

CALIFORNIA COASTAL COMMISSION

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 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-99-270

APPLICANT: Myra Burg & David Steinitz

PROJECT LOCATION: 3890 Rambla Orienta, City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: Construction of a new, 3,350 sq. ft., 34 ft. high, two-story single family residence (SFR), a detached 2-car garage with a 475 sq. ft. basement, a septic system, and a driveway to replace a 1,212 sq. ft. SFR which was destroyed by wildfire. The project includes 161 cu. yds. of grading (129 cut, 32 fill).

Lot area	5,915 sq. ft. (0.136 ac.)
Building coverage:	1,235 sq. ft.
Pavement coverage:	300 sq. ft.
Landscape coverage:	4,380 sq. ft.
Parking spaces:	4
Ht abv ext. grade:	34'0"

LOCAL APPROVALS RECEIVED: Approval in Concept – City of Malibu Planning Department; Approval in Concept – City of Malibu Environmental Health Department (Septic System).

SUBSTANTIVE FILE DOCUMENTS: *Expanded Geologic Report for Fire Restoration, 3890 Rambla Orienta, Malibu*, by E.D. Michael, Consulting Geologist, dated November 22, 1994; *Results of Geotechnical Evaluation – Fire Damage Restoration, 3890 Rambla Orienta, Malibu*, by Evans, Colbaugh & Associates, dated August 24, 1995; *Updated Geology Report, Lot 35 of Tract 10570 (APN 4451-018-007), 3890 Rambla Orienta, Malibu, California*, by E.D. Michael, Consulting Geologist, dated July 5, 1999; *City of Malibu Geology and Geotechnical Engineering Review Sheet for Applicant: Myra Burg, at Site Address: 3890 Rambla Orienta*, dated August 11, 1999; Coastal Development Permit (CDP) No. 4-95-019 (Masatani).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with six (6) special conditions regarding landscape / erosion control plans, drainage plans and maintenance responsibility, plans conforming to geologic recommendations, removal of excavated material, wildfire waiver of liability, and restriction of future development.

I. STAFF RECOMMENDATION

1. Motion: *I move that the Commission approve Coastal Development Permit No. 4-99-270 pursuant to the staff recommendation.*

2. 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.

3. 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. 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 Commission 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. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. 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, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants 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.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the applicable landscape requirements.

Vegetation within fifty feet (50') of the proposed structure(s) may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. 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 Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed structure(s) shall be selected from the

most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

b) Erosion Control

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plans shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary swales, and sediment basins. The plans shall also specify that all disturbed areas be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

c) Monitoring

Five (5) years from the date of receipt of the Certificate of Occupancy, the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

2. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.

(b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.

(c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps / separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year, and (2) should any of the project's surface or subsurface drainage / filtration structures or other BMPs fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage / filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Plans Conforming to Geologic Recommendations

All recommendations contained in the *Expanded Geologic Report for Fire Restoration, 3890 Rambla Orienta, Malibu*, by E.D. Michael, Consulting Geologist, dated November 22, 1994, the *Updated Geology Report, Lot 35 of Tract 10570 (APN 4451-018-007), 3890 Rambla Orienta, Malibu, California*, by E.D. Michael, Consulting Geologist, dated July 5, 1999, and the *City of Malibu Geology and Geotechnical Engineering Review Sheet for Applicant: Myra Burg, at Site Address: 3890 Rambla Orienta*, dated August 11, 1999 shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans. 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 to the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

4. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

5. Wildfire Waiver of Liability

PRIOR TO 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 or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

6. Future Development Deed Restriction

This permit is only for the development described in Coastal Development Permit No. 4-99-270. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the entire parcel. Accordingly, any future structures, additions, or improvements related to the garage basement approved under Coastal Development Permit No. 4-99-270, will require a permit from the California Coastal Commission or its successor agency.

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 incorporating all of the above terms of this condition. The deed restriction shall include a legal description 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant is proposing construction of a new, 3,350 sq. ft., 34 ft. high, two-story single family residence (SFR), a detached 2-car garage with a 475 sq. ft. basement, a septic system, and a driveway to replace a 1,212 sq. ft. SFR which was destroyed by wildfire. The project includes 161 cu. yds. of grading (129 cut, 32 fill). The subject site is a 5,915 sq. ft. (0.136 ac.) parcel located in the La Costa area of the City of Malibu. Access to the project site is from Pacific Coast Highway to Rambla Vista to Rambla Orienta, a public street which borders the north side of the property. The site is surrounded by single-family residences to the east and north (across Rambla Orienta). The lot to the immediate south has never been built-upon. The subject property along with properties to the east and west had SFRs that were destroyed in the 1993 Malibu / Old Topanga wildfire. The neighboring property to the east is currently being rebuilt. The only remains of the previous residence at the subject property are the foundation and the chimney which will be removed as part of this project. There has been one previous coastal development permit obtained for the subject property (CDP No. 4-95-019 Masatani), but the proposed development was never built, and there are no existing structures on-site.

The La Costa neighborhood in Malibu is comprised of some 250-300 small lots of generally less than one acre in size. Many of these lots are developed with single family residences constructed on moderate to steep slopes. The natural topography of the neighborhood is rugged, and there is limited natural vegetation. The La Costa area has been observed to have numerous historically and currently active landslides, slips, and slumps.

The building site is situated on a south-facing slope on the flanks of the Santa Monica Mountains. The subject property has an existing split-level pad area in the center of the lot with 2:1 (horizontal to vertical) slopes above and below. The approximate elevation of the existing pad ranges from 205 to 212 feet. Overall site relief is approximately thirty-nine feet (39') with an average slope on-site of approximately twenty-seven percent (27%) ascending from the rear yard area to the northern property line at Rambla Orienta. Slope ratios ranging from 2:1 to 1.5:1 continue ascending north of the parcel. Slopes on the adjoining parcel to the south are even steeper. Drainage from the property flows overland in a southerly direction towards Rambla Vista and Pacific Coast Highway. The runoff is collected in various public and private drainage conveyances, converging into culverts under the highway, and eventually outletting at La Costa Beach. There is very little vegetation on-site because it appears to have been used a staging area for construction of the residence immediately to the east at 3884 Rambla Orienta.

B. Visual Resources

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.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.

The subject site is minimally visible from an LUP-designated scenic highway (Pacific Coast Highway) to the south. However, the property is located within the La Costa area of Malibu, a highly developed neighborhood, surrounded by other single family residences. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. The parcel under consideration has an area of 5,915 sq. ft. (0.136 ac.) and is clustered with many lots of a similar size. Almost any development in the La Costa area will be visible from Pacific Coast Highway due to the lot sizes and steep topography ascending directly from the highway. Nearby residences are of a similar massing, character, and location to be similarly, if not more visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area.

The proposed project will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent with

Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

C. Hazards

Section 30253 of the Coastal Act states (in part):

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...*

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

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 is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, the Pacific Ocean (Santa Monica Bay) and various beaches to the south, Carbon Canyon to the west, and Las Flores Canyon to the east. The property is located on a sloping site with an existing, split-level pad, and a moderate amount of grading is proposed mostly for the new foundation and driveway.

Surface drainage on-site is currently accomplished naturally by sheetflow to the south where it is collected in a small on-site retention basin in the southeastern corner of the property. Beyond the basin's limited capacity, runoff overflows to a dispersal wall and travels overland toward Rambla Vista and Pacific Coast Highway. The runoff then is collected in various public and private drainage conveyances including roads, converges into a culvert under the highway, and eventually outlets at La Costa Beach. There are two United States Geological Survey (USGS) designated blue-line (intermittent) streams located in the vicinity of the project site. Carbon Canyon Creek is located approximately 2800 ft. to the west, and Las Flores Canyon Creek is located approximately 900 ft. to the east.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical

consultant has recommended that site drainage be collected and distributed in a non-erosive manner. The building pad area is near-level but is surrounded by ascending slopes to the north and descending slopes to the south. Because of these slopes on-site and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions Two and Three**, to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 161 cu. yds. of grading including 129 cu. yds. of cut and 32 cu. yds. of fill for excavation for the basement and the garage. Therefore the total soil balance of cut and fill equates to a net export of 97 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition Four** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the geological stability of the site. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. Long-term erosion can be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that non-native and invasive plant species do not serve to stabilize slopes and that such vegetation results in potentially adverse effects to the stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Also, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site must be landscaped with appropriate native plant species, as specified in **Special Condition One**.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared reports addressing the specific geotechnical conditions related to the site. The *Expanded Geologic Report for Fire Restoration, 3890*

Rambla Orienta, Malibu, by E.D. Michael, Consulting Geologist, dated November 22, 1994 states:

The subject site is suitable for restoration. Based upon its history of stability and general geological character as discussed below, its restoration will cause no significant change in the geological character of the site or the local environment from that existing prior to the fire.

However, the 1994 E.D. Michael report does mention the possible presence of landslides in the project vicinity:

The property adjacent to the east at 3884 Rambla Orienta experienced distress relating to slope movement probably late in 1978. ... Minor shallow landslides occur in the sides of the eastern and western gullies and in the slope below the property. All involve only sections of soil or colluvium at most a foot or so thick. None is considered significant for present purposes.

The 1999 E.D. Michael report concludes:

The property is safe for redevelopment as proposed. To the extent consistent with presently proposed plans, conclusions and recommendations derived from previous investigations of the property (Michael, 1994; Evans, 1995) remain appropriate. So long as there is adherence to those as well as the recommendations contained herein, development should not adversely affect neighboring properties.

Based on the consulting geologists' findings, the subject site is not considered to be underlain or threatened by landslides, and the subject property is not considered to be subject to any other adverse geologic condition. Therefore, in this case, a special condition deed restriction requiring an assumption of risk / waiver of liability for geologic hazards is not warranted. However, the Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the property. The La Costa neighborhood is located in a portion of Malibu which suffered extensive damage in the 1993 Old Topanga Fire Storm; in fact, the previous residence at this address was destroyed. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Five**, 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.

The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

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.

The conversion of the project site from its natural state will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The building area is sloping and is surrounded by ascending slopes to the north and descending slopes to the south. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs). Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. In order to ensure that runoff is conveyed off-site in a non-erosive manner and to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms

of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season.

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. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project is consistent with Section 30231 of the Coastal Act.

E. Cumulative Impacts

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new development. 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 and reconstruction of or addition to previously existing development raises coastal issues related to cumulative impacts on coastal resources. The construction of a second unit on the site where a primary residence is also being built or already exists intensifies the use of a parcel creating potential impacts to public services, such as water, sewage, electricity, and roads. Such development also raises issues regarding maintaining and enhancing public access to the coast.

Based on Coastal Act policies, the Commission has limited the development of second potential dwelling units on residential parcels in the Malibu and Santa Monica Mountains areas. 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 second units, the Commission found that the small size of the 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, and 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 forms such as: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; or 2) a guesthouse, with or without separate kitchen facilities. Past Commission actions have consistently found that second units, guesthouses, pool cabanas, maids' quarters and the like 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 (Certified *Malibu Santa Monica Mountains Land Use Plan* 1986, page 29).

Although the proposed 475 sq. ft. detached garage basement is not a second residential unit at this time, it could be easily converted to a second residential unit in the future. To ensure that no additions or improvements are made to the garage basement (potential guest unit) that may further intensify the use without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Six**. The Commission finds that, as conditioned, the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

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 program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates 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 significant 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 City's ability to prepare a Local Coastal Program for Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

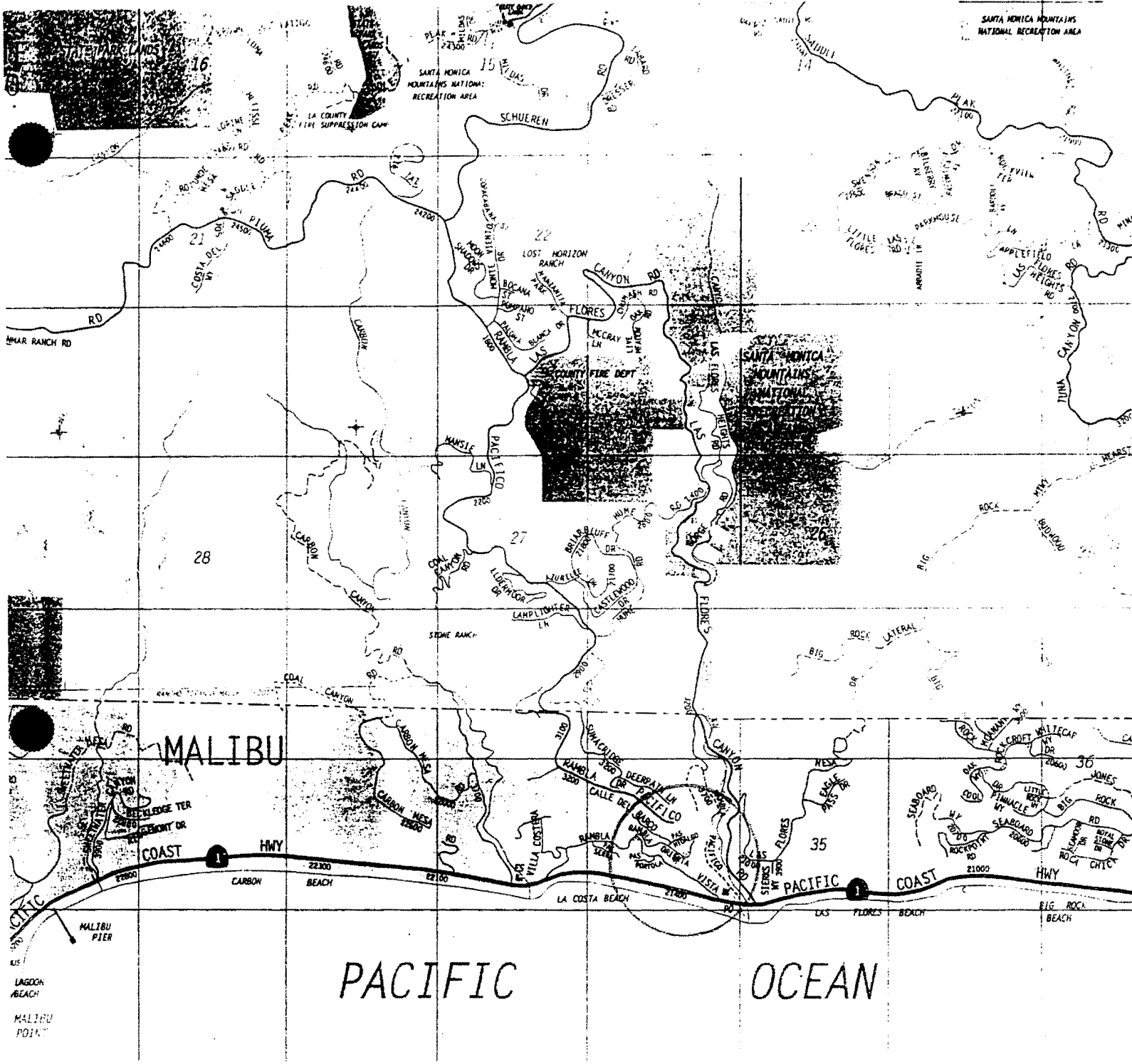
Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the 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 which the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have 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.

BCM/bcm

File: BCM/permits/4-99-270 BurgSteinitz



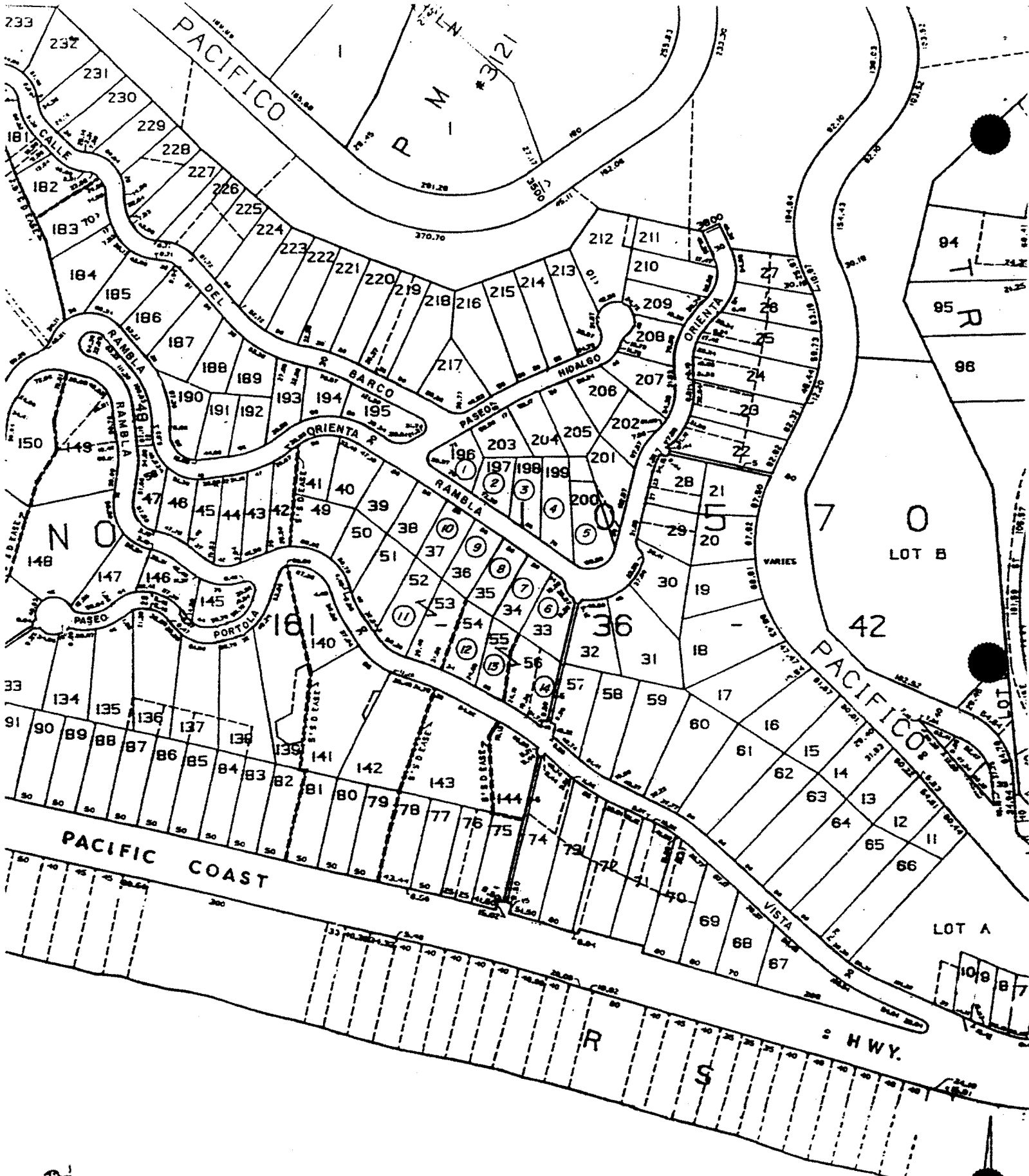


RECEIVED

DEC 16 1999

CENTRAL COAST DISTRICT

Exhibit 1
4-99-270 (Burg & Steinitz)
Vicinity Map



Heron Maps

(310) 317-1515
 20756 Seaboard Road
 Malibu CA 90265

Exhibit 2
 4-99-270 (Burg & Steinitz)
 Parcel Map



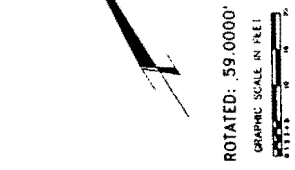
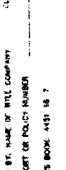
1" = 200'

SURVEY

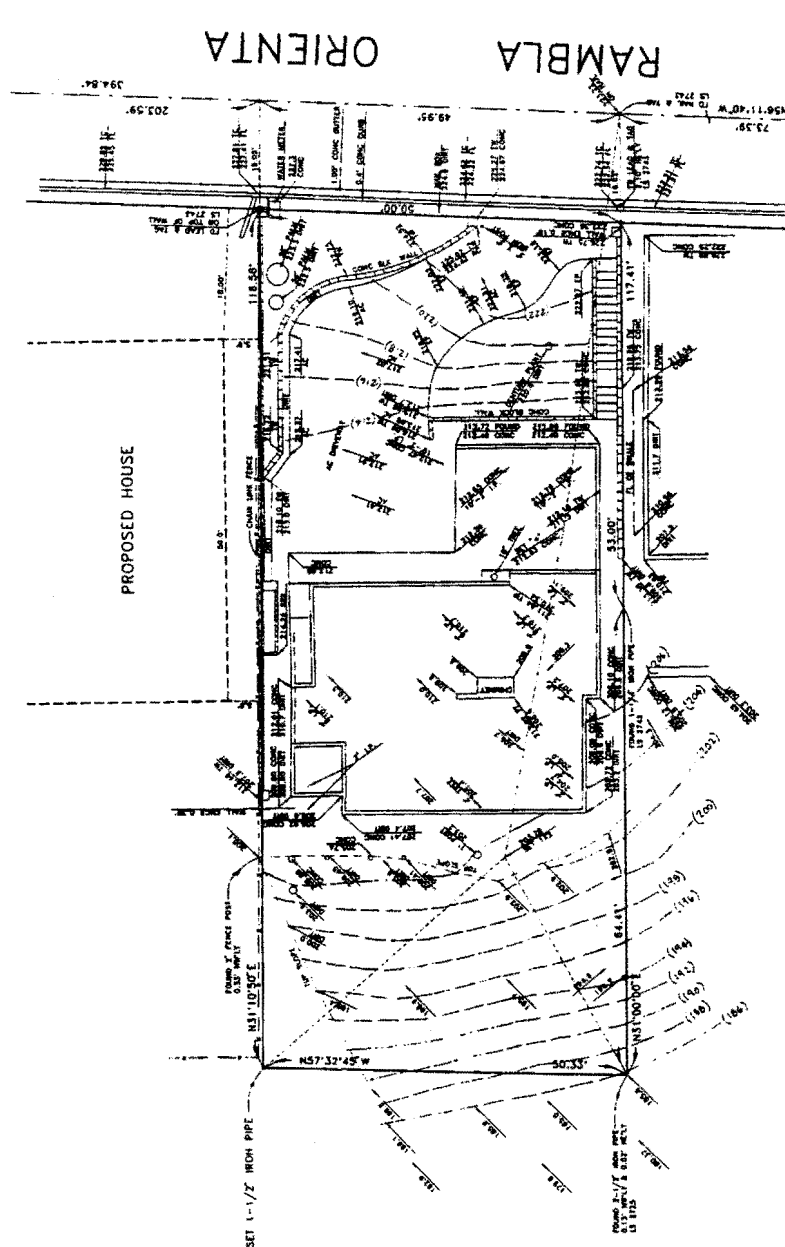
JOB ADDRESS:
0890 RAMBLA ORIENTA
MALIBU, CA 90265

2-18-97
RAYMOND CIVIL ENGINEER
RAYMOND R. SOTO
2010 Jaramila Boulevard
Santa Monica, CA 90406
(310) 306-1140

- NOTES:**
1. LEGEND: SOME OF THESE SYMBOLS MAY HAVE BEEN USED ON THIS PLAN:
 - TOP OF SLAB
 - TOP OF WALL
 - TOP OF ROOF
 - CEILING
 - BASE OF WALL
 - BASE OF ROOF
 - EDGE OF WALL
 - EDGE OF ROOF
 - EDGE OF FLOOR
 - EDGE OF CEILING
 - EDGE OF FOUNDATION
 - EDGE OF CONCRETE
 - EDGE OF MASONRY
 - EDGE OF BRICK
 - EDGE OF STONE
 - EDGE OF TILE
 - EDGE OF PLASTER
 - EDGE OF GYPSUM
 - EDGE OF LATH & PLASTER
 - EDGE OF SHEET PILING
 - EDGE OF RAILROAD TRACK
 - EDGE OF HIGHWAY
 - EDGE OF AIRWAY
 - EDGE OF FENCE
 - EDGE OF DRIVE
 - EDGE OF WALK
 - EDGE OF SIDEWALK
 - EDGE OF PARKING LOT
 - EDGE OF YARD
 - EDGE OF GARDEN
 - EDGE OF PATIO
 - EDGE OF PORCH
 - EDGE OF BALCONY
 - EDGE OF TERRACE
 - EDGE OF STAIR
 - EDGE OF ELEVATOR
 - EDGE OF MECHANICAL ROOM
 - EDGE OF ELECTRICAL ROOM
 - EDGE OF TELEPHONE ROOM
 - EDGE OF STORAGE ROOM
 - EDGE OF HALL
 - EDGE OF CLOSET
 - EDGE OF BATH
 - EDGE OF KITCHEN
 - EDGE OF DINING ROOM
 - EDGE OF LIVING ROOM
 - EDGE OF BED ROOM
 - EDGE OF BATH ROOM
 - EDGE OF BREAKFAST ROOM
 - EDGE OF PORCH
 - EDGE OF PATIO
 - EDGE OF TERRACE
 - EDGE OF BALCONY
 - EDGE OF STAIR
 - EDGE OF ELEVATOR
 - EDGE OF MECHANICAL ROOM
 - EDGE OF ELECTRICAL ROOM
 - EDGE OF TELEPHONE ROOM
 - EDGE OF STORAGE ROOM
 - EDGE OF HALL
 - EDGE OF CLOSET
 - EDGE OF BATH
 - EDGE OF KITCHEN
 - EDGE OF DINING ROOM
 - EDGE OF LIVING ROOM
 - EDGE OF BED ROOM
 - EDGE OF BATH ROOM
 - EDGE OF BREAKFAST ROOM
 2. THE AREA OF THE PROPERTY SURVEYED IS 1.533 SQ FT OF SLAB AREA.
 3. THE AREA OF THE PROPERTY SURVEYED IS 1.533 SQ FT OF SLAB AREA.
 4. THE AREA OF THE PROPERTY SURVEYED IS 1.533 SQ FT OF SLAB AREA.
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 19. THE AREA OF THE PROPERTY SURVEYED IS 1.533 SQ FT OF SLAB AREA.
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ROTATED: 59.0000°
GRAPHIC SCALE IN FEET



230
220
210
200
190

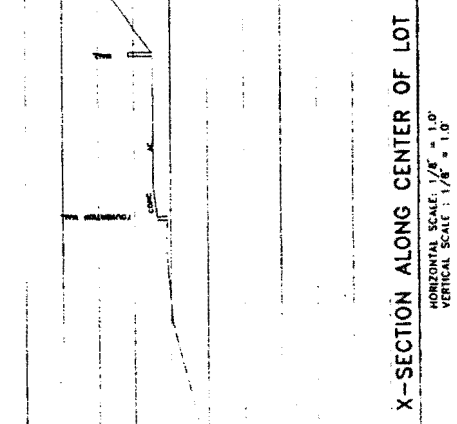


Exhibit 3
4-99-270 (Burg & Steinitz)
Existing Foundations (to be removed)

X-SECTION ALONG CENTER OF LOT
HORIZONTAL SCALE: 1/8" = 1.0'
VERTICAL SCALE: 1/8" = 1.0'

PROFILE: REV 5 18 96
PLOTTED REV 3 09 96
FILED REV 1 04 96
PLOTTED 11-04-96

COMPUTER FILE: 105-5-DMW

DATE:
10/20/96

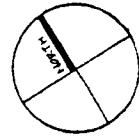
1ST FLOOR PLAN

MYRA BURG ARCHITECT
610 W. JEFFERSON ST. V
LOS ANGELES CA 90016
TEL 310 398 5040
WWW.MYRABURG.COM

PROJECT ADDRESS
3890 RAMONA CENTER
MIRALTA CA 90255

DATE	04/11/04
SCALE	
DATE	04/11/04
SCALE	
DATE	04/11/04
SCALE	
DATE	04/11/04
SCALE	

FIRST FLOOR PLAN



FINISH FLOOR AREA	1160	SF
MECHANICAL AREA	1100	SF
LANDSCAPE AREA	400	SF
TOTAL	2660	SF

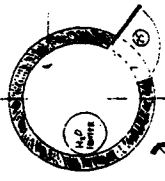
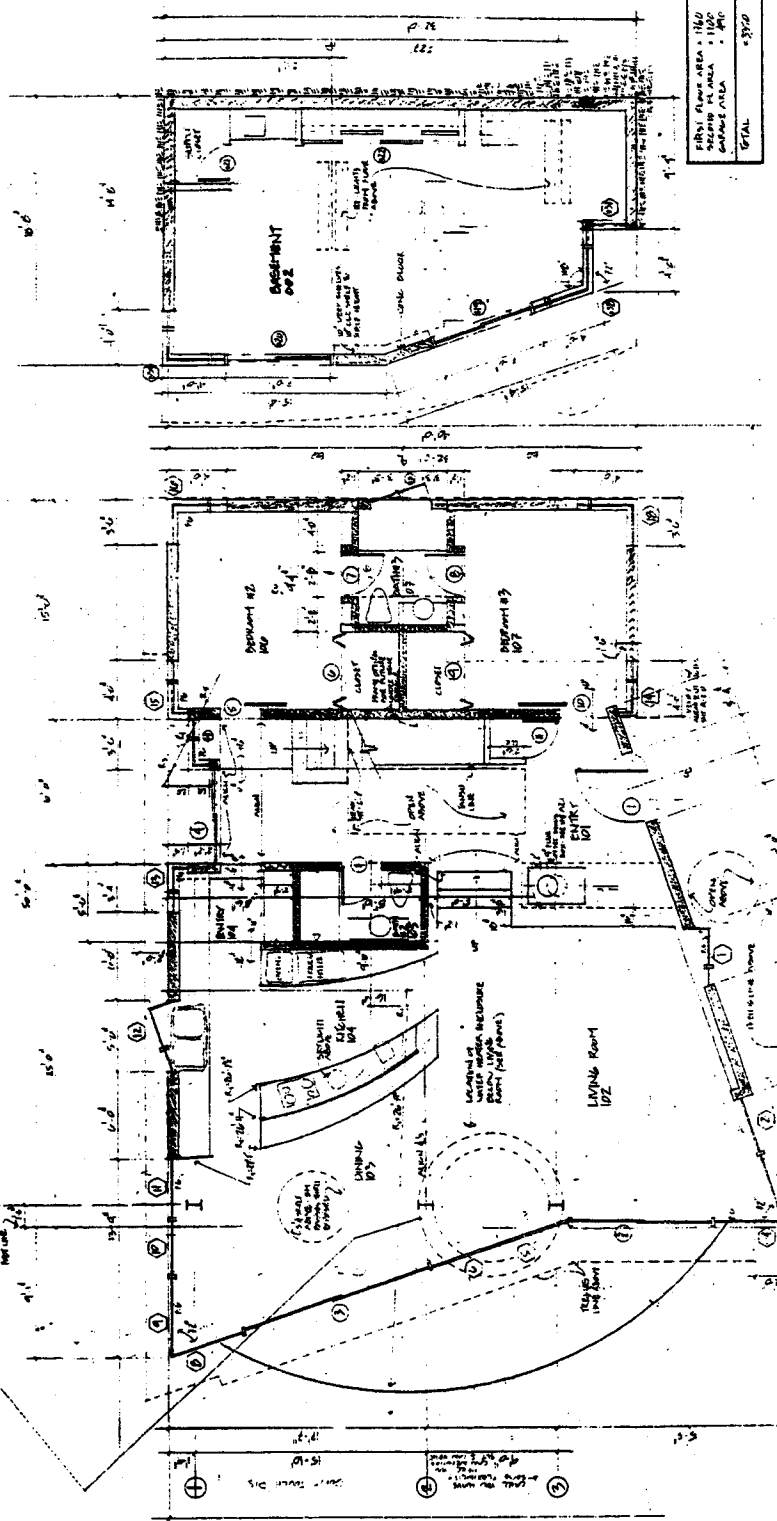


Exhibit 4a
4-99-270 (Burg & Steinitz)
Floor Plan

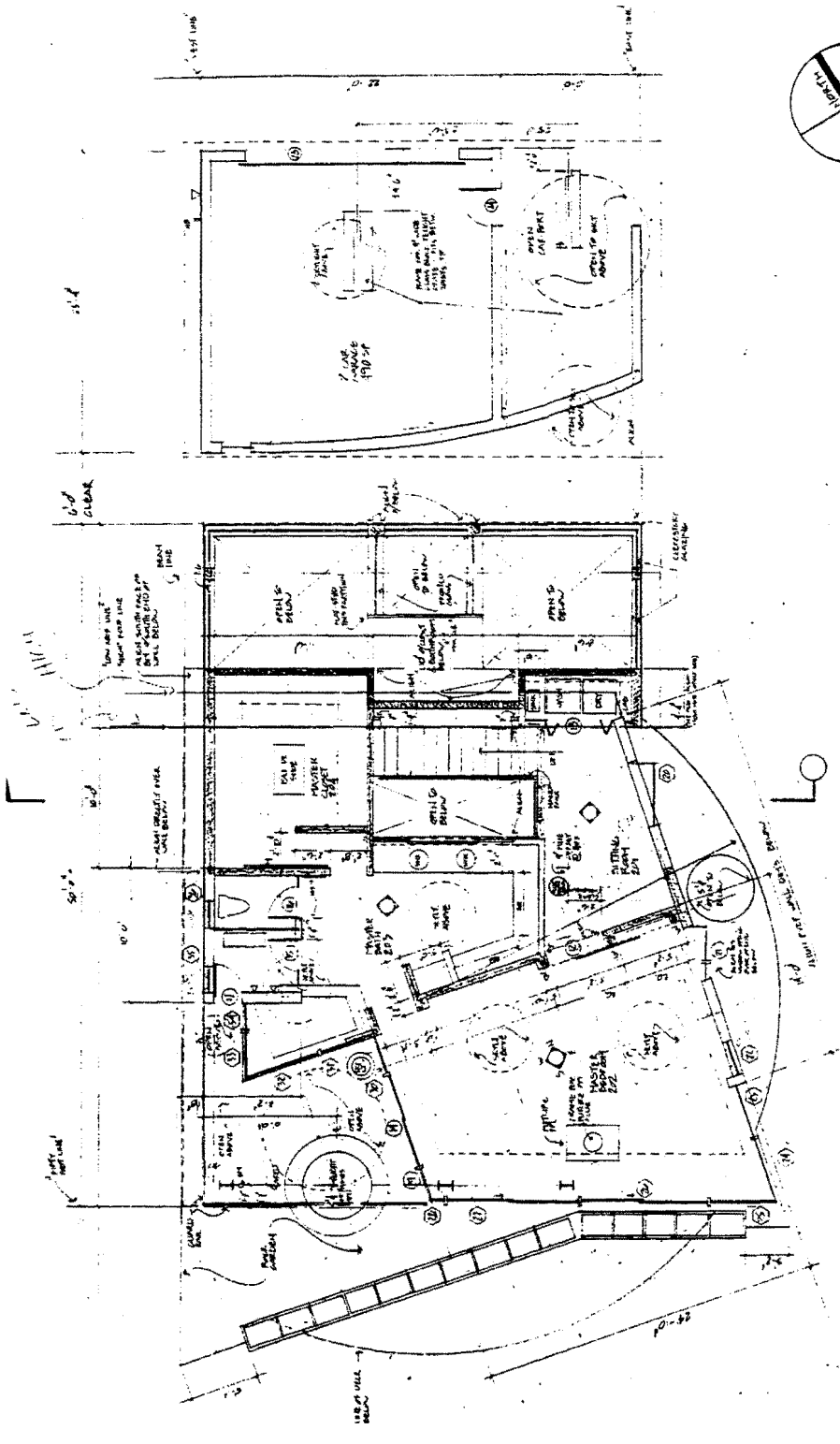
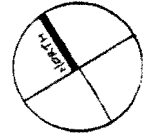


Exhibit 4b
4-99-270 (Burg & Steinitz)
Floor Plan

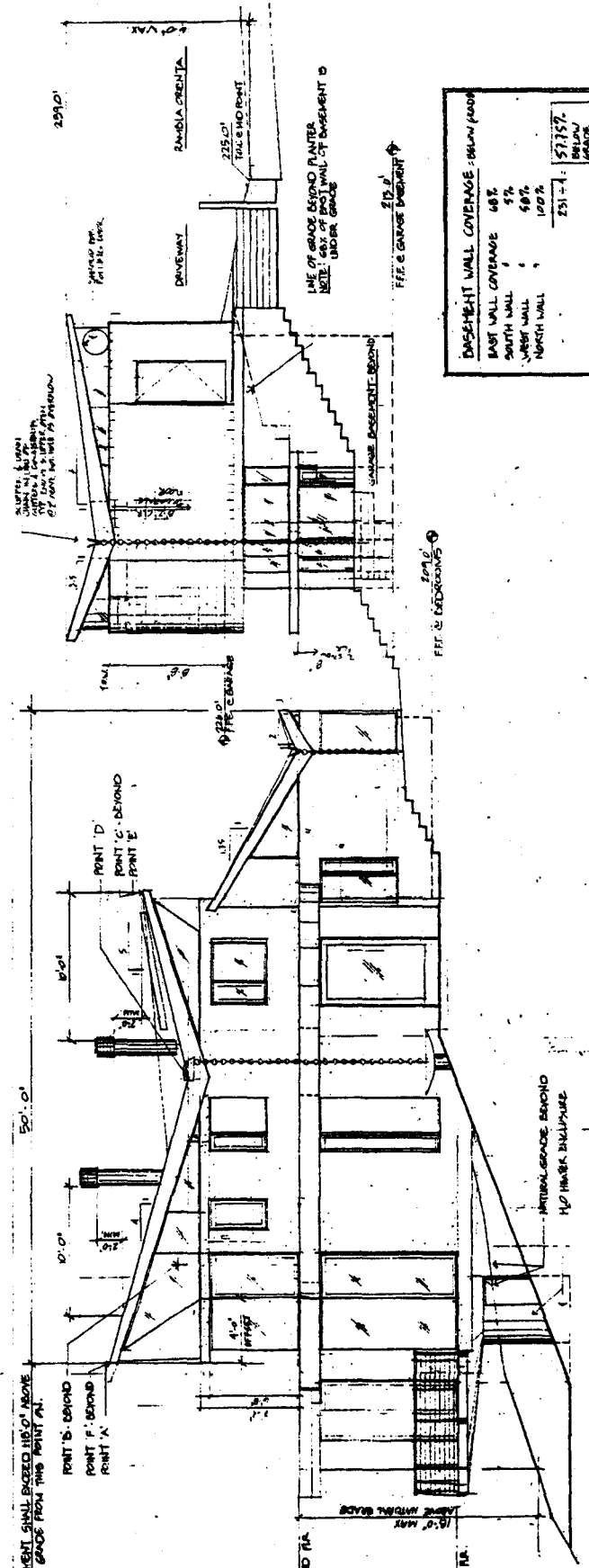
REVISIONS	DATE	BY

MYRA BURG ARCHITECT
 100 W. JEFFERSON ST. # 200
 LOS ANGELES, CA 90018
 TEL: 310.580.5040
 FAX: 310.580.2023
 PROJECT ADDRESS
 3880 RAINBOW CHINA
 MALIBU, CA 90265

EAST ELEVATION

DATE: 4/24/04
 SCALE: 1/4" = 1'-0"
 DRAWN: [blank]
 PLOT: [blank]
 SHEET: A-3.0

EAST ELEVATION 1



BASEMENT WALL COVERAGE: BELOW FLOOR	
EAST WALL COVERAGE	68%
SOUTH WALL	5%
WEST WALL	68%
NORTH WALL	100%
TOTAL: 57357	
BELOW GRADE	

ROOF HEIGHT CALCULATIONS	
POINT A	34'-0" ABOVE FIN. GRADE
POINT B	23'-0" ABOVE FIN. GRADE
POINT C	21'-0" ABOVE FIN. GRADE
POINT D	21'-0" ABOVE FIN. GRADE
POINT E	30'-0" ABOVE FIN. GRADE
POINT F	30'-0" ABOVE FIN. GRADE
AVERAGE STRUCTURE HEIGHT: 18'-0"	
BELOW 18'-0" ALLOWABLE HEIGHT	

Exhibit 5a
4-99-270 (Burg & Steinitz)
Elevations

29	
28	
27	
26	
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23	
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2	
1	

PROJECT ADDRESS
3890 Ramona Omaha
Madison, CA 90295

MYRA BURG ARCHITECT
1011 25th Street
Los Angeles, CA 90015
Tel: 310.596.0623
www.myraburg.com

WEST ELEVATION

DATE	10/14/14
SCALE	AS SHOWN
DRAWN	MB
CHECKED	MB
SHEET	1

WEST ELEVATION

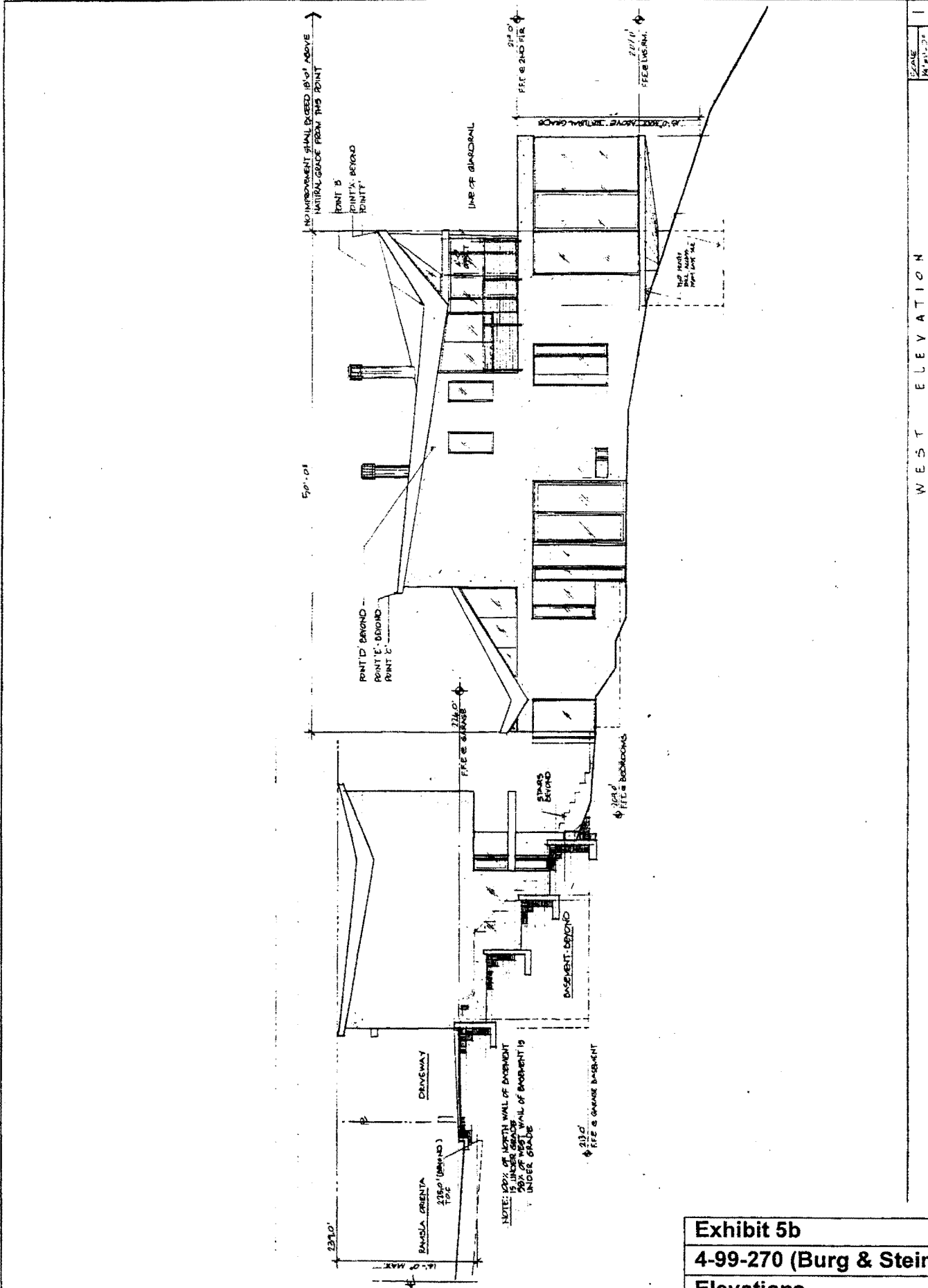


Exhibit 5b
4-99-270 (Burg & Steinitz)
Elevations

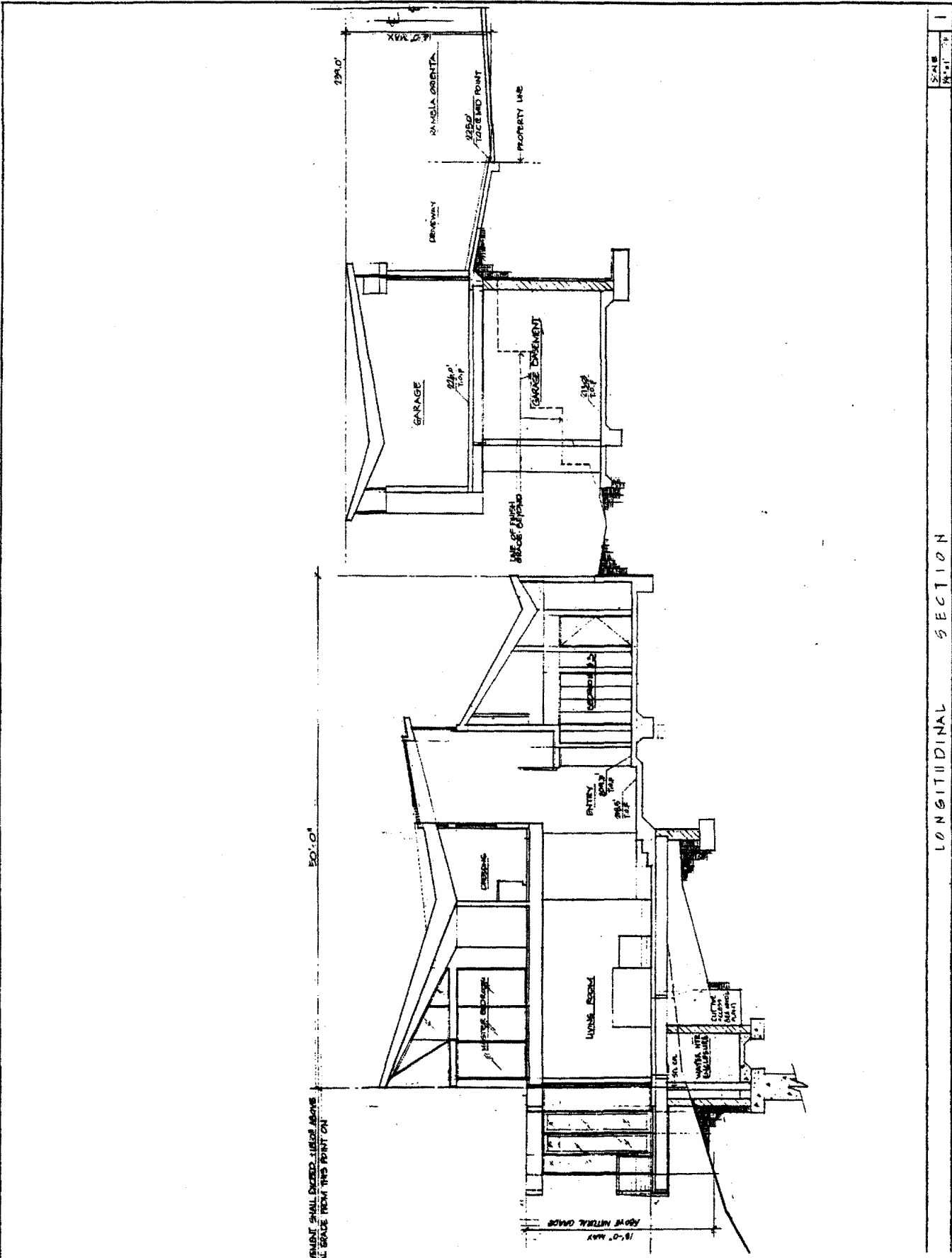
NO.	REVISION

PROJECT ADDRESS
3850 RAYMOND CHANNIN
MIRBU CA 90265

MYRA BURG ARCHITECT
125 W. 4TH ST. # 210
LOS ANGELES, CA 90012
TEL 310 399 0823
FAX 310 399 0823
www.myraburg.com

SECTION

DATE: 9/24/04
SCALE: 1/8" = 1'-0"
DRAWN: J. BURK
CHECKED: J. BURK
SHEET: 1



ALL DIMENSIONS SHALL BE TAKEN UNLESS OTHERWISE NOTED FROM THIS POINT ON

LONGITUDINAL SECTION

Exhibit 6
4-99-270 (Burg & Steinitz)
Cross Section