cumulative impacts of proposed development are adequately mitigated. One example is found in development approvals within the Small Lot Subdivisions where the size of the structure is based on the size and slope of the lot (with a minimum structure size of 500 sq. ft.) [Malibu/Santa Monica Mountains Land Use Plan, policy 271(b)(2)]. As such, the cumulative impact of constructing residential structures on small lots is mitigated due to the capacity of the area to support it, by insuring that the intensity is proportionate to the density of the proposed development.

A second example is in response to the issue of build-out and potential subdivisions of existing legal lots. Here the Commission has consistently required, as a special condition to development permits for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC)



program as mitigation (155-78, Zal; 158-78, Eide; 182-81, Malibu Deville; 196-86, Malibu Pacifica; 5-83-43, Heathercliff; 5-83-591, Sunset-Regan; and 5-85-748, Ehrman & Coombs). The TDC program resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time new parcels or units were created. The intent was to insure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

As stated previously, the proposed project has received Approval in Concept from the City of Malibu. This approval was granted based on consistency with the City of Malibu Municipal Code which allows for one second unit of up to 1200 sq. ft. and guest units up to 750 sq. ft. providing that proposed development is consistent with the maximum lot coverage. Staff notes that on July 12, 1995, the Coastal Commission's South Central Coast office submitted a comment letter on the Notice of Preparation of a Draft Environmental Impact Report from the City of Malibu for the City of Malibu General Plan and LCP. Further, on October 18, 1995, the Coastal Commission's South Central Coast office forwarded a comment letter regarding the City of Malibu's Draft Environmental Impact Report for the City of Malibu General Plan and LCP. As set forth in both letter, Commission staff raised concerns with the fact that the environmental impacts that would result from the proposed density and intensity of development, specifically the proliferation of large second units, within the City were not adequately addressed. Moreover, prior to the transmittal of both letters, Commission staff had conducted several meetings with City staff specifically to discuss the creation of performance standards for approving second units/guesthouses to a size consistent with the intent of past Commission action.

As evidenced in other certified LCPs, the issue of second units relative to coastal zone resources and public access is unique to each coastal community. As such, the Commission finds that an expansion of the current second unit/guesthouse size limitation is not in order, given that the City has not produced any updated technical studies or new information since the 1986 Plan, which might support the applicant's applications. This planning issue, more appropriately, should be resolved in the LCP. The Commission finds that given that a cumulative impacts study that counts the actual number of lots that could potentially contain second units and or guesthouses has not been performed by the City or anyone else, a deviation from the present 750 sq. ft. policy would result in a tremendous incremental increase in development. As evidenced in the past permit approvals and existing Land Use Designation Maps for this area, the Commission acknowledges that the vast majority of the area is developed with single family residential structures. This indicates that a large number of lots could be subject to future development of second units. Further, the Commission finds that allowing one 1,037 sq. ft. second unit/guest house in addition to a single family residence or allowing one 1,037 sq. ft. second unit/guest house and an additional 750 sq. ft. guest unit in addition to a single family residence would be similar to allowing a parcel to be subdivided without performing the environmental analysis necessary to approve such development. The Commission finds that any future cumulative impacts study should include the review of impacts associated with constructing a second or potential third septic system on sites subject to instability.

In addition, the Commission staff does not have any evidence that the required infrastructure upgrades (as stated in Policy 274 of the certified Malibu LUP which is considered as guidance) are no longer necessary. Where modifications to past restrictions are proposed, it is incumbent upon the responsible jurisdiction to provide evidence and to outline some sort of "performance standards" to insure the second units would not do the following: 1) significantly out-compete Coastal Act priority land uses; 2) increase the demand on existing infrastructure in a way that would impact coastal resources; and, 3) inhibit public access to the coast. As stated above, the traffic and build-out study are outdated and new studies analyzing the necessary improvements to Pacific Coast Highway based on the potential residential and commercial development have not been conducted or submitted to the Commission for consideration. Therefore, the Commission has no new evidence shedding doubt on its earlier findings. For all of the reasons stated above, a revision from the Commission's prior policy of limiting residential development to one SFD and one detached 750 sq. ft. second unit/guesthouse is not appropriate. Special Condition #1 has been drafted to require the applicant to revise the project plans to reflect a 750 sq. ft. second unit.

In comparing the 1,037 sq. ft. unit against a 750 sq. ft. unit, the 750 sq. ft. unit might also include a driveway, septic system, fire clearance, etc., however, the smaller unit would still be seen as an ancillary or accessory use to an existing SFD in that they typically do not become or have less potential to become full-time rental units. Although the increase in square footage may only be 287 sq. ft, the cumulative impacts is much greater because the additional space results in a structure size that contains two bedrooms, a full bathroom, a dining area and full kitchen and can become permanent rental or living quarters for a family of three to five. As such, the additional 287 sq. ft. that could accomodate a family of three to five would also typically result in two cars, a larger septic system, more visitors, and a greater number of vehicle trips than a smaller 750 sq. ft. structure. The smaller 750 sq. ft. structure which is typically not occupied full time would only be occupied by one or two persons with one car at most, less septic capacity, less visitors and a smaller number of vehicle traffic trips and, therefore, results in a less intense use of the site. The Commission notes that a large number of the 750 sq. ft. structures, as presently constructed, are utilized in the capacity of rental units. Rental units differ from guest and granny units in that the daily trips associated with a full time occupant would typically exceed that of a guest's visit or senior citizen's occupancy. The increase in trips would impact the area's main ingress and egress, and thereby impact public access. Because of the smaller size of the unit, a separate driveway, or in this case parking area, is not typically proposed and usually no garage is proposed, the unit can use a small septic system with a leachfield common to the SFD or a reduced number of seepage pits, and area of total vegetation removal is minimized (given the unit's close proximity to the SFD). Additionally, a 750 sq. ft. guest house typically does not have kitchen facilities.

In this specific case, a separate 4 car parking area is proposed adjacent to the proposed 4 car garage/guest house structure. It should further be noted that the proposed 4 car garage consists of two individual 2 car garages connected by a common wall but not by a common door way, and that each garage unit has an individual private entrance. Therefore, one of these garage units

could easily serve as a two car garage for the second/guest unit. A two car garage along with the increased square footage would clearly have all the impacts of a bonafide permanent second residential unit, as opposed to the impacts of a typical 750 sq. ft. guest house/second unit. In addition, The Commission finds that the development of a larger unit would allow for permanent residency to be established on the site where one primary residence already exists and would thereby increase the traffic generation into the coastal zone. As explained in the preceeding paragraph, the larger unit could accomodate a family of three to five and as such the family would require a greater number of daily trips. In addition, a family accomodated by a larger unit would seek recreational uses in an area where recreational opprotunities primarily consist of limited public beach areas with limited parking. The increase in vehicle traffic in combination with the present congestion realized on PCH and the limited public beach opprotunities in this area would result in potential impacts on public access to the coast.

The Commission notes that concerns about the potential future impacts on coastal resources and coastal access might occur with any further development of the subject property. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the development of the additional unit in this area. Therefore, the Commission finds it is necessary to require the applicant to include a future improvements deed restriction that specifically limits the size of the second unit consistent with Special Condition #1. Thus the findings and special conditions attached to this permit will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Chapter 3 policies of the Coastal Act. The Commission finds that as conditioned, the proposed project is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

#### D. Geologic Stability

Section 30253 of the Coastal Act states:

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, geologic 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 vegetation, thereby contributing to an increased potential for erosion and landslide on the property. The applicant has submitted a Geologic and Soils Engineering Investigation, dated November 4, 1994, prepared by Alpine Geotechnical, and four addendum reports dated November 7, 1994, March 27, 1995, August 22, 1995, and February 2, 1996, also prepared by Alpine Geotechnical.

The November 4, 1994, report states:

Based upon the exploration performed for this investigation, it is our finding that construction of the proposed rebuilding of the burned residence is feasible from a geologic and soils engineering standpoint, provided our advise and reccomendations are made a part of the plans and are implemented during construction.

The subject property is considered a suitable site for the proposed rebuilding from a geologic and soils engineering standpoint. It is the opinion of the undersigned that the proposed development will be safe against hazards from landslide, settlement or slippage, and that the proposed development will not have an adverse effect on the geologic stability of the property outside the building site provided our reccomendations are followed during construction.

Based on the recommendations of the consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist as conforming to their recommendations. Furthermore, due to the fact that 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 wavier 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. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

#### E. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, 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, minimizing alteration of natural streams.

The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed 1,000 gallon septic system is sufficient to accomodate the septic output of the proposed guest house and SFR, and is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 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 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).

G. 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 that have not been adequately mitigated. 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.

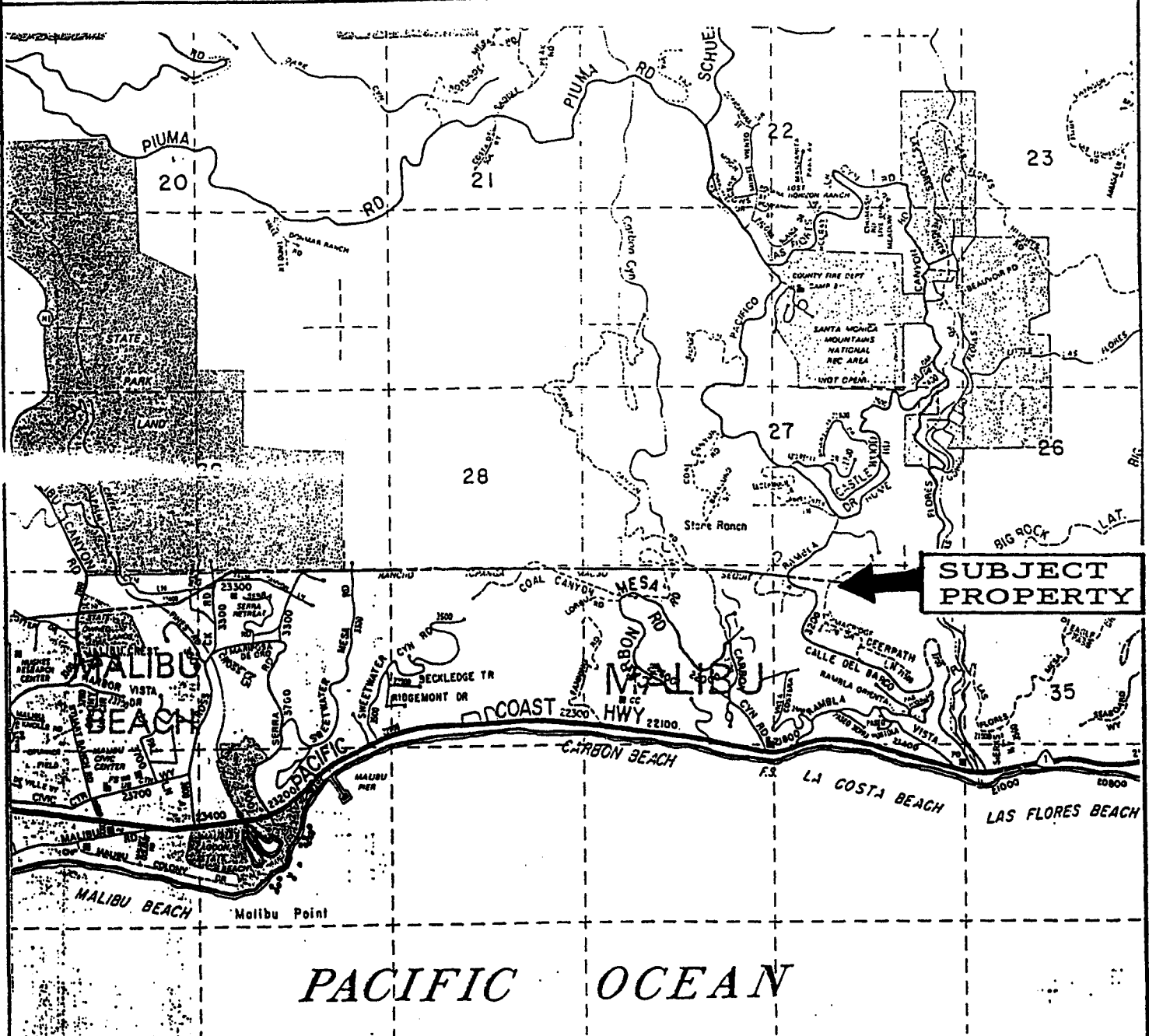
TAD-VNT  
2056M

# ALPINE GEOTECHNICAL

P.O. BOX 5417 VENTURA, CA 93005  
(805) 284-5832

BY: PMCD DATE: 11/04/94  
REF: THOMAS GIUDE, LA 114  
SCALE: 1" = 2800'

CLIENT: LAVOIE  
SUBJECT: VICINITY MAP  
AG: 267-G



SCALE: 1" = 2800'

## VICINITY MAP

EXHIBIT NO. 1
APPLICATION NO.
4-96-046

**BUILDING PLAN NO.**

Notes:  
1. Plans shall be subject to all other applicable laws and regulations of the City of San Diego, including but not limited to the Building Code, and shall be subject to the City of San Diego's rules and regulations.  
2. The City Engineer's office shall be responsible for the review and approval of all plans submitted to the City of San Diego.  
3. The City Engineer's office shall be responsible for the review and approval of all plans submitted to the City of San Diego.  
4. The City Engineer's office shall be responsible for the review and approval of all plans submitted to the City of San Diego.

Legal Description: 1528 Sunnyside Road, Lot 100 & 101  
Property Description: 441-016-046 and 441-016-047  
Lot Area: 1.15 acres or 49,000 sq. ft. or more or 10,000 sq. ft.  
Front Setback: 10 ft. or more  
Side Setback: 5 ft. or more  
Rear Setback: 10 ft. or more  
Height: 35 ft. or more  
Floor Area: 10,000 sq. ft. or more  
Number of Units: 10 or more  
Type of Use: Residential

Architect: BERRY FORBES ASSOCIATES, ARCHITECT  
1100 G STREET, SAN DIEGO, CALIFORNIA 92101  
PLANNING  
ARCHITECT  
1100 G STREET, SAN DIEGO, CALIFORNIA 92101  
TEL: 595-1700  
FAX: 595-1700

**Phase One and Phase Two  
Five Rebuild of Residence  
3180 Sunnyside Road  
Malibu, California**

Table with 2 columns: Item, Description

Table with 2 columns: Item, Description

Table with 2 columns: Item, Description

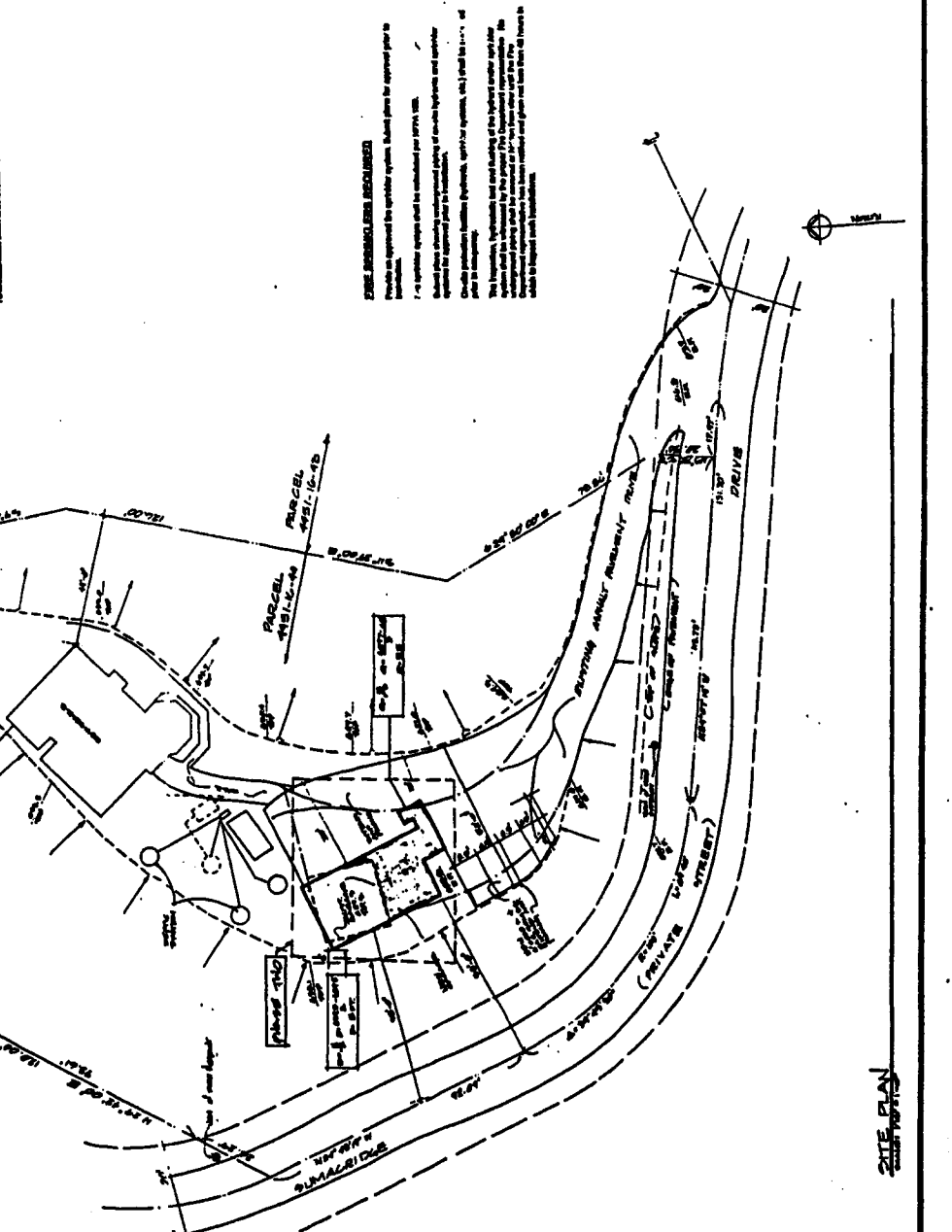
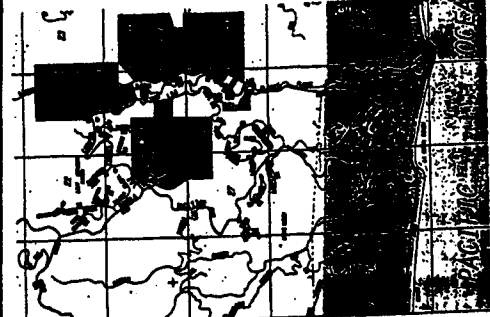
Table with 2 columns: Item, Description

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Table with 2 columns: Item, Description

Table with 2 columns: Item, Description



**PHASE ADJUSTMENT NOTES**

1. Provide a minimum...  
2. Provide a minimum...  
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PHASE ADJUSTMENT NOTES (continued)  
11. Provide a minimum...  
12. Provide a minimum...  
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18. Provide a minimum...  
19. Provide a minimum...  
20. Provide a minimum...

EXHIBIT NO. 2  
APPLICATION NO.  
4-96-046

SITE PLAN

PHASE TWO

3.1

ALL RIGHTS RESERVED BY ARCHITECT  
 1150 SUMMAC RIDGE ROAD  
 MALIBU, CALIFORNIA 90265  
 TEL: (310) 316-1111  
 ARCHITECT: [REDACTED]  
 PLANNING: [REDACTED]

**Phase One and Phase Two  
 Fire Rebuild of Residence  
 1150 Summac Ridge Road  
 Malibu, California**

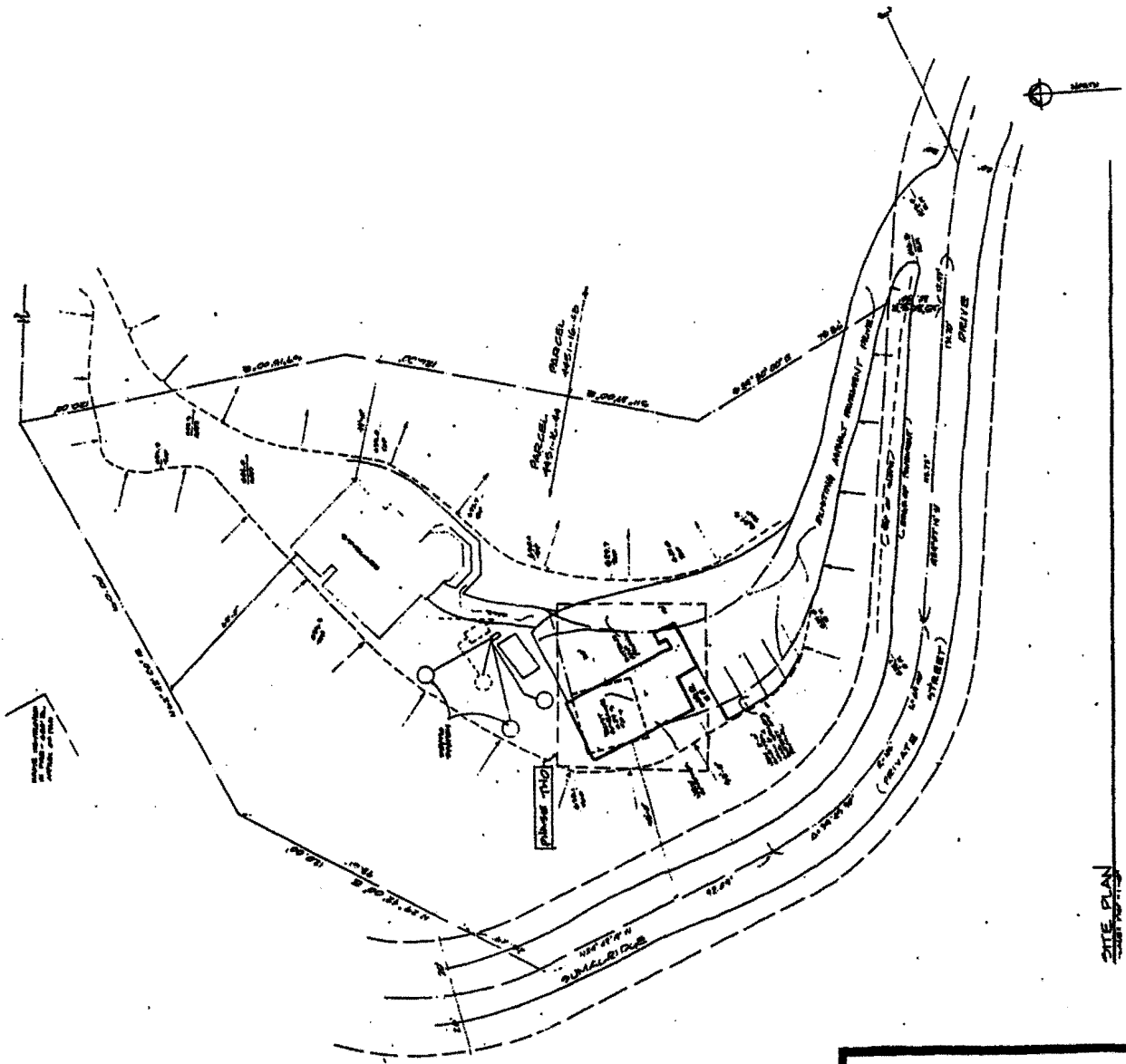
REVISION NO.	DATE

SITE PLAN  
 PHASE TWO

DATE	
SCALE	
PROJECT NO.	

3.1

RECEIVED  
 MAR 8 1997



SITE PLAN

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
4-96-046

PHASE TWO



3150 SUMAC RIDGE ROAD  
MALIBU, CALIFORNIA  
PHASE ONE AND PHASE TWO  
FIRE REBUILD OF RESIDENCE

3150 Sumac Ridge Road  
Malibu, California  
Phase One and Phase Two  
Fire Rebuild of Residence

NO.	DATE	DESCRIPTION

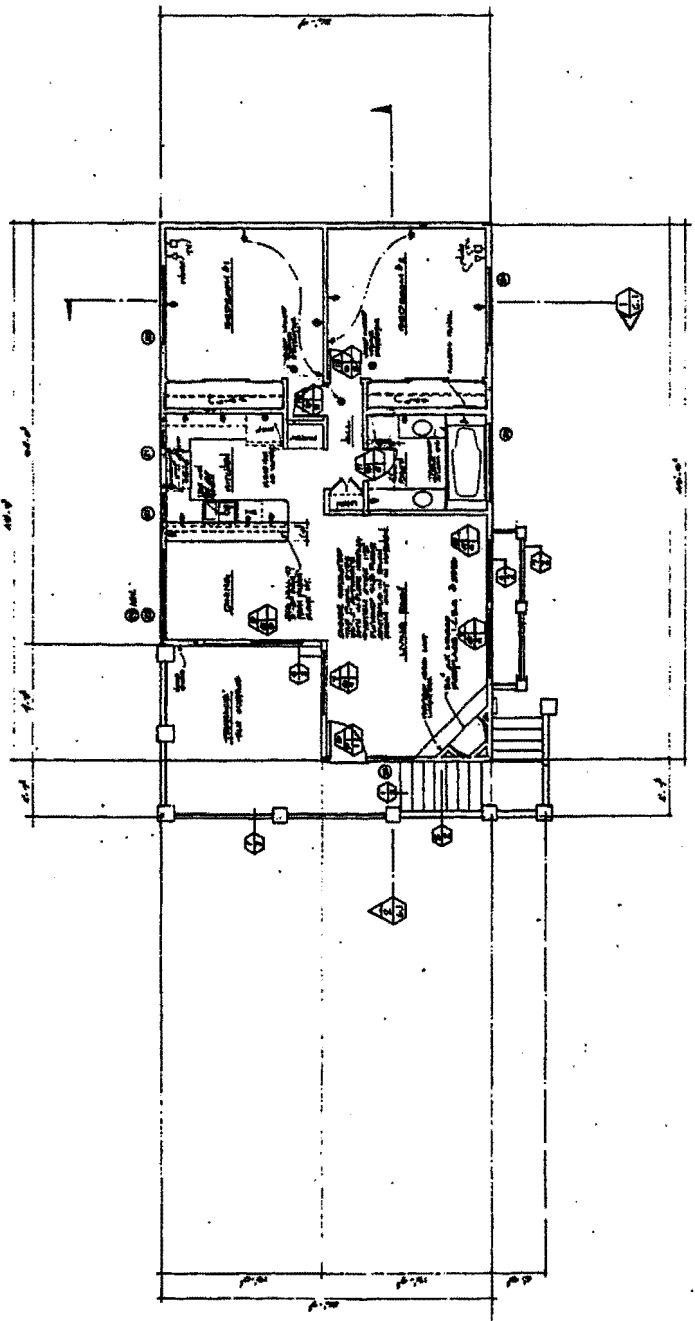
QUESTHOUSE  
-GARAGE  
FLOOR PLANS

DATE	
SCALE	
PROJECT	
ARCHITECT	
NO.	

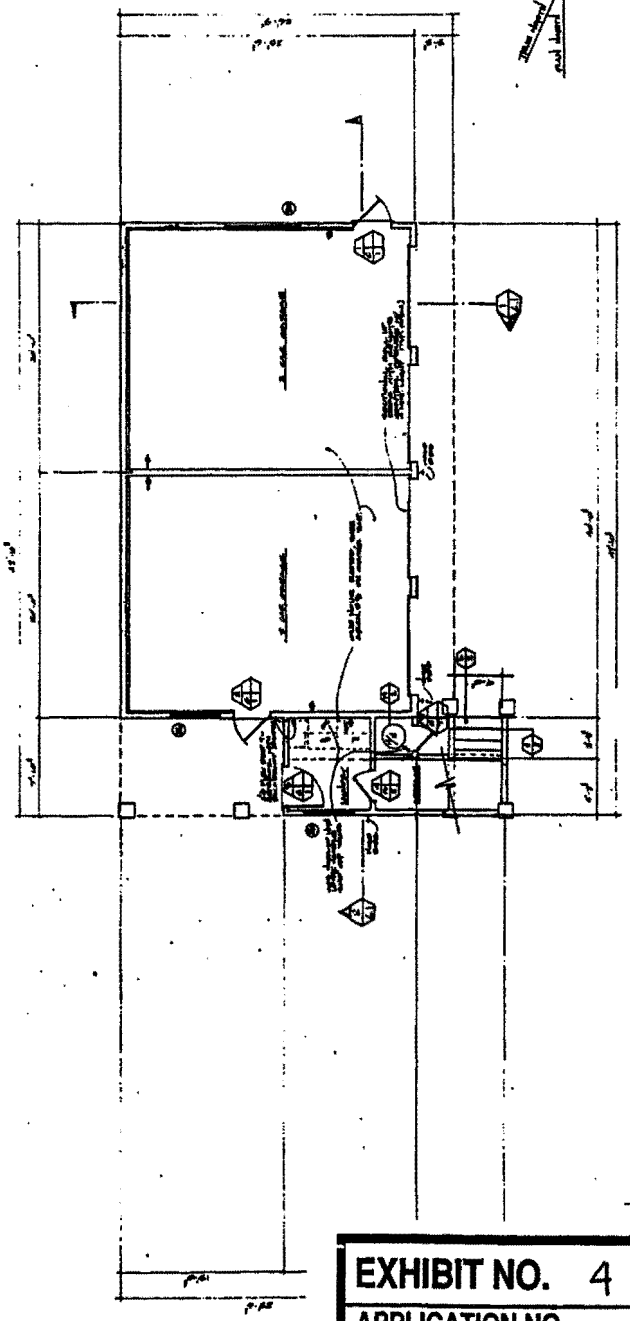
4.1

RECEIVED  
2014-09-01

PHASE TWO



QUESTHOUSE - GARAGE SECOND FLOOR 1031.0 SQ. FT.



HOUSE - GARAGE FIRST FLOOR 906.0 SQ. FT.



EXHIBIT NO. 4
APPLICATION NO.
4-96-046

Phase One and Phase Two  
 Fire Rebuild of Residence  
 3180 Sunmac Ridge Road  
 Malibu, California

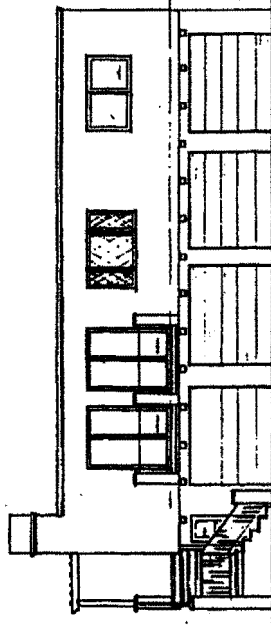
Barry Robles and Associates, ARCHITECT  
 11555 WEST WILSON AVENUE, SUITE 100  
 WEST WILSON, CALIFORNIA 91385-3718  
 TEL: (818) 881-1111  
 FAX: (818) 881-1112

NO.	DATE	REVISIONS

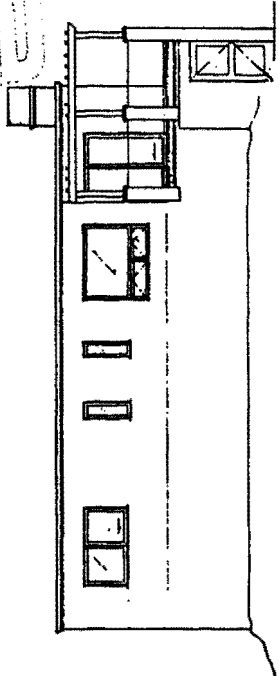
NO.	DATE	REVISIONS

6.1

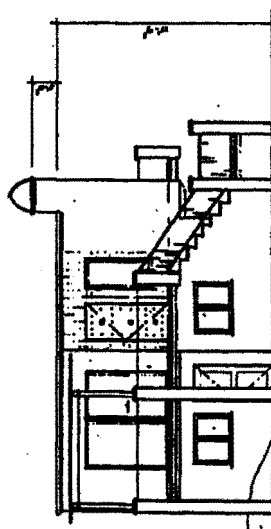
PHASE TWO



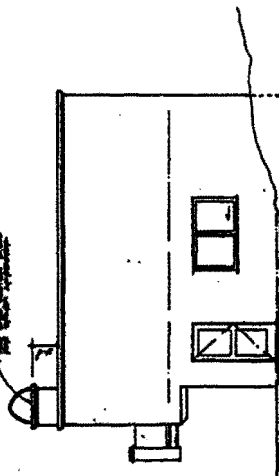
EAST ELEVATION



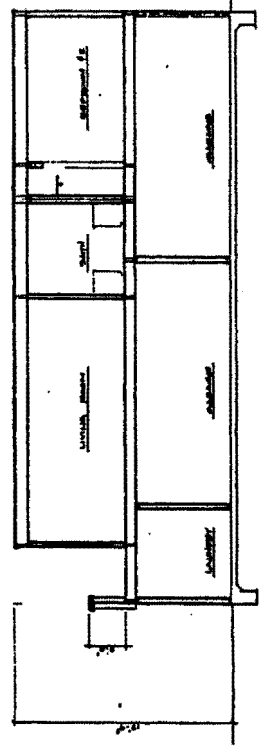
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



SECTION

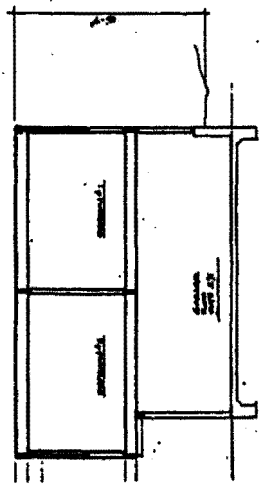


EXHIBIT NO. 5  
 APPLICATION NO.  
 4-96-046

ARTICLE IX

ZONING

CHAPTER 9210

RURAL RESIDENTIAL ZONE (RR)

9210. Purpose

The RR District is intended for sensitively designed, large lot single family residential development, as well as agricultural uses and animal keeping which respects surrounding residents and the natural environment. This District incorporates a variety of natural resources and amenities.

9211. Permitted Uses

The following uses and structures are permitted in the RR District:

- A. One single family residence per lot.
- B. Small Family Day Care and residential care facilities serving 6 or fewer persons.
- C. Accessory uses and structures as follows:
  - 1. Accessory buildings customarily ancillary to single family residences including, but not limited to, guest units (750 sq. ft. maximum), detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (non-commercial). (Ord 93, 6/14/93)
  - 2. Recreational structures including, but not limited to, pools, spas, non-illuminated sports courts, and corrals.
  - 3. Domestic animals, kept as pets or for personal use. (Ord 93, 6/14/93)
  - 4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises.
  - 5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:

EXHIBIT NO. 6a

APPLICATION NO.

4-96-046

\*  
SUBJECT TO THE CITY'S DEVELOPMENT STANDARDS  
FOR SINGLE-FAMILY RESIDENTIAL PROJECTS

6 (4)

- c. That no more than two weaned hogs or pigs are kept.
- d. That the subject parcel is a minimum of one acre in size.
- E. Manufactured homes, pursuant to Government Code Section 65852.3.
- F. Second units, pursuant to Government Code Section 65852.2. \* — SEE ATTACHED
- G. Large Family Day Care facilities (serving 7 to 12 persons), subject to the provisions of Section 9450.
- H. Private equestrian and/or hiking trails.
- I. Greenhouses on a lot or parcel of land having an area of at least one acre.
- J. Temporary placement of mobilehomes and trailers subject to the conditions of Section 9303(A)(18). (Ord 104, 12-13-93)

9212. Uses Subject To Director's Review

The following uses and structures may be permitted subject to obtaining a minor Conditional Use Permit.

- A. Deleted. (Ord 104, 12-13-93)
- B. Home occupations, subject to Section 9303(A)(19). (Ord 93, 6/14/93)
- C. Boarding of Horses. The boarding of horses as a commercial use shall be subject to the same standards as specified in Section 9211(C)(5), except that the minimum area required shall be five acres. (Ord 93, 6/14/93)

9213. Conditionally permitted uses.

The following uses may be permitted subject to obtaining a Conditional Use Permit:

- A. Utility Facilities related to public projects.
- B. Lighted sports courts.

9214. Lot Development Criteria

- A. All new lots created within the RR District shall comply with the following criteria:

\* SUBJECT TO THE CITY'S DEVELOPMENT STANDARDS  
SINGLE-FAMILY RESIDENTIAL PERMITS

EXHIBIT NO.	66
APPLICATION NO.	
	4-96-046

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA STREET, SUITE 200  
 VENTURA, CA 93001-2801  
 (805) 641-0142

# W 18a

January 25, 1996

**TO:** Commissioners and Interested Persons

**FROM:** Steve Scholl, South Central Coast District Director  
 Rebecca Richardson, Coastal Program Analyst

**SUBJECT:** History and Background of Second Units & Guesthouses in the City of Malibu & the Santa Monica Mountains Coastal Zone

The issue of second units on lots with primary residences has been raised by the Commission many times since the adoption of the Coastal Act. Commission review of coastal development permits and Local Coastal Programs (LCPs) has raised issues with statewide consistency. Statewide, additional dwelling units on single family parcels take on a variety of different functions which, in large part consist of: 1) a second unit with kitchen facilities (*includes a granny unit, caretaker's unit and farm labor unit*); and 2) a guesthouse without kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources, which include coastal access and coastal recreation. As such, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units.

In the Malibu/Santa Monica Mountains area, the Commission policy is to allow a 750 sq. ft. detached second unit or guesthouse. This policy was reviewed by the Commission in the certification of the Malibu Land Use Plan in 1986 and has been subsequently upheld in over a thousand permit actions. In the Commission's review and certification of the LUP, it found that placing an upper limit on the size of the second unit was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. A smaller unit, which could be occupied by one or two people, was found to have less impact on the limited capacity of PCH, other roads and coastal resources than an ordinary single family house. Similar to the Malibu area, the Commission has maintained that restrictions on second units in other coastal jurisdictions are necessary in order to insure overall land use densities that are consistent with Chapter 3 of the Coastal Act.

The City of Malibu, which lies entirely within the Coastal Zone, incorporated in 1991 and in July of 1991 the City adopted an Interim Zoning Code. More recently, in November, 1995, the City adopted a General Plan. Pursuant to the provisions in the City's Zoning Code, residential zones are afforded increased building densities which include one SFD, one 1200 sq. ft. second unit and an unlimited number of 750 sq. ft. guest units, providing that the maximum lot coverage is not exceeded. As the Commission is aware, neither the General Plan nor the Zoning Code have been subject to the Commission's review and certification, via the LCP process. Incremental policy changes by the City which are absent new information or data force the Commission to act in a capacity similar to that of a Planning Commission and review project's on a case by case basis. Therefore, the proliferation of large second units and unlimited ancillary structures throughout the City effectively increases the intensity and density of residential lot development without consideration of cumulative impacts on locating development in areas able to accommodate it. It is recommended by staff that the Commission consider an interim policy which would remain in effect up to and until the City has an effective LCP which would maintain the allowance of one second unit but allow for an increased size limit over 750 sq. ft. with adequate mitigation. As such, the Commission will not prejudice the City's ability to prepare an LCP.

*Attached is a chart of LCP certification status and second unit standards*

EXHIBIT NO. 7a

APPLICATION NO.

4-96-046

# SECOND UNIT STANDARDS IN THE COASTAL ZONE

JURISDICTION	# OF 2ND UNITS	MINIMUM PARCEL SIZE	MAX. SIZE OF SECOND UNITS	RECENT LCP AMENDMENT
City of Encinitas	1 unit	10,000 sq. ft.	750 sq. ft. - 2nd unit OR 640 sq. ft. guest unit	LCPA 1-95-B Oct. 10-13, 1995
County of Del Norte	1 unit		700 sq. ft.	LCPA 1-95
County of Santa Barbara	1 unit No Unit - Rural Residential	10,000 sq. ft.	1,000 sq. ft. possible on 49 lots	LCPA 3-93-B
San Luis Obispo County	1 unit	2 acres	800 to 1200 sq. ft.	LCPA 2-95 Oct. 13, 1995
City of Santa Cruz	1 unit	7,000 sq. ft.	500 sq. ft. Limit 25 approvals per year	Certified
City of Laguna Beach	1 unit	9,000 sq. ft.	640 sq. ft.	Certified
City of Imperial Beach	NO units in SFR zone	not permitted in R-1 zone		LCPA 3-92
County of Ventura	1 unit		700 sq. ft.	Certified
City of Malibu	NO LIMIT 1 second unit PLUS Guest Units	NONE	1200 sq. ft. 2nd unit and 750 sq. ft. guest units	Not Certified

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EXHIBIT NO. 7b

APPLICATION NO.

4-96-046