

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY



Filed: 2/17/00
49th Day: 4/6/00
180th Day: 8/15/00
Staff: mb-V *ja*
Staff Report: 3/22/00
Hearing Date: 4/11-14/00

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-00-019

APPLICANT: David & Annette Weil AGENT: Jaime Harnish

PROJECT LOCATION: 21604 Paseo Serra Road, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Convert 430 sq. ft. storage area into an exercise room with bath and install a new septic system

Lot area:	33,920 sq. ft.
Building coverage:	4,130 sq. ft.
Pavement coverage:	752 sq. ft.
Parking spaces:	2 covered, 2 open
Height above existing grade:	22 ft.

SUMMARY OF STAFF RECOMMENDATION

The proposed development is conversion of an existing storage area to an exercise room with a bath below an existing detached garage. All work is within the footprint of the existing garage. Staff recommends approval of the project with a special condition relating to: ***cumulative impacts of development.***

LOCAL APPROVALS RECEIVED: City of Malibu, Planning Department, Approval in Concept, dated 11-19-99 and Environmental Health, Approval in Concept, dated 11-16-99.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; West Coast Geotechnical, Update Geotechnical Engineering Report, December 21, 1999.

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit No. 4-97-019 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves the coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Special Condition

1. Future Development Deed Restriction

- a. This permit is only for the development described in coastal development permit No. 4-00-019 Pursuant to Title 14 California Code of Regulations Sections 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (b) shall not apply to the exercise unit. Accordingly, any future improvements to the permitted exercise unit as revised pursuant shall require an amendment to Permit No. 4-97-019 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- b. 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, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel. 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.

III. Findings and Declarations

The Commission hereby finds and declares:

A. **Project Description and Background**

The applicant proposes to convert a 430 sq. ft. storage area under an existing detached garage into an exercise room with bath and upgrade the septic system to a 3000 gallon septic tank with a seepage pit. All work is within the footprint of the existing garage. The garage (430 sq. ft.) is detached from the main residence (4,130 sq. ft.), which is below street level on a steep, hillside lot.

Surrounding development is single family residential in character. The project site is in an area of developed single family residences overlooking Pacific Coast Highway, but the project is not visible from the Highway due to intervening topography and buildings.

B. **Cumulative Impacts**

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.

The proposed amendment raises Coastal Act issues related to cumulative impacts on coastal resources. The construction of as proposed could be used as a residential unit on a site where a primary residence is located. This would intensify the use of a parcel, resulting in 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 relative to maintaining and enhancing public access to the coast by increasing demand for such facilities or impeding their use.

Based on these policies, the Commission has limited the development of second dwelling units 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 and 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. In allowing secondary units, the Commission has 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, 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, pool house or cabana, 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 LCPs 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 proposed exercise room of 430 sq. ft. is located on a single story under a garage with an exterior stairway leading up to street level on the east side. The room is also located adjacent a path and exterior steps leading up to street level on the west side. The exercise room includes a bath, closet and the equivalent to a living room main room and bedroom. The design is typical for an efficiency apartment without design modification. Consequently, the proposed development can serve as a second unit guest or apartment unit with the addition of a kitchenette. The Commission finds, therefore, that this proposed conversion constitutes a design that may be used as a second/guest unit. Further, the Commission finds that the proposed exercise room/second or guest unit is consistent with the Commission's standard of a 750 sq. ft. maximum floor area limitation for second residential units.

The Commission finds that the cumulative impacts of development is addressed by the following recommended condition to ensure that the project is consistent with capacities of existing public services and utilities, and not adversely affect coastal resources, including public access, in a manner consistent with PRC Section 30250. To ensure that

no additions or improvements are made to the residence, which further intensifies the use, without due consideration of the potential cumulative impacts, it is necessary to require the applicant to record a future development deed restriction that requires the applicant to obtain an amended or new coastal permit if additions or improvements to the development, as required by special condition one (1).

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 septic system includes an upgrade consisting of a septic tank and seepage pits. The installation of a private sewage disposal system was reviewed by the City Environmental Health Department and received in-concept approval. The approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

D. 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).

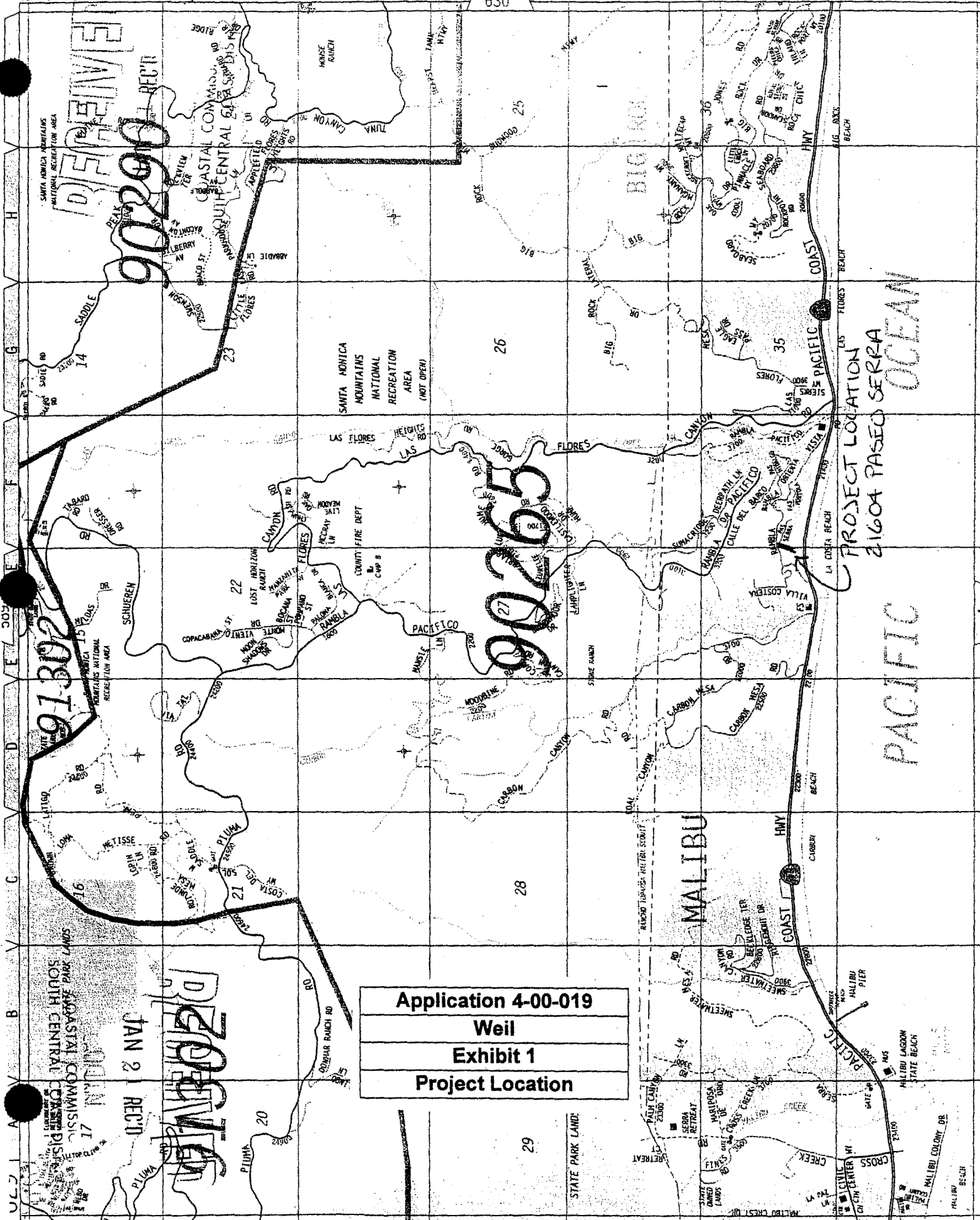
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections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

E. 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)(A) 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 effects which the activity would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects, 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.



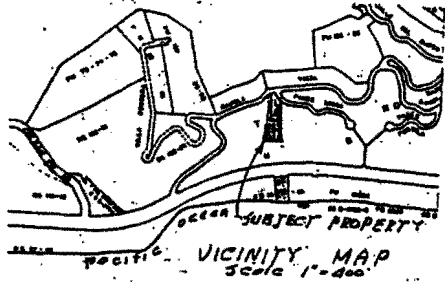
Application 4-00-019
Weil
Exhibit 1
Project Location

JAN 2 REC'D

92051

PROJECT LOCATION
21604 PASO SERA

PACIFIC OCEAN



NOTES:

Elevations shown are on Mean Sea Level datum, based on L.A. Co. Ed. Survey Bench Mark DY 338C.
Area of Lot 122 is 33867 Sq. Ft. = 0.7775 Acres.

Lot 121 (Burn out)

Lot 123 (Burn out)

PROJECT LOCATION →

PROJECT LOCATION →

MAP SHOWING SURVEY & TOPOGRAPHY OF LOT 122 IN TR. NO. 10570 N.B. 181 PAGES 36-42 A.K.A. 21604 PASEO SIERRA IN THE CITY OF MALIBU LOS ANGELES COUNTY, CALIFORNIA

Surveyed for: MR. AND MRS. WEIL
BY: Quiros Surveying
22249 P.C.HY

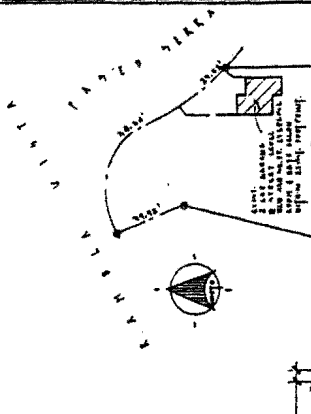
Application 4-00-019
Weil
Exhibit 2
Site Plan

REVISIONS	DATE	BY	DESCRIPTION

OSCAR W. MCGRAW
 ARCHITECTURE
 1000 PACIFIC COAST HIGHWAY, MALIBU, CA 90263
 PHONE (310) 316-1100
 DAVID & ANNETTE WEIL
 1000 PACIFIC COAST HIGHWAY, MALIBU, CA 90263
 PHONE (310) 316-1100
 ERECIQUE RM. PLAN, 4ELEVATIONS & FLEV. PLAN

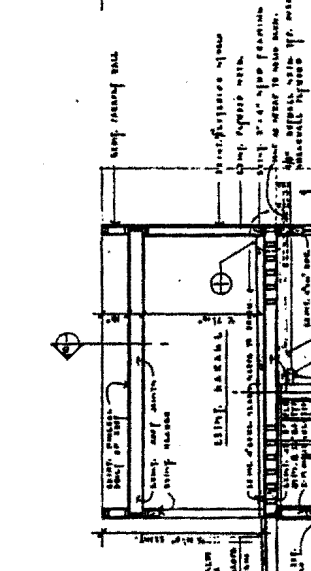
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 SOUTH CENTRAL COAST DISTRICT

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PROJECT DATA

OWNER	DAVID & ANNETTE WEIL
PROJECT NO.	4-00-019
DATE	1959
DESCRIPTION	CONVERSION FLOOR PLAN
ARCHITECT	OSCAR W. MCGRAW
ENGINEER	
PLUMBER	
ELECTRICIAN	
MECHANICAL	
PAINTER	
ROOFER	
CONCRETE	
IRONWORK	
GLAZIER	
SMITH	
WELDER	
PAVING	
LANDSCAPE	
SEWER	
WATER	
HEATING	
Cooling	
Lighting	
Sound	
Security	
Other	



YEAR TABLE SCHEDULE

1. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE.

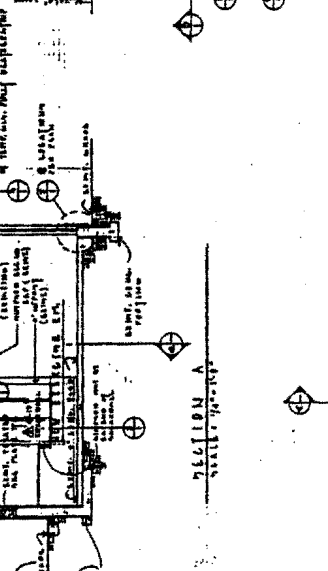
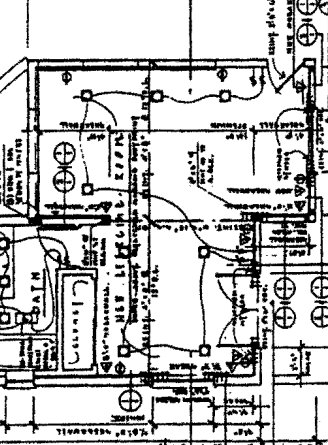
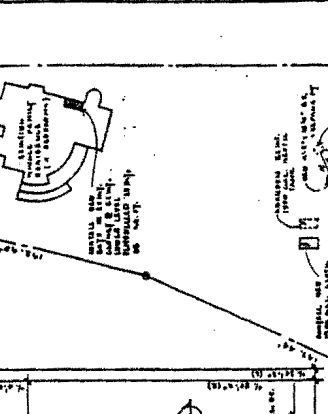
6. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.

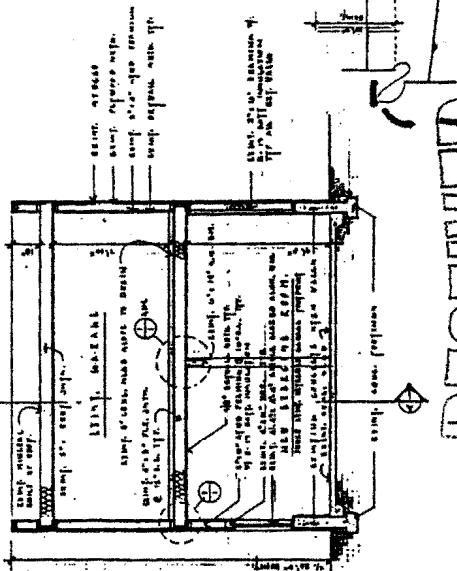
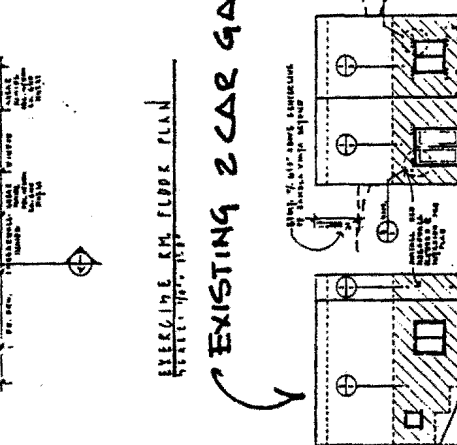
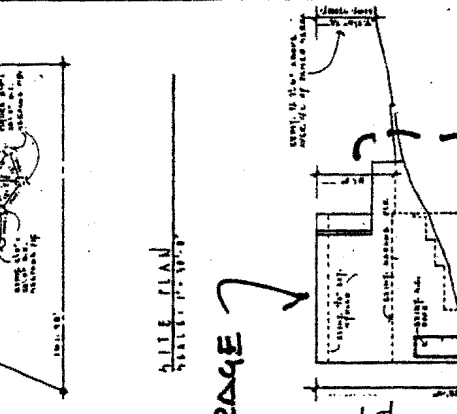


Application 4-00-019

Well

Exhibit 3

Conversion Floor Plan

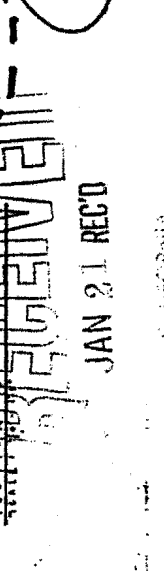
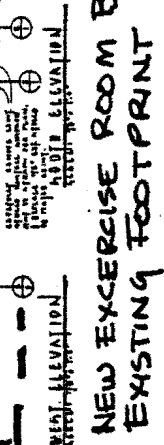


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Well

Exhibit 3

Conversion Floor Plan



Application 4-00-019

Well

Exhibit 3

Conversion Floor Plan

EXISTING 2 CAR GARAGE

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NEW EXERCISE ROOM BELOW
 EXISTING FOOTPRINT

SITE PLAN

ERECIQUE RM. FLOOR PLAN

HALL ELEVATION

EXISTING ELEVATION

NEW ELEVATION

