

**CALIFORNIA COASTAL COMMISSION**

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



M3g

Filed: 12/06/97  
 49th Day: 1/21/98  
 180th Day: 6/1/98  
 Staff: JEL-V *ja*  
 Staff Report: 12/19/97  
 Hearing Date: 1/12-16/98

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 4-97-206**APPLICANT:** Barry & Sylvia Lamont**AGENT:** Roger Yanagita**PROJECT LOCATION:** 7118 Dume Drive, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construct 750 sq. ft., 16' 9" high, one-story detached guest house, 546 sq. ft. garage, second septic system and second driveway, to a lot with an existing 2,018 sq. ft., 31 foot high, two-story single family residence, septic system and driveway.

<b>Lot area:</b>	1.11 acres
<b>Building coverage:</b>	2,768 sq. ft.
<b>Pavement coverage:</b>	2,797 sq. ft.
<b>Landscape coverage:</b>	6,350 sq. ft.
<b>Parking spaces:</b>	five covered
<b>Ht abv fin grade:</b>	16' 19"

**LOCAL APPROVALS RECEIVED:** City of Malibu: Planning Department, Approval In-Concept, 9/25/97; Geology & Geotechnical Engineering, Approved "in-concept", 8/18/97; Environmental Health, In-Concept Approval, 8/13/97.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Certified Land Use Plan; Soils, Geology and Seismicity Investigation, Technosoil, Inc., 7/23/97; Coastal Development Permits: 4-96-173 (Harter), 4-96-006 (Williams).

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the project with special conditions relating to future improvements, conformance with geotechnical recommendations and waiver of liability.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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. Future Improvements**

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 4-97-206; and that any additions or improvements to the permitted guest house that might otherwise be exempt under Public Resource Code Section 30610(a), 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 and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

#### **2. Plans Conforming to Geologic Recommendations**

Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in the Soils, Geology and Seismicity Investigation, Technosoil, Inc., 7/23/97 shall be incorporated into all final design and construction including slope stability, pools, foundations and drainage. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading 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.

#### **3. 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 and Background**

The applicant proposes to construct a 750 square foot, 16 foot high, one-story detached second unit, with an attached 546 square foot garage, and a new septic system. Access to the unit will be along a proposed 120 foot long second driveway, located 28 feet north of the existing driveway.

The subject 1.11 acre parcel is approximately 100 feet by 483 feet in dimension and contains an existing 2,018 square foot, 31 foot high, two-story single family residence, with an attached 470 square foot garage, septic system and driveway. The existing residence is located on the eastern end of this flat parcel, setback 256 feet from the front property line. The proposed project would be located on the western end of the parcel, setback 98 feet from the front property line.

The proposed site is bound by Dume Drive on the west and on all other sides by lots with residences. Point Dume State Park is located approximately one quarter of a mile to the south of the site.

##### **B. Cumulative Impacts of New Development**

The proposed project involves the construction of a 750 square foot second unit which is defined under the Coastal Act as new development. New development raises issues with respect to cumulative impacts on coastal resources. In particular, the construction of a second unit on a site where a primary residence exists intensifies the use of a site and impacts public services, such as water, sewage, electricity and roads.

Section 30250(a) of the Coastal Act states in part:

*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.*

In addition, the certified Malibu LUP, which the Commission 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 guest house or other second unit with an interior floor space not to exceed 750 gross square feet, not counting garage space."*

The issue of second units on lots with primary residences consistent 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 implementing development has upheld these policies, such as the 750 sq. ft. size limit in the Malibu Coastal Zone.

The proposed 750 sq. ft. detached, second dwelling unit conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. The Commission, however, notes that concerns about the potential future impacts on coastal resources might occur with any future additions or improvements to the guest unit. Impacts such as traffic, sewage disposal, recreational uses, visual scenic quality and resource degradation would be associated with the further intensification 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 limits future development, subject to the Commission's review, as defined under special condition number one. 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.

### C. Visual Resources

Section 30251 of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project will be set back 98 feet from the front yard, behind existing, vegetation, on a flat parcel. The proposed single story unit, 16' 19" at it's highest point, will be partially visible from Dume Drive and will not be visible from the public trails along Point Dume State Park. The residential design of the unit will be compatible with the residences which surround the parcel on three sides.

Given the substantial setback from the street, the partial vegetative screening, the distance from Point Dume Park, and the nature of the residential design, the Commission finds the proposed project will not create any significant visual impact. Therefore, the Commission finds that the project, as proposed, is consistent with Section 30251 of the Coastal Act.

#### D. Geologic Stability and Hazards

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 at the southern base of 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.

The subject lot lies on an old, flat alluvial (terrace) surface that lies between the Santa Monica Mountains to the North, and the Pacific Ocean to the south. This surface is nearly level and approximately 230 feet above sea level.

#### 1. Geology

The applicant has submitted a Soils, Geology and Seismicity Investigation, Report, dated 7/23/97, prepared by Technosoil, Inc., for the subject site. An evaluation of the geologic conditions found at the site was performed together with laboratory tests to determine the physical properties of the soil including moisture content, density, shear strength and consolidation characteristics.

The consulting Engineering Geologists found that there are no significant hazards due to seismicity, landslides, tsunamis, or liquefaction at the subject site. Further they found, the soil characteristics are such that the use of spread footing and/or

piers founded in natural soils, underlying the subject site, would be appropriate subject to their recommendations. Additional geotechnical recommendations included lateral design specifications, slabs-on-grade and paving, drainage and sewage disposal.

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 recommendations are incorporated into 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.

## 2. Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 these 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, as incorporated by condition number four.

The Commission finds that only as conditioned above 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 existing residence is serviced by a 1,000 gallon septic tank and seepage pit. The applicant is proposing an additional 1,000 gallon septic tank and a seepage pit to accommodate the second unit. The proposed sewage system meets Uniform Plumbing Code requirements for a one bedroom residence and is sufficient to serve the proposed 750 square foot second unit.

The City of Malibu has completed a review of, and approved-in-concept, the existing and proposed septic system with a 1,000 gallon septic tank and seepage pit. The Commission has found in past permit decisions that approval-in-concept by the City of Malibu will ensure that discharge of septic effluent from a proposed project will not have adverse effects upon water quality or coastal resources.

Therefore, the Commission finds the proposed residence is consistent with section 30231 of the Coastal Act.

**F. Local Coastal Program**

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed 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

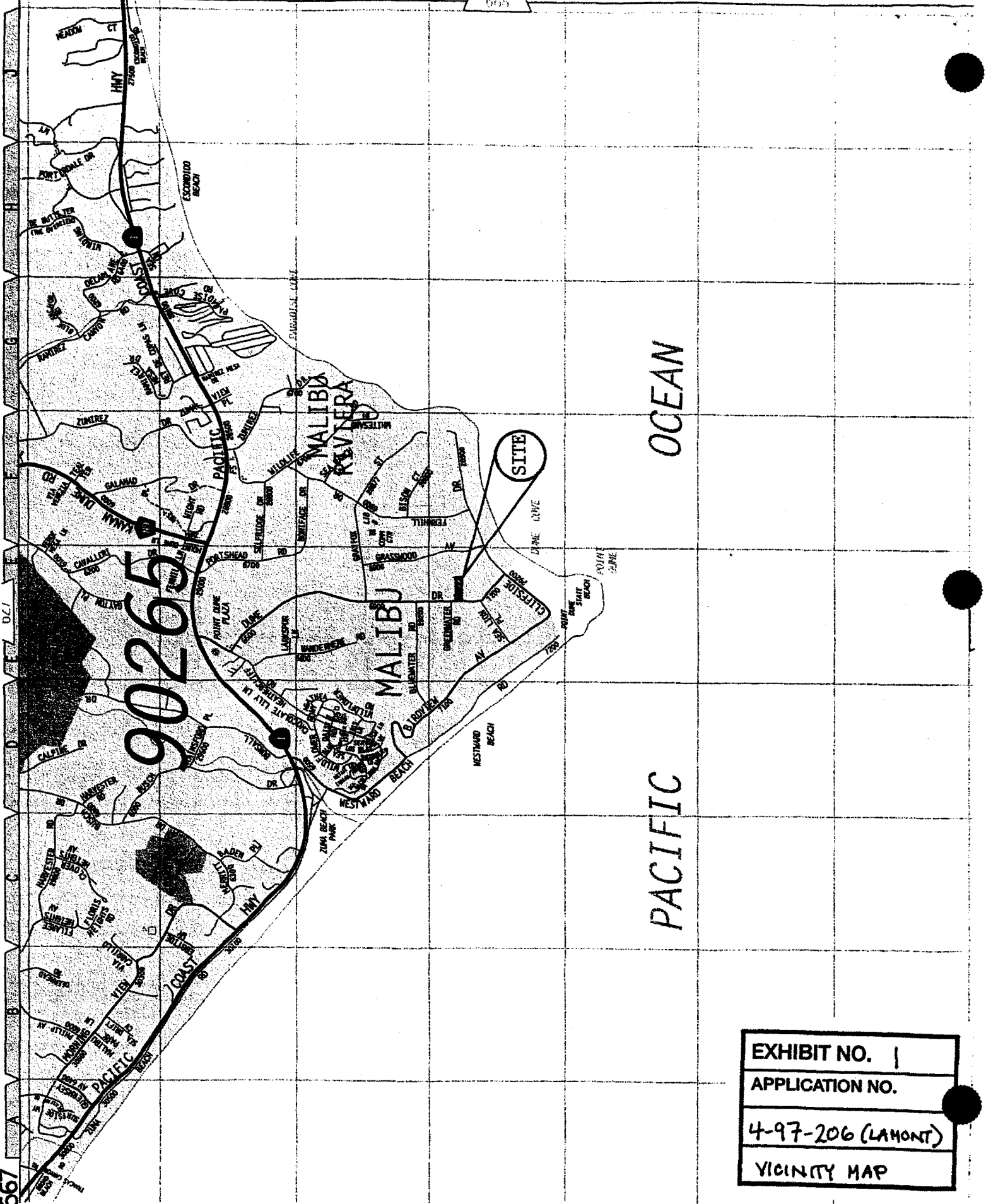


proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. 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, 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 would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



90265

SITE

OCEAN

PACIFIC

EXHIBIT NO.
APPLICATION NO.
4-97-206 (LAMONT)
VICINITY MAP

SITE PLAN

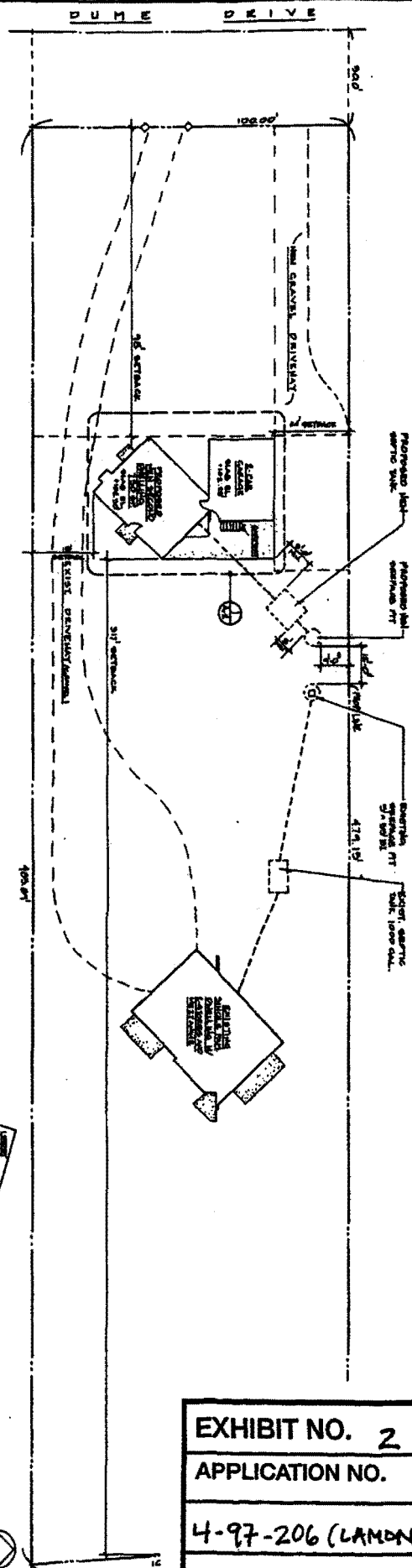


EXHIBIT NO. 2  
 APPLICATION NO.  
 4-97-206 (LAMONT)  
 SITE PLAN

# LAMONT HOUSE

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SITE PLAN  
 7-8-97

LAMONT HOUSE  
 7118 DUME DRIVE  
 MALIBU, CA 90265  
 DR. BARRY AND SYLVIA LAMONT  
 16113 So. ATKINSON AVENUE  
 GARDENA, CALIF 90249-1617

ROGER M. YANAGITA ASSOCIATES, ARCHITECTS  
 P.O. BOX 29100, LOS ANGELES, CALIFORNIA 90029-0100, (213) 668-8468

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FLOOR PLAN

3/8" = 1' - 0"

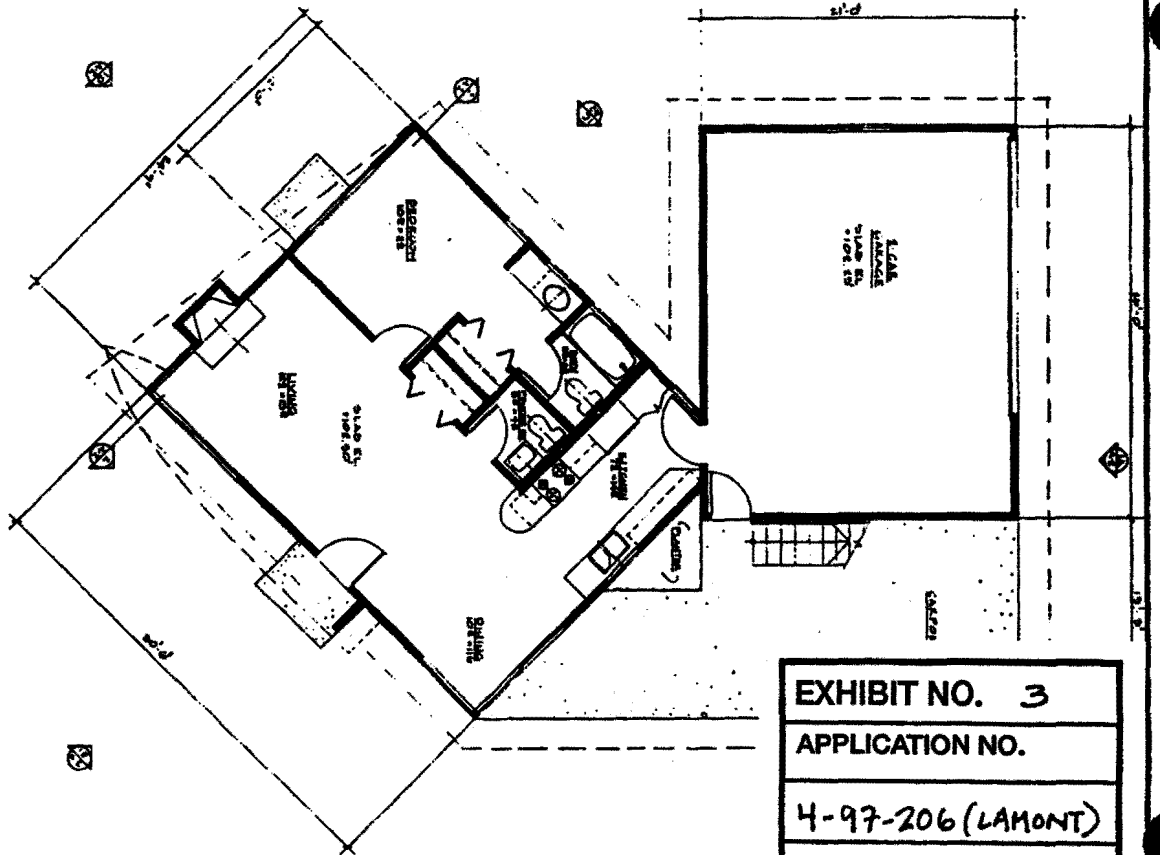
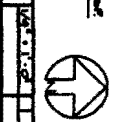
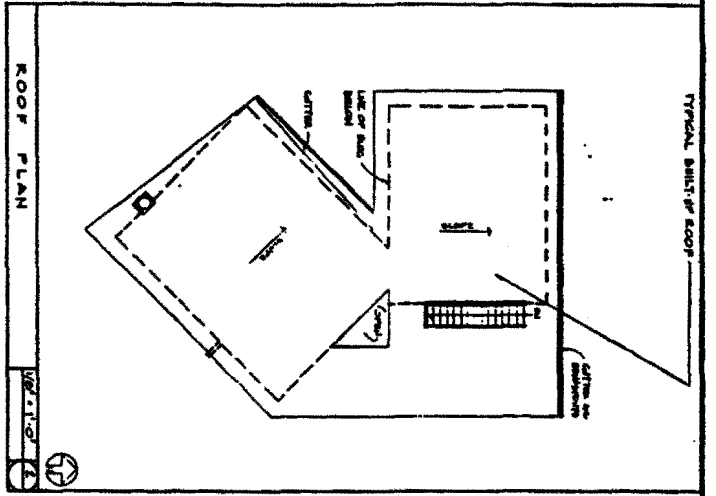


EXHIBIT NO. 3
APPLICATION NO.
4-97-206 (LAMONT)
FLOOR PLAN



	FLOOR PLAN	LAMONT HOUSE 7118 DUME DENC MALIBU, CA 90262	ROGER M. YANAGITA ASSOCIATES, ARCHITECTS P.O. BOX 29100, LOS ANGELES, CALIFORNIA 90029-0100, (213) 648-8448
	10-11-97	DR. DARRY AND SYLVIA LAMONT 16115 56 ATKINSON AVENUE GARDENA, CALIF 90247	



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