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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA
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Staff Report: 11/21/02
Hearing Date: 12/10-13/02
Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-091

APPLICANT: Laura Rockwell

PROJECT LOCATION: 28943 Selfridge Drive, Malibu (Los Angeles County)

APN NO.: 4466-019-010

PROJECT DESCRIPTION: Construction of a new 729 square foot guest house, 750 square foot accessory structure, pergola structure and tennis court with standard athletic fencing around 3 sides and portion of fourth side of tennis court. There is no lighting proposed for the tennis court.

Lot area	2.28 acres (99,318 sq. ft.)
Building coverage	8,170 sq. ft.
Pavement coverage	15,183 sq. ft.
Landscape coverage	75,964 sq. ft.
Height Above Finished Grade	16.5 ft.

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, March 16, 2001; City of Malibu Biology Review, Approval in Concept, February 9, 2001; City of Malibu Geology Review, Approval in Concept, May 30, 2001; City of Malibu Environmental Health, Approval in Concept, January 26, 2001; County of Los Angeles Fire Department, Final Fuel Modification Plan Approval, March 19, 2001; County of Los Angeles Fire Department, Fire Prevention Engineering Approval, January 10, 2001.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu Local Coastal Program; "Update Letter - Geologic & Soils Engineering Investigation," SubSurface Designs, Inc., June 17, 2002; "Geologic & Soils Engineering Investigation," SubSurface Designs, Inc., October 15, 2000; "A Phase 3 Excavation and Mitigation Report on the Archeological Site CA-LAN-451, Located at 28943 Selfridge Drive, City of Malibu, California", E. Gary Stickel, Ph.D., Consulting Archaeologist, Environmental Research Archaeologists: A Scientific Consortium, September, 2000. City Of Malibu 30610.2 (CALVO) certification, January 8, 2002.

Summary of Staff Recommendation

Staff recommends **APPROVAL** of the proposed project with **SEVEN (7) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) erosion control, drainage and polluted runoff control, (3) landscaping plans, (4) wildfire waiver, (5) archaeological resources (6) future improvements deed restriction and (7) deed restriction.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-091 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 Malibu Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or 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.

III. SPECIAL CONDITIONS

1. *Plans Conforming to Geologic Recommendations*

All recommendations contained in the Update Letter – Geologic & Soils Engineering Investigation dated June 17, 2002, prepared by SubSurface Designs, Inc. shall be incorporated into all final design and construction including foundations, grading and drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

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

2. *Erosion Control, Drainage and Polluted Runoff Control Plans*

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director; a) a **Local Storm Water Pollution Prevention (SWPPP) Plan** to control erosion and contain polluted runoff during the construction phase of the project; and b) a **Storm Water Management Plan (SWMP)** for the management of post-construction storm water and polluted runoff. The plans shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works, and include the information and measures outlined below.

- a) **Local Storm Water Pollution Prevention Plan**, for the construction phase of the project shall include at a minimum the following:
 - Property limits, prior-to-grading contours, and details of terrain and area drainage
 - Locations of any buildings or structures on the property where the work is to be performed and the location of any building or structures of adjacent owners that are within 15 ft of the property or that may be affected by the proposed grading operations
 - Locations and cross sections of all proposed temporary and permanent cut-and-fill slopes, retaining structures, buttresses, etc., that will result in an alteration to existing site topography (identify benches, surface/subsurface drainage, etc.)
 - Area (square feet) and volume (cubic yards) of all grading (identify cut, fill, import, export volumes separately), and the locations where sediment will be stockpiled or disposed

- Elevation of finished contours to be achieved by the grading, proposed drainage channels, and related construction
 - Details pertaining to the protection of existing vegetation from damage from construction equipment, for example: (a) grading areas should be minimized to protect vegetation; (b) areas with sensitive or endangered species should be demarcated and fenced off; and (c) native trees that are located close to the construction site should be protected by wrapping trunks with protective materials, avoiding placing fill of any type against the base of trunks, and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees
 - Information on potential flow paths where erosion may occur during construction
 - Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, for implementation during construction, such as:
 - Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar method.
 - Trap sediment on site using fiber rolls, silt fencing, sediment basin, or similar method.
 - Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site.
 - Prevent blowing dust from exposed soils.
 - Proposed BMPs to provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials, such as:
 - Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials.
 - Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies.
 - Provide sanitary facilities for construction workers.
 - Provide adequate disposal facilities for solid waste produced during construction and recycle where possible.
- b) **Storm Water Management Plan**, for the management of post construction storm water and polluted runoff shall at a minimum include the following:
- Site design and source control BMPs that will be implemented to minimize or prevent post-construction polluted runoff (see 17.5.1 of the Malibu LIP)
 - Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)
 - Potential flow paths where erosion may occur after construction
 - Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements
 - Storm drainage improvement measures to mitigate any offsite/downstream negative impacts due the proposed development, including, but not limited to:
 - Mitigating increased runoff rate due to new impervious surfaces through on-site detention such that peak runoff rate after development does not exceed the peak runoff of the site before development for the 100 year clear flow storm event (note; Q/100 is calculated using the Caltrans Nomograph for converting to any frequency, from the Caltrans "Hydraulic Design and Procedures Manual"). The detention basin/facility is to be designed to provide attenuation and released in stages through orifices for 2-year, 10-year and 100-year flow rates, and the required storage volume of the basin/facility is to be based upon 1-inch of rainfall over the proposed impervious surfaces plus 1/2-inch of rainfall over the permeable surfaces. All on-site

- drainage devices, including pipe, channel, and/or street & gutter, shall be sized to cumulatively convey a 100 year clear flow storm event to the detention facility, or;
- o Demonstrating by submission of hydrology/hydraulic report by a California Registered Civil Engineer that determines entire downstream storm drain conveyance devices (from project site to the ocean outlet) are adequate for 25-year storm event, or;
 - o Constructing necessary off-site storm drain improvements to satisfy b. above, or;
 - o Other measures accomplishing the goal of mitigating all offsite/downstream impacts

3. Landscaping and Fuel Modification Plans

Prior to issuance of a coastal development permit, the applicants shall submit two sets of landscaping, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's recommendations. Areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated. The plans shall incorporate the following criteria:

A. Plant Species

1. Plantings shall be native, drought-tolerant plant species, and shall blend with the existing natural vegetation and natural habitats on the site, except as noted in (A)(3) below. The native plant species shall be chosen from those 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.
2. Invasive plant species, as identified 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 and identified in the City of Malibu's Invasive Exotic Plant Species of the Santa Monica Mountains, dated March 17, 1998, that tend to supplant native species and natural habitats shall be prohibited.
3. Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone (Zone A) required for fuel modification nearest approved residential structures. 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. Timing of Landscaping

1. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
2. The building pad and all other graded or disturbed areas on the subject site shall be planted within sixty (60) days of receipt of the certificate of occupancy for the residence.

C. Landscaping Coverage Standards

Landscaping or revegetation shall provide 90 percent coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for restoration. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.

D. Fuel Modification Plan

The final landscaping and fuel modification plan shall minimize the removal of native vegetation while providing for fire safety and shall be reviewed and approved by the Forestry Division of the County of Los Angeles Fire Department.

4. Wildfire Waiver of Liability

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

5. Archeological Resources

- A. By acceptance of this permit, the applicant agrees to have a qualified archaeologist(s) and Native American monitor present onsite during all grading, excavation, and site preparation that involve earth moving operations. *Prior to the issuance of the Coastal development permit*, the applicant shall submit for the review and approval of the Executive Director, evidence the archeological and Native American monitors are acceptable to the following agencies and organizations: (1) Native American Heritage Commission; (2) State Office of Historic Preservation Officer; (3) The City Native American Cultural Resource Advisory Committee; (4) The City Native American Cultural Resource Manager; and (5) The Most Likely Descendent. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological and/or cultural materials. In the event that any significant archaeological resources and/or cultural resources, including human remains, are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy be developed, by the applicant's archaeologist, the City of Malibu archaeologist and the native American consultant consistent with CEQA guideline and subject to review and approval of the Executive Director.
- B. All recommendations contained in the report prepared by E. Gary Stickel, Ph.D., Consulting Archaeologist, Environmental Research Archaeologists: A Scientific Consortium entitled "A Phase 3 Excavation and Mitigation Report on the Archeological Site CA-LAN-451, Located at 28943 Selfridge Drive, City of Malibu, California" dated September, 2000, as well as any additional recommendations developed by the archaeologist(s) during project monitoring,

shall be incorporated into all final design and construction. If the consulting archaeologists' recommendations, based on discovery of significant archaeological and/or cultural remains, require a substantial modification or redesign of the proposed project plans, an amendment to this permit is required.

6. Future Improvements Deed Restriction

This permit is only for the development described in coastal development permit No. 4-02-091. Pursuant to Title 14 California Code of Regulations 13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) shall not apply to the guest house and accessory structure. Accordingly, any future improvements or change of use to the guest house and accessory structure approved under Coastal Development Permit No. 4-02-091, and any grading, clearing or other disturbance of vegetation, other than as provided for in the approved fuel modification/landscape plan prepared pursuant to Special Condition No. Three (3), shall require an amendment to Permit No. 4-02-091 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Deed Restriction Condition

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is proposing to construct a new 729 square foot guest house, 750 square foot accessory structure, to be used for gardening and workshop equipment storage, pergola structure and tennis court with standard athletic fencing around 3 sides and portion of fourth side of tennis court. There is no proposed lighting for the tennis court.

The project site is currently vacant and is located on the north side of Selfridge Drive in the Point Dume area in the City of Malibu. There is no sensitive habitat located on the subject site. The area surrounding the project site is characterized as a built-out portion of Malibu consisting of similar residential development and the site is not visible from the beach or any designated

scenic roads. In addition, the site is relatively flat and will require no grading to prepare the building pad. Thus, the proposed project will not have adverse impacts on visual resources.

On September 13, 2002, the Commission adopted the Malibu Local Coastal Program (LCP). The subject permit application was filed prior to the date the LCP was adopted and therefore remains under the jurisdiction of the Commission. Prior to the adoption of the LCP the standard of review for permit applications in Malibu were the Chapter Three policies of the Coastal Act. After the adoption of the LCP the standard of review for permit applications is the LCP.

Section 30610.1 of the Public Resources Code (also known as CALVO exclusion) allows the Commission to designate certain areas of the coastal zone where construction of a single-family residence on a vacant lot does not require a coastal development permit. This exclusion does not apply when a local jurisdiction has a certified LCP. Section 30610.2 of the Public Resources Code requires the local government to issue a written certification or determination that the lot meets the criteria specified in section 30610.1 and is therefore exempt from the coastal development permit requirements. Prior to the adoption of the Malibu LCP the City of Malibu issued a certification dated January 8, 2002 (Exhibit 9) that the construction of a single-family residence on the subject property of this permit meets all of the requirements pursuant to sections 30610.1 and 30610.2 and is therefore exempt from the requirements of a coastal development permit. However, accessory structures are not exempt from the coastal development permit requirements under sections 30610.1 and 30610.2. Therefore, the proposed guest house, accessory structure, tennis court, fencing and pergola are subject to the requirements of coastal development permit No. 4-02-091.

In addition, the guest house will utilize the septic system associated with the single-family residence, which is sized to accommodate the effluent generated by the use of this structure.

B. HAZARDS

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

The Malibu Local Coastal Program (LCP) contains the following development policies related to hazards and new development that are applicable to the proposed development:

Section 30253 of the Coastal Act, which is incorporated as part of the Malibu LCP, states in pertinent part that new development shall:

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

In addition, the following LCP policies are applicable in this case:

- 3.119 New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.
- 4.2 All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.
- 4.5 Applications for new development, where applicable, shall include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such reports shall be signed by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and subject to review and approval by the City Geologist.
- 4.10 New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.
- 4.45 New development shall minimize risks to life and property from fire hazard through:
- Assessing site-specific characteristics such as topography, slope, vegetation type, wind patterns etc.;
 - Siting and designing development to avoid hazardous locations;
 - Incorporation of fuel modification and brush clearance techniques in accordance with applicable fire safety requirements and carried out in a manner which reduces impacts to environmentally sensitive habitat to the maximum feasible extent;
 - Use of appropriate building materials and design features to insure the minimum amount of required fuel modification;
 - Use of fire-retardant, native plant species in landscaping.
- 4.49 Applications for new development, which require fuel modification, shall include a fuel modification plan for the project, prepared by a landscape architect or resource specialist that incorporates measures to minimize removal of native vegetation and to minimize impacts to ESHA, while providing for fire safety, consistent with the requirements of the applicable fire safety regulations. Such plans shall be reviewed and approved by the Forestry Division.
- 6.29 Cut and fill slopes and other areas disturbed by construction activities shall be landscaped or revegetated at the completion of grading. Landscape plans shall provide that:
- Plantings shall be of native, drought-tolerant plant species, and blend with the existing natural vegetation and natural habitats on the site, except as noted below.
 - Invasive plant species that tend to supplant native species and natural habitats shall be prohibited.

- **Non-invasive ornamental plants and lawn may be permitted in combination with native, drought-tolerant species within the irrigated zone(s) required for fuel modification nearest approved residential structures.**
- **Lawn shall not be located on any geologically sensitive area such as coastal blufftop.**
- **Landscaping or revegetation shall provide 90 percent coverage within five years. Landscaping or revegetation that is located within any required fuel modification thinning zone (Zone C, if required by the Los Angeles County Fire Department) shall provide 60 percent coverage within five years.**

The project site is a vacant, relatively level parcel. The Malibu LCP requires that new development be sited and designed to minimize risks to life and property from geologic, flood, and fire hazard. In addition, the LCP requires a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. The Update Letter – Geologic & Soils Engineering Investigation dated June 17, 2002, prepared by SubSurface Designs, Inc. states:

It is the finding of this firm, based upon the subsurface data, that the proposed residence, guesthouse, swimming pool and tennis court will not be affected by settlement, landsliding, or slippage. Further, the proposed development will not have an adverse effect on off-site property.

As such, the Commission notes that the proposed project will serve to ensure general geologic and structural integrity on site. However, the Commission also notes that the submitted Update Letter – Geologic & Soils Engineering Investigation dated June 17, 2002, prepared by SubSurface Designs, Inc. include a number of recommendations to ensure the geologic stability and geotechnical safety of the site. To ensure that the recommendations of the geologic and geotechnical engineering consultants are incorporated into all new development, **Special Condition No. One (1)** requires the applicant to submit project plans certified by the consulting geologist and geotechnical engineer as conforming to all geologic and geotechnical recommendations, as well as any new or additional recommendations by the consulting geologist and geotechnical engineer to ensure structural and site stability. The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, foundations, grading and drainage. Any substantial changes to the proposed development approved by the Commission that may be recommended by the consultants shall require an amendment to the permit or a new coastal permit.

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

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition**

No. Four (4), the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition No. Four, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission also finds that the minimization of site erosion will add to the stability of the site. In addition, the Malibu LCP requires that graded and disturbed areas be revegetated to minimize erosion. Erosion can best be minimized by requiring the applicant to landscape all disturbed and graded areas of the site with native plants compatible with the surrounding environment. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements. Within the Zone A, as designated on the fuel modification plan, non-invasive ornamental plants are acceptable. Typically, Zone A is a 20 -30 foot irrigated zone immediately surrounding the structure. Therefore, in order to ensure the stability and geotechnical safety of the site, **Special Condition No. Three (3)** requires that all proposed disturbed and graded areas on subject site are stabilized with native and limited non-invasive ornamental vegetation.

The project will increase the amount of impervious coverage onsite, which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. The applicant's geologic/geotechnical consultant has recommended that site drainage be collected and distributed in a non-erosive manner. In addition, the Malibu LCP policy 4.10 requires that "new development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams". Therefore, to ensure that drainage is conveyed off site in a non-erosive manner, the Commission finds that it is necessary to require the applicant, as required by **Special Condition No. Two (2)**, to submit drainage and polluted runoff management plans for the construction and post-construction phases of development that are prepared by the consulting engineer. To ensure that the project's drainage structures will not contribute to further destabilization of the project site or surrounding area and that the project's drainage structures shall be repaired should the structures fail in the future, **Special Condition No. Two (2)** also requires that the applicant agree to be responsible for any repairs or restoration of eroded areas should the drainage structures fail or result in erosion.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with the applicable policies of the Malibu LCP.

C. WATER QUALITY

The Malibu LCP provides for the protection of water quality. The policies require that new development protects, and where feasible, enhances and restores wetlands, streams, and groundwater recharge areas. The policies promote the elimination of pollutant discharge, including nonpoint source pollution, into the City's waters through new construction and development regulation, including site planning, environmental review and mitigation, and project and permit conditions of approval. Additionally, the policies require the implementation of Best Management Practices to limit water quality impacts from existing development, including septic system maintenance and City services.

Section 30251 of the Coastal Act, which is incorporated as a policy of the Malibu LCP, 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.

In addition, the following water quality LCP policies are applicable in this case:

3.95 New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

- ***Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss.***
- ***Limiting increases of impervious surfaces.***
- ***Limiting land disturbance activities such as clearing and grading, and cut-and-fill to reduce erosion and sediment loss.***
- ***Limiting disturbance of natural drainage features and vegetation.***

3.96 New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.

3.97 Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern¹ that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.

¹ Pollutants of concern are defined in the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County as consisting " of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at a concentrations or loads considered potentially toxic to humans and/or flora or fauna".

- 3.99 *Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate. Dry weather runoff from new development must not exceed the pre-development baseline flow rate to receiving water bodies.*
- 3.100 *New development shall be sited and designed to minimize impacts to water quality from increased runoff volumes and nonpoint source pollution. All new development shall meet the requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) in its the Standard Urban Storm Water Mitigation Plan For Los Angeles County And Cities In Los Angeles County (March 2000) (LA SUSMP) or subsequent versions of this plan.*
- 3.110 *New development shall include construction phase erosion control and polluted runoff control plans. These plans shall specify BMPs that will be implemented to minimize erosion and sedimentation, provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials.*
- 3.111 *New development shall include post-development phase drainage and polluted runoff control plans. These plans shall specify site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff, and shall include the monitoring and maintenance plans for these BMPs.*
- 3.118 *Some BMPs for reducing the impacts of non-point source pollution may not be appropriate for development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability. New development in these areas should incorporate BMPs that do not increase the degree of geologic instability.*
- 3.119 *New development that requires a grading permit or Local SWPPP shall include landscaping and re-vegetation of graded or disturbed areas, consistent with Policy 3.50. Any landscaping that is required to control erosion shall use native or drought-tolerant non-invasive plants to minimize the need for fertilizer, pesticides, herbicides, and excessive irrigation. Where irrigation is necessary, efficient irrigation practices shall be required.*
- 3.120 *New development shall protect the absorption, purifying, and retentive functions of natural systems that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems shall be restored, where feasible, except where there are geologic or public safety concerns.*

The proposed project will result in an increase of impervious surface on site, which in turn decreases the infiltrative function and capacity of existing permeable land on project sites. The Commission notes that this reduction in permeable surface leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. The cumulative effect of increased impervious surface is that the peak stream discharge is increased and the peak occurs much sooner after precipitation events. Changes in the stream flow result in modification to stream morphology. Additionally, grading, excavations and disturbance of the site from construction activities and runoff from impervious surfaces can result in increased erosion of disturbed soils and in sedimentation of nearby coastal stream and waters.

In addition, pollutants commonly found in runoff associated with new development 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 and organic matter; fertilizers, herbicides, and pesticides from household gardening or more intensive agricultural land use; nutrients from wastewater discharge, animal waste and crop residue; and bacteria and pathogens from wastewater discharge and 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 provides food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

The LCP water quality policies cited above are designed to protect water quality and prevent pollution of surface, ground, and ocean waters. The Malibu LCP requires the preparation of a Storm Water Management Plan (SWMP) for all projects that require a coastal development permit or a Water Quality Mitigation Plan (WQMP) for new residential developments that involve one acre or more of disturbance or redevelopment projects that result in the creation or addition or replacement of 5,000 sq. ft. or more of impervious surface. A SWMP illustrates how the project will use appropriate site design and source control best management practices (BMPs) to minimize or prevent adverse effects of the project on water quality. A WQMP requires treatment control (or structural) BMPs, in addition to site design and source control BMPs that are required for a SWMP, to minimize or prevent the discharge of polluted runoff from a project site. In this case, pursuant to the requirements of the Malibu LCP, and to ensure the proposed project will not adversely impact water quality or coastal resources, the Commission finds it necessary to require the preparation of a SWMP for the subject site, that incorporates site design and source control BMPs, as specified in **Special Condition No. Two (2)**.

Furthermore, erosion control and storm water pollution prevention measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from runoff during construction. The Malibu LCP requires that a Local Storm Water Pollution Prevention Plan (SWPPP) be prepared for all development that requires a Coastal Development Permit and a grading or building permit, and it shall apply to the construction phase of the project. The SWPPP includes measures and BMPs to prevent erosion, sedimentation and pollution of surface and ocean waters from construction and grading activities. In this case, the proposed project does involve construction that requires grading and/or building permits. Therefore, pursuant to the Malibu LCP and to ensure the proposed development does not adversely impact water quality or coastal resources during the construction phase of the project, the Commission finds it necessary to require the applicant to submit a Local SWPPP for the subject site, consistent with the requirements specified in **Special Condition No. Two (2)**.

The Commission finds that based on the above findings the proposed project, as conditioned, will not result in adverse impacts to water quality and is consistent with the Malibu LCP.

D. ARCHEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

In addition, the following water quality LCP policies are applicable in this case:

- 5.60** *New development shall protect and preserve archeological, historical and paleontological resources from destruction, and shall avoid and minimize impacts to such resources.*
- 5.63** *Coastal Development Permits for new development within archeologically sensitive areas shall be conditioned upon the implementation of the appropriate mitigation measures.*
- 5.64** *New development on sites identified as archeologically sensitive shall include on-site monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archeologist(s) and appropriate Native American consultant(s).*

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. The proposed development is located in a region of the Santa Monica Mountains, which contains one of the most significant concentrations of archaeological sites in southern California. The Malibu LCP requires the protection of such resources to reduce the potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites that remain intact.

The archaeological report prepared by E. Gary Stickel, Ph.D., Consulting Archaeologist, Environmental Research Archaeologists: A Scientific Consortium entitled "A Phase 3 Excavation and Mitigation Report on the Archeological Site CA-LAN-451, Located at 28943 Selfridge Drive, City of Malibu, California" (Archaeological Report) dated September, 2000 provides for the cultural resources management of the cultural resources that lie on the proposed project site. A Phase 1 (literature search/site survey) report was previously prepared for the parcel in 1998 by Chester King. This study concluded that the entire proposed project site lies within archaeological site CA-LAN-451. A site survey also mapped where artifacts were discovered on the site. The Phase 2 (field investigation) and Phase 3 (mitigation) studies were conducted by E. Gary Stickel, Ph.D. and described in the Archaeological Report. The Phase 2, or test phase, was designed to conduct an investigation to either support or refute the

Phase 1 findings. This Phase 2 investigation found that most of the artifacts were located in the southern portion of the parcel, whereas the Phase 1 study mapped a majority of the artifacts in the mid-northern portion of the parcel. Consequently, the Archaeological Report states:

When it became apparent that the data was richer and deeper in the south part of the parcel, and the decision was made to move the planned house northward, the architect replaced the originally planned house pad with a tennis court. And since a decision to preserve the area was made, the tennis court was moved into that area [the tennis court will be capped with protective soil to preserve the site below].

As the project site lies within an archaeological site, the proposed development has the potential to adversely impact cultural resources. Due to the dispersal of deposits across the site and the sandy nature of the soils, it would not be possible to completely avoid disturbance of the archeological resources onsite. This includes, but is not limited to, proposed roads, placement of construction equipment, grading, landscaping, utility placement, or other subsurface construction and improvements that will lead to accessing the proposed site area. Therefore, to ensure that impacts to archaeological resources are minimized pursuant to LUP policies 5.60, 5.63 and 5.64, **Special Condition No. Six (6)** requires onsite monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archeologist(s) and appropriate Native American consultant(s). In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the archaeologist(s) and the Native American consultant(s), in consultation with the City of Malibu Archaeologist, consistent with California Environmental Quality Act (CEQA) guidelines.

The submitted mitigation plan also provides a strategy to coordinate the archeological monitoring and management of the development area during construction activities. The Archaeological Report states:

A standard mitigation recommendation is that any and all future excavations into the defined site areas of CA-LAN-451 on the parcel must be monitored by a qualified Chumash Native American and by a qualified archaeologist. This standard mitigation measure is to ensure that no human burials or highly significant features (e.g. a cache of effigies) are destroyed or damaged prior to their proper handling by the Native Americans and archaeologists.

The Commission finds that it is necessary to require the applicant to implement all recommendations contained in the above referenced report. Further, any recommendations developed by the consultants as part of any necessary data recovery plan shall be incorporated into the project. Finally, if the recommendations require a substantial modification or redesign of the proposed project, the applicant shall be required to submit an amendment to this permit.

Thus, the Commission finds that based on the findings of the archaeological report and other available evidence, the proposed development, as conditioned to monitor the site during earth moving activities and to incorporate the recommendations of the archeological consultant(s) to mitigate any adverse impacts on archaeological resources, is consistent with the Malibu LCP.

E. Cumulative Impacts

The Malibu LCP policies address new residential development. The maximum number of structures allowed in a residential development is one main residence, one second residential structure, and additional accessory structures provided that all such structures are located within the approved development area and clustered to minimize required fuel modification, landform alteration, and removal of native vegetation. In addition, the LCP limits the size of second residential units to 900 square feet.

Sections 30250 and 30252 of the Coastal Act, which are incorporated as a policies of the Malibu LCP, state:

Section 30250 (a):

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

Section 30252:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

In addition, the following LCP policies are applicable in his case:

- 5.21 *The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as stable, workshop, gym, studio, pool cabana, office, or tennis court provided that all such structures are located within the approved development area and structures are clustered to minimize required fuel modification.*
- 5.22 *Second residential units (guesthouses, granny units, etc.) shall be limited in size to a maximum of 900 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Detached garages, including garages provided as part of a second residential unit, shall not exceed 400 square feet (2-car) maximum. The area of a garage provided as part of a second residential unit shall not be included in the 900 square foot limit.*

5.24 New development of a second residential unit or other accessory structure that includes plumbing facilities shall demonstrate that adequate private sewage disposal can be provided on the project site consistent with all of the policies of the LCP.

Pursuant to LCP policies cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of additional detached residential units and accessory structures on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates potential additional demands on public services, such as water, sewage, electricity, and roads. Thus, second residential units and accessory structures pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development. The applicant is proposing to construct a new 750 sq. ft. accessory structure, to be used for gardening and workshop equipment storage, construct a new 729 sq. ft. guest house and install a new 7,200 sq. ft. tennis court.

The adopted Malibu LCP limits the size of second residential units to 900 sq. ft. In its review and action on the Malibu LCP, the Commission found that placing an upper limit on the size of second units (900 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (900 sq. ft.) and the fact that they are intended for limited residential use, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act.

The proposed accessory structure is not intended to be a second residential unit, but is proposed to be used for gardening and workshop equipment storage. However, the Commission notes that in the event that any of the proposed structures were to be converted to residential use in the future, such conversion would significantly intensify the use of this property and result in significant adverse cumulative impacts to coastal resources. The guest house as proposed complies with the limitation on the size of second residential units to 900 sq. ft. pursuant to policy 5.22 of the Malibu LCP. However, additions or improvements to the detached structures could easily convert to additional residential square footage, beyond the allowable 900 sq. ft. square footage limit in the Malibu LCP. Therefore, in order to ensure that any modifications or additions to the proposed accessory structure and guest house are reviewed by the Commission, **Special Condition No. Six (6)** has been imposed. Special Condition Six requires the applicant to obtain an amended or new coastal permit if any additions or improvements to the proposed non-habitable accessory structures on the property are proposed in the future.

Finally, **Special Condition No. Seven (7)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the

property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, as conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with applicable policies of the Malibu LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

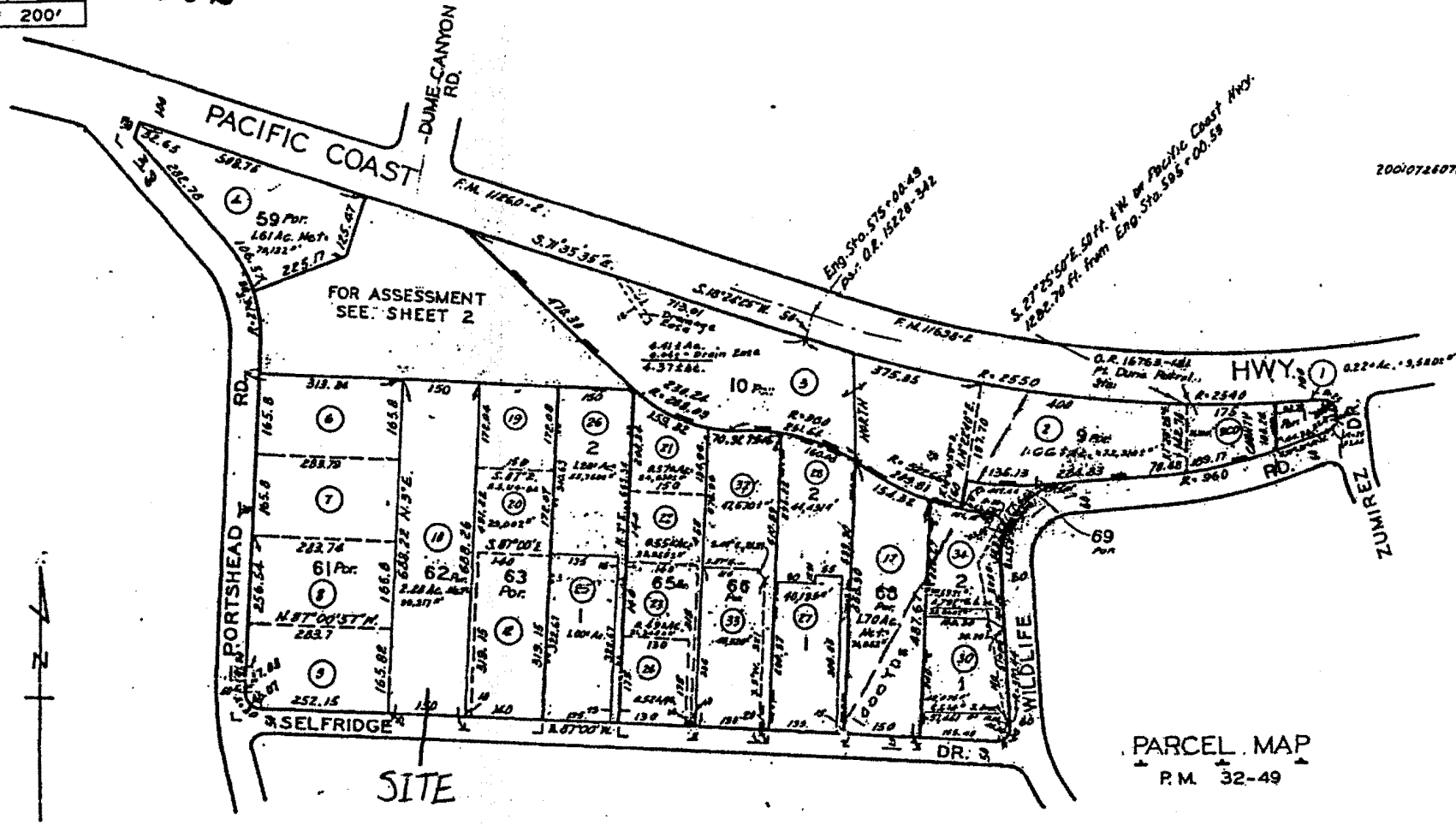
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The Commission finds that, the proposed project, as conditioned, will not have any significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

Rockwell

4466 19
SHEET 1
SCALE 1" = 200'

2002



CODE 10860
LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
R. E. 534

TRACT NO. 12778
M. B. 262-41 -43

RECORD OF SURVEY
R. S. 56 -29 -32

PARCEL MAP
P.M. 35 - 44

PARCEL MAP
P.M. 66-28

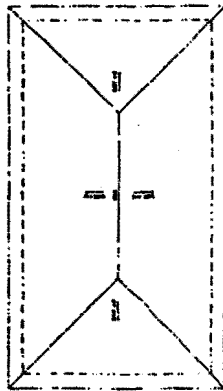
AUG 28 2001

FOR PREV. ASSEMT. SEE: 482-318, 323, 324 & 345

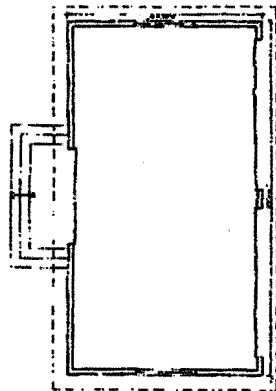
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CA

EXHIBIT 2
4-02-091
Parcel Map

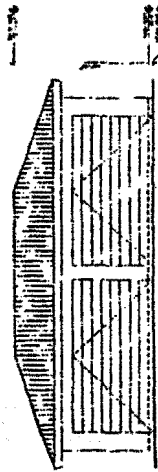
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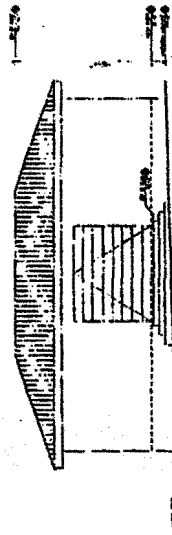
ACCESSORY BUILDING ROOF PLAN



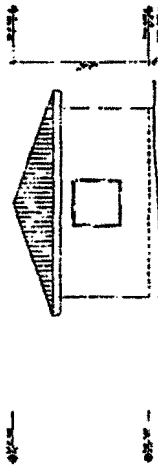
ACCESSORY BUILDING FLOOR PLAN



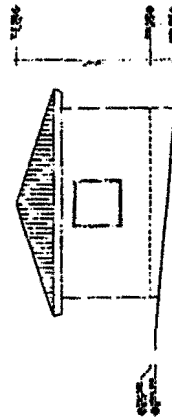
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

CITY OF BALTIMORE
 DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH EAST STREET
 BALTIMORE, MD 21202
 OFFICE OF THE CITY ENGINEER
 100 NORTH EAST STREET
 BALTIMORE, MD 21202

ACCESSORY BUILDING
 A.180

EXHIBIT 4
 4-02-091
 Accessory Building
 Floor Plan, Roof Plan
 and Elevations

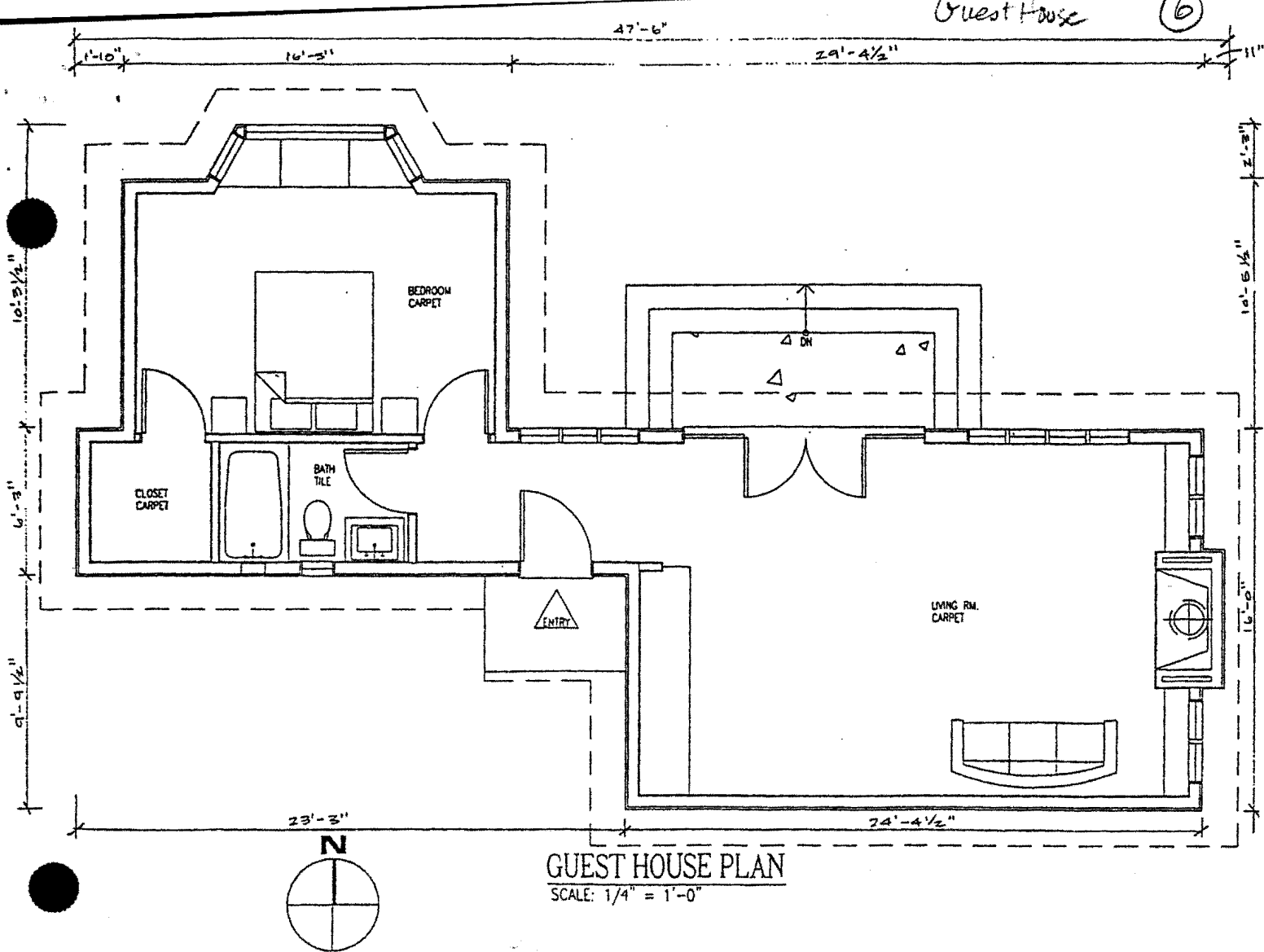
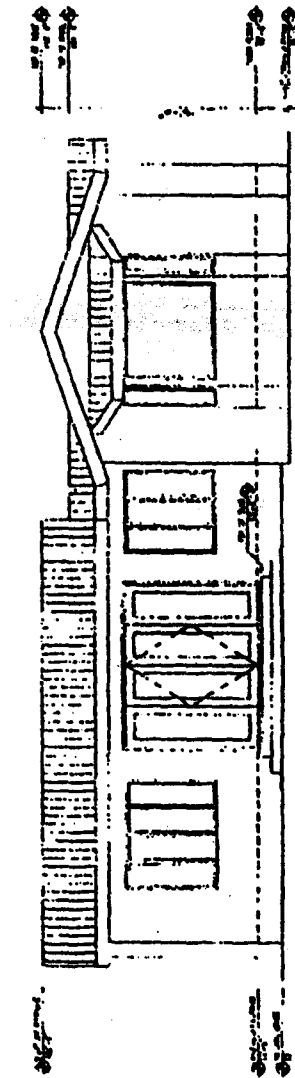


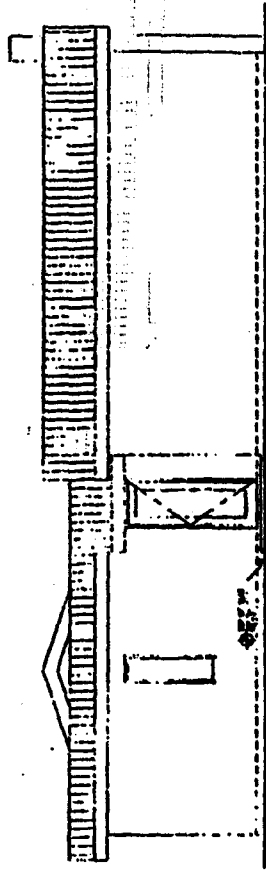
EXHIBIT 5

4-02-091

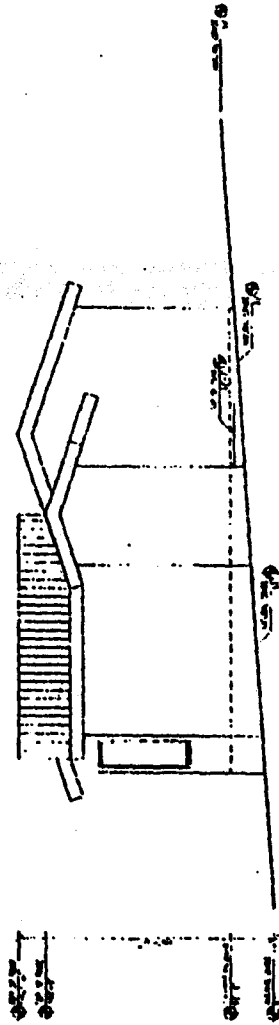
**Guest House Floor
Plan**



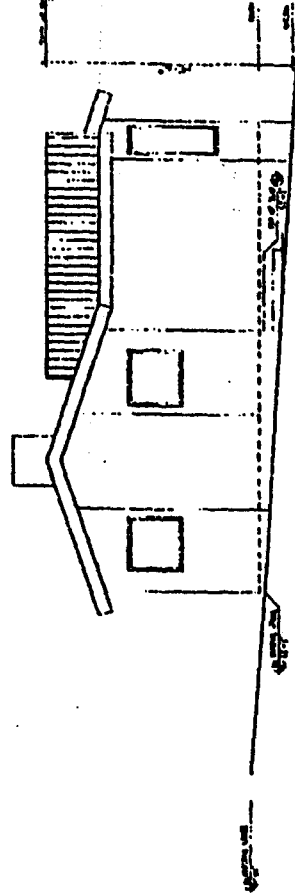
NORTH ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT 6
4-02-091
Guest House
Elevations

SEE PLAN FOR MATERIALS & DETAILS

DRAWING SHOWS DESIGN INTENT

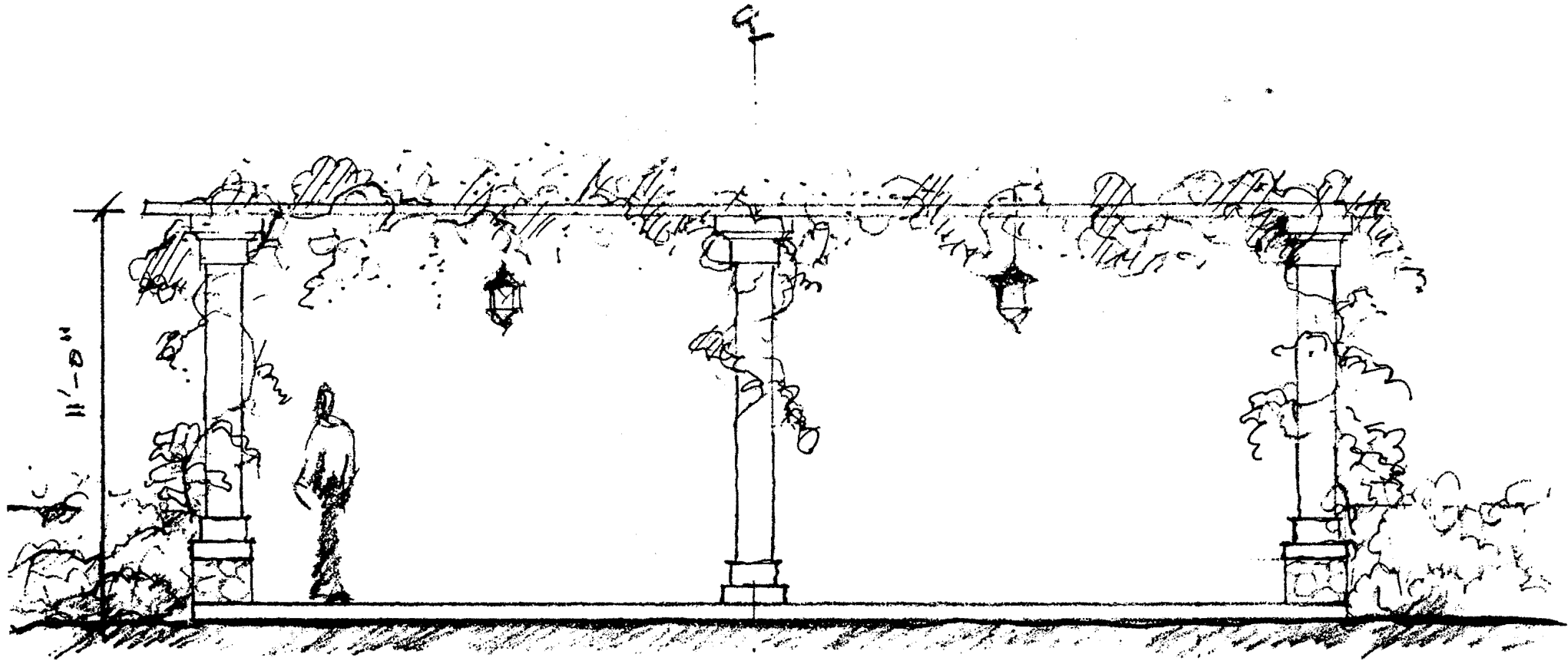


EXHIBIT 7

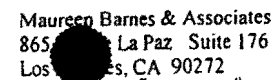
4-02-091

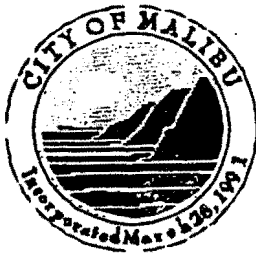
Pergola Plan

28943 SELFIDGE BLVD PERGOLA ELEVATION 1"=4'-0"

6.7.02

Pergola Elevation





City of Malibu

Sheila M. Powers

Planning Department

23555 Civic Center Way - Malibu, CA 90265
(310) 456-2489 ext. 299 FAX (310) 456-3356
spowers@ci.malibu.ca.us

#7
RECEIVED
APR 18 2002
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

January 8, 2002

Applicant: Mr. Thomas Torres, AIA
PO BOX 1181
Malibu, CA 90265

Owner: Laura Rockwell
6622 Portshed Road
Malibu, CA 90265

Project Location: 28943 Selfridge
Malibu, CA 90265

Project Description: Construction of new 6,691 square foot single-family residence, 729 square foot guesthouse, and a 750 square foot accessory structure.

California Coastal Commission:

The City of Malibu has determined that the construction of a single-family residence at the location referenced above is located within the area designated by the California Coastal Commission pursuant to Section 30610.1 of the Public Resources Code, CALVO.

Please let this letter serve as our certification that this project, at the above location, meets the following requirements pursuant to Section 30610.2 of the Public Resources Code. The City of Malibu has determined that the construction of this single-family residence meets all of the following lot criteria:

1. The construction of the single-family residence on the lot is not located between the first public road and the sea nor is it immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach (ATTACHMENT 1).
2. The vacant lot is a legal lot as of January 1, 1980 and conforms with the minimum lot size and lot use designations of the Malibu General Plan and the Interim Zoning Ordinance (ATTACHMENT 2).

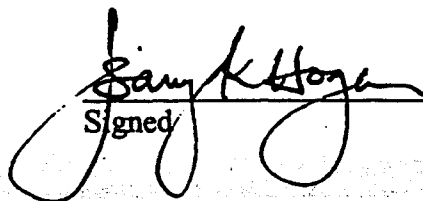
EXHIBIT 9

4-02-091

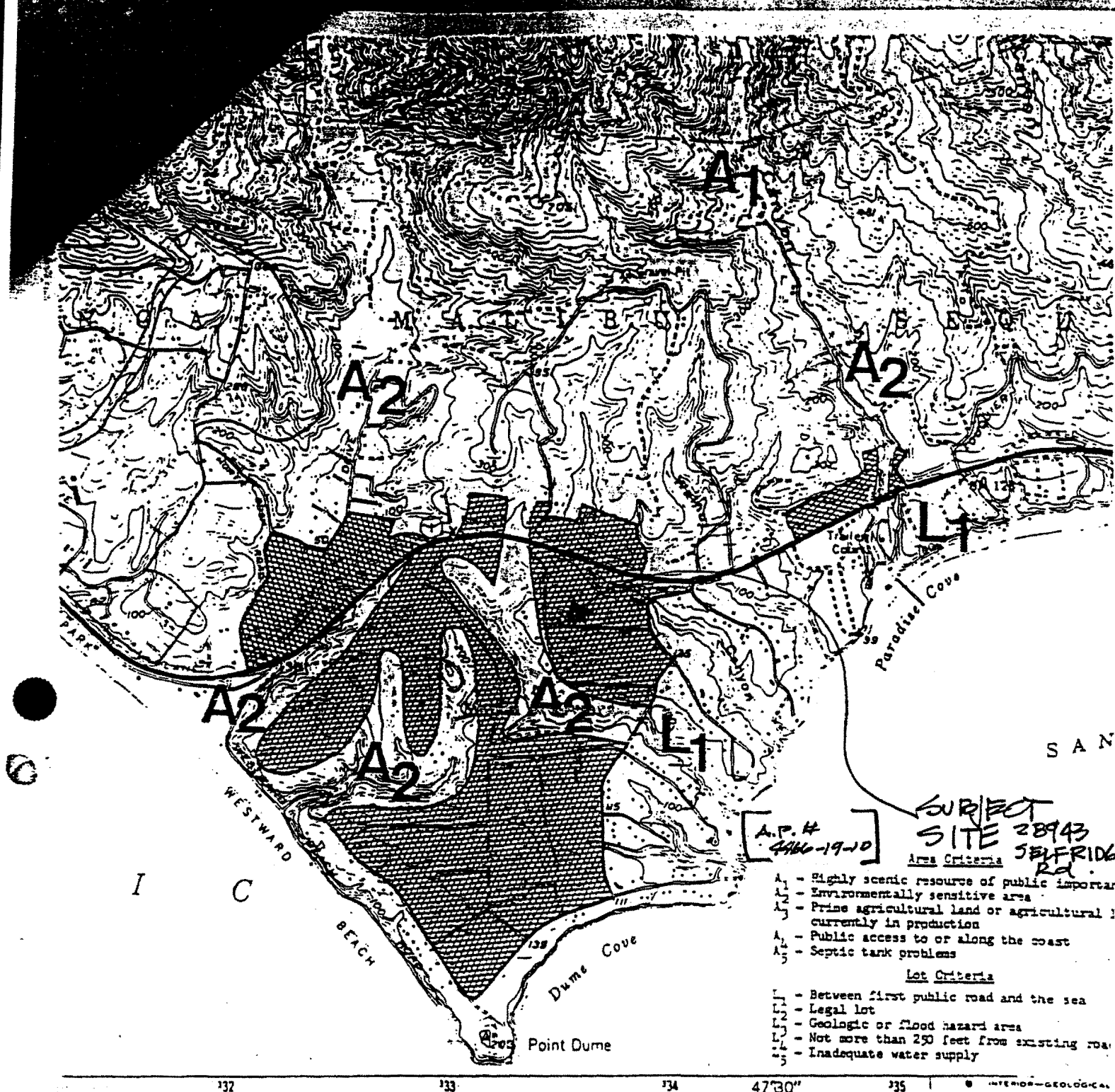
**City of Malibu Section
30610.2 certification**

3. The construction of the single-family residence on the vacant lot is not located within an area known to the City of Malibu or designated by any other public agency, as a geologic hazard area or as a flood hazard area nor is the lot located within an area recognized as a geologic hazard area by the City of Malibu, it has been determined by the City of Malibu to be a safe site for the construction of a single-family residence (ATTACHMENT 3).
4. The construction of the single-family residence on the vacant lot, located at the above referenced address is not more than 250 feet from an existing improved road that meets minimum City of Malibu requirements for fire and emergency vehicular use throughout the year (ATTACHMENT 4).
5. The residence can be served by an adequate water supply that is legally available for use by means of a well or by means of a connection to a water system with sufficient capacity to serve such lot and no such connection will require the extension of an existing water main which has the capacity of serving four or more additional single-family residential structures (ATTACHMENT 5).

I, Barry K. Hogan, Planning Director for the City of Malibu, do hereby certify that the above referenced address and proposed development meets all of the requirements of Section 30610.1 (c) of the Public Resources Code and is thereby exempt from the coastal development permit requirements of the Coastal Act.


Signed _____

01/08/02
Dated _____



AB 643 - SINGLE-FAMILY RESIDENTIAL AREA DESIGNATIONS

Area 2: Point Dume, Los Angeles Co.



Regional Commission, Regional and State Staffs
Recommended Exclusion Area

Dec. 27, 1979

North

Scale 1" = 2,000'

Portion(s) of
Coastal Zone
Map 134

ATTACHMENT 1

MAP 96

RECORDING REQUESTED BY:

LAWYERS TITLE

AND WHEN RECORDED MAIL TO:

01 0164330

LAURA H. ROCKWELL
8622 Porthead Road
Malibu, CA 90265

THIS SPACE FOR RECORDER'S USE ONLY:

ESCROW NO. 07026JM

INDIVIDUAL GRANT DEED

TITLE ORDER NO. 2001047

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$728.00

[X] computed on full value of property conveyed, or

[] computed on full value less value of liens or encumbrances remaining at time of sale.

[] Unincorporated area [X] City of Malibu, AND

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

RIVERS GILES, as to an undivided 20% interest; DEBOLIA JOHNSON, as to an undivided 30% interest;
ANDREW MONZELLO, as to an undivided 40% interest and TIMOTHY MONZELLO, as to an undivided
20% interest

hereby GRANT(s) to:

LAURA H. ROCKWELL, A Married Woman as Her Sole and Separate
Property

the real property in the city of Malibu, County of Ventura, State of California, described as:
LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

ALSO KNOWN AS: Vacant Land - 22943 Selridge, Malibu, CA
A.P. # 4466-19-10

** This deed is being signed in counterpart by the Sellers.
There are 4 deeds total and transfer tax is shown
above based on a sales price of \$660,000.00.

DATED December 20, 2000

STATE OF CALIFORNIA

COUNTY OF

On January 03, 2001

before me, Angie Watts

a Notary Public in and for said State, personally appeared

Debolia Johnson

personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature

RIVERS GILES

Debolia Johnson
DEBOLIA JOHNSON

ANDREW MONZELLO

TIMOTHY MONZELLO



(This area for official use only)

ORDER NO.: 2001047

EXHIBIT A

LEGAL DESCRIPTION

A handwritten circled '2a' is located below the 'LEGAL DESCRIPTION' heading.

A parcel of land in Los Angeles County, State of California, being a portion of the Rancho Topanga Malibu Sequit, as confirmed to Matthew Keller by patent recorded in Book 1, Page 407, et seq. of Patents Records of said County, particularly described as follows:

Beginning at a point in the centerline of private road Easement No. 4, as described in the Declaration of Easements filed for Record December 11, 1945, as Instrument No. 2045, said point of beginning being South 87° 00' 00" East 306.70 feet from the Northwesterly extremity of that certain centerline course described in said Easement No. 4 as South 87° 00' 00" East 1581.70 feet; thence from said point of beginning following said centerline of Easement No. 4, South 87° 00' 00" East 150.00 feet; thence North 3° 00' 00" East 638.26 feet; thence North 87° 00' 57" West 150.00 feet; thence South 3° 00' 00" East 638.22 feet to the point of beginning.

The above described land is shown as Parcel 62 on a Record of Survey filed in Book 56, Page 32, Record of Surveys, in the office of the County Recorder of said County.

EXCEPT THEREFROM all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances in, on, within and under said lands and every part thereof, but without surface right of entry, as reserved by Marblehead Land Company, in deed recorded March 14, 1946, Book 22943, Page 156 of Official Records.

Figure 2: Map of the Parcel at 28943 Selfridge Drive.

POS. CITY, ALMT. SEC. 482-318, 323, 324 & 343

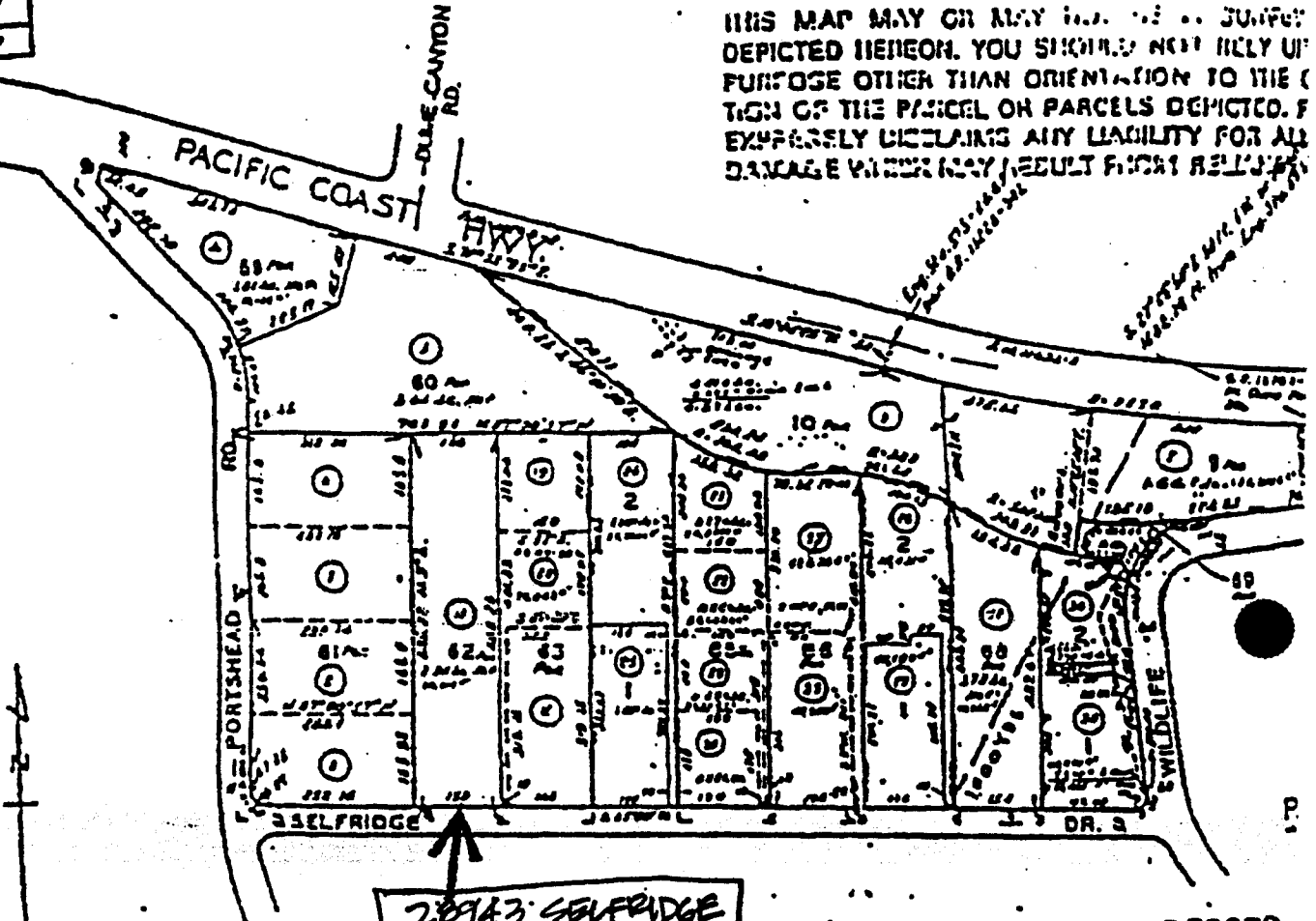
TRW-REDI

4486 19
SCALE = 200'

1992

First American Title Company, Inc.

THIS MAP MAY OR MAY NOT BE A COMPLETE
DEPICTION HEREON. YOU SHOULD NOT RELY UPON
FOR PURPOSE OTHER THAN ORIENTATION TO THE
LOCATION OF THE PARCEL OR PARCELS DEPICTED. IT
EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALL
DAMAGE WHICH MAY RESULT FROM RELIANCE



LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
R.E. 534

TRACT NO. 12778
L.B. 292-41-43

RECORD
R.E. 51

PARCEL MAP
P.M. 35-44

PARK
P. 1

POS. CITY, ALMT. SEC. 482-318, 323, 324 & 343

TRW-REDI



FILE # 9321		DATE
ACAD	9321/PIB	12/93
BIN	3-C	
PROJECT SURVEYOR		
JOHN H MAC NEIL	L.S. NO 3358	

ATTACHMENT 2



PLANNING REVIEW

City of Malibu

23555 Civic Center Way, Malibu, California 90265
(310) 456-CITY Fax (310) 456-3356

Geology and Geotechnical Engineering Review

GEOLOGY AND GEOTECHNICAL ENGINEERING REVIEW SHEET

CITY OF MALIBU
GEO/SOILS FILE COPY

Site Address: 28943 Selfridge Drive

Lot/Tract/PM #: n/a

Applicant/Phone #: Tom Torres/310-456-2355

Architect/Engineer: Tom Torres, A.I.A.

Project Type: New 5,994 square foot one-story single-family residence with attached 697 square foot 3-car garage, 729 square foot one-story guest house, 750 square foot one-story accessory building, swimming pool/spa, tennis court, pergola, drainage, grading

Date: March 9, 2001

City Log #: 1927

BYA Project #: 49.17691.0001

Planning #: PPR 01-003

BPC/GPC #: n/a

Geotechnical Engineer: Subsurface Designs, Inc. (Mahn, RCE 60293); Ref: G.C. Masterman & Associates, Inc.

Geotechnical Report(s) dated: 2-7-01; 10-5-2000; Ref: 10-1-93

Previous Geotechnical Reviews dated: 1-25-01; Ref: 11-18-93

Engineering Geologist: Subsurface Designs, Inc. (Trieboild, CEG 1796); Ref: Harley Tucker, Inc.

Geologic Report(s) dated: 2-7-01; 11-6-2000, 10-15-2000, 10-5-2000; Ref: 8-16-93

Previous Geology Reviews dated: 1-25-01; Ref: 11-5-93

RECOMMENDATION:

- ☒ **APPROVED** "in-concept" in the PLANNING stage. The Project Geotechnical Consultant and applicant shall address the following items prior to Building stage approval (See "Items to be Addressed" below).

ITEM TO BE NOTED BY APPLICANT:

NOTICE: Grading in excess of 1,000 cubic yards is prohibited by the City of Malibu Zoning Ordinance Section 9.3.03 (A)(9). This includes grading for, but is not limited to, primary and accessory structures, driveways and parking areas, swimming pools, retention basins, building pads and other similar development areas. If your project changes so that more than 1,000 cubic yards of grading is involved, it will not be approved. For specific information, please contact the Planning Department.

ITEMS TO BE ADDRESSED PRIOR TO BUILDING PLAN CHECK STAGE APPROVAL:

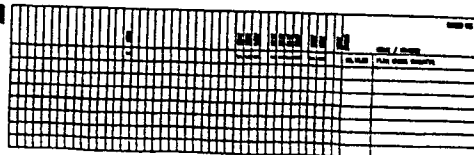
1. The Project Geotechnical Consultant shall provide pile capacity calculations to substantiate the values shown in the chart provided in the recent response. Also, in this chart, the "Capacity" shall be labeled as either allowable or ultimate and either vertical or lateral or uplift. "Depth Below Ground Surface" shall be defined as far as which depth is being referenced (i.e. depth to pile tip, depth to top of bedrock, etc.).
2. If allowable lateral capacities of piles are not provided with associated deflections, the Project Geotechnical Consultant shall provide a recommended horizontal modulus of subgrade reaction for lateral designs by the structural engineer.
3. The Project Geotechnical Engineer shall provide recommended earth pressures for flexible and non-flexible walls, suggesting where these pressures may be required on the site. The walls of the proposed pool are considered to be retaining earth.
4. The foundation plans and foundation details shall clearly depict the recommended embedment material and minimum depth of embedment for the foundations.
5. Please clearly depict the City Environmental Health Department's approved private sewage treatment system on the site plan.
6. Please contact the Department of Building and Safety regarding the submittal requirements for a grading and drainage plan review.
7. The grading plan shall clearly depict the limits and depths of overexcavation(s) on the site.
8. The Project Geotechnical Consultant's name, address, and phone number shall be clearly depicted on the cover sheet of the building plans.
9. Please clearly depict the Project Geotechnical Consultant's recommended embedment material and minimum depth of embedment for all proposed foundations on the foundation plans and foundation details.
10. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, location and elevation of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the plans.

11. Please include the following note on the foundation plans and details: *"All foundation excavations must be observed and approved by the Project Engineering Geologist or Project Geotechnical Engineer prior to placement of reinforcing steel."*
12. One set of grading, swimming pool, tennis court, and foundation plans (for the residence, guest house, and accessory building) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be submitted to the City. The plans will be reviewed by the City Geologist and/or Engineering Reviewer. Additional concerns may be raised at that time which may require a response by the Project Consultants and Applicant.

Reviewed by Jeffrey T. Wilson Date: 3-9-01
Jeffrey T. Wilson, C.E.G. #2193, Exp. 7-31-01
Assistant City Geologist

Reviewed by Douglas T. Abernathy Date: 3-9-01
Douglas T. Abernathy, R.C.E. #C60806, Exp. 12-31-04
Engineering Reviewer

Bing Yen and Associates, Inc.
2310 East Ponderosa Drive, Suite 1
Camarillo, California 93010
(805) 383-0064 (Camarillo office)
(310) 456-2489, x306 (City of Malibu)
(949) 757-1941 (Irvine Office)



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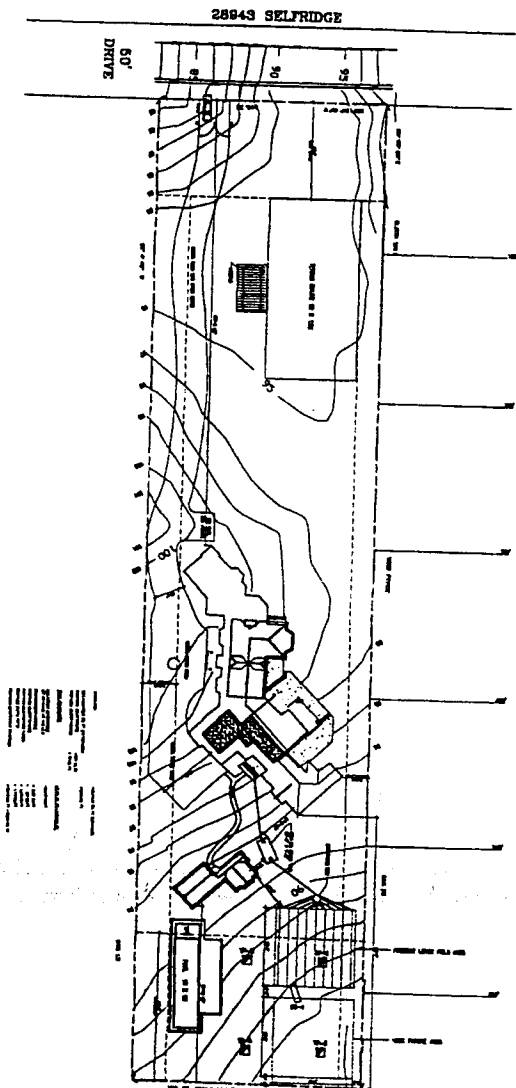
THE END

Abstract

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WATERBURY is free for

DATE OF BIRTH
PLACE OF BIRTH
PLACE OF DEATH



28849 SELFRIDGE

60
DRIVE

ATTACHMENT 4

12/18/01

