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CALIFORNIA COASTAL COMMISSION

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



Filed: 1/30/98
49th Day: 3/20/98
180th Day: 10/27/98
Staff: MB-V
Staff Report: 2/19/98
Hearing Date: 3/10-13/98

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-88-1029-A2

APPLICANT: Ylena Antseliovich and Iakov Fled

PROJECT LOCATION: 6020 Bonsall Drive, City of Malibu, Los Angeles County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 5020 sq. ft., 32 ft. high single family residence, stable, riding ring, septic system, and 7000 cu. yds. of grading on a 3 ac. vacant lot. Permit was amended under 5-88-1029A to construct a 4748 sq. ft. single family residence, 28 ft. in height, 950 sq. ft. detached garage, swimming pool, driveway within recorded easement, retaining walls septic system, and 2073 cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill).

DESCRIPTION OF AMENDMENT: Increase floor area to construct a 28 ft. high, two story 6796 sq. ft. single family residence and revise septic system design; reduction of grading from 2073 cu. yds. to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill); delete provision for stable and riding ring.

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept, 11-17-97.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-88-1079 (Finck); RJR Engineering Group, Inc., Geologic and Geotechnical Engineering Report Proposed Custom Single Family Residence 6020 Bonsall Drive Malibu, California, August 25, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission determine that the proposed amendment as conditioned by the original permit is consistent with the requirements of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

14 Cal. Admin. Code 13166.

In this case, there has been an objection to the Executive Director's determination of immateriality.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit 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. Special Conditions

NOTE: The special conditions of permit 5-88-1029 remain in effect.

III. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

1. Project Description

The applicant proposes to increase the floor area to 6796 sq. ft. and revise the septic system per plans reviewed by City of Malibu dated 11-17-97 as well as reduce grading from 2073 cu. yds. to 1960 cu. yds. (910 cu. yds. cut and 1050 cu. yds. fill) and delete provision for the stable and riding ring. The original approval was for construction of a 5020 sq. ft., 32 ft. high single family residence, stable, riding ring, septic system, and 7000 cu. yds. of grading on a 3 ac. vacant lot.

Amendment 5-88-1029-A1 was approved as an immaterial amendment on June 17, 1997. Immaterial Amendment 5-88-1029-A1 (Holst) was to construct a 4748 sq. ft. single family residence, 28 ft. in height, 950 sq. ft. detached garage, swimming pool, driveway within recorded easement, retaining walls septic system, and 2073 cu. yds. of grading (935 cu. yds. cut and 1138 cu. yds. fill). The amendment did not become effective because it was not accepted by the applicant. The permit has now been transferred to Antseliovich and Fled.

The proposed amendment affects a parcel of 2.98 acres. The project location is on an existing pad elevated above Zuma Canyon. (Exhibit I) The property is reached by a private road across adjacent property and the property owner of this adjacent land has not objected to the use of the access easement and related grading outside the easement needed for driveway construction. However, the same adjacent property owner has objected to the project because of its height and size of the proposed residential structure is out of character with surrounding development (letter received on February 10, 1998, see Exhibit VII) .

The lot is designated with a combination of Rural Land III, 1 du/2ac minimum and Residential I, 1 du/ac in the certified land use plan (LUP) for Los Angeles County. Although the City of Malibu has now been incorporated, and the Local Coastal Program was never completed for Los Angeles County, this information has been used for guidance in past Commission decisions. The proposed development three acres per dwelling unit, is consistent with the density proposed in the LUP.

The Commission's regulations provide for referral of permit amendment requests to the Commission if objection is made to the Executive Director's determination of immateriality. On January 30, 1998 the Executive Director issued a notice that the amendment was considered immaterial. This was objected to in the form of the above noted letter from a neighbor (Exhibit VII) which objected to the building as being above one story in height.

B. Visual Resources/Landform Alteration

Section 30251 of the Coastal Act states (in part) 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. ...

There are a number of applicable policies regarding visual resources and landform alteration in the certified LUP for Los Angeles County, now used for guidance only for the review of development proposals since the City of Malibu has been incorporated. These include the following (paraphrased as applicable): P 82: minimize grading to avoid runoff and erosion effects; P 91: minimize impacts and alterations of physical features; P 129: attractive appearance and harmonious relationship with the surrounding environment; P 130: conceal raw-cut slopes, not significantly intrude into the skyline as seen from public viewing places; P 134: conform to the natural topography, as feasible, massive grading and reconfiguration discouraged.

The elevation on the site ranges from approximately 150 to 250 ft. Most of the development is confined to a pad at the intermediate location at about 200 ft. in elevation. The subject property is located far enough up the canyon so that it does not impact on views to an along the coastline or from any beaches or scenic areas. The site is not visible from nearby scenic highways such as Pacific Coast Highway and Kanan Dume Road.

The neighbor objecting to the proposed amended project indicates the project is out of scale with surrounding residential development. However, the proposed residence is similar in scale and character with surrounding development. The surrounding area is characterized by concentration of development of large residences on large lots, many of the lots being larger than the subject approximate three acres. Some of these lots are in the canyon bottom, while others on the ridges take advantage of views across the canyon and toward the coast and mountains. This surrounding development includes both single and two story residences. Neither the standards in the certified LUP, noted above as used for guidance, nor past Commission decisions have required residences to be single story in this area. The general height restriction used has been, rather, 35 ft..

Exhibits 2 and 3 compare the proposed project and the previously proposed project. The comparison of these exhibits shows that the mass and orientation of the building toward the surrounding area is similar, even though the floor area will increase substantially, because of the location within substantially the same footprint, with most of the additional building bulk oriented away from property toward the valley and ridges to the west. Views of the property from the east are shielded by the minor ridge uphill of the project.

Further, the proposal results in a decrease in grading of approximately 5000 cu. yds. less than what was proposed by the original permit and approximately 80 cu. yds. less than what was proposed in the previous amendment. For these reasons, the proposal is compatible with the character of the surrounding area and development is located in a manner consistent with past Commission actions.

The original permit contained a special condition addressing a grading and landscaping plan. This condition is recommended for retention under the amendment. The grading and landscaping plan's use of native plant material in suitable landscaping plans as required can soften and screen the visual impact of the cut and fill slopes to be created for the building pads and road, and ensure that the natural appearance of the site remains after development.

In summary, the proposed amendment as conditioned under the underlying permit will ensure consistency with Coastal Act policies on visual quality and landform alteration. The Commission, therefore, finds that the proposed project as conditioned is consistent with Section 30251 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) 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 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 coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

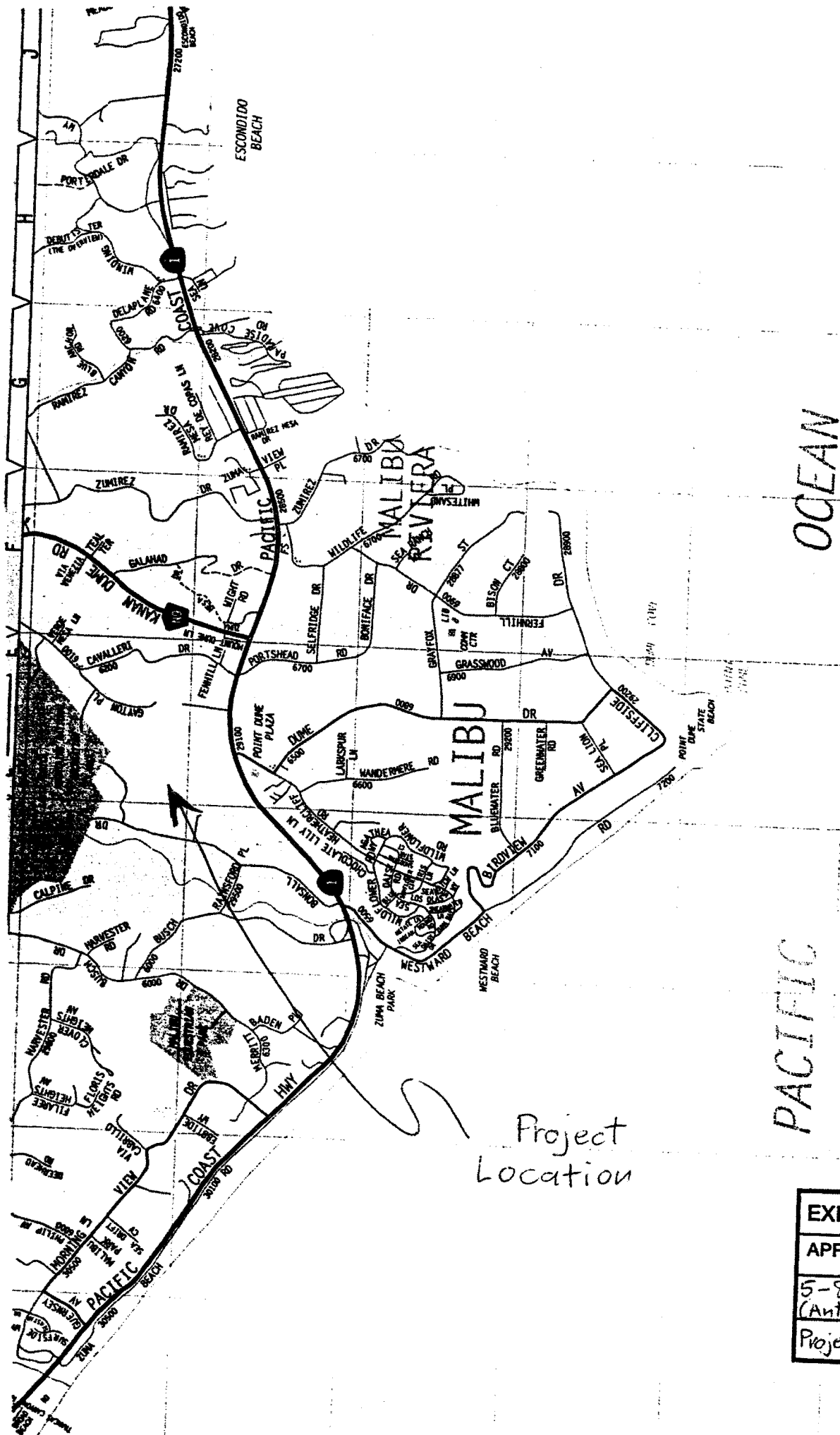
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections 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.

The proposed amendment as conditioned will not create adverse impacts and is consistent with Chapter 3 policies of the Coastal Act. The Commission finds that approval of this project, as conditioned, will not prejudice the ability of the City of Malibu to prepare a Local Coastal Program that is consistent with the policies of Chapter 3 of the Coastal Act, and is therefore consistent with Section 30604 (a) of the Coastal Act.

E. 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)(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 impact which the activity may have on the environment.

As discussed above, the proposed project has been mitigated, through retention of the original conditions of approval as modified above, to require a grading and landscaping and erosion control plan, plans conforming to geologic recommendations, and a wild fire waiver. The proposed amended development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed amended project, as conditioned to mitigate the identified impacts, is consistent with the requirements of CEQA and the policies of the Coastal Act.



Project
Location

OCEAN

PACIFIC

EXHIBIT NO. I
APPLICATION NO.
5-88-1029-A2 (Antselovich & Fied)
Project Location

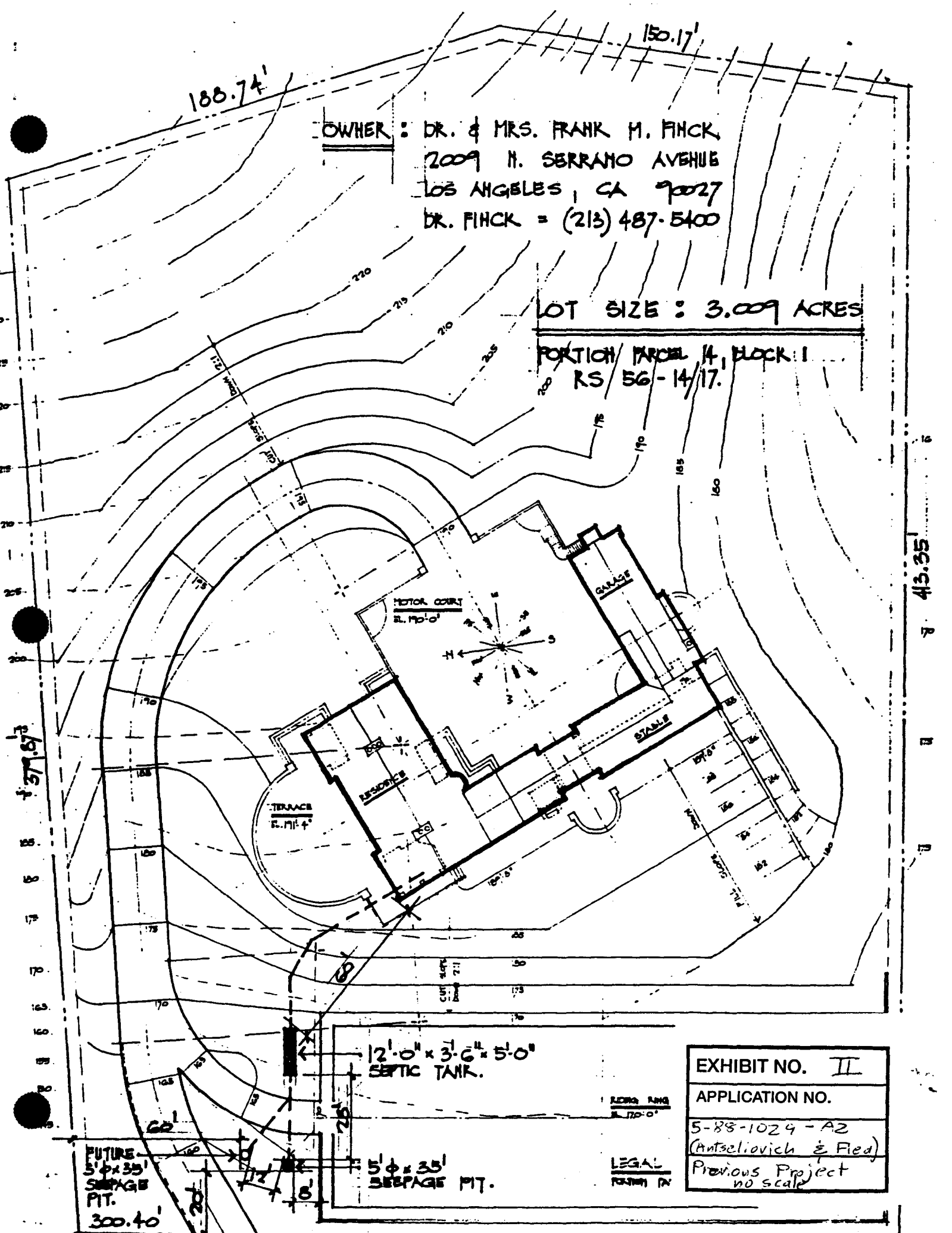
188.74'

150.17'

OWNER : DR. & MRS. FRANK M. FINCK
2009 N. SERRANO AVENUE
LOS ANGELES, CA 90027
DR. FINCK = (213) 487-5400

LOT SIZE : 3.009 ACRES

PORTION/ PARCEL 14, BLOCK 1
RS/ 56-14/17.



43.35'

12'-0" x 3'-6" x 5'-0"
SEPTIC TANK.

5' x 35'
SEWAGE PIT.

EXHIBIT NO. II
APPLICATION NO.
5-88-1024-A2
(Antselovich & Fied)
Previous Project
no scale

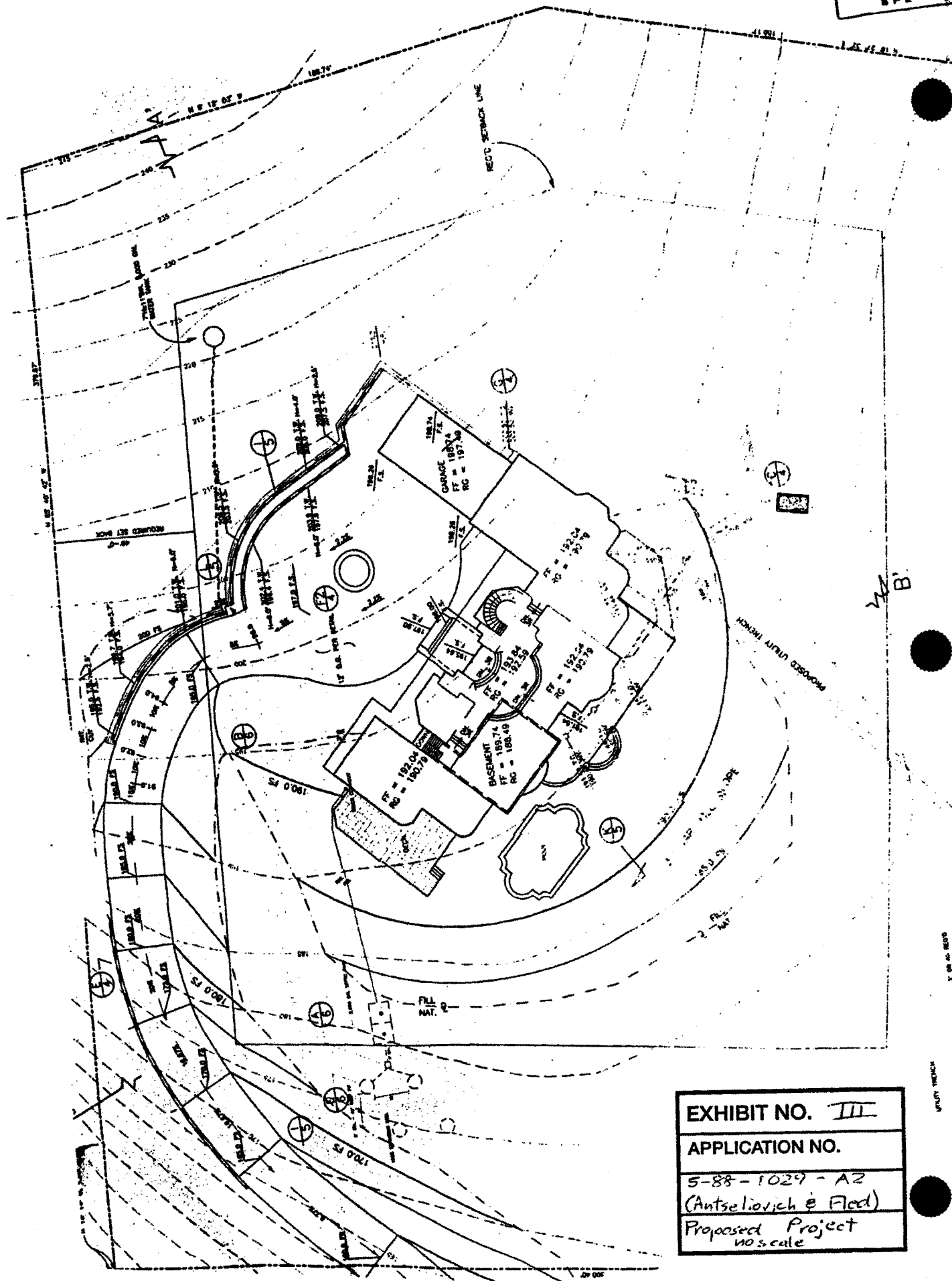


EXHIBIT NO. III
 APPLICATION NO.
 5-88-1029 - A2
 (Antselovich & Fied)
 Proposed Project
 no scale

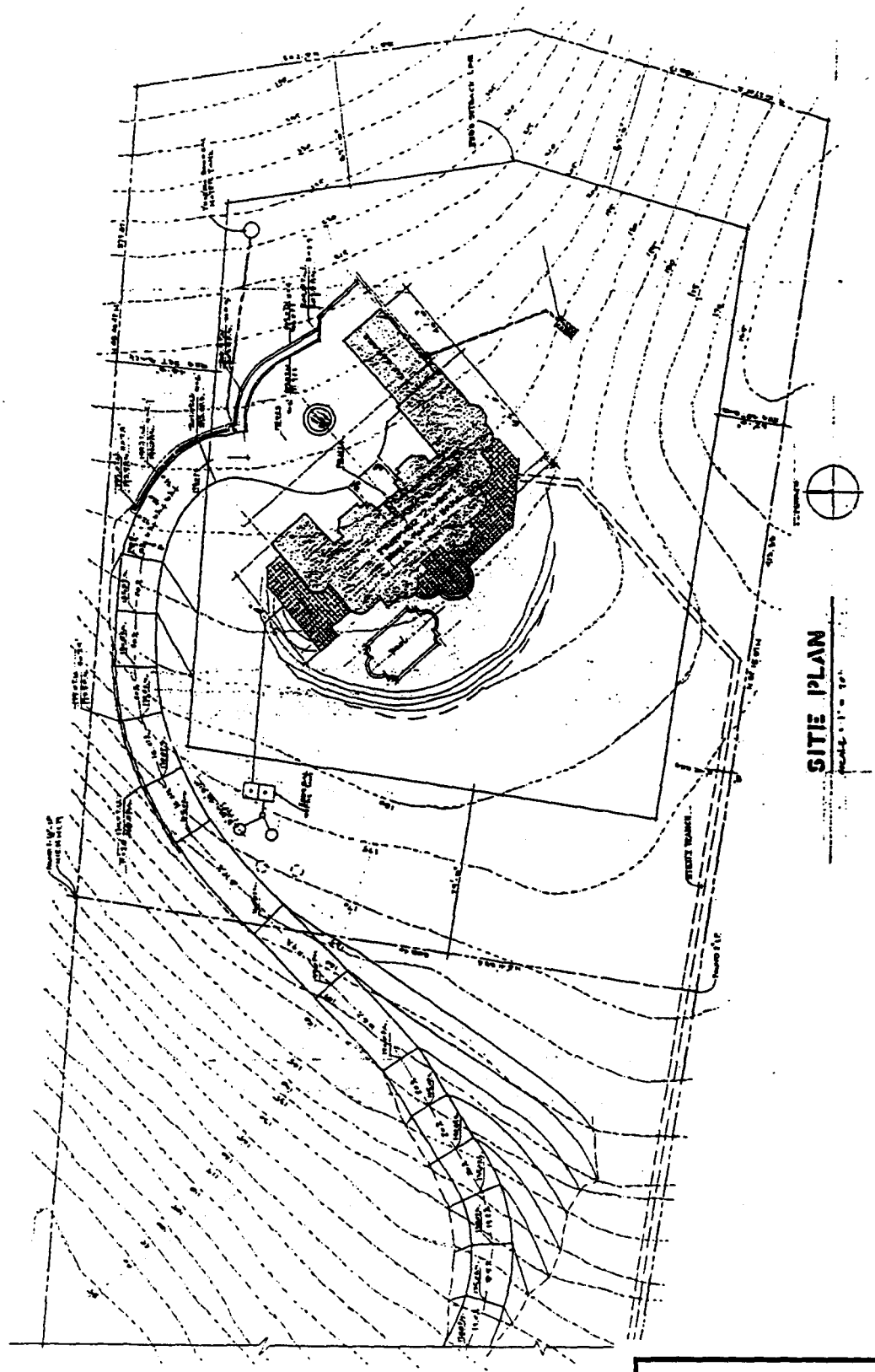
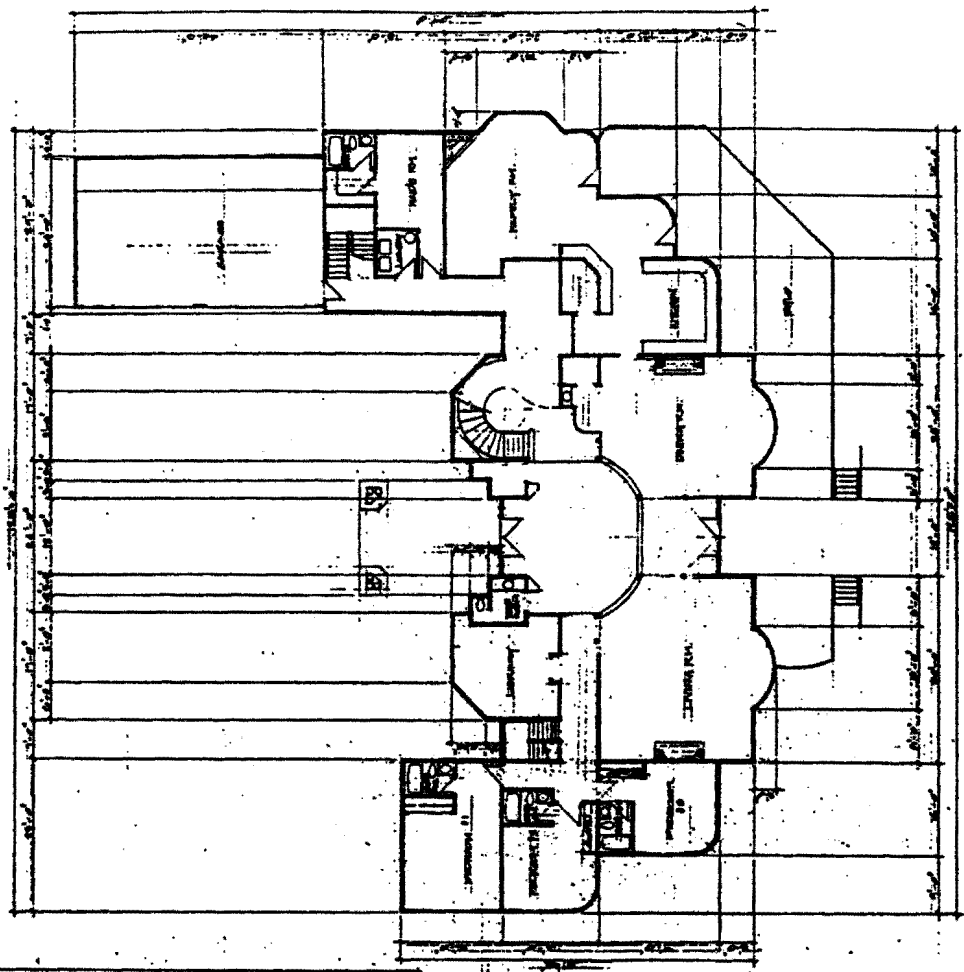
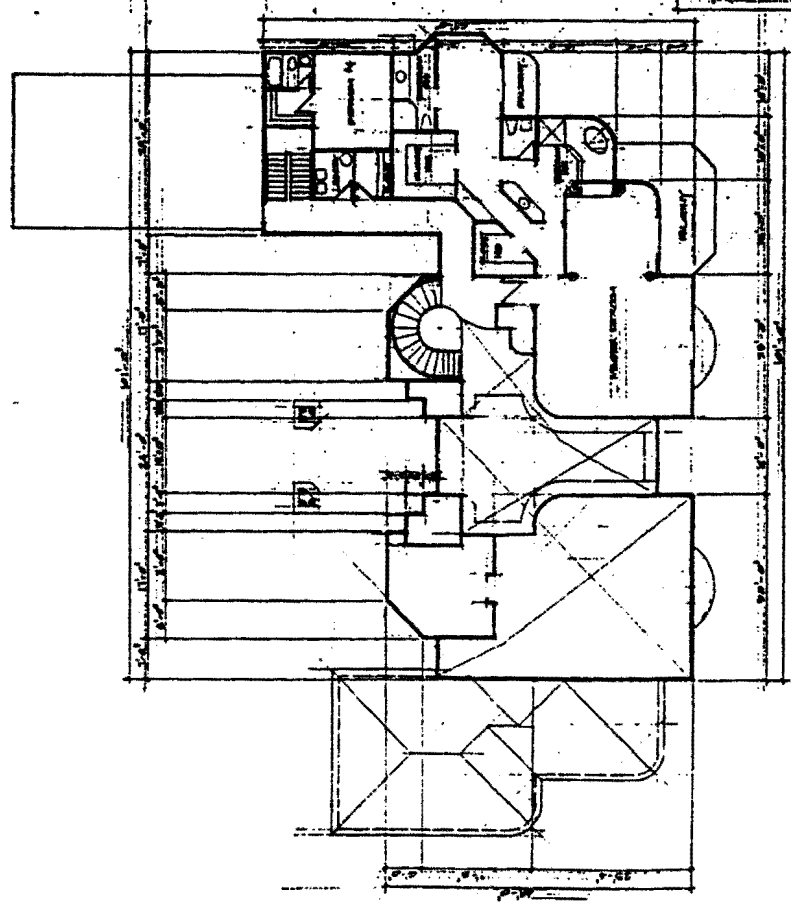


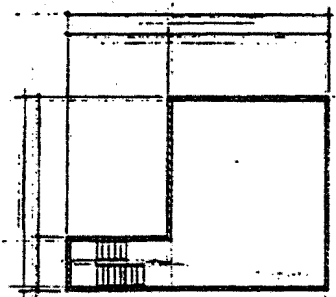
EXHIBIT NO. <u>IV</u>
APPLICATION NO.
5-88-1029-12
(Anseliovich & Fied)
Site Plan & offsite road & grading



FIRST FLOOR PLAN

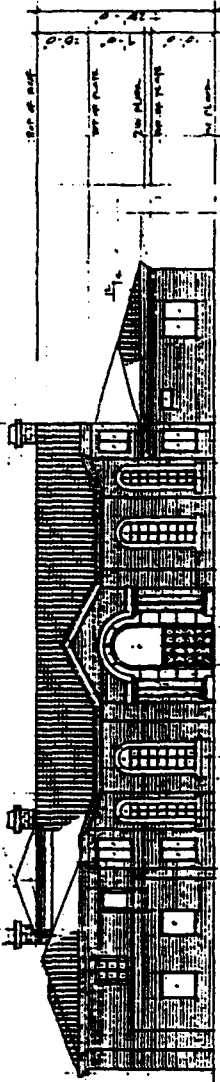


SECOND FLOOR PLAN

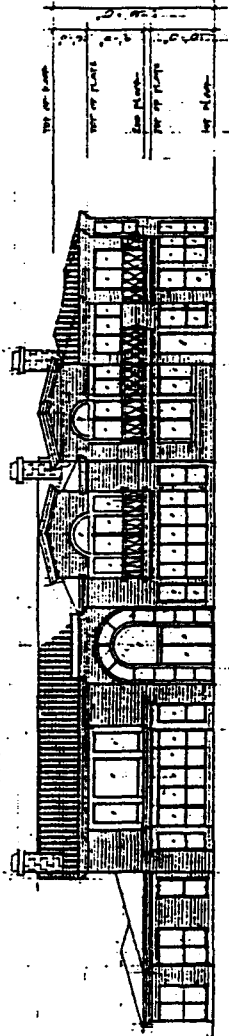


BASMENT ROOM

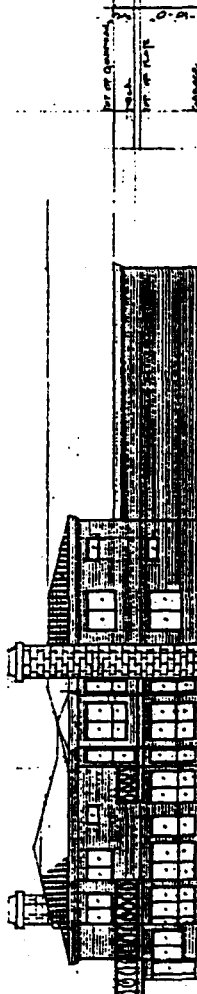
EXHIBIT NO. <u>V</u>
APPLICATION NO.
5-88-1029-A2 (Antonovich & Flat)
Floor Plans



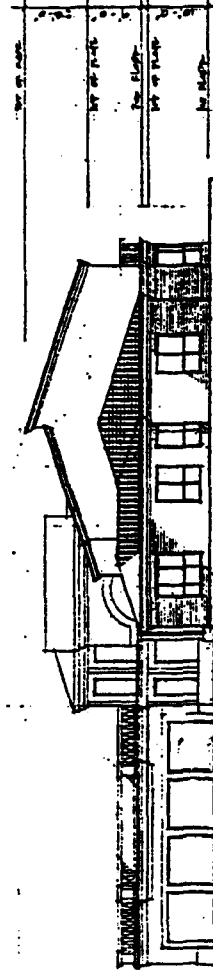
FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

EXHIBIT NO. IV
APPLICATION NO.
5-88-1029-A2
(Antseliovich & Fied)
Elevations

27357 Pacific Coast Hwy.
Malibu, California 90265
February 9, 1998
(310) 457-7404

Merle Betz
California Coastal Commission

FEB 10 1998

Dear Mr. Betz,

This letter is in regard to the notice I received dated January 30, 1998, permit no. 5-88-1029-A2 granted to Ylena Antselovich and Sakov Iled.

I am disturbed to find that a 6796 square foot home of 30 feet in height is proposed for property at 6020 Bonsall Dr., Malibu, California. We have envisioned building a small, one story home for ourselves, similar to that of our neighbors the Kournars who own the property adjacent to the ^{south} west of 6020 Bonsall Dr. The height and size of this ^{proposed} residence could have an overwhelming effect on us and our dear neighbors. It will most certainly affect the neighborhood character!

Sincerely,
Ann Hagen

EXHIBIT NO. VI
APPLICATION NO.
5-88-1029-A2
(Antselovich & Iled)
Objection Letter