

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
SANTA ANA, CA 92701  
641-0142



Filed: 1/5/98  
49th Day: 2/23/98  
180th Day: 7/4/98  
Staff: G. Michitsch  
Hearing Date: February 3-6, 1998  
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT****ThMa****APPLICATION NO.:** 4-97-089-A1**APPLICANT:** Alan Austin**AGENT:** Kalani Jensen**PROJECT LOCATION:** 3644 Serra Road, Malibu (Los Angeles County)**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a two story, 7,792 square foot single family residence with a garage, septic system, water well, water tank and 2,124 cubic yards of grading.**DESCRIPTION OF AMENDMENT:** Addition of a detached 750 square foot guest house with a separate septic system and a detached 299 square foot garage.**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department Approval in Concept. City of Malibu Health Department Approval in Concept (septic).**SUBSTANTIVE FILE DOCUMENTS:** Solus Geotechnical Corp. Inc., Update Geological and Geotechnical Report Proposed Residential Development 3644 Serra Road, Malibu, CA (April 17, 1997); RSA Associated. Inc., Soils Engineering and Geological Investigation Proposed Residential Development 3644 Serra Road, Malibu, CA (February 21, 1990).

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**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission find that the proposed development as amended, subject to one (1) special condition regarding a future improvements deed restriction, is consistent with the requirements of the Coastal Act. The applicant proposes to amend permit number 4-97-089 to include a 750 square foot detached guest house with a separate septic system and a 299 square foot detached garage.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby approves the amendment to the coastal development permit, on the grounds that as modified, 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.

***NOTE: All standard and special conditions attached to the previously approved permit remain in effect.***

**II. Special Conditions**

**1. Future Improvements**

Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that any future structures, additions, or improvements related to the guest house/garage or second unit, approved under coastal development permit number 4-97-089-A1, 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 conveyed.

### III. Findings and Declarations.

#### A. Project Description and Background

On January 12, 1998 the Commission approved permit 5-97-089 for the construction of a 7,792 square foot, multi-story, 35 foot high single family residence with a garage, septic system, and 2,124 cubic yards of grading. The applicant is requesting to amend the project to include the addition of a 750 square foot detached guest house with a separate septic system and a 299 square foot detached garage. The project is located at 3644 Serra Road, which is a private road off of Pacific Coast Highway within the Santa Monica Mountains.

The parcel is three acres in size and is comprised of a north-south trending ridge with a maximum relief on the property of about 145 feet. The proposed guest house and garage is located southwest of the proposed main house and at an elevation of approximately 140 feet (Exhibit 1). The proposed building site is not within any sensitive resource area and no trails traverse the site. The proposed guest unit and garage will not create any visual impacts.

#### B. Second Residential Unit

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

*(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 significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

New development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence exists intensifies the use of a parcel raising potential impacts on public services, such as water, sewage, electricity and roads.

New development also raises issues regarding the location and amount of new development maintaining and enhancing public access to the coast.

Based on these policies, the Commission has limited the development of second dwelling units (the guest house) on residential parcels in the Malibu and Santa Monica Mountain areas. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one or at 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 such as water, sewage, electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1).

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different functions which in large part consist of: 1) a second unit with kitchen facilities including 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 guest houses inherently have the potential to cumulatively impact coastal resources. As such, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

As proposed, the 750 sq. ft. detached guest unit conforms to the Commission's past actions allowing a maximum of 750 sq. ft. for a second dwelling unit in the Malibu area. However, to ensure that no future additions or improvements intensify the use of this guest unit or second residential unit, the Commission finds it necessary to require special condition one (1), allowing the Commission to review any improvements and/or additions to the guest unit or second residential unit. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

### C. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and the Santa Monica Mountains, 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 proposed development includes constructing a septic system for the second unit to provide for adequate sewage disposal. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system 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.

#### D. 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 Chapter 3 (commencing with Section 30200) 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 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 amendment, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

The proposed amendment, 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 amendment, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

**GM-VNT**

File: GM-97-089a1

**AUSTIN RESIDENCE**

Owner: Alan Austin  
Site Address: 3644 Serra Road, Malibu, California

Average Lot Depth:	810 ft.
Front Yard Setback (20%):	102 ft.
Rear Yard Setback (15%):	78.5 ft.
Average Lot Width:	257 ft.
Total Side Yards (25%):	64.25 ft.
Minimum Side Yard (10%):	25.7 ft.
Minimum Required Side Yard (15%):	38.55 ft.

Site Area:	130,781.5 sq. ft.
Allowable Structure Size:	4,885 sq. ft.
1 <sup>st</sup> % Acre (1000-42,780 x 17.7%):	2,178 sq. ft.
2 <sup>nd</sup> % Acre (21,780 x 10%):	1,208 sq. ft.
3 <sup>rd</sup> % Acre (71,780 x 5%):	1,208 sq. ft.
Remaining (85,040 x 2%):	8,504 sq. ft.
Total Allowable Structure:	6,298 sq. ft.
Proposed Guest House Square Footage:	290.5 sq. ft.
Proposed Main House Square Footage:	7,117.5 sq. ft.
Total Structure Square Footage:	10,216 sq. ft.

**Impervious Coverage**

Allowable (120,000 sq. ft. @ 50%):	60,000 sq. ft.
Maximum Allowed:	25,000 sq. ft.
Proposed Coverage:	1,224 sq. ft.
Guest House Footprint:	290.5 sq. ft.
Guest House Driveway/Carport:	570 sq. ft.
Main House Footprint:	5,781.7 sq. ft.
Driveway:	8,500.0 sq. ft.
Paved Yard:	1,417.5 sq. ft.
Entry:	94.5 sq. ft.
Parking area/EO Turnaround:	1,180.0 sq. ft.
Total Proposed:	18,157.2 sq. ft.

**Guest House Grading Calculations:**

Cut:	7.7 Cubic Yds.
Fill:	16.3 Cubic Yds.
Main House, Road, etc. Cut and Fill:	703.8 Cubic Yds.
Total Cut and Fill:	788.8 Cubic Yds.

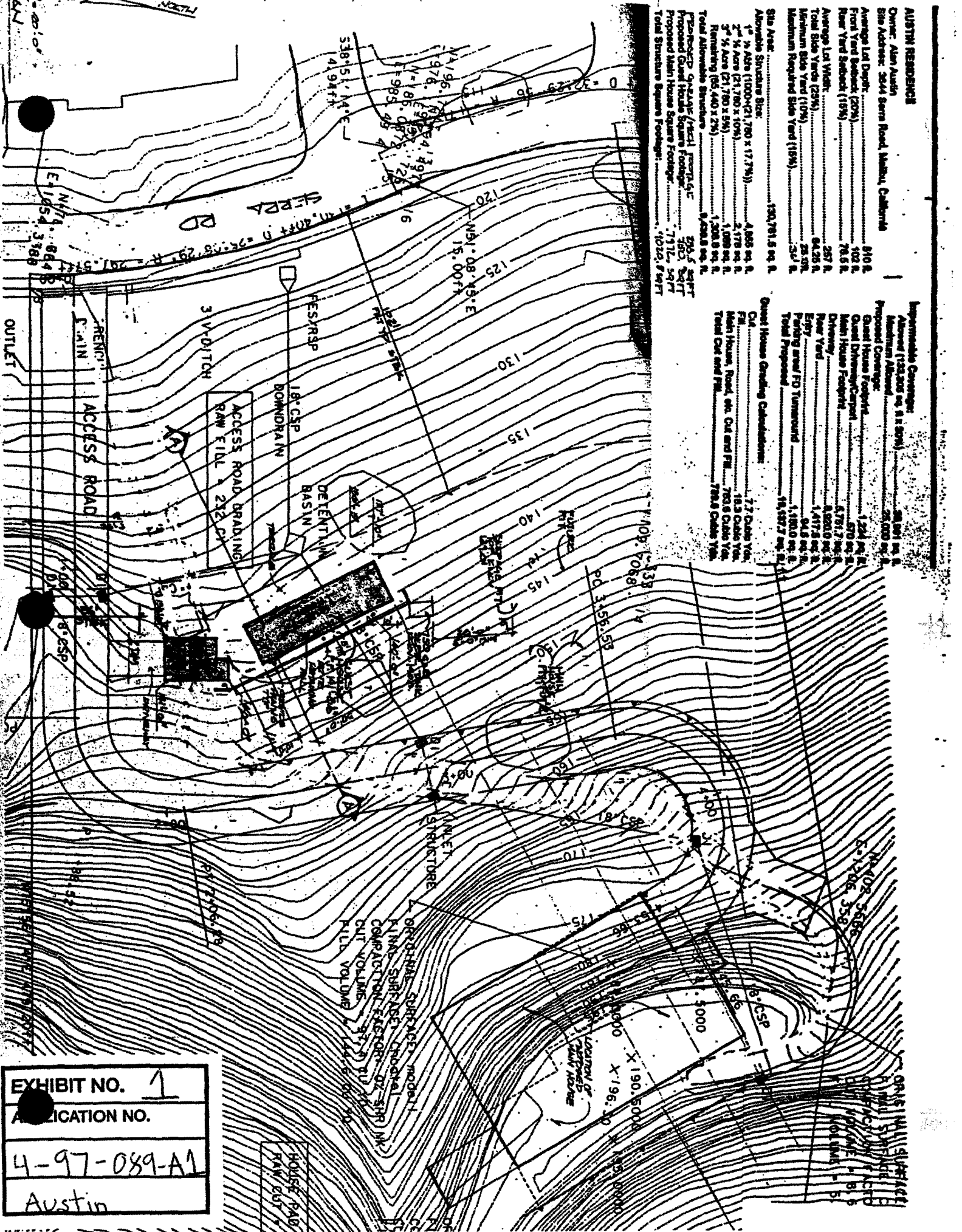


EXHIBIT NO.	1
APPLICATION NO.	4-97-089-A1
Austin	