

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-00-018

**APPLICANT:** Carolyn Sindell

**PROJECT LOCATION:** 5724 Calpine Drive, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Construction of a new, 4,674 sq. ft., 18 ft. high single family residence (SFR) with a 1,738 sq. ft. basement for a total of 6,502 sq. ft. Project includes construction of a 736 sq. ft. three-car garage, a swimming pool / spa, a new septic system, a driveway, and landscaping. The project also includes 2,803 cu. yds. of grading (1,523 cut, 280 fill, 1,000 removal / recompaction).

Lot area	53,579 sq. ft. (1.23 ac.)
Building coverage:	6,084 sq. ft.
Pavement coverage:	14,032 sq. ft.
Landscape coverage:	20,663 sq. ft.
Parking spaces:	5 (3 covered)
Ht abv fin grade:	18'0"

**LOCAL APPROVALS RECEIVED:** Approval in Concept – City of Malibu Planning Department; Approval in Concept – City of Malibu Environmental Health Department (Septic System).

**SUBSTANTIVE FILE DOCUMENTS:** *Limited Geologic and Soils Engineering Investigation, New Single Family Residence, Calpine Drive Tract 15857, Lot 11, Malibu, California*, by GeoConcepts, Inc., dated January 19, 1999; *Geology and Geotechnical Engineering Review Sheet*, by the City of Malibu, dated June 1, 1999; *Report RE: Private Sewage Disposal System, 5774 Calpine Drive, Malibu, California*, by GeoConcepts, Inc., dated July 9, 1999; *Addendum Report No. 1, 5774 Calpine Drive, Malibu, California*, by GeoConcepts, Inc., dated July 13, 1999; *Geology and Geotechnical Engineering Review Sheet*, by the City of Malibu, dated August 16, 1999; *Addendum Report No. 2, 5774 Calpine Drive, Malibu, California*, by GeoConcepts, Inc., dated September 13, 1999; *Geology and Geotechnical Engineering Review Sheet*, by the City of Malibu, dated October 8, 1999; *Report RE: Private Sewage Disposal System, 5774 Calpine Drive, Malibu, California*, by GeoConcepts, Inc., dated November 3, 1999.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the proposed project with seven (7) special conditions regarding landscaping / erosion control plans, drainage / polluted runoff control plans and maintenance responsibility, plans conforming to geologic recommendations, removal of excavated material, color restriction, wildfire waiver of liability, and restriction of future development.

## I. STAFF RECOMMENDATION

1. Motion: *I move that the Commission approve Coastal Development Permit No. 4-00-018 pursuant to the staff recommendation.*

### 2. Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### 3. Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## 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 Commission staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

##### a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, all landscaping shall consist primarily of native / drought-resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

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 ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Planting 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 applicable landscape requirements.

Vegetation within fifty feet (50') of the proposed house may be removed, and vegetation within a two-hundred foot (200') radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such removal and 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. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of the proposed residence shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

**b) Erosion Control**

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plans shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary swales, and sediment basins. The plans shall also specify that all disturbed areas be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**c) Monitoring**

Five (5) years from the date of receipt of the Certificate of Occupancy for the residence, the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plans approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plans must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plans that have failed or are not in conformance with the original approved plans.

**2. Drainage and Polluted Runoff Control Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume,

velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements, and shall at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate or treat runoff from all roofs, parking areas, driveways and other impervious surfaces shall be identified and incorporated into final plans.

(b) Selected BMPs shall, when implemented ensure that post-development peak runoff rate and average volume from the site, will be maintained at levels similar to pre-development conditions. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.

(c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps / separators and/or filters shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year, and (2) should any of the project's surface or subsurface drainage / filtration structures or other BMPs fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage / filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

### **3. Plans Conforming to Geologic Recommendations**

All recommendations contained in the *Limited Geologic and Soils Engineering Investigation, New Single Family Residence, Calpine Drive Tract 15857, Lot 11, Malibu, California*, by GeoConcepts, Inc., dated January 19, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

### **4. Removal of Excavated Material**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

**5. Color Restriction**

The color of the structures, roofs, walls, and driveways permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones shall not be acceptable). All windows shall be comprised of non-glare glass.

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 reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**6. Wildfire Waiver of Liability**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, and liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

**7. Future Development Deed Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-00-018. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the residence. Accordingly, any future structures, additions, or improvements related to the residence approved under Coastal Development Permit No. 4-00-018 will require a permit from the California Coastal Commission or its successor agency.

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 incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

## A. Project Description and Background

The applicant is proposing construction of a new, 4,674 sq. ft., 18 ft. high single family residence (SFR) with a 1,738 sq. ft. basement for a total of 6,502 sq. ft. Project includes construction of a 736 sq. ft. three-car garage, a swimming pool / spa, a new septic system, a driveway, and landscaping. The project also includes 2,803 cu. yds. of grading (1,523 cut, 280 fill, 1,000 removal / recompaction). The subject site is a 53,579 sq. ft. (1.23 ac.) parcel located in the Zuma Canyon area of the City of Malibu. There is limited natural vegetation on-site consisting of grasses, ivy, brush, and small shrubs.

Access to the project site is from Pacific Coast Highway to Busch Drive to Calpine Drive, a public street which borders the west side of the property. The site is bordered by existing single-family residences to the north, south, and west (across Calpine Dr.). There have been no previous coastal development permits obtained for the subject property, and there are no existing structures on-site.

The building site is situated on the east flank of a northwest trending ridge crest within the southeastern portion of the Santa Monica Mountains. The property consists of a near-level pad area with descending slopes towards Zuma Canyon to the east. Maximum topographic relief on-site is approximately seventy feet (70'). Descending slopes on the eastern side of the parcel approach a gradient of 2:1 (horizontal to vertical). Drainage from the property flows overland in a east / southeasterly direction towards Zuma Canyon where it collects in Zuma Canyon Creek, a United States Geological Survey (USGS) designated blue-line (intermittent) stream, eventually passing under Pacific Coast Highway and outletting at Zuma Beach. The Zuma Canyon Creek riparian corridor is designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP). Vegetation on-site consists of grasses and a few shrubs.

## B. Visual Resources

Section 30251 of the Coastal Act states that:

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

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

*P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to*

*create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.*

The subject site is minimally visible from an LUP-designated scenic highway (Pacific Coast Highway) to the south. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic roads. The Commission also examines the building site and the size of the proposed structure. Staff visited the subject site and found the proposed building location to be appropriate and feasible, given the terrain and the surrounding existing development. Although the site is sloping, and the proposed house is only one-story, the property is located on a ridge above Zuma Canyon and the finished project will be partially visible from the surrounding area including Pacific Coast Highway, thereby requiring mitigation of visual impacts as discussed below. Nearby residences are of a similar massing, character, and location to be similarly visible, and the proposed building plans are substantially in character with the type and scale of development in the surrounding area.

For this project, the applicant is proposing 2,803 cu. yds. of grading consisting of 1,523 cu. yds. of cut, 280 cu. yds. of fill, and 1,000 cu. yds. for removal / recompaction for the foundation / basement / garage. This amount of grading is proposed for the construction of the driveway, basement excavation, and notching of the main structure, garage, and swimming pool area into the existing pad. The building plans were designed so that the lower level, basement, and garage of the main house will be cut into the existing grade of the lot in order to keep the residence single story thereby reducing visual impacts from the development. The residence is therefore designed to conform to the topography of the site. However, due to the project's location and visibility from public resources, the Commission finds it necessary to require mitigation measures to minimize visual impacts as seen from nearby scenic areas.

The proposed project's impact on public views can be mitigated by requiring the residence and retaining walls to be finished in a non-obtrusive manner (i.e.: in a color compatible with the surrounding natural landscape and with non-reflective windows). The Commission therefore finds it necessary to minimize the visual impact of the project by requiring the applicant to use colors compatible with the surrounding environment and non-glare glass, as required by **Special Condition Five**. In addition, future construction on the property has the potential to negatively affect the visual character of the area as seen from the scenic highway. To insure that no additions or improvements are made to the property that may affect visual resources on-site without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future development deed restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the site are proposed in the future, as required by **Special Condition Seven**.

In addition, visual impacts associated with grading and the structure itself can be further reduced by the use of adequate and appropriate landscaping. A landscape plan relying principally on native, non-invasive plant species will ensure that the vegetation on-site remains visually compatible with the native flora of surrounding areas. In addition, vertical screening elements added to the landscape plan can soften views of the



proposed residence from public areas such as Pacific Coast Highway. The Commission therefore finds it necessary to ensure that the final approved landscaping plans are successfully implemented to partially screen and soften the visual impact of the development, as required by **Special Condition One**.

The proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

### C. Hazards

Section 30253 of the Coastal Act states (in part):

*New development shall:*

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

Section 30250(a) of the Coastal Act states (in part):

*New residential, ... development, ... shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires can denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the Santa Monica Mountains to the north, Point Dume, the Pacific Ocean, and various beaches to the south, Trancas Canyon to the west, and Zuma Canyon to the east. The site is located on a near-level pad which slopes down to Zuma Canyon on the eastern side; a significant amount of grading is proposed mostly to excavate the basement and garage into the ground.

Surface drainage on-site is currently accomplished naturally by overland sheetflow toward Zuma Canyon to the east / southeast. The water collects into Zuma Canyon Creek, a United States Geological Survey (USGS) designated blue-line (intermittent) stream, eventually passing under Pacific Coast Highway and outletting at Zuma Beach. The Zuma Canyon Creek riparian corridor is designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared reports addressing the specific geotechnical conditions related to the site.

The *Limited Geologic and Soils Engineering Investigation, New Single Family Residence, Calpine Drive Tract 15857, Lot 11, Malibu, California*, by GeoConcepts, Inc., dated January 19, 1999, in evaluating the various engineering geologic factors affecting site stability and the existing site conditions, states:

*Preliminary geologic data indicates the proposed development is favorable from the standpoint of geology and soils engineering. ... Ancient or recent bedrock landslides were not observed on the property. ... Gross stability analysis indicated that the slope is grossly stable. ... Based on the results of this investigation and a thorough review of the proposed development, as discussed, the site is suitable for the intended use....*

The GeoSystems report mentions the possibility of an ancient landslide existing near the project site:

*A questionable landslide was mapped by the U.S. Geologic Survey east and northeast of the subject site. However, California GeoSystems, Inc. reported that the landslide does not exist based on their subsurface explorations.*

The *Addendum Report No. 1, 5774 Calpine Drive, Malibu, California*, by GeoConcepts, Inc., dated July 13, 1999, refer to the "questionable" ancient landslide:

*[T]he report, map and cross section by GeoSystem, Inc. clearly indicate that the mapped landslide by the USGS does not exist.*

The January 19, 1999 GeoSystems report concludes:

*It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.*

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The project will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic / geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan. To ensure that runoff is conveyed

off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions One, Two, and Three**, to submit drainage / erosion control plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director, to adequately control runoff from impervious surfaces, and to assume responsibility for the maintenance of all drainage devices on-site.

Erosion and sedimentation can also be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated 2,803 cu. yds. of grading consisting of 1,523 cu. yds. of cut, 280 cu. yds. of fill, and 1,000 cu. yds. for removal / recompaction for the foundation / basement / garage. Therefore the total soil balance of cut and fill equates to a net export of 1,243 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby creeks, stormwater conveyances, and the ocean. Therefore, **Special Condition Four** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

In addition to controlling erosion during grading operations, landscaping of the graded and disturbed areas of the project will enhance the stability of the site. Long-term erosion can be minimized by requiring the applicant to revegetate the site with native plants compatible with the surrounding environment. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that such plant species do not serve to stabilize slopes and may adversely affect the overall stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Invasive, non-indigenous plant species tend to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has already caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive and fast-growing trees and groundcovers originating from other continents which have been used for landscaping in this area have seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition One**.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, 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 the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Six**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on

the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

#### D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Section 30231 of the Coastal Act states:

*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.*

As described above, the proposed project includes the construction of a new, 4,674 sq. ft., 18 ft. high single family residence (SFR) with a 1,738 sq. ft. basement for a total of 6,502 sq. ft. The project includes construction of a 736 sq. ft. three-car garage, a swimming pool / spa, a new septic system, a driveway, landscaping, and 2,803 cu. yds. of grading (1,523 cut, 280 fill, 1,000 removal / recompaction). The conversion of the project site from its natural state will increase the amount of impervious coverage and reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, use of the site for residential purposes will introduce potential sources of pollutants such as petroleum, household cleaners and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The building area is sloping and encompasses significant elevation change down towards Zuma Canyon Creek to the east / southeast. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs).

The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff, leading to stream channel destabilization, increased flood potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

As described above, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. This drainage plan is required in order to ensure that risks from geologic hazard are minimized and that erosion and sedimentation is minimized. In order to ensure that runoff is conveyed off-site in a non-erosive manner and to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. These flows carry the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

Finally, the proposed development includes the installation of an on-site septic system to serve the residence. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains and the resultant installation of septic systems may contribute to adverse health effects and geologic hazards in the local area. The applicants' geologic consultants performed percolation tests and evaluated the proposed septic system. The report concludes that the site is suitable for the septic system and there would be no adverse impact to the site or surrounding areas from the use of a septic system. The applicant has submitted in-concept approval from the City of Malibu Environmental Health Department stating that the proposed septic system is in conformance with the minimum requirements of the Uniform Plumbing Code. The City of Malibu minimum health code standards for septic systems take into account the percolation capacity of soils, the depth to groundwater, and other considerations, and have generally been found to be protective of coastal resources. The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

## **E. Local Coastal Program**

Section 30604(a) of the Coastal Act states (in part):

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

Section 30604(a) of the Coastal Act stipulates that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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 Los Angeles County 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 (CEQA)**

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 may 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 proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

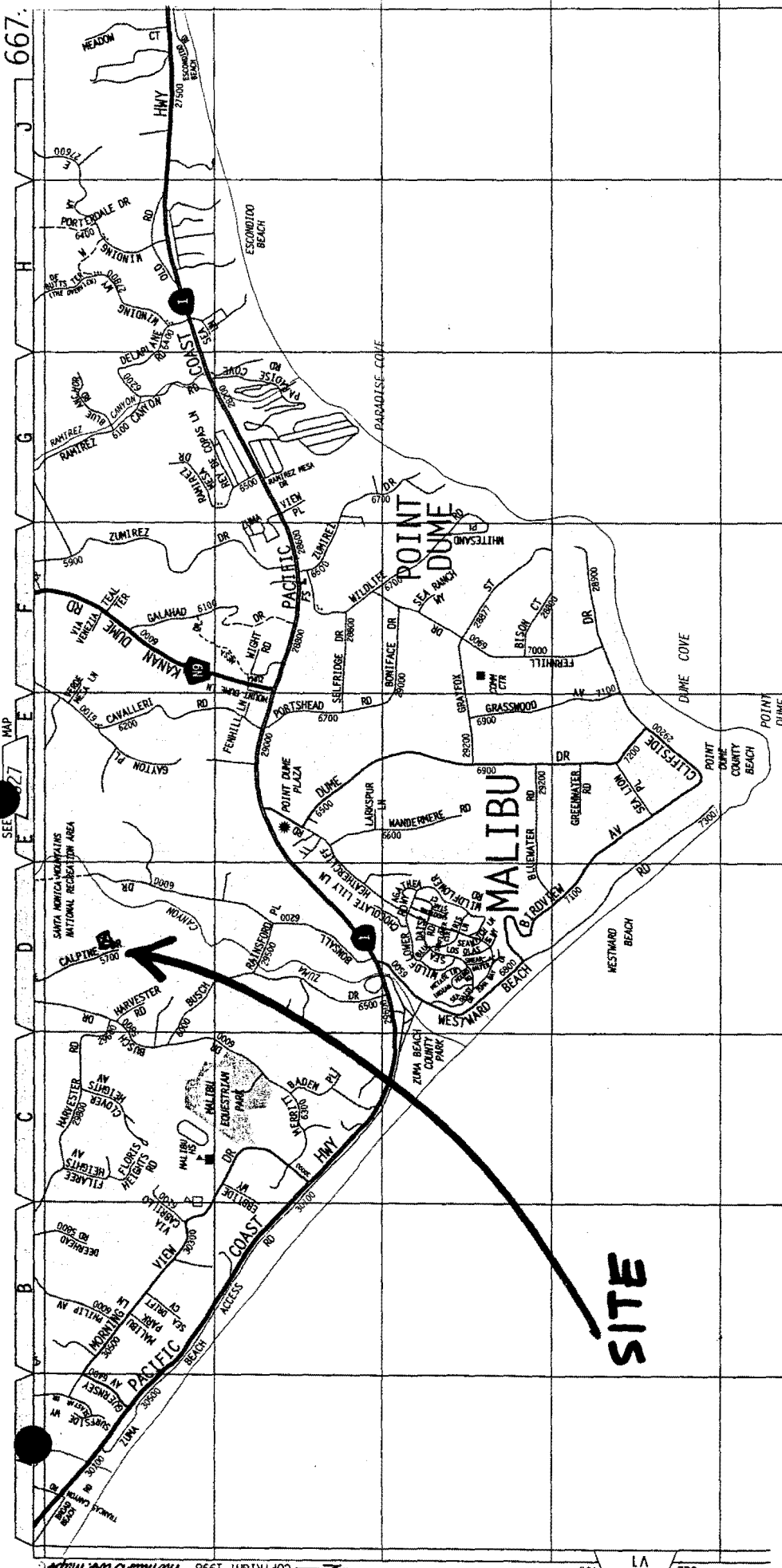


EXHIBIT 1  
 CDP 4-00-018 (Sindell)  
 Location Map

RECEIVED

JAN 21 1998

CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

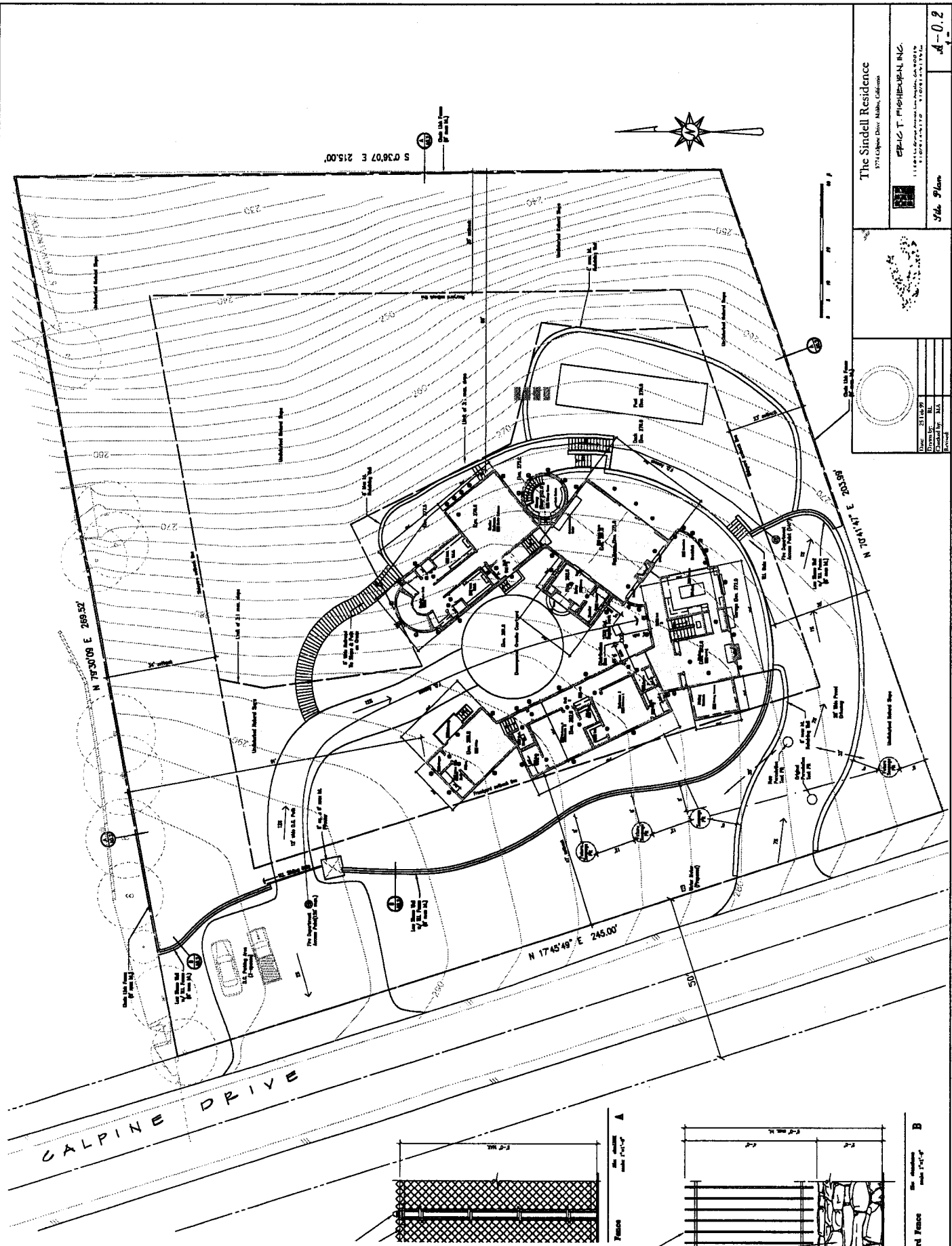
667

6

7







**The Sindell Residence**  
 574 Calpine Drive, Alhambra, California

**P.L.C. FISHER, INC.**  
 11188 Rockwood Avenue, Los Angeles, CA 90025  
 TELEPHONE: 310-781-1111 FAX: 310-781-1112

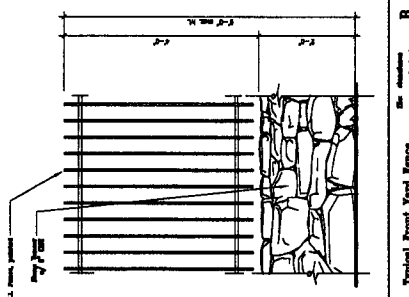
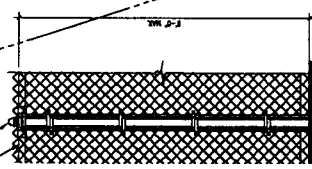
*Site Plans*

Sheet: **A-0.2**

Drawn by:	LL
Checked by:	LL
Approved by:	LL
Date:	01.18.97

**CALPINE DRIVE**

**EXHIBIT 3**  
**CDP 4-00-018 (Sindell)**  
**Site Plan**



The Sindell Residence  
3774 Ogden Drive, Napa, California

PHILIP T. FROSTBERG, INC.  
11101 FORTY-NINTH AVENUE  
DENVER, COLORADO 80231

Main Level Floor Plan



Date:	12/28/88
Drawn by:	ML
Checked by:	ML
Project:	

Legend for floor finishes:

- 1" x 6" Oak Plank
- 3" x 6" Oak Plank
- 6" x 6" Oak Plank
- 6" x 6" Oak Plank
- 6" x 6" Oak Plank

Main Level Floor Plan  
1/8" = 1'-0"



**EXHIBIT 4**  
**CDP 4-00-018 (Sindell)**  
**Main Level Floor Plan**

The Sindell Residence  
3711 Collier Drive - Abaco, Bahamas

ERIC T. HOFFMAN, INC.  
11 West Lakeside Drive, Suite 1000  
St. Louis, MO 63105

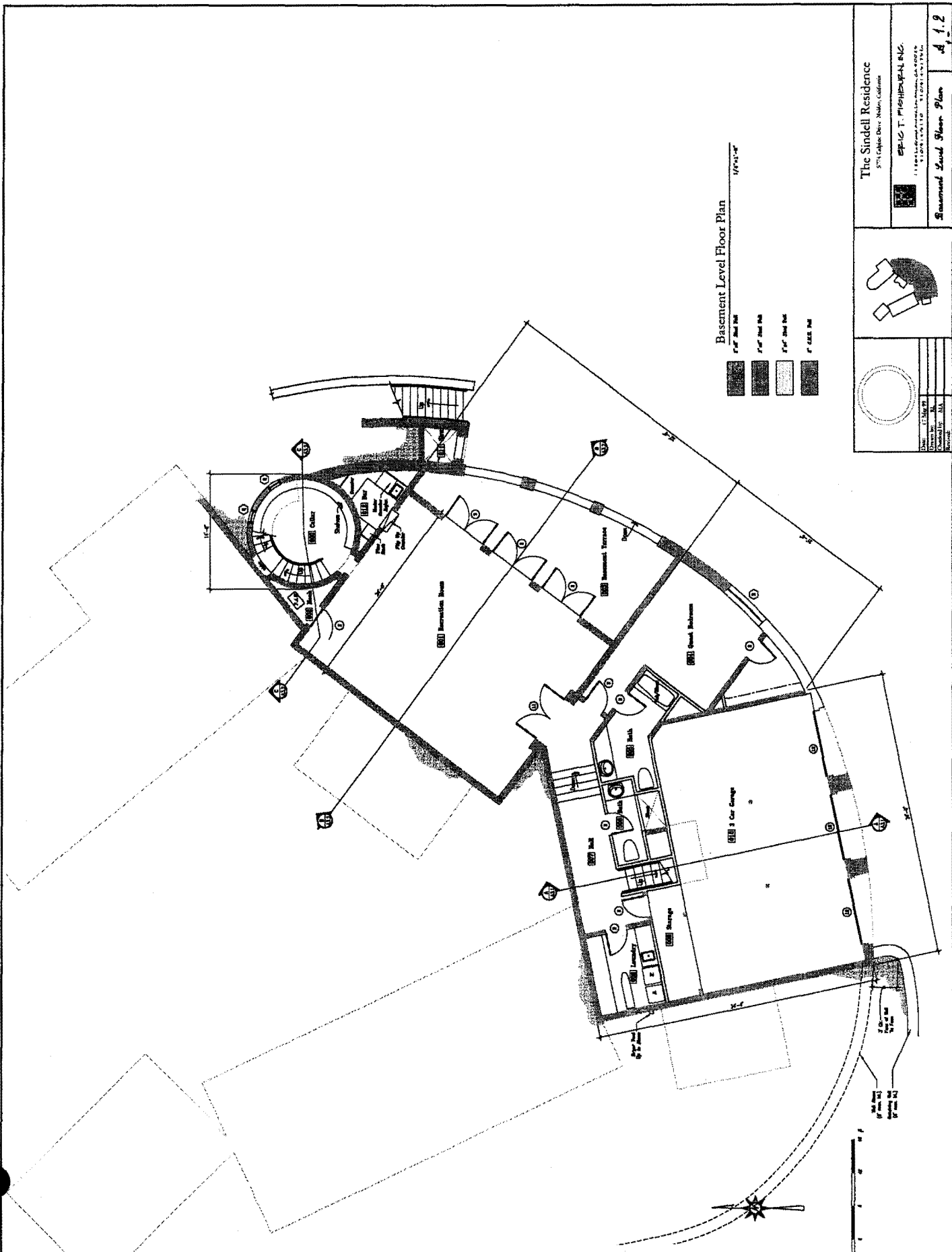
Basement Level Floor Plan  
A.1.2



17 May 89	Checked by: [Signature]
18 May 89	Reviewed by: [Signature]

**Basement Level Floor Plan**  
1/8" = 1'-0"

- 6" x 6" Steel Deck
- 2" x 2" Steel Deck
- 2" x 2" Steel Deck
- 2" x 2" Steel Deck

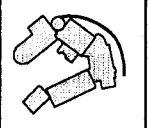


**EXHIBIT 5**  
**CDP 4-00-018 (Sindell)**  
**Second Level Floor Plan**

**The Sindell Residence**  
 5774 Capistrano Drive, Malibu, California

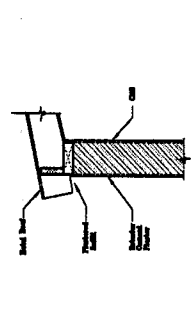
**PHILIP T. FISHBEIN, INC.**  
 11100 Wilshire Blvd., Suite 1000, Los Angeles, CA 90025  
 (213) 475-1111

Roof Plan

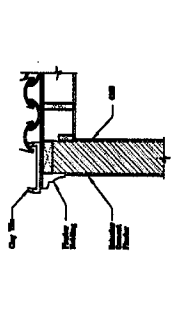


Project No.	4-00-018
Sheet No.	1-3
Scale	As Shown
Author	PHILIP T. FISHBEIN, INC.
Checked By	
Date	

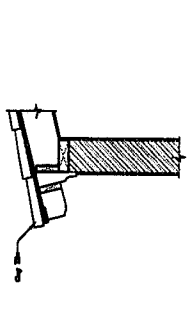
19" Flat Roof Detail  
 See Detail 101-102



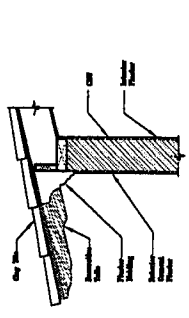
Cable  
 See Detail 101-103



14" Slope Roof Detail  
 See Detail 101-104

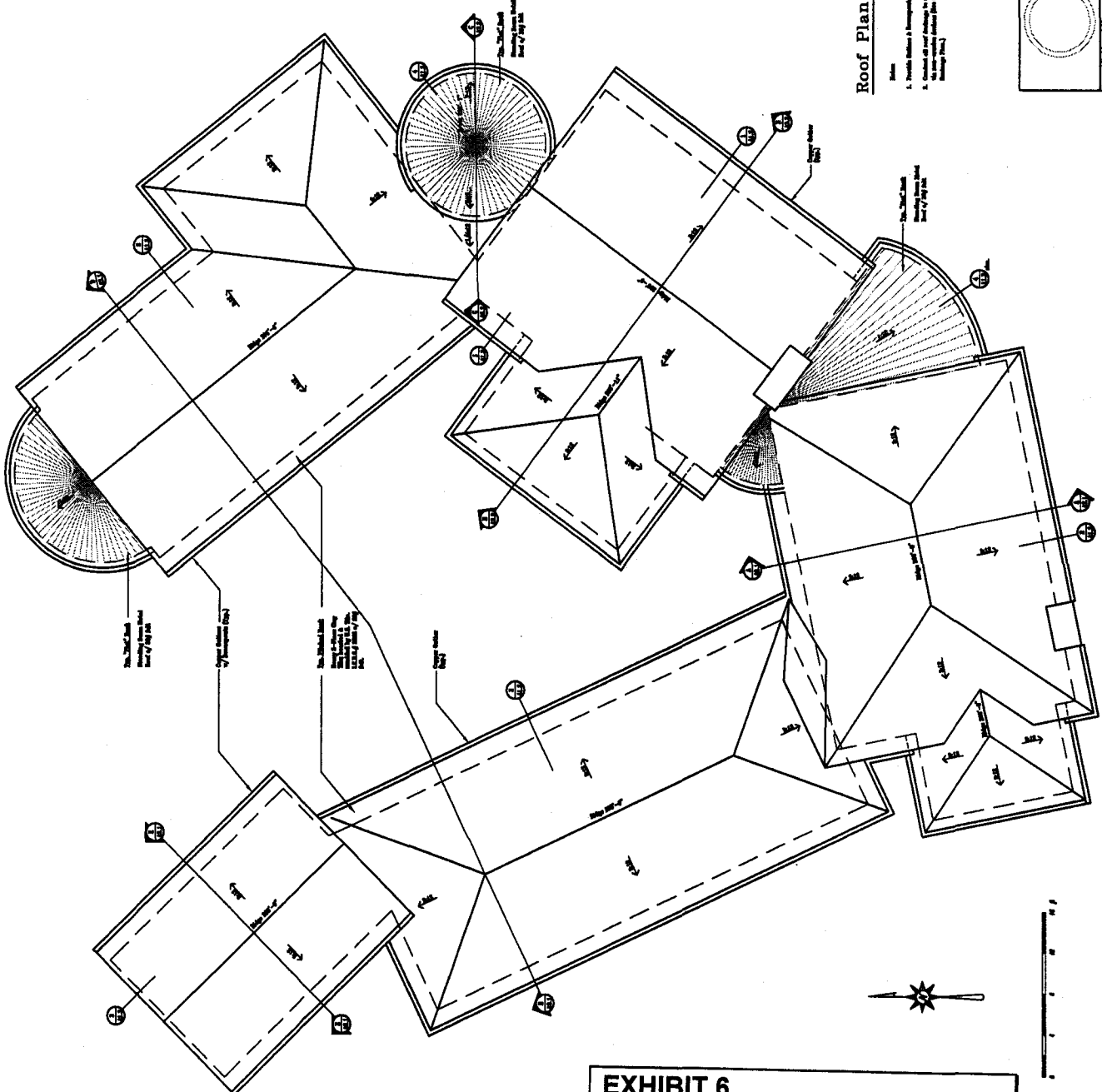


24" Cable Roof Detail  
 See Detail 101-105

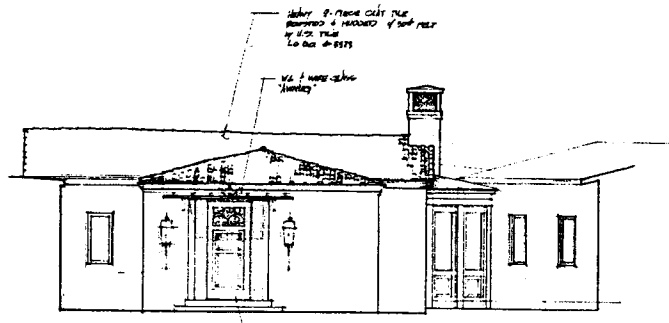


**Roof Plan**  
 Scale: 1/8" = 1'-0"

- 1. Provide Details 1 through 5.
- 2. Detail all roof openings in accordance with the manufacturer's instructions.
- 3. All roof openings shall be finished in accordance with the manufacturer's instructions.

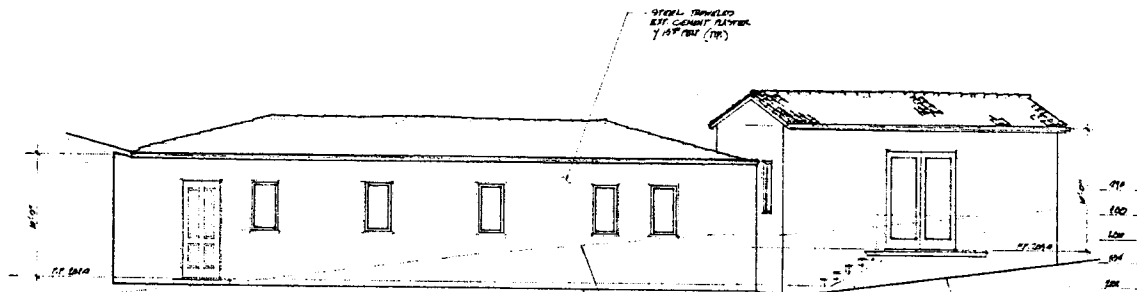


**EXHIBIT 6**  
**CDP 4-00-018 (Sindell)**  
**Roof Plan**



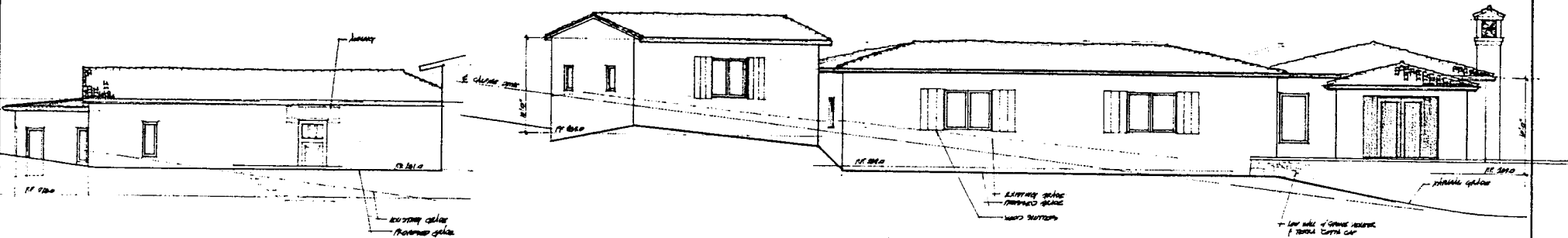
Southeast Courtyard Elevation

Scale: 1/4"=1'-0"



East Courtyard Elevation

Scale: 1/4"=1'-0"

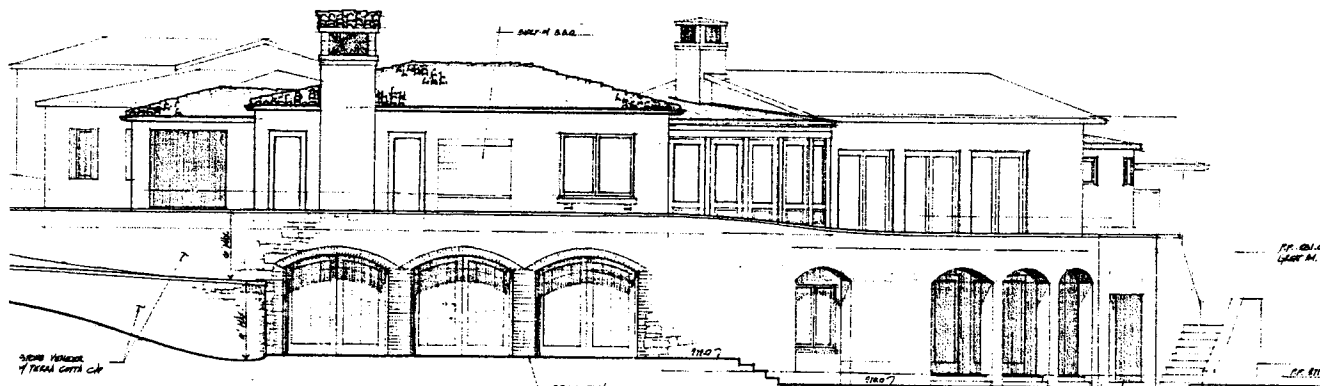


Northeast Courtyard Elevation

Scale: 1/4"=1'-0"

West Exterior Elevation

Scale: 1/4"=1'-0"



South Elevation

Scale: 1/4"=1'-0"

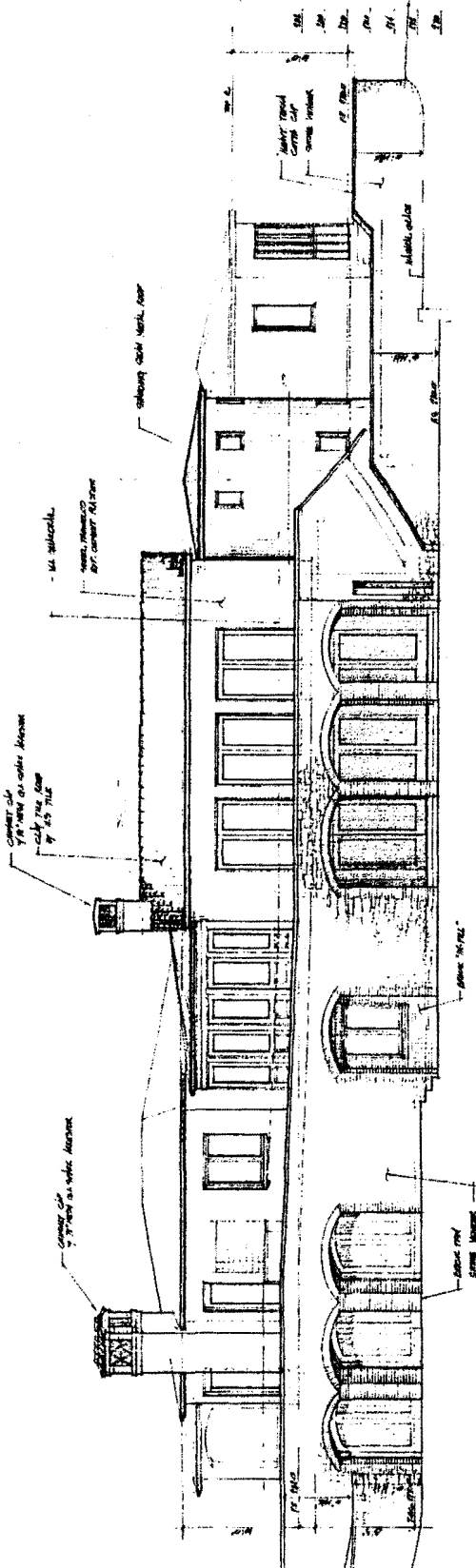
EXHIBIT 7  
 CDP 4-00-018 (Sindell)  
 Exterior Elevations

Date: 17 May 99	
Drawn by: RL	
Checked by: N/A	
Revised:	

<b>The Sindell Residence</b> 5774 Calpine Drive, Malibu, California	
ERIC T. FISHERMAN, INC. 11184 Los Arroyos Avenue, Los Angeles, CA 90049 310.761.9510    310.761.9510	
Exterior Elevations	of 2.1

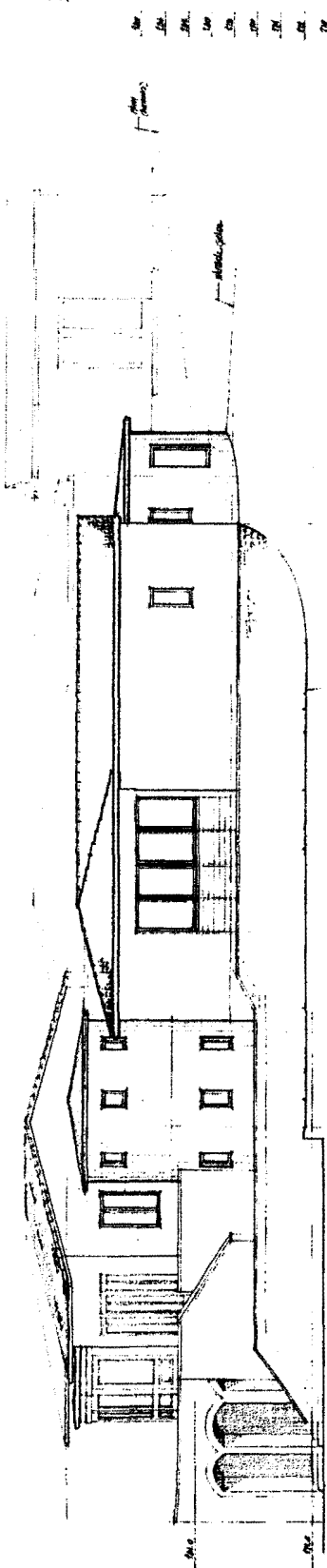
**Southeast Exterior Elevation**

Scale: 1/4" = 1'-0"



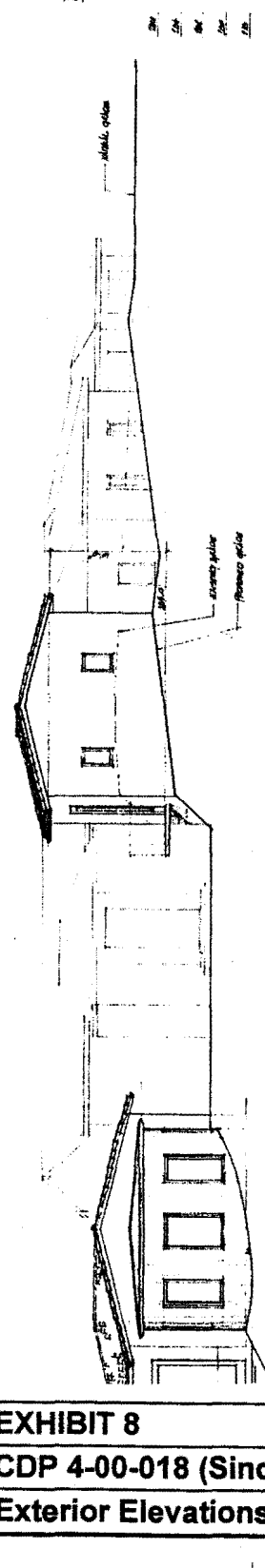
**Northeast Exterior Elevation**

Scale: 1/4" = 1'-0"



**North Exterior Elevation**

Scale: 1/4" = 1'-0"



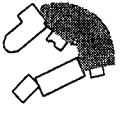
**EXHIBIT 8**  
**CDP 4-00-018 (Sindell)**  
**Exterior Elevations**

<p><b>The Sindell Residence</b>                  2721 Colgate Drive, Malibu, California</p>	
<p><b>ERIC T. PETERSON, INC.</b>                  11800 Wilshire Blvd., Suite 1000, Los Angeles, CA 90025                  (310) 471-1177</p>	
<p>Architect: <b>Eric T. Peterson, Inc.</b></p>	<p>Architect's License No. <b>12517</b></p>
<p>Scale: <b>1/4" = 1'-0"</b></p>	<p>Sheet No. <b>A 2.2</b></p>

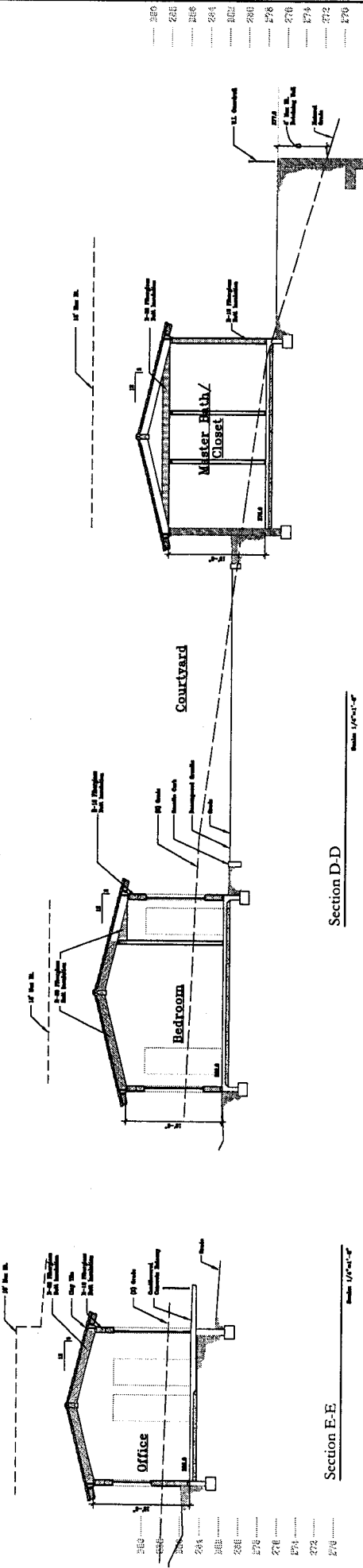
The Sindell Residence  
 1714 College Drive, Malibu, California

ERIC T. FRIEDMAN, INC.  
 11100 Wilshire Avenue, Los Angeles, California  
 ARCHITECTS

Section A.D.6  
 A 9.1

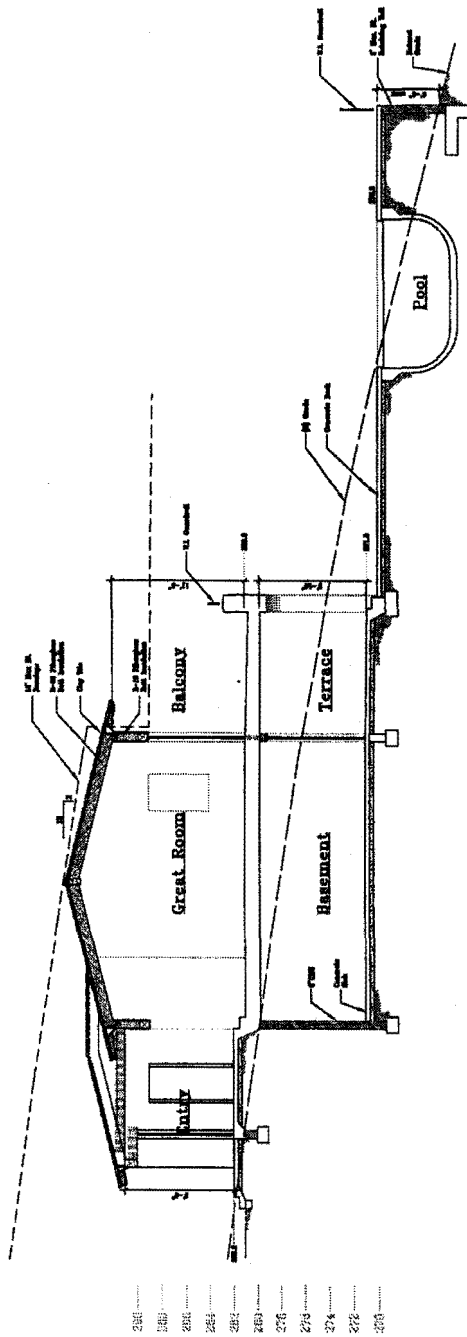


Drawn by	Checked by
Scale	Scale
Date	Date

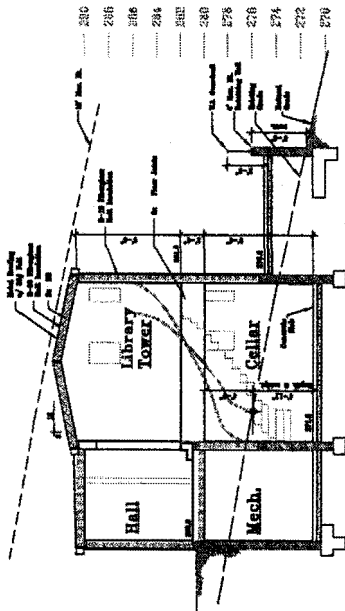


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**EXHIBIT 9**  
**CDP 4-00-018 (Sindell)**  
**Sections**



Section B-B



Section C-C

280  
286  
288  
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<p>The Sindell Residence 5774 Colton Drive, Alhambra, California</p>		<p>Scale: 3/8" = 1'-0"</p>
<p>ERIC T. FISHERMAN, INC. 11101 WILSON AVENUE, SUITE 100 LOS ANGELES, CALIFORNIA 90024</p>		
		<p>Sheet No. <b>A-3.2</b></p>
<p>Date: 7/28/88 Drawn by: [blank] Checked by: [blank] Approved: [blank]</p>		

**EXHIBIT 10**  
**CDP 4-00-018 (Sindell)**  
**Sections**