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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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Filed: 4/9/98  
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Staff: J. Johnson  
Staff Report: 4/23/98  
Hearing Date: 5/15/98  
Commission Action:  
8413A



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-032

APPLICANT: Daniel and Lisa Cislo AGENT: Jose Iujvidin, Burdge & Associates

PROJECT LOCATION: 27364 Winding Way, City of Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a two-story 5,737 sq. ft., 28 ft. high single family residence and three car garage (8,397 sq. ft. total area, including covered verandas and cabana), pool, spa, and 701 sq. ft. pool cabana, 701 sq. ft. cabana basement room, new driveway, retaining walls, and septic system. Grading consists of 612 cubic yards of cut, 251 cubic yards of fill, while 361 cubic yards of material will be disposed outside the coastal zone.

Lot area:	81,893 sq. ft.
Building coverage:	6,069 sq. ft.
Pavement coverage:	10,851 sq. ft.
Landscape coverage:	31,167 sq. ft.
Parking spaces:	3
Plan Designation:	Residential I
Zoning:	1 unit/acre
Project Density:	1 du/ 1 acres
Ht abv fin grade:	28 ft.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 2/10/98; In Concept Approval for Septic System, Department of Environmental Health, City of Malibu, dated October 31, 1997; Approved in concept in Planning Stage, City of Malibu Geology and Geotechnical Engineering Review Sheet.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with five (5) Special Conditions addressing: design restrictions, landscape, drainage and fuel modification plans; plans conforming to the consulting geologist's and engineer's recommendations, a wild fire waiver of liability, and a future improvement restriction.

The project site is located within an undeveloped three lot subdivision about one quarter of a mile north of Pacific Coast Highway between Escondido and Ramirez Canyons. The vacant site is the southern most lot at the southeast end of a private drive due south of Winding Way. Along the west and south

perimeters of the lot is a section of an existing equestrian and hiking trail, the Izumi Connector. The proposed development will be visible from this trail and to a limited degree from Pacific Coast Highway, a designated scenic highway. Although there are no designated environmentally sensitive habitat resources on the property, there is a drainage along the eastern property boundary that drains to Escondido Beach. The project, as conditioned, will protect these visual and environmental resources.

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SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Los Angeles County; Coastal Permit No. 4-96-022, Smith; Coastal Permit No. 4-98-007; Coastal Permit No. 5-90-514, Petrusis; Coastal Permit No. 5-90-1131, Petrusis; Updated Soils and Engineering-Geologic Investigation, by Geosystems, dated July 17, 1997; Preliminary Soils and Engineering Geologic Investigation Report for Tentative Parcel Map No. 20433, by Geosystems, Inc., dated 12-20-88.

### I. STAFF RECOMMENDATION

#### 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. DESIGN RESTRICTIONS

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 restricts the color of the subject structures and roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass.

The deed restriction shall run with the land for the life of the structure approved in this permit, 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 California Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. LANDSCAPE, DRAINAGE, AND FUEL MODIFICATION PLANS

Prior to issuance of 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 applicant shall also submit a drainage/erosion control plan for the control of erosion prepared by a licensed engineer for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- a) 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 final occupancy of 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 pool cabana while partially screening these structures from Pacific Coast Highway and the Izumi Connector Trail.
- b) 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) Vegetation within 50 feet of the proposed 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, Fire Prevention Bureau.
- d) The drainage/erosion control plan shall assure that run-off from the roofs, patios, and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. Site drainage shall not be accomplished by sheet flow runoff over the face of the slope which descends to a drainage area on the southern portion of the parcel. The erosion control plan shall include revegetation of the building sites with drought-tolerant, native species more specifically described in the landscape plan above. By the acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to insure that the system functions properly. Should the device fail or any erosion result from drainage from the project, the applicant or successor interests shall be responsible for any necessary repairs and restoration.

### 3. PLANS CONFORMING TO GEOLOGIC RECOMMENDATION

Prior to the issuance of the 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 reports, "Updated Soils and Engineering Geologic Investigation For Proposed Single Family Residence, Lot 3, Parcel Map 20433, 27364 Winding Way, Malibu, California, dated July 17, 1997, by Geosystems, Inc.; and Preliminary Soils and Engineering Geologic Investigation Report for Tentative Parcel Map No. 20433, dated 12-20-88, by Geosystems, Inc., including issues related to site preparation, foundations, lateral design, temporary excavation slopes, foundation settlement, retaining walls, floor slabs, pre-saturation, pavement, foundation and building setback, 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 IMPROVEMENTS RESTRICTION

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in Coastal Development Permit No. 4-98-032. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the pool cabana governed by Coastal Development Permit No. 4-98-031. Accordingly, any future structures, additions or improvements related to the pool cabana on the property or to the clearing of vegetation, that might otherwise be exempt under Public Resource Code Section 30610(b), shall require an amendment to permit number 4-98-032, or an additional permit from the California Coastal Commission, or from the certified local government. However, fuel modification consistent with the requirements of the Los Angeles County Fire Department's fuel modification standards and consistent with special condition number two (2) above, is permitted.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

A. Project Location and Description

The project site is located within a partially developed area about one quarter of a mile north of Pacific Coast Highway between Escondido and Ramirez Canyons in the City of Malibu. The vacant site is the southern most lot of an undeveloped three lot subdivision located at the southeast end of a private drive leading about 600 feet south from Winding Way. (Exhibits 1, and 2) The site is at the base of a broad west-east ridge that descends from the north to the south along this private drive to a cul-de-sac. The property ranges from 194 feet above sea level at the southeast corner to 234 feet on the north side of the property. The slope descends gently to the south at an overall gradient which is flatter than 5:1 (horizontal to vertical). A partially graded driveway provides access to the lot.

The lot is located within the Escondido Beach West watershed. Along the eastern boundary of the site is a small unnamed drainage course which leads directly onto Escondido Beach. The lot is covered with grasses and there are a number of eucalyptus trees along the eastern boundary.

The applicants propose to construct a two-story 5,737 sq. ft., 28 ft. high single family residence and three car garage (8,397 sq. ft. total area, including covered verandas), pool, spa, 701 sq. ft. pool cabana, and 701 sq. ft. pool basement room. A new driveway, two retaining walls (one along the north portion of the property ranging from 4 - 6 feet high and about 208 feet long and the other ranging from 2 - 3 feet high about 240 feet long), and septic system are also proposed. The grading consists of 612 cubic yards of cut, 251 cubic yards of fill, while 361 cubic yards of material will be disposed outside the coastal zone. (Exhibits 3 - 11)

The Los Angeles County Land Use Plan designates the lot as Residential I, one dwelling unit per acre. The City of Malibu designates the zoning on the lot as Rural Residential two acre minimum lot size.

Regarding resources, the project site is not located within a designated environmentally sensitive habitat area. The City of Malibu conducted a Biological Review, dated 12/8/97, concluding to recommend to the City Planning Department project approval with a condition addressing a landscape plan and fuel modification plan. City's archaeologist conducted a review of the site records and physical characteristics finding no prehistoric remains. The City concluded that project construction will not affect such resources.

In September 1990, the Commission approved coastal permit number 5-90-514 (Petrusis) for the subdivision of a 4.62 acre parcel into three lots south of Winding Way. The size of the three lots created were 1.13, 1.59, and 1.92 acres with 4,280 cubic yards of grading for an access road and building pads for each lot. This coastal permit was approved with eight conditions addressing the following issues: cumulative impact mitigation, trail dedication, landscaping and erosion control, geologist recommendations, access easement, open space dedication, archaeological resources, and a revised tentative parcel map. All of these conditions were satisfied and the permit was issued in March 1991.

In April 1991, the Commission approved coastal permit number 5-90-1131 (Petrusis) to construct a 7,235 sq. ft. 35 foot tall residence with attached three car garage, tennis court, pool septic system, and 616 sq. ft. guesthouse on this same lot. This permit was issued in 1991 and a deed restriction addressing future improvements was recorded. This coastal permit expired in 1993 and the project was never constructed. As a result, this deed restriction previously recorded pursuant to coastal permit number 5-90-1131 terminated according to its terms when the permit expired.

## 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 project site is located about 120 feet in elevation above Pacific Coast Highway to the south, surrounded by residences to the northwest, east, and south, and vacant lots to the west and north. This area is characterized by lower intensity rural-type residential development.

Regarding public lands and trails, the proposed project site is located about fifteen hundred feet to the south-west of Escondido Canyon recreation area owned by the Santa Monica Mountains Conservancy. However, Escondido Canyon is separated from the project site by a small west-east ridge and a knoll. As a result, the project site is not visible from Escondido Canyon. In addition, the Coastal Slope Trail traverses west to east north of the project site along Winding Way, until it reaches Escondido Canyon. Although the subject lot is located about 600 feet from Winding Way, this west to east ridge also precludes public visibility of the project site from the Coastal Slope Trail. However, along the western and southern property boundaries, a public trail exists for pedestrian and equestrian access. This trail is known as the Izumi Connector which connects the Coastal Slope Trail from the north to Pacific Coast Highway to the southeast. According to staff at the Los Angeles County Parks and Recreation Department, the trail was established in 1990 by the County and named after a retired County Parks trails staff member. This trail was also the result of a condition to coastal permit number 5-90-514 to divide one parcel into three lots; the southern lot is the subject of this application.

Regarding public roadways, the project site is visible from Pacific Coast Highway, however, this portion is not considered a first priority scenic highway. The Malibu/Santa Monica Mountains Land Use Plan designates this section of the Highway as a second priority scenic segment. (See Exhibits 8 and 11) for the south elevations.) In addition, because the location of the proposed residence is about a quarter of a mile north of Pacific Coast Highway, the size and appearance of the residence will be limited.

In conclusion, the residence will be clearly visible from public viewing areas along the Izumi Connector Trail, particularly because the trail traverses the property along the western and southern boundaries. Due to the distance, public views from Pacific Coast Highway will be limited. In order to ensure that the 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 the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows and glass as required by condition number one (1). Additionally, visual impacts can be further mitigated by requiring all graded areas and the perimeter of the structures to be adequately landscaped. Although the applicant proposes to landscape the area surrounding the residence, the plan has not been submitted. The landscaping should consist of native, drought resistant plants. The 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 and south. Therefore, condition number two (2) requires the applicant to submit a landscape plan meeting the above requirements to minimize the visual impact and a drainage/erosion control plan to minimize erosion 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 Commission reviews the proposed project's 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: 1) Updated Soils and Engineering-Geologic Investigation For Proposed Single Family Residence Lot 3, Parcel Map 20433, 27364 Winding Way, Malibu, California, dated July 17, 1997, by Geosystems, Environmental and Geotechnical Consultants; and 2) Preliminary Soils and Engineering Report for Proposed Tentative Parcel Map No. 20433 Three Lots on 4.32 Acres, dated 12-20-88, by Geosystems, Inc. The applicant also submitted a Geology and Geotechnical Engineering Review Sheet from the City of Malibu 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 residence provided the recommendations included herein are followed and integrated into the building plans.

It is the finding of this firm that the proposed building and or grading will be safe and that the property 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 county code, provided our recommendations are followed.

The recommendations in the Geology Update Report address the following issues: site preparation, foundations, lateral design, temporary excavation slopes, foundation settlement, retaining walls, floor slabs, pre-saturation, pavement, foundation and building setback, 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. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the geology and geotechnical 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.



Although the applicants have submitted grading plans and a draft drainage plan, a complete drainage plan addressing all impervious surfaces was not submitted. The drainage plan should provide for the positive discharge of water through drainage routes and energy dissipators 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. In addition, condition number two (2) requires the submittal of a drainage/erosion control plan to minimize erosion and provide for surface discharge in a non-erosive manner.

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 condition number four (4).

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 pool cabana) 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 pool cabana of 701 sq. ft. on the site, consisting of an exercise room, playroom, and bath. Cut into the hillside below the cabana is a seven (7) foot high basement area for pool equipment, maintenance, and storage consisting of 701 sq. ft. The basement is accessed from the area below the pool deck and pool cabana; the cabana and basement are not connected by any accessway. Therefore, the basement is considered non-habitable space and the proposed 701 sq. ft. cabana at ground level 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 pool cabana is not considered a second residential unit. However, to ensure that no additions or improvements are made to the pool cabana that may further intensify the use without due consideration of the potential cumulative impacts, the Commission

finds it necessary to require the applicants to record a future improvements deed restriction, which will require the applicants to obtain an amended or new coastal permit if additions or improvements to the development 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 pool cabana 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 October 31, 1997. 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 waste water 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 impacts 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

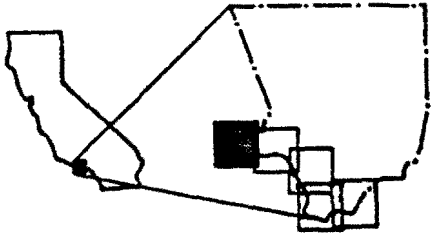
The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any 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.

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Los Angeles

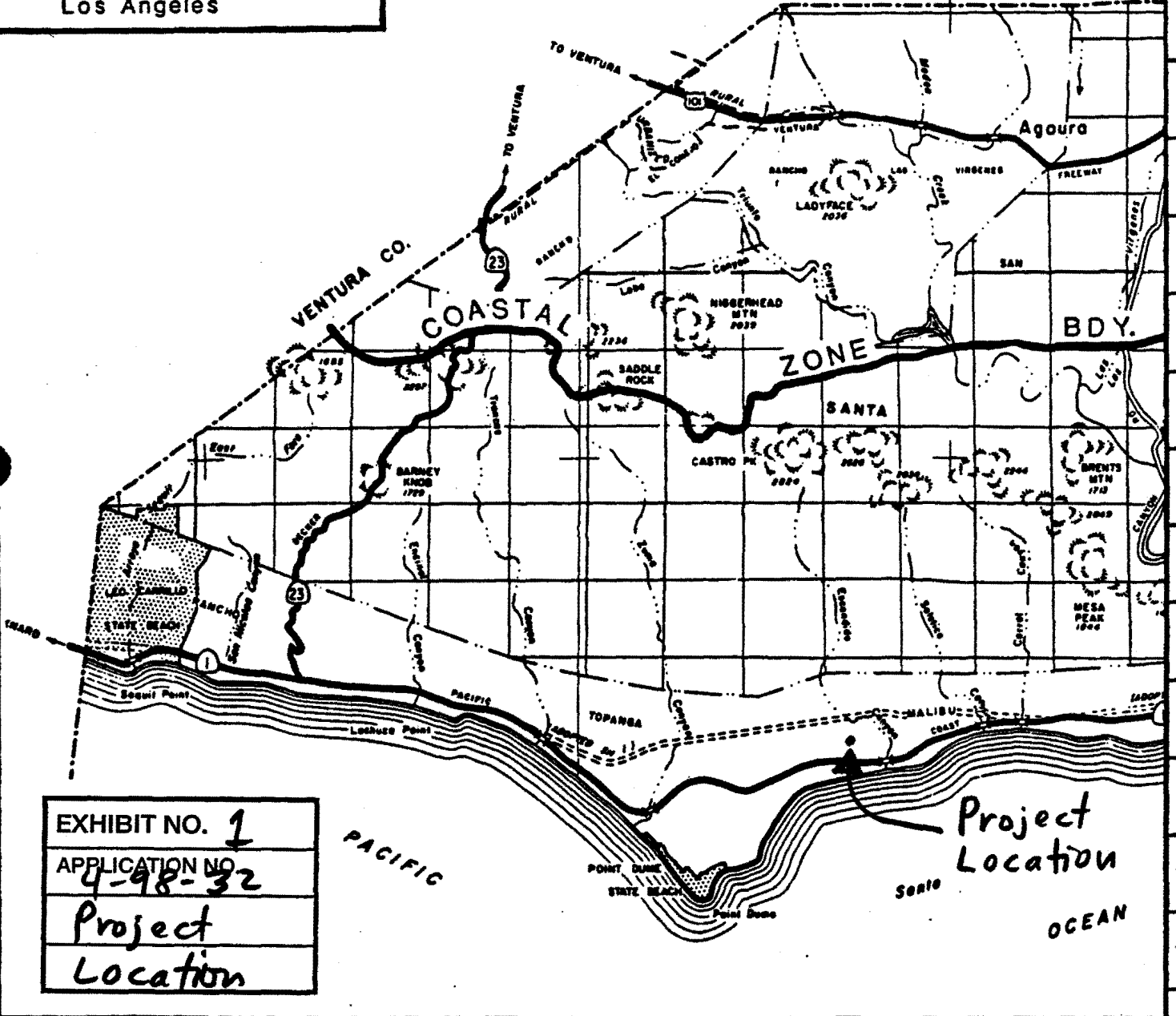


EXHIBIT NO. 1  
APPLICATION NO  
4-98-32  
Project  
Location

Project Location

LOCATION MAP



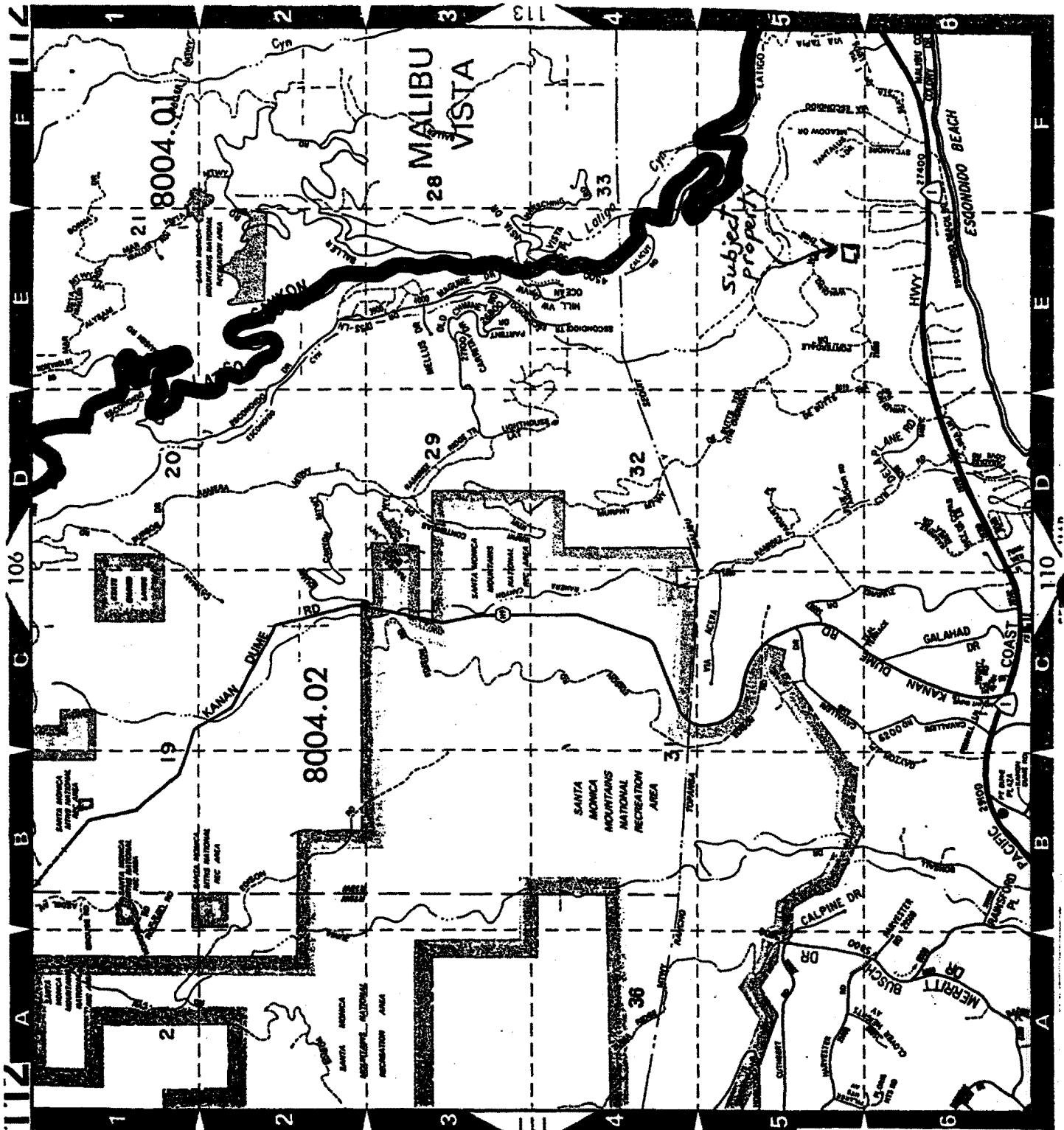


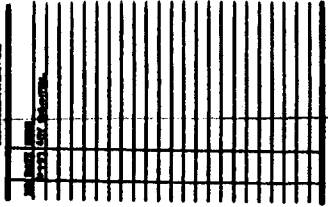
EXHIBIT NO. 2
APPLICATION NO. 4-98-32
Project Site



CISLO  
RESIDENCE

27864 Whaling Way  
Malibu, Ca 90265

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08/14/01 BY 60322 UCBAW/STP



**BURDGE**  
ASSOCIATES  
PLANNERS

LOS CABOS

DATE: 1/27/98  
BY: [Signature]

SCALE: 1" = 100'  
DATE: 1/27/98  
BY: [Signature]

JAN 27 1998

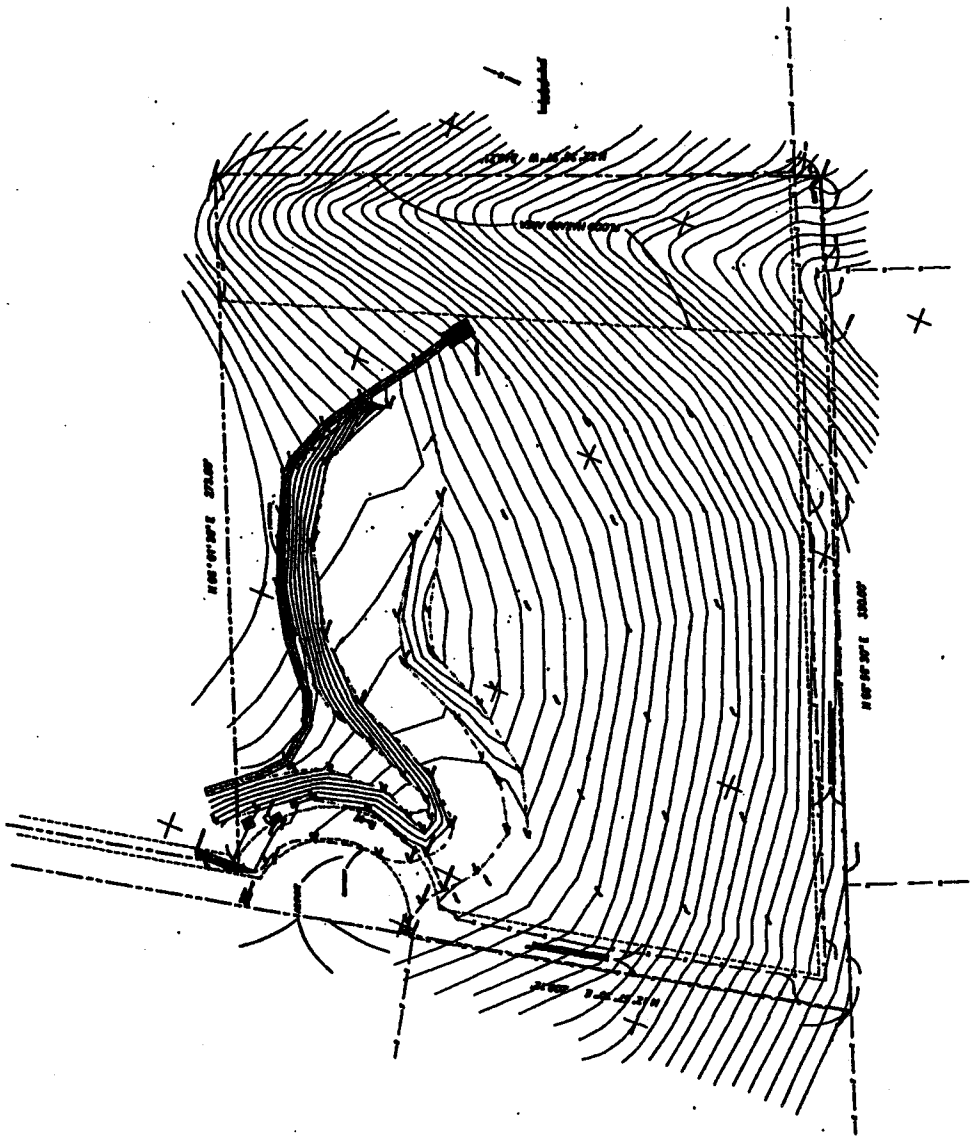


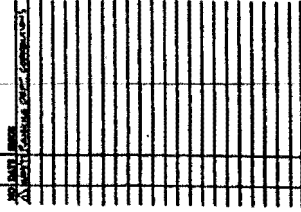
EXHIBIT NO.	4
APPLICATION NO.	4-98-32
Survey of Site	



CISLO  
RESIDENCE

27364 Winding Way  
Malibu, CA 90265

FOR THE ARCHITECT:  
FOR THE CLIENT:  
FOR THE CONTRACTOR:  
FOR THE ENGINEER:  
FOR THE INSURER:  
FOR THE LENDER:  
FOR THE TAXPAYER:  
FOR THE RECORDING OFFICE:



**BURIDGE**

ASSOCIATES  
PLANNERS

LOS ANGELES

DATE: 1/27/98  
SCALE: AS SHOWN  
SHEET NO. 1 OF 1

FIRST FLOOR  
PLAN

JAN 27 1998

A.03

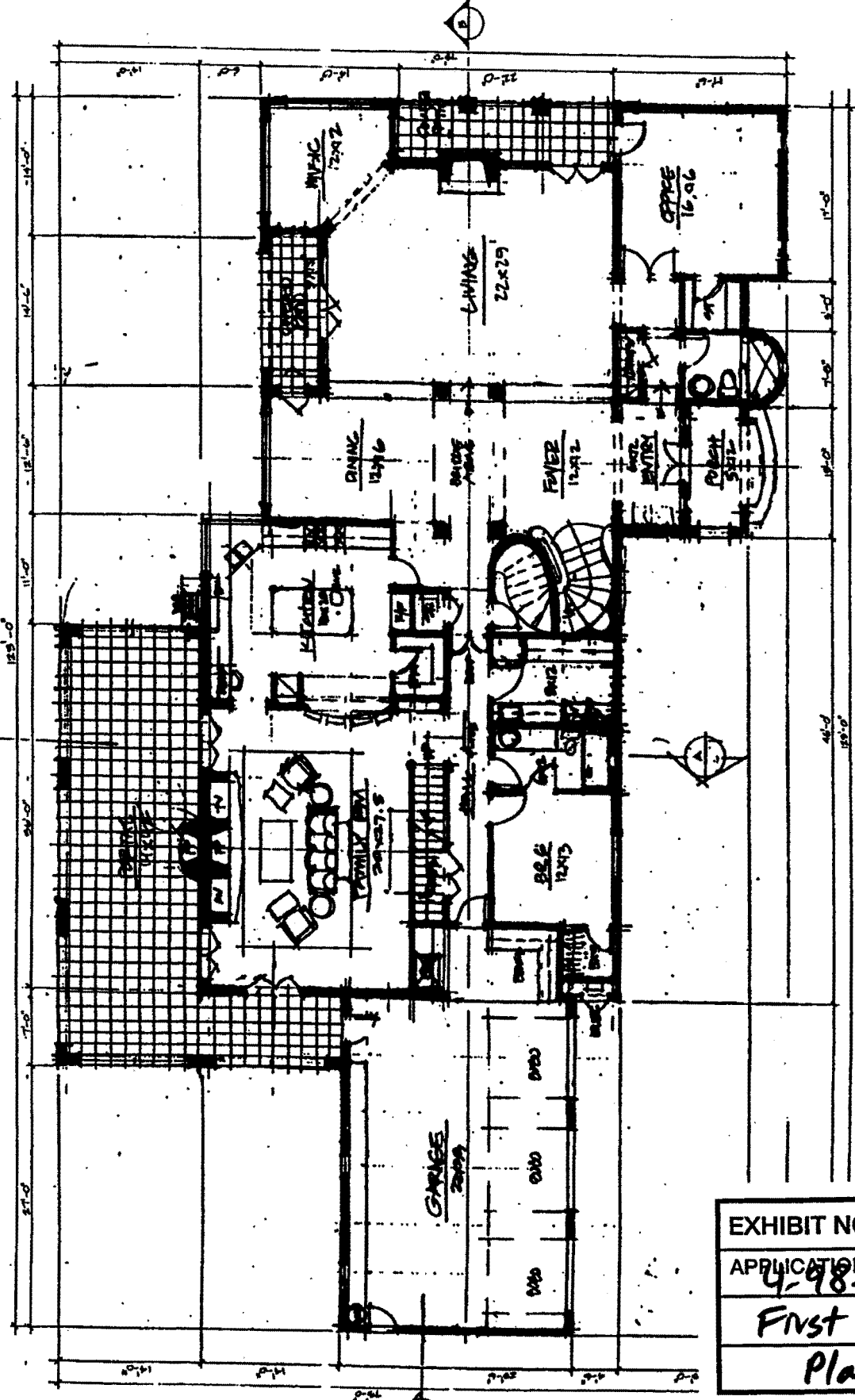
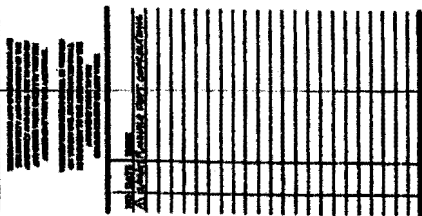


EXHIBIT NO.	5
APPLICATION NO.	4-98-32
FIRST FLOOR Plan	

CISLO  
RESIDENCE

27364 Winding Way  
Malibu, CA 90265



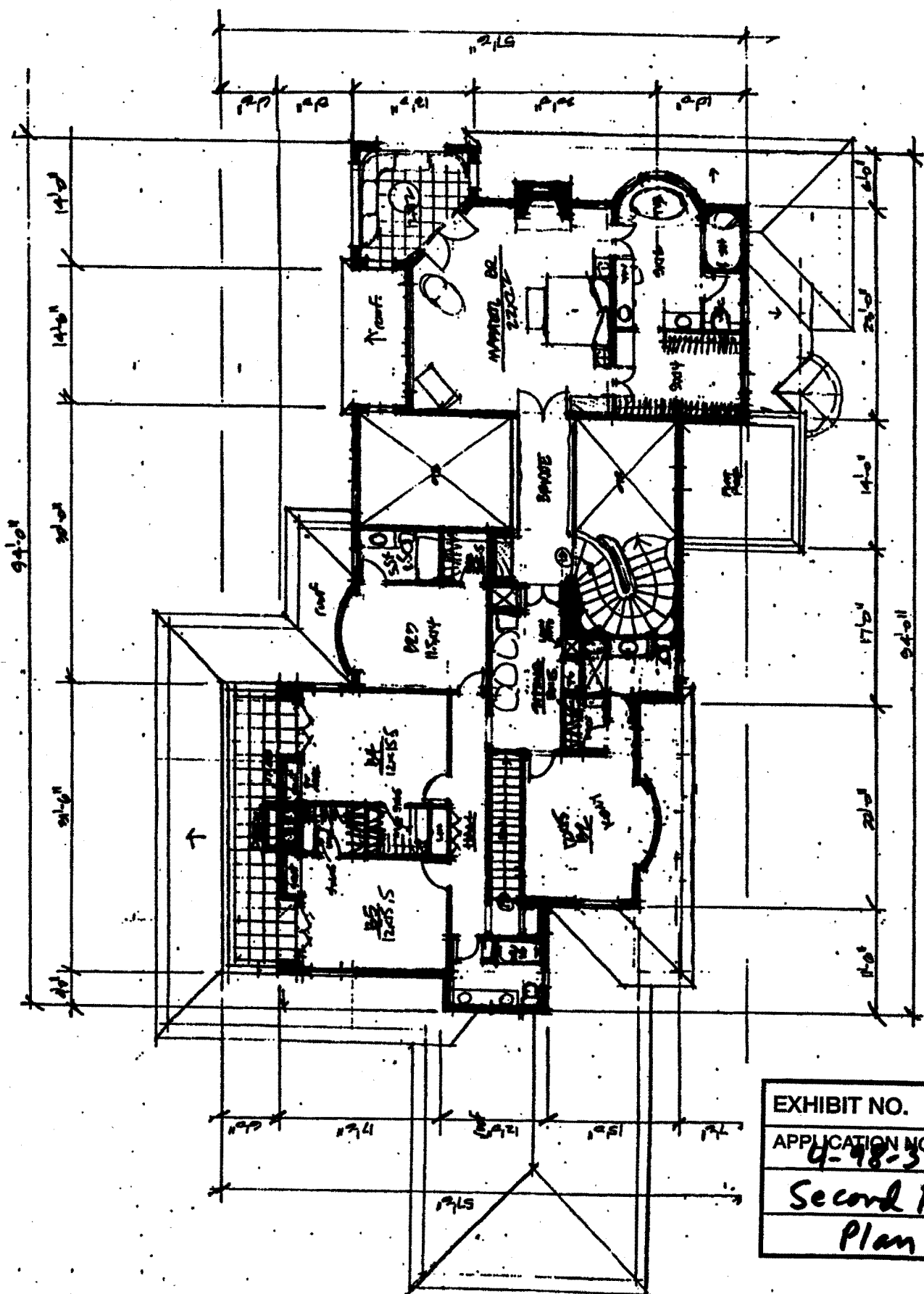
BURDIGE  
ASSOCIATES  
PLANNERS  
ARCHITECTS

100 CARDS

100 CARDS

SECOND FLOOR  
PLAN

A.04



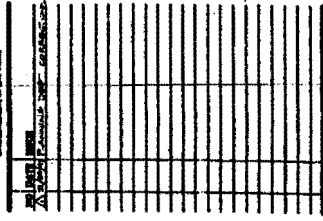
JAN 27 1998

EXHIBIT NO.	6
APPLICATION NO.	4-98-32
Second Floor Plan	

CISLO  
RESIDENCE

27364 Winding Way  
Malibu, Ca 90265

THE ARCHITECTS ASSOCIATION OF CALIFORNIA  
MEMBER SINCE 1954

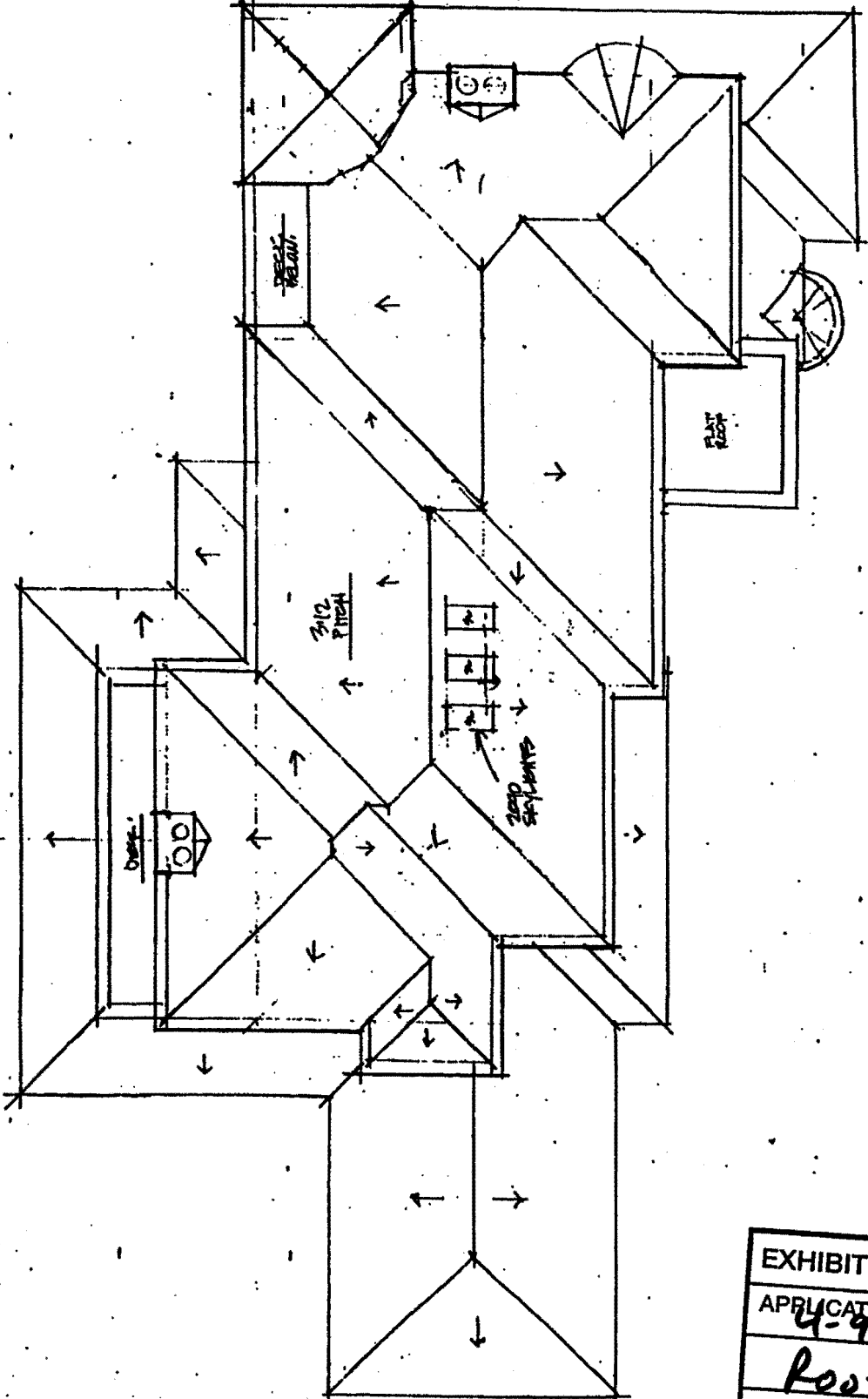


**BURDGE**  
ASSOCIATES  
PLANNERS

LOG CLIPS

ROOF PLAN

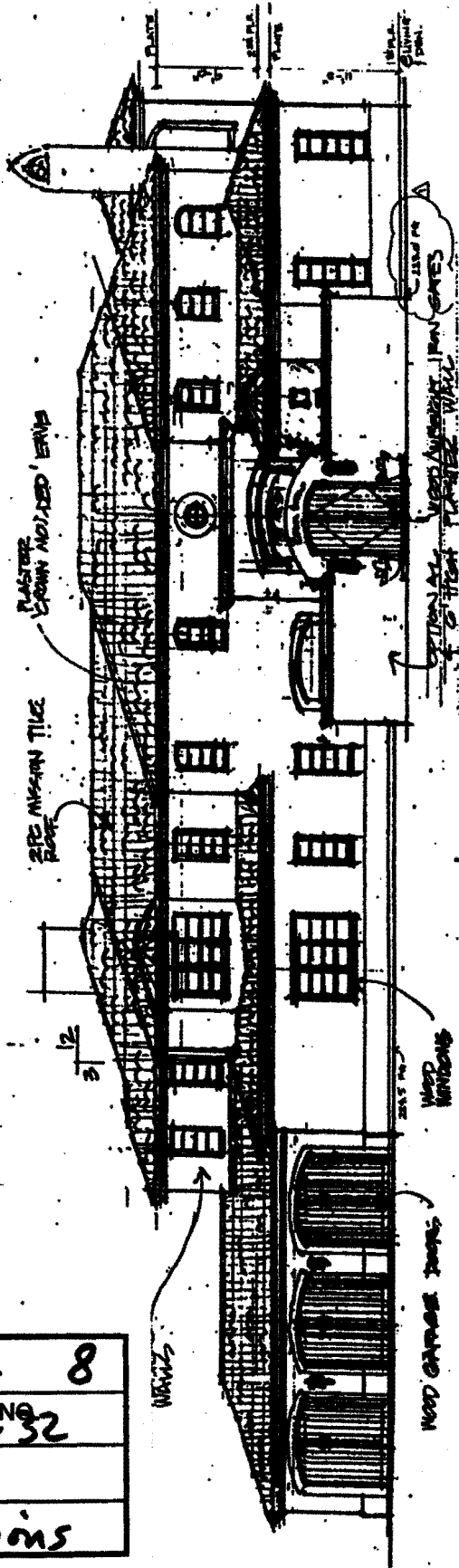
SCALE  
DATE  
PROJECT NO.  
A-05



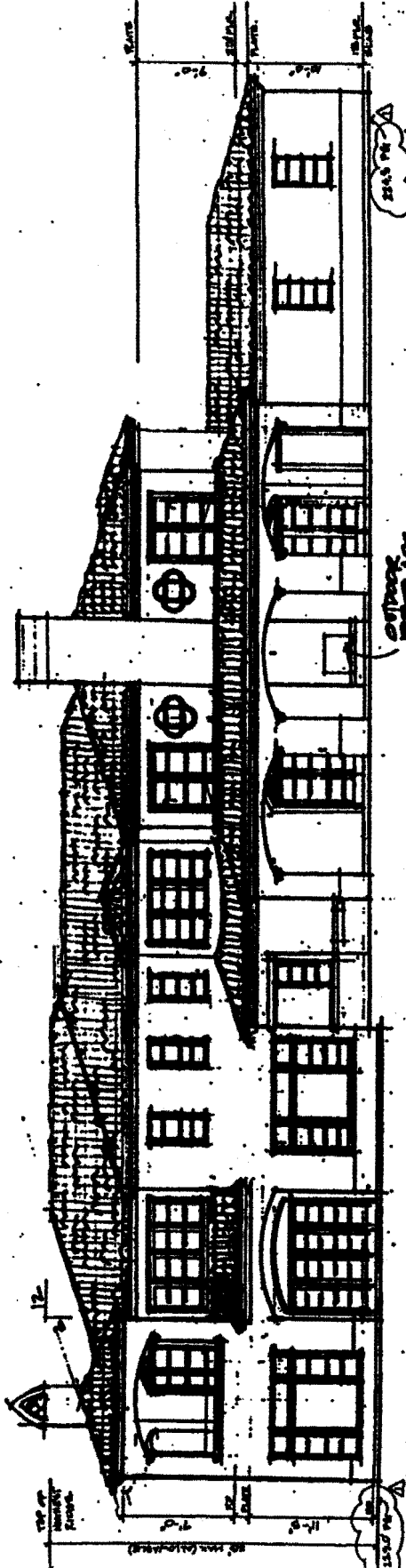
JAN 27 1998

EXHIBIT NO.	7
APPLICATION NO.	4-98-32
Roof Plan	

EXHIBIT NO.	8
APPLICATION NO.	4-98-32
N+S Elevations	



NORTH ELEVATION

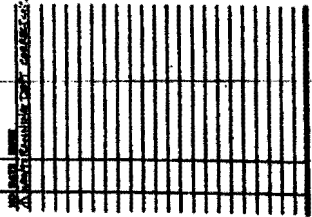


SOUTH ELEVATION

CISLO  
RESIDENCE

27344 Winding Way  
Malibu, Ca 90265

ARCHITECT  
PLANNING  
DESIGN  
CONSTRUCTION



BURIDGE  
ASSOCIATES

ARCHITECTS

PLANNERS

LOS ANGELES

ELEVATIONS

JAN 27 1998

A-06

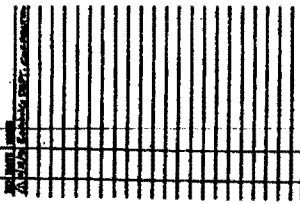




CISLO  
RESIDENCE

27964 Winding Way  
Malibu, Ca 90265

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WRITTEN PERMISSION OF  
BURDGI ASSOCIATES



**BURDGI**  
ASSOCIATES  
PLANNERS

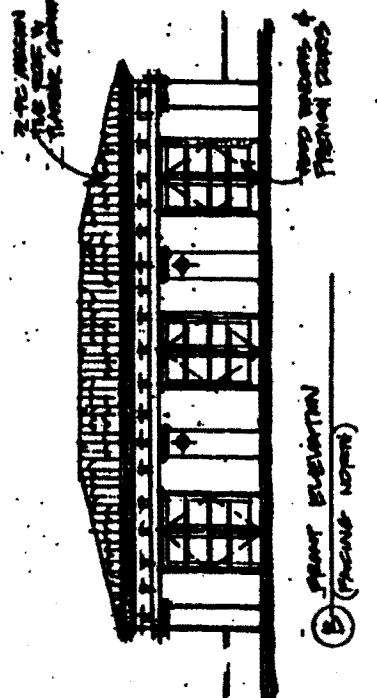
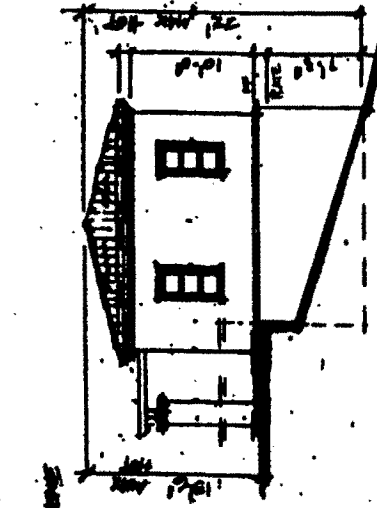
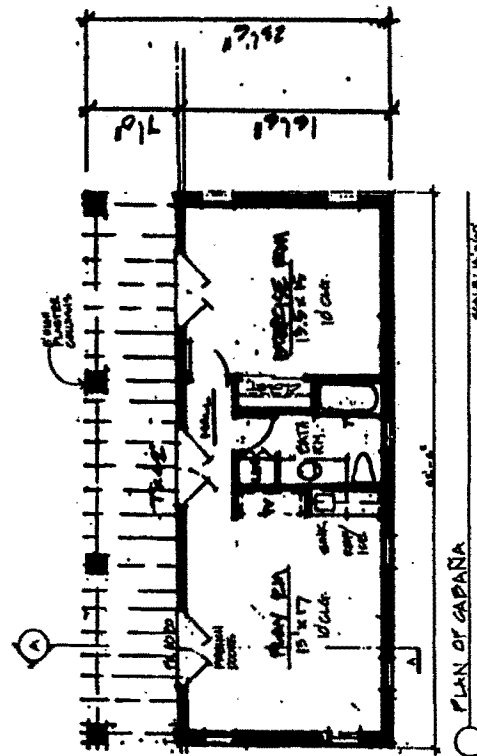
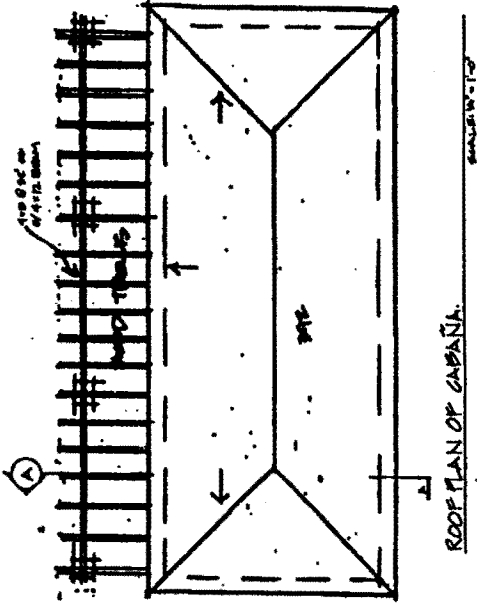
LOS CABOS

PROJECT NO. 4-98-32  
DATE: 1/27/98

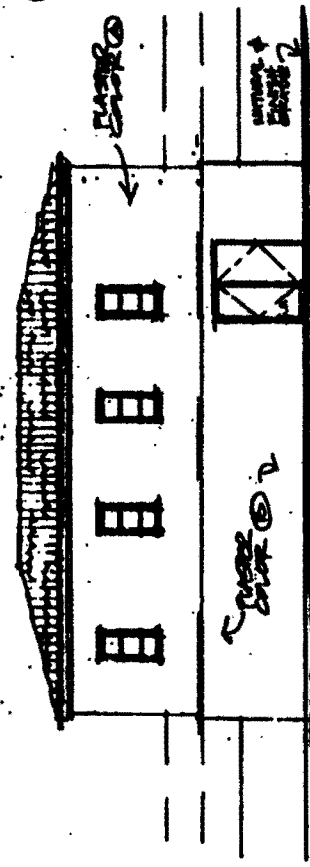
POOL CABANA;  
FLOOR PLAN,  
ROOF PLAN,  
ELEVATIONS,  
SECTION

SCALE: 1/8" = 1'-0"  
A.C.

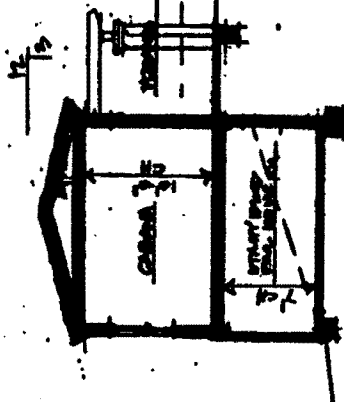
JAN 27 1998



(C) SIDE ELEVATION  
(SIMILAR OTHER SIDE)



(D) REAR ELEVATION  
(FRONT SOUTH)



(E) SECTION A-A

EXHIBIT NO.	11
APPLICATION NO.	4-98-32
Pool Cabana	

(C) POOL CABANA

