

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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RECORD PACKET COPY

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Staff: J Johnson
Staff Report: 12/24/01
Hearing Date: 1/8-11/02
Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-125

APPLICANT: Nina Bomar AGENT: Steve Yett

PROJECT LOCATION: 1838 Decker Canyon Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construct a 3,712 sq. ft., 2 story 35 foot single family residence with 400 sq. ft. attached garage, 743 sq. ft. detached guest house with 698 sq. ft. attached garage, 1,875 sq. ft. barn with five stalls and tack room, riding ring, corral, fencing, pool, septic system, and grading of 429 cubic yards of cut and 336 cubic yards of fill, export 93 cubic yards of material to be disposed outside the coastal zone, 3,494 cubic yards of overexcavation and recompaction.

Lot area:	5.68 acres
Building coverage:	
Existing:	325 sq. ft.
Proposed:	7,177 sq. ft.
Total:	7,502 sq. ft.
Pavement coverage:	16,000 sq. ft.
Landscape coverage:	19,000 sq. ft.
Parking spaces:	5
Ht abv fin grade:	35 ft.
Plan Designation:	Rural Land I and III, Mountain Land
Zoning:	1 du/ 10, 1 du/ 2, 1 du/ 20 acres
Project Density	one du/ 5 acres

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with ten (10) Special Conditions addressing: landscape, erosion control and fuel modification plans, removal of natural vegetation, removal of excavated material, future

development deed restriction, plans conforming to geologic recommendation, a wildfire waiver of liability, a structural appearance deed restriction, a lighting restriction, equestrian waste management plan, and a drainage and polluted runoff control plan. The applicant requests approval to construct a single family residence on an existing parcel accessed from Decker Road, south of its intersection with Encinal Canyon Road. The subject site now includes a graded pad, driveway, storage shed and corral, constructed prior to the effective date of the Coastal Act. The parcel is not located within any designated Environmentally Sensitive Habitat Area and includes primarily non-native grass land. The project, as conditioned, will be consistent with the Coastal Act.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 3/24/99; Los Angeles County Department of Health Services, dated 4/8/99.

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Update Reports dated September 5, 2000 and August 29, 2001, by RJR Engineering Group, Soil Engineering Report dated April 27, 1999 by Healthcote Geotechnical, Geological Investigation dated March 11, 1999 by Brian Robinson & Associates, Inc.; Coastal Permit No. 4-01-030, Harris, Coastal Permit No. 4-00-067, Harris; 4-99-164, Olson; Coastal Permit No. 4-92-246, and A-1, A-2, A-3, Ulmer and Kart; Coastal Permit No. 5-89-813, Alexander; Coastal Permit Application No. 4-99-172, Vail & Tichenor; Coastal Permit No. 5-91-400, Satterlee, and Coastal Permit No. 5-91-865.

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-125 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development

as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. LANDSCAPE, EROSION CONTROL, AND FUEL MODIFICATION PLANS

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The revised plans shall incorporate the following criteria:

A) Landscaping and Erosion Control Plans

- 1) All graded & disturbed areas and the existing graded building pad 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 or guest house. 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 February 5, 1996. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- 2) All disturbed areas on the subject site 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. The plan shall include vertical elements, such as trees and shrubs, which partially screen and soften the appearance of the proposed residence, barn and guest house from the proposed public trail located to the south, east and north of the subject site;
- 3) Plantings shall 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 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.
- 5) Vegetation within 20 feet of the proposed residence, guest house, and driveway may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The final fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the Final Fuel Modification Plan has been reviewed and approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau. Any irrigated lawn, turf and ground cover planted within the fifty foot radius of the proposed house shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

- 6) The final drainage/erosion control plan shall be implemented within 30 days of completion of final grading. By acceptance of this permit, the applicant agrees to maintain the drainage devices on a yearly basis in order to ensure that the system functions properly. Should the devices fail or any erosion result from the drainage from the project, the applicant or successor in interests shall be responsible for any necessary repairs and restoration.

B) Interim Erosion Control Plan

- 1) The landscape/erosion control 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 to be left undisturbed such as native trees and vegetation 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 geo-fabric covers or other appropriate cover, install geo-textiles 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 geo-textiles 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 (5) years from the date of the receipt of the Certificate of Occupancy for the residence and or the guest house 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.

2. REMOVAL OF NATURAL VEGETATION

Removal of natural vegetation for the purpose of fuel modification within the 20 foot zone surrounding the proposed structures 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 20-200 foot fuel modification zone shall not occur until commencement of construction of the structures approved pursuant to this permit.

3. REMOVAL OF EXCAVATED MATERIAL

The applicant shall remove all excavated or cut material consisting of approximately 93 cubic yards of material to an appropriate disposal site located outside of the Coastal Zone or a site with a valid coastal permit for the disposal of fill material located within the coastal zone, except for the approximate 336 cubic yards of material proposed to be used for fill on the project site.

4. PLANS CONFORMING TO ENGINEERING RECOMMENDATION

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval by the Executive Director, evidence of the Engineering consultant's review and approval of all project plans including the landscape and erosion control plans. All recommendations contained in the submitted reports titled: Geotechnical Update Reports dated September 5, 2000 and August 29, 2001, by RJR Engineering Group, Soil Engineering Report dated April 27, 1999 by Healthcote Geotechnical, Geological Investigation dated March 11, 1999 by Brian Robinson & Associates, Inc., shall be incorporated into all final design and construction including: earthwork, foundations, concrete slabs on grade, retaining walls, vehicle pavements, utility trenches, swimming pool, surface drainage, planting and slope irrigation. All plans must be reviewed and approved by the consultant.

The final plans approved by the consultants shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage.

Any substantial changes in the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

5. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (e) Equestrian confinement areas, loafing areas, or other areas where waste solids may gather shall be scraped periodically. The plan shall include drainage devices and BMPs which will ensure that all runoff from the proposed horse stables and waste containment areas shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter devices shall be designed to trap sediment,

particulates and other solids, and remove or mitigate contaminants through infiltration and/or biological uptake.

6. COLOR RESTRICTION DEED RESTRICTION

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of all structures authorized by the approval of coastal development permit 4-00-125. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors proposed for the roof, trim, exterior surfaces, stucco wall, or other structures authorized by this permit. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass.

The approved structures shall be colored with only the colors and window materials authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-00-125 if such changes are specifically authorized by the Executive Director as complying with this special condition.

Prior to the issuance the coastal development permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

7. Lighting Restrictions

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, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, shall be of low intensity, at low height and shielded, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. Security lighting, if any, shall be controlled by motion detector. No night lighting, whether permanent or temporary, shall be installed to light the riding ring approved pursuant to Coastal Development Permit No. 4-00-125. The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed. This

deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. FUTURE DEVELOPMENT DEED RESTRICTION

- A. This permit is only for the development described in Coastal Development Permit No. 4-00-125. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610 (a) and (b) shall apply to the entire property. Accordingly, any future improvements to the entire property including the permitted residence, guest house, barn, fencing, existing corral and storage structure, intensifying the use of the property by keeping or maintaining more than five horses, ponies, or similar livestock, and 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 One (1), shall require an amendment to Permit No. 4-00-125 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition, any proposed fencing of the subject property is prohibited except for fencing required for safety around the pool pursuant to the Uniform Building Code, the equestrian corral, the area within fifteen feet and below the elevation of Decker Canyon Road, and within 50 feet of the approved residence, guest house, and barn with a valid coastal development permit or permit amendment from the Commission or from the applicable certified local government. The applicant agrees that fencing on site must be of a type that will not restrict wildlife movement or cause injury to wildlife; barbed wire, mesh or chain link fencing shall not be permitted, except that chain link fencing may be permitted for safety around the pool pursuant to the Uniform Building Code.
- B. PRIOR TO 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, which reflects the above restrictions on development in the deed restriction and 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.

9. 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.

10. Livestock Maintenance Restriction and Stable Waste Management Plan

- A. In accordance with the applicant's proposal, the horse facilities on site shall be limited to the keeping or maintaining of no more than 5 horses or ponies or similar livestock at any time.
- B. **Prior to issuance of Coastal Development Permit**, the applicant shall submit a stable waste management plan for the review and approval of the Executive Director. The plan shall include management practices for the collection, storage, and disposal of stable wastes, including manure and bedding. Such wastes shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.
- C. Any additional or intensified use of the site for livestock maintenance purposes, whether recreational or commercial, shall require an amendment to Coastal Development Permit 4-00-125.
- D. **PRIOR TO 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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 Coastal Development Permit 4-00-125.

IV. Findings and Declarations.

A. Project Description

The project site is located approximately three miles inland of the intersection of Pacific Coast Highway and Encinal Canyon Road, just south of Barney Knob which is located at the intersection of Encinal Canyon Road and Decker Road. The building site is accessed along an existing driveway to an existing storage shed, corral and graded building pad, completed prior to the effective date of the Coastal Act. (Exhibits 1 - 3). The building site is on a ridge at the 1,599 foot elevation above sea level south of and below the peak of Barney's Knob at 1,729 foot elevation.

The applicant proposes to construct on a 5.68 acre parcel, a two story, 35 foot high, 3,712 sq. ft. residence with a two car 400 sq. ft. garage, 743 sq. ft. detached guest

house with attached 698 sq. ft. two car garage and storage, 1,875 sq. ft. barn with five stalls, tack room and washing area, riding ring, corral, fencing, pool, septic system, and grading of 429 cubic yards of cut and 336 cubic yards of fill, export 93 cubic yards of material to be disposed outside the coastal zone, 3,494 cubic yards of overexcavation and recompaction (Exhibits 4 - 11). The pads, driveway and storage shed existed prior to 1956 according to the applicant's historical aerial photo of the site taken during the fire of 1956.

The Malibu/Santa Monica Mountains Land Use Plan designates the site as Rural Land I (one dwelling unit for ten acres), Rural Land II (one dwelling unit for two acres), and Mountain Land (one dwelling unit for twenty acres). The subject parcel is not located within a designated wildlife corridor or within or near any designated Environmentally Sensitive Habitat Area (ESHA). However, the building site is located on a ridge above two canyons to the east and southwest of this site. Designated ESHA is located as close as about 1,500 feet to the southeast within the eastern tributary of Lachusa Canyon (Exhibit 3). This ESHA is riparian habitat. Further to the southeast in this tributary is designated significant oak woodland and savannah located as close as about 2,500 feet. There is no designated ESHA within the western tributary of Lachusa Canyon which begins on the project site as a drainage course.

No mapped hiking or riding trails cross the subject property, although there is a planned trail nearby to the east (Exhibit 3). Decker Road is designated a third priority scenic highway in the Malibu/Santa Monica Mountains Land Use Plan. Elevations on the 5.68 acre property range from about 1,522 feet above sea level on the eastern portion of the property to about 1,600 feet on the building site on the southern portion of the property and at the northeastern portion of the property. Slope gradients range from relatively flat at the building site to slope gradients ranging from 2:1 to 1.5:1 on the eastern portion of the property. Most of the parcel is covered with non-native grasses, except for a few eucalyptus trees along the northern property boundary. The proposed building site is located at the 1,599 foot elevation.

The proposed building site is clearly visible from Decker Road, limited portions of Charmlee County Park to the south and from the planned "Three Park Trail" located to the south, east, and north. The parcel is immediately south of the Lachusa Fire Patrol Station within a partially developed residential neighborhood with a number of vacant lots.

B. Individual and Cumulative Impacts in Sensitive Resource Areas

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

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.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is used in Section 30250(a), to mean that:

the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible, marine resources and the biologic productivity and quality of coastal waters, including streams. Section 30231 of the Coastal Act states as follows:

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.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

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

(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 such areas, and shall be compatible with the continuance of such habitat areas.

Coastal Act Section 30250 provides for three tests to determine whether new development is appropriately located from the standpoint of cumulative impacts. The first test is whether or not the proposed new development is located within, contiguous or in close proximity to an existing developed area. The second test is whether or not the location of the new development is in an area able to

accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Regarding the first test, the proposed project is located about three miles inland of the coast on the west side of Decker Road within the Santa Monica Mountains. This inland area of the western Santa Monica Mountains is partially developed with residential and public recreational land uses. The Commission considers this portion of the Santa Monica Mountains to not be a developed area, including the subject site, and therefore does not meet the first test.

The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The applicant proposes to construct a 3,712 sq. ft., 2 story 35 foot single family residence with 400 sq. ft. attached garage, 743 sq. ft. detached guest house with 698 sq. ft. attached garage, 1,875 sq. ft. barn with five stalls and tack room, riding ring, corral, fencing, pool, septic system, and grading of 429 cubic yards of cut and 336 cubic yards of fill, export 93 cubic yards of material to be disposed outside the coastal zone, 3,494 cubic yards of overexcavation and recompaction. The subject site is provided with public services including public road access, water, electricity, and telephone. The applicant proposes to construct an on-site septic system to adequately dispose of sewage generated on-site. Therefore, the development meets the second test by being located in an area able to accommodate it. The third test of Section 30250 examines whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources and is discussed below.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

The Los Angeles County Land Use Plan, certified by the Commission, provides guidance for the Commission to consider in this application. The LUP includes a New Development Policy, which notes that new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and associated development standards. The project site is not located within any Los Angeles County Land Use Plan designated Wildlife Corridor or Significant Ecological Areas (SEA). However, a designated Wildlife Corridor in the Encinal Canyon is located as close as 800 feet from the subject property. This designation was established to ensure that wildlife

populations which live in the relatively undisturbed habitat areas of the significant watersheds are able to freely pass between the watersheds.

The Land Use Plan policies addressing protection of Significant Watersheds (and by reference Wildlife Corridors) are among the strictest and most comprehensive in addressing new development. In its findings regarding the Land Use Plan, the Commission emphasized the importance placed by the Coastal Act on protecting sensitive environmental resources. The Commission found in its action certifying the Land Use Plan in December 1986 that:

Coastal canyons in the Santa Monica Mountains require protection against significant disruption of habitats, 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.

1. Protection of Environmental Resources

The Land Use Plan (LUP) includes several policies designed to protect the Watersheds, and ESHA's contained within, from both the individual and cumulative impacts of development. These policies are used by the Commission as guidance during the review of applications for coastal development permits.

P68 Environmentally sensitive habitat areas (ESHA's) 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 resources dependent use.

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.

2. Stream Protection and Erosion Control

The Land Use Plan (LUP) includes several policies designed to protect the Watersheds, and ESHA's while addressing stream protection and erosion control from both the individual and cumulative impacts of development.

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, landscaping plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing covers to reduce heat output may be used. Within

ESHA's and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

Policy 86: 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 ESHA's and Significant Watersheds and 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 should 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 recompact to engineering 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, hydrologic, 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 chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands.

Past permit actions taken by the Commission generally reflect the goals contained in the certified LUP policies towards development in ESHA's and Wildlife Corridors. Where the Commission has found that single-family development, including accessory structures, would not cumulatively or individually create adverse impacts on habitat or other coastal resources, or that adequate mitigation could be provided, it has been permitted.

The applicant proposes to construct a 3,712 sq. ft., 2 story 35 foot single family residence with 400 sq. ft. attached garage, 743 sq. ft. detached guest house with 698 sq. ft. attached garage, 1,875 sq. ft. barn with five stalls and tack room, riding ring, corral, fencing, pool, septic system, and grading of 429 cubic yards of cut and 336 cubic yards of fill, export 93 cubic yards of material to be disposed outside the coastal zone, 3,494 cubic yards of overexcavation and recompaction.

In response to staff's concerns relative to excessive landform alteration, intensity of development and potential adverse impacts to sensitive resources and water quality the applicant redesigned the proposed development from what was originally proposed. Originally, the applicant proposed to develop a larger 3,819 sq. ft. barn and a round riding pen with 8,411 cubic yards of grading and 2,690 cubic yards of overexcavation and recompaction. In a letter dated August 29, 2001, the applicant revised the project to reduce the size of the barn, relocate it in a clustered manner closer to the proposed residence and guest house, delete the round pen and substantially reduce the proposed grading.

The building site is located on the east side of Decker Road south of its intersection with Encinal Road. The site includes an existing graded dirt driveway to an existing storage shed, graded riding ring and building pad along the eastern portion of the property. These developments were completed prior to the effective date of the Coastal Act. The existing building pad area is about 11,200 sq. ft. in size, while the adjoining and existing riding ring and proposed barn site is about 15,000 sq. ft. in size. The proposed residential and equestrian development is limited to one site and does not include other development normally associated with residential development, such as a tennis court.

3. Cumulative and Individual Impacts of Development

In analyzing the proposed project for conformance with the resource protection policies of the Coastal Act and the Land Use Plan, one can address the project with regard to each policy in turn. For instance,

The project site is not located within a designated environmentally sensitive habitat area (ESHA), and no blue line streams cross the project site. The building site is located on a ridge above two canyons, one to the east the other to the southwest of the site. Designated ESHA is located as close as about 1,500 feet to the southeast within the eastern tributary of Lachusa Canyon. This ESHA is riparian habitat. Further to the southeast in this tributary is designated significant oak woodland and savannah located as close as about 2,500 feet. There is no designated ESHA within the western tributary of Lachusa Canyon Creek which begins on the project site as a drainage course. These tributaries of Lachusa Canyon Creek are perennial blue line streams designated by the U. S. Geological Survey. Due to the distance, the

proposed residence and driveway improvements will not directly affect these ESHAs and Creek habitats on an individual basis.

However, the Commission notes that designated ESHA within the eastern tributary of Lachusa Canyon Creek will be affected by drainage from the subject site including drainage from residential and equestrian uses.

The policies of the Land Use Plan emphasize that new development shall be designed to minimize grading and vegetation removal to "ensure the potential negative effects of runoff and erosion on these resources are minimized". Further, these policies specify that projects shall: "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". This will serve to ensure that the biological productivity and quality of coastal streams is maintained and that the habitat values of nearby ESHA areas are protected against significant disruption. Therefore, to ensure that no adverse impacts on the offsite ESHA from increased runoff occur, Special Condition Number One requires a landscape, erosion control and fuel modification plan to landscape all disturbed and graded areas on the project site including the requirement to revegetate the building pad on the areas beyond the developed area of the building pad allowed for development. Special Condition Number One also requires an erosion control plan and fuel modification plan to minimize erosion on the site and sedimentation offsite. Special Condition Number Two requires that the fuel modification plan will not commence within the 20 foot zone surrounding the proposed structures until after the local government has issued a building or grading permit for development approved pursuant to this permit and the vegetation thinning beyond this zone will not occur until commencement of construction of the structures. Special Condition Number One requires the applicant to implement a landscape plan with native plant species to stabilize and vegetate the site. The Commission further notes that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant community habitat by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant species habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, Special Condition Number One also requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. Special Condition Number One also requires an interim erosion control plan to minimize erosion of the site and sedimentation offsite during the construction of the project and requires a landscape monitoring report five years from

the date of receipt of the Certificate of Occupancy for the residence and or the guest house.

The applicant proposes to excavate 429 cubic yards and fill 336 cubic yards of material with 3,494 cubic yards of overexcavation and recompaction to construct the residence, guest house, barn and pool. The applicant proposes to export the difference of about 93 cubic yards of material to a site outside the coastal zone. To ensure that this material is exported outside the coastal zone or a site with a valid coastal permit for the disposal of fill material located within the coastal zone, Special Condition Number Three is necessary.

1. Water Quality

The Commission recognizes that new development in Malibu and 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, equestrian wastes, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also 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.

As discussed in the previous section, proposed development includes the construction of a barn with five stalls for horses, a tack room and horse washing room, a riding ring and an existing and proposed corral. These equestrian related developments and surrounding area on the project site's 5.68 acres include slope gradients ranging from relatively flat at the building site to slope gradients ranging from 2:1 to 1.5:1 on the eastern portion of the property. Most of the parcel is covered with grasses, except for a few eucalyptus trees along the northern property boundary. The proposed building site is located at the 1,599 foot elevation. Water runoff from the site is achieved by sheet flow directly into the western tributary of Lachusa Canyon Creek and into the eastern tributary after flowing about 1,000 feet into the blue line designated portion of this Creek.

The Commission has found in past permit actions that the minimizing 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. Specific 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.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments entail areas which are cleared of vegetation and have concentrated sources of animal wastes. The project site generates horse wastes, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding which can be significant contributors to pollution. Horse wastes are a breeding ground for parasites, flies and other vectors. In addition, 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, and other impacts affecting the biological productivity of coastal waters.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load will be greatly reduced.

Special Condition Number Five requires a drainage and polluted runoff control plan, which will ensure that drainage will be conducted in a non-erosive manner. The Commission finds that a drainage system will serve to minimize the environmental and sensitive habitat degradation associated with erosion. In order to further ensure that adverse impacts to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the applicant to incorporate filter elements that intercept and infiltrate or treat the runoff from the subject site, as is also required by **Special Condition Number Five**. Such a plan will allow for the infiltration and filtration of runoff from the developed areas of the site and will capture the initial "first flush" flows that occur as a result of the first storms of the season. This flow carries with it the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season, making the capture of the "first flush" flow a vital component of the drainage and polluted runoff control plan.

Therefore, in order for the proposed development to be consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that

runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter, or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Five (5)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development. 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, including Coastal Development Permit Nos. 4-98-073 (Ballard), 4-99-190 (Mahoney), 4-00-055 (Stark), 4-00-067 (Harris) to mitigate equestrian facilities as a non-point source of pollution of coastal waters. **Special Condition Five (5)** includes a provision that runoff from the confined animal areas be filtered either through a vegetated filter strip of some other filter media. The Commission notes that equestrian uses also compacts soils and can have increase erosion on site which can contribute to sedimentation downstream into the tributaries of Lachusa Canyon Creek. Special Condition One and Five addresses mitigation of drainage and polluted runoff from the site.

In addition, to ensure the confined equestrian facility onsite does not generate uncontrolled wastes which could migrate offsite and adversely impact coastal waters, **Special Condition Ten (10)** requires the applicant to submit a livestock maintenance restriction and stable waste management plan. Fully implemented, Special Condition 10 will require management of manure, soiled bedding and removal of these materials from the site to an authorized disposal site.

The Commission also notes that the applicants have discussed with staff alternatives that delete the initial proposal to fence the entire property. The applicant has amended the project to include a corral within the northern portion of the property between Decker Canyon Road and the site's access driveway for the riding of horses.

In addition, a wood post and rail fence would be located about fifteen feet and below the elevation of Decker Canyon Road along the boundary of the property with the Road (Exhibit 11). A chain link gated entry exists at the driveway. (Exhibit 11).

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the significant watersheds of the Malibu/Santa Monica Mountains region through past permit actions. This is due to the potential for future expansions of individual residential and related development which would be exempt from coastal development permit requirements. The Commission notes concern about the potential for future impacts on coastal resources that may occur as a result of further development of the subject property. Specifically, the expansion of the building site and developed area would require more vegetation removal as required for fuel modification by the Los Angeles County Fire Department. Further, adding impervious surfaces to the site through future development or expansion could have adverse impacts on the existing drainage of the site, which in turn would have significant impacts on the Lachusa Canyon Creek watershed due to increased erosion and sedimentation. In addition, the Commission finds that the amount and location of any new development that may be proposed in the future on the subject site is significantly limited by the unique nature of the site and the above mentioned environmental constraints. Furthermore, in order to ensure that the site is not fenced in a manner that can affect the movement of wildlife in the area, injure wildlife or create adverse effects on wildlife, or adversely effect habitat values, the Commission finds it necessary to restrict the types of fencing that may be used on the site in the future, pursuant to a valid coastal development permit or permit amendment as required by Special Condition Number Eight. Special Condition Number Eight includes a provision prohibiting any fencing of the subject site, except for fencing required for safety around the pool pursuant to the Uniform Building Code, the equestrian corral, the area within fifteen feet of Decker Canyon Road, and within 50 feet of the approved residence as shown on Exhibit 11, without a valid coastal permit or permit amendment. Therefore, in order to ensure that any future structures, additions, fencing, change in landscaping or intensity of equestrian use at the project site, that may otherwise be exempt from coastal permit requirements, are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, **Special Condition Number Eight (8)**, the future development deed restriction, has been required. **Special Condition Number Eight (8)** specifically requires that any future proposal for keeping more than five horses on site shall require an amendment to Coastal Development Permit 4-00-125 or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

Further, in order to ensure that night lighting will not create adverse night time visual impacts that may adversely effect wildlife in this Wildlife Corridor, Special Condition Number Seven requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector, no night lighting whether temporary or permanent shall be installed to

light the riding ring, all to minimize the intrusion of light from the project into sensitive habitat areas and adversely affecting the movement of wildlife in the vicinity of the project site. This Special Condition shall be recorded as a deed restriction in a manner acceptable to the Executive Director.

Regarding Section 30250 of the Coastal Act, the proposed project is located in an area that is not considered a "developed area". Therefore, the Commission finds that the project is located in an "other area with adequate public services". And further the Commission finds that the project will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Commission also finds that the biological productivity and quality of coastal waters and riparian habitat, ESHA, and the nearby Wildlife Corridor will be protected as a result of the proposed project, as conditioned. Thus, the proposed project, as conditioned, will result in development that is consistent with and conforms with Sections 30231, 30240, and 30250(a) of the Coastal Act.

C. Geologic and Fire Hazards

Section 30253 of the Coastal Act states:

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 Malibu area which is generally considered to be subject to an unusually high number of natural hazards. Geologic hazards common to the Malibu area 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 Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. Regarding the geologic hazard, the applicant submitted two geologic reports titled: Geotechnical Update Reports dated September 5, 2000 and August 29, 2001, by RJR Engineering Group, Soil Engineering Report dated April 27, 1999 by Healthcote Geotechnical, Geological Investigation dated March 11, 1999 by Brian Robinson & Associates, Inc. These

reports conclude that the site is stable and underlain by a volcanic bedrock formation. These reports state:

It is the opinion of RJR Engineering Group that the proposed project will be safe from the hazards of landsliding, excess settlement, soil slippage and other geologic hazards and will not adversely affect off-site property provided the recommendations presented in the previous RJR report are incorporated into the design and construction of the project.

The recommendations in these geology reports address the following issues: earthwork, foundations, concrete slabs on grade, retaining walls, vehicle pavements, utility trenches, swimming pool, surface drainage, planting and slope irrigation. Based on the findings and recommendations of the consulting engineering geologist and 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 these consultants as conforming to their recommendations, as noted in Special Condition Number Four for the final project design, grading, and drainage plans for the proposed project.

Minimizing erosion of the site is important to reduce geological hazards on the site and minimize sediment deposition in the drainages leading to Arroyo Sequit and Trancas Canyon Creeks. The applicant has submitted a draft Landscape and Fuel Modification Plan for the previously proposed development. These plans incorporate the use of native species and illustrate how these materials will be used to provide erosion control to those areas of the site disturbed by development activities. These plans also illustrate that vegetation will be "thinned" rather than "cleared" for fuel modification purposes, thus allowing for the continued use of existing native plant materials for on-site erosion control. The thinning, rather than complete removal, of native vegetation helps to retain the natural erosion control properties, such as extensive and deep root systems, provided by these species. Special Condition number one requires that this draft Fuel Modification Plan be approved by the Los Angeles County Fire Department, Forestry Division, Fire Prevention Bureau as a final Fuel Modification Plan.

In order to ensure that drainage from the residential building pad is conveyed from the site and into the watersheds in a non-erosive manner and erosion is controlled and minimized during construction, the Commission finds it necessary to require the applicant to submit erosion control plans, as required by Special Condition number one.

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act also 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 her 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 Nine.

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

D. Visual Resources.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character 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, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development:

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

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.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

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.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes to develop a residence on a small intermediate ridge at elevation 1,681 feet above sea level, north of Barney's Knob which is at elevation 1,729 feet, both sites are located along Decker Canyon Road (Exhibits 1 and 2). The project site was graded as a relatively flat building pad prior to 1977. The existing building pad area and existing riding ring area is estimated to be about 26,200 sq. ft. in size.

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Malibu/Santa Monica Mountains Land Use Plan protects visual resources in the Santa Monica Mountains. Decker Road is recognized as a "third priority scenic highway" with ocean vistas, deep valleys and canyons, and rugged mountains as the

features of scenic vistas. This scenic highway designation is given special treatment when evaluating potential impacts caused by new development.

The Commission examines the building site, the proposed grading, and the size of the building pad and structures. The development of the residence and garage, guest house and garage and barn raises two issues regarding the siting and design: one, whether or not public views from public roadways will be adversely impacted, or two, whether or not public views from public trails will be impacted.

The siting, size and grading for the building pad will be visible from Decker Road, although this building pad has existed prior to 1977 and the effective date of the Coastal Act. Decker Canyon Road, a public roadway crosses the western perimeter of the property. The project site will be visible for some distance in either direction due to the openness of the roadway area and project site vicinity. The applicant proposes to construct the residence at a maximum height of 35 feet above existing grade together with the guest house and barn both at 22 feet high above existing grade.

There are also a number of other large residences located in the immediate vicinity of the project site and along Barney's Knob to the south of the project site. The Commission has found that the use of native plant materials in landscaping plans can soften the visual impact of construction in the Santa Monica Mountains. The use of native plant materials to revegetate graded areas reduces the adverse affects of erosion, which can degrade visual resources in addition to causing siltation pollution in ESHA's, and soften the appearance of development within areas of high scenic quality. The applicant has submitted a preliminary Landscape and Fuel Modification Plan for a previous design that uses numerous native species compatible with the vegetation associated with the project site for landscaping and erosion control purposes. Furthermore, the Plan indicates that only those materials designated by the County Fire Department as being a "high fire hazard" are to be removed as a part of this project and that native materials that are located within a 200' radius of the residential structure are to "thinned" rather than "cleared" for wildland fire protection. The vegetation located within 20 feet of the structure and the driveway will be cleared and replaced with native plant species that are less flammable.

In order to ensure that the structural appearance, i.e. color of the structures and the potential glare of the glass windows, will not create adverse visual impacts, the Commission finds it necessary to require the applicant to use colors compatible with the colors found in the surrounding area for exterior materials of the proposed structure and non-glare glass for all proposed windows as required by Special Condition Number Six. In addition, Special Condition Number Seven requires that night lighting, if any, shall be directed downward, be of low intensity, at low height and shielded; security lighting, if any, shall be controlled by motion detector to avoid creating adverse night time visual impacts.

Regarding public trails and public lands, a proposed equestrian and hiking trail, the Three Park Trail Connection trail, traverses north to south about one quarter of a mile to the east. Further to the south of the project site are lands owned by the County of Los Angeles, Charmlee County Park. Due to the distance, proposed and conditioned landscaping, and the required color restriction deed restriction, Special Condition Number Six, public views of the project site will be limited and adequately mitigated.

Therefore, the Commission finds that the project, as conditioned, minimizes impacts to public views to and along the coast. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. Septic System

The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, 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 applicant is proposing the installation of a new 2000 gallon septic tank, and two leach fields to accommodate the sewage of the proposed development. The applicant has submitted approval from the County of Los Angeles Department of Health Services stating that the proposed septic system is in conformance with the minimum requirements of the County of Los Angeles Uniform Plumbing Code. The County of Los Angeles' minimum health code standards for septic systems have been found protective of coastal resources and take into consideration the percolation capacity of soils along the coastline, the depth to groundwater, etc. Therefore, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

a) Prior to certification of the local coastal program, a coastal development

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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

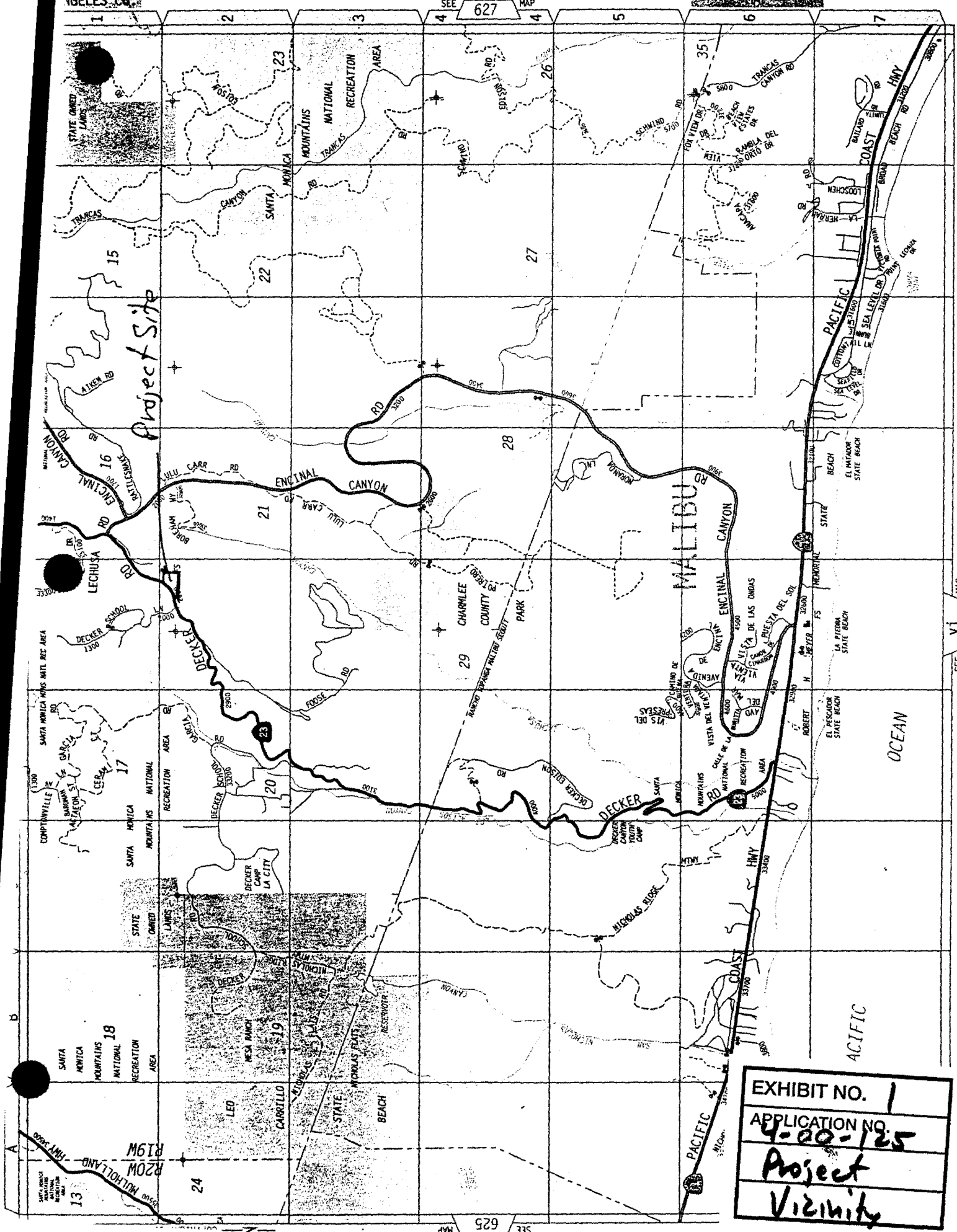
G. California Environmental Quality Act (CEQA)

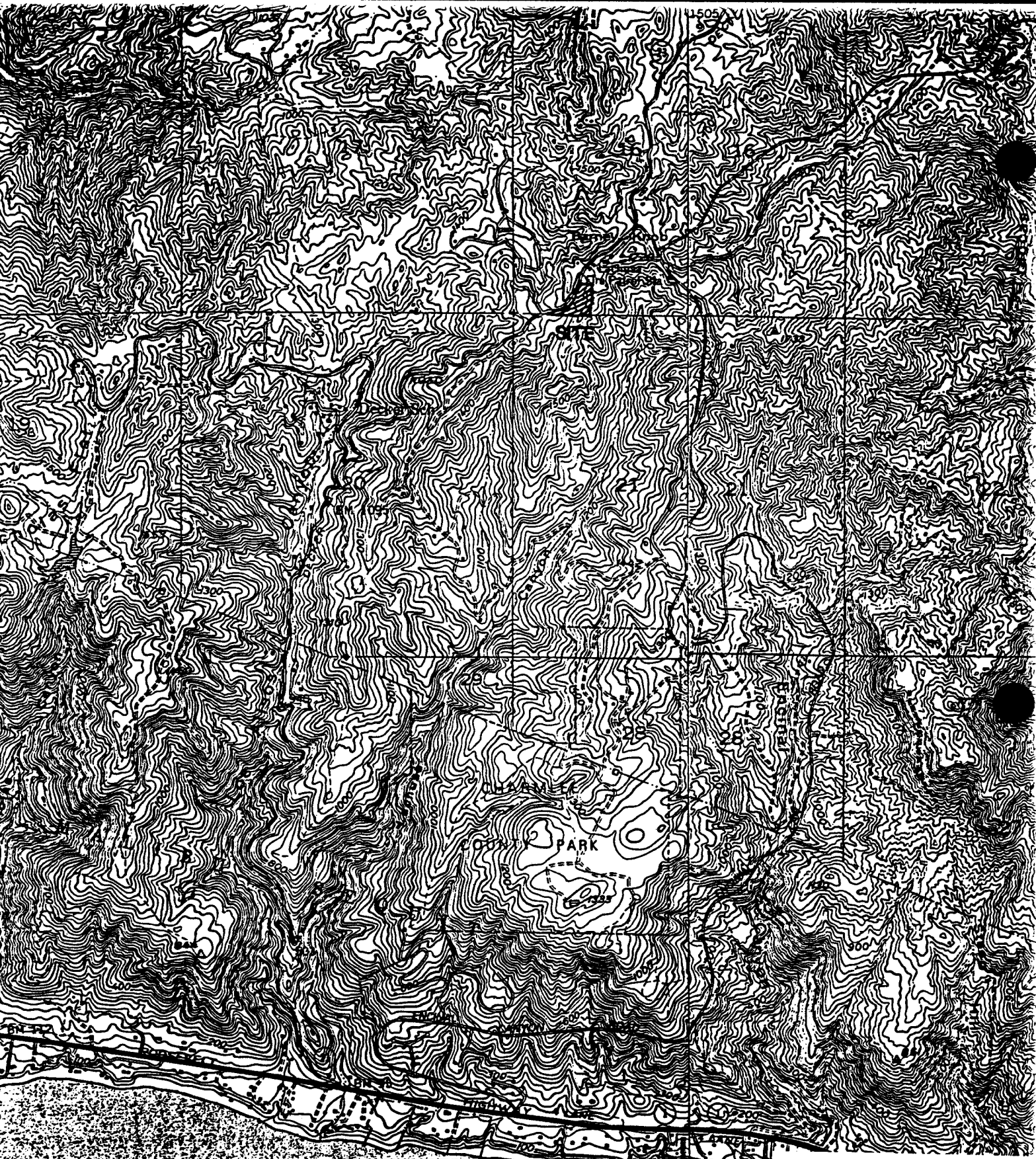
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have 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.

400125bomarresidencereport

EXHIBIT NO. 1
APPLICATION NO. 4-20-125
Project
Vicinity





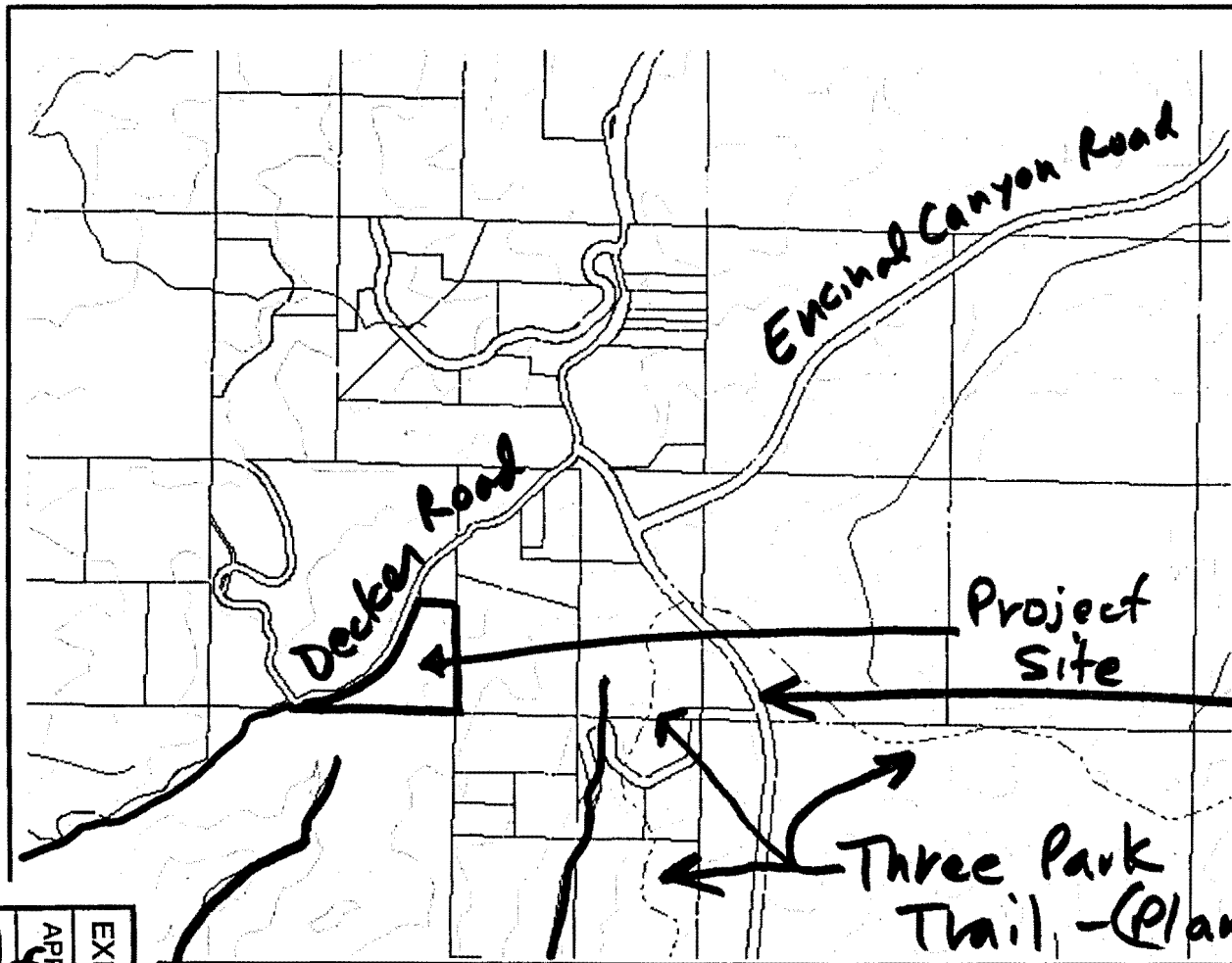
ROBERT H MEYER
MEMORIAL STATE BEACH

ROBERT H MEYER
MEMORIAL ST.

EXHIBIT NO. 2
APPLICATION NO. 4-88-125
Project
Site

ESRI ArcExplorer 1.1

400125bomar residence Trails and Blue Line Streams in Vicinity



contours @ 100ft

Trails - LA County LUP

Blue Line Streams

laprcls

EXHIBIT NO. 3
APPLICATION NO. 400125
Trails & Streams

Thursday, Dec 20 2001

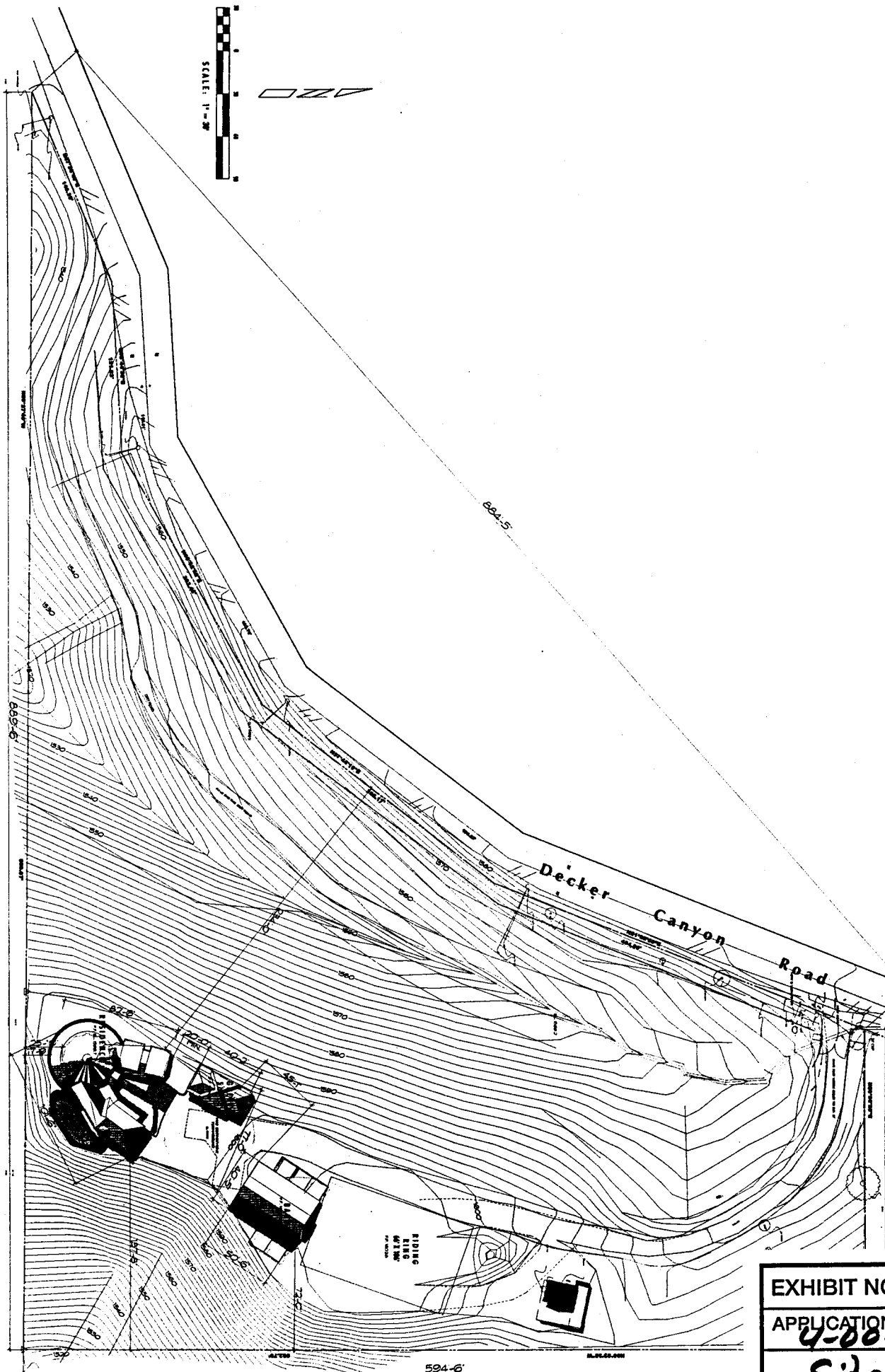


EXHIBIT NO. 4
APPLICATION NO. 4-00-125
Site Plan

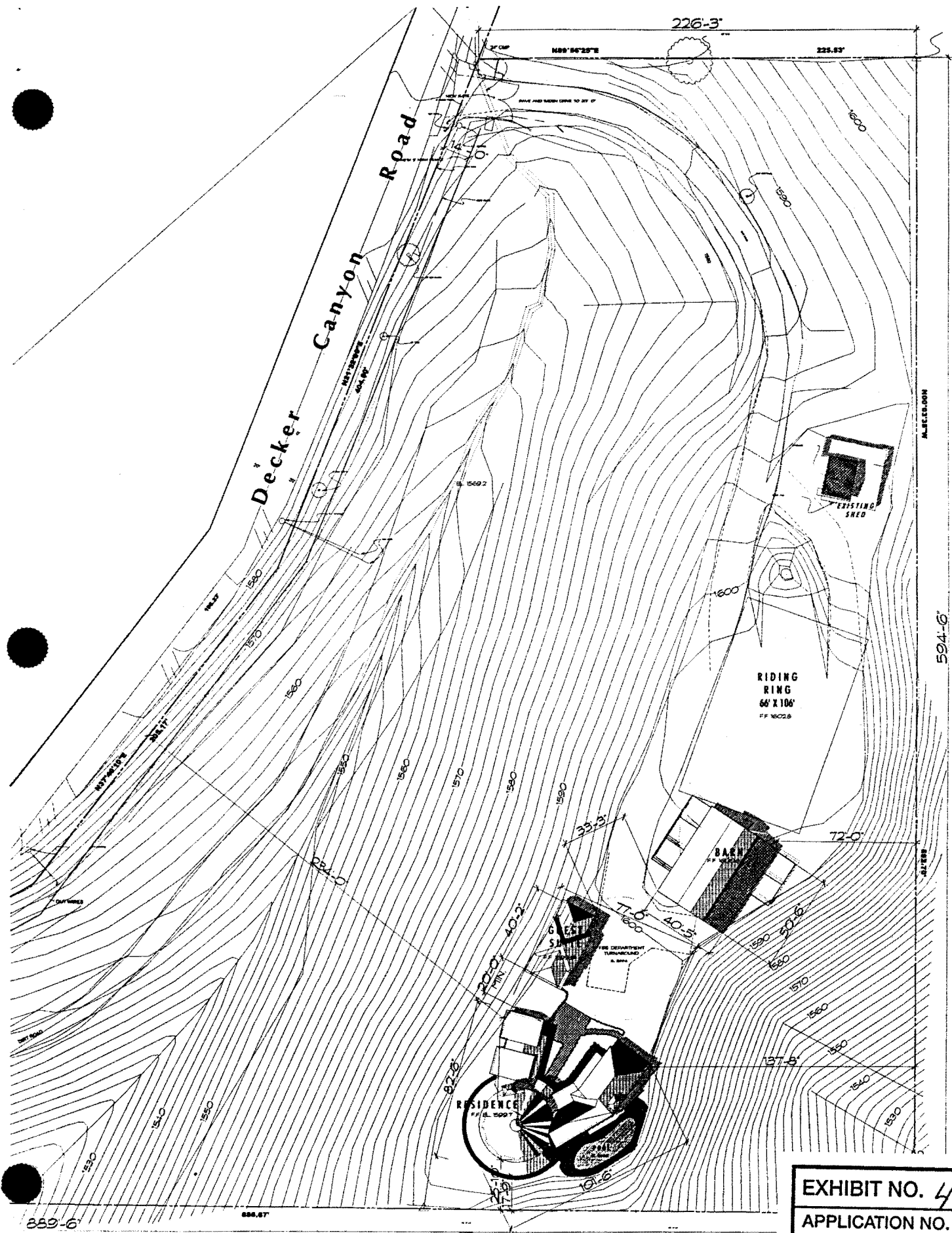
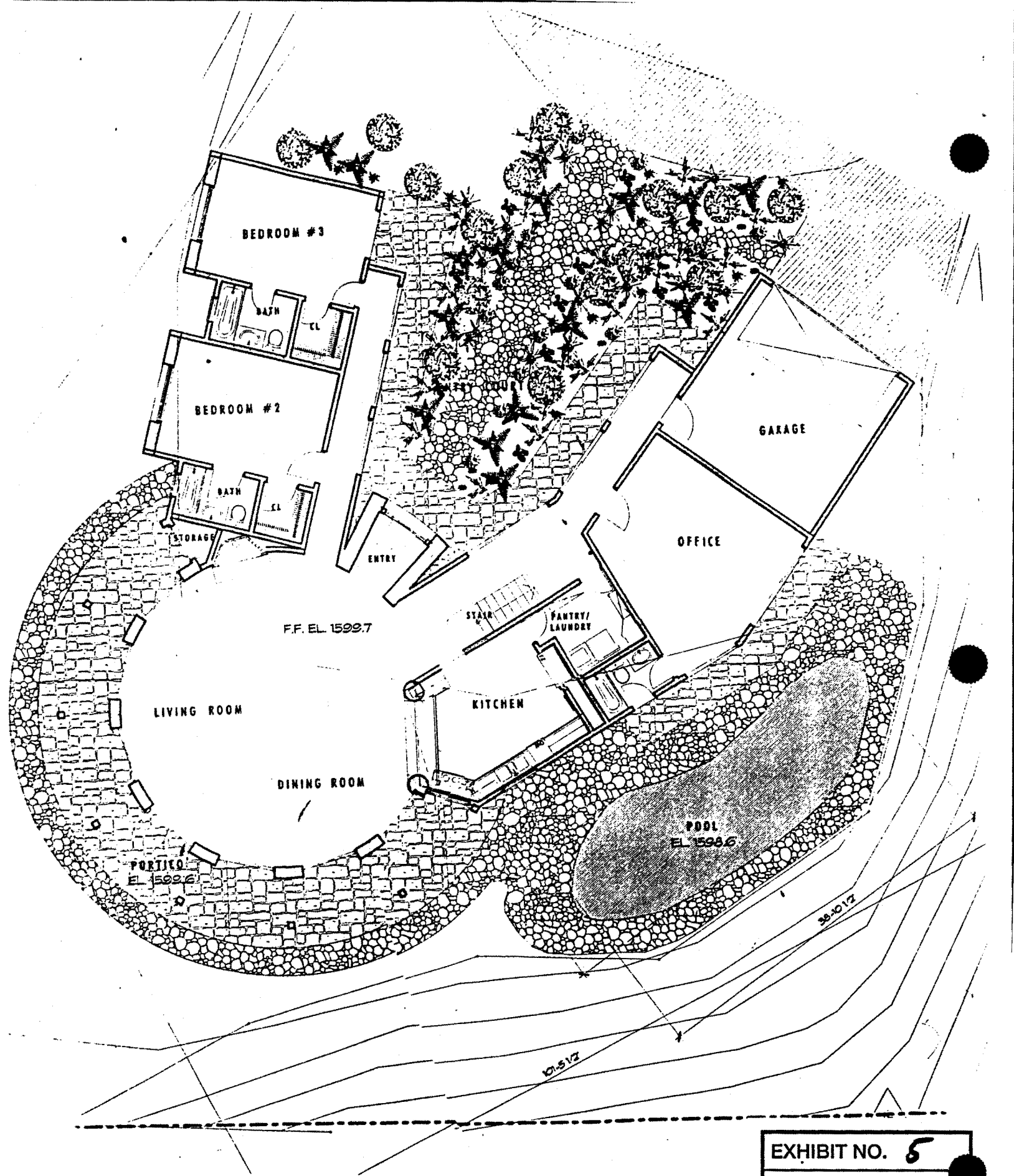
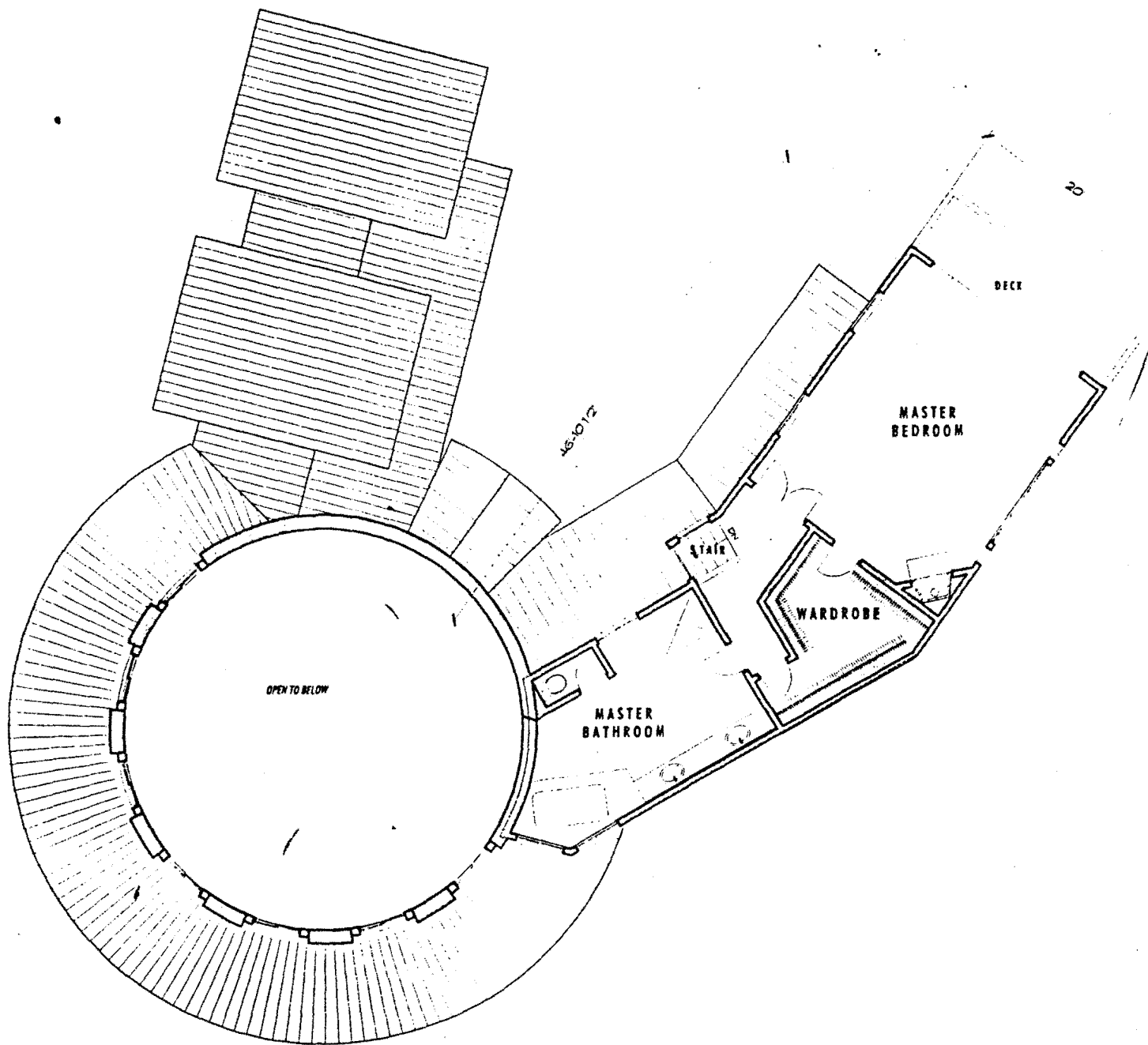


EXHIBIT NO. 49
APPLICATION NO.
4-00-125
SITE PLAN (DETAIL)



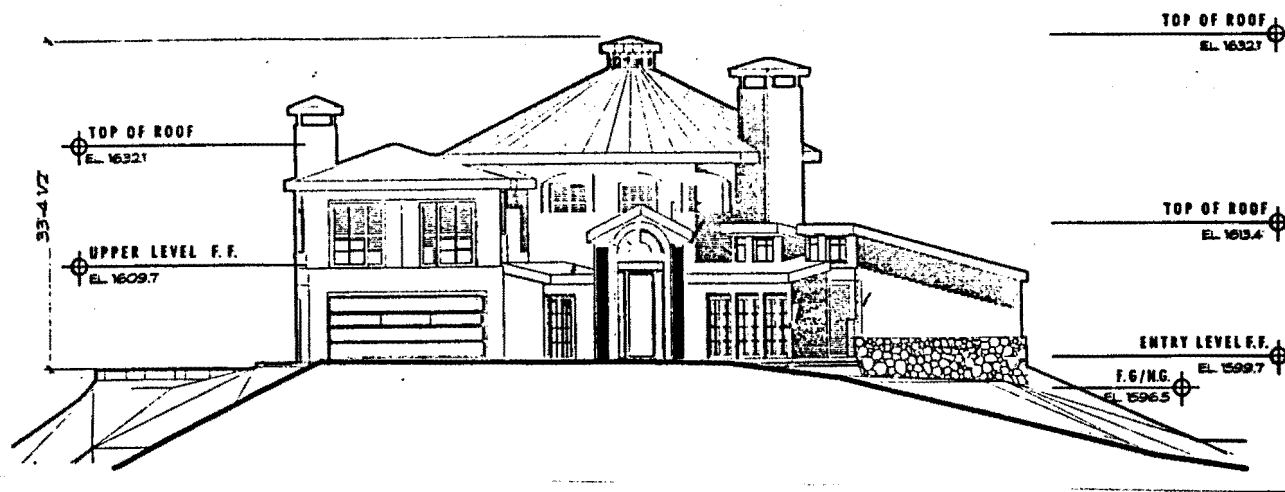
LOWER LEVEL FLOOR PLAN
 RESIDENCE

EXHIBIT NO. 5
APPLICATION NO. 4-00-105
Residence
Lower Level

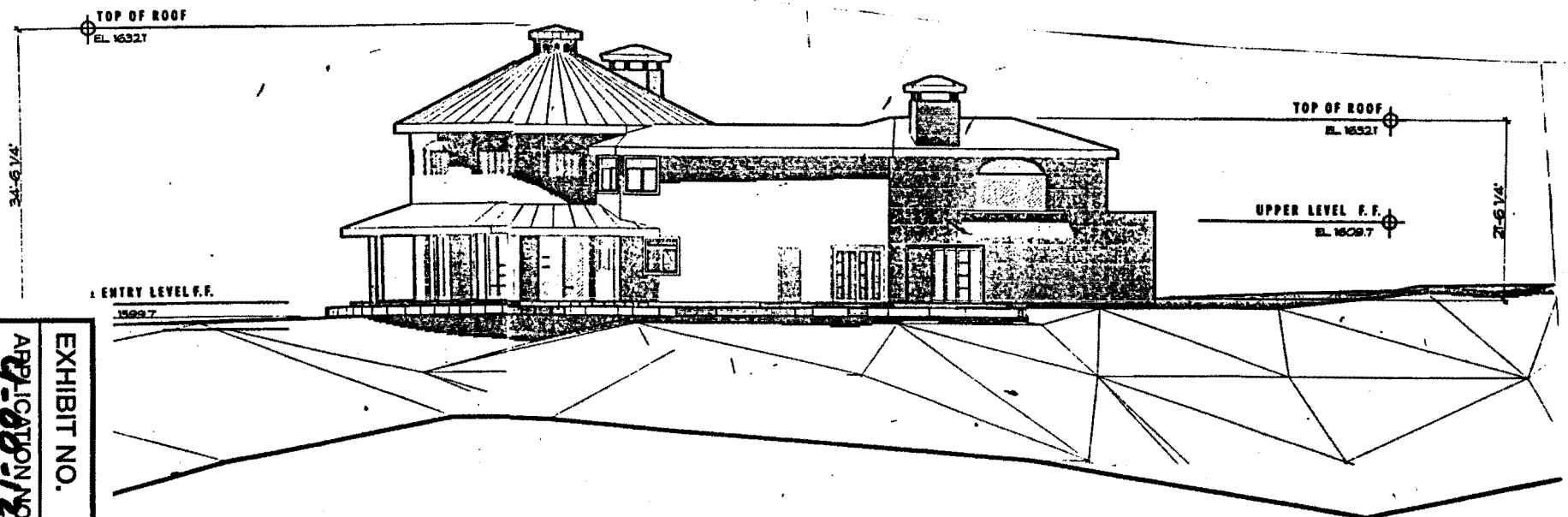


UPPER LEVEL FLOOR PLAN
RESIDENCE

EXHIBIT NO.	6
APPLICATION NO.	4-00-125
Residence	
Upper Level	



**NORTH ELEVATION
RESIDENCE**



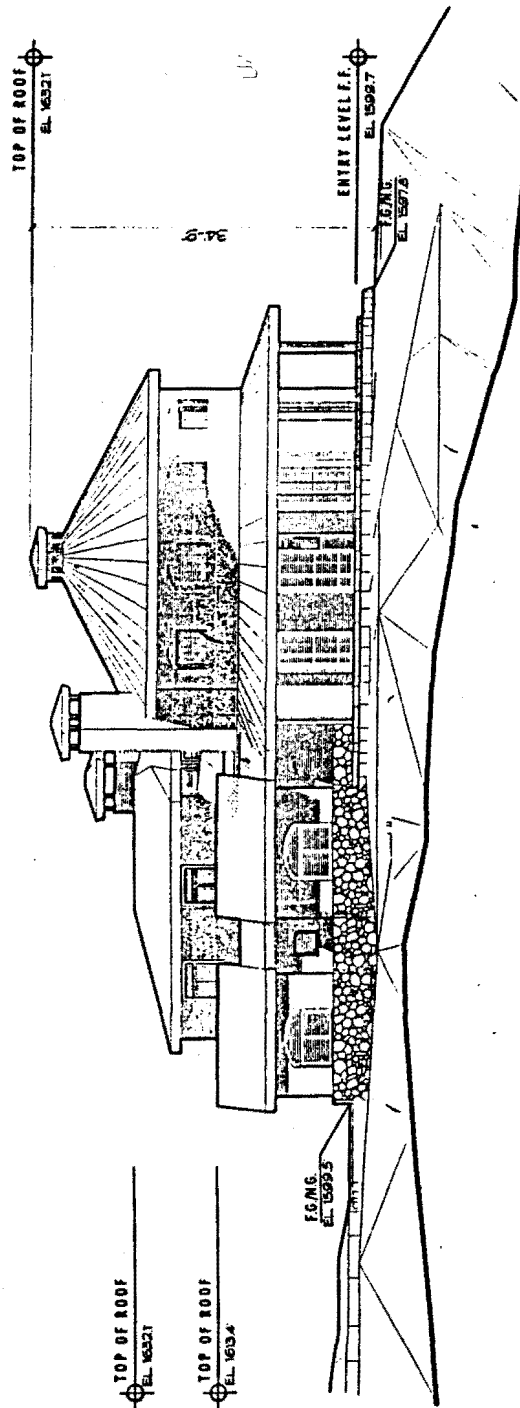
**EAST ELEVATION
RESIDENCE**

EXHIBIT NO. 7

APPLICATION NO. 2-88-125

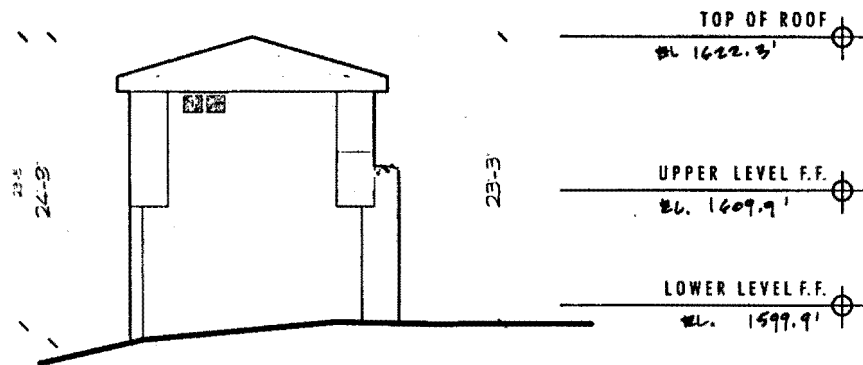
N. & E. Residence

Elevations



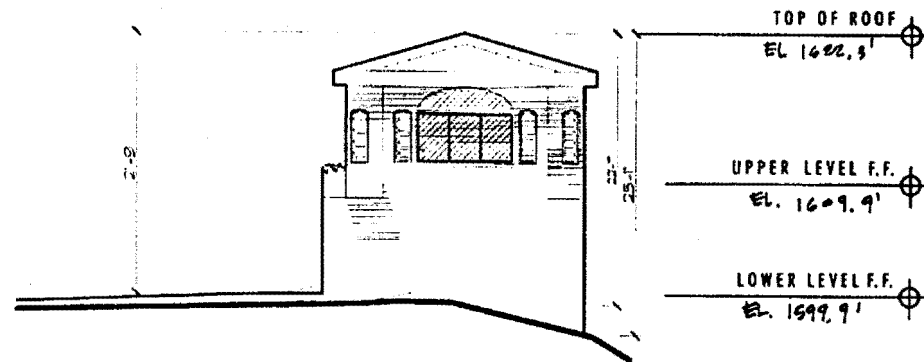
WEST ELEVATION
RESIDENCE

EXHIBIT NO. 8
APPLICATION NO. 4-00-125
W. Residence
Elevation



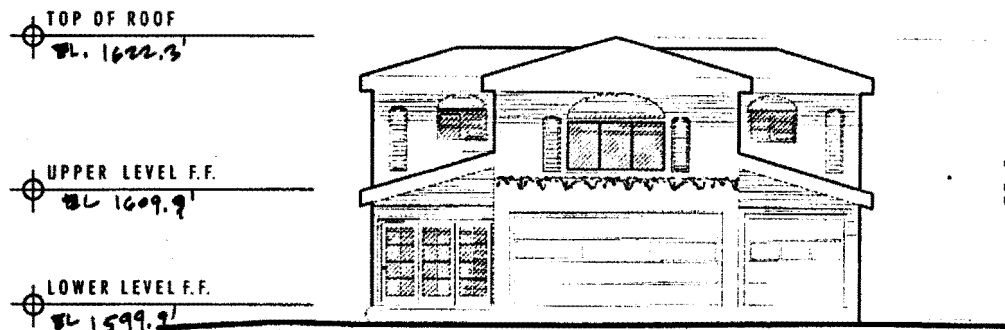
GUEST UNIT

South Elevation



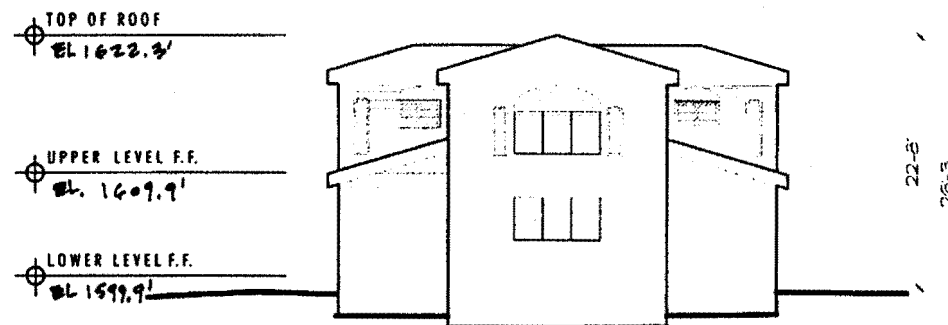
GUEST UNIT

North Elevation



GUEST UNIT

East Elevation



GUEST UNIT

West Elevation

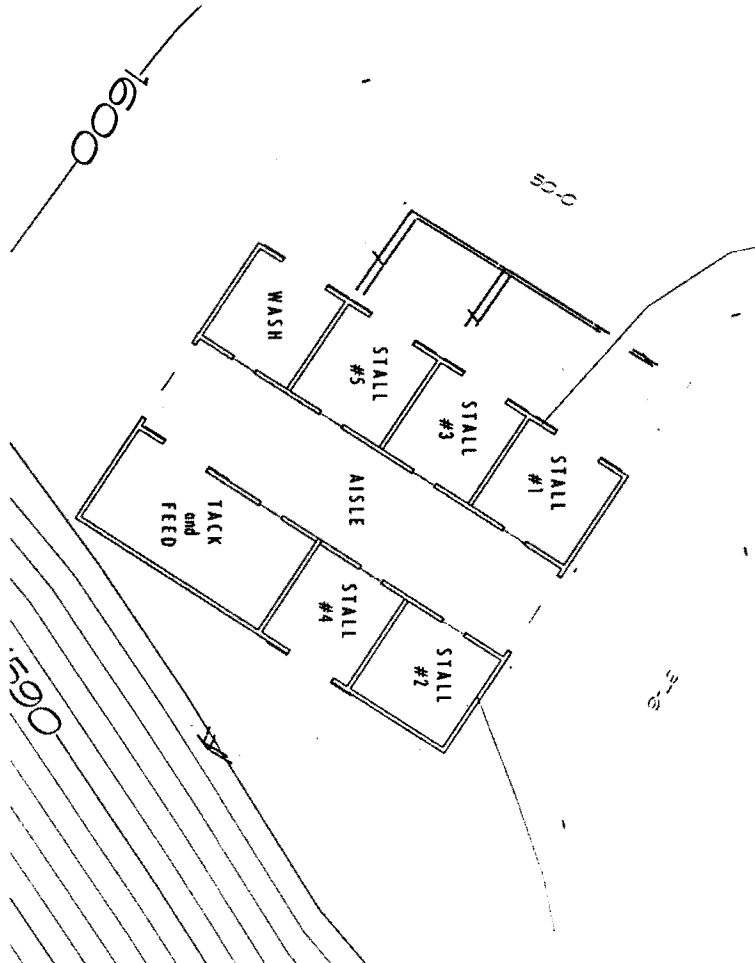
EXHIBIT NO. 9
APPLICATION NO.

4-00-125

GUEST HOUSE
ELEVATIONS

Floor Plan

BARN



BARN

North and South Elevations

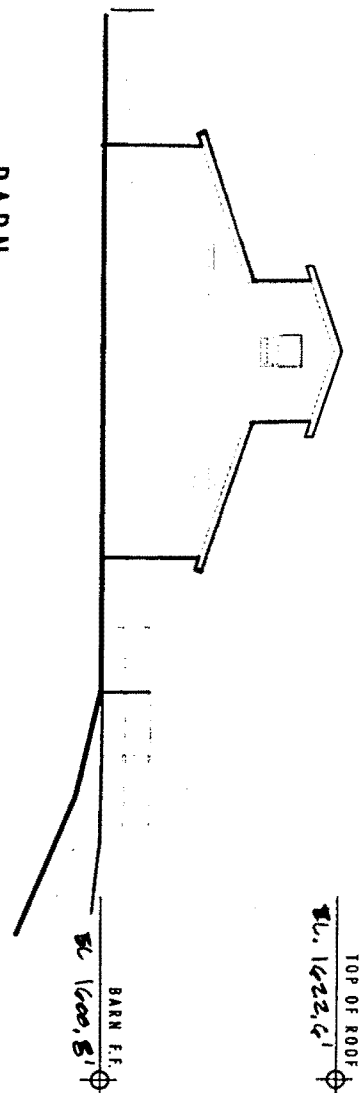
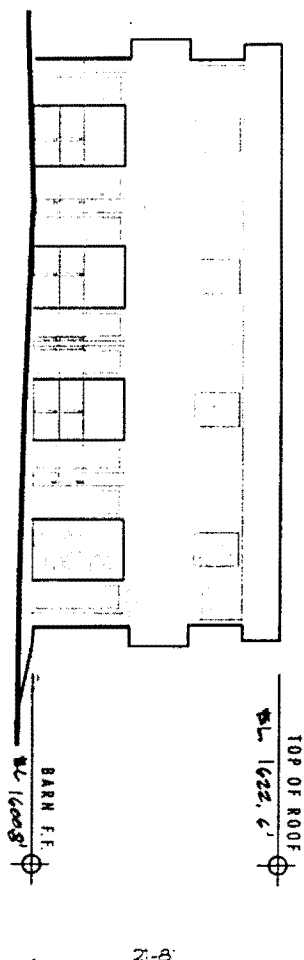


EXHIBIT NO. 10
APPLICATION NO.
4-00-125
BARN FLOOR PLAN & ELEVATIONS

BARN




East and West Elevations



BOMAR RESIDENCE
 1938 DECKER CANYON RD.
 MALIBU, CA 90265

FENCING LAYOUT PLAN

LEGEND

-  Open Wood Post & Beam Equestrian Fencing
-  Wrought-Iron Pool Fencing
-  Existing Fencing To Remain

NEW EQUESTRIAN FENCING
 TO BE SETBACK 15'-0" FROM
 PROPERTY LINE

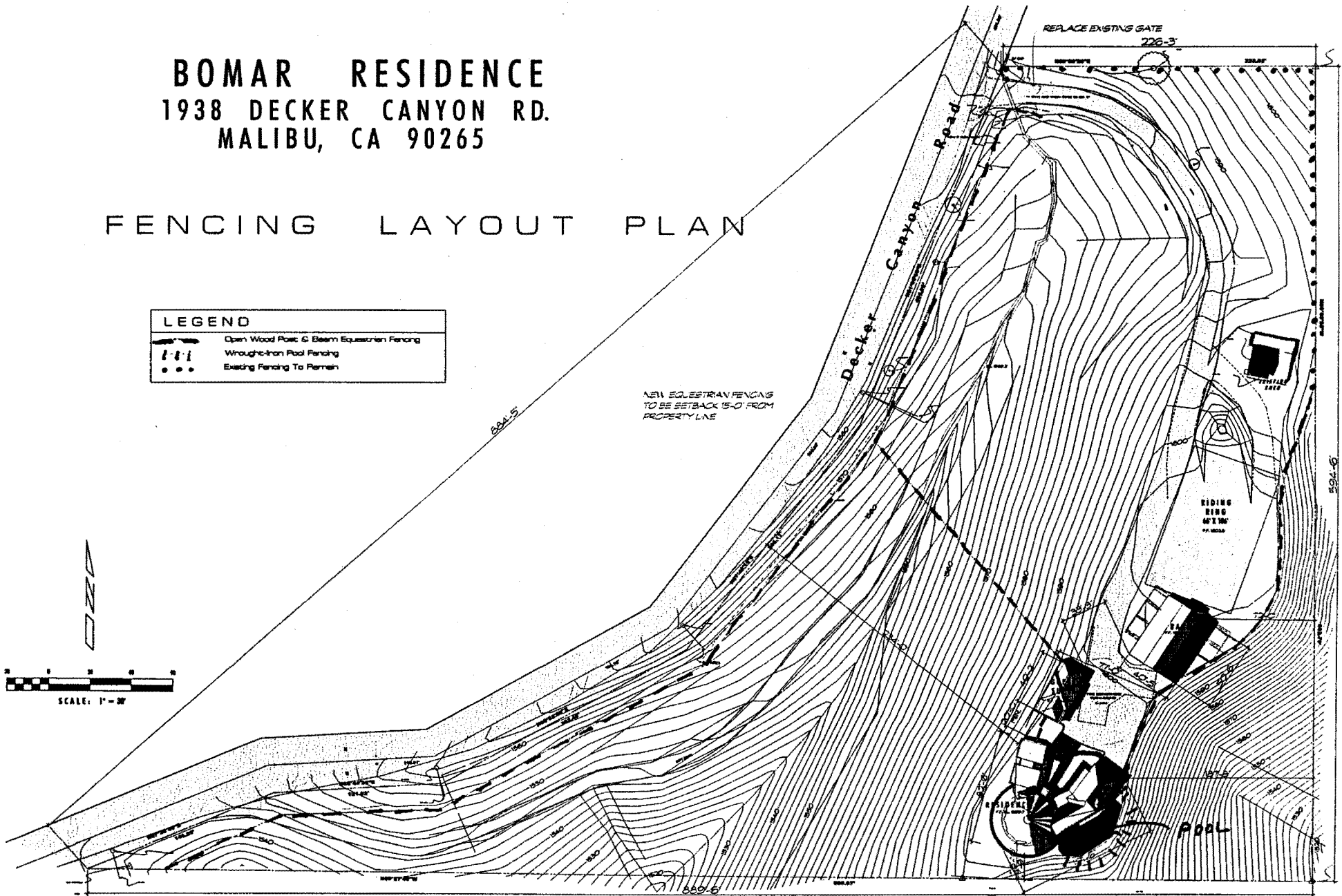


Exhibit 11

CDP 4-00-125

Fencing Plan