

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 8/17/98  
49th Day: 10/5/98  
180th Day: 2/13/99  
Staff: GM-V  
Staff Report: 9/21/98  
Hearing Date: Oct.

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NO.: 4-98-209**

**APPLICANT: Raffi Ohanians**

**PROJECT LOCATION: 21577 Rambla Vista; Malibu (Los Angeles County)**

**PROJECT DESCRIPTION: Construction of a new 34' 6" high, 3,400 sq. ft. single family residence to replace a 1,280 sq. ft. single family residence destroyed by the 1993 Topanga Firestorm. The project includes installation of a new septic system to replace the existing septic system and 526 cu. yds. of grading (cut).**

<b>Lot area:</b>	<b>5,492 sq. ft.</b>
<b>Building coverage:</b>	<b>3,400 sq. ft.</b>
<b>Landscape coverage:</b>	<b>2,498</b>
<b>Parking spaces:</b>	<b>4</b>
<b>Ht abv fin grade:</b>	<b>34' 6"</b>

**LOCAL APPROVALS RECEIVED: City of Malibu Planning Approval in Concept and City of Malibu Health Department Approval**

**SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Application 4-94-138, Preliminary Soils and Engineering Geologic investigation by Miller Geosciences, Inc. dated 5/26/94, and Updated Engineering Geologic and Geotechnical Engineering Report by Miller Geosciences, Inc. dated 3/6/98.**

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the project with four (4) special conditions relating to a landscaping and erosion control plan, plans conforming to geologic recommendations, a waiver of liability, and an assumption of risk deed restriction.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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. Landscaping and Erosion Control Plan**

Prior to issuance of the coastal development permit, the applicant shall submit landscaping and erosion control plans for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologic and geotechnical consultants to ensure that the plans are in conformance with the consultants' geotechnical recommendations. The plans shall incorporate the following criteria:

- (a) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes within (60) days of final occupancy of the residence. To minimize the need for irrigation and to screen or soften the visual impact of development 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 October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

#### **2. Plans Conforming to Geologic Recommendations**

Prior to the issuance of coastal development permit the applicant shall submit, for review and approval by the Executive Director, evidence of the geology and geotechnical consultants' review and approval of all project plans. All recommendations contained in the Preliminary and Update Geologic and

Geotechnical Engineering Investigations dated 5/26/94 and 3/6/98 respectively by Miller Geosciences, Inc. shall be incorporated into all final design and construction including slope stability, foundations and drainage. All plans must be reviewed and approved by the consultants.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

3. 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, operation, 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

4. Assumption of Risk

Prior to issuance of a coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from steep slopes, landsliding and erosion on site and the applicant assumes the liability from such hazards, and (b) the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and/or its officers, agents and employees relative to the Commission's approval of the project for any damage from such hazards.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description/Background**

The applicant is proposing the construction of a new 34' 6" high, 3,400 sq. ft. single family residence to replace a 1,280 sq. ft. single family residence destroyed by the 1993 Old Topanga Firestorm. In addition, the project includes the replacement of the existing septic system, construction of an 81 foot long, 5' 6" high (from finished grade) retaining wall and 526 cu. yds. of grading (cut) which will be exported off-site.

Pursuant to Section 30610(g)(1) of the Public Resources Code, no Coastal Development Permit is need for the replacement of any structure, other than a public works facility, destroyed by disaster as long as the replacement structure conforms to applicable existing zoning requirements, is for the same use as the as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and is sited in the same location on the affected property as the destroyed structure. In this case, the replacement structure exceeds the previously existing structure by 166 percent. Therefore, a Coastal Development Permit is required.

The proposed development is located in a neighborhood known as La Costa. This area is comprised of 260 non-conforming lots generally less than one acre in size. The physical characteristics of the La Costa neighborhood include lots with steep topography and limited natural vegetation. The La Costa area is also observed to have numerous historic and currently active landslides, slips, and slumps. The subject lot has an area of 5,492 square feet and a 40 degree slope ascending from the rear yard area to the northern property line. Slope ratios ranging from 2:1 to 1.5:1 horizontal to vertical continue ascending north of the parcel. The existing site characteristics include the presence of the foundation, chimney, and retaining walls from the destroyed structure, and vegetation consisting of both native and non-native grasses and small brush. The lot is highly visible from Pacific Coast Highway which is designated as a scenic highway in the 1986 Certified Malibu/Santa Monica Mountains Land Use Plan. In addition, surficial landslide debris was observed at the base of the rear slope.

The proposed development was the subject of prior Coastal Development Permit Application 4-94-138. The proposed structure in 4-94-138 was 1,930 sq. ft. The Commission approved the development on October 13, 1994 with three (3) special conditions relating to a landscaping and erosion control plan, plans conforming to geologic recommendation, and a wild fire waiver of liability. Although a notice of intent was issued, the special conditions were never satisfied in full and a permit was never

issued. The development now being proposed is a modified form of the development approved under 4-94-138 (Exhibits 1-6).

**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 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 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 subject site is located in an area known as La Costa. Lots in this area generally are less than one acre in size. The subject parcel has an area of 5,492 sq. ft. and is clustered with many lots of similar size. Any development occurring within the La Costa area will be highly visible from Pacific Coast Highway. The visual impact created by development in this area is primarily due to the lot size and steep topography ascending directly from Pacific Coast Highway. In addition, since the maximum allowable structure size for this area is 3,400 sq. ft. pursuant to Section 9215(B)(1) of the Malibu Municipal Code, little area is left available for landscaping. The Commission recognizes that new development creates the potential for disruption of vegetation around development sites. The proposed project also includes grading of 526 cu. yds. of cut for the pad. In order to maintain the maximum degree of visual character for the development site, it is important to landscape all graded and disturbed areas with plants native to the area as stated in special condition number one (1).

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

**C. Geologic Stability and 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, 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 Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains 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.

### 1. Geology

The applicant has submitted a Preliminary and Update Engineering Geologic and Geotechnical Report, dated 5/26/94 and 3/6/98 respectively, prepared by Miller Geosciences, Inc. for the subject site.

The primary geotechnical concerns for the proposed project are related to a surficial landslide on the parcel, remediation of the surficial slide, and foundations.

According to Miller Geosciences, Inc.:

*The property did reveal the presence of past surficial slope failures. The rear slope will require repair prior to or during construction. It is our opinion the rear slope can be supported with a combined compacted fill slope and retaining walls.*

The update engineering geologic and geotechnical investigation modified its recommendation saying:

*Our original recommendations, included adding two retaining walls, removing the slump material and existing fill and replacing the void with a new certified fill. In lieu of replacing the fill and slump debris with compacted fill it has been recommended by others to construct a slough wall at the toe of the rear ascending slope.*

The applicant is proposing an 81 foot long retaining wall (slough wall) consistent with the geotechnical recommendations. This should minimize the hazard from the existing slide material.

In regard to surficial stability, a surficial stability analysis was performed for the existing slope which indicated the surficial slopes up to soil thickness' of four (4) feet have a factor of safety in excess of 1.5.

In the opinion of Miller Geosciences:

*It is the finding of this firm 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.*

In conclusion, the update engineering geological and geotechnical investigation states that:

*Upon the review of the plans, it appears that the residence will be located essentially in the same place as the one that burned down some 5 years ago. The plans previously development by Barsocchini and Associates have been revised and foundations are located in new areas as are some of the retaining walls. The modifications for the residence are not significant enough to warrant a revision in our original recommendations.*

Nevertheless, there remains a level of risk and therefore, the Commission can only approve the project if the applicant assumes the liability from the associated risks of developing this site. This responsibility is carried out through the recordation of a deed restriction, as noted in special condition four (4). The assumption of risk deed restriction, when recorded against the property will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

Based on the site observations, excavation, laboratory testing, evaluation of previous research, analysis and mapping of geologic data limited to subsurface exploration of the site, both the geologic and geotechnical engineers have provided recommendations to address the specific geotechnical conditions related to the design of the building foundation, building pad drainage, and reconstruction of the swimming pool.

Based on the findings and recommendations of the consulting geologist and geotechnical engineer, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all recommendations regarding the proposed development are incorporated into the project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geologist and geotechnical engineer as conforming to their recommendations, as noted in condition number two (2) for the final project plans for the proposed project.

## **2. Fire**

The Coastal Act also requires that new development minimize the risk to life and property in areas of high fire hazard. The Coastal Act recognizes that new development may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to establish who should assume the risk. When development in



areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Vegetation in the coastal areas of 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 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 above is the proposed project consistent with Section 30253 of the Coastal Act.

#### D. Septic System

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. 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, minimizing alteration of natural streams.*

The proposed septic system includes a 1,500 gallon septic tank with seepage pits. The installation of a private sewage disposal system was approved by the City of Malibu Health Department, and found not to create or cause adverse conditions to the site or adjacent properties due to the favorable geologic structure, favorable nature of the earth materials with respect to percolation rates, and the favorable effect of a deep capping depth.

A percolation test was performed on the subject property which indicated the percolation rate meets Uniform Plumbing Code requirements for a 3-4 bedroom residence and is sufficient to serve the proposed single family residence. The applicant has submitted a conceptual approval for the sewage disposal system from the City of Malibu Department of Environmental Health, based on a 3-4 bedroom single family residence. This approval indicates that the sewage disposal system for the project in this application complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that compliance with the health and safety codes will minimize any potential for waste water discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed septic system is consistent with Section 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

*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 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's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 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, to be consistent with any applicable requirements of the California Environmental Quality Act (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 which would

substantially lessen any significant adverse effect which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.

GM-V

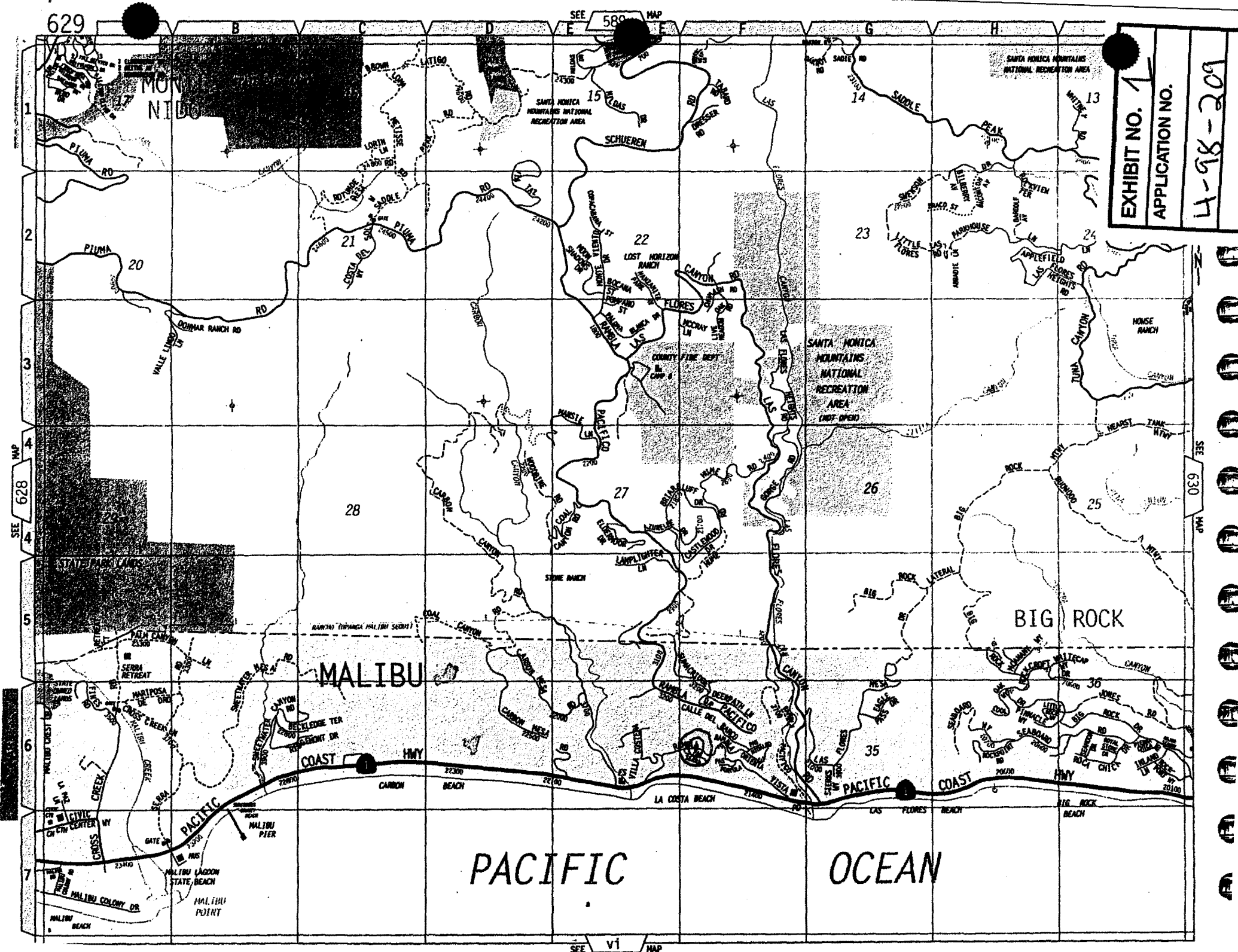
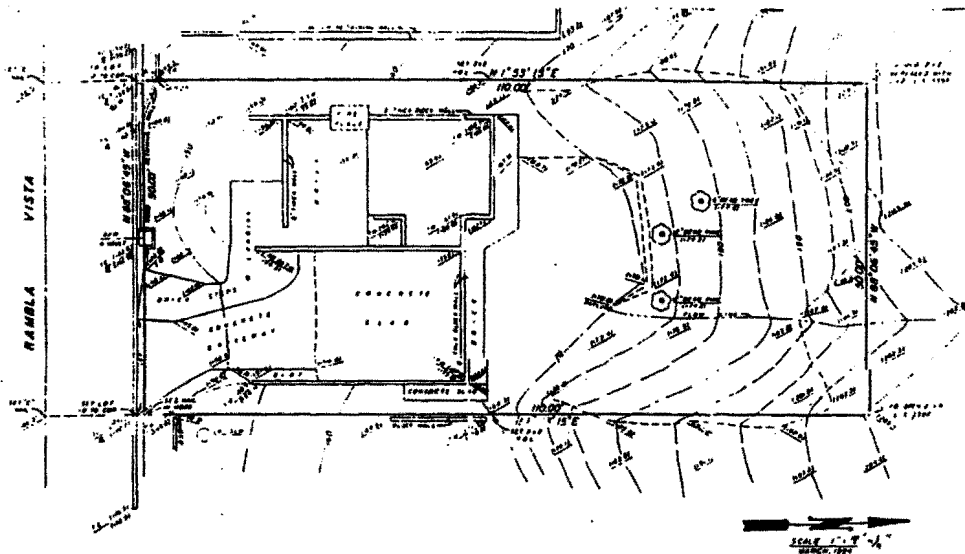


EXHIBIT NO. 1  
APPLICATION NO.  
4-98-209

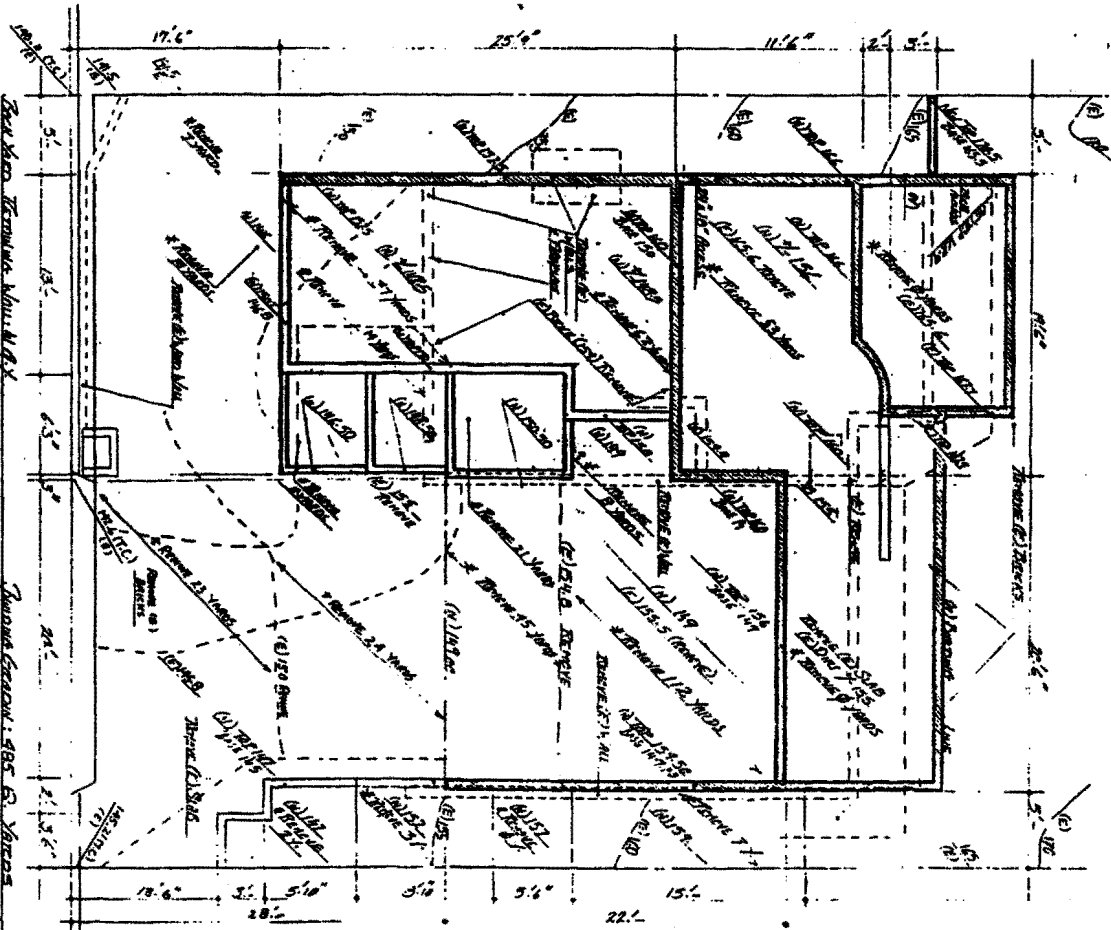


# ARCHITECTURAL SURVEY

21577 RAMBLA VISTA  
LOT 172, TRACT NO. M870

PREPARED BY  
LOUIS THOMPSON SURVEYORS, INC.  
2000 BENTLEY AVE.  
SHANNON HILLS, CA 91364  
(818) 880-1000  
L.S. 2204

## GRADING AND DEMO PLAN



CITY OF MALIBU  
PLANNING DEPARTMENT  
APPROVAL IN CONJUNCTION  
WITH THE CITY ENGINEER  
DATE: 11/15/00  
BY: [Signature]

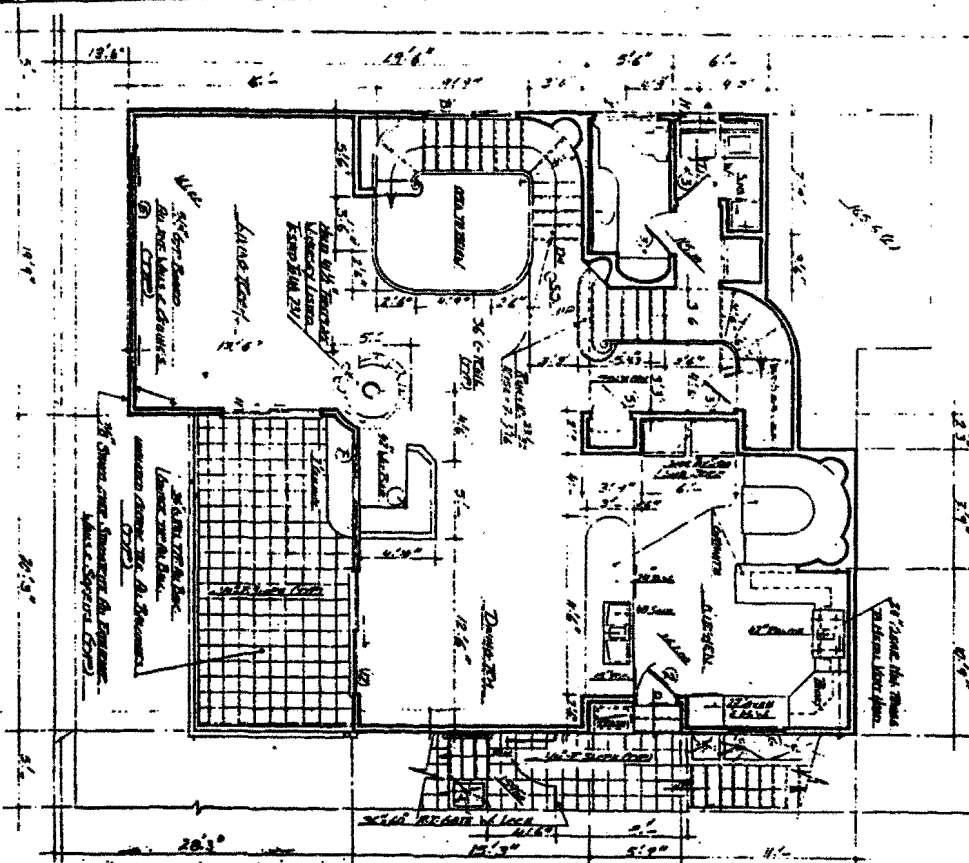
EXHIBIT NO. 2  
APPLICATION NO.

4-98-209

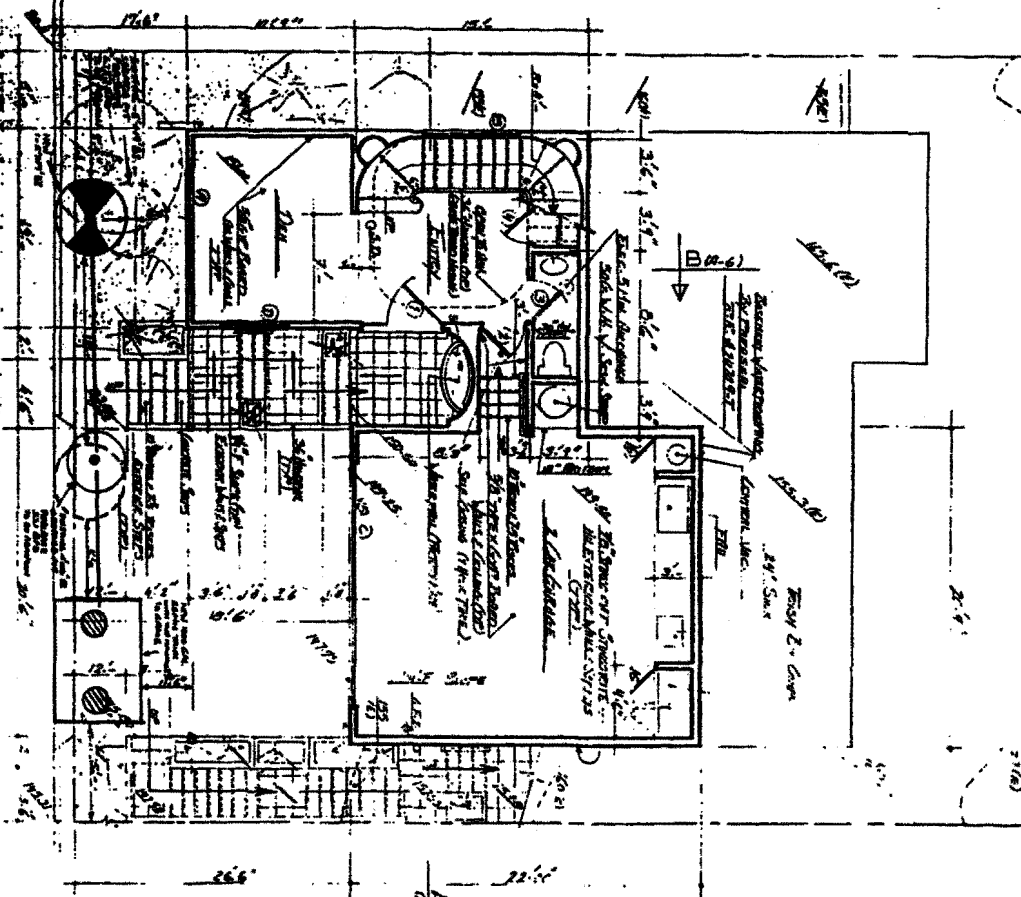
Edmond Aftandilian  
Planning and Design



MID FLOOR PLAN



LOWER FLOOR PLAN



Notes: 1. The owner has the responsibility of providing the necessary permits for the construction of this project.

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Assumptions:

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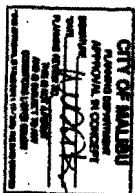


EXHIBIT NO. 3  
APPLICATION NO.

4-98-209

Edmond Aftandilian  
Design and Construction

Mr. & Mrs. Ruffi Ohan

21577 Rambla El  
Malibu, California 90264

[illegible]

This is a detailed architectural floor plan of a two-story building, likely a school or institutional structure. The plan shows a central corridor system connecting various rooms. On the left side, there is a large 'Gymnasium' with a grid pattern, a 'Dance Studio', and a 'Music Room'. The central area contains a 'Main Entrance', a 'Reception Area', and a 'Lobby'. To the right, there are several classrooms, a 'Library', and a 'Reading Room'. The plan also includes a 'Kitchen', 'Dining Hall', and 'Cafeteria'. Outdoor areas with trees and a 'Playground' are shown on the right side. Dimensions and room numbers are indicated throughout the plan.

EXHIBIT NO. 4

APPLICATION NO.

4-98-209

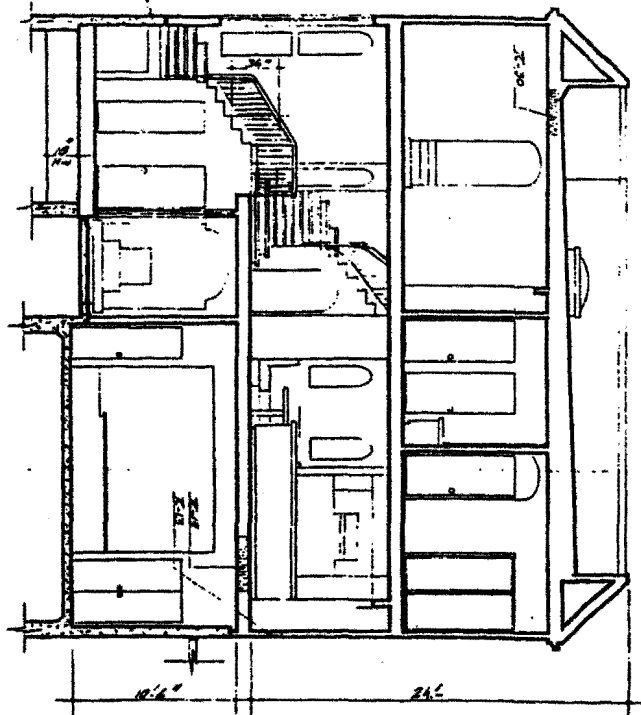
**Edmond Aftandilian**  
**Design and Construction**

CITY OF MALIBU

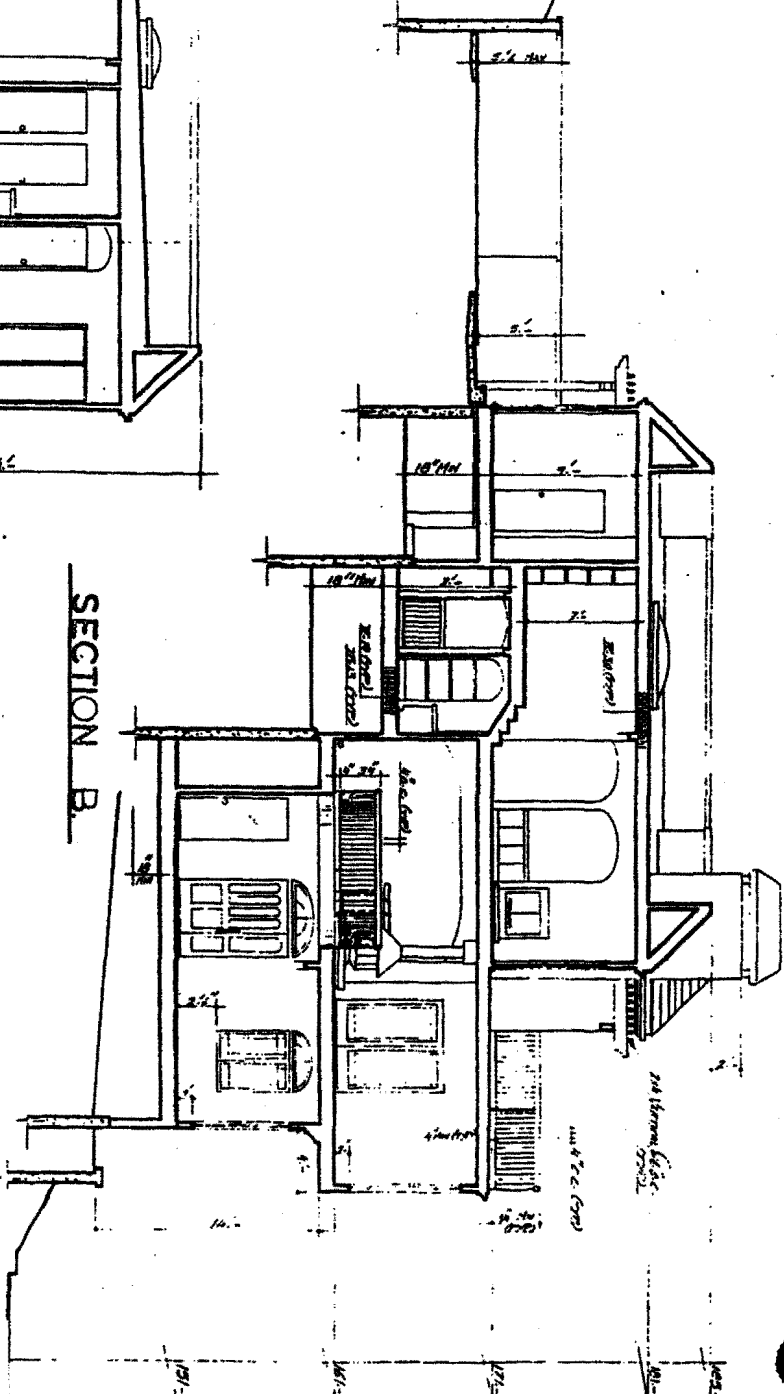
**APPROVAL IN CONCEPT**

12/2/83

**NOTES**



SECTION A



SECTION B

DOOR & WINDOW SCHEDULE

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73	1/2" x 6" x 6" Double Hung Window	W-73
74	1/2" x 6" x 6" Double Hung Window	W-74
75	1/2" x 6" x 6" Double Hung Window	W-75
76	1/2" x 6" x 6" Double Hung Window	W-76
77	1/2" x 6" x 6" Double Hung Window	W-77
78	1/2" x 6" x 6" Double Hung Window	W-78
79	1/2" x 6" x 6" Double Hung Window	W-79
80	1/2" x 6" x 6" Double Hung Window	W-80
81	1/2" x 6" x 6" Double Hung Window	W-81
82	1/2" x 6" x 6" Double Hung Window	W-82
83	1/2" x 6" x 6" Double Hung Window	W-83
84	1/2" x 6" x 6" Double Hung Window	W-84
85	1/2" x 6" x 6" Double Hung Window	W-85
86	1/2" x 6" x 6" Double Hung Window	W-86
87	1/2" x 6" x 6" Double Hung Window	W-87
88	1/2" x 6" x 6" Double Hung Window	W-88
89	1/2" x 6" x 6" Double Hung Window	W-89
90	1/2" x 6" x 6" Double Hung Window	W-90
91	1/2" x 6" x 6" Double Hung Window	W-91
92	1/2" x 6" x 6" Double Hung Window	W-92
93	1/2" x 6" x 6" Double Hung Window	W-93
94	1/2" x 6" x 6" Double Hung Window	W-94
95	1/2" x 6" x 6" Double Hung Window	W-95
96	1/2" x 6" x 6" Double Hung Window	W-96
97	1/2" x 6" x 6" Double Hung Window	W-97
98	1/2" x 6" x 6" Double Hung Window	W-98
99	1/2" x 6" x 6" Double Hung Window	W-99
100	1/2" x 6" x 6" Double Hung Window	W-100

EXHIBIT NO. 5

APPLICATION NO.

4-98-209

Mr. & Mrs. Raffi Ohanians

21577 Ramble Vista

Malibu, California 90265

CITY OF MALIBU  
PLANNING DEPARTMENT  
APPROVAL BY CONCEPT  
DATE: 1/1/98  
BY: [Signature]

AC



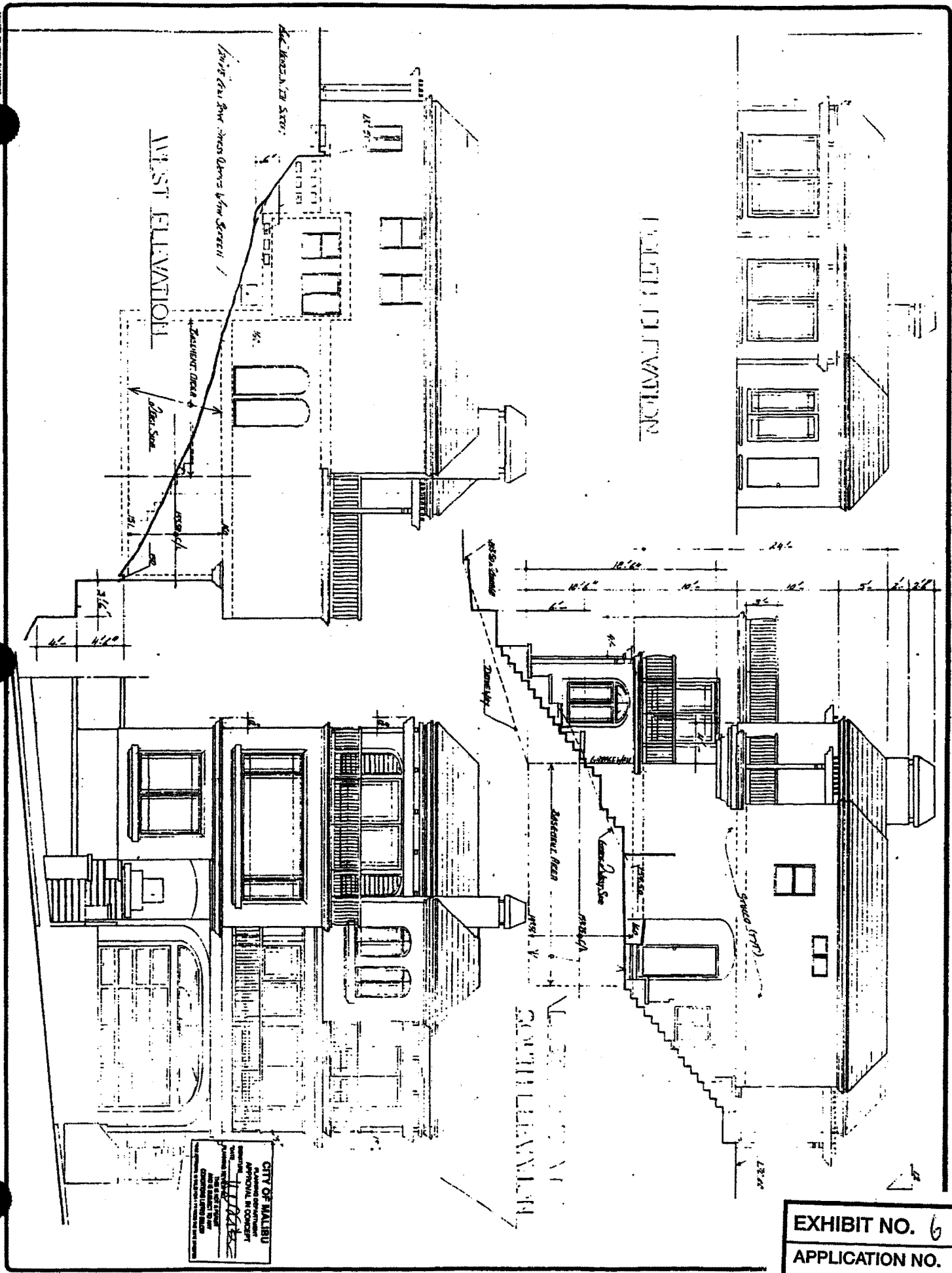


EXHIBIT NO. 6  
APPLICATION NO.

4-98-209

Edmond Aftandilian  
Design and Construction

Mr. & Mrs. Raffi Ohanians  
21577 Rambla Vista

AT  
200  
100  
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