

**CALIFORNIA COASTAL COMMISSION**

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

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 Staff Report: 10/25/01  
 Hearing Date: 11/16/01  
 Commission Action:

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

**APPLICATION NO.:** 4-99-273-A1

**APPLICANTS:** Jeffrey and Sheryl Kramer

**PROJECT LOCATION:** 28929 Bison Court, Malibu, Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Demolish a one-story, 3,090 sq. ft. single family residence with attached 3-car garage and construct a new two-story, 28 ft. high, 4,891 sq. ft single family residence, a detached 3-car garage with a 469 sq. ft. second floor storage attic, new septic system, driveway, motor court, swimming pool (existing) to remain onsite, and 300 cu. yds. of overexcavation.

**DESCRIPTION OF AMENDMENT:** Convert previously approved 469 sq. ft. attic above detached 3-car garage into playroom/guestroom with an exterior stairway and install new 1,500 gallon septic tank.

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approval In Concept, 03/17/01; City of Malibu, Environmental Health In-Concept Approval, 02/16/01.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit 4-99-273 (Kramer), Environmental & Engineering Geology, 06/15/99, Donald B. Kowalewsky.

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

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**Summary and Staff Recommendation:**

Staff recommends **approval** of the proposed project amendment with **Two (2) Special Conditions**. Special Condition 1, the wildfire waiver of liability, requires the applicant to update the wildfire waiver of liability for conversion of the existing attic to a habitable playroom/guestroom and Special Condition 2, the revised future improvements condition, will ensure that any future changes of the proposed guest unit that might expand the structure and/or intensify its use will be reviewed for potential cumulative impacts by the Commission or the applicable certified local government.

**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. 4-99-273-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 4-99-273 continue to apply. In addition, the following revised special condition is hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-99-273-A1.*

**SPECIAL CONDITIONS**

**5. Revised Future Improvements**

This permit is only for the development described in Coastal Development Permit No. 4-99-273-A1. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, future improvements, or change of use to the detached garage and playroom/guestroom structure approved under Coastal Development Permit No. 4-99-273-A1, and any grading, or clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition 3, shall require an amendment to Permit No. 4-9-273-A1 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

*Prior to the issuance of Coastal Development Permit 4-99-273-A1 the applicants 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 applicants' 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.

#### **6. Revised Wildfire Waiver of Liability**

*Prior to the issuance of Coastal Development Permit 4-99-273-A1, 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.*

### **III. FINDINGS AND DECLARATION**

The Commission hereby finds and declares:

#### **A. Project Description and Background**

The applicants are proposing to convert a previously approved 469 sq. ft. attic above a detached 3-car garage into playroom/guestroom with an exterior stairway, and to install new 1,500 gallon septic tank (Exhibits 4,5). The proposed project does not include grading or removal of vegetation at the site and will not result in a change in the footprint, height or square footage of the previously approved structure. The proposed playroom/guestroom includes a single bathroom, thus, a new 1,500 gallon septic tank will be integrated into the previously approved septic system to treat and dispose of effluent from the proposed development.

On March 14, 2000 the Commission approved Coastal Development Permit 4-99-273 for demolition a one-story, 3,090 sq. ft. single family residence with attached 3-car garage and construction a new two-story, 28 ft. high, 4,891 sq. ft single family residence, a detached 3-car garage with a 469 sq. ft. second floor storage attic, new septic system, driveway, motor court, swimming pool (existing) to remain onsite, and 300 cu. yds. of overexcavation. The project was approved by the Commission subject to special conditions regarding 1) geologic recommendations, 2) drainage and polluted run-off, 3) landscaping and erosion control, 4) demolition of existing residence, 5) future improvements, and 6) wildfire waiver of liability (Exhibit 1).

The project site is located on Bison Court in a residential neighborhood developed with numerous single family residences on Point Dume in the City of Malibu (Exhibit 2,3).

The subject site is relatively flat, particularly within the proposed area of development, which then gently descends north-easterly with an approximate gradient of 4:1. Run-off from the project site drains to a natural ravine located outside of the north-east property boundary. The subject parcel contains landscaping associated with existing development while portions of the property descending from the developed area contain a moderate amount of natural vegetation consisting of weeds and grasses and a large strand of Eucalyptus trees that align the north-east property boundary.

The previously approved garage and attic structure was originally reviewed for the potential to construct a guest unit in place of the attic by the project's consulting engineering geologist as described in the Environmental & Engineering Geology, 06/15/99, prepared by Donald B. Kowalewsky. The engineering geologist found that the structure would be suitable for supporting a guest unit in place of the attic and would not adversely affect the stability of the development or project site. The project is consistent with existing development of the surrounding area, will not be visible from Pacific Coast Highway or any other public viewing area, and is not located in a designated Environmentally Sensitive Habitat Area. Additionally, the proposed project does not include grading or vegetation removal. As such, the proposed project will have no significant adverse impact to sensitive environmental or visual resources.

## **B. Cumulative Impacts**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the*

***development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.***

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. Construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicants are proposing to convert a previously approved 469 sq. ft. attic above a detached 3-car garage into playroom/guestroom with an exterior stairway, and are proposing to install anew 1,500 gallon septic tank.

Based on the requirements of Coastal Act Sections 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu/Santa Monica Mountains Land Use Plan (LUP). In its review and action on the LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are likely to be occupied by one, or at most two people, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence. (certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29 and P.C.H. (ACR), 12/83 page V-1 - VI-1). Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose, as a guest unit, rather than as second residential units with intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards

within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units which may be a secondary dwelling. The applicants are proposing the construction of a 469 sq. ft. playroom/guestroom consisting of one open room, a single bath, and a storage room with no kitchen facilities (Exhibit 5).

The proposed 469 sq. ft. guest unit conforms with the Commission's past actions in allowing a maximum of 750 sq. ft. for development of detached guest units. However, future unauthorized improvements to the proposed guest unit that might otherwise be exempt from Commission review, could easily convert the proposed playroom/guestroom into a secondary dwelling, and additions to the structure could exceed the 750 sq. ft. standard and further intensify the use of the subject parcel. As such, the Commission finds it necessary to ensure that no additions or improvements are made to the proposed guest unit in the future that may enlarge or further intensify the use of the structure without due consideration of the cumulative impacts that may result. Therefore, the Commission finds it necessary to require the applicants to record a revised future development deed restriction, as specified in revised **Special Condition 5**, which will require the applicants to obtain an amended or new coastal permit if additions or improvements to the structure are proposed in the future. As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 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 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.***

As described, the proposed project amendment the applicants are proposing to convert a previously approved 469 sq. ft. attic above a detached 3-car garage into playroom/guestroom with an exterior stairway and to install new 1,500 gallon septic tank (Exhibit 4). The proposed project does not include grading or removal of vegetation at the site and will not result in a change in the footprint, height or square footage of the previously approved structure. The proposed playroom/guestroom includes a single bathroom, thus, a new 1,500 gallon septic tank will be integrated into the previously approved septic system to treat and dispose of effluent from the proposed development. The applicants have submitted plans approved "In-Concept" by the City of Malibu Department of Environmental Health dated 02/16/01. The conceptual approval by the City indicates that the sewage disposal system for the project described in this amendment application complies with all minimum requirements of the City's Plumbing Code.

The Commission has found in past permit actions that compliance with local health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

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.

#### **D. Wildfire Hazard**

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

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in



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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition 6**, the revised wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition 6, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that, as conditioned to include a revised wildfire waiver of liability, the proposed project is consistent with Section 30253 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 City's ability to prepare a Local Coastal Program for the Santa Monica Mountains/Malibu area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit 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, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

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



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Date: March 16, 2000

Permit Application No. 4-99-273

**NOTICE OF INTENT TO ISSUE PERMIT**

On March 14, 2000, the California Coastal Commission granted to Jeffrey & Sheryl Kramer, permit 4-99-273, subject to the attached conditions, for development consisting of: Demolish a one-story, 3,090 sq. ft. single family residence with attached 3-car garage and construct a new two-story, 28 ft. high, 4,891 sq. ft single family residence, a detached 3-car garage with a 469 sq. ft. second floor storage attic, new septic system, driveway, motorcourt, swimming pool (existing) to remain onsite, and 300 cu. yds. of overexcavation and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 28929 Bison Court, Malibu.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1-6, 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 by,

PETER DOUGLAS  
 Executive Director

*April Verbanac*  
 By: April Verbanac  
 Coastal Program Analyst

**ACKNOWLEDGMENT:**

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

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Permittee

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

Exhibit 1  
 4-99-273-A1  
 Notice of Intent

## NOTICE OF INTENT TO ISSUE PERMIT

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### STANDARD CONDITIONS:

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

### SPECIAL CONDITIONS:

#### 1. Plans Conforming to Geologic Recommendation

All recommendations contained in the Engineering Geology and Geotechnical Report prepared by Donald Kowalewsky dated 6/15/99 shall be incorporated into all final design and construction including foundations, grading, and drainage. Final plans must be reviewed and approved by the geologic and geotechnical consultant. Prior to the issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, evidence of the 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.

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### **2. 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 which minimizes 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 include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in non-erosive manner.
- (c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system 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 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. Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit revised 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 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:

NOTICE OF INTENT TO ISSUE PERMIT

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**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) 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.
- (5) 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.

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### **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 should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, 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 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 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.

## NOTICE OF INTENT TO ISSUE PERMIT

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#### **4. Demolition of Existing Residence**

With the acceptance of this coastal permit, the applicants agree that the existing 3,090 sq. ft. single family residence and attached 3-car garage on the site shall be demolished and all debris material removed within thirty (30) days of the applicant's receipt of the Certificate of Occupancy for the proposed residence from the City of Malibu. After the residence has been demolished and all debris material exported from the project site, the disturbed site shall be revegetated as required by Special Condition 3 within 60 days.

#### **5. Future Improvements**

This permit is only for the development described in Coastal Development Permit No. 4-99-273. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the entire parcel. Accordingly, any future structures, improvements, or change of use to the permitted structures, including the detached garage and attic structure approved under Coastal Development Permit No: 4-99-273, and any clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition 3, shall require an amendment to Permit No. 4-99-273 from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.

Prior to the issuance of the Coastal Development Permit the applicant shall Execute and record a deed restriction in a form and content acceptable to the Executive Director 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.

#### **6. Wildfire Waiver of Liability**

Prior to the issuance of a 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.



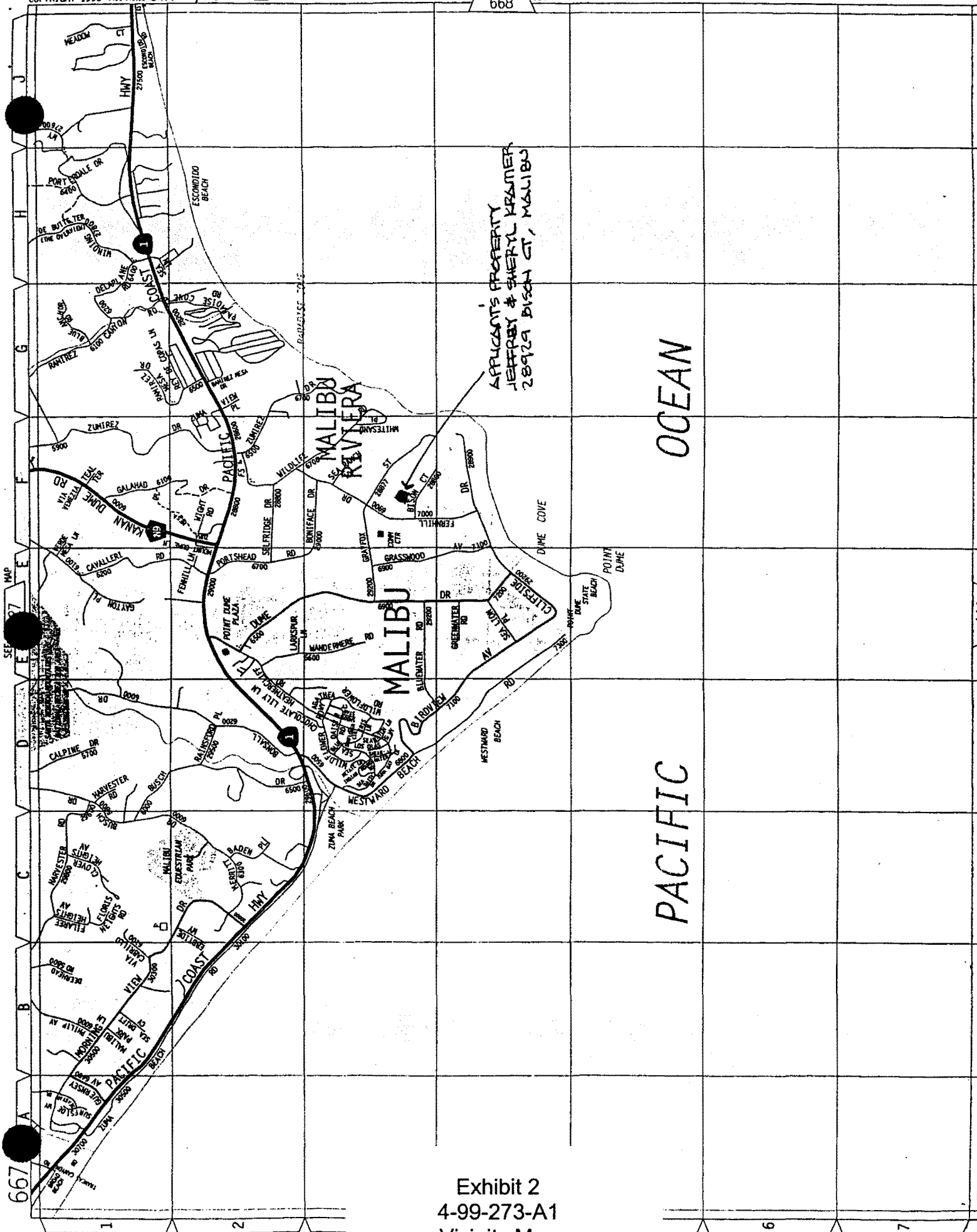


Exhibit 2  
4-99-273-A1  
Vicinity Map

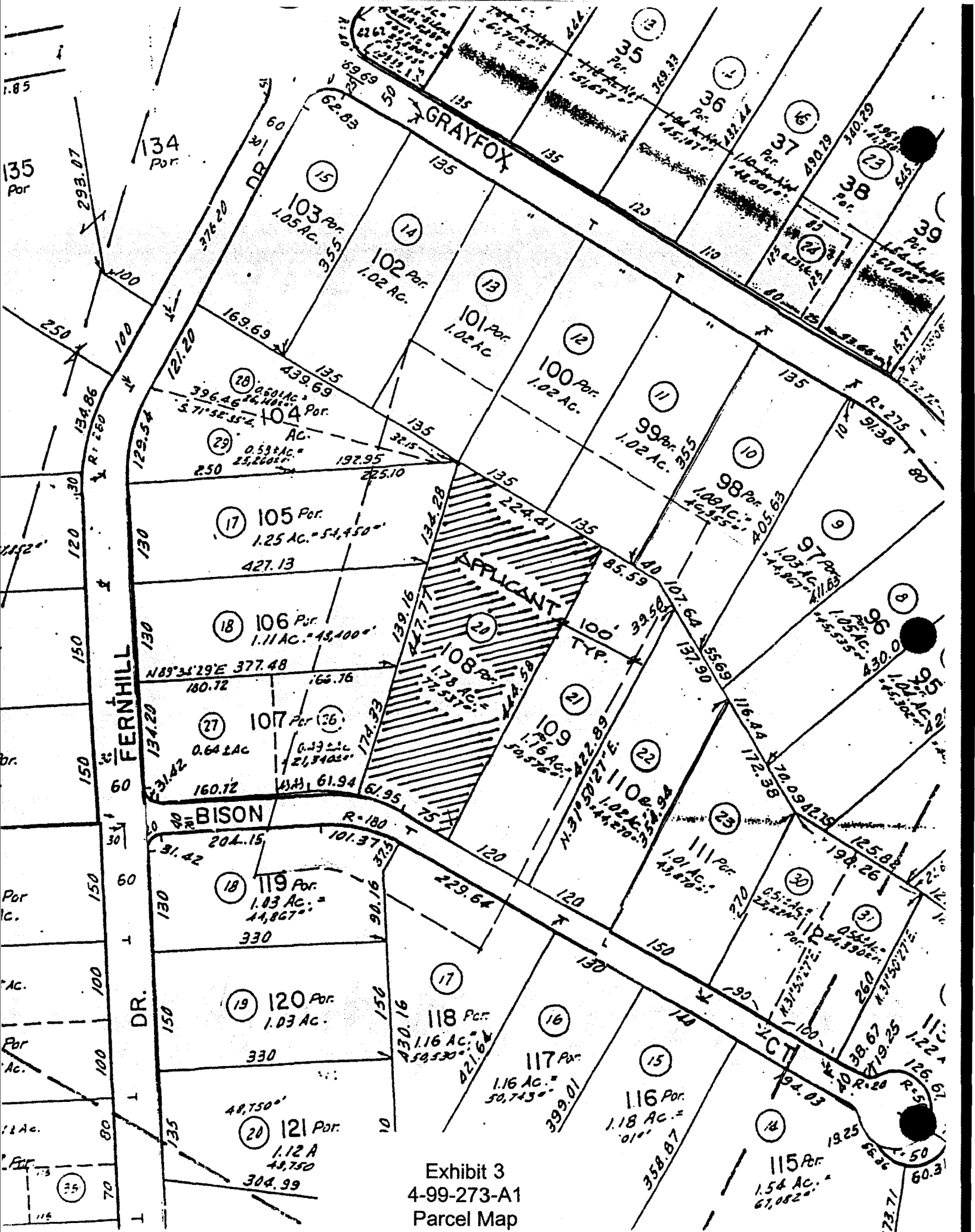
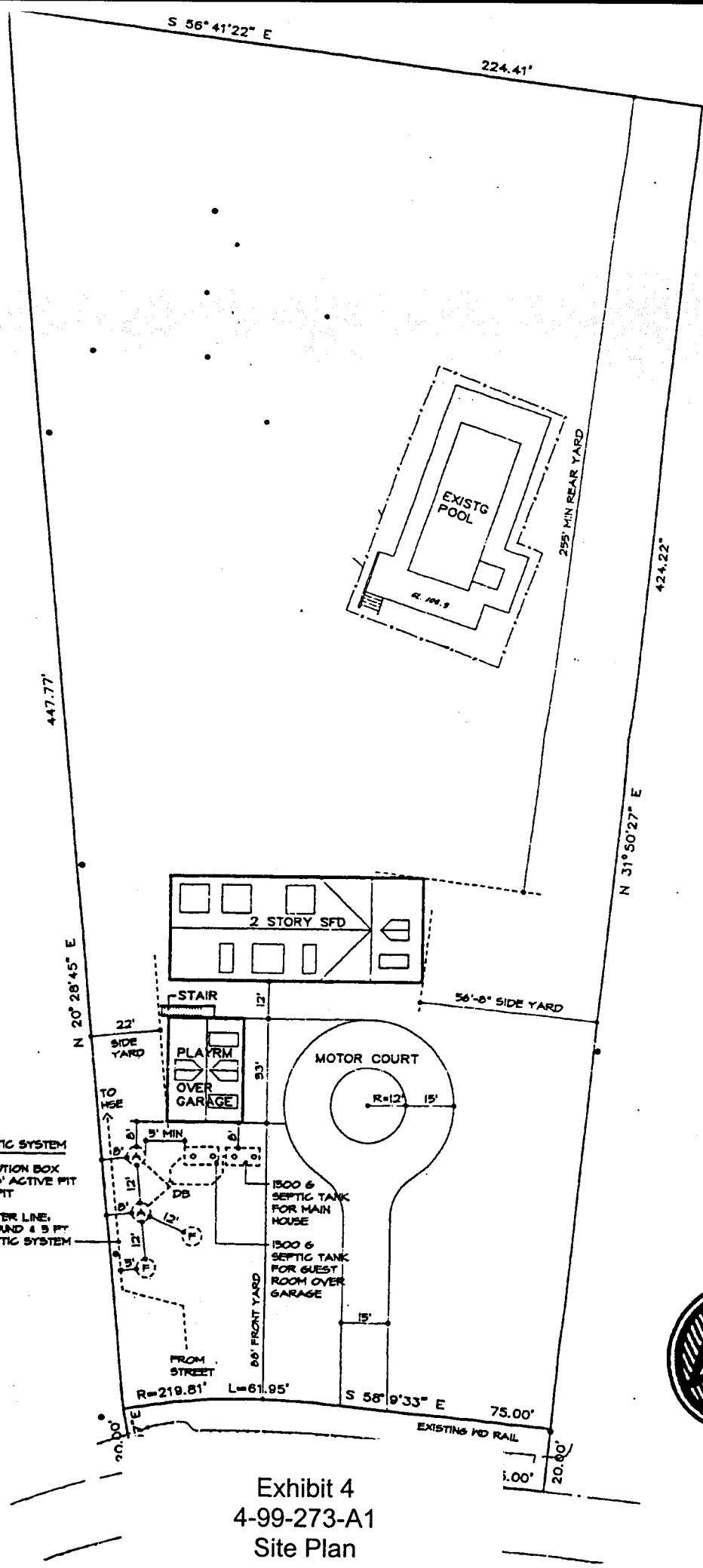


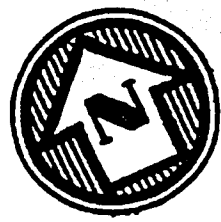
Exhibit 3  
4-99-273-A1  
Parcel Map



**LEGEND / SEPTIC SYSTEM**

- DB DISTRIBUTION BOX
- A 60" X 96" ACTIVE PIT
- F FUTURE PIT

DOMESTIC WATER LINE:  
RE-ROUTE AROUND 4.5 FT  
CLEAR OF SEPTIC SYSTEM



1" = 40'

Exhibit 4  
4-99-273-A1  
Site Plan

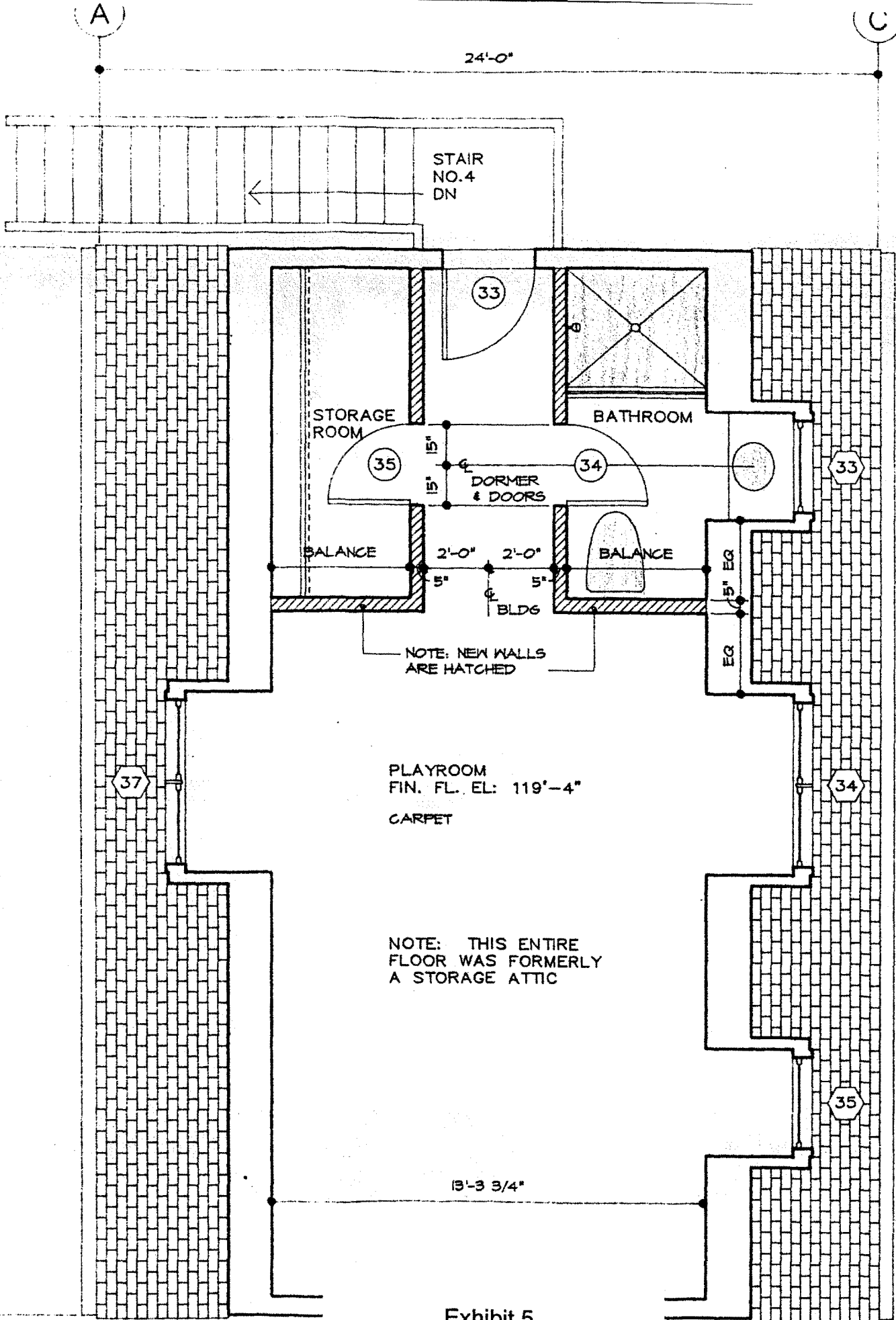


Exhibit 5  
4-99-273-A1  
Floor Plan

CONS  
WALL  
FINIS  
DIME  
TO T  
CON  
ROUC  
BOUC  
PL  
FINIS  
WALL