

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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ITEM: WED 18e**Filed: 10/01/98****49th Day: 11/19/98****180th Day: 3/30/99****Staff: MH-V *[Signature]*****Staff Report: 10/05/98****STAFF REPORT: REGULAR CALENDAR****APPLICATION: 4-98-194****APPLICANTS: Dick and Diane Sittig AGENT: Lynn Heacox,
The Land & Water Co.****PROJECT LOCATION: 6763 Zumirez Drive, City of Malibu, Los Angeles County****LOCAL APPROVALS: City of Malibu, Approval in Concept, August 28, 1998**

PROJECT DESCRIPTION: Demolish existing 1,700 sq. ft., one-story, single family residence and construct new 6,033 sq. ft., two-story, 26 ft.9 in.-above finished grade single family residence, retain existing 494-sq. ft. detached garage, construct 750 sq. ft. swimming pool, 2,854 sq. ft. pool deck, 5,548 sq. ft. sunken tennis court, install new 1,500 gallon septic tank and 3 seepage pits, conduct 761 cu.yds. of grading (all cut), and remove 5 mature, non-native trees, on a 1.49—acre lot.

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan, Coastal Development Permit 4-96-004 (Farrer); 4-95-230 (Stanley), 4-94-130 (Christina Land Holding Co.); 4-93-138 (Burr); 4-93-109 (Keyes); 5-89-308 (Albert); 5-88-870 (Martinez); 5-88-444 (Forde); 5-87-340 (Forde); City of Malibu Planning Department approval-in-concept, dated August 28, 1998, City of Malibu Environmental Health Department septic disposal system approval, revised, dated August 21, 1998.

SUMMARY OF STAFF RECOMMENDATION AND EXECUTIVE SUMMARY:

Staff recommends approval of the proposed project with special conditions regarding landscape and fuel modification, drainage and erosion control, geology, wild fire waiver of liability, future improvements, removal of excess fill, revised plans, and tennis court lighting prohibition.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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 effects 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.

II. Special Conditions

1. Landscape Plan and Fuel Modification

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

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes immediately after the completion of grading and excavation. This requirement shall continuously apply should grading and disturbance take place in stages throughout site development. Final landscape planting and maintenance necessary to achieve compliance with the approved landscape plan shall be implemented no later than sixty (60) days after the completion of construction of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species that 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 from the date of initial planting, and this requirement shall apply to all disturbed soils. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape requirements set forth in this special condition. Additional site stabilization measures, such as the placement of geotextiles or other temporary measures, shall be implemented if necessary to control erosion from disturbed soils until planted species are established.
- (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) Vegetation within 50 feet of the proposed house may be removed to mineral earth or planted in a zone of irrigated lawn or similar ground cover. Selective thinning,

for purposes of fire hazard reduction shall be allowed in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. However, in no case shall vegetation thinning or other modification be allowed southwesterly (below) the 88.25-foot elevation line delineating the top of slope shown on Attachment A attached hereto, with the exception of the removal of non-native, invasive species as shown on the landscape plan approved by the Executive Director pursuant to this Special Condition, and the replanting of areas thereby disturbed with approved native species. Removal of non-native, invasive species below the 88.25-foot elevation line shall a) not be undertaken between November 1—March 31, and b) slope areas exposed by authorized non-native vegetation removal shall be immediately stabilized and replanted in accordance with the provisions of the approved landscape plan. The applicants shall submit evidence that the fuel modification plan has been reviewed and approved by the County of Los Angeles Fire Department, Fire Prevention Bureau/Forestry Division.

- (e) No irrigation shall be allowed in the buffer zone established between the 88.25-foot elevation line and the area up to a line drawn 25 feet upslope of the 88.25-foot elevation line, as generally shown on Exhibit A.
- (f) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final landscape, erosion control or drainage plans shall be reported to the Executive Director. No changes to said plans shall occur without a Coastal-Commission approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (g) Within two (2) years of completion of construction of the approved residence, tennis court, and swimming pool, whether undertaken individually or at the same time, the applicant shall provide photographic evidence to the satisfaction of the Executive Director of the condition of the native vegetation downslope of the 88.25-foot elevation line as shown on Attachment A to the furthest extent of the applicants' parcel downslope in Walnut Canyon. The applicants shall also document by photographic evidence that no irrigation or drainage runoff has been allowed within the area extending 25 feet upslope from the 88.25-foot elevation line.

2. Drainage and Erosion Control

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan from a licensed engineer which assures that run-off from the roof, patios, driveways, parking areas, tennis court, decks and all other impervious surfaces on the subject parcel are collected and discharged in a non-erosive manner which avoids ponding on the pad area. In addition, the applicants' consulting geologist shall review the run-off and erosion control plan and confirm that the plan adequately incorporates all recommendations

contained in the Solus Engineering and Geology report prepared August 21, 1997 for the subject 6763 Zumirez Drive residence. Evidence of such review by the consulting geologist shall be submitted for the review and approval of the Executive Director. The plan shall ensure that site drainage shall not be accomplished by sheetflow runoff and shall not result in the erosion of the slope draining into Walnut Canyon, and shall set forth the means by which the proposed swimming pool will be drained for maintenance without a discharge of running water onto the slopes of Walnut Canyon or into Walnut Creek. The plan shall specifically describe the means by which swimming pool drainage will be controlled and discharged in a slow and non-erosive manner. Should the project's drainage structures fail or result in erosion, the applicants/landowner or successor interests shall be responsible for any necessary repairs or restoration.

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants 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, operation, 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.

4. Future Improvements

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 that Coastal Commission permit 4-98-194 is only for the proposed development and that any future additions or improvements to the permitted structures, or property, including but not limited to clearing of vegetation and grading, other than as provided for in the approved landscape plan prepared pursuant to **Special Condition 1(d)**, that might otherwise be exempt under Public Resource Code 30610(a),(b), will require an amendment to this permit or an additional permit from the Coastal Commission or the affected local government authorized to issue such coastal development permits. The approved landscape and fuel modification plan, together with Exhibit A shall be recorded as attachments to the recorded deed restriction.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission—approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Removal of Excess Fill

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director, evidence that the location of the proposed dump site for all graded

material not retained on site is a properly licensed or authorized receiving site outside of the coastal zone or a site within the coastal zone permitted to receive fill.

6. Plans Conforming to Geologic Recommendations

All recommendations contained in the Geotechnical Study for Proposed Residence, dated August 21, 1997, prepared by Solus Engineering & Geology, shall be incorporated into all final design and construction including foundations, grading, drainage, and erosion control. All plans must be reviewed and approved by the consultants. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature to the final project plans and designs, including the drainage and erosion control plan required pursuant to **Special Condition 2**.

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. The Executive Director shall determine whether required changes are "substantial."

7. Tennis Court Lighting Prohibition

Prior to the issuance of the coastal development permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director that shall restrict the applicants from installing any lighting associated with the construction or use of the tennis court approved pursuant to permit 4-98-194, whether such lighting is fixed or portable, temporary or permanent, on or near the proposed tennis court.

8. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit a revised project plan subject to the review and approval of the Executive Director, which illustrates that all portions of the proposed tennis court are setback a minimum of 25 feet from (northeasterly, or above) the 88.25-foot topographic elevation contour line delineating the top of the slope, toward Zumirez Drive, as shown on Exhibit A. The project plans shall also be revised to delete the previously proposed cabana shown in Exhibit 4 pursuant to the verbally-transmitted project revision of the applicants' agent on behalf of the applicants.

III. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish an existing 1,700 sq. ft., single family residence, retain the existing 494 sq. ft. detached garage, construct a new 6,033 sq. ft., two-story, 26 ft. 9 in.—above finished grade single family residence, 750 sq. ft. swimming pool, 2,854 sq. ft. pool deck, and 5,548 sq. ft. sunken tennis court, install new 1,500 gallon septic tank and 3 seepage pits, grade 761 cu.yds. (all cut) of soil, and remove 5 mature, non-native trees. (See Exhibits 1—9.)

The project site is a 1.49—acre parcel on Zumirez Drive, in the Point Dume area of the City of Malibu (Exhibits 1 and 2). The area is generally developed with single family homes, however the adjacent (southerly) parcel is undeveloped. The certified Malibu/Santa Monica Mountains Land Use Plan (LUP) designates the site as Residential I (one dwelling unit per acre) (Exhibits 3 and 5).

Lots on Zumirez Drive are typically flat toward the street with a rear portion descending into Walnut Canyon. Walnut Creek, a designated blue line stream, drains Walnut Canyon directly to the Pacific Ocean less than one quarter of a mile downstream of the applicants' parcel.

B. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30231.

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.

In addition, the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) contains policies that provide useful guidance in evaluating the consistency of the proposed

development with the policies of the Coastal Act. These policies have been found by the Coastal Commission in certifying the LUP to incorporate the resource protection requirements of Coastal Act Sections 30240 and 30231 for application to specific sensitive resource areas in Malibu and therefore continue to serve as guidance in reviewing proposed development for consistency with Coastal Act policies.

Specifically applicable LUP policies addressing the protection of DSRs and ESHAs and thereby incorporating the resource protection policies that are relevant to the proposed project include:

- P 74** New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.
- P 81** To control runoff into coastal waters, wetlands and riparian areas, as required by Section 30231 of the Coastal Act, the maximum rate of storm water runoff into such areas from new development should not exceed the peak level that existed prior to development.
- P 82** Grading shall be minimized for all new development to ensure the potential effects of runoff and erosion on these resources are minimized.
- P 86** A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.
- P 87** Require as a condition of new development approval abatement of any grading or drainage condition on the property which gives rise to existing erosion problems. Measures must be consistent with protection of ESHAs.
- P 89** In ESHAs and Significant Watersheds and other areas of high potential erosion hazard, require approval of final site development plans, including drainage and erosion control plans for new development prior to authorization of any grading activities.
- P 91** All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

In addition, the LUP contains Table 1 policies specifically applicable to designated habitat areas or categories. Pertinent Table 1 policies regarding ESHAs applicable to the proposed project include:

Table 1 Policies**ESHAs**

- Land alteration and vegetation removal, including brushing, shall be prohibited within undisturbed riparian woodlands, oak woodlands and savannahs and any areas designated as ESHAs by this LCP, except that controlled burns and trails or roads ...**
- Structures shall be located in proximity to existing roadways, services and other development to minimize the impacts on the habitat...**

The project site includes habitat mapped as a Disturbed Sensitive Resource Area (DSR) on the certified LUP maps; therefore, specifically applicable that provide guidance in evaluating the proposed project include:

Table 1 Policies:**DISTURBED SENSITIVE RESOURCES**

- In disturbed riparian areas, structures shall be sited to minimize removal or riparian trees.**
- Removal of native vegetation and grading shall be minimized.**
- Site grading shall be accomplished in accordance with the stream protection and erosion policies.**
- Disturbed, sensitive ravines and canyons at Point Dume should be retained in their existing condition or restored.**

As discussed above, the applicant proposes to demolish an existing single family residence, retain an existing garage, and construct a new single family residence, swimming pool, and tennis courts on a 1.49—acre parcel. The subject parcel takes access off Zumirez Drive and contains a deep, flat rectangular area that slopes at the rear into, and comprises a portion of, Walnut Canyon. The canyon, which is mapped in the LUP as a Disturbed Sensitive Resource Area (DSR), drains into Walnut Creek, which is a designated blue-line stream on the U.S. Geologic Survey quadrangle maps and an Environmentally Sensitive Habitat Area as defined by the Coastal Act. Walnut Creek empties into the Pacific Ocean less than one quarter of a mile south of the applicants' parcel.

The certified LUP maps show the boundary of the disturbed sensitive resource area at approximately the 80—foot elevation line along the upper edge of Walnut Canyon. As can be seen on Exhibit 5, the parcel is of relatively low relief until approximately the

90—foot elevation line (near the rear of the proposed tennis court), at which point the lot slopes at slightly more than a 3:1 ratio southwesterly toward Walnut Creek.

The Commission has found, in past permit actions, that the canyons of Point Dume are disturbed sensitive resource areas. While such areas may contain modified habitats that no longer offer their original, undisturbed biological significance they are nonetheless sufficiently valuable to warrant protection from further impacts. Modified habitats may, in fact, be more vulnerable to damage from the potentially adverse impacts of development in or adjacent to such areas than more pristine areas.

For example, undisturbed riparian areas ordinarily contain a variety of tree and shrub species with established root systems interspersed with compatible ground covering native species. Such established cover slows rainfall runoff from canyon slopes and staunches silt flows that result from ordinary erosional process, thereby limiting the siltation of downslope creeks. Accordingly, disturbed vegetation adjacent to riparian corridors compromises the buffering effects of natural ecosystems and renders them more vulnerable to disturbance, such as accelerated gullying or siltflow from grading or an increase in impervious surfaces that may result from adjacent development. For this reason, disturbed habitat may be even more vulnerable to additional disturbance than might be the case in more robust, pristine ecosystems.

In addition to the lack of buffering characteristics, the denuded habitat that often characterizes disturbed areas lacks the extent of protective cover that might otherwise shelter birds and small mammals from predation by domestic pets. The roaming cats and dogs of residential dwellers are particularly destructive to ground foraging birds, such as quail, and waterfowl that feed in stream corridors and nest on the banks. The disturbance caused by the mere presence of domestic animals may disrupt the normal activities of sensitive species. The impacts of domestic pets can be reduced by protecting and enhancing the protective cover provided by intact native vegetation in the riparian canyons affected by adjacent residential development.

In addition, fragmented, "fringe" habitat located in transitional or remnant habitat areas often has special biological significance, in part because it represents a last remaining refuge for wildlife species displaced by surrounding development or at times a transitional zone of vegetation (from riparian trees such as willows to upslope chaparral brush, in the case of the subject site within Walnut Canyon) offering locally rare nesting or feeding opportunities. These remaining habitat areas provide particularly valuable cover for avian species relying on the stream corridor for feeding, nesting, and roosting. This phenomenon is nowhere more evident than in the Mediterranean climate that characterizes the Malibu area: the attendant warm, dry summers often coincide with dwindling freshwater supplies. Habitats with relatively extensive canopy cover, such as the willows and oaks found in the bottom of Walnut Canyon, may become crucial to wildlife survival during summer conditions.

As noted previously, the portion of Walnut Creek that traverses the bottom of Walnut Canyon downslope from the proposed project is heavily vegetated with mature willows

and some oaks. The slope extending upward toward the proposed project site from the riparian corridor is densely covered with mature coastal sage scrub, though the cover has been thinned and mowed extensively upslope of approximately the 75-foot elevation line. A site visit by Commission staff in October, 1998, confirmed that new native shrub growth is emerging where unauthorized previous mowing and clearing had been conducted on the canyon slopes and that the site shows evidence of substantial regrowth in the disturbed sensitive resource area. If allowed to recover fully without further modification or clearance, this area appears likely to regrow into a seamless coastal sage scrub habitat extending into the mature habitat downslope and thereby providing significant habitat enhancement, extension of vegetative cover, and restoration of the sensitive resource area.

If allowed to recover naturally, the native vegetation appears likely fill in the canyon slopes up to the top-of-slope. As the result, a significant increase in habitat value, erosion control, and other ESHA buffering capacity can be expected to enhance the biological productivity of the downslope riparian corridor ESHA, consistent with the goals of Coastal Act Section 30231 and 30240.

All of these factors underscore the importance of protecting and preserving natural vegetative cover in DSRs and ESHAs. A key means of achieving this goal is to limit fuel modification necessary to protect proposed development from occurring in the sensitive canyon areas, particularly on slopes that drain to stream corridors. Vegetation modification such as thinning or removal generally required within a 200-foot radius of habitable structures by the Los Angeles County Fire Department may adversely affect native habitat areas.¹ Therefore, a key means of ensuring that that vegetation in sensitive resource areas is not modified for fuel management purposes, is to require that adjacent proposed development subject to such management requirements be set back sufficiently to prevent extension of the zone of clearance or thinning into the sensitive resource area.

To minimize additional impacts to these disturbed sensitive areas, the Commission has required development to be located close to the roads and back from the canyon edges (CDP 4-96-004 Farrer, 4-95-230 Stanley, for example). In addition, although the Commission has not established a specific distance that development must be setback from the canyons on Point Dume, the Commission has in some cases required new development to be setback at least as far as existing adjacent development. In permits 5-89-308 (Albert) and 5-88-870 (Martinez), for example, the Commission required the applicants to revise their plans to resite development back from the canyon edge.

¹ The applicants' agent has indicated that the L.A. County Fire Department is presently requiring a fuel modification radius of only 100 feet from habitable structures in the Pt. Dume area. Commission staff has not been able to confirm this reduction directly with the Fire Department, but notes that even if this is a current policy, it may be revised in the future to require the 200-foot clearance generally required elsewhere in Malibu/Santa Monica Mountains.

Special Condition 1 prohibits fuel modification below the 88.25-foot topographic elevation line shown on Attachment A and on Exhibits 4 and 5. The 88.25-foot line delineates the top of the slope descending into Walnut Canyon, and is located 25 feet upslope and toward Zumirez Drive from the approximate boundary (80-foot elevation) of the mapped DSR. This condition ensures that a 25-foot buffer from the DSR is maintained, thereby limiting erosional effects from the alteration of vegetation. The proposed residence, the only proposed habitable structure presently proposed by the applicant, is set back over 200 feet from the boundary of authorized fuel modification. Thus, modification of vegetation consistent with the Los Angeles County Fire Department's most stringent 200-foot radius standard can be undertaken without violating the requirements of the condition.

The Commission notes that habitable structures that may be proposed in the future, such as the cabana that has recently been deleted by the applicants from the proposed project, may require additional setbacks to ensure that required fuel modification does not affect the disturbed resource area.

Special Condition 1 also requires that the applicants prepare a landscape plan that utilizes appropriate native plant species and ensures that disturbed areas are stabilized and replanted immediately. This requirement will provide additional native plant habitat for wildlife species and protect Walnut Canyon and Creek from potentially increased site runoff and erosion. Implementation of the approved landscape plan will minimize the potential for increased sedimentation of the environmentally sensitive Walnut Creek corridor and will therefore reduce the potentially adverse impacts upon the downslope ESHA that the project might otherwise pose.

Special Condition 2 requires the preparation of a drainage and erosion control plan to ensure that all site runoff is collected and discharged in a non-erosive manner. The condition specifically requires that maintenance drainage of the swimming pool, which cannot be disposed of via the septic system, be addressed in a manner that will not allow direct runoff from the pool into the canyon. This condition will further protect Walnut Creek from adverse impacts that could be caused by sudden, relatively high velocity flushing effects from pool drainage that may have an adverse impact on creek biota.

Non-erosive management of site drainage is an important means of mitigating significant impacts of the project on Walnut Canyon and Creek that might otherwise occur. The proposed project will significantly increase the amount of impervious surface upslope of the canyon, thereby exacerbating the potential for erosion due to the resultant increases in volume and velocity of rainwater runoff that could be expected to occur.

In addition, **Special Condition 2** specifically requires that management of runoff that would occur over the slope face if the pool were simply allowed to drain unimpeded. Runoff from the swimming pool, in addition to adding sediment load to the downslope creek, could also produce a dramatic, episodic "flushing" effect that would be disruptive to creek biota.

In addition, **Special Condition 4** requires the applicant to obtain a new permit if changes or additions to the development authorized herein are proposed in the future. This condition ensures that potential requirements for fuel modification, runoff from increased impervious surfaces, and other potentially adverse impacts upon the adjacent sensitive resource areas will be considered in concert with additional permit or permit amendment review.

Special Condition 5 requires the applicants to demonstrate that the graded spoils from the site (approximately 761 cubic yards of cut) will be disposed of in an appropriate location, which the applicants have indicated will be outside of the coastal zone. This condition ensures that graded spoils will not be inappropriately disposed in an erosive manner within Walnut Canyon or in any other area that would adversely impact coastal resources.

Special Condition 7 requires that the applicants' record a deed restriction prohibiting all tennis court lighting, whether temporary or permanent, to ensure that night lighting at the edge of the sensitive resource area (where the court is proposed) will be avoided. Night lighting of natural habitat areas has been shown to alter or disrupt feeding, nesting and roosting activities of native wildlife species. **Special Condition 7**, therefore, will protect the adjacent sensitive habitat area from avoidable disturbance that would otherwise be associated with nighttime use of the tennis court.

Special Condition 8 requires an additional 25-foot setback of the proposed tennis court from the location shown on the applicants' site plan (Exhibits 4 and 5). The setback will be required to be 25 feet further upslope (northeasterly), toward Zumirez Drive, from the 88.25-foot top-of-slope elevation line shown on Exhibits 4 and 5. The additional setback ensures that grading, excavation, and construction equipment staging will not take place at the slope's edge. Such activities increase the potential for overcasting of graded spoils down the flanks of the adjacent slope, compaction of slope edges, and trampling and destruction of vegetation at the slopes edge that would otherwise inhibit erosion and enhance gross slope stability. The required setback will provide a necessary buffer (a minimum of 50 feet between the development area and the mapped boundary of the adjacent sensitive resource area) between the construction activities and associated impacts and the sensitive habitat areas of the canyon slope and stream corridor. Therefore, adverse impacts that construction near the top of the slope may otherwise cause would be minimized or avoided.

In addition, as noted previously, the site plans on file at the time of report preparation still show a cabana located approximately 16 feet from the top-of-slope, adjacent to the proposed tennis court. The applicants' agent has verbally informed Commission staff that, under protest, but in response to concerns raised by staff regarding potential fuel modification of downslope vegetation that could be required by the L.A. County Fire Department for the cabana, the cabana has been deleted from the proposed project description. The deletion of the cabana will be verified in the revised plans required by **Special Condition 8**.

Applicants' Objections to Revised Plans

The applicants and their architect oppose any requirement that the site plan be modified or revised. They have reluctantly withdrawn the proposed cabana, as noted above, and believe the tennis court should remain situated as shown on the site plan (Exhibit 4). Their specific objections are that: a) the layout of the proposed project, including the tennis court and cabana (since deleted) proffer an arrangement of structures that cannot be altered without compromising the aesthetic flow of the overall design or lifestyle considerations important to the applicants, b) they disagree that placing development at the edge of, or within, the sensitive resource area would have any significant, adverse environmental effects, c) they feel that additional delays required to seek a variance from the City of Malibu for reduced setbacks from the street (one means of achieving the necessary setbacks from the sensitive resource area while preserving the original layout of the site plan) would be unacceptably frustrating on top of delays they have already experienced in processing previous revisions required by the City. The applicant's architect also states that he specifically believes that a required setback from the sensitive resource area constitutes a "takings." It is unclear whether this opinion extends to the front yard setbacks from Zumirez Drive that have been required by the City of Malibu (that setback is shown as a landscaped orchard on the previous site plan shown in Exhibit 12).

Notwithstanding these objections, the Commission finds that **Special Conditions 1, 2, 4, 5, 7 and 8** set forth above are necessary to control erosion, buffer the sensitive habitat area from the potentially adverse effects of adjacent development, protect and restore native vegetation on the slopes of Walnut Canyon, and protect and enhance the biological productivity of the downslope environmentally sensitive habitat stream corridor, consistent with the requirements of the Coastal Act. Therefore, for the reasons stated above, the Commission finds that only as conditioned is the proposed project consistent with the habitat and coastal resource protection policies of Sections 30231 and 30240 of the Coastal Act.

C. Geology and Fire Hazards

Coastal Act Section 30253 provides in pertinent part that:

Section 30253.

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.

In addition, the Malibu LUP, which the Commission has utilized as guidance in past permit decisions, contains policies applicable to the proposed project:

- P 86** A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.
- P 147** Continue to evaluate all new development for impact on, and from, geologic hazard.
- P 149** Continue to require a geologic report, prepared by a registered engineer...
- P 154** Continue to review development proposals to ensure that new development does not generate excessive runoff, debris, and/or chemical pollution that would have a significantly negative impact on the natural hydrologic systems.
- P 156** Continue to evaluate all new development for impact on, and from, fire hazard.

The proposed development is located in the Santa Monica Mountains, an area that 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.

Geology

The applicant has submitted a geology report titled Geologic Study for Proposed Residence dated August 21, 1997, prepared by Solus Engineering and Geology. The applicant's consultant concludes that:

It is the opinion of the undersigned that if constructed in accordance with our recommendations and properly maintained as presented in our report, (1) the proposed structures will be safe against hazard from settlement, slippage, or landslide, and (2) the proposed building and grading construction will have no adverse effect on the stability of property outside the building site

Special Condition 6 requires the applicant to submit evidence to the Executive Director's satisfaction that all recommendations of the consulting geologist contained in the Solus Engineering and Geology report cited above are incorporated into the final project plans and designs.

Special Condition 1 requires the applicant to prepare a landscape and fuel modification plan to ensure that graded or disturbed areas are replanted in a timely manner with appropriate native species, thereby controlling erosion that might otherwise result from the proposed development and ensure site stability. In addition, **Special Condition 1** requires the buffer area between the 25-foot setback and the top of slope to be maintained without irrigation and to thereby avoid destabilizing the edge of the slope with excess moisture loading.

The applicant proposes to grade approximately 761 cubic yards of soil (all cut), which will be disposed at a location outside of the coastal zone, or at a location inside the coastal zone licensed to accept fill as required by **Special Condition 5**. This requirement is necessary to prevent unauthorized disposal of graded spoils in locations that could result in erosion and resultant habitat disturbance or sedimentation of creeks. In addition, **Special Condition 2** requires the applicant to prepare a drainage and erosion control plan to ensure that runoff from on site development, and periodic drainage of the swimming pool, are managed to avoid erosion or impacts to sensitive habitats. To further ensure that proposed grading and development does not adversely affect site stability, **Special Condition 8** requires the tennis court footprint to be relocated an additional 25 feet back from the top of slope mapped at the 88.25-elevation line and shown on Exhibits 4 and 5.

Therefore, the Commission finds that the proposed project as conditioned by **Special Conditions 1, 2, 5, 6 and 8** will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

Wild Fire

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

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 can only approve the

project if the applicant assumes the liability from these associated risks. Through **Special Condition 3**, the wild fire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development.

The Commission finds that only as conditioned by **Special Condition 3** is the proposed project consistent with Section 30253 of the Coastal Act.

D. Septic System

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

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

The applicant proposes to construct a new 1,500 gallon septic system with seepage pits as shown on the plans approved by the City of Malibu, August 21, 1998. The conceptual approval by the City of Malibu Environmental Health Department indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. In addition, the proposed septic disposal system is located more than 200 feet from the blue line stream at the bottom of Walnut Canyon. Thus, if constructed in accordance with the approved plan submitted to the City of Malibu, the system would not adversely affect the biological productivity and quality of coastal waters. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

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 development 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's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

Approximate 25-foot (89.25) setback from top-of-slope
 - specific setback would be delineated on relevant plan or drawing
 Total required Setback = 50 feet from 80-foot elevation

80-foot elevation line/BSR boundary shown on certified UWP Maps.
 'delineating "top-of-slope" elevation

PROPERTY TAXING COUNTY: SANTA CLARA COUNTY, CALIFORNIA
 PROJECT: [illegible]
 SHEET NO. 11
 SCALE: 1" = 20'-0"

WARRANTY: THE ENGINEER'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT SHOWN ON THIS PLAN AND THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

WARRANTY: THE ENGINEER'S SERVICES ARE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT SHOWN ON THIS PLAN AND THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

NOT TO SCALE
 THE INFORMATION ON THIS PLAN IS FOR REFERENCE ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER ACTION WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

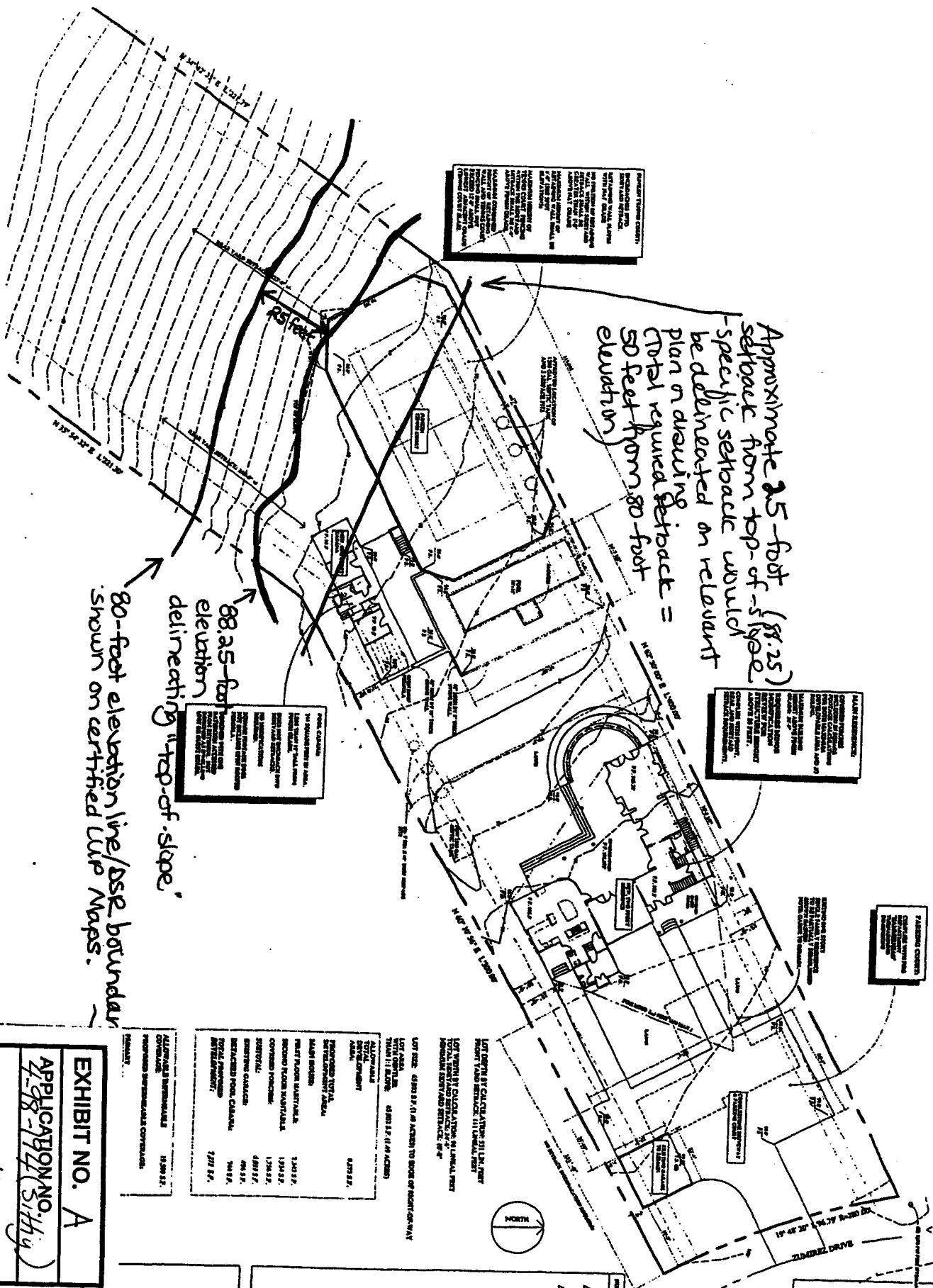


EXHIBIT NO. A
APPLICATION (NO. 17-112)
setbacks/buffers

ALLOWABLE SETBACKS	10'-0"
PERMITTED SETBACKS	25'-0"
REQUIREMENTS	
EXISTING FLOOR AREA	6,072 S.F.
PROPOSED FLOOR AREA	12,882 S.F.
NET FLOOR AREA	12,882 S.F.
COVERED FLOOR AREA	12,882 S.F.
PERMITTED FLOOR AREA	12,882 S.F.
EXISTING GARAGE	4,000 S.F.
PROPOSED GARAGE	7,000 S.F.
TOTAL PROPOSED GARAGE	7,000 S.F.
EXISTING DRIVEWAY	1,200 S.F.
PROPOSED DRIVEWAY	1,200 S.F.

LOT 105: 41,903 S.F. (0.94 ACRES) TO BE OPEN SPACE
 LOT 106: 41,903 S.F. (0.94 ACRES)
 LOT 107: 41,903 S.F. (0.94 ACRES)
 LOT 108: 41,903 S.F. (0.94 ACRES)
 LOT 109: 41,903 S.F. (0.94 ACRES)
 LOT 110: 41,903 S.F. (0.94 ACRES)
 LOT 111: 41,903 S.F. (0.94 ACRES)
 LOT 112: 41,903 S.F. (0.94 ACRES)
 LOT 113: 41,903 S.F. (0.94 ACRES)
 LOT 114: 41,903 S.F. (0.94 ACRES)
 LOT 115: 41,903 S.F. (0.94 ACRES)

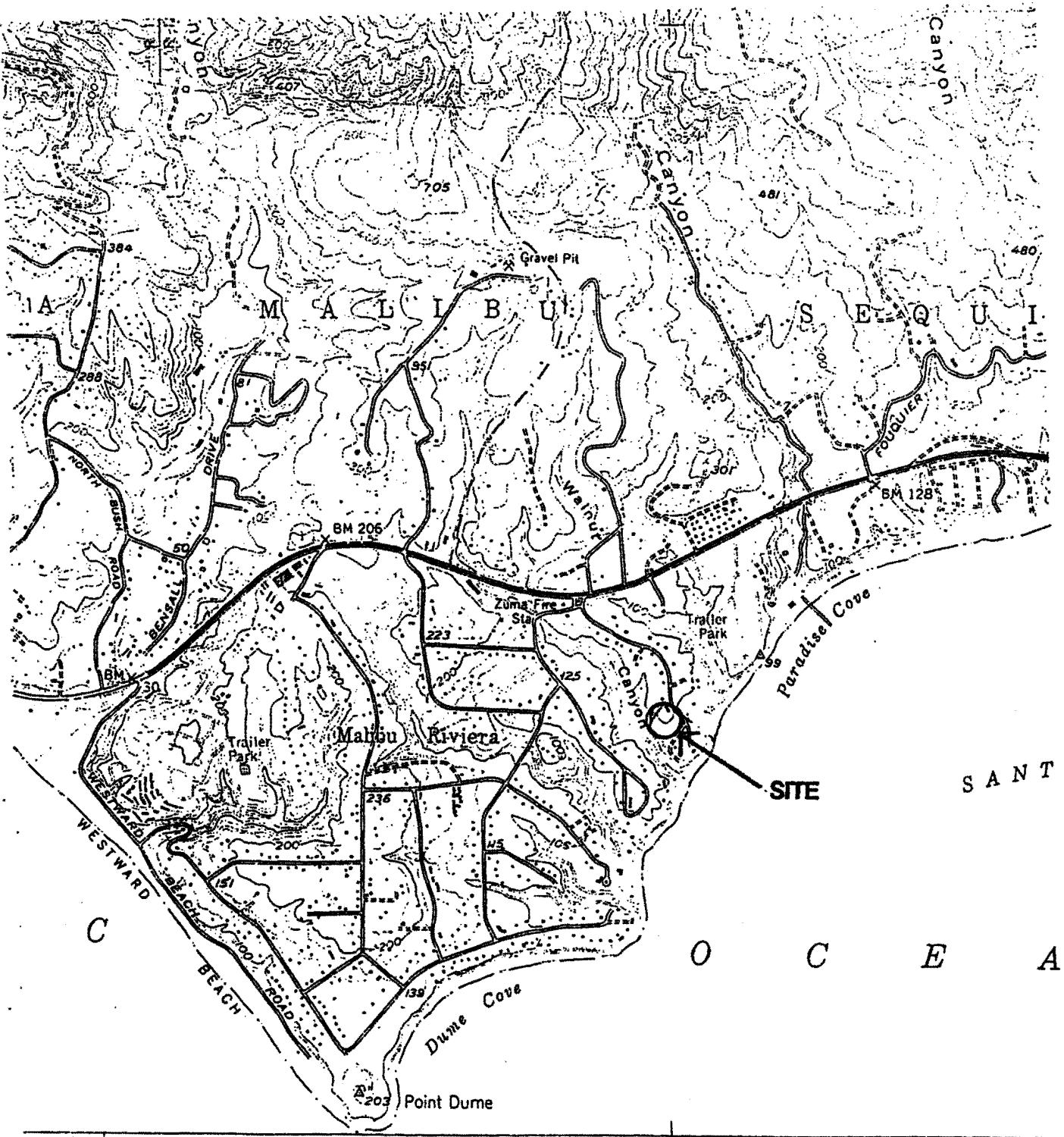
NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	10/20/21	[illegible]
2	REVISED	11/10/21	[illegible]
3	FINAL	11/20/21	[illegible]

Lester Tobias/Architect
 ARCHITECT

SETBACK RESIDUE
 6'30" 25'0" 21' 0"
 CALIFORNIA
 \$

DATE: 11/20/21	TIME: 10:00 AM
PROJECT NO.:	17-112
CHECKED BY:	[illegible]
SCALE:	1" = 20'-0"

VICINITY MAP



332 | 333 | 334 | 47°30" | 335 | INTERIOR-GEODESICAL SURVEY

FIG.1

SC ENGINEERING	EXHIBIT NO.
	APPLICATION NO.
W.O. 97127	4-98-194(sittig)
	Vicinity Map

POINT DUME USGS TOPO. MAP

9B

8B

17

5

6

M2

M2

Applicant's Parcel

← approx. 80-foot elevation line = boundary of OSR per LUP map

M2 = Disturbed Sensitive Resource Boundary

EXHIBIT NO. 2
APPLICATION NO.
4-98-194(sittg)
Parcel Settle

9B

8B

17

5

6

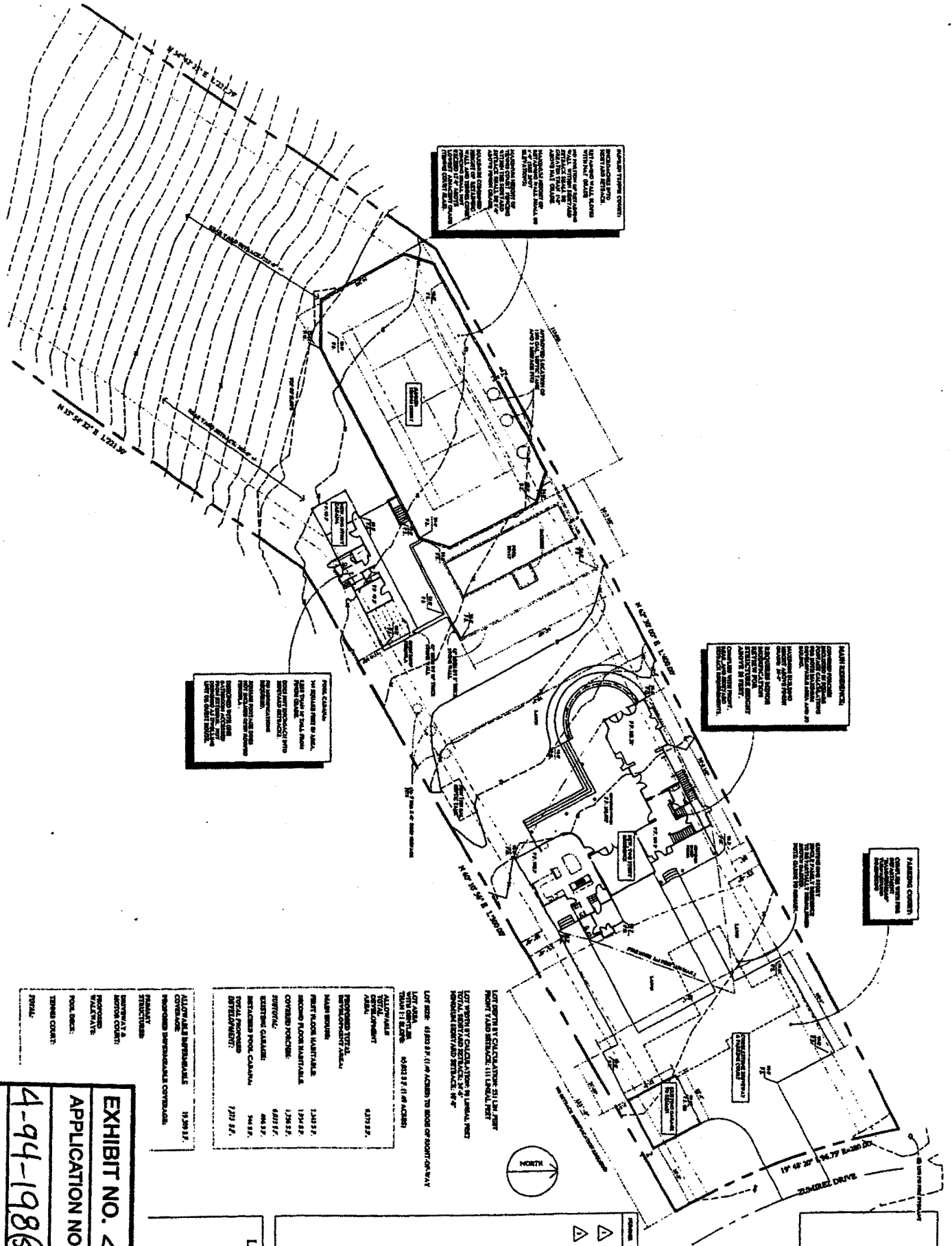
M2

M2

WALNUT CANYON

Approx. 80-foot elevation line / DSR boundary of Walnut Canyon as shown on certified LUP Maps.

EXHIBIT NO. 3
APPLICATION NO.
4-98-194 (Stig)
LUP Resources



PROPOSED TYPICAL CONCRETE
 REINFORCED WALL WITH
 EXTERIOR FINISH
 WITH 1/2" CHASE
 ALL INTERIOR WALLS
 SHALL BE CONCRETE
 WITH 1/2" CHASE
 EXCEPT WHERE NOTED
 OTHERWISE
 ALL WALLS SHALL BE
 8" THICK
 UNLESS NOTED OTHERWISE

ALL TYPICAL WALLS
 SHALL BE CONCRETE
 WITH 1/2" CHASE
 EXCEPT WHERE NOTED
 OTHERWISE
 ALL WALLS SHALL BE
 8" THICK
 UNLESS NOTED OTHERWISE

SEE ARCHITECTURAL
 DRAWINGS FOR
 FINISHES
 AND
 MATERIALS

SEE ARCHITECTURAL
 DRAWINGS FOR
 FINISHES
 AND
 MATERIALS

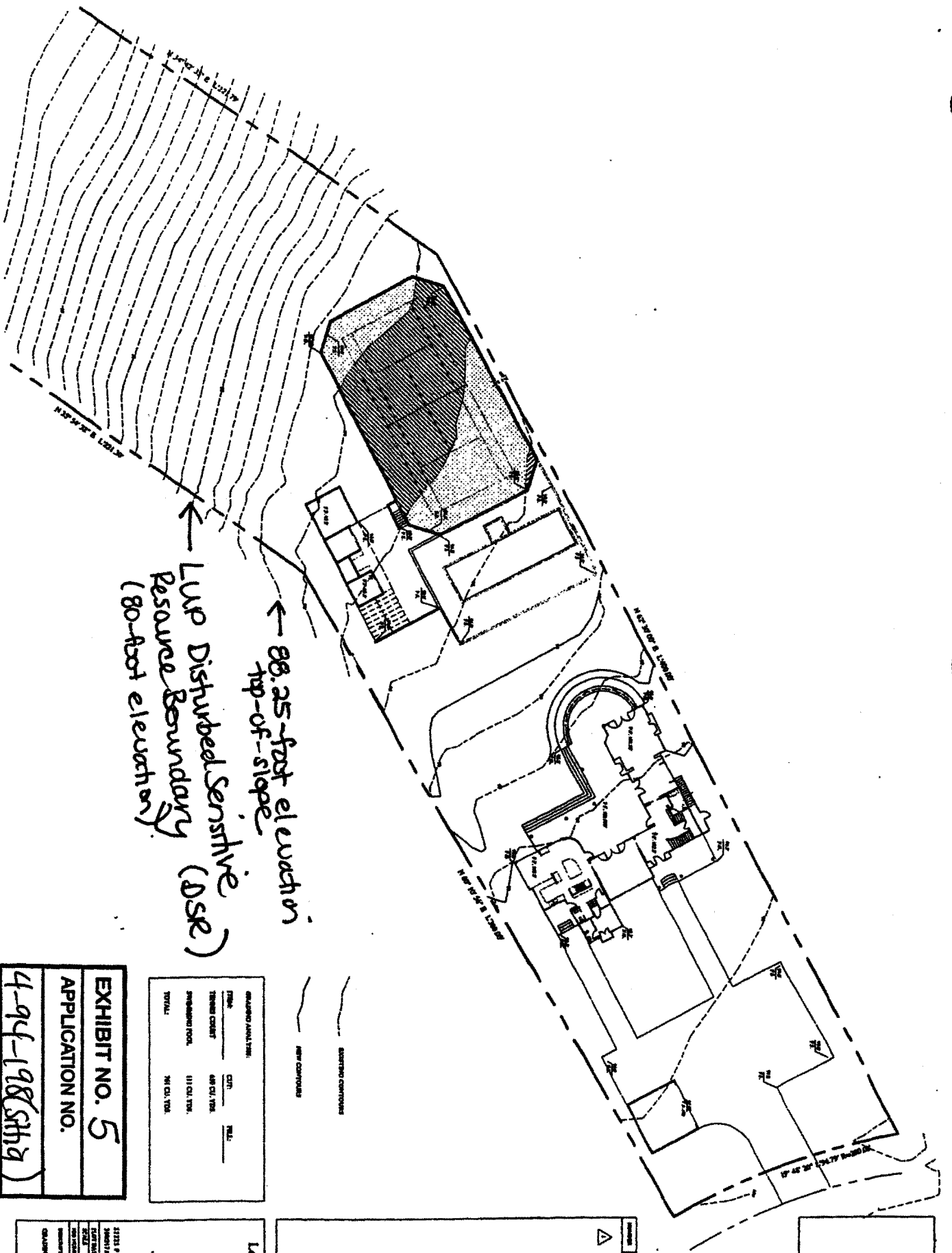
LOT SIZE: 43,803 S.F. (1.00 ACRES) TO ROAD OF NORTH OF WAY	43,803 S.F. (1.00 ACRES)
LOT AREA: 43,803 S.F. (1.00 ACRES)	43,803 S.F. (1.00 ACRES)
PROPOSED TOTAL DEVELOPMENT AREA:	43,773 S.F.
MAIN HOUSE:	13,833 S.F.
WEST FLOOR HABITABLE:	19,443 S.F.
EAST FLOOR HABITABLE:	12,897 S.F.
COVERED PORCHES:	6,811 S.F.
DRIVEWAY:	404 S.F.
EXISTING GARAGE:	544 S.F.
RELOCATED POOL, CARNIVAL:	1,211 S.F.
TOTAL PROPOSED DEVELOPMENT:	13,833 S.F.
ALLOWABLE DEVELOPMENT:	13,200 S.F.
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	
CONFORMANCE WITH DEVELOPMENT COVENANTS:	
PERMITS:	

EXHIBIT NO. 4
APPLICATION NO.
4-94-198 (5th.g)
Site Plan

Lester Tobias/Architect
 ARCHITECT
 12121 W. 12TH AVENUE
 SUITE 100
 WESTLAKE, CALIFORNIA 90913

SYMBOL	DESCRIPTION	DATE
△	PROPOSED DEVELOPMENT	1988
△	EXISTING DEVELOPMENT	1988
△	EXISTING DEVELOPMENT	1988

37770 RESIDENCE
4763 ZUMBEZ DRIVE
MALIBU
CALIFORNIA
90265



← 88.25-foot elevation top-of-slope

← LUP Disturbed Sensitive Resource Boundary (DSR) (80-foot elevation)

EXHIBIT NO. 5

APPLICATION NO.

4-94-198 (SHG)

Site Plan/LUP DSR

DATE	CITY	TITLE
DESIGNED BY	DATE	
PROJECT NO.	DATE	
TOTAL	DATE	

EXISTING CONTIGUES

NEW CONTIGUES

2225 S.C.M. 118	118	118
PROJECT NAME	PROJECT NO.	PROJECT DATE
DATE	DATE	DATE
DATE	DATE	DATE
DATE	DATE	DATE

Lester Tobias Architects

Architects

118

118

DATE	DATE	DATE
DATE	DATE	DATE
DATE	DATE	DATE

5770 RESIDENCE

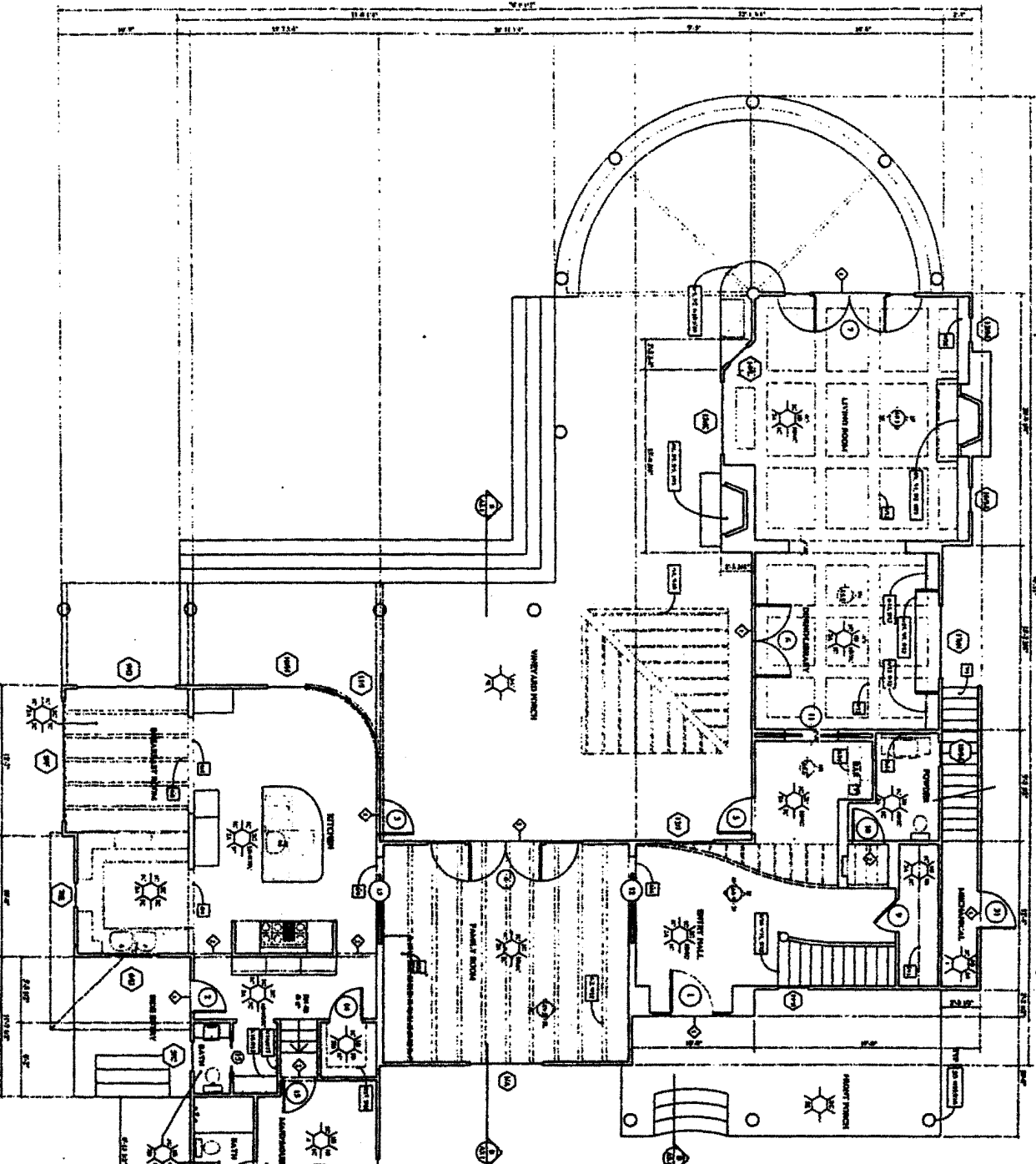
6763 QUINCEZ DRIVE

NALINDA

CALIFORNIA

90253

ROOM FINISH DESIGNATIONS	FLOORS	BASE	WALLS	CEILING	TRIM	DOORS
1. 1/4" WHITE GIPSUM BOARD 2. 1/4" 5/8" x 3/4" x 1/2" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/4" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/4" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD	1. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 2. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 3. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 4. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD 5. 1/2" 1/4" x 1/2" x 1/4" S.P. BOARD



SHEET NOTES

1. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
2. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
3. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
4. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
5. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
6. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
7. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
8. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
9. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.
10. ALL FINISHES TO BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ARCHITECT.

EXHIBIT NO. 7A
APPLICATION NO. 4-98-194 (Sitting)

Floor Plan (1st)

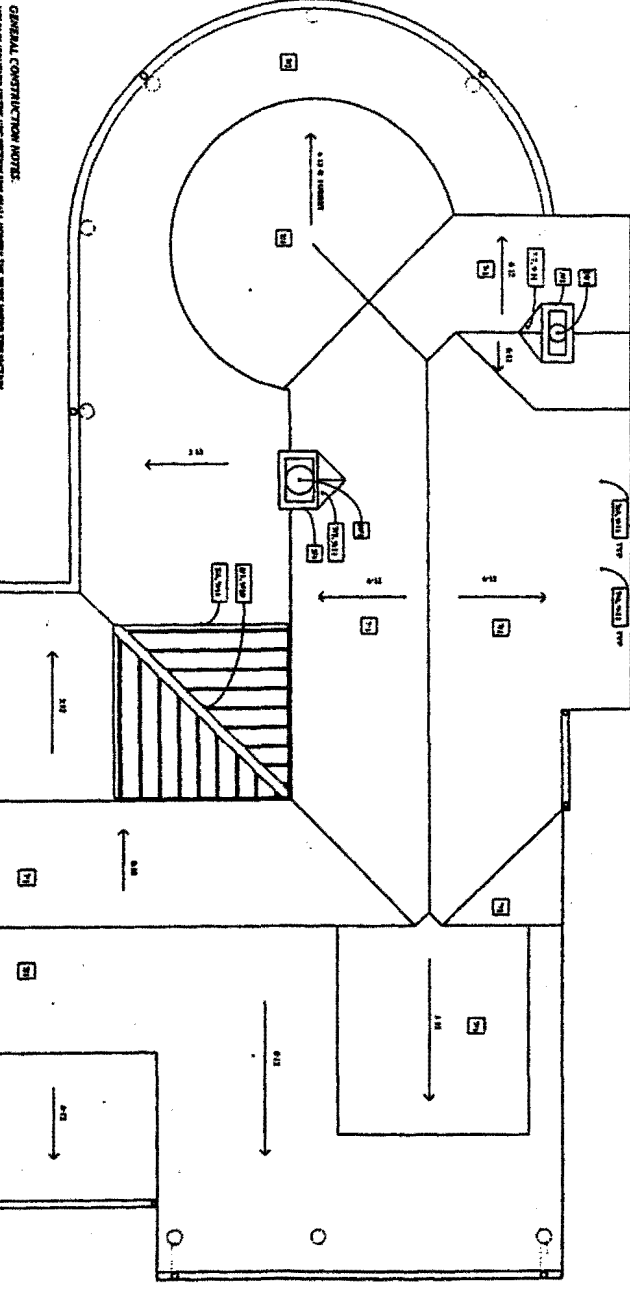
SITTING RESIDENCE
6783 ZUÑIGRA DRIVE
MALIBU
CALIFORNIA
90265

Lester Tobias/Architect
Professional Architect
Construction Management

DATE	12/10/11
BY	DL
PROJECT NUMBER	A2.1

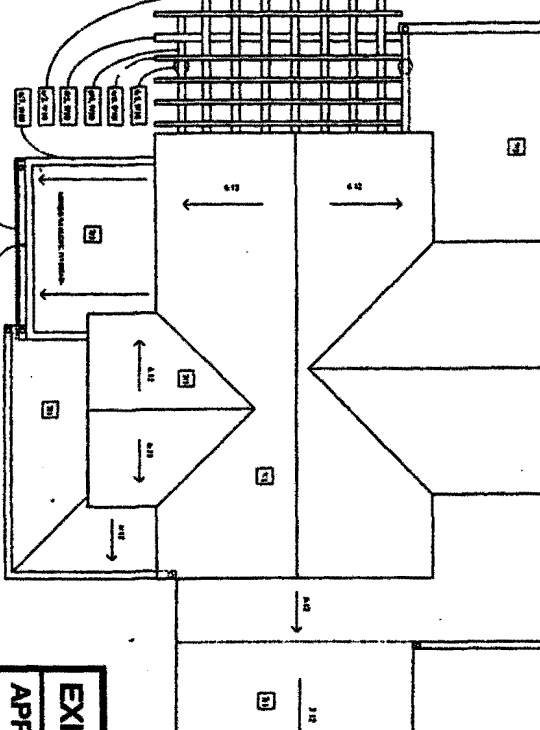
SHEET NOTES

REV NOTES:
 1. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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 6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.



- MATERIALS NOTES:**
1. WALLS: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" STUDS.
 2. CEILING: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 3. FLOOR: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 4. ROOF: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 5. EXTERIOR WALLS: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" STUDS.
 6. EXTERIOR CEILING: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 7. EXTERIOR FLOOR: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 8. EXTERIOR ROOF: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 9. INTERIOR WALLS: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" STUDS.
 10. INTERIOR CEILING: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 11. INTERIOR FLOOR: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 12. INTERIOR ROOF: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.

GENERAL CONSTRUCTION NOTES:
 1. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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 8. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.



- MATERIALS NOTES:**
1. WALLS: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" STUDS.
 2. CEILING: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
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 4. ROOF: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
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 11. INTERIOR FLOOR: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.
 12. INTERIOR ROOF: INTERIOR FINISH SHALL BE 1/2" GYP BOARD OVER 1/2" X 1/2" JOISTS.

EXHIBIT NO. 7c
APPLICATION NO.
 4-98-194 (5479)
Roof Plan

Leister Tobias/Architect
 ARCHITECTS
 6783 ZUMBERT DRIVE
 MALIBU
 CALIFORNIA
 90263

DATE: 11/11/98
 DRAWING NO.: A2.3
 SHEET NO.: 1 OF 1

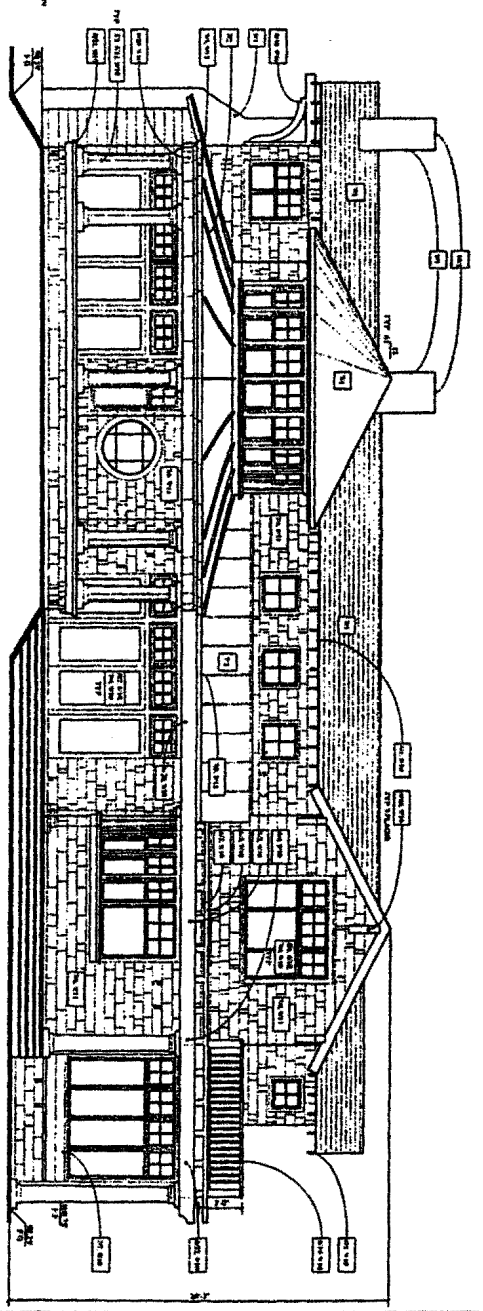
SITTING RESIDENCE
 6783 ZUMBERT DRIVE
 MALIBU
 CALIFORNIA
 90263

DATE: 11/11/98
 DRAWING NO.: A2.3
 SHEET NO.: 1 OF 1

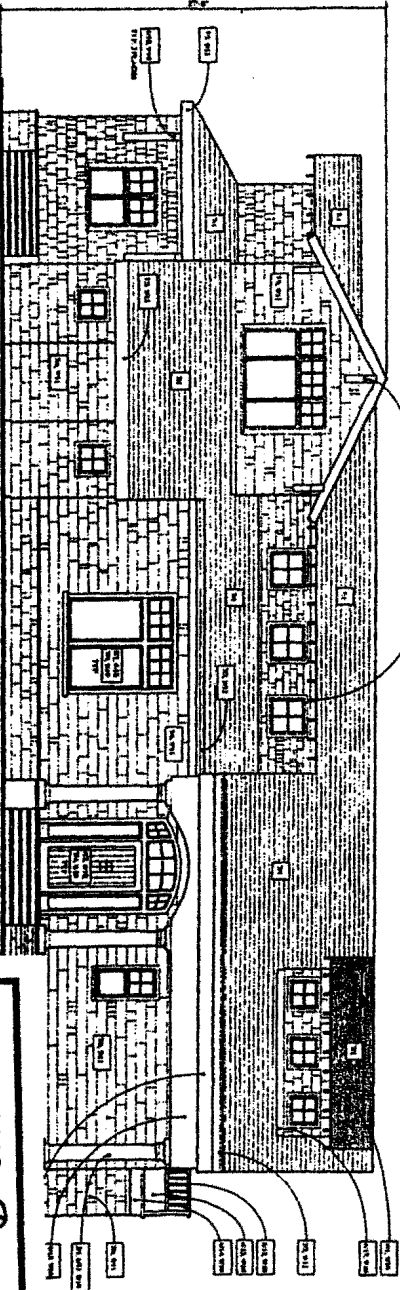
SHEET NOTES

GENERAL CONSTRUCTION NOTES

1. REFER TO ALL NOTES ON SHEETS A4.1, A4.2, A4.3, A4.4, A4.5, A4.6, A4.7, A4.8, A4.9, A4.10, A4.11, A4.12, A4.13, A4.14, A4.15, A4.16, A4.17, A4.18, A4.19, A4.20, A4.21, A4.22, A4.23, A4.24, A4.25, A4.26, A4.27, A4.28, A4.29, A4.30, A4.31, A4.32, A4.33, A4.34, A4.35, A4.36, A4.37, A4.38, A4.39, A4.40, A4.41, A4.42, A4.43, A4.44, A4.45, A4.46, A4.47, A4.48, A4.49, A4.50, A4.51, A4.52, A4.53, A4.54, A4.55, A4.56, A4.57, A4.58, A4.59, A4.60, A4.61, A4.62, A4.63, A4.64, A4.65, A4.66, A4.67, A4.68, A4.69, A4.70, A4.71, A4.72, A4.73, A4.74, A4.75, A4.76, A4.77, A4.78, A4.79, A4.80, A4.81, A4.82, A4.83, A4.84, A4.85, A4.86, A4.87, A4.88, A4.89, A4.90, A4.91, A4.92, A4.93, A4.94, A4.95, A4.96, A4.97, A4.98, A4.99, A4.100.



WEST ELEVATION



EAST ELEVATION

EXHIBIT NO. 8a
APPLICATION NO.
4-94-198 (S.H.19)
E/W Elevations

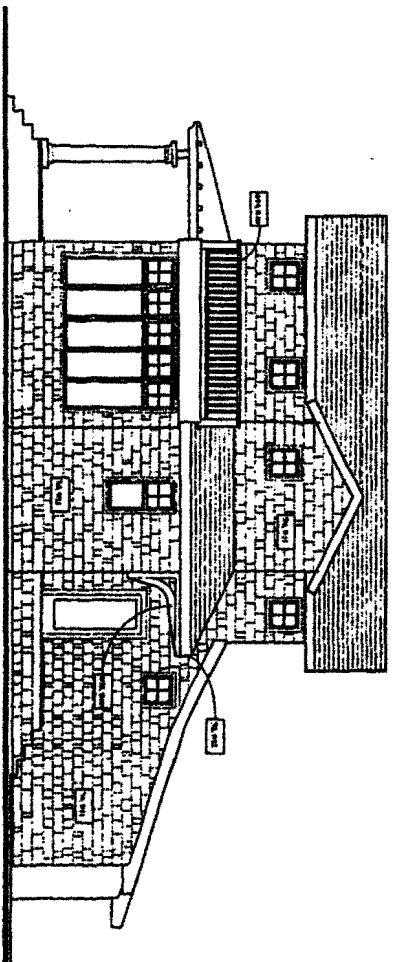
<p>SITTING RESIDENCE 6785 ZUMBERG DRIVE MALIBU CALIFORNIA 90263</p>	
<p>Lester Tobias/Architect ARCHITECT 10000 WILSON BLVD. SUITE 100 MALIBU, CALIF. 90263 TEL: (310) 318-1111</p>	
<p>DATE: 11/15/88 DRAWN BY: [Name] CHECKED BY: [Name] IN CHARGE: [Name]</p>	<p>12125 P. O. BOX 410 Malibu, California 90263 ARCHITECT DATE: 11/15/88 DRAWN BY: [Name] CHECKED BY: [Name] IN CHARGE: [Name]</p>
<p>DATE: 11/15/88 DRAWN BY: [Name] CHECKED BY: [Name] IN CHARGE: [Name]</p>	<p>DATE: 11/15/88 DRAWN BY: [Name] CHECKED BY: [Name] IN CHARGE: [Name]</p>

SHEET NOTES

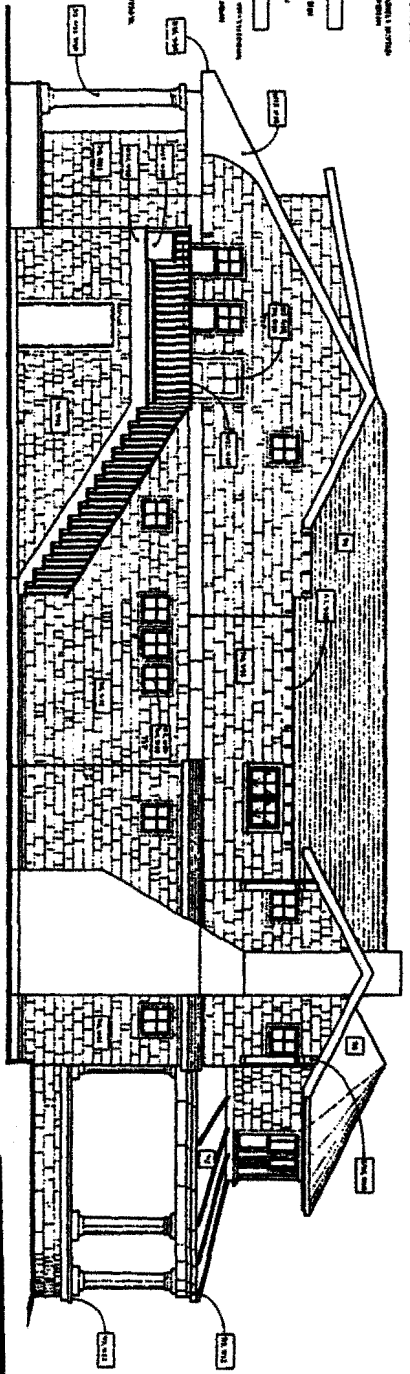
GENERAL CONTRACTOR NOTES:

- 1. GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING STRUCTURE PRIOR TO COMMENCEMENT OF WORK.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
- 4. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
- 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 6. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO EXCAVATION.
- 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
- 8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 10. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.

- 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
- 12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 13. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 14. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
- 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
- 16. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 17. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 18. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
- 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
- 20. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 21. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 22. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
- 23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
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- 28. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- 29. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 30. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.



PARTIAL SOUTH ELEVATION



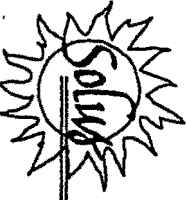
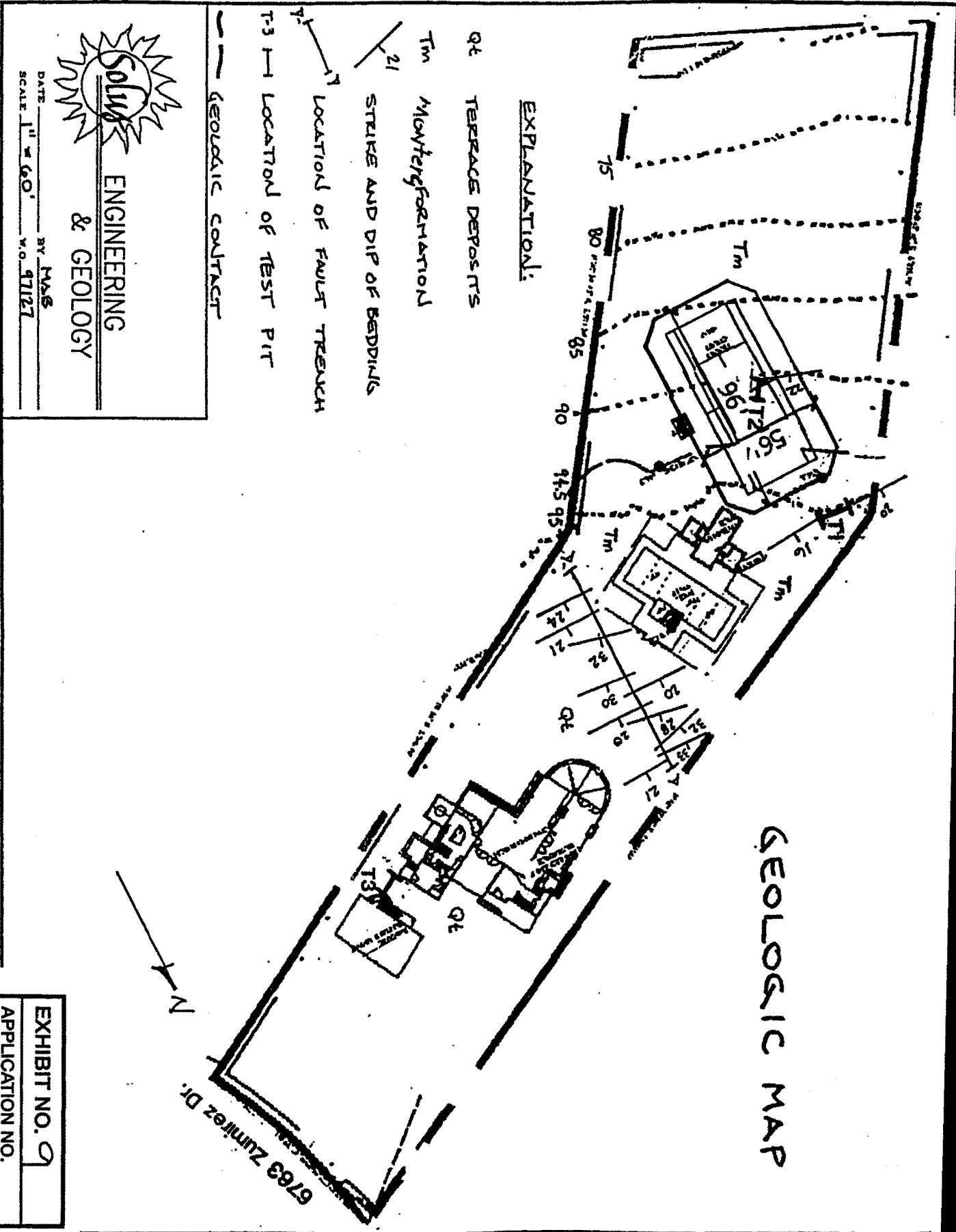
NORTH ELEVATION

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING STRUCTURE PRIOR TO COMMENCEMENT OF WORK.

SITING RESIDENCE
6763 ZUMBEZ DRIVE
MILLBRAE
CALIFORNIA
90265

C/O 710 Middle California Way
SAN JOSE, CALIF. 95128
LASTER TOBIAS ARCHITECT
ARCHITECTS
A4.2

EXHIBIT NO. 8b
APPLICATION NO.
4-98-194 (Sitting)
N/S Elevations



SOLIM
ENGINEERING
& GEOLOGY

DATE _____ BY MAS
SCALE 1" = 60' N.O. 41127

EXHIBIT NO. <u>9</u>
APPLICATION NO. _____
<u>4-94-198 (S.H.g.)</u>
<u>Previous Configuration</u>

