

# Tu.14h

## CALIFORNIA COASTAL COMMISSION

1000 CENTRAL COAST AREA  
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VENTURA, CA 93001  
(805) 585-1800

Filed: 7/9/02  
49th Day: 8/27/02  
180th Day: 1/5/03  
Staff: JLA  
Staff Report: 8/21/02  
Hearing Date: 9/9-13/02  
Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-01-191

**APPLICANT:** Robert and Carol Daly

**AGENTS:** Diane Abbitt

**PROJECT LOCATION:** 715 Crater Camp Drive, Calabasas (Los Angeles County)

**APN NO.:** 4456-002-001

**PROJECT DESCRIPTION:** After-the-fact approval for a bathroom addition to an existing barn and construction of a new septic system .

**Lot area** 17.5 acres  
**Building coverage** 3,288 sq. ft. (existing barn)

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, April 30, 2002; County of Los Angeles Environmental Health Department septic system "conceptual approval", October 10, 2001.

**SUBSTANTIVE FILE DOCUMENTS:** "Geologic Considerations for Proposed Private Sewage Disposal, Lot 1, Record of Survey 68-22, 715 Crater Camp Drive, Los Angeles County, California", Grover Hollingsworth and Associates, Inc., June 18, 2001; Coastal Development Permit No. 4-00-004 (Daly)

#### **Summary of Staff Recommendation**

Staff recommends **APPROVAL** of the proposed project with two special conditions regarding future improvements, deed restriction and condition compliance

## I. STAFF RECOMMENDATION

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-01-191 pursuant to the staff recommendation.*

### **Staff Recommendation of Approval:**

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

### **Resolution to Approve the Permit:**

The Commission hereby approves a 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. 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. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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 Deed Restriction*

This permit is only for the development described in coastal development permit No. 4-01-191. Pursuant to Title 14 California Code of Regulations §13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610 (b) shall not apply to the barn, as shown on Exhibit 2. Accordingly, any future improvements, or change of use to the permitted structure approved under Coastal Development Permit No. 4-01-191, shall require an amendment to Permit No. 4-01-191 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### 2. *Deed Restriction Condition*

*Prior to issuance of the Coastal Development Permit*, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### 3. *Condition Compliance*

Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

#### A. *PROJECT DESCRIPTION AND BACKGROUND*

The applicant is requesting after-the-fact approval for a bathroom addition to an existing 3,288 sq. ft. barn and construction of a new septic system (Exhibits 1-3). The bathroom addition is within the existing interior space of the barn. The existing barn was constructed under a coastal

development permit waiver in 1989. The bathroom addition to the barn was constructed without the benefit of a coastal development permit.

The existing barn is located on a 17.5 acre property that is currently developed with a single family residence and other accessory development. The subject site is located at 715 Crater Camp Drive, approximately one quarter of a mile north of Piuma Road, one half of a mile east of Las Virgenes Road, and adjacent to Tapia County Park, in the Calabasas area of Los Angeles County. A large portion of the property is within an oak woodland. However, the proposed development is located well outside the canopies and protected zones of the surrounding oak woodland on a developed portion of the site.

An unpermitted habitable area was constructed in the barn without a coastal development permit. This habitable space has been recently been removed and reconverted back into storage/barn space. In addition, the unpermitted bathroom in the barn was connected to an unpermitted septic system that also served an unpermitted mobile home. The unpermitted mobile home has been removed and the unpermitted septic system has been abandoned. The barn bathroom will now be served by proposed septic system.

On July 13, 2000 the Commission approved a permit (4-00-004) to widen an existing 900 foot long driveway servicing the existing single family residence on the property from 15 to 20 feet in width, construct three retaining walls, pedestrian foot bridge, garbage service area, upper entry gate, driveway entry gate located 60 feet inward from the private street, and perform 2,060 cubic yards of grading (280 cubic yards of cut, 280 cubic yards of fill, and 1,500 cubic yards of removal and recompaction).

In addition, Commission enforcement staff are currently investigating other unpermitted developments on the subject site that are not related to the development proposed under this permit application. These unpermitted developments will be handled through separate enforcement or permit actions.

## **B. 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:

***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.*

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. 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 intended only for occasional use by guests, 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, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose— as a guest unit— rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

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 forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or 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. Thus, 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 in this area.

The applicant is proposing to add a bathroom within the existing interior space of 3,288 sq. ft. barn (Exhibit 2). The existing barn is currently not utilized as a habitable structure. However, the Commission notes that with the proposed bathroom future additions or improvements to the barn could easily convert the barn to habitable square footage. The Commission finds it necessary to ensure that no additions or improvements are made to the barn in the future that may enlarge or further intensify the use of that structure without due consideration of the cumulative impacts that may result. Thus, the Commission finds it necessary to impose the future development restriction, as specified in **Special Condition No. one (1)**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements

to the structures are proposed in the future. Finally, **Special Condition No. two (2)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

### **C. Septic System**

The Commission recognizes that the potential build-out of lots in 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 applicant is proposing the installation of a septic tank, and leach field to accommodate the sewage of the proposed development. The applicant has submitted a percolation test indicating that the area where the septic system is proposed can adequately process effluent. In addition, the County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The County of Los Angeles' 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, among other criteria. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

### **D. VIOLATION**

Unpermitted development has been carried out on the subject site without the required coastal development permit or amendment. The applicant is requesting after-the-fact approval for a bathroom addition to an existing 3,000 sq. ft. barn, as shown on Exhibit 2-3. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. three (3)** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

## **E. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act states:

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

## **F. 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 by any conditions of approval, 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 effect that the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

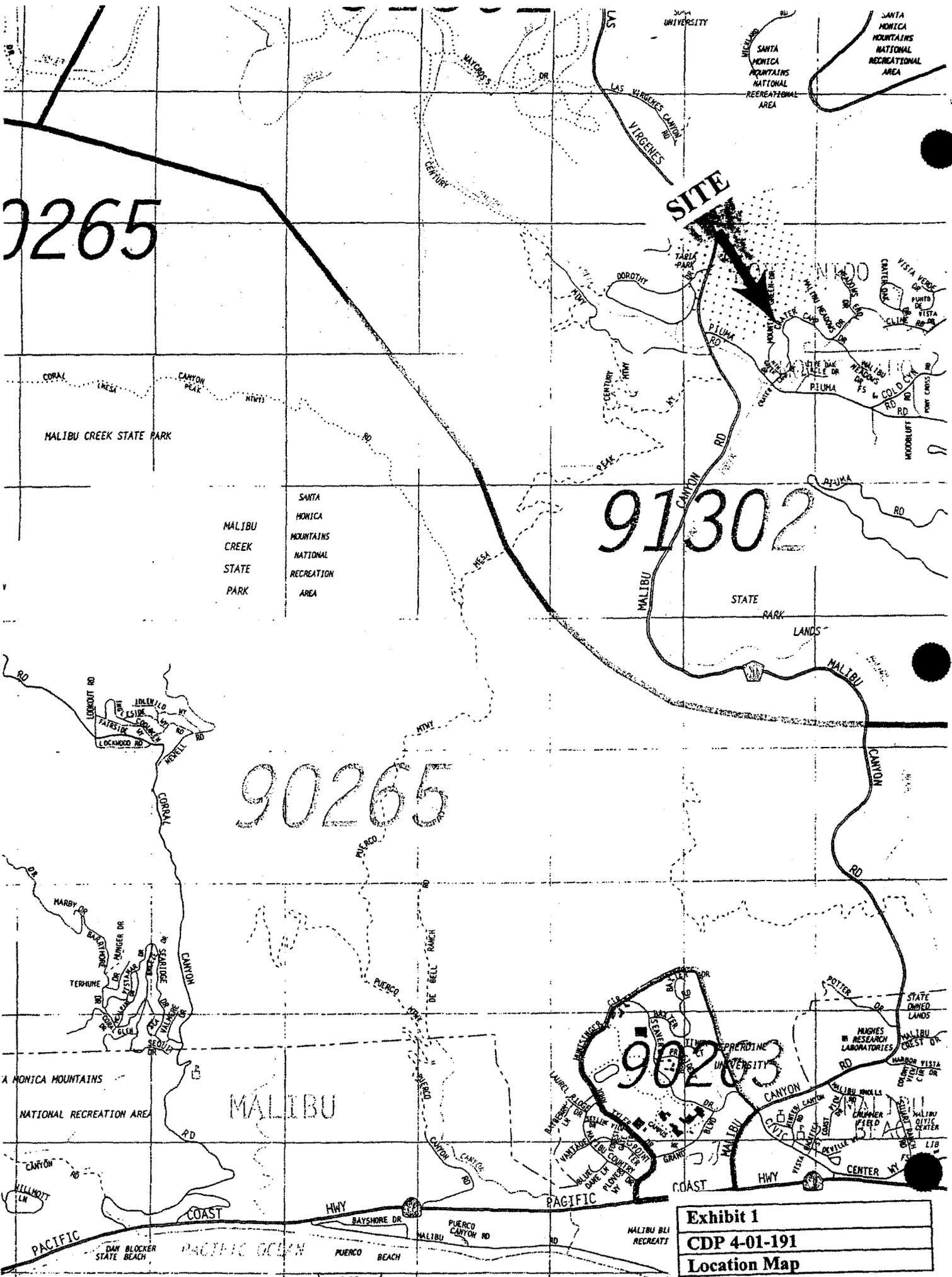
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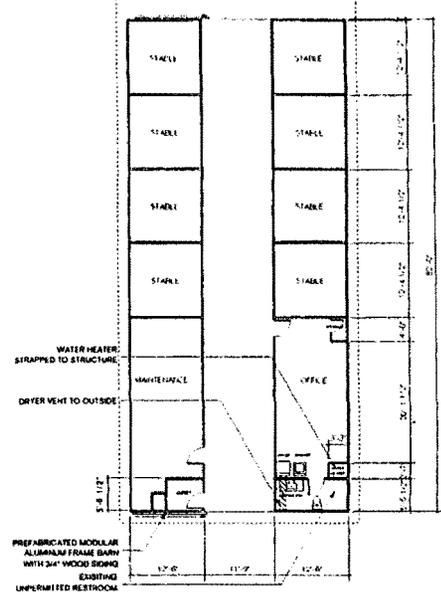
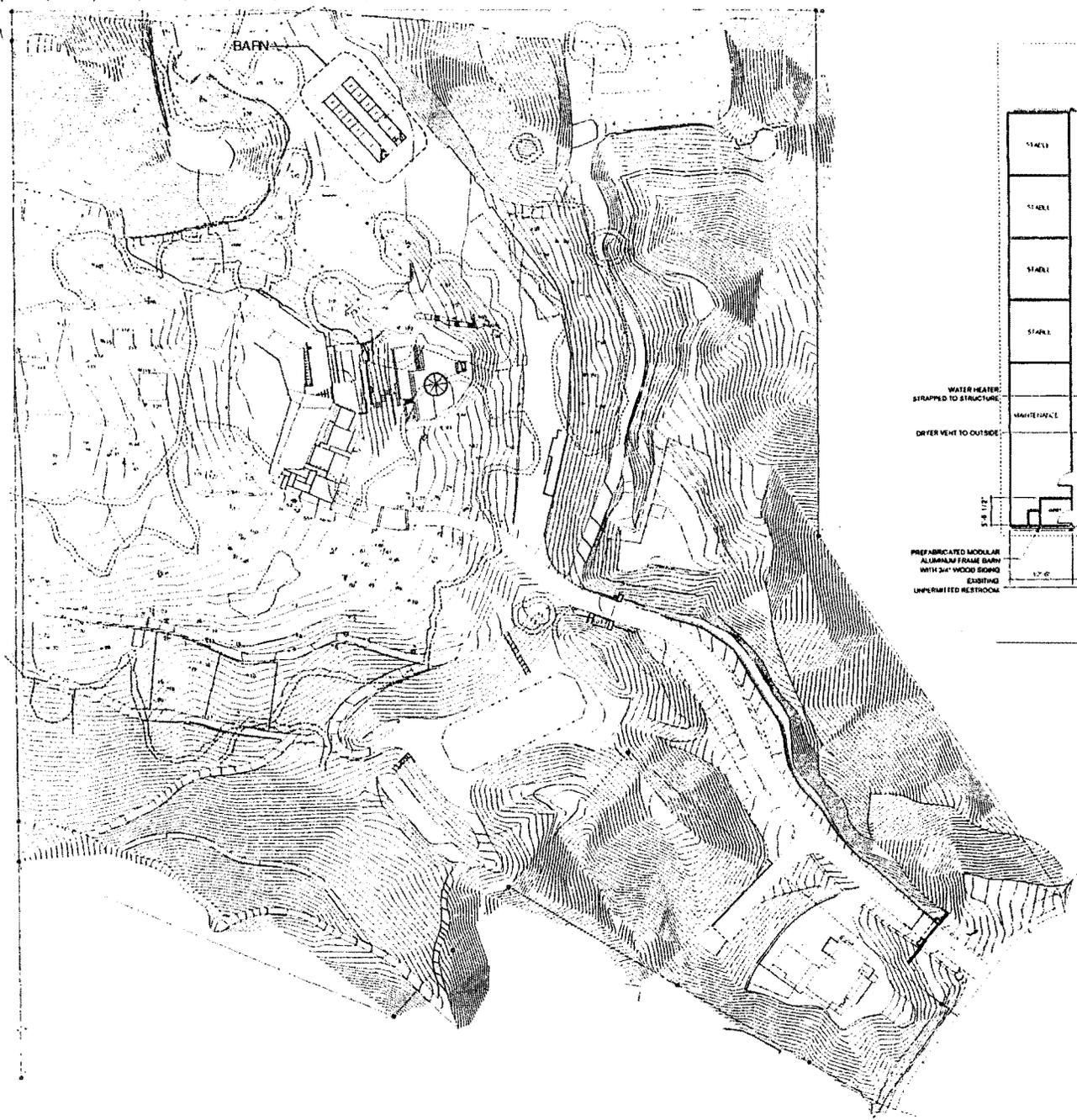
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SITE



<b>Exhibit 1</b>
<b>CDP 4-01-191</b>
<b>Location Map</b>



EXISTING BARN: PLAN ①  
SCALE: 1/8" = 1'-0"



**RI**  
ASSOC

8006 1  
LOS AN  
CALIF  
90048  
323 85  
FAX 32

**Exhibit 2**  
**CDP 4-01-191**  
**Site Plan and Barn Floor Plan**

DALY RANCH

715 Crater Camp Drive  
Malibu, California

REVISIONS



Plan Check Corrections 12/12/01



Existing Barn  
Site Plan

1"=40'-0"

9933

17 April 2001

**B-1.0**

RECEIVED

715 CRATER CAMP DR  
MONTE NIDO, CA 91302 17 2001

CALIFORNIA COASTAL COMMISSION	
BARN:	1500 Gallon As-Built (N)
SEPTIC TANK:	1500 Gallon w/Effluent Filter (N)
PRESENT:	1 - 24' X 36' Drainfield with 2' Extra Rock (N)
FUTURE:	100Z
PERC RATE:	24 minutes/inch

NOTES:

1. The barn shall not be used as a habitable structure.
2. The new 1500 gallon septic tank shall be traffic rated, and shall have 24" manholes to grade over both compartments. The manhole covers shall be gas-tight, and watertight.
3. The new 1500 gallon septic tank shall have an effluent filter installed at the outlet.

FOR OFFICIAL APPROVAL ONLY  
 THIS PLAN IS THE PROPERTY OF THE COASTAL COMMISSION AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE COASTAL COMMISSION.  
 THIS PLAN IS VALID FOR PERMITS ONLY

*[Signature]*  
 10-10-2001



1" = 40'

BARN

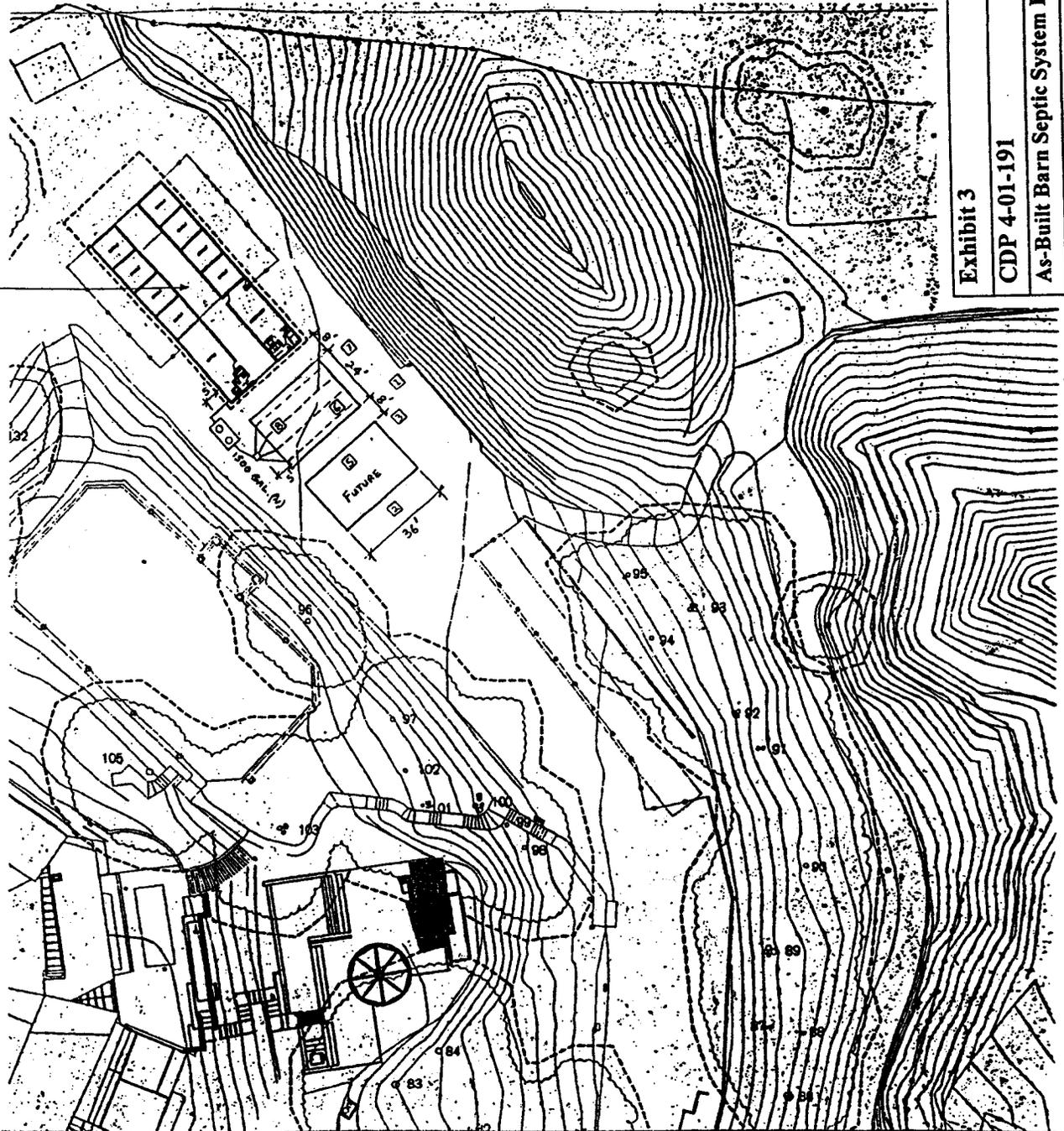


Exhibit 3

CDP 4-01-191

As-Built Barn Septic System Plan