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CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 4-98-073****APPLICANT: Ken and Laurie Ballard****AGENT: Joel Saslow****PROJECT LOCATION: 979 Cold Canyon Road; Los Angeles County**

PROJECT DESCRIPTION: Construction of a 1,137 square foot horse stable/tackroom and a 100 foot long, 6 foot high retaining wall requiring 400 cu. yds. of grading (320 cu. yds. cut, 80 cu. yds. fill) on a lot with an existing single family residence. The applicant is also proposing a confined animal waste management plan.

Lot area:	2.44 acres
Building coverage:	1137 sq. ft. (new proposed)
Pavement coverage:	4000 sq. ft.
Landscape coverage:	4000 sq. ft.
Parking spaces:	3
Ht abv fin grade:	12' 6" (new proposed)

LOCAL APPROVALS RECEIVED: Approval in Concept County of Los Angeles Planning

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation of Proposed Barn Structure and Swimming Pool by A.G.I. Geotechnical, Inc. (Mark Swiatek, CEG 1781 and Rian A. Vidal, RGE 861), Coastal Development Permit Applications 4-92-153, 4-96-047, and 4-96-211.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with four (4) special conditions relating to a future improvements deed restriction, plans conforming to geologic recommendations, a landscaping and erosion control plan, and a wildfire waiver of liability.

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. Future Improvements

Prior to the issuance of a coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that: 1) any additions or improvements to the horse stable/tackroom approved under Coastal Development Permit No. 4-98-073; 2) any change in use of the horse stable/tackroom to a residential unit; 3) the installation of a corral, pasture, riding ring or other accessory horse/animal facility on the property; or 4) any other future structures or improvements to either property, including but not limited to clearing of vegetation and grading, that might otherwise be exempt under Public Resource Code Section 30610(a), will require a permit, or permit amendment, from the Coastal Commission or its successor agency.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Plans Conforming to Geologic Recommendations

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the A.G.I Geotechnical, Inc. Geotechnical Investigation shall be incorporated into all final design and construction including slope stability, pools, 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.

3. Landscaping and Erosion Control Plan

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the

plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All graded slopes and disturbed areas shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) The plan shall include filtering elements in the landscaping plan to be located around all drainage dispersal points in order to reduce the non-point source pollution impacts of the proposed development.

4. Waiver of Liability

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

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description/Background

The applicant proposes to construct a 12' 6" high, 1137 sq. ft. horse stable/tackroom, with an incorporated waste management plan, on a 2.44 acre lot with an existing 4969 sq. ft. single family dwelling. The waste management plan will consist of a four (4) inch layer of wood shavings on the stable floor to absorb wastes generated by the animals. The stalls will be cleaned twice daily and all wastes placed in a 50 gallon storage bin. The wastes in the bin will then be exported off-site once a week. A 100 foot long, 6 foot high retaining wall will be constructed to stabilize the cut slope. Grading will consist of 400 cu. yds. (320 cut and 80 fill).

The site is located north of the Monte Nido area and on the west side of Cold Creek Road within the Malibu/Cold Canyon Resource Management Area. From Cold Canyon Road, the lot slopes down on a 2:1 gradient to the building pad. A gradual slope exists from the building pad to the western edge of the proposed stable pad. The western portion of the property consists of a 1.5:1 cut slope extending from the edge of the proposed stable pad westward toward Cold Creek which lies just outside of the subject parcel. The applicant will create a level pad for the horse stable on the gradual slope between the residence and the 1.5:1 cut slope.

The subject site was part of an 85 acre subdivision approved by the Commission in 1981 (P-81-7701). As a condition of P-81-7701, a trail easement was created to the west of Cold Creek. Drainage from the site runs westward into a nearby tributary of Cold Creek, a USGS blue line stream and a Malibu LUP designated Environmentally Sensitive Habitat Area (ESHA). The Cold Creek ESHA consists of riparian habitat as well as significant oak woodland and Savannah. The proposed horse stable will be located 300 feet east of Cold Creek and about 325 feet east of the (Stunt High) trail easement. The Los Angeles County Environmental Review Board has recommended a number of conditions to mitigate possible impacts of the stable development including the restriction of structure color to earthtone colors thereby reducing the visual impact to trail users (Exhibits 1-5).

B. Land Resources/Environmentally Sensitive Habitat Areas

Environmentally Sensitive Habitat Areas and marine resources have been found to need protection from the effects of new development and are addressed in sections 30240, 30230, and 30231 of the California Coastal Act.

Section 30240 states:

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230 states:

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

Section 30231 states:

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

The habitat value in the Cold Creek Resource Management Area has been well documented. In a consultant's report prepared for Los Angeles County in 1976 by England and Nelson, the Cold Creek Significant Watershed is defined as a Significant Ecological Area (SEA). The concept of a SEA is described as follows:

The 62 significant ecological areas selected were chosen in an effort to identify areas in Los Angeles County that possess uncommon, unique or rare biological resources, and areas that are prime examples of the more common habitats and communities.

Thus, the goal of the project was to establish a set of areas that would illustrate the full range of biological diversity in Los Angeles County, and remain an undisturbed relic of what was once found throughout the region. However, to fulfill this function, all 62 significant ecological areas must be preserved in as near a pristine condition as possible...

If the biotic resources of significant ecological areas are to be protected and preserved in a pristine state they must be left undisturbed. Thus, the number of potential compatible uses is limited. Residential, agricultural, industrial, and commercial developments necessitate the removal of large areas of natural vegetation and are clearly incompatible uses.

The England and Nelson report further cites the specific habitat values of Cold Creek Canyon as follows:

*This is a relatively undisturbed natural sandstone basin. The floor of the valley is steep, with springs and a perennial stream, Cold Creek. The year-round surface water, which is uncommon in southern California, supports an unusually diverse flora. The extreme range in physical conditions, from wet streambeds to dry rocky ridges, makes the area a showplace for native vegetation. Pristine stands of chaparral, southern oak woodland, coastal sage scrub, and riparian woodland are all found in the area. Several plant species that are uncommon to the general region are found in the area. Those include stream orchis (*Epipachis gigantea*), red mimulus (*Mimulus cardinalis*), Humboldt lily (*Lilium humboldtii* var. *ocellatum*), big-leaf maple (*Acer macrophyllum*) and red shank (*Adenostema sparsifolium*). In addition, the presence of several tree-sized flowering ash (*Fraxinus dipetala*), reaching 40 feet in height, is a unique botanical oddity. This scrub species has a normal maximum height of 15 to 20 feet.*

Due to its many outstanding botanical features, the area serves an integral role as part of the instructional program for many academic institutions as well as a site for nature study and scientific research.

The Nature Conservancy and Occidental College use their holdings in the Cold Creek area for research and educational purposes. As a result, the area is frequented by qualified biologists.

According to England and Nelson, the compatible uses for the Cold Creek SEA include low intensity recreational uses as long as special precautions are taken to protect the unique botanical features of the area.

A report prepared for L.A. County Department of Regional Planning by Richard Friesen of the L.A. County Museum of Natural History also discusses the ecological significance of the Cold Creek SEA. The report states that the stream "is fed by several year round springs and seepage areas and has uncommonly interesting and healthy riparian communities." The Cold Creek watershed is said to be the last watershed still containing Stoneflies (Plecoptera), an aquatic insect which is very sensitive to increased siltation and run-off of petroleum - derived compounds such as from asphalt or other sources. Other sensitive animals which utilize the Cold Creek riparian habitat include the Bobcat (*Lynx rufus*), Mountain Lion (*Felis concolor*), White-tailed Kite (*Elanus leucurus*), Long-eared Owl (*Asio otus*), Ringtail (*Bassariscus astutus*), Long-tailed Weasel (*Mustela frenata*), and Two-striped Garter Snake (*Thamnophis couchi*) among others. The stream is also utilized by the American Dipper, an uncommon and very local resident bird. Some residential development in the uppermost portion of the Cold Creek Canyon SEA "...has contributed to the accumulative impacts to local landforms (through grading and erosion), stream pollution (through applying chemical pesticides and herbicides, through septic tank seepage), and to biotic communities (through vegetation removal)".

The Malibu/Santa Monica Mountains Land Use Plan has strict policies addressing the protection of ESHAs and Significant Watersheds with regards to new development. In certifying the LUP in 1986, the Commission found that:

...coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitat values, including not only the riparian corridors located in the bottoms of the canyons, but also the chaparral and coastal sage biotic communities found on the canyon slopes.

The subject parcel is located in the upper Cold Creek Watershed within the Malibu/Cold Creek Resource Management Area. The area is characterized by sensitive riparian habitat and is a component of the Malibu Creek/Lagoon ecosystem.

Several policies in the Malibu/Santa Monica Mountains are designed to protect the ESHAs and Watershed resources. The applicable policies related to protection of environmental resources and stream protection and erosion control are:

Protection of Environmental Resources

P63 Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP.

The Table 1 guidelines for development within the Malibu-Cold Creek Resource Management Area limit development to the following: (1) resource-dependent uses such as nature observation, research/education, and passive recreation such as hiking and horseback riding and (2) residential development. For parcels less than 20 acres, development can occur "...at existing parcel cuts (build-out of parcels of legal record) in accordance with specified standards and policies...". For parcels greater than 20 acres, land divisions are allowable only if the density remains at 1 du/20 acres.

In addition:

Allowable structures shall be located in proximity to existing roadways, services and other development to minimize impacts on the habitat, and clustering and open space easements to protect resources shall be required in order to minimize impacts on the habitat.

Grading and vegetation removed shall be limited to that necessary to accommodate the residential unit, garage, and one other structure, one access road, and brush clearance required by the Los Angeles County Fire Department.

Stream protection standards shall be followed.

Other applicable Malibu/Santa Monica Mountains Land Use Plan policies include:

- P64 An Environmental Review Board (ERB) comprised of qualified professionals with technical expertise in resource management (modeled on the Significant Ecological Areas Technical Advisory Committee) shall be established by the Board of Supervisors as an advisory body to the Regional Planning Commission and the Board to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs. The ERB shall provide recommendations to the Regional Planning Commission (or decision making body for coastal permits) on the conformance or lack of conformance of the project to the policies of the Local Coastal Program. Any recommendation of approval shall include mitigation measures designed to minimize adverse impacts on environmental resources. Consistent with P271(a)(7), projects shall be approved by the decision making body for coastal permits only upon a finding that the project is consistent with all policies of the LCP.*
- P65 The Environmental Review Board shall consider the individual and cumulative impact of each development proposal within a designated Significant Watershed. Any development within a significant watershed shall be located so as to minimize vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts. Therefore, development should be clustered and located near existing roads, on areas of relatively gentle slopes as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons which serve as primary wildlife corridors.*
- P68 Environmentally sensitive habitat areas(ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.*
- P71 The clustering of buildings shall be required in Significant Watersheds to minimize impacts unless it can be demonstrated that other environmental mitigation methods would be effective.*
- P74 New development shall be located as close as feasible to existing roadways, services, and existing development to minimize the effects on sensitive environmental resources.*

Stream Protection and Erosion Control

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.*
- P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low growing ground covers to reduce heat output may be used. Within ESHAs and Significant*

Watersheds, native plant species shall be used, consistent with fire safety requirements.

P86 A drainage control system, including on-site retention or detention where appropriate, shall be incorporated into the site design of new developments to minimize the effects of runoff and erosion. Runoff control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows. Impacts on downstream sensitive riparian habitats must be mitigated.

P88 In ESHAs and Significant Watersheds and in other areas of high potential erosion hazard, require site design to minimize grading activities and reduce vegetation removal based on the following guidelines:

Structures should be clustered.

Grading for access roads and driveways shall be minimized; the standard new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the County Engineer and Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use.

Designate building and access envelopes on the basis of site inspection to avoid particularly erodible areas.

Require all sidecast material to be recompacted to engineered standards, re-seeded, and mulched and/or burlapped.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P96 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemical, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

The applicant proposes to construct a 1,137 sq. ft., 12' 6" high horse stable/tackroom, with an incorporated confined animal waste management plan, as an addition to an existing 4,969 sq. ft. single family residence with attached garage and 296 sq. ft. guest unit. In addition, a 100 foot long, 6 foot high retaining wall will be constructed to support a 2:1 cut slope between the existing pool and the proposed stable. Grading will consist of 400 cu. yds. of material (320 cu. yds cut and 80 cu. yds. fill) on the 2.44 acre lot.

Developments within ESHA's and Significant Watershed areas have the potential for degradation of habitat value. Policies within the Coastal Act and the Malibu/Santa Monica Mountains Land Use Plan were designed to guide development toward the goal of reducing or mitigating any adverse environmental impacts on nearby sensitive

resources. It is only upon the determination of the project being in conformance with the resource protection policies of the Coastal Act and LUP that the project can be said to have reduced adverse environmental impacts to insignificant levels. With regard to the possible effects of the proposed horse stable and retaining wall on the nearby sensitive riparian habitat, the critical issues which need to be analyzed include grading, erosion, drainage, and wastes generated by the placement of a horse stable.

LUP policies P71, P74, P82, P88, and P91 in conjunction with Table 1 specify that grading activities be minimized, that structures be clustered, that development be designed to minimize landform alteration, and that said development is placed as close to existing roadways and services as possible.

In order to create a flat building pad for the proposed horse stable/tackroom, the applicant will need 400 cu. yds. of grading. Most of the grading (320 cu. yds.) will occur as cut. However, 80 cu. yds. of fill will be used to help to create a gentle slope directing drainage away from the 1.5:1 slope which drains directly north into Cold Creek and toward an installed drain south of the proposed stable. The slope on which the horse stable building pad will be created is a natural gently sloping area between the house pad and the 1.5:1 cut slope. It is also located within the fuel modification zone for the existing single family residence. By placing the horse stable in this area, the amount of cut needed will be substantially less than if the pad was created on the steeper cut slope. Therefore, the location of the project will minimize the amount of landform alteration and grading needed. In addition, the proposed project will be located in close proximity to the driveway and existing single family residence.

When grading occurs as part of a project, the subject area is left void of vegetation. This increases the potential for erosion and consequently can degrade nearby riparian habitat unless the graded slopes are revegetated. In this case, the proposed stable will be placed within the existing fuel modification zone. This will help to minimize vegetation clearance. However, all areas disturbed by construction activities will be prone to increased erosion unless they are revegetated with plants native to the area. The revegetation of denuded slopes is especially important in or adjacent to ESHAs and in Significant Watersheds. In order to mitigate the impacts of erosion in conjunction with LUP policy P84 and Sections 30240, 30230, and 30231 of the Coastal Act, the Commission finds it necessary to require the applicant to submit a landscaping and erosion control plan ensuring that any graded areas are revegetated with plants native to the area and in a manner as to control erosion as required by special condition number three (3).

The proposed horse stable/tackroom is located approximately 300 feet away from Cold Creek, a sensitive riparian resource. The combination of horse facilities and its proximity to Cold Creek create the potential for adverse impacts on the perennial stream's biologic communities. The Commission finds that the minimization of non-point source pollutants from new development will help to maintain and enhance the quality of coastal waters, streams, wetlands, estuaries and lakes. Non-point source pollution is

the pollution of coastal waters (including streams and underground water systems) which enters the waterway from numerous sources which are difficult to identify on an individual basis. Non-point source pollutants include suspended solids, coliform bacteria and nutrients. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops, and horse facilities. Horse facilities are one of the most recognized sources of non-point source pollutants since these types of developments concentrate animal wastes. Horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria. Excessive levels of nutrients can cause eutrophication and a decrease of oxygen levels in water ultimately resulting in clouding, algae blooms, fishkills/diseases, alteration of aquatic species composition and size, and destruction of benthic habitats.

The pad which will be created for the proposed horse stable/tackroom is designed to divert drainage away from the steep cut slope which drains directly into Cold Creek and toward a drain on the south side of the parcel which drains into a tributary in close proximity to Cold Creek. The applicant has proposed a confined animal waste management plan to help reduce the amount of potential polluted runoff which could harm the nearby sensitive riparian resource. It has been suggested in publications by the U.S. Environmental Protection in conjunction with the Terrene Institute, the U.S. Dept. of Agriculture, and the California Coastal Commission addressing polluted runoff that an optimum management program designed to substantially reduce non-point source pollution should include the combination of an confined animal waste management program with the application of devices to help filter out any material carried away by runoff.

In this case, non-point source pollution resulting from new development can best be minimized by requiring the applicant to include the use of "filter strips" in their landscape plan. Filter strips are strips or areas of vegetation planted between the development and a drainage course which utilize the ability of plants to slow runoff flow rates, effectively increasing percolation, and to collect nutrients such as phosphorus and nitrogen effectively reducing the amount of pollutants which reach the drainage course. The use of filter strips is essential for new development which is located near drainage courses such as Cold Creek in order to minimize the project's individual contribution to the cumulative impact of non-point source pollution within the Santa Monica Mountains watershed. Therefore, in order to ensure that the proposed project is consistent with Sections 30231, 30240, and 30241 of the Coastal Act and the Malibu/Santa Monica Mountains LUP policy P96, the Commission finds it necessary that the applicant include in the above mentioned landscaping and erosion control plan required by special condition three (3), the use of filtering elements to be located around all drainage dispersal points in order to reduce the non-point source pollution impacts of the proposed development.

The pad proposed for the construction of the horse stable is located between the 2:1 cut slope (and retaining wall) to the east and the access road to the west. The proposed

horse stable is located immediately to the west of the residence and between 75-85 feet south of the top of the 1.5:1 fill slope. The Commission notes that structures such as pastures, corrals, riding rings, or other accessory horse/animal facilities will effect the drainage and/or increase the potential for animal wastes being conveyed into Cold Creek or the nearby tributary. To ensure that any future development will not create any adverse effects on the riparian habitat value or on water quality, the Commission finds it necessary for the applicant to record a future improvements deed restriction so that any additions or improvements to the horse stable/tackroom including, but not limited to, a change in use of the structure to a residential unit or the installation of a corral, pasture, riding ring or other accessory horse/animal facility on the property will require a permit from the Coastal Commission or its successor agency as required by special condition number one (1).

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231 and 30240 of the Coastal Act as well as all applicable policies of the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan.

C. 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.

In addition, applicable policies of the 1986 Certified Malibu/Santa Monica Mountains include:

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

- be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

- minimize the alteration of natural landforms.
- be landscaped to conceal raw-cut slopes.
- be visually compatible with and subordinate to the character of its setting.
- be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

The applicant is proposing the construction of a 12' 6" high horse stable/tackroom and a 6' high, 100' long retaining wall. The stable will be sited directly west of the 23' high single family dwelling which lies 15' below the elevation of Cold Canyon Road to the east. Since the proposed stable lies behind the single family residence and is only 12' 6" in height, the project will have no significant adverse visual impact as seen from Cold Canyon Road on the east (or upslope). In addition, the elevation of the slope north of the proposed stable descends 110 vertical feet northward down to Cold Creek in a horizontal distance of 300 feet. The Stunt High trail easement lies 25 feet to the north of Cold Creek. The views from the west (or downslope) will also be minimal due to the steepness of the slope and the distance away from the multi-purpose Stunt High trail 325 feet to the north.

The applicant is proposing 400 cubic yards of grading in order to create a flat pad for the construction of the horse stable/tackroom. A 100' long, 6' high retaining wall will be used to stabilize the cut slope created by the grading. The placement of the retaining wall to the east of the proposed stable will not cause adverse visual impacts due to its 25 foot setback from the toe of the stable pad as viewed from the north. In addition, the retaining wall will be screened by the horse stable as viewed from the west. By siting the proposed horse stable/tackroom in an area with a gentle slope, both landform alteration and grading will be minimized. However, grading will leave the development site void of vegetation. Since the Stunt High trail is located 325 feet to the north, grading will cause an adverse visual impact for trail goers unless the site is landscaped with plants native to the area. In order to mitigate any visual impacts caused by the development, the Commission finds it necessary to require special condition number three (3) requiring the applicant to submit a landscaping and erosion control plan which will help screen and soften the visual impact of the proposed stable and the associated grading.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act and applicable policies of the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan.

D. 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. Geology

The applicant has submitted a Preliminary Engineering Geologic, Seismic and Geotechnical Engineering Investigation, dated June 9, 1997, prepared by A.G.I. Geotechnical, Inc., for the subject site.

The primary geotechnical concerns for the proposed project deal with drainage and grading.

According to A.G.I. Engineering,

Prior to placement of compacted fill materials it will be required to recompact the upper 6" to 8" inches of soil where the existing materials are dry and loose. It is our finding that the structures being considered are feasible as long as the recommendations contained in this report are followed during design and construction.

Based on the site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited subsurface exploration of the site and, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to the design of the building foundation and building pad drainage.

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with

Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the 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 geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number two (2) for the final project plans for the proposed project.

2. Fire

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

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

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 the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by special condition number four (4).

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

E. Local Coastal Program

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

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

the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed 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 Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

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

There proposed development would not cause significant, adverse environmental effects 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.

GM-V

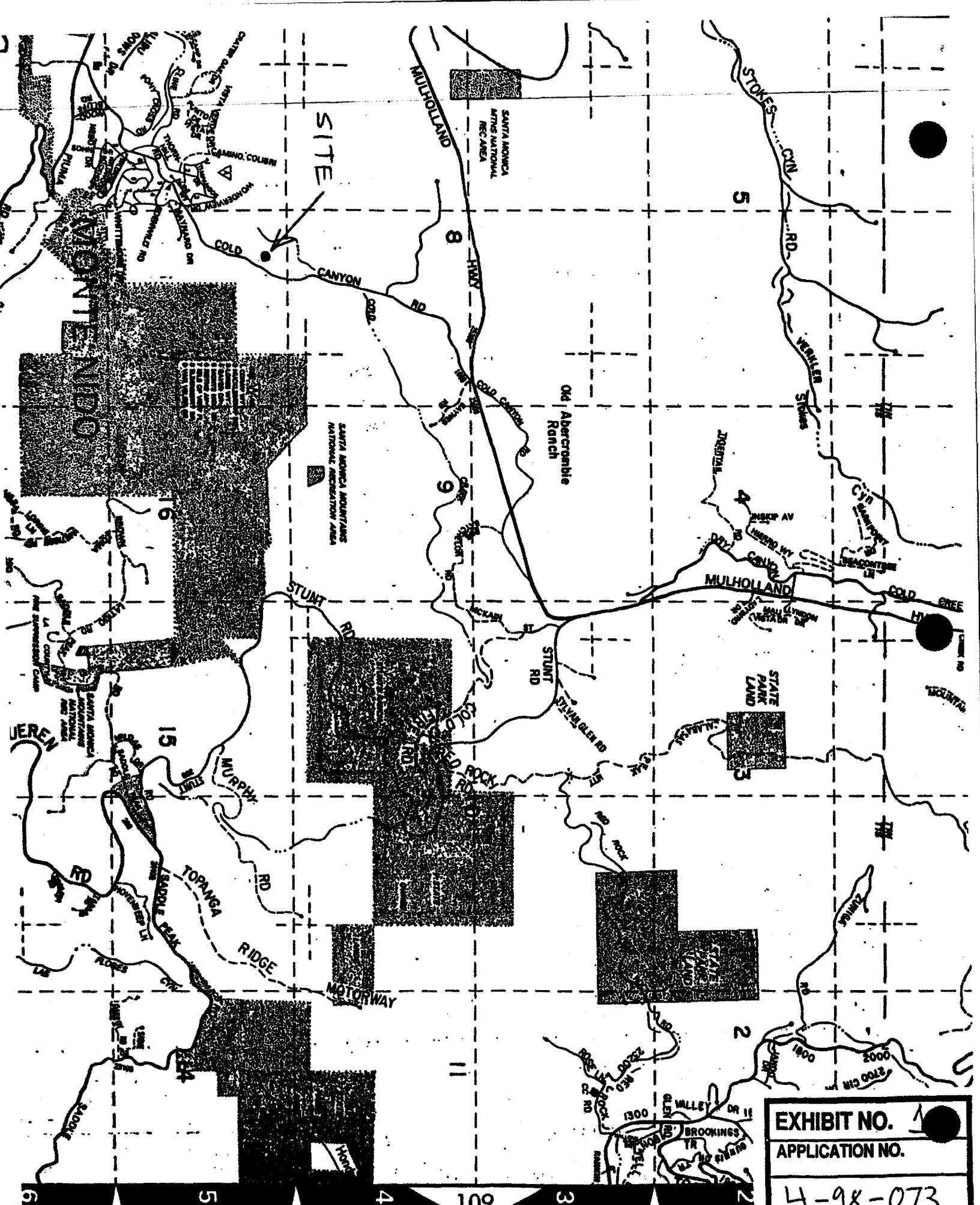
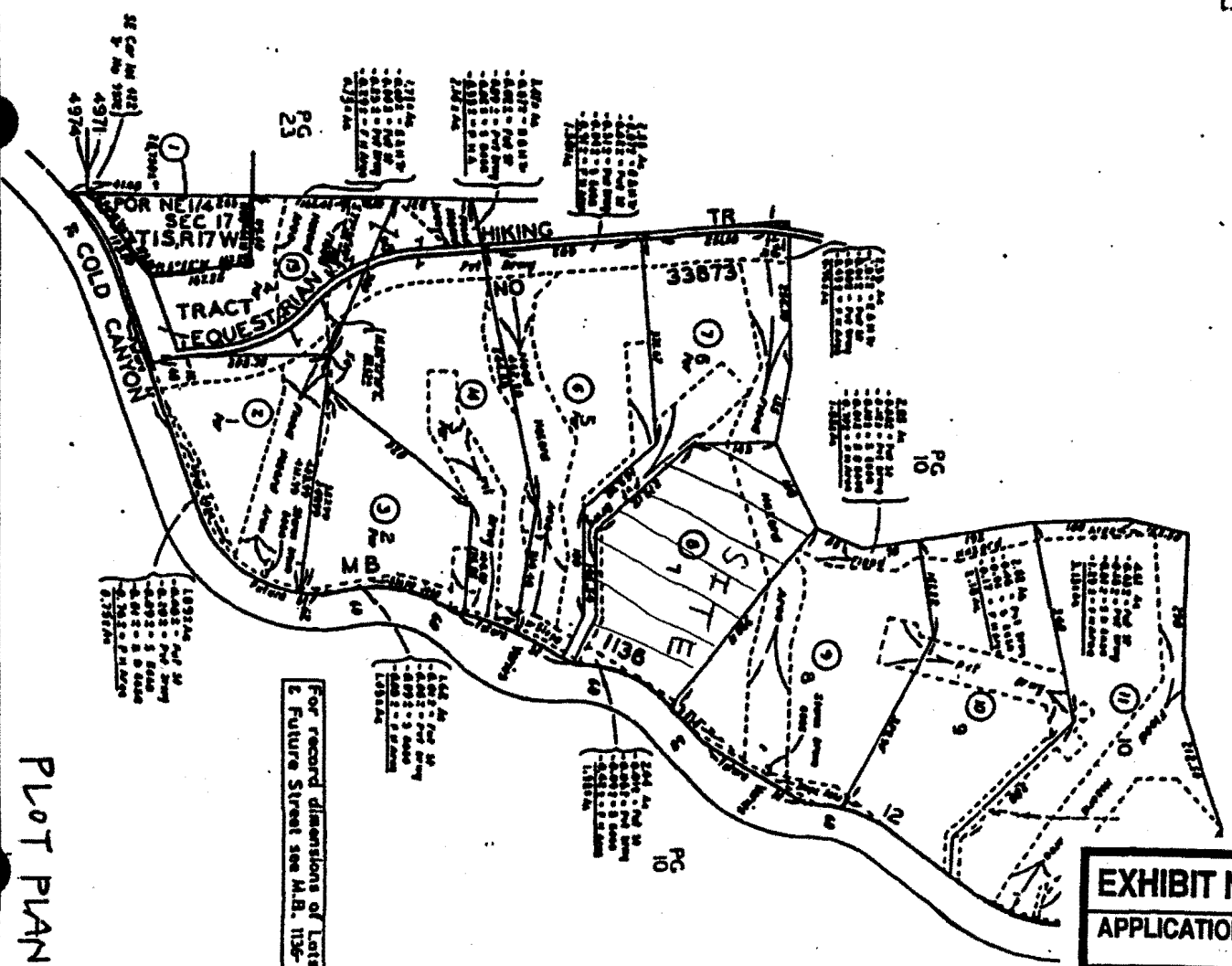


EXHIBIT NO.	1
APPLICATION NO.	
	4-98-073

SEE MAP 109

USGS Maps

1993

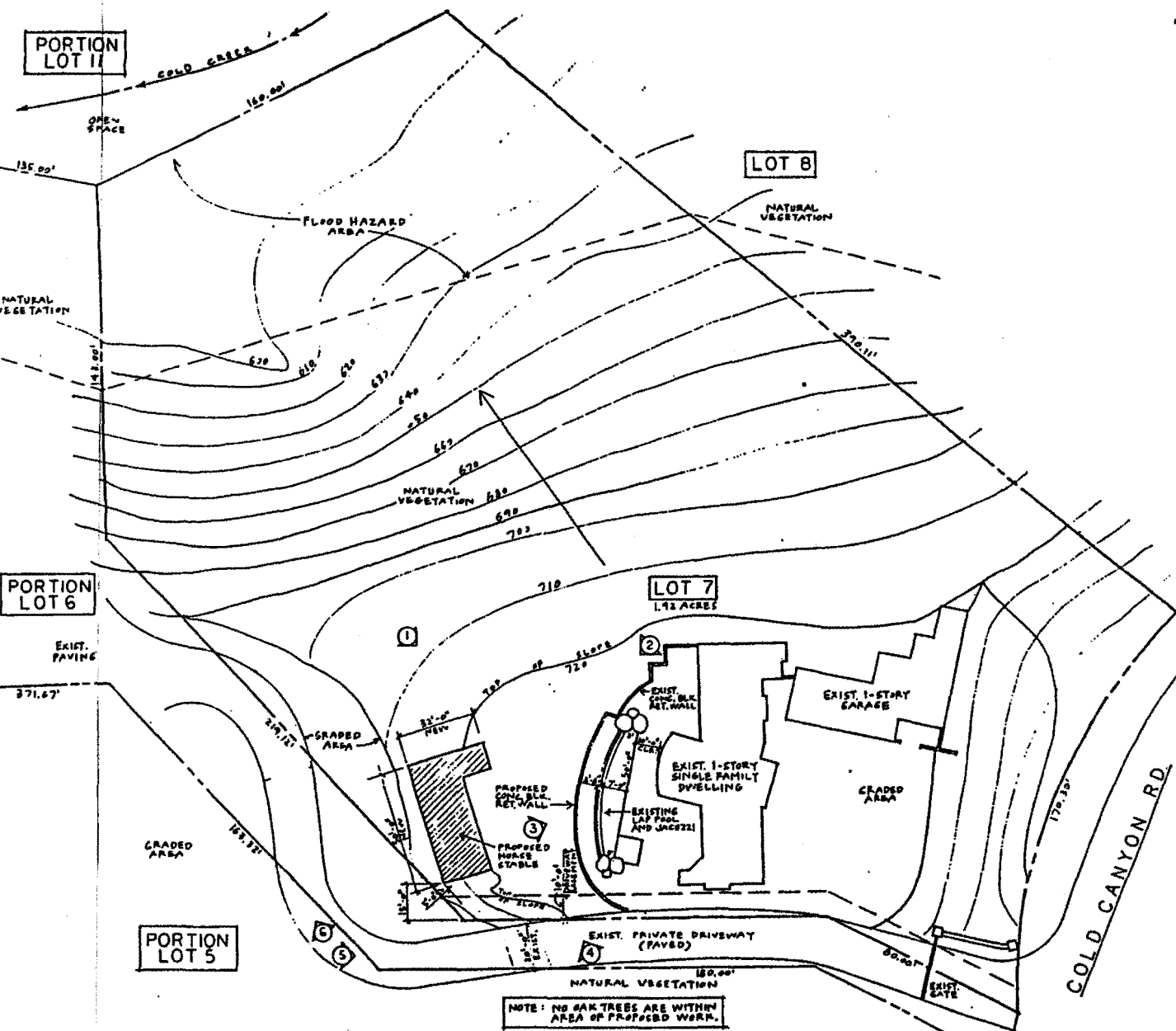


For record dimensions of Lots 1 to 10
 & Future Street see M.B. 1136-12 to 19.

PLOT PLAN # 416

EXHIBIT NO. 2
 APPLICATION NO.
 4-98-073

EXHIBIT NO. 4
APPLICATION NO.
4-98-073



NOTE: NO OAK TREES ARE WITHIN AREA OF PROPOSED WORK.



S I T E P L A N

1"=20'

1. ALL TOOLS AND MATERIALS SHALL CONFORM TO THE 1974 UNIFORM BUILDING CODE AND ALL COVERING THIS CONSTRUCTION.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SHALL NOTIFY THE ARCHITECT DISCREPANCIES PRIOR TO THE START OF WORK.
3. THE CONTRACTOR SHALL CONTINUOUSLY MAINTAIN PROTECTION OF ALL HIS WORK FROM DAMAGE TO THE OWNER'S PROPERTY FROM INJURY OR LATE CONNECTION WITH HIS WORK.
4. THE CONTRACTOR SHALL DESIGN, FURNISH, AN TEMPORARY UNDERPINNING, CHORING, AND SAFETY EXCAVATE ALL WORK AND PROTECT EX.
5. THE CONTRACTOR SHALL GUARANTEE AND BE RESPONSIBLE FOR REPLACING AND/OR REPAIRING ANY PORTION OF DEFECTIVE DUE TO IMPROPER OR INFERIOR MATERIALS OR WORKMANSHIP WITHOUT COST TO THE OWNER.
6. ALL MATERIALS AND EQUIPMENT SHALL BE NEW AND FREE FROM DEFECTS AND SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL MANUFACTURERS CONTAINERS. MATERIALS AND EQUIPMENT SHALL BE STORED OFF THE GROUND AND PROTECTED FROM DAMAGE.
7. ALL CONCENTRATED DRAINAGE, INCLUDING ROOF WATER, SHALL BE CONDUCTED TO THE DRIVEWAY IN AN APPROVED DEVICE AT 20 MIN.
8. NEW DOOR AS SHOWN ON THE PLANS, SHALL 1 1/2" SOLID CORE WOOD PANEL UNITS BY FRAME BY T.M. COBB CO. JR. EQUAL.
9. NEW WINDOWS AS SHOWN ON THE PLANS, SHALL BE WOOD, DUAL-GLAZED UNITS BY MARVIN WINDOW CO. OR EQUAL.
10. ERODED SEDIMENTS AND OTHER POLLUTANTS MUST BE RETAINED ON SITE AND MAY NOT BE TRANSPORTED FROM THE SITE VIA SHEETFLOW, GULLIES, AREA DRAINS, NATURAL DRAINAGE COURSES OR WIND.
11. STOCK PILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCE OF WIND OR WATER.
12. FUELS, OILS, SOLVENTS AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BE WASHED INTO THE DRAINAGE SYSTEM.
13. EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTE ON SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
14. TRASH AND CONSTRUCTION RELATED SOLID WASTE MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.
15. SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITIONS MUST BE SWEEPED UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS.
16. ANY SLOPES WITH DISTURBED SOILS OR DENuded OF VEGETATION MUST BE STABILIZED SO AS TO INHIBIT EROSION BY WIND AND WATER.

PROJECT
 PROPOSED 1-STORY HORSE STABLE AND RETAINING WALL

OWNER
 KEN AND LAURIE BALLARD

JOB ADDRESS
 979 COLD CANYON RD.
 CALABASAS, CA.

LEGAL DESCRIPTION
 LOT 7 TRACT 32873
 COUNTY OF LOS ANGELES, CA.

ARCHITECT
 JOEL CASLOW
 7101 BAIRD AVE. RESEDA, CA. 91325
 (818) 788-2200

STRUCTURAL ENGR.
 DUBON AND ASSOC.
 7101 BAIRD AVE. RESEDA, CA. 91325
 (818) 609-7285

SOILS ENGR.
 A.G.I. GEOTECHNICAL, INC.
 7247 HAYVENHURST AVE. PA-2
 VAN NUYS, CA. 91406
 (818) 785-8244

JOEL CASLOW
BUILDING DESIGN
 7101 BAIRD AVE. RESEDA, CA. 91325
 (818) 788-2200



Proposed Horse Stable for:
KEN & LAURIE BALLARD
 979 COLD CANYON RD. CALABASAS, CA. 91302

Drawn: JS
 Date: 8-5-97
 Scale: 1/8"=1'-0"
 Job #: 97132
SHEET
1
 OF 7

