

CALIFORNIA COASTAL COMMISSION

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

Filed: 6/7/96
49th Day: 7/26/96
180th Day: 2/28/96
Staff: BETZ *WB*
Staff Report: 6/20/96
Hearing Date: 7/10/96
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**W25a**

APPLICATION NO.: 5-90-781A

APPLICANT: Kirsten Family Trust AGENT: Michael Bossetti

PROJECT LOCATION: 5901 DeButts Terrace, City of Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2 story, 6620 sq. ft., 33 ft. high single family residence, with attached guest quarters and septic system, on a 90,169 sq. ft. parcel. 200 cu. yds. of grading (100 cu. yds. cut and 100 cu. yds. fill).

DESCRIPTION OF AMENDMENT: 1) reduce building height from 33 ft. to 26 feet above finished grade; 2) increase floor area to 6834 sq. ft.; 3) modify footprint of permitted residence and attached garage.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, Geologic Review Sheet, and Environmental Health Department approval of septic system and seepage pit.

SUBSTANTIVE FILE DOCUMENTS: 5-90-781 (Newman) and 5-90-670 (Kirsten); Geologic Investigation prepared by Donald B. Kowalewsky (12/5/88); Soils Engineering Report prepared by SWN Soiltech Consultants, Inc. (12/28/88); Addendum #3 to Preliminary Engineering Geologic Report for 5901 De Butts Terrace Road by Donald B. Kowalewsky (1/9/96); Recommendations for Mitigation Monitoring Program by Chester King, City of Malibu Archaeologist (3/18/96); Results of Archaeological Phase II Testing, John F. Romani (7/26/93).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed amendment is consistent with the requirements of the Coastal Act with conditions regarding protection of archaeological resources. Conditions (1.), (2.), (3.), and (4.) of the original permit remain in effect including the grading and landscaping plan, geology, assumption of risk, and future improvements.

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.

STAFF RECOMMENDATION

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: All special conditions of permit 5-90-781 (Newman) remain in effect.

II. Special Conditions.

1. Archaeological Resources.

By acceptance of this permit the applicant agrees to have a qualified archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation. Specifically, the operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that an area of intact buried cultural deposits are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy be developed, by the applicant's archaeologist, and the Native American consultant consistent with CEQA guidelines and implemented, subject to the review and approval of the Executive Director.

III. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The proposed development is located on a two acre lot in an area inland of and overlooking State Route 1 (Pacific Coast Highway). (Exhibit I) The applicant proposes to amend Permit 5-90-781 (Newman) to: 1) reduce building height from 33 ft. to 26 feet above finished grade; 2) increase floor area from 6620 to 6834 sq. ft.; 3) modify footprint of permitted residence and attached garage. 100 cu. yds. of cut and 100 cu. yds. of fill is proposed. (Exhibits II and III).

The site is not within a ESHA or significant watershed, but does overlook the ocean to the south and Escondido Falls to the northeast.

The applicant's property is crossed by DeButts Terrace and the Coastal Slope Trail. The Trail, located on the south side of DeButts Terrace, is not within the project site nor is it impacted by the proposed development. (See Exhibit IV) The Trail is currently maintained by the County and in the future will be transferred to the Santa Monica Mountains Conservancy.

In addition to the project site, there is a portion of the applicant's parcel located across the street, on the east side of DeButts Terrace. (See Exhibit IV) This is an undeveloped "shoestring" descending into the adjacent canyon. No development is proposed in the "shoestring" and any development in this area would be subject to a coastal development permit under condition 4 of the original permit 5-90-781.

B. Background.

Construction of a single family residence and the other improvements was approved under the County of Los Angeles, and the property is now within the City of Malibu. The original permit was for construction of a 2 story, 6620 sq. ft., 33-ft. high single family residence, with attached guest quarter and septic system, and 200 cu. yds. of grading (100 cu. yds. cut and 100 cu. yds. fill) on a 90,169 sq. ft. parcel. (Exhibit V)

The original permit included conditions regarding submittal of a grading plan for erosion control and visual enhancement, consultant review of compliance with the geologic and soils investigation, assumption of risk through a deed restriction for landslide, erosion, and fire, provision of a coastal development permit for future improvements, and documentation of septic system approval. (Exhibit VI) The conditions were met and the permit was issued on April 4, 1991.

C. Archaeological Resources

The proposed amendment includes new information on archaeological resources. Under the Coastal Commission regulations, this would affect the conditions required for the permit to protect a coastal resource i.e. archaeological resources.

Section 30244 of the Coastal Act states that:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The Coastal Act requires the protection of such resources to reduce potential adverse impacts through the use of reasonable mitigation measures. Archaeological resources can be degraded if a project is not properly monitored and managed during earth moving activities conducted during construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be lost. As so many archaeological sites have been destroyed or damaged as a result of development activity or natural processes, the remaining sites, even though they may be less rich in materials, have become increasingly valuable. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The greater province of the Santa Monica Mountains is the locus of one of the most important concentrations of archaeological sites in Southern California. Although most of the area has not been systematically surveyed to compile an inventory, the sites already recorded are sufficient in both number and diversity to predict the ultimate significance of these unique resources.

An archaeological assessment of the project site was prepared by John F. Romani, working for Roberta Greenwood, on July 26, 1993 in conjunction with Native American consultants. The survey indicated that the site was not the location of any long-term habitation. Twenty-one artifacts were found of which the bulk were found in displaced fill and "have clearly been displaced and their extent of provenience is questionable." The site was found to "not appear to qualify as a significant cultural resource...". However, because of the potential for encountering isolated features or burials, it was recommended that all earth modification or construction activities should be monitored by a qualified archaeologist and Chumash Native American monitor.

This report was subject to evaluation by Chester King, the City of Malibu archaeologist on November 28, 1993 and March 18, 1996. King found that the project location on the natural crest of a ridge was a commonly chosen area of settlement, especially the early and middle periods. He found that the remains of such settlements are often not visible on the surface and that sites only occupied for a short time often reflect periods of increased warfare or development of new regional political institutions. King recommended that material be recorded and collected if found, including artifacts, fire altered rocks, and material other than local bedrock. Notification of the City, stopping work and monitoring were recommended. King also recommended that further work on caisson holes should be hand excavated and monitoring of other areas of pad, septic and drainfield and service lines.

The Commission has, in past decisions, required on-site archaeologists and Native American consultants to monitor grading and site preparation operations in areas where cultural resources are or may be present. The Commission finds

that, in this case, there is a potential for cultural resources to be present on the site where they could be disturbed by grading, laying of utility lines, further work on the caissons or laying of new caissons, or other activities.

In order to ensure that archaeological resources, if any, are properly identified and adequate mitigation measures are implemented, the Commission finds it necessary to require the applicant to have an archaeologist and Native American consultant on site during all grading operations, excavation and site preparation. The Commission finds that the proposed project, as conditioned, is consistent with Section 30244 of the Coastal Act.

D. Geologic and Fire Hazards

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The original proposal was subject to an engineering and geology report as is customary for such projects, including review and approval by a qualified professional as required in other development subject to Coastal Commission review in the Santa Monica Mountains.

The present proposal moves the footprint of the house located roughly twenty feet further to the north of the lot and extension of the garage as an arm of the residence toward the street. The present proposal does not extend beyond the previously approved pad for the main building at the approximate 644 foot contour. Grading remains the same at one hundred cu. yds. of cut and one hundred cu. yds. of fill.

The geology condition on the original permit remains in effect. Because of the nature of the already prepared site in a developed area where the addition does not substantially intrude beyond the developed area, there is no need to incorporate into the final design and construction further assurance that the proposed improvements were feasible from a geologic and soils engineering standpoint, i.e. is safe against hazards from landslide, settlement or slippage, and avoiding an adverse effect on the geologic stability of property outside the site.

The applicant has submitted a supplemental geologic report entitled Addendum #3 to Preliminary Engineering Geologic Report for 5901 De Butts Terrace Road by Donald B. Kowalewsky (1/9/96). The applicant's geologic consultant, Donald B. Kowalewsky, has reviewed the revised project plans and found them acceptable, provided his original recommendations of the geologic review are met relative to supporting the dwelling behind or below the setback plane and he reviews the final engineering plans. Kowalewsky also found that the previous recommendations relative to the sewage system were complied with and that there are no changes to the proposed system. Kowalewsky also noted that the modifications were feasible from a geologic standpoint, are safe from

geologic hazards, and will not adversely affect offsite property provided all recommendation in the previous reports are met.

In summary, no apparent geologic hazards were found that would affect the proposed development, providing the recommendations of the geologist are complied with relative to review of the project plans for foundations, grading, and drainage. For these reasons, no further conditions are needed relative to geologic hazards and structural integrity.

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.

Due to the fact that the underlying permit contains a requirement for recording an assumption of risk and waiver of liability from fire hazard as well as landslide and soil erosion, no further condition is necessary. Through the wavier of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

Therefore, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act.

E. Septic System and Water Quality

Section 30231 of the Coastal Act states that:

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

The Commission recognizes that the expansion of the residence and installation of septic systems may contribute to adverse water quality and geologic hazards in the local area. The applicant has provided evidence of conceptual approval by the City of Malibu Environmental Health Department. The City's minimum health code standards have been found protective of coastal resources and take into consideration the percolation capacity of soils, depth to groundwater, etc.

The proposed development is on a crest of a secondary ridge, in a hillside area which drains into Escondido Canyon or Ramirez Creek. As previously noted, the site is not within a ESHA or significant watershed, but does overlook the ocean to the south and Escondido Falls to the northeast. Slope gradients are 4:1 to 5:1. According to the Geologic Investigation, there is little or no surface flow.

Because of the size and location of the amendment, as described above, the drainage and erosion problems on site will not be intensified by the proposed addition. The increase in impervious surfaces from the proposed addition and paving will not increase runoff rates or exacerbate the erosion if runoff is adequately controlled under the original conditions of approval. The above-noted geologic report addendum included review of site drainage and relative to safety from geologic hazards and effects on offsite property. These were found to not be adversely affected if all recommendations were properly incorporated during construction.

Therefore, the Commission finds the proposed development consistent with Section 30231 of the Coastal Act.

H. Visual Quality

Section 30251 of the Coastal Act states (in part) that:

- The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

The proposed project site is located at about 600 feet elevation between Ramirez and Escondido Canyon. The proposed addition is on the reverse side of the ridge, minimizing impact on the views to and along the coast. In addition, the height of the residence has been reduced from 33 feet to 26 feet which will also serve to minimize the visual impact of the development. Further, the proposed development will not be visible from the Escondido Canyon Trail. Consequently, existing and future development would limit much of the impact on views.

The Commission, therefore, finds that the proposed project is consistent with Section 30251 of the Coastal Act.

I. Local Coastal Program

Section 30604(a) 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 coastal 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. On December 11, 1986,

the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. However, on March 28, 1991 the City of Malibu was legally incorporated. Therefore, the previously certified County of Los Angeles Malibu/Santa Monica Mountains LUP is no longer legally binding within the City of Malibu and is therefore, no longer used within the City as a guidance document.

The proposed development as conditioned will not create adverse impacts and is consistent with Chapter 3 policies of the Coastal Act. The Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Malibu to prepare a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act, and is therefore consistent with Section 30604 (a) of the Coastal Act.

G. California Environmental Quality Act

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

As discussed in the preceding sections, with an archaeology condition, the amendment can be found consistent with the applicable sections of the Coastal Act and CEQA. There are no feasible alternatives to the development which would lessen the impact on the environment. The Commission, therefore, finds that the amendment, as conditioned, is consistent with Sections 30240, 30251, and 30253 of the Coastal Act and would minimize adverse environmental impacts under the requirements of CEQA.

7355A

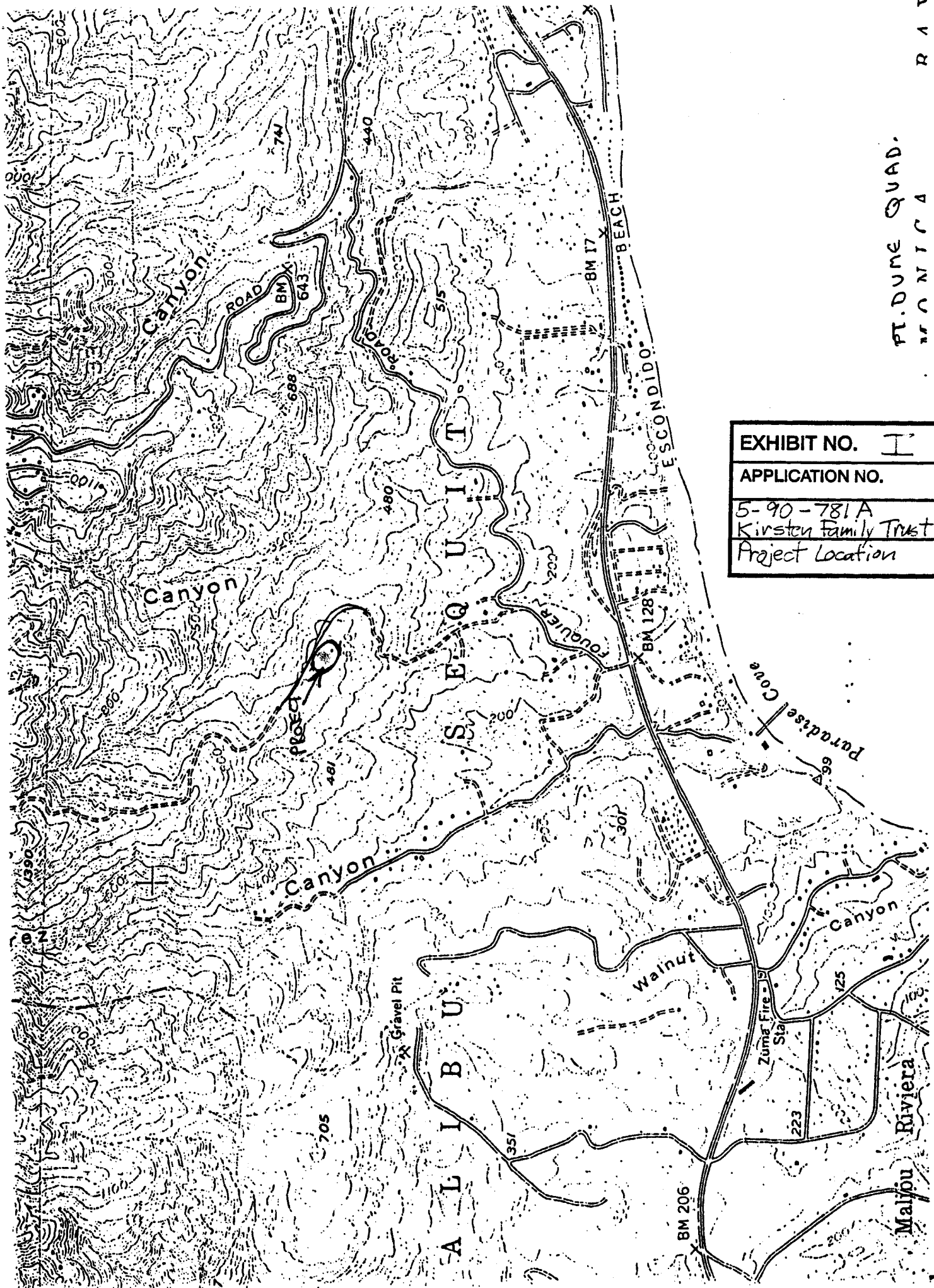


EXHIBIT NO.	I
APPLICATION NO.	
5-90-781A	
Kirsten Family Trust	
Project Location	

FT. DUME QUAD.
 11 10 N 13 E 4

R 1 A 1

KIRSTEN RESIDENCE
PREVIOUS & PRO

"Shoestring"

RECEIVED

JUN 03 1995

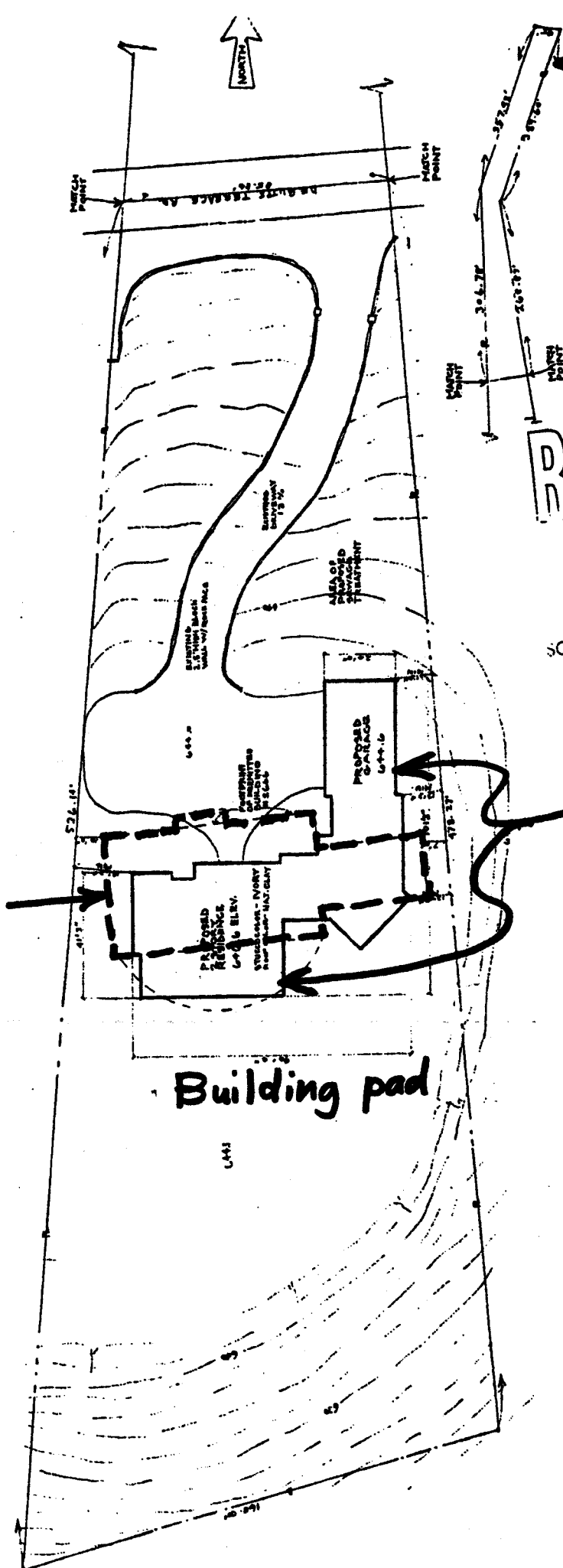
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

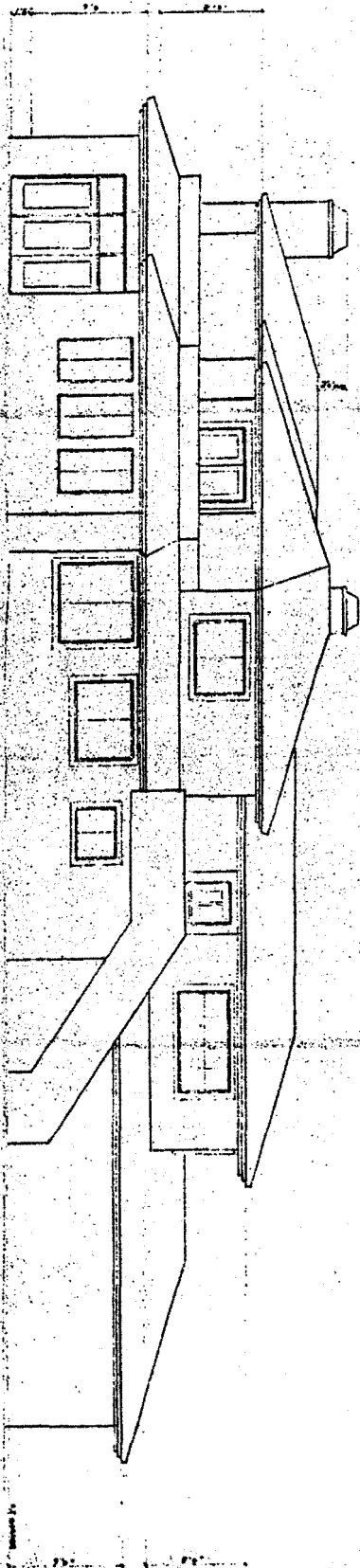
PLOT PLAN
SCALE 1"=20'

Proposed footprint

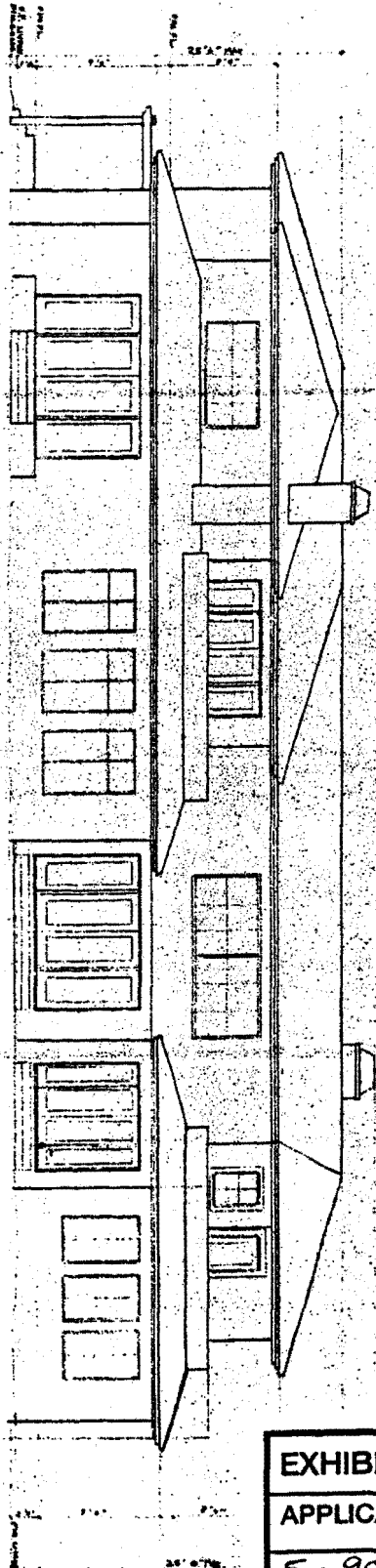
Previous footprint

Building pad





EAST ELEVATION



SOUTH ELEVATION

CITY OF BALTIMORE
 DEPARTMENT OF PLANNING
 150 WEST BALTIMORE STREET
 BALTIMORE, MARYLAND 21201
 TEL: 301-596-6000
 FAX: 301-596-6001

EXHIBIT NO. III
APPLICATION NO.
5-90-781A
Kirsten Family Trust
Building Elevations

4467

3

LOT 38

SCALE 1" = 300'

1994

BK. 4465

BK. 4460

$N. 70^{\circ}34'30" E. 1343.32$
from *AK Cor. Lot 8*

$S. 70^{\circ}24'30" W. 545.81$

37
6.39 Ac.
0.23 Ac. = ST
5.66 Ac.

14
16.36 Ac.
4.30 Ac. = ST
0.22 Ac. = S. EASE.
16.64 Ac.

2

21
16.29 Ac.

LOT 8
20 Ac.

7

6

EXHIBIT NO. IV
APPLICATION NO.
S-90-781 A
Kirsten Family Trust
Parcel Map



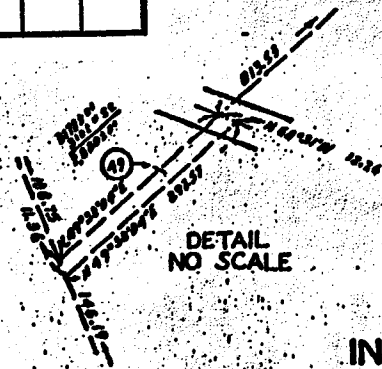
CODE 10853

DETAIL NO SCALE

LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
R.F. 534

*Restoring
Remainder*

*Project
Site*



FOR PREV. ASSMT. SEE:
4467-3

FILE COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-3071

Page 1 of
Date: April 4, 1991
Permit No. 5-90-781

COASTAL DEVELOPMENT PERMIT

On February 7, 1991, the California Coastal Commission granted to

ALAN NEWMAN

this permit subject to the attached Standard and Special conditions, for development consisting of:

Construction of a 33 foot high, 6620 square foot single-family residence with an attached guest quarter and septic system. The project calls for 100 cubic yards of cut and 100 cubic yards of fill.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 5901 DeButts Terrace, Malibu

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: Robin Maloney-Rames

Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date _____

Signature of Perm _____

EXHIBIT NO. <u>V</u>
APPLICATION NO. <u>pl of 4</u>
<u>5-90-781 A</u>
<u>Kirsten Family Trust</u>
<u>Original Permit</u>

EXHIBIT NO. <u> 1 </u>
APPLICATION NO. <u> p2 of 4 </u>
<u>5-90-781 A</u> <u>Kirsten Family Trust</u>
<u>Original Permit</u>

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit No. 5-90-781

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Grading and Landscaping Plan**

Prior to transmittal of a coastal development permit, the applicant shall submit a landscaping plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

EXHIBIT NO.	V
APPLICATION NO.	P3 of 4
	5-90-781 A
	Kirsten Family Trust
	Original Permit

- (b) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) In order to mitigate the visual impacts from the Escondido Falls Trail, the applicant will plant native trees in front of the house which, when fully grown, will act to screen the house to the maximum extent feasible.

2. Revised Plans

Prior to transmittal of a coastal development permit, applicant shall submit revised plans indicating that the exterior surfaces and roof of the proposed structures will be earthtone colors and natural materials so that the adverse visual impact of the development is lessened to the maximum extent feasible. In addition, the applicant shall submit revised plans for the entrance gate and wall showing that it shall be constructed of non-reflective and earthtone-colored materials so that the adverse visual impacts of the development are lessened to the maximum extent feasible.

3. Geology

All recommendations contained in the Geologic Investigation dated 12-05-88 by Donald B. Kowalewsky, and the Soils Engineering Report dated 12-28-88 by SWN Soiltech Consultants, Inc, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

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APPLICATION NO. <u>p 4 of 4</u>
<u>5 - 90 - 781 A</u>
<u>Kirsten Family Trust</u>
<u>Original Permit</u>

4. Assumption of Risk:

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide, soil erosion and fire, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

5. Future Improvements:

Prior to transmittal of this permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 5-90-781 is only for the proposed development and that any future additions or improvements to the property, including a tennis court, will require a permit from the Coastal Commission or its successor agency. If a tennis court is proposed, said tennis court shall be located between the residence and De Butts Terrace Road, only. 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.

6. Septic System Approval:

Prior to transmittal of the permit, the applicant shall submit, for the review and approval of the Executive Director, documentation from the County stating that all requirements of the County's Plumbing Code and any other applicable septic system standards have been met by the applicant and that the application of such standards or code requirements have not been waived for the proposed project.