

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., SUITE 200
 MALIBU, CA 93001
 (805) 641-0142

Filed: 2/21/97
 49th Day: 2/27/97
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 Staff: Betz-V
 Staff Report: 3/21/97
 Hearing Date: 4/10/97



Th 4d,f,g,h

STAFF REPORT: CONSENT CALENDAR

APPLICATIONS NO.: 4-97-005, 4-97-042, 4-97-043, 4-97-044

APPLICANT: Ohanian Investment Company AGENT: Ara Ohanian

PROJECT LOCATIONS AND DESCRIPTIONS: Construct the following four single family residences on existing building pads in a previously approved subdivision:

1. Application No. 4-97-005 Lot 1 6210 Ocean Breeze Dr., Malibu

7,480 sq. ft., two story, 24 ft. high, single family residence with septic tank and pool. No grading.

Lot Area	63,494 sq. ft.
Building Coverage	7,480 sq. ft.
Pavement Coverage	6,800 sq. ft.
Landscape Coverage	5,540 sq. ft.
Parking Spaces	3 covered
Project Density	.7 dua
Ht abv fin grade	24 feet

2. Application No. 4-97-042 Lot 2 6206 Ocean Breeze Dr., Malibu

7,800 sq. ft. two story, 28 ft. high, single family residence with septic tank and pool. No grading.

Lot Area	73,331 sq. ft.
Building Coverage	4,900 sq. ft.
Pavement Coverage	4,000 sq. ft.
Landscape Coverage	4,000 sq. ft.
Parking Spaces	3 covered
Project Density	.6 dua
Ht abv fin grade	28 feet

3. Application No. 4-97-043 Lot 3 6201 Ocean Breeze Dr., Malibu

Construct 7,480 sq. ft. two story, 24 ft. high, single family residence with septic tank and pool. No grading.

Lot Area	46,162 sq. ft.
Building Coverage	7,480 sq. ft.
Pavement Coverage	4,200 sq. ft.
Landscape Coverage	4,200 sq. ft.
Parking Spaces	3 covered
Project Density	1 dua
Ht abv fin grade	24 feet

4. Application No. 4-97-044 Lot 4 6205 Ocean Breeze Dr., Malibu

Construct 7,580 sq. ft. two story, 24 ft. high, single family residence with septic tank and pool. No grading.

Lot Area	64,468 sq. ft.
Building Coverage	4,660 sq. ft.
Pavement Coverage	6,900 sq. ft.
Landscape Coverage	2,500 sq. ft.
Parking Spaces	3 covered
Project Density	.6 du/a
Ht abv fin grade	28 feet

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department dated 11/20/96; City of Malibu Site Plan Review, January 23, 1995.

SUBSTANTIVE FILE DOCUMENTS: Applied Earth Sciences, Geotechnical Exploration for Percolation Rate Determination, November 12, 1996; California Geosystems, Inc.: Updated Preliminary Soils and engineering Geologic Report, September 12, 1996, Compaction Report, January 6, 1992; Final Rough Grading and Compaction Report, December 6, 1991; Seepage Pit Location, Feasibility Study, December 7, 1996; Soils and Engineering Geologic Investigation Report, April 22, 1988; Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permits 5-88-938 and - 938A (Ohanian Investment Company) and 4-92-201 (Fryzer).

SUMMARY OF STAFF RECOMMENDATION: The project sites are located within a previously approved subdivision with existing graded building pads and street improvements and storm drains. The subdivision was approved in 1989 under coastal development permit 5-88-938 (Ohanian Investment Company) was for creation of four lots, utilities, access road, storm drains, and, as amended, grading of 16,434 cu. yds.. Staff recommends approval of the proposed project with three (3) Special Conditions addressing visual quality, future improvements, and wild fire waiver of liability.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 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. 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. Design Restrictions

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record deed restrictions for each lot, in a form and content acceptable to the Executive Director, which restrict the color of the subject structures and roofs to colors compatible with the colors of the surrounding environment. White tones shall not be acceptable. All windows and glass for the proposed structure shall be of non-glare glass. The documents shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

2. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which shall provide that Coastal Development permits 4-97-005, - 042, - 043, - 044, are only for the proposed developments and that any future additions or improvements to properties, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with County Fire Department requirements is permitted. The document shall run with the land binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses, of liability arising out of the acquisition, design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

IV. Findings and Declarations.

A. Project Location and Description

The project sites are located in a partially developed locked-gate subdivision with graded pads, improved streets, and storm sewers, located inland and overlooking Pacific Coast Highway and public beaches. The subdivision was approved in 1988 under coastal development permit 5-88-938 (Ohanian Investment Company) for creation of four lots, utilities, access road, and storm drains subject to special conditions including assumption of risk, grading and landform alteration, height of structures, landscaping plans, a deed restriction on future grading, cumulative impact mitigation, and dedication of land for habitat protection, view protection, and open space. The permit was issued and the improvements have been completed. The permit was amended to reduce the amount of fill to 16,434 cu. yds..

The applicants propose to construct four single family residences as described above, each with a pool, attached garage, septic tank and no grading. The proposed development and density is consistent with the certified Land Use Plan for the Malibu/Santa Monica Mountains area which is used as guidance only in the City of Malibu.

B. Visual Resources

Section 30251 of the Coastal Act states that:

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

The existing pads range from approximately 400 to 450 ft. in elevation. The project site is highly visible from Pacific Coast Highway and nearby beaches, including Trancas Beach and Zuma Beach. The proposed residences are large, structures of two stories in appearance and range up to 28 feet high. The structures are all well below the 35 ft. structural height restriction required in the original permit 5-88-938 for the land division.

Given the highly visible location of the site protection of visual resources and minimization of landform alteration was an important consideration of the permit for the subdivision. A major issue was the large amount of grading proposed which was addressed by the subdivision permit and a permit amendment through special conditions limiting the amount of grading that could occur on the site. The proposed cut and fill slopes were limited in height, the building pads were limited in size and landscaping of the cut and fill slopes were required to minimize the visual impact of the development. Further, the Commission limited heights of any future residential structures to a maximum of 35 feet.

The proposed development constitutes the highest extent of infill of the existing developed area overlooking the Pacific Coast Highway and nearby beaches in this area. Above the subdivision is a water tank and steep, vacant hillside covered with native vegetation. The surrounding area is characterized by lower intensity residential development. Although the view impact is mitigated partially by the setbacks from the edges of the respective pads, there is still a potential impact upon public views to and along the coast. Development sited in such areas is made more visually intrusive by the use of bright colors or white tones. The use of earth tones for buildings and roofs minimizes the visual impact of structures and helps blend in with the natural setting. These concerns have been addressed in coastal permits for similar development in the project area.

Therefore, the Commission finds a deed restriction which limits the future color of the residences is necessary to avoid future adverse impacts on surrounding views from Pacific Coast Highway and the beaches in this area. In addition, the Commission finds it necessary to require a future development restriction to ensure that any additions to the residences or other development that might otherwise be exempt from Commission permit requirements is reviewed by the Commission for conformity with the visual resource policies of the the Coastal Act. The special conditions required under permit 5-88-938 remain in effect.

The Commission, therefore, finds that only as conditioned by one (1) and (2) above will the proposed project be consistent with Section 30251 of the Coastal Act.

B. Geologic and Fire Hazards

Section 30253 of the Coastal Act states, in 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, 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.

The proposed development is located in the Malibu area which is generally considered to be subject to an unusually high number of natural hazards.

Geologic hazards common to the Malibu area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The Commission reviews the proposed project's risks to life and property in areas where there are geologic, flood and fire hazards. The proposed development, and review at the local level, raise no new issues relative to major geologic or flood hazards. The findings for the underlying land division found that the project area was safe from geologic hazards and development would not have an adverse effect on adjacent properties. (California Geosystems, Inc., Soils and Engineering Geologic Investigation Report, April 22, 1988) The 1988 report found that:

... the proposed building and/or grading will be safe and that the property will not be affected by any hazard from landslide, settlement or slippage and the completed work will not adversely affect adjacent property in compliance with the county code, provided our recommendations are followed.

Updates to this report were provided as part of the application for the proposed development. The report by California Geosystems, Inc., Updated Preliminary Soils and engineering Geologic Report, September 12, 1996 indicates that:

The site was visited by a representative of this firm on September 10, 1996 to examine present conditions at the site. Based on our recent site visit it is our conclusion that the site and geotechnical conditions at the site are essentially the same as those described in the referenced preliminary and final rough grading reports.

The supplemental information provided by the geologic reports noted under Substantive File Documents (above) address compaction, slab installation, and installation of incidental utilities, and consequently do not significantly affect the findings of the 1988 geotechnical study. Based on the above findings and recommendations of the consulting geologist, the Commission finds that the development is consistent with PRC Section 30253.

The Commission also finds that minimization of site erosion has been adequately addressed by the grading, drainage, and landscape plans previously reviewed and implemented for the underlying land division. Therefore, the Commission finds that it is not necessary to require the applicant to submit further landscaping or erosion control plans.

Additionally, because the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission will only approve the project if the applicant assumes liability from the associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by condition number three (3). The Commission finds that only as conditioned to incorporate wild fire waiver of liability will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Septic System

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The septic system includes septic tanks with seepage pits. A percolation test was performed on the subject site (Seepage Pit Location, Feasibility Study, December 7, 1996). The test indicated the site can accommodate the proposed septic system in compliance with uniform plumbing code requirements. The Commission has found in past permit actions that compliance with the uniform plumbing code will minimize the potential for waste water discharge which could adversely impact coastal streams and waters. Therefore, based on the above information, the Commission finds that the proposed project is consistent with Section 30231 of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act states that:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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, as conditioned, will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations

requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impacts that the activity may have on the environment.

As discussed above, the proposed project has been mitigated to incorporate a deed restriction on future development and color and design, and a wild fire waiver of liability. As conditioned, there are no feasible alternatives or mitigation measures available, beyond those required, which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.

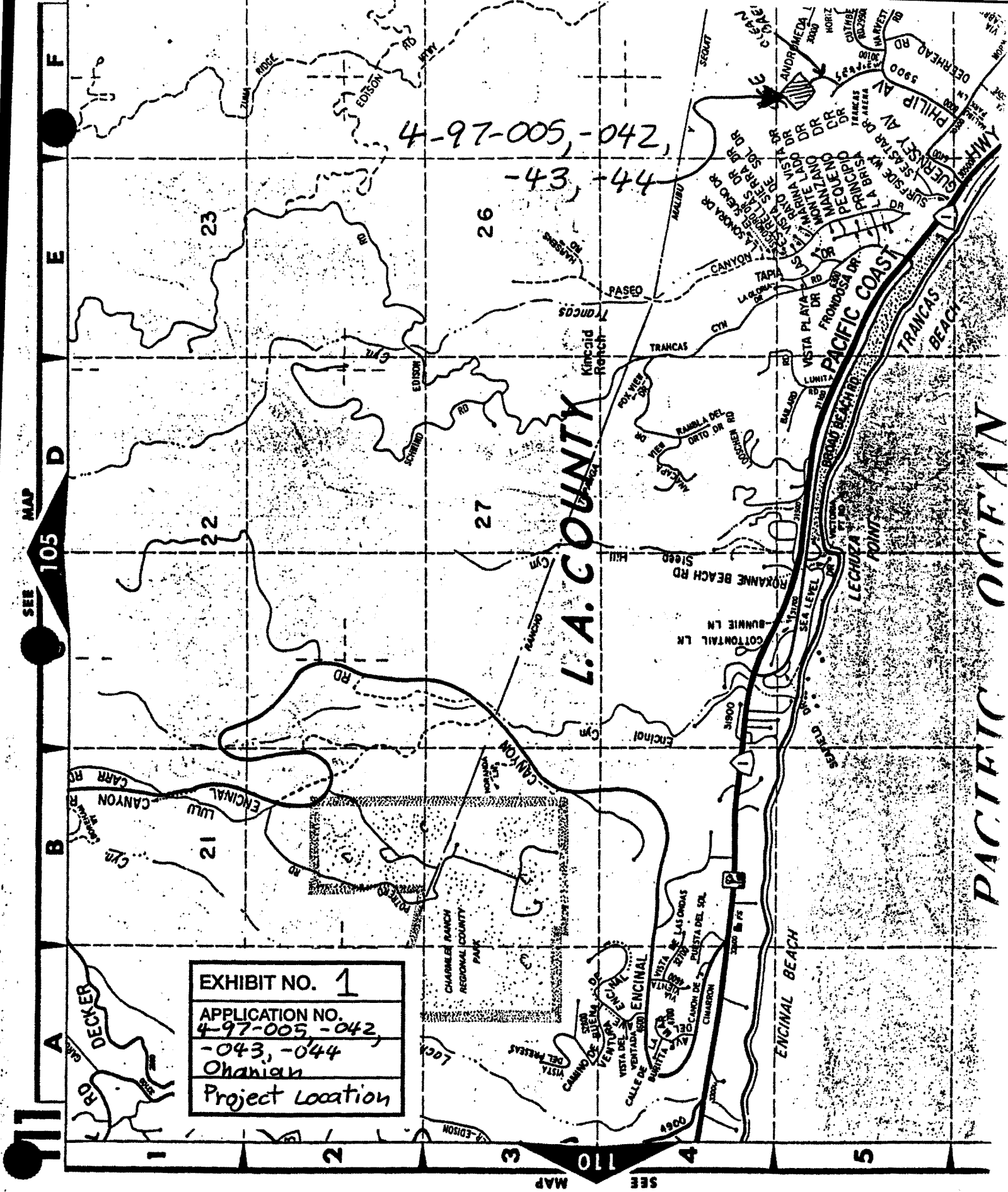
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EXHIBIT NO. 1
APPLICATION NO. 4-97-005-042, -043, -044
Ohanian Project Location

4-97-005, -042,
-43, -44

L.A. COUNTY

PACIFIC OCEAN



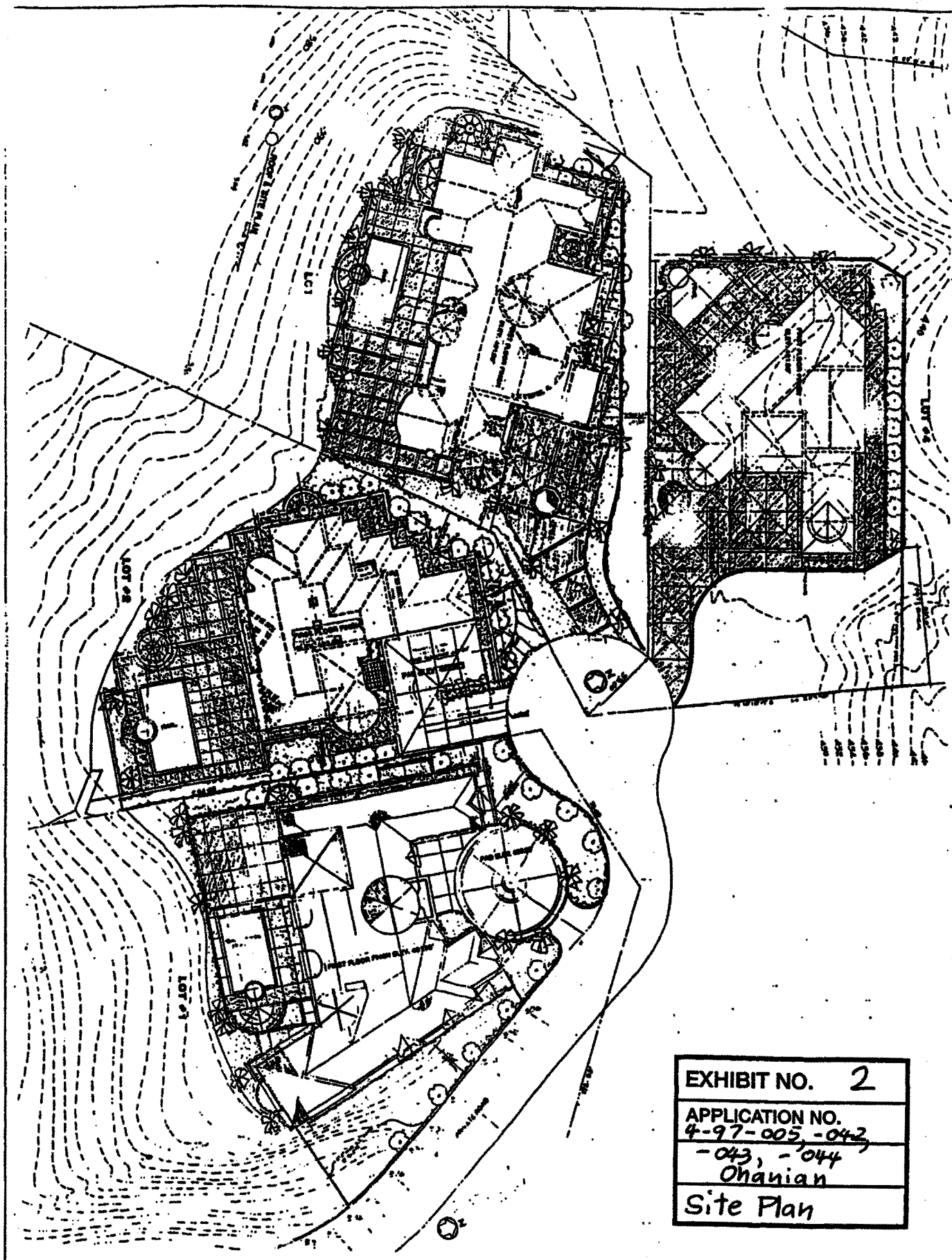


EXHIBIT NO. 2

APPLICATION NO.
4-97-005, -042
-043, -044
Ohanian

Site Plan

MASTER PLAN

LOT #1, LOT #2, LOT #3, LOT #4
OCEAN BREEZE DRIVE,
MALIBU, CALIFORNIA.



**Alajajan, Marcoosi
Architects**
100 W Broadway
Suite 300
Corvallis, OR 97331
503/344-8300



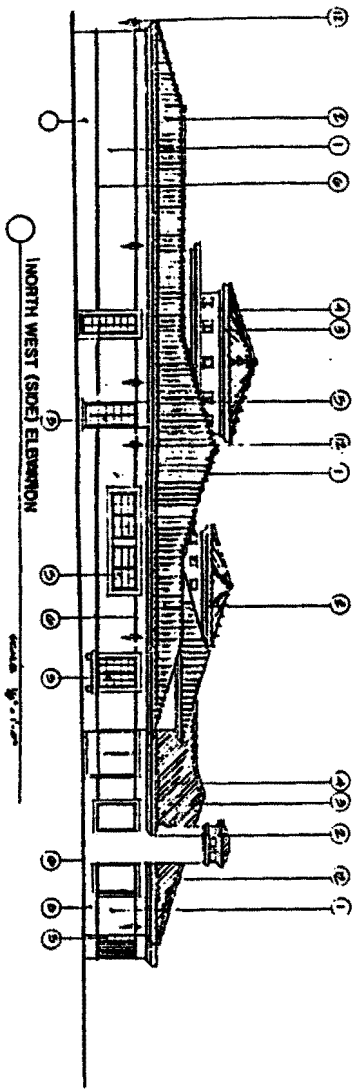
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EXHIBIT NO. <u>3</u>
APPLICATION NO.
<u>4-97-005, -042,</u>
<u>-043, -044 Ohanian</u>
<u>Elevation lot 1</u>

SOUTH EAST (SIDE) ELEVATION
K244 0' 0" 0"

NORTH EAST (MAIN) ELEVATION
SCALE 3/4" = 1'-0"

○ SOUTH WEST (REAR) ELEVATION.
Scale 1/2" = 1'-0"

○ NORTH WEST (SIDE) ELEVATION
1000 ft. - 1000 ft.

FINISH MATERIAL

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1-wood molding w/paint finish color match adjacent
surface wall.

- [illegible]

EXHIBIT NO.

APPLICATION NO.

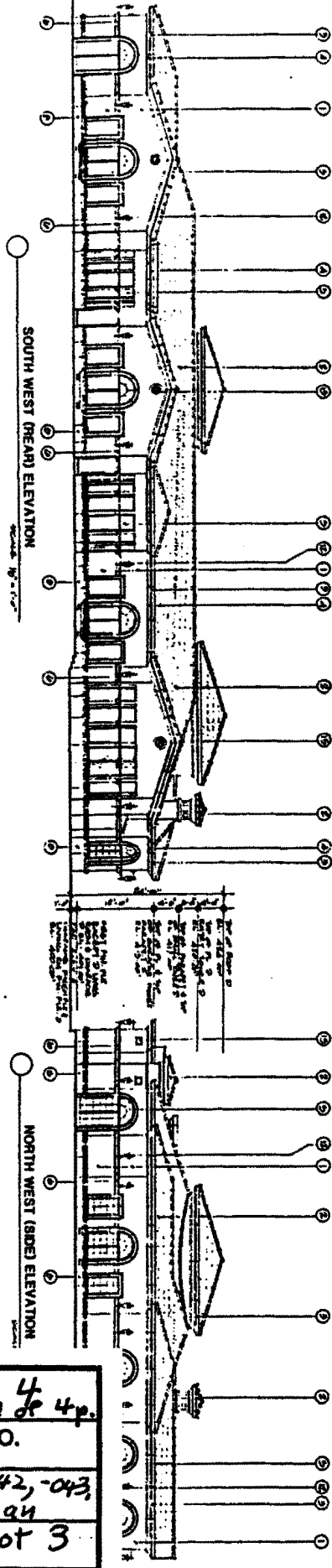
4-97-005, -042,
-043, -044 Chanian
Elevation lot 2

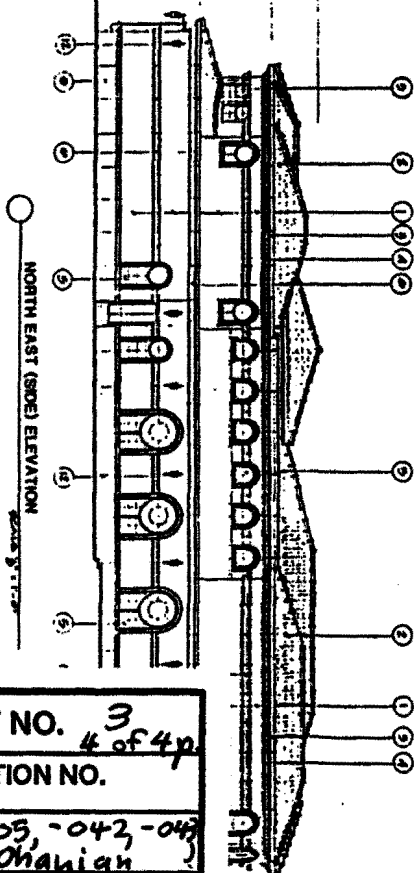
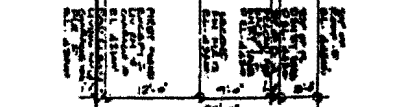
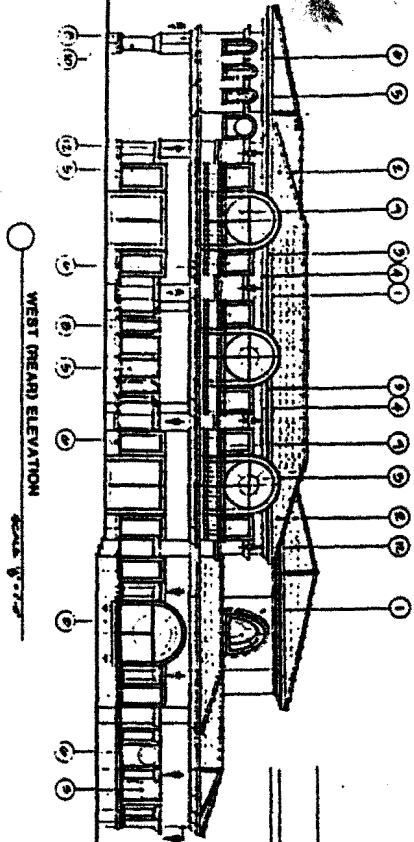
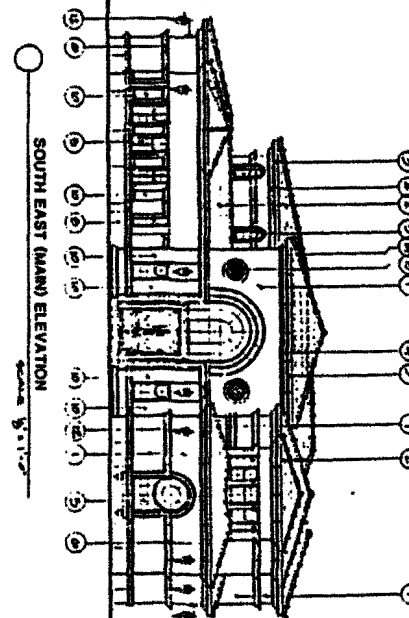
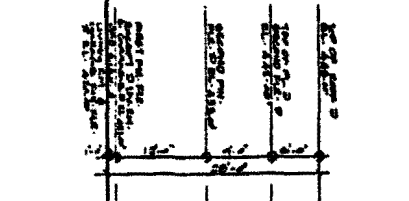
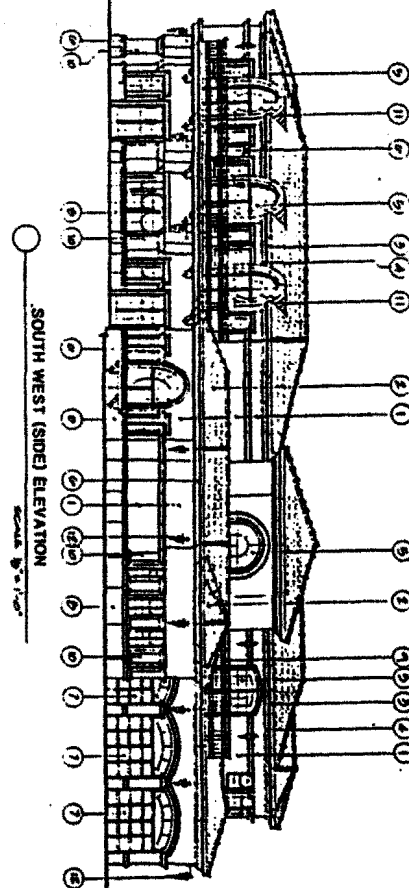
ELEVATIONS

**SEA VIEW DRIVE
LOT NO. 2**

**Alajajian • Marcoosi
Architects**

600 W. Broadway
Suite 300
Glendale
California 91204
Tel. (818) 244-5330

[illegible]



FINISH MATERIAL

- [illegible]

EXHIBIT NO. ³
4 of 4p
APPLICATION NO.
4-97-005, -042, -043
-044 Ohanian
Elevation lot 4

**SEA VIEW DRIVE
LOT NO. 4**



the 1990s, the U.S. has been the only country to have a significant number of people who are both gay and lesbian. In the 1990s, the U.S. has been the only country to have a significant number of people who are both gay and lesbian. In the 1990s, the U.S. has been the only country to have a significant number of people who are both gay and lesbian.