

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/5/97
 49th Day: 6/23/97
 180th Day: 11/1/97
 Staff: S. Hudson *ja*
 Staff Report: 5/22/97
 Hearing Date: June 10-13, 1996
 Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 4-96-196

APPLICANT: Sea Mecca Enterprises, Inc.

AGENTS: David Tong
Georgia Meisler

PROJECT LOCATION: 6395 Meadow Court, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Construction of a 7293 sq. ft., 28 ft. in height, single family residence, tennis court, swimming pool, retaining walls, septic system, and 815 cu. yds. of grading on site (662 cu. yds. cut and 153 cu. yds. fill).

Lot area:	57,702 sq. ft.
Building coverage:	4,296 sq. ft.
Pavement coverage:	9,453 sq. ft.
Landscape coverage:	39,949 sq. ft.
Parking spaces:	3
Ht abv ext grade:	28 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, Approval in Concept City of Malibu Health Department (Septic).

SUBSTANTIVE FILE DOCUMENTS: Updated Engineering Geologic Report dated 9/29/95 by Mountain Geology, Inc.; Coastal Development Permits 5-81-11, 5-90-1095, 5-90-1096, 5-90-1097, 5-91-130, 5-91-131 and 4-95-015.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with four (4) special conditions regarding landscaping and erosion control, plans conforming to geologic recommendations, removal of excavated material, and wildfire waiver of liability.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

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

II. Standard Conditions.

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

III. Special Conditions.

1. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

(a) All graded & disturbed 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 List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

(b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;

(c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

(d) Applicant shall include vertical elements in the landscaping plan to screen and soften the visual impacts of the proposed development.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Updated Engineering Geologic Report dated 9/29/95 by Mountain Geology, Inc., shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultant. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial

changes in the proposed development approved by the Commission which may be required by the consultants' shall require an amendment to the permit or a new coastal permit.

3. Removal of Excavated Material

The applicant shall remove all excavated material from the site and shall provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct a 7293 sq. ft., 28 ft. in height, single family residence, tennis court, swimming pool, retaining walls, septic system, and 815 cu. yds. of grading on site (662 cu. yds. cut and 153 cu. yds. fill). The subject site is a 1.3 acre lot located on the landward side of Pacific Coast Highway across from Escondido Beach. A portion of the Bridle Path trail runs along the western boundary of the project site. The subject site was created as part of an eight-parcel subdivision under Coastal Development Permit 5-81-011 (Sycamore Meadows). Six of the eight lots have been developed with or have received coastal development permits for single family residences. In order to create building pads for each of the eight lots, 19000 cu. yds. of grading was carried out under Coastal Development Permit 5-81-011 and subsequent amendments. The applicant is now proposing an additional 815 cu. yds. of grading.

B. Grading and Hazards

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

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the

construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the 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 proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number four (4).

The applicant proposes the construction of a 7293 sq. ft., 28 ft. in height, single family residence, tennis court, swimming pool, retaining walls, septic system, and 815 cu. yds. of grading on site (662 cu. yds. cut and 153 cu. yds. fill).. yds. of grading in addition to the grading previously approved under Coastal Development Permit 5-81-011. The applicant's geologic and engineering consultant has determined that the proposed project site is suitable from a soils and engineering standpoint for construction of the proposed project. The applicant's Updated Engineering Geologic Report dated 9/29/95 by Mountain Geology, Inc., states that:

The proposed residential development is considered feasible from an engineering geologic standpoint, providing our recommendations are incorporated into the final plans..

The geologic and engineering consultant has included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical consultant are incorporated into the project plans, the Commission finds that it is necessary to require the applicant, as required by special condition two (2), to submit project plans certified by the consulting geotechnical engineer as conforming to their recommendations.

In order to reduce the amount of grading and landform alteration, the applicant has submitted revised project plans which have reduced the amount of cut originally proposed by 107 cu. yds. However, the amount of proposed cut will remain substantially larger than the amount of fill to be used. Excavated materials that are placed in stockpiles are subject to increased erosion. Staff also notes that additional landform alteration would result if the excavated material were to be retained on site. In order to ensure that excavated material will not be stockpiled on or off site, and that landform alteration be minimized, special condition three (3) requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

The Commission also finds that the minimization of site erosion will add to the stability of the site in regards to the proposed increase in grading. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment. Coastal Development Permit 5-88-011 which created the subject lot through a subdivision was issued with the special condition that a landscaping plan be submitted and approved by the Executive Director. The Commission finds that only through the submittal of an updated landscaping plan will all new development be consistent with Coastal Development Permit 5-88-011 previously issued for this site and Section 30253 of the Coastal Act. Therefore special condition number one (1) is required to ensure that all proposed disturbed areas are stabilized and vegetated.

The Commission finds that based on the findings of the geologic and geotechnical reports and other available evidence, and as conditioned to incorporate the recommendations of the geologic consultant, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

The applicant proposes the construction of a 7293 sq. ft., 28 ft. in height, single family residence, tennis court, swimming pool, retaining walls, septic system, and 815 cu. yds. of grading on site (662 cu. yds. cut and 153 cu. yds. fill) in addition to the grading previously approved under Coastal Development Permit 5-81-011 (Sycamore Meadows). Although the proposed residence is quite large it does not exceed 28 ft. in height from the existing natural grade and is similar to surrounding development. The proposed residence is sited on lot no. 5 of the subdivision which is located in the northwest portion of the subdivision. Although lot no. 5 is not visible from Pacific Coast Highway, it is visible from a portion of the Bridle Path trail easement which runs along the western boundary of the project site. In order to reduce visual impacts resulting from development, the landscape plan mentioned in the previous section, and required by special condition one (1), shall also include adequate vertical elements to screen the proposed development from the public trail. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu and the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The proposed development includes constructing a septic system for the new residence to provide for adequate sewage disposal. The applicant has submitted approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the City of Malibu Uniform Plumbing Code. The City of Malibu's minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

E. 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 sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development as conditioned will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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.

SMH-VNT

File: SMH/4-96-196

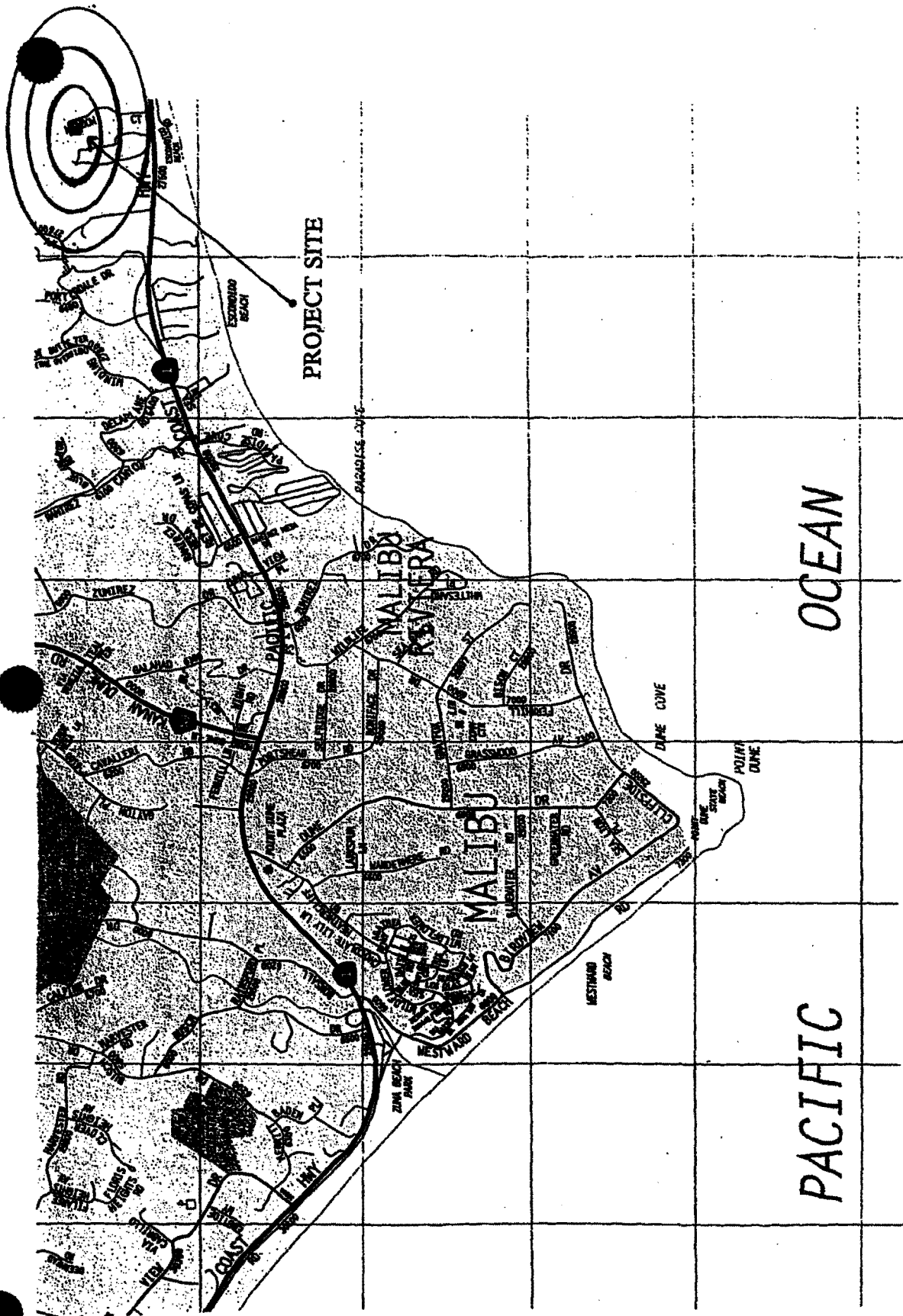
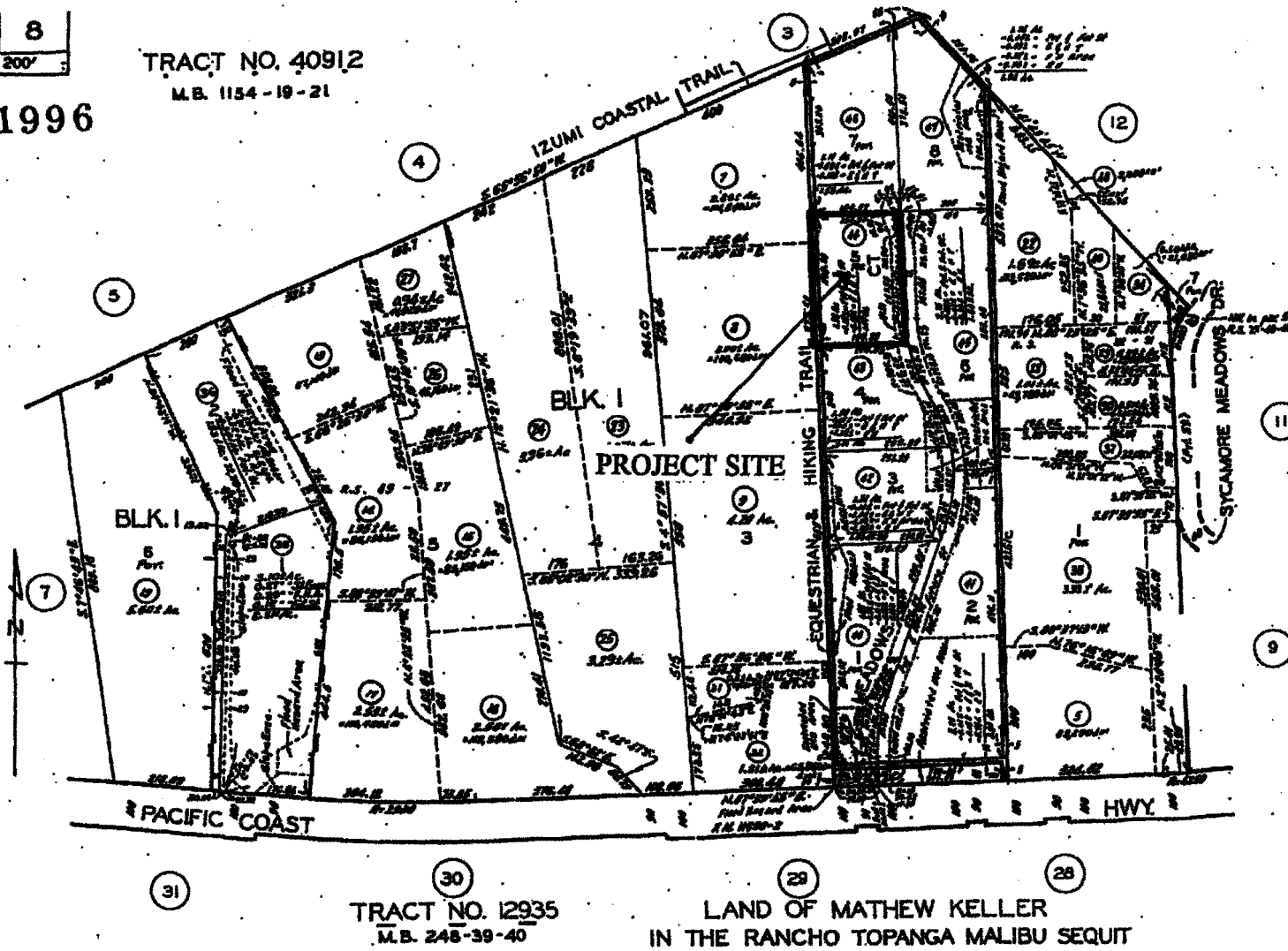


Exhibit No. 1: (4-96-196) Location Map

4460 | 8
SCALE 1" = 200'

TRACT NO. 40912
M.B. 1154-19-21

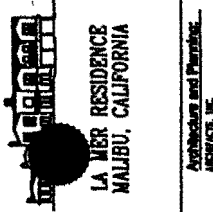
1996



TRACT NO. 12935
M.B. 248-39-40

LAND OF MATHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT

Exhibit No. 2: (4-96-196) Parcel Map for Project Site



LA MER RESIDENCE
MALIBU, CALIFORNIA

Architect and Planner:
ARCHITECT, INC.
1000 W. WASHINGTON
MALIBU, CALIFORNIA 90263
ARCHITECTS: 1972-1973
PLANNERS: 1974-1975

Contractor:
The Malibu Project
7700 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

Geological and Geotechnical:
Harris Consulting Engineers, Inc.
1000 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

Civil Engineer/Planner:
Malibu Project, P.L.L.C.
1000 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

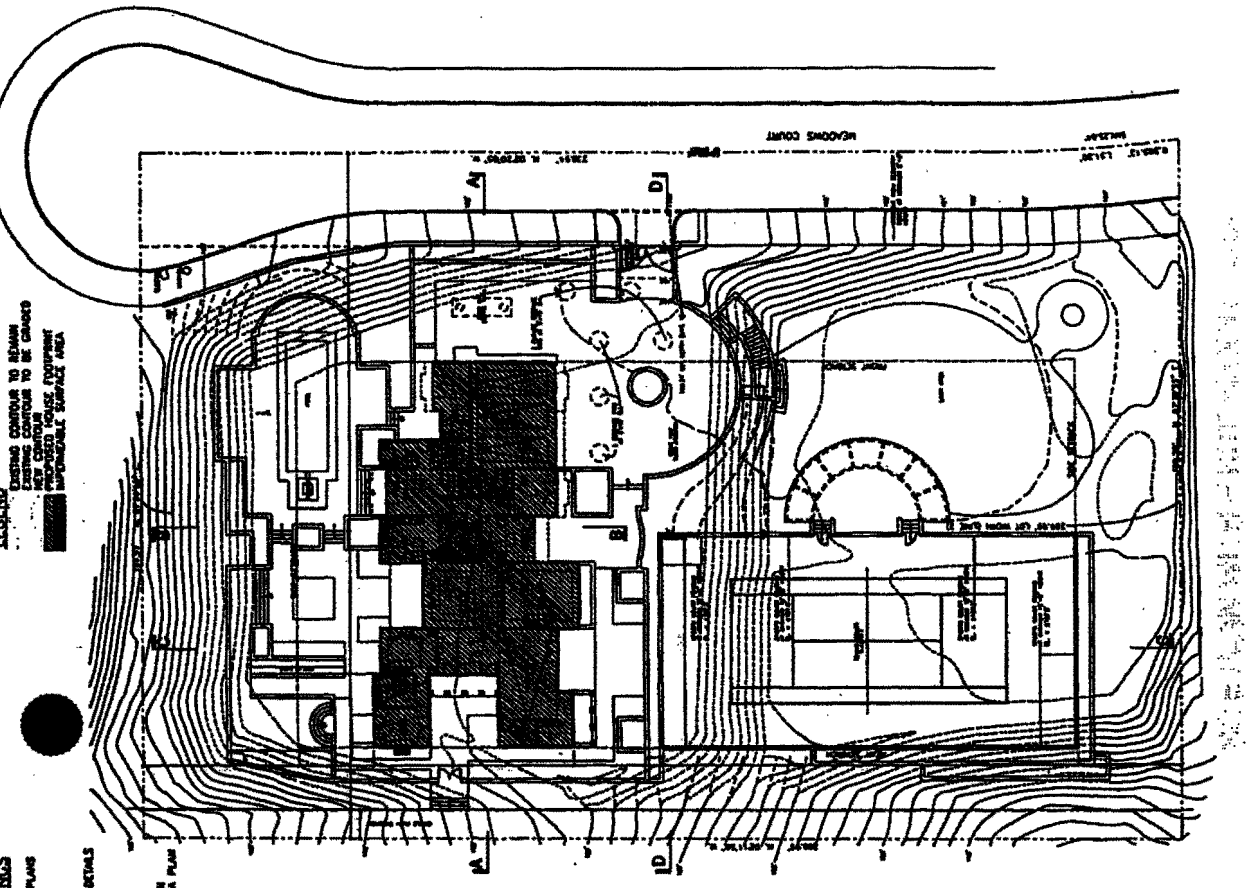
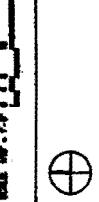
QUALITY ASSURANCE:
Malibu Project, P.L.L.C.
1000 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

Soil:
Malibu Project, P.L.L.C.
1000 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

Site:
Malibu Project, P.L.L.C.
1000 Wilshire Blvd., Suite 1000
Malibu, California 90263
Tel: (310) 316-1111

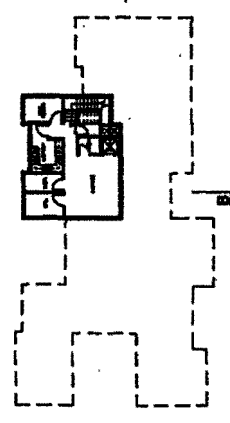
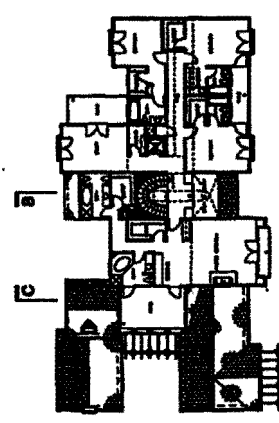
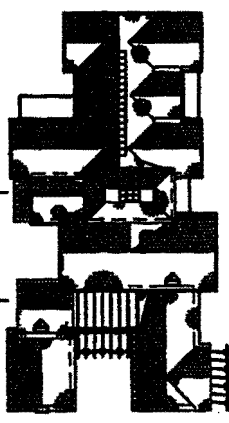
PROJECT:
LA MER RESIDENCE
DESCRIPTION: SITE PLAN WITH GRADING,
SITE, AND POOL PLANS
DATE: 28 JANUARY 1987

SCALE:
LANDSCAPE
SCALE: 1/4" = 1'-0"



LEGEND
EXISTING CONTOUR TO REMAIN
EXISTING CONTOUR TO BE CHANGED
NEW CONTOUR
PROPOSED GRADE
PROPOSED IMPERVIOUS SURFACE AREA

- INDEX TO DRAWINGS
- A-1 ARCHITECTURAL FLOOR PLANS
 - A-2 ELEVATIONS
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 - A-10 EXHIBIT 3
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 - A-99 EXHIBIT 92
 - A-100 EXHIBIT 93



SQUARE FOOTAGES

FIRST FLOOR	3,252.3 S.F.
SECOND FLOOR	2,871.1 S.F.
THIRD FLOOR	2,871.1 S.F.
TOTAL	9,000.0 S.F.

BASEMENT (NOT INCLUDED): 94,337 S.F.

CEILING HEIGHT OVER 10': 221.9 S.F. (SEE SHEET A-9)

OVERSIZING LOT AREA: 52,202.1 S.F.

MINIMUM FLOOR AREA ALLOWED: 7,200.0 S.F.

FLOOR AREA W/IN: 648 (2,899.7 S.F./4,500.0 S.F.)

HOUSE FOOTING IMPERVIOUS SURFACE AREA: 4,800.0 S.F.

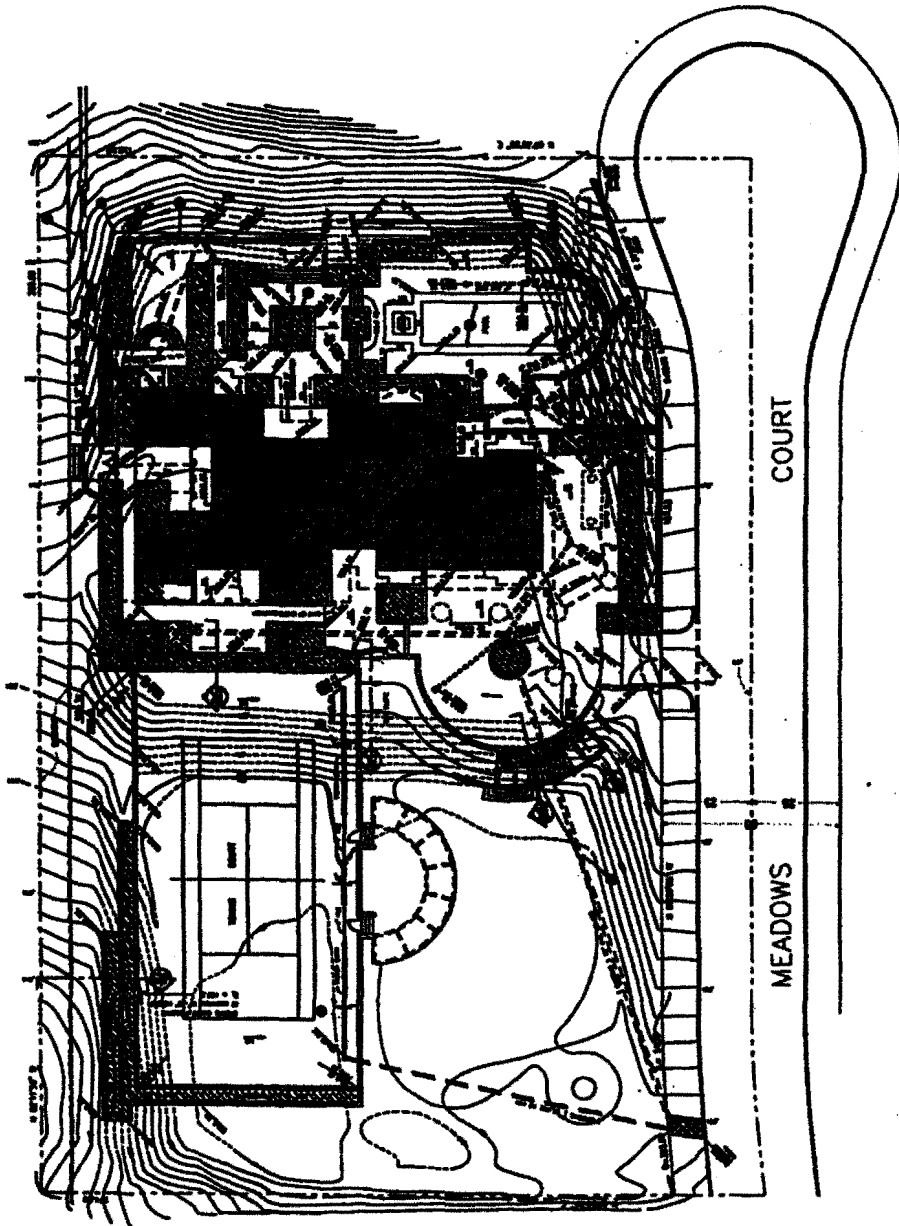
TERRACE COURT IMPERVIOUS SURFACE AREA: 5,899.4 S.F.

POOL IMPERVIOUS SURFACE AREA: 1,125.0 S.F.

MINIMUM ALLOWABLE IMPERVIOUS SURFACE AREA: 14,024.0 S.F.

PROJECT: 0812, LOT 5

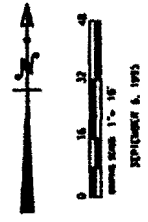
Exhibit No. 3: (4-96-196) Site Plan



CONSTRUCTION NOTES

1. All work shall be in accordance with the plans and specifications.
2. All work shall be done in accordance with the latest editions of the California Building Code and the California Electrical Code.
3. All work shall be done in accordance with the latest editions of the California Building Code and the California Electrical Code.
4. All work shall be done in accordance with the latest editions of the California Building Code and the California Electrical Code.
5. All work shall be done in accordance with the latest editions of the California Building Code and the California Electrical Code.

DATE: SEPTEMBER 8, 1993
 DRAWN BY: [Name]
 CHECKED BY: [Name]



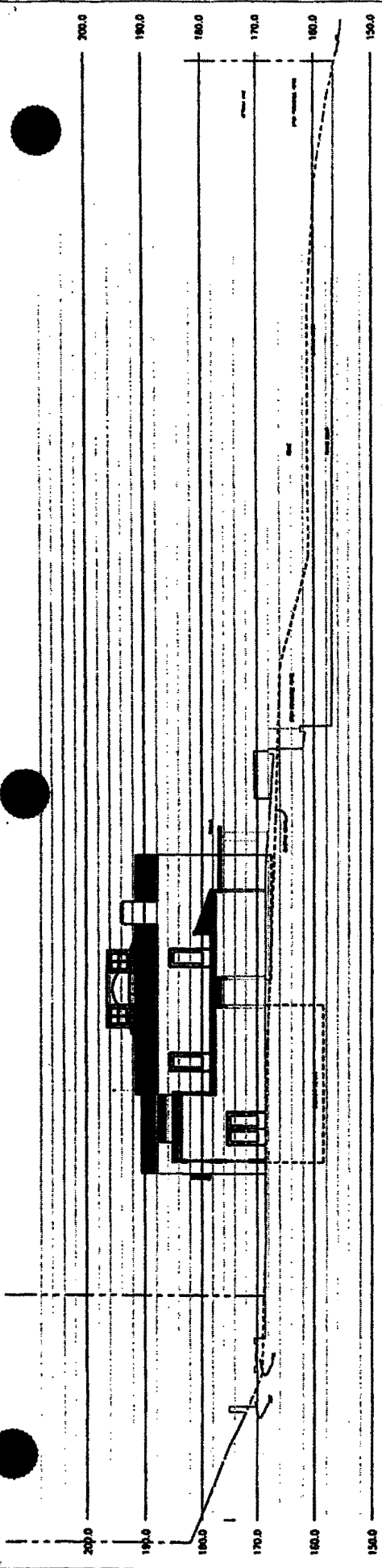
EJ
 EDUARDO JARQUIN, P.E., INC.
 CIVIL ENGINEERING - LAND SURVEYING
 1930 LINCOLN BOULEVARD, SUITE 109
 SAN ANTONIO, TEXAS 78202-1174
 TEL: (512) 382-1659 FAX: (512) 382-4724

NO.	DATE	DESCRIPTION	BY	CHECKED
1	09/08/93	ISSUED FOR PERMITS	[Name]	[Name]
2	09/15/93	REVISED PER COMMENTS	[Name]	[Name]
3	09/22/93	REVISED PER COMMENTS	[Name]	[Name]
4	09/29/93	REVISED PER COMMENTS	[Name]	[Name]
5	10/06/93	REVISED PER COMMENTS	[Name]	[Name]

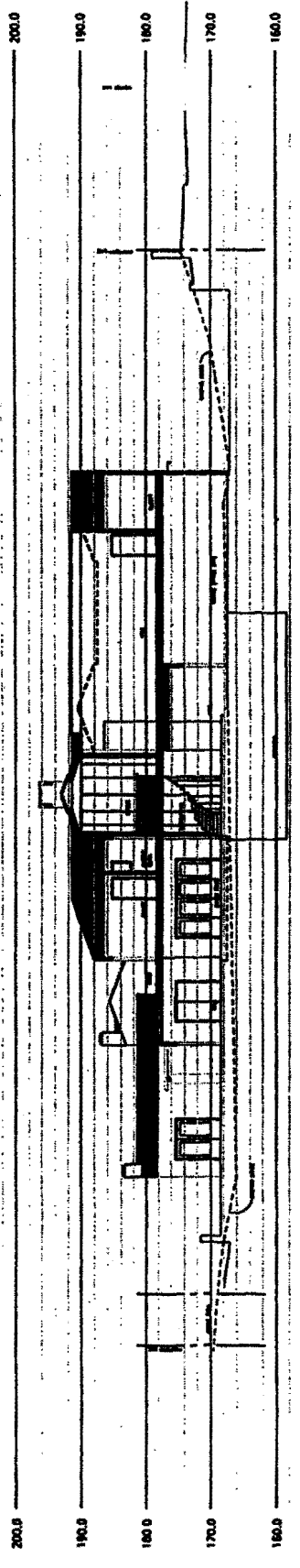
GRADING PLAN
 FOR
 LOT 5, TRACT NO. 48793
 S.B. 1184-19-31

PREPARED FOR:
 SEA HECOL ENGINEERS, INC.
 710 MIDWAY AVENUE
 SANTA MONICA, CA 90405

Exhibit No. 4: (4-96-196) Grading Plan



SECTION R-R
ELEVATION



SECTION A-A
ELEVATION



EJ
 EDUARDO JARQUIN, P.E., INC.
 CIVIL ENGINEERING - LAND SURVEYING
 1830 LINCOLN BOULEVARD, SUITE 109
 SANTA MONICA, CALIFORNIA 90404-4524
 TEL: (310) 399-1650 FAX: (310) 392-4774

NO.	DATE	DESCRIPTION	BY	CHKD.
1	11/14/19-31	PREPARED FOR		
2		DESIGNED BY		
3		CHECKED BY		
4		DATE		

CONCRETE & EXHIBIT PLAN
 FOR
 LOT 5, TRACT No. 40012
 M.B. 1154-19-31

SEA MEDDA ENTERPRISES, INC.
 710 BROADWAY AVENUE
 SANTA MONICA, CA 90408

Exhibit No. 5: (4-96-196) Cross sections of Proposed Project