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## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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### RECORD PACKET COPY

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Staff: LKF-V [initials]  
Staff Report: 9/20/01  
Hearing Date: 10/09-12, 2001  
Commission Action:

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.** 4-01-024

**APPLICANT:** Bill & Joyce Bromiley **AGENT:** Barsocchini & Associates

**PROJECT LOCATION:** 31554 Victoria Point, City of Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut).

<b>Lot Area:</b>	8,447 sq. ft.
<b>Building Coverage:</b>	4,235 sq. ft.
<b>Pavement Coverage:</b>	820 sq. ft.
<b>Landscaped Area:</b>	3,388 sq. ft.
<b>Parking Spaces:</b>	2
<b>Height above existing grade:</b>	18 feet

**LOCAL APPROVALS RECEIVED:** Approval in Concept, City of Malibu Planning Department, dated 1/26/01; City of Malibu Environmental Health Review, dated 6/08/00; Approval In Concept, City of Malibu Geology and Geotechnical Engineering, dated 6/27/00; City of Malibu Archaeology Waiver dated 5/04/00.

### SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with eight (8) special conditions regarding (1) Conformance with Geologic Recommendations, (2) Assumption of Risk, (3) Landscaping and Erosion Control, (4) Drainage and Polluted Runoff, (5) Removal of Excess Graded Material, (6) Color Restriction, (7) Future Development, (8) Pool Drainage and Maintenance, and (9) Removal of Natural Vegetation.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (1986); "Geotechnical Engineering Report for Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 2/07/00; "Response to Review, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 6/05/00; "Response to Geologic Site Inspection, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 4/24/01; "Geologic Data Sheet," prepared by Donald B. Kowalewsky, dated 11/09/2000; Response to Earth Systems Report (dated 4-24-01) for 31554 Victoria Point Drive, Malibu prepared by Donald B. Kowalewsky, dated 7/23/2001; Letter re: sewer system prepared by Barton Slutske, dated 5/31/2000; "Phase I Archaeological Survey for APN#4470-017-045, Malibu, Los Angeles County, California," prepared by W & S Consultants, dated 1/25/2000; Coastal Development Permit 4-98-322-W (Prince); Coastal Development Permit 5-83-971 (Berger); Coastal Development Permit SF-79-6001 (Edwards); Coastal Development Permit SF-79-6107.

## **II. STAFF RECOMMENDATION**

**MOTION:** I move that the Commission **approve** Coastal Development Permit No. 4-01-024 pursuant to the staff recommendation.

### **STAFF RECOMMENDATION OF APPROVAL:**

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

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### III. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

### IV. SPECIAL CONDITIONS

#### 1. Plans Conforming to Geologic Recommendations

- (a) All recommendations contained in the "Geotechnical Engineering Report for Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 2/07/00; "Response to Review, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 6/05/00; and "Response to Geologic Site Inspection, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 4/24/01 shall be incorporated into all final design and construction including recommendations concerning site preparation, grading, slope construction, lateral fill extension, retaining walls, utility trenches, foundations, frictional and lateral coefficients, settlement, slabs-on-grade, swimming pool, plan review, and site observation. All plans must be reviewed and approved by the consulting geologists.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, evidence of the consultants' review and approval of all project plans. Such evidence shall include affixation of the consulting geologists' stamp and signature

to the final project plans and designs, including the landscape and erosion control plan required pursuant to **Special Condition Three (3)**, and the drainage and runoff control plan required pursuant to **Special Condition Four (4)**.

- (b) The final plans approved by the consulting geologists shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, drainage, and sewage disposal. Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall determine whether required changes are "substantial."

## **2. Assumption of Risk, Waiver of Liability, and Indemnity**

- 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 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 Coastal Commission approved amendment to this coastal development permit.

## **3. Landscape and Erosion Control Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit two (2) sets of 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 consulting geologists to ensure that the plans are in conformance

with the consulting geologists' recommendations. The plans 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting shall 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 shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) All development approved herein shall be undertaken in accordance with the final approved plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the said plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- (5) The landscape plan shall include a permanent irrigation plan that employs a drip irrigation system. Sprinkler systems may be used to establish turf as authorized by the Executive Director.
- (6) The property shall be planted with native species of sufficient height and density to screen the project from public viewing areas at Lechuza Beach.
- (7) 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 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 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**

- (1) 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 that 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.

- (2) 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.

#### **4. Drainage and Polluted Runoff Control Plan**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) sets of final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting geologists to ensure the plan is in conformance with the consulting geologists' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs 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.

#### **5. Removal of Excess Graded Material**

The applicant shall remove all excess graded material, consisting of approximately 650 cu. yds. of cut, to an appropriate disposal site locate outside of the Coastal Zone. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

#### **6. Color Restriction**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-01-024. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, driveways, retaining walls, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-01-024 if such changes are specifically authorized by the Executive Director as complying with this special condition.

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

#### **7. Future Development Restriction**

This permit is only for the development described in coastal development permit No. 4-01-024. Pursuant to Title 14 California Code of Regulations §13250 (b)(6), the



exemptions otherwise provided in Public Resources Code §30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the entire property, including but not limited to the permitted residence, garage, swimming pool, any change of use to the permitted structures, and any grading, clearing or other disturbance of vegetation other than as provided for in the approved landscape plan prepared pursuant to **Special Condition No. Three (3)**, shall require an amendment to Permit No. 4-01-024 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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 legal descriptions 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. Pool Drainage and Maintenance**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for review and approval of the Executive Director, a written plan to mitigate the potential of leakage from the proposed swimming pool. The plan shall at a minimum: 1) provide a separate water meter for the pool to allow monitoring of water levels for the pool; 2) include design specifications for the pool that include double wall construction, with a drain system between the walls that can serve as a leak-detection system, to ensure that leakage will not contribute to the instability of the site; and 3) identify methods to control pool drainage and to control infiltration and run-off resulting from pool drainage and maintenance activities. The applicant shall comply with the mitigation plan approved by the Executive Director.

#### **9. 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.

### **V. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

The applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut) (**Exhibits 4-13**). The property is included in the Lechuza Point/Trancas sewer assessment district and all sewage from the proposed residence will be discharged to the Lechuza Point pump station.

The subject site is located at 31554 Victoria Point Road, approximately 400 feet north of Lechuza Point, in the City of Malibu (**Exhibit 1**). The surrounding area is developed with existing single family residences of similar or greater bulk and height. The subject site is the northernmost of three adjacent lots that remain undeveloped (**Exhibits 2 and 14**). The proposed residence will be visible from Sea Level Drive and from Lechuza Beach just west of Lechuza Point. Sea Level Drive provides public pedestrian access to the beach during daylight hours.

The site is located in part within an area designated as an inland Environmentally Sensitive Habitat Area (ESHA) in the Certified Malibu/Santa Monica Mountains Land Use Plan. In addition, the nearshore marine environment off Lechuza Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan (**Exhibit 3**).

The 8,447 sq. ft. subject parcel descends southwesterly at increasing gradients, ranging from 10:1 in the northeastern third of the parcel to 1:1 at an approximately six ft. tall cut slope adjacent to Sea Level Drive (**Exhibit 4**). The parcel is lightly vegetated. Runoff from the site travels southwesterly toward Sea Level Drive, where it is intercepted by catch basins that discharge at Lechuza Beach just west of Lechuza Point. The 200-foot brush clearance radius for the site encompasses developed sites and two adjacent undeveloped properties, which are lightly vegetated with short grasses. The approval of the project will not result in significant additional brush clearance in the vicinity of the site (**Exhibit 2**).

The project site has been the subject of previous Commission action. In November 1979, the Commission approved construction of a two story, 2901 sq. ft. single family home on the site (CDP SF-79-6107). The project was not undertaken and the permit expired in November 1981.

Neighbors have voiced concerns about the geologic stability of the site, the size of the proposed development, and its impact on public views and Environmentally Sensitive Habitat Areas (**Exhibit 15**). They have also submitted two letters from a certified engineering geologist challenging the findings of the applicant's geologic reports, as discussed in Section B below.

**B. Geologic Stability and Hazards**

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, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...***

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat in 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.

**1. Geology**

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. As noted above, the site of the the proposed project is an 8,447 sq. ft. lot that descends at increasing gradients (approximately 10:1 to 3:1) to an approximately six ft. tall cut slope adjacent to Sea Level Drive. A three foot wide concrete brow ditch is located approximately 10 feet east of the top of the cut slope. The parcel is lightly vegetated. Runoff from the site travels southwesterly toward Sea Level Drive, where it is intercepted by catch basins that discharge at Lechuza Beach just west of Lechuza Point.

The applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut). The majority of grading (600 cu. yds. of cut) will occur beneath the proposed residence.

The applicant has submitted three reports: "Geotechnical Engineering Report for Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 2/07/00; "Response to Review, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 6/05/00; and "Response to Geologic Site Inspection, Proposed Residence, Lot 23, Tract 25166, 31554 Victoria Point Drive, Malibu, California," prepared by Earth Systems Southern California, dated 4/24/01 These reports make numerous recommendations regarding

site preparation, grading, slope construction, lateral fill extension, retaining walls, utility trenches, foundations, frictional and lateral coefficients, settlement, slabs-on-grade, swimming pool, plan review, and site observation. The June 5, 2000 report by Earth Systems Southern California concludes that

***Based on the findings summarized in References Nos. 3, 4, and 5, it is our professional opinion that the proposed construction will not be subject to a hazard from settlement, slippage, or landslide, provided the recommendations of this report are incorporated into the proposed construction. It is also our opinion that the proposed improvements and anticipated site grading will not adversely affect the geologic stability of the site or adjacent properties provided the recommendations contained in this report are incorporated into the proposed construction.***

In response to the February 7, 2000 and June 5, 2000 Earth Systems Southern California reports, neighboring residents opposed to the project submitted a letter and Geologic Data Sheet, prepared by Donald B. Kowalewsky, dated 11/09/2000. In the letter, Mr. Kowalewsky states

***It is my opinion that the City of Malibu should require additional exploration, testing, and analysis of the property because the Earth Systems report was based on exploration that did not penetrate into bedrock, assumed groundwater conditions based on testing performed during and following a year of low rainfall, utilized extremely high soil strengths for the earth materials underlying the property, and failed to recognize the signs of past slope instability on this property.***

In their report of April 24, 2001, Earth Systems Southern California responds to Mr. Kowalewsky's comments. Excerpts from that report, as they pertain to three main areas of concern, are presented below:

Regarding groundwater conditions, borings, and the potential for liquefaction:

***The reviewer is correct that groundwater may be less than 50 feet deep in some portions of the property based on data gathered by Kovacs-Byers-Robertson, Inc. They found groundwater at a depth of about 48 to 50 feet below the ground surface, just above the bedrock surface which was encountered at 52 to 54 feet below the ground surface...Based on this finding, the reviewer suggests that a liquefaction potential may exist below the site, and that lateral spreading might occur. The soil data suggest otherwise.***

***Earth Systems Southern California drilled (to 51 feet deep) to within a few feet of the bedrock contact, and into the material that was reported by others to contain groundwater. No groundwater was encountered. Of note in (this) boring is the strength of the soils encountered... Soil strength in borings is usually measured with a Standard Penetration Sampler (SPT), that is driven into the bottom of the borehole in three, 6-inch drives, during which the number of blows to drive the sampler is recorded. The first drive is typically ignored because the sampler is penetrating soil disturbed by drilling and that has minimal lateral confinement. Earth Systems Southern California made two 6-inch drives (not three) with a larger sampler. In the clean sand found from a depth of 33.5 to 51 feet below the ground surface, when the first drive is ignored, and the driving resistance corrected for both sampler size and overburden, the equivalent SPT blow***

**counts are greater than 30 blows per foot. Soils with this much resistance to sampler penetration are not susceptible to liquefaction and hence, not subject to lateral spreading (when the blow counts exceed 15, lateral spreading is thought to be unlikely).**

Regarding slope stability and soil strength parameters:

**The reviewer believes that soil strengths used by Earth Systems Southern California in analyzing slope stability are too high, and suggests that Earth Systems Southern California's samples may not have been tested saturated. (The Earth Systems Southern California samples were saturated by submerging them in water for about 24 hours prior to testing.) .... There is much evidence to indicate that the terrace deposit has high strength. First, the soil is very strong as indicated by sampler driving resistance and soil density. Second the terrace deposit is cemented and has considerable cohesion as indicated by Alan F. Wing and Associates (Report of Foundation Investigation, Lots 8, 9, 10, 14, 22, 23, 24, and 25, Tract 25166, Trancas Beach Area, Los Angeles County, California for (Client's Identity is Unknown). Alan F. Wing and Associates, date unknown.)**

**However, it can be demonstrated by analyses that even if the strength values cited by the reviewer are applied to stability analyses of the steepest slope on the site...the factor of safety to static conditions exceeds 1.5 and the factor of safety to pseudostatic conditions exceeds 1.1. Hence, with respect to gross stability, the slope is stable, and should remain stable. The analyses are attached to this report.**

Regarding signs of slump and creep on the subject site:

**The reviewer is correct that the small cut slope at Sea Level Drive is over steepened and show signs of erosion. It should be graded by filling or trimming to a 2:1, horizontal to vertical slope, or supported with a retaining wall. Design parameters for retaining walls are provided in Reference No. 2.**

**The reviewer cites the slope at Sea Level Drive to be susceptible to creep. We doubt this is the case considering the density and strength of the terrace deposit. However, if the slope is flattened or retained with a wall as recommended above, creep should not be an issue.**

Commission staff geologist Mark Johnsson has evaluated the above mentioned reports and has made the following conclusions:

- 1) The combined data set, including Earth Systems Southern California explorations and data from the Kovacs-Byers-Robertson, Inc. report, adequately characterizes the site.
- 2) Although the report prepared by Earth Systems Southern California on February 7, 2000 utilizes very high soil strength parameters and cites very high factors of safety, the report prepared by Earth Systems Southern California on April 24, 2001 utilizes strength parameters much more typical for marine terrace deposits in the area. Adequate factors of safety are demonstrated for the slope even using these much lower strength values. The concerns expressed by Donald Kowalewsky in his report dated November 9, 2000 regarding the high soil strength values are

valid. However, the April 24, 2001 calculations did not make use of these values. They did, in fact, demonstrate the global stability of the slope using reasonable values for friction angle and cohesion.

- 3) The ongoing erosion problem at the site seems to be related to surficial erosion and slumping of a steep cut slope. This instability is acknowledged by Earth Systems Southern California in their April 24, 2001 report. That report recommends that a retaining wall be constructed. Staff concurs that such a wall, fronting on Sea Level Drive, ~~will arrest this problem.~~
- 4) The report prepared by Earth Systems Southern California on April 24, 2001 adequately addresses the location of the groundwater table and its potential impact on liquefaction risk. Although the "alluvium" described in earlier Earth Systems Southern California reports does consist of sands whose grain size makes them susceptible to liquefaction, their density as determined by SPT blow count data suggest that they are unlikely to liquefy, even at higher groundwater levels than encountered during the borings undertaken in preparation of the report.

Accordingly, the Commission finds that the proposed development will be safe from geologic hazards if all recommendations of the consulting geologists, including recommendations for stabilizing the cut slope on Sea Level Drive, are incorporated into the final project plans and designs. Accordingly, **Special Condition One (1)** requires the applicant to demonstrate to the Executive Director's satisfaction that all recommendations in the February 7, 2000, June 5, 2000, and April 24, 2001 reports are incorporated into the final plans and designs.

However, the Commission recognizes that development, even as designed and constructed to incorporate all recommendations of the consulting engineering geologist, may still involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use the subject property.

The Commission finds that due to the possibility of liquefaction, storm waves, erosion, landslide, flooding, and wildfire, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition Two (2)**, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards associated with development of the site, and that may adversely affect the stability or safety of the proposed development.

## 2. Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the site of the the proposed project is a 8,447 sq. ft. lot that descends at increasing gradients (approximately 10:1 to 3:1) to an approximately six ft. tall vertical cut slope adjacent to Sea Level Drive. A three foot wide concrete brow ditch is located approximately 10 feet east of the top of the cut slope. The parcel is lightly vegetated. Runoff from the site travels southwesterly toward Sea Level Drive, where it is intercepted by catch basins that discharge at Lechuza Beach just west of Lechuza Point.

The site is located within an area designated as an inland Environmentally Sensitive Habitat Area (ESHA) in the Certified Malibu/Santa Monica Mountains Land Use Plan. In addition, the nearshore marine environment off Lechuza Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan (**Exhibits 2-3**).

The applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut). The majority of grading (600 cu. yds. of cut) will occur beneath the proposed residence.

In total, the project will result in 5,055 sq. ft. of impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Four (4)**. **Special Condition Four (4)** requires the implementation and maintenance of 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. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. 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.

In addition, the Commission finds that temporary erosion control measures implemented during construction will also minimize erosion and enhance site stability. **Special Condition Three (3)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Three (3)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Three (3)** 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/foilage weight. The Commission finds that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that the use of such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. As noted the implementation of **Special Condition Three (3)** will ensure that primarily native plant species are used in the landscape plans and that potentially invasive non-native species are avoided.

Therefore, the Commission finds that in order to ensure site stability and erosion control, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Three (3)**. In addition, the Commission finds that removal of vegetation for fuel modification purposes prior to construction of the residence may contribute to erosion of the site. Therefore, the Commission finds that **Special Condition Nine (9)**, which prohibits premature removal



of natural vegetation for fuel modification purposes, is necessary to minimize on-site erosion.

As noted above, the applicant proposes to excavate 650 cu. yds. of material on the site. The Commission finds that stockpiling excavated material may contribute to increased erosion at the site. Furthermore, the Commission notes that additional landform alteration would result if the excavated material were to be collected and retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Five (5)** requires the applicant to remove all excess graded material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit.

The Commission notes that the proposed project is conditioned to incorporate the recommendations of the project's consulting geologists, a landscape and erosion control plan, and a drainage and polluted runoff control plan to ensure the stability of the project site and adjacent properties consistent with Section 30253 of the Coastal Act. However, the Commission also notes that both leakage and drainage of the proposed swimming pool, if not monitored and/or conducted in a controlled manner, may result in excess run-off and erosion from the project site potentially causing instability of the site and adjacent properties. Therefore, the Commission imposes **Special Condition Eight (8)** on the subject permit, which requires the applicant to submit a written plan which includes specific measures to minimize the potential of leakage from the pool and measures to be implemented during maintenance and drainage of the pool. The plan shall include a separate water meter for the pool, which will serve to monitor water levels of the pool and identify leakage. The plan shall also include design specifications for the pool that include double wall construction, with a drain system between the walls that can serve as a leak-detection system, to ensure that leakage will not contribute to the instability of the site. The plan shall also identify methods to control infiltration and run-off from pool drainage and maintenance activities.

Finally, in order to ensure that future site development, including additional vegetation clearance, is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Seven (7)**, which requires the applicant to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements.

For the reasons cited above, the Commission finds that the proposed project as conditioned by **Special Conditions Three (3), Four (4), Five (5), Seven (7), Eight (8), and Nine (9)** will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

### 3. Wild Fire

Section 30253 of the Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as an individual's property rights.

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

As a result of the hazardous conditions that exist for wildfires in the Santa Monica Mountains area, the Los Angeles County Fire Department requires the submittal of fuel modification plans for all new construction to reduce the threat of fires in high hazard areas. Typical fuel modification plans for development within the Santa Monica Mountains require setback, irrigation, and thinning zones that extend 200 feet from combustible structures. The applicant has submitted fuel modification plans that include fuel modification zones extending to the property line. The 200-foot brush clearance radius for the site encompasses parts of two adjacent undeveloped properties, which are lightly vegetated with short grasses. The approval of the project will not result in significant additional brush clearance in the vicinity of the site.

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 acknowledges the liability from these associated risks. Through **Special Condition Two (2)**, 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 Two (2)**, the applicant agrees 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 or destruction from wild fire exists as an inherent risk.

The Commission finds that only as conditioned by **Special Condition Two (2)** is the proposed project consistent with Section 30253 of the Coastal Act applicable to hazards from wildfire.

In summary, the Commission finds that, as conditioned by **Special Conditions One (1), Two (2), Three (3), Four (4), Five (5), Seven (7), Eight (8), and Nine (9)**, the proposed project will be consistent with the requirements of Coastal Act Section 30253 applicable to geology, site stability, and hazards.

**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, 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 that:

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

The applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut). The majority of grading (600 cu. yds. of cut) will occur beneath the proposed residence. The property is included in the Lechuza Point/Trancas sewer assessment district and all sewage from the proposed residence will be discharged to the Lechuza Point pump station.

As noted above, the site of the the proposed project is a 8,447 sq. ft. lot that descends at increasing gradients (approximately 10:1 to 3:1) to an approximately six ft. tall cut slope adjacent to Sea Level Drive. A three foot wide concrete brow ditch is located approximately 10 feet east of the top of the cut slope. The parcel is lightly vegetated. Runoff from the site travels southwesterly toward Sea Level Drive, where it is intercepted by catch basins that discharge at Lechuza Beach just west of Lechuza Point.

The site is located within an area designated as an inland Environmentally Sensitive Habitat Area (ESHA) in the Certified Malibu/Santa Monica Mountains Land Use Plan. In addition, the nearshore marine environment off Lechuza Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan.

The proposed project will result in 820 sq. ft. of paved surfaces, along with 4,235 sq. ft. of building coverage. In total, the project will result in 5,055 sq. ft. of impervious surface area on the site, increasing both the volume and velocity of storm water runoff. An increase in impervious surface area decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms, and have adverse impacts on human health.

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, drainage and water pollution control measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site is returned to the soil, overall runoff volume is reduced. Slow surface flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The project is conditioned, under **Special Condition Four (4)**, 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, sedimentation, and polluted runoff are minimized to reduce potential impacts to coastal streams, natural drainages, and environmentally sensitive habitat areas. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the site, most importantly capturing the initial "first flush" flows that occur as a result of the first storms of the season. 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.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Four (4)**, and finds that this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource protection policies of the Coastal Act.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Three (3)** is necessary to ensure that the proposed development will not adversely impact water quality or coastal resources. In addition, the Commission finds that removal of vegetation for fuel modification purposes prior to construction of the residence may contribute to erosion of the site and degradation of water quality. Therefore, the Commission finds that **Special Condition Nine (9)**, which prohibits premature removal of natural vegetation for fuel modification purposes, is necessary to minimize potential impacts to water quality.

The proposed project includes an approximately 350 sq. ft. swimming pool and spa. Swimming pools can have deleterious effects on aquatic habitat if not properly maintained and drained outside of the watershed. Chlorine and other chemicals are commonly added to pools and spas to maintain water clarity, quality, and pH levels. The Commission notes that both leakage and drainage of the proposed pool, if not monitored and/or conducted in a controlled manner, may result in excess runoff and erosion potentially causing instability of the site and adjacent properties and may result in the transport of chemicals, such as chlorine, into coastal waters. In order to minimize adverse impacts from the proposed pool on coastal water quality, the Commission

imposes **Special Condition Eight (8)** on the subject permit, which requires the applicant to submit a written plan that includes measures to minimize the potential of leakage from the pool and specific measures to be implemented during maintenance and drainage of the pool. The plan shall include a separate water meter for the pool which will serve to monitor water levels of the pool and identify leakage. The plan shall also include design specifications for the pool that include double wall construction, with a drain system between the walls that can serve as a leak-detection system, to ensure that leakage will not contribute to the instability of the site. The plan shall furthermore identify methods to control infiltration and run-off from pool drainage and maintenance activities.

For all of these reasons, therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

#### **D. Environmentally Sensitive Habitat Areas**

Section 30230 of the Coastal Act states that:

***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.***

Section 30231 of the Coastal Act states that:

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

Section 30240 of the Coastal Acts states:

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

***(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent***

***impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

As noted above, the applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut).

The subject site is located approximately 400 feet north of Lechuza Point, in an area developed with existing single family residences. The 8,447 sq. ft. parcel descends southwesterly at increasing gradients, ranging from 10:1 in the northeastern third of the parcel to 1:1 at an approximately six ft. tall cut slope adjacent to Sea Level Drive. The parcel is lightly vegetated. Runoff from the site travels southwesterly toward Sea Level Drive, where it is intercepted by catch basins that discharge at Lechuza Beach just west of Lechuza Point.

The Lechuza beach area, rocky point areas, bluff, and offshore kelp beds are designated as Environmentally Sensitive Habitat Areas (ESHAs) in the Certified Malibu/Santa Monica Mountains Land Use Plan (**Exhibits 2-3**). The LUP is used as guidance by the Commission in evaluating a project's consistency with the Coastal Act. The subject site is located behind the coastal bluff and on the border of the area designated as an inland ESHA in the LUP. The 200-foot brush clearance radius for the site encompasses parts of two adjacent undeveloped properties, which are lightly vegetated with short grasses. The approval of the project will not result in significant additional brush clearance in the vicinity of the site.

The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plant species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. This pattern is in evidence on adjoining properties. The undeveloped lots are sparsely vegetated with non-native annual grasses and both developed and undeveloped lots nearby are extensively vegetated with non-native and sometimes invasive species. Thus, the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area, including the designated inland ESHA

surrounding the project site. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition Three (3)** requires that all landscaping consist primarily of native plant species and that prohibits the use of invasive non-native plant species altogether.

The Commission further finds that potential adverse effects of the proposed development may be reduced through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches sensitive habitat areas. The Commission must in particular consider potential impacts to marine resources, including the Offshore Kelp Bed ESHA found off Lechuza Beach. Kelp beds provide valuable habitat for a variety of marine life and serve as fish nurseries. Coastal streams and storm drains transport sediment and polluted runoff downstream and discharge them into offshore habitats. These pollutants can damage the productivity of kelp beds and the species that depend upon them. As noted above, surface runoff from the subject site enters catch basins on Sea Level Drive and is discharged at Lechuza Beach approximately 300 feet downslope.

Therefore, the Commission finds it necessary to require the applicants to incorporate appropriate drainage devices and Best Management Practices (BMPs), as detailed in **Special Condition Four (4)**, to ensure that run-off from the proposed structures and impervious surfaces is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. The Commission also finds it necessary to require the applicants to submit a pool drainage and maintenance plan, as detailed in **Special Condition Eight (8)**, in order to further minimize the potential for excess runoff, erosion, and transport of chemicals into sensitive habitat areas. (See **Section C. Water Quality** for a more detailed discussion of coastal water quality). The Commission finds that controlling and treating run-off from the site as described will reduce potential adverse impacts on water quality and will therefore prevent impacts that would significantly degrade the identified sensitive habitat.

The Commission further finds that interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for erosion and adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds it necessary to require the applicants to submit an interim erosion control plan, as detailed in **Special Condition Three (3)**. The Commission also finds that stockpiling excavated material may contribute to increased erosion at the site, and that additional landform alteration would result if the excavated material were to be collected and retained on site. In order to ensure that excavated material will not be stockpiled on site and that landform alteration is minimized, **Special Condition Five (5)** requires the applicant to remove all excavated material from the site to an appropriate location and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit. In addition, the Commission finds that removal of vegetation for fuel modification purposes prior to construction of the residence may contribute to erosion of the site and degradation of water quality and sensitive habitat areas.



Therefore, the Commission finds that **Special Condition Nine (9)**, which prohibits premature removal of natural vegetation for fuel modification purposes, is necessary to minimize potential impacts to water quality and sensitive habitat.

Finally, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Therefore, in order to ensure that any future structures, additions, change in landscaping or intensity of use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, the Commission requires the applicant to record a future development deed restriction, as detailed in **Special Condition Seven (7)**.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned by **Special Condition Three (3)**, **Special Condition Four (4)**, **Special Condition Five (5)**, **Special Condition Seven (7)**, **Special Condition Eight (8)**, and **Special Condition Nine (9)**, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

#### **E. Visual Resources**

Section 30251 of the Coastal Act states that:

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

To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size of the proposed structure(s).

The applicant proposes to construct a 4,235 sq. ft., 18 ft. high, two story single family residence with attached 2-car garage, swimming pool, spa, and 650 cu. yds. of grading (all cut). The majority of grading (600 cu. yds.) will occur underneath the proposed residence. The proposed residence includes a main floor, and a lower level that is cut into the slope. While only the main floor is visible from Victoria Point Road, the residence is visible as a two story structure from Sea Level Drive.

The subject site is located at 31554 Victoria Point Road, approximately 400 feet north of Lechuza Point, in the City of Malibu. The surrounding area is developed with existing

single family residences of similar or greater bulk and height. The subject site is the northernmost of three adjacent lots that remain undeveloped. The proposed residence will be visible from Sea Level Drive and from Lechuza Beach just west of Lechuza Point. Sea Level Drive provides public pedestrian access to the beach during daylight hours.

Because the proposed project is visible from public viewing areas, the Commission finds it necessary to impose design restrictions to minimize the intrusion of the project into public views. Accordingly, **Special Condition Six (6)** restricts the use of colors to a natural background palette and requires the use of non-glare glass.

In addition, to ensure that future development of the site is reviewed for potentially adverse effects on coastal visual resources, the Commission finds it necessary to impose **Special Condition Seven (7)**, which requires the applicant to obtain a coastal development permit for any future development of the site, including improvements that might otherwise be exempt from coastal permit requirements.

The Commission notes that visual impacts can be further minimized by the implementation of a landscape plan that employs a native plant palette and vertical elements. **Special Condition Three (3)** specifies that the property shall be planted with native species of sufficient height and density to screen the project from public viewing areas at Lechuza Beach. The Commission also notes that visual impacts will be further mitigated by requiring by the implementation of erosion control measures, as required by **Special Conditions Three (3), Four (4), Five (5), and Nine (9)**. Implementation of the requirements of these conditions will ensure that the adverse visual effects of obtrusive non-native landscaping, denuded slopes, and uncontrolled erosion are avoided.

For all of the reasons set forth above, the Commission finds that the proposed project, as conditioned by **Special Conditions Three (3), Four (4), Five (5), Six (6), Seven (7), and Nine (9)** is consistent with Section 30251 of the Coastal Act.

#### F. Local Coastal Program

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

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local

government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

### **G. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity would have on the environment.

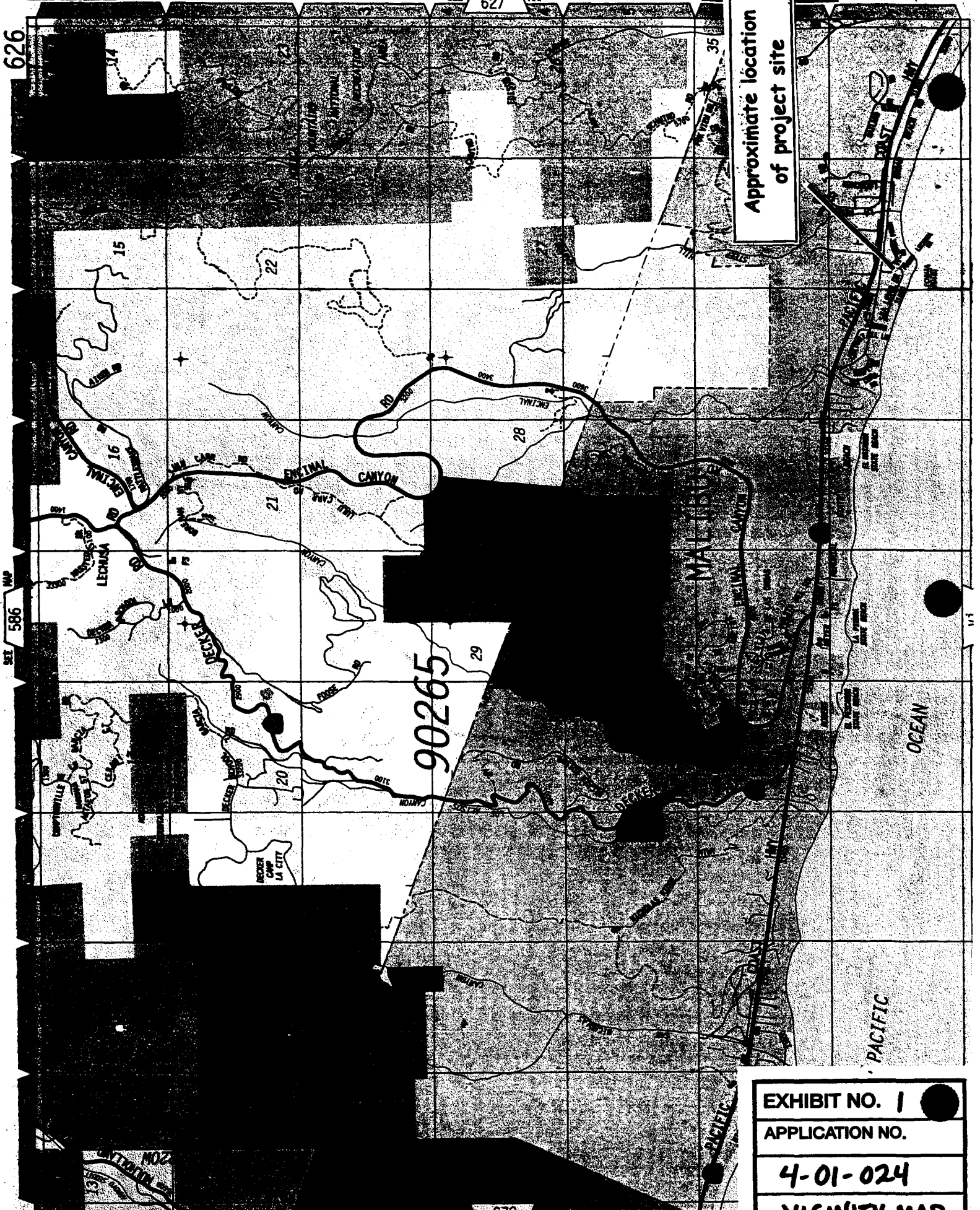
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects,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

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SEE 586 MAP

SEE 627 MAP

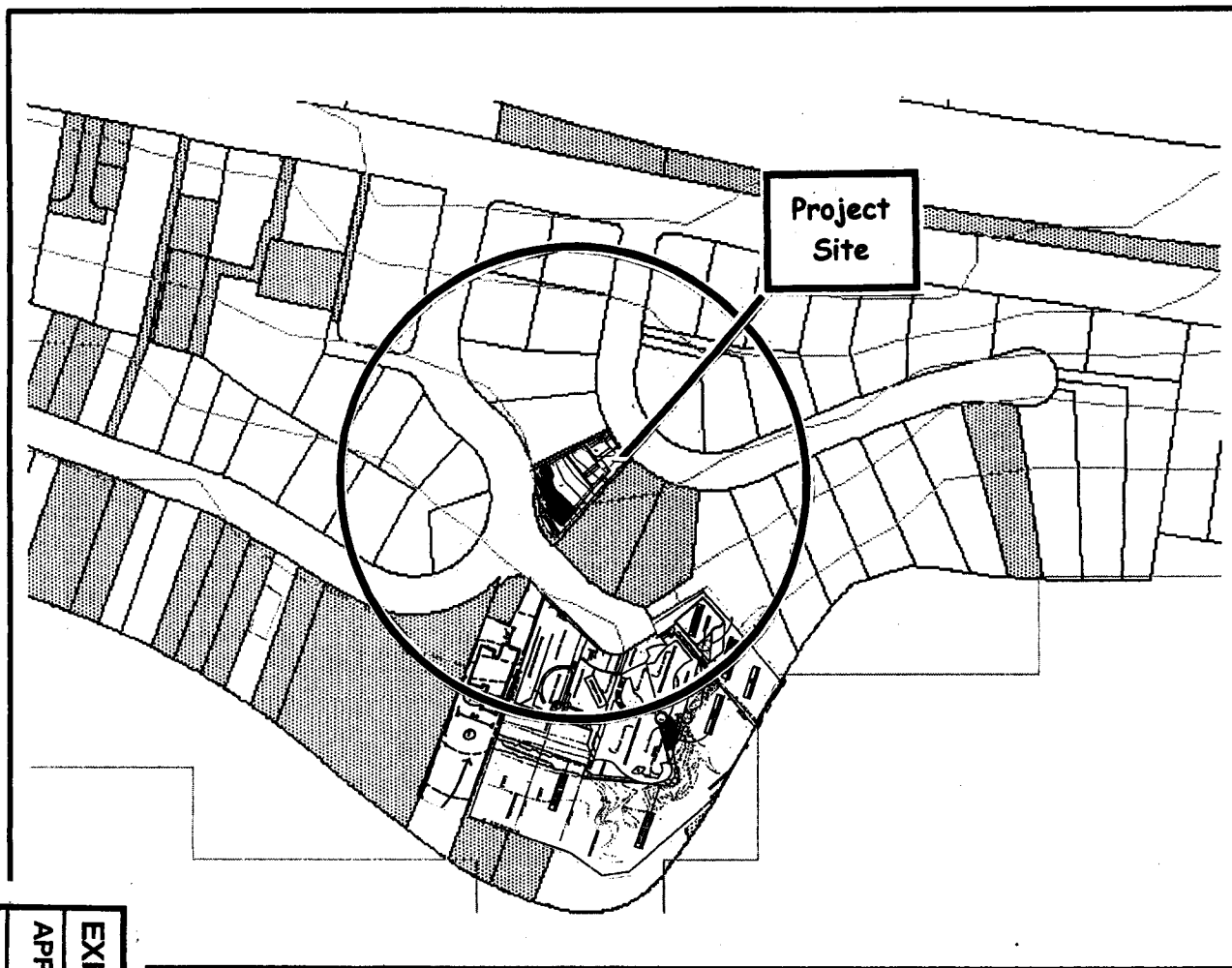
Approximate location  
of project site



90265

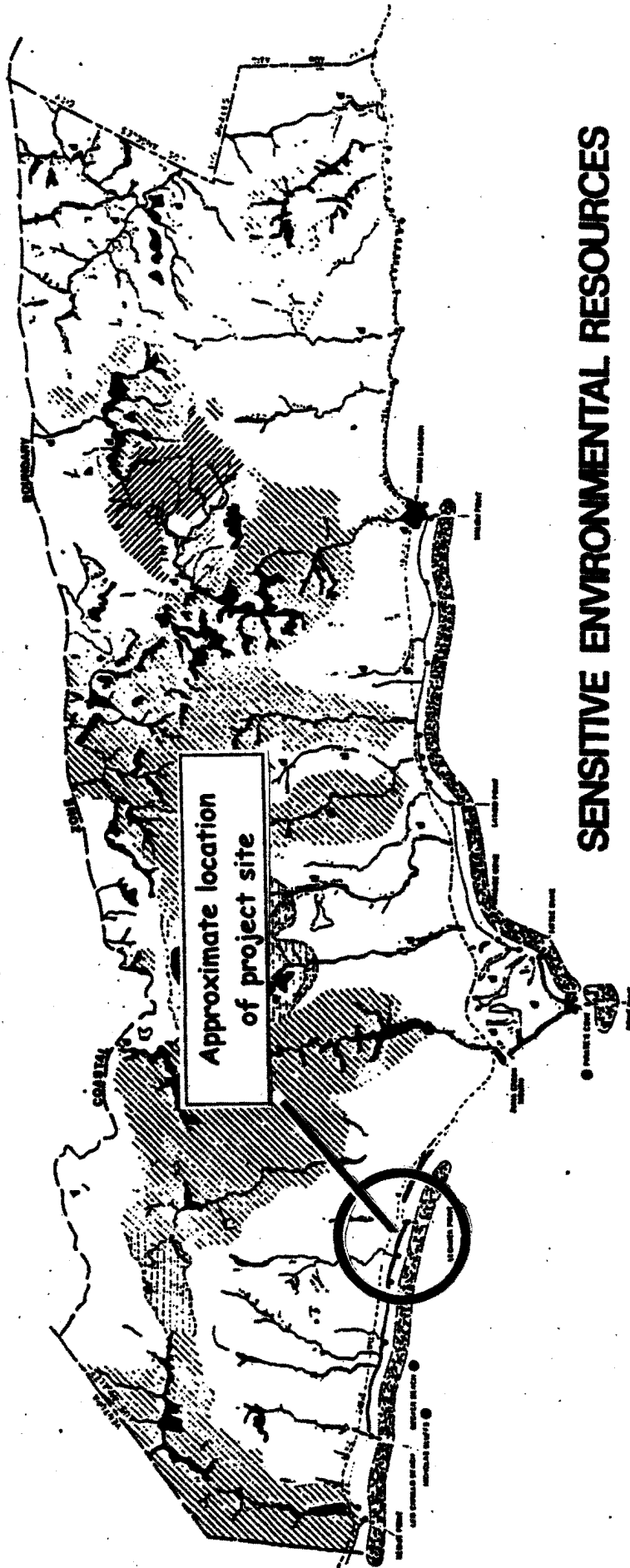
EXHIBIT NO. 1
APPLICATION NO.
4-01-024
VICINITY MAP

4-01-024 (Bromiley) 31554 Victoria Point Road



- contours @ 20ft
- Blue Line Streams
- vacant parcels
- Brush clearance radius (approximate)

EXHIBIT NO. 2  
APPLICATION NO.  
4-01-024  
BRUSH CLEARANCE



**SENSITIVE ENVIRONMENTAL RESOURCES**

- ISLAND
- OFFSHORE -- KELP BEDS
- SHORELINE -- ROCKY AREAS
- SHORELINE -- SEA LION HAUL OUTS
- ENVIRONMENTALLY SENSITIVE HABITAT AREA -- RESOURCE DEPENDENT USES
- SIGNIFICANT WATERSHEDS RESIDENTIAL -- RESOURCE DEPENDENT USES
- WILDLIFE MIGRATION CORRIDOR
- MALIBU/ COLD CREEK RESOURCE MANAGEMENT AREA
- SIGNIFICANT OAK WOODLAND AND SAVANNAS
- LOCALLY DISTURBED SENSITIVE RESOURCE AREAS

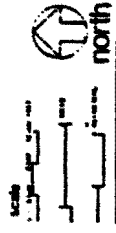
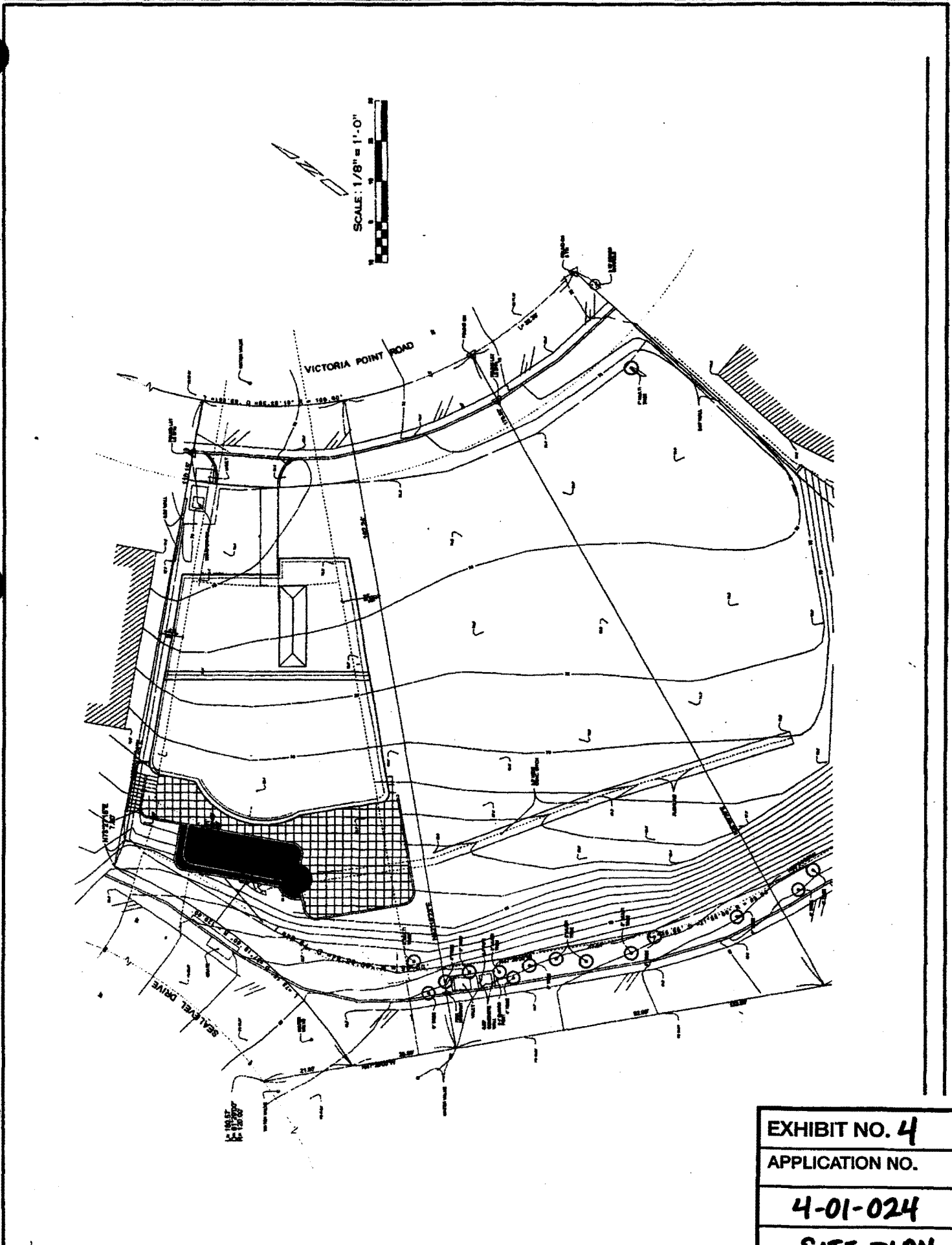


Figure 6

EXHIBIT NO. 3
APPLICATION NO.
4-01-024
COASTAL RESOURCES

DATE	1/18/04
BY	[Signature]
CHECKED BY	[Signature]
SCALE	1/8" = 1'-0"
TITLE	SITE PLAN
PROJECT	THE BROMLEY RESIDENCE
OWNER	[Signature]
ARCHITECT	BARSOCCINI & ASSOCIATES, INC.
ENGINEER	[Signature]
PLUMBER	[Signature]
ELECTRICIAN	[Signature]
Mechanical	[Signature]
Structural	[Signature]
Other	[Signature]



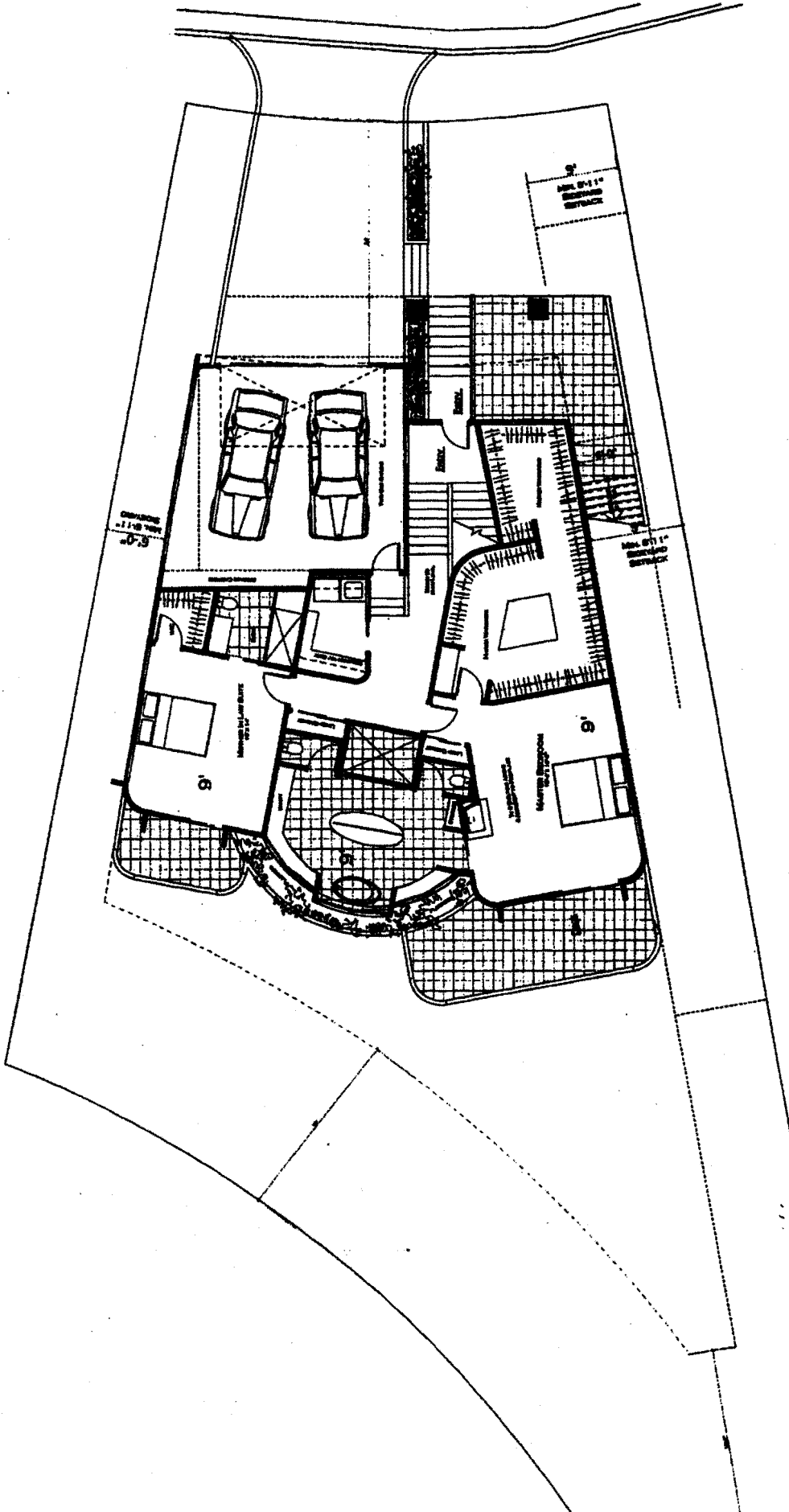
**EXHIBIT NO. 4**  
 APPLICATION NO.  
**4-01-024**  
**SITE PLAN**

DATE	1/18/88
SCALE	1/4" = 1'-0"
PROJECT	THE BROMLEY RESIDENCE
ARCHITECT	BARSOCCINI & ASSOCIATES, INC.
CLIENT	THE BROMLEY RESIDENCE
ADDRESS	123456789
CITY	123456789
STATE	123456789
COUNTY	123456789
ZONING	123456789
PERMIT NO.	123456789
DATE OF PERMIT	123456789
EXPIRES	123456789
ISSUED BY	123456789
SCALE	1/4" = 1'-0"
PROJECT	THE BROMLEY RESIDENCE
ARCHITECT	BARSOCCINI & ASSOCIATES, INC.
CLIENT	THE BROMLEY RESIDENCE
ADDRESS	123456789
CITY	123456789
STATE	123456789
COUNTY	123456789
ZONING	123456789
PERMIT NO.	123456789
DATE OF PERMIT	123456789
EXPIRES	123456789
ISSUED BY	123456789

The BROMLEY RESIDENCE  
 Victoria Point Road  
 Malibu, CA 90265

BARSOCCINI & ASSOCIATES, INC.  
 ARCHITECTS  
 MICHAEL E. BARSOCCINI, AIA, (213) 858-2888  
 8888 COAST VIEW DRIVE - MALIBU, CA 90265

A.3  
 SHEET NO. 1  
 OF 1



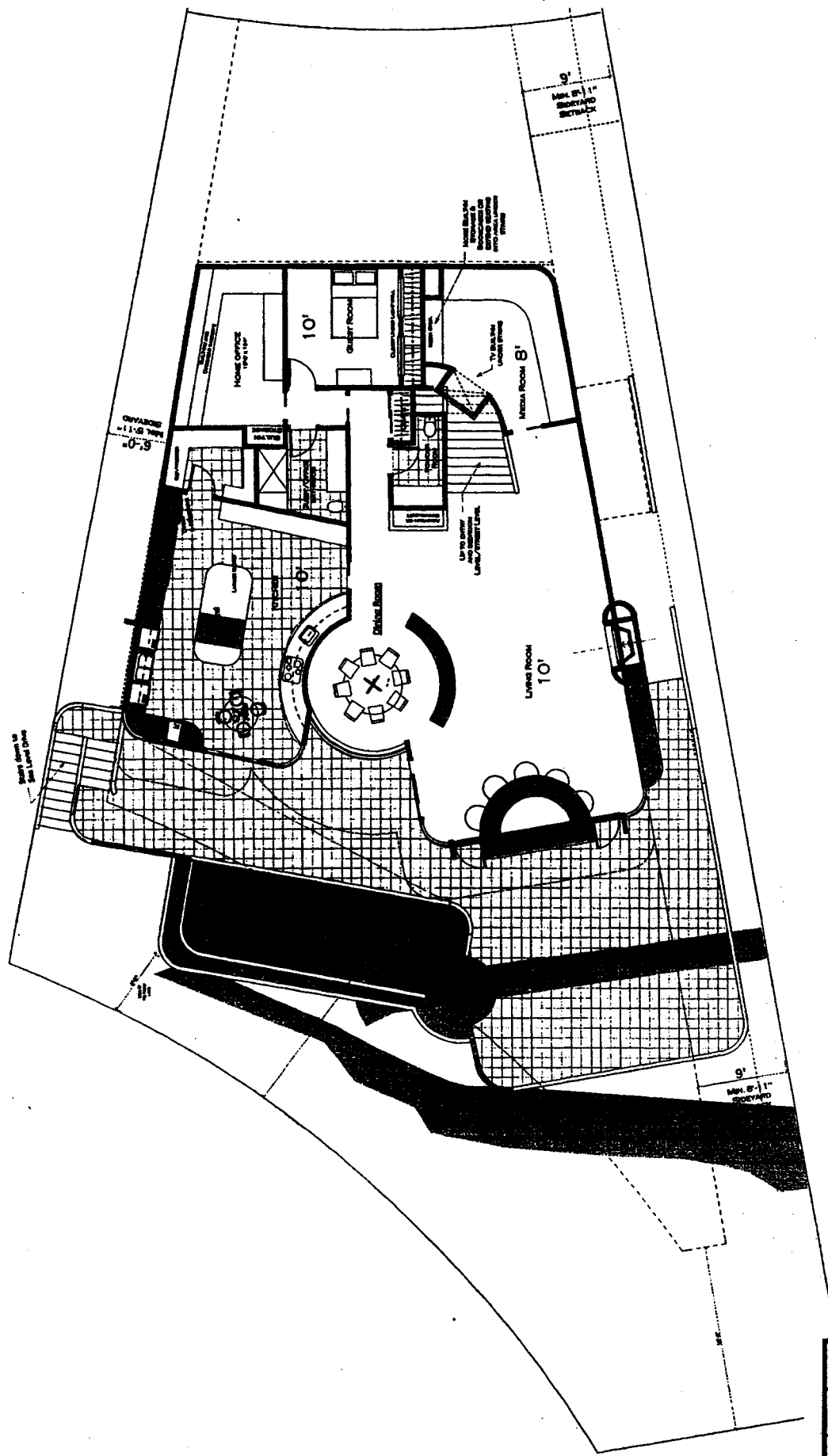
SCALE: 1/4" = 1'-0"

MAIN/ENTRY LEVEL PLAN

EXHIBIT NO. <b>5</b>
APPLICATION NO.
<b>4-01-024</b>
<b>MAIN LEVEL PLAN</b>



NO.	DATE	DESCRIPTION
1	1/2/04	PRELIMINARY
2	1/2/04	REVISED
3	1/2/04	REVISED



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

BASEMENT LEVEL PLAN

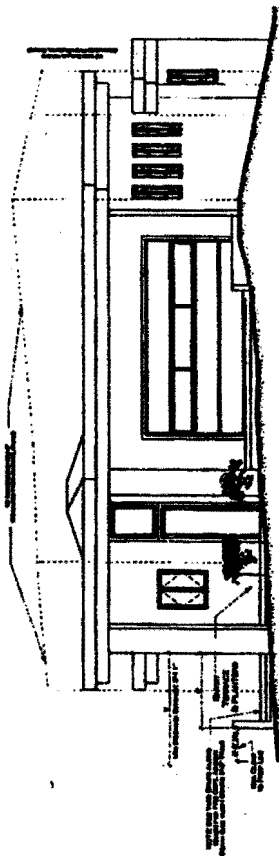
EXHIBIT NO. 6
APPLICATION NO.
4-01-024
LOWER LEVEL PLAN


THE BROMLEY RESIDENCE  
 31524 Victoria Park Road  
 Malibu, CA 90265

BARSOCCINI & ASSOCIATES, INC.  
 ARCHITECTS  
 MICHAEL E. BARSOCCINI, AIA • 919 452-8225  
 2892 COAST VIEW DRIVE • MALIBU, CA 90265

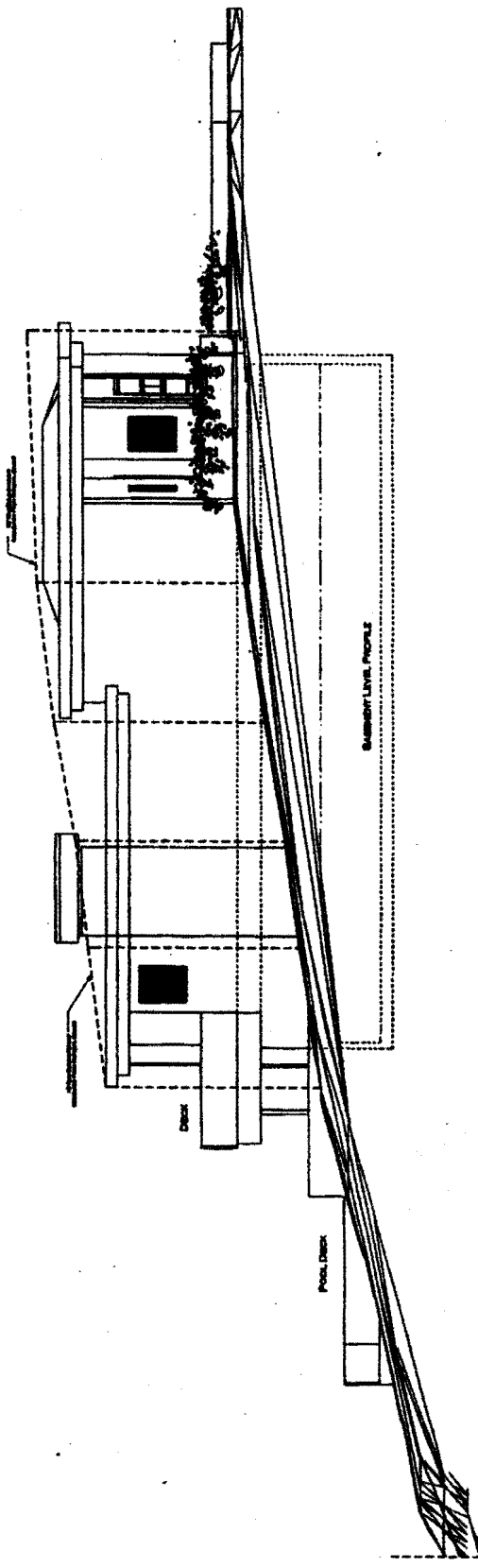
EXTERIOR ELEVATIONS  
 (NORTH & WEST)


**A-5**



FRONT / NORTH ELEVATION

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



WEST SIDE ELEVATION

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

EXHIBIT NO. 7
APPLICATION NO.
4-01-024
ELEVATIONS

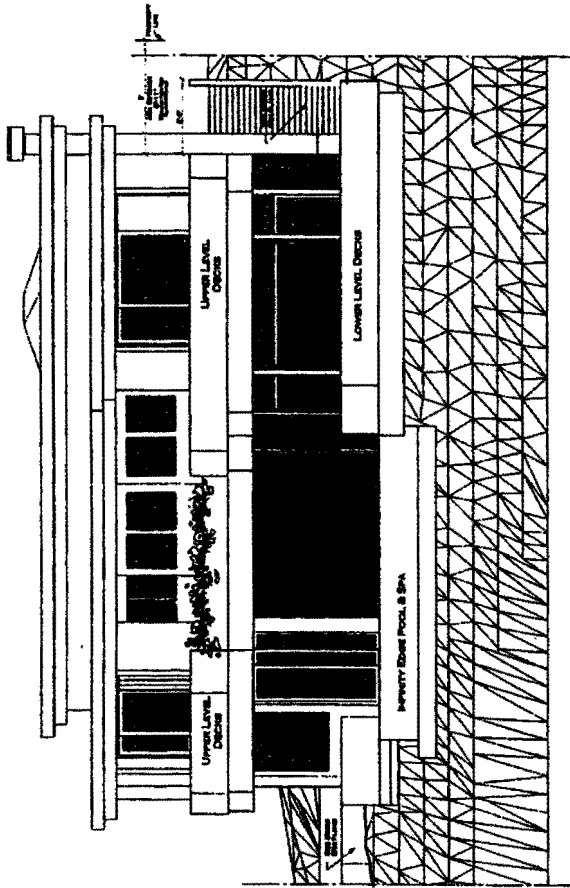
DATE	11/27/04
BY	V.B./J.P.
CHECKED	
DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	
DATE	

The BROMILEY RESIDENCE  
3154 Victoria Point Road  
Malibu, CA 90265

BARSOCCINI & ASSOCIATES, INC.  
ARCHITECTS  
MICHAEL E. BARSOCCINI, AIA • (310) 456-3825  
3802 COAST VIEW DRIVE • MALIBU, CA 90265

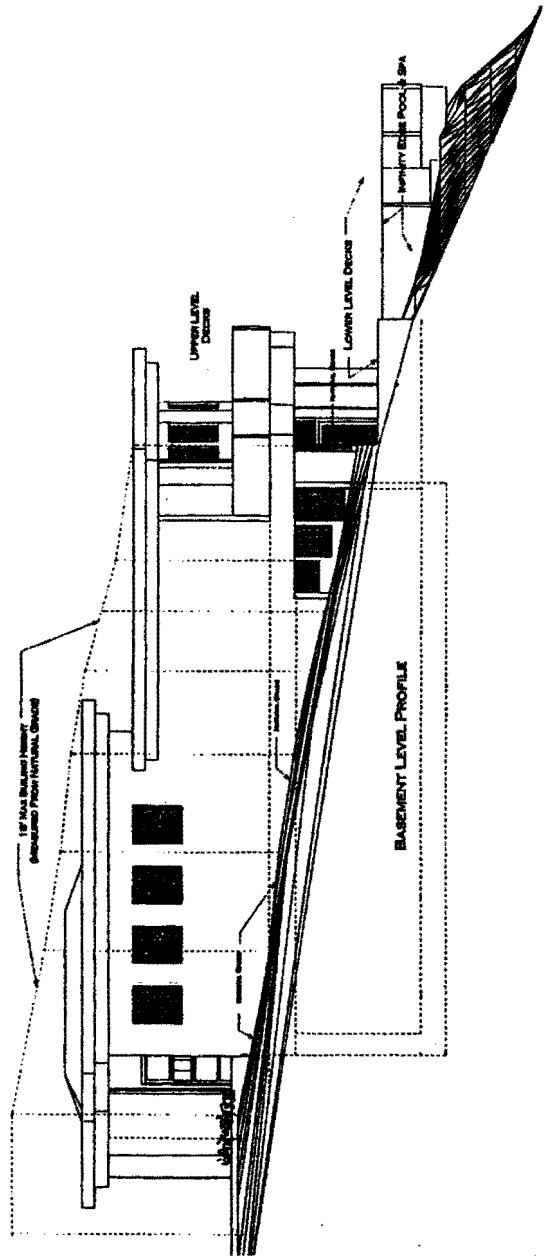
EXTERIOR ELEVATIONS  
(SOUTH & EAST)

A-6



REAR/SOUTH ELEVATION

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



EAST SIDE ELEVATION

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

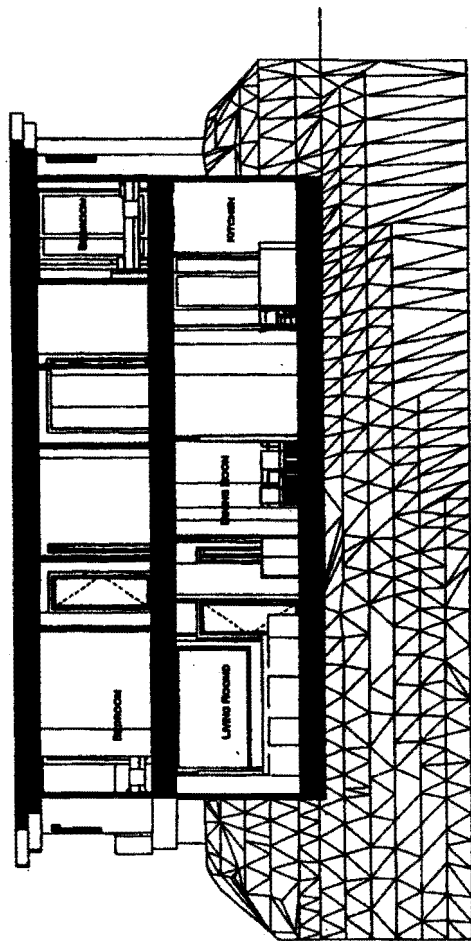
EXHIBIT NO. 8
APPLICATION NO.
4-01-024
ELEVATIONS


The BROMLEY RESIDENCE  
31554 Victoria Point Road  
Malibu, CA 90265

BARCOCCINI & ASSOCIATES, INC.  
ARCHITECTS  
MICHAEL E. BARCOCCINI, AIA - (310) 459-3885  
3092 COAST VIEW DRIVE - MALIBU, CA 90265

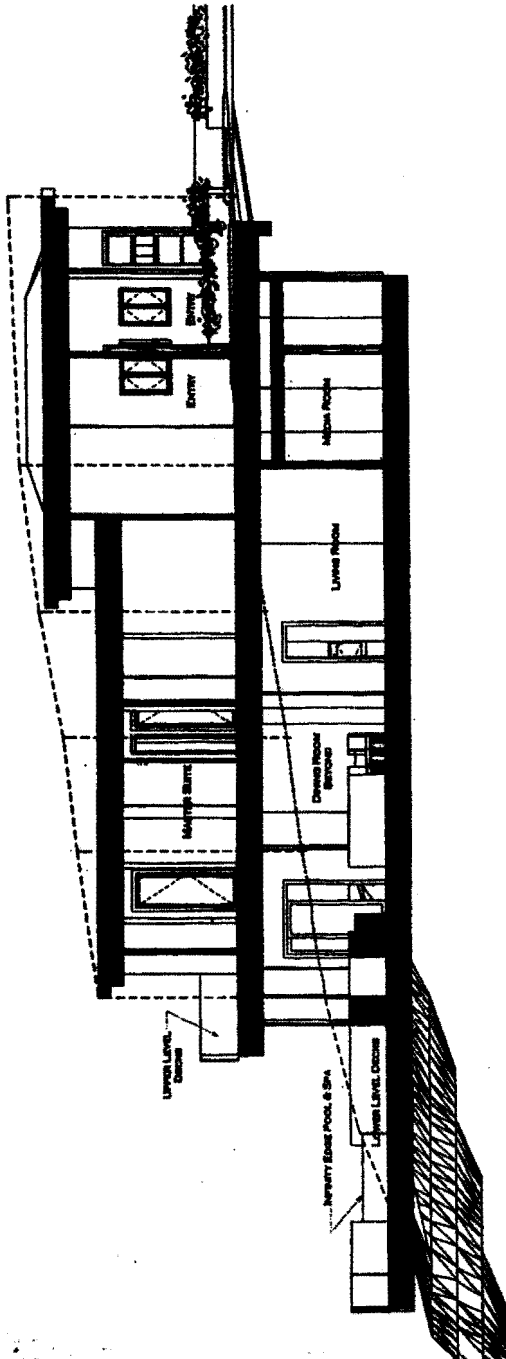
BUILDING SECTIONS  
(AA & BB)  
DATE: 07/12

A-7



**BUILDING SECTION AA (LOOKING TOWARDS OCEAN)**

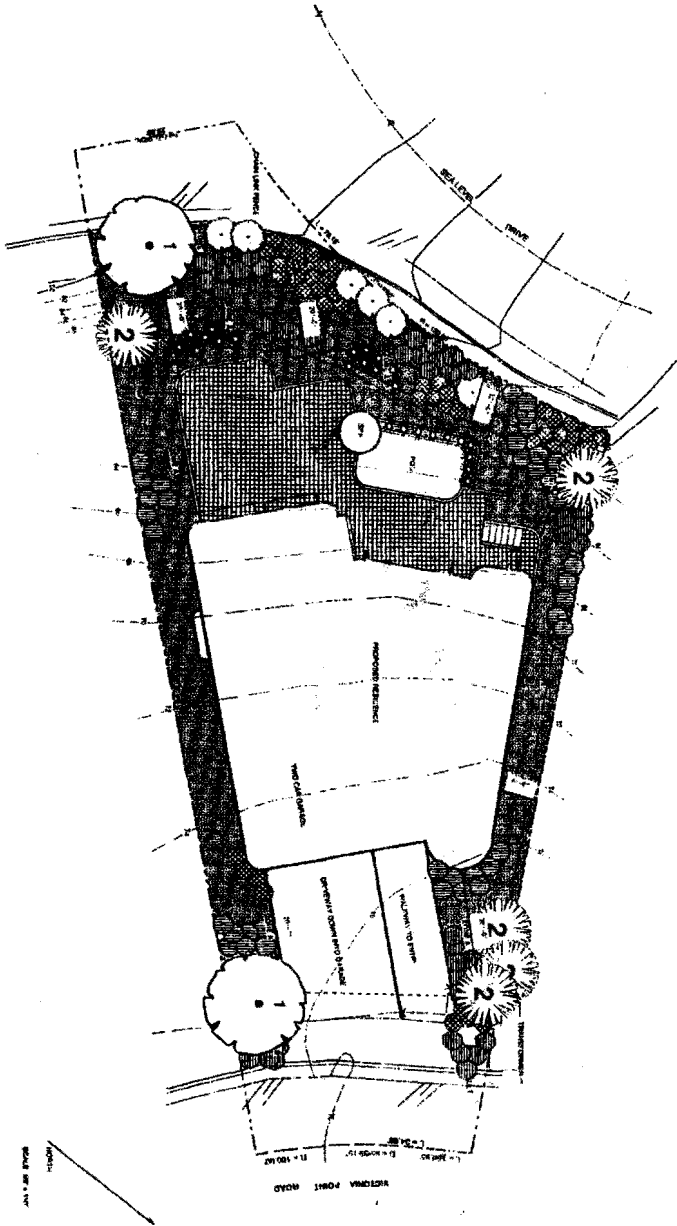
SCALE: 1/4" = 1'-0"



**BUILDING SECTION BB**

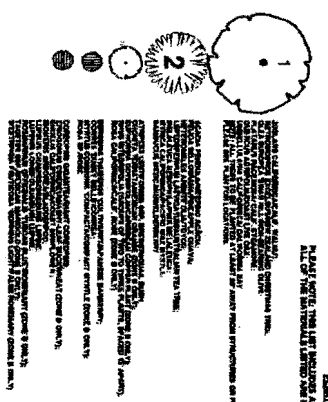
SCALE: 1/4" = 1'-0"

**EXHIBIT NO. 9**  
APPLICATION NO.  
**4-01-024**  
**BUILDING SECTIONS**



**GENERAL NOTES:**

1. ALL PLANTINGS, INCLUDING TREES, SHRUBS, AND PERENNIALS, SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
2. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
3. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
4. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.



**PLANT MATERIAL LIST:**

ALL OF THE MATERIALS LISTED ARE NOT INTENDED TO BE USED ON THIS PARTICULAR PROJECT.

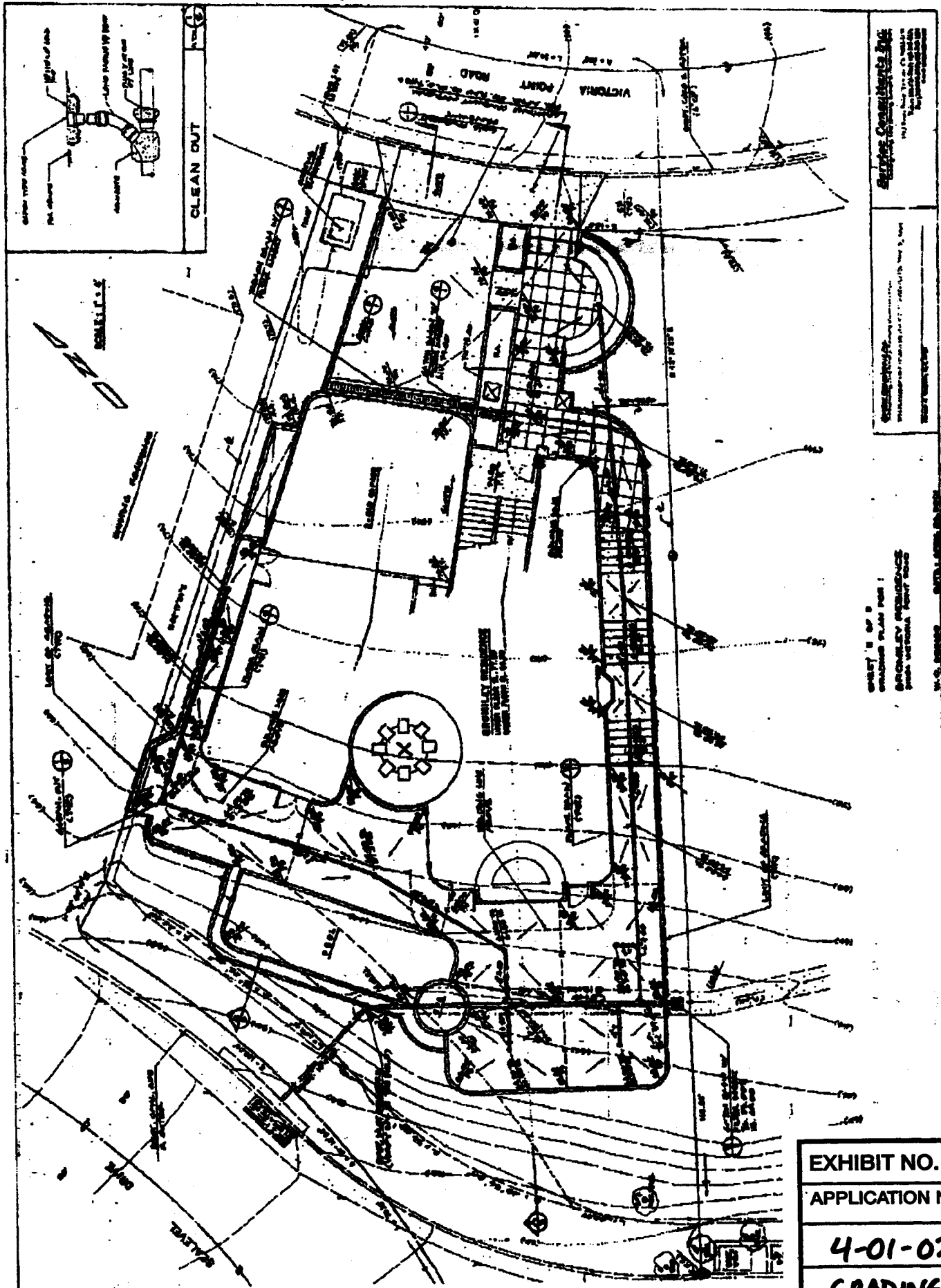
PLANTING NOTES:

1. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
2. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
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4. ALL PLANTINGS SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.

**GENERAL NOTES:**

1. ALL PLANTINGS, INCLUDING TREES, SHRUBS, AND PERENNIALS, SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CALIFORNIA PLANTING MANUAL, 1997 EDITION, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA, DIVISION OF ANIMAL AND NATURAL RESOURCES, PUBLISHED BY THE UNIVERSITY OF CALIFORNIA PRESS, BERKELEY, CALIFORNIA 94720-5080.
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*Exhibit 10*

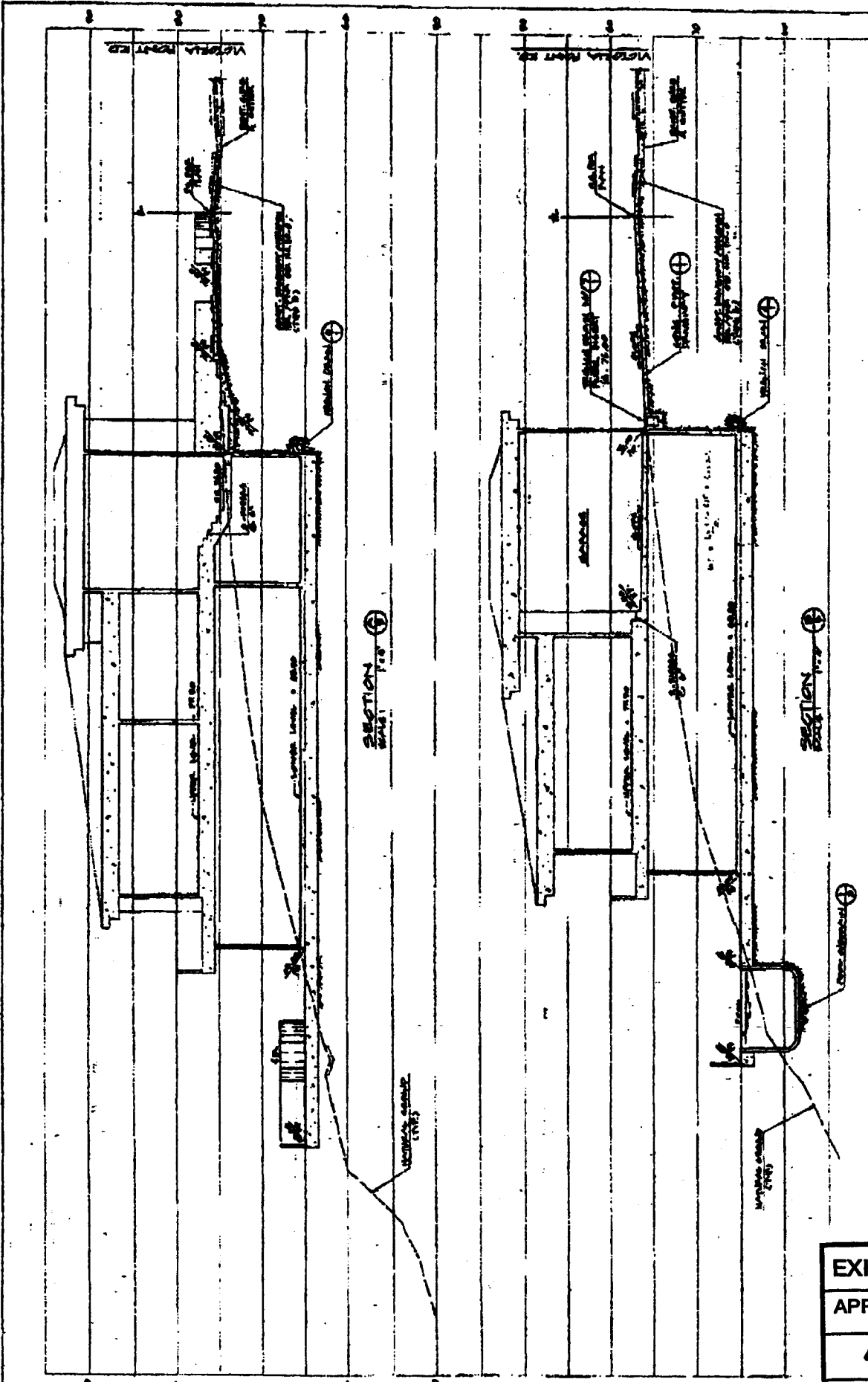


**Grading Consultants Inc.**  
 1000 ...  
 ...

...  
 ...  
 ...

...  
 ...  
 ...

**EXHIBIT NO. 11**  
**APPLICATION NO.**  
**4-01-024**  
**GRADING PLAN**



**Artistic Constructions Inc.**  
 1000 ...  
 ...

PROJECT NO. ...  
 DATE: ...

PROJECT NO. ...  
 DATE: ...



**EXHIBIT NO. 12**  
**APPLICATION NO.**  
**4-01-024**  
**GRADING SECTIONS**



**NOTICE**

THESE PLANS ARE THE PROPERTY OF THE ENGINEER AND ARE TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY INDICATED THEREON.

**SCALE**

AS SHOWN ON SHEET 4-01-024

**DATE**

1968

**DRAWN BY**

J. W. BROWN

**CHECKED BY**

J. W. BROWN

**APPROVED BY**

J. W. BROWN

**DATE**

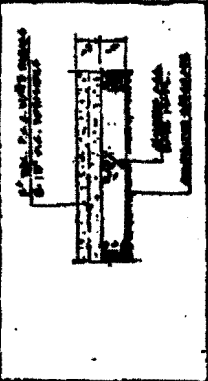
1968

**SCALE**

AS SHOWN ON SHEET 4-01-024

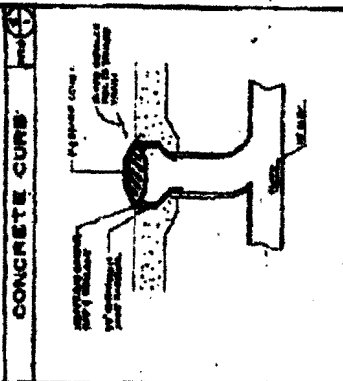
**DATE**

1968



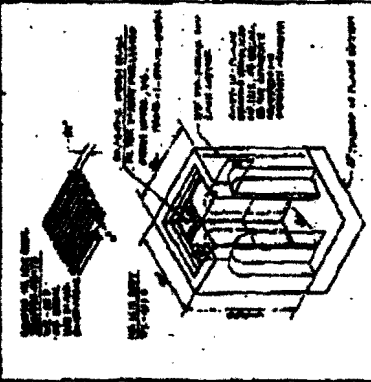
**CONCRETE CURB**

1. CONCRETE CURB SHALL BE 12" HIGH AND 6" WIDE AT TOP. IT SHALL BE SET ON A 4" THICK BED OF SAND OR GRAVEL. THE CURB SHALL BE FINISHED WITH A CONCRETE TOP SURFACE.



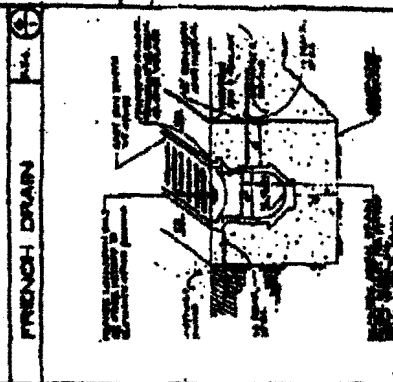
**FLOOR DRAIN**

1. FLOOR DRAIN SHALL BE 12" DIA. WITH A 1/2" DIA. HOLE. IT SHALL BE SET ON A 4" THICK BED OF SAND OR GRAVEL. THE DRAIN SHALL BE FINISHED WITH A CONCRETE TOP SURFACE.



**12' X 12' CATCH BASIN**

1. CATCH BASIN SHALL BE 12' X 12' WITH A 12" DIA. HOLE. IT SHALL BE SET ON A 4" THICK BED OF SAND OR GRAVEL. THE BASIN SHALL BE FINISHED WITH A CONCRETE TOP SURFACE.



**TRENCH DRAIN**

1. TRENCH DRAIN SHALL BE 12" WIDE WITH A 12" DIA. HOLE. IT SHALL BE SET ON A 4" THICK BED OF SAND OR GRAVEL. THE DRAIN SHALL BE FINISHED WITH A CONCRETE TOP SURFACE.

**EXHIBIT NO. 13**  
**APPLICATION NO.**  
**4-01-024**  
**GRADING NOTES**

**APPROVED BY**

**DATE**

**SCALE**

**NOTICE**

**CONTRACT NO.**





View of subject site (in mid-distance) looking south on Sea Level Drive. Note non-native plants on adjacent property.



View of subject site looking northeast from Sea Level Drive. Note cut slope behind fence and catch basin on left.



View of subject site looking northeast on Sea Level Drive.



View of subject site looking northeast from Lechuza Beach just west of Point Lechuza. Note surrounding development.

EXHIBIT NO. 14
APPLICATION NO.
4-01-024
PHOTOS

March 16, 2001

Jack Ainsworth  
 Calif. Coastal Commission  
 89 So. California Street  
 Suite 200  
 Ventura, CA 93001

Re: 31554 Victoria Point Rd., Malibu  
 Project Number 4-01-024

Dear Mr. Ainsworth,

My neighbors and I are opposed to the above proposed development, as we feel that the size of this house is not within the character of the neighborhood to the extent that the structure is being placed on a steep slope which is unsuitable for the large size building proposed. The height and size should be reconsidered as this development is on a coastal bluff and within the public viewshed policies from the beach below.

Strong consideration should be given regarding scenic resources and bluff top development policies as well as the impact the project will have on the E.S.H.A.

We are also very concerned about the fragile nature of the geology on this coastal bluff. Please see enclosed copy of geological report dated November 9, 2000 by Donald Kowalewsky. Potential subsidence and earth movement caused by the erection of this large building is certain to adversely impact our neighborhood, particularly in the event of storms or rains.

The undersigned neighbors request that a public hearing be scheduled so these issues can be fully considered.

Sincerely,

*Marilyn Jensen*

Marilyn Jensen  
 31528 Broad Beach Road  
 Phone (310) 589-2564  
 Fax (310) 589-0724

RECEIVED  
 MAR 19 2001  
 CALIFORNIA  
 COASTAL COMMISSION  
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 15
APPLICATION NO.
4-01-024
LETTER FROM NEIGHBORS

FROM : JENSEN PROPERTIES  
CENTURY 21 GARDEN TOWN, INC.,

FAX NO. : 13185890724  
457-3228;

Mar. 16 2001 12:26PM P3  
MAR-16-01 11:14AM; PAGE 1/1

FROM : JENSEN PROPERTIES  
WA-6-31 12:03PM FROM-

FAX NO. : 13185890724

Mar. 16 2001 12:08PM P3  
T-222 P.02/04 P-782

Jack Ainsworth  
March 16, 2001  
Page 2

Ed & Diane Waters  
31537 Victoria Point Rd.

*Ed & Diane Waters*

Gordon Watering  
31529 Victoria Point Rd.

\* SIGNATURE ON  
FOLLOWING PAGE

Abe & Kathy England  
31522 Broad Beach Rd.

*Abe England*

Debra Pommer-Siegel  
31560 Victoria Point Rd.

*Debra Pommer-Siegel*

Mark & Debra Prince  
31522 Victoria Point Rd.

*Mark & Debra Prince*

Janice Dugan  
31536 Victoria Point Rd.

*Janice Dugan*

FROM : JENSEN PROPERTIES  
SENT BY: SUNSHINE TOURS, INC.

FAX NO. : 13105890724

Mar. 16 2001 12:53PM P3

FROM : JENSEN PROPERTIES  
MAR-16-01 12:03PM FROM

FAX NO. : 13105890724

Mar. 16 2001 12:03PM P3

T-222 P.02/04 P-702

Jack Ainsworth  
March 16, 2001  
Page 2

Ed & Diane Waters  
31537 Victoria Point Rd.

---

Gordon Westerling  
31529 Victoria Point Rd.

*Gordon Westerling*

Abe & Kathy Roglund  
31522 Broad Beach Rd.

*Abe Roglund*

Debra Pommer-Siegel  
31560 Victoria Point Rd.

---

Mark & Debra Prince  
31558 Victoria Point Rd.

---

Janice Dugan  
31556 Victoria Point Rd.

---