

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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W3a
RECORD PACKET COPY

Filed: 10/1/97
49th Day: 11/19/97
180th Day: 3/30/98
Staff: JEL-V *jk*
Staff Report: 10/10/97
Hearing Date: 11/4-7/97

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 4-97-161**APPLICANT:** Jimmy Nylund**AGENT:** Don Schmitz**PROJECT LOCATION:** 950 Latigo Canyon Road, Malibu, Los Angeles County**PROJECT DESCRIPTION:** Construct 1,920 sq. ft., 11 foot high, metal horse barn and corral as an accessory use to an existing single family residence. No grading is proposed.

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|----------------------------|------------------------------------|
| Lot area: | 4.33 acres |
| Building coverage: | 6,710 sq. ft. |
| Pavement coverage: | 2,853 sq. ft. |
| Landscape coverage: | 20,000 sq. ft. |
| Zoning: | A-1-1 (Light Agriculture 1du/acre) |
| Plan designation: | Rural land II |
| Project density: | 1 du/5 acres |
| Ht abv fin grade: | 11 feet |

LOCAL APPROVALS RECEIVED: Los Angeles County: Department of Regional Planning, Approval in Concept, 7/28/97**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified land use plan; Geologic and Geotechnical Engineering Investigation, C.Y. Geotech, 7/28/97; Foundation Plan, ZJS Engineering Services, 9/16/97; Coastal Permits: SF-80-7443 (Carlson); 5-91-215 (Nylund)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to conformance to geologic recommendations, waiver of liability and color restrictions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

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

III. Special Conditions

1. Plans Conforming to Geologic Recommendation

Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans. All recommendations contained in Geologic and Geotechnical Engineering Investigation, C.Y. Geotech, 7/28/97 shall be incorporated into all final design and construction including slope, foundations and drainage. All plans must be reviewed and approved by the consultants.

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

2. Condition Compliance

The requirements specified in the foregoing special conditions that the applicant is required to satisfy, as a prerequisite to the issuance of this permit, must be fulfilled within 90 days of Commission action. Failure to comply, with such additional time as may be granted by the Executive Director for good cause, will terminate this permit approval.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a 1,920 sq. ft. metal horse barn and obtain approval for an existing, detached corral, both of which would be accessory uses to the existing single family residence. The proposed barn will be 73 feet long, 26 feet wide, 11 feet high. The corral fence is 5 feet high. The foundation of the barn will be secured to bedrock through the use of caissons. No grading is proposed, and all improvements will be developed on existing building pads.

The site is bounded on the south by a south-facing slope descending toward Latigo Canyon Road, and on the east and west by vacant lots. The site is not accessible from Latigo Canyon Road and is approached by Castro Peak Motorway, a private road, that runs east and west and bounds the property to the north. The property is approximately 1/8 mile east of the intersection of Latigo Canyon Road and Castro Peak Motorway. The applicant has a legal easement over Castro Peak Motorway.

The south-facing slope descends from the level pad approximately 200 feet, on a slope gradient of approximately 1.5:1, to Latigo Canyon Road. The western portion of the site is currently occupied by a single family residence, an accessory structure for the storage of motor vehicles and a driveway.

B. Background

On December 12, 1980, the Commission granted an administrative permit, SF-80-7443, for a one-story, 2,453 sq. ft. single family home with an attached two car garage on the western portion of the subject parcel, which at that time was a separate parcel.

On April 10, 1991, the Commission approved a De Minimis Waiver, 5-91-215, for the construction of a 2,340 sq. ft., single story, 19 feet tall accessory structure for housing motor vehicles on the western portion of the subject parcel, which at that time was a separate parcel.

In June of 1997, a 5 foot high horse corral was constructed on an existing building pad located on the adjacent parcel to the single family residence and accessory structure. Both of the parcels are owned by the applicant.

On July 15, 1997 a coastal boundary determination was made by the Commission that indicated: 1) the single family residence and accessory structure are not within the coastal boundary, and 2) the southeast corners of both the proposed barn and corral are within the coastal boundary¹.

On July 28, 1997 the Los Angeles County Department of Regional Planning granted an approval-in-concept for the proposed metal barn and corral, requiring the applicant to combine the parcel on which the project is proposed with the adjacent parcel containing the single family residence and accessory structure.

August 5, 1997, the applicant submitted a coastal development permit application to construct the proposed barn and to receive an after-the-fact approval for the corral.

C. Geologic Stability and Hazards

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

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

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, 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.

¹ Development of any portion of a parcel that is within the coastal boundary is subject to the requirements of the Coastal Act of 1976.

The applicant has submitted a Geologic and Geotechnical Engineering Report, dated 7/28/97, prepared by C.Y. Geotech Engineering for the subject site. The primary geotechnical concern for the proposed project is the condition of the uncompacted fill material of the building pad. According to C.Y. Geotech Engineering, the fill should either be removed and recompacted or the foundation of the barn should be sunk into the underlying bedrock.

The applicant has chosen the latter option and proposes to construct a foundation utilizing caissons to secure the barn to the bedrock. To that end, the applicant has submitted a foundation plan with caissons, prepared by ZJS Engineering Services, dated 9/16/97.

According to C.Y. Geotech Engineering there is no evidence of slope failure within the site and its vicinity, and the subject site is not within any landslide areas mapped on the public geologic map. A surficial stability analysis was performed to determine the static and seismic stability conditions of the most critical rear yard descending slope. The analysis indicated safety factors greater than minimum code requirements for both static and seismic conditions.

In conclusion, the geological investigation states

Based on the findings of this investigation, the proposed development of the small barn at the subject site is feasible from a geologic and geotechnical engineering viewpoint provided the recommendations of this report are properly incorporated into design and are implemented during construction. In our opinion, the existing fill soil will adequately support the proposed small barn although it was not a certified compacted fill. ... the barn should be supported by the bedrock underlying the existing fill soil [e.g. with caissons] or the existing fill soil should be completely removed and recompacted as compacted fill for structure support.

Based on the recommendations of the consulting geologists, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the geologic consultant's geologic recommendations are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting Engineering Geologist.

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

D. 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.

The proposed one story barn will maintain a low physical profile against the slope of the property, set back 50 feet from the edge of the building pad, as will the see-through fence corral, at the top of the knoll. The eleven foot high barn will be located adjacent to the existing residence and accessory buildings. The barn will not be visible from the Backbone Trail, approximately one mile across the canyon and at a lower elevation. Neither the proposed one story barn nor the corral will not be visible from Latigo Canyon Road. The proposed barn and corral will be visually in-keeping with the character of the surrounding development.

Therefore, the Commission finds that the proposed project, is consistent with Section 30251 of the Coastal Act.

E. Violation

The construction of the existing 5 foot high horse corral, on an existing building pad, was completed in June of 1997 without the benefit of a Coastal Development Permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

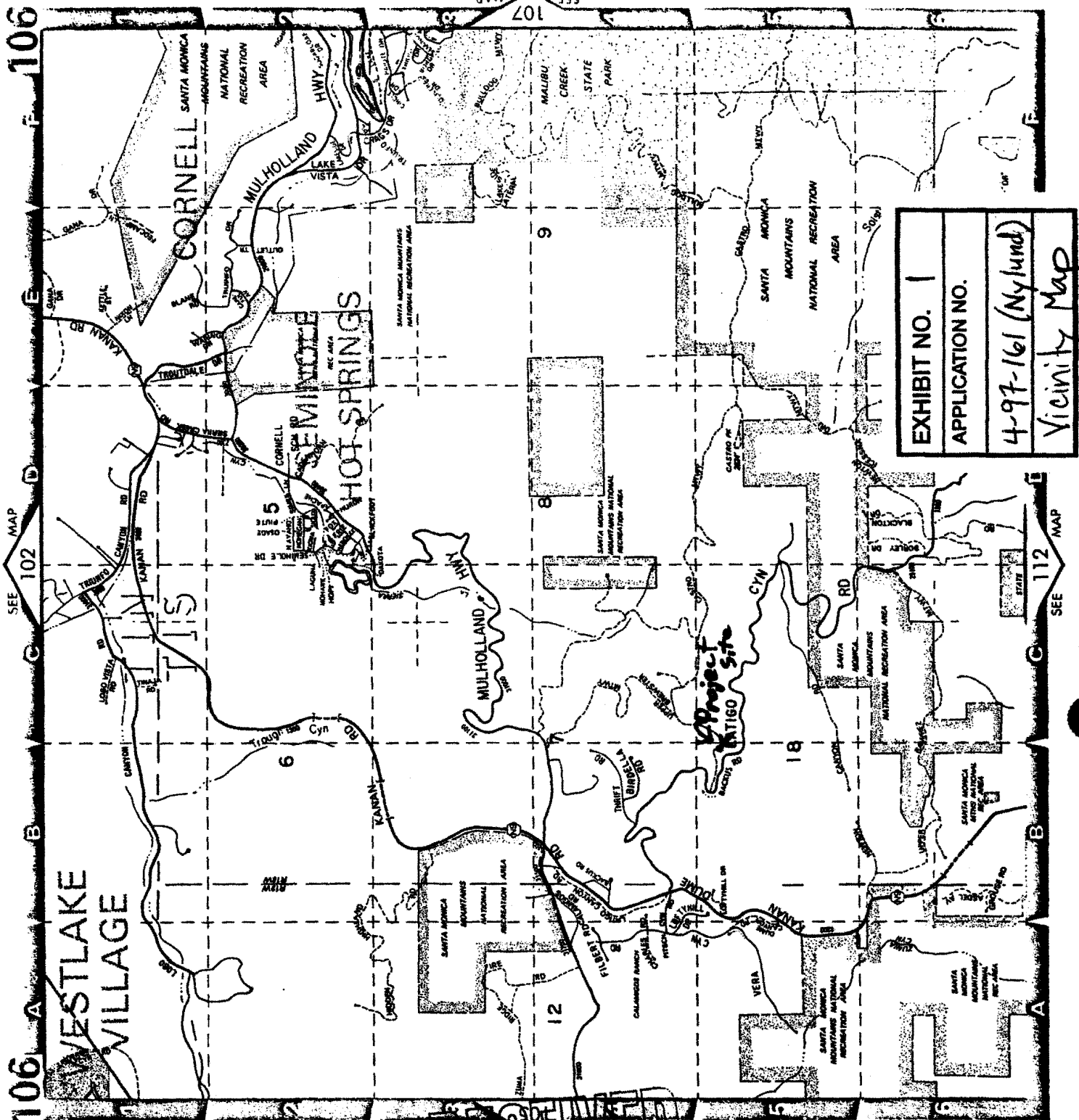
- a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed 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 County's ability to prepare a Local Coastal Program for the Santa Monica Mountains 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)(i) 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 impact which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental impacts which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



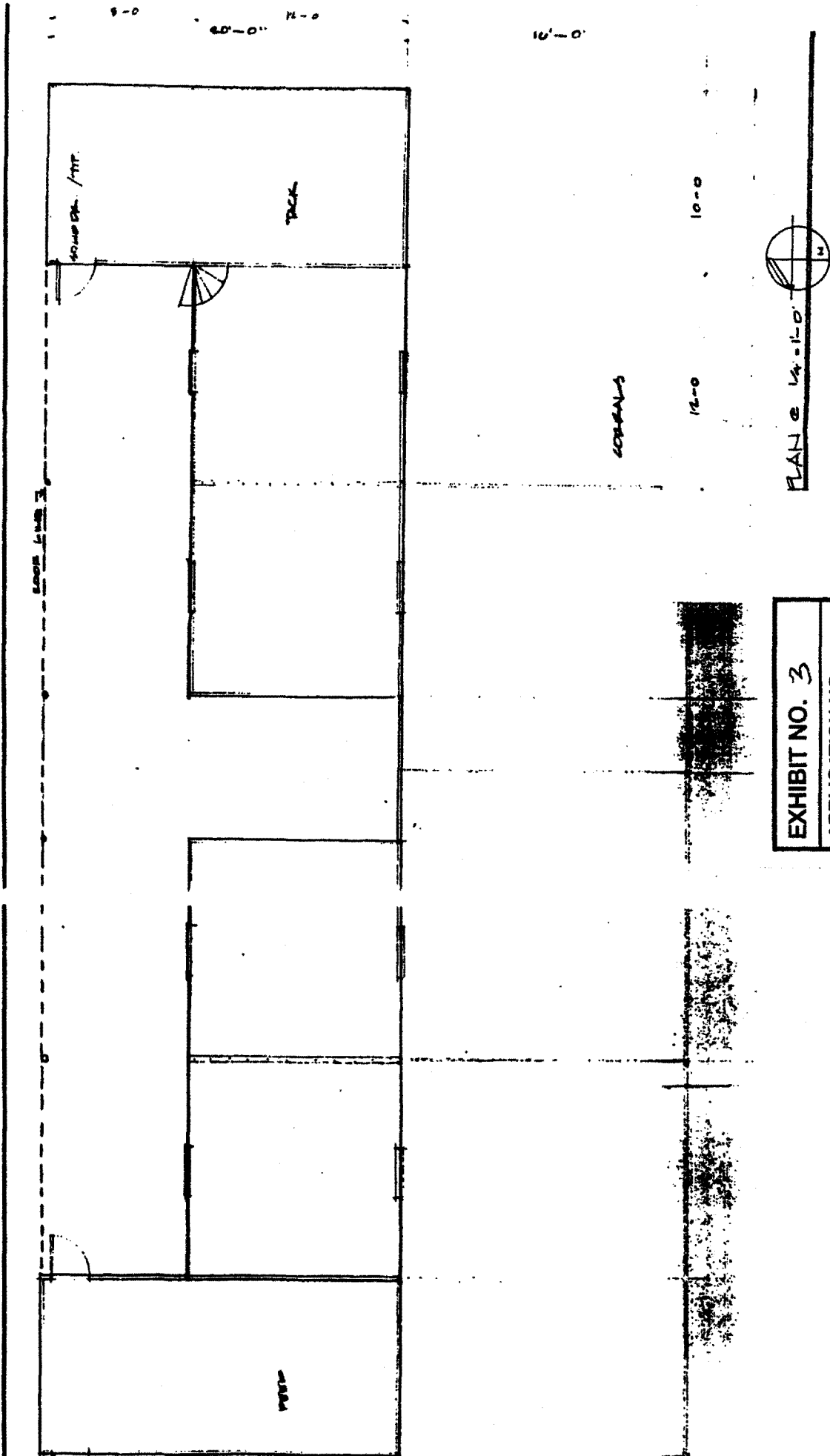
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| EXHIBIT NO. 1 |
| APPLICATION NO. |
| 4-97-161 (Nylund) |
| Vicinity Map |

RECEIVED

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CALIFORNIA
COASTAL COMM. DIST.
SOUTH CENTRAL COAST DIST.

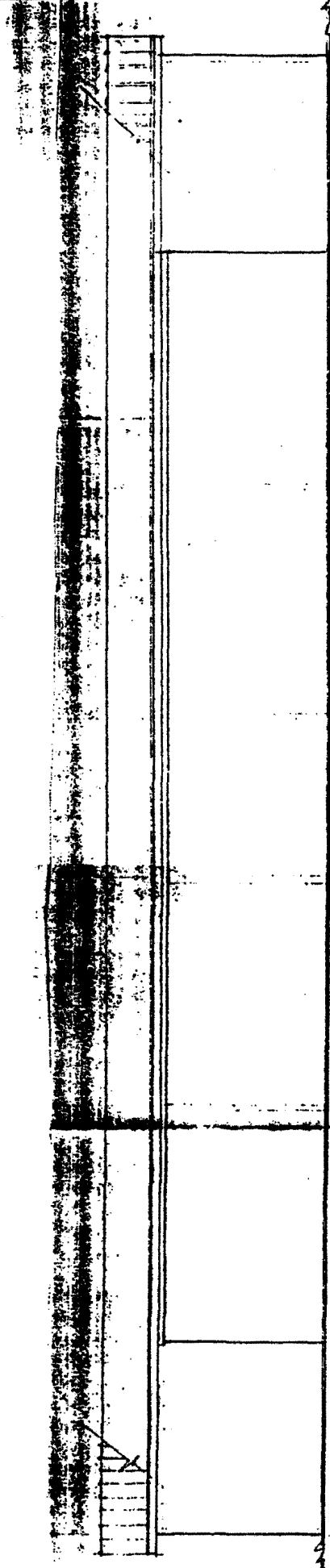
LOS ANGELES CO.



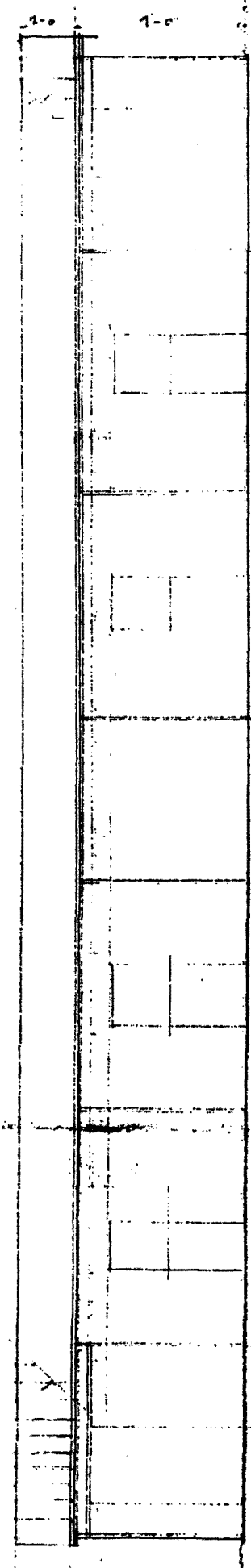
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| EXHIBIT NO. 3 |
| APPLICATION NO. |
| 497-161 (Nylund) |
| Floor Plan |

NYLUND:





NORTH ELEVATION:

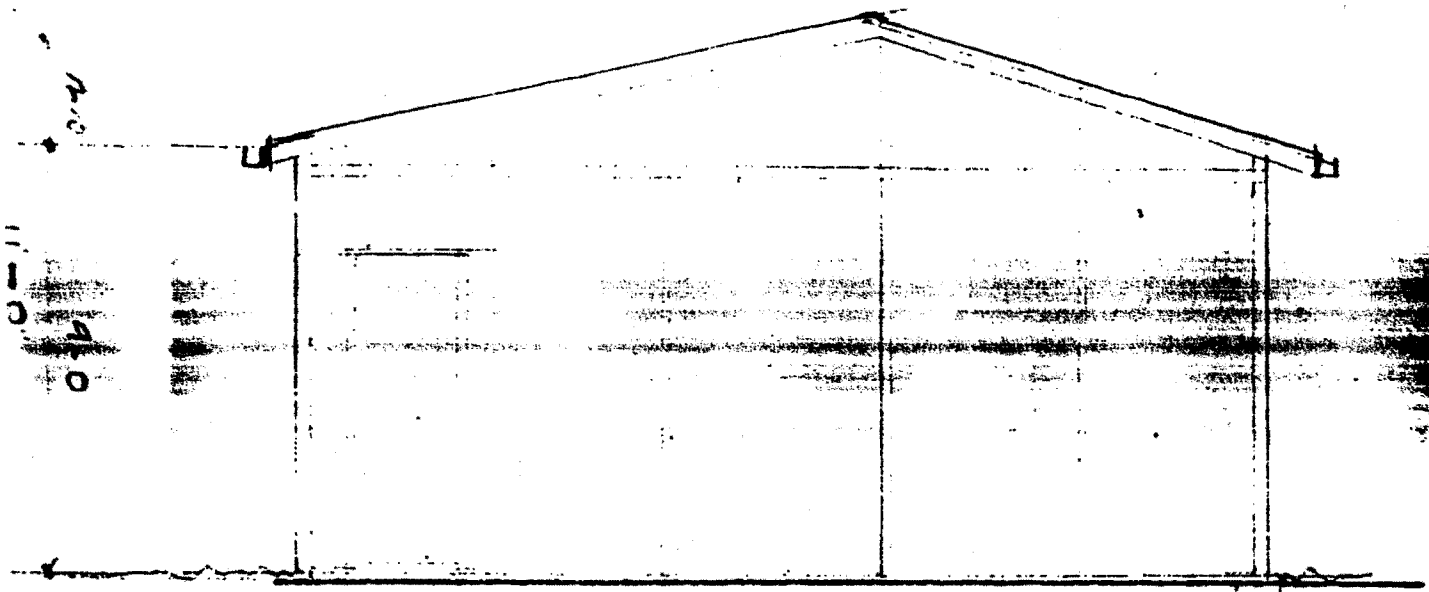


SOUTH ELEVATION:

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| EXHIBIT NO. 4 |
| APPLICATION NO. |
| 4-97-161 (Nylund) |
| Elevations |

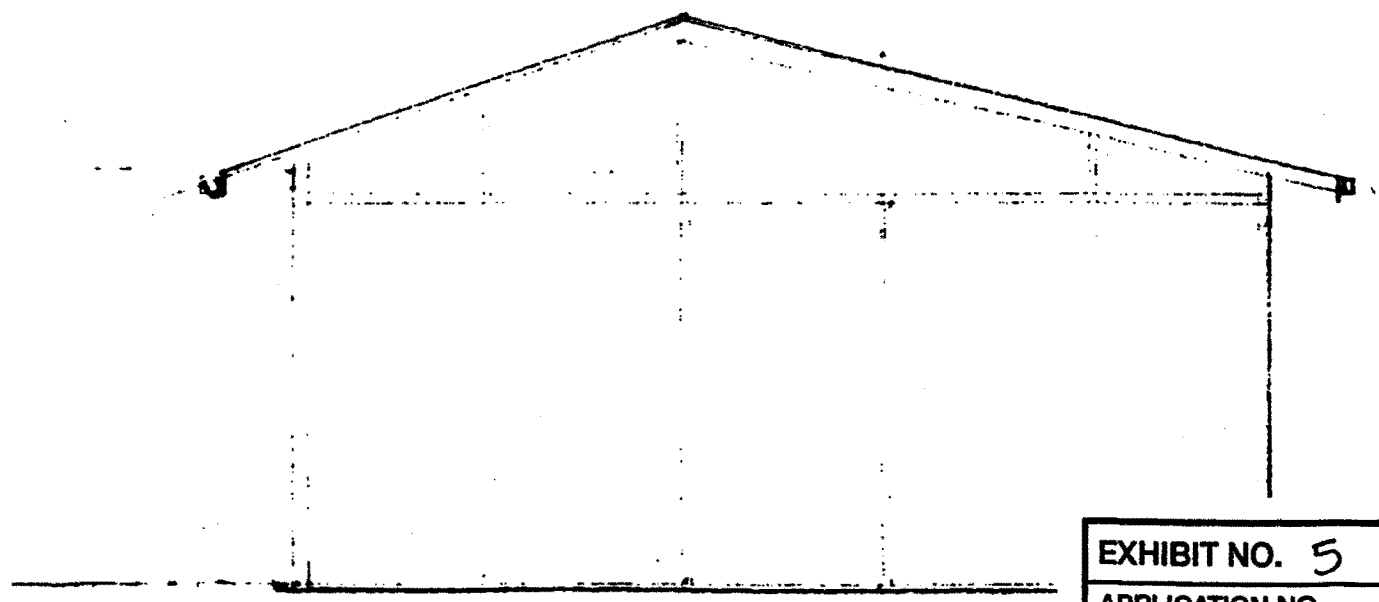
ELEVATIONS

NYLUND: IMPROVED HORSE BARN



WEST ELEVATION:

8'-0" 20'-0" 8'-0"



EAST ELEVATION:

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| EXHIBIT NO. 5 |
| APPLICATION NO. |
| 4-97-161 (NYLund) |
| Elevations |

NYLUND
PROPOSED ROSE BARN

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