

CALIFORNIA COASTAL COMMISSION

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

Filed: 9/09/02
49th Day: 10/28/02
180th Day: 3/08/03
270th Day: 6/05/03
Staff: LKF-V
Staff Report: 4/18/03
Hearing Date: 5/09/03
Commission Action:



RECORD TAGSET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-225

APPLICANT: Miljenko Pilepich

PROJECT LOCATION: 4365 Ocean View Drive, Unincorporated Malibu (Los Angeles County)

APN NO.: 4461-008-019

PROJECT DESCRIPTION: Construction of a 996 sq. ft. concrete barn and 1,000 gallon septic system, with no grading.

Lot area	17.93 acres
Building coverage	8,796 sq. ft.
Pavement coverage	34,700 sq. ft.
Landscape coverage	32,000 sq. ft.
Height Above Finished Grade	22 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, December 6, 2001; County of Los Angeles Environmental Health Approval in Concept, June 28, 2002.

SUBSTANTIVE FILE DOCUMENTS: Certified 1986 Malibu-Santa Monica Mountains Land Use Plan; "Geologic/Geotechnical Engineering Report, Proposed Barn, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated January 11, 2001; "Percolation Test Results Summary and Septic System Design Report for Proposed Barn, 4365 Ocean View Drive, Malibu Area, County of Los Angeles," by Gold Coast Geoservices, Inc. dated December 13, 2000; Coastal Development Permit (CDP) No. 5-89-993 (Azar); CDP No. 4-92-077 (Greer).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **DENIAL** of the proposed project. As detailed in the findings, the proposed project is inconsistent with Chapter Three policies for the protection of visual resources. Feasible alternatives exist that would be consistent with the visual resource protection policies of Chapter Three of the Coastal Act.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-225 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 996 sq. ft., 22 ft. high barn and a 1,000 gallon septic system (**Exhibits 5 through 10**). The project is proposed on an existing level pad, therefore no grading is proposed.

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 an 804 sq. ft. shed, and after-the-fact approval for construction of an approximately 1,000 sq. ft. paved building pad, with retaining wall and approximately 280 cu. yds. of grading (all cut) in a separate application (CDP No. 4-02-204) 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 is very steep, descending 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 Escondido 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 (**Exhibit 11**).

Escondido Canyon is also an important recreational and highly scenic 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 (**Exhibits 2, 3 and 11**).

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.

The proposed barn will be visible from the Escondido Falls Trail and the Ramirez Canyon Connector Trail. In addition, the proposed seepage pit is located within 100 feet of the dripline of three oak trees adjacent to the building pad. The proposed barn is located approximately 200 feet from the on-site ESHA, and will not extend fuel modification into the ESHA area.

B. 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.

1. Protection of Public Views

Section 30251 of the Coastal Act requires that permitted development be sited and designed to protect views to and along scenic coastal areas. The project site is located within a highly scenic area identified in the Commission-certified 1986 Malibu-Santa Monica Mountains Land Use Plan (LUP) as the Escondido / Latigo Canyon Viewshed. The Malibu-Santa Monica Mountains LUP, which is used as guidance in Commission review of development, provides the following policies for new development in highly scenic areas:

(P130) New development 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.
- be visually compatible with and subordinate to the character of its setting
- be sited so as not to significantly intrude into the skyline as seen from public viewing places

(P131) Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

Escondido Canyon, in particular, is 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. In past actions on coastal permits, the Commission has consistently found that the scenic and visual qualities of Escondido Canyon are a significant natural resource and that ridgeline views along the canyon should be protected. The Commission has consistently required that new development visible from the canyon minimize impacts to visual resources as seen from the public trail [CDP No. 5-90-921 (Landgate); CDP No. 4-99-010 (McNicholas); CDP No. 4-00-044 (Blank Par-E, LLC)].

The proposed barn is located on a spur ridge overlooking Escondido Canyon and the Escondido Waterfalls, and will be visible from both the Ramirez Canyon Connector Trail and the Escondido Falls Trail. From the Escondido Falls Trail, the proposed barn would be visible on the ridgeline as it ascends from Escondido Falls, and would thus interrupt both the skyline view and the undeveloped appearance of the hillside surrounding the falls. As shown in **Exhibit 11**, the remainder of development on the subject property is obscured from view.

Although several developments are visible from the Escondido Falls Trail for the most part the development above the canyon is not visible from the trail. Through past permit actions the Commission has required that development be sited and designed such that it is not visible from the Escondido Falls Trail. The proposed barn will be visible from the trail and will adversely impact the highly scenic views from the trail. The Commission finds that the proposed project is not designed to protect views in a scenic coastal area and is not compatible with the character of the surrounding area. Therefore, the project is not consistent with Section 30251 of the Coastal Act and the LUP policies cited above.

2. Project Alternatives

Alternatives to the proposed project plans exist that would minimize adverse impacts on public views consistent with Coastal Act Section 30251. These alternatives include (a) construction of the proposed barn in a less prominent location, such as adjacent to the existing developed area near the main residence; (b) elimination of the proposed barn and construction of a low-lying, non-reflective shade structure north of the proposed barn location; and (c) elimination of the proposed barn. As the subject site contains an existing single family residence, swimming pool, tennis court, kennel, landscaping, and numerous paved access roads, a reasonable residential use of the property is already provided by the existing development.

a. Construction of Barn in a Less Prominent Location

Constructing the barn in a less prominent location on the project site would minimize adverse effects to public views, particularly to views from the Escondido Falls Trail. Although much of the site is either too steep to build or already developed, a barn could be constructed on the site on which the applicant currently proposes to build a 804 sq. ft. storage shed (CDP Application No. 4-02-204). This site, which is adjacent to an existing access road further up the hillside, is not visible from the Escondido Falls Trail (**Exhibits 6 and 11**). In addition, the site could be expanded, with some additional grading, to accommodate a small storage shed as well as a barn.

b. Elimination of the Barn and Construction of a Low-Lying Shade Structure

Replacing the proposed barn with a low-lying, non-reflective shade structure north of the proposed barn site would provide equestrian shelter while minimizing impacts on views from the Escondido Falls Trail. A 12 foot high shade shelter would stand 10 feet lower than the proposed barn, would entail less substantial development (pipe railing instead of walls) and could be set back at least 30 feet further from the edge of the pad closest to the trail, thus rendering the structure invisible from the Escondido Falls Trail.

c. Elimination of the Barn

The proposed barn is an accessory structure on a property that is already substantially developed with a single family residence, swimming pool, tennis court, kennel, landscaping, and numerous paved access roads. Forgoing construction of the barn would eliminate all associated impacts on visual resources, will still allowing for reasonable use of the property.

Implementation of any of the above alternatives to the proposed project would significantly reduce the visual impacts of the proposed project. Therefore, for the reasons discussed above, the Commission finds that the proposed development, as proposed, has not been sited or designed in a manner that would minimize adverse effects to public views and is, therefore, not consistent with Section 30251 of the Coastal Act.

C. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act states:

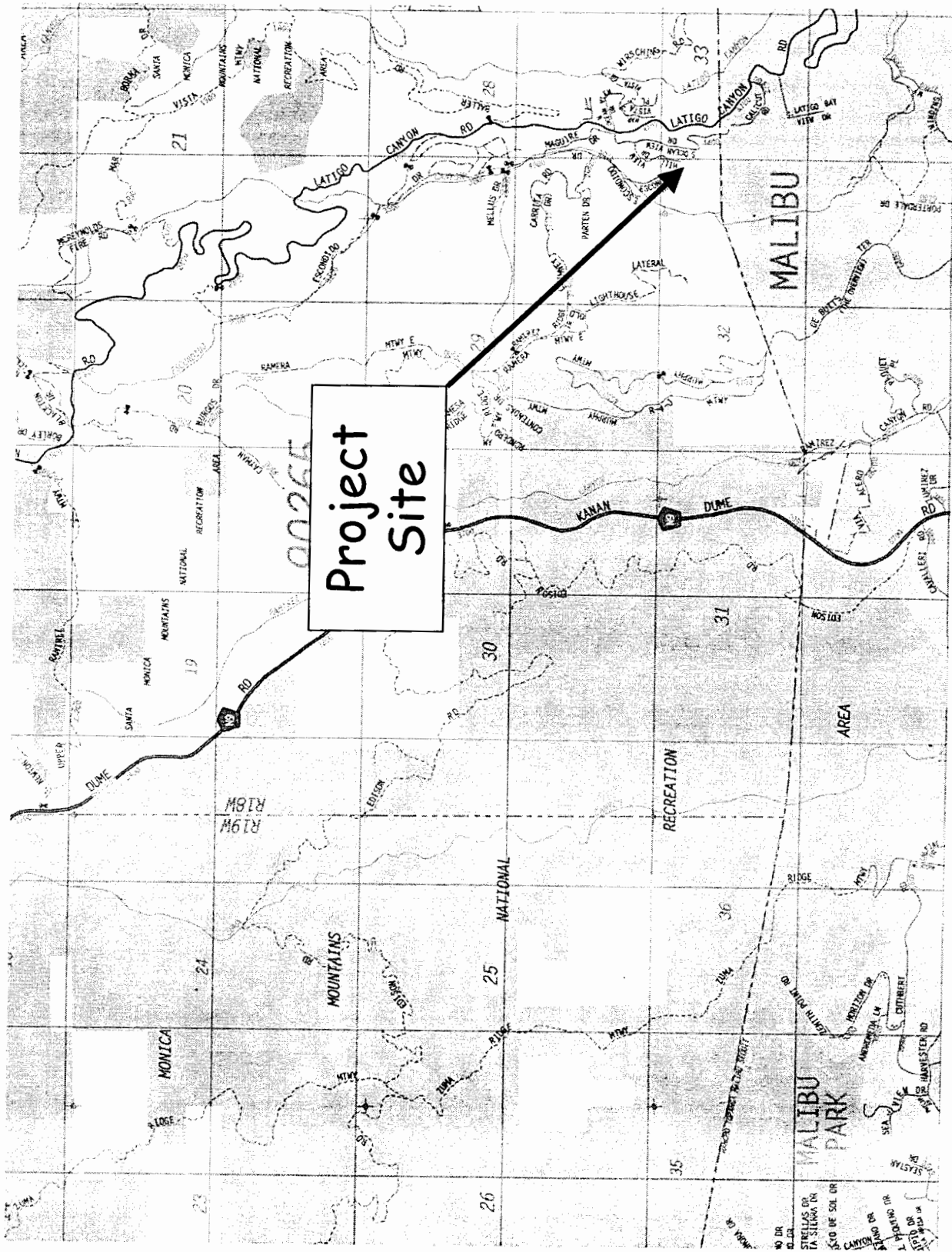
Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted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

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter Three policies of the Coastal Act. The preceding sections provide findings that the proposed project would not be in conformity with the provisions of Chapter Three of the Coastal Act. The proposed project would result in adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter Three. Therefore, the Commission finds that approval of the proposed development would prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area that is also consistent with the policies of Chapter Three of the Coastal Act as required by Section 30604(a).

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

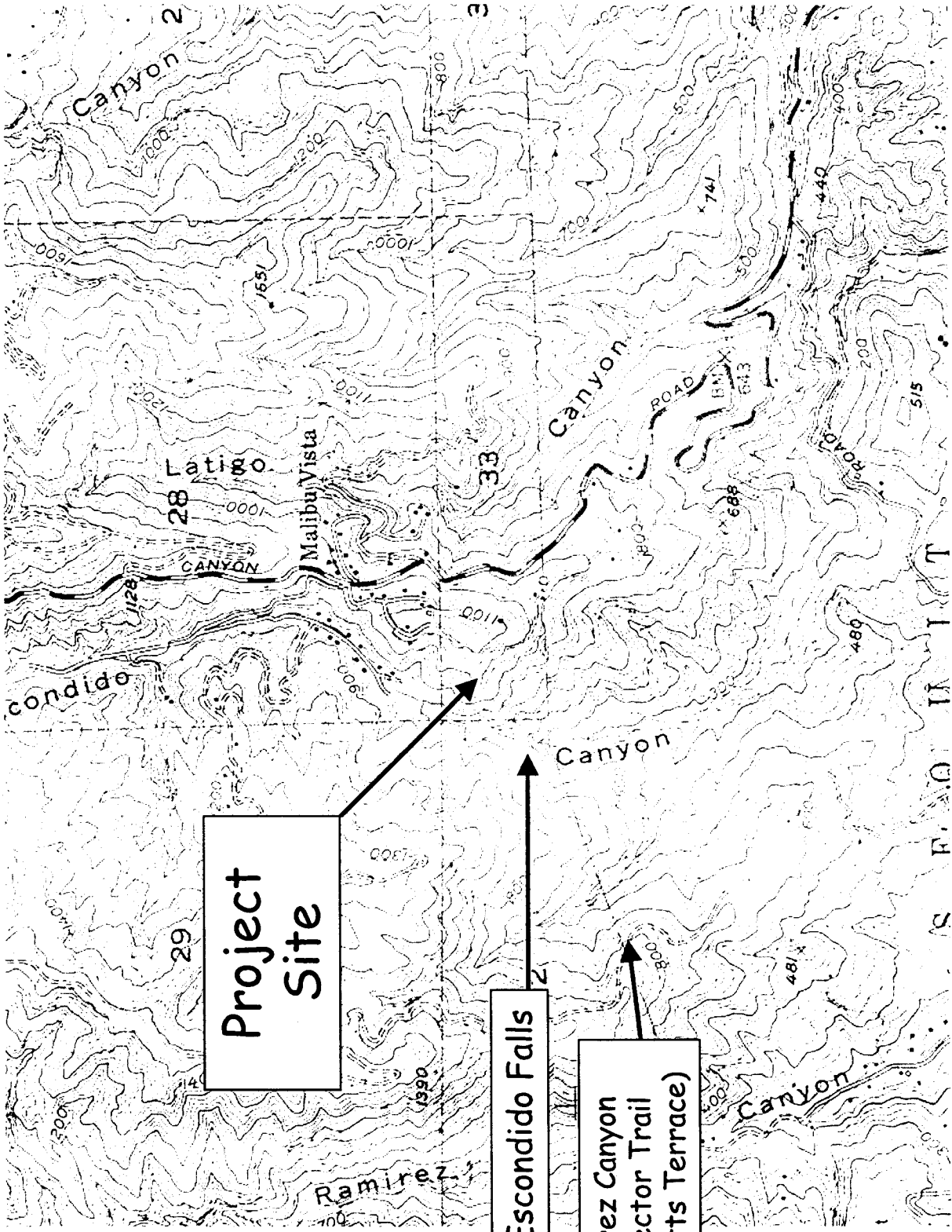
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California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

The Commission finds that the proposed project would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project is determined to be inconsistent with CEQA and the policies of the Coastal Act. As noted previously, feasible alternatives exist which would not result in the significant, avoidable adverse impacts to coastal resources and public coastal views of this portion of the applicants' proposed project.



Project Site

EXHIBIT NO. 1
APPLICATION NO.
4-02-225
VICINITY MAP



Project Site

Escondido Falls

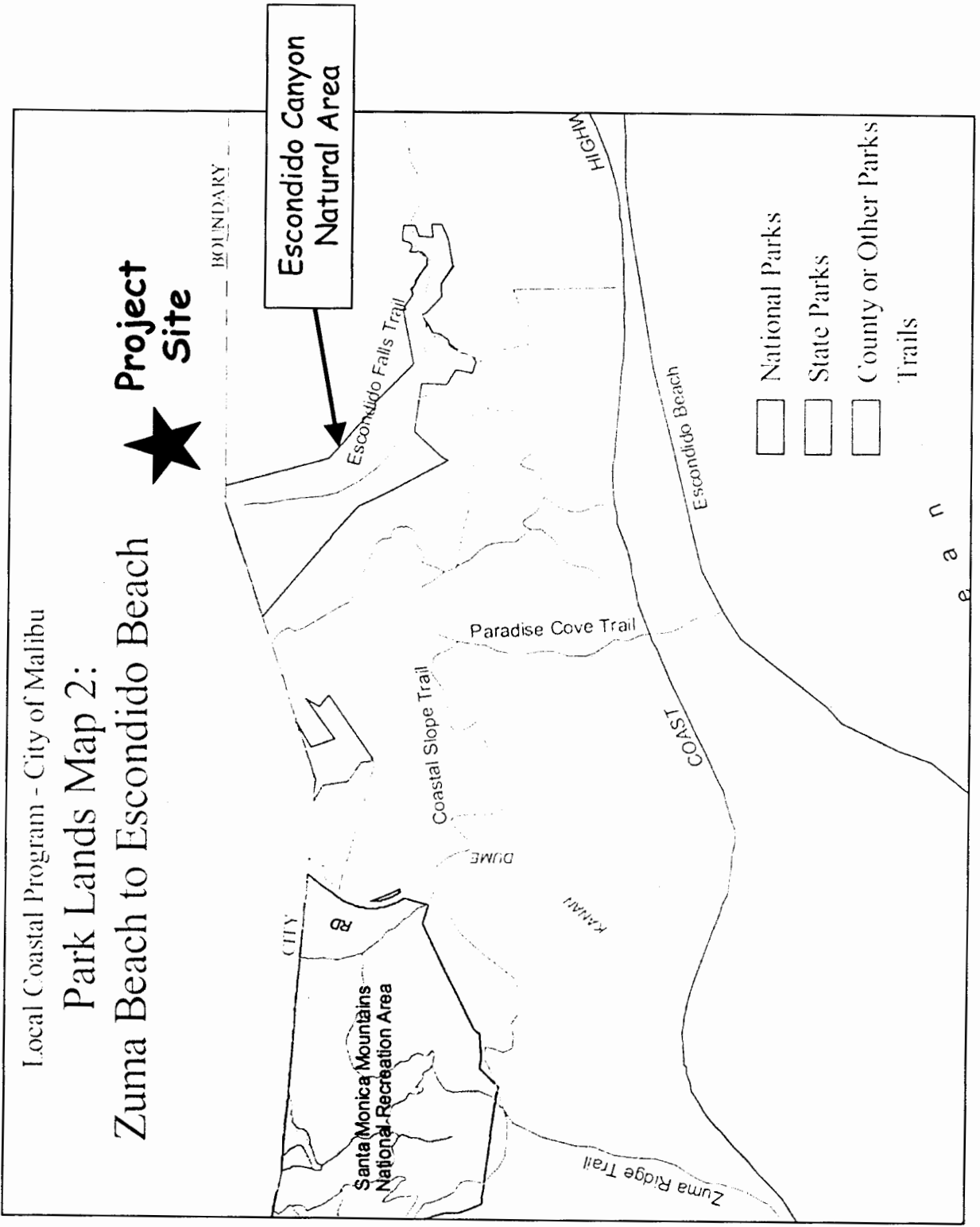
Ramirez Canyon Connector Trail (De Butts Terrace)

EXHIBIT NO. 2
APPLICATION NO.
4-02-225
TOPOGRAPHY

Local Coastal Program - City of Malibu

Park Lands Map 2: Zuma Beach to Escondido Beach

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Project Site



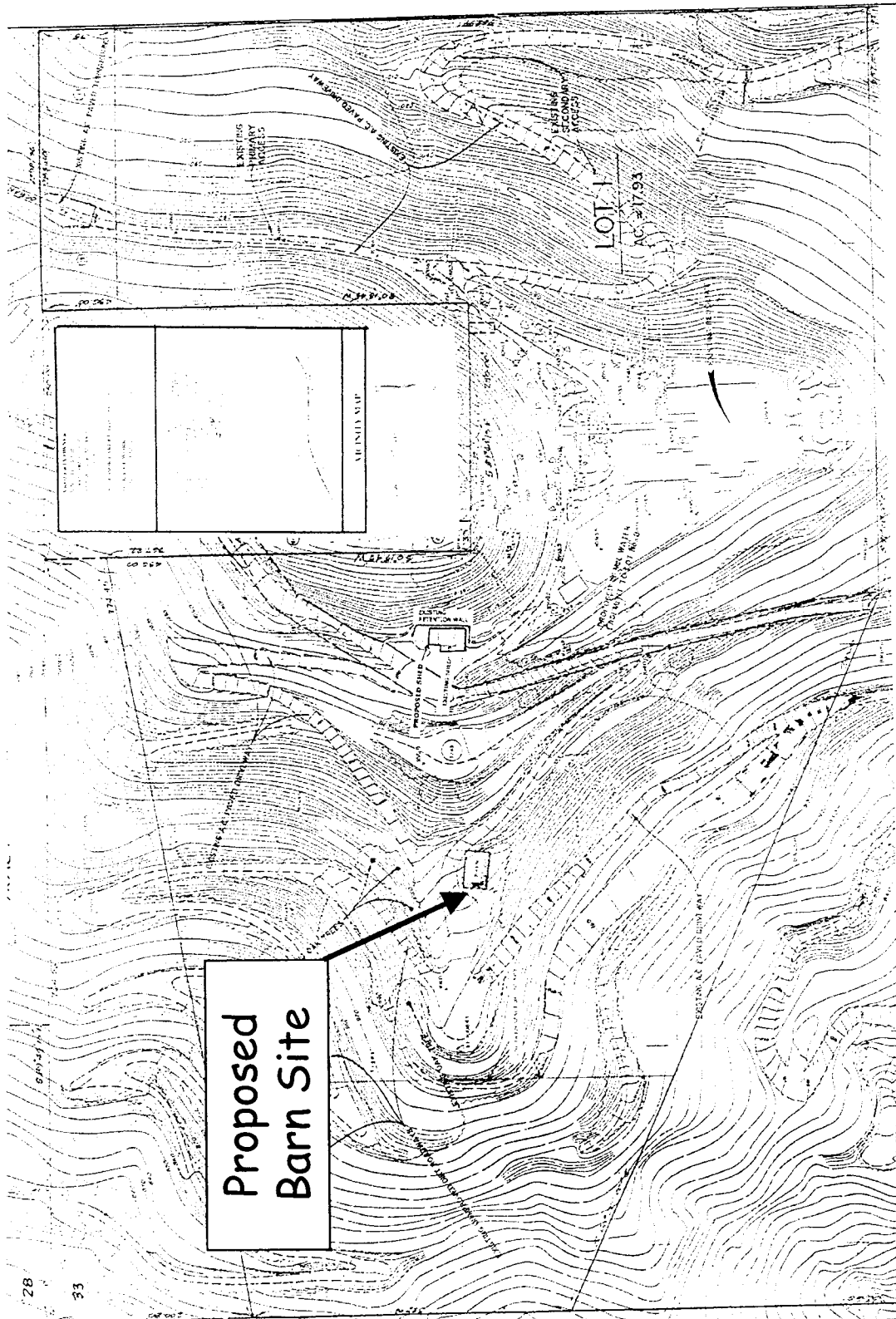
- National Parks
- State Parks
- County or Other Parks
- Trails

EXHIBIT NO. 3
APPLICATION NO.
4-01-225
PARKS + TRAILS



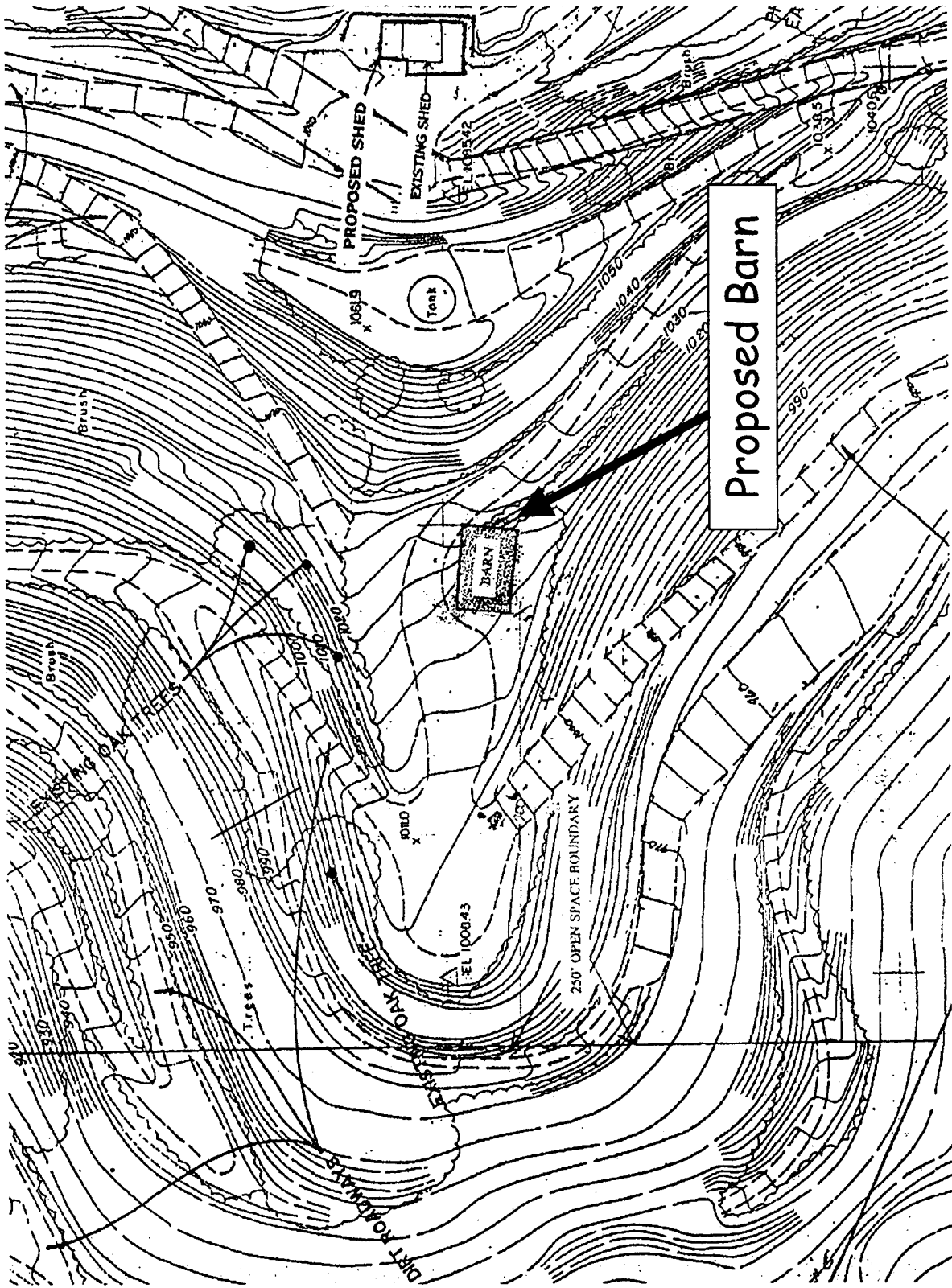
Proposed
Barn Site

EXHIBIT NO. 4
APPLICATION NO.
4-01-225
AERIAL VIEW



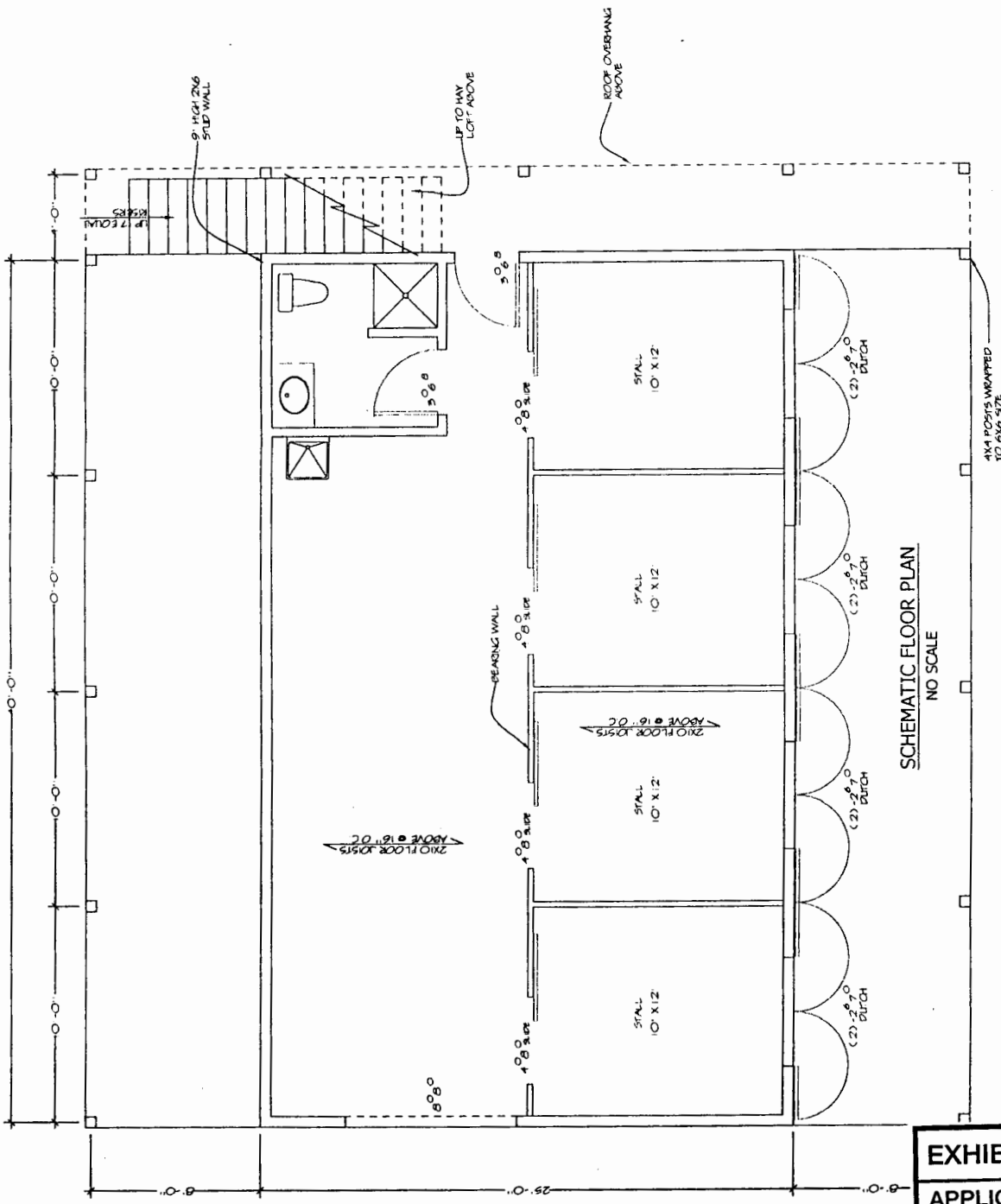
Proposed
Barn Site

EXHIBIT NO. 5
APPLICATION NO.
4-01-225
SUBJECT PROPERTY

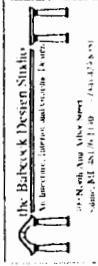


Proposed Barn

EXHIBIT NO. 6
APPLICATION NO.
4-01-225
SITE PLAN



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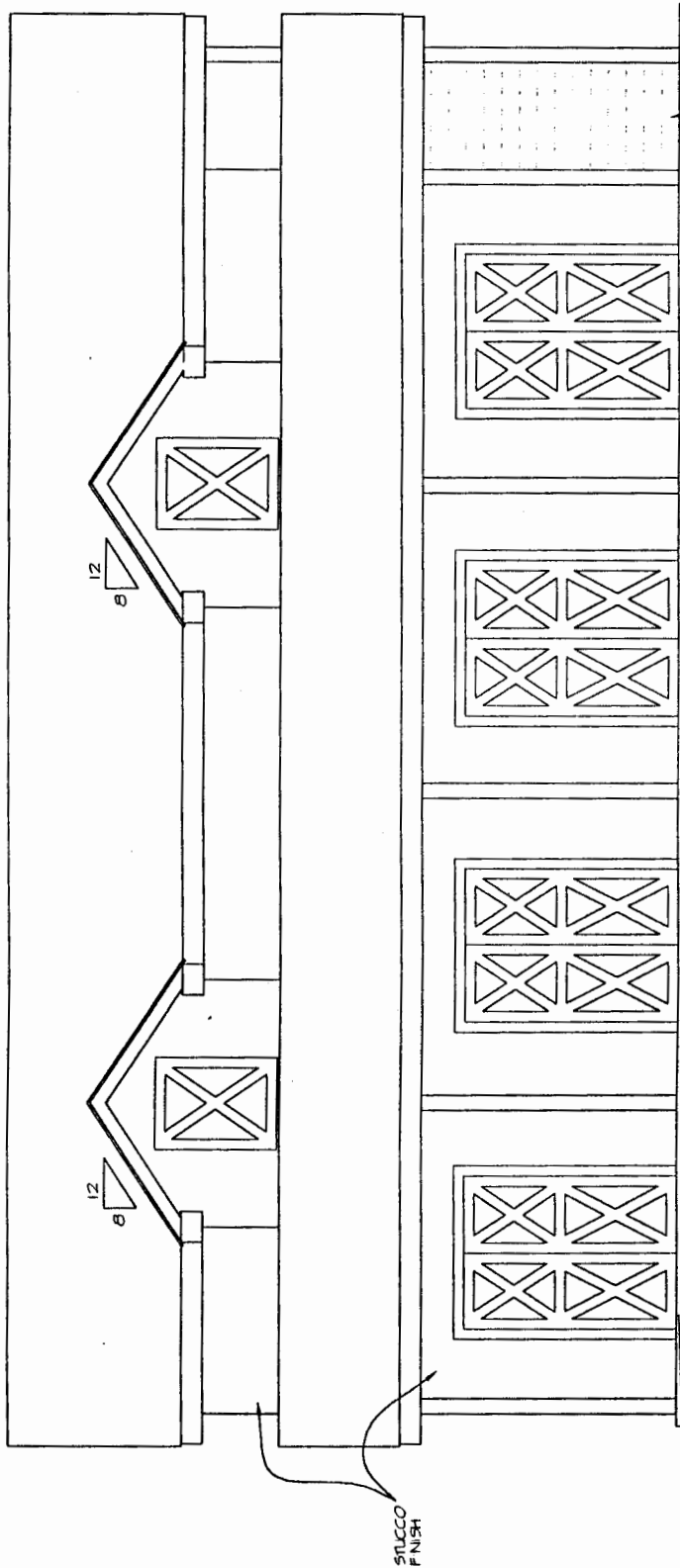
PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

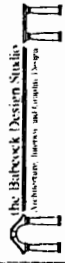
SCALE: NO SCALE
DATE: NOV 28, 2001
ISSUE: SCHEMATIC

SCHEMATIC FLOOR PLAN
SK-1

EXHIBIT NO. 7
APPLICATION NO.
4-01-225
FLOOR PLAN



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PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

SCALE: 1/4" = 1'-0"

DATE: NOV 28, 2001

ISSUE: SCHEMATIC

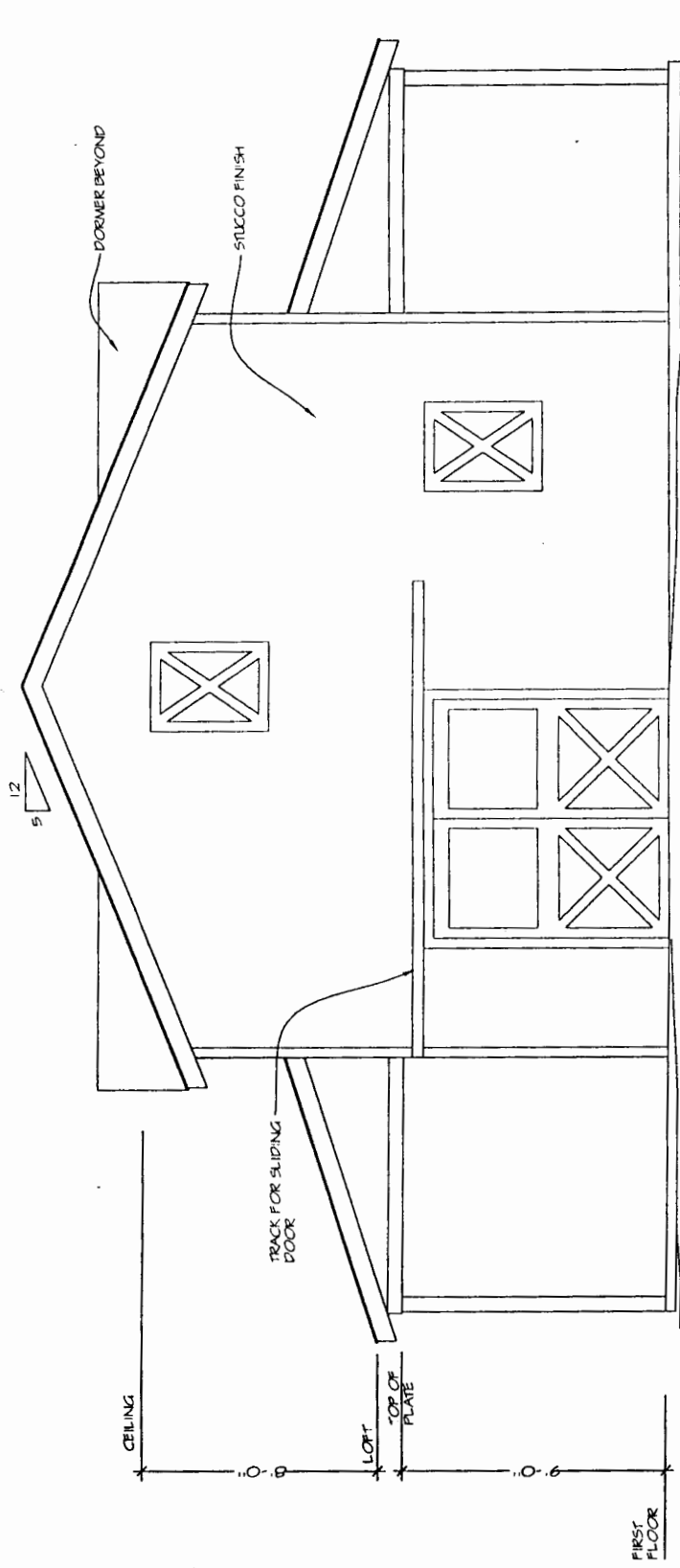
SCHEMATIC SIDE ELEVATION

SK-3

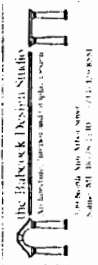
SCHEMATIC SIDE ELEVATION

1/4" = 1'-0"

EXHIBIT NO. 8
APPLICATION NO.
4-01-225
ELEVATION (1)



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PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

SCALE: 1/4" = 1'-0"

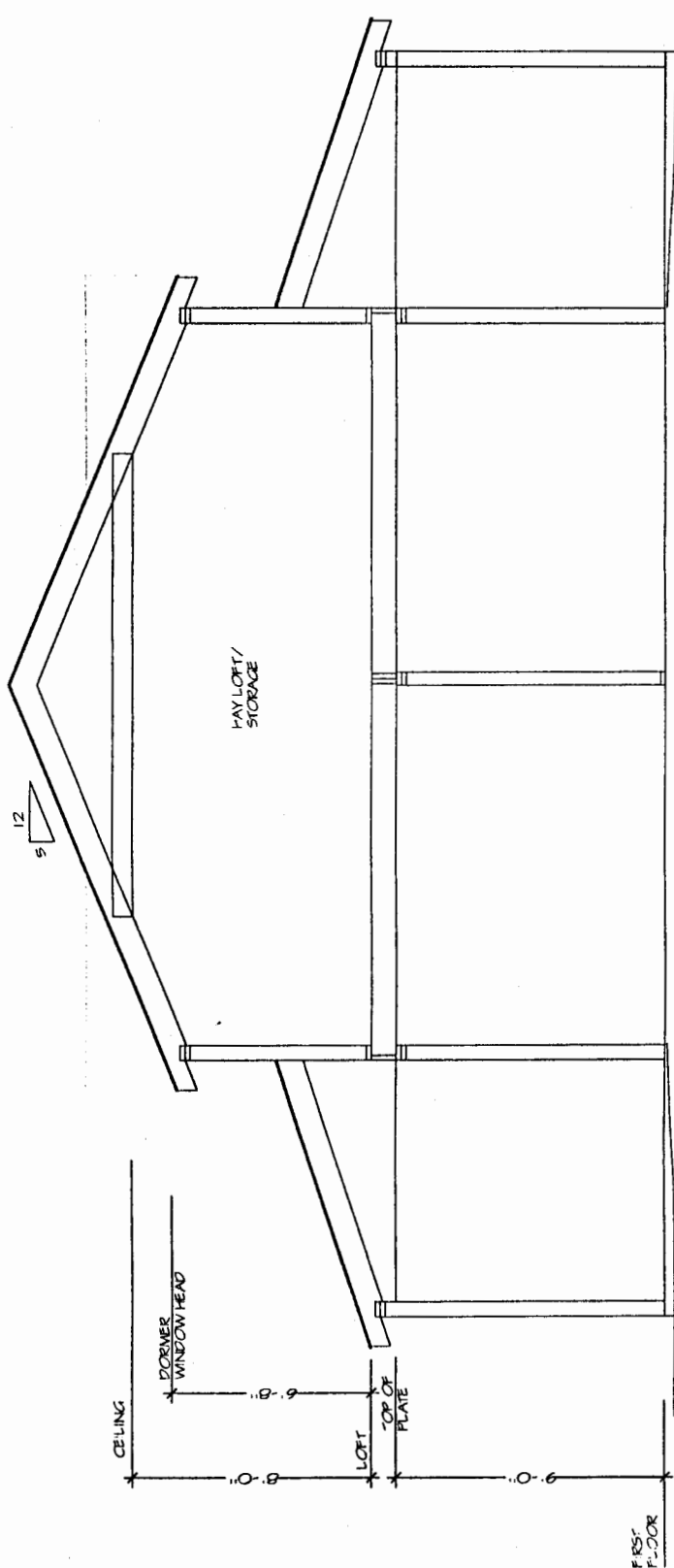
DATE: NOV 28, 2001
ISSUE: SCHEMATIC

SCHEMATIC SIDE ELEVATION

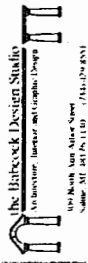
SK-4

SCHEMATIC SIDE ELEVATION
1/4" = 1'-0"

EXHIBIT NO. 9
APPLICATION NO.
4-01-225
ELEVATION (2)



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PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

SCALE: 1/4" = 1'-0"

DATE: NOV 28, 2001
ISSUE: SCHEMATIC

SCHEMATIC SIDE ELEVATION

SK-6

SCHEMATIC SECTION

1/4" = 1'-0"

EXHIBIT NO. 10

APPLICATION NO.

4-01-225

SECTION



Proposed
barn location

Photo 1: Barn site, with water tank in foreground and canyon in background. View is to the west.

EXHIBIT NO. 11
APPLICATION NO.
4-01-225
PHOTOS (7pp.)



Photo 2: Barn site, with canyon in background. View is to the southwest.



Photo 3: Proposed barn site. View is to the east.



Photo 4: View of Escondido Falls Trail from proposed barn site. View is to the southwest.



Photo 5: View of proposed barn site from Escondido Falls Trail. View is to the northeast.

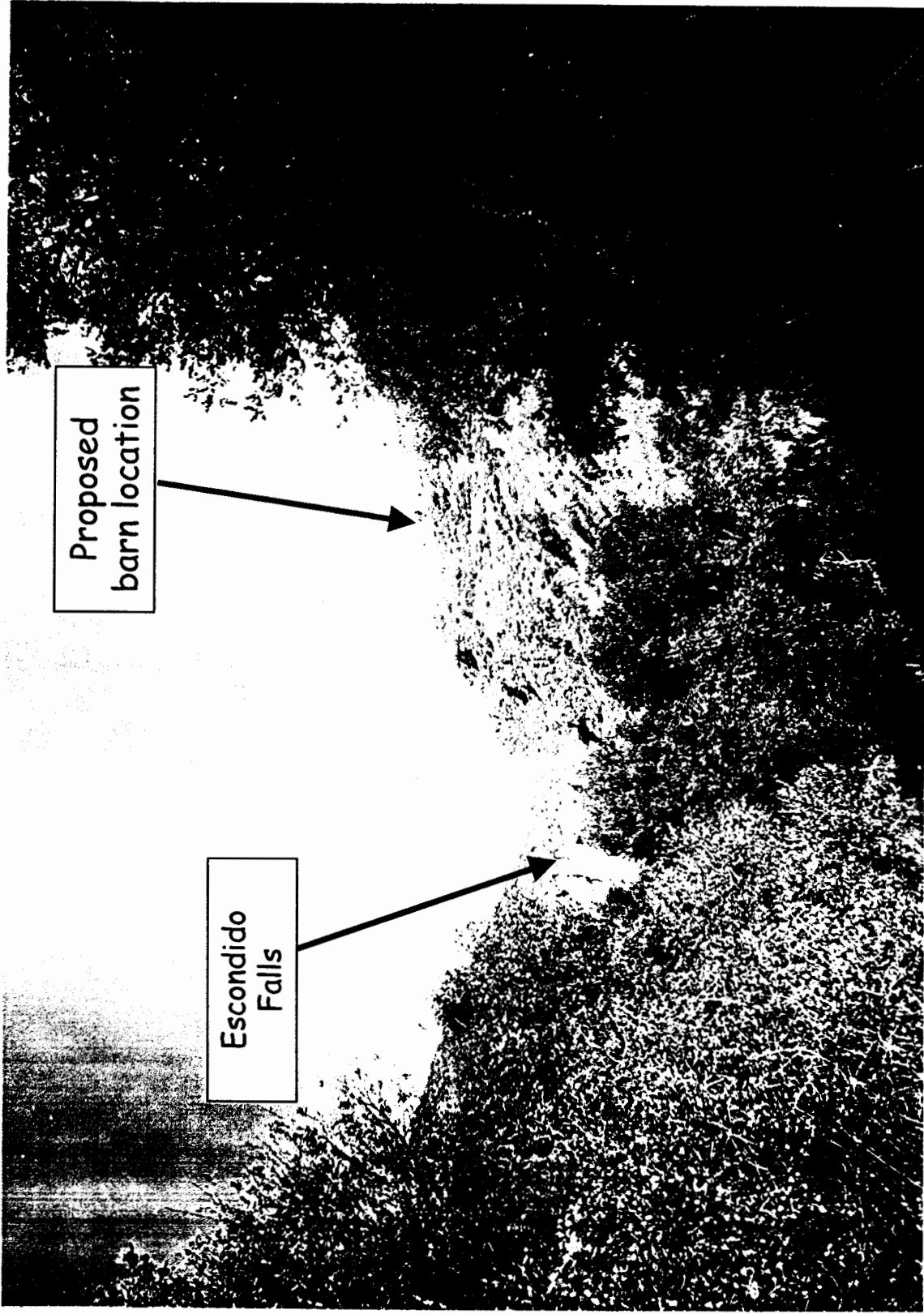


Photo 6: View of proposed barn site from Escondido Falls Trail. View is to the northeast.



Photo 7: View of proposed barn site from Ramirez Canyon Connector Trail. View is to the east.

