

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
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Commission Action:

STAFF REPORT: COASTAL PERMIT

APPLICATION NO.: 4-98-335

APPLICANT: Tony Azzi **AGENT:** Umberto Capiro

PROJECT LOCATION: 3775 Puerco Canyon Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construct a three-story, 28 feet high, 9,150 sq. ft. single family residence with two attached four car garages, a 750 sq. ft. guest house with attached two car garage, swimming pool, spa, terraces, motorcourt/driveway, septic system, and water well. Grading consists of 960 cubic yards of cut with 960 cubic yards of material to be disposed outside the coastal zone.

Lot area:	6.3 acres
Building coverage:	10,500 sq. ft.
Pavement coverage:	4,000 sq. ft.
Landscape coverage:	3,000 sq. ft.
Parking spaces:	6 covered
Plan Designation:	Rural Land III
Zoning:	1 unit/2 acres
Project Density:	1 du/ 6.3 acre
Ht abv fin grade:	28 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department: Site plan review permit No. 98-018, dated December 14, 1998; Approval in Concept, dated 12/14/98; Department of Environmental Health, In Concept Approval for Septic System, dated February 1, 1998; Approved in Concept in Planning Stage, City of Malibu Geology and Geotechnical Engineering Review Sheet, dated 5/1/98.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permits No. 4-98-265 (White), No. 4-

90-743 (Darbonne), 5-89-369 (Banki); Geosystems, Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, August 27, 1998 and Updated Soils and Engineering-Geologic Investigation, March 20, 1998.

SUMMARY OF STAFF RECOMMENDATION

The project is adjacent to the single family residence approved in application 4-98-265 (White) approved at the March, 1999 Commission meeting, raises similar issues and is subject to the same type of recommended conditions of approval. Staff recommends approval of the proposed project with five (5) Special Conditions addressing: Structural Appearance, Landscape and Fuel Modification Plans, Plans Conforming to the Geologist's and Engineer's Recommendations, Wild Fire Waiver of Liability, and a Future Development Deed Restriction to bring the proposed project into compliance with the Coastal Act.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Compliance**. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections**. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **STRUCTURAL APPEARANCE**

The color of the structures and roofs permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

A. PRIOR TO 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. **LANDSCAPE AND FUEL MODIFICATION PLANS**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a landscape and fuel modification plan prepared by a licensed landscape architect and approved by the Los Angeles County Fire Department for review and approval by the Executive Director. The plans shall incorporate the following criteria:

A. Landscape Plan Criteria All disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes according to the submitted landscape plan within ninety (90) days of receipt of the certificate of occupancy for the residence. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years and shall be repeated, if necessary, to provide such coverage. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Los Angeles - Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping in the Santa Monica Mountains, dated October 4, 1994.

Invasive, non-indigenous plant species which tend to supplant native species shall not be used. The plan shall include vertical elements, such as trees and shrubs, which break up the appearance of the proposed structure and guest house while partially screening these structures from Pacific Coast Highway located to the south, the property owned by the Santa Monica Mountains Conservancy located to the west, and the Coastal Slope Trail located to the north.

B. Sediment Basins Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate disposal site located outside the coastal zone or to a disposal site located within the coastal zone with an approved coastal permit.

C. Fuel Modification Plan Vegetation within 50 feet of the proposed house and guest house may be removed to mineral earth. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case should vegetation thinning occur in areas greater than a 200' radius of the main structure, or as determined by the Los Angeles County Fire Department. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Fire Department, Forestry Division, Fire Prevention Bureau. Irrigated turf, lawn, or groundcover planted within the 50 foot radius of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

D. Monitoring Plan Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant, or successor in interest, shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. **PLANS CONFORMING TO GEOLOGIST'S AND ENGINEER'S RECOMMENDATIONS**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the two submitted geologic reports titled Geosystems, Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, August 27, 1998 and Updated Soils and Engineering-Geologic Investigation, March 20, 1998 including issues related to foundations, friction piles, lateral design, expansion index, temporary excavation slopes, foundation settlement, retaining walls, floor slabs, pre-saturation, pavement, foundation and building setback, swimming pool, swimming pool subdrainage, drainage protection, and private sewage disposal system shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic 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.

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, operations, 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.

5. FUTURE DEVELOPMENT DEED RESTRICTION

This permit is only for the development described in coastal development permit No. 4-98-335. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a)-(b) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Conditon number two (2), shall require an amendment to Permit No. 4-98-335 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

A. PRIOR TO 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, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

IV. Findings and Declarations

A. Project Location, Description and Background

The project site is within a partially developed subdivision area about one quarter of a mile north of Pacific Coast Highway between Corral and Puerco Creek Canyons in the City of Malibu. The vacant site is adjacent to the northern most lot of a partially developed lot subdivision located at the northern end of the paved portion of Puerco Canyon Road. The project site is located below the top of a small knoll that descends to the west and south at a slope of about 3 :1. The graded pad is accessed from the east along a relatively flat driveway to a paved private drive leading from Puerco Canyon Road.

This subject lot is one of five lots created as the result of the subdivision of a 12-acre site through Coastal Permit No. 5-85-503. This prior coastal permit was conditioned

to allow a total of 1,000 cubic yards of grading for each lot. Coastal Permit No. 5-85-503 was later amended (5-85-503-A-1) to allow 8,900 cubic yards of grading for the construction of a private driveway from Puerco Canyon Road to serve three parcels. In application 5-90-743 (Darbonne) a coastal development permit was approved in 1991 for development on the project site of a 5012 sq. ft. single family residence subject to a condition regarding conformance with geologic recommendations. The permit was issued.

The site is below a secondary north-south trending ridge along the west side of Puerco Canyon Creek Watershed. The site contains a building foundation at the location of the proposed guest house. The project site is adjacent and south of the single family residence approved on the March, 1999 (4-98-225, White) which shares access to Puerco Canyon Road from a shared private street.

The proposed development will be visible from Pacific Coast Highway, a designated scenic highway, recently acquired property of the Santa Monica Mountains Conservancy, and possibly from the Coastal Slope Trail. The Coastal Slope Trail traverses Puerco Canyon no closer than about one half mile north of the site. There are no designated environmentally sensitive habitat resources on the site.

The lot is located south of the Puerco Canyon watershed and drains into an unnamed blue line stream. Beyond the western boundary of the site, the small, unnamed drainage course leads to Puerco Beach. The lot is covered with grasses and includes and contains an existing foundation and overgrown remnants of prior access grading. The site drains through storm drains to the southwest into the previously noted unnamed drainage.

The applicant proposes to construct a three story 9,150 sq. ft., 34 ft. high single family residence with two attached four car garages, 750 sq. ft. guest house, pool, spa, terraces, motorcourt/driveway, water well, and septic system. Access to the site would be provided along the previously noted short driveway from the existing private driveway separated from Puerco Canyon Road by a private locked gate. The proposed grading consists of of 960 cubic yards of cut with 960 cubic yards of material to be disposed outside the coastal zone.

The Los Angeles County Land Use Plan designates the lot as Rural Land III, one dwelling unit per two acres. The subject lot is conforming as to its lot size of 6.3 acres. The City of Malibu designates the zoning on the lot as Rural Residential two acre minimum lot size.

B. Visual Impacts

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 site has vacant land to the north and east and single family development to the southeast and east. The area is characterized by lower intensity development of large residential units.

Regarding public roadways, the project site is located at about the 350 foot level elevation level above the sea and about 175 feet above the roadway elevation of Pacific Coast Highway located to the south. Pacific Coast Highway is located about 700 feet south of the site and the project site will be visible from the Highway. The Malibu/Santa Monica Mountains Land Use Plan designates this section of the Highway as a second priority scenic segment (See Exhibit 7 for the south elevation of the residence). In addition, because the location of the proposed residence is about an eighth (1/8) of a mile north of Pacific Coast Highway, the size and appearance of the residence will be visible as viewed by the public from the Highway.

Regarding public lands and trails, the proposed project site is located about a half mile south of the Coastal Slope Trail connecting the west and east sections of the trail. The subject site is partially screened from the Coastal Slope Trail by a knoll and ridge on the south side of Puerco Road. As a result, the visibility of this project site is limited if at all visible from the Coastal Slope Trail.

In further regard to potential visibility from public lands, an adjacent large property in the Corral Canyon watershed was recently transferred to the Santa Monica Mountains Conservancy by a previous private landowner. This property is located to the west and north of the subject site. The proposed project will be visible from this property.

In order to ensure that the structural appearance (i.e. color of the structures and the potential glare of the glass windows) will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed

structure and non-glare glass for all proposed windows as required by Special Condition Number One (1).

Regarding future developments or improvements, the type of developments to the property normally associated with a single family residence which might otherwise be exempt may have the potential to impact scenic and visual resources in this area. It is necessary to ensure that future development or improvements normally associated with the residence and garage, which might otherwise be exempt, are reviewed by the Commission for compliance with the coastal resource protection policies including the scenic resources addressed by Section 30251 of the Coastal Act. Special Condition number five (5), the Future Development Deed Restriction, will ensure the Commission will have the opportunity to review future projects for compliance with the Coastal Act.

Additionally, visual impacts can be further mitigated by requiring all graded areas to be adequately landscaped. The landscaping should consist of native, drought resistant plants. The final landscape plan should be designed to minimize and control erosion, as well as screen and soften the visual impact of the structures from the west, north, and south. Additional grading proposed for the site facilitates construction and insertion of the residence, garages, guest house and motorcourt into the hillside so that the proposed development is subordinate to the natural landform. The additional cut, 960 cubic yards of cut into the hillside is minimal. In addition, sediment basins will be constructed on site if grading will take place during the rainy season. Therefore, condition number two (2) requires the applicant to submit a landscape plan with a monitoring plan meeting the above requirements to minimize the visual impact and to minimize erosion, and sediment basins shall be required if grading occurs in the rainy season, as a result of the proposed project. The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

C. Geologic and Fire 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, 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 Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area 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 project site is a sloping lot which is accessed from a private driveway leading from Puerco Canyon Road. Although a majority of the lot slopes south and southwest towards the ocean at a slope at about 3 :1, the site includes the previously noted foundation and primitive vehicle access.

The Commission reviews proposed project risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic and flood hazards, the applicant submitted two geologic reports titled: Geosystems, Response to City of Malibu Geology and Geotechnical Engineering Review Sheet, August 27, 1998 and Updated Soils and Engineering-Geologic Investigation, March 20, 1998. The applicant also submitted a Geology and Geotechnical Engineering Review Sheet from the City of Malibu, dated 5/1/98, indicating that the subject Geology Report is "approved in concept" in the planning stage. These reports address the geology issues by concluding:

Based on the findings of our investigation, the site is considered to be suitable from a soils and engineering-geologic standpoint for construction of the proposed residential development provided the recommendations included herein are followed and integrated into the building, grading and drainage plans.

...

It is the finding of this firm that the proposed building and or grading will be safe and that the site will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the County code, provided our recommendations are followed.

The recommendations in the Geology Update Report address the following issues: foundations, friction piles, lateral design, expansion index, temporary excavation slopes, foundation settlement, retaining walls, floor slabs, pre-saturation, pavement, foundation and building setback, swimming pool, swimming pool subdrainage, drainage protection, and private sewage disposal system. Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 so long as all recommendations regarding the proposed development are incorporated into project plans.

The subject building site does not include any flood restricted areas. Such areas may be located to the extreme southwest on the subject property where no development is proposed in this application. The applicant has submitted grading plans for the project site and a drainage plan addressing impervious surfaces. The grading plan indicates that the residence will be cut into the hillside slightly and

because a large area north of the main building is required for the driveway and motorcourt, in total requiring grading of 960 cu. yds. cut for disposal outside the coastal zone in an approved disposal site.

The drainage plan requires additional measures to ensure the positive discharge of water through drainage routes and energy dissipaters in a manner which would reduce the potential for erosion. The above geology reports include recommendations regarding surface drainage which will be applied as appropriate by the consulting geologist and geotechnical engineer when the final plans are reviewed and approved by these consultants. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the geologist and engineer consultants as conforming to their recommendations, as noted in condition number three (3) for the final project design, grading and drainage plans for the residence.

Further, 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 will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by Special Condition Number Four (4).

In addition, the site will be selectively cleared of native vegetation and grasses pursuant to Fire Department requirements for clearing and thinning the area up to 200 feet from the residence. The replacement plants provided in the landscape plan will minimize and control erosion while reducing the fire hazard of the site. Special Condition number two (2) requires a final landscape plan that provides for the use of native plant materials, plant coverage and replanting requirements for all disturbed areas on the site and the submittal of a fuel modification plan approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans, all recommendations by the applicant's consulting geologist and geotechnical engineer, and the wild fire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

D. Cumulative Impacts

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

- (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 (including the proposed 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 the 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). Therefore as a result, the Commission has found that guest houses, pool cabanas, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The applicants propose to construct a detached one story 750 sq. ft. guest house on the site, consisting of a living room, bedroom, dining room, kitchen, walk-in closet, bath, and two car garage. At 750 sq. ft. the guest house complies with the Commission's size limit of 750 sq. ft. of habitable space. The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. The guest house is considered a second residential unit.

However, the Commission finds it necessary to ensure that no additions or improvements are made to the guest house will further intensify the use, without due consideration of the potential cumulative impacts. Consequently, it is necessary to require the applicant to record a future development deed restriction that the applicant obtain an amended or new coastal permit if additions or improvements to the development (guest house) are proposed in the future as required by condition number five (5). For these reasons, the Commission finds that, as conditioned, the proposed project is consistent with Section 30250 and 30252 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. The Coastal Act includes policies to provide for adequate infrastructure including waste disposal systems. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

New residential, ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development includes constructing a septic system for the new residence and guest house to provide for adequate sewage disposal. The applicant has submitted a conceptual approval for the sewage disposal system from the Department of Environmental Health Services, City of Malibu, dated February 1, 1998. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Sections 30231 and 30250 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

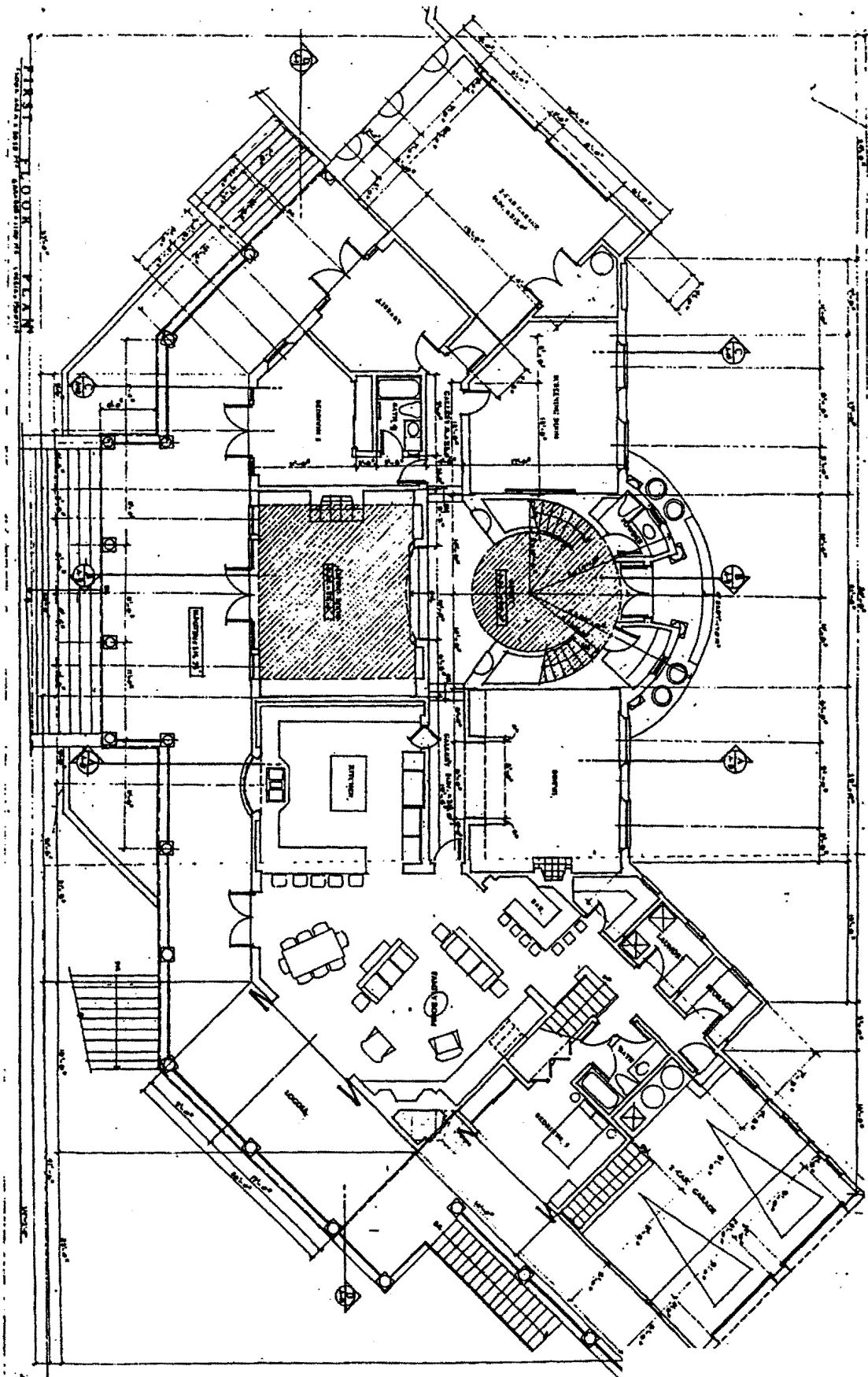
(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice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

G. 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)(A) 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 effects that the activity may have on the environment.

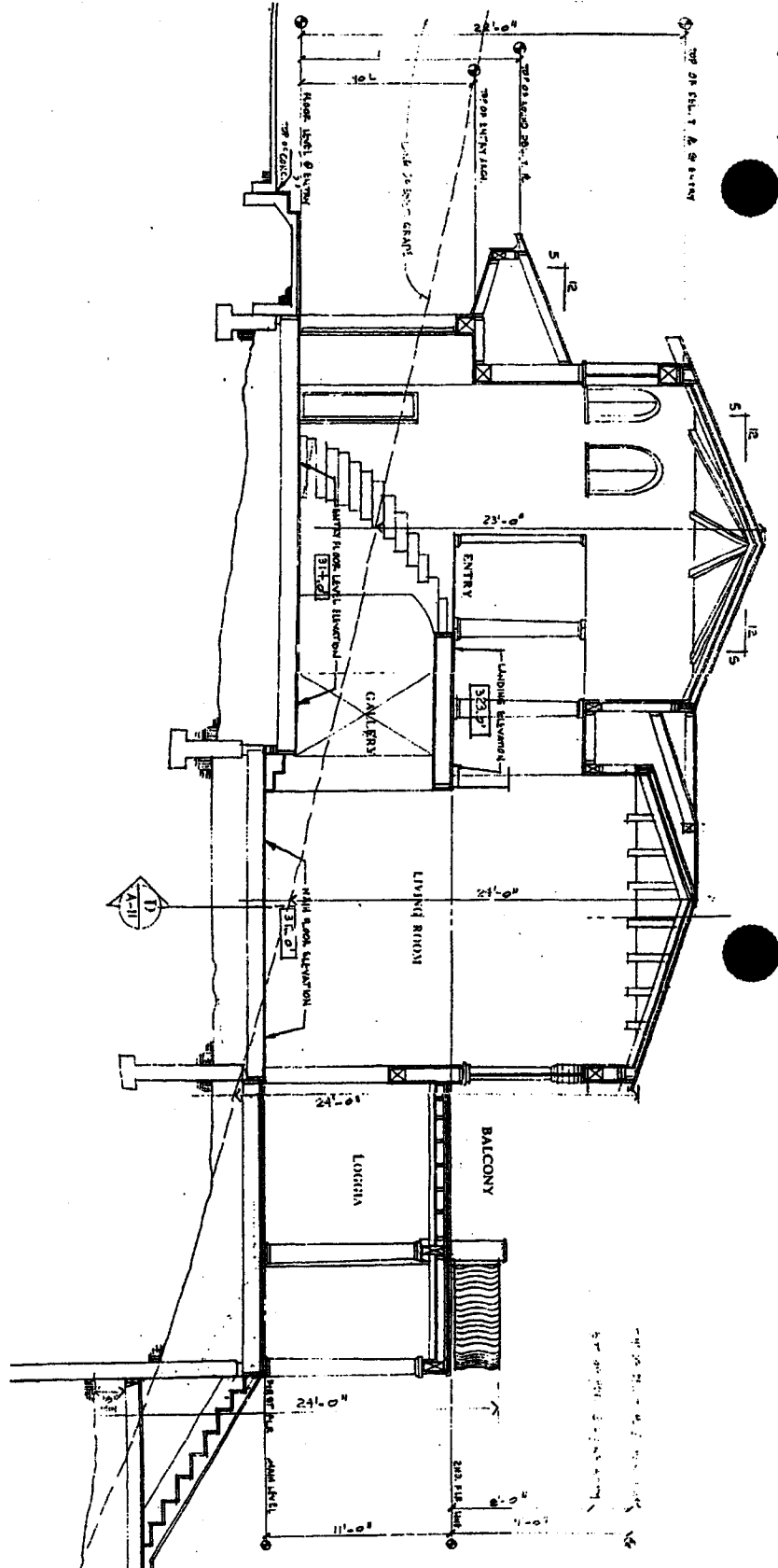
The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



A-3

NEW SINGLE-FAMILY RESIDENCE AND GUEST HOUSE FOR
MR. TONY AZZI
 3779 Puerto Canyon Road, Malibu, California 90266

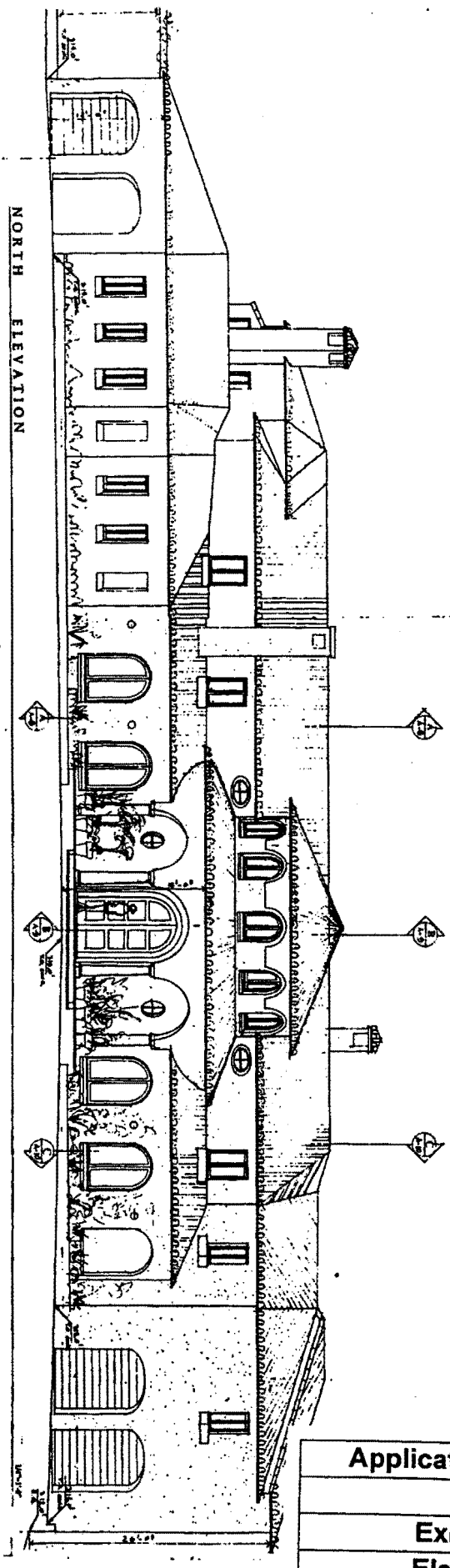
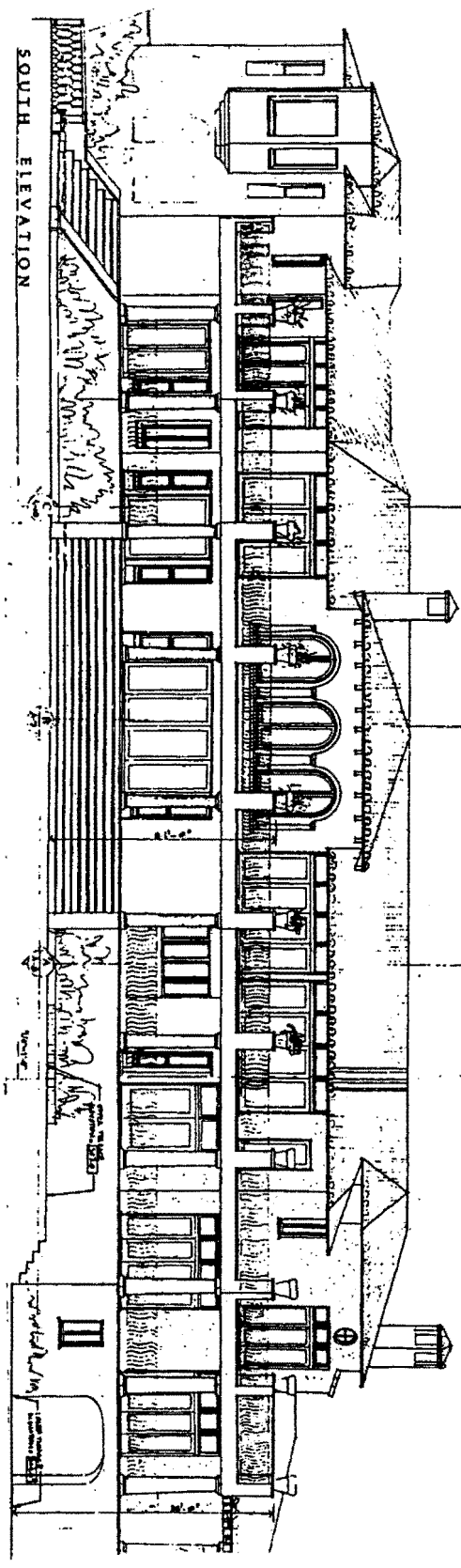
Application 4-98-335
Azzi
Exhibit 3 b
Lower Floor plan



Application 4-98-335
Azzi
Exhibit 4a
Elevations

4-98-335
 ORIGINAL
 DATE: 06/06/98
 BY: [Signature]
 APPROVED
 [Signature]

UPPER TERRACE ELEVATION # 15227



Application 4-98-335
Azzi
Exhibit 4b
Elevations

