

CALIFORNIA COASTAL COMMISSION

1000 SOUTH CENTRAL COAST AREA
1000 SOUTH CALIFORNIA ST., SUITE 200
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Filed: 9/29/02
49th Day: 11/17/02
180th Day: 3/28/03
270th Day: 6/05/03
Staff: LKF-V *ju*
Staff Report: 4/18/03
Hearing Date: 5/09/03
Commission Action:



RECORD FACSIMILE COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-204
APPLICANT: Miljenko Pilepich
PROJECT LOCATION: 4365 Ocean View Drive, Unincorporated Malibu (Los Angeles County)
APN NO.: 4461-008-019

PROJECT DESCRIPTION: Construction of a new 804 sq. ft., 15 ft. high, pre-fabricated metal storage shed, and request for after-the-fact approval for demolition of a previously existing approximately 224 sq. ft. shed and construction of an approximately 1,000 sq. ft. paved building pad with approximately 10 ft. high, 80 ft. long retaining wall and approximately 280 cu. yds. of grading (all cut). The proposal also includes after-the-fact removal of 280 cu. yds. of unpermitted fill material placed on a slope on the property.

Lot area	17.93 acres
Building coverage	9,600 sq. ft.
Pavement coverage	34,700 sq. ft.
Landscape coverage	31,196 sq. ft.
Height Above Finished Grade	15 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, June 28, 2002.

SUBSTANTIVE FILE DOCUMENTS: Certified 1986 Malibu-Santa Monica Mountains Land Use Plan; "Geologic/Geotechnical Engineering Report, Proposed Storage Shed, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated August 20, 2002; Coastal Development Permit (CDP) No. 5-89-993 (Azar); CDP No. 4-92-077 (Greer).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **SIX (6) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) structural appearance, (5) deed restriction, and (6) condition compliance.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-02-204 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.

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. *Plans Conforming to Geologic Recommendations*

All recommendations contained in the submitted geologic report ("Geologic/Geotechnical Engineering Report, Proposed Storage Shed, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated August 20, 2002) shall be incorporated into all final design and construction including *foundations, retaining wall, and observation and testing*. Final plans must be reviewed and approved by the project's consulting geotechnical engineer and geologist. Prior to issuance of the coastal development permit, the applicant shall submit, for review and approval by the Executive Director, two sets of plans with evidence of the consultant's review and approval of all project plans.

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.

2. *Drainage and Polluted Runoff Control Plans*

Prior to the Issuance of the Coastal Development Permit, the applicant shall submit to the Executive Director for review and written approval, two sets of 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. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. 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 the amount of stormwater runoff produced by all storms 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 (i.e., 2 or greater), 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.

3. Landscaping and Erosion Control Plans

Prior to issuance of a coastal development permit, the applicants shall submit two sets of 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 landscaping and erosion control plans shall be reviewed and approved by the geotechnical engineering and geologic consultant to ensure that the plans are in conformance with the consultant's recommendations. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the following criteria:

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site, including the portions of the property disturbed by grading of the building pad area and placement and subsequent removal of the excavated material (as shown in **Exhibit 6**), shall be planted and maintained for erosion control purposes within (60) days of receipt of the subject permit. 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 cut and fill slopes shall be stabilized with planting at the completion of final grading. Plantings should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- (3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (4) The 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 50 feet of the proposed house 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 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 fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. 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.

B. Monitoring

Five years from the date of the receipt of the Certificate of Occupancy for the residence the applicants 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.

4. Structural Appearance

The color of the structure, roof, and retaining wall permitted hereby shall be restricted to a color compatible with the surrounding environment (white tones and highly reflective surfaces shall not be acceptable). All windows shall be comprised of non-glare glass.

5. Deed Restriction

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for

any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes construction of a new 804 sq. ft., 15 ft. high, pre-fabricated metal storage shed and requests after-the-fact approval for demolition of a previously existing approximately 224 sq. ft. shed and construction of an approximately 1,000 sq. ft. paved building pad with approximately 10 ft. high, 80 ft. long retaining wall and approximately 280 cu. yds. of grading (all cut). The proposal also includes after-the-fact approval for the removal of 280 cu. yds. of unpermitted fill material on a slope on the property to a site outside of the Coastal Zone. (**Exhibits 5-10**).

The project site is located on the nose of a prominent ridge dividing Latigo Canyon and Escondido Canyon, approximately two miles north of Pacific Coast Highway in unincorporated Malibu (**Exhibit 1**). The site is surrounded by undeveloped hillside to the south, east, and west, and by a Southern California Edison substation and residential development to the north. The site contains an existing single family residence, swimming pool, tennis court, kennel, landscaping, and numerous paved access roads (**Exhibits 4 and 5**). In addition, the applicant has requested approval for construction of a 996 sq. ft. barn and 1,000 gallon septic system in a separate application (CDP No. 4-02-225) that is also scheduled to be heard at the May 2003 Commission meeting.

The approximately 18 acre parcel spans the ridge, with the majority of the parcel located on the western slope. The western slope descends, at an average gradient of approximately 1:1, approximately 400 vertical feet to Escondido Creek, a U.S. Geological Survey designated blue line stream that borders the western property line (**Exhibit 2**). Just south of the subject site, the creek cascades dramatically into the canyon below, forming the Escondido Waterfalls. The Upper Escondido Falls, at approximately 150 feet, are the highest waterfall in the Santa Monica Mountains. The western slope of the property, below the developed portions of the site, contains undisturbed coastal sage scrub habitat and is an environmentally sensitive habitat area (ESHA), as is the riparian area surrounding Escondido Creek.

Escondido Canyon is also an important recreational and visual resource. The largely undeveloped canyon slopes provide scenic public views from Latigo Canyon Road, De Butts Terrace, and local trails, including the Escondido Falls trail, a one-mile public trail that follows the bottom of the canyon to the base of the falls, and the Ramirez Canyon Connector Trail that runs along De Butts Terrace (**Exhibit 3**).

Due to its visual and habitat values, the westernmost 250 feet of the parcel have been dedicated as an easement for open space, view preservation and habitat protection. This dedication was required as a condition of CDP No. 5-89-993, which subdivided a 28.77-acre parcel into the subject lot and an adjacent 10.84 acre parcel. A subsequent exemption determination, CDP No. 4-92-077-X, allowed construction of a 1,000 sq. ft. addition to the main residence.

As noted above, much of the subject property is visible from the Escondido Falls Trail and the Ramirez Canyon Connector Trail. Due to its location near the top of the ridge, and the effect of intervening topography, the proposed shed will not be visible from the Escondido Falls Trail; it will, however, be visible from the Ramirez Canyon Connector Trail (**Exhibit 10**). The proposed shed is located approximately 450 feet from the on-site ESHA, and will not require additional fuel modification or brush clearance due to its non-habitable use and non-flammable construction.

B. GEOLOGY AND WILDFIRE HAZARD

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

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

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

Geology

Section 30253 of the Coastal Act mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. The proposed development is located adjacent to an existing paved access road on the subject property and involved approximately 280 cu. yds. of excavation into an approximately 1:1 slope, and construction of an approximately 10 foot high retaining wall.

The applicant has submitted a geologic report, ("Geologic/Geotechnical Engineering Report, Proposed Storage Shed, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated August 20, 2002), which makes recommendations regarding foundations, retaining walls, and observations and testing.

The report concludes:

It is the opinion of the undersigned that the proposed structure will be safe against hazard from landslide, settlement or slippage, and that the proposed construction will have no adverse geologic effect on offsite properties. Assumptions critical to our opinion are that the design recommendations will be properly implemented during the proposed construction, and that the property will be properly maintained to prevent excessive irrigation, blocked drainage devices, or other adverse conditions.

Therefore, based on the recommendations of the applicant's geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geologic consultants' recommendations are incorporated into the final project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the engineering geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structure and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and runoff control is included in the proposed development, the Commission requires the applicants to submit drainage and polluted runoff control plans certified by the geotechnical engineer, as specified in **Special Condition Two (2)**.

Furthermore, the Commission finds that landscaping of graded and disturbed areas on the subject site, including the portions of the property disturbed by grading of the building pad area and the unpermitted placement and subsequent removal of the excavated material, will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Three (3)** requires the applicant to submit landscaping plans certified by the consulting geotechnical engineer as in conformance with their recommendations for landscaping of the project site. **Special Condition Three (3)** requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Thus, the Commission finds that in order to ensure site stability, all slopes and disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Three (3)**.

Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with §30253 of the Coastal Act.

C. 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.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and 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, in order to find the proposed development 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 Two (2)** 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.

Therefore, for all the reasons stated above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and preserved. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size of the proposed structure(s).

The subject site overlooks Escondido Canyon, an important visual resource. The largely undeveloped canyon slopes provide scenic public views from Latigo Canyon Road, De Butts Terrace, and local trails, including the Escondido Falls Trail, a one-mile public trail that follows the bottom of the canyon to the base of the falls, and the Ramirez Canyon Connector Trail that runs along De Butts Terrace. Due to its location near the top of the ridge, and the effect of intervening topography, the proposed shed will not be visible from the Escondido Falls Trail; it will, however, be visible, at a distance, from the Ramirez Canyon Connector Trail.

Along with the proposed shed, the applicant is also requesting after-the-fact approval for approximately 280 cu. yds. of grading (all cut) of the slope behind the proposed shed, and placement of an approximately 80 ft. long, 10 ft. high retaining wall. Although the grading has altered the base of the ascending slope behind the shed, the alteration will be largely obscured by the proposed shed, as will be the lower and middle portions of the retaining wall. Either end of the retaining wall will be visible from the Ramirez Canyon Connector Trail.

Because the proposed project is visible from public viewing areas along the Ramirez Canyon Connector Trail, the Commission finds it necessary to impose design restrictions minimizing the

visual impacts of the proposed project. The use of non-glare glass and colors compatible with the natural background will help to ensure that the proposed project blends with its surroundings to the maximum extent feasible. Therefore, **Special Condition Four (4)** restricts the use of colors to a natural background palette and requires the use of non-glare glass on site. In addition, **Special Condition Five (5)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

E. VIOLATION

Unpermitted development has taken place prior to submission of this permit application including demolition of a previously existing approximately 224 sq. ft. shed, construction of an approximately 1,000 sq. ft. paved building pad with approximately 10 ft. high, 80 ft. long retaining wall and approximately 280 cu. yds. of grading (all cut), placement of the 280 cu. yds. of excavated material on a slope on the property, and subsequent removal of the excavated material outside of the Coastal Zone. The applicant requests after-the-fact approval for the development described above. The applicant also requests approval to construct a new 804 sq. ft., 15 ft. high, pre-fabricated metal storage shed on the unpermitted paved building pad. The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition Six (6)** requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. 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).

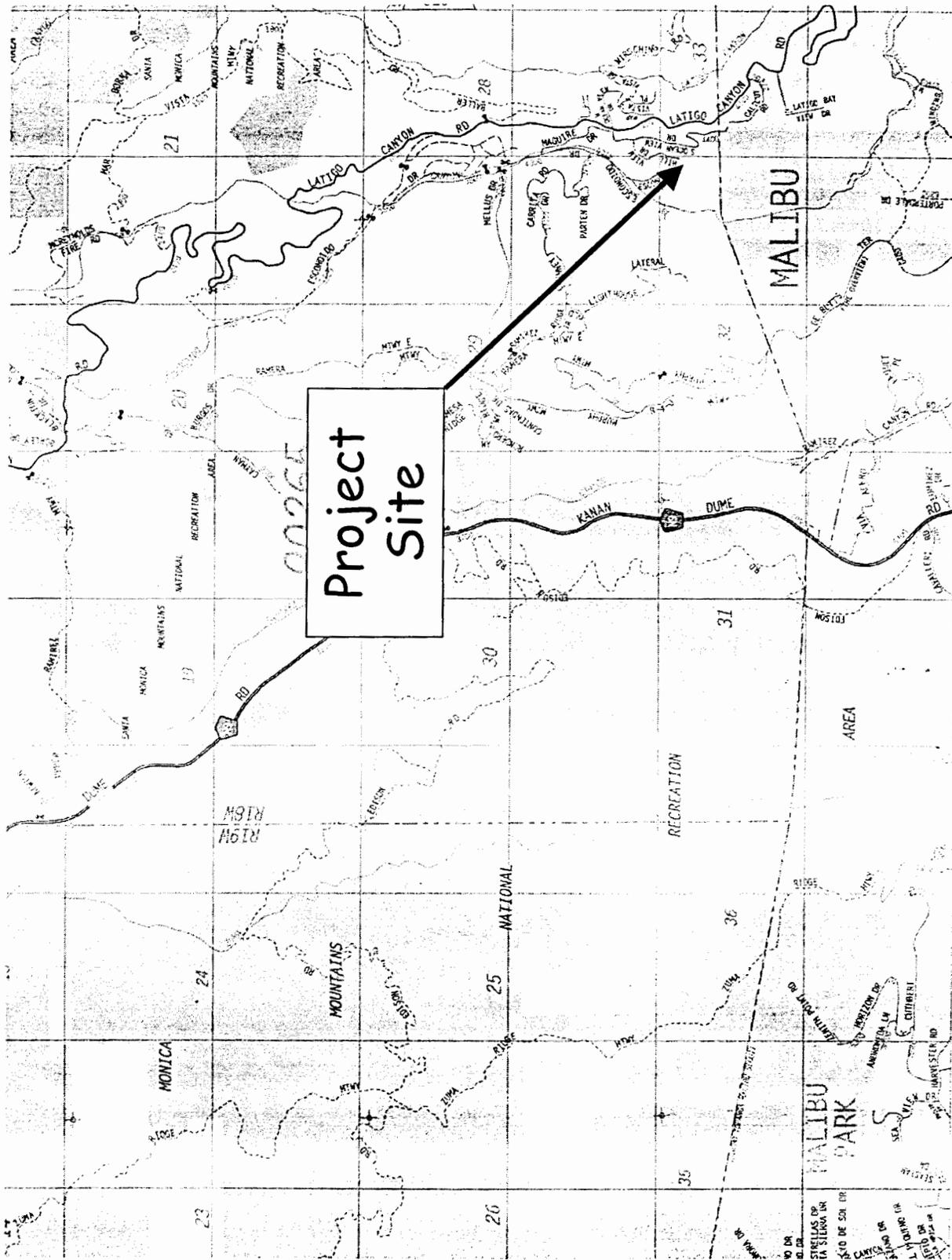
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to

prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed 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 project 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 County's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

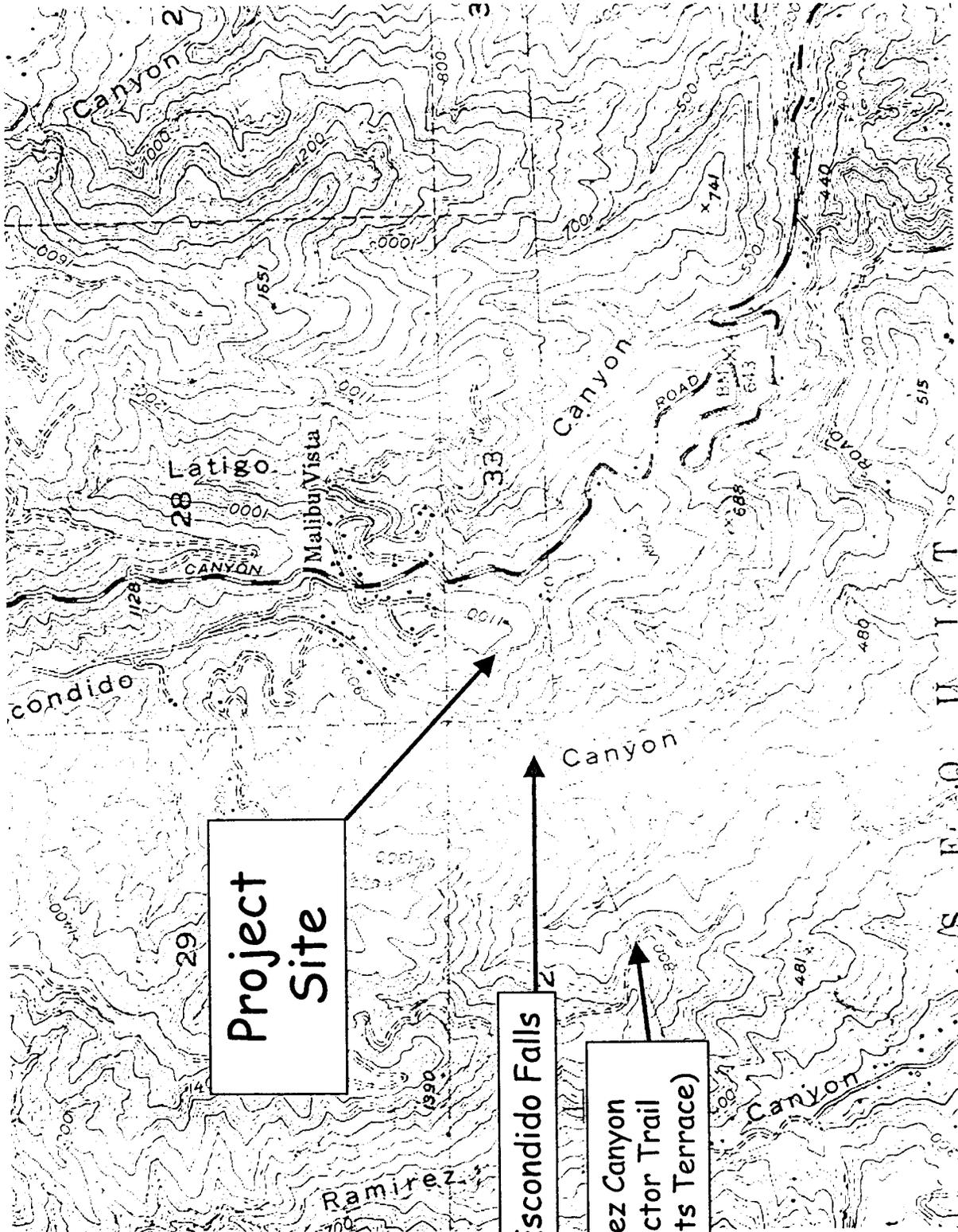
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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



Project Site

EXHIBIT NO. 1
APPLICATION NO.
4-02-204
VICINITY MAP



Project Site

Escondido Falls

Ramirez Canyon
Connector Trail
(De Butts Terrace)

EXHIBIT NO. 2
APPLICATION NO.
4-02-204
TOPOGRAPHY

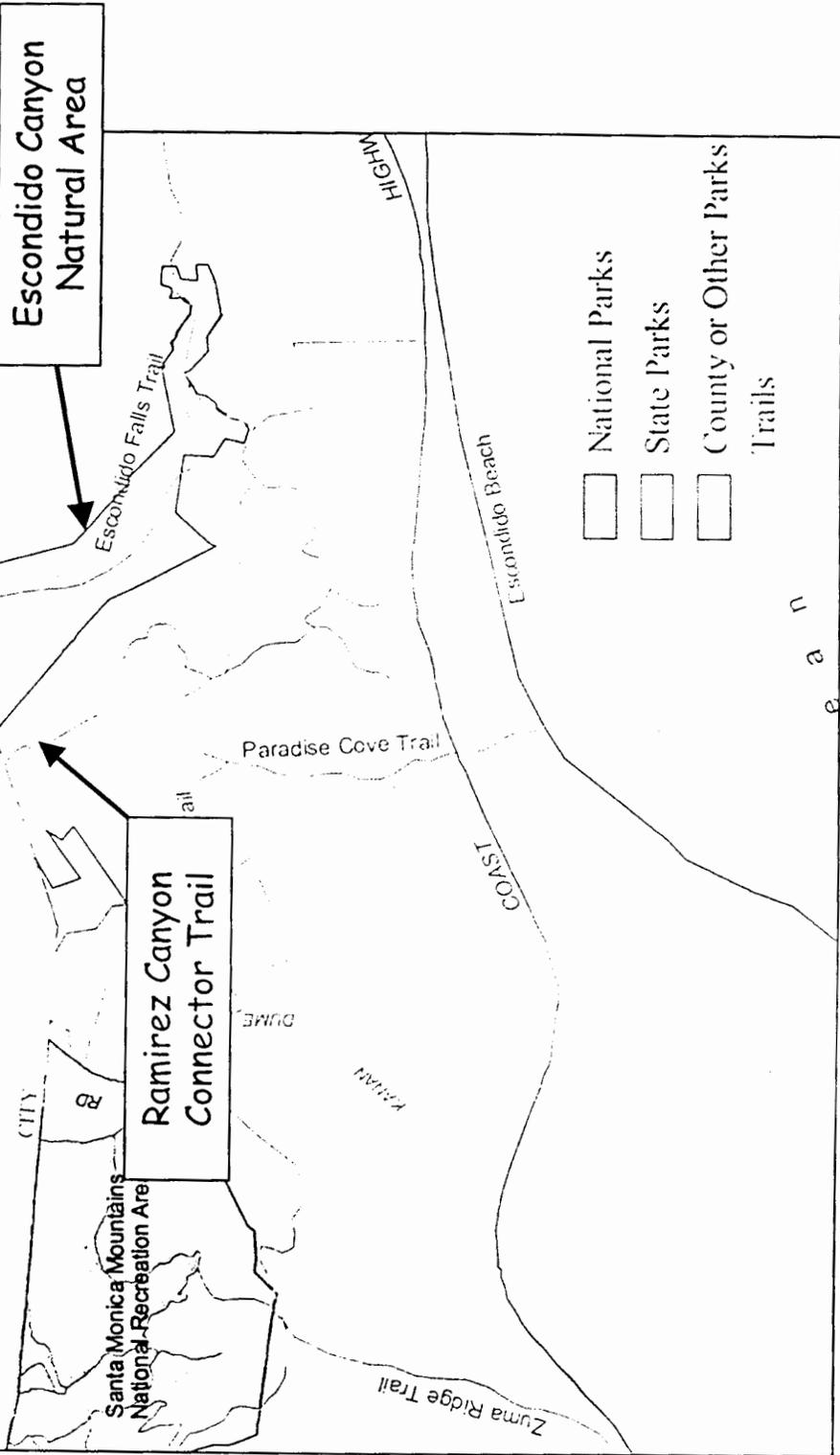
Local Coastal Program - City of Malibu

Park Lands Map 2:

Zuma Beach to Escondido Beach

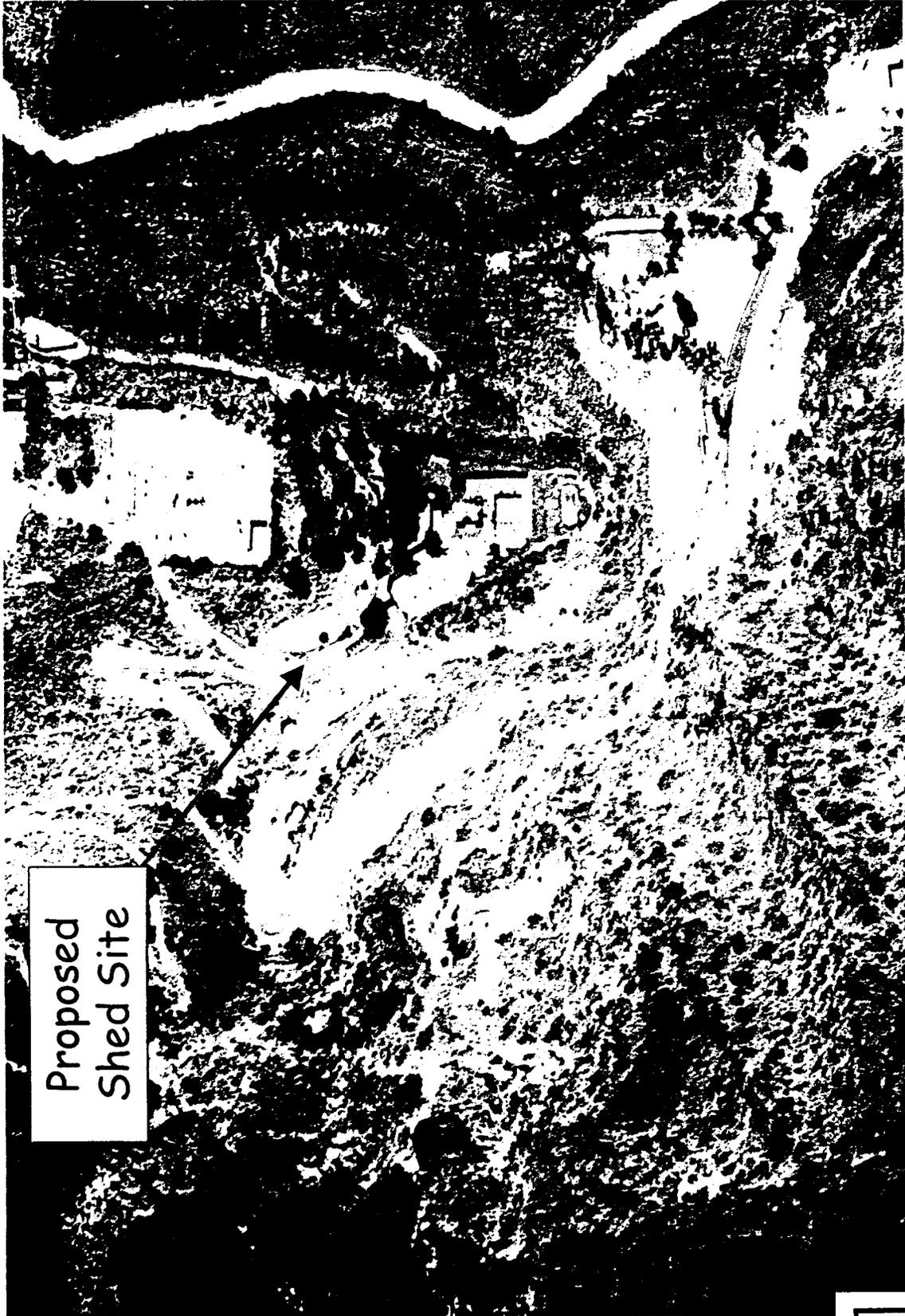
★ Project Site

BOUNDARY



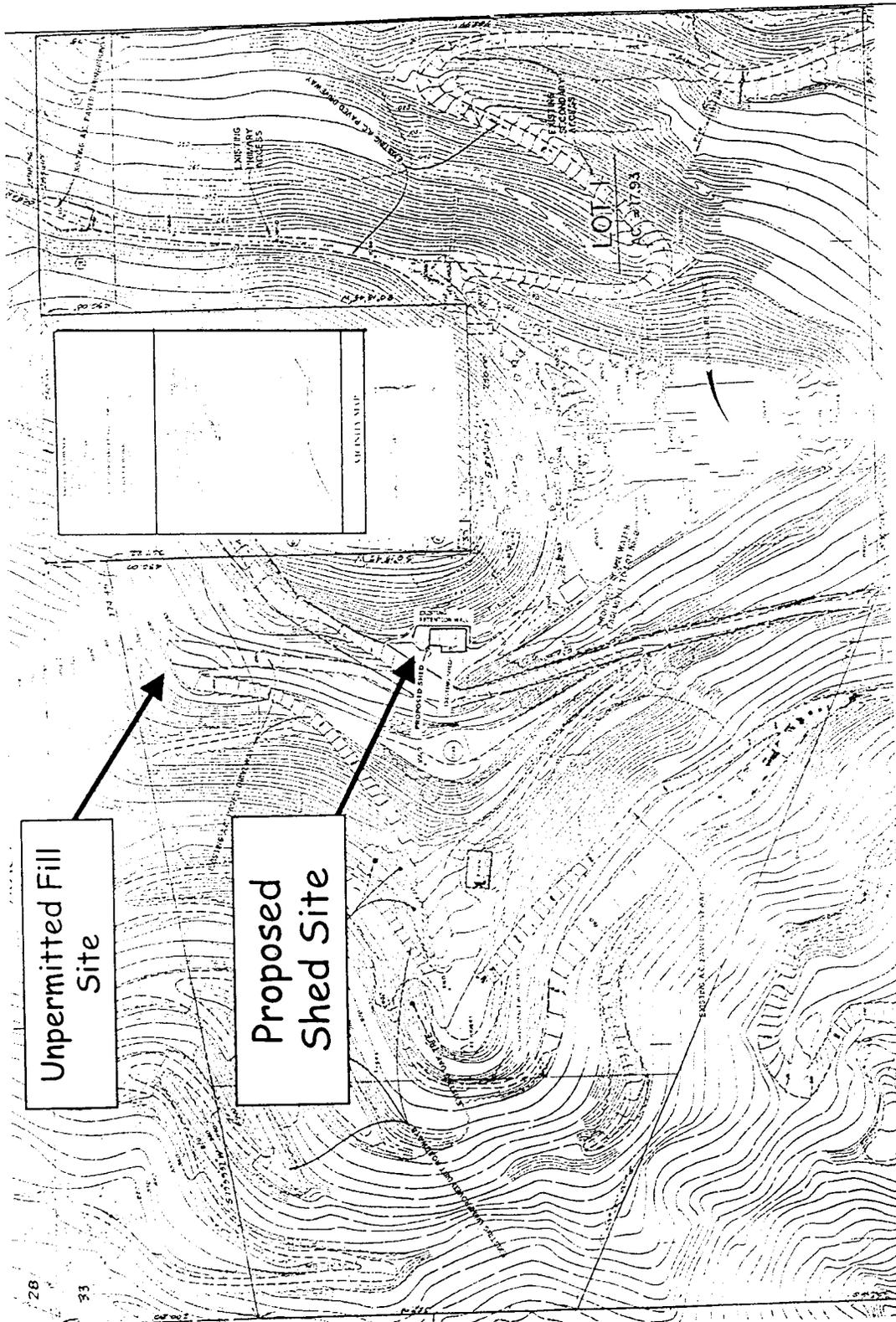
- National Parks
- State Parks
- County or Other Parks
- Trails

EXHIBIT NO. 3
APPLICATION NO.
4-02-204
PARKS + TRAILS



Proposed
Shed Site

EXHIBIT NO. 4
APPLICATION NO.
4-02-204
AERIAL VIEW



Unpermitted Fill Site

Proposed Shed Site

EXHIBIT NO. 5
APPLICATION NO.
4-02-204
SUBJECT PROPERTY

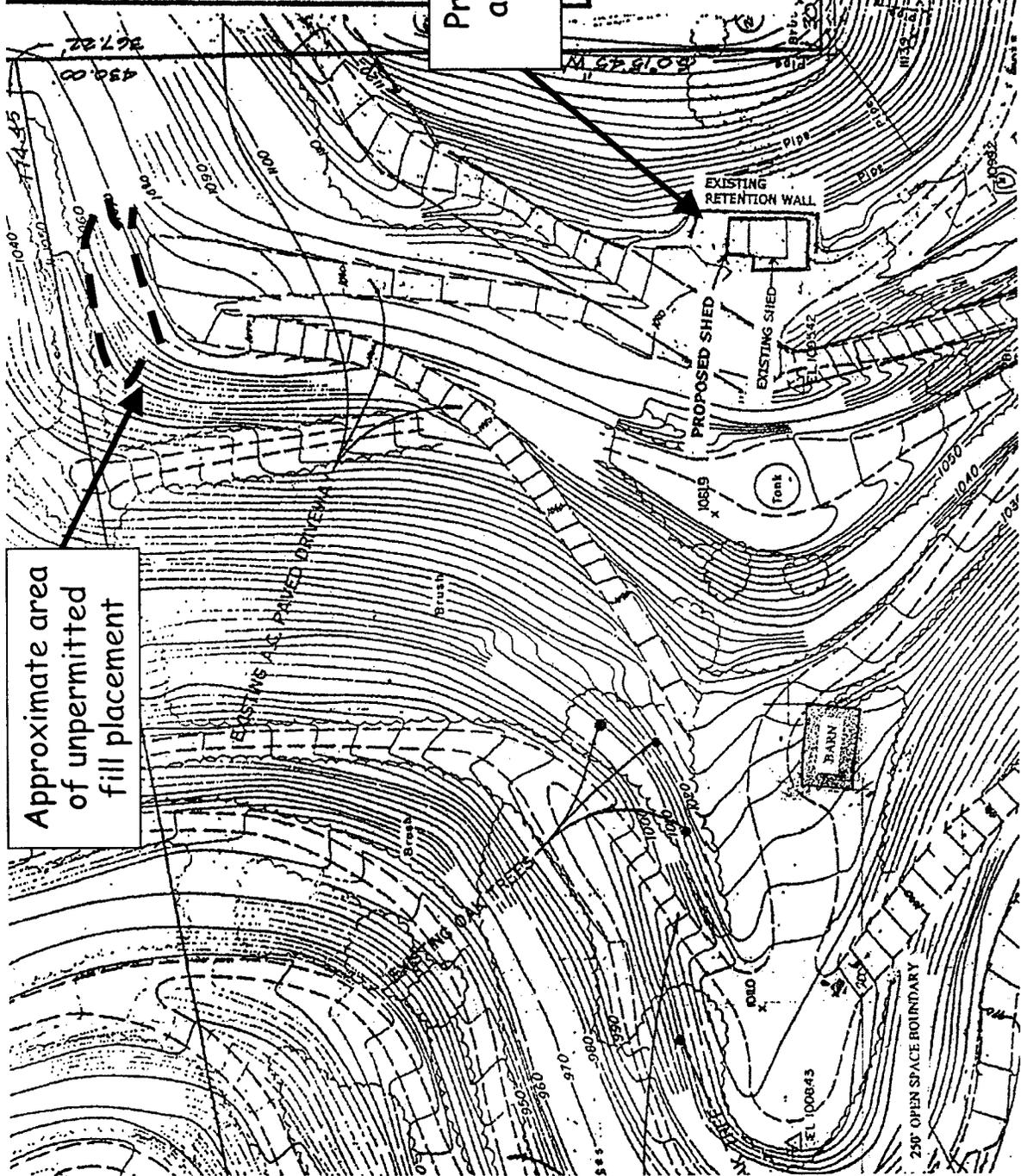
ASSESSOR PA
SCOPE OF WORK
CONSTRUCT



Proposed Shed
and Retaining
Wall

VIC

SCALE: 1"



Approximate area
of unpermitted
fill placement

EXHIBIT NO. 6
APPLICATION NO.
4-02-204
SITE PLAN

36'

24'

804 S.F.

21'

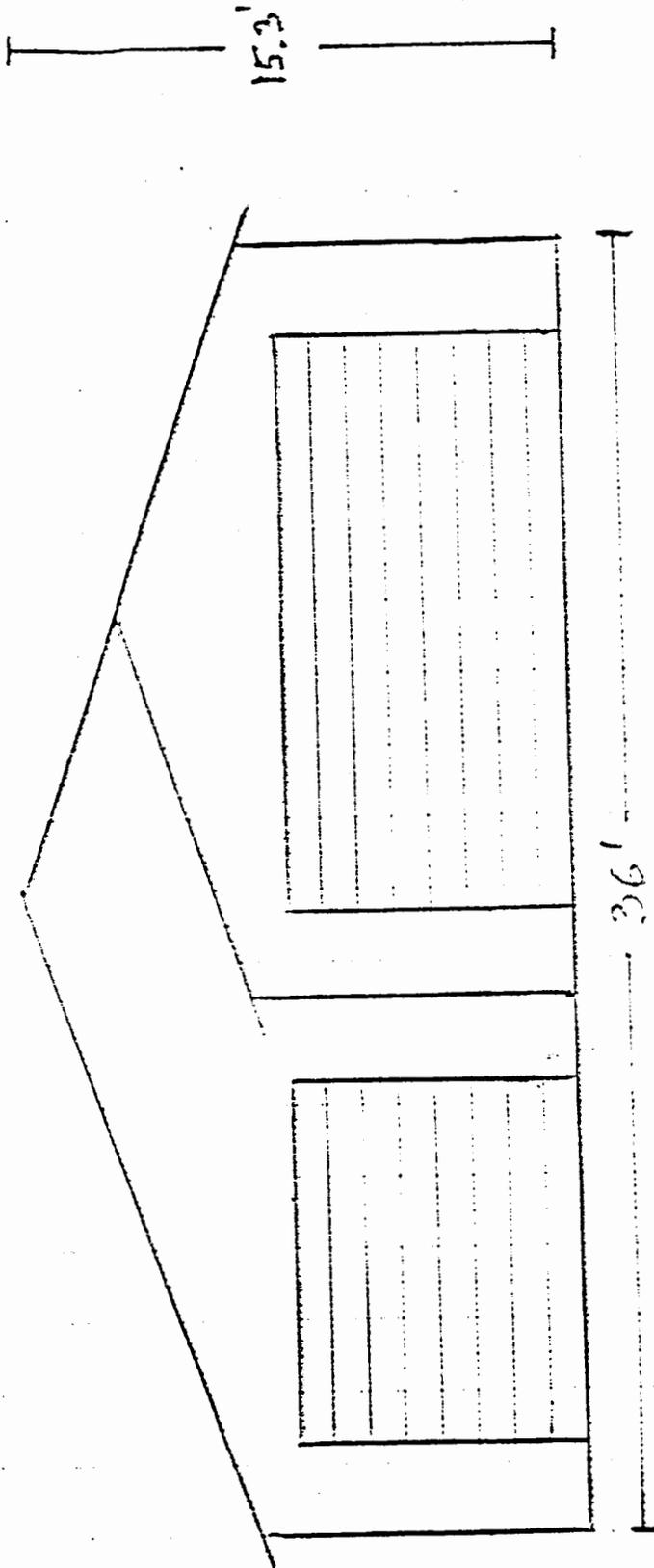
STORAGE / SHED
REPLACEMENT

15'

20'

1365 OCEAN VIEW DRIVE
MALIBU, CA

EXHIBIT NO. 7
APPLICATION NO.
4-02-204
FLOOR PLAN



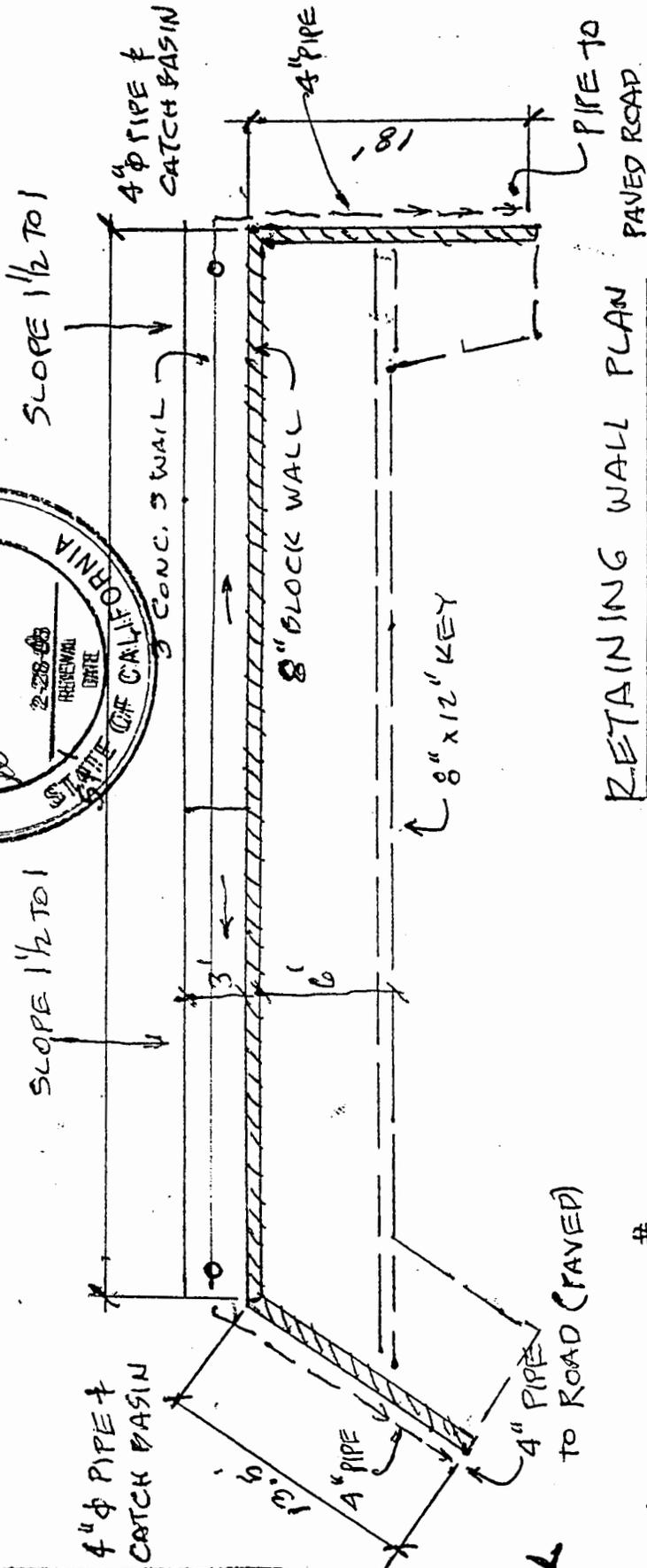
RECEIVED

AUG 30 2002

.....

EXHIBIT NO. 8
APPLICATION NO.
4-02-204
ELEVATION

CONC.



RETAINING WALL PLAN

1/8" = 1'-0"

1. CONC. 2500 # PSI MINIMUM
2. REINFORCING 20,000 MIN. BLOCK MASONRY.
3. BLOCK - STANDARD MASONRY.

- a. Provisions shall be made for contributory drainage at all times.
- b. Owner will maintain drainage devices and keep free of debris.

EXHIBIT NO. 9
APPLICATION NO.
4-02-204
RETAINING WALL

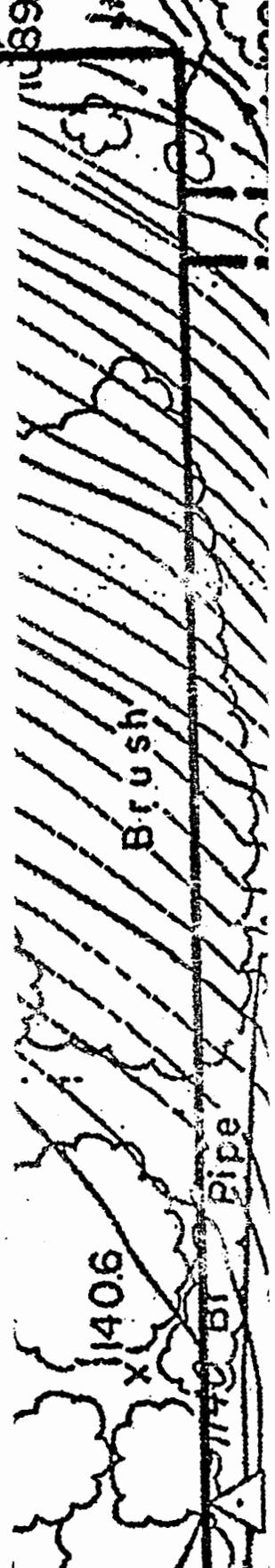




Photo 1: Proposed shed site. View is to the east.

EXHIBIT NO. 10

APPLICATION NO.

4-02-204

PHOTOS (2pp.)



Photo 2: View of proposed barn site from Ramirez Canyon Connector Trail. View is to the east.

