

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-03-047

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, corral 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	15 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-X (Greer); CDP Application No. 4-01-225 (Pilepich); CDP Application No. 4-02-204 (Pilepich).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with eight (8) special conditions regarding conformance with geologic recommendations, drainage and polluted runoff control plan, landscape and erosion control plan, removal of excavated material, structural appearance, future development restriction, lighting restriction, and deed restriction.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-03-047 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 Barn, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated January 11, 2001) shall be incorporated into all final design and construction including *foundations, drainage, on-site sewage system, 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 barn and corral area. 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 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 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.
- (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 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 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 barn from public viewing areas in the Escondido Canyon Natural Area and along the Ramirez Canyon Connector Trail.
- (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. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by excavation or construction activities and shall include any staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should excavation and construction take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled material with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial excavation operations and maintained

throughout the development process to minimize erosion and sediment from runoff waters during construction.

- (3) The plan shall also include temporary erosion control measures should excavation or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled material and disturbed soils with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

C. Monitoring

Five years from the date of issuance of the building permit for the proposed barn, 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. Removal of Excavated Material

The applicant shall remove all excavated material to an appropriate disposal site located outside of the Coastal Zone. Prior to the issuance of the coastal development permit, the applicants shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

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 4-03-047. 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 4-03-047 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 4-03-047. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by coastal development permit 4-03-047. Accordingly, any future improvements to the barn and corral authorized by this permit, shall require an amendment to Permit 4-03-047 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. Lighting Restriction

The only outdoor night lighting allowed on the lower pad is limited to the following:

1. The minimum necessary to light walkways used for entry and exit to the structure. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
2. Security lighting attached to the barn shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.

No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

8. 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant proposes to construct a 996 sq. ft., 15 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; however, the eastern portion of the proposed barn will be constructed below grade and will require excavation, as will structural footings. The applicants also propose to use the existing fenced level pad for a horse corral.

The subject parcel 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, at the May 2003 meeting, the Commission approved 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) (CDP No. 4-02-204).

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, is 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 10**).

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 in the Escondido Canyon Natural Area 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 10**).

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 (Azar), 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 (Greer), allowed construction of a 1,000 sq. ft. addition to the main residence.

The applicant previously submitted an application for a 22 foot high barn that was located further south of the currently proposed barn, and nearer the edge of the proposed building pad (CDP No. 4-01-225, Pilepich). The previously proposed barn was visible from the Escondido Falls Trail, and staff therefore recommended denial of the proposed project as inconsistent with the visual resource protection policies of the Coastal Act. The application was withdrawn on May 2, 2003, prior to the scheduled hearing.

The currently proposed barn will not be visible from the Escondido Falls Trail. It will be visible from the Ramirez Canyon Connector Trail and from off-trail areas of the Escondido Canyon Natural Area, which provide scenic but more disturbed views of the canyon area than the Escondido Falls Trail.

The proposed seepage pit is located within 100 feet of the dripline of three oak trees adjacent to the building pad. However, the seepage pits will be located within a sedimentary bedrock substrate that will inhibit lateral seepage of effluent toward the root zones of the oak trees. 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.

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. The proposed barn, however, is of insufficient height and proximity to the southern edge of the spur ridge to be visible from the Escondido Falls Trail. Although the barn will not be visible from the trail, it will be visible from the Ramirez Canyon Connector Trail (DeButts Terrace) and from off-trail areas of the Escondido Canyon Natural Area, which provide scenic but more disturbed views of the canyon area than the Escondido Falls Trail.

Because the proposed project is visible from public viewing areas along the Ramirez Canyon Connector Trail and from off-trail areas of the Escondido Canyon Natural Area, 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 Five (5)** restricts the use of colors to a natural background palette and requires the use of non-glare glass on site. In addition, minimizing outdoor lighting will decrease the project's visibility during evening hours. Therefore, **Special Condition Seven (7)** restricts the use of outdoor night lighting to the minimum necessary for safety purposes.

Visual impacts can be further minimized by the implementation of a landscape plan that employs a native plant palette and vertical elements. Therefore, **Special Condition Three (3)** specifies that the area south of the proposed barn be planted with native species of sufficient height and density to screen the project from public viewing areas. In addition, 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 improvements or additions to the barn, including improvements that might otherwise be exempt from coastal permit requirements.

Finally, **Special Condition Eight (8)** 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.

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

C. 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 on an existing graded pad on a spur ridge overlooking Escondido Canyon and the Escondido Waterfalls.

The applicant has submitted a geologic report, ("Geologic/Geotechnical Engineering Report, Proposed Barn, 4365 Ocean View Drive, Malibu, County of Los Angeles," by Gold Coast Geoservices, Inc. dated January 11, 2001), which makes recommendations regarding foundations, site drainage, on-site sewage disposal, 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 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/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 disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Three (3)**.

Lastly, the proposed project involves excavation beneath the footprint of the proposed barn. Stockpiles of dirt are subject to increased erosion and, if retained onsite, may lead to additional landform alteration. Therefore, **Special Condition Four (4)** requires the applicant to export all excess excavation material from the project site to an appropriate site for disposal and provide evidence to the Executive Director of the location of the disposal site prior to issuance of a coastal development permit.

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

D. 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.

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 barn and corral area. 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.

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.

Finally, the proposed development includes the installation of an onsite private sewage disposal system to serve restroom facilities in the barn. The applicant's environmental health specialist performed infiltration tests that indicate that the site can accommodate a septic system. In addition, the County of Los Angeles Department of Health Services has given in-concept approval for the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of water quality resources.

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.

E. 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).

F. 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

Local Coastal Program - City of Malibu
Park Lands Map 2:
Zuma Beach to Escondido Beach

★ **Project Site**

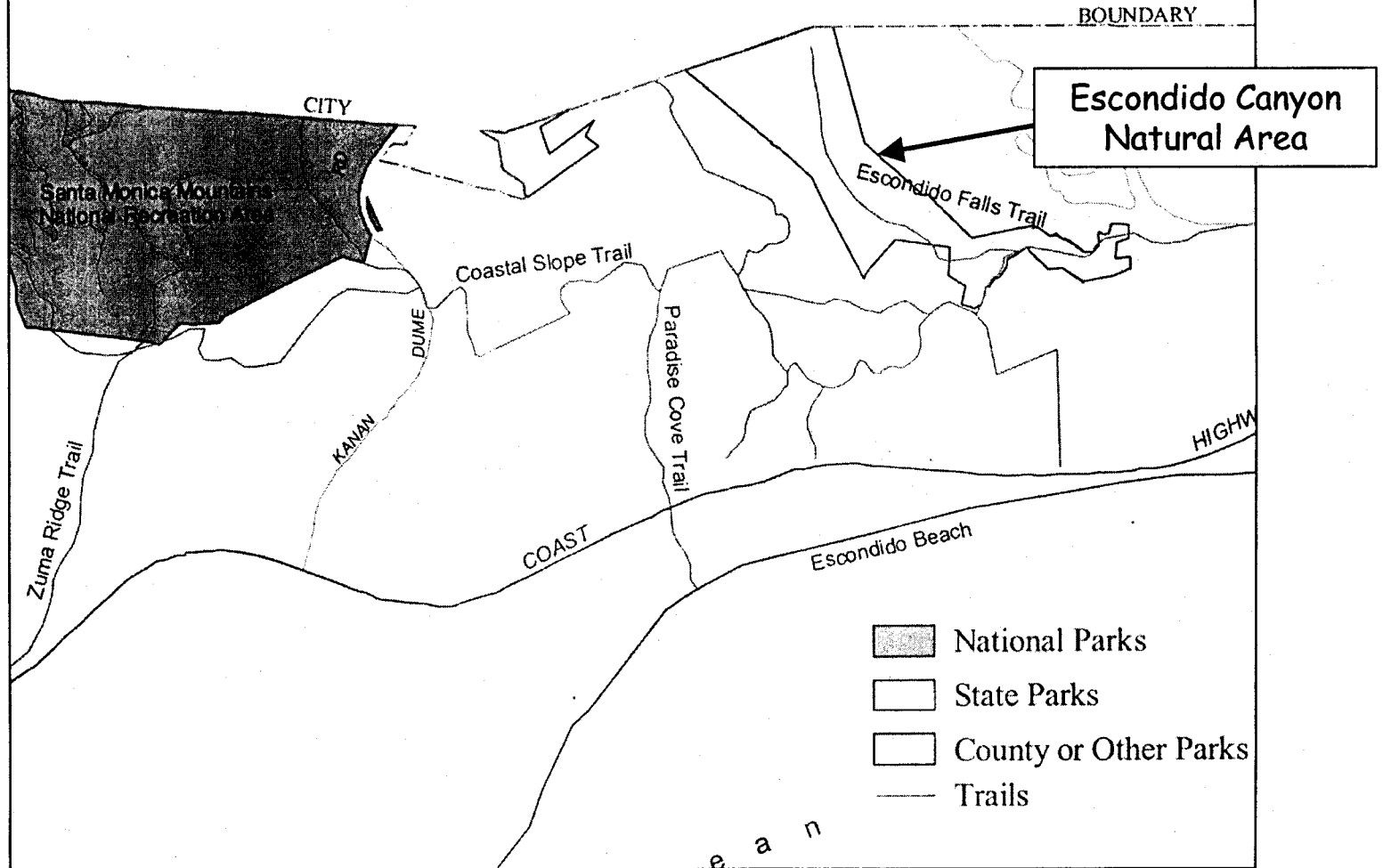


EXHIBIT NO. **3**

APPLICATION NO.

4-03-047

PARKS + TRAILS



Proposed
Barn Site

EXHIBIT NO. 4

APPLICATION NO.

4-03-047

AERIAL VIEW

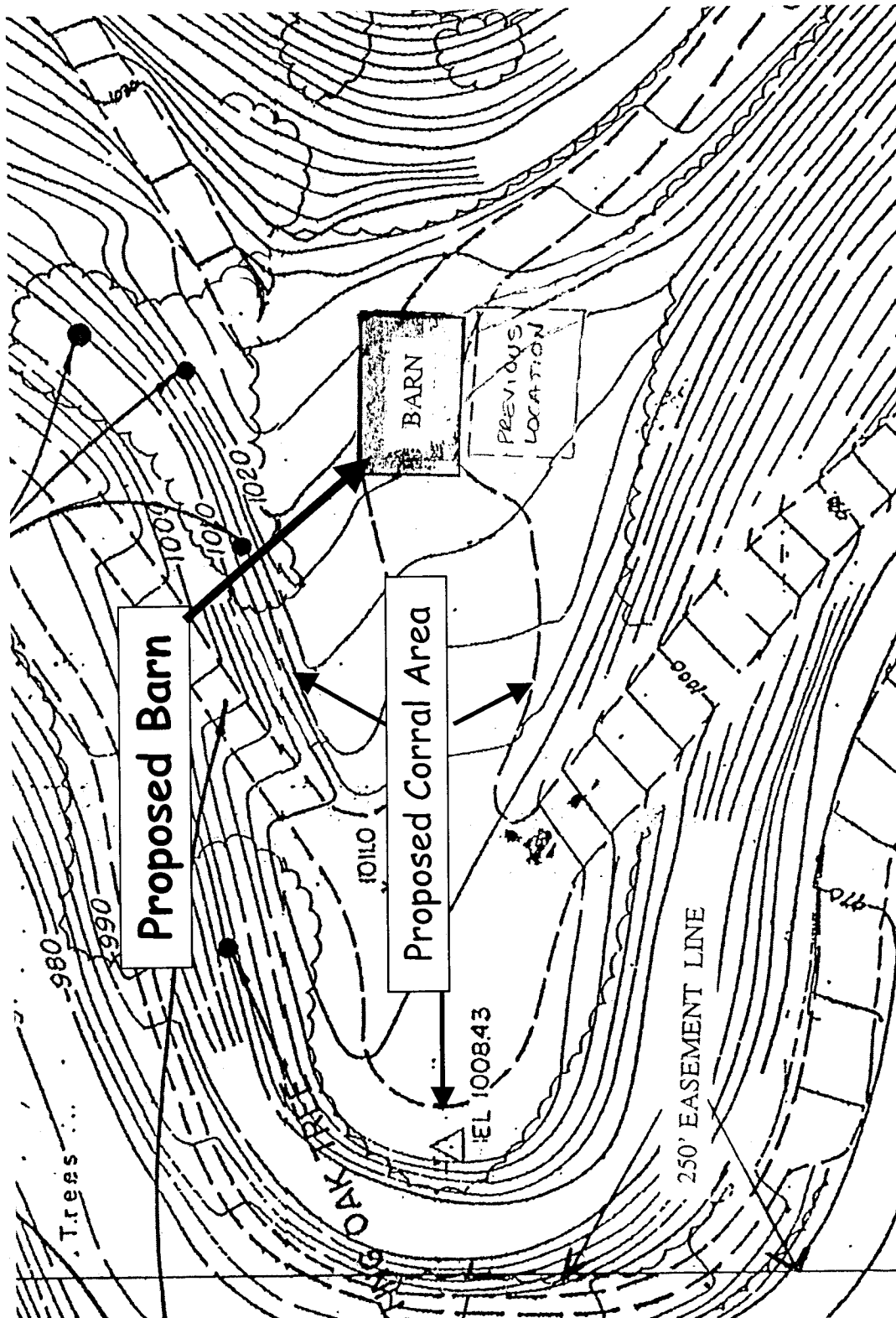
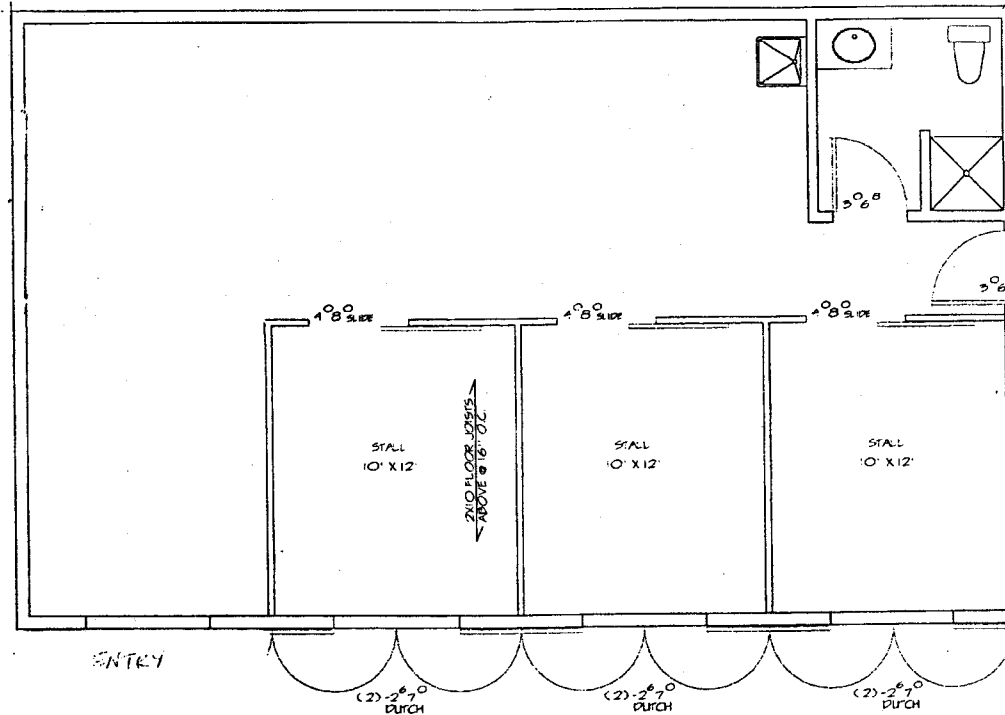


EXHIBIT NO. 6

APPLICATION NO.

4-03-047

SITE PLAN



SCHEMATIC FLOOR PLAN
NO SCALE

the Babcock Design Studio
Architecture, Interior and Landscape Design
300 North Ave. Suite 200
Natick, MA 01905-1100 (508) 225-1000

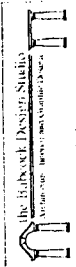
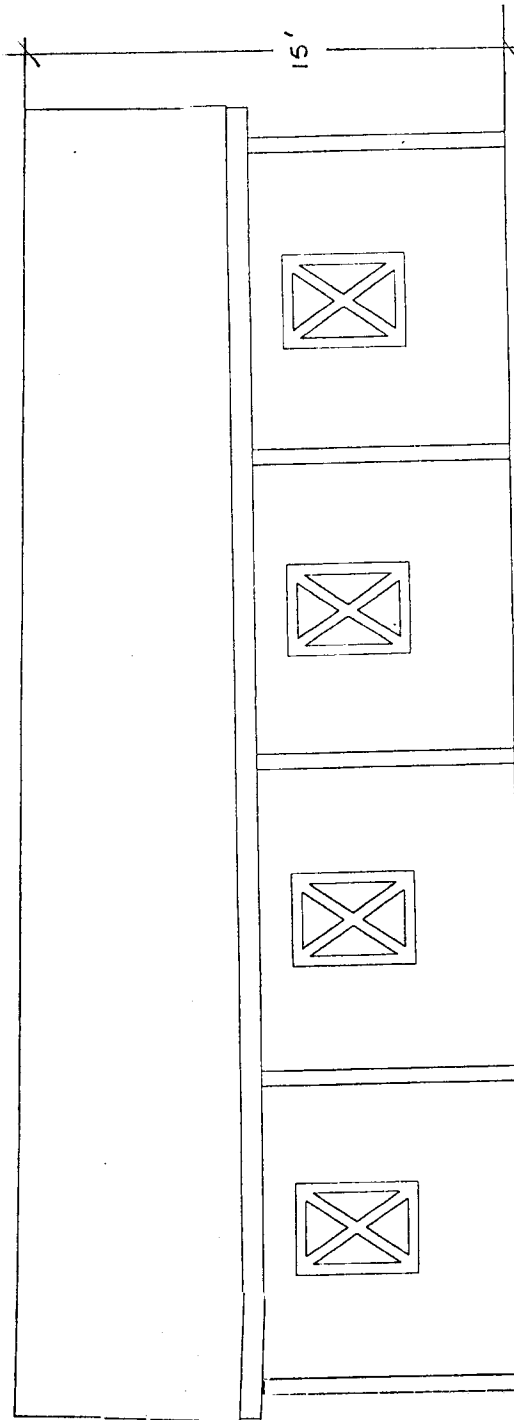
PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

SCALE: NO SCALE
ISSUE:
SCHEMATIC

SCHEMATIC FLOOR PLAN
SK-1

EXHIBIT NO. 7
APPLICATION NO.
4-03-047
FLOOR PLAN



DR. HANCOCK DESIGN STUDIO
11111 11111 11111 11111 11111 11111

PROJECT NUMBER: 2135

Pilepich Stable
MALIBU, CA

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

ISSUE:
SCHEMATIC

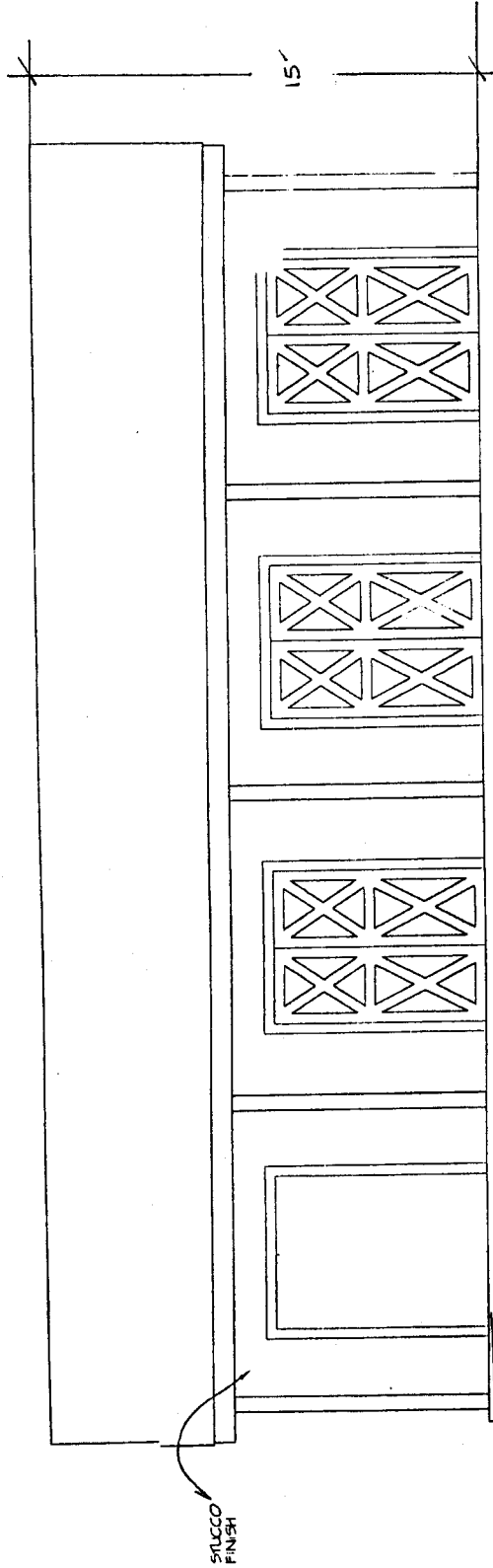
SCHEMATIC SIDE ELEVATION

SK-2

SCHEMATIC SIDE ELEVATION

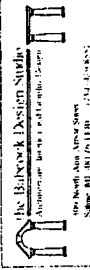
1/4" = 1'-0"

EXHIBIT NO. 8
APPLICATION NO.
4-03-047
ELEVATIONS (3pp)



SCHEMATIC SIDE ELEVATION

1/4" = 1'-0"



PROJECT NUMBER: 2135

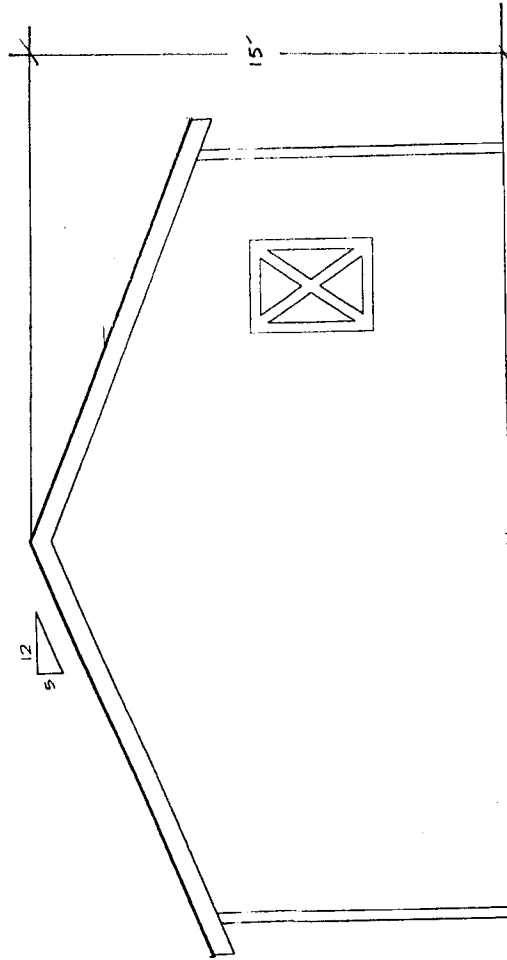
Pilepich Stable
MALIBU, CA

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

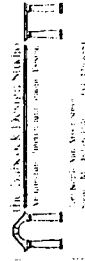
ISSUE:
SCHEMATIC

SCHEMATIC SIDE ELEVATION

SK-3



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



PROJECT NUMBER: 2135

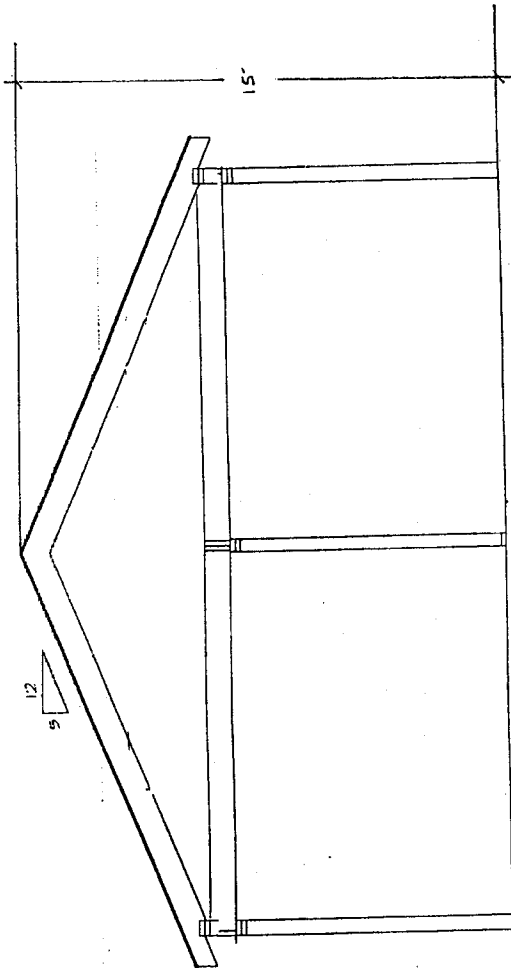
Pilepich Stable
 MALIBU, CA

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

ISSUE:
 SCHEMATIC

SCHEMATIC SIDE ELEVATION

SK-4



SCHEMATIC SECTION
1/4" = 1'-0"

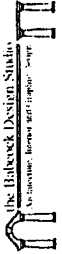
 <p>The Hubback Design Studio An Architectural Firm 400 North Van Ness Street Suite 300 San Francisco, CA 94109 Tel: 415.774.1100</p>	<p>PROJECT NUMBER: 2135</p>
<p>Pilepich Stable MALIBU, CA</p>	
<p>SCALE: 1/4" = 1'-0"</p>	
<p>ISSUE: SCHEMATIC</p>	
<p>SCHEMATIC SIDE ELEVATION</p>	
<p>SK-6</p>	

EXHIBIT NO. 9

APPLICATION NO.

4-03-047

SECTION

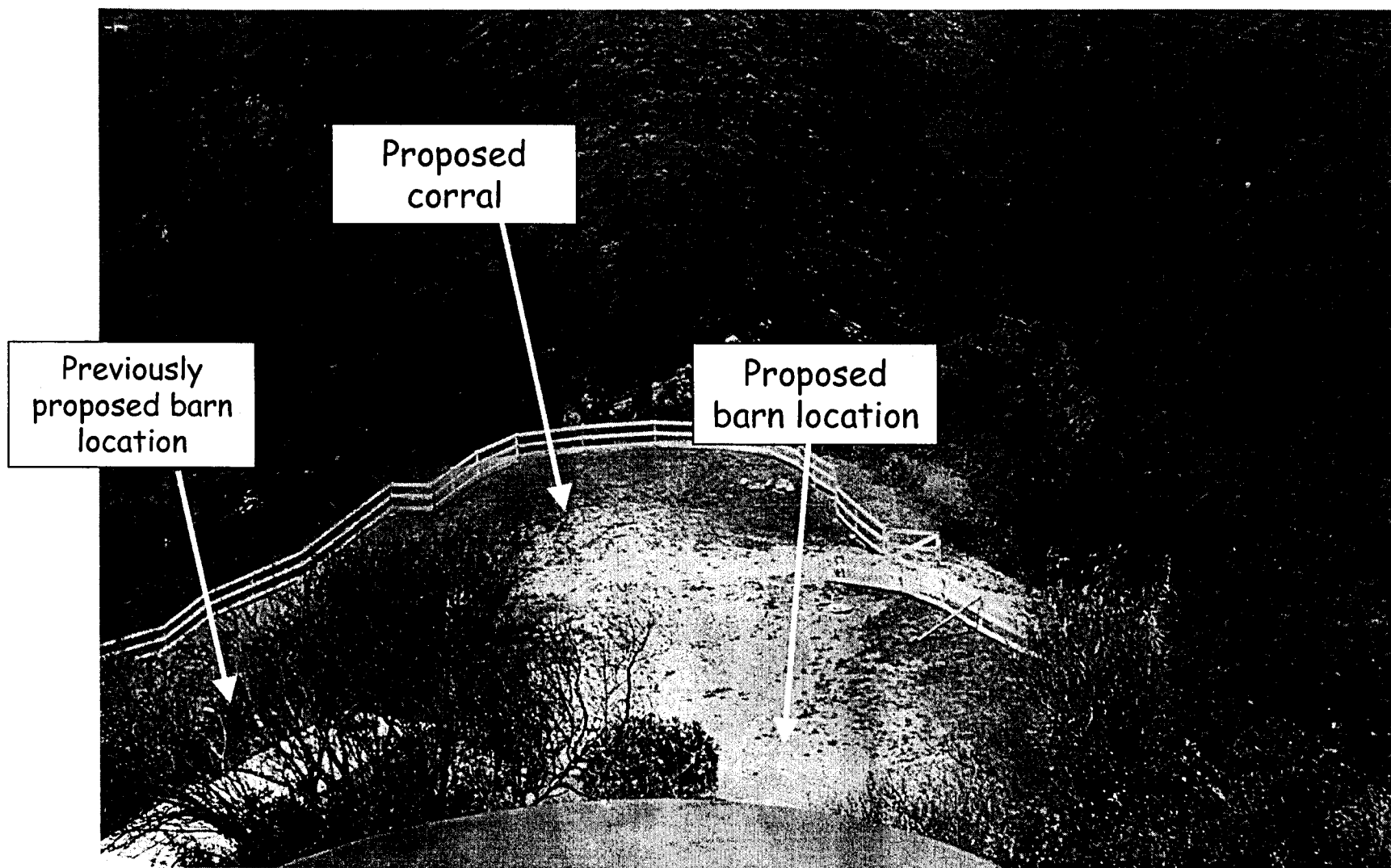


Photo 1: Barn site, with water tank in foreground and canyon in background. View is to the west.

EXHIBIT NO. 10
APPLICATION NO.
4-03-047
PHOTOS

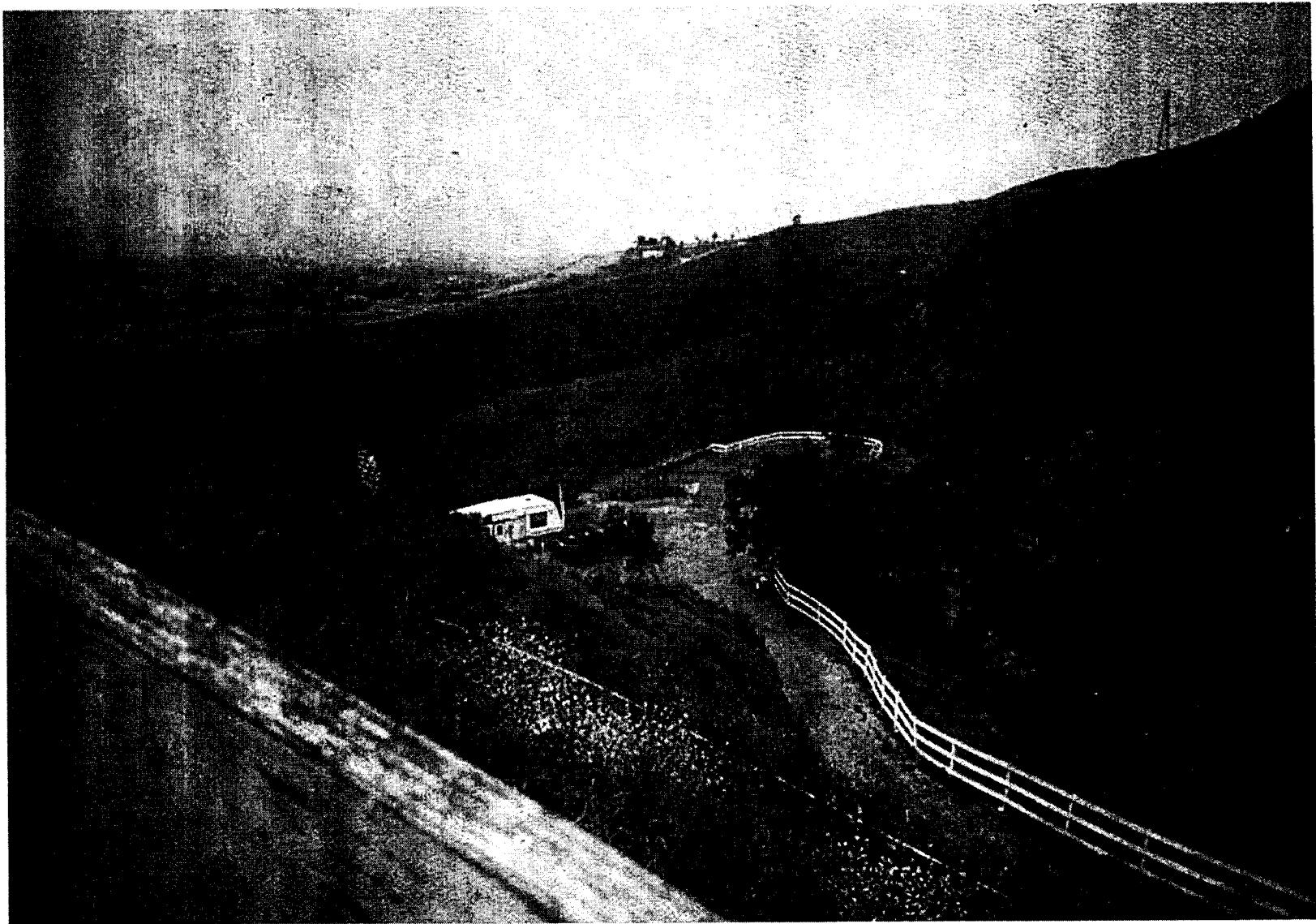


Photo 2: Barn site, with canyon in background. View is to the southwest.



Photo 3: Barn site (flagged), with developed portions of subject site in background. View is to the east.

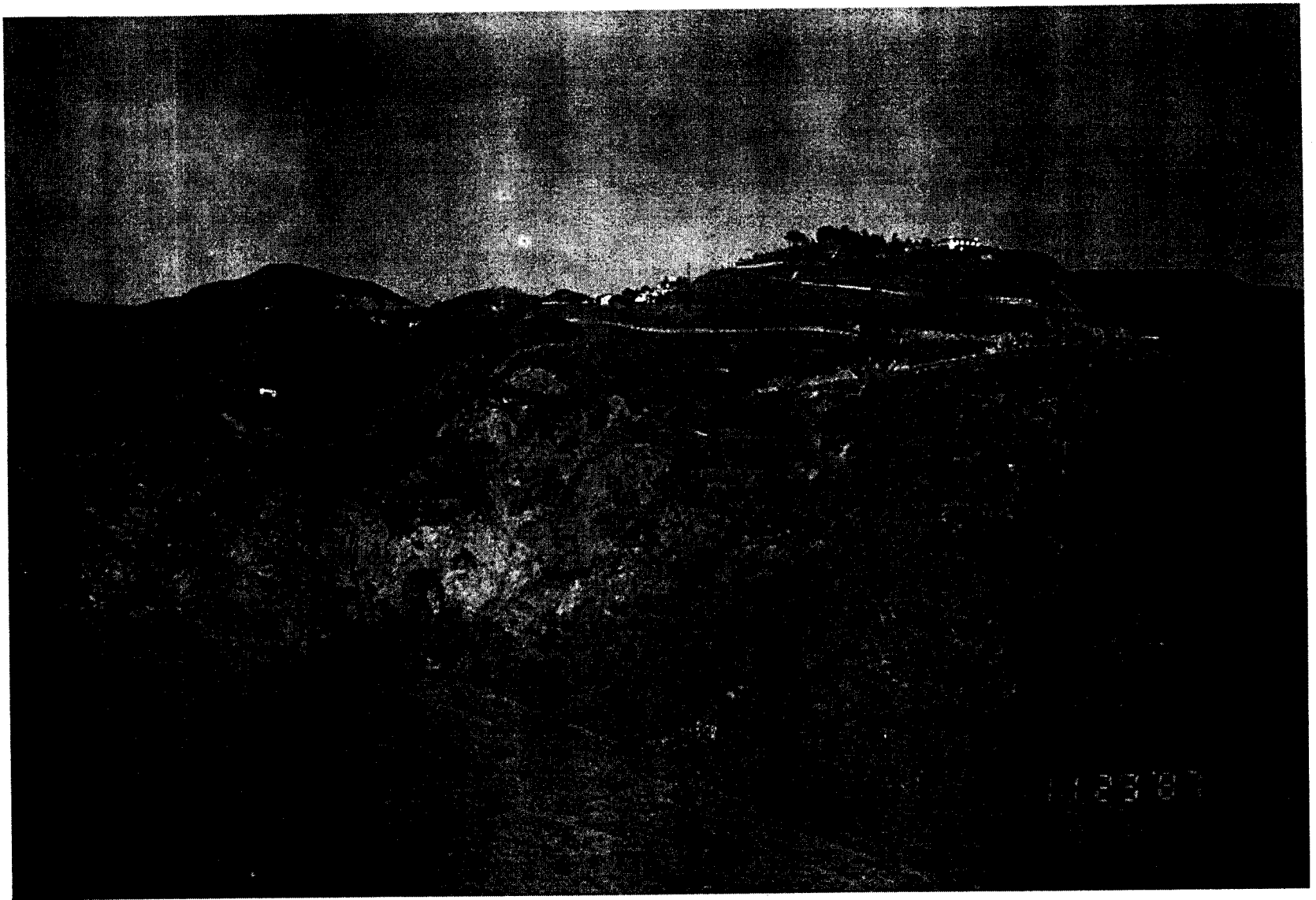


Photo 4: View of proposed barn site from Ramirez Canyon Connector Trail. View is to the east.