

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585 - 1800

Filed: 9/5/02  
180<sup>th</sup> Day: 3/4/03  
Staff: JLA  
Staff Report: 1/21/03  
Hearing Date: 02/4-7/03  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.:** 4-02-169

**APPLICANT:** Robert Van Santen

**AGENT:** Carlos Rocha

**PROJECT LOCATION:** 6600 Wandermere Road, City of Malibu

**PROJECT DESCRIPTION:** Convert an existing 918 square foot 12 foot high barn into a gym (466 sq. ft.), studio (247 sq. ft.) and storage (205 sq. ft.).

Lot area	25,603 sq. ft.
Building coverage	918 sq. ft.
Pavement coverage	1,500 sq. ft.
Landscape coverage	7,500 sq. ft.
Height Above Finished Grade	18 ft.

**LOCAL APPROVALS RECEIVED:** City of Malibu Planning Department, Approval in Concept, 3/13/01; City of Malibu Environmental Health, Approval in Concept, 6/23/00

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu Local Coastal Program

**Staff Note**

Due to Permit Streamlining Act Requirements the Commission must act on this permit application at the February Commission meeting.

**Summary of Staff Recommendation**

Staff recommends **approval** of the proposed project with **two (2)** special conditions regarding future improvements and deed restriction

## **I. Staff Recommendation**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-02-169 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 Malibu Local Coastal Program. 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 Restriction

This permit is only for the development described in coastal development permit No. 4-02-169. 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 proposed gym and studio. Accordingly, any future improvements or change of use to the permitted structure approved under Coastal Development Permit No. 4-02-169 shall require an amendment to Permit No. 4-02-169 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### 2. Deed Restriction

*Prior to the 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 against the parcel(s) governed by this permit 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; and (2) imposing the 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 entire parcel or parcels governed by this permit. 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.

### IV. Findings and Declarations

The Commission hereby finds and declares:

#### A. **Project Description and Background**

The applicant is proposing to convert an existing 918 square foot barn into a gym (466 sq. ft.), studio (247 sq. ft.) and storage (205 sq. ft.). The proposed improvements to the barn are within the footprint of the existing structure (Exhibits 2-3). The structure is within an existing developed area of the property approximately 30 feet east of the existing residence adjacent to a swimming pool area.

The subject site is a ½ acre parcel located on Wandermere Road in the Point Dume area of the City of Malibu. (Exhibits 1-2). The surrounding properties are developed with single family residences. The site is not visible from any public view areas and there is no environmentally sensitive habitat on the site.

On September 13, 2002, the Commission adopted the Malibu Local Coastal Program (LCP). The subject permit application was filed prior to the date the LCP was adopted and therefore remains under the jurisdiction of the Commission. Prior to the adoption of the LCP the standard of review for permit applications in Malibu were the chapter three policies Coastal Act. After the adoption of the LCP the standard of review for permit applications is the LCP.

## **B. Cumulative Impacts**

The Malibu LCP policies address new residential development. The maximum number of structures allowed in a residential development is one main residence, one second residential structure, and additional accessory structures provided that all such structures are located within the approved development area and clustered to minimize required fuel modification, landform alteration, and removal of native vegetation. In addition, the LCP limits the size of second residential units to 900 square feet.

Sections 30250 and 30252 of the Coastal Act, which are incorporated as a policies of the Malibu LCP, state:

### Section 30250 (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:

*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.*

In addition, the following LCP policies are applicable in his case:

- 5.21** *The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as stable, workshop, gym, studio, pool cabana, office, or tennis court provided that all such structures are located within the approved development area and structures are clustered to minimize required fuel modification.*
- 5.22** *Second residential units (guesthouses, granny units, etc.) shall be limited in size to a maximum of 900 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Detached garages, including garages provided as part of a second residential unit, shall not exceed 400 square feet (2-car) maximum. The area of a garage provided as part of a second residential unit shall not be included in the 900 square foot limit.*
- 5.24** *New development of a second residential unit or other accessory structure that includes plumbing facilities shall demonstrate that adequate private sewage disposal can be provided on the project site consistent with all of the policies of the LCP.*

Pursuant to LCP policies cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of additional detached residential units and accessory structures on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates potential additional demands on public services, such as water, sewage, electricity, and roads. Thus, second residential units and accessory structures pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to convert an existing 918 square foot barn into a gym (466 sq. ft.), studio (247 sq. ft.) and storage (205 sq. ft.).

The adopted Malibu LCP limits the size of second residential units to 900 sq. ft. In its review and action on the Malibu LCP, the Commission found that placing an upper limit on the size of second units (900 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 (900 sq. ft.) and the fact that they are intended for limited residential use, 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.

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.

The proposed gym and studio are not intended to be a second residential unit. However, the Commission notes that in the event that the proposed structure were to be converted to residential use in the future, such conversion would significantly intensify the use of this property and result in significant adverse cumulative impacts to coastal resources. Furthermore, additions or improvements to the detached structures could easily convert to additional residential square footage, beyond the allowable 900 sq. ft. square footage limit in the Malibu LCP. Therefore, in order to ensure that any modifications or additions to the proposed accessory structure are reviewed by the Commission, **Special Condition No. One (1)** has been imposed. Special Condition One requires the applicant to obtain an amended or new coastal permit if any additions or improvements to the proposed accessory structure on the property 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.

Therefore, as conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with applicable policies of the Malibu LCP.

### **C. 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 Environmentally 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.

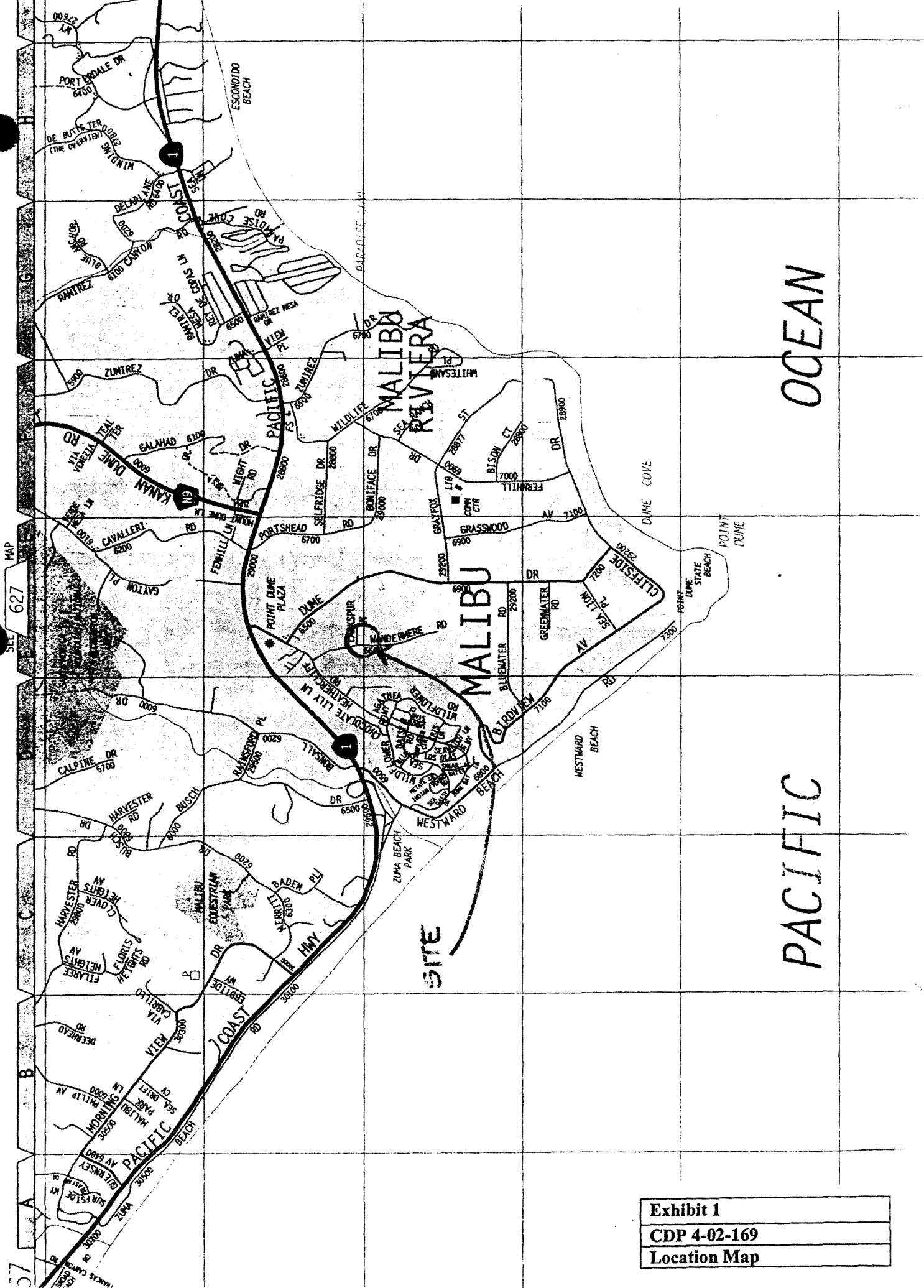
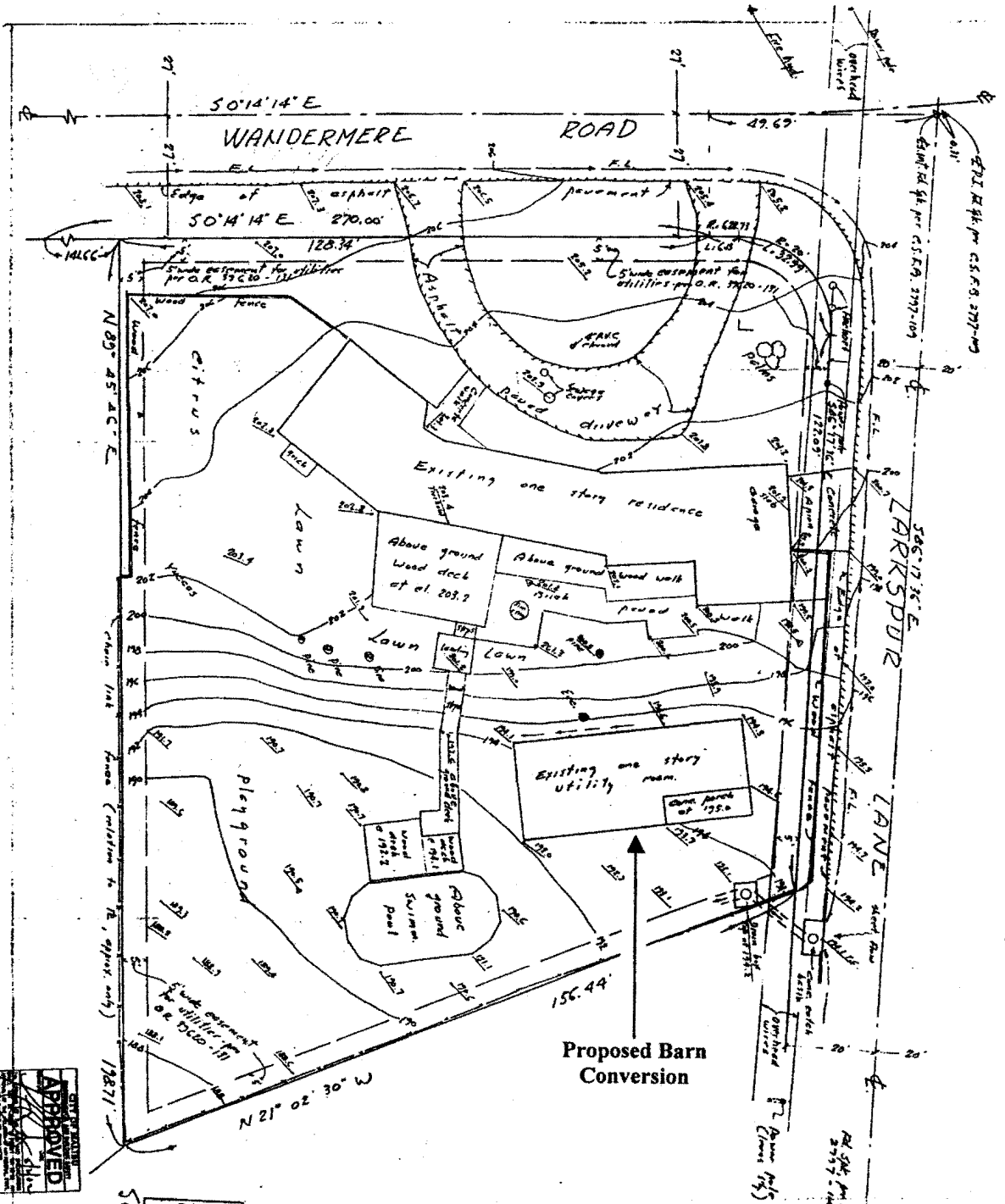
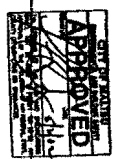


Exhibit 1
CDP 4-02-169
Location Map



**Proposed Barn Conversion**



ISSUE: May 25, 2000 544-3-D



**Scale**  
1" = 10'

**Notes:**  
 \* Convert existing barn to - 0.252 A.C.  
 \* No freestanding structure allowed.  
 \* No structure to be constructed on the site.  
 \* No structure to be constructed on the site.  
 \* No structure to be constructed on the site.

**Legal description of subject property**  
 THE LAND SHOWN TO BE THIS PROJECT IS SITING IN THE COUNTY OF LOS ANGELES, CALIFORNIA, AS DESCRIBED AS FOLLOWS: [Detailed legal description of the property including bearings, distances, and area.]

Legal description of subject property

**NOTES:**  
 1) THIS PROPERTY OR PART THEREOF IS NOT TO BE USED FOR THE STORAGE OF MOTOR VEHICLES OR OTHER MOTOR VEHICLES OR EQUIPMENT.  
 2) THE PROPOSED BARN CONVERSION SHALL BE CONSTRUCTED WITHIN THE SETBACK FROM THE FRONT YARD LINE NO GREATER THAN THE SETBACK FROM THE FRONT YARD LINE OR GREATER THAN 15 FEET.

**VICINITY**  
 Scale 1" = 20'  
 (From: U.S.C.S.F. Plans)



<b>Exhibit 2</b>
<b>CDP 4-02-169</b>
<b>Site Plan</b>

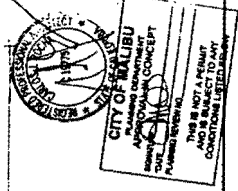
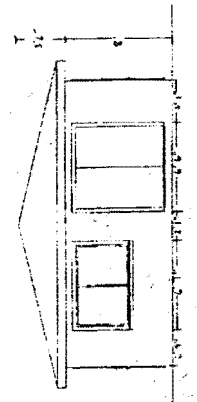
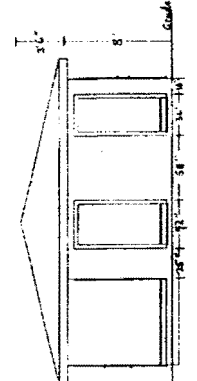
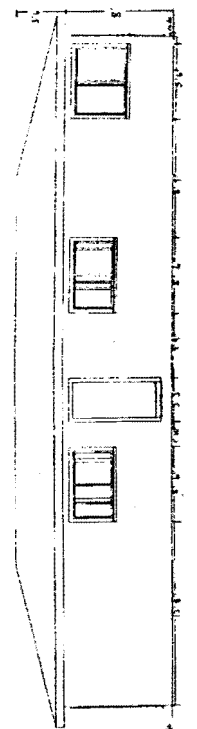
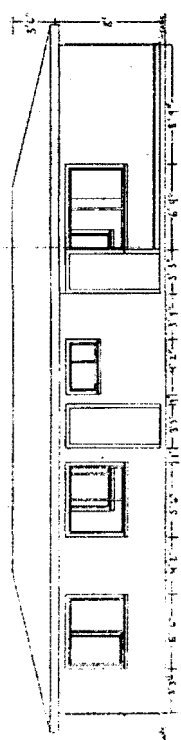
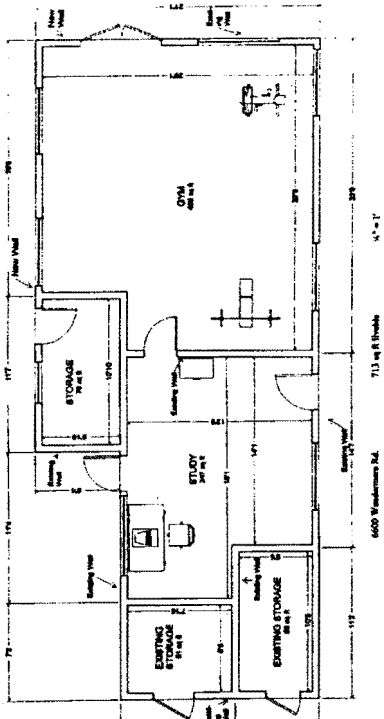


NO.	DATE	REVISION

PROJECT:  
BARN REMODEL  
6600 WANDAMERE  
MALIBU, CA

CLIENT:  
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6600 Wandamere Rd  
Malibu, CA

6600 Wandamere Rd  
Malibu, CA

6600 Wandamere Rd  
Malibu, CA

**Exhibit 3**  
**CDP 4-02-169**  
**Floor Plan and Elevations**

