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**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-99-187  
**APPLICANT:** Drew and Janice Leonard  
**AGENT:** Barsocchini & Associates  
**PROJECT LOCATION:** 27355 Pacific Coast Highway, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Demolish an existing guest house, two horse stables, and horse pen. Decrease size of a second existing guest house to 750 sq. ft.. Remove lower corral. Construct two story, 28 ft. high, 6,253 sq. ft. single family residence with 1,123 sq. ft. attached garage, 1,008 sq. ft. open corral, horse pen, septic system and 860 cu. yds. of grading (760 cu. yds. cut, 100 cu. yds. fill and remainder to be exported outside coastal zone). Install vegetative filter strips between residences and equestrian facilities and along periphery of site.

**Lot area:** 142,000 sq. ft.  
**Building coverage:** 7,415 sq. ft.  
**Pavement coverage:** 12,448 sq. ft.  
**Landscape coverage:** 53,556 sq. ft.  
**Parking spaces:** 2 covered, 7 uncovered

**SUMMARY OF STAFF RECOMMENDATION**

The development is proposed on a lot on the coastal terrace overlooking Pacific Coast Highway and adjacent to a natural drainage draining into the sea. Staff recommends approval of the project with special conditions relating to: ***reduction in size of second unit and future development restriction, revised plans for guest, conformance to geologic recommendations, landscape and erosion control, removal of natural vegetation, wild fire waiver of liability, and removal of excavated material.***

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**LOCAL APPROVALS RECEIVED:** City of Malibu: Department of Environmental Health, In-concept Approval, March 25, 1999; Planning Department, Approval in Concept, August 16, 1999, Site Plan Review, July 29, 1999, and Biologic Review, undated.

**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; RJR Engineering, Geologic and Geotechnical Engineering Study, October 14, 1998 and Addendum Letter No. 1, March 17, 1998. Coastal development permit 4-98-073 (Ballard).

**RESOLUTION:**

The staff recommends that the Commission APPROVE the permit application with special conditions.

**MOTION**

Staff recommends a YES vote on the following motion:

I move that the Commission approve with special conditions CDP # 4-99-187 per the staff recommendation as set forth below.

A majority of the Commissioners present is required to pass the motion.

**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 effects 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 Development Deed Restriction**

- a. This permit is only for the development described in coastal development permit No. 4-99-187. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) shall not apply to the entire parcel. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscape and erosion control plan prepared pursuant to Special Condition number three (3), shall require an amendment to Permit No. 4-99-187 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- b. Prior to the issuance of the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed

restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**2. Revised Plans for Guest House**

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, revised site plans, floor plans and elevations for the proposed conversion of the existing single family residence to a guest house, as described in coastal development permit No. 4-99-187. The total interior habitable area of the guest house shall not exceed 750 square feet. The floor plans shall illustrate the interior and exterior walls to be demolished and new interior and exterior wall to be constructed.

The conversion of the existing house to guesthouse shall be completed prior to the issuance of the certificate of occupancy for the proposed single family residence proposed in permit 4-99-187.

**3. Plans Conforming to Geologist's and Engineer's Recommendations**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Geologist and Geotechnical Engineer consultant's review and approval of all project plans. All recommendations contained in the RJR Engineering, Geologic and Geotechnical Engineering Study, October 14, 1998 and Addendum Letter No. 1, March 17, 1998, including issues related to earthwork, foundations, utility trenches, surface drainage, planting and slope irrigation, and sewage disposal shall be incorporated in the final project plans. All plans must be reviewed and approved by the geologic 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.

**4. Revised Landscaping and Erosion Control Plans**

Prior to issuance of a coastal development permit, the applicant shall submit a revised landscaping and erosion control plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting

engineering geologist to ensure that the plans are in conformance with the consultants' recommendations. The plans shall incorporate the following criteria:

**A) Revised Landscaping Plan**

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All cut and fill slopes 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;
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 4) The Plan shall include vegetated and/or gravel strip filtering elements to be located around all animal enclosures and drainage dispersal points in order to remove sediments, organic matter and other contaminants and to reduce the non-point source water pollution impacts from runoff and wastewater from animal facilities associated with the proposed development. The Plan shall indicate that such elements shall be monitored and maintained on a yearly basis to remove contaminants and reduce water pollution impacts.
- 5) The Plan shall also identify the location of animal waste containment areas. The Plan shall specify the maximum capacity of these containment areas and include provisions to contain and prevent migration of the wastes due to wind, rain or runoff. The Plan shall specify how animal wastes will be reduced or disposed of so as not to exceed the maximum capacity of the waste containment areas.
- 6) The Permittee shall undertake development in accordance with the final approved Plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

**5. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit.

**6. Wild Fire 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, operations, 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.

**7. Removal of Excavated Material**

Prior to the issuance of the coastal development permit, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The applicant proposes to demolish an existing guest house, two horse stables, and remove a corral and relocate a round pen. The applicant also proposes to construct a two story, 28 ft. high, 6,253 sq. ft. single family residence with a 1,123 sq. ft. attached garage, 1,008 sq. ft. corral, horse pen, septic system and 860 cu. yds. of grading (760 cu. yds. cut, 100 cu. yds. fill and remainder to be exported outside coastal zone) on a 142,000 sq. ft. parcel.

The site is presently developed with two single family residences and equestrian facilities serving ten horses. The applicant has submitted a report on existing and

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proposed equestrian use, which indicates that the proposed equestrian facilities also will serve ten horses.

The proposed residence is in the approximate location of one of the two existing guest houses proposed for demolition (Exhibit 2). A second existing single family house will remain on the site. The applicant has proposed a reduction to 750 sq. ft. for this unit, but has not submitted revised plans which indicate this change.

Grading is confined to the area of the driveways of the proposed house and existing house. Installation of vegetative filter strips between facilities and along the periphery of site is included in the project design.

The proposed development is located immediately inland of the Pacific Coast Highway in the Escondido Beach area. The project drains to a natural swale, which drains under the Highway to the sea. The natural swale is not a blue line stream or environmentally sensitive habitat area (ESHA) in the certified Land Use Plan (LUP) for the Malibu/Santa Monica Mountains. The area offshore is a designated ESHA in the LUP. Vegetation in the natural swale consists of ice plant, fennel and other exotic vegetation.

The project vicinity contains a mixture of single family residences and equestrian facilities. A restaurant is located on the south side of the Highway across from the site. Because of the developed nature of the surrounding area and break in the terrain overlooking Pacific Coast Highway, the project will not result in impacts on scenic and visual quality.

## **B. Cumulative Impacts**

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

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

Section 30252 of the Coastal Act states:



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

New development raises coastal issues related to cumulative impacts on coastal resources. The retention of the secondary residential unit on a site, where a larger, primary residence is proposed would intensify the use of a parcel, resulting in potential impacts on public services, such as water, sewage, electricity and roads. New development also raises issues regarding the location and amount of new development relative to maintaining and enhancing public access to the coast by increasing demand for such facilities or impeding their use.

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

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 functions which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, pool house or cabana, caretaker's unit, and farm labor unit; and 2) a guesthouse, 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. As such, 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 (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

Therefore as a result, the Commission has found that guest houses, pool cabanas, or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

The proposed residence is in the approximate location of the existing guest house proposed for demolition, as noted previously. A second existing single family house detached, one story, 1,162 sq. ft. guest unit is proposed to be used as storage. The applicant has proposed a reduction to 750 sq. ft. for this unit, but has not submitted revised plans which indicate this change. The Commission finds that this unit may be used as a guest unit or a single family unit in the future in that no physical change is proposed other than a reduction of floor area, without, as noted, inclusion of any plans in the project proposal which indicate removal of features normally associated with a single family residence such as kitchens, living rooms, etc.

The Commission has many past precedents on similar projects that have established a maximum size of 750 sq. ft. habitable space for development which may be considered a secondary dwelling unit. At 1,162 sq. ft. of living area the residence would not comply with the Commission's size limit of 750 sq. ft. of habitable space for guest houses

The Commission finds it necessary to require revised plans limiting the size of the remaining guest unit to 750 sq. ft. as specified in special condition number two (2). To ensure that no additions or improvements are made to the residence, which further intensifies the use, without due consideration of the potential cumulative impacts, it is necessary to require the applicant to record a future development deed restriction that the applicant obtain an amended or new coastal permit if additions or improvements to the development and convert the proposed residence to a guest house. These requirements are addressed by *special conditions number one (1) and two (2)*. For these reasons, only through this special condition can the Commission find that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.

### **C. Geologic Stability and Hazards/Water Quality**

PRC 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.**

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.

The prominent geomorphic features in the area are Ramirez Canyon to the west, Pt. Dume to the southwest, Escondido Creek to the east, and Escondido Beach to the south. The site descends to the previously noted natural swale to the west.

## **1. Geology**

The applicant has submitted a RJR Engineering, Geologic and Geotechnical Engineering Study, October 14, 1998 and Addendum Letter No. 1, March 17, 1998. The geologic stability of the site is favorable to the project, according to these reports, and no potentially active and/or active faults, adversely oriented geologic structure, or other hazards were observed by the consultants. The geotechnical consultant's and engineering geologists have provided recommendations to address the specific geotechnical conditions on the site as incorporated into the condition recommended below. In conclusion, the engineering geologic investigation of October 14, 1998 states that:

**Based upon the available data, from our review, investigation and analysis, the subject residential improvements are feasible from a geologic and geotechnical standpoint and the site will be free of any geologic or geotechnical hazards, as long as the recommendations of this report are incorporated into the design and construction of the project. The site will be free of landslides, slippage and excess settlement within the guidelines**

***described in this report, provided our recommendations are incorporated into the design and construction of the project.***

Given the findings and recommendations of the consulting engineering geologists, 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 engineering geologists as conforming to their recommendations, as noted in *special condition number three (3)* for the final project plans for the proposed project.

## **2. Erosion and Non-point Source Pollution**

The consulting geologist has stated that drainage should be dispersed in a non-erosive manner and preclude concentration of runoff and erosion. The project drains to a natural swale, which drains under the Highway to the sea into an offshore environmentally sensitive habitat area (ESHA), including kelp beds, designated in the certified Land Use Plan (LUP) for the Malibu/Santa Monica Mountains, as well as the Santa Monica Bay which is a significant resource area.

The project will also significantly increase the amount of impervious surfaces on the site, which increases both the volume and velocity of storm water runoff and result in water quality impacts to off shore areas. The adverse impacts of polluted runoff on the off shore areas include changes in physical and chemical characteristics of the water, including salinity and temperature changes.

Polluted runoff, also known as non-point source pollution, is pollution that does not originate from a distinct identifiable point source. These pollutants can originate from many different sources such as overflow septic systems, storm drains, runoff from roadways, driveways, rooftops, and confined animal facilities. The adverse impacts of polluted runoff on the off shore areas include changes in physical and chemical characteristics of the water, including salinity and temperature changes. Polluted runoff can include nitrogen, phosphorous, and other nutrients. It can also include organic debris, sediment, heavy metals, pathogens (bacteria and viruses), petroleum hydrocarbons, and synthetic organic chemicals such as household cleaners.

The degradation to offshore systems can result in the following:

- Nutrients carried into water bodies reduce water clarity and depletes oxygen and reduce photosynthesis, which leads to reduced food supply and habitats.
- Excessive deposition of sediments can cover intertidal areas, blanket the bottom fauna, affect feeding areas, and destroy fish spawning areas.

- Suspended sediment abrades and coats aquatic organisms, reduces submerged vegetation.
- Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulated) to the point where they may be harmful to humans, as well as lead to the decline of marine species.
- Contamination results in fish or shellfish harvesting restrictions and beach closures, affecting coastal recreation uses including swimming, surfing, diving, boating, and fishing, and on-shore coastal dependent and related uses.

The Commission finds, in addition, that the minimization of non-point source pollutants from new development is necessary to maintain and enhance the quality of coastal waters, streams, wetlands, estuaries and lakes. In the case of this project, as previously noted the offshore area is a designated ESHA. As noted previously, the project results in the same number of horses to be maintained on the property, but will result in removal of existing stables and pens and corrals and location of new replacement facilities. The removal of facilities from the periphery of the project, including the two existing stables and the lower corral adjacent to Pacific Coast Highway, will result in a decrease in water quality impacts to the extent that material will be filtered by intervening land and no longer spill directly into the drainage to the sea. However, the project will make more viable the continuation of such facilities and intensify and concentrate the equestrian facilities, even though the amount of horses will remain the same.

Animal husbandry, including equestrian facilities, is one of the most recognized sources of non-point source pollutants as such facilities concentrate the impact of animal wastes. Horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, etc. affecting the biological productivity of the Santa Monica Bay. Protection against non-point pollution is found in past Commission actions addressing equestrian facilities which have encouraged the use of vegetative devices ("filter strips" or "elements") to filter material before it is carried off the site. Filter strips are areas of vegetation planted between the development and the drainage course which utilize the ability of plants to slow runoff flow rates, effectively increasing percolation, and collect nutrients such as phosphorous and nitrogen reducing the amount that reach the drainage course. Use of filter elements has been found in past Commission actions (see Coastal development permit 4-98-073, Ballard) to mitigate equestrian facilities as a non-point source of pollution of coastal waters.

In the case of this project, the submittal has been amended to include a drainage plan including swales, velocity reducers, and drains, as well as vegetative filter strips around most of the perimeter and between the equestrian areas and residence of the property

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to address runoff from equestrian areas. These measures will minimize non-point source pollution resulting from the proposed equestrian facilities.

Although the applicant has submitted a drainage plan for permanent drainage control, the Commission finds it necessary to require the applicant to submit an interim erosion control and landscaping plan for several reasons. A landscaping component, review and approval by the consulting engineering geologist, measures for replanting, soil stabilization, maintenance, sedimentation control, and monitoring are all necessary parts of this plan to minimize the potential for erosion of disturbed soils and thereby ensure site stability and stream protection and, therefore, need to be part of Commission approval. In addition, a program for monitoring and maintaining the drainage system to ensure removal of contaminants and water pollution impacts is necessary. In addition, animal waste disposal areas must be contained to protect from migration of animal wastes due to wind, rain or runoff and any waste not reduced to an insignificant level, such as through composting and/or anaerobic containment, should be removed from the site for recycling. Further, although a landscaping plan has been submitted, specific augmentation of the required landscaping plan is needed to ensure: prompt replanting of vegetation, use of natives, revegetation within a reasonable period, and conformance to the approved plan.

In summary, *special condition number four (4)* is necessary to ensure site stability relative to PRC Section 30253 and avoidance of the potentially adverse impacts of erosion and sedimentation in a manner consistent with PRC Section 30231 relative to protection of the biological productivity and quality of coastal waters. In addition, *special condition number five (5)* is necessary to ensure that removal of natural vegetation for fuel modification purposes does not take place prior to construction of the proposed single family residence. Unnecessary fuel modification should be avoided as it is contrary to the provisions of PRC Sections 30231 and 30253 including ensuring site stability and avoiding adverse impacts of erosion and sedimentation. Further, *special condition number seven (7)* is necessary to ensure that excess excavated material is disposed of in an appropriate dump site and that a permit be obtained if the dump site is in the Coastal Zone.

### **3. 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 condition number five (5).

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

#### **D. Septic System**

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

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

The proposed septic system includes a 1,500 gallon septic tank with seepage pits. The above noted City approval indicates that the system complies with the minimum requirements of the City of Malibu Plumbing Code. The Commission has found in past permit actions that compliance with the City health and safety codes will minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 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 effects and is found to be consistent with the applicable policies contained in Chapter 3.

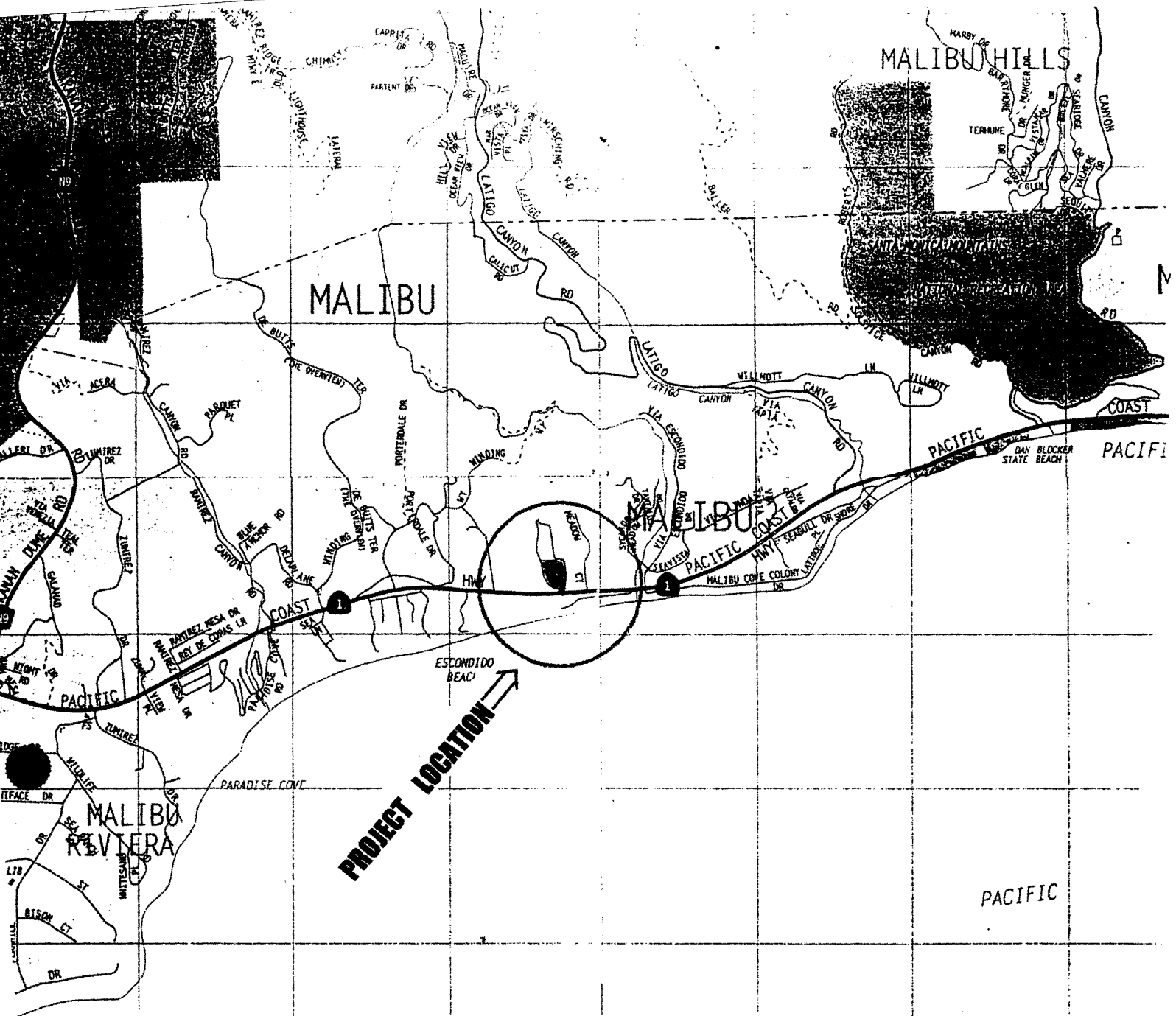
Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **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, available mitigation measures which would substantially lessen any significant adverse effects which the activity would have on the environment.

The 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.





<b>Exhibit 1:</b>
<b>Application 4-99-187</b>
<b>(Leonard)</b>
<b>Project Location</b>

## SETBACKS

EAST SIDE YARD SETBACK: 30 X 200 FT + 40 FT	40 FT.
WEST SIDE YARD SETBACK: 30 X 200 FT + 32 FT	32 FT.
REAR YARD SETBACK: 30 X 200 FT + 79 FT	79 FT.
FRONT YARD SETBACK: 30 X 200 FT + 105 FT	105 FT.

## GRADING

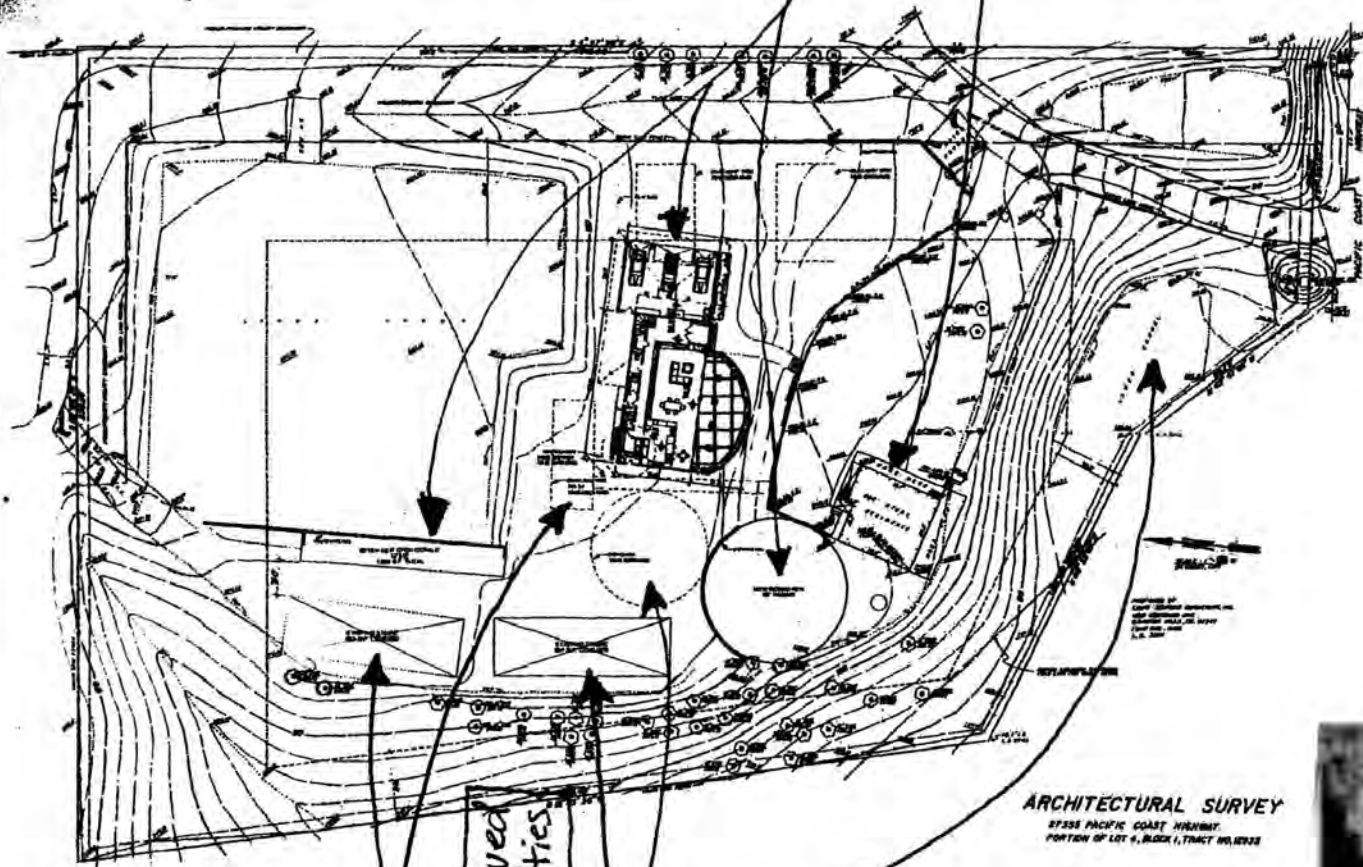
CUT	450 CU. YDS.	DEPTH	3 FT
FILL	450 CU. YDS.	DEPTH	4 FT
EXPORT	0 CU. YDS.		
IMPORT	0 CU. YDS.		

new  
facilities

guest house  
to remain

removed  
facilities

Exhibit 2:  
Application 4-99-187  
(Leonard)  
Site plan



ARCHITECTURAL SURVEY  
27555 PACIFIC COAST HIGHWAY  
PORTION OF LOT 4, BLOCK 1, TRACT 40, 40000



## AREA TABULATIONS

GROSS LOT AREA	3.26 Acres
ADJUSTED LOT AREA	2.85 Acres
MAXIMUM ALLOWABLE IMPERMEABLE AREA	25,000 S.F.
PROPOSED IMPERMEABLE AREA	12,448 S.F.
EXISTING ASPHALT DRIVE	5,102 S.F.
EXISTING RESIDENCE DRIVE	1,162 S.F.
NEW DRIVEWAY	1,047 S.F.
NEW ENTRY WALK	384 S.F.
NEW BACK PORCH	20 S.F.
NEW RESIDENCE DRIVE	2,342 S.F.
TOTAL	12,448 S.F.

12,448 S.F. < 25,000 S.F. O.K.

ALLOWED BUILDABLE AREA	9,298 S.F.
1.5 ACRES	= 8,100 S.F.
1.35 ACRES X .72	= 1,076 S.F.
2.85 ACRES TOTAL	= 9,298 S.F.

PROPOSED BUILDABLE AREA 9,143 S.F.

EXISTING STRUCTURES	2,880 S.F.
TWO EXISTING 800 S.F. COVERED STABLES	1,728 S.F.
EXISTING RESIDENCE	1,162 S.F.
TOTAL EXISTING STRUCTURES	2,890 S.F.

PROPOSED STRUCTURES	6,253 S.F.
NEW RESIDENCE	
GROUND LEVEL	1,900 S.F.
UPPER LEVEL	1,860 S.F.
(123 SPS) X (123 X 2225) X 1650 O.K.	
TOTAL UNABLE AREA	3,792 S.F.
GARAGE	1,03 S.F.
COVERED PATIO	1,336 S.F.
NEW RESIDENCE	6,253 S.F.

TOTAL STRUCTURES 9,143 S.F.

9,143 S.F. < 9,298 S.F. O.K.

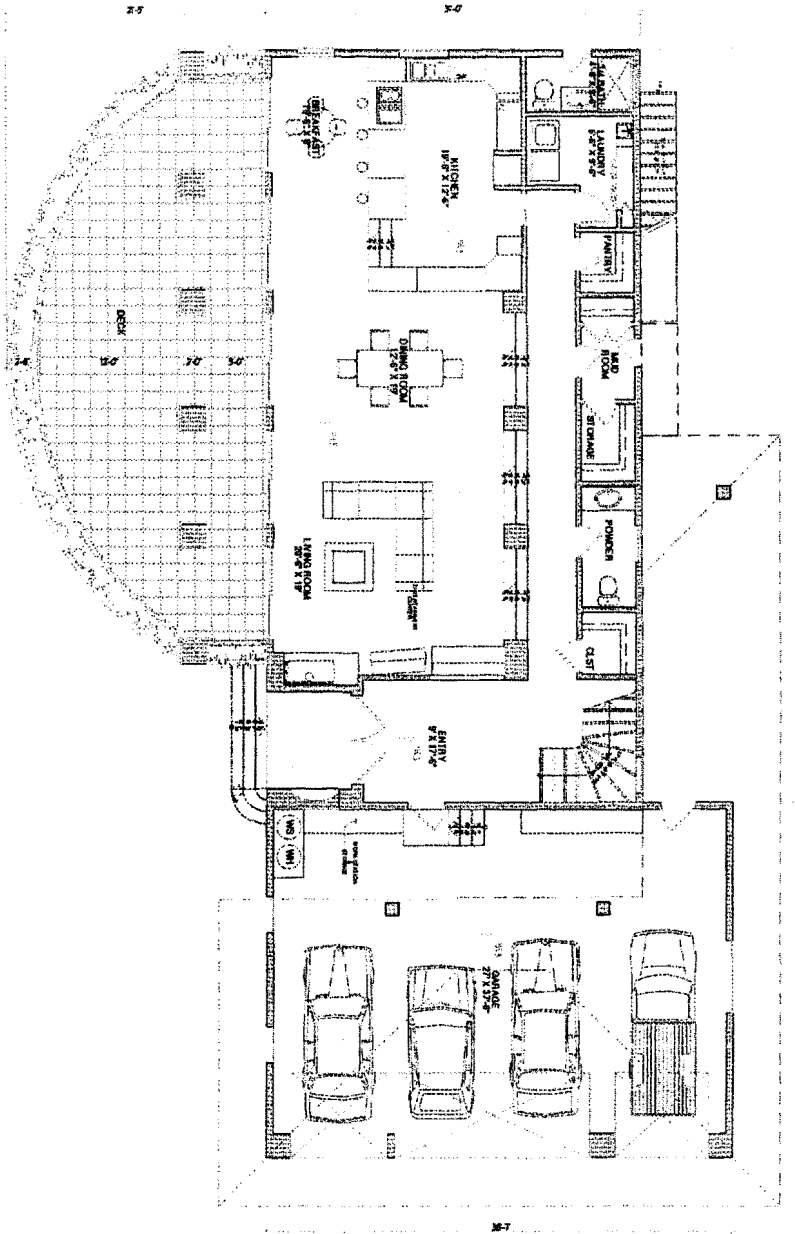
LEONARD RESIDENCE  
27555 Pacific Coast Highway  
Malibu, CA 90265

BARBOCCHINI & ASSOCIATES, INC.  
ARCHITECTS  
MICHAEL E. BARBOCCHINI, AIA - (310) 455-0000  
2800 COAST VIEW DRIVE - MALIBU, CA 90265

SITE PLAN

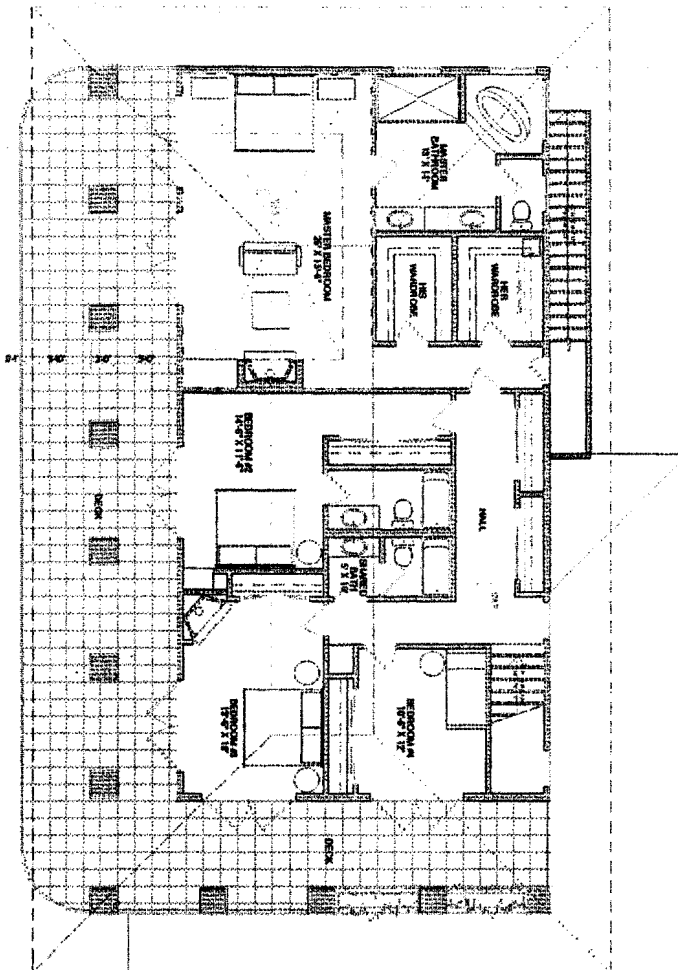
A-1

GROUND LEVEL PLAN



**Exhibit 3a:**  
**Application 4-99-187**  
**(Leonard)**  
**Floor Plan**

UPPER LEVEL PLAN



**Exhibit 3b:**  
**Application 4-99-187**  
**(Leonard)**  
**Floor plan**

PLANS

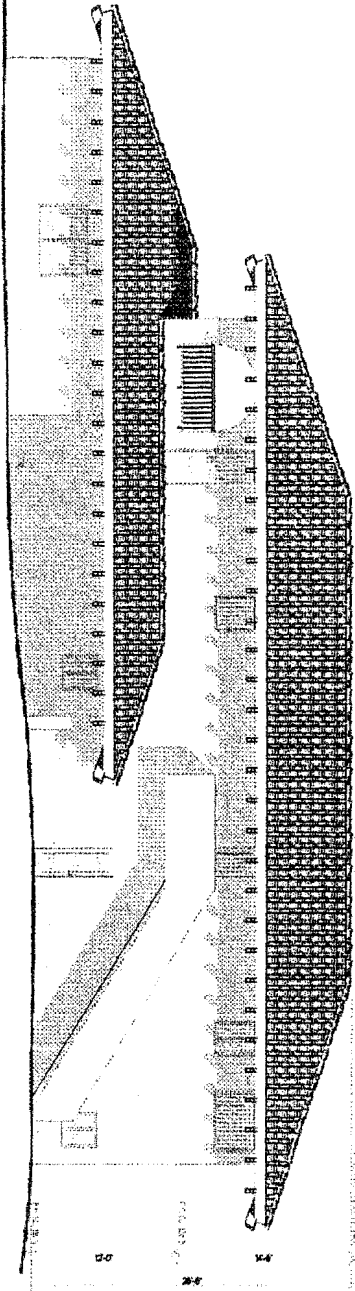
BARSOCCCHINI & ASSOCIATES, INC.  
 ARCHITECTS  
 MICHAEL E. BARSOCCCHINI, A.I.A. • (310) 459-9025  
 3502 COAST VIEW DRIVE • MALIBU, CA 90265

LEONARD RESIDENCE  
 27355 Pacific Coast Highway  
 Malibu, CA 90265

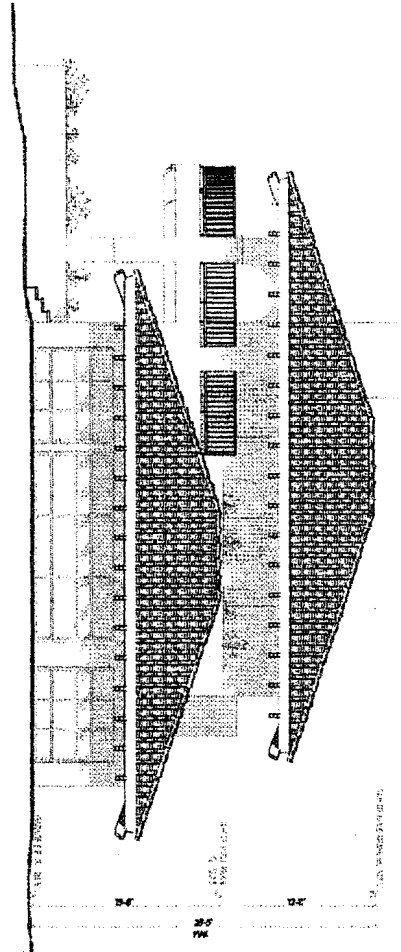
DATE	10/1/99
BY	MEB
CHECKED	MEB
SCALE	1/4" = 1'-0"
NO.	1
TOTAL	1

A-3

NORTH ELEVATION



EAST ELEVATION



**Exhibit 4a:**  
**Application 4-99-187**  
**(Leonard)**  
**Elevation**

ELEVATIONS

**BARSOCCHINI & ASSOCIATES, INC.**  
**ARCHITECTS**  
 MICHAEL E. BARSOCCHINI, A.I.A. • (310) 456-3825  
 3502 COAST VIEW DRIVE • MALIBU, CA 90265

**LEONARD RESIDENCE**  
 27355 Pacific Coast Highway  
 Malibu, CA 90265

DATE	1/26/00
DRAWN BY	MEB
CHECKED BY	MEB
SCALE	1/4" = 1'-0"
PROJECT	LEONARD
NO.	001

This architectural drawing shows a side elevation of a building. The structure features a gabled roof with a series of small, square windows or dormers along the ridge. The main facade is composed of a series of large, rectangular windows with dark frames. The building is shown in a perspective view, with a smaller, similar structure visible in the background. The drawing is a black and white line drawing with some shading.

Architectural drawing of a building facade, showing a long, low structure with a gabled roof and a series of windows. The drawing is oriented vertically on the page.

**Exhibit 4b:**  
**Application 4-99-187**  
**(Leonard)**  
**Elevation**