

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800

RECORD PACKET COPY

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Staff: K. Kemmler *JK*
Staff Report: 5/23/01
Hearing Date: 6/12-15/01
Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-99-187-A1
APPLICANT: Drew & Janice Leonard
AGENT: Michael Barsocchini
PROJECT LOCATION: 27355 Pacific Coast Highway, Malibu (Los Angeles County)

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

DESCRIPTION OF AMENDMENT: Construct 1,008 sq. ft. horse stable to accommodate a maximum of twenty horses on site.

Lot area	142,000 sq. ft.
Building coverage	8,423 sq. ft.
Pavement coverage	12,448 sq. ft.
Landscape coverage	52,548 sq. ft.
Height Above Finished Grade	18 ft.
Parking spaces	9

LOCAL APPROVALS RECEIVED: City of Malibu Planning Department, Approval in Concept, March 28, 2001; City of Malibu Biological Review, Approval in Concept, February 2, 2000.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit 4-99-187 (Leonard).



development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Revised Special Conditions

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-99-187 continue to apply. In addition, the following revised special conditions are hereby imposed as conditions upon the proposed project as amended pursuant to CDP 4-99-187-A1.

Revised language is underlined.

1. Future Development Deed Restriction

- a. This permit is only for the development described in coastal development permit No. 4-99-187-A1. Pursuant to Title 14 California Code of Regulations Sections 13250 (b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) 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 No. Four (4), and any change in the intensity of equestrian use (the horse facilities on site shall be limited to the keeping of no more than twenty (20) horses or ponies at any time), shall require an amendment to Permit No. 4-99-187-A1 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.

5. Drainage and Polluted Runoff Control Plans

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall include but not be limited to the following criteria:

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.

- (b) Runoff from all roofs, parking areas, driveways, and stables shall be collected and directed through filter strips or other media filter devices. The filter strips shall be designed to 1) trap sediment, particulates and other solids and 2) remove sediment through infiltration and/or biological uptake. The drainage system shall be designed to convey runoff in excess of this standard in a non-erosive manner.
- (c) The plan shall include provisions for maintenance of drainage systems so that they are functional throughout the development. Such maintenance shall include the following: (1) drainage systems shall be inspected, cleaned and repaired prior to the start of development, no later than September 30th each year and (2) should drainage/filtration structures fail or result in impairment, the successor-in-interest shall be responsible for repairs to the drainage/filtration system and restoration. Should repairs or restoration become necessary, prior to the start of development, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal permit is required to authorize such work.
- (d) The Permittee shall undertake development in accordance with the approved Plan. Any proposed changes to the approved final plan shall be submitted to the Executive Director. No changes to the approved final plan shall be made without a Coastal Commission - approved amendment to the permit, unless the Executive Director determines that no amendment is required.
- (e) Manure stored on site shall be contained in an area with impervious flooring, which is protected from wind and rain. The plan shall specify the maximum capacity of the manure storage area and shall include provisions to reduce and dispose of animal waste. The plan shall also specify the maximum capacity of the waste containment areas.
- (f) Confinement areas, loafing areas, or other areas where horses may gather shall be scraped periodically. The plan shall include drainage systems which will ensure that all runoff from the proposed horse stable areas shall be collected and directed through a system of filter strips or other media filter devices. The filter devices shall be designed to trap sediment, particulates and other solids, and remove or mitigate contamination through infiltration and/or biological uptake.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct 1,008 sq. ft. of horse stalls to accommodate a maximum of twenty horses on site (Exhibit 3).

On March 14, 2000 the Commission approved with special conditions Coastal Development Permit (CDP) 4-99-187 to: demolish existing guest house, two horse stables, round pen, and lower corral area; decrease size of second existing guest house to 750 sq. ft.; construct two story, 28 ft. high, 6,253 sq. ft. single family residence with 1,123 sq. ft. attached garage, septic system, and 860 cu. yds. grading (760 cu. yds. cut, 100 cu. yds. fill with remainder to be exported outside coastal zone); install vegetative filter strips between residences and equestrian facilities and along periphery of site. The underlying CDP 4-99-187 permitted the above mentioned development with special conditions regarding future improvements, revised guest house plans, geologic recommendations, landscaping and erosion control plans, drainage and polluted runoff control plans, removal of natural vegetation, wildfire waiver of liability, removal of excavated material, and archeological resources.

The subject parcel is a 3.25 acre lot accessed via Pacific Coast Highway (Exhibit 2). The parcel is located just inland of PCH in the Escondido Beach area (Exhibit 1). The project vicinity contains a mixture of single family residences and equestrian facilities and a restaurant located to the south across the Highway from the subject lot. The lot is currently developed with two residences and equestrian facilities serving twenty horses. City of Malibu provisions allow horses on properties of a minimum of 15,000 sq. ft. in size, whereas the subject parcel is 142,000 sq. ft. One mature animal is allowed for every 5,000 sq. ft., which would allow 28 horses. The applicant is proposing to keep twenty horses on site. The minimum acreage for a commercial horse facility is five acres and no commercial facility is proposed.

The construction of the proposed horse stable will not require any grading or vegetation removal, other than that previously approved by the Commission under CDP 4-99-187. The project drains into a natural swale, which drains under the Highway to the sea. The natural swale is not a blue line stream in the certified Land Use Plan (LUP) for the Malibu/Santa Monica Mountains and no designated environmentally sensitive habitat areas exist on the subject lot. Vegetation in the natural swale consists of ice plant, johnson grass, fennel and other exotic vegetation. Because of the developed nature of the surrounding area and the natural topography above PCH, the project will not impact scenic vistas.

B. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

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.

As described in the previous section, the site is presently developed with two single family residences and equestrian facilities serving twenty horses. Waiver No. 4-94-141 approved development including construction of two stables on the east side of the property, two 20 ft. x 120 ft. prefabricated horse stables to replace a three stable barn at the same location on the west side of the property, installation of corral fencing, and importation of 500 cu. yds. of material for the floor of a riding and dressage area. Coastal Development Permit No. 4-99-187 approved the following development: demolish existing guest house, two horse stables, round pen, and lower corral area; decrease size of second existing guest house to 750 sq. ft.; construct two story, 28 ft. high, 6,253 sq. ft. single family residence with 1,123 sq. ft. attached garage, septic system, and 860 cu. yds. grading (760 cu. yds. cut, 100 cu. yds. fill with remainder to be exported outside coastal zone); install vegetative filter strips between residences and equestrian facilities and along periphery of site. The two stables proposed to be removed in CDP 4-99-187 are located along the east property line in the location of the proposed residence. The original project proposal for CDP 4-99-187 included the proposed stable that is the subject of this permit amendment as a relocation of those horse facilities to be removed for construction of the residence, however, in response to staff concerns regarding water quality issues relative to animal waste, the applicant deleted said stable from the plans prior to approval of CDP 4-99-187. Moreover, the applicant has submitted a letter on existing and proposed equestrian use, which indicates that the site has in the past and will continue to serve twenty horses, therefore, the proposed amendment does not constitute any intensification of equestrian use on the site.

The original permit conditions addressed the water quality impacts in general, as the applicant was not proposing any new confined animal facilities at that time. The proposed amendment is for the construction of a 1,008 sq. ft. horse stable, thus the Commission must consider the potential water quality impacts from such a facility. The applicant has submitted a letter and a drainage and filtration plan from a bioengineering consultant (Ensitu Engineering Inc.) along with this application to address the issue of water quality in relation to the confined animal facilities. Ensitu states in a letter dated September 5, 2000 that:

Post-development runoff should not exceed pre-development. The biofilter was designed to treat the runoff from proposed facilities and a maximum of 20 stabled horses. The proposed design drains the existing arena through an open-bottom trench filter. The trench filter is designed to filter solids and water to percolate through the bottom of the filter into the soil. A biofilter was utilized for final runoff treatment. The biofilter was designed with a 1.5% slope and a maximum flow depth of 3 inches this allows a portion of the runoff to percolate into the surface of the biofilter as it flows over the surface of the biofilter. It should also be noted all runoff has been redirected away from adjacent properties.

Coastal Commission Water Quality staff has reviewed the proposed runoff treatment plan prepared by Ensitu. Staff notes that the proposed stable and maximum number of horses to be kept on site have been considered in the design of the drainage and filtration plan and has determined that the drainage and filtration measures are adequate to mitigate water quality impacts from the proposed animal facility with the integration of some additional BMPs into the Drainage and Polluted Runoff Plans, as specified in **Special Condition No. Five (5)**: dry manure and other waste solids should be stored in production buildings or storage facilities or otherwise stored in such a way as to prevent polluted runoff; confinement areas, alleys, barns, loafing areas, and others where waste solids may gather should be scraped periodically; manure should be handled and treated to: reduce the loss of nutrients to the atmosphere during storage; or reduce pathogens, vector attraction and odors, as appropriate. However, the

Commission finds it necessary to ensure that no additions or improvements are made to the approved development in the future that may change the intensity of use on site without due consideration of the potential adverse impacts that may result. Thus, the Commission finds it necessary to require the applicant to record a future development deed restriction, as specified in **Special Condition No. One (1)**, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the structures or an increase in number of horses kept on site are proposed in the future.

The proposed runoff treatment system and the additional BMPs required as a condition of this permit will minimize potential adverse impacts associated with runoff from the confined animal facilities on site. The pollutants commonly found in runoff associated with confined animal facilities include nitrates, bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, the Commission finds that as conditioned above, the proposed development will minimize adverse impacts to coastal resources and water quality, in a manner consistent with §30231.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states:

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 amendment 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 amendment will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. 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 consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

D. California Environmental Quality Act

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

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

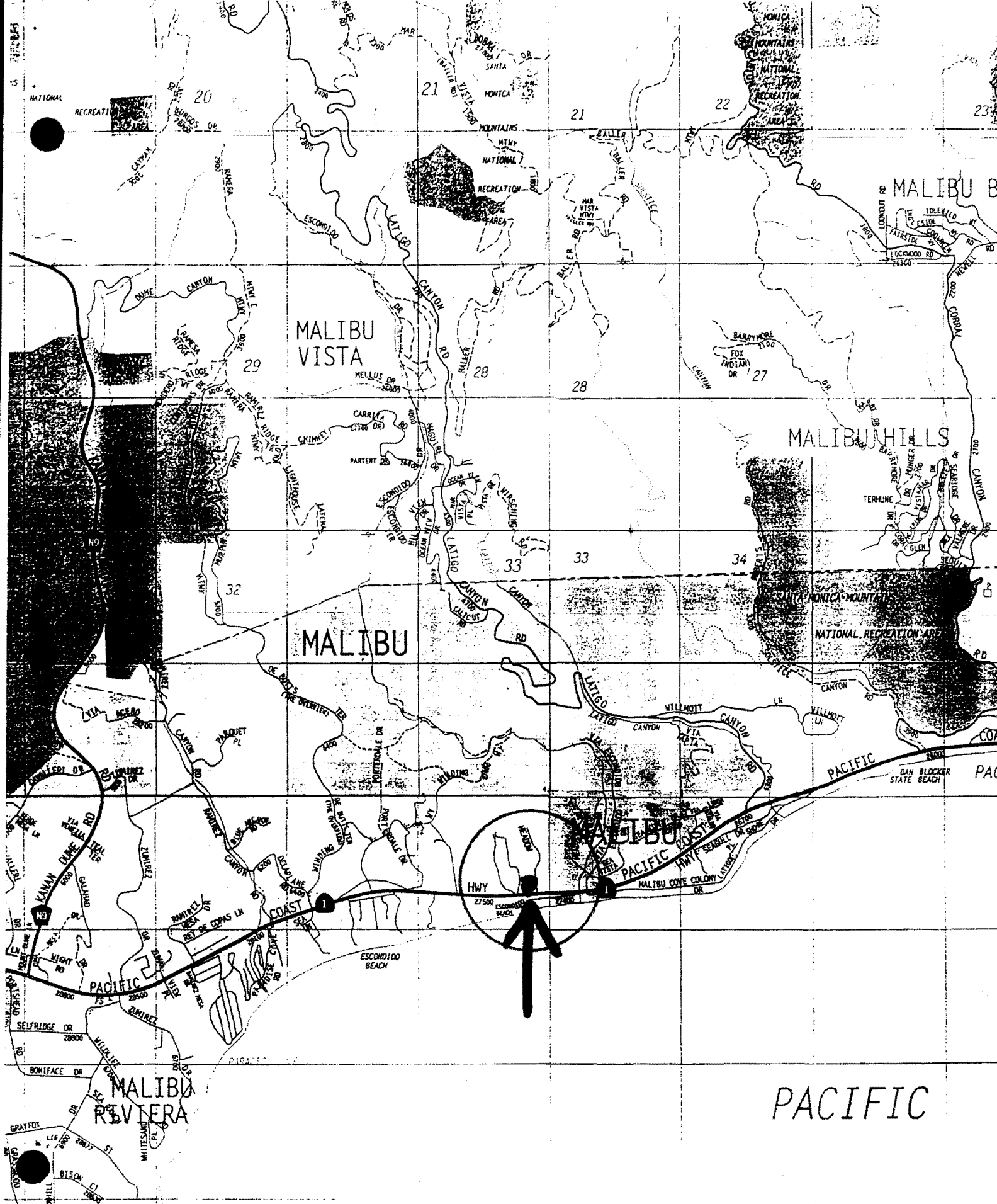


Exhibit No. 1
 App. No. 4-99-187-A1
 Vicinity Map

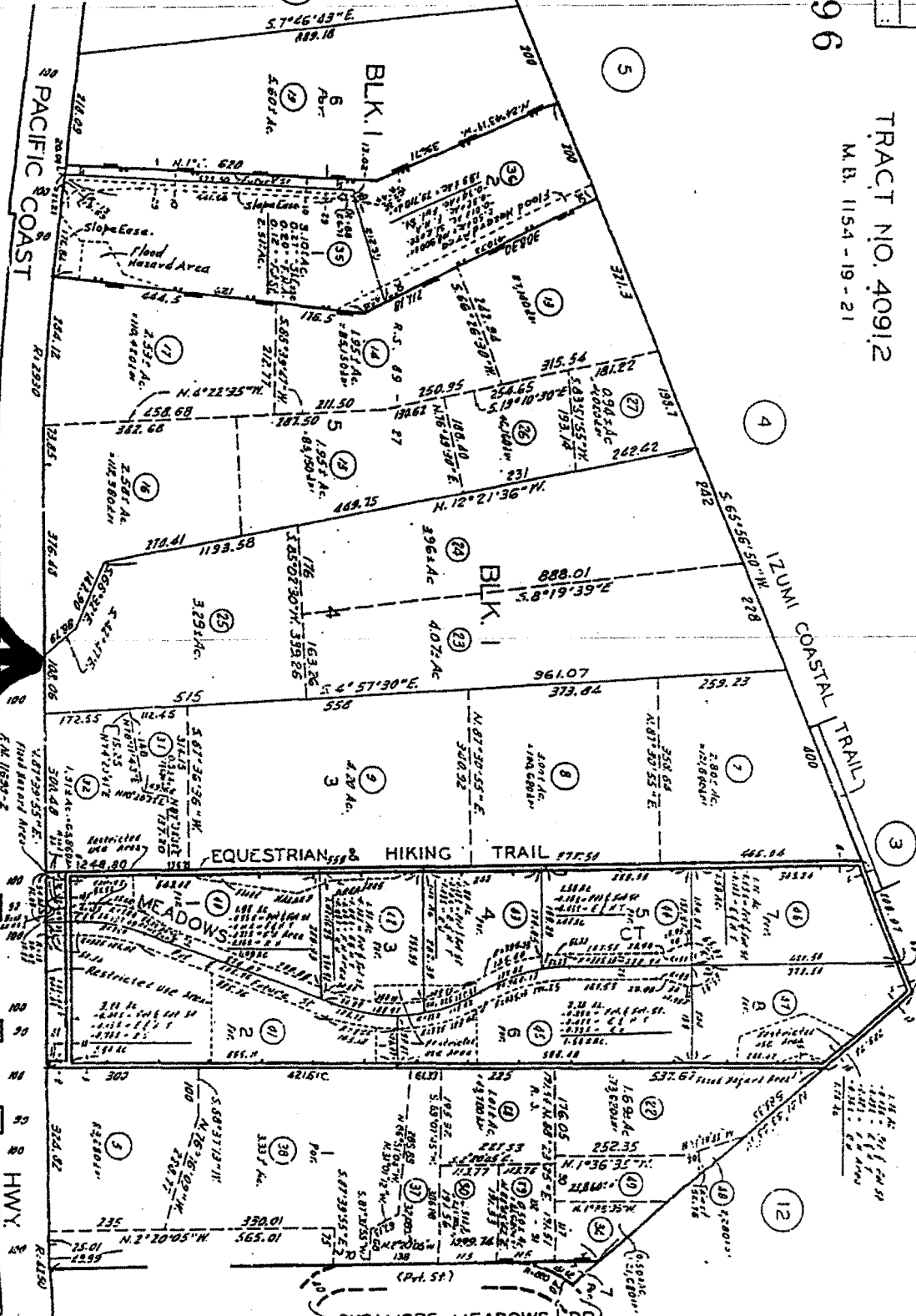
1996

TRACT NO. 40912

M.B. 1154-19-21

CODE 10853

FOR PREV. ASSM'T. SEE: 4460-8



TRACT NO. 12935
M.B. 248-39-40

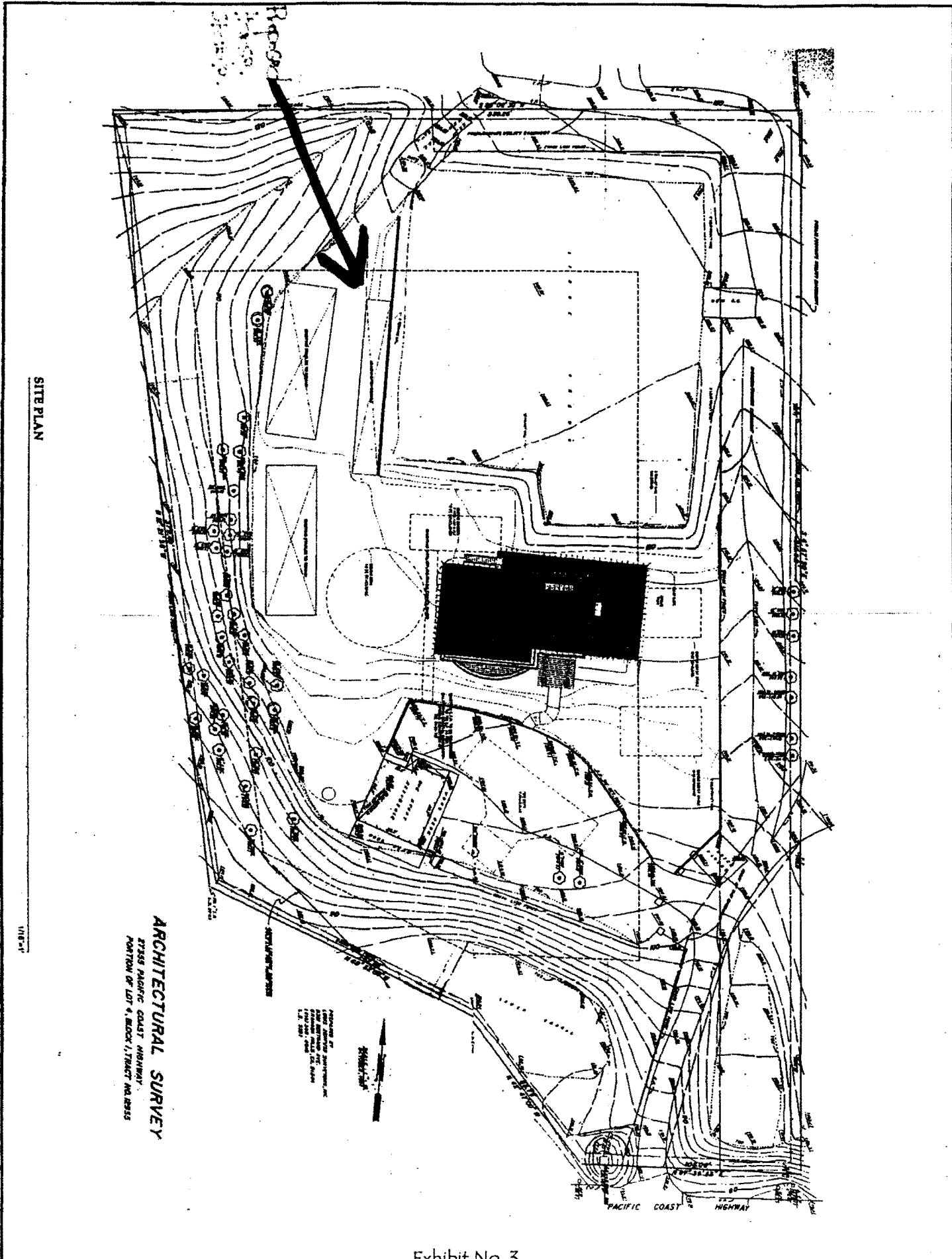
LAND OF MATHEW KELLER
IN THE RANCHO TOPANGA MALIBU SECUT

PARCEL MAP

NOV 29 1995
ASSessor'S MAP
COUNTY OF LOS ANGELES, CALIF

Exhibit No. 2
App. No. 4-99-187-A1
Parcel Map

REV 1
9-27
9-17
690923602
720001
730030/03
73113
770267
84000000-5
50060807000000-1
50060507000200-0
51071000000-0
51171000000-0



SITE PLAN

1/18/51

ARCHITECTURAL SURVEY
 2755 PACIFIC COAST HIGHWAY
 PORTION OF LOT 4, BLOCK 1, TRACT NO. 2815

PREPARED BY
 MICHAEL E. BAR SOC
 3502 COAST

PACIFIC COAST HIGHWAY

Exhibit No. 3
 App. No. 4-99-187-A1
 Site Plan

BAR SOC	ENLARGED SITE PLAN
A R I	
MICHAEL E.	
3502 COAST	
A 2	

RESIDENCE
 PACIFIC COAST HIGHWAY
 A 90265

DATE	
TIME	
NO.	
BY	

