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CALIFORNIA COASTAL COMMISSION

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Hearing Date: October 8-11, 1996
Commission Action:

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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-94-195A3

APPLICANT: Barbara and Harold Eide AGENT: Philip Hess

PROJECT LOCATION: 1557 and 1561 N. Lookout Drive, Assessor Parcel Numbers
4462-21-22, -23, and Yavapai Trail, Agoura; Los Angeles
County;

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Combine three lots into 2 lots and construct two 2,741 sq. ft. residences; amended to transfer 2,400 sq. ft. of GSA credit (8 lots) to other designated small lot subdivisions in the Santa Monica Mountains.

DESCRIPTION OF AMENDMENT:

1) Modify special condition #1 (Deed Restriction and Scenic Easement) to allow the following development within 90 feet of the southern property line of parcels 4462-21-22 and -23: the construction of a 250 sq. ft., 12.5 ft. high play house (with electrical), patio and a 5 ft. high retaining wall with no more than 50 cu. yds. of grading; non-white fencing; landscaping; a stairway; and three retaining walls with minor grading.

2) Construction of a 250 sq. ft., 12.5 foot high, playhouse with 18 cubic yards of cut, a patio, a small retaining wall and a stairway; a pool, with a maximum of 117 cubic yards of excavation, on lot 4462-021-023; fencing up to the 90 foot contour line and landscaping on lots 4462-021-022, and -023; a portable spa and covered patio on parcel 4460-021-046; addition of a third retaining wall, and modification to the existing two retaining walls resulting in a total of 271 cubic yards of grading (136 cu. yds. cut, 152 cu. yds. fill) and a maximum height of eight feet on lots 4462-021-022, -023 -046 and Yavapai Trail. Improvements to Yavapai Trail which include: the reconstruction of a driveway, landscaping; partial retention and partial removal of a drainage swale; and the construction of a fence. Improvements to a path existing on lot 52 including widening the three foot trail to eight feet and restoring the trail to three feet after use, and revegetating an area of slumping above the road.

3) After-the-fact approval of the changes to the size of the two single family residences from 2,741 sq. ft. (each) to 2,081 sq. ft. and 3,805 sq. ft. respectively, with the retirement of either one contiguous or two non-contiguous lots for GSA credit.

LOCAL APPROVALS RECEIVED: "Approval in Concept" from Los Angeles County Department of Public Works, Permit Division for the improvements and restoration work on Yavapai Trail; building permits issued by Los Angeles County Department of Public Works, Building and Safety Division for the retaining walls.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit Appeal 158-78 (Eide); Coastal Development Permits P-78-2771 (Eide), CP-5-81 (California Coastal Conservancy), 4-92-124 (Eide), R-4-92-124 (Eide), 4-94-195A (Eide), R-4-94-195A (Eide), and 4-94-195A2 (Eide).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF NOTE

The hearing scheduled for the August Commission hearing was postponed because notice of the meeting was inadvertently not completed in a timely manner. The matter was not scheduled for the September hearing so that a local hearing could be given for this matter.

This coastal development permit amendment application was heard at the July Commission hearing. At that hearing, opponents to the project, comprised of a few neighbors within the immediate vicinity, expressed concerns regarding the following: 1) the lack of Los Angeles County building permits or approvals for the as-built retaining walls, 2) the structural and geologic stability of the as-built retaining walls and swimming pool, 3) the legality of allowing development within Yavapai Trail and pending litigation with Los Angeles County regarding the vacation of this County road easement.

The opponents, represented by Dr. David Ramey, indicated that they are in possession of a geotechnical report addressing, or questioning, the structural stability of the proposed retaining walls in contradiction to the applicants' geotechnical reports. Dr. Ramey further alleged that the applicant did not have building permits for the as-built retaining walls from Los Angeles County, and that there is a pending lawsuit with Los Angeles County regarding the vacation of Yavapai Trail. The applicant stated that building permits have been issued for the as-built retaining walls, that the as-built walls have been engineered properly, and that the walls have been certified by a registered engineer and found to be structurally stable from an engineering and geologic stand point. Given this conflicting testimony the Commission continued the hearing to the next Commission meeting, scheduled for August in Los Angeles. The Commission requested that Dr. Ramey submit to commission staff any geologic or engineering reports he has which address the stability of the as-built retaining walls. The Commission directed staff to obtain copies of any local building permits for the as-built walls from Los Angeles County. Immediately following the hearing, Commission staff contacted the applicant, Dr. Ramey, and the County of Los Angeles Departments of Public Works Building and Safety and Road Permit Divisions requesting copies of existing information such as permits and geology reports. Los Angeles County Department of Building and Safety has submitted the permit history for the as-built retaining walls. The applicant has also submitted copies of the as-built permits and submitted additional information from her consulting engineer addressing the stability of the retaining walls and specifically the walls supporting the swimming pool. Dr. Ramey informed staff on the telephone that no geology reports contradicting the applicant's reports have been written; however, he stated that he did request a written report by an engineer. Staff asked Dr. Ramey to provide this upcoming report by July 24, 1996 in order to include the information in the Commission staff report. Dr. Ramey subsequently submitted a letter which stated that the engineer would not be able to provide a timely report (See Exhibit 14). On August 15, 1996, staff received a letter from Dr. Ramey with a letter from an engineer who viewed the site from adjacent properties. These letters have been included as Exhibit 15. All information which has been received to date has been incorporated into the findings and included as Exhibits to the staff report.

With regards to development on Yavapai Trail, the local approvals have been issued, as the County of Los Angeles Department of Public Works, Permit Division, has issued an "Approval in Concept" for the developments on Yavapai Trail as shown in Exhibit 9 of the staff report. The County is requesting that, with the exception of the landscaping, the applicant removal all encroachments on the eastern half of Yavapai Trail between the applicant's site and the adjacent property to the east. The County is approving the remaining development. The Rameys and the Eides are involved in a private litigation matter in which the County of Los Angeles has been named as a defendant. The litigation in which Ramey is the plaintiff alleges, among other things, that violations of the Coastal Act have occurred on the Eides' property. There has been no court order or judgement which has prohibited the county from proceeding with the review and issuance of permits on Yavapai Trail. Staff of Los Angeles County have stated that encroachment permits can be issued regardless of whether or not the vacation of Yavapai Trail occurs because the issuance of an encroachment permit is not dependent on the outcome of a possible vacation of Yavapai Trail.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit, on the grounds that as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

NOTE: Unless specifically altered by the amendment, all standard and special conditions attached to the previous approved permit and subsequent amendments remain in effect. Special condition 1 of the appeal A-158-78 and all special conditions (1-4) of coastal development permit amendment 4-94-195A are modified in this amendment.

II. Special Conditions1. Deed Restriction and Scenic Easement (as modified)

Prior to issuance of the coastal development permit amendment, the applicant, as landowner, shall execute and record a document, in a form and content acceptable to the Executive Director, which irrevocably offers to dedicate to a public agency or private association acceptable to the Executive Director, an easement for open space, view preservation and habitat protection, over lots identified as Assessor Parcel Numbers 4462-21-01, -02, -03, -04, -05, -06, -22, -23 of the subject property as depicted on Exhibit 2. The applicant shall recombine these lots with APN 4462-21-46. The easement shall restrict the landowner from grading, landscaping, vegetation removal except clearing of vegetation for fire protection consistent with Los Angeles County Fire Department standards, placement of structures and all other development as defined in Public Resources Code Section 30106, with the exception of the removal of hazardous substances or conditions and the installation or repair of underground utilities or septic systems within the easement area. Within the segment of property between the southern property line and a line measured 90 ft. north of the southern property line on lots identified as Assessor Parcel Numbers 4462-21-22 and -23, the applicant shall be allowed to place the following backyard amenities: non-white fencing, landscaping, the existing retaining walls, the existing stairway, a playhouse without plumbing or a septic system but with electrical, and a swimming pool. Within the open space easement area, including the ninety foot segment, the applicant shall not be allowed to: 1) do any grading other than that which is necessary for the approved pool and playhouse and 2) construct any habitable structure of any height, or any non habitable structure exceeding twelve feet in height. No development shall occur farther than 90 ft. north of the southern property line on lots identified as Assessor Parcel Numbers 4462-21-22 and -23. Any future development or improvements

on APN#s 4462-21-22 and -23 shall require a permit amendment or a new coastal development permit from the Coastal Commission or its successor agency.

The offer shall be recorded free of prior liens and encumbrances except for tax liens which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for the statutory period, such period running from the date of recording.

2. Transfer of 2,100 Square Feet (total) of Gross Structural Area

The applicant may choose to pursue either section (a) or section (b) of this special condition. (The applicant may also elect to pursue neither option.)

(a) Upon submitting evidence for the review and approval of the Executive Director that Special Condition #1 has been completed, and after the applicant's receipt of such approval, the applicant shall assign, subject to the review and approval of the Executive Director, 300 sq. ft. of gross structural area, to any residence approved in the following small lot subdivisions: Malibu Lakes, El Nido, Las Flores Heights and Malibu Mar Vista. The 300 sq. ft. gross structural area additions must be assigned a maximum of seven times, subject to the written review and approval of the Executive Director. The 300 sq. ft. gross structural area may not be granted in units of less than 300 sq. ft. and may not exceed a total of 900 sq. ft. assigned to any one residence. Total square feet assignable equals 2,100 sq. ft. The maximum allowable gross structural area of the homes (as built) equals 2,081 sq. ft. and 3,806 sq. ft.; or

(b) Alternatively, prior to the issuance of a Coastal Development Permit, amendment the applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished on two lots within Malibu Lakes small lot subdivision provided such lots are legally combined with other developed or developable building sites within the same small lot subdivision. If the applicant demonstrates to the satisfaction of the Executive Director that two lots are not available within the Malibu Lakes Small Lot Subdivision, the applicant may retire the development rights in either the Malibu Lakes, El Nido, Las Flores Heights or Malibu Mar Vista small lot subdivision subject to the review and approval of the Executive Director. The maximum allowable gross structural area may be increased by 195 sq. ft. (600 sq. ft. less 405 total sq. ft. addition) for two non-contiguous lots.

Should the applicant choose to exercise section (b), the total assignable square feet specified shall remain at 2,400 sq. ft. as specified in Special Condition #2 of staff report 4-94-195A (Eide). This option will not necessitate the revision of the total allowable GSA assignments and will revise the total square feet assignable to 2,400 sq. ft.

Should the applicant chose to exercise either section (a) or (b), any future increase in gross structural area of either home from the current sizes, shall pursuant to Section 13250 (b)(6) of the Regulations, not be

allowed except in accordance with a further amendment of permit amendment 4-94-195A3 or a separate coastal development permit.

3. Future Development

Prior to the issuance of the coastal development permit amendment, the applicant shall execute and record two separate deed restrictions, one for each residential lot (APN 4462-021-045 and -046), in a form and content acceptable to the Executive Director, imposing the below requirement of paragraph two of this special condition against the applicants' properties. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

Any increase in gross structural area of either of the two houses located at 1557 and 1561 Lookout Dr. (APN#s 4462-21-45 and -46 respectively) and any future improvements or developments, except for the thinning of vegetation for fire protection shall, pursuant to Section 13250 (b)(6) of the Regulations, not be allowed except in accordance with a further amendment of this permit or a separate coastal development permit issued by Coastal Commission or its successor agency.

4. Removal of Excavated Material

Prior to the issuance of the permit the applicant shall submit, for the review and approval of the Executive Director, the location of the disposal site of all cut or excavated material. No material may be used or stockpiled on site. If the export site is located within the Coastal Zone, the site must have a valid coastal development permit.

5. Restoration and Monitoring Plan

Prior to the issuance of the amendment, the applicant shall submit for the review and approval of the Executive Director, a detailed planting plan prepared by a qualified restoration specialist, landscape architect or biologist for the disturbed areas on lot 52 which identifies the types, sizes and locations of all plant material. The applicant shall use native chaparral species, consistent with the neighboring area, and shall not limit the plan to one type of chaparral species or to annual plants only. The applicant may use a mix of annuals, for erosion control, and chaparral species, for long-term restoration.

The plans shall show the return of the sidecast material to the roadway for replanting and the removal of invasive plant species along the road and in the slump area.

The restoration plan shall also include a two year monitoring provision to ensure the successful restoration of the disturbed areas. At the end of the two year monitoring period the applicant shall submit a report prepared by a qualified restoration specialist, landscape architect or biologist to the Executive Director addressing the success or failure of the restoration project. If at the completion of the two year monitoring period, the consulting specialist determines that the restoration project has in part, or in whole, been unsuccessful the applicant shall be

required to submit a revised, supplemental program to compensate for those portions of the original program which were not successful.

6. Condition Compliance

The requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit amendment must be met within 45 days of Commission action. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this permit amendment approval.

7. Implementation and Completion of Work

The applicant shall complete the removal of development from the eastern half of Yavapai Trail within 90 days of the issuance of the permit. This restoration work, as shown on Exhibit 9, includes the realignment of the driveway for 1561 Lookout Drive, and the removal of the railroad ties and portions of the culvert and stone pathway within the eastern half of Yavapai trail.

The applicant shall be required to implement the restoration plan for lot 52 (Special condition 5) upon completion of the work on parcels 22 and 23 or within 12 months of the issuance of the amendment 4-94-195A3, whichever comes first. If necessary, sandbags for temporary erosion control may be installed along the road. The restoration plan must be completed within 90 days of implementation. If this time period occurs during the summer months, an extension of time may be granted to allow for the work to occur prior to, or at the end of the rainy season. This extension may be granted so long as temporary erosion control devices are in place on site.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description

This amendment application contains three components of development. The first is to amend a deed restriction and scenic easement required to be recorded in the original coastal development permit A-158-78; the second is to develop a portion of the deed restricted area and Yavapai Trail; the third component is to authorize changes in the sizes of the two previously built residences and retire either one contiguous lot or two non-contiguous lots for GSA credit as mitigation for the combined over construction of the residences. The details of these developments are described below.

The applicants are proposing to amend Special Condition #1 of Coastal Development Permit A-158-78 (Eide) pertaining to a deed restriction and scenic easement. The deed restriction and scenic easement previously required to be recorded restricted, in part, the applicant from all development as defined in Public Resources Code Section 30106 and including the restriction of landscaping, vegetation removal (except that necessary for fire protection) and the placement of structures. The proposed changes to this restriction would allow the applicant to develop backyard amenities, such as non-white

fencing, the existing retaining walls, landscaping, the existing stairway, a playhouse without plumbing or a septic system but with electrical, and a swimming pool.

The second portion of the project involves construction on APN lots 4462-022, -023 and -046, and Yavapai Trail. As depicted in Exhibits 7 and 8, the applicant is proposing the following improvements: non-white fencing; landscaping; a 250 sq. ft., 12.5 ft. high playhouse with electricity, a patio, 5 ft. high retaining wall and 18 cubic yards of cut; a pool with 117 cu. yds. (maximum) of excavated material; stairway; three existing 8 ft. high, 110 ft. long retaining walls with 10 ft. long return walls and 253 cubic yards of total grading (118 cubic yards of cut, 135 cu. yds. fill); portable spa; small stairway and a cover for the existing patio of the single family residence; swing set; concrete drainage swale; realignment of the driveway; removal of railroad ties and portions of the existing concrete drainage swale and pathway.

Access to the rear yard is via a path along lot 52. This path appears to have existed prior to the January 1, 1977 effectiveness date of the Coastal Act, based on aerial photographs. However, significant widening of the road did occur by the applicant. no grading of the road occurred to widen it; the widening occurred when the applicant ran heavy machinery across the path. The path is now eight feet wide and connects with Yavapai Trail. The applicants have agreed to restore the road once work in the rear yard is completed.

Finally, the amendment includes the after-the-fact request to allow for a smaller residence at 1557 Lookout Drive (APN 4462-021-045) and a larger residence at 1561 Lookout Drive (APN 4462-021-046); the original residences were approved under A-158-78. The house sizes proposed would change from 2741 to 2081 sq. ft. and 2741 to 3805 sq. ft. The applicant also proposes to retire either one contiguous lot or two non-contiguous lots for GSA credit.

Topographically, the subject sites are steeply sloping and with the majority of the lots comprising the 1125 ft. ridge. The average lot size of the 17 undeveloped lots is approximately 6,800 sq. ft. The two residential lots are gently sloping and are each developed with a single family residence, septic system and private driveway. The subject lots are located within the Malibu Lake Small Lot Subdivision which was added to the coastal zone in 1977. The coastal zone bisects the 566-lot small lot subdivision and only 198 of the lots lie within the coastal zone. The subdivision is adjacent to Malibu Lake and Malibu Creek State Park.

Yavapai Trail is a Los Angeles County owned unimproved paper road. This road was never used as an access road, nor have plans ever been made to use this road as a main access road. Likewise, the Los Angeles County Fire Department has confirmed that this road has never been designated as or used as an emergency fire access road. Nor is it likely to be designated for such use in the future. The County has no plans to improve this road to service the area. Moreover, the road is not an equestrian or pedestrian trail.

The applicant and several neighbors are currently in negotiations with the County of Los Angeles Department of Public Works Road Division, regarding the vacation of Yavapai Trail. If this paper road is vacated, the road will be split on the center line with each half to be added to the adjacent legal parcel (See Exhibit 9).

Until the road is vacated, the County maintains ownership and requires encroachment permits for any development. The County will not grant an encroachment permit to the applicant for developments on Yavapai Trail including the western half of the road east of lot 46 until the developments on the eastern half of the road, with the exception of the landscaping, are removed (See Exhibit 9). The County is requiring this action because if the road is vacated, the applicant will not have ownership over the eastern half of Yavapai Trail east of lot 46. Yavapai Trail makes a 90 degree turn at the top of lot 46 and as such is also between lots 22, 23, and 46. On this portion of Yavapai Trail the applicant will retain full ownership when the road is vacated.

Access to lots 22 and 23 for the proposed improvements is through tract lots 43 through 47 and 51 and 52 (See Exhibit 4). There is an existing road which traverses across tract lots 43 to 49; however there was no road leading from Lookout Drive to lot 43. The applicant illegally graded a road through tract lots 51 and 52 to access the upper road and then the site. Enforcement staff has notified the applicant of the need to obtain a coastal development permit to retain or restore the road. The applicant has stated that they will restore the road and a separate coastal development permit will be obtained for that activity. Thus, neither the minor grading of the road or the restoration is a part of this application.

Finally, it should be noted that this is an after-the-fact permit amendment application as the majority of the development has already occurred on site. The residences have been constructed at the proposed sizes; all the retaining walls except for thirty feet of one wall have been built as proposed. A total of 236 cubic yards of grading has already occurred for the construction of these walls, minor grading is still required for the backfill of the wall noted above. All improvements on Yavapai trail, with the exception of the fence have been completed. The widening of the path on lot 52 has occurred; the restoration is proposed but has not occurred.

B. Project Background

These lots have been the subject of Commission action on several occasions. Below is a brief summary of the past permit action.

P-78-2771

This permit involved the combination of three lots into two lots with the construction of two single family residences. This permit was approved by the South Coast Regional Commission without any conditions. The permit was appealed to the State Commission.

A-158-78

On appeal to the State Commission, the proposed project (P-78-2771) was revised by the applicant. Under the revised project description, the Commission approved the combination of three lots into two lots (9,546 sq. ft. and 9,776 sq. ft.) with the construction of two (2) 2,741 sq. ft., 29 ft. high single family residences. The Commission approved the transferring of two development credits (TDCs) in lieu of further development on 17 lots adjacent to and in the vicinity of the proposed building sites within the Malibu Lake

Small Lot Subdivision (Exhibit 1). The approval was based on special conditions pertaining to a deed restriction and scenic easement on the seventeen vacant lots and the submittal of a soils report.

The permit was issued on September 26, 1978. The applicant deed restricted 9 of the 17 lots and one TDC was sold. The applicant was authorized to construct the residence located on lot 1 (APN 4462-21-46). However, the remaining 8 lots were not deed restricted and authorization to commence construction on the second lot (4462-021-045) was never granted. In August of 1980, the Commission approved a one year extension of time.

4-92-124

In 1992, coastal development permit 4-92-124 for the construction of two retaining walls varying in heights of three to six feet with 166 cubic yards of grading (107 cu. yds. of cut and 59 cu. yds. of fill) on parcels 4462-021-022 and 23 was approved by the Commission. At the time of the submittal of the application, the work on the retaining walls had already begun. This permit was issued.

After this permit was issued, staff discovered that eight lots were supposed to have been deed restricted as open space pursuant to special condition #1 of permit A-158-78 prior to the issuance of authorization to commence construction of the second residence. Two of the eight lots, which the Commission required the applicant to deed restrict as open space, were the location of the approved retaining walls under CDP 4-94-124.

4-94-195A

On January 11, 1995 the Commission approved the amendment 4-94-195A to the original permit (A-158-78) which amended the deed restriction and scenic easement of the permit to allow for the transfer of 2400 sq. ft. of Gross Structural Area credit (8 lots) to four Small Lot Subdivisions in the Santa Monica Mountains, in lieu of one TDC credit. The deed restriction was amended to allow for the future development of a pool, children's playhouse, fencing and grape arbor on lots identified as Assessor Parcel Numbers 4462-21-21, -22, -23. The approval was subject to special conditions that included a modified deed restriction and scenic easement, a guideline for transferring gross structural area credits, a timeline for condition compliance and a requirement to record a future improvements deed restriction on the subject sites.

In processing this amendment (4-94-195A), staff discovered that the two homes constructed significantly deviated from the Commission's approval of two 2,741 sq. ft., 29 ft. high single family residences. The residence at 1557 Lookout Drive was 660 sq. ft. smaller than approved; the residence at 1561 Lookout Drive was 1064 sq. ft. larger than approved. This discovery was made when the applicant's agent submitted information that stated that the applicant had constructed a 2,996 sq. ft. single family home on lot 1 (APN 4462-21-45) and a 3,903 sq. ft. single family home on lot 2 (APN 4462-21-46). These figures were later corrected to reflect the actual size of the residences at 2081 sq. ft. and 3805 sq. ft. respectively. The size of the as-built residences resulted in a combined total square footage of 5,886 sq. ft. which equals a total of 405 sq. ft. more than the combined total square footage approved by the Commission.

4-92-124A

This amendment was submitted to allow for the after-the-fact modification of the retaining walls and grading approved under 4-92-124. In 4-92-124, the Commission allowed for two walls varying in height from three to six feet with a maximum of 166 cubic yards of grading (See Exhibit 6). No flat pads were to be created as a result of these walls, pursuant to the findings of 4-92-124. Instead the applicant built three walls with flat areas built behind each wall. The walls that were built vary in height from three to eight feet above grade with an additional two feet below grade. The grading for the project was previously calculated wrong: a total of 236 cubic yards of grading, with balanced cut and fill occurred for the construction of the existing three walls. For the remaining wall to be constructed at the western end of lot 22, 17 cubic yards of additional fill is required.

On January 10, 1995, the applicant submitted the amendment request to permit 4-92-124 to allow for the revision of the retaining walls noted above. This application remained incomplete for months and could not be considered for hearing until such time that the open space deed restriction was modified to allow for the development. As explained below, in November of 1995, the Commission denied the proposed deed restriction amendment and the applicant subsequently withdrew amendment application 4-92-124A.

4-94-195A2

On November 14, 1995, the Commission denied the amendment proposal which involved changing the size of both single family residences and modifying special condition #1, the open space/scenic easement deed restriction. This second amendment application was denied by the Commission in November of 1995 based on the project's inconsistencies with Section 30250(a) of the Coastal Act.

R4-94-195A and R4-92-124

On November 14, 1995, a request for revocation of coastal development permit 4-92-124 and coastal development permit amendment 4-94-195A were denied by the Commission. Both denials were based on the Commission's findings that the requests for revocation did not meet the requirements of 14 CCR 13105(a) & (b).

4-94-195A3

The current amendment application before the Commission now is proposed to resolve the issues noted above concerning the construction of the residences, the retaining walls and the path on lot 52. This amendment application proposes revised language to the deed restriction and proposes the previously described developments to be allowed in the deed restricted area. This amendment application contains a proposal for both after-the-fact work on Yavapai Trail and the removal of unpermitted development on Yavapai Trail. Finally, this amendment has been amended since the July hearing to include the improvements to the path on lot 52 and the restoration of this path. Thus, this amendment application combines the proposals previously set forth in 4-95-195A2 and 4-92-124A and includes all unpermitted development on parcels 4462-021-022, -023, -045 and -046, lot 52, and Yavapai Trail.

As stated in the staff note, this item was continued from the July Hearing at

the direction of the Commission. Additional information regarding the geologic conditions of the site and the local permit history was requested. This information has been provided by the applicant and the local government. No reports or other evidence which might dispute the findings of the local government or the applicant's consulting engineer have been submitted. The neighbors have submitted a letter from a consulting engineer who verified that the work on site does not match the previously approved work, and questions the exact design of the pool. This letter does not contradict any reports already submitted by the applicant or the County and does not state any problems with the site from an engineering safety or geotechnical standpoint.

C. Cumulative Impacts of Development

As stated in the preceding section, the Commission originally approved the construction of two 2741 sq. ft. single family residences and the combination of three lots into two lots (A-158-78). The applicants indicated at the time of Commission approval that they intended to construct four to six homes on the 20 lots that they owned in the Malibu Lakes small lot subdivision. However, the application before the Commission at that time was only for the two homes.

In 1978 the Los Angeles County lot size standard would allow one dwelling per 7500 square feet. The Commission sought a more restrictive minimum lot size of one acre based on constraining circumstances of the 198 lots located in the coastal zone portion of the subdivision. These constraints included steep slopes, public view impacts, water quality, habitat protection and inadequate infrastructure. Furthermore, the Commission found that under the original approval development of the 17 lots adjacent to the two building sites would not be consistent with the Chapter 3 policies of the Coastal Act for a number of reasons. At that time the lots did not have road access and water service. Secondly, the majority of the lots are located on the ridgeline and any development would be visible from Malibu Creek State Park. Third, the lots are very steep and development would create adverse impacts relative to landform alteration, geologic stability and septic capability. Lastly, the removal of watershed cover would increase erosion and siltation to the adjacent blue-line stream. Therefore, the 20 lots were assessed an economic value which translated into two SFR's and two TDC's.

The applicant has amended the permit one time prior to the subject request (4-94-195A). At the January 8-10, 1995 meeting the Commission approved a modification to the deed restriction and scenic easement special condition to allow for the transfer of 2400 sq. ft. of Gross Structural Area (GSA) credit (8 lots) to other Small Lot Subdivisions located in the Santa Monica Mountains and to allow for the future development of a pool, children's playhouse (not to exceed 350 sq. ft.), fencing and a grape arbor on lots APN 4462-21-03, -04, -23, -22, -21. In addition to modifying the deed restriction and scenic easement special condition, the approval was subject to three additional special conditions that included parameters in which the GSA allowances may be used, timing for condition compliance and recording a future improvements deed restriction on the lots.

In considering the previous permit amendment (4-94-195A), the Commission found that there were unique circumstances associated with approving the amendment, which include in part the Commission's practice of mitigating cumulative impacts. Specifically, the permit was approved prior to adoption of the TDC

program by the Commission and the method of determining TDC values for lots was different than today. In addition, the permit was approved prior to certification of the Malibu LUP and use of the slope intensity/GSA formula to mitigate cumulative impacts in small lot subdivisions - this option was not available in 1978.

As set forth in the original approval (A-158-78) the Commission intended the applicant to be compensated for two building sites only (over the 17 lots) in addition to the approval of two homes and thus the TDC program was created for that purpose. The first amendment involved a proposal that substituted the approved use of the 17 vacant lots from two transfer of development credits to one transfer of development credit and 2,400 sq. ft. of gross structural area credit (8 individual lots at a credit of 300 sq. ft. each) to be applied to other single family homes in small lot subdivisions located in the surrounding vicinity (See Exhibit 5). (The recent amendment ties, at the applicant's specific request, the subject sites to the current TDC and slope/intensity/GSA programs.) The predominate scope of the project's analysis revolved around the issue of cumulative impacts of new development within small lot subdivisions. Within these small lots subdivisions the potential exists for the density of development to be inconsistent with a number of the Chapter 3 policies of the Coastal Act. Section 30250(a) of the Coastal Act states that:

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.

Under the original permit, as a means of controlling the build-out of the small lot subdivision and assuring consistency with Section 30250 as well as the water quality, sensitive habitat, visual and landform alteration, recreation and public access sections of the Coastal Act, the Commission established the Transfer of Development Credit (TDC) program. The TDC program was, and still is, viewed as a method of removing the development potential in designated small-lot subdivisions, parcels located within Environmentally Sensitive Habitat Areas (ESHAs) and parcels located within Significant Watersheds.

Subsequent to the development of the TDC program, in the early 1980s, the Commission designed the Slope-Intensity Formula to regulate development in all small-lot subdivisions. Additionally the Los Angeles County Land Use Plan, which was certified by the Commission on December 11, 1986, stated that new development permitted on these small lots would be limited to the existing prevailing densities. The LUP intended for a maximum density of one unit per acre in these areas. However, many of the small-lot subdivisions consist of rather small parcels that do not conform to the established 1 dwelling per acre density and were found by the Commission to be "non-conforming" lots. While build out of these small lots in theory may be feasible, development of a significant percentage of the lots would be considered difficult if not improbable given such constraints as steep slopes, geologic conditions, septic limitations, water availability and lack of road access.

The Commission incorporated the Slope-Intensity Formula as part of the LUP as

set forth in policy 271(b)(2), which requires that all development in small lot subdivisions comply with the Slope-Intensity formula for calculating the allowable GSA of a residential unit. The Slope-Intensity Formula asserts that the maximum allowable gross structural area of a single family home should be based on the slope and size of the lot. In instances where the lot is either steep or small the applicant is afforded a minimum gross structural area of 500 sq. ft. Additionally, the formula provides that the gross structural area of a home may be increased as follows:

(1) Add 500 square feet for each lot which is contiguous to the designated building site provided that such lot(s) is (are) combined with the building site and all potential for residential development on such lot(s) is permanently extinguished.

(2) Add 300 square feet for each lot in the vicinity of (e.g., in the same small lot subdivision) but not contiguous with the designated building site provided that such lot(s) is (are) combined with other developed or developable building sites and all potential for residential development on such lot(s) is permanently extinguished.

The review of the Commission's past actions with respect to development of these sites underscores the importance of retiring the development rights of 17 undeveloped lots as mitigation for the construction of two homes. The proposed amendment involves amending the size of the homes from 2,741 sq. ft. (each) to 2,081 sq. ft. and 3,805 sq. ft. The modified house sizes must be analyzed for consistency with Section 30250(a) of the Coastal Act. As explained above, the Commission presently requires applicants to submit a calculation of the Slope Intensity Formula determining the maximum house size. Given that the Slope Intensity Formula was not developed when the homes were approved, staff notes that the slopes of the building sites were neither calculated nor was the maximum gross structural area determined in 1978. Further, the applicant has not submitted this information as part of the review of the proposed change in house size.

The review of the original permit indicates that the Commission found that two 2,741 sq. ft. homes were allowable as consistent with the character of the area, providing adequate mitigation was provided by retiring the development rights of the undeveloped lots. Had the applicant applied for the same project today the applicant would be required to demonstrate that the proposed project met the GSA criteria. In the event that the proposed house size was larger than the GSA formula would allow, the applicant would be required to retire lots within the same small lot subdivision to achieve the balance of proposed square footage. Absent receipt of a calculation of maximum allowable GSA credit for each site, the Commission has automatically assessed [as set forth in policy 271(b)(2)] a single lot with a minimum square footage of 500 sq. ft. Based on the total number of lots (20), the maximum allowable square footage for the two lots combined could potentially be 10,000 sq. ft. (or 5,000 sq. ft. per house). Given that the Commission approved two homes and the sale of two TDCs, which is the equivalent of two SFRs the maximum allowable GSA credit should be divided by four. In dividing the total square footage (10,000 sq. ft.), the average house size would equal 2,500 sq. ft. As such, the Commission's approval of two 2,741 sq. ft. houses is roughly equivalent to the standards of today's program (Slope-Intensity/GSA).

The proposed amendment proposes to greatly exceed the size of the home (by

1,045 sq. ft.) approved on lot 2 and decrease the size of the home (by 660 sq. ft.) on lot 1. Under the current program, a 1,045 sq. ft. addition would require the retirement of either three contiguous lots (allowing 500 sq. ft. each) or the retirement of four non-contiguous lots (allowing 300 sq. ft. each). However, the Commission finds that based on the combined review of the two homes in the original permit it is appropriate to combine the total square footage of the houses when comparing the house sizes against the maximum allowable GSA. This is based in part on the fact that the intent of the original permit was to site new development contiguous with, or in close proximity to, developed areas and in part on the rationale that new moderate sized development be clustered with the retirement of constrained lots in order to minimize the total impacts of development within the small lot subdivision. The total square footage approved by the Commission under the original permit equals 5,482 sq. ft. (2,741 sq. ft. each) and the total square footage proposed under the amendment equals 5,887 sq. ft. Therefore, the Commission finds that the application of the GSA formula over the total square footage equals an addition of 405 sq. ft. In order to find that the proposed amendment is consistent with Section 30250(a) of the Coastal Act, past Commission action and the intent of the original permit, special condition #2 has been revised to insure that the increase in size of a single structure by 1,045 sq. ft. is mitigated. As stated above, staff notes that the larger home under the current standards could require the retirement of as many as four lots if the square footages of each home were not combined. However, given that the applicant has exchanged the economic value of one TDC to eight GSA allowances (where one GSA allowance equals 300 sq. ft.) on lots that are contiguous, revising Special Condition #2 to reduce the number of GSA allowances from eight to seven would mitigate the 405 total sq. ft. that the two residences combined exceed the original size. Alternatively, the applicant could retire two non-contiguous lots within Malibu Lakes Small Lot Subdivision. Also, as conditioned under the first amendment the applicant is required to record a future improvements deed restriction to ensure that all future development receives a coastal development permit.

The Commission notes that the previous amendment allowed the substitution of one TDC credit to be used as GSA allowances to be applied to the construction or additions to other SFRs in specified small lot subdivisions subject to the slope-intensity/GSA formula. This allowance, which was granted at the applicant's specific request in effect, has connected the two SFRs to the application of the current TDC and slope-intensity/GSA programs. Under the applicant's previous amendment request she has in fact recognized the application of the GSA/slope-intensity formula to the Malibu Lakes small lot subdivision. As stated previously, the applicant has submitted an amendment request to legalize the increase in the size (where the size of the homes are added together) of the 2 SFRs by 400+ sq. ft., approximately 15 years after-the-fact. The Commission finds that it is only equitable that the applicant participate in the GSA program by mitigating the increase of square footage of the permitted SFRs. The easiest and most logical way to accomplish this is by utilizing one of the GSA lot credits granted in the prior amendment and owned by the applicant. This would in effect reduce the number of marketable GSA lot credits from eight to seven as is indicated by the revised special condition #2. However, the applicant does have the option to sell all eight GSA credits and retire two non-contiguous lots in the small lot subdivisions noted in special condition 2 for GSA credit. In order to ensure that any future structures or increases in size of either home are consistent with the GSA allowances as stated in special condition #2, special condition

#3, future development, has been modified to require the applicant to either further amend this permit or receive a separate coastal development permit in order to perform such development.

In addition, special condition #1 has also been modified at the request of the applicant to allow for development within a 90 ft. area of three of the deed restricted parcels (See Exhibit 7). As proposed by the applicant, the construction of a 250 sq. ft., 12'6" high playhouse (to include electrical but not plumbing or a septic system) with a 15 ft. wide patio area, 5 ft. high retaining wall and 18 cu. yds. of grading will occur within a 90 ft. area as measured from the southern property line. Staff notes that originally the applicant requested to modify the deed restriction to allow for the construction of a 350 sq. ft. playhouse without electrical. On October 27, 1995, the applicant amended the proposal to a reduced 250 sq. ft. playhouse with electrical. In addition, the applicant is proposing the placement of a fence along an imaginary line drawn ninety feet north of the southern boundary line. This is a modification to the original plan in which the applicant propose to fence the entire lot. To place the fence at the higher elevation would contradict Coastal Act Section 30251 and the intent of the deed restriction and scenic easement by intruding into the visual aesthetics of the area, as discussed in detail in the first amendment (4-94-195A). At a lower elevation, the fence would be blocked by the residences in the area. Therefore, the applicant agreed and the condition has not been modified further to restrict fencing to ninety feet north of the southern property line. As modified in Special Condition #1 and as described in the project description of this amendment, the proposed revisions to the deed restricted area are consistent with the intent of the scenic easement. Any commencement of development that is not provided for under special condition #1 or development that is located north of a 90 ft. line as drawn from the southern property line will be considered a violation of this permit.

Finally, the Commission notes that the issuance of this amendment will legalize several unpermitted developments on site. In order to ensure that the permit is issued and the site brought into conformance with the policies of the Coastal Act, the Commission finds it necessary to require the conditions set forth in this permit amendment are met within 45 days of the Commission's approval of the permit amendment application, as noted in special condition 5.

Given, both the unique circumstances of past Commission approval and the unique characteristics of the project site, the Commission finds that the proposed amendment, as conditioned, will neither have adverse effects either cumulatively or individually on coastal resources as set forth in the applicable Coastal Act sections nor will it have significant adverse effect on the environment within the meaning of the Environmental Quality Act of 1970. The Commission therefore finds that the proposed project, as amended, is consistent with the requirements of Section 30250 and other applicable policies of the Coastal Act.

D. Landform Alteration and Visual Impacts

The developments proposed on site involve minor landform alteration through the construction of retaining walls, the construction of a playhouse, and improvements to two vacant lots for backyard amenities. Also included in this application is minor work on Yavapai Trail and improvements and restoration of

a path on another vacant lot (lot 52). The specific developments are described in detail in the preceding section. These developments are proposed on small lots within the Malibu Lake Small Lot Subdivision. Excessive development of these steep lots, including excessive grading, can create adverse environmental impacts. Moreover, as this subdivision is adjacent to Malibu Creek State Park, excessive landform alteration or building can create adverse visual impacts. Therefore, the proposed development must be reviewed against the Chapter Three Policies of the Coastal Act regarding visual impacts and landform alteration.

Section 30251 of the Coastal Act states:

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.

Section 30251 of the Coastal Act stresses that the scenic and visual qualities are a resource of public importance. Likewise, in approving the underlying permit for the development of the residences, the Commission required the applicant to deed restrict 17 lots, of which lots 21-23 are a part, for their scenic value, among other things.

The proposed development includes the construction of a 250 square foot, 12.5 foot high playhouse and fencing on the open space APN lots 22 and 23. In the deed restriction, the playhouse is limited in size to 250 square feet and 12.5 feet high, and is restricted to be placed below an imaginary line drawn ninety feet north of the southern property line (See Exhibit 7). Likewise fencing of the site is restricted to a line drawn parallel to and ninety feet above the southern property line.

In the original amendment, 4-94-195A, the Commission found that development above this ninety foot line would have significant visual impacts from Malibu Creek State Park. Above this ninety foot line, development on the hillside will be visible from nearby Malibu State Creek Park and create adverse visual impacts. At the ninety foot line, development will be in line with the structures on the lots below. Fencing would be partially screened and the playhouse will blend with the existing residences. In order to minimize the adverse visual impacts associated with the buildout of lots, the Commission found in 4-94-195A that the size of the playhouse would need to be restricted to a size of 250 square feet to mitigate any visual impacts. The Commission further found that any fencing, even at the ninety foot contour line, must be of a non-white color. A white fence is highly visible; fencing of a natural or non-white color will blend with the surrounding area.

Originally, the applicant was proposing fencing at the top of the northern boundary line and the playhouse above the ninety foot line. The applicant agreed to modify the plans to limit development to at or below this ninety foot line. Non-white fencing is proposed at the ninety foot line and the

playhouse is set below this line. The Commission finds it necessary to ensure that these developments are built as proposed. As such, the Commission has stated in the deed restriction and scenic easement, as noted in special condition 1, that no development may occur above the line drawn ninety feet north of the southern boundary line, that the playhouse must be restricted in size to 250 feet and 12.5 feet high, that the fencing not be white, and that any changes or additions to the developments require a future coastal development permit. The Commission finds that as conditioned, this portion of the development is consistent with Section 30251 of the Coastal Act.

The other portion of the proposed development includes the construction of retaining walls with grading. In 4-92-124 (Eide), the applicant proposed the construction of two parallel retaining walls with a total linear length of 192 feet, with minor grading to control drainage from the site. The applicant states that a future pool or other backyard amenities were also desired between the retaining walls, but were not proposed at the time. The retaining walls that were actually built include three semi-parallel walls which are approximately 110 ft. long. The walls contain return walls of less than 10 feet in length; the maximum height of the walls is eight feet (ten feet, including below grade).

Section 30251 of the Coastal Act calls for the minimization of the alteration of landforms. Significant landform alteration creates adverse visual impacts and can lead to erosion. Erosion results in increases in sedimentation in nearby streams. Sedimentation can adversely impact the biological productivity of streams and degrade important riparian habitats.

In 4-92-124, the Commission found that the proposed walls did not create a significant landform alteration and that the grading was not significant. Erosion from the site would be controlled and the project created no adverse visual impacts. The as-built project consists of three walls of 110 feet instead of two walls of 140 feet and 52 feet. The heights of the walls have been increased from a maximum of six feet to a maximum of eight feet. The grading was proposed at 166 cubic yards in the original permit; 236 cubic yards of grading was actually done. The changes to the topography are not significant, and do not create any visual cuts into the slope or man-made fill slopes. Moreover, the changes that occurred and the additional wall do not create any significant adverse visual impact and do not adversely affect the scenic quality of the area. The retaining walls do not create significant visible changes to the topography, and landscaping is proposed to mitigate the effects of the minor grading. Thus, this portion of the project will not create any adverse impacts either individually or cumulatively relative to landform alteration.

The remainder of the grading for the site includes 18 cubic yards of cut for the playhouse, 17 cubic yards of cut for the remaining portion of the wall to be completed and 117 cubic yards of excavated material for the swimming pool. The grading for the playhouse and remaining retaining wall balances that portion of grading on site and is considered minimal. However, the pool calls for 117 cubic yards of cut and the material is not needed on site. Any additional fill left on site would be subject to erosion. In order to keep the amount of grading on site to a minimum and thus avoid any adverse impacts resulting from sedimentation of nearby streams, the Commission finds it necessary to require the applicant to remove all excavated material from the site. The applicant shall notify the Executive Director of the location of

the disposal site and if this site is within a the coastal zone, a coastal development permit for the disposal site will be necessary.

The final development on site is the minor widening and restoration of the path on lot 52. No grading was involved in the widening of this path. The path was created by running heavy machinery across the path. The applicant intends to move any sidecast material back onto the path and then revegetate the path to recreate the three foot wide path. However, the restoration can not occur until the improvements to the backyard are completed.

The Commission finds that the permanent existance of this wider path would not be consistent with the past permit action on this lot. This lot is one of the deed restricted lots which has been dedicated for view preservation and open space. Therefore, the Commission finds it necessary to require the applicant to restore this path in a reasonable time period. Therefore, as outlined in special condition 7, the applicant shall restore this road at the completion of the backyard improvements, such as the playhouse and the pool, or within 24 months- whichever comes first. This will ensure that the path does not remain longer than necessary. To ensure that the restoration of the path is complete and sufficient, the applicant shall be required to submit a monitoring report, as outlined in special condition 5. Should the restoration fail, or additional plantings be required during this monitoring period, the applicant shall be required to complete such work to ensure a successful restoration. Finally, the Commission notes that the plans submitted by the applicant do not indicate the location and sizes of the suggested plant list. Moreover, the plans do not show the return of the sidecast material to the roadway for replanting nor do the plans show the removal of invasive plant species along the road and in the slump area. Therefore, the applicant shall be required to submit revised plans which incorporate these notes, as listed in special condition 5.

As stated in the preceding section, the issuance of this permit amendment will legalize the unpermitted developments on site, and thus the condition compliance condition outlined in special condition 5 is necessary for compliance of the project with Section 30251 of the Coastal Act. The Commission finds that as conditioned, the project is consistent with Section 30251 of the Coastal Act.

E. Geologic 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 along bluffs and cliffs.

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, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. The applicant is proposing development on undeveloped parcels adjacent to single family residences. Any adverse geologic hazards on site could negatively affect off-site as well as on-site development.

In the previous permit 4-92-124, the applicant's consulting geologist confirmed that the proposed retaining walls would reduce the possibility of surficial instability and soil erosion. No landslides were found on the property, and the construction of the project was found feasible from a geologic standpoint. The Commission found in 4-92-124 that the site was consistent with Section 30253 of the Coastal Act regarding the geologic conditions on site.

When this amendment application was submitted, the applicant had the consulting engineer review and stamp the as-built plans. These as-built plans were prepared by RJR Engineers located in Malibu, Ventura and Goleta. The firm has both engineering geologists and professional registered engineers on staff. The site was surveyed to determine the exact location and heights of the walls. The plans submitted accurately reflect the site conditions.

With the signed plans, the applicant submitted a letter from this consulting engineering firm, RJR Engineering Group addressing the stability and drainage conditions of the site. This letter (Exhibit 12) concludes that the proposed developments do not adversely affect the drainage conditions on site. To mitigate any drainage problems which could arise, the walls are constructed with drainage pipes to collect any runoff. There is also a drainage swale which also directs water down Yavapai Trail onto Lookout Drive. All drainage on the site is engineered to prevent any adverse impacts from runoff or erosion from occurring on the subject or adjacent lots. The plans for drainage, which have been installed, have been reviewed and approved by the consulting engineering firm as conforming to their recommendations and requirements for development of the site from a geologic/engineering standpoint.

At the July hearing, the neighbors expressed concern regarding the stability of the walls and the pool. They claimed that 1) the applicant did not have valid County building permits for any development and 2) the as-built walls and site could not support a swimming pool. Both the applicant and the County of Los Angeles Department of Public Works have supplied staff with the County permits and inspection sheets for the construction of the walls and the swale. The neighbors have not presented any evidence supporting their assertions. Thus there is no evidence which contradicts the information submitted by the applicant and the County regarding the permits for the site. The appropriate local permits have been issued for the existing walls; those permits are attached as Exhibit 15.

One of the concerns raised by the neighbors questioned the height of the retaining walls. The applicants have provided plans which accurately show the as-built height of the walls and the proposed height of the remaining wall to be constructed. These plans have been attested to by a registered engineer as being accurate. In addition, the County has informed staff that the walls on

site, as they exist, are in compliance with the permits issued by the County. The difference noted in the height of the walls, between the County permits and the Commission's project description, is based on how the walls are measured. The Commission staff measured the entire height of the walls for use in its project description, including the footings, the retaining wall portion and the freeboard (the portion which does not retain earth). The County only measures the portion of the wall which retains earth. The County does not include the freeboard or footings in the height of the walls. Thus, there is an apparent, but not actual, disparity in the two descriptions. Exhibit 16 is a letter from Karen Teeter with the Los Angeles County Department of Building and Safety, which explains which portions of a wall are measured by the County to determine the height of a retaining wall. Thus, there is no discrepancy between the County and Commission approved height of the walls and, according to the County of Los Angeles, the as-built walls are in conformance with the building permits.

The other concern raised by the neighbors was the geologic stability of the retaining walls and the swimming pool. The stability of the retaining walls has been addressed above. The consulting geologist has stated that the site is stable, and the County of Los Angeles Department of Public Works has inspected the site after the permits were issued and has found the site in conformance with all county codes and regulations.

With regards to the feasibility of the site to support a swimming pool, staff has received evidence which supports the contentions that the construction of a swimming pool is feasible from a geologic standpoint. To begin with, the applicant's consulting engineer has submitted a letter (Exhibit 17) which confirms that a swimming pool can be built without creating adverse geologic impacts. The construction of a swimming pool is engineered to be free-standing, which means that the pool will have built-in retaining walls and the load of the pool will not be put onto the existing retaining walls. The pool is engineered so that the walls of the pool support themselves and do not require additional supporting walls. Thus, the construction of a swimming pool between the retaining walls will not affect or increase the pressure on the existing walls. Moreover, since water weighs less than soil, the removal of soil and the placement of water in its space would actually decrease the bearing on the walls were the retaining walls to support the pool. Finally, A question was raised regarding the bearing of the pool on the cut/fill slope (See Exhibit 19). When a structure is built partly on fill material and partly on the underlaid bedrock, settling could occur at different rates. This is not to say that development can not occur in this situation; instead engineering parameters are undertaken to ensure stability. In this case, the County geologist has noted that this will most likely not be issue as the fill will be removed for the construction of the pool. Thus, the pool is most likely to built entirely on bedrock and not on fill. Should the pool be constructed on fill, the stability will be addressed by the County prior to the issuance of any building permits. Therefore the construction of the pool will not create adverse geologic impacts or disrupt the geologic stability of the area.

Staff has asked the County of Los Angeles about the construction of a swimming pool in this location. Staff of Los Angeles County Department of Building and Safety has confirmed that a free-standing pool is built with caissons which support the weight of the pool. There is no adverse effect on the retaining walls which results from the construction of a swimming pool. No evidence

which shows that the site is unstable or not able to support a swimming pool has been submitted by any party.

The neighbors have not submitted a geology report or other evidence supporting their assertions that the pool will not be stable. Dr. Ramey has asserted that he has not been able to have a geologist inspect the site. However, the Commission notes that no direction was given at the hearing to obtain new information; the Commission requested copies of information already gathered. Nonetheless, the neighbors have submitted a letter from J.A. Pekarovic, a registered professional engineer (Exhibit 19). This letter states that the design of the pool foundation bearing on incompatible materials has not been addressed. The letter also states, with regards to the pool, that the undermining of the existing retaining wall needs to be addressed. Both these concerns have been addressed in the findings above which conclude that the construction of a pool in the transition of a cut/fill slope will most likely not occur. However if it does, it is feasible from a geotechnical standpoint. Further, the findings conclude that the pool will not adversely affect the stability of the retaining walls.

The letter from the neighbors' geologist makes no claims of instability and does not provide any evidence that the proposed project is not feasible from a geotechnical engineering standpoint. The letter only states that issues need to be addressed. These issues have been addressed adequately. Based on the evidence that has been submitted, the Commission finds that the construction of a swimming pool and the retaining walls, both the existing and proposed, are feasible from a geologic standpoint and is consistent with Coastal Act Section 30253.

Another development proposed on site is the drainage swale which has received a preliminary approval (approval in concept) from Los Angeles County Department of Flood Control. The drainage swale is effective in directing drainage off the site in a non-erosive manner. The consulting geologist has reviewed and approved the construction of the drainage swale. The County of Los Angeles Department of Public Works has issued an approval in concept for the placement of the drainage swale. The Commission finds that this portion of the development is consistent with Section 30253 of the Coastal Act.

The proposed development also includes the construction of the playhouse and the removal of the encroachments on the eastern half of Yavapai Trail. The plans for these developments have been reviewed, approved and stamped by the applicant's consulting engineer. The removal of these encroachments will not adversely affect the drainage or stability of the site and will not contribute to erosion or instability of off-site properties. In fact, the applicant is proposing to retain the landscaping to mitigate erosion. Thus, the Commission finds that there are no adverse geologic hazards created by any proposed or existing development on site which have not been adequately mitigated.

Finally, Since this portion of the project calls for the removal of unpermitted development, the Commission finds it necessary to require the applicant to complete the removal of these structures in a timely manner. Condition 6 of the amendment requires the applicant to remove the developments which encroach onto the eastern half of Yavapai Trail within 90 days of the issuance of the permit. To ensure that the permit is issued in a timely manner condition 5 requires that the conditions set forth in the permit are met within 45 days of the Commission's approval of the permit amendment application.

F. Violation

Prior to the submittal of this application, the applicant built two homes on two separate parcels. One was built larger than proposed; the other smaller. In addition, the applicant failed to retire eight of the 17 lots required to be retired prior to the construction of both residences. The applicant also constructed two retaining walls larger and longer than approved, backfilled the walls, and constructed a third wall and a stairway. Some landscaping was done on the undeveloped lots. Finally, the applicant constructed improvements in Yavapai Trail and on lot 52 without the benefit of a Coastal Development Permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

G. Local Coastal Program.

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

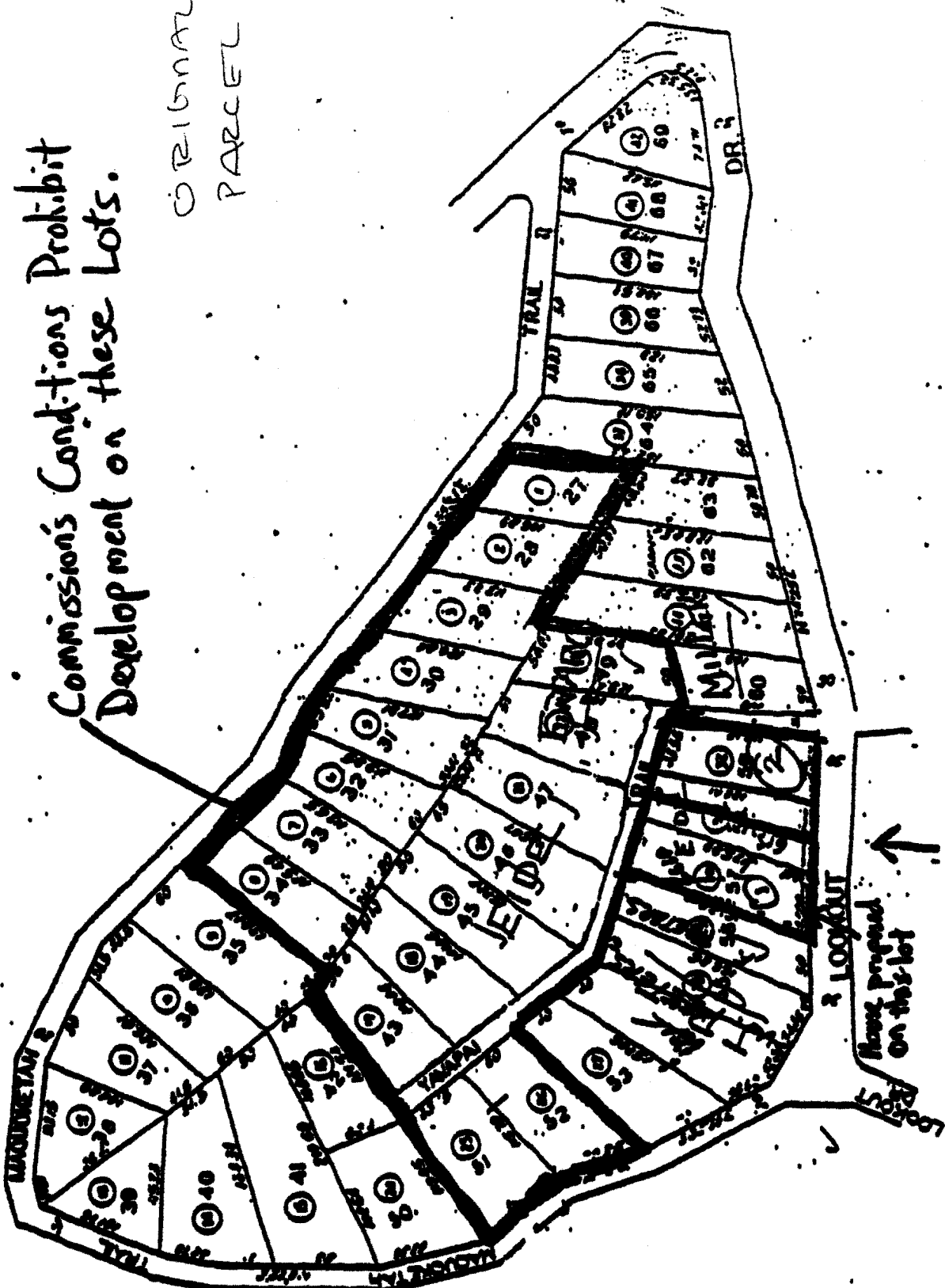
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding section provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment.

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.

0128R



ORIGINAL
 PARCEL MAP

Commission's Conditions Prohibit
 Development on these Lots.

Exhibit 2: Original Parcel Map with
 4-94-195A3 lots for retirement

TRACT NO 9757
 M.B. 100-30-30

PROTECT SITE

FOR MORE DETAILS SEE: 000-34835

ASSISTANT CLERK
 COUNTY OF LOS ANGELES

OLD PARCEL MAP

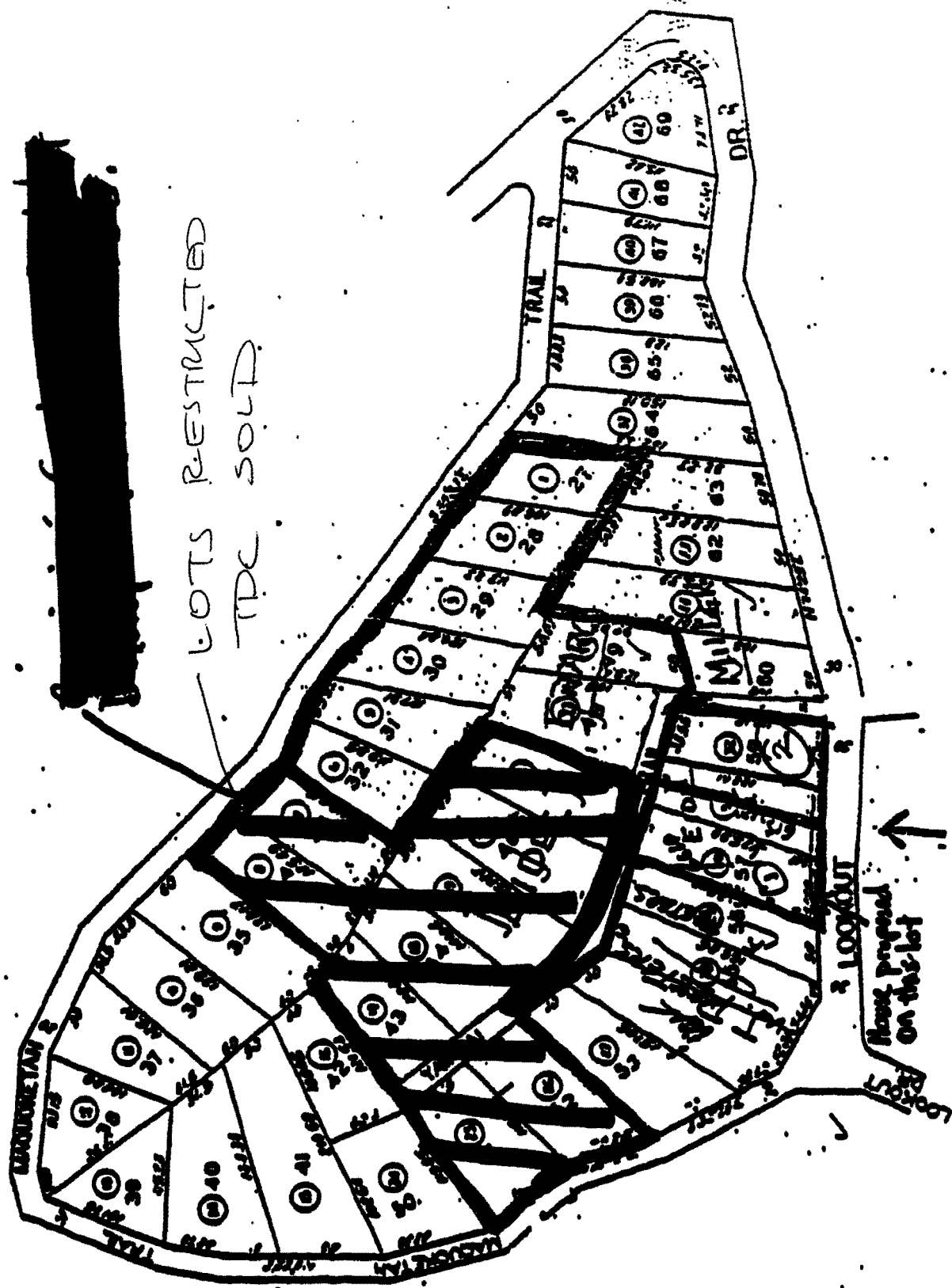


Exhibit 3: Lots retired for TDC
 4-94-195A3

TRACT NO 9757
 M.B. 166-30-39

PREDICT SITE

SEE MAP, ADJUT. 641 000-348.35

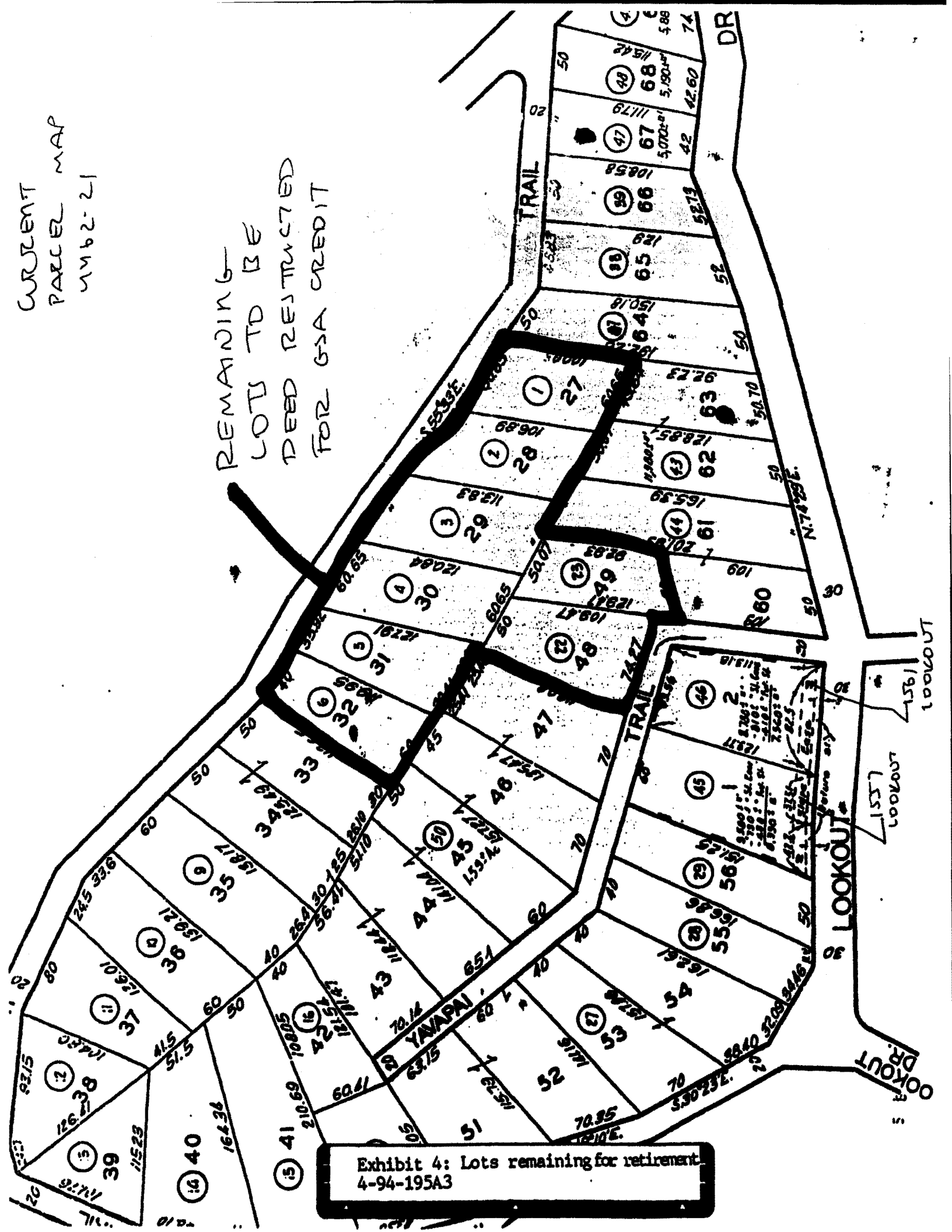
ASSISTANT, MAP
 COUNTY OF LOS ANGELES

COPY 4000

EXHIBIT 3

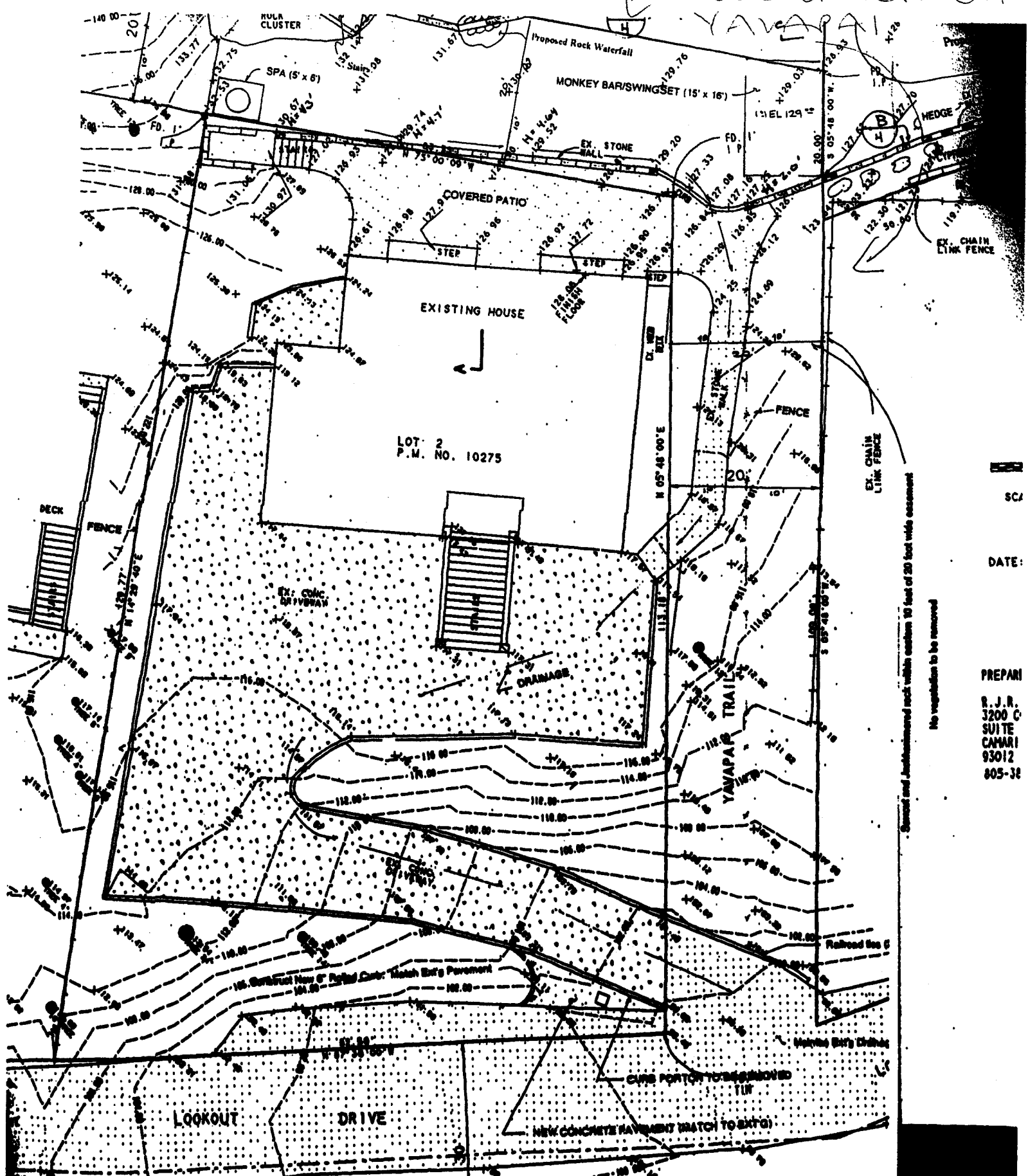
URGENT
PARCEL MAP
4462-21

REMAINING
LOTS TO BE
DEED RESTRICTED
FOR GSA CREDIT



[illegible]

EXISTING
 DEVELOPMENT ON
 YAVAPAI

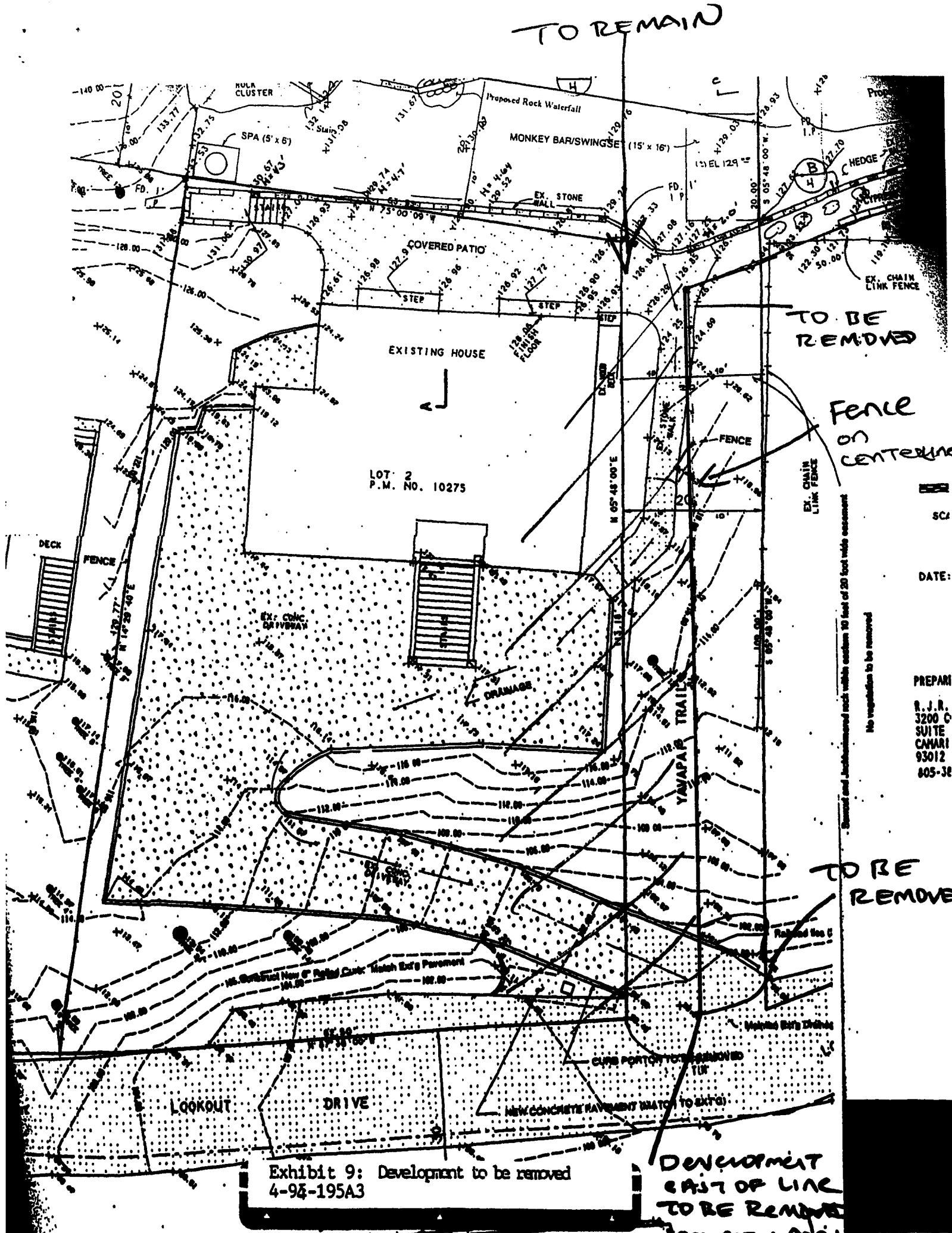


Current and Jackhammer rock within eastern 10 feet of 20 foot wide easement

No vegetation to be removed

SCA
 DATE:
 PREPARED BY:
 R. J. R.
 3200 C
 SUITE
 CAHARI
 93012
 805-38

Exhibit 8: Proposed development on Yavapai
 4-95-195A3



TO REMAIN

TO BE REMOVED

Fence on centerline

TO BE REMOVED

DATE:

PREPARED

R. J. R.
3200 C
SUITE
CAHARI
93012
805-38

Exhibit 9: Development to be removed
4-95-195A3

DEVELOPMENT
EAST OF LINE
TO BE REMOVED
EXCEPT LAND SLAB

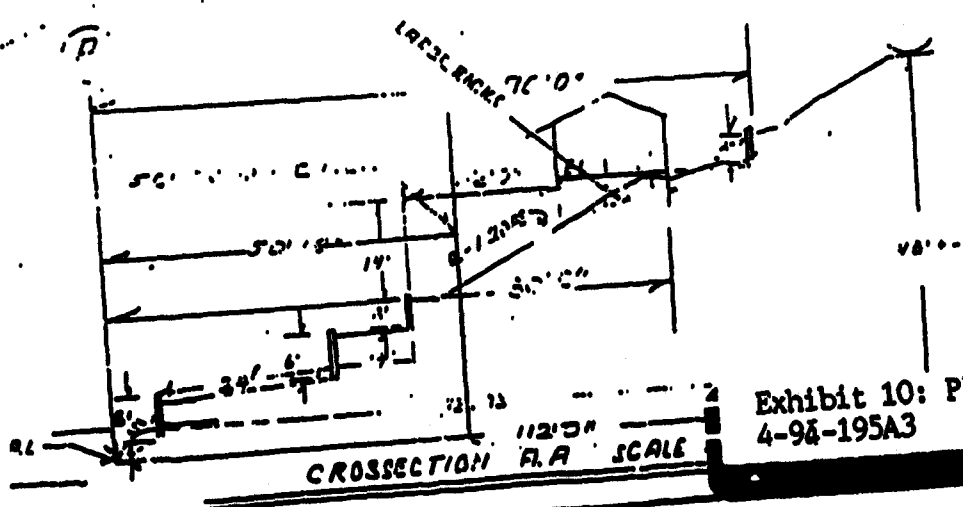
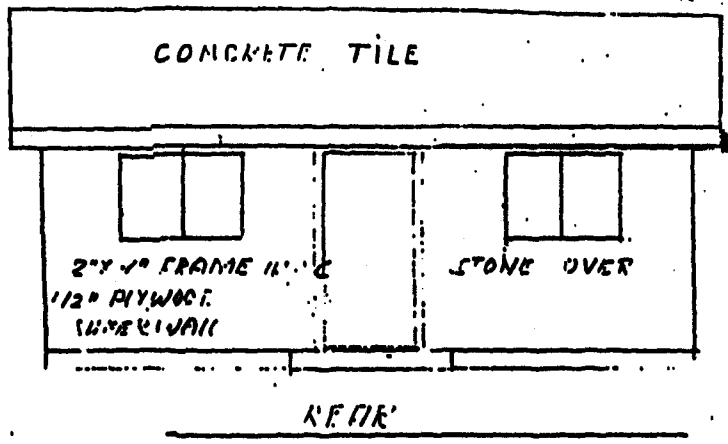
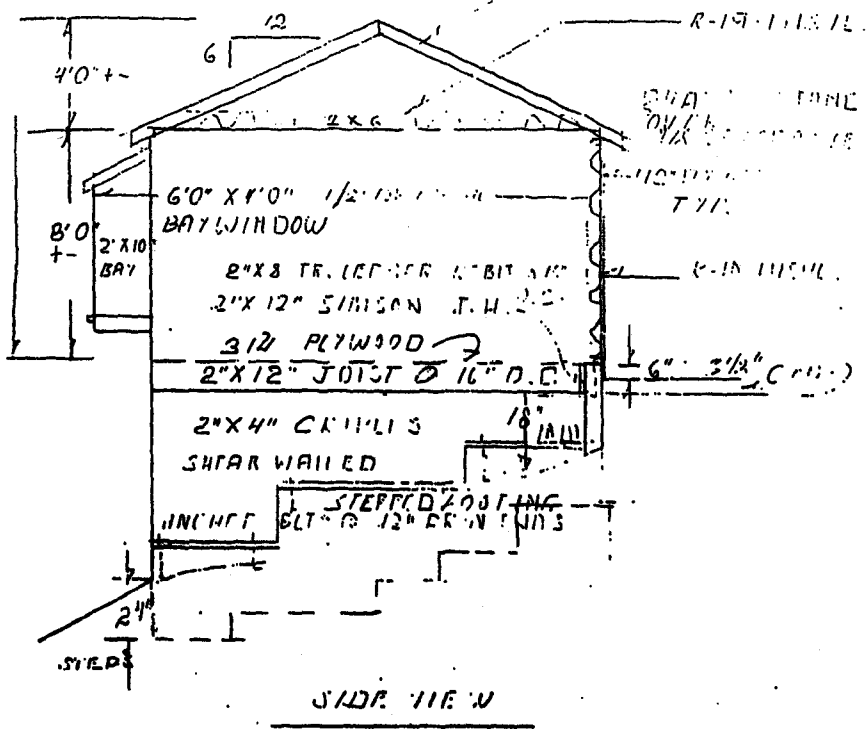


Exhibit 10: Playhouse Plans
4-98-195A3

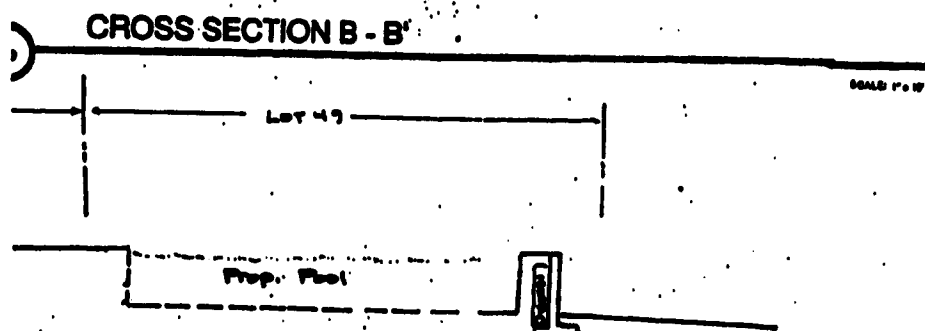
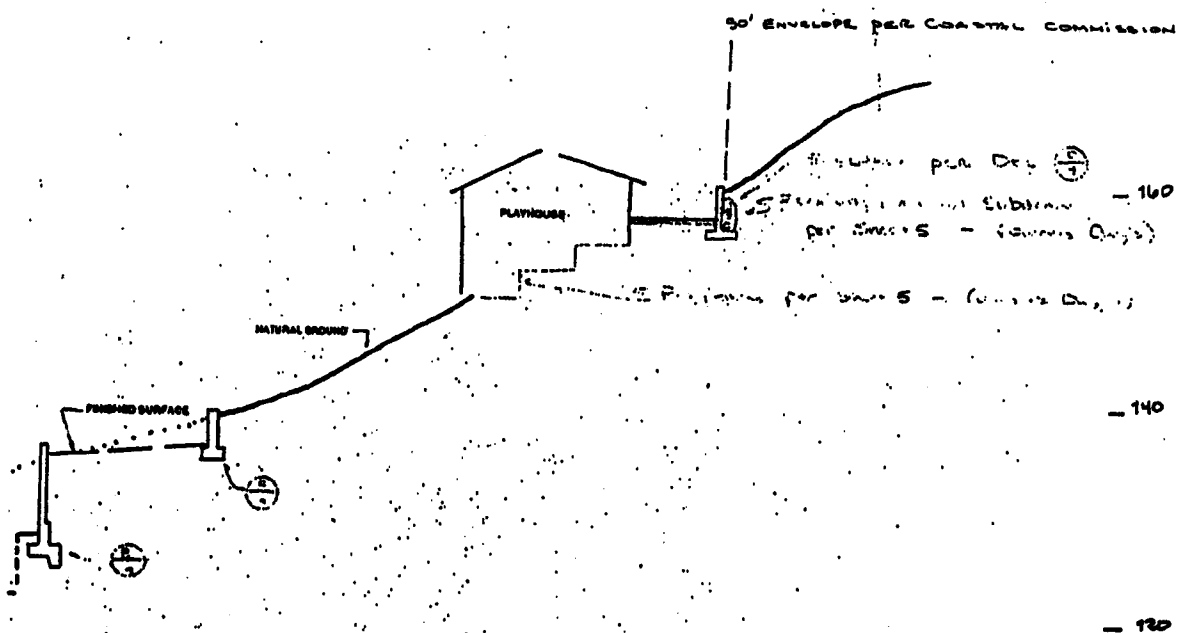
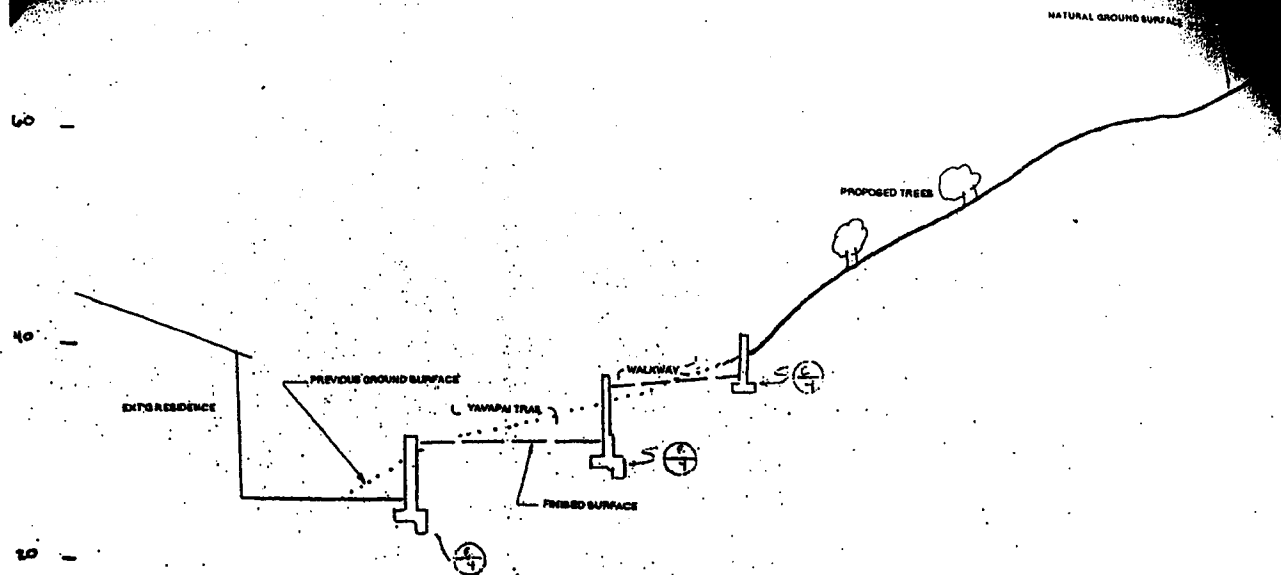


Exhibit 11: Cross Sections
4-98-195A3



ENGINEERING GROUP, INC.

PROJECT DESCRIPTION EIDE PROPERTY LOTS 48 AND 49, TRACT 9757 AGOURA, CALIFORNIA

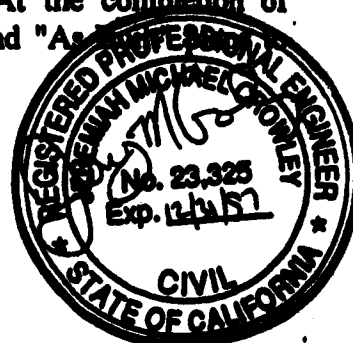
Proposed improvements to the site will entail the completion of a 3 to 4 foot high retaining wall on Lot 48 that is located above the existing wall on the north side of Yavapai Trail. The wall will extend approximately 29 feet as illustrated on the attached Site Plan. In addition, other improvements will entail the construction of a 15-1/2' by 22-1/2', playhouse (with electricity), with a 8' by 22-1/2' concrete patio. Other improvements will entail flagstone paths, walkways, a small rock waterfall (with a re-circulating pump) roses, cypress and birch trees, shrubs, grass areas, hedge, an electric spa, covered patio for house site at 1561 Lookout, and a pool at the southern end of Lot 49. Existing Other miscellaneous improvements are illustrated on the As-Built Grading Plan.

These improvements entailed the movement of approximately 118 c.y. of earthwork to construct the retaining walls. The additional extension of the upper wall is anticipated to involve less than 10 to 15 c.y. of earthwork. Proposed improvements will entail the movement of less than 50 c.y. of earthwork (estimated at 25 cubic yards). These estimates are based on the recent (December 6, 1995 As-Built survey).

Drainage at the site will be achieved by sheetflow from the existing natural slope to the existing retaining walls. All walls have been constructed with one (1) foot of freeboard and a graded earth swale. Drainage is diverted down to Yavapai Trail, which is the path of natural, historic drainage. Drainage is then conveyed along Yavapai Trail, via the graded topography, along the east side of the Eide Residence. Drainage is diverted onto the Eide Driveway, and down to North Lookout. Gradients along the earthen portion of Yavapia Trail (north of the residence) are gentle, and should inhibit erosive flow velocities. The existing and proposed improvements do not adversely affect the overall drainage conditions at the site. The existing and as-graded topography does not concentrate water onto adjoining properties, but rather diverts drainage as shown on the As-Built Plan down the driveway to North Lookout in a controlled manner to reduce the potential of any adverse affects of mudflows or erosion.

All construction and site improvements will be performed under the direction and observations of RJR Engineering Group, Inc., project civil and geotechnical engineers (Jerry Crowley, R.C.E. 23325), as well as, project geologist (Jim O'Tousa, C.E.G. 1393). At the completion of construction, RJR Engineering Group, Inc. will prepare a final report and "As-Built" drawings to reflect all improvements.

Exhibit 12: Letter from Engineer
4-94-195A3



June 24, 1996

Commissioner Rusty Areias
19065 Portola Drive
Suite K
Salinas, CA 93908

Dear Commissioner Areias:

At the July hearing of the Coastal Commission, you will be asked to review yet another permit amendment (the third) submitted by Harold and Barbara Eide, of 1561 Lookout Drive, Agoura Hills, CA. As you know, you will be asked to vote "Yes" or "No" on this permit amendment.

A "Yes" vote from you will mean the following:

- a. You do not care about illegal development in the Coastal Zone and are willing to do nothing to stop it.
- b. You do not care about preventing construction that presents a clear and obvious geological and fire hazard.
- c. You do not care about maintaining views from public parks.
- d. You do not care about lies, half truths and omissions that are made to you by your staff under the guise of an "unbiased" staff report.
- e. You do not care about fraudulent statements made by applicants to obtain permits that are then abused and ignored.
- f. You do not care about precedent and previously stated Coastal policy.

A "No" vote from you will mean that you are interested in upholding the law and punishing people that abuse and ignore it.

It is that simple.

You may have voted on much of this amendment in November 1995. A similar permit request was denied by you at that time. However, the same requests, and more, designed specifically to cover up the misdeeds of the applicants and, apparently, to blunt the effect of pending litigation, are to be presented to you again. We, the outraged and concerned residents of the area affected and abused by these dishonest developers ask you, indeed, we implore you, to vote "No".

Exhibit 13: Letter of Objection
4-94-195A3

Page Two, Commissioner

You may be familiar with this situation. You may have already made up your mind. However, if you are not familiar with it or if you would like complete and accurate information on which to base your decision, (information that is demonstrably not included in your staff report) it is enclosed in the package, with supporting documentation, that follows. Please read it. The rights of the neighbors of the area, the rights of visitors to Malibu Creek State Park and indeed, proper civil procedure demands that you review it. Once you review it, your "No" vote can be the only response appropriate.

Sincerely,

David William Daney DAVID WILLIAM DANAY

1644 LOOKOUT DRIVE

AGOURA HILLS, CA 91301

W. E. Miller

W. E. MILLER

1605 LOOKOUT DR.

AGOURA HILLS, CA. 91301

J.C. Peeters 1591 LOOKOUT DR AGOURA CA 91301

J.C. PEETERS-

M. Hubbard M. HUBBARD
1547 LOOKOUT DR AGOURA CA 91301

Roger Cole ROGER COLE
1533 LOOKOUT DRIVE AGOURA CA 91301

Ann Marie Miller ANN MARIE MILLER
1605 LOOKOUT DR
AGOURA, CA 91301

Pat Henkel PAT HENKEL
1755 LOOKOUT DR.
AGOURA, CA 91301

Dick Henkel DICK HENKEL
1755 Lookout Dr.
Agoura, CA 91301

Don McIndley

Don McIndley

1882 LOOKOUT DR.

ATOURA CA. 91301

Elizabeth L. Ramsey

ELIZABETH RAMSEY

1611 Lookout Dr.

Agoura Hills, CA 91301

Margaret McKindley

Margaret McKindley

1552 LOOKOUT DR.

AGOURA, CA 91301

Eduard K. Kinnara - EDUARDO KINARA

1636 Lookout Dr.

AGOURA, CA 91301

RECEIVED

JUL 23 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 23, 1996

Ms. Susan Friend
California Coastal Commission
South Central Coast Area
89 S. California Street, Suite 200
Ventura, CA 93001

Dear Ms. Friend:

This letter is to regretfully inform you that it is apparently not possible for me to get the written material pertaining to permit amendment #4-94-195A3 that you requested from me at the July hearing of the Coastal Commission to you prior to July 24th. The schedule of the civil engineer who reviewed the plans, Mr. John Pekarovic of Santa Monica, CA precludes him from being able to issue a written report on such short notice. Such a written report will be provided to you as soon as it is received. However, this letter is to summarize the contents of what will be in Mr. Pekarovic's report in time for you to include its findings in your report, should you so desire.

The substance of this report will pertain to the retaining walls illustrated in the plans submitted for your approval. The report will note that, in the section of the plans submitted to you labelled "B," (a cross-section of the hillside) beginning from left to right, you will see structures drawn as walls.

a. The second structure, a retaining wall, is drawn to a height of ten feet according to scale, in excess of actual and permitted dimensions.

b. The third structure, a retaining wall, is drawn to a height of ten feet, in excess of actual and permitted dimensions.

c. The excavation for the swimming pool as shown undermines the footings of the third wall. This is completely irregular. Such substandard and dangerous construction would cause the wall to collapse into the excavation. This construction is improperly engineered.

This letter also request that you address the following inaccuracies in the aforementioned plans in your staff report:

a. The first structure drawn as a wall of approximately four feet in height does not exist. In fact, railroad ties have been placed at the base of the wall to disguise its true height (as illustrated in the plans!)

Exhibit 14: Letter from Dr. Ramey
4-94-195A3

Page Two, Friend

b. There is no gentle slope behind the proposed site of the structure designated as a "playhouse," as shown in the plans. There is a steep rock face immediately behind the proposed building site.

The entire development is to be examined by a certified Civil Engineer within the next two weeks. Any pertinent data will be forwarded to you as soon as it is received.

Additionally, this letter requests that you address the following items and correct the following inaccuracies contained in the staff report prepared for the last meeting.

a. Please inform the Commission of the correct status of Yavapai Trail. Contrary to your assertions of your previous report, the Eides and the neighbors are NOT in negotiation with L.A. County to vacate Yavapai Trail. In fact, the state of Yavapai Trail is a matter to be decided by L.A. County Superior Court. The neighborhood claims a permanent easement; the Eides now claim that it is theirs!

In addition, please note that the Eides will not retain full ownership of Yavapai Trail under any circumstances. The Millers and the Peeters would also retain significant portions of the trail, even if a permanent easement is not granted.

b. On page 6, fifth paragraph, your report refers to a "pre-existing" road. There never has been an existing road traversing the top of lots 43 to 49. The only road behind the properties in question has been Yavapai Trail. An upper road was previously illegally graded by the Eides. Furthermore, another illegally graded road was pioneered from Makoketah Trail (please refer to the parcel map) through lots 51 and 52. L.A. County Building and Safety has issued a notice of grading violation to the Eides for this grading.

c. Please note that the retaining walls have not been built as permitted or proposed.

i. The walls are larger than permitted. Please include the permitted heights of the walls in your report (the majority of the wall will be three to four feet in height), as well as the actual heights (at least 7 feet and 5 feet 7 inches, respectively).

ii. Flat grading has occurred, which the Eides SPECIFICALLY said they would not do.

iii. The third (incomplete upper) wall was permitted by L.A. County based on the fraudulent statement that a Coastal Permit had been obtained.

Page Three, Friend

iv. The permit allowed for 166 cubic yards of grading, not 256. Your report notes that the previous amount of calculated grading was wrong. Please address the fact that since the walls were permitted after the fact that the amount of grading was known (In fact, the amount of grading increased due to the fact that the Eides added to the height of their walls after the permit was granted).

v. The "improvements" on Yavapai Trail have not been completed.

d. Your report noted that a permit application was denied in November. However, no specific reason for denying the permit was given. However, Commissioner Dorrill Wright stated that he remembered specifically the initial meeting where the sizes of the houses to be permitted were determined. He also stated that he was "deeply troubled" by the Eides continually building without permits, their obvious lies and by their destruction of the hillside. If it is your intention to tell the Commissioners why the previous permit was rejected, this letter requests that you given them accurate information as to why it was done.

e. Please address whether permit 4-94-195A has expired due to a failure to deed restrict lots, as required.

f. You report erroneously states that development within a 90 foot boundary will not be seen from Mailbu Creek State Park. In fact, the entire development would be visible from the Park. We have shown slides demonstrating this (they are now in your possession). Please address this inaccuracy.

g. Please summarize how it is that staff considers five retaining walls, illegally graded flat pads, a pool, a waterfall, fencing, a patio and landscaping "minor" alterations in the landforms.

h. In the original permit for the Eides homes. It is noted that in the opinion of the Commission, ANY development on the ridge line behind the Eide's home would adversely affect views and alter the natural landforms. Your opinion is now that development would not do this. Given that by definition, development is being proposed, how do you account for this change in opinion.

i. Please address the rationale for even accepting this permit. Section 13166 of the Coastal Code would indicate that the permit application should be rejected outright.

Page Four, Friend

j. Please correctly identify the retaining walls that exist at this time. There are not three "semi-parallel" walls of approximately 110 feet at this time. There are four walls.

i. The first wall is directly behind the Eide's residence and has no permits of any sort.

ii. The second wall crosses Yavapai Trail and is approximately 55 feet long.

iii. The third wall is over 110 feet long and encroaches on the Trail.

iv. The fourth (upper) wall does not have a Coastal permit and the permits were issued by L.A. County Building and Safety in error (their words) due to an improper citing of Coastal Authority.

k. Please address the fact that the walls that you now propose to increase in eight feet in height were not engineered to be eight feet in height. The engineering requirements for an eight foot wall in completely different from a four foot wall.

l. Please address the geologic hazards pertaining to the lowest retaining wall, the fact that the wall is not built according to permitted dimensions and give your opinion as to the geologic hazard proposed by placing a swimming pool directly behind and above a residence that has already sustained damage due to illegal grading (by the Eides). In addition, please address the issue of geologic instability even if the wall were to be properly constructed (an earthquake could cause water to overflow into the Miller's home).

m. Please address the fire hazard issue of the "playhouse." Please be advised that a structure greater than 200 square feet more than 150 feet from the nearest road access is illegal, according to L.A. County Fire Department Code. A letter to this effect from Fire Department personnel is being sought, as well as their opinion as to the desirability of maintaining Yavapai Trail as a fire access to the back of the various properties. (Regretfully, there was not enough time to get this letter to you prior to July 24).

n. In a conversation with Steve Scholl on July 19, 1996, he told me that staff had decided that this was a "neighborhood matter" that would best be handled by permitting everything. If this is your position and the report is intended to reflect this bias, please state that fact in the report.

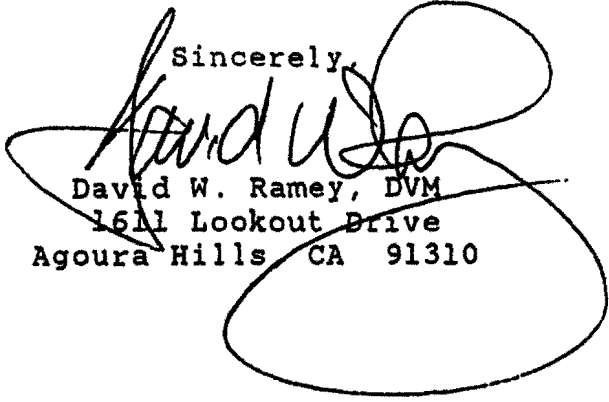
Page Five, Friend

o. Please inform the Commissioners that the applicants are currently being sued in a class-action lawsuit by five families in the neighborhood for 19 separate violations of the Coastal Act. Please inform them that the merits have this suit have been sustained by the Superior Court and an appeal was denied.

Finally, this letter is to request a copy of your staff report as soon as it is issued.

Thank you for your attention to these matters. I am sure that you want you staff reports to be complete, fair and accurate and I am confident that the enclosed information will help you in your efforts.

Sincerely,



David W. Ramey, DVM
1611 Lookout Drive
Agoura Hills CA 91310



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

HARRY W. STONE, Director

BUILDING & SAFETY /
LAND DEVELOPMENT DIVISION
4111 NO. LAS VIRGENES ROAD
CALABASAS, CA. 91302
PHONE (818) 880-4150

RECEIVED

JUL 25 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 11, 1996

Mrs. Barbara Eide
1561 Lookout Drive
Agoura, CA. 91310

Dear Mrs. Eide:

RETAINING WALLS @ 1611 YAVAPAI TRAIL

At your request I am enclosing copies of the following permits:

1. Building permit Number 9744 issued on May 14, 1991. This permit is for the two most southerly retaining walls. The permit inspection record is on the reverse side of the permit.
2. Building permit Number 1123 issued on September 9, 1994. This permit is for the third or most northerly retaining wall. The permit inspection record is on the reverse side of the permit.
3. Building permit Number BL 0910-9411040013 issued on November 4, 1994. This permit is for a proposed extension of the third retaining wall.

The following is a reply to your question regarding a drainage plan for Yavapai Trail and adjacent areas. I have been informed by our Los Angeles County Flood Control Engineer that a drainage plan has been approved in concept for future improvements subject to obtaining approval from the Construction Division of the Dept. of Public Works for work in Yavapai Tr. and approval from the Coastal Commission.

Very truly yours,

HARRY W. STONE
Director of Public Works

James Safarik
James Safarik
Supervising Building & Safety Engr. Specialist
Building & Safety / Land Development Division

Exhibit 15: Permits from County
4-94-195A3

APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES

BUILDING AND SAFETY

WORKER'S COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3802, Lab. C.)

Policy No. _____ Company _____

☐ Certified copy is hereby furnished.

☒ Certified copy is filed with the county building inspection department.

Date _____ Applicant _____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Act.

Date 3/14/91 Applicant [Signature]

NOTICE TO APPLICANT: After making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number 107589 Lic. Class B-1-C-12

Contractor Edie Con. Date 3/14/91

☐ I am exempt under Sec. _____

B.&P.C. for this reason _____

Date _____

Signature _____

☐ I, as owner of the property, or my employee with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code.)

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code.)

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3087, Ch. C.).

Lender's Name None

Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all county ordinances and State laws relating to building construction, and hereby authorize representatives of this County to enter upon the above mentioned property for inspection purposes.

[Signature] 3/14/91

| | | | |
|--|--------------------------------------|-------------------------------------|---|
| FOR APPLICANT TO FILL IN | | | |
| BUILDING ADDRESS <u>1561 N. Lookout DR.</u> | | CITY <u>AGOURA</u> ZIP <u>91301</u> | |
| SIZE OF LOT <u>80 X 130</u> | NO. OF BLDGS. NOW ON LOT <u>NONE</u> | | |
| TRACT <u>9757</u> | BLOCK <u>48</u> | LOT NO. <u>49</u> | |
| ASSESSOR MAP BOOK _____ | PAGE _____ | PARCEL _____ | |
| OWNER <u>HARNO ELDE</u> | | TEL. NO. <u>818-991-7325</u> | |
| ADDRESS <u>1561 N. LOOKOUT DR.</u> | | CITY <u>AGOURA</u> ZIP <u>91301</u> | |
| ARCHITECT OR ENGINEER <u>LISTER & ASS.</u> | | TEL. NO. <u>(805) 497-1244</u> | |
| ADDRESS <u>31836 VIA COLINA</u> | | CITY <u>AGOURA</u> ZIP <u>91301</u> | |
| CONTRACTOR <u>ELDE CONSTR.</u> | | TEL. NO. <u>991-7325</u> | |
| ADDRESS <u>1561 N. LOOKOUT DR.</u> | | LIC. NO. <u>1825-84</u> | |
| CITY <u>AGOURA</u> | | LIC. CLASS <u>B-1-C-12</u> | |
| 80 FT. SIZE _____ | NO. OF STORES _____ | NO. OF FAMILIES _____ | NEW <input checked="" type="checkbox"/> |
| DESCRIPTION OF WORK <u>RETAINING WALLS</u> | | | ADD <input type="checkbox"/> |
| <u>2 walls</u> | | | ALTER <input type="checkbox"/> |
| <u>6' high x 55'</u> | | | REPAIR <input type="checkbox"/> |
| <u>6' high x 105' wall on</u> | | | DEMOL <input type="checkbox"/> |
| USE OF EXISTING BLDG. <u>Lot 49</u> | | | URM <input type="checkbox"/> |
| APPLICANT (PRINT) <u>Edie Con.</u> | | | TEL. NO. _____ |
| ADDRESS _____ | | | |
| WILL THE APPLICANT OR FUTURE BUILDING OCCUPANT HANDLE A HAZARDOUS MATERIAL OR A MIXTURE CONTAINING A HAZARDOUS MATERIAL EQUAL TO OR GREATER THAN THE AMOUNTS SPECIFIED ON THE HAZARDOUS MATERIALS INFORMATION GUIDE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | | |
| WILL THE INTENDED USE OF THE BUILDING BY THE APPLICANT OR FUTURE BUILDING OCCUPANT REQUIRE A PERMIT FOR CONSTRUCTION OR MODIFICATION FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) SEE PERMITTING CHECKLIST FOR GUIDELINES. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | | | |
| I HAVE READ THE HAZARDOUS MATERIALS INFORMATION GUIDE AND THE SCAQMD PERMITTING CHECKLIST. I UNDERSTAND MY REQUIREMENTS UNDER THE LOS ANGELES COUNTY CODE, TITLE 2, CHAPTER 2.39 SECTIONS 2.39.100 THROUGH 2.39.140 CONCERNING HAZARDOUS MATERIALS REPORTING AND FOR OBTAINING A PERMIT FROM THE SCAQMD. <u>[Signature]</u> | | | |
| P.C. FEE <u>63.41</u> | PERMIT FEE <u>25.10</u> | | |
| INVESTIGATION FEE _____ | | ISSUANCE FEE <u>14.00</u> | |
| TOTAL FEE <u>89.00</u> | | _____ | |

| | | | |
|---|------------------------|----------------------|---|
| BUILDING ADDRESS <u>1561 N. Lookout DR.</u> | | | |
| LOCALITY <u>Agoura</u> | | | |
| NEAREST CROSS ST. <u>Lookout</u> | | | |
| USE ZONE <u>R1</u> | MAP NO. <u>147-057</u> | | |
| SPECIAL CONDITIONS _____ | | | |
| WITHIN 1000 FT. OF SCHOOL? YES <input type="checkbox"/> NO <input type="checkbox"/> | | FIRE ZONE <u>4</u> | |
| DISTRICT <u>9.1</u> | GROUP <u>R3</u> | TYPE CONST. <u>W</u> | PROCESSED BY <u>2</u> |
| STATISTICAL CLASSIFICATION CLASS NO. <u>20</u> DWELL UNITS _____ | | | APT <input type="checkbox"/> CONDO <input type="checkbox"/> |
| REQUIRED SET BACK | YARD | HWY | TOTAL SETBACK FROM PROP LINE |
| FRONT P.L. | <u>10</u> | <u>10</u> | <u>20</u> |
| SIDE P.L. | | | |
| EXIST WIDTH _____ | | | |

| |
|-----------------------------|
| SEWER MAP BK <u>Septic</u> |
| VALUATION \$ <u>5,094</u> |
| \$ _____ |
| LDMA P/C # _____ |
| LDMA Form # _____ |
| FINAL DATE <u>5-11-94</u> |
| FINAL BY <u>[Signature]</u> |

VALIDATION

Max: much 6'
high
O.C. Regional
Planning
4-8-91
M/2

#23
01 *6341
*6341
*23-9130
03-14-91
#1
01 *8910
*8910
*23-9744
05-14-91

SEE REVERSE FOR EXPLANATORY LANGUAGE

| PLANS TO APPLICANT | | | | | INSPECTOR'S NOTES | |
|---|------|----------|------|---|-----------------------------|--|
| Yes | | Returned | | Approved | | |
| No. | Date | No. | Date | | | |
| | | | | | 11-30-92 OK to pour | |
| | | | | | 45' LONG RET. WALL | |
| | | | | | FOUNDATION BEHIND | |
| | | | | | MILLER'S HOUSE | |
| Approvals | | Required | | Date Received or Approved | | |
| | | Yes | No | | | |
| Water Certificate | | | | | OK to pour | |
| Health Department | | | | | 45' LONG RET. WALL - Ken S. | |
| Fire Department | | | | | | |
| Grading | | | | | 12-9-93 OK to pour | |
| Geological | | | | | WALL ALONG TRAIL PROVIDED | |
| Pedestrian Protection (Fence) (Change) | | | | | OWNER SUBMIT GEOLOGY | |
| Special Inspection (Crews) (Phone) (Building) | | | | | CERTIFICATE IN BACK END | |
| Lot Drainage | | | | | TO MAKE IT 42' WIDE | |
| Parking | | | | | WALL DEL. REVISED & | |
| | | | | | OKAYED BY GRANT L. | |
| | | | | | Ken S. | |
| Approvals | | Date | | Inspector's Signature | | |
| Location (Sheet & Title) | | 22892 | | Ken S. | | |
| Foundations | | | | | | |
| Slab | | | | | | |
| Frame | | | | | | |
| Energy Insulation | | | | | | |
| Lath/Drywall - Interior | | | | 7-30-93 OK to pour | | |
| Lath - Exterior | | | | SECOND LIFT - Ken S. | | |
| House Number - Connect & Posted | | | | | | |
| Final - Enter on Front | | | | | | |
| | | | | This permit is for 6' high x 55' long located | | |
| | | | | 5' North of PE of Lot 60 and 6' high | | |
| | | | | wall x 105' long on lots 48 & 49. | | |

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason. (Sec. 7031.5) Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9) (commencing with Section 7000 of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044) Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044) Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Laws.

☐ I am exempt under Sec. _____, B.&P.C. for this reason _____

Date _____ Owner _____

INSPECTOR'S NOTES

3-31-94 FINAL OK ON WALL FARTHER FROM HOUSE, OK to pour. GARAGE ALONGSIDE OF HOUSE - Ken S.

This permit is for 6' high x 55' long located 5' North of PE of Lot 60 and 6' high wall x 105' long on lots 48 & 49.

COUNTY OF LOS ANGELES

 Date: _____

WILL THE INTENDED USE OF THE BUILDING BY THE APPLICANT OR FUTURE BUILDING OCCUPANT REQUIRE A PERMIT FOR CONSTRUCTION OR MODIFICATION FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)? SEE PERMITTING CHECKLIST FOR GUIDELINES.

YES ☐ NO ☐

HAVE YOU READ THE HAZARDOUS WASTE INFORMATION GUIDE AND THE SCAQMD PERMITTING CHECKLIST UNDERSTANDING THE REQUIREMENTS UNDER THE L.A.S. COUNTY CODE, TITLE 2, CHAPTER 2.2, AND THE L.A.S. COUNTY PERMITTING GUIDELINES CONCERNING HAZARDOUS MATERIALS HANDLING AND STORAGE? (NO PERMIT FROM THE SCAQMD)

[Signature]

DATE: 09/26/84

| | | | |
|-------------------|-------|--------------|-------|
| P.C. FEE | 52.90 | PERMIT FEE | 53.50 |
| INVESTIGATION FEE | | ISSUANCE FEE | 17.90 |
| | | TOTAL FEE | 71.40 |

SEE REVERSE FOR EXPLANATORY LANGUAGE

[Handwritten: H. Field, 9/4-94, Field con.]

76 MSGA 20-0010 DPM 12/92

County of Los Angeles
Department of Public Works
Building and Safety / Land Development

BUILDING PERMIT

BL 09109411040013

DUPLICATE

THIRD RET. WALL
 EXTENSION

CALABASAS/MALIBU
 4111 LAS VIRGENES
 CALABASAS CA

0910

Phone: (818) 880-4150 Ext:

WORKER'S COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to sell bonds, or a certificate of Worker's Compensation Insurance, or a certified copy thereof (Sec. 3802, Lab. C.).

Policy No. _____ Company _____

- ☐ Certified copy to be hereby furnished.
☐ Certified copy to be filed with the county building inspection department.

Date _____ Applicant _____

**CERTIFICATE OF EXEMPTION FROM WORKER'S
 COMPENSATION INSURANCE**

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Worker's Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number _____ Lic. Class _____

Contractor _____ Date _____

- ☐ I am exempt under Sec. _____

B.A.P.C. for this reason _____

_____ Date _____

Signature _____

- ☐ I, as owner of the property, or my employee with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044, Business Professions Code).

- ☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code).

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3802, Lab. C.).

Lender's Name _____

Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all county ordinances and State laws relating to building construction, and hereby authorize representatives of this County to enter upon the above-described property for inspection purposes.

Signature of Applicant or Agent _____ Date _____

BUILDING ADDRESS:

1611 YAMPAI TR
 CLBS CA 91301

LOCALITY:

AGOURA

NEAREST CROSS STREET:

LOOKOUT

ALIAS:

1611 YAMPAI TRAIL

LEGAL ID:

TR: 9757 LT: 47

ASSR INFO NBR:

4462-021-021

OWNER:

EIDE, HAROLD I
 1561
 LOOKOUT DR
 AGOURA CA 91301

TEL. NO:

CONTRACTOR:

EIDE, HAROLD I
 1561 LOOKOUT DRIVE
 AGOURA, CALIF. 91301

TEL. NO:

(818) 991-7325

LIC. NO:

NONE

APPLICANT:

EIDE, HAROLD I
 1561 LOOKOUT DRIVE
 AGOURA, CALIF. 91301

TEL. NO:

(818) 991-7325

ARCHITECT OR ENGINEER:

TEL. NO:

LIC. NO:

ACTION:

NEW

DESCRIPTION OF WORK:

RETAINING WALL EXTENSION

USE OF EXISTING BLDG:

ISSUED ON:

11/04/94

PROCESSED BY:

KS

EXPIRES ON:

11/04/95

FINAL DATE:

FINAL BY:

SQ. FT. SIZE:

300

NO. OF STORIES:

NO. OF FAMILIES:

1

SIZE OF LOT:

BLDGS. NOW ON LOT:

**WITHIN 1000 FT.
 OF SCHOOL?:**

NO

USE ZONE:

R-1

MAP NO:

147-057

FIRE ZONE:

4

SPECIAL CONDITIONS:

OCCUP GROUP:

EXIST: M1

NEW: M1

TYPE CONST:

V

STAT. CLASS:

20

DWELL UNITS:

0

APT/CON:

NO

REQUIRED

SET BACK:

YARD: HWY:

TOTAL SETBACK FROM

PROP LINE:

EXIST

FRONT PL

SIDE PL

SEWER MAP

BOOK: PAGE:

VALUATION:

2,500

CMP:

01

FEES PAID-

FEE DESCRIPTION:

QUANTITY:

UOM:

AMOUNT:

AA BLDG PERMIT ISSUANCE

AE STRONG MOTION OTHER

D1 PLANCHICK W/O EN-HC

D2 PERMIT W/O EN-HC

2500.00 VALUATN

2500.00 VALUATN

2500.00 VALUATN

TOTAL FEES

17.90

0.53

54.32

63.90

136.65

PLANS TO APPLICANT

| TO: | | RETURNED | | APPROVED |
|-----|------|----------|------|----------|
| NO. | DATE | NO. | DATE | |
| | | | | |
| | | | | |
| | | | | |

| Approvals | Required | | Date Received or Approved |
|--|----------|----|---------------------------|
| | Yes | No | |
| Water Certificate | | | |
| Health Department | | | |
| Fire Department | | | |
| Grading | | | |
| Geological | | | |
| Pedestrian Protection (Fence) (Canopy) | | | |
| Special Inspection (Conc.) (Masonry) (Welding) | | | |
| Lot Drainage | | | |
| Parking | | | |
| | | | |
| | | | |

| Approvals | Date | Inspector's Signature |
|-------------------------------|------|-----------------------|
| Location (Setback & Yard) | | |
| Foundations | | |
| Slab | | |
| Frame | | |
| Energy Insulation | | |
| Lath/Drywall-Interior | | |
| Lath-Exterior | | |
| House Number-Correct & Posted | | |
| Final - | | (ENTER ON FRONT) |
| | | |
| | | |

INSPECTOR'S NOTES

WILL THE APPLICANT OR FUTURE BUILDING OCCUPANT HANDLE A HAZARDOUS MATERIAL OR A MIXTURE CONTAINING A HAZARDOUS MATERIAL EQUAL TO OR GREATER THAN THE AMOUNT SPECIFIED ON THE HAZARDOUS MATERIALS INFORMATION GUIDE?

YES ☐ NO ☐

WILL THE INTENDED USE OF THE BUILDING BY THE APPLICANT OR FUTURE BUILDING OCCUPANT REQUIRE A PERMIT FOR CONSTRUCTION OR MODIFICATION FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) SEE PERMITTING CHECKLIST FOR GUIDELINES.

YES ☐ NO ☐

I HAVE READ THE HAZARDOUS MATERIALS INFORMATION GUIDE AND THE SCAQMD PERMITTING CHECKLIST I UNDERSTAND MY REQUIREMENTS UNDER THE LOS ANGELES COUNTY CODE, TITLE 2, CHAPTER 2.29 SECTIONS 2.29.100 THROUGH 2.29.140 CONCERNING HAZARDOUS MATERIALS REPORTING AND FOR OBTAINING A PERMIT FROM THE SCAQMD.

SIGN ON ASBEST

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason. (Section 7031.5) Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044) Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044) Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.

☐ I am exempt under Sec. _____

B. & P.C. for this reason _____

Date _____

Owner _____

ASBESTOS NOTIFICATION

☐ Notification letter sent to AQMD or EPA.

☐ I declare that notification of asbestos removal is not applicable to addressed project.

Signature _____ Date _____



**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
BUILDING AND SAFETY DIVISION**

THOMAS A. TIDEMANSON, Director

4111 NORTH LAS VIRGENES ROAD
CALABASAS, CALIFORNIA 91302
TELEPHONE: (818)880-4150

February 27, 1992

Harold Eide
1561 Lookout Drive
Agoura, CA 91301

SUBJECT: GRADING AT 1561 LOOKOUT DR., AGOURA

Dear Mr. Eide:

This is to inform you that the grading violation notice issued by this Division for the subject property was issued in error.

Further review of records show that you have obtained the required retaining wall permits for the work and that the permits issued under the address 1611 Yavapai Dr., Agoura.

Therefore the stop work notice and violation letter are hereby rescinded and you may proceed with the project as permitted. We apologize for the oversight of our record review and for any inconvenience this may have caused you.

Very truly yours,

T.A. TIDEMANSON
Director of Public Works

A handwritten signature in cursive script, reading "Grant M. Lawseth", is written over the typed name.

Grant Lawseth
District Engineering Associate
Building & Safety Division



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

HARRY W. STONE, Director

BUILDING & SAFETY /
LAND DEVELOPMENT DIVISION
4111 NO. LAS VIRGENES ROAD
CALABASAS, CA. 91302
PHONE (818) 880-4150

July 17, 1996

Dr. David W. Ramey
1611 Lookout Drive
Agoura Hills, CA. 91301-2922

Dear Dr. Ramey:

1611 YAVAPAI TRAIL, MALIBOU LAKE

This letter is in response to your letter of June 25, 1996. The Division of Building & Safety is concerned about all Building Code violations. We regret that we have been unsuccessful in completely addressing all of your concerns.

Regarding Item #1a - It appears the description of the work was changed to more accurately reflect what is shown on the approved plans and what was approved by the Coastal Commission. Because we are not handwriting experts, we can only speculate as to who authored the change of the description of work. It is the policy of the Building & Safety Division to have the approved Building & Safety plans, the Coastal approved plans and the description of the work listed on the permit to agree. This apparently is why the change was made. It does not appear that the scope of the project as shown on the plans changed, only the description of the project shown on the permit.

We agree with you that the valuation shown on the permits for the retaining walls is low. We shall therefore require the applicant to pay additional fees based on a greater valuation.

Regarding Item #1b - To be exact, Mr. Eide has a 6'-1" retaining wall at its highest point. The portion above this 6'-1" retaining wall is not a retaining wall because it is not retaining earth, it is referred to as freeboard. The purpose of the freeboard is to protect the adjacent property from any water that might flow over the top of the wall.

The four foot vertical dimension on the plans refers to the height of the 8" concrete wall. Below the 8" wall there is a 12" concrete wall. Our records show the footing for this wall to have been inspected and approved.

| | |
|---|----------------|
| Post-It brand fax transmittal memo 7571 | 5 of pages > |
| SUSAN FRIEND | KAREN TEELE |
| 818 641-1732 | (818) 880-4150 |

Exhibit 16: Letter from County
4-94-195A3

Dr. David W. Ramey
July 17, 1996
Page 2 of 4

We would be happy to review any submittal you might refer to us from a Civil Engineer and any photographs you have. You are also free to review our photographs.

Regarding Item #1c - Throughout the past 63 years, this office has issued thousands of Building Permits. It has been determined that the best way to refer to a permit, file a permit or retrieve a permit is by street address. Therefore, our policy is to assign every permit a street address. In the case of a retaining wall, a street address should not be construed as a mailing address, but only as a filing address.

Mr. Eide's retaining wall permit application was originally submitted to us using his home address. Upon checking the plans it became apparent that the walls are not on the same property as Mr. Eide's home, they are in fact, across the street (Yavapai Trail). It was determined that the retaining walls were located on lots which bordered Yavapai Trail. It was also determined the retaining walls were located on the 1600 block of Yavapai Trail. It was also determined that the retaining walls generally are located on the east side of a north-south street and therefore establish street numbering policy requires an odd number. It was also determined that the retaining walls are within an approximate 100' to 200' distance from where the 1600 block of Yavapai Trail begins and therefore a street address slightly greater than 1600 would be appropriate using established street numbering guidelines. Therefore using all these established house numbering guidelines it was determined that 1611 Yavapai was an appropriate address. We fail to understand why, to state the address, is fraudulent. We do realize that Yavapai Trail is the property of Los Angeles County.

At the present time a swimming pool has not been submitted to this office for our review. In the event a pool is submitted to this office, all required agency approvals must be received and our plan check engineer will check the pool to make sure it complies with all the provisions of the Los Angeles Building Code before any permit is issued.

Regarding Item #2 - Because the approved plans do not have a detail for the guardrail and freeboard we shall require the applicant to submit an engineered detail to this office for our approval. The guardrail must comply with an approved engineered detail.

JUL 18 '96 13:17 CHLIBU
Dr. David W. Ramey
July 17, 1996
Page 3 of 4

The Los Angeles County Zoning Laws control the height of retaining walls in yards and what may be placed on these walls for safety protection. Because of the lack of consensus on this issue, I suggest Mr. Michael Bleacher, the local Zoning Enforcement Agent, be called out to the site to determine if there is a violation of the laws of the Department of Regional Planning. His phone number is (213) 974-6453.

The issue of a freeboard for the middle wall would have to be determined by our Flood Control Engineer, Mr. Mark Pestrella. After consulting with Mr. Pestrella, it is his opinion that the contributory area behind the middle wall, does not warrant a freeboard or swale, as long as they maintain a 1% slope in a westerly direction.

We intend to address the size of Mr. Eide's home when the Coastal Commission makes a final determination to the square footage they will allow Mr. Eide to have.

Regarding Item #4 - Although we are not hand writing experts, we do not believe Mr. Eide made the note you are referring to. Customarily, the applicant fills out the middle and the left portions of the permit and Building and Safety fills out the right portion of the permit. We can only speculate as to why that note was placed on the permit.

Regarding Item #5 - Because these are T.D.C. lots, we intend to address this issue when the Coastal Commission makes a final determination as to what they will require from Mr. Eide.

Regarding Item #6 - An inspector from the Department of Public Works Rehabilitation Section has investigated this complaint. Los Angeles County Rehab. and Building Inspector Tin Htway, after a field inspection and photos, reports that nothing unsightly or any excessive storage exist along Yavapai Trail, that would violate the Los Angeles County Rehabilitation Ordinance.

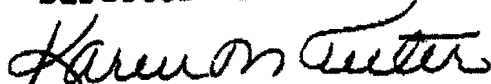
Regarding Item #7 - You refer to the Eides as having an ugly building. The Los Angeles County Building Code does not regulate architectural aesthetics. It is unclear why you feel the Eide's building is dangerous or is a threat. Your statement that the District Attorney's office was not presented with a violation of the Building Code caused by Mr. Eide is not true.

Dr. David W. Ramey
July 17, 1996
Page 4 of 4

It is our intent to address each item you have listed as a concern of yours and your neighbors, and take all necessary action to correct any violations. Please contact the undersigned if you have any further questions.

Very truly yours,

Harry W. Stone
Director of Public



Karen M. Teeter
Senior Building Engineering Inspector
Building & Safety / Land Development Division

cc: Susan Nissman



HARRY W. STONE, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

BUILDING & SAFETY /
LAND DEVELOPMENT DIVISION
4111 NO. LAS VIRGENES ROAD
CALABASAS, CA. 91302
PHONE (818) 880-4150

July 18, 1996

Dr. David W. Ramey
1611 Lookout Drive
Agoura Hills, CA. 91301-2922

Dear Dr. Ramey:

YAVAPAI TRAIL, MALIBOU LAKE

The purpose of this letter is to correct a statement on my letter to you dated July 17, 1996. Reference to Los Angeles County owning Yavapai Trail should be changed to "Los Angeles County has a road easement on Yavapai Trail". For further information regarding this issue please contact Mr. Lance Grindle of Construction Division of the Department of Public Works in Alhambra at (818) 458-3129.

Very truly yours,

HARRY W. STONE
Director of Public Works

A handwritten signature in cursive script, appearing to read "Karen M. Teeter".

Karen M. Teeter
Senior Building Engineering Inspector
Building & Safety / Land Development Division

cc: Susan Nissman



ENGINEERING GROUP, INC.

RECEIVED

JUL 25 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 23, 1996
Project 812.60-95

Mrs. Barbara Eide
1561 N. Lookout Drive
Agoura, California 91301

Subject: PROPOSED POOL & EXISTING RETAINING WALLS
1561 N. LOOKOUT DRIVE
AGOURA, CALIFORNIA

Dear Barbara:

As requested, RJR Engineering Group, Inc. (RJR) has prepared this letter in regards to the proposed pool and existing retaining walls. We understand that two issues have been raised. First, some question has arisen regarding the design of the existing retaining walls. The existing walls were engineered and designed by the previous consultant. Portions of the wall construction were observed by RJR. RJR did not observe all phases of the wall construction and it should be pointed out that in the County of Los Angeles, wall construction inspections for the concrete and steel are not typically performed by the engineers of record. However, we are satisfied that the walls were constructed according to plans and are suitable for their intended use in accordance with the relevant building codes (Per Application & Permit 4-94-195A3). In addition, based on the design of the walls, the walls should be suitable for support of the hillside in connection with the proposed pool which will be of a free-standing design.

Second, the proposed pool has not been designed. Based on studies conducted by RJR and studies conducted by the previous consultant, the proposed location of the pool appear feasible and no significant hazards were identified in the area of the pool that would adversely affect the site or surrounding areas. However, the proposed pool plans and design will be need to be evaluated and reviewed by RJR from a civil, geologic and geotechnical viewpoint, and approved by RJR prior to the issuance of any permits.

Los Angeles County Office
22525 Pacific Coast Hwy., #202A
Malibu, California 93012
(310) 456-9085 • Fax (310) 456-2785

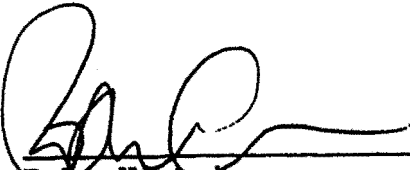
Exhibit 17: Letter from Engineer
4-94-195A3

Santa Barbara County Office
5733 Hollister Ave., #4
Goleta, California 93117
(805) 967-6585 • Fax (805) 967-3085

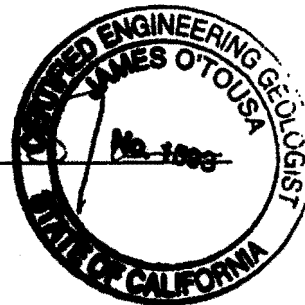
If you have any additional questions, please give us a call.

Sincerely,

RJR ENGINEERING GROUP, INC.


Robert W. Anderson


James O'Tousa



Jerry M
812let9.doc

A circular professional seal for a Registered Professional Engineer in the State of California. The seal contains the text "REGISTERED PROFESSIONAL ENGINEER", "JERRY M. MICHAEL", "No. 28,825", "Exp. 7/31/97", and "CIVIL". There is a handwritten signature over the seal.

CDP No. 4-94-195A3 (EIDE) 1557 and 1561 North Lookout Drive, Agoura, Los Angeles County

Exhibit 18: Summary of CDPs
4-94-195A3

| Summary of CDPs | | | |
|--|--|--|---|
| <ul style="list-style-type: none"> -Merge 3 lots into 2 lots -Construction of 2 houses (2,741 sq. ft. + 2,741 sq. ft. = 5,482 sq. ft.) -Required to record open space deed restrictions on 17 lots -Opportunity to sell 2 TDCs | <ul style="list-style-type: none"> -Construction of 2 retaining walls 3 to 6 feet in height -166 cubic yards of grading (maximum) | <ul style="list-style-type: none"> -Gained opportunity to sell 8 GSA Credits instead of remaining TDC -Amended area subject to the open space deed restriction to allow backyard improvements (8 lots) | <ul style="list-style-type: none"> -Authorize 2 houses which are a combined 405 sq. ft. larger than approved (3,805 sq. ft. + 2,081 sq. ft. = 5,886 sq. ft.) -Allow backyard improvements within area subject to the open space deed restriction requirement (8 lots) such as grading, construction of a playhouse, pool and retaining walls and reconstruction of a driveway -Require recordation of open space deed restrictions on 8 remaining lots |
| As-Built | As-Built | | |
| <ul style="list-style-type: none"> -Construction of 2 houses, one larger than approved (3,805 sq. ft. + 2,081 sq. ft. = 5,886 sq. ft.) -Recorded open space deed restrictions on 9 of 17 lots -Sold 1 TDC | <ul style="list-style-type: none"> -Construction of 3 retaining walls 3 to 8 feet in height -236 cubic yards of grading (within the area subject to the open space deed restriction requirement) | | |

J A PEKAROVIC - Civil Engineering & Construction

Dr. Dave Ramey
PO Box 5031
Glendale, CA 91221

RE: 1561 Lookout Drive

At the request of Dr. Dave Ramey, the review of the plans for the proposed construction at 1561 Lookout Drive was performed. The proposed construction at said site is to create a level pad along a hillside for a new swimming pool. This type of construction is not conventional and special attention needs to be paid at the engineering design phase to ensure a safe project.

After careful review of the plans, it is my opinion that many engineering design issues were not addressed. To ensure the safety of the project the following issues need to be addressed:

- The most ominous issue is the design of the swimming pool. The location of the swimming pool is at the transition of a cut fill slope. The design of the pool foundation bearing on incompatible materials has not been addressed. The failure to address this issue could cause the failure of the pool structure and the loss of all the pool water onto the adjoining lot below.
- The second issue which needs to be addressed is the undermining of an existing retaining wall which will occur during the pool excavation. Judging from the cross section on the plans, the pool excavation is located in the bearing influence area for the existing retaining wall. The shoring of the retaining wall during the excavation of the pool and the design of the pool wall for the additional loads superimposed by the existing retaining were not addressed on the plans. Failure to do so, will jeopardized the integrity of both the pool and the existing retaining wall.
- As per the plans, Section "B" references a ten feet (10') high retaining wall in two locations. The construction detail for said walls was designed for a retaining height much less than that of a ten feet (10') wall.

All these issues need to be addressed for the safety of the project and for the safety of the adjoining properties. If you have any questions regarding these issues, you may call me at (310) 451-7222.

Sincerely



John Pekarovic, PE, GC
CE49560
B 719521

