

CALIFORNIA COASTAL COMMISSION

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



Filed: 8/29/95
49th Day: 10/17/95
180th Day: 2/24/96
Staff: CAREY *[Signature]*
Staff Report: 12/2/95
Hearing Date: 1/9-12/96
Commission Action:

STAFF REPORT: REGULAR CALENDAR**THID****APPLICATION NO.: 4-95-136****APPLICANT:** Stan Kaplan**AGENT:** Michael Zakian Architects**PROJECT LOCATION:** 3044 Sequit Drive, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 2,507 sq. ft., 18 ft. high from existing grade single family residence, 816 sq. ft. garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut, and 120 cu. yds. fill) and lot line adjustment in the El Nido small lot subdivision.

Lot area:	14,437 sq. ft.
Building coverage:	2,397 sq. ft.
Pavement coverage:	4,401 sq. ft.
Landscape coverage:	2,040 sq. ft.
Parking spaces:	4
Plan designation:	Residential I (1 du/ac)
Ht abv fin grade:	18 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval in Concept, Preliminary Health Services Approval

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan, 5-84-163 (Embleton), 5-88-416 (Haines), 5-88-418 (Wilstein), 5-88-445 (Tobin), 5-88-591 (Goldberg), 5-88-908 (Jensen), 5-88-939 (Mellein), 5-89-082 (Crommie), 5-89-148 (Schrader), 5-89-235 (Chan), 5-89-434 (Skeisvoll), 5-89-506 (Kaplan), 5-90-233 (Crommie), 5-90-771 (Skeisvoll), 5-90-772 (Embleton), 5-91-616 (Landsman), 4-92-074 (Kaplan), 5-92-189 (Dore)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development with Special Conditions regarding revised plans, future improvements, assumption of risk, and geology. The principal issue in this permit request is consistency with Section 30250 of the Coastal Act. The proposed project site is located within a small-lot subdivision. The total buildout of these dense subdivisions would result in a number of adverse cumulative impacts to coastal resources.

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 in the application for permit, subject to any special conditions 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 project during its development, 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. Revised Plans.

Prior to issuance of permit, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which indicate that the proposed dwelling does not exceed the maximum allowable gross structural area (GSA) of 1,490 sq. ft. as determined by the Slope Intensity Formula pursuant to Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan. This total GSA may be increased by an additional 500 sq. ft. granted in conjunction with the extinguishment of the development rights of Lot 91. The applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished for Lot 91 of Tract 9456 on Sequit Drive in the El Nido small-lot subdivision.

Additionally, pursuant to Policy 271(b)(2), the maximum allowable GSA may be further increased by 500 sq. ft. by extinguishing development rights on lots contiguous to the building site or by 300 sq. ft. for each lot not contiguous to the building site but within the El Nido Small-Lot Subdivision. Prior to the issuance of the permit, the applicant may submit, for the review and approval of the Executive Director, evidence that the development rights have been extinguished on any combination of contiguous or non-contiguous lots which would bring the development into conformance with Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP.

and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the construction of a 2,507 sq. ft. 18 ft. high from existing grade single family residence, 816 sq. ft. garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut and 120 cu. yds. fill) and lot line adjustment. The proposed project site is two parcels on Sequit Drive in the El Nido small lot subdivision.

The proposed project was originally scheduled for the November Commission hearing. The applicant requested postponement at that time. The item was rescheduled for the January hearing. No changes have been made to the project in the interim.

B. Public Comment.

Staff has received six comment letters from surrounding property owners concerning the proposed project. Copies of the letters are included as Exhibit 8. One of the contentions of several of the letters is that the application was not properly noticed for the November hearing. The contention was, specifically, that the radius map supplied by the applicant was not properly prepared and that several properties within the 100 foot radius were not noticed. Staff has reviewed the radius map and confirmed that it was prepared in error. The 100-foot radius was drawn from the center of the project site rather than from the property lines as required. A new radius map was prepared and staff has confirmed that all appropriate properties will be noticed.

Another contention of several of the letters relates to geologic instability and landform alteration. As discussed in Section F below, there are some issues raised by the stability of the site. The applicant's consultants have identified the presence of an eroded, ancient landslide scarp. However, their conclusion is that the proposed project site will be stable and will not affect offsite properties. Two of the comment letters question the potential impacts to geologic stability of constructing a swimming pool. While the applicant's consultants have not specifically addressed the stability of the proposed swimming pool, they did conclude that the proposed project site will be stable. Additionally, staff is recommending that the applicant submit evidence that the consultants have reviewed the final plans (including the proposed pool plans) and assured that they are consistent with all their recommendations. With regard to landform alteration, staff has concluded that the proposed grading will be beneath the proposed residence and will have no adverse impacts to visual resources. The proposed grading is discussed in Section E below.

Finally, all of the letters request that the applicant be required to meet the maximum GSA allowed under the Slope Intensity Formula. One letter states that: "If the Commission grants the applicant's square footage request it becomes very unfair for the other small lot owners". Another letter states that: "Approval of additional square footage on this project will set a terrible

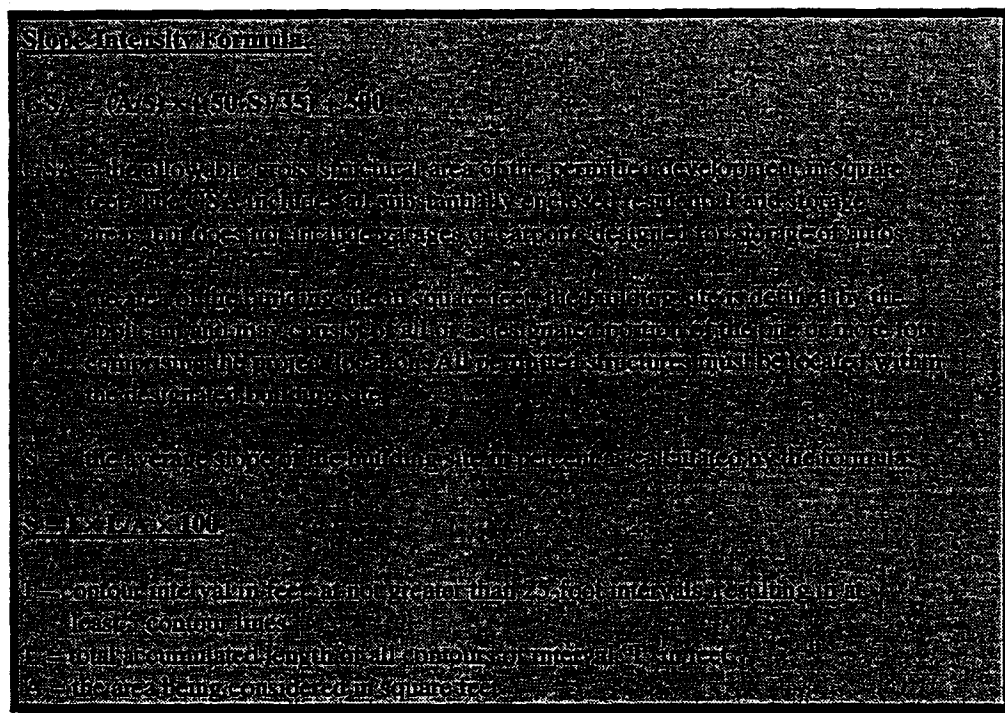
5-89-235	Chan	2,172 sq. ft.	1,252 sq. ft. (38% slope)	10,986 sq. ft.	900 sq. ft. (3 non-contiguous lots)	2,152 sq. ft.
5-90-771	Skeisvoll	500 sq. ft.	500 sq. ft. (40% Slope)	8,420 sq. ft.	None	500 sq. ft.
5-90-772	Embleton	500 sq. ft.	500 sq. ft. (40% Slope)	9,488 sq. ft.	None	500 sq. ft.
5-91-616	Landsman	1,399 sq. ft.	1,399 sq. ft. (30% Slope)	7,870 sq. ft.	None	1,399 sq. ft.

Additionally, the Commission has approved many permit applications for development which is within the El Nido small lot subdivision, on Seabreeze Drive, Searidge Drive, and Valmere Drive. Following is Table 2 which shows the permit applications approved by the Commission for single family residences on these three streets.

Application Number	Name	Proposed Sq. Ft.	Max. GSA Allowable	Lot Square Footage	Bonus Sq. Ft.	Total GSA Permitted
5-88-418	Wilstein	1,113 sq. ft.	1,782 sq. ft.		None	1,113 sq. ft.
5-88-418A	Wilstein	1,713 sq. ft. (600 sq. ft. addition)	1,782 sq. ft.		None	1,713 sq. ft.
5-88-445	Tobin	1,463 sq. ft.	1,415 sq. ft. (17% Slope)	5,515 sq. ft.	None	1,463 sq. ft. (48 sq. ft. over Max. GSA allowed)
5-88-445A	Tobin	1,230 sq. ft. (Reduction of sq. ft.)	1,415 sq. ft.	5,515 sq. ft.	None	1,230 sq. ft.
5-88-591	Goldberg	2,362 sq. ft.	2,325 sq. ft. (15% Slope)	10,073 sq. ft. (2 lots)	None	2,325 sq. ft. (Revised Plans)
5-88-908	Jensen	1,707 sq. ft.	1,592 sq. ft. (31% Slope)	9,930 sq. ft.	None	1,592 sq. ft. (Revised Plans)
5-89-082	Crommie & Hinerfeld	1,812 sq. ft.	1,765 sq. ft. (29% Slope)	9,153 sq. ft.	None	1,765 sq. ft. (Revised Plans)
5-89-148	Schrader	1,546 sq. ft.	1,450 sq. ft. (24% Slope)	6,329 sq. ft.	None	1,450 sq. ft. (Revised Plans)
5-89-434	Skeisvoll	1,376 sq. ft.	1,085 sq. ft. (34% Slope)	7,324 sq. ft.	300 sq. ft. (1 non-contiguous lot)	1,376 sq. ft.
5-90-233	Crommie	1,009 sq. ft.	1,009 sq. ft. (34% Slope)	5,730 sq. ft.	None	1,009 sq. ft.

incorporated into the Malibu District Interpretive Guidelines in June 1979. A nearly identical Slope Intensity Formula was incorporated into the 1986 certified Malibu/Santa Monica Mountains Land Use Plan under policy 271(b)(2).

Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan (LUP) requires that new development in small lot subdivisions comply with the Slope-Intensity Formula for calculating the allowable Gross Structural Area (GSA) of a residential unit. Past Commission action certifying the LUP indicates that the Commission considers the use of the Slope Intensity Formula appropriate for determining the maximum level of development which may be permitted in small lot subdivision areas consistent with the policies of the Coastal Act. The basic concept of the formula assumes that the suitability of development of small hillside lots should be determined by the physical characteristics of the building site, recognizing that development on steep slopes has a high potential for adverse impacts on coastal resources.



1. GSA Calculation.

The applicant is proposing to construct a single family residence 2,567 sq. ft. in size. The proposed 14,437 sq. ft. project site consists of two adjacent parcels (Lots 94 and 95 of Tract 9456) as well as 20-foot wide portion of another adjacent parcel (Lot 93) to the west of the proposed project site. This 20-foot wide strip is to be added to the proposed project site by a lot line adjustment discussed below.

The applicant has submitted a GSA calculation. This calculation utilized a five-foot interval topographic map which also excluded a 1,830 sq. ft. area from the building area. Unfortunately,

While the lot which would have development rights extinguished is not immediately adjacent to the proposed project site, the applicant maintains that he should be given an extra 500 sq. ft. (rather than the 300 sq. ft. allowable for non-contiguous lots) because the owner of Lot 92 (Embleton) could remove the deed restriction from Lot 93 and instead place it on Lot 91 on the other side. The applicant could then extinguish the development rights on Lot 93 for his proposed project site. It should be noted that this removal of deed restriction and recordation of new deed restrictions would only be possible with Commission approval. In the permit amendment 4-92-074A, the Commission approved the 500 sq. ft. bonus for the extinguishment of development rights on Lot 91 even though it is not technically contiguous to the proposed project site. The Commission found this to be simpler yet have the same effect as removing the deed restriction from Lot 93 and placing it on Lot 91. Pursuant to Permit 4-92-074, the owner of Lot 91 did record a deed restriction extinguishing all development rights and combining it with his developed Lot 90. However, the applicant never activated that permit and it has since expired.

The Commission finds that it is appropriate to allow the applicant to add an extra 500 sq. ft. to the maximum allowable GSA for the extinguishment of development rights on Lot 91. However, in order to ensure that development rights are permanently extinguished, it is necessary to require the applicant to cause a deed restriction to be recorded on Lot 91 extinguishing the development rights.

3. Lot Line Adjustment.

The applicant is also proposing a lot line adjustment (Exhibit 5) which would result in the following modifications:

1. The lot line between Lot 93 (Embleton) and Lot 94 (Kaplan) would be shifted 20 feet to the west, resulting in the addition of 1,458 sq. ft. to the proposed project site. This shift is proposed to allow the applicant a greater area to be used in the GSA calculation.
2. Lots 94, 95 and the 20-foot strip described in 1 above would be combined into one parcel.
3. The lot line between Lot 92 (Embleton) and Lot 91 (Kelley) would be shifted 20 feet to the west, resulting in the addition of lot area to Lot 92.
4. Lots 92, 93 and the 20-foot strip described in 3 above would be combined into one parcel.
5. Lots 90 and 91 would be combined into one parcel.

This lot line adjustment was proposed by the applicant and approved and recorded by the County of Los Angeles without a coastal development permit. The lot line adjustment was approved by the Commission in Permit 4-92-074(Kaplan). However, that permit was never activated and has since expired.

While the proposed lot line adjustment will result in adding to the area of the proposed project site and thus increasing the maximum allowable GSA, it will also result in the reduction in the total

In cases where the project site was relatively small or steep, smaller residences were permitted. In two cases (5-90-771 and 5-90-772), project sites were so steep that residences of only 500 sq. ft. were approved. Where the project sites were larger in area or less steep, larger structures were approved. Further, where the applicant proposed to extinguish the development rights on either contiguous or non-contiguous parcels, the appropriate additional square footage was added to the maximum allowable GSA.

The Commission finds that there are no unique circumstances involved in the applicant's request for a larger structure than what is allowable under the Slope-Intensity Formula. The Commission further finds that it would be inequitable to grant the applicant a larger structure than other applicants in identical situations have been granted. As such, the Commission finds it necessary to require the applicant to submit revised plans which are consistent with the maximum allowable GSA of 1,990 sq. ft. Further, it is necessary to require the applicant to record a future improvements deed restriction to ensure that any future development on the project site is reviewed by the Commission. Finally, as discussed above, in order to ensure that development rights are permanently extinguished, it is necessary to require the applicant to cause a deed restriction to be recorded on Lot 91 extinguishing all development rights. The Commission finds that the proposed project, only as conditioned, is consistent with Section 30250(a) of the Coastal Act.

E. 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.

The proposed project is located on Sequit Drive in the El Nido small-lot subdivision. This area overlooks Soltice Canyon State Park. The park consists of one large canyon and a few secondary canyons that branch off the main canyon. One of the secondary canyons, Dry Canyon, extends up towards the El Nido subdivision. Within Dry Canyon is a trail which follows the canyon to just below the subdivision. Much of the existing development within the subdivision is visible from the trail and the park. As described in the background section above, the Commission has approved several permits for development of single family residences along Sequit Road. These structures are visible from the park below, particularly those on the downslope side of the road.

The proposed project site is located on the upslope side of Sequit Drive. While the proposed structure will be visible from the park below, it will be no more visible than the existing development in the area. Grading and landform alteration has been minimized. As conditioned (discussed in Section C. Cumulative Impacts above) to reduce the total square footage of the proposed structure to 1,990 sq. ft., the proposed residence will be compatible with the size, height,

The subject property is considered a suitable site for the proposed development from a geotechnical engineering standpoint. It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazards from landslide, settlement, or slippage, and the proposed grading and development will not affect the stability of the subject site or the surrounding area provided the following recommendations are made a part of the site development plans and implemented during construction.

Based on the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations 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 consulting Engineering Geologist as conforming to their recommendations.

Additionally, while the geotechnical engineer has asserted that the site will be safe from geologic hazards, there are intrinsic risks associated with hillside development, especially on sites as steep as the proposed project site. Also, the headscarp of an ancient landslide has been identified on the proposed project site. Further, the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire. As such, the Commission finds that it is necessary to require the applicant to assume the risk of developing the proposed project. The applicant's assumption of risk, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of hazards which exist on the site and which may adversely affect the stability or safety of the proposed development. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

G. 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 in the local area. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The applicant proposes the construction of a septic system to provide sewage disposal for the proposed residence. The applicant has submitted an Update Geotechnical Engineering report and Onsite Private Sewage Disposal System Design, dated 12/6/93, prepared by West Coast Geotechnical. This report concludes that the proposed project site would provide adequate percolation for the proposed residence and septic system. Additionally, the applicant has submitted evidence of Preliminary Approval from the Los Angeles County Department of Health Services

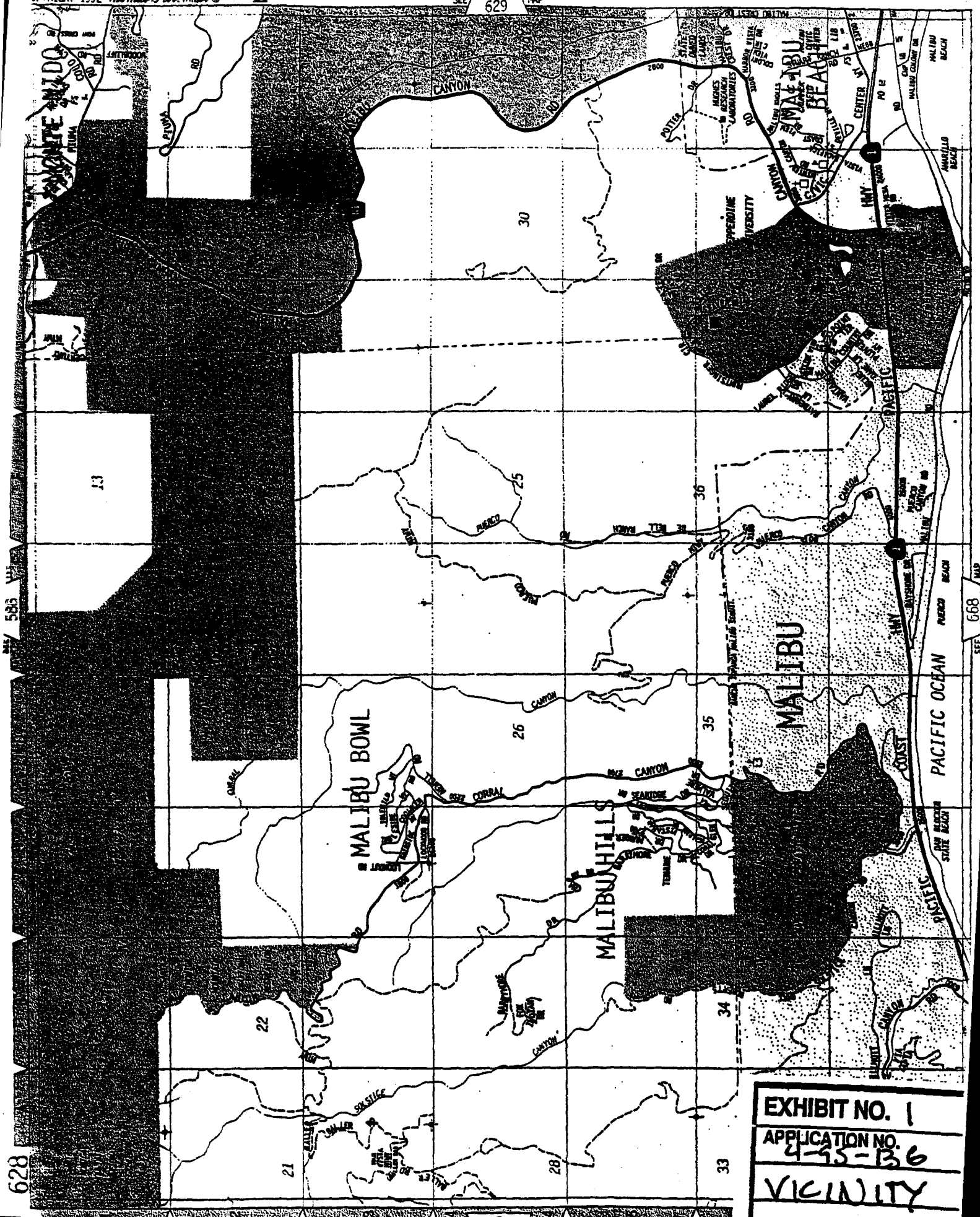
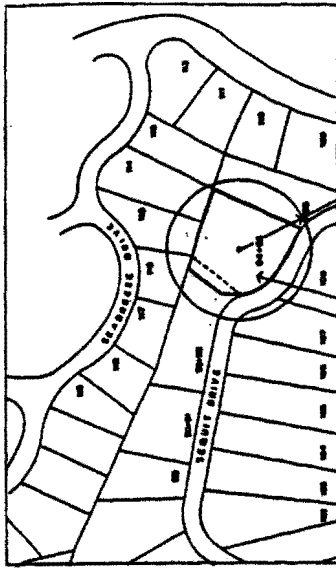
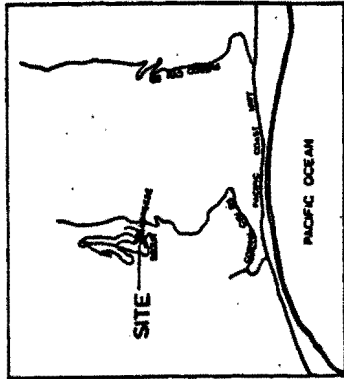


EXHIBIT NO. 1
APPLICATION NO.
4-95-136
VICINITY

628

629

SEE 668 MAP



LEGAL DESCRIPTION
 LOTS 94-95 - EASTERLY 30' OF LOT 95
 TRACT 9456 PL 8 AND 10 PG. 10

BUILDING SUMMARY	
FIRST FLOOR:	3,187 SF
SECOND FLOOR:	2,710 SF
TOTAL:	5,897 SF
GARAGE:	816 SF
SITE AREA:	14,437 SF
TERRACE AREA:	3,435 SF
LANDSCAPED AREA:	20,040 SF
UNIMPROVED AREA:	5,600 SF
DRIVEWAY:	900 SF

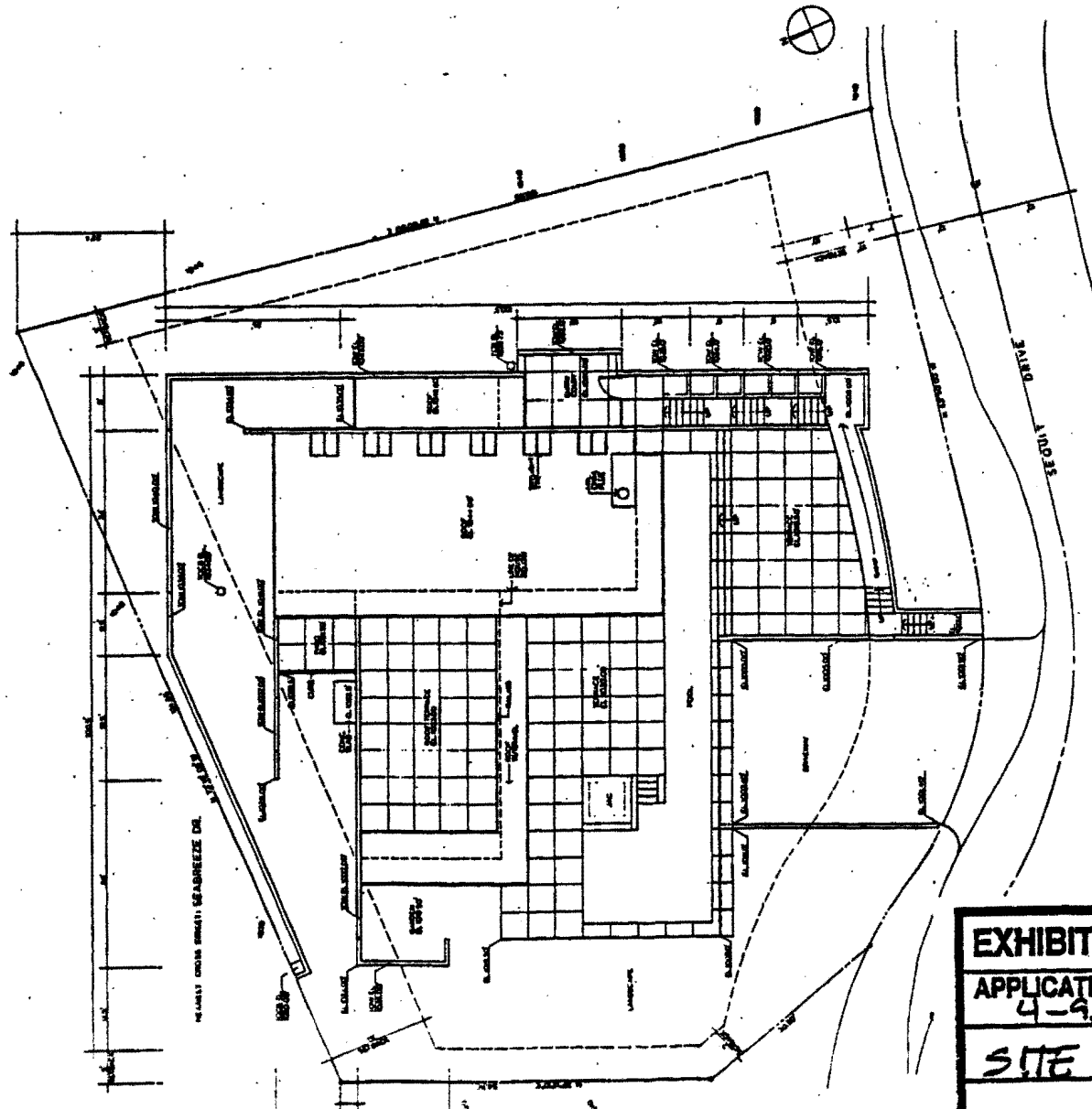


EXHIBIT NO. 2
 APPLICATION NO.
 4-95-136
 SITE PLAN

SURVEY

IN THE COUNTY OF LOS ANGELES,
SANTA BARBARA, CALIFORNIA.
BEING A SURVEY OF LOT 93 AND THE S.E. 1/4
OF LOT 94, TRACT NO. 136, RECORDED
IN MAP BOOK 131 OF THE RECORDS OF THE COUNTY OF
LOS ANGELES, CALIFORNIA.
Prepared by
Michael H. Zeller, Registered Surveyor

PORTION OF
LOT 93

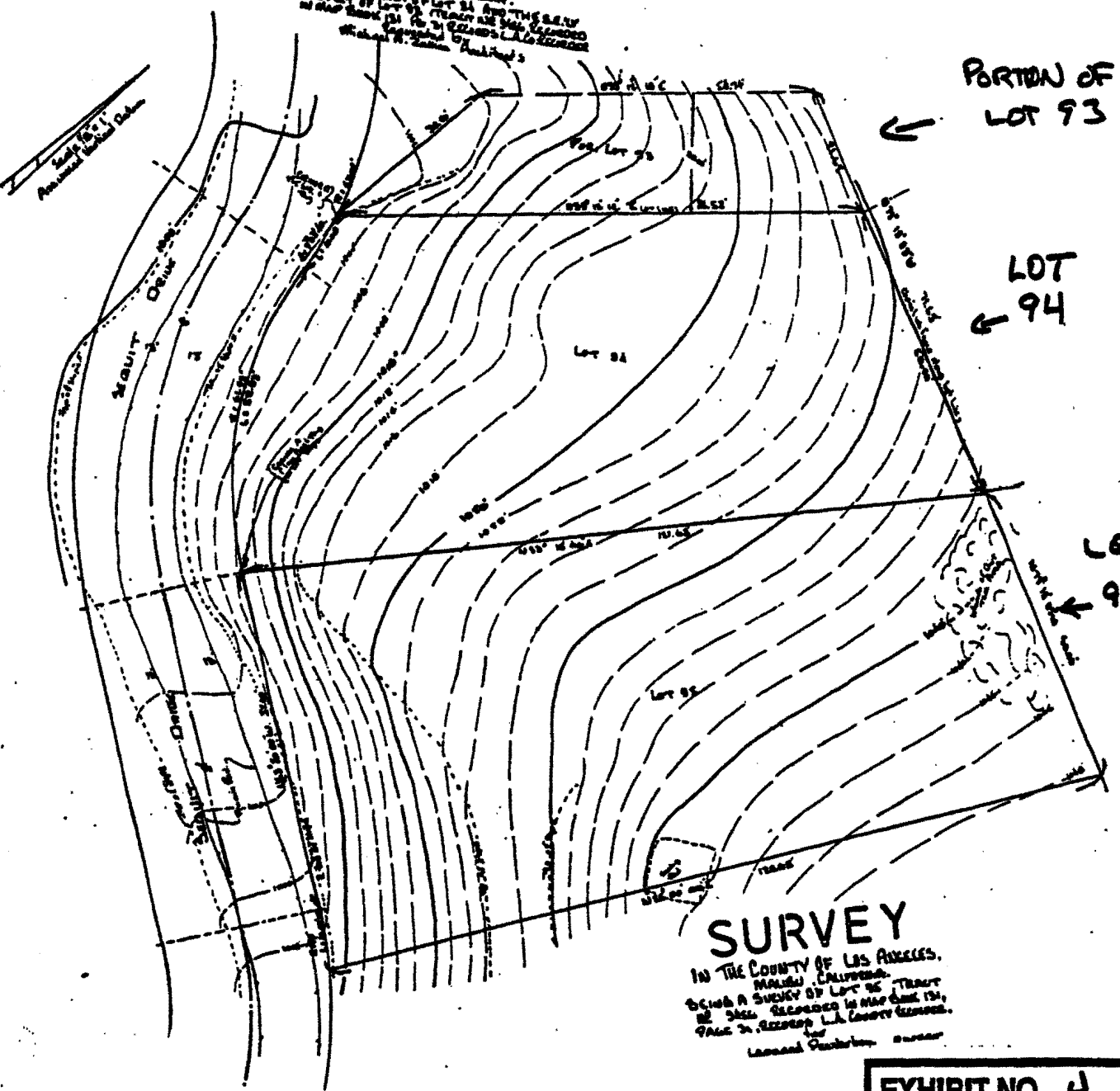
LOT
94

LOT
95

SURVEY

IN THE COUNTY OF LOS ANGELES,
SANTA BARBARA, CALIFORNIA.
BEING A SURVEY OF LOT 95, TRACT
NO. 136, RECORDED IN MAP BOOK 131,
PAGE 24, RECORDS OF THE COUNTY OF
LOS ANGELES, CALIFORNIA.
Prepared by
Michael H. Zeller, Registered Surveyor

EXHIBIT NO. 4
APPLICATION NO. 4-95-136
TOPO MAP

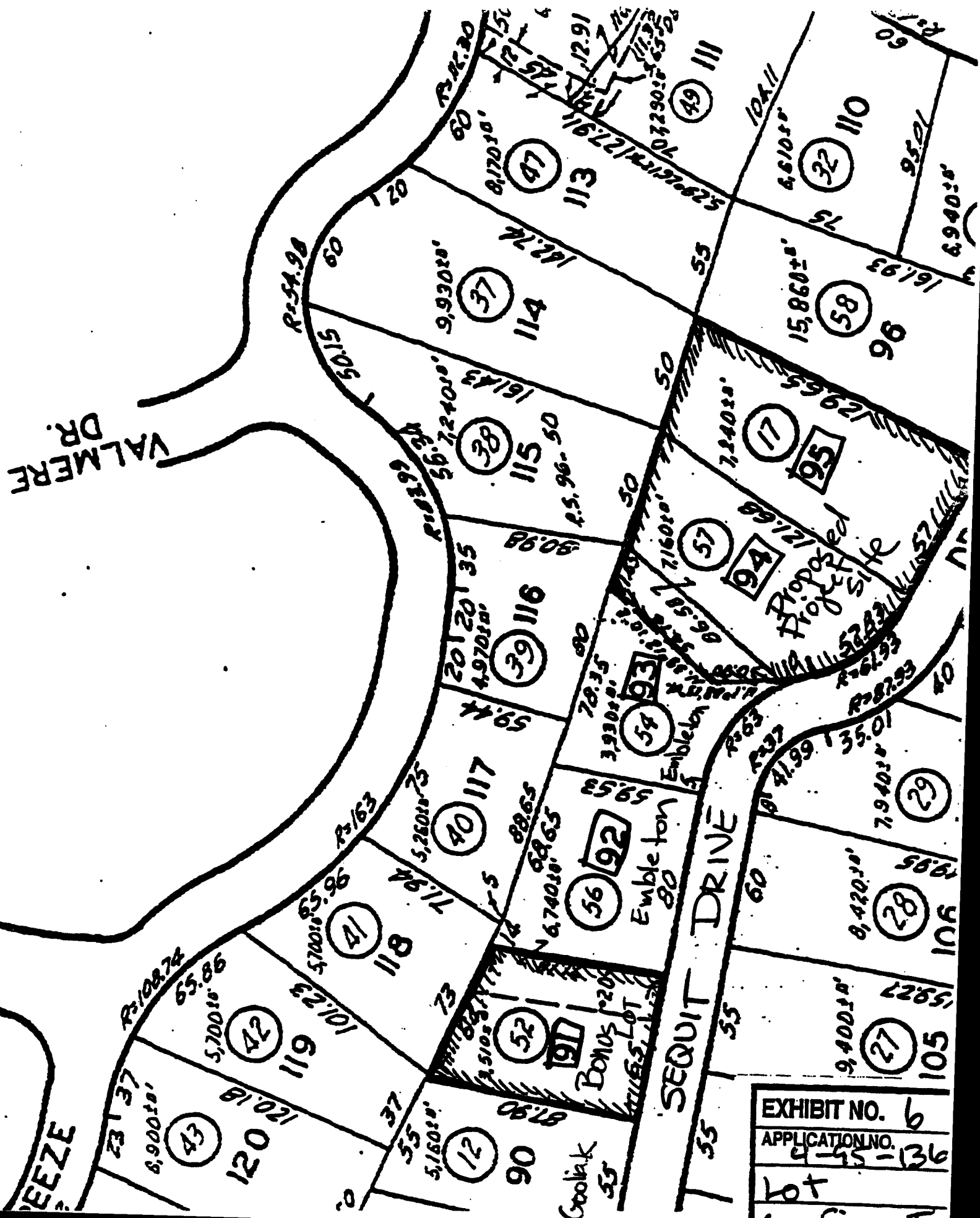


5 SURVEY
SCALE 1" = 100'
DATE: 1981

KAPLAN RESIDENCE
2444 SOUTHWEST DRIVE
CERRITA, CALIF. 91715
LOTE 9495 TRACT 136
S. H. ZELLER SURVEYOR

DESIGN
ARCHITECTURE & PLANNING

1981 CERRITA, CALIF.
SANTA BARBARA, CALIFORNIA 93101
TOPOGRAPHIC

**EXHIBIT NO.**

6

APPLICATION NO.

4-45-136

lot

(2)

costs for the house I want to build would be equivalent to the foundation costs for three "spec" homes!

I am extremely frustrated at this situation. Three separate homes of 843, 1030 and 1079 square feet (a total of 2952 square feet) could be built on the three lots. I propose only building one house. Why shouldn't I be allowed that full 2952 square feet? With my proposal, there would be substantially less drain on coastal resources as state law encourages. If three homes were built, where there would have been at most two cars, there could now be six. There would be three, not one, new septic systems dumping into the hill. There would be three times the grading. Three times more of everything the Coastal Act seeks to discourage.

What's making this whole situation even more crazy and illogical to me is the fact that several homes of 3000 square feet or more are rising right around me. A 2952 square foot home would be completely in character with the neighborhood and provide me and my family with a home of modest but acceptable size. Must the Coastal Act be so unreasonably applied that the neighborhood should have to end up with three spec homes rather than one carefully and aesthetically designed, one that would improve rather than lower the quality of life on the street? By forcing me into this position, is this not tantamount to a "taking" of my property without due process? Is this not a violation of my constitutional rights?

On the one hand, I have the Coastal Commission so strictly applying standards to my case that in effect the Coastal Act is undermined (although a five to five tie vote indicates many thought my case quite reasonable). On the other, I have banks who are refusing to lend me the money I need unless I become in effect a developer. For me, I truly feel sandwiched between a rock and a hard place. Why should I have to give up my dream home after five years of architectural fees, geology fees, planning fees, structural fees and on and on -- thousands and thousands of dollars in expenses -- to satisfy a regulation that, in this situation, totally contradicts itself? And why should a tie vote mean I'm the one who loses? Tie goes to the runner and if anyone has been run ragged these last five years, it's me and no one else!

Given the decline in real estate values in the Malibu area in which I am seeking to live, there are new economic realities I feel the Commission needs to hear about in order to fully and fairly reevaluate my situation.

I would much prefer getting a decent square footage allotment and proceeding with my project for one house. Although I feel I should be entitled to the full 2952 square feet (in one house -- not three), I would be willing to accept my original request of 2567. This would be sufficient to enable my project to proceed but I want the Commission to be fully aware of what I feel I should be entitled to.

20/3
EXHIBIT NO. 7

APPLICATION NO.
4-95-186

Beverly Taki

2633 Coal Canyon Road, Malibu, Ca 90265 310-456-1272 /FAX 310-456-3263

November 21, 1995

RECEIVED

NOV 27 1995

Mr. Jack Ainsworth
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
Application #4-95-136
3044 Sequit Drive, Malibu

Dear Mr. Ainsworth:

In reference to the above mentioned application for Mr. Stan Kaplan, I would like to express my concerns for the approval of this project according to the applicants request.

1. I own two properties, immediately adjacent (as marked with an X on the attached map, your exhibit no. 6). To this date, I have not received any written notification of this application from the applicant or the Coastal Commission. I only learned of this through a neighbor. This appears to be a direct violation of the Coastal Commission's policy of neighborhood notification.

2. Per the applicant's letter to you of July 12, 1995 (your exhibit no. 7) the applicant is claiming ownership of Lot #91. Stating that he can build an 843 square foot house on this parcel. Through the public records, (attached exhibit 8) Kaplan does not appear to have ownership of this parcel. This record shows that it was sold in June 95 and not to him. How does he make this claim that he can build a house on a property he does not own?

3. If the applicant is attempting to create a lot line adjustment and take some of Embleton's land on lot 93 and lot 93 was a bonus lot when Embleton built his house, then it should stay recorded as a bonus and Kaplan should not be eligible to use any portion of Lot 93 for his building project.

4. The applicant's project should be required to meet the GSA of the other homes in the area. I totally dispute the applicant's contention that 3,000 sq. ft. homes are sprouting up around him. As per (attached Exhibit 9, from your staff report,) I don't see numerous permits for 3,000 sq. ft. homes. The only large home is the Haines property and it is indeed out of character of this small lot neighborhood. If the Commission grants the applicant's square footage request it becomes very unfair for the other small lot owners.

5. The grading required for this project is in total excess and could create a problem to my two properties directly above the property in question. Moving this much dirt, which I calculate to be nearly 197 truck loads is an extraordinary amount of earth export. Let alone, the unfair wear and tear on the private narrow street of Sequit, other property owners.

EXHIBIT NO. 4
APPLICATION NO. 4-95-136
Comment

Property Profile

Copyright(C) 1994 Dataquick Information Systems (619)455-6900

Exhibit # 8

First Owner: Robert Gooliak
Second Owner:
Ownership:
Mail Address: 2925 Seabreeze Dr
Malibu Ca 90265-2948
Site Address:
90265
Telephone No.:
Parcel Number: 4457-016-052
Census Tract: 8004.01
Map Page-Grid: 628 C6
Legal Descr.: Tr=9456 Por Lying W Of E 20 Ft Of Lot 91
Tract: 09456 Block: Lot:

Property Characteristics

Use Desc.: Vacant Land- Res	Bedrooms: 0
Zoning: A11*	Bathrooms: 0.0
No. Of Units: 0	Total Rooms: 0
Year Built: 190	Parking:
Lot Size: 0	View:
Square Feet: 0	Pool:
	Fireplace:

Sale & Loan Information

Last Sale Date: 06/28/95	Cost/Sq. Foot: N.A.
Sale Amount: \$545,000 (Full)	Document No.: 0001031465
Lender: Royal Th&Ln	
Loan Amount: \$400,000	(Loan 2 Amount): N.A.
Loan Type: Conventional	(Loan 3 Amount): N.A.

Assessment & Tax Information

Assessed Total: \$9,921	Tax Amount: \$199
Land Total: \$9,921	Tax Status: Current
Improvement: N.A.	Year Delinquent: N.A.
Percent Imp.: 0.00	Tax Rate Area: 008t
Exemption:	

The Accuracy of the Above information is Deemed Reliable but is Not Guaranteed

3 of 5
EXHIBIT NO. 8APPLICATION NO.
4-45-136

JUN 28 1995

AMERICAN COAST

Exhibit #8

ORDER NO. 54998-04

EXHIBIT A

PARCEL 1: LOTS 90, 119 AND 120 OF TRACT NO. 9456, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 131 PAGES 30 TO 32 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2: LOT 91 OF TRACT NO. 9456, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 131 PAGE 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE EASTERLY 20 FEET OF SAID LOT 91 MEASURED AT RIGHT ANGLES.

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EXHIBIT NO. 8

APPLICATION NO.
4-95-136

My understanding is that the home in question has been incorrectly documented and that the bonus of 500 square feet added to make up the three lots is, in fact, of a Lot which is deed-restricted. All I have heard of the irregularities in this matter has been quite shocking and I would hope that the Coastal Commission will not be a party to decisions which are contrary to present standards of construction and existing laws.

El Nido is a community made up of small sub-divisions - mainly because the terrain militates against large building operations. The current project is massive compared to existing homes. I and other neighbors would like to protest this development in person and hope and assume, the hearing can be moved to Los Angeles where our voices can be heard. It seems devious and unjust for it to take place in San Francisco where it would involve enormous inconvenience on the part of those wishing to give testimony.

Before any further analysis of the project is made, the Coastal Commission should investigate the geology of the hillside in question - as we have done over the years. If your findings in any way duplicate our own, you will see that you are dealing with a fragile hillside which sits immediately above a serious slope failure. Our house is smack in the middle of both and that is why we are so concerned.

yours truly,

Jane Windsor

Jane Windsor

70617

EXHIBIT NO. 4
APPLICATION NO. 4-57-136

CHARLES MAROWITZ

**3058, Sequit Drive,
Malibu, CA. 90265**

**tel: 310-456-5060
fax: 310-456-8170**

RECEIVED

NOV 21 1995

**CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT**

Dear Ms. Carey:

November 17th, 1995

**Re: APPLICATION NO: 4-95-136
3044 Sequit Drive, Malibu, LA County
Applicant: Stan Kaplan**

Regarding the abovenamed application, I wish to protest in the strongest possible terms the proposed building project at 3044, Sequit Drive which is directly adjacent to my own property at 3058 Sequit Drive. If it proceeds, it would directly endanger both my property and the lives of my family. The terrain on which the building is being projected sits directly beneath a seriously destabilized hillside which has already been the subject of extensive correspondence between the Department of Water and Power and ourselves. (See enclosed)

The DWP itself, in a letter dated October 12th 1993, has acknowledged that the slide mass at the Malibu nuclear site vicinity of Corral Canyon, the Lot immediately below Lots 94 and 95 "is located in a natural-shaped bowl that concentrates subsurface water in the area of the slope failure" and that "shallow-rooted native grasses are growing in the landslide area". Geologists from the DWP further discovered there was a natural spring beneath this hillside which contributed to the destabilization and recommended that, to insure its safety, no construction take place immediately above it - which is precisely where the site of Mr. Kaplan's project is being planned. If it goes forward, there is no question it will further deteriorate the existing slope failure, and if a building of 3323 square feet is erected on this land (which involving the removal of 1500 yards of dirt at 8 cubic yards per truck breaks down to approximately 200 trucks of dirt), the hazard to my property and the safety of my family becomes greatly intensified.

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EXHIBIT NO. 8
APPLICATION NO. 4-95-136

By no stretch of anyone's imagination could a 3323 square foot home be considered in harmony with the dwellings around Sequit Drive; an area dotted with small, one family dwellings none of which contain a swimming pool - probably because of negative geological considerations.

Mr. Kaplan, in his ambition to create his 'dream home', seems to have no compunction whatsoever in turning the lives of his immediate neighbors into a nightmare. The construction, if it goes forward as proposed, would radically reduce views from at least five surrounding houses. It would bring Mr. Kaplan's development right up to the doors and gardens of his surrounding neighbors and, for over a year, would involve massive ground-disturbance and inconvenience in an area which, for as long as I have lived there, has never been free of construction and development. And the road on which Mr. Kaplan plans to cart his 187 trucks of dirt is the very same Sequit Drive which I and other neighbors have, for five years, been agitating to have paved and made safe. - Made safe for what? For Mr. Kaplan's 3323 square foot development which far exceeds the parameters allowed under the GSA formula.

The philosophy behind all the environmental regulations of the past twenty-five years has been to insure that overbuilding does not occur in this area, and here is a plan for a monstrous act of overbuilding in direct opposition to the principle of small lot subdivision which has prevailed in El Nido since the mid-60s.

I am not opposed to a man building a home on land he has legitimately acquired but it should be done in accordance with established GSA requirements and without endangering the safety and well-being of those around him. The land on which this project is being proposed is directly beneath an established slope-failure which is extremely fragile and subject to further deterioration as soon as heavy rains return. Is the Coastal Commission and Mr. Kaplan prepared to indemnify his neighbors against the threat of wholesale destabilization which such a project would create?

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EXHIBIT NO. 8

APPLICATION NO. 4-95-136

Department of Water and Power the City of Los Angeles



TOM BRADLEY
Mayor

Commission
CONSTANCE L. RICE, President
RICK J. CARUSO, Vice President
ANGEL M. ECHIVARRIA
DOROTHY GREEN
ANTHONY WILLOUGHBY
JUDITH K. DAVISON, Secretary

DANIEL W. WATERS, General Manager and Chief Engineer
ELDON A. COFFIN, Assistant General Manager - Power
JAMES F. WICKSER, Assistant General Manager - Water
PHYLLISE E. CURRIE, Chief Financial Officer

October 12, 1993

DWP File P-73641

Mr. Charles Marowitz
3058 Sequit Drive
Malibu, California 90265

Dear Mr. Marowitz:

Slide Mass at Malibu Nuclear Site
Vicinity of Corral Canyon Road and
Soltice Canyon Road, Malibu

This is in reply to your letter dated August 12, 1993 regarding the slope failure on the above-mentioned site.

The Department conducted a thorough investigation of the slope failure. This investigation included field investigations and measurements by Department geologists, engineers, and surveyors, review of numerous historical and recent aerial photographs, and review of available County of Los Angeles files.

The conclusions reached are that the slope failure was naturally occurring, primarily as a result of too much water and a poorly compacted slope, and not as a result of any Department activity. These conclusions were reached by considering the following:

1. There was a greater-than-average amount of rainfall during the 1992-93 season. This fact was aggravated by the location of the house at 3058 Sequit Drive which is located in a natural-shaped bowl that concentrates subsurface water in the area of the slope failure.
2. Additional water was probably added to the slope due to the location of the septic system.
3. The slope material that failed was poorly compacted soil that originated from a combination of any one or all of the following: construction of Sequit Drive, construction of the house, and/or the construction in 1984 of an unauthorized road connecting Sequit Drive with Corral Canyon Road. None of these activities were conducted by the Department.
4. Shallow-rooted native grasses are growing in the landslide area instead of deeper-rooted native s

Water and Power Conservation

111 North Hope Street, Los Angeles, California ☐ Mailing address: Box 111, Los An
Telephone: (213) 481-4211 Cable address: DEWARCA FAX: (213) 481-4211

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EXHIBIT NO. 8

APPLICATION NO.

4-95-130

Department of Water and Power



the City of Los Angeles

RICHARD J. RIORDAN
Mayor

Commission
DENNIS A. TITO, *President*
CONSTANCE L. RICE, *Vice President*
JOSÉ DE JESÚS LEGASPI
JUDY M. MILLER
MARCIA F. VOLPERT
JUDITH K. KASNER, *Secretary*

WILLIAM R. MCCARLEY, *General Manager*
KENNETH S. MIYOSHI, *Assistant General Manager and Chief Engineer*
ELDON A. COTTON, *Assistant General Manager—Power*
JAMES F. WICKSER, *Assistant General Manager—Water*
PHYLLIS E. CURRIE, *Chief Financial Officer*

February 16, 1995

DWP File P-73641

Mr. Charles Marowitz
c/o Texas Stage Company
200, West 3rd Street
Fort Worth, Texas 76102

Dear Mr. Marowitz:

Slide Mass at Malibu Nuclear Site
Vicinity of Corral Canyon Road and
Soltice Canyon Road, Malibu

This will acknowledge receipt of your letter dated January 31, 1995 to Mr. William R. McCarley, General Manager, regarding the slope failure on the above-mentioned site.

Please refer to our letter dated October 12, 1993, a copy of which is enclosed for your reference. The Department's position remains unchanged. The slope failure was not the result of any Department activity and we, therefore, do not intend to take any corrective action on this matter.

If you have any questions, please call me at (213) 367-0565 or Mrs. June Iwamoto at (213) 367-0582.

Sincerely,


ANNE E. FISHER
Chief Real Estate Officer

MGA:cr
Enclosure

c: Mrs. June Iwamoto

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EXHIBIT NO. 8

APPLICATION NO.

4-95-136

RECEIVED

NOV 22 1995

Joseph F. Jensen
2977 Seabreeze Dr.
Malibu, CA. 90265
November 21, 1995

Barbara Carey
California Coastal Commission
89 South California St., Suite 200
Ventura, CA 93001

Dear Barbara

This letter is in response to application # 4-95-136, an application by Stan Kaplan to build a 2507 sq. ft. home plus an 800 sq. ft. garage adding up to 3307 sq. ft. on 3044 Sequit Drive. We are in support of the staff report and special condition #1 that requires the applicant to meet the maximum allowable gross structural area (GSA). It would be extremely unfair to the other residents in this area who have met their GSA requirement, even though they wanted more square footage. An approval of this project beyond the GSA amount would set a terrible precedent for future homes or neighbors wishing to add to their existing homes resulting in complete build-out of the neighborhood with the negative impacts as outlined in the Commission report entitled "Cumulative Impacts of Small Lot Subdivision Developed in the Santa Monica Mountains Coastal Zone."

We are in support of homes that meet the character of other homes in the neighborhood. The application, however, overlooks some important facts. The radius map used for the notification of neighbors was drawn from the center of the property and not from the property boundaries. Many of the neighbors directly impacted by this project were not notified. There also appears to be a shell game occurring with the deed restricted lots that should have been retired. The previously approved square footage of 1990 sq. ft. is more than generous.

Embleton previously retired lot 93 as a contiguous lot for a bonus of 500 sq. ft. on application 5-84-163. You were generous to allow Kaplan to count lot 91 as a contiguous lot assuming Embleton's 500 sq. ft. bonus can be transferred from 93 to 91. Now the applicant intends to capture a portion of lot 93 for the proposed project site. Not only does this add additional area to his GSA square footage, he is intending to use lot 93, "a retired lot," for a portion of his structure. The lot line adjustment combines 94, 95, and a 20 foot strip of 93 into one parcel, it combines 92, 93 and a 20 foot strip of 91 into one parcel, and it combines lots 90 and 91 into one parcel. Embleton and Kaplan have already taken the bonus credit for retiring lots 91 and 93. The lot line adjustment eliminates lots 91 and 93 including their deed restrictions. Approving the lot line adjustment allows Kelly, Embleton, and Kaplan to count the additional area of the retired lots 91 and 93 in their project sites for their GSA calculations and allows them to build structures on the retired lots 91 and 93. It also appears that Kelly has already retired lot 91 for a bonus credit on his structure on lot 90. Has credit for retiring lot 91 been used twice? Kaplan was never the owner of lot 91.

If the lot line adjustment is approved, the bonus sq. ft. credits for retiring lots should be removed and the project should only be allowed to have 1490 sq. ft. The applicant should not be allowed to take the 500 sq. ft. credit and then use the retired lot as additional project area and use it for a portion of his structure. The maximum GSA square footage for his project without the use of the deed restricted lot 93 as project area should be 1390 sq. ft. plus the 500 sq. ft. bonus for retiring a lot. Proof must be shown that lot 91 was not previously retired for another project.

We are in support of a staff report that meets Coastal Commission guidelines, however, the lot line adjustment should be reconsidered, the project should meet the GSA standard, and lot 93 should not be developed. Approval of additional square footage on this project will set a terrible precedent in the El Nido small lot sub division encouraging over-building of lots. Thank you for your time in considering these issues.

Sincerely


Joseph F. Jensen

EXHIBIT NO. 8

APPLICATION NO.

4-95-136

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