

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Hearing Date: 7/11-14/00
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.: 4-95-136-A1

APPLICANT: Stan Kaplan

PROJECT LOCATION: 3044 Sequit Drive, Malibu, Los Angeles County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2,507 sq. ft., 18 ft. high from existing grade two-story single family residence, 816 sq. ft. garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut and 120 cu. yds. fill) and lot line adjustment in the El Nido small lot subdivision.

DESCRIPTION OF AMENDMENT: Reconfigure single-family residence, pool, and driveway and construct an additional 83 sq. ft. for the residence and 136 sq. ft. for the garage, increase the height of the residence from two-story to three-story up to 27 ft. above existing grade, and grade an additional 1,269 cu. yds. to comply with Fire Department requirements for driveway and turn-around area and 5,390 cu. yds. over-excavation for site remediation.

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning Approval in Concept 2/29/00.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 4-95-136, Certified Malibu/Santa Monica Mountains Land Use Plan, Prepared by West Coast Geotechnical: Geotechnical Engineering Report dated 2/8/91, Update Geotechnical Report and Onsite Private Sewage Disposal System Design dated 12/6/93, Update Geotechnical Engineering Report dated 5/31/95, and Update Geotechnical Engineering Report dated 4/3/00.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed

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amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

Summary and Staff Recommendation:

Staff recommends that the Commission approve the proposed amendment with Five Special Conditions regarding revised assumption of risk, drainage and polluted run-off control plans, landscaping and erosion control plans, removal of natural vegetation, and export of excess grading material.

On May 9, 1996 the Commission approved Coastal Development Permit 4-95-136 for: Construction of a 2,507 sq. ft., 18 ft. high from existing grade single family residence, 816 sq. ft. garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut and 120 cu. yds. fill) and a lot line adjustment in the El Nido small lot subdivision. The project was approved by the Commission subject to special conditions regarding 1) revised plans, 2) future improvements, 3) structure and roof color restriction, 4) geologic recommendations, 5) assumption of risk, 6) wildfire waiver of liability, and 7) condition compliance. In addition, it should be noted that Special Condition 1, revised plans, also included a conditional approval to allow an increase of the maximum allowable Gross Structural Area (GSA) for the proposed residence to a total of 2,590 sq. ft. providing the applicant permanently extinguished development rights on three nearby lots specifically identified in the staff recommendation.

The project site is located on a small hillside lot in the City of Malibu within the El Nido small lot subdivision, north of Pacific Coast Highway and west of Corral Canyon Road. Subsequent to the Commission's approval of the subject project the County of Los Angeles Fire Department required the applicant to revise the proposed project to comply with new Fire Department standards for a driveway and a turn-around area at the site. The new requirements caused the applicant to reconfigure the proposed development, provide a driveway at a grade that meets Fire Department standards, and incorporate a turn-around area into the proposed development. As such, the applicant is requesting to amend the subject coastal permit for the revised project plans, as well as the increase of grading required to construct the revised project. The applicant has submitted revised grading and drainage plans to comply with Special Condition 4 of the subject permit (geologic recommendations), certified by the project's consulting geotechnical engineer, which incorporate the referenced changes to the subject project and the resulting increase of grading from 1,820 cu. yds. (1,700 cu. yds. cut, 120 cu. yds fill) to a total of 3,089 cu. yds. (3,089 cu. yds. cut, 9 cu. yds. fill, 3,080 cu. yds export), as well as recommendations of the geotechnical consultant to over-excavate 5,390 cu. yds. for remediation of a slide plane underlying the site that was not addressed on the previous grading plan.

Additionally, in compliance with Special Condition 1 of the subject permit, the applicant has submitted revised structural plans which illustrate an 83 sq. ft. increase of the proposed single family residence to a total of 2,590 sq. ft., consistent with the allowable GSA conditionally approved under permit 4-95-136, a 136 sq. ft. increase of the garage to a total of 952 sq. ft., and an overall 9 ft. increase in height of the residence up to 27 ft. above existing grade.

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I. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-95-136-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment

II. STANDARD AND SPECIAL CONDITIONS

Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-95-136 continue to apply. In addition, the following special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-95-136-A1.

Special Conditions

5. Revised Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, landsliding, earth movement, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to

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unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. 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.

8. Drainage and Polluted Runoff 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 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.

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 30th 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.

9. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the project geotechnical consultant to ensure that the plans are in conformance with the consultants' recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (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 graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will 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 applicable landscape requirements.
- (4) Vertical landscape elements shall be included in the landscape plan that are designed, upon attaining maturity, to screen the proposed project from the views from Pacific Coast Highway.
- (5) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

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- (6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot 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. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that grading shall not take place during the rainy season (November 1 – March 31). During grading activities the applicant shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from wind erosion and runoff waters during construction. All sediment should 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.
- (3) The plan 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 drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall 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 years from the date of the 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 plan approved pursuant

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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 plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

10. Removal of Natural vegetation

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

11. Export of Excess Grading Material

Prior to the 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 disposal site be located in the Coastal Zone, a coastal development permit shall be required.

III. FINDINGS AND DECLARATION

The Commission hereby finds and declares:

A. Project Description and Background.

The applicant proposes to reconfigure the previously approved single-family residence, pool, and driveway and construct an additional 83 sq. ft. for the residence and 136 sq. ft. for the garage, and increase the proposed residence from a two-story to three-story structure resulting in an overall 9 ft. height increase up to 27 ft. above existing grade. The applicant is also proposing to grade an additional 1,269 cu. yds. to comply with Fire Department requirements for the driveway and turn-around area and 5,390 cu. yds. over-excavation to remediate a shear plane underlying the site as recommended by the project's geotechnical consultant. The proposed project as amended will include construction a three-story, 27 ft. above existing grade, 2,590 sq. ft. single family residence with an attached 952 sq. ft. garage, new driveway and turn-around area, pool, private sewage disposal system, and a total of 3,089 cu. yds. of grading (3,089 cu. yds. cut, 9 cu. yds. fill, 3,080 cu. yds. export) and 5,390 cu. yds. of over-excavation (Exhibits 8-10).

On May 9, 1996 the Commission approved Coastal Development Permit 4-95-136 for: Construction of a 2,507 sq. ft., 18 ft. high from existing grade single family residence, 816 sq. ft.

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garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut and 120 cu. yds. fill) and a lot line adjustment in the El Nido small lot subdivision (Exhibit 6,7). The project was approved by the Commission subject to special conditions regarding 1) revised plans, 2) future improvements, 3) structure and roof color restriction, 4) geologic recommendations, 5) assumption of risk, 6) wildfire waiver of liability, and 7) condition compliance (Exhibit 1). Staff notes that Special Condition 1 included a conditional approval to allow an increase of the maximum allowable Gross Structural Area (GSA) for the proposed residence to a maximum of 2,590 sq. ft., providing the applicant permanently extinguished development rights on three nearby lots specifically identified in the staff recommendation, and further required the applicant to submit revised plans consistent with the adjusted GSA as approved and determined by compliance with Special Condition 1. As conditioned, the Commission found that the project proposed under Coastal Development Permit 4-95-136 was consistent with Coastal Act policies relative to cumulative impacts, visual resources, geologic stability, and water quality (septic system). Currently the applicant has complied with special conditions 2) future improvements, 3) structure and roof color restriction, 5) assumption of risk, and 6) wildfire waiver of liability. Additionally, consistent with Special Condition 1 of the subject permit, the applicant has permanently extinguished development rights on three lots, as identified and approved by the Commission under permit 4-95-136, to allow the proposed residence to be constructed with a maximum Gross Structural Area of 2,590 sq. ft. Final issuance of the subject permit is pending on the applicants total compliance with special condition 1) revised plans and Special Condition 4) geologic recommendations.

The project site is located in the City of Malibu within the El Nido small lot subdivision, north of Pacific Coast Highway and west of Corral Canyon Road (Exhibit 2). The subject site is a 14,947 sq. ft. combine parcel which ascends approximately 44 ft. north of Sequit Drive with an average gradient of 3:1 (Exhibit 3,4). The certified Malibu/Santa Monica Mountains Land Use Plan requires that all development in small lot subdivisions comply with the with the Slope-Intensity formula for calculating the allowable Gross Structural Area (GSA) for a proposed single family residence. This formula requires that the suitability of development on small hillside lots such as the subject site be determined by the physical characteristics a project site taking into consideration the small size and steep slopes of these lots. Under Coastal Development Permit 4-95-136, staff's analysis of the subject site concluded that the maximum allowable GSA for the site is 1,490 sq. ft. Staff recommended that the applicant be granted an additional 500 sq. ft. addition to the maximum allowable GSA for extinguishing the development rights on a nearby lot in the same subdivision and that the applicant be granted a further 600 sq. ft. for extinguishing the development rights on two non-contiguous lots in one of four small lot subdivisions in the near vicinity, resulting in an allowable GSA of 2,590 sq. ft.

Special Condition 1 of the subject permit, revised plans, required the applicant to submit plans consistent with the maximum allowable GSA approved for the project site, or plans consistent with the adjusted GSA providing the applicant submitted evidence to the Executive Director confirming that development rights were permanently extinguished on the appropriate lots to allow for an increase of the approved GSA to a total of 2,590 sq. ft. The applicant has submitted such evidence, confirming that the appropriate development rights have been extinguished to allow for an increase of the GSA to a total of 2,590 sq. ft. As described, the applicant is proposing to amend the subject permit to reconfigure the previously approved single-family residence, pool, and driveway and construct an additional 83 sq. ft. for the residence and 136 sq. ft. for the garage, and increase the proposed residence from a two-story to three-story

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structure resulting in a height of 27 ft. above existing grade. The amended permit would allow for the construction of a 2,590 sq. ft. single family residence and 952 sq. ft. garage, consistent with the maximum allowable GSA conditionally approved by the Commission.

Subsequent to the Commission's approval of the subject project the applicant informed Commission staff that the Los Angeles County Fire Department has required the applicant to revise the proposed project to comply with new Fire Department standards for the driveway and a turn-around area. The new requirements caused the applicant to reconfigure the proposed development and incorporate a new driveway, to be constructed at a grade consistent with Fire Department standards, and a turn-around area. As such, the applicant is requesting to amend the subject permit for construction of the revised development, and additional grading in the amount of 1,269 cu. yds. necessary to accommodate the reconfigured development, and the new driveway and turn-around requirements imposed by the Fire Department. The additional grading proposed under this permit amendment will result in a total grading amount of 3,089 cu. yds. (3,089 cu. yds. cut, 9 cu. yds. fill, and 3,080 cu. yds. export). Along with revised structural plans the applicant has submitted grading and drainage plans for the proposed project which reflect the revised grading requirements for the amended project, and also include the consulting geotechnical engineer's recommendation for 5,390 cu. yds. of over-excavation to remediate an identified shear plane underlying the site. Consistent with Special Condition 4 of the subject permit, the plans have been certified in writing by the project's consulting geotechnical engineer indicating that the plans are in conformance with the consultants recommendations for geologic stability of the project site.

The applicant is proposing to construct an additional 83 sq. ft. for the residence and 136 sq. ft. for the garage resulting in a 2,590 sq. ft. residence with attached 952 sq. ft. garage, and to increase the residence from a two-story to a three-story structure resulting in an 9 ft. height increase up to 27 ft. above existing grade (Exhibit 9). The project site is located in the ElNido small lot subdivision, which is located on a hillside west of Corral Canyon Road in the City of Malibu. The area is a built out section of Malibu developed with several single family residences. The El Nido area over looks Solstice Canyon State Park, located in the canyons below and south of the project site, as well as the Coastal Slope Trail, a designated trail in the certified Malibu/Santa Monica Mountains Land Use Plan (Exhibit 5). As such, the proposed project will be visible from both the State Park and portions of the Coastal Slope Trail. The project site is not located in any designated environmentally sensitive habitat areas therefore the proposed project will have no significant impact on sensitive environmental resources.

B. Geology and Wildfire

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

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

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

The proposed development is located on a steep hillside lot in the Santa Monica Mountains, an area generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. Due to new Fire Department standards for the driveway and turn-around area imposed on the project site, the applicant is requesting to amend the subject permit to allow for reconfiguring the proposed project and additional grading to accommodate revised project plans and the required driveway and turn-around area. In addition, the applicant is requesting approval to over-excavate 5,390 cu. yds. of earth material to comply with recommendations of the project geotechnical consultant for site remediation. The applicant submitted a Geotechnical Engineering Report dated 2/8/91, an Update Geotechnical Report and Onsite Private Sewage Disposal System Design dated 12/6/93, Update Geotechnical Engineering Report dated 5/31/95, and an Update Geotechnical Engineering Report dated 4/3/00, all prepared by West Coast Geotechnical for the subject site evaluating the geologic stability of the site in relation to the proposed development.

The West Coast Geotechnical Engineering reports address a shear dip plane on the project site along the contact between the Calabasas Formation and the underlying Conejo Volcanics Formation. The Update Geotechnical Engineering Report prepared by West Coast dated 4/3/00 was prepared in conjunction with the revised project plans for the proposed amendment and recommends that all foundations and retaining walls for the proposed residence be founded into certified compacted fill or bedrock underlying the site. The report further states that "All surficial material, including the Calabasas Formation, located above the shear-dip plane should be removed and replaced as certified compacted fill, benched into the underlying Conejo Volcanics bedrock,..."

Based on their investigations and recommendations the geotechnical engineering consultants determined that the project site is appropriate for the proposed project and state in their reports that:

It is the opinion of West Coast Geotechnical that the proposed development will be safe against hazard from landslide, settlement or slippage, and the proposed development will not affect the stability of the subject site or the or immediate vicinity, provided our recommendations are made a part of the site development plans and implemented during construction.

Based on the findings and conclusions of the project's consulting geotechnical engineer the Commission finds that the proposed project amendment, as conditioned, is consistent with Section 30253 of the Coastal Act. Special Condition 4 of the subject permit required the

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applicant to submit project plans certified in writing by the geotechnical consultant as conforming to their recommendations. The applicant has submitted revised grading and drainage plans, which incorporate the proposed project amendment, certified in writing by the geotechnical consultant as in conformance with their recommendations for construction and stability of the project site. The certified project plans illustrate the increased grading required to reconfigure the residence, garage, pool, and Fire Department upgrades for the proposed driveway and turn-around area. Additionally, the certified project plans indicate approximately 5,390 cu. yds. of over-excavation will be required, as recommended by the geotechnical consultant, to remediate the shear plane underlying the site and provide geologic stability for the proposed project. Total compliance with Special Condition 4 of the subject permit will require that the applicant submit final project plans, certified by the geotechnical consultant, as in conformance with their recommendations regarding the foundation design of the proposed residence.

The proposed project, as amended, will require a total of 3,089 cu. yds of grading (3,080 cu. yds. cut, 9 cu. yds. fill, and 3,080 cu. yds. export) and 5,390 cu. yds. of over-excavation. Construction of the proposed project will require a large amount of landform alteration and the Commission notes that the project site will be significantly disturbed by the extent of grading activities required for the proposed development. The Commission finds that minimizing site erosion will reduce disturbance of the project site and aid in maintaining the geologic stability of the site, and that erosion will be minimized by prohibiting grading activities during the rainy season (November 1 – March 31), and by incorporating adequate drainage, erosion control, and appropriate landscaping into the proposed development. To ensure that adequate drainage and erosion control is included in the proposed development the Commission requires the applicant to submit drainage and interim erosion control plans certified by the consulting geotechnical engineer, as specified in **Special Conditions 8 and 9**. Special Condition 8 requires the applicant to maintain a functional drainage system at the subject site to insure that run-off from the project site is diverted in a non-erosive manner to minimize erosion at the site for the life of the proposed development. Should the drainage system of the project site fail at any time, the applicant will be responsible for any repairs or restoration of eroded areas as consistent with the terms of Special Condition 8. Additionally, **Special Condition 9B**, the interim erosion control plan, requires the applicant to commence with grading activities only during the months of April-October 31, to avoid soil disturbance at the project site during the rainy season which would expose cut and fill slopes and stockpiles of soil to increased erosion from run-off of rain water.

The Commission notes that a significant amount of grading and over-excavation is required to remediate the site and prepare it for construction of the proposed residence and that stockpiling of excavated material may result in excess erosion and sedimentation. If undertaken during the rainy season the total extent of proposed grading, as amended herein, will render the site unusually vulnerable to erosion should the graded site be exposed during seasonal rains. Therefore, Special Condition 9B requires the applicant to commence with grading activities only outside of the rainy season and to submit interim erosion control plans which include temporary erosion control measures to be incorporated into all grading activities. Additionally, the Commission notes that the quantity of cut grading required for construction of the proposed residence is more than the quantity of fill required for construction resulting in an excess of 3,080 cu. yds. of graded earth material. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition 11**

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requires the applicant to export all excess grading material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

The Commission also finds that appropriate landscaping of slopes and graded or disturbed areas on the project site will serve to enhance and maintain the geologic stability of the proposed development. Therefore, **Special Condition 9A** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping and stabilizing the project site. Special Condition 9 also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

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 finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Alternatively, native plant species tend to have a deeper root structure than non-native, invasive species and aid in preventing erosion. Therefore, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in Special Condition 9.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition 10**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced. The limitation imposed by Special Condition 10 avoids loss of natural vegetative coverage resulting in unnecessary erosion in the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties. However, the Commission finds that there remains an inherent risk in building on the subject site with the geologic conditions and constraints described in this section, and due to the fact that the project site is located in an area subject to an extraordinary potential for damage or destruction from wildfire. Typical vegetation in the Santa Monica Mountains consists predominantly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, Terrestrial Vegetation of California, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. Additionally, the typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Therefore, the Commission can only approve the project if the applicant assumes the responsibility and liability from the risks associated with developing the project as amended,

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required by **Special Condition 5**. This responsibility is carried out through the recordation of a revised deed restriction. The revised assumption of risk deed restriction, when recorded against the property, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site that may adversely affect the stability or safety of the proposed development and agrees to assume any liability for the same. Moreover, through acceptance of Special Condition 5, the applicants agree to indemnify the Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage from geologic and wildfire hazard exists as an inherent risk.

It should be noted that an assumption of risk deed restriction for hazardous geologic conditions and danger from wildfire is commonly required for new development throughout the greater Malibu/Santa Monica Mountains region in areas where there exist potentially hazardous wildfire and geologic conditions, or where previous geologic activity has occurred either directly upon or adjacent to the site in question.

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

C. Visual Resources

The Coastal Act requires scenic and visual qualities to be considered and preserved.

Section 30251 states:

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 reservation 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 LUP contains numerous policies regarding the protection of visual resources. The Coastal Commission has utilized these policies as guidance in past permit decisions. LUP policies particularly applicable to the proposed project include:

- P 91** *All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.*

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- 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 should 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 (including buildings, fences, paved areas, signs, and landscaping) shall:*
- ☐ *Be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.*
 - ☐ *Minimize the alteration of natural landforms.*
 - ☐ *Be landscaped to conceal raw-cut slopes.*
 - ☐ *Be visually compatible with and subordinate to the character of its setting.*
 - ☐ *Be sited so as to not significantly intrude into the skyline as seen from public viewing places.*
- P134 *Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.*
- P135 *Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.*

The project site is located in the El Nido small lot subdivision, which is located on a hillside lot west of Corral Canyon Road in the City of Malibu. The project location is in an area that is a built out subdivision developed with several single family residences. The El Nido area over looks Solstice Canyon State Park, located in the canyons below and south of the project site, as well as the Coastal Slope Trail, a designated trail in the certified Malibu/Santa Monica Mountains Land Use Plan. As such, the proposed project will be visible from both the State Park and portions of the Coastal Slope Trail.

The Commission has previously addressed potential visual impacts on scenic public views resulting from development at the project site. In approving CDP # 4-95-136 with conditions, the Commission found that potential visual impacts resulting from the development would be adequately mitigated by imposing a color restriction on the residence (Special Condition 3) and a future developments deed restriction, (Special Condition 2). Special condition 3 required that the residence be finished only with colors compatible with the surrounding environment and that all windows be comprised of non-glare glass to blend the new residence with the natural landscape. Special Condition 2 required the applicant to record a future developments deed restriction, ensuring that any future development at the project site is reviewed by the Commission for consistency with the view protection policies of the Coastal Act. Because this proposed permit amendment does not specifically alter any Special Conditions previously required by the Commission for the subject permit the color restriction and future development deed restriction conditions will continue to apply to the amended project.

The applicant is proposing to construct an additional 83 sq. ft. to the previously approved residence, 136 sq. ft. to the garage, and increase the overall height of the structure from a two-story residence to a three-story residence resulting in a structure no more than 27 ft. above

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existing grade. The amended project will result in a residence 9 ft. higher (above existing grade) than the previously approved project, however, the Commission notes that construction of the additional square footage for the development is consistent with the maximum allowable GSA approved for the project site and that the proposed height of the residence is consistent with the height standards and requirements of Los Angeles County. The Commission also notes that visual resources of the area are already impacted by extensive existing residential development, which is also visible from the State Park and Coastal Slope Trail, and further notes that the proposed project constitutes infill development in a built-out section of the Santa Monica Mountains.

In addition, the proposed development is designed to "step-down" and tuck into the natural topography of the project site and, as previously mentioned, the Commission addressed potential impacts of the proposed project on visual resources and found that such potential impacts would be adequately mitigated by imposing a color restriction on the residence and a future developments deed restriction, required by permit 4-95-136. However, the Commission finds that increasing the bulk and height of the proposed project, as proposed by the project amendment, will intensify development at the site and create a new structure which may potentially impact scenic and visual resources of the area. Additionally, the Commission finds that the increased amount of grading and landform alteration required for the reconfigured development and Fire Department upgrades may create new adverse impacts on visual resources.

Visual impacts associated with proposed retaining walls, grading, and the structure itself, can be reduced by the use of appropriate and adequate landscaping. Therefore **Special Condition 9A**, the landscape and fuel modification plan, requires that vertical screening elements be incorporated into the landscape plan to soften views of the proposed residence from the State Park and Coastal Slope Trail. In addition, Special Condition 9 requires the applicant to prepare a landscape plan relying mostly on native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. In order to ensure that the final approved landscaping plans are successfully implemented, Special Condition 9 also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time. Therefore, the Commission finds that implementation of Special Condition 9 will serve to partially screen and soften the visual impact of the development from the State Park and Coastal Slope Trail.

The Commission finds that, as conditioned, the proposed project will be designed and constructed to minimize adverse impacts on scenic public views in this area of the Santa Monica Mountains, and is consistent with section 30251 of the Coastal Act.

C. 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, and

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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, minimizing alteration of natural streams.

The proposed project as amended will include construction a three-story, 27 ft. above existing grade, 2,590 sq. ft. single family residence with an attached 952 sq. ft. garage, new driveway and turn-around area, pool, and a private sewage disposal system. The proposed project also includes a total of 3,089 cu. yds. of grading and 5,390 cu. yds. of over-excavation. The project site is an undeveloped hillside parcel located on a steeply ascending slope on the north side of Sequit Drive in the El Nido small lot subdivision. 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, into runoff from the site which will ultimately drain to coastal streams and to the ocean.

Removal of natural vegetation and placement of impervious surfaces results in less infiltration of rainwater into soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Infiltration of precipitation into 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 vegetated filter strips, gravel filters, and other media filter devices to allow for infiltration and filtration of runoff to reduce its sediment and pollutant load before it is conveyed off site to coastal waters.

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 further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the site. This plan is required by **Special Condition 8**. 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

4-95-136-A1 (Kaplan)

flush" flows that occur as a result of the first storms of the season. This flow carries with it 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 private sewage disposal system. The applicant's geologic consultants performed infiltration tests and evaluated the proposed septic system. Their report concludes that the site is suitable for the private sewage disposal system and that no adverse impact to the site or surrounding areas will result from use of the septic system. Finally, the County of Los Angeles Department of Health Services has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal 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 amendment will be in conformity with the provisions of Chapter 3. The proposed amendment will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed amendment, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

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F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application 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 effects which the activity would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

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

Page 1 of 4

Date: May 20, 1996

Permit Application No: 4-95-136



NOTICE OF INTENT TO ISSUE PERMIT

On May 9, 1996, the California Coastal Commission granted to Stan Kaplan Permit 4-95-136, subject to the attached conditions, for development consisting of:

Construction of a 2,507 sq. ft., 18 ft. high from existing grade single family residence, 816 sq. ft. garage, 3,435 sq. ft. of terrace area, pool, septic system, 1,820 cu. yds. of grading (1,700 cu. yds. cut and 120 cu. yds. fill) and lot line adjustment in the El Nido small lot subdivision.

The project is more specifically described in the application on file in the Commission offices.

The development is located within the coastal zone in Los Angeles County at 3044 Sequit Drive, Malibu.

The actual development permit is being held in the Commission office until fulfillment of Special Conditions 1-7, 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 May 20, 1996.

PETER DOUGLAS
Executive Director

[Signature]

By: Barbara J. Carey
Title: Coastal Program Analyst

ACKNOWLEDGEMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 4-95-136, and fully understands its contents, including all conditions imposed.

8-16-96
DATE

[Signature]
PERMITTEE

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

EXHIBIT 1
CDP #4-95-136-A1
Notice of Intent

NOTICE OF INTENT TO ISSUE PERMIT

Page 2 of 4
Permit Application No. 4-95-136

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 this permit is reported to the Commission. 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. Revised Plans.

Prior to issuance of permit, the applicant shall submit, for the review and approval of the Executive Director, revised project plans which indicate that the proposed dwelling does not exceed the maximum allowable gross structural area (GSA) of 1,490 sq. ft. as determined by the Slope Intensity Formula pursuant to Policy 271(b)(2) of the Malibu/Santa Monica Mountains Land Use Plan. This total GSA may be increased by an additional 500 sq. ft. granted in conjunction with the extinguishment of the development rights of Lot 91. The applicant shall submit, for the review and approval of the Executive Director, evidence that all potential for future development has been permanently extinguished for Lot 91 of Tract 9456 on Sequit Drive in the El Nido small-lot subdivision.

Additionally, pursuant to Policy 271(b)(2), the maximum allowable GSA may be further increased by 500 sq. ft. by extinguishing development rights on lots contiguous to the building site or by 300 sq. ft. for each lot not contiguous to the building site but within the El Nido, Malibu Bowl, Malibu Vista, or Malibu Mar Vista Small-Lot Subdivision. Prior to the issuance of the permit, the applicant may submit, for the review and approval of the Executive Director, evidence that the development rights have been extinguished on any combination of contiguous or non-contiguous lots which would bring the development into conformance with Policy 271(b)(2) of the Malibu/Santa Monica Mountains LUP.

2. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, which provides that Coastal Commission Permit 4-95-136 is for the approved development only and that any ~~future improvements or additions, on the property including grading will require a permit~~ from the Coastal Commission or its successor agency. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by policy 271 in the certified Malibu/Santa Monica Mountains Land Use Plan. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

3. Structure and Roof Color Restriction.

Prior to issuance of 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 to natural earth tones, compatible with the surrounding earth colors (white tones will not be acceptable). 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.

4. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geotechnical Engineering Report, dated 2/8/91, an Update Geotechnical Report and Onsite Private Sewage Disposal System Design, dated 12/6/93, and an Update Geotechnical Engineering Report, dated 5/31/95, all prepared by West Coast Geotechnical shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

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

NOTICE OF INTENT TO ISSUE PERMIT

Page 4 of 4
Permit Application No. 4-95-136

5. Assumption of Risk.

Prior to issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from steep slopes and landsliding and the applicant assumes the liability from such hazards, and: (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Executive Director determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.

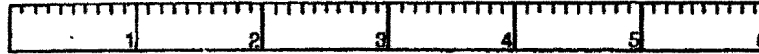
6. Wild Fire Waiver of Liability.

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

7. Condition Compliance.

All requirements specified in special conditions 1-6 above, must be fulfilled within 120 days of Commission action. Failure to comply, with such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

1997

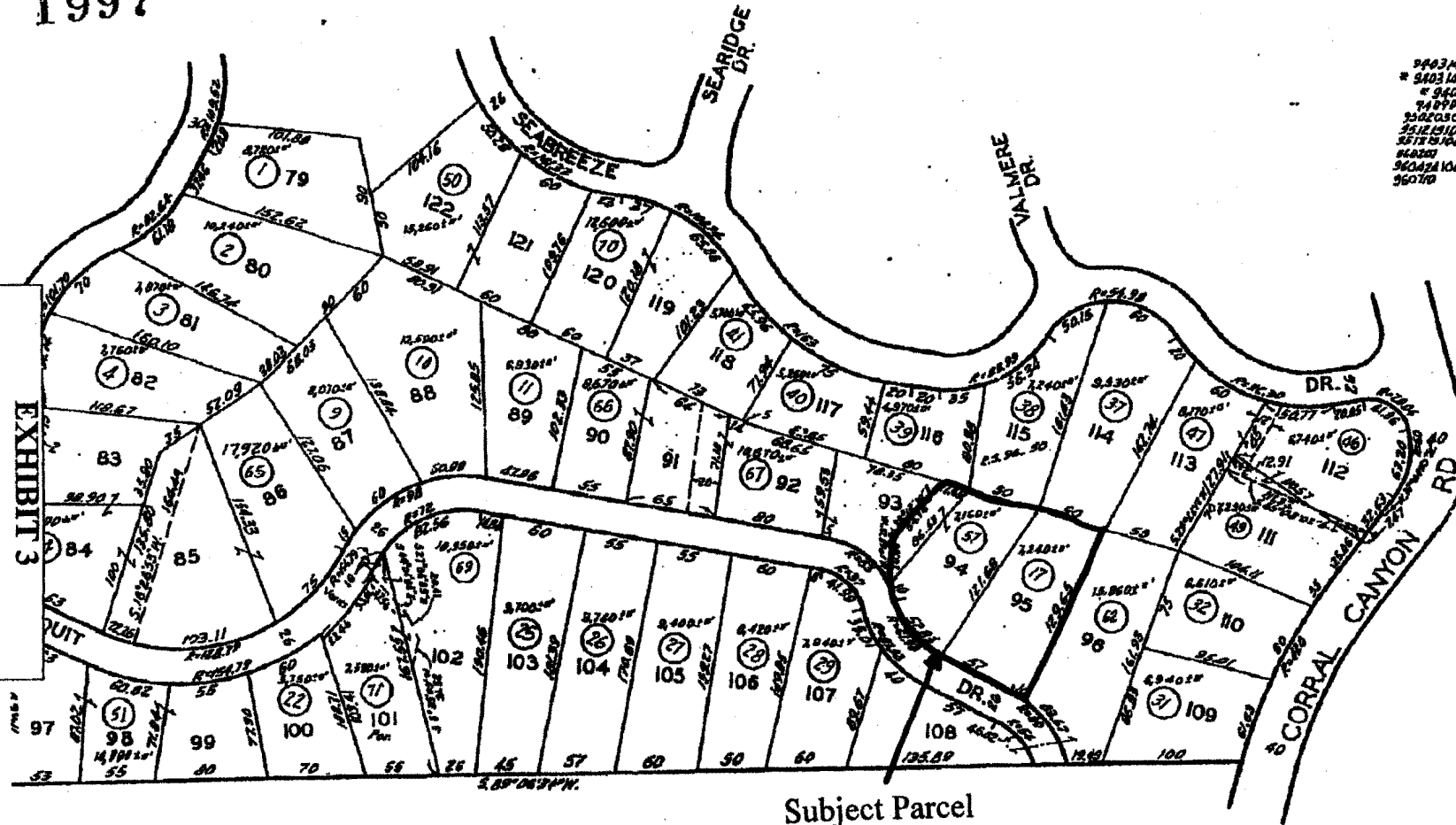


SCALE IN 1/10 OF AN INCH

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REVISED
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CDP # 4-95-136-A1

EXHIBIT 3



Subject Parcel

TRACT NO. 9456
M. B. 131-30-32

SURVEY

IN THE COUNTY OF LOS ANGELES,
MALIBU, CALIFORNIA.
BEING A SURVEY OF LOT 94 AND THE S.E. 1/4
20 FEET OF LOT 93, TRACT NO. 344, RECORDED
IN MAP BOOK 131, PG. 21, RECORD L.A. COUNTY RECORDS.
Prepared by
Michael A. Zuker, Registered Professional Surveyor

← PORTION OF
LOT 93

← LOT
94

← LOT
95

SURVEY

IN THE COUNTY OF LOS ANGELES,
MALIBU, CALIFORNIA.
BEING A SURVEY OF LOT 95, TRACT
NO. 344, RECORDED IN MAP BOOK 131,
PAGE 21, RECORD L.A. COUNTY RECORDS.
for
Leonard Penabazken, owner

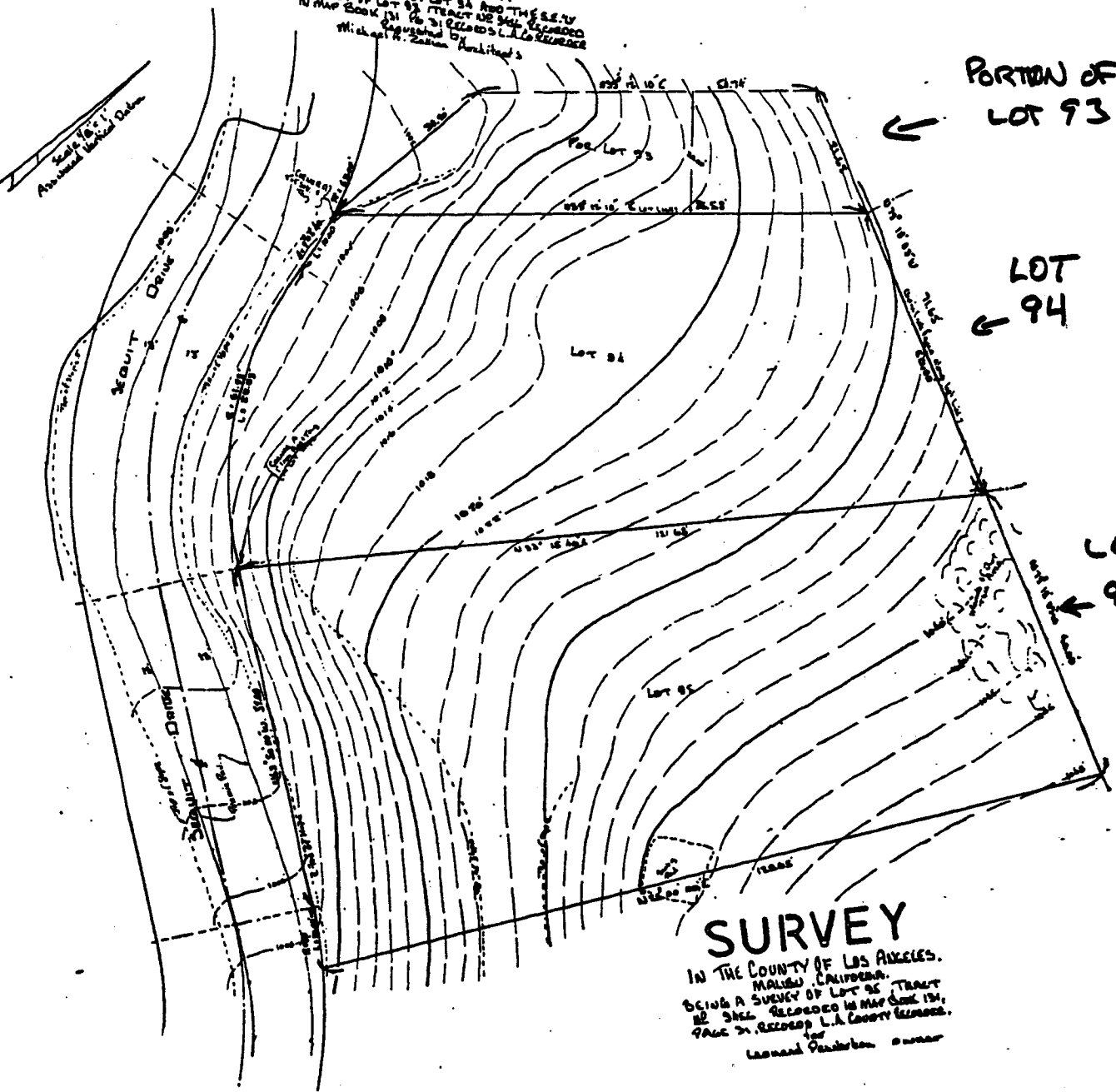


EXHIBIT 4

CDP # 4-95-136-A1






Topography Map

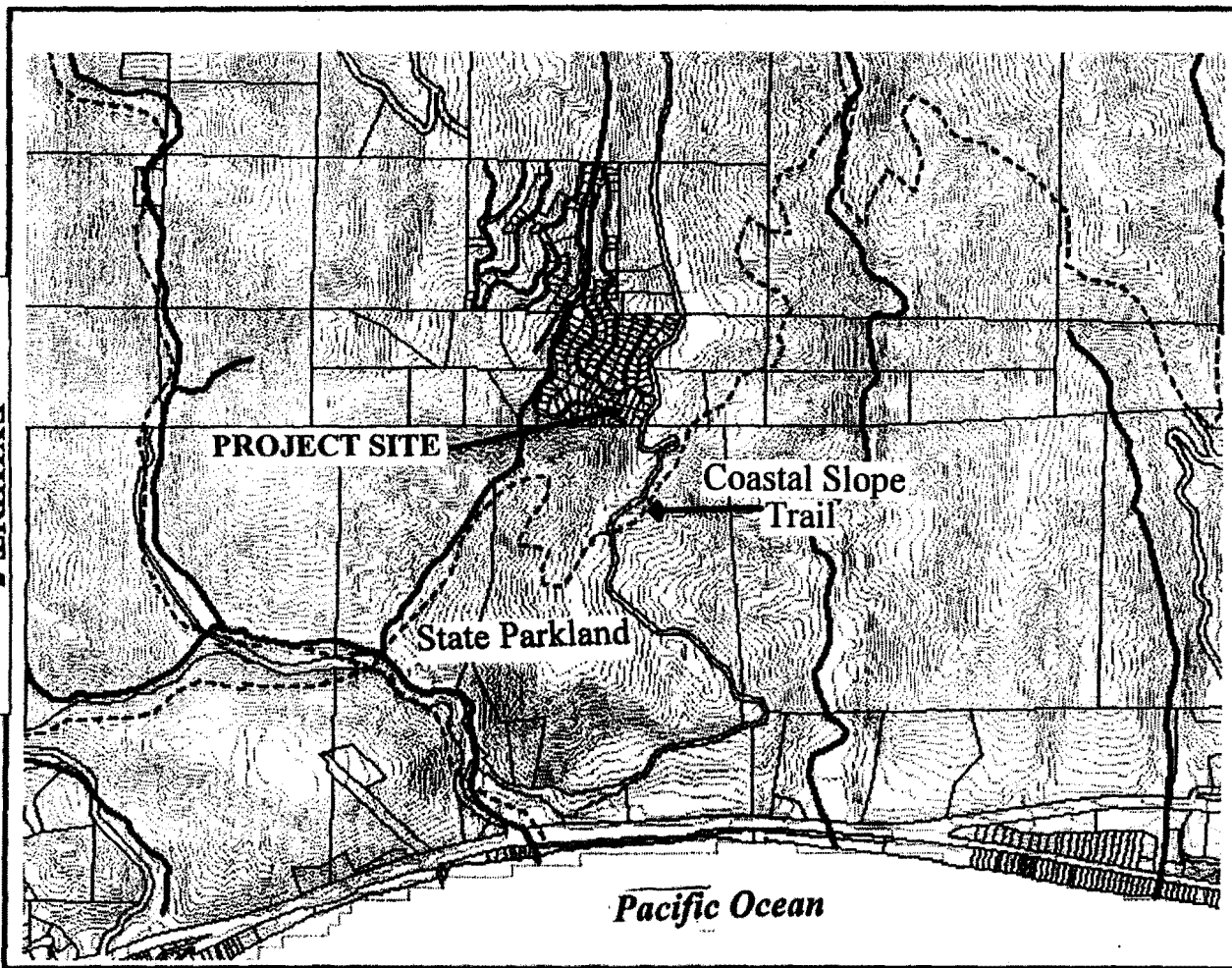
SURVEY
SCALE: 1"=100'
DATE: 1994

KAPLAN
3044 SEQUOIA DR
CORRAL CANYON,
LOS ANGELES, CALIF. 90008

1994 Copyright Survey
Survey Records, California 90008
10-1000000

4-95-136-A1

-  trailslacoplan
-  StrmsCCC
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-  contours20ft



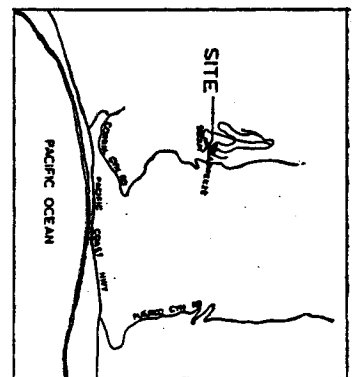
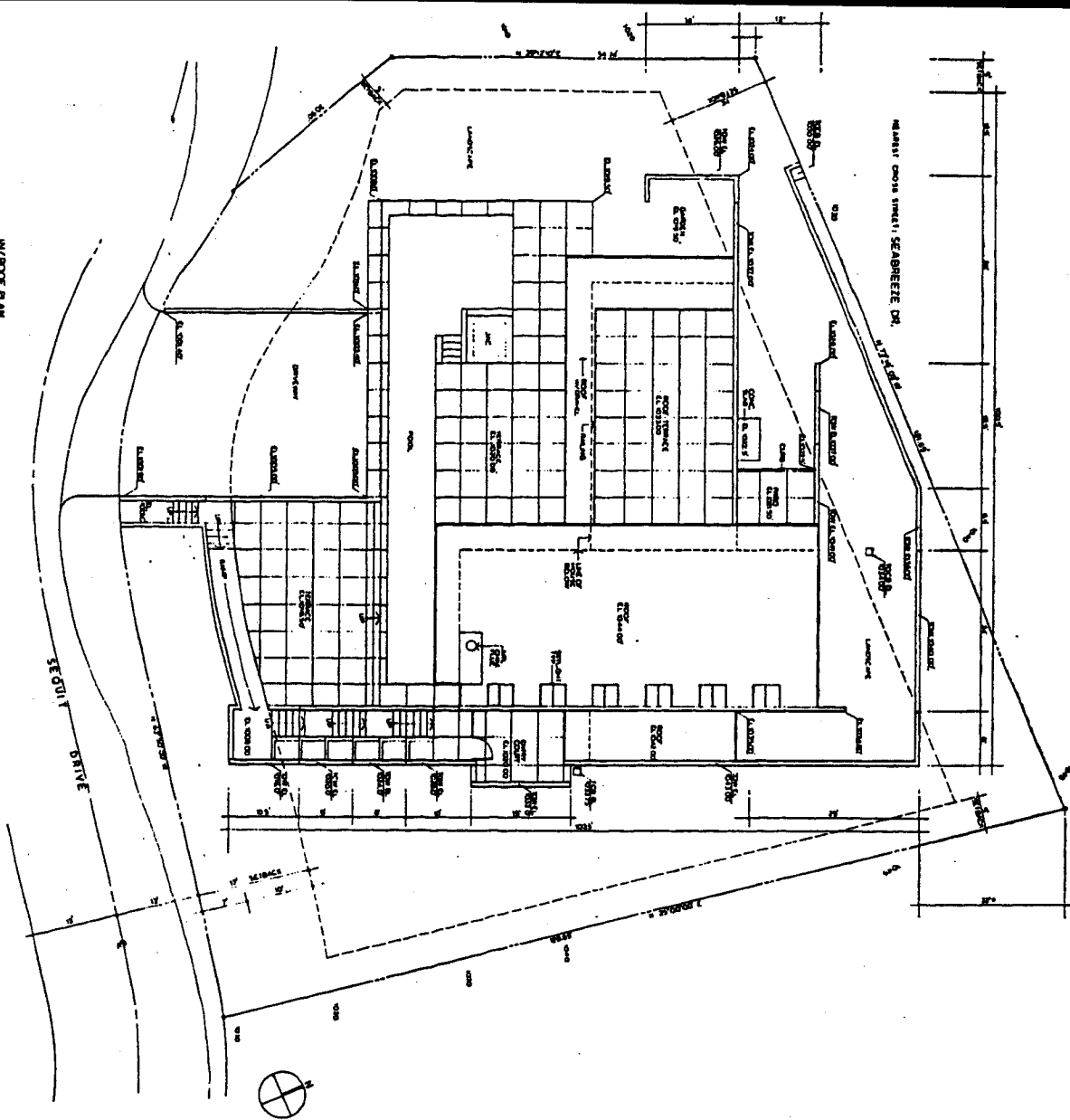
Monday, Jun 19 2000

EXHIBIT 5

CDP # 4-95-136-A1

Coastal Resource Map

W/ROOF PLAN
6'-0" OF THE BUILDING AND YARD



VICINITY MAP



TRACT NO. 9456

LEGAL DESCRIPTION
LOT 94-185, EASTERN 20' OF LOT 93
TRACT 9456, M.B. NO. 11, P. 10, S. 1

BUILDING SUMMARY	
FIRST FLOOR:	2187 SF.
SECOND FLOOR:	310 SF.
TOTAL:	2507 SF.
GARAGE:	816 SF.
SITE AREA:	
TERRACE AREA:	1427 SF.
LANDSCAPED AREA:	3426 SF.
UNIMPROVED AREA:	2040 SF.
DRIVEWAY:	5600 SF.
	906 SF.

EXHIBIT 6

CDP # 4-95-136-A1

Approved Site Plan

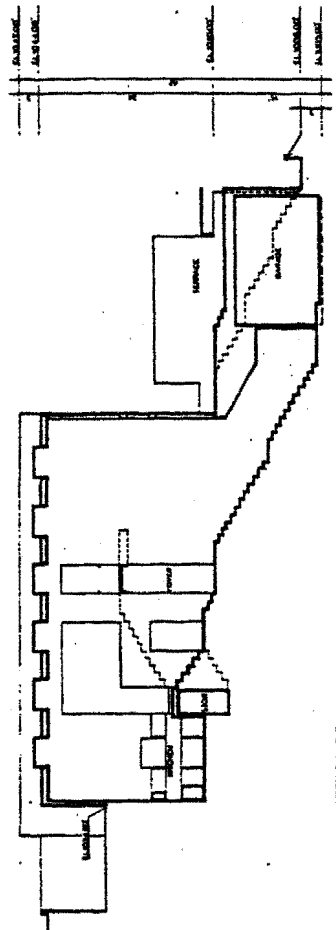
(4-95-136)

SITE/ROOF PLAN
SCALE: 1/8" = 1'-0"
DATE: 12/91

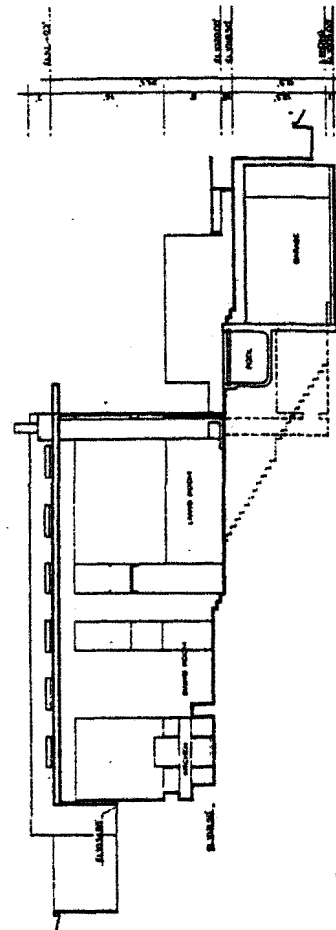
KAPLA
3044 SE
CORRAL C
LOT 94-185
EL. 1000.5

Michael A. Zeklin
Architect

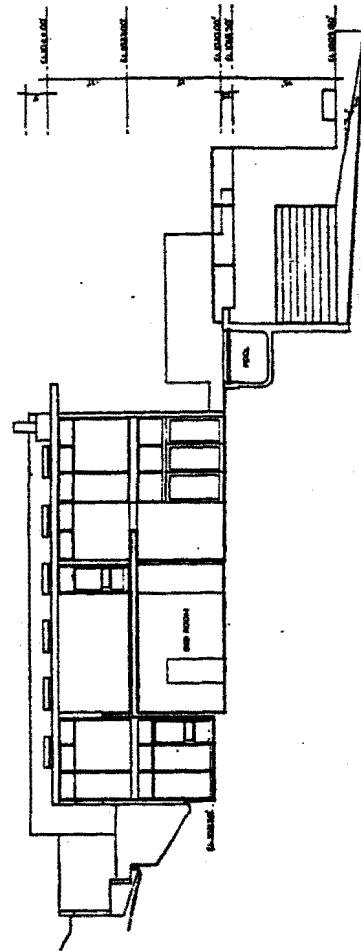
2000 Camino Arroyo
San Marcos, California 92069
714-798-1870



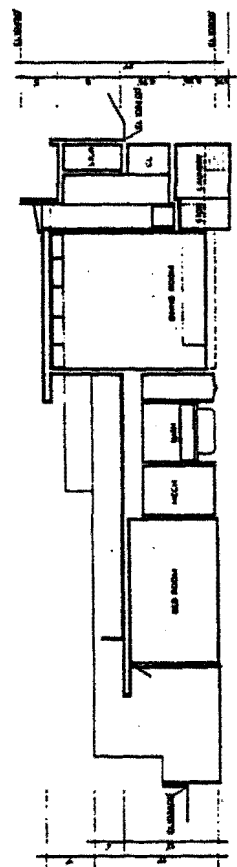
SECTION CC



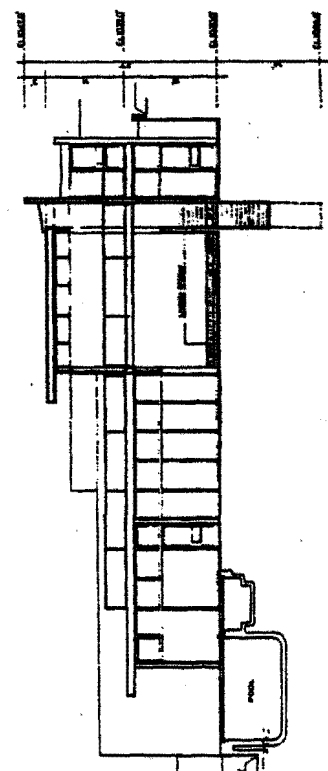
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SECTION AA



SECTION EE



SECTION FF

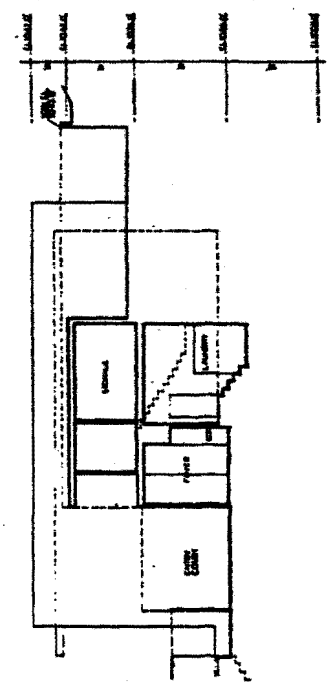


EXHIBIT 7

CDP # 4-95-136-A1

Approved Elevations

(4-95-136)

KAPLAN RESIDENCE 3144 SEQUIT DRIVE MALIBU, CALIFORNIA		DATE 12/99	SHEET TITLE STRENGTHENING	SCALE 1"=40'	PROJECT NO. A-11
ARCHITECT RICHARD H. RYAN RICHARD H. RYAN ARCHITECT 100 S. NORTON AVE. LOS ANGELES, CA 90010 (213) 367-3925					

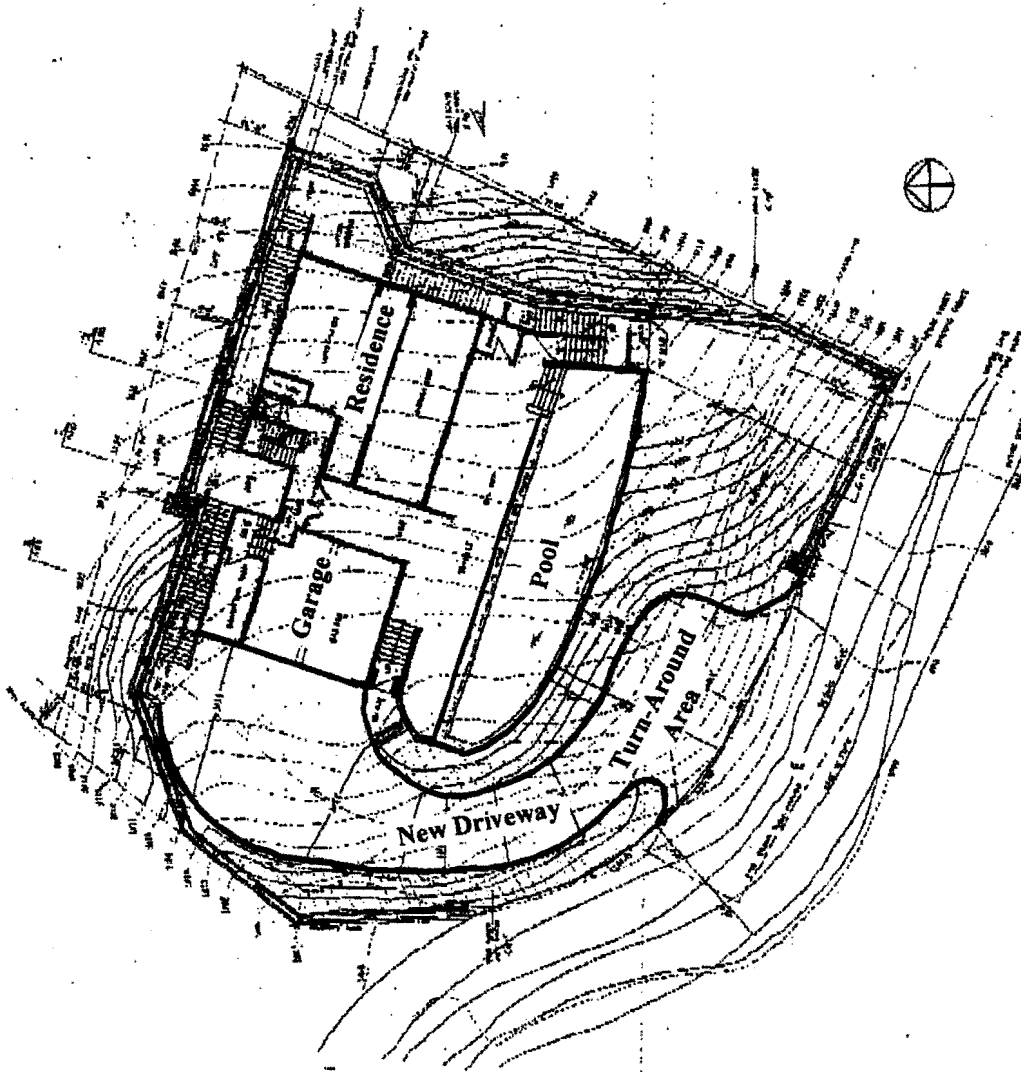


EXHIBIT 8
CDP # 4-95-136-A1
Proposed Site Plan

27'-6"

South Elevation

31'-0"

35'-0"

Existing Grade

31'-0"

North Elevation

West Elevation

East Elevation

Existing Grade

EXHIBIT 9

CDP # 4-95-136-A1

Proposed Elevations

