


**CALIFORNIA COASTAL COMMISSION**

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

Filed: 6/25/99  
49th Day: 8/13/99  
180th Day: 12/22/99  
Staff: S. Hudson   
Staff Report: 7/22/99  
Hearing Date: August 13, 1999  
Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NO.:** 4-98-270-A1

**APPLICANT:** Isaac Shachory

**AGENT:** Don Schmitz

**PROJECT LOCATION:** 28909 Pacific Coast Highway, Malibu (Los Angeles County)

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Construction of a 4,978 sq. ft., 18 ft. high, self-storage facility with 955 cu. yds. of grading (478 cu. yds. of cut, 277 cu. yds. of fill, and 200 cu. yds. of fill for landscape mounding) and 2,100 cu. yds. of grading for removal and recompaction. The project will also include the construction of a driveway, 5 parking spaces, decomposed granite walkways, storm drain, security fencing, and landscaping.

**DESCRIPTION OF AMENDMENT:** Modify Special Condition Three (3) to allow for the placement of one freestanding 24 sq. ft. advertising sign not to exceed 6 ft. in height.

**LOCAL APPROVALS RECEIVED:** City of Malibu Approval in Concept.

**SUBSTANTIVE FILE DOCUMENTS:** N/A

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission determine that the proposed amendment, subject to one (1) special condition regarding a sign program, is consistent with the requirements of the Coastal Act. The applicant is proposing to amend Coastal Development Permit 4-98-270 to modify Special Condition Three (3) to allow for the placement of one freestanding 24 sq. ft. advertising sign not to exceed 6 ft. in height. As previously approved by the Commission, Special Condition Three (3) limited the size of the advertising sign allowed on the project site to 12 sq. ft. in area and 12 ft. in height. This amendment would serve to effectively double the size of the advertising sign allowed for the project site (from 12 sq. ft. to 24 sq. ft. in area) while also serving to reduce the height of the sign to 1/2 of its former approved height (from 12 ft. in height to 6 ft. in height).

**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.*

In this case, the proposed amendment will affect a permit condition required for the purpose of protecting a coastal resource. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

## **STAFF RECOMMENDATION:**

The 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 modified, 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 effects on the environment within the meaning of the California Environmental Quality Act.

**NOTE:** *All standard and special conditions attached to the previously approved permit remain in effect to the extent not otherwise modified herein.*

### **II. Special Conditions**

#### **3. Sign Program**

- A. No more than one advertising sign that is visible from Pacific Coast Highway or Kanan Dume Road shall be allowed on site. The sign shall be a monument type (free-standing) sign not to exceed a maximum of ~~42~~ 6 ft. in height above finished grade and ~~42~~ 24 sq. ft. in total area. All signs on site shall be illuminated only by indirect light (no internal illumination shall be allowed). No roof or wall advertising signs shall be permitted.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

### **III. Findings and Declarations**

#### **A. Project Description and Background**

The applicant is requesting an amendment to Coastal Development Permit 4-98-270 to modify Special Condition Three (3) to allow for the placement of one freestanding 24 sq. ft. advertising sign not to exceed 6 ft. in height. As previously approved by the Commission, Special Condition Three (3) limited the size of the advertising sign allowed on the project site to 12 sq. ft. in area and 12 ft. in height.

The project site is a 33,190 sq. ft. vacant parcel located on the northern (landward) side of Pacific Coast Highway approximately 100 ft. east of Kanan Dume Road (Figure 1). The subject parcel is zoned for "general commercial" development by the certified Malibu/Santa Monica Mountains Land Use Plan. Existing commercial development is located adjacent to and immediately west of the project site at the Kanan Dume Road/Pacific Coast Highway intersection. The subject site has been previously graded in order to construct the fill slope and drainage improvements for Pacific Coast Highway. The subject site is generally flat with the exception of an 8-16 ft. high, 2:1 (26°) gradient fill slope which ascends to Zuma Mesa Drive to the north.

The project site has been subject to past Commission action. Coastal Development Permit 5-85-492 was previously approved by the Commission on January 7, 1986, for the construction of a 12,452 sq. ft., two-story commercial building with four special conditions regarding revised plans for additional parking, traffic regulation signs, landscaping and signage restrictions, provision of public parking, and contribution to the Malibu Beach Access Fund. Special Condition Three (3) of Coastal Development Permit 5-85-492 specifically required that no more than one advertising sign (limited to 12 ft. in height and 12 sq. ft. in area) be allowed on the project site. However, the permit conditions were never met by the previous property owner and the permit expired.

Coastal Development Permit 4-98-270 was approved by the Commission on March 9, 1999, for the construction of a 4,978 sq. ft., 18 ft. high, self-storage facility on the project site with five special conditions regarding landscaping plans, plans conforming to geologic recommendations, sign program, contribution to the Malibu Beach Access Fund, and wildfire waiver of liability. Special Condition Three (3) of Coastal Development Permit 4-98-270 specifically requires the applicant to record a deed restriction which indicates that no more than one advertising sign (limited to 12 ft. in height and 12 sq. ft. in area) shall be allowed on the subject site. The proposed amendment would serve to modify this condition to allow for a larger advertising sign with a corresponding reduction in the height of the sign.

## **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 subordinated to the character of its setting.*

Coastal Act Section 30251 requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. In addition, to assist in the determination of whether a project is consistent with Section 30251 of the Coastal Act, the Commission has, in past Malibu coastal development permit actions, looked to the certified Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance. The LUP has been found to be consistent with the Coastal Act and provides specific standards for development along the Malibu coast and within the Santa Monica Mountains. For instance, in concert with Section 30251 of the Coastal Act, Policy 129 of the LUP provides that "structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment." In addition, Policy 139 of the LUP provides that "on-site advertising signs shall be subordinate to man-made and natural features and shall be subject to height and width limitations.

The project site is a 33,190 sq. ft. vacant lot located on the northern side of Pacific Coast Highway approximately 100 ft. east of Kanan Dume Road in an area of Malibu that is zoned for "General Commercial" development. Kanan Dume Road and Pacific Coast Highway are both designated as scenic highways in the certified LUP. The project site is located on the landward side along an inland segment of Pacific Coast Highway and will not block public views of the ocean. The properties located adjacent to and immediately west of the project site at the Kanan Dume Road/Pacific Coast Highway intersection have been previously developed with commercial businesses. The proposed change in size for the previously approved advertising sign on the project site is consistent with the general size of existing advertisement signs for other commercial businesses in the surrounding area.

Coastal Development Permit 5-85-492 was previously approved by the Commission on January 7, 1986, for the construction of a commercial building on the project site with the special condition that no more than one advertising sign be allowed on the subject site and that any such sign shall be of a monument design and restricted to a maximum of 12 ft. in height and 12 sq. ft. in total area in order to minimize adverse effects to public views. The conditions for Coastal Development Permit 5-85-492 were never met

and the permit expired. Coastal Development Permit 4-98-270 was approved by the Commission on March 9, 1999, for the construction of a self-storage facility. Special Condition Three (3) of Coastal Development Permit 4-98-270 required that no more than one advertising sign (free-standing/monument style) be allowed on site and that any such sign would be limited to no more than 12 ft. in height and 12 sq. ft. in total area. In addition, Special Condition Three (3) also provided that no roof signs or internally illuminated signs would be allowed

In past permit actions, including the underlying permit action, the Commission has limited the size and height of advertising signs on the project site in order to minimize adverse effects to public views from the highway. The proposed amendment would modify Special Condition Three (3) of Coastal Development Permit 4-98-270 to allow for the placement of one free-standing monument style sign not to exceed 6 ft. in height and 24 sq. ft. in total area. This amendment would serve to effectively double the size of the advertising sign previously approved for the project site (from 12 sq. ft. to 24 sq. ft. in area) while also serving to reduce the height of the sign to  $\frac{1}{2}$  of its former approved height (from 12 ft. in height to 6 ft. in height). Although the sign will be larger than originally approved, the proposed corresponding reduction in sign height will serve to reduce the visibility of the sign. As such, the Commission notes that the proposed amendment to increase the size of the advertising sign on site by 12 sq. ft. while reducing the height of the sign by 6 ft., will not result in any new adverse effects to visual resources on site or public views from the highway.

Therefore, for the reasons stated above, the Commission finds that the proposed amendment, as conditioned, will not lessen the intent of Special Condition Three (3), as originally required, and is consistent with with Section 30251 of the Coastal Act.

### **C. 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 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 amendment, 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).

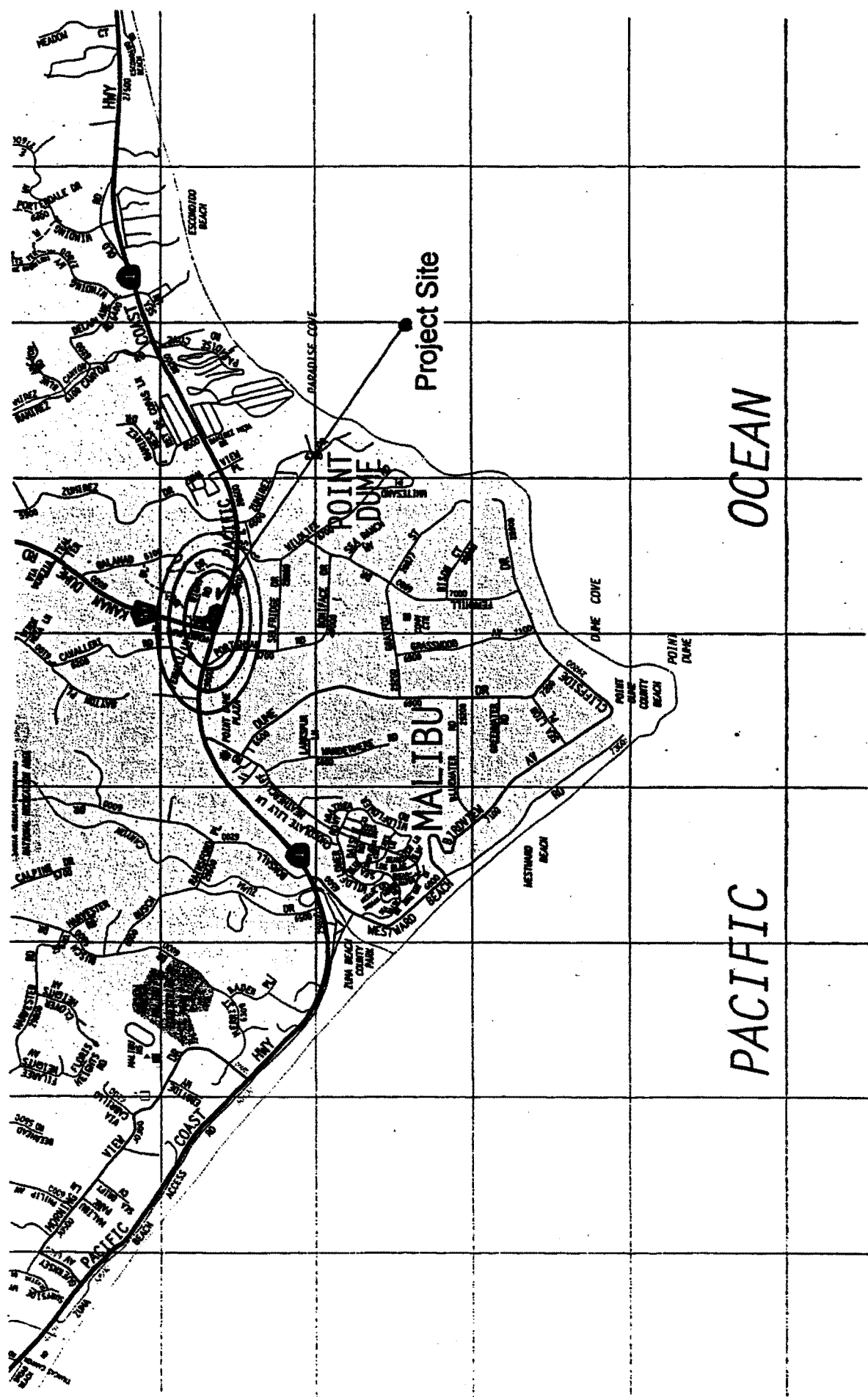
#### **D. California Environmental Quality Act**

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)(A) 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 effects that the activity may have on the environment.

The proposed amendment, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed amendment, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

**SMH-VNT**

File: smh/material amendments/4-98-270-A1



**EXHIBIT 1**

**CDP 4-98-270-A1 (Shachory)**

## Location Map

4467 34  
SCALE 1" = 100'

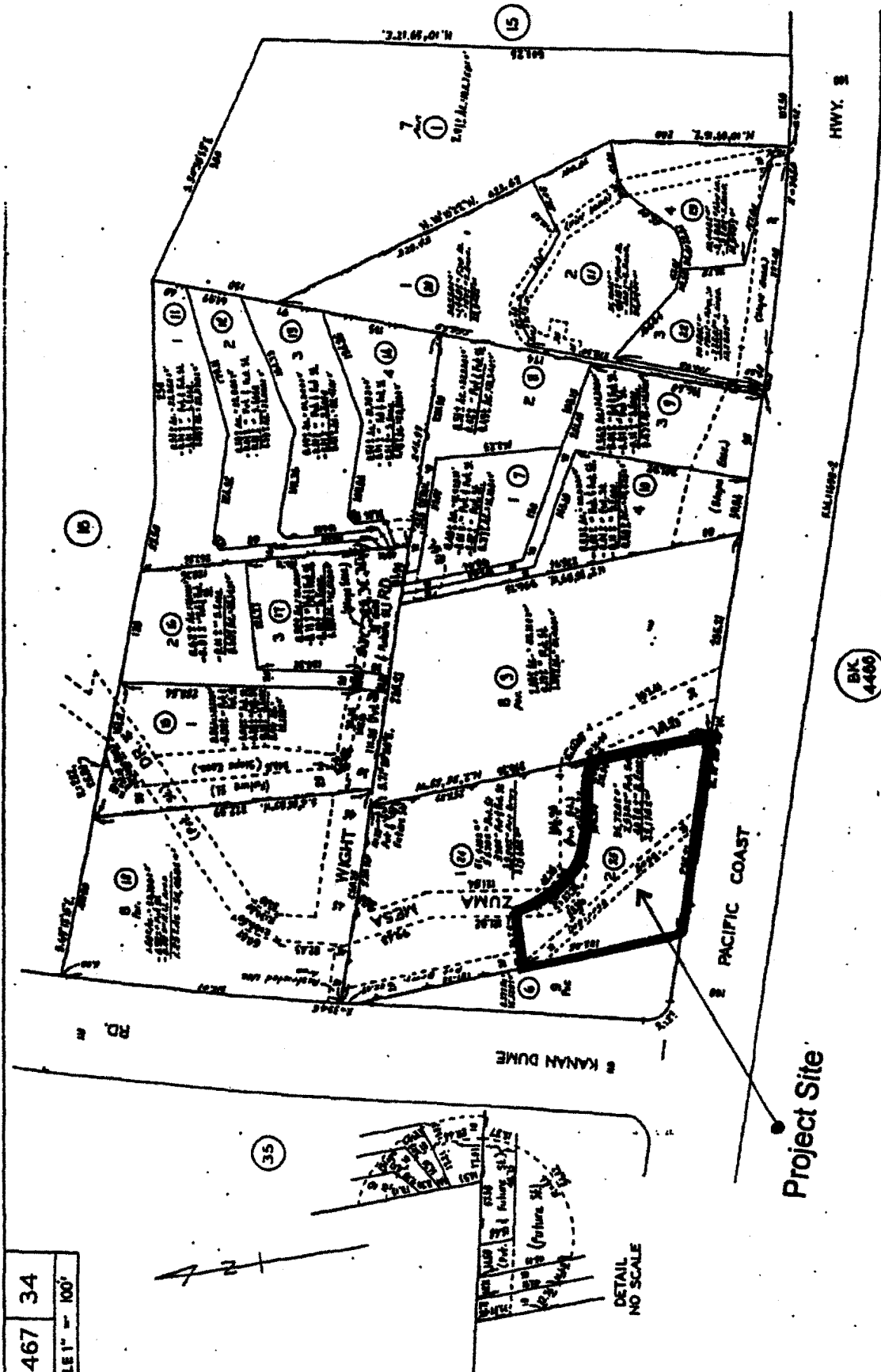
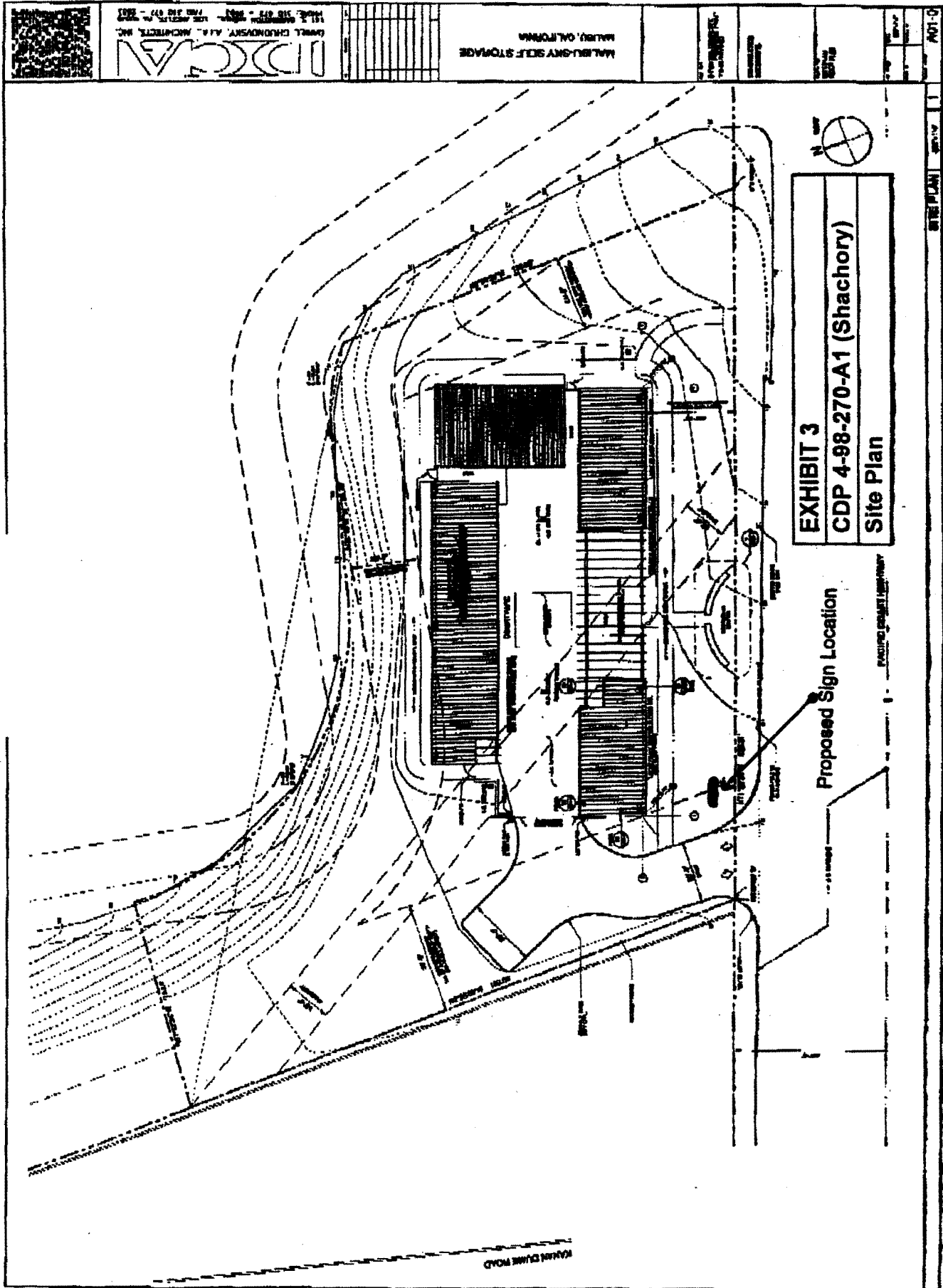


EXHIBIT 2  
CDP 4-98-270-A1 (Shachory)  
Parcel Map



8'

# MALIBU SKY

## SPECIAL STORAGE

3'

8' 8"

10' 0"

20909 PACIFIC COAST HIGHWAY, MALIBU, CA.

CONCRETE MONUMENT W/ NON-ILLUMINATED

DIMENSIONAL LETTERS MTD TO SURFACE

EXHIBIT 4
CDP 4-98-270-A1 (Shachory)
Sign Elevation and Description