

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Commission Action:



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**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-97-019

**APPLICANT:** Ron Wallach

**PROJECT LOCATION:** 33395 Mulholland Highway, Unincorporated Malibu (Los Angeles County)

**APN NO.:** 4472-008-040

**PROJECT DESCRIPTION:** Construction of an 800 sq. ft. hay barn and 575 sq. ft. horse shade, with 32 cu. yds. of grading (all fill) and request for after-the-fact approval of construction of a two story, 1800 sq. ft. workshop, approximately 1600 sq. ft. horse corral, four garden retaining walls, extension of concrete driveway, and approximately 75 cu. yds. of grading (all fill).

<b>Lot area</b>	1 acre
<b>Building coverage</b>	5,048 sq. ft.
<b>Pavement coverage</b>	4,854 sq. ft.
<b>Landscape coverage</b>	3,000 sq. ft.
<b>Unimproved area</b>	30,658 sq. ft.

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Department of Regional Planning, Approval in Concept, August 2, 2002; County of Los Angeles Fire Department Fire Prevention Engineering, Approval in Concept, September 15, 1997.

**SUBSTANTIVE FILE DOCUMENTS:** Certified 1986 Malibu-Santa Monica Mountains Land Use Plan; "Addendum to Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, July 10, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, March 3, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, October 27, 1997; "Engineering Geology Update of Property at 33375½ Mulholland Highway, Los Angeles County, California," by Slosson and Associates, August 14, 1995; "Soil Investigation of Proposed Single-Family Residence, 33375½ Mulholland Highway,

Malibu, California," by GeoSoils, Inc., September 9, 1987; Coastal Development Permit (CDP) No. 5-88-1055 (Wallach); Coastal Development Permit (CDP) No. 5-78-2628 (Calzona Enterprises).

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed project with **EIGHT (8) SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) wildfire waiver of liability, (5) structural appearance, (6) future improvements, (7) deed restriction, and (8) condition compliance.

## **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-97-019 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 reports ("Addendum to Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, July 10, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, March 3, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, October 27, 1997; "Engineering Geology Update of Property at 33375½ Mulholland Highway, Los Angeles County, California," by Slosson and Associates, August 14, 1995; "Soil Investigation of Proposed Single-Family Residence, 33375½ Mulholland Highway, Malibu, California," by GeoSoils, Inc., September 9, 1987) shall be incorporated into all final design and construction including *foundations, construction, drainage, retaining walls, excavations, 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 that 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 geologists 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 85<sup>th</sup> 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 identify an area for animal waste containment and shall include provisions for the collection, storage, and disposal of stable wastes, including manure and bedding, and for the prevention of off-site migration of animal waste due to wind, rain, or run-off. Manure stored on site shall be contained in fully enclosed bins and/or a facility with impervious flooring that is protected from wind, rain and nuisance flows. The plan shall specify the maximum capacity of the manure storage and containment areas and shall include provisions to reduce and dispose of animal waste so as not to exceed the maximum capacity of the waste containment areas. All animal bedding and wastes shall be collected and disposed of off site in a manner and location prescribed in the approved final plan.
- (e) The plan shall include drainage devices and BMPs that will ensure that runoff draining from or through, any and all horse facilities shall be collected and treated in accordance with the other provisions of this Special Condition. The plan shall also include measures to prevent surface flow into equestrian facilities from upslope areas.
- (f) Runoff may be allowed to sheet flow through vegetated and/or gravel filter strips or other media filter devices for treatment and infiltration purposes, prior to being collected, where necessary, and conveyed off site in a non-erosive manner. Vegetated and/or gravel filter strips must be located on slopes no greater than 4:1, and appropriately sized, properly designed and engineered to: 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Vegetated filter strips shall consist of native plants indigenous to the Santa Monica Mountains. Filter elements shall be designed to intercept and infiltrate or treat the runoff volume produced by all storms up to and including the 85<sup>th</sup> 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.
- (g) 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 30<sup>th</sup> 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 the 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 geologic consultants to ensure that the plans are in conformance with the consultants' 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 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) The property shall be planted with native species of sufficient height and density to screen the proposed development from public viewing areas on Mulholland Highway.
- (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 removal 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 an approved Zone A adjacent to the proposed barn 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. Wildfire Waiver of Liability**

Prior to the issuance of a 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, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

## **5. Structural Appearance**

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 approval of Coastal Development Permit 4-97-019. The palette shall include the colors proposed for the roof, trim, exterior surfaces, fencing 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 4-97-019 if such changes are specifically authorized by the Executive Director as complying with this special condition.

## **6. Future Development Restriction**

This permit is only for the development described in Coastal Development Permit No. 4-97-019. Pursuant to Title 14 California Code of Regulations 13253(b)(6), the exemptions otherwise provided in Public Resources Code §30610(a) shall not apply to the proposed accessory

structures. Accordingly, any future improvements or change of use to the accessory structures approved under Coastal Development Permit No. 4-97-019, shall require an amendment to Permit No. 4-97-019 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

## **7. 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.

## **8. 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 an 800 sq. ft. hay barn and 575 sq. ft. horse shade, with 32 cu. yds. of grading (all fill). The proposal also includes a request for after-the-fact approval of construction of a two story, 1800 sq. ft. shop, approximately 1600 sq. ft. horse corral, four garden retaining walls, extension of concrete driveway, and approximately 75 cu. yds. of grading (all fill). (**Exhibits 4-5**).

The project site is located in the northwestern portion of the Santa Monica Mountains, near the intersection of Mulholland Highway and Decker Canyon Road (**Exhibit 1**). The site is located in an area of scattered residential development adjacent to the Santa Monica Mountains National



Recreation Area. The site contains an existing single family residence, driveway, and unpermitted workshop, horse corral, retaining walls, and landscaping (**Exhibits 2 - 4 and 7**).

The approximately one acre parcel slopes southward, at gradients ranging from 2:1 to near level, toward a 100 foot wide sliver of National Recreation Area land located between the subject property and Mulholland Highway. Vegetation on the subject site consists of landscaping and some non-native grasses. Vegetation on adjacent properties, including the strip of National Recreation Area land north of Mulholland Highway, also consists primarily of non-native grasses and landscaping. The proposed development will not result in the removal of native vegetation for fuel modification or brush clearance purposes (**Exhibits 2 - 3 and 7**).

The proposed development will be visible from Mulholland Highway, which is designated as a Scenic Highway in the Malibu-Santa Monica Mountains LUP. The coastal development permit for construction of the main residence required visual screening of the development, using select plant materials, as a condition of approval [CDP No. 5-88-1055 (Wallach)]. Such screening is not currently evident on the site (**Exhibits 6 - 7**).

An earlier permit for construction of a single family residence [CDP No. 5-78-2628 (Calzona Enterprises)] was granted by the Commission but the development was not constructed.

## **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.***

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 applicant has submitted several geologic reports ("Addendum to Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, July 10, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, March 3, 2000; "Engineering Geology Update of Property at 33395 Mulholland Highway, Los Angeles County, California," by Slosson and Associates, October 27, 1997; "Engineering Geology Update of



Property at 33375½ Mulholland Highway, Los Angeles County, California," by Slosson and Associates, August 14, 1995; "Soil Investigation of Proposed Single-Family Residence, 33375½ Mulholland Highway, Malibu, California," by GeoSoils, Inc., September 9, 1987), which make recommendations regarding foundations, construction, drainage, retaining walls, excavations, and observation and testing.

The July 10, 2000 report concludes:

***It is the opinion of this office that the proposed development of the subject site will be safe from hazards of landslides, settlement or slippage, and that the proposed work will not affect the geologic stability of property outside of the building site provided that the listed recommendations are followed.***

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 structures 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 disturbed areas on the subject site, 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/foliage weight. The Commission notes that non-native and invasive plant species with high surface/foliage 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)**.

The Commission finds that the proposed project, as conditioned, will serve to minimize potential geologic hazards of the project site and adjacent properties.

## Wildfire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in 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 **Special Condition Four (4)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicant also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

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.

Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. Horse wastes, including manure, urine, waste feed, and straw, shavings and/or dirt bedding, 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 cumulative impacts such as eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters.

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 85<sup>th</sup> 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.

**Special Condition Two (2)** also requires the applicants to provide for the collection, containment, and disposal of animal wastes in order to prevent off-site migration due to wind, rain or run-off, and for the collection and treatment of all runoff draining from or through all horse corrals and facilities. These requirements are necessary to minimize the potential transport of biological pollutants into surface waters.

Additionally, **Special Condition Two (2)** requires the applicants to 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.

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 proposed project is visible from Mulholland Highway, a designated Scenic Highway in the Malibu-Santa Monica Mountains LUP, which is used as guidance in Commission review of development. Policies P125 and P130 of the LUP require new development to be sited and designed to protect public views from designated Scenic Highways.

The proposed development is set back from Mulholland Highway approximately 150-200 feet, and is of a height and bulk consistent with surrounding development. The proposed consists primarily of backfill for three foot high garden walls that are minimally visible from Mulholland Highway. The proposed structures and grading will not result in significant landform alteration or degradation of visual resources.

However, because the proposed project is visible from Mulholland Highway, the Commission finds it necessary to impose design restrictions and landscaping requirements minimizing the visual impacts of the proposed project. In order to minimize the visibility of the proposed development, **Special Condition Three (3)** requires the applicants to submit a landscape plan incorporating vertical, native landscaping of sufficient size and density to screen the proposed development from the highway. The use of non-glare glass and colors compatible with the natural background will also help to ensure that the proposed project blends with its surroundings to the maximum extent feasible. Therefore, **Special Condition Five (5)** restricts the use of colors to a natural background palette and requires the use of non-glare glass on site. In addition, in order to ensure that future development of the site is reviewed for potentially adverse effects on visual resources, **Special Condition Six (6)** requires the applicant to obtain a coastal development permit for any future development of the proposed structures, including improvements that might otherwise be exempt from coastal permit requirements.

Finally, **Special Condition Seven (7)** 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. CUMULATIVE IMPACTS**

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

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

Section 30252 of the Coastal Act states:

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

Pursuant to Coastal Act §30250 and §30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of additional detached residential units and accessory structures on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units and accessory structures pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act §30250 and §30252, the Commission has limited the development of second units on residential parcels in the Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on

the size of second units was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose— as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guest houses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCPs have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area.

The applicant is proposing to construct an 800 sq. ft. barn, and also requests after the fact approval for construction of a two-story, 1800 sq. ft. shop. The proposed barn and shop are not intended to be second residential units. However, the Commission notes that in the event that the proposed structures were to be converted to residential use in the future, such conversion would significantly intensify the use of this property and result in significant adverse cumulative impacts to coastal resources. Therefore, in order to ensure Commission review of any modifications or additions to the proposed accessory structures, **Special Condition Six (6)** has been imposed. **Special Condition Six (6)** requires the applicant to obtain an amended or new coastal permit if any additions or improvements to the proposed accessory structure on the property are proposed in the future.

In addition, **Special Condition Seven (7)** 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, as conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with §30250 and §30252 of the Coastal Act.

## **F. VIOLATION**

Unpermitted development has taken place prior to submission of this permit application including construction of a two story, 1800 sq. ft. shop, an approximately 1600 sq. ft. horse corral, four garden retaining walls, extension of concrete driveway, and approximately 75 cu. yds. of grading (all fill). The applicant requests after-the-fact approval for the development described above. The applicant also requests approval to construct a 800 sq. ft. hay barn and



575 sq. ft. horse shade, with 32 cu. yds. of grading (all fill). 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 Eight (8)** 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.

## **G. 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 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 that is consistent with the policies of Chapter 3 of the Coastal Act as required by §30604(a).

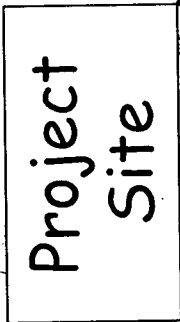
## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.



### VICINITY MAP

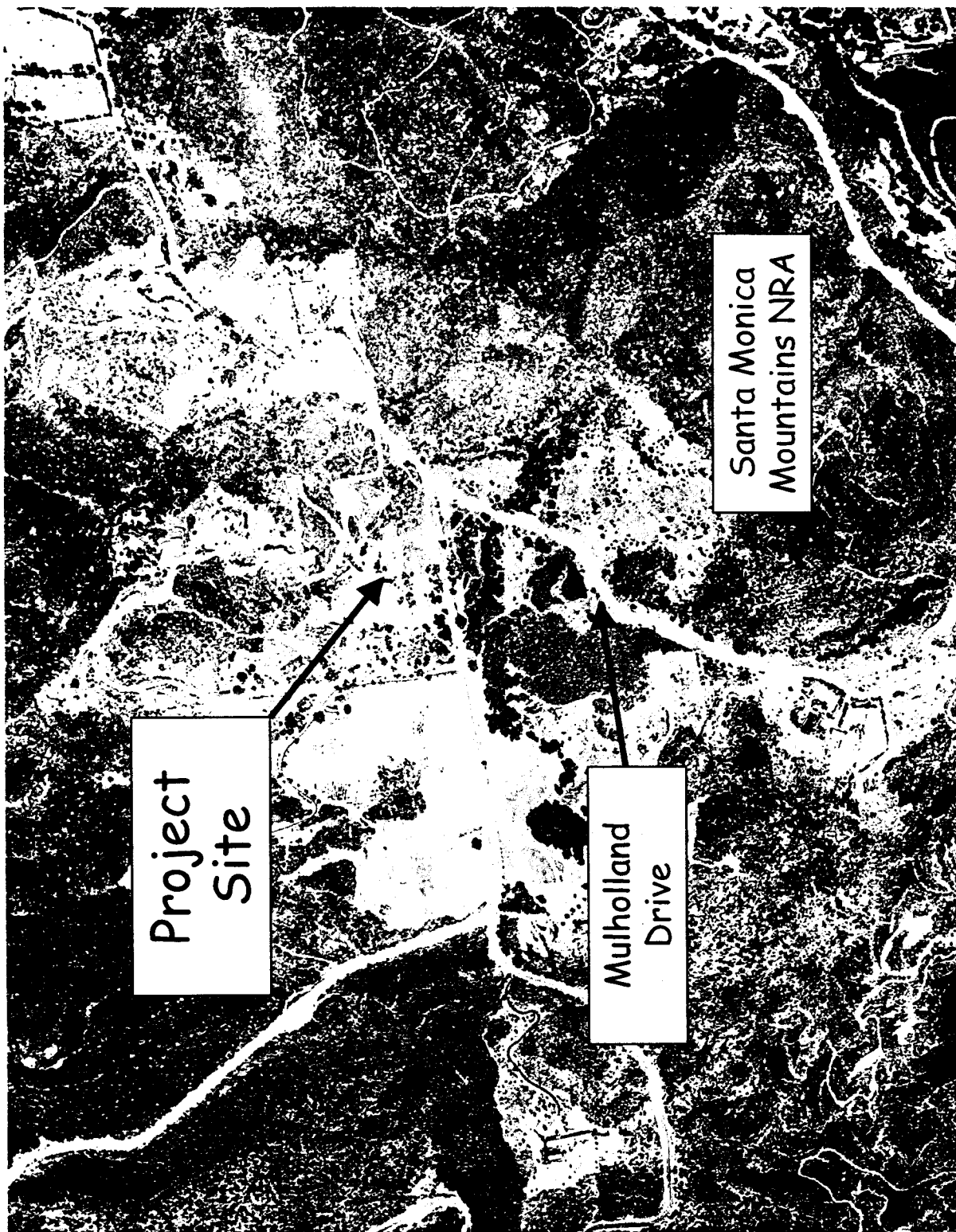
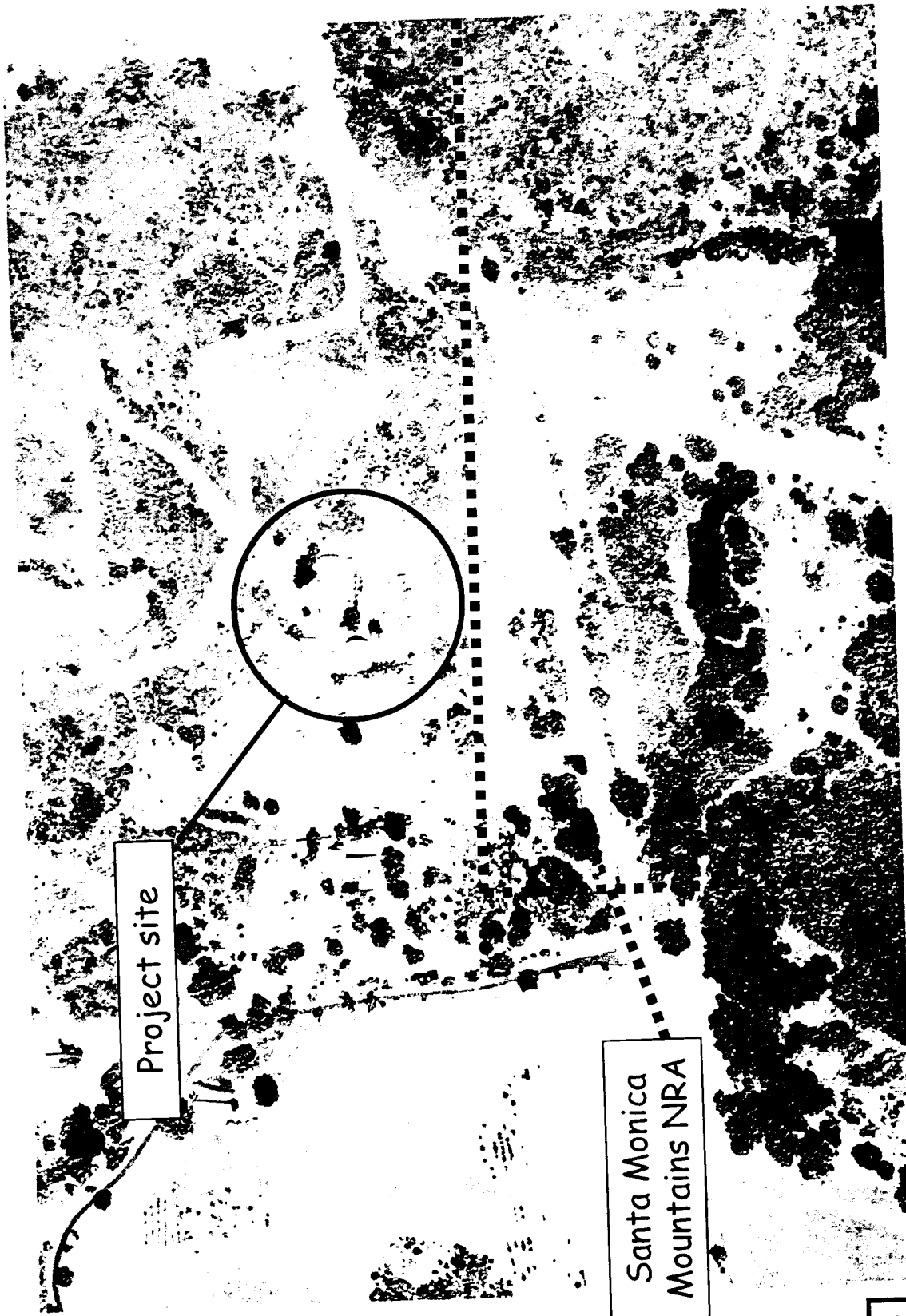


EXHIBIT NO. 2

APPLICATION NO.

4-97-019

AERIAL VIEW



Project site

Santa Monica  
Mountains NRA

EXHIBIT NO. 3

APPLICATION NO.

4-97-019

AERIAL DETAIL

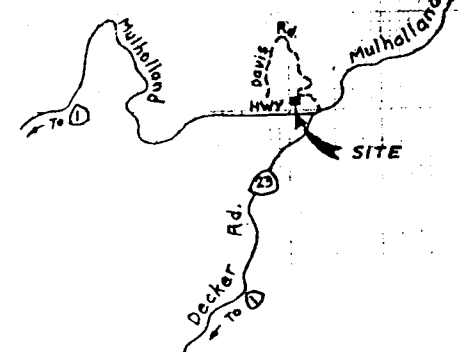
ENGINEERING AND SURVEYING DIVISION  
 Department of Civil Engineering  
 to Mulholland Hwy.

11/13/00  
 1590  
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 1580  
 1575  
 1570  
 1565  
 1560  
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 1540  
 1535

For COASTAL PURPOSES ONLY.  
 LOCAL COASTAL APPROVAL

27100 of seg of the  
 Code and  
 11 of the  
 Code, State  
 THIS IS NOT A PERMIT  
 and  
 subject to any conditions

Location Map  
 no scale

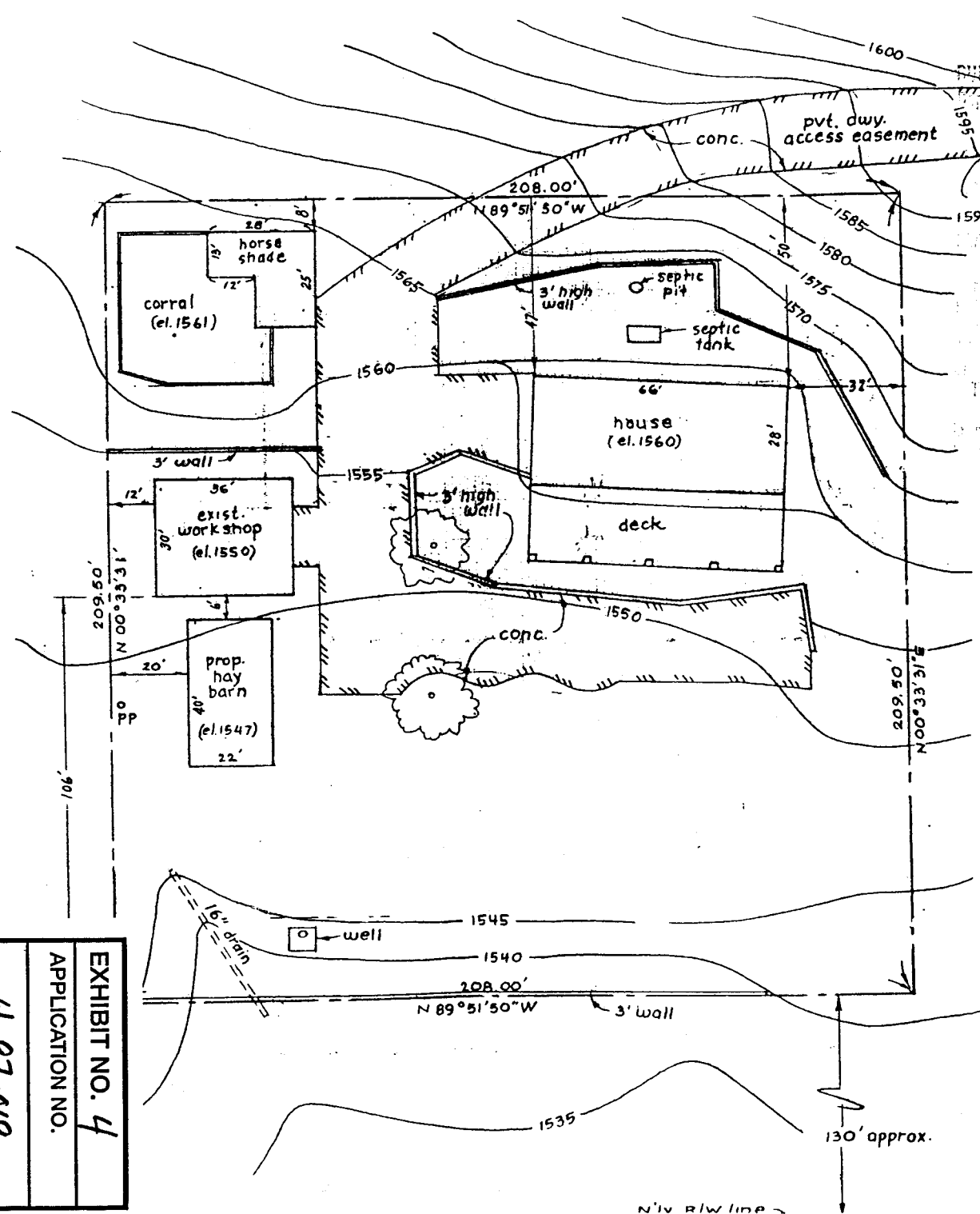


Wallach Residence  
 33395 Mulholland Highway

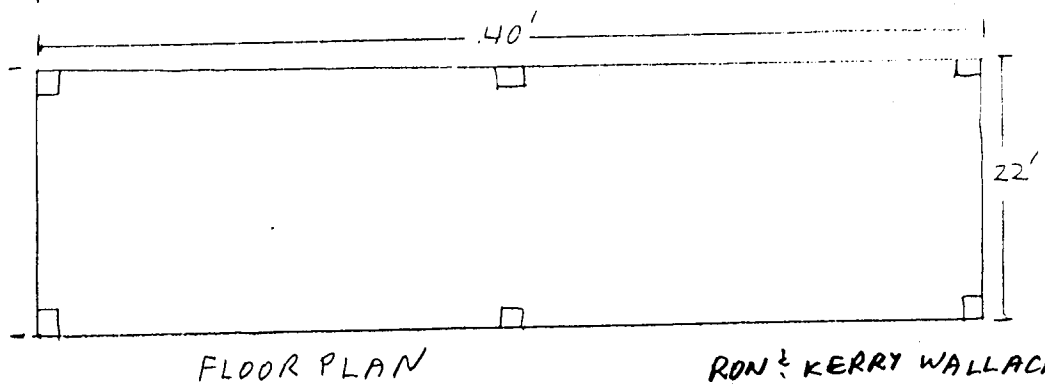
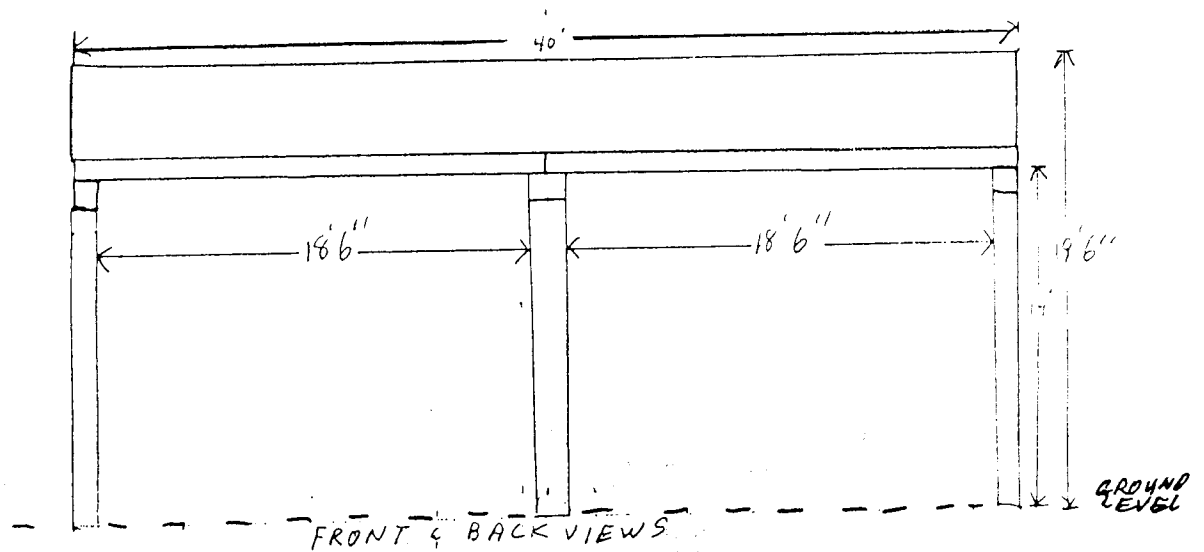
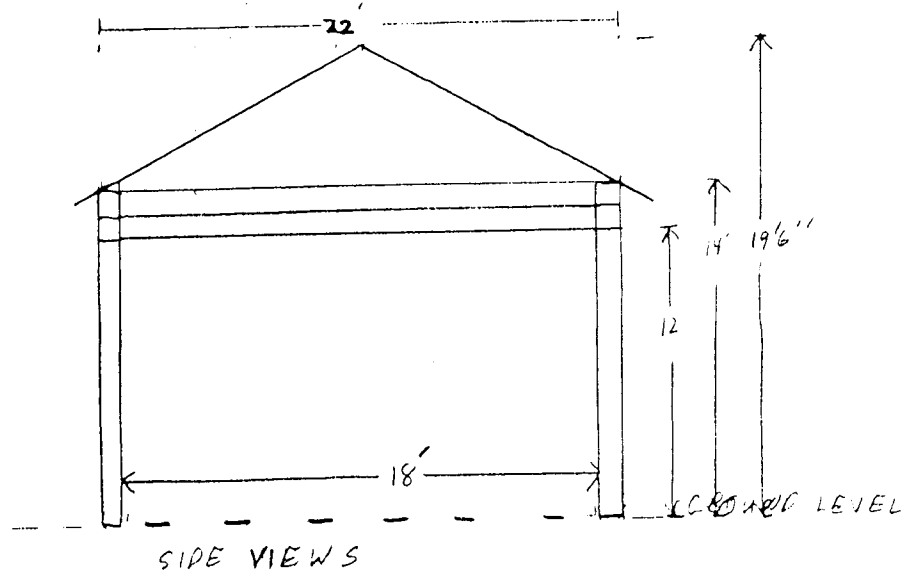
Site Plan prepared by  
 Richard Morgan P.E.  
 8-23-99



EXHIBIT NO. 4
APPLICATION NO.
4-97-019
SITE PLAN



# 2 PLANE ELEVATIONS; HAY BARN



RON & KERRY WALLACH

33396

MALIBU

HAY B

SCALE

800 S

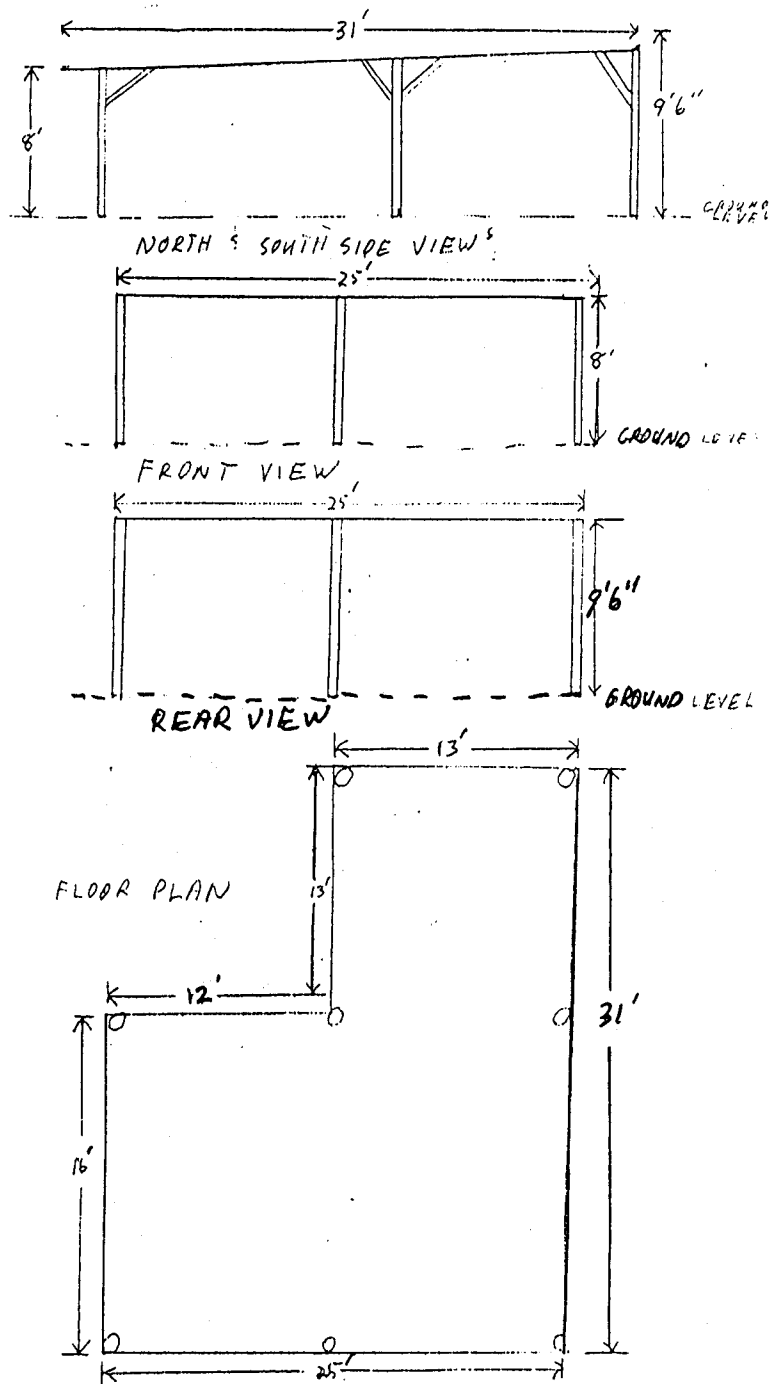
EXHIBIT NO. 5

APPLICATION NO.

4-97-019

FLOOR PLANS/ELEVATIONS  
(2 PP.)

# FLOOR PLAN & ELEVATIONS HORSE SHADE COVER



RON & KERRY WALLACH  
 33395 MULHOLLAND HWY  
 MALIBU CA. 90265  
 HORSE SHADE COVER  
 SCALE 1/4" = 1 FT  
 569 SQ FT  
 818 7073935



Th 6h

CALIFORNIA COASTAL COMMISSION

JTH COAST AREA  
245 WEST BROADWAY, SUITE 380  
LONG BEACH, CA 90802  
(213) 590-5071

Filed: 3-6-89  
49th Day: 4-24-89  
180th Day: 9-3-89  
Staff: J. Leslie  
Staff Report: 4-23-89  
Hearing Date: 5-17-89  
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-88-1055

APPLICANT: Ron Wallach

PROJECT LOCATION: 33375 1/2 Mulholland Highway, Malibu

PROJECT DESCRIPTION: Construction of a 1300 square foot, 12-foot high, single family residence, with driveway, septic tank and water well on a one-acre lot.

Lot area:	One acre
Building coverage:	1300 sq.ft.
Pavement coverage:	3600 sq.ft.
Landscape coverage:	38676 sq.ft.
Parking spaces:	4
Zoning:	NA
Plan designation:	Residential 6 (1 DU/Acre)
Project density:	One DU/Acre
Ht abv fin grade:	12 feet

LOCAL APPROVALS RECEIVED: LA County Regional Planning

SUBSTANTIVE FILE DOCUMENTS: Malibu Certified LUP

SUMMARY OF STAFF RECOMMENDATION: Approval with conditions addressing landscaping.

EXHIBIT NO. 6

APPLICATION NO.

4-97-019

CDP 588-1055 REPORT

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

#### 1. Landscape Plans.

Prior to issuance of coastal permit, the applicant shall submit for the review and approval of the Executive Director, landscape plans prepared by a professional with experience in landscape architecture which serve to control erosion of the cut slopes and road cut and to screen the development as seen from Mulholland Drive. The plan shall consist of the following:

- 1) Erosion control planting for the cut slopes including the area where the driveway to Davis Road has been cut; and
- 2) Visual screening of the development - 75% of which shall be plant material selected from the list below. No ornamentals shall be used which exceed a height of 20 feet. Any ornamentals shall be limited to the area within 30 feet of the proposed residence.

#### Acceptable Trees and Shrubs:

Heteromeles arbutifolia	Lyonothamnus species
Quercus dumosa	Quercus agrifolia
Rhus integrifolia	Rhus ovata
Arbutus menziesii	Arctostaphylos species
Ceanothus species	Baccharis species
Eriogonum species	Artemesia species
Dietes vegeta	Echium fastuosum
Iris douglasiana	Lantana dwarf yellow
Limonium perezii	Schinus californica

#### ground cover hydro seed mix (for cut and fill slopes)

Arctostaphylos "Camel Sur"  
Achillea millefolium  
Eschscholtzia californica  
Eriogonum fasciculatum  
Lasthenia chrysostoma  
Linum lewisii  
Lotus corniculatus  
Lupinus texensis  
Penstemon spectabilis  
Phacelia tanacetifolia

### IV. Findings and Declarations.

The Commission hereby finds and declares:

#### A. Project Description.

Applicant proposes to construct a 1300 square foot, 12-foot high, single family residence, with driveway, septic tank and water well on a one-acre lot located approximately 100 feet north of Mulholland Drive and about 1/4 mile west of the intersection of Decker Canyon Road.

The Malibu LUP designates the area as Residential 6 which allows one dwelling unit per one acre. The lot is one acre in size and is therefore consistent with the LUP density.

The height of the proposed residence, at 12 feet, is within the 35 foot above existing grade.

The lot has a certificate of compliance (E) exemption issued by the County and therefore, the lot is not subject to the land division policies of the LUP.

No proposed trails traverse the subject property as designated in the Malibu Land Use Plan Trails Map.

#### B. Background.

In 1978, Calzona Enterprises was granted a coastal permit with conditions (5-78-2628) for a two-story single family residence with detached 3-car garage on the subject site. The conditions included a deed restriction which provide for 1) assumption of risk which identified the risk as fire, 2) limitation of the structure to a single family residence and 3) a future improvements condition.

The site has been graded without a coastal permit. Additionally, during a site visit by staff, construction equipment including a tractor, was apparently being stored on the subject site.

#### C. Scenic and 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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The Malibu certified Land Use Plan policies state:

#### 2. VISUAL COMPATIBILITY

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

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.

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.

### 3. VISUALLY PROMINENT ELEMENTS

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

P132 Maintain the character and value of Mulholland Scenic Corridor, as a scenic and recreational resource connecting public parklands within the Santa Monica Mountains.

The proposed project is located approximately 100 feet north of Mulholland Drive about 1/4 mile west of the intersection of Decker Canyon Road and Mulholland Drive. A 100-foot-wide sliver of land owned by National Park Service is located south of the site and which also separates several other parcels paralleling Mulholland (see parcel map exhibit 2). The visibility of the project site as seen from Mulholland is high. No landforms screen the view as seen from Mulholland Drive. No significant vegetation exists on the site. As mentioned earlier in this report, the site has been graded to accommodate the proposed building pads.

According to the applicant, the proposed grading consists of 850 cubic yards of cut and 850 cubic yards of fill. The building site is proposed to be terraced with a cut slope (approximately 15 feet) to the north and a smaller, 5-foot fill slope to the south. The grading proposed north of the building pad consists of a cut for the proposed driveway. The driveway is proposed to be paved with concrete and a drainage ditch installed. The driveway would connect the project site with an existing private dirt road off-site and north of the property, shown as "Davis Road" on the plans.

The applicant has stated that National Park Service has not allowed an easement to be granted across Park property for purposes of residential development. The applicant's alternative is to access the site from Davis Road, which abuts the subject site. The Commission finds that visually, it is preferable to access the subject site via Davis Road so that the southern portion of the property can be utilized to a greater extent for screening the development as seen from Mulholland Drive.

The Commission finds that in order for the project to be consistent with Coastal Act section 30251, Malibu LUP policies addressing visual resources and the Mulholland scenic corridor policies, the applicant shall submit landscape plans which serve to screen the development as seen from Mulholland Drive. The Commission finds therefore, that as conditioned, the project is consistent with Section 30251 of the Coastal Act and the Malibu LUP.

D. Hazards.

Section 30253 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, geologic 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.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The applicant's geology report indicates that the site is free from hazards resulting from soils and geology conditions. Further, that the percolation test performed was positive, allowing the proposed septic system which was approved by the LA County Health Services to operate efficiently.

Although the previous permit required an assumption of risk condition, the hazard identified was that of fire. Since the deed restriction runs with the land, the applicant is now assuming those risks. The Commission points out however, that the site is relatively free from any fire hazard caused by flammable vegetation in proximity to the site as the area is gently sloped and the surrounding areas have been cleared from major vegetation over the years. Further, given the landscape plan required as a condition of approval of this permit, fire hazards are reduced further.

The Commission therefore, finds that the project is consistent with Section 30253 of the Coastal Act and the LUP.

E. Local Coastal Program.

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.

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding sewage disposal, trail

access, and cumulative impacts. The proposed development is consistent with the density designation for the site contained in the LUP. As conditioned, the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. 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 implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. Violation. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

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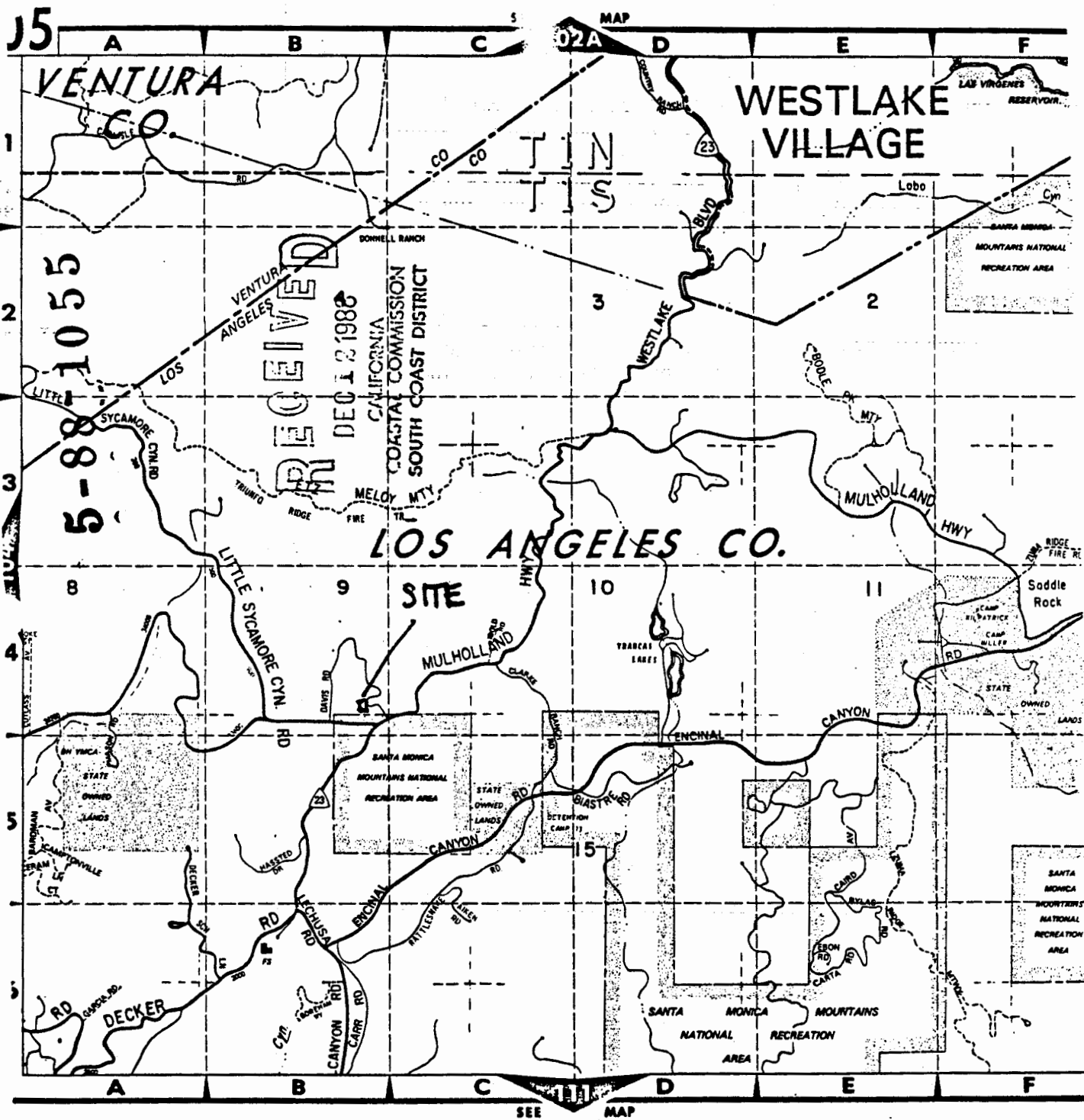


EXHIBIT 1  
LOCATION  
5-88-1055

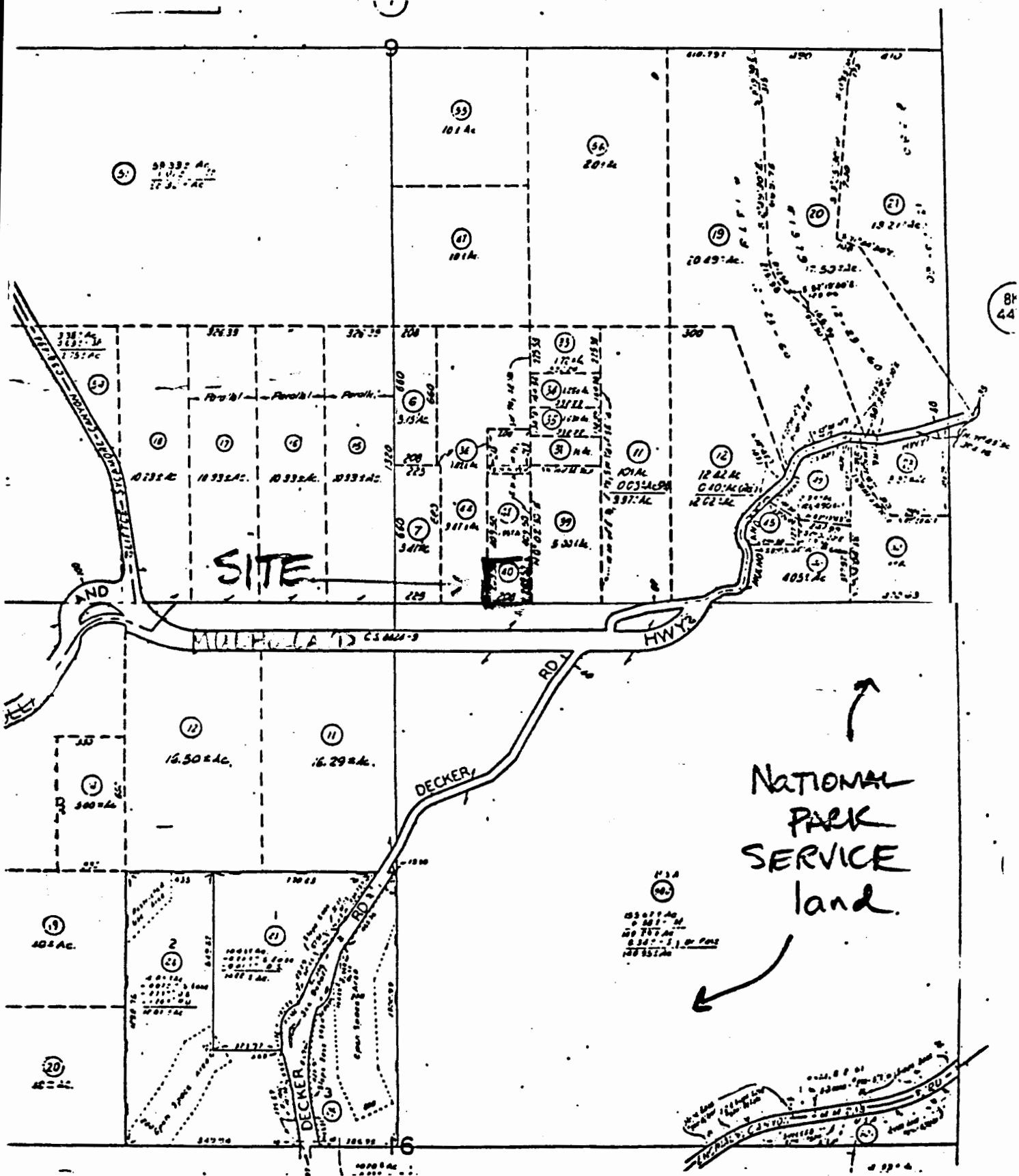


EXHIBIT 2  
5-88-1055  
PARCEL MAP



Photo 1: Project site from Mulholland Highway. Proposed shop is on the far left. View is to the north.

EXHIBIT NO. 7
APPLICATION NO.
4-97-019
PHOTOS (2pp)



Photo2: Project site from top of driveway. Proposed horse shade is on the far right, proposed shop is adjacent. View is to the south.

