

## CALIFORNIA COASTAL COMMISSION

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



# Th14.5d

Filed: 11/30/97  
49th Day: N/A  
180th Day: N/A  
Staff: JEL-V  
Staff Report: 1/15/98  
Hearing Date: 2/12-16/98

## STAFF REPORT: PERMIT EXTENSION REQUEST

**APPLICATION NO.:** 4-92-115-E4

**APPLICANT:** Star Sapphire, Inc.

**AGENT:** Carrie Kim

**PROJECT LOCATION:** 24900 Piuma Road, Calabasas (Los Angeles County)

**PROJECT DESCRIPTION:** Construction of 4,901 sq. ft. single family residence with septic system, water well, water storage tank, and 1,580 cu. yds. of grading (all cut).

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permits: 4-92-115 (Ragazzi); T4-92-115 (Star Sapphire); 4-92-115 -E (Star Sapphire); E2; E3.

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### PROCEDURAL NOTE

The Commission's regulations provide that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstance the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act (14 C.C.R. section 13169).

If three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period.

### **STAFF RECOMMENDATION:**

The staff recommends that extension be granted for the following reasons:

No changed circumstances have occurred since the approval of the subject development that affect the project's consistency with the Coastal Act.

### **FINDINGS AND DECLARATIONS**

#### **A. Project Description**

The applicant has requested a one year extension of the coastal development permit to construct a 4,901 sq. ft., 28 foot high, single family residence with septic system, water well, and water storage tank. Proposed grading consists of 1,580 cu. yds. of cut, with the express purpose of notching the structure into ridge. The proposed project is located on Piuma Road, on a descending ridge line of the Santa Monica Mountains. The site is located in the Malibu/Cold Creek Resources Management Area very near the boundary between the resource management area and the Malibu Creek Significant Watershed and includes a significant oak woodland as well.

The subject property straddles the prominent ridge that forms a minor drainage divide between Malibu Canyon and Cold Canyon. Access is by way of a graded but unimproved easement that trends west from an existing driveway serving 24860 Piuma Road. Elevation differential within the property is about 190 feet, most of which is contained on the south-facing slope which descends to Malibu Canyon.

#### **B. Objection to Extension Request**

In August 1997 the Coastal Commission received a third time extension request for the original permit approval. Staff analyzed the request and determined there were no changed circumstances affecting the project's consistency with the Coastal Act. Pursuant to Section 13169 of the Commission's regulations, notice was given to all property owners within 100' of the property, from a list supplied by the applicant, and all known interested parties of this determination. A written objection to this determination was received on 11/30/97, filed by Mr. David Brown, of the Santa Monica Mountains Task Force/Sierra Club, see attached Exhibit 1.

The objection letter asserted three areas of changed circumstances related to: (1) the inadequacy of water supply; (2) the potential impact of the project on visual resources stemming from park land acquisition in the vicinity since project approval and (3) new requirements of the Fire Department that would require an additional 100' of vegetation thinning around the development.

## Arguments Made in the Objection

Water Availability: The objection cites the recent Santa Monica Mountains Conservancy purchase of the 200 acre Dempster property, which was expected to extend an existing Las Virgenes Water District line to within 4800' of the project site, as evidence the extension of a water line to the project will not be financially feasible. The objection also notes the 1992 staff report did not present analysis of adequate water availability, which would be necessary for household use, fire protection and the establishment of required landscaping. Mr. Brown then expresses concern about the cumulative impact of drawing water from the ground, which will need to serve the project and the surrounding five parcels.

Finally, the objection cites the failure of an existing well located on a nearby property, 500' east of the site, to produce an adequate supply of domestic water for the developed site. Mr. Brown believes this raises questions as whether the subject site will have adequate water to meet the landscape requirements that are designed to soften the visual impact of the project and minimize erosion.

Visual Resources: The objection asserts that in 1992, the Commission was unaware of the pending purchase of the nearby Dempster and Sterkin properties for future use as park land. These properties, it continues, are as close as 1600' and 2200' from the project site and include public views of Malibu Canyon, Malibu Lagoon and Santa Monica Bay. Because of these park land purchases, Mr. Brown feels the project needs to be re-evaluated to ensure conformity with Section 30251.

Fire Hazard Regulations: After the 1993 Malibu Firestorm the Los Angeles County Fire Department increased its brush clearance requirements around structures from a distance of 100 feet to 200 feet. Given the Commission permitted only 100' of brush clearance from the main structure of the project, Mr. Brown believes this change in regulations requires a re-evaluation of the habitat and visual impacts associated with the project. The objection also cites the location, at the crest of a ridge, and the dense chaparral, oak and bay tree vegetative cover as reasons for extreme fire hazard concern.

## C. Analysis

### Water Availability

The subject property is within the Las Virgenes Water District, although not currently served by the District. The nearest water line connections are located between one and one half miles from the subject site at Piuma Road and Cold Creek Road, and Piuma Road and Saddle Peak Road. The Las Virgenes Water District estimate costs to extend a main, the worst case scenario as opposed to a 2" feeder line, to be as high as \$100 per liner foot. Thus, the cost of over

\$500,000 to extend water service would indeed be considerable. However, if the property owner is willing and able to assume the financial burden, and meet County Fire and road easement requirements, the Water District would extend service.

There is no question as to the necessity of water for household use, fire protection and landscaping to address issues related to erosion control and visual enhancement. The applicant is proposing to install a water well and tank to provide water for domestic use and fire suppression. The availability of ground water in the Santa Monica Mountains is difficult to characterize given its complex geology and ground water hydrology. Due to the fact the Santa Monica Mountains do not have a continuous aquifer the only way to ensure ground water is available is to drill a well and conduct a pump test. A well has not been drilled on the subject site and therefore the actual amount of well water available on this site was not known.

Although the issue of well water availability was not specifically addressed in findings supporting the Commission's approval of this permit application, the Commission previously addressed this issue in the approval of a permit for a residential project 500 feet east of the subject site. In 1987 the Commission approved a 4,400 sq. ft. residence which was amended in 1991 to allow for a 7,800 residence. Pump test data on an existing well on the Bernstein property indicated a water production rate four times the minimum County standard for residential use. Therefore, the presence of ground water supplies have been documented by well test data in the immediate area. Furthermore, no evidence has been submitted or discovered by staff which would document that adequate well water would not be available on the subject site.

Mr Brown asserts in his objection that one neighboring residence has insufficient water and another does not have enough flow to serve his needs. However, no actual evidence documenting the lack of water availability on those sites has been submitted to support these assertions. Furthermore, no evidence has been submitted or discovered by staff which would indicate there is a changed circumstance regarding water availability in this case, which would affect the project's consistency with the Coastal Act.

Mr. Brown also cites the need for a cumulative impact analysis of the groundwater availability for the six small approximately one acre sites in the vicinity of, and including, the project. While Mr. Brown's concern may have some merit, the fact remains, water can be delivered to the site by the Las Virgenes Water District should the approved well(s) prove inadequate. However, there is no evidence which would indicate the proposed well on-site would not produce enough water to support the proposed residential use.

Therefore, the Commission finds that no evidence has been submitted which would indicate or document that adequate well water could not be supplied to the

subject sites. Furthermore, the fact that the subject property is within the Las Virgines Water District, should an extension of the waterline be necessary or desirable, is a viable option to provide a water supply to the subject site. As such, there is no "changed circumstances" regarding the availability of water which would affect the projects consistency with the Coastal Act.

### **Visual Resources**

From the outset of the coastal permitting process for the subject site, the Commission has recognized the highly scenic value of Piuma Ridge, its prominence from and proximity to several scenic highways and trails, and its visibility from nearby State park lands. The potential impact of the current permit on public visual resources was a prime concern of the Commission at the time of the approval. The Commission specifically noted the importance of the visual resources in the 8/24/92 staff report for 4-92-115 (Ragazzi):

*"It is especially important to minimize the visual impacts of the proposed structure because of its proximity to scenic highways of Malibu Canyon Road, Piuma Road and to nearby state park lands."*

Clearly, the Commission understood the significance of the visual resources, considered views from various public viewpoints and based their findings accordingly. A set of special conditions were developed to ensure the project would not have a significant impact on visual resources, including: 6) revised plans to reduce the overall height of the project to a maximum of 14 feet above natural grade, and thereby lower the residence from two stories to one story; 1) a landscape plan, to screen and soften the visual impact; and 8) building color and non-glare window restrictions. The Commission thus found that through a combination of careful siting, design modifications and landscape screening, the project could be mitigated through special conditions so as to conform with Section 30251 of the Coastal Act.

The objection asserts the Dempster and Sterkin properties were under purchase negotiation by the Santa Monica Mountains Conservancy for use as park land during the Commission's review of the project in 1992. The implication being, the Commission therefore overlooked the project's full potential visual resource impact.

In fact, a review of the 1990/91 Los Angeles County Assessor's parcel maps indicates the Dempster and Sterkin properties were State property at the time the Commission conducted the visual analysis of the project in 1992. However, even under the assumption that these properties were not considered as park lands by the Commission at the time of permit approval, the Commission's understanding of the significance of the surrounding park land, scenic highways and trails, their analysis of the particular project, and the set of special conditions required for approval demonstrate the continued adequacy of the view protection.

Therefore, any public views created by the acquisition of the Dempster and Sterkin properties do not constitute a changed circumstance which would affect the project's consistency with the Coastal Act.

### **Fire Hazard Regulations**

Mr. Brown is concerned the change in brush clearance requirement from 100' to 200' will alter the project's consistency with the Coastal Act requirements for the minimization of fire hazards, and the protection of habitat and visual resources. The Commission acknowledges that Los Angeles County Fire Department brush clearance requirements have changed since permit approval. The revised regulations have increased the brush clearance zone from 100' to 200' (maximum) in extra hazardous areas. The ridge top location of the subject site is considered an extra hazardous area, and would likely require the 200' clearance standard.

In approving the application, the Commission found the project to be consistent with the preservation of sensitive habitat areas, Section 30240, and visual resources, Section 30251 based on the adoption of a set of special conditions related to: a landscaping/fuel modification plan; drainage and erosion control plans; an open space easement; a future improvements restriction; and a color restriction.

Additionally, the Commission carefully considered the relationship between fire hazards, erosion and habitat protection with the understanding that a balance was needed between the inherent conflict of fuel load reduction and erosion control, particularly in the Malibu/Cold Creek Resource Management Area. The staff report, for example, reflects the examination of alternative sites on the parcel in an attempt to achieve this balance.

Of particular interest here are the special condition provisions under the landscape plan, open space easement and future improvements restriction which permits the selective thinning of vegetation within a 100' radius of the main structure. The expressed intention of these vegetative thinning provisions, in each of the three above conditions, is to protect the visual resources and environmentally significant habitat, while minimizing fire hazards, subject to the review and approval of the Commission.

The new County Fire Department requirement for a 200 foot radius clearance zone differs in scope from the provisions of the above mentioned special conditions. The increased fuel modification requirements will require that the permit be amended in order to implement this new requirement. Therefore, the change to the fuel modification requirement since the project's approval is a changed circumstance.

However, the Commission finds that the increased fuel modification requirement does not constitute a changed circumstance which would affect the consistency of the project with the Coastal Act. The thinning zone will reduce the overall fuel

load but will retain a significant vegetative cover in this area, as the fire/fuel clearance zone will be limited to thinning of vegetation and not clear cutting.

The thinning rather than complete removal of native vegetation helps to retain the natural erosion control properties, such as extensive deep root systems, provided by these species. Similarly, the thinned vegetative cover that is retained within the 200' provides a native habitat transition zone between the grounds immediately surrounding the residence and the significant watershed. Further, a sufficient degree of vegetative cover will be retained to help soften the visual impact of the structure. Therefore, the additional vegetative thinning will not significantly impact the sensitive habitat cover or the protection of visual resources on this site.

In addition, the Commission has recently approved a number of permit applications for residential developments in significant watersheds with the increased fire/fuel clearance areas including: 4-97-087 (Erlandson), 4-97-015 (Sayles), 4-96-172 (Olsen) and 4-96-025 (Jason). In each of these cases, as in this case, the proposed projects are located close to scenic viewsheds, where the terrain is steep and rugged, and the biotic communities are comprised of mostly coastal sage scrub and chaparral.

The Commission found in these cases that the developments, as conditioned with landscaping and erosion control plans, would not cumulatively or individually result in any adverse impacts to the significant watershed areas and were consistent with the resource and visual protection policies of the Coastal Act. Thus, the Commission has through past permit actions permitted 200' clearance zones within significant watershed areas with similar biotic and physical characteristic as the subject site.

Therefore, although the change in brush clearance requirements is a changed circumstance which will require an amendment to the permit, these brush clearance/thinning requirements do not affect the project's consistency with the Coastal Act.

#### **D. Conclusion**

The Commission found, in its approval of Permit 4-92-115, that the proposed project was consistent with Chapter 3 policies of the Coastal Act, and would not prejudice the ability of Los Angeles County to prepare a local coastal program which is consistent with the provisions of the Coastal Act. As discussed above, the objections raised by Mr. Brown's letter do not constitute changed circumstances which would affect the proposed project's consistency with the Coastal Act.

Specifically, the circumstances surrounding water availability, either via the approved well or the extension of a water line, have not changed. Likewise, the potential visual impact of the project from the park lands presents no changed circumstance, given the previous analysis and mitigation of the issue.

The 200' fire clearance regulation does present a changed circumstance. However, given the additional 100' clearance zone will be limited only to thinning of native vegetation the habitat, visual resources, and watershed functions of this area will be retained, and will not result in any significant adverse impacts to resources or site stability. Therefore, this changed circumstance does not affect the project's consistency with the Coastal Act.

Staff investigation has identified no other possible changed circumstances. There have been no other changes to the proposed project or the project site which would cause the Commission to find the project inconsistent with the Coastal Act. The proposed project is consistent with the Coastal Act and will not prejudice the ability of Los Angeles County to prepare an LCP which is consistent with the Coastal Act.

Accordingly, the Commission finds that there are no changed circumstances present which have occurred since the project's approval that affect the project's consistency with the Coastal Act. Therefore, the Commission grants a one year extension of the coastal development permit.



FROM :

PHONE NO. :

Dec. 01 1997 01:19AM P01

STAR SAPPHIRE

24905 PLUMA RD.

**santa monica mountains  
task force/sierra club  
angeles chapter**



Box 344 • Woodland Hills, California 91365-0344

November 30, 1997


to: Jack Ainsworth or John Ledbetter

from: David M. Brown

re: Appeal of time extension for permit 4-92-115, including list of changed circumstances and map showing existing water mains (from official Las Virgenes Municipal Water District water line map.

We believe, based on changed circumstances, that 4-92-115 should not be extended. Instead, a new application should be required in order to review the project under the changed circumstances noted below.

Sincerely,



David M. Brown,  
Conservation Chair  
Santa Monica Mountains  
Task Force

EXHIBIT NO. 1

APPLICATION NO.

4-92-115E4

(Star Sapphire)

PERMIT EXTENSION NO. 4-92-115 (RAGAZZI) - CHANGED CIRCUMSTANCES

(This is a five-year-old permit for a 4,901 square foot single family home on a 1.03 acre lot on the crest of Piuma ridge, which forms the north rim of 1500-1800'-deep Malibu Canyon and is the prominent ridgeline that forms the visual backdrop for Malibu Lagoon (Surfrider) State Beach and Pacific Coast Highway in the Civic Center area of Malibu. As with 5-87-458, this site is visible from several designated scenic highways - Pacific Coast Highway, Malibu Canyon Road, Piuma Road, and Mulholland Highway. The site is also highly visible from public beaches and parklands at Malibu Lagoon, Malibu Canyon, the State Backbone Trail, and Malibu Creek State Park.)

(The project site is at about 1600' elevation at the crest of a sheer cliff forming the north wall of Malibu Canyon. The site is about 800' west of the site of 5-87-458 in a group of six ridgetop lots averaging two acres each. State park land comes as close as 400' to the house site and virtually surrounds it at a distance of 400' to 2500'.)

(Though the site has access to a paved road, it is 4000' linear feet and 14,000' road feet from the nearest water line, situated in the community of Monte Nido 1000' below the site. A second water line is located 6500' linear feet and 9300' road feet east of the site at an elevation of 2200'.)

CHANGED CIRCUMSTANCES

1) At the time of approval of this permit a tract (Dempster, T.T. 44238) was still pending at Los Angeles County on a mile-long, 200+ acre ownership that begins 500 yards south of this site. This tract was expected to extend the water line from its present terminus (see enclosed map) westerly to within about 4800' of 4-92-115.

Since approval of 4-92-115 the Dempster property has been purchased by the Santa Monica Mountains Conservancy for incorporation into the Malibu Canyon unit of Malibu Creek State Park, raising doubts as to whether it will ever be financially feasible to extend a water main westerly along Piuma Road to service this property.

The 1992 staff report noted that the property was to be served by a well and water tank, but did not present any analysis of the feasibility of using wells to provide water to this site. No hydrology report is discussed in the staff report and there is no indication that one was required.

Not only would this project require well water for household use and fire protection, but it would also require a dependable water supply to water in and establish the extensive landscaping required in Special Conditions 1 (a) and 1 (c). (Even drought-resistant natives require watering in the first two or three seasons until they become established)

There is grounds for special concern about the cumulative impact of wells on this site because it is one of six small acreage lots encompassing a total of twelve acres. Not only does the Commission need to determine if a well here can support one house, but it needs to determine if there is enough groundwater here to support buildout of all six lots.

page two

CHANGED CIRCUMSTANCES, 4-92-115, cont.

2) As noted in the discussion of 5-87-458, The Olney home (79-4999?) reportedly a 1200 square foot home approved on a 2.26 acre lot 500' east of this site in 1979, was also approved on a well. According to neighbor David Clark, Olney has never had satisfactory well flow from this well and has "burned out three transmissions" trucking water up to this site.

The apparent failure of the Olney well raises new information regarding the ability of wells to provide an adequate domestic water supply on this site. Since landscaping that will provide visual and erosion control mitigation to ensure conformity with the requirements of Sections 30250(a), 30251, and 30253(1) will require adequate water, this raises questions of the project's compliance with the Coastal Act.

3) At the time of the 1992 staff report and Commission approval the Commission was apparently not aware of additional park purchases that were pending in the immediate vicinity of this project, specifically the Dempster purchase referred to earlier, which is as close as 1600' south of this site and the Sterkin (Pluma Hairpin Turn viewsite) property, which begins 2000' northwest of this site. The latter includes two outstanding public viewsites. One, which provides scenic views of Malibu Canyon and Lagoon and Santa Monica Bay, is only 2200' west of this site and in plain view of it.

In light of these new park purchases, which the Commission was not aware of in 1992 because they were either in negotiations or the two parties had not yet reached agreement, this project needs to be reevaluated to ensure conformity with Section 30251 of the Coastal Act.

4) With reference to this project, as well as 5-87-458, the habitat and visual impacts need to be reevaluated in light of the Los Angeles County Fire Department's new requirement that native vegetation be cleared up to 200' from all structures. The staff report (p. 4) and the Coastal Permit (p. 3) assume that a clearance of only 100' will be required.

Bear in mind that this project is on the crest of a 1000'-high north-to-northeast-facing ridge covered with dense chaparral and scattered live oak and bay trees - all highly combustible under the extreme conditions of a Santa Monica Mountain fire - 50+ M.P.H. Santa Ana wind from the northeast, 80° to 100° temperatures, and 1% to 10% humidity.

Keep in mind also that Chief Donald Anthony of the Los Angeles City Fire Department has stated that,

" ... a good stand of 20 to 30 year old brush such as you might have out in the Pacific Palisades area can generate as much as 30 tons of burnable brush per acre and 40 of those acres generate the same heat as the atomic bomb that was dropped on Hiroshima ... "

Given the above information, there is every reason to believe that fire officials would require the maximum clearance of 200' on this site. This, and the lack of information about the adequacy of groundwater supplies on this site in the light of the apparent failure of the Olney well requires that developments on this site be reevaluated in terms of their ability to comply with the requirements of Sections 30240, 30251, and 30253(1) of the Coastal act.

18 W. R. 17 W.

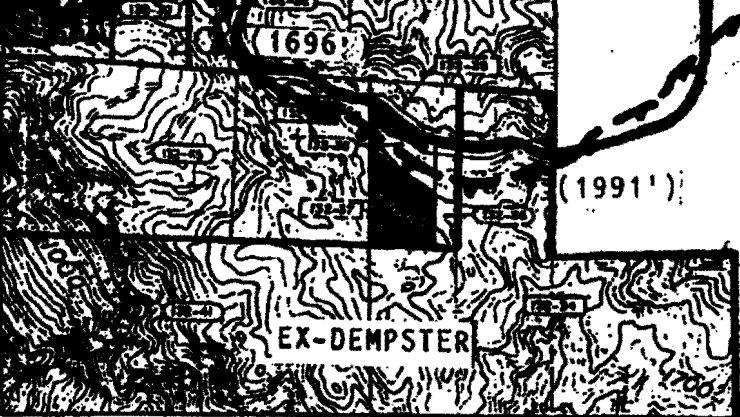
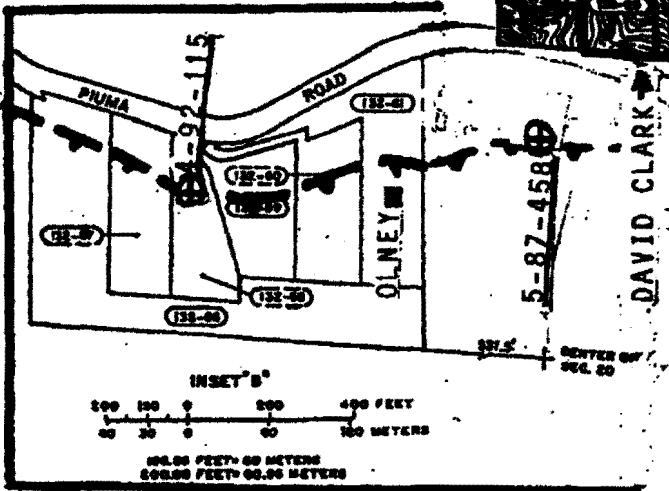
PIUMA (599') MONTE NIDO

ROAD

(1254')  
ex-STERKIN

MALIBU CANYON

SADDLE PEAK (2193')



(1991')

EXISTING WATER MAINS



- BACKBONE TRAIL
- ■ EXISTING HOUSES
- PIUMA RIDGE
- ~ PUBLIC ROADS
- - - PIUMA RIDGE
- STATE PARK

FROM :

PHONE NO. :

Dec. 01 1997 01:22PM P04

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-5071

Page 1 of 5

Date: November 12, 1992

Permit Application No. 4-92-115



NOTICE OF INTENT TO ISSUE PERMIT

On September 9, 1992, the California Coastal Commission granted to ALFRED & META RAGAZZI Permit 4-92-115, subject to the attached conditions, for development consisting of:

Construction of 4,901 sq. ft. single family residence with septic system, water well, water storage tank and 1,580 cu. yds. of grading (all cut).

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

The development is within the coastal zone in Los Angeles County at 24900 Piuma Road, Calabasas

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on September 9, 1992.

PETER DOUGLAS  
Executive Director

By: [Signature]  
Title: Staff Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 4-92-115, and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

RECEIVED

EXHIBIT NO. 2
APPLICATION NO.
4-92-115E4
(Star Sapphire)

CO  
SOUTH

NOTICE OF INTENT TO ISSUE PERMIT

Page 2 of 5  
Permit Application No. 4-92-115

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. Landscaping Plan

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

- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used. No tall trees such as palms shall be used.
- (b) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.

## 2. Geology

All recommendations contained in the Engineering Geologic Investigation dated July 6, 1992 by Geoplan Inc., shall be incorporated into all final design and construction including foundations, and drainage and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicant shall submit evidence to the Executive Director of the Consultant's review and approval of all final design and construction plans.

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

3. Drainage and Erosion Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a run-off control plan designed by a licensed engineer which assures that no increase in peak run-off rate from the site would result from the construction of the proposed project, as a result of a ten-year, six-hour rainstorm. The run-off control plan shall include, but not be limited to, a system which collects run-off from the roof, patios, and all impervious surfaces and directs it to on-site detention/desilting basins.

4. Oak Tree Permit.

Prior to issuance of the Coastal Development Permit, the applicant shall submit evidence, for the review and approval of the Executive Director, of a valid oak tree permit from the County of Los Angeles Department of Regional Planning. The applicant shall comply with all conditions of the permit, if any. Alternatively, the applicant may submit evidence of County review of the project and determination that no oak tree permit is necessary.

5. Open Space Easement

Prior to issuance of a coastal development permit, the applicant as landowner, shall execute and record a deed restriction in a form and content acceptable to the Executive Director for an open space/conservation easement. The easement shall include all property downslope of the 1580 foot contour line (See Exhibit 5).

The restriction shall restrict the applicant or his/her successor in interest from grading, landscaping, and vegetation removal other than the minimum requirements of the Fire Department for fire protection. The restriction shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed. The restriction shall run with the land, binding successors and assigns of the applicant or landowner.



6. Revised Plans.

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans, including grading plans, which show that the project has been redesigned such that the final grade of the area below the proposed structure has been lowered five feet, thereby resulting in a maximum height of 14 feet above natural grade. The revised plans shall also incorporate a berm around the proposed structure.

7. Future Improvements

Prior to 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 4-92-115 is only for the proposed development and that any future additions or improvements to the property, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Any additions to the structure shall conform to the height restrictions in Special Condition 6. Clearing of vegetation up to 100 feet around the residence for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

8. Color Restriction.

Prior to 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 restricts the color of the subject structure and roof to colors compatible with the surrounding earth colors. White tones shall not be acceptable. All windows shall be of non-glare glass. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.