

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
MANTUA, CA 93001
(805) 641 - 1242



Filed: 05/17/02
49th Day: 07/05/02
180th Day: 11/13/02
Staff: LKF-V *CB*
Staff Report: 05/23/02
Hearing Date: 06/10/02
Commission Action:

RECORD PACKET COPY

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-97-044-A2
APPLICANT: Armen Ohanian
LOCATION: 6205 Ocean Breeze Drive

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct 7,580 sq. ft. two story, 24 ft. high, single family residence with septic tank and pool. No grading.

PREVIOUSLY AMENDED FOR (A1): After-the-fact approval of a 650 sq. ft. reduction of the previously approved residence, and an approximately 190 ft. long, 6 ft. high retaining wall on the southern property line.

DESCRIPTION OF AMENDMENT (A2): Removal of an unpermitted fill slope, pad, and approximately 45 ft. long retaining wall, including 158 cu. yds. of restorative grading (79 cu. yds. cut, 79 cu. yds. fill) and revegetation of the slope with native plant species.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated May 6, 2002.

SUBSTANTIVE FILE DOCUMENTS: "Additional Comments on Grading and Drainage Plan, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," prepared by GeoSystems dated 5/01/02; "Slope Revegetation Plan Review, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," prepared by GeoSystems dated 5/16/02.

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.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Code of Regulations Section 13166). In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect previously imposed special conditions required for the purpose of protecting coastal resources.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the applicant's proposal with three (3) special conditions regarding conformance with geological recommendations, restoration/revegetation plan, and condition compliance.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit 4-97-044-A2 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on the grounds that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit (CDP) 4-97-044 and 4-97-044-A1 continue to apply. The approved coastal development permits include eight (8) special conditions. In addition, the following additional special conditions (numbered 9, 10, and 11) are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-97-044-A2.

III. SPECIAL CONDITIONS

9. Plans Conforming to Geologic Recommendations

All recommendations contained and referred to in "Additional Comments on Grading and Drainage Plan, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, May 1, 2002) and "Slope Revegetation Plan Review, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, May 16, 2002) shall be incorporated into final design and construction including grading, irrigation, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic consultant's review and approval of all project plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to grading, irrigation, and drainage. Any substantial changes to 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.

10. Restoration / Revegetation Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final restoration plans. The plan shall include a grading plan, prepared by a licensed civil engineer in consultation with a licensed engineering geologist, to restore the slope to the contours existing prior to the construction of the unpermitted retaining wall, 2:1 fill slope and pad. The plan shall also include a landscaping and erosion control plan, including an irrigation plan, prepared by a qualified restorationist. The landscaping and erosion control plan shall be reviewed and approved by the consulting civil and geotechnical engineers as to irrigation and drainage to ensure that the plan is in conformance with the applicable recommendations regarding slope stability. The

restoration and revegetation plan shall include, but not be limited to, the following criteria:

- (a) A detailed grading plan, prepared by a licensed professional civil engineer, that illustrates remedial grading to restore the slope west of the previously approved building pad. The plan shall include temporary erosion control measures such as geofabrics, silt fencing, sandbag barriers, or other measures to control erosion until revegetation of the restored slope is completed. These erosion control measures shall be required on the project site prior to and concurrent with the initial grading operations and shall be maintained throughout the process to minimize erosion and sediment to runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate disposal site, approved by the Executive Director, either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (b) A revegetation program, prepared by a qualified restorationist, that utilizes only native plant species that are consistent with the surrounding native plant community. The plan shall specify the preferable time of year to carry out the restoration and describe the supplemental watering requirements that will be necessary, including a detailed irrigation plan. The plan shall also specify performance standards to judge the success of the restoration effort. The revegetation plan shall identify the species, location, and extent of all plant materials and shall use a mixture of seeds and container plants to increase the potential for successful revegetation. The plan shall include a description of technical and performance standards to ensure the successful revegetation of the restored slope. A temporary irrigation system may be used until the plants are established, as determined by the consulting restorationist, and as approved by the consulting civil and geotechnical engineers, but in no case shall the irrigation system be in place longer than two (2) years. The restored slope shall be planted within thirty (30) days of completion of the remedial grading operations.
- (c) The restoration plan shall be implemented within ninety (90) days of the issuance of this permit. All restorative grading and erosion control measures shall be completed prior to the onset of the rainy season (November 1). All cut and fill slopes shall be stabilized with planting at the completion of final grading. Revegetation shall provide ninety percent (90%) coverage within five (5) years and shall be repeated, if necessary, to provide such coverage. The Executive Director may extend this time period for good cause. Plantings shall 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 the revegetation requirements.
- (d) A monitoring program, prepared by a qualified environmental resource specialist. The monitoring program shall demonstrate how the approved revegetation and restoration performance standards prepared pursuant to

section (b) above shall be implemented and evaluated for compliance with this Special Condition. The program shall require the applicant to submit, on an annual basis for a period of five years (no later than December 31st each year), a written report, for the review and approval of the Executive Director, prepared by an environmental resource specialist, indicating the success or failure of the restoration project. The annual reports shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the restoration plan. These reports shall also include photographs taken from pre-designated locations (annotated to a copy of the site plans) indicating the progress of recovery. During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to ensure the long-term survival of the plantings. If these inputs are required beyond the first four (4) years, then the monitoring program shall be extended for a sufficient length of time so that the success and sustainability of the project is ensured. Successful site restoration shall be determined if the revegetation of native plant species on-site is adequate to provide ninety percent (90%) coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation.

- (e) At the end of the five year period, a final detailed report shall be submitted, for the review and approval of the Executive Director, that indicates whether the on-site landscaping is in conformance with the revegetation / restoration plan approved pursuant to this Special Condition. The final report shall include photographic documentation of plant species and plant coverage. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental restoration program to compensate for those portions of the original plan that were not successful. The revised, or supplemental, restoration program shall be processed as an amendment to this Coastal Development Permit.

11. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit amendment application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicant seeks approval for removal of a fill slope, pad, and approximately 45 ft. long retaining wall, including 158 cu. yds. of restorative grading (79 cu. yds. cut, 79 cu. yds. fill) and revegetation of the slope with native plant species (**Exhibits 3-8**). The proposed restoration project is located in an approximately 1500 sq. ft. area that was previously developed without the benefit of a coastal development permit. The unauthorized development included approximately 200 cu. yds. of grading to construct the level pad and 2:1 fill slope, and construction of a retaining wall on the southern property line.

In its review of Coastal Development Permit 4-97-044-A1, the Commission denied after-the-fact approval for the pad, fill slope, and the section of the retaining wall on the southern property line west of the existing drainage structure. The current proposal eliminates the denied development except for an approximately six-foot long section of the retaining wall west of the drainage structure, which, as proposed, descends from six to zero feet above grade. The applicant's engineer asserts that the approved section of the retaining wall, which ends at the western edge of the drainage structure, cannot be abruptly cut off, and must be tapered at a 45° angle beyond where it is load-bearing in order to ensure its stability.

The project site consists of an approximately 4.5-acre parcel located approximately ½ mile northeast of Pacific Coast Highway in the City of Malibu (**Exhibits 1-2**). The parcel was created under a four-lot subdivision approved in 1989 and amended in 1991 (CDP 5-88-938 (Bennett) and CDP 5-88-938-A1 (Ohanian Investment Company)).

The subject property contains native coastal sage scrub habitat, and areas adjacent to the proposed restoration area contain remnant coastal sage scrub as well as needlegrass, a native plant that is increasingly rare in the Santa Monica Mountains. It is reasonable to assume that the area to be restored contained the same type of native vegetation cover (**Exhibits 8-9**).

The project site is visible from Pacific Coast Highway (designated as a coastal scenic highway by the previously certified Malibu/Santa Monica Mountains Land Use Plan) and the Zuma Ridge Trail. The Santa Monica Mountains National Recreation Area borders the site to the north and northwest, and new single family residential development borders the site to the south and east. The project site is located at approximately 420 ft. above sea level, at a higher elevation than most residences in the viewshed.

In 1997, the Commission approved CDP 4-97-044 (Ohanian Investment Co.) for the construction of a 7,415 sq. ft., two-story single family residence, septic system, and swimming pool on the subject site (**Exhibit 11**). CDP 4-97-044 was approved subject to three special conditions regarding design restrictions, future improvements, and wildfire waiver of liability. In July 2001, CDP 4-97-044 was transferred from Ohanian Investment Co., to the current applicant, Armen Ohanian. (Mr. Ohanian is a general partner of Ohanian Investment Co.)

In April 2002, the Commission approved Coastal Development Permit 4-97-044-A1 for after-the-fact reduction of the size of the previously approved house from 7,415 sq. ft. to 6765 sq. ft., and after-the-fact construction of the portion of the retaining wall along the southern property line that extends east of the existing drainage structure for a distance of approximately 190 feet (**Exhibit 10**). The Commission denied the portion of the proposed development consisting of (1) after-the-fact construction of the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; (2) after-the-fact construction of a 2:1 fill slope and level pad area west of the building pad authorized in CDP 4-97-044, including an estimated 200 cu. yds. of grading; (3) construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, including 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill); and (4) relocation of a previously approved (but not yet constructed) swimming pool and spa.

The analysis and findings regarding this proposed permit amendment (4-97-044-A2) are based on the fact that, if the Commission approves this amendment, the special conditions previously applied to CDP 4-97-044 and CDP 4-97-044-A1 continue to apply.

B. Hazards / Geology

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 Santa Monica Mountains, 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.

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. The site of the proposed project is an approximately 4.5 acre hillside parcel, bisected by a ravine and several drainage channels. In approving creation of the parcel, Los Angeles County required most of the property to be designated as a restricted use area to allow adequate setbacks from the

ravine. The proposed restoration area is located east of the restricted use area, and adjacent to a previously approved building pad and single family residence.

The applicant has submitted two geologic reports: "Additional Comments on Grading and Drainage Plan, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, May 1, 2002) and "Slope Revegetation Plan Review, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, May 16, 2002). The reports address the stability and safety of the proposed slope restoration and provide recommendations for drainage protection and erosion control. The reports also reference previous reports ("Grading and Drainage Plan Review, Retaining Wall Removal and Slope Trimming, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, April 29, 2002) and "Revised Swimming Pool and Retaining Wall Plans, Lot 4, Tract 45679, Ocean Breeze Drive, Malibu, California," (GeoSystems, March 20, 2002) and state that all recommendations contained in those reports remain applicable.

The reports conclude that:

It is the finding of this firm that the proposed building and or grading, including the proposed slope restoration, will be safe and that the site 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 Malibu City code, provided our recommendations are followed.

Based upon the GeoSystems reports dated May 1, 2002 and May 16, 2002, the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as the consulting geologists' recommendations 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 geologists as conforming to their recommendations. **Special Condition Nine (9)** requires that the final plans for the project be in substantial conformance with the geologic recommendations contained or referred to in the geologic reports prepared for the project.

2. Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the proposed development is located on a hillside lot and includes approximately 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill) to remove an unpermitted fill slope and pad, and restore the slope to its natural contours. The unpermitted fill slope and pad cover an area of approximately 1500 sq. ft., and are located on the nose of a small ridge descending southwesterly from the Santa Monica Mountains Recreation Area.

The proposed grading is located west of the previously approved building pad, and immediately north of a minor drainage course that outlets from a culvert under the

subject property. The drainage course feeds into a drainage system that empties into the Pacific Ocean at the eastern end of Trancas Beach. The nearshore marine environment off Trancas Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the certified Malibu/Santa Monica Mountains LUP.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The proposed grading, if not accompanied with erosion control measures, may increase erosion and sedimentation of the drainage channel, and may contribute to cumulative impacts on the quality of coastal waters and nearshore sensitive marine habitats.

Interim erosion control measures, if properly implemented during grading operations, have been shown to minimize short-term erosion and enhance site stability. The use of temporary sediment basins, swales, sandbag barriers, silt fencing, and geofabric or other stabilizing mats prior to and concurrent with grading operations stabilizes exposed surface sediments and minimizes their transport by wind or water.

Successful revegetation of restored slopes with native plants has been shown to minimize long-term erosion. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that the use of non-native and invasive plant species combined with the excessive, artificial irrigation these species often require, often results in adverse effects to the stability of a project site. Native species, alternatively, tend to have a deeper root structure and, once established, aid in preventing erosion.

The applicant has proposed interim erosion control measures and revegetation of the slope with native plant materials. In order to ensure that erosion-controlling measures are implemented, **Special Condition Ten (10)** requires the applicants to submit a final restoration/revegetation plan that includes interim erosion control measures and a revegetation plan utilizing native plants compatible with the surrounding area.

In order to ensure that the proposed restoration is successful, **Special Condition Ten (10)** also requires the applicant to submit annual performance reports during a five year monitoring period. If the restoration effort is in part, or in whole, unsuccessful, **Special Condition Ten (10)** requires the applicant to submit a revised or supplemental restoration plan. Finally, in order to ensure that the site is restored and revegetated within a reasonable amount of time, **Special Condition Eleven (11)** requires the applicant to implement and complete the required restoration / revegetation plan within 60 days of the issuance of this permit. The proposed project, if implemented according to **Special Conditions Ten (10) and Eleven (11)**, will minimize erosion on the project site.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

C. Visual Resources and Landform Alteration

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.

As noted above, the proposed project is located on a hillside lot and includes removal of an approximately 45 ft. long retaining wall and approximately 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill) to remove an unpermitted fill slope and pad, and restore the slope to its natural contours. The unpermitted fill slope and pad cover an area of approximately 1500 sq. ft., and are located on the nose of a small ridge descending southwesterly from the Santa Monica Mountains Recreation Area.

The project site consists of an approximately 4.5 acre parcel located approximately ½ mile northeast of Pacific Coast Highway. Much of the subject parcel has been dedicated as an easement for open space, habitat preservation, and view protection, a condition required by the Commission upon approval of the permit that created the subject lot and three adjacent lots (CDP 5-88-938). The restricted area contains undisturbed coastal sage scrub habitat, and areas adjacent to the proposed restoration site contain remnant coastal sage scrub as well as needlegrass, a native plant. It is reasonable to assume that the approximately 1,500 sq.ft. area where unpermitted grading has occurred contained the same type of native vegetation cover.

The project site is surrounded by scattered development to the south and east, by restricted areas and open space to the southwest, and by the undeveloped parkland of the Santa Monica Mountains National Recreation Area, located on adjacent parcels to the north and northwest. The proposed project is visible from Pacific Coast Highway, a designated scenic highway in the Malibu/Santa Monica Mountains Land Use Plan (LUP), as well as from the adjacent parkland and the Zuma Ridge Trail.

The proposed project includes removal of an approximately 6 ft. high retaining wall that is visible from Pacific Coast Highway. It also includes restoration of natural slope

contours and revegetation of the restored slope with native plants. The Commission notes that landscaping with native plants, minimizing landform alteration, and implementing erosion control measures reduces the visual impacts of development and the adverse visual effects of obtrusive non-native landscaping, denuded slopes, and uncontrolled erosion.

Therefore, in order to ensure that measures to minimize visual impacts are implemented, **Special Condition Ten (10)** requires the applicant to submit a final restoration/revegetation plan that includes provisions for interim erosion control and planting of native species compatible with the surrounding coastal sage scrub community. In order to ensure that the proposed restoration is successful, **Special Condition Ten (10)** also requires the applicant to submit annual performance reports during a five year monitoring period. If the restoration effort is in part, or in whole, unsuccessful, **Special Condition Ten (10)** requires the applicant to submit a revised or supplemental restoration plan. Finally, in order to ensure that the site is restored and revegetated within a reasonable amount of time, **Special Condition Eleven (11)** requires that the applicant implement and complete the required restoration / revegetation plan within 60 days of the issuance of this permit. The proposed project, if implemented according to **Special Conditions Ten (10) and Eleven (11)**, will help redress the unpermitted landform alteration that has occurred, and reduce the visual impacts of development on the project site.

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

D. Violation

Development in the form of the unpermitted fill slope, pad, and retaining wall has already occurred on the subject site without the required coastal development permits. The applicant is proposing to remove the retaining wall and restore the unpermitted fill slope and pad area to its natural slope and to revegetate with native plant species.

To ensure that the proposed restoration is carried out in a timely manner, **Special Condition Eleven (11)** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 60 days of Commission action. **Special Condition Ten (10)** has been required to ensure that restoration and revegetation of the unpermitted fill slope and pad area takes place and will be successful over a five year period. If the restoration is not successful after that time the applicant shall be required to submit a revised or supplemental restoration and revegetation program to compensate for those portions of the original plan that were not successful. The revised, or supplemental, restoration program shall be processed as an amendment to this Coastal Development Permit.

Although construction has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on this permit does not constitute a waiver

of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

E. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

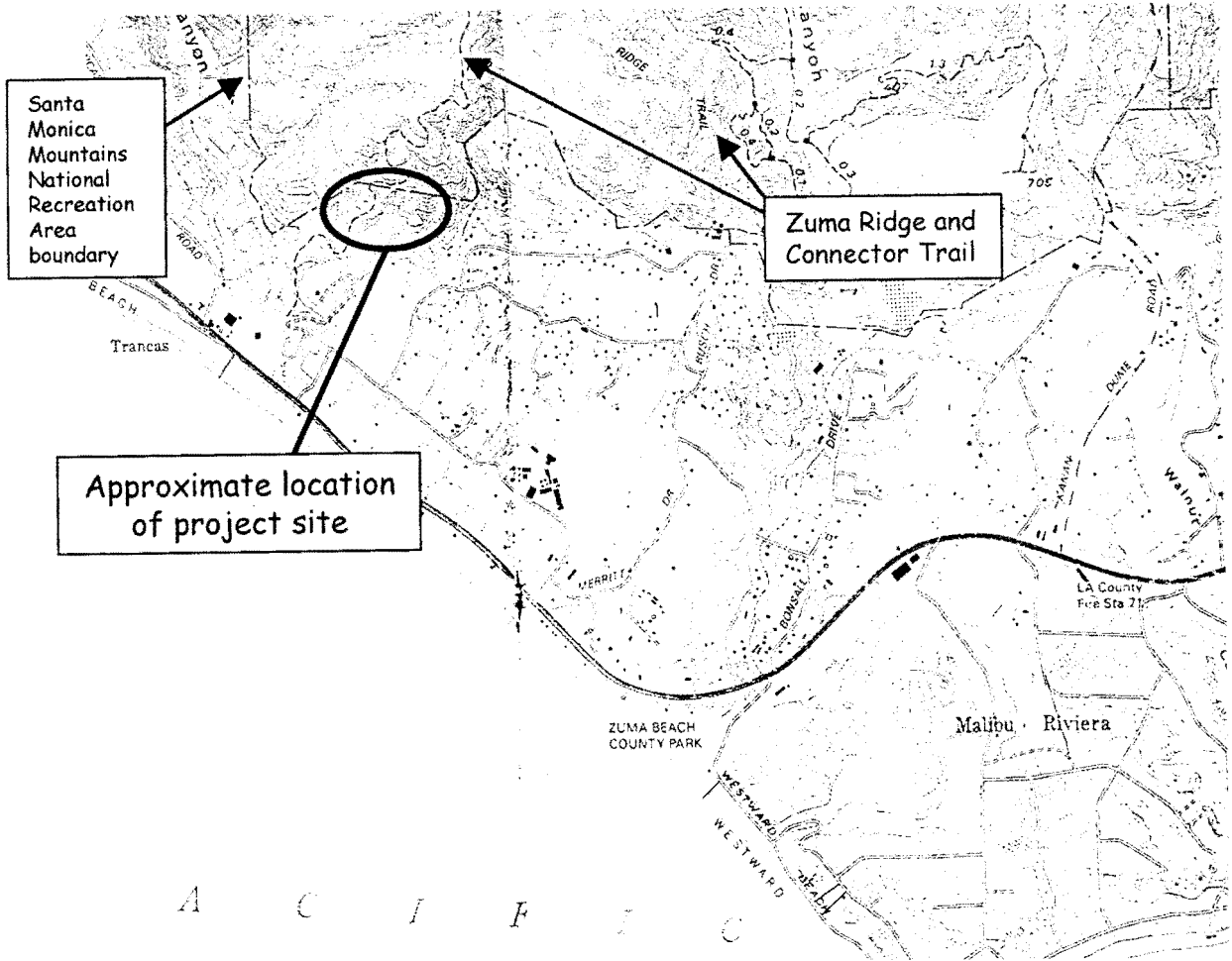
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act stipulates 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 that 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 significant 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 City's ability to prepare a Local Coastal Program for the City of 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 (CEQA)

Section 13096(a) of the Coastal 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 which the activity may have on the environment.

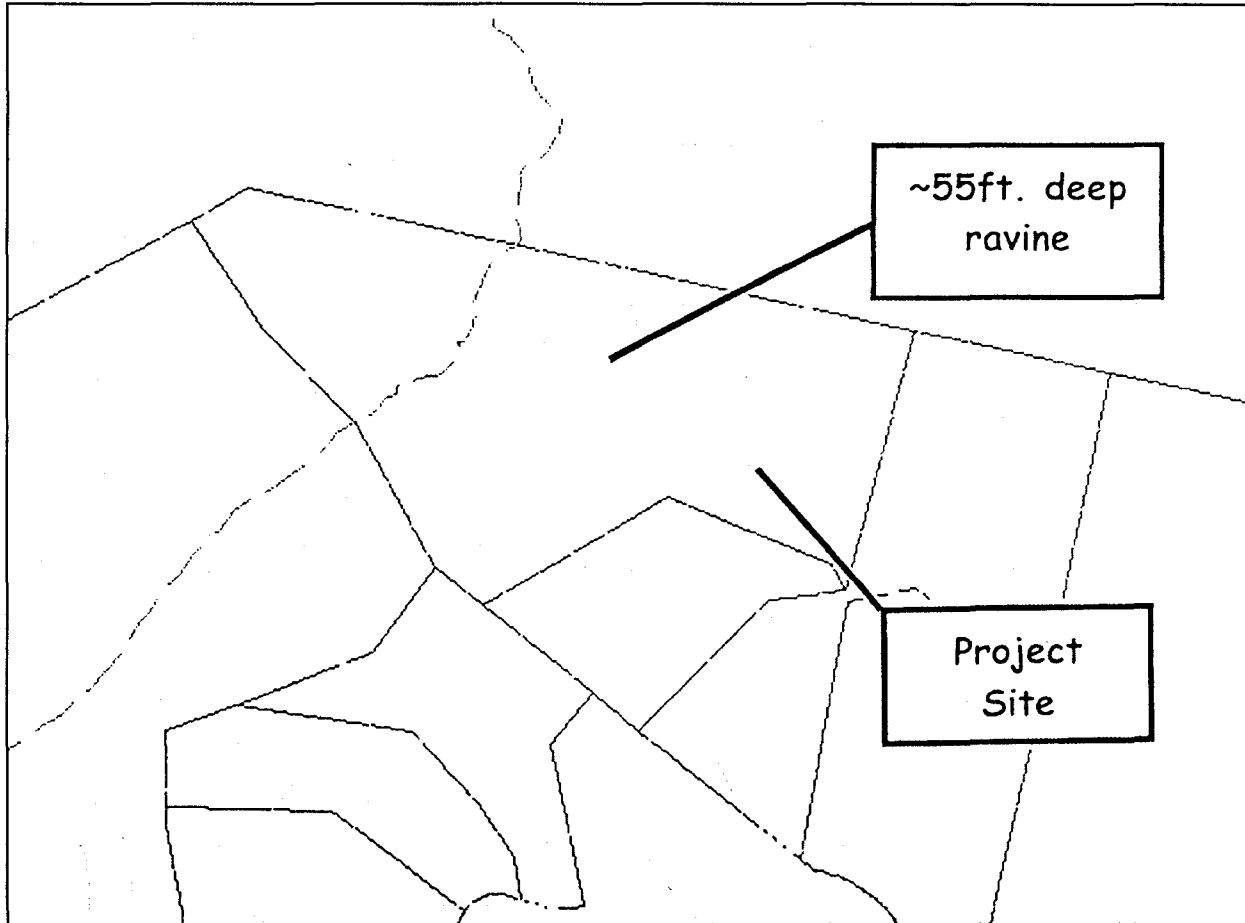
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be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



A C I F I C

EXHIBIT NO.
APPLICATION NO.
4-97-044-A2
VICINITY MAP

PROJECT SITE – 6205 Ocean Breeze Drive



- contours @ 20ft
- Trails - NPS GPSed
laprcls



EXHIBIT NO. 2
APPLICATION NO.
4-97-044-A2
PROJECT SITE

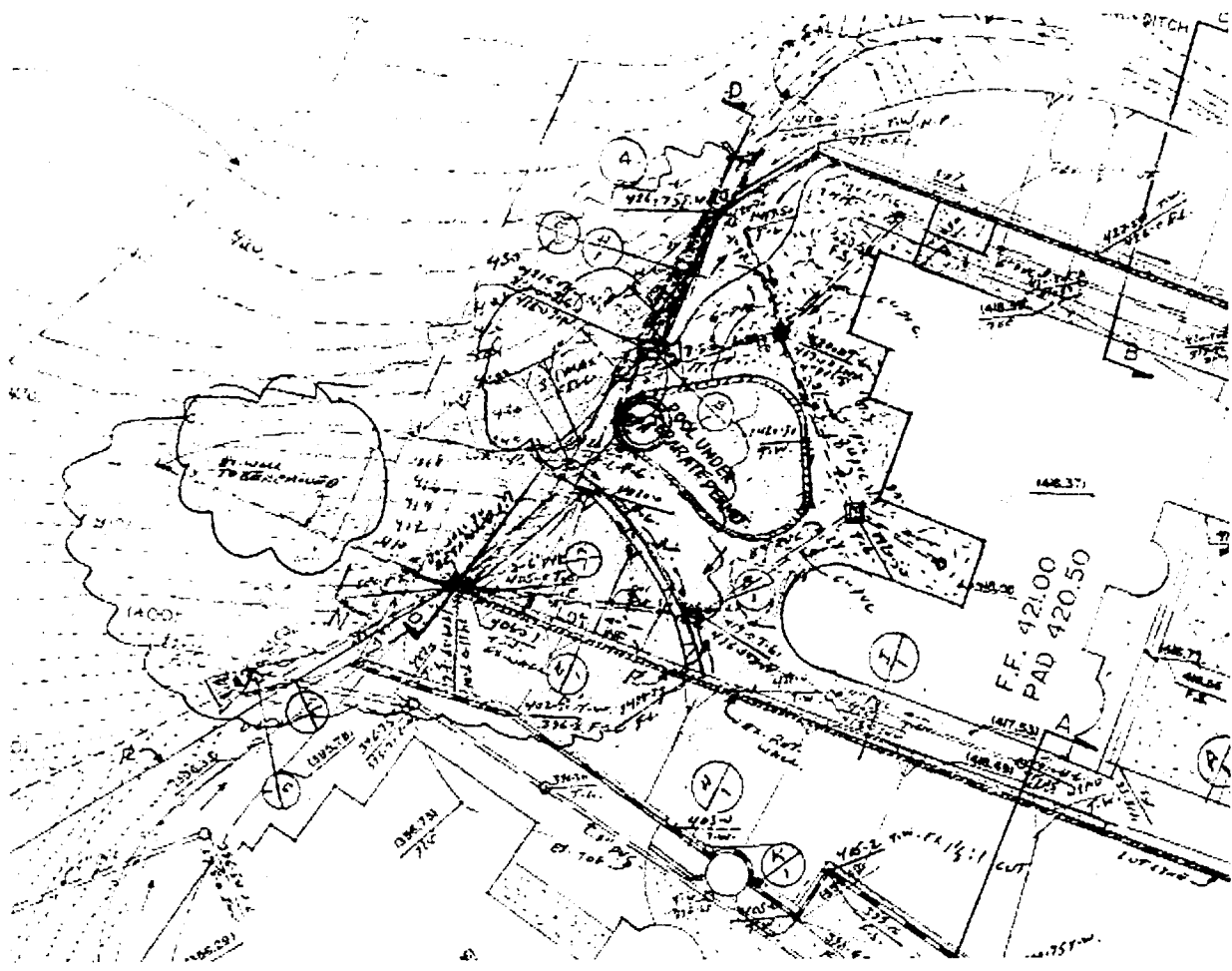


EXHIBIT NO. 3
APPLICATION NO.
4-97-044-A2
GRADING PLAN

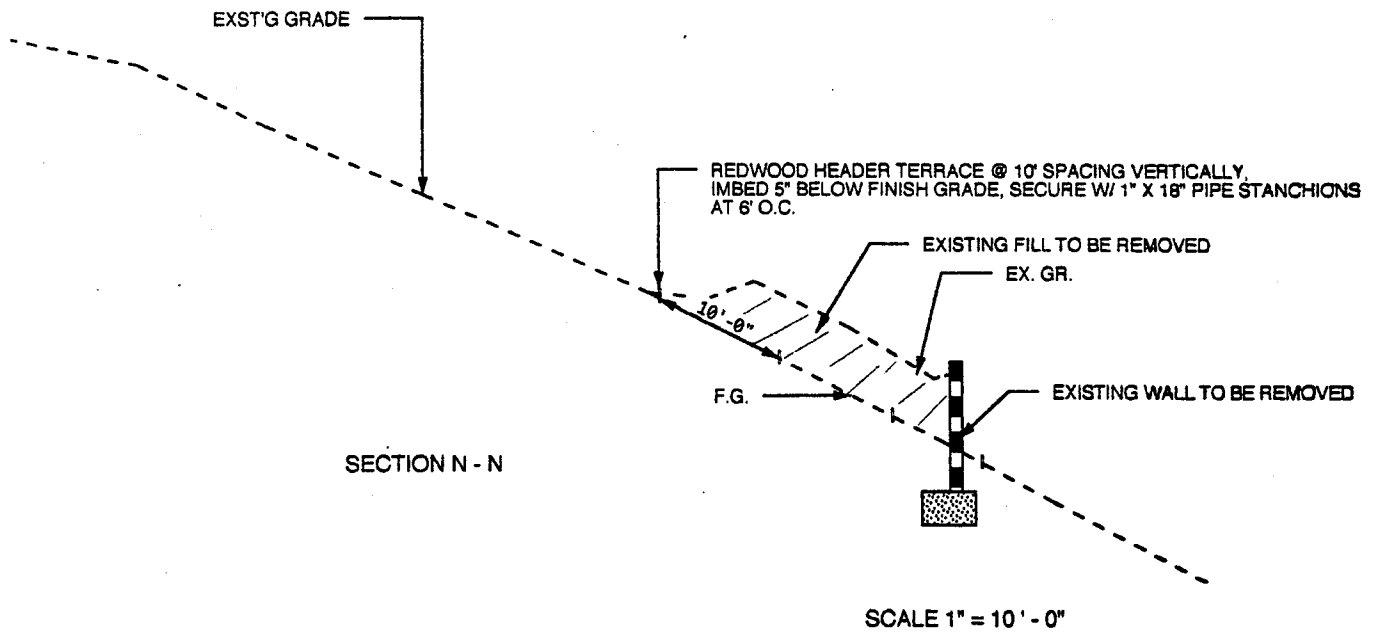
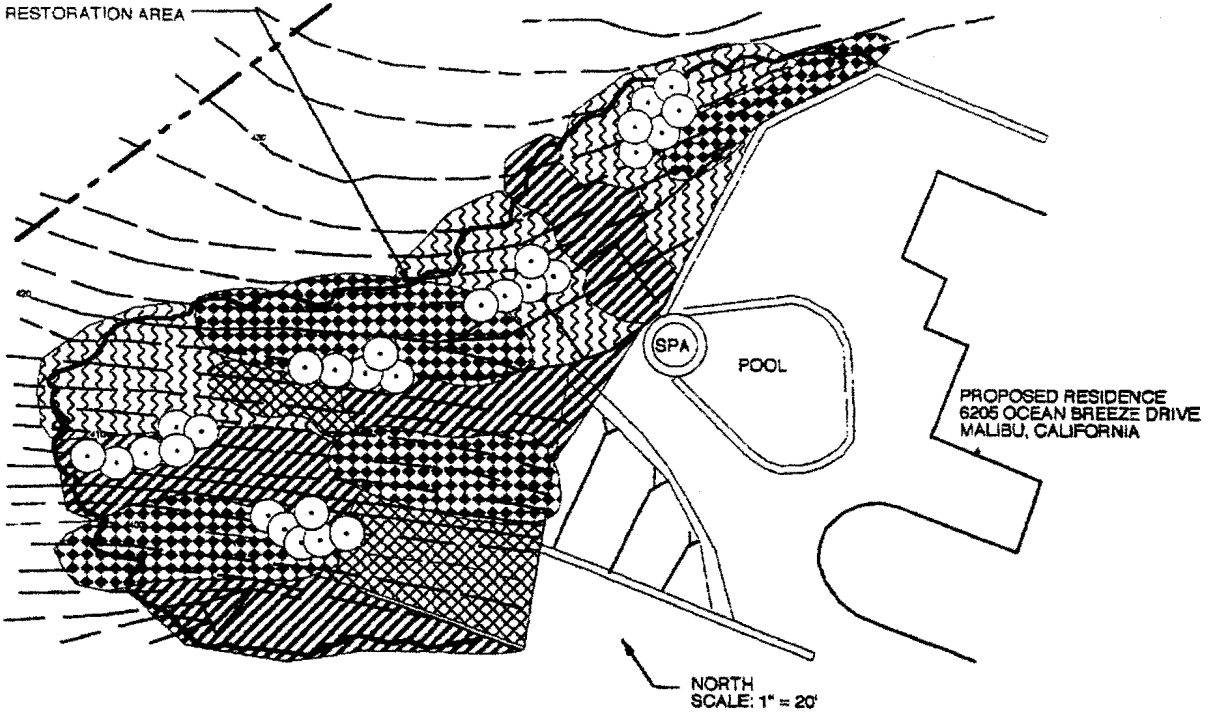


EXHIBIT NO. 4
APPLICATION NO.
4-97-044-A2
CROSS SECTION

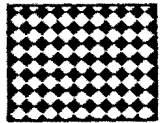
RESTORATION AREA



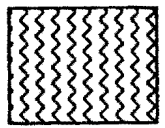
NORTH
SCALE: 1" = 20'

OHANIAN RESIDENCE
6205 OCEAN BREEZE DRIVE
MALIBU, CALIF.
SLOPE RESTORATION
5/19/02 UPDATE

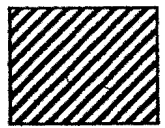
PLANT MATERIALS LEGEND



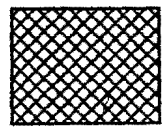
ENCELIA CALIFORNICA/COAST BUSH DAISY;
ISOMERIS ARBOREA/BLADDERPOD
FROM 1 GALLON CONTAINERS @ 6' - O.C.



OPUNTIA LITTORALIS/COAST PRICKLY PEAR;
FROM CUTTINGS @ 6' O.C.
YUCCA WHIPPLEI/OUR LORD'S CANDLE;
ZAUSCHNERIA CALIFORNICA/CALIFORNIA FUCHSIA
FROM 1 GALLON CONTAINERS @ 6' O.C.



FROM SEED, IN DRIFTS OF SINGLE SPECIES
ATRIPLEX LENTIFORMIS BREWER/QUAIL BUSH;
3 LBS/ACRE
LOTUS SCOPARIUS/DEER WEED
4 LBS/ACRE



FROM SEED, IN DRIFTS OF SINGLE SPECIES:
PENSTEMON SPECTABILIS/SHOWY PENSTEMON
4 LBS/ACRE
STIPA PULCHRA/PURPLE NEEDLE GRASS
5 LBS/ACRE
MELICA IMPERFECTA/QUAKING MELIC
10 - 15 LBS/ACRE



RHUS INTEGRIFOLIA/LEMONADEBERRY
FROM 1 GALLON, @ 8' O.C./GROUPS TO BE SEPARATED
BY 15'.

EXHIBIT NO. 5
APPLICATION NO.
4-97-044-A2
REVEGETATION PLAN

**6205 OCEAN BREEZE DRIVE
MALIBU, CALIFORNIA
REVEGETATION PROPOSAL AND MONITORING PROTOCOL**

SITE DESCRIPTION:

THE SITE IS A SOUTH TRENDING SLOPE WHICH HAS BEEN PREVIOUSLY GRADED AND IS PROPOSED TO BE RESTORED TO ITS ORIGINAL TOPOGRAPHY. THIS SLOPE IS AT THE WESTERN END OF THE DEVELOPED AREA OF THE SITE, WEST OF THE DRAINAGE ON THE SITE.

THE PLANT COMMUNITY WHICH NATURALLY OCCURS IN THIS AREA IS COASTAL SAGE SCRUB.

PROJECT GOALS:

REVEGETATE RECONSTRUCTED SLOPE WITH PLANTS ENDEMIC TO THE COASTAL SAGE SCRUB PLANT COMMUNITY WHICH ARE APPROPRIATE FOR A ZONE B FUEL MODIFICATION ZONE.

PLANT PALLETTE AND METHOD OF INSTALLATION:

THE PLANT INSTALLATION WILL COMBINE PLANTS FROM CONTAINERS AND HYDROSEED APPLICATION.

FROM CONTAINERS, CERTIFIED AS GROWN FROM LOCALLY COLLECTED SEED:

ENCELIA CALIFORNICA/COAST BUSH DAISY;
ISOMERIS ARBOREA/BLADDERPOD;
RHUS INTEGRIFOLIA/LEMONADEBERRY;
YUCCA WHIPPLE/OUR LORD'S CANDLE;
ZAUSCHNERIA CALIFORNICA/CALIFORNIA FUCHSIA

FROM LOCALLY COLLECTED SEED, IN DRIFTS OF SINGLE SPECIES

ATRIPLEX LENTIFORMIS BREWERI/QUAIL BUSH;
LOTUS SCOPARIUS/DEER WEED;
PENSTEMON SPECTABILIS/SHOWY PENSTEMON;
STIPA PULCHRA/PURPLE NEEDLE GRASS;
MELICA IMPERFECTA/QUAKING MELIC

FROM LOCALLY COLLECTED CUTTINGS:

OPUNTIA LITTORALIS/COAST PRICKLY PEAR

CONTAINER MATERIAL TO BE PLANTED OUT IN A RANDOM MANNER PER THE SPACING SPECIFIED ON THE RESTORATION PLANTING PLAN, COVER CONTAINER PLANTS WITH 1 GALLON CONTAINERS JUST PRIOR TO HYDROSEEDING.

WEED CONTROL:

1 MONTH PRIOR TO PLANTING, THE RESTORATION AREA SHALL BE IRRIGATED EVERY OTHER DAY FOR THREE WEEKS, AND THE WEEDS WHICH EMERGE SHALL BE REMOVED, EITHER BY HAND, INCLUDING THE ROOTBALLS, OR THROUGH THE USE OF 'ROUND-UP.' THIS PROCESS SHALL BE REPEATED TWICE PRIOR TO PLANTING OF THE PLANT MATERIALS SELECTED FOR THE RESTORATION AREA. FOLLOWING PLANTING, WEED CONTROL SHALL BE PERFORMED BY HAND REMOVAL OF WEEDS.

EROSION CONTROL:

ALL SLOPES, WHETHER NATURAL OR MANUFACTURED SHOULD BE PLANTED USING THE CONTOUR PLANTING METHOD, WITH ALTERNATING ROWS OF PLANTS ALONG THE PROPERTY CONTOURS. THIS METHOD SHALL BE USED FOR ALL CONTAINER PLANTS;

LARGE PLANTING AREAS SHALL BE TERRACED SLIGHTLY TO CONTROL IRRIGATION RUN-OFF AND MAINTAIN TOP SOIL USING 2" X 10" REDWOOD HEADERS, BURIED 5" IN THE SOIL ALONG THE CONTOURS AND HELD IN PLACE WITH 18" PIPE STANCHIONS. THESE HEADERS SHALL BE INSTALLED EVERY 10 FEET VERTICALLY, AND THE STANCHIONS SHALL BE PLACED AT 6' INTERVALS ALONG THE TERRACE AND BURIED A MINIMUM OF 1' IN THE SOILS.

IRRIGATION OF PLANTS ON SLOPES SHALL CONSIST PRIMARILY OF BUBBLER OR DRIP IRRIGATION. SMALL ARC ROTARY HEADS (15' ARCS) MAY BE USED FOR LARGE OPEN AREAS OF GROUND COVERS. HOWEVER, THE HEADS MUST BE LAID OUT TO CONFORM WITH THE EARTH TERRACING TO AVOID RUN-OFF.

EXHIBIT NO. 6
APPLICATION NO.
4-97-044-A2
REVEGETATION NOTES (3 PP.)

**6205 OCEAN BREEZE DRIVE
MALIBU, CALIFORNIA
REVEGETATION PROPOSAL AND MONITORING PROTOCOL
PAGE 2**

PROJECT PERFORMANCE EVALUATION:

JUNE 2002 FOR PROJECTED START OF INSTALLATION. WORK TO BE COMPLETED IN 45 WORKING DAYS AFTER COMPLETION OF REGRADING.

ACHIEVE 90% COVERAGE FROM HYDRO SEED MIX AND 95% SURVIVABILITY OF CONTAINER PLANTS AT 60 DAYS AFTER INSTALLATION IS COMPLETE.

ACHIEVE 90% COVERAGE FROM HYDROSEED MIX AND 50% COVERAGE BY CONTAINER PLANTS AT ONE YEAR AFTER INSTALLATION.

ACHIEVE 90% COVERAGE FROM HYDROSEED MIX AND 75% COVERAGE BY CONTAINER PLANTS AT TWO YEARS AFTER INSTALLATION.

PROJECT MONITORING:

MONITORING INSPECTIONS AS NECESSARY DURING INSTALLATION AND QUARTERLY AFTER COMPLETION.

PLANTINGS TO BE INSPECTED FOR ON GOING WEED CONTROL, COVERAGE AND SURVIVABILITY.

PLANTS THAT FAILS ARE TO BE REPLACED.

WRITTEN EVALUATIONS OF PLANT PERFORMANCE, WEED CONTROL AND REPLANTING LISTS. COPIES OF EVALUATIONS ARE TO BE PROVIDED TO THE OWNER, THE CALIFORNIA COASTAL COMMISSION, OR ITS' SUCCESSOR AGENCY AND THE PROPERTY MAINTENANCE CONTRACTOR.

EROSION CONTROL NOTES

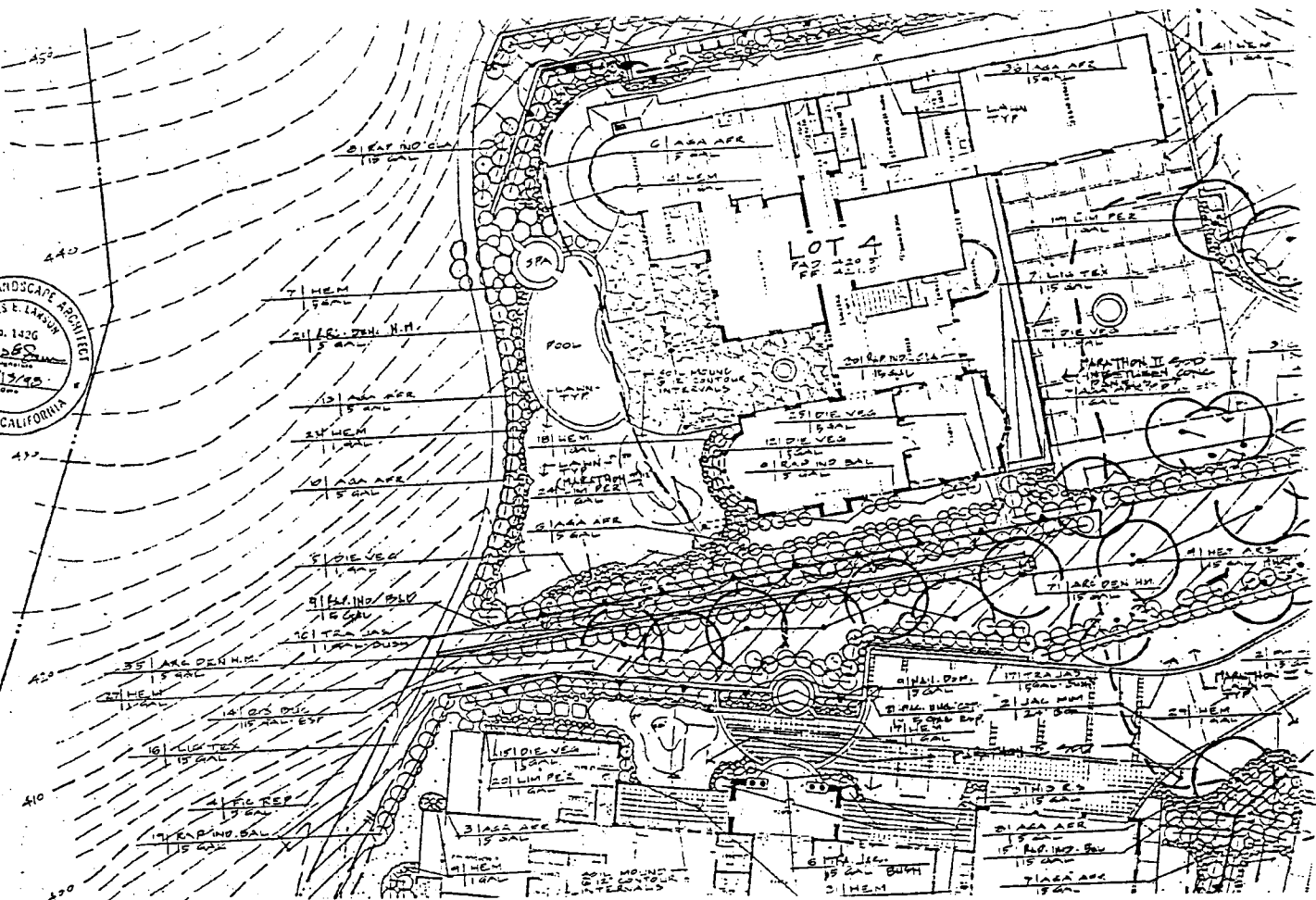
1. ALL SLOPES, WHETHER NATURAL OR MANUFACTURED SHOULD BE PLANTED USING THE CONTOUR PLANTING METHOD, WITH ALTERNATING ROWS OF PLANTS ALONG THE PROPERTY CONTOURS. THIS METHOD SHALL BE USED FOR ALL CONTAINER PLANTS;
2. LARGE PLANTING AREAS SHALL BE TERRACED SLIGHTLY TO CONTROL IRRIGATION RUN-OFF AND MAINTAIN TOP SOIL USING 2" X 10" REDWOOD HEADERS, BURIED 5" IN THE SOIL ALONG THE CONTOURS AND HELD IN PLACE WITH 18" PIPE STANCHIONS. THESE HEADERS SHALL BE INSTALLED EVERY 10 FEET VERTICALLY, AND THE STANCHIONS SHALL BE PLACED AT 6' INTERVALS ALONG THE TERRACE AND BURIED A MINIMUM OF 1' IN THE SOILS.
3. IRRIGATION OF PLANTS ON SLOPES SHALL CONSIST PRIMARILY OF BUBBLER OR DRIP IRRIGATION. SMALL ARC ROTARY HEADS (15' ARCS) MAY BE USED FOR LARGE OPEN AREAS OF GROUND COVERS. HOWEVER, THE HEADS MUST BE LAID OUT TO CONFORM WITH THE EARTH TERRACING TO AVOID RUN-OFF.

WEED ERADICATION

1. ONE MONTH PRIOR TO PLANTING, THE RESTORATION AREA SHALL BE IRRIGATED EVERY OTHER DAY FOR THREE WEEKS, AND THE WEEDS WHICH EMERGE SHALL BE REMOVED, EITHER BY HAND, INCLUDING THE ROOTBALLS, OR THROUGH THE USE OF 'ROUND-UP.' THIS PROCESS SHALL BE REPEATED TWICE PRIOR TO PLANTING OF THE PLANT MATERIALS SELECTED FOR THE RESTORATION AREA.

PLANTING PROCEDURES FOR NATIVE PLANTS

1. PLANTING PITS SHOULD BE THE SAME DEPTH AS THE SOIL IN THE PLANT CONTAINER AND ONE AND ONE-HALF TIMES AS WIDE AS THE CONTAINER;
2. DO NOT USE SOIL AMENDMENTS;
3. BACKFILL PLANTING PITS WITH NATIVE SOIL ONLY. WHEN PLANTING NATIVE PLANTS ON CUT OR FILL SLOPES, IMPORT NATIVE TOPSOIL FROM UNDISTURBED PORTIONS OF THE SITE FOR BACKFILL MIX. MIX ONE HALF IMPORTED NATIVE SOIL WITH ONE HALF CUT OR FILL MATERIAL FOR BACKFILL MIX;
4. CREATE A BASIN AROUND THE ROOTBALL EDGES OF EACH PLANT TO CATCH AND DIRECT WATER TO THE PLANT ROOT MASS;
5. DO NOT DISTURB THE PLANT ROOTBALL DURING PLANTING;
6. ADD TWO TO THREE INCHES OF MULCH IN THE PLANT BASIN;
7. DO NOT PLACE SOIL OR MULCH ON TOP OF THE CROWN OF THE ROOTBALL (PLANT STEM OR TRUNK);
8. ADD 4" OF NATIVE TOPSOIL TO TERRACED SLOPES (SEE NOTE # 2, UNDER EROSION CONTROL ABOVE);
9. PLANTING OF NATIVE PLANTS SHOULD TAKE PLACE FROM LATE NOVEMBER THROUGH LATE MARCH ONLY IF POSSIBLE. THE PLANTS MUST BE IRRIGATED THROUGH THE FIRST YEAR. GREAT CARE MUST BE TAKEN NOT TO OVERWATER THE NATIVE PLANTS AND TO REDUCE THE IRRIGATION FREQUENCY AND VOLUMES TO A MINIMUM REQUIRED FOR PLANT HEALTH AS SOON AS POSSIBLE AFTER PLANTING



RECEIVED

MAY 13 2002

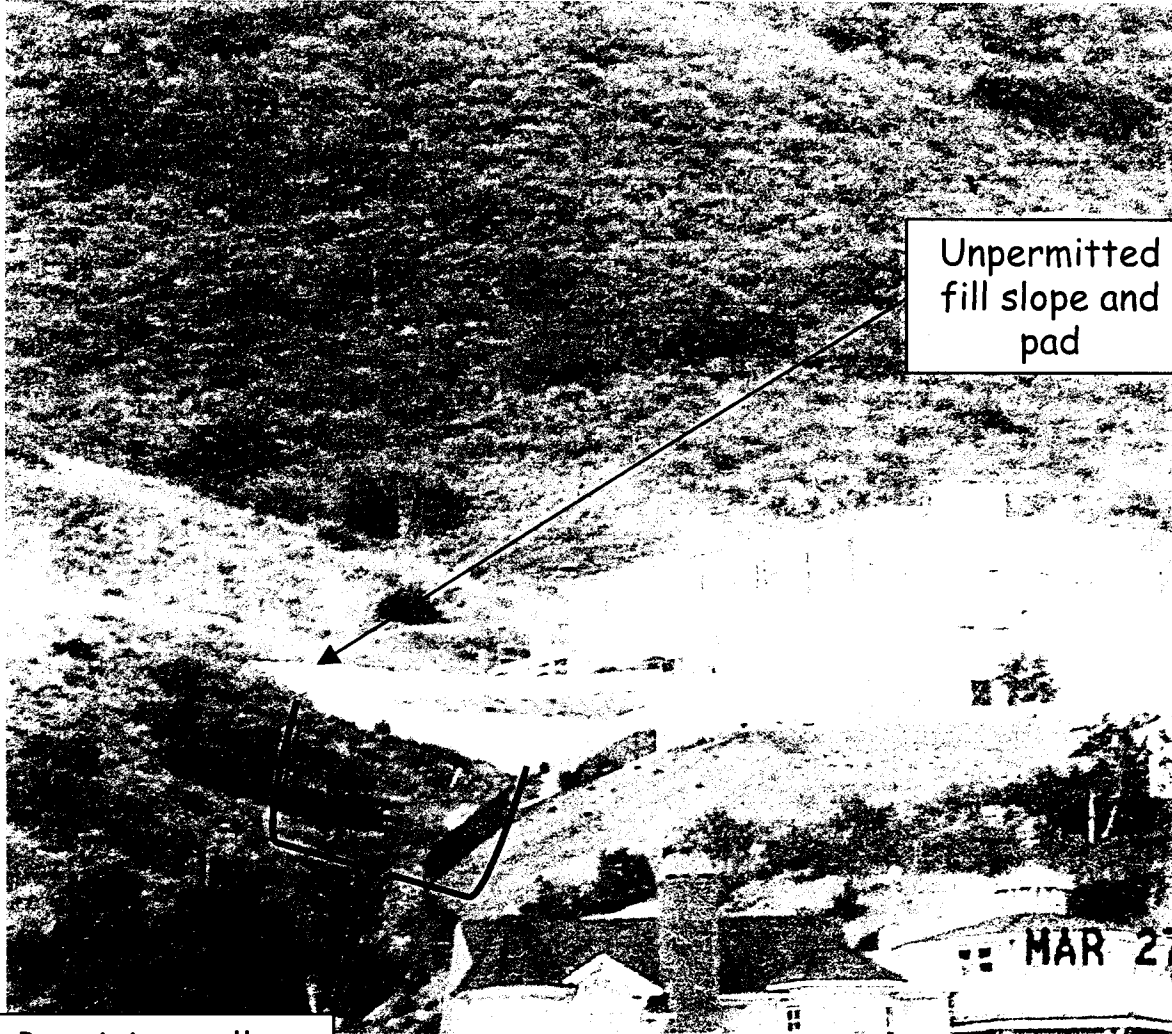
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 7

APPLICATION NO.

4-97-044-A2

ORIGINAL CONTOURS



Unpermitted
fill slope and
pad

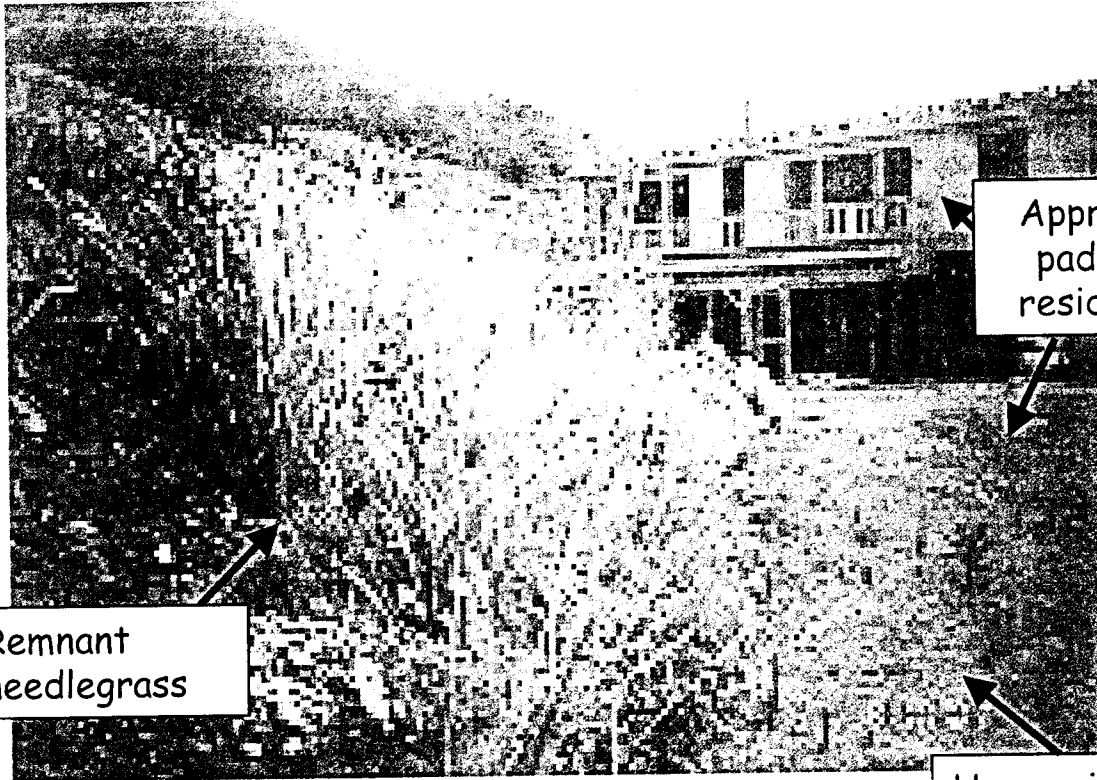
Retaining wall to
be removed

EXHIBIT NO. 8

APPLICATION NO.

4-97-044-A2

SITE PHOTO (1)



Approved
pad and
residence

Remnant
needlegrass

Unpermitted
pad area

EXHIBIT NO. 9
APPLICATION NO.
4-97-044-A2
SITE PHOTO (2)

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800

Filed: 12/07/01
49th Day: 1/25/02
180th Day: 6/05/02
Staff: LKF-*ya*
Staff Report: 3/21/02
Hearing Date: 4/12/02
Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 4-97-044-A1

APPLICANT: Armen Ohanian

PROJECT LOCATION: 6205 Ocean Breeze Drive, City of Malibu (Los Angeles County)

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construct 7,580 sq. ft. two story, 24 ft. high, single family residence with septic tank and pool. No grading.

DESCRIPTION OF AMENDMENT: Relocation of a previously approved (but not yet constructed) swimming pool and spa, construction of a 3-6 ft. high, approximately 105 ft. long retaining wall and approximately 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill.). The proposed project includes the request for after-the-fact approval of the enlargement of an existing building pad, including approximately 400 cu. yds. of after-the-fact cut and fill, a 650 sq. ft. reduction of the previously approved residence, and a 240 ft. long, 6 ft. high retaining wall on the southern property line.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu Planning Department, dated 5/11/01; Approval in Concept, City of Malibu Geology and Geotechnical Engineering, dated 5/25/01; Biological Review, City of Malibu, dated 3/21/01.

SUBSTANTIVE FILE DOCUMENTS: "Updated Soils and Engineering-Geologic Report for Additional Grading and Retaining Walls, Lot 4, Tract 45679, Ocean Breeze Drive at Sea View Drive, Malibu, California," prepared by GeoSystems dated 1/30/01; "Proposed Grading and Retaining Walls, Lot 4, Tract 45679, Ocean Breeze Drive at Sea View Drive, Malibu, California," prepared by GeoSystems dated 2/20/01; "Response to City of Malibu Geology and Geotechnical Engineering Review Sheet dated March 13, 2001, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," by GeoSystems dated 3/23/01; "Response to City of Malibu Geology and Geotechnical Engineering Review Sheet dated April 6, 2001, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," by GeoSystems dated 4/23/01; "Southern Retaining Wall In Proposed Swimming Pool Area, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," by GeoSystems dated 4/23/01.

EXHIBIT NO. 10

APPLICATION NO.

4-97-044-A2

4-97-044-A1 (OHANIAN)

Ocean Breeze Drive, Malibu, California," by GeoSystems dated 10/30/01; Letter re: "Southern Retaining Wall, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," by GeoSystems dated 12/05/01; Letter re: "Ohanian Property – Mapping of Needlegrass" prepared by Steven G. Nelson, Consulting Biologist, dated 10/02/01.

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.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Code of Regulations Section 13166). In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect previously imposed special conditions required for the purpose of protecting coastal resources.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **partial approval** and **partial denial** of the applicant's proposal. The applicant requests approval for proposed and after-the-fact grading and retaining walls in order to relocate a previously approved (but not yet constructed) swimming pool and spa on a hillside lot. The proposed project includes construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, approximately 558 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill, and 400 cu. yds. of after-the-fact cut and fill), and relocation of the previously approved swimming pool and spa. The applicant also seeks after-the-fact approval for a 650 sq. ft. reduction of the house size, and construction of a 240 ft. long, 6 ft. high retaining wall along the southern property line.

The proposal is a revised version of a project previously scheduled as Item Tu 12b on the February 5, 2002 Commission agenda. In its report dated January 17, 2002, staff recommended partial approval and partial denial of the project. Staff recommended denial of all development located outside of the previously approved building pad, including an approximately 5400 sq. ft. swimming pool pad and cut slope, 601 cu. yds. of grading and four retaining walls. Staff recommended approval, with conditions, of the reduction in house size and construction of the eastern 190 ft. of the retaining wall along the southern property line.

On January 30, 2002, the applicant requested postponement of the hearing in order to revise the proposal to include no additional grading. The current proposal includes 158 cu. yds. of

grading to excavate footings and backfill the proposed approximately 105 ft. long retaining wall. The proposal also includes 400 cu. yds. of after-the-fact grading to enlarge the building pad. The proposed retaining wall is located along a cut slope that was a result of this grading.

Staff recommends partial approval and partial denial of the revised proposal, as follows:

Staff recommends **approval**, with five special conditions, of the applicant's request for approval of: (1) as built reduction of the previously approved residence from 7,415 sq. ft. to 6,765 sq. ft.; and (2) construction of the portion of the retaining wall along the southern property line that extends east of the existing drainage structure for a distance of approximately 190 feet. This portion of the retaining wall has been shown to be necessary to support the building pad for the previously approved residence. The five special conditions concern revised plans, assumption of risk, updated geologic and engineering review, drainage and polluted runoff plan, and condition compliance.

Staff recommends **denial** of the request for (1) approval of construction of the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet (this portion of the retaining wall is only necessary to support the after-the-fact placement of fill); (2) approval of construction of a 2:1 slope and level pad area behind this portion of the retaining wall, including an estimated 400 cu. yds. of grading; (3) construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, including 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill); and (4) relocation of a previously approved (but not yet constructed) swimming pool and spa. These portions of the applicant's proposal are designed to increase the available pad area on a hillside site, solely for the purpose of increasing accessory amenities. These amenities include an expanded pool area and yard, in excess of the pad (and grading amounts) previously authorized in the underlying subdivision and single-family residence approved by the Commission.

The subject site is a hillside lot located approximately ½ mile northeast of Pacific Coast Highway and east of Trancas Canyon in the City of Malibu. Much of the subject parcel has been restricted as an easement for open space, habitat preservation, and view protection, a condition required by the Commission upon approval of the permit that created the subject lot and three adjacent lots (CDP 5-88-938). The subject property contains coastal sage scrub habitat, and the site of the proposed grading contains remnant coastal sage scrub habitat as well as needlegrass, a native plant that is increasingly rare in the Santa Monica Mountains. The project is located adjacent to the Santa Monica Mountains National Recreation Area.

Staff has confirmed that the proposed development, with the exception of the eastern portion of the as-built retaining wall, is visible from Pacific Coast Highway (designated as a coastal scenic highway by the previously certified Malibu/Santa Monica Mountains Land Use Plan) and the Zuma Ridge Trail. In addition, the proposed project involves a significant amount of grading and landform alteration, and increases the potential for erosion, additional runoff, and sedimentation of coastal waters. Construction of the pool and spa in the location previously approved under CDP 4-97-044 would entail no further grading and produce no additional impacts to coastal resources.

Therefore, staff recommends denial of the portion of the proposed project located outside of the previously approved development footprint, and limited approval, with conditions, of the portion of the applicant's proposal that includes the after-the-fact reduction in house size and the construction of the part of the retaining wall necessary to support the pad for the residence.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission adopt the staff recommendation, by adopting the two-part resolution set forth in the staff report.*

STAFF RECOMMENDATION OF APPROVAL IN PART AND DENIAL IN PART:

Staff recommends that the Commission adopt the following two-part resolution. Passage of this motion will result in (Part 1) approval of specified components of the proposed project as conditioned and (Part 2) denial of specified components of the proposed project, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

Part 1: Approval with Conditions of a Portion of the Development

The Commission hereby **approves** a coastal development permit for the portion of the proposed project consisting of: (1) reduction of the size of the previously approved house from 7,415 sq. ft. to 6765 sq. ft., in accordance with the as-built plans shown in **Exhibit 9**; and (2) construction of the portion of the retaining wall along the southern property line that extends east of the existing drainage structure for a distance of approximately 190 feet, as shown in **Exhibit 6**, on the grounds that the development, as amended and conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 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 of the Coastal Act. 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.

Part 2: Denial of the Remainder of the Development

The Commission hereby **denies** a coastal development permit for the portion of the proposed development consisting of (1) construction of the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; (2) construction of a 2:1 fill slope and level pad area west of the building pad authorized in CDP 4-97-044, including an estimated 400 cu. yds. of grading; (3) construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, including 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill); and (4) relocation of a previously approved (but not yet constructed) swimming pool and spa, on the grounds that the development would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and would prejudice the ability of the local governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of a permit for this portion of the

proposed development would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

Note: Unless specifically altered by the amendment, all standard conditions and Special Conditions One (1), Two (2), and Three (3) previously applied to Coastal Development Permit 4-97-044 continue to apply. In addition, the following new special conditions are hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-97-044-A1.

III. SPECIAL CONDITIONS

4. Revised Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for the review and approval of the Executive Director, two full sets of revised project plans, drawn to scale and prepared by a licensed civil engineer, which eliminate all development located west of the existing drainage structure along the western edge of the previously approved building pad, including: the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; the 2:1 fill slope and pad area located behind the above-mentioned retaining wall and west of the existing drainage structure; and the proposed 3-6 ft. high, approximately 105-ft. long retaining wall, as generally shown in **Exhibit 5**.

5. Assumption of Risk

By acceptance of this permit amendment, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslide, earthquake, and wildfire; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with the development on the site; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's' entire parcel. The deed restriction 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.

6. Updated Geologic and Engineering Review

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit, for review and approval of the Executive Director, evidence of the following:

- A. Review and approval, by the consulting geologists and a licensed civil engineer, of the as-built plans, prepared by Ace Civil Engineering and dated April 9, 1998, for the retaining wall located along the southern property line.
- B. Verification, by the consulting engineering geologist and a licensed civil engineer, that the engineered design for said retaining wall, presented in the as-built plans referred to in Item A, meets all applicable standards for the protection of the stability of the pad it supports.
- C. Verification, by the consulting engineering geologist and a licensed civil engineer, that the as-built retaining wall has been constructed fully in accordance with the engineered plans verified as adequate pursuant to the requirements of Item B above.
- D. Review and approval, by the consulting engineering geologist and a licensed civil engineer, of all final project plans, including verification that the retaining wall, as approved by the Commission, is adequate to support the existing building pad.

Such evidence shall include affixation of the stamp and signature of the consulting engineering geologist and licensed civil engineer to the final project plans and designs, including the drainage and polluted runoff control plan required pursuant to **Special Condition Seven (7)**.

The final plans approved by the consulting geologists 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 consultants shall require an amendment to the permit or a new coastal permit. The Executive Director shall

determine whether required changes are "substantial." The approved project shall be constructed and maintained at all times in accordance with the approved plans.

7. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for the review and approval of the Executive Director, two (2) 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 convey, in a non-erosive manner, stormwater flows impacted by the development that is the subject of this permit. The plan shall be reviewed and approved by the consulting geologist and the consulting civil engineer to ensure that the plan is in conformance with consultants' recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

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.

8. Condition Compliance

Within 60 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The applicant seeks approval for relocation of a previously approved (but not yet constructed) swimming pool and spa, construction of a 3-6 ft. high, approximately 105 ft. long retaining wall and approximately 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. Fill). In addition, the proposed project also includes the request for after-the-fact approval of the enlargement of an existing building pad with approximately 400 cu. yds. of after-the-fact cut and fill, a 650 sq. ft. reduction of the previously approved residence, and a 240 ft. long, 6 ft. high retaining wall on the southern property line. (**Exhibits 4-7 and Exhibit 9**).

The proposal is a revised version of a project previously scheduled as Item Tu 12b on the February 5, 2002 Commission agenda (**Exhibit 8**). In its report dated January 17, 2002, staff recommended partial approval and partial denial of the project. Staff recommended denial of all development located outside of the previously approved building pad, including an approximately 5400 sq. ft. swimming pool pad and cut slope, 601 cu. yds. of grading and four retaining walls. Staff recommended approval, with conditions, of the after-the-fact reduction in house size and construction of the eastern 190 ft. segment of the existing retaining wall along the southern property line.

On January 30, 2002, the applicant requested postponement of the hearing in order to revise the proposal to include no additional grading. The current proposal includes 158 cu. yds. of new grading to excavate footings and backfill the proposed approximately 105 ft. long retaining wall. The proposal also includes the request for after-the-fact approval of 400 cu. yds. of grading to enlarge the building pad. The proposed retaining wall is located along a cut slope that was a result of this grading.

The project site consists of an approximately 4.5-acre parcel located approximately ½ mile northeast of Pacific Coast Highway in the City of Malibu (**Exhibit 1**). The parcel was created under a four-lot subdivision approved in 1989 and amended in 1991 (CDP 5-88-938 (Bennett) and CDP 5-88-938-A1 (Ohanian Investment Company) (**Exhibits 12 and 13**). The lot contains several drainage channels, two of which crossed the area of the house pad and are now contained in concrete swales that were previously approved under CDP 5-88-938. A culvert has replaced a portion of one of the drainage swales in the area of the retaining wall (**Exhibits 4 and 11**). The applicant has not included this component of the unpermitted development in the present application. The Commission's Enforcement Unit has been notified of the unpermitted development at the site. The culvert may also be evaluated as a component of drainage and polluted runoff plans submitted pursuant to **Special Condition Seven (7)**.

An approximately 55 foot deep ravine bisects the lot to the west of the building pad (**Exhibit 2**). In approving the subdivision, Los Angeles County required that the majority of the parcel be designated a restricted use area to allow adequate setbacks from the ravine. The subdivision applicant's geologist, in a report dated 4/22/88, noted that the 1:1 slopes within the ravine did not meet the safety factors for gross stability, and

recommended a minimum building setback of 15 feet from the restricted use area boundary. No proposed development is located in the restricted use area.

As a condition of permit approval, the Commission required the applicants to record an offer to dedicate the restricted use area as an easement for open space, habitat preservation, and view protection (CDP 5-88-938). The subject property contains native coastal sage scrub habitat, and the specific site of the proposed grading contains remnant coastal sage scrub as well as needlegrass, a native plant that is increasingly rare in the Santa Monica Mountains. This area had been cleared of native vegetation prior to March 2001; however, fuel modification plans submitted by the applicant state that native vegetation on slopes must be allowed to resprout and grow, and that future fuel modification must be restricted to selective thinning. It is reasonable to assume that the approximately 1,500 sq. ft. area where unpermitted grading has already occurred contained the same type of native vegetation cover.

The proposed development is visible from Pacific Coast Highway (designated as a coastal scenic highway by the previously certified Malibu/Santa Monica Mountains Land Use Plan) and the Zuma Ridge Trail. The project site is bordered by adjacent new single family residential development to the south and east. The project site is located at approximately 420 ft. above sea level, at a higher elevation than most residences in the viewshed. The Santa Monica Mountains National Recreation Area borders the site to the north and northwest. The proposed project would extend the frontier of development into adjacent undeveloped areas (**Exhibits 1 and 3**).

The Commission has acted twice previously to limit the pad size on the subject site. In approving the subdivision that created the lot (CDP 5-88-938), the Commission limited the pad size on the subject lot (Lot 4) to 3,000 sq. ft., in order to reduce landform alteration, visual impacts, and impacts on adjacent parkland. The Commission also required the applicant to record a deed restriction limiting the amount of grading to 21,200 cu. yds. for all four lots combined (including 4,865 cu. yds. of grading on Lot 4). CDP 5-88-938 was amended in 1991 (CDP 5-88-938-A1, Ohanian Investment Co.) to allow a 4,600 sq. ft. building pad on Lot 4 (1,600 sq. ft. larger than previously approved), and to reduce total grading for the subdivision to 15,131 cu. yds.

In 1997, the Commission approved CDP 4-97-044 (Ohanian Investment Co.) for the construction, on Lot 4, of a 7,415 sq. ft., two-story single family residence, septic system, and swimming pool, with no grading (**Exhibit 14**). The approved residence included a 4,660 sq. ft. building footprint, with 6,900 sq. ft. of pavement coverage and 2,500 sq. ft. of landscape coverage, totaling 14,060 sq. ft. of developed area. Plans approved under CDP 4-97-044 show a pad that is approximately 12,230 sq. ft. Although it included no additional grading, the development proposed and approved under CDP 4-97-044 exceeded the previously approved 4,600 sq. ft. pad size by approximately 7,500 sq. ft. This discrepancy was not noted by Commission staff in its review of CDP 4-97-044.

The Commission has located documents in permit files for the other lots in the subdivision that indicate a 10,000 sq. ft. building pad was present on the subject site in November 1991. However, it is not known if additional grading, or how much additional grading, beyond the 4865 cu. yds. approved in the subdivision permit, was conducted on the lot. Although the subdivision permit limited the size of the building pad to 4,660 sq. ft. to protect native habitat and public views, the permit approved for the residence in 1997 authorized structures and pavement covering approximately 11,560 sq. ft., a substantial increase in the area of development and impervious surface.

As stated above, CDP 4-97-044 included approval of a swimming pool located west of the residence (**Exhibits 5, 10, and 14**). Plans approved under the permit also contained a retaining wall to the north of the building pad. They did not include the retaining wall that currently is located on the southern property boundary. CDP 4-97-044 was subject to three special conditions regarding design restrictions, future improvements, and wildfire waiver of liability. In July 2001, CDP 4-97-044 was transferred from Ohanian Investment Co., to the current applicant, Armen Ohanian. (Mr. Ohanian is a general partner of Ohanian Investment Co.)

At the applicant's request, staff has met with the applicant and his representatives to discuss the proposed project, both at the site (with the Commission's staff ecologist, Dr. Jon Allen), and in a subsequent meeting at the District office. Although the applicant has made revisions to the originally submitted project plans, including reducing the total amount of grading, the revisions have not eliminated potential impacts to coastal resources (**Exhibits 4, 5, and 8**). As detailed below, the proposed project, as revised, is visible from Pacific Coast Highway, the Zuma Ridge Trail, and the Santa Monica Mountains Recreation Area, and continues to pose potential adverse impacts to coastal resources. In contrast, construction of the swimming pool in the location previously approved under CDP 4-97-044 would entail no further grading or landform alteration and produce no additional impacts to coastal resources.

B. Geologic Stability

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 Santa Monica Mountains, 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.

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area. The site of the proposed project is an approximately 4.5 acre hillside parcel bisected by an approximately 55 foot deep ravine and several drainage channels.

The applicant has submitted four reports and two letters: "Updated Soils and Engineering-Geologic Report for Additional Grading and Retaining Walls, Lot 4, Tract 45679, Ocean Breeze Drive at Sea View Drive, Malibu, California," prepared by GeoSystems and dated January 30, 2001; "Proposed Grading and Retaining Walls, Lot 4, Tract 45679, Ocean Breeze Drive at Sea View Drive, Malibu, California," prepared by GeoSystems and dated 2/20/01; "Response to City of Malibu Geology and Geotechnical Engineering Review Sheet dated March 13, 2001, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," prepared by GeoSystems and dated March 23, 2001; "Response to City of Malibu Geology and Geotechnical Engineering Review Sheet dated April 6, 2001, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," prepared by GeoSystems and dated April 23, 2001; a letter re: "Southern Retaining Wall In Proposed Swimming Pool Area, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," prepared by GeoSystems and dated October 30, 2001; and a letter re: "Southern Retaining Wall, Lot 4, Tract 45679, 6205 Ocean Breeze Drive, Malibu, California," prepared by GeoSystems and dated December 5, 2001. The reports address the stability and safety of the proposed swimming pool pad and retaining walls, as originally conceived, as well as the unpermitted retaining wall and fill slope below the proposed swimming pool pad. (No additional geologic information has been submitted for the revised proposal.) The two letters discuss the necessity of the retaining wall below the approved residence and building pad, as well as the western extension of that retaining wall below the proposed swimming pool pad.

The March 23, 2001 report prepared by GeoSystems states:

Based on the findings of our investigation and on the results of our stability analysis, conditions are considered to be favorable for the long-term stability of the proposed additional grading and retaining walls, including the proposed swimming pool.

The report further concludes that:

It is the finding of this firm that the proposed building and or grading will be safe and that the site 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.

Although the GeoSystems reports do not address the geologic safety of the after-the-fact 650 sq. ft. reduction of ~~the building footprint, the Commission notes that~~ the revised plan is constructed substantially within the footprint of the plans previously reviewed by GeoSystems, who found, in an update letter dated February 5, 1997, that

....the proposed building and or grading will be safe and that the site 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.

GeoSystems prepared two letters addressing the southern retaining wall and its western extension below the proposed swimming pool pad. The first letter, "Southern Retaining Wall In Proposed Swimming Pool Area," dated October 30, 2001, discusses the necessity of that portion of the as-built retaining wall south of the proposed swimming pool pad area. It states:

....(T)he existing retaining wall located along the toe of the graded slope along the south side of the area of the proposed swimming pool....is necessary to support the existing compacted fill slope which supports the graded pad to the north of the retaining wall and compacted fill slope."

These reports therefore indicate that the retaining wall below the proposed swimming pool area is necessary to support the unpermitted fill slope and pad, as well as the additional pad area previously proposed, which are located west of the building pad for the previously approved residence and swimming pool. This retaining wall is different from the retaining wall that the applicant states is necessary to support the building pad for the previously approved residence. It is also different from the proposed 3-6 ft. high retaining wall located along the cut slope that resulted from construction of the unpermitted fill slope and pad. No geologic review or recommendations have been submitted on the proposed retaining wall.

A second letter, "Southern Retaining Wall," prepared by GeoSystems and dated December 5, 2001, discusses the necessity of that portion of the unpermitted retaining wall south of the previously approved building pad. It states:

....The southern retaining wall is located along the top of slope on the south side of the building pad for the existing residence. From a geotechnical standpoint, the existing southern retaining wall is necessary to support the graded building pad, which in turn supports the residence and swimming pool structures located on the pad.

Commission Senior Engineer Lesley Ewing reviewed the GeoSystems reports, as well as plans for the proposed development, and determined that the 50 ft. western extension of the existing unpermitted retaining wall was necessary only to support the unpermitted fill slope and the additional pad area previously proposed. (Exhibits 5 and 8). Ms. Ewing concluded that the westernmost 50 feet of the unpermitted existing retaining wall could be removed and the fill slope restored without endangering the stability of the approved building pad. Ms. Ewing further concluded that construction of unpermitted fill slope and the additional pad area previously proposed was unnecessary

for the stability of the approved building pad. Therefore, the Commission finds that this portion of the applicant's proposal has been constructed specifically to increase the level pad and yard area of the hillside site and to thus make available additional area for swimming pool, landscaping, and patio amenities. This portion of the applicant's proposal is therefore distinguished from the remainder of the retaining wall (the eastern portion) that is necessary to support the portion of the existing pad containing the approved, constructed single family residence (**Exhibit 5**).

In addition, this portion of the applicant's proposal will result, and has resulted, in increased grading, increased erosion potential on a hillside site, and the removal of native vegetation. The unnecessary removal of native plant species, which tend to be deeply rooted and require no artificial water inputs, has been found to exacerbate erosion and contribute to the instability of surficial sediments, particularly on steep sites. Furthermore, construction of the pool and spa in the location previously approved under CDP 4-97-044 would entail no further grading and produce no additional impacts to coastal resources. This, in addition to the conclusion of Senior Engineer Lesley Ewing, leads the Commission to find that the part of the proposed project located outside the previously approved development footprint is not consistent with Section 30253 of the Coastal Act.

Based on the GeoSystems letter of December 5, 2001, the previous GeoSystems reports cited above, and the conclusion of the senior staff engineer, the Commission finds that the portion of the unpermitted retaining wall south of the building pad is necessary to support the building pad as shown in **Exhibit 5**, and approved under CDP 4-97-044. **Special Condition Four (4)** therefore requires revised plans including this component of the applicant's proposed plans while deleting the portions that are not necessary to ensure the stability of the approved residence.

As stated above, the applicant's consulting geologist and geotechnical engineer have, in the reports cited herein, determined that the proposed project, if constructed and maintained in accordance with their recommendations, will be safe from, and will not cause, geologic hazards or erosion on or off site. The geotechnical reports submitted state that the as-built retaining wall on the southern property line is necessary, but do not state that the design of that retaining wall meets applicable engineering standards for protecting site stability, or that the plans for the retaining wall submitted by the applicant have been verified in the field. The applicant represents that the wall is constructed in accordance with grading/drainage plans prepared by Ace Civil Engineering and dated April 9, 1998. However, the applicant has not provided evidence that these plans represent the as-built retaining wall on the southern property line.

Therefore, **Special Condition Six (6)** is necessary to ensure that the part of the retaining wall that is authorized in this amendment, in accordance with the requirements of **Special Condition Four (4)**, is adequately constructed in accordance with all applicable engineering standards and geotechnical requirements. In order to ensure the adequate performance of the retaining wall, and the safety of the subject site and adjacent properties, **Special Condition Six (6)** requires the applicant to submit

evidence of the review and approval, by the consulting engineering geologists and a licensed civil engineer, of the submitted as-built plans for the retaining wall. **Special Condition Six (6)** also requires the applicants to submit evidence of the consultants' verification that the as-built retaining wall has been constructed fully in accordance with engineered plans that meet all applicable standards for the protection of the stability of the existing building pad. In addition, **Special Condition Six (6)** requires the applicant to submit the revised plans prepared in accordance with the requirements of **Special Condition Four (4)** to the geologist and geologic engineer for final review.

Therefore, as conditioned by **Special Conditions Four (4)** and **Six (6)**, in addition to other applicable conditions set forth herein, the proposed project will be consistent with the applicable requirements of Section 30253 of the Coastal Act.

However, the Commission recognizes that development, even though deemed safe by the consulting geologist and geotechnical engineer, may still involve the taking of some 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 the subject property.

The Commission finds that the need for construction of a retaining wall to support the slope on which the house is located demonstrates a heightened concern over site stability and potential erosion. The Commission therefore finds that due to the possibility of slope failure, together with the general risk of flooding and earthquake in the Santa Monica Mountains, which may exacerbate the former risks, the applicant shall assume these risks as conditions of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission, its employees, and agents, for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk, as required by **Special Condition Five (5)**, when executed and recorded on the property deed, will show that the applicant is aware of and appreciates the nature of the hazards associated with development of the site, and that may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that approval of the reduced building size and the portion of the unpermitted retaining wall located below the previously approved building pad, if conditioned as set forth herein, is consistent with Section 30253 of the Coastal Act. The Commission further finds that the applicant's request for a permit for the unpermitted fill slope and pad, the unpermitted westernmost 50 ft. of the retaining wall (which supports the unpermitted fill), the proposed 3-6 ft. high retaining wall along the cut slope created by construction of the unpermitted pad area, and the proposed swimming pool and spa relocation are not consistent with Section 30253 of the Coastal Act for the reasons set forth above. Therefore, the Commission denies a permit for these portions of the applicant's proposal.

2. Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the proposed development is located on a hillside lot and includes approximately 558 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill, and approximately 400 cu. yds. of after-the-fact cut and fill) to construct a fill slope and pad, and to backfill and excavate footings for a proposed 3-6 ft. high, approximately 105 ft. long retaining wall. The unpermitted as-built fill slope and pad cover an area of approximately 1500 sq. ft., and are located on the nose of a small ridge descending southwesterly from the Santa Monica Mountains Recreation Area.

The proposed grading is located west of the previously approved swimming pool site and residence, and immediately north of a minor drainage course that outlets from a culvert under the subject property. The drainage course feeds into a drainage system that empties into the Pacific Ocean at the eastern end of Trancas Beach. The nearshore marine environment off Trancas Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the certified Malibu/Santa Monica Mountains LUP. The site currently drains by sheet flow runoff.

The project will result in additional impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

As noted above, the project includes 158 cu. yds. of grading (79 cu. yds. cut and 79 cu. yds. fill) to backfill and excavate footings for a proposed retaining wall, as well as after-the-fact grading (200 cu. yds. cut, 200 cu. yds. fill) of a fill slope and pad area. These developments are located north of and above a drainage course. The Commission notes that the proposed grading may increase erosion and sedimentation of the drainage channel, and may contribute to cumulative impacts on the quality of coastal waters and nearshore sensitive marine habitats. The proposed grading also requires the removal of native vegetation. The unnecessary removal of native plant species, which tend to be deeply rooted and require no artificial water inputs, has been found to exacerbate erosion and contribute to the instability of surficial sediments, particularly on steep sites. In addition, relocation of the swimming pool would increase impervious surface area on the site, and would result in additional runoff entering into the drainage channel.

Construction of the swimming pool and spa in the location previously approved under CDP 4-97-044 would entail no further grading, no additional impervious surface area other than previously approved, and produce no additional potential for erosion or sedimentation of coastal waters. Therefore, the Commission finds that approval of the fill slope, pad, and westernmost 50 feet of the retaining wall on the southern property line, the proposed relocation of the approved pool, and the proposed construction of the approximately 105 ft. long retaining wall, is inconsistent with the requirements of Section 30253 of the Coastal Act and thus denies this portion of the applicant's proposal.

As discussed in the previous section, the Commission finds that the portion of the as-built retaining wall south of the building pad is necessary to support the building pad, as shown in Exhibit 5. Furthermore the Commission finds that the reduced house plans are substantially within the footprint previously approved by the Commission and have been found to be safe from hazards by the consulting geotechnical engineers. Therefore, **Special Condition Four (4)** requires the applicant to submit revised project plans that include the revised house footprint and the eastern 190 ft. of the as-built retaining wall, and that eliminate all as-built and proposed development located west of the existing drainage structure along the western edge of the previously approved building pad, including the westernmost 50 feet of the retaining wall along the southern property line, the fill slope and pad located above that portion of the retaining wall and west of the existing drainage structure; and the proposed 3-6 ft. high, approximately 105-ft. long retaining wall located along the unpermitted cut slope, as generally shown in **Exhibit 6**.

The Commission further finds that support of the house by the eastern portion of the retaining wall will help minimize erosion, as long as surface runoff is controlled. In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicants to submit a drainage plan, as defined by **Special Condition Seven (7)**. **Special Condition Seven (7)** requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. Additionally, the applicants must 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.

In summary, for all the reasons cited above, the Commission finds that the proposed project as conditioned by **Special Conditions Four (4)** and **Seven (7)**, will be consistent with the requirements of Coastal Act Section 30253 applicable to geology and site stability.

C. Visual Resources and Landform Alteration

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.

As noted above, the proposed development is located on a hillside lot and includes approximately 558 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill, and approximately 400 cu. yds. of after-the-fact cut and fill) to construct a fill slope and pad, and to backfill and excavate footings for a proposed 3-6 ft. high, approximately 105 ft. long retaining wall. The unpermitted as-built fill slope and pad cover an area of approximately 1500 sq. ft., and are located on the nose of a small ridge descending southwesterly from the Santa Monica Mountains Recreation Area.

The project site consists of an approximately 4.5 acre parcel located approximately ½ mile northeast of Pacific Coast Highway. Much of the subject parcel has been restricted as an easement for open space, habitat preservation, and view protection, a condition required by the Commission upon approval of the permit that created the subject lot and three adjacent lots (CDP 5-88-938). The restricted area contains undisturbed coastal sage scrub habitat, and the site of the proposed grading contains remnant coastal sage scrub habitat as well as needlegrass, a native plant. It is reasonable to assume that the approximately 1,500 sq.ft. area where unpermitted grading has already occurred contained the same type of native vegetation cover.

The project site is surrounded by scattered development to the south and east, by restricted areas and open space to the southwest, and by the undeveloped parkland of the Santa Monica Mountains National Recreation Area, located on adjacent parcels to the north and northwest. The project site is located at approximately 420 ft. above sea level, at a higher elevation than most residences in the viewshed. The proposed retaining wall, as well as the as-built fill slope, pad, and retaining wall, located west of the approved single family residence, extends the frontier of development into adjacent undeveloped areas. This extension would be visually apparent from Pacific Coast Highway, as well as from the adjacent parkland and the Zuma Ridge Trail. The unauthorized grading and western extension of the southern retaining wall have already manifested these impacts (Exhibit 11).

Pacific Coast Highway is designated as a coastal scenic highway by the Malibu/Santa Monica Mountains Land Use Plan (LUP). Pacific Coast Highway is also a major coastal access route, not only utilized by local residents, but also heavily used by visitors to several nearby public beaches that are only accessible from Pacific Coast Highway. Public views along both the landward and seaward sides of Pacific Coast Highway have been substantially impacted by the construction of residential development (including grading and landform alteration, retaining walls and privacy walls, fencing, landscaping, and other residential related development). Although the proposed project is some distance from Pacific Coast Highway, when viewed on a regional basis, such development results in potential cumulative adverse effects to public views and to the visual quality of coastal areas.

As stated previously, CDP 5-88-938 and CDP 5-88-938-A1 limited the pad size on the subject lot specifically to reduce the visual impacts of the project. This pad size was significantly exceeded when the permit for the residence (CDP 4-97-044) was approved.

The Commission previously approved a swimming pool at the subject site under CDP 4-97-044. The approved swimming pool presents a feasible alternative to the proposed project that would prevent additional landform alteration on site and minimize adverse effects to public views along the Pacific Coast Highway corridor. Therefore, the Commission finds the portion of the project located outside the previously approved development footprint inconsistent with the requirements of Section 30251 of the Coastal Act to protect public views of scenic coastal areas, and to minimize the alteration of landforms, and thus denies that portion of the proposed project.

The Commission finds that the proposed reduction in the size of the residence further minimizes the visual impacts of the previously approved project and is therefore consistent with Section 30251 of the Coastal Act. Furthermore, the easternmost 190 ft. of the unpermitted southern retaining wall, which was found necessary to support the previously approved building pad, is not visible from Pacific Coast Highway, and is minimally visible from other public viewing areas. Therefore the Commission finds that the proposed, as-built 650 sq. ft. reduction of the house size and the as-built construction of the easternmost 190 ft. of the unpermitted southern retaining wall are consistent with the requirements of Section 30251 of the Coastal Act.

Accordingly, **Special Condition Four (4)** requires the applicant to submit revised project plans that eliminate all proposed new and existing unpermitted development located west of the existing drainage structure along the western edge of the previously approved building pad, including: the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; the 2:1 fill slope and pad area located behind the above-mentioned retaining wall and west of the existing drainage structure; and the proposed 3-6 ft. high, approximately 105-ft. long retaining wall located along the cut slope resulting from construction of the unpermitted pad, as generally shown in **Exhibit 5**.

For all of the reasons cited above, the Commission finds that the proposed project, as conditioned by **Special Condition Four (4)**, is consistent with the requirements of Section 30251 of the Coastal Act.

D. Water Quality / Sensitive Habitat

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30240 of the Coastal Acts states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through means such as minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas

(ESHAs) and lands adjacent to ESHAs must be protected against disruption of habitat values.

As noted above, the proposed development is located on a hillside lot and includes approximately 558 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill, and approximately 400 cu. yds. of after-the-fact cut and fill) to construct a fill slope and pad, and to backfill and excavate footings for a proposed 3-6 ft. high, approximately 105 ft. long retaining wall. The after-the-fact fill slope and pad cover an area of approximately 1500 sq. ft., and are located on the nose of a small ridge descending southwesterly from the Santa Monica Mountains Recreation Area. The project site consists of an approximately 4.5 acre parcel located approximately ½ mile northeast of Pacific Coast Highway.

The development associated the proposed enlarged building pad is located west of the previously approved swimming pool site and residence, and immediately north of a minor drainage course that outlets from a culvert under the subject property. The drainage course feeds into a drainage system that empties into the Pacific Ocean at the eastern end of Trancas Beach. The nearshore marine environment off Trancas Beach contains kelp beds designated as Environmentally Sensitive Habitat Areas (ESHAs) in the certified Malibu/Santa Monica Mountains LUP.

Development of the proposed swimming pool area will result in additional impervious surface area on the site, increasing both the volume and velocity of storm water runoff. An increase in impervious surface area 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. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms, and have adverse impacts on human health.

The Commission further notes that seasonal streams and drainages, such as the intermittent stream located within the subject site, in conjunction with primary waterways, provide important habitat for sensitive plant and animal species. Section

30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to sensitive habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

Much of the subject parcel has been restricted as an easement for open space, habitat preservation, and view protection, a condition required by the Commission upon approval of the permit that created the subject lot and three adjacent lots (CDP 5-88-938). Commission staff ecologist Jon Allen, Ph.D., visited the site with other Commission staff on August 16, 2001. Dr. Allen noted the presence of coastal sage scrub and native needlegrass in the area of proposed grading and on the ascending slopes above the disturbed area. Dr. Allen has noted that needlegrass, as well as coastal sage scrub habitat, is increasingly rare in Southern California. The proposed project will result in additional loss of these resources. In addition, the unnecessary removal of native plant species, which tend to be deeply rooted and require no artificial water inputs, has been found to exacerbate erosion, particularly on steep sites, and thus contribute to increased sedimentation of coastal waters.

In addition, Section 30240(b) of the Coastal Act requires the Commission to consider the compatibility of new development with adjacent parkland, and to prevent impacts that would degrade those areas. The development included in this application extends the footprint of residential development west toward parkland and a connector trail to the Zuma Ridge Trail, thus increasing the extent of development visible from these areas, and decreasing the extent of adjacent habitat.

As noted above, development associated with the enlarged building pad is located immediately north of and above a drainage course. The Commission notes that the proposed grading may result in erosion and sedimentation of the drainage channel, and contribute to cumulative impacts on the quality of coastal waters and nearshore sensitive marine habitats. In addition, approval of the proposed swimming pool area would increase impervious surface area on the site, and would result in additional runoff entering into the drainage channel. Furthermore, the enlarged building pad and associated developments extend the frontier of development westward toward adjacent parkland. Therefore, the Commission finds the portion of the project located outside the previously approved development footprint inconsistent with the requirements of Sections 30231, 30232, and 30240 of the Coastal Act, and thus denies that portion of the project. The Commission notes that construction of the swimming pool in the location previously approved under CDP 4-97-044 would entail no further extension of development, no additional impervious surface area, and produce no additional potential for erosion or sedimentation of coastal waters.

The Commission finds that the proposed reduction in the size of the residence, and construction of the easternmost 190 ft. of the ~~as-built southern retaining wall~~, produce no significant additional impacts on coastal water quality and adjacent parkland. Therefore the Commission finds that these components of the proposed project are consistent with the requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

Therefore, **Special Condition Four (4)** requires the applicant to submit revised project plans that eliminate all proposed development located west of the existing drainage structure along the western edge of the previously approved building pad, including: the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; the 2:1 fill slope and pad area located behind the above-mentioned retaining wall and west of the existing drainage structure; and the proposed 3-6 ft. high, approximately 105-ft. long retaining wall located along the cut slope resulting from construction of the unpermitted pad, as generally shown in **Exhibit 5**.

The Commission further finds that support of the house by the eastern portion of the retaining wall will help minimize erosion, as long as surface runoff is controlled. In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicants to submit a drainage plan, as defined by **Special Condition Seven (7)**. **Special Condition Seven (7)** requires the implementation and maintenance of a drainage plan designed to ensure that drainage affected by the retaining wall and other development approved under this permit is conveyed in a non-erosive manner. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. Additionally, the applicants must 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.

For all of the reasons cited above, the Commission finds that the proposed project, as conditioned by **Special Conditions Four (4)** and **Seven (7)**, is consistent with the requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

E. Violations

Various developments have been carried out on the subject site without the required coastal development permits, including the construction of a 240 ft. long retaining wall, 400 cu. yds. of grading (200 cu. yds. cut, 200 cu. yds. fill), and a 650 sq. ft. reduction of the building footprint of the house. The applicant has proposed to retain the above-mentioned development as part of this permit application. As discussed previously, staff recommends partial approval and partial denial of the applicant's after-the-fact proposal. Staff recommends approval of the 650 sq. ft. reduction of the building footprint of the house and a 190 foot portion of the 240 ft. long, 6 ft. high retaining wall along the southern property line. Staff recommends denial of the remaining 50 foot

portion of the wall along the southern property line that extends west of the existing drainage structure, as well as the estimated 400 cu. yds. of grading associated with its construction. The remaining unpermitted 50 foot portion of the existing wall and associated 400 cu. yds of grading will be resolved at a future date through follow-up enforcement action.

In order to ensure that the violation aspect of the portion of the project approved by the Commission is resolved in a timely manner, **Special Condition Eight (8)** requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. 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 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 that conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project would not be in conformity with the provisions of Chapter 3 of the Coastal Act. The proposed development would result in adverse impacts and is found to be not consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the portion of the proposed project consisting of (1) construction of the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; (2) construction of a 2:1 fill slope and level pad area behind the unpermitted retaining wall, including an estimated 400 cu. yds. of grading; (3) construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, including 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill); and (4) relocation of a previously approved (but not yet constructed) swimming pool and spa, would prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

In addition, the Commission also finds that the portion of the proposed project located west of the previously approved building pad (the reduction of the previously approved house from 7,415 sq. ft. to 6765 sq. ft., and the construction of the portion of the retaining wall along the southern property line that extends east of the existing drainage structure for a distance of approximately 190 feet), as conditioned, would not prejudice the City of Malibu's ability to prepare a Local Coastal Program and is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 which the activity may have on the environment.

The Commission finds that the portion of the proposed project consisting of (1) construction of the portion of the retaining wall along the southern property line that extends west of the existing drainage structure for a distance of approximately 50 feet; (2) construction of a 2:1 fill slope and level pad area behind the unpermitted retaining wall, including an estimated 400 cu. yds. of grading; (3) construction of a 3-6 ft. high, approximately 105 ft. long retaining wall, including 158 cu. yds. of grading (79 cu. yds. cut, 79 cu. yds. fill); and (4) relocation of a previously approved (but not yet constructed) swimming pool and spa, would result in significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the portion of the proposed project that includes all development located west of the previously approved development footprint, is determined to be inconsistent with CEQA and the policies of the Coastal Act. As noted previously, feasible alternatives exist which would not result in the significant, avoidable adverse impacts to coastal resources and public coastal views of this portion of the applicant's proposed project. In addition, the Commission also finds that the reduction of the previously approved house from 7,415 sq. ft. to 6765 sq. ft., and the construction of the portion of the retaining wall along the southern property line that extends east of the existing drainage structure for a distance of approximately 190 feet, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, this portion of the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

Santa Monica
Mountains National
Recreation Area
boundary

Zuma Ridge Trail and
connector trail

Approximate location of
project site

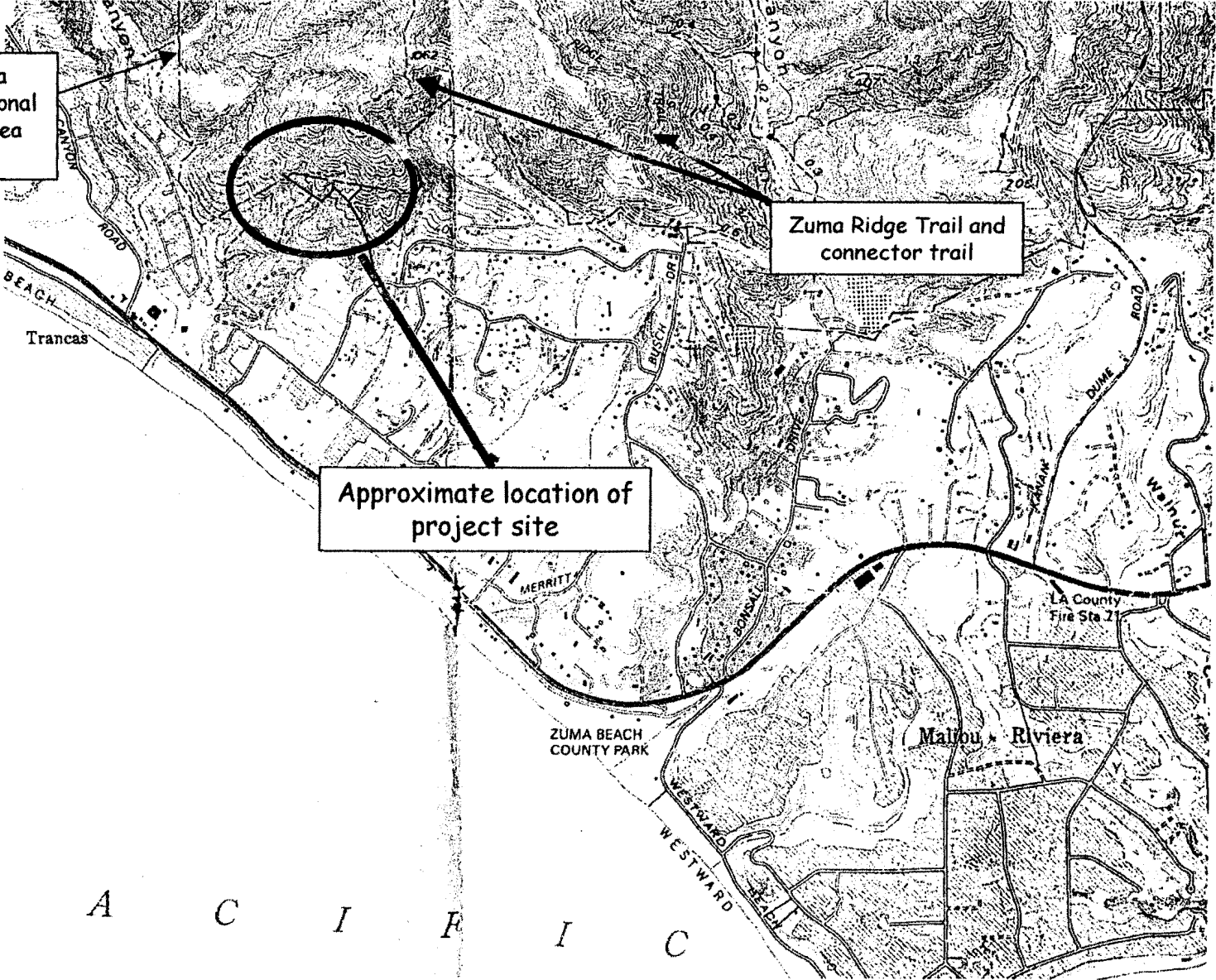
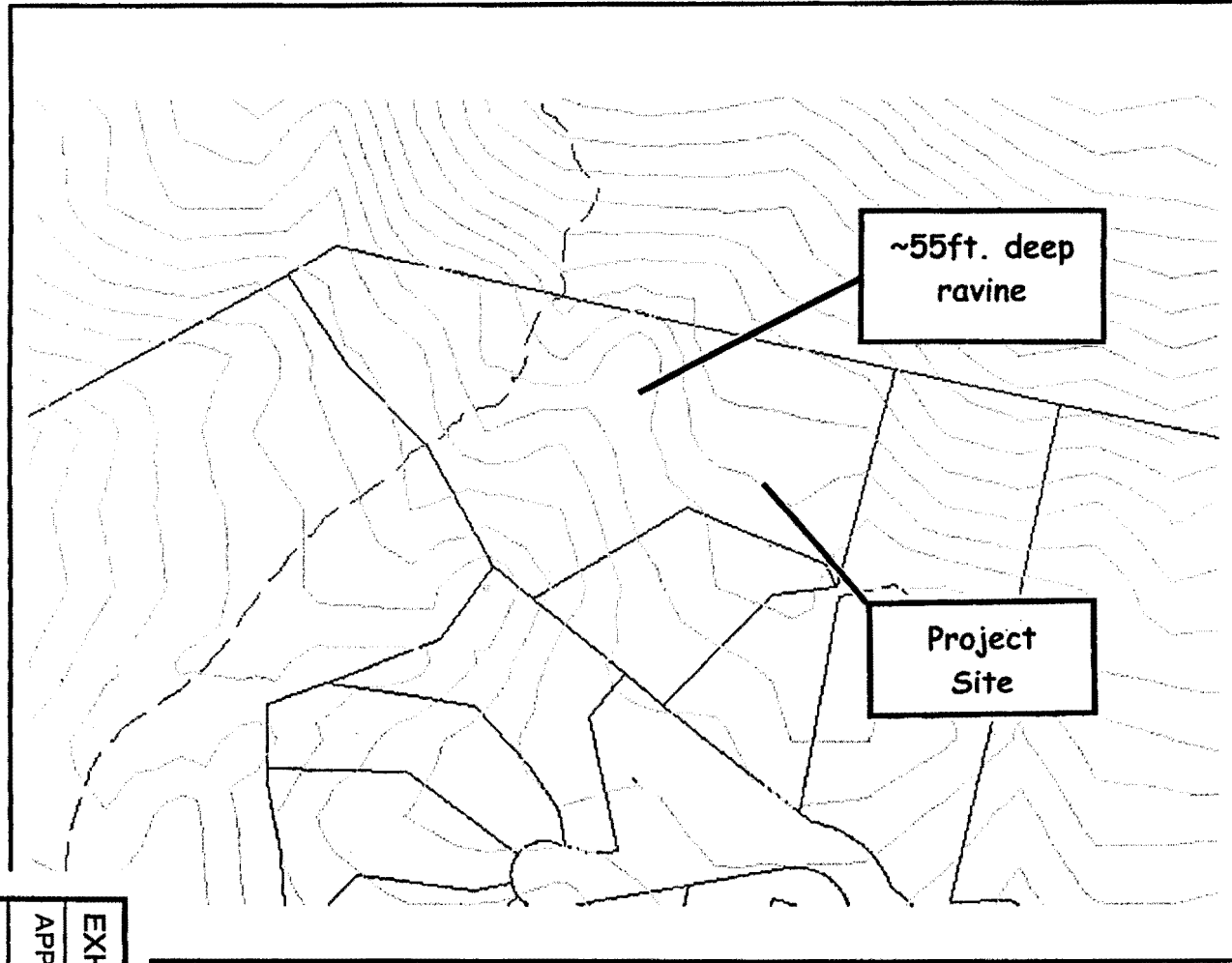


EXHIBIT NO. 1
APPLICATION NO.
4-97-044-A1
VICINITY MAP

4-97-044-A1 (Ohanian) Site contours



- contours @ 20ft
- Trails - NPS GPSed
- laprcis

~55ft. deep ravine

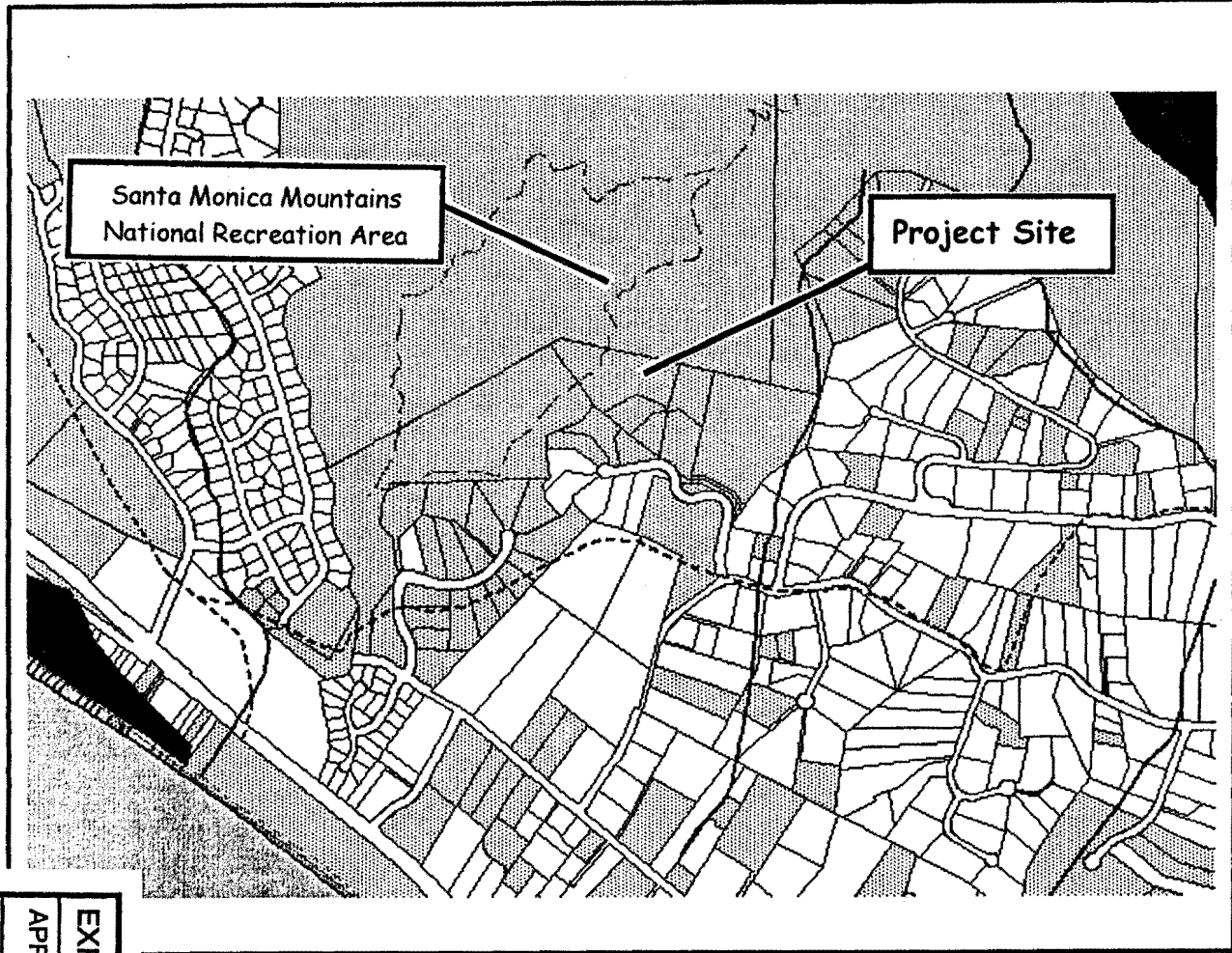
Project Site



EXHIBIT NO. 2
APPLICATION NO.
4-97-044-A1
SITE CONTOURS

ESRI ArcExplorer 1.1

4-97-044-A1 (Ohanian) Coastal Resources



- Trails - LA County LUP
- Trails - NPS GPSed
- Blue Line Streams
- shoreline
- vacant parcels
- laprcls
- esha
- Ocean



Thursday, Jan 17 2002

EXHIBIT NO. 3
APPLICATION NO.
4-97-044-A1
COASTAL RESOURCES



EXHIBIT NO. 4
APPLICATION NO.
4-97-044-A1
SITE PLAN

Restricted Use Area boundary

Proposed retaining wall

Unpermitted pad area (200 cu. yds. grading)

Limits of previously approved development



Unpermitted 2:1 fill slope (200 cu. yds. grading)

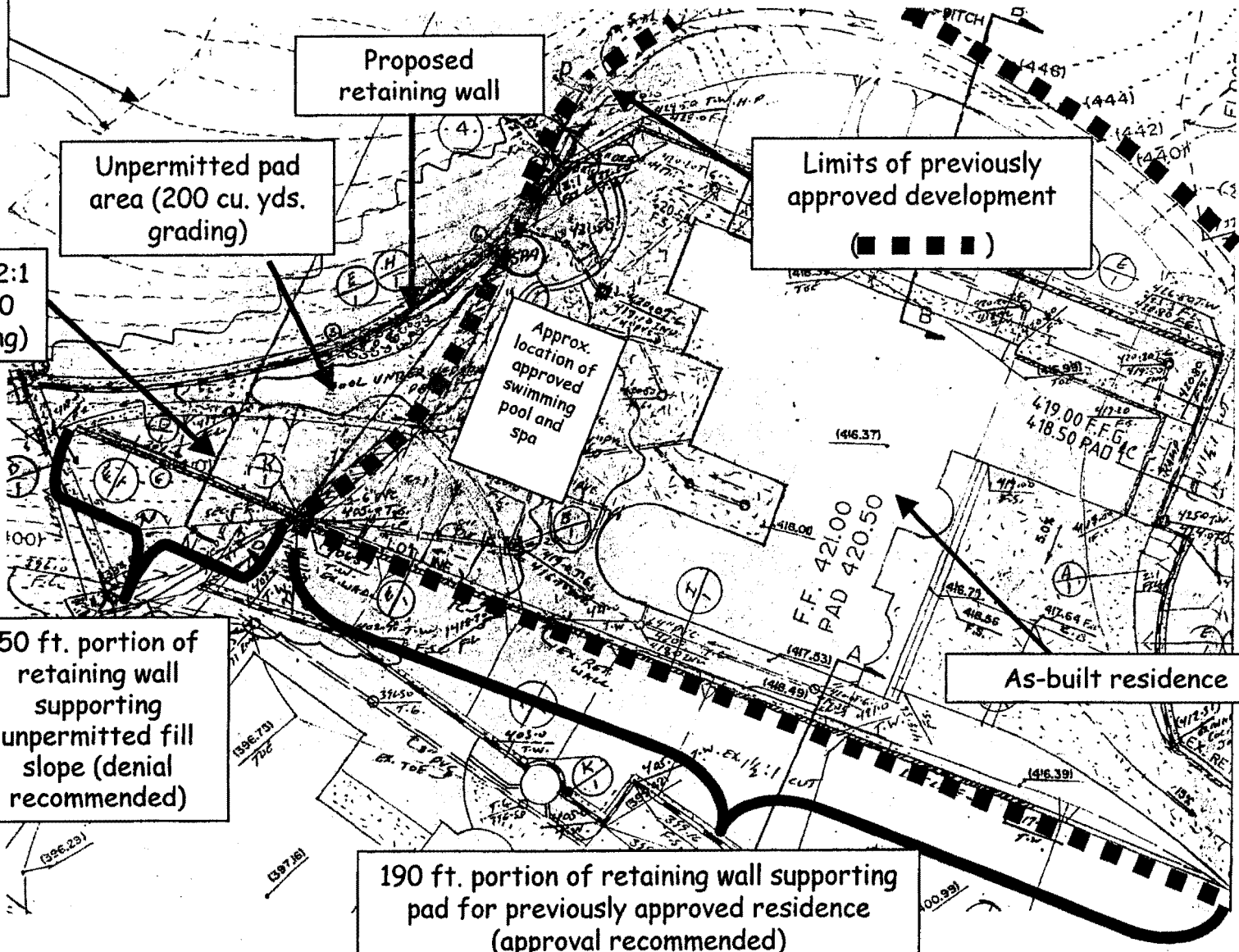
Approx. location of approved swimming pool and spa

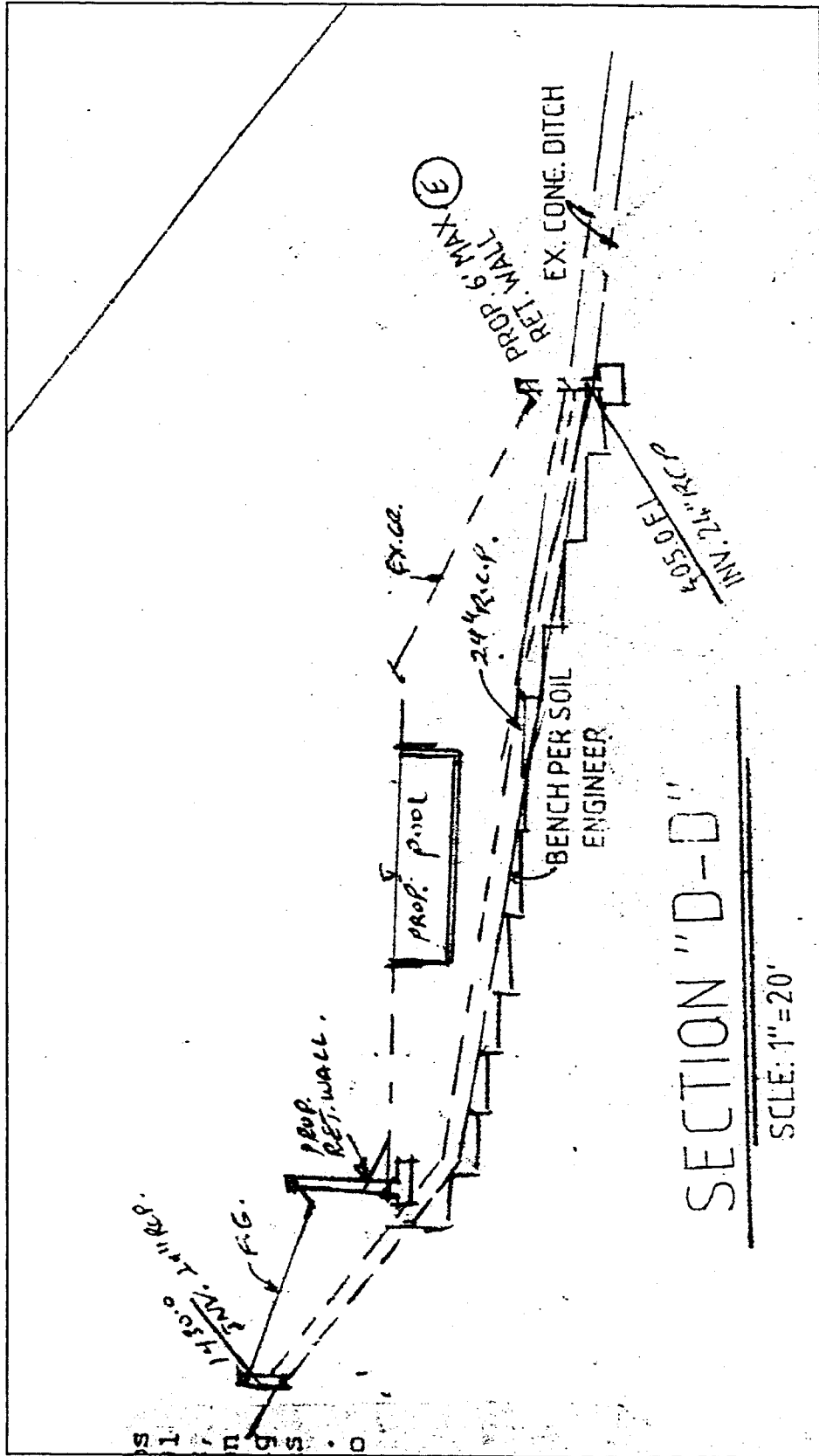
50 ft. portion of retaining wall supporting unpermitted fill slope (denial recommended)

As-built residence

190 ft. portion of retaining wall supporting pad for previously approved residence (approval recommended)

EXHIBIT NO. 5
APPLICATION NO.
497-044-A1
ANNOTATED SITE PLAN





SECTION "D-D"

SCALE: 1"=20'

EXHIBIT NO. 6
APPLICATION NO.
4-97-044-A1
CROSS SECTION

POOL DECK ENCLOSURE

DARK BROWN COUNTER

PERMISSIBLE

EX. RETAINING WALL

18" X 18" STONE SECTION

STONE DECKING-TYP.

ENT OF EX. WALL

FT. AT WHICH EX. PIPE CANS
WATER-CANAL

STONE RETAINING WALL

APP. - 1/2' - 1' ABOVE POOL

EDGE OF RESTRICTED USE
AREA

POOL

PAVED BOND BEAM ALONG
BACKSIDE OF POOL BY
STAIRS (SEE VENTURE)
AND WATERFALL

EX. SLOPE AREA TO
BE LEFT UNDISTURBED
BY ANY GRASS

TUFF
AREA

EX. SLOPE

EX. SLOPE

EX. SLOPE

EX. SURFING DECKING

FT. WHERE PIPE ENDS THROUGH WALL

EX. RETAINING WALL

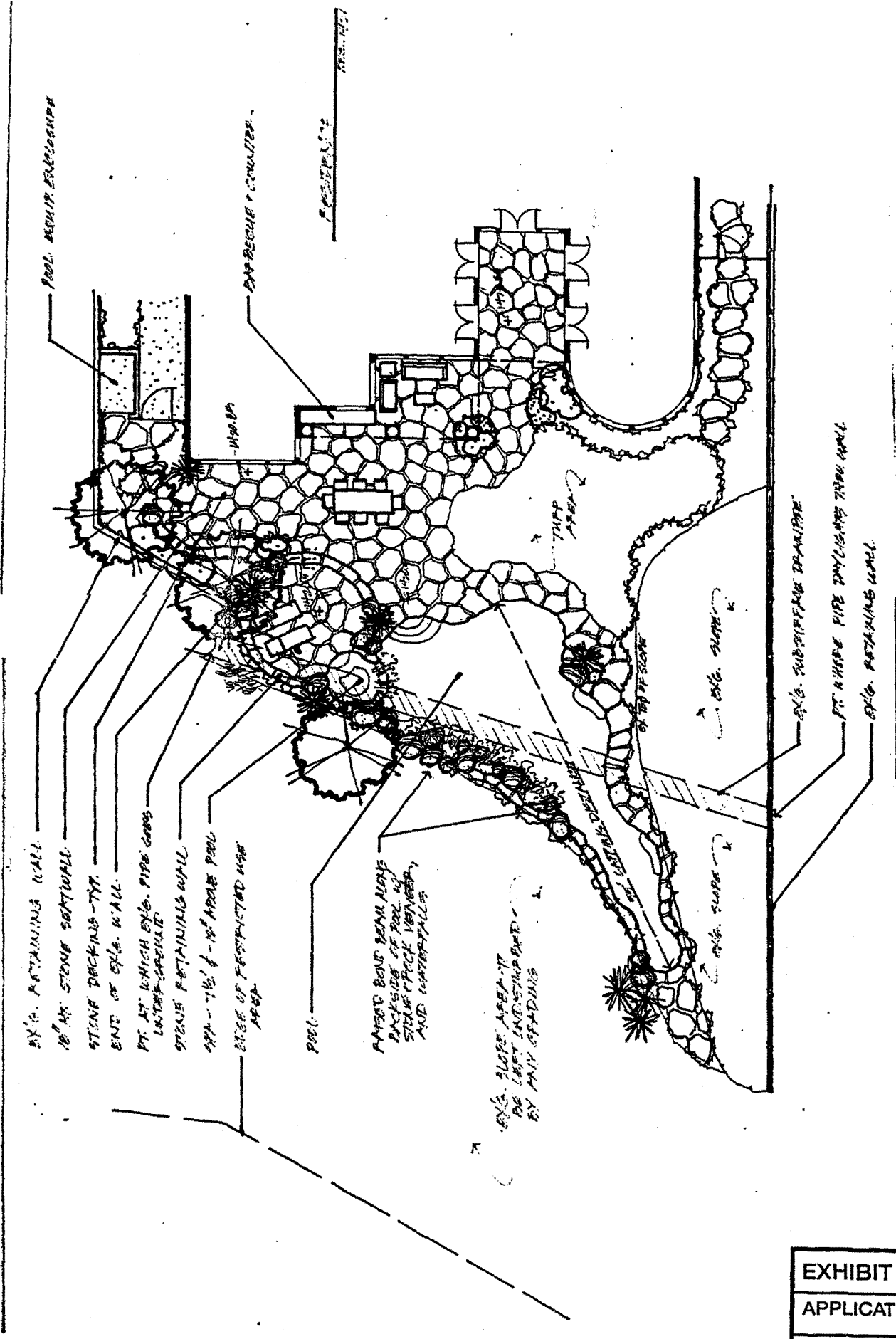


EXHIBIT NO. 7
APPLICATION NO.
4-97-044-A1
POOL AREA DETAIL

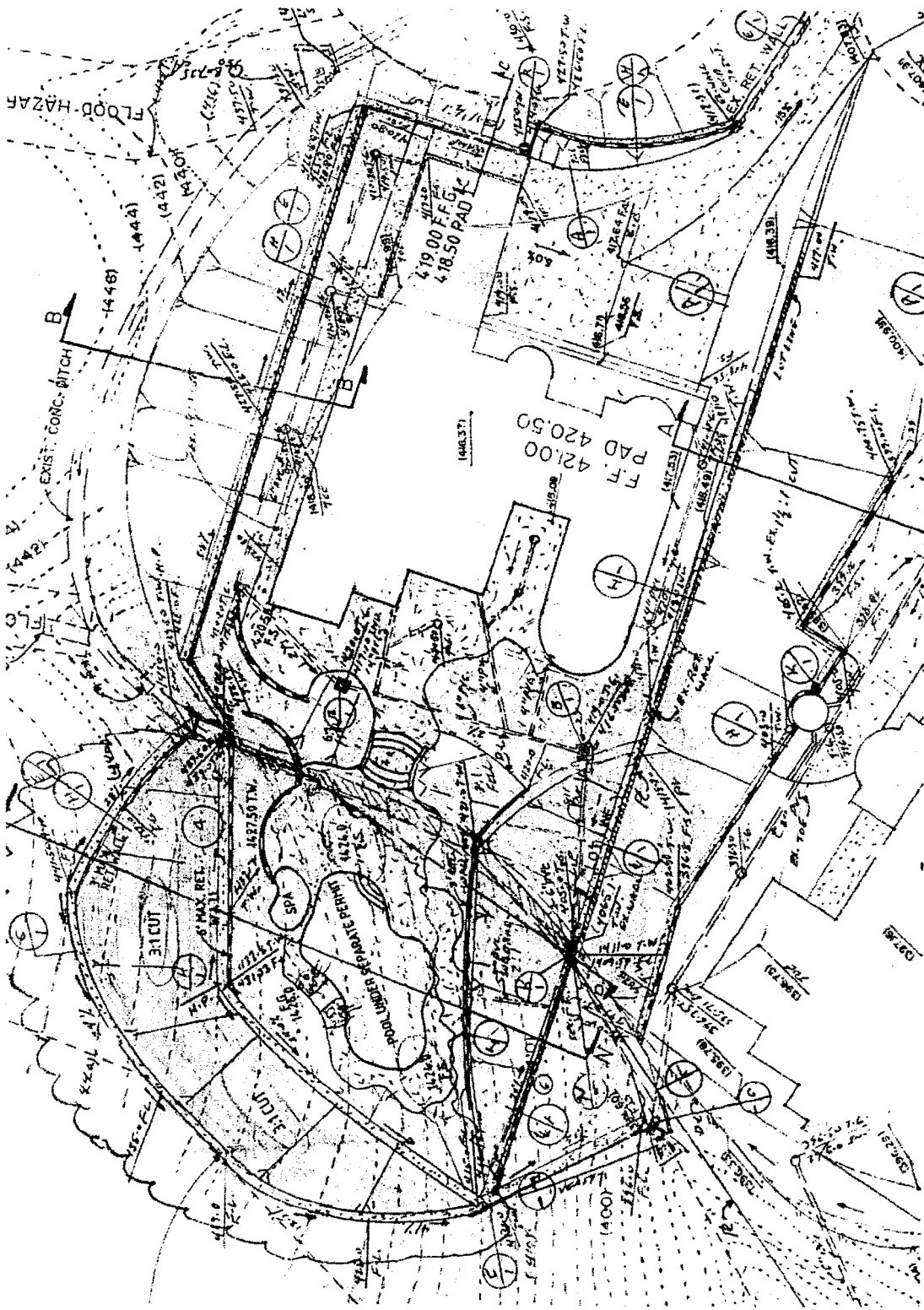
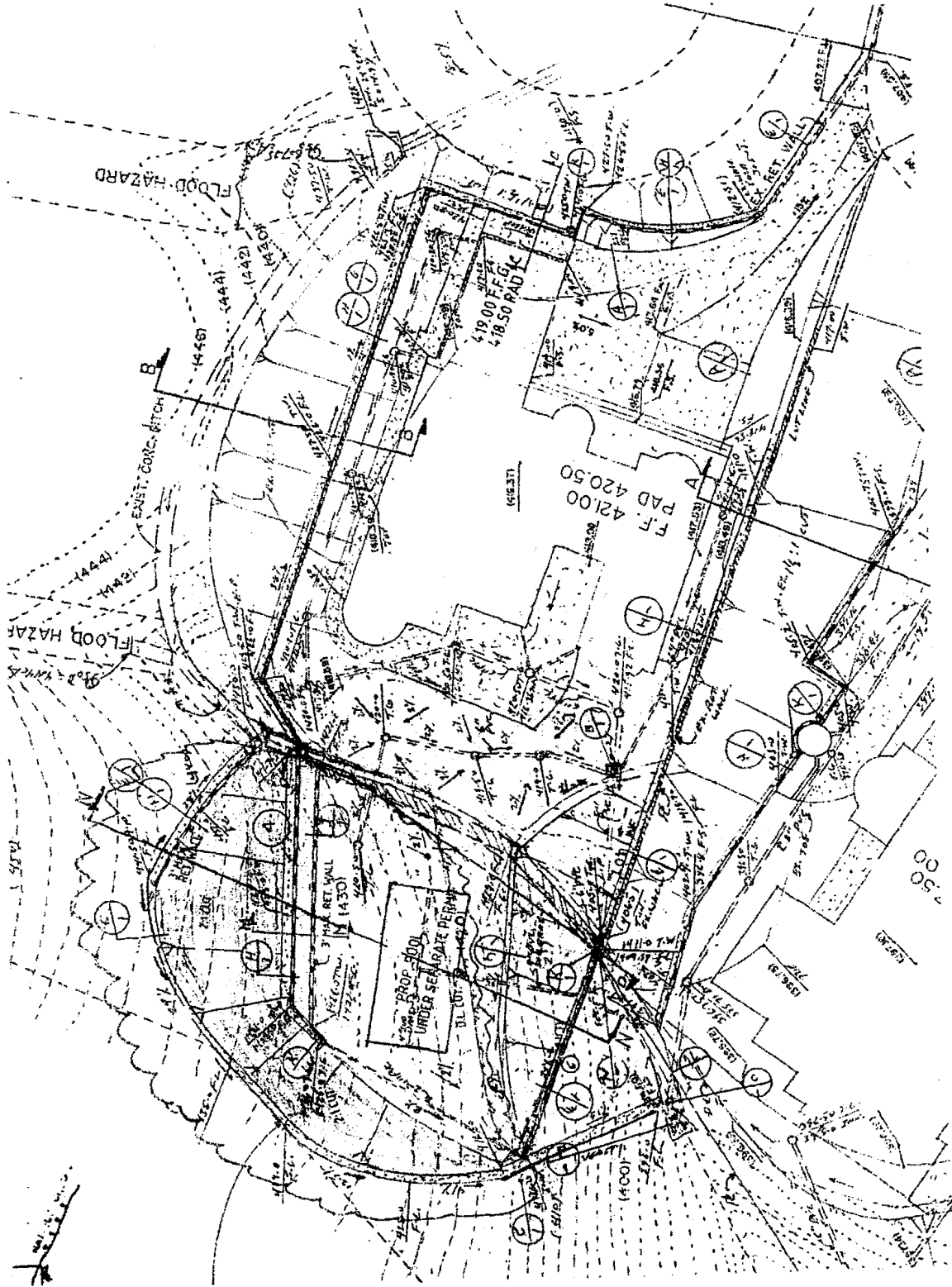


EXHIBIT NO. 8
APPLICATION NO.
4-97-044-A1
PREVIOUSLY PROPOSED SITE PLANS (2 PP.)



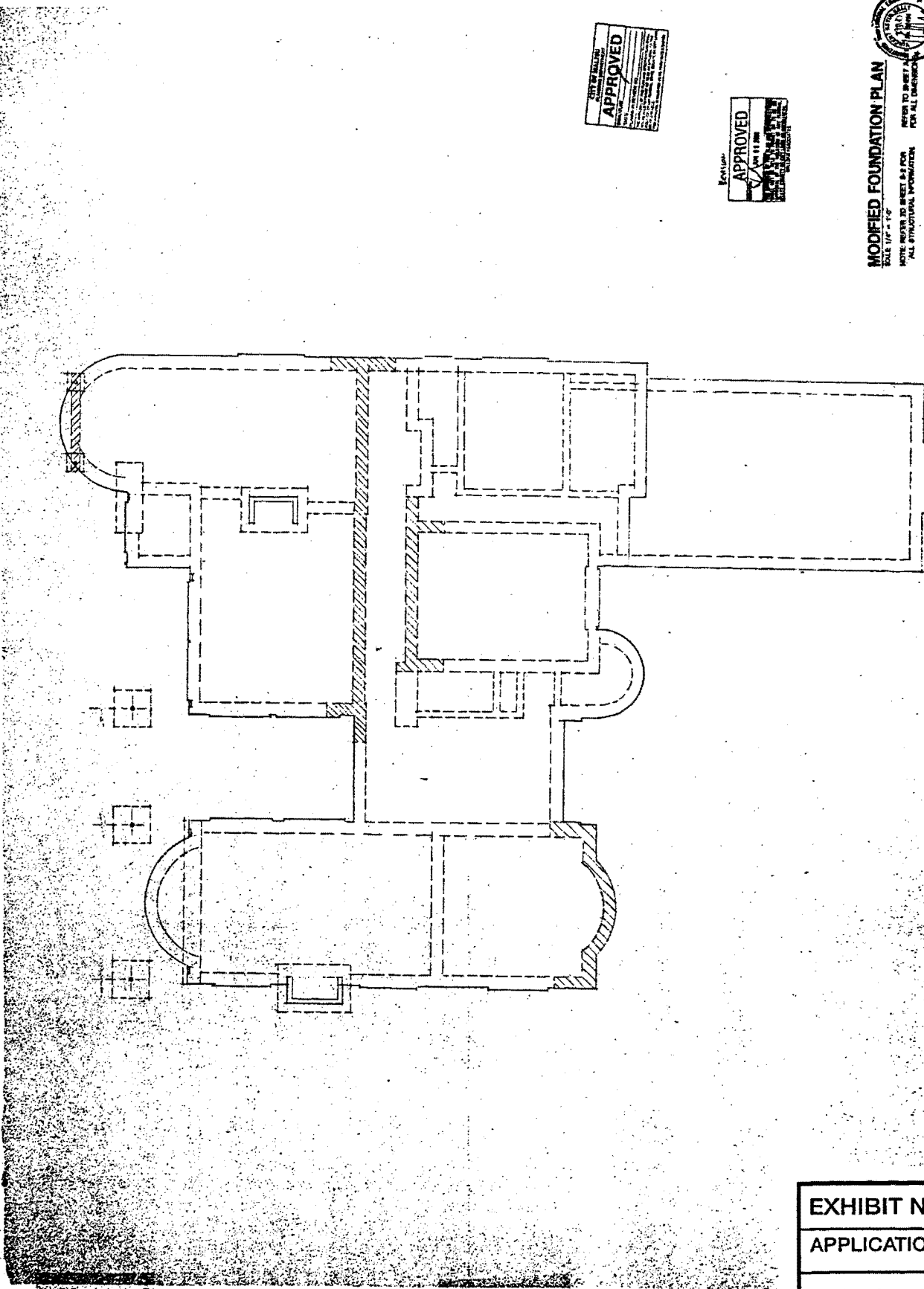
PROPOSED RESIDENCE FOR:
 LOT 4,
 6205 OCEAN BREEZE DRIVE
 MALIBU, CALIFORNIA 90263



ROBERT L. EARL & ASSOCIATES, INC.
 ROBERT L. EARL, AIA, ARCHITECT

PROJECT ARCHITECT:
 PROJECT NUMBER:
 DATE:
 CITY:
 COUNTY:
 STATE:
 SCALE:

DATE: MAY 1, 2000
 SCALE: 1/4" = 1'-0"
 SHEET: S-2.1



APPROVED
 MAY 11 2000
 CIVIL ENGINEER

APPROVED
 MAY 11 2000
 CIVIL ENGINEER

MODIFIED FOUNDATION PLAN
 SCALE 1/4" = 1'-0"
 NOTE: REFER TO SHEET S-2 FOR ALL STRUCTURAL INFORMATION

RECEIVED
 MAY 11 2000

EXHIBIT NO. 9
APPLICATION NO.
4-97-044-A1
REVISED HOUSE PLANS (3 PP.)

PROPOSED RESIDENCE FOR
 LOT 4,
 6205 OCEAN BREEZE DRIVE
 MALIBU, CALIFORNIA 90265



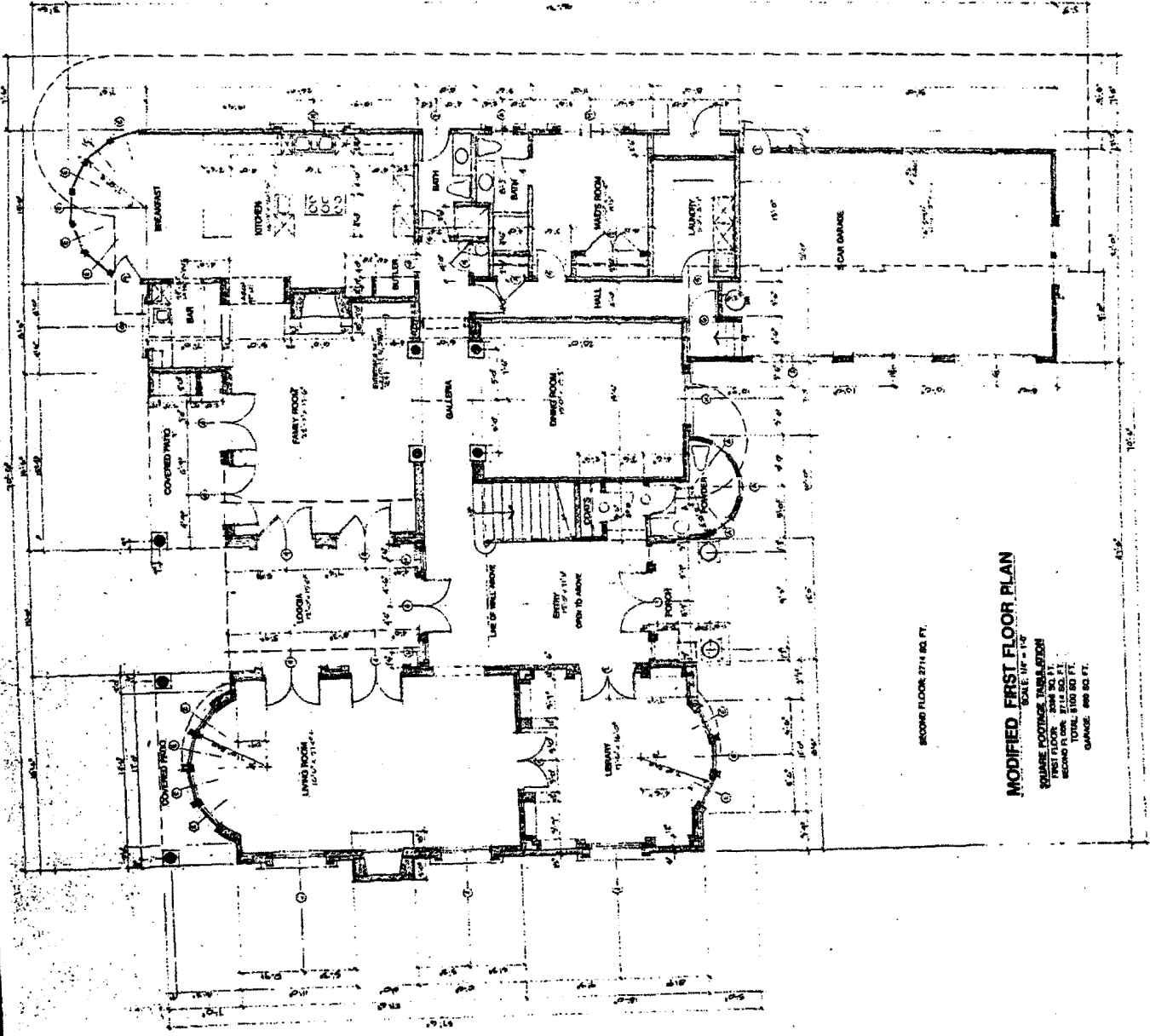
ROBERT L. EARL & ASSOCIATES, INC.
 ROBERT L. EARL, AIA, ARCHITECT

PROJECT NUMBER:
 DATE:
 SHEET NUMBER:
 TOTAL SHEETS:

DATE: MAY 1, 1968
 SCALE: 1/4" = 1'-0"
 SHEET: A-3.1

APPROVED
 CITY OF MALIBU
 MAY 13 1968

RECEIVED
 MAY 13 1968



MODIFIED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 SQUARE FOOTAGE TABULATION
 FIRST FLOOR: 2848 SQ. FT.
 SECOND FLOOR: 3140 SQ. FT.
 GARAGE: 690 SQ. FT.

SECOND FLOOR: 3714 SQ. FT.

NO.	DATE	REVISION

PROPOSED RESIDENCE FOR
 LOT 4,
 6208 OCEAN BREEZE DRIVE,
 MALIBU, CALIFORNIA 90265



ROBERT L. EARL & ASSOCIATES, INC.
 ROBERT L. EARL, AIA, ARCHITECT

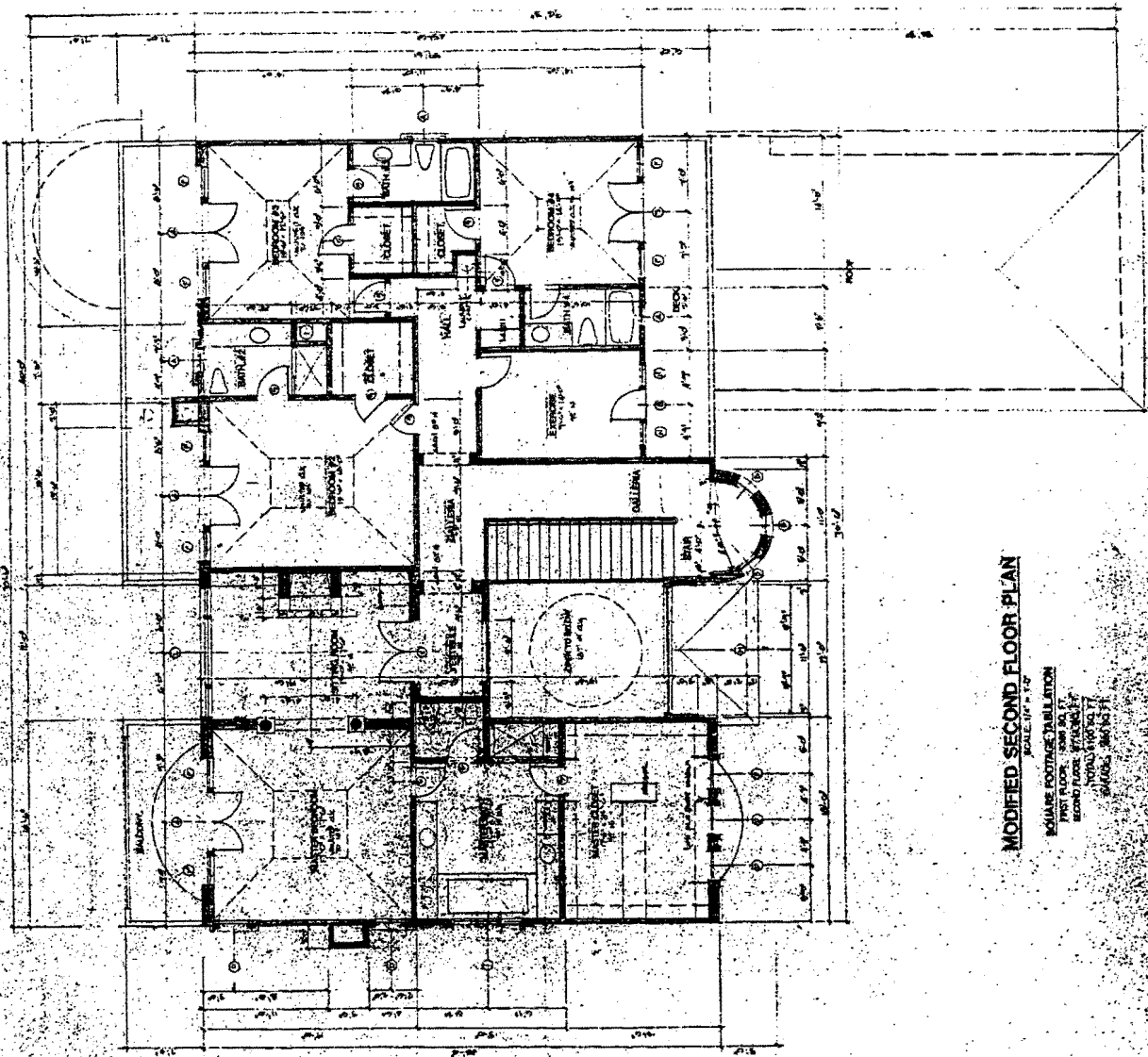
PERMIT REQUIRED
 U.S. ARCHITECT
 U.S. ARCHITECT
 U.S. ARCHITECT
 U.S. ARCHITECT
 U.S. ARCHITECT

DATE: MAY 1, 2000
 SCALE: 1/4" = 1'-0"
 SHEET: A-4.1
 PROJECT: 99-0000

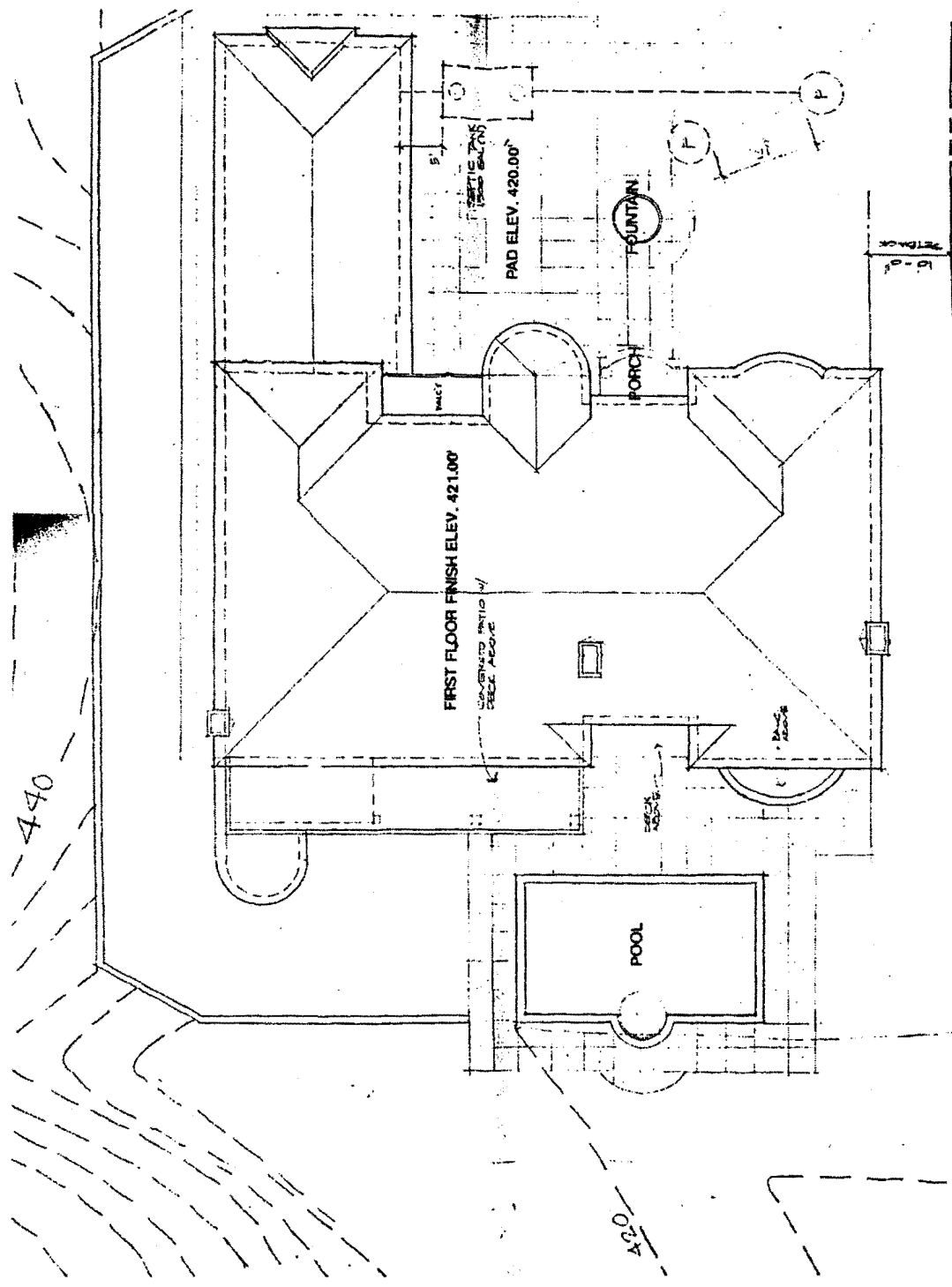
APPROVED
 MAY 11 2000
 CITY OF MALIBU

APPROVED
 MAY 11 2000
 CITY OF MALIBU

RECEIVED
 MAY 11 2000
 CITY OF MALIBU



MODIFIED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 SQUARE FOOTAGE TABULATION
 FIRST FLOOR: 3,800 S.F.
 SECOND FLOOR: 2,800 S.F.
 TOTAL: 6,600 S.F.



N 69° 15' 33" W L = 143.60

440

420

EXHIBIT NO. 10
APPLICATION NO.
4-97-044-A1
APPROVED PLAN, 4-97-044

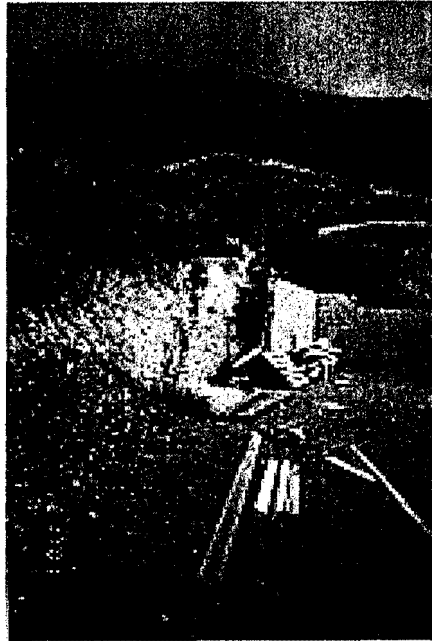


Photo 1: Starting point of existing culvert and proposed retaining wall, looking north.

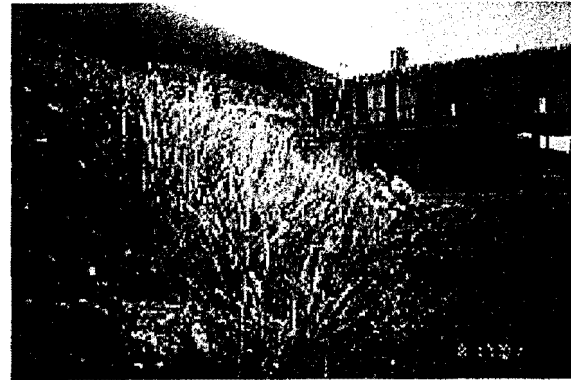


Photo 2: Needlegrass adjacent to unpermitted pad area, in area of proposed grading for retaining wall. Approved building pad and residence are in background. View is to the northwest.



Photo 3: Unpermitted fill slope and pad, with hillside beyond, looking north.

EXHIBIT NO. 11
APPLICATION NO.
4-97-044-A1
PHOTOS (2pp.)



Photo 4: Retaining wall on southern property line, looking east.

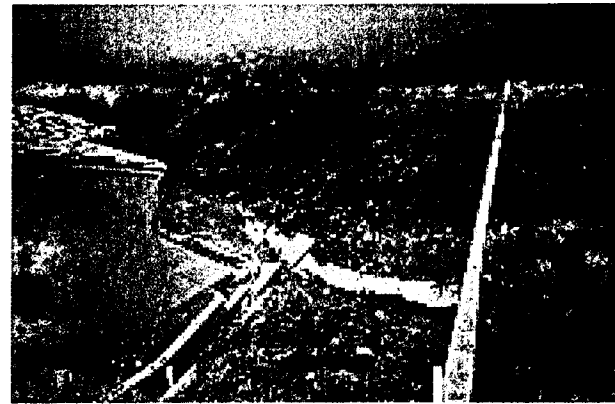


Photo 5: Retaining wall on southern property line, looking west.

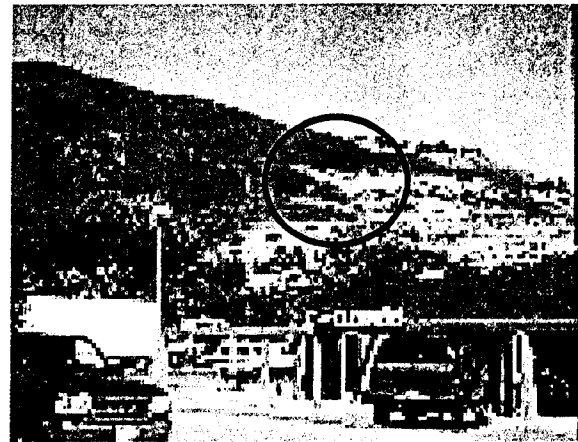


Photo 6: Project site from Pacific Coast Highway at Trancas Canyon Road.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

100 SOUTH CALIFORNIA ST., SUITE 200

MALIBU, CA 93001

(805) 641-0142

Filed: 2/21/97
 49th Day: 2/27/97
 180th Day: 7/8/97
 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

EXHIBIT NO. 11

APPLICATION NO.

4-97-044-A2

4-97-044 (OHANIAN)

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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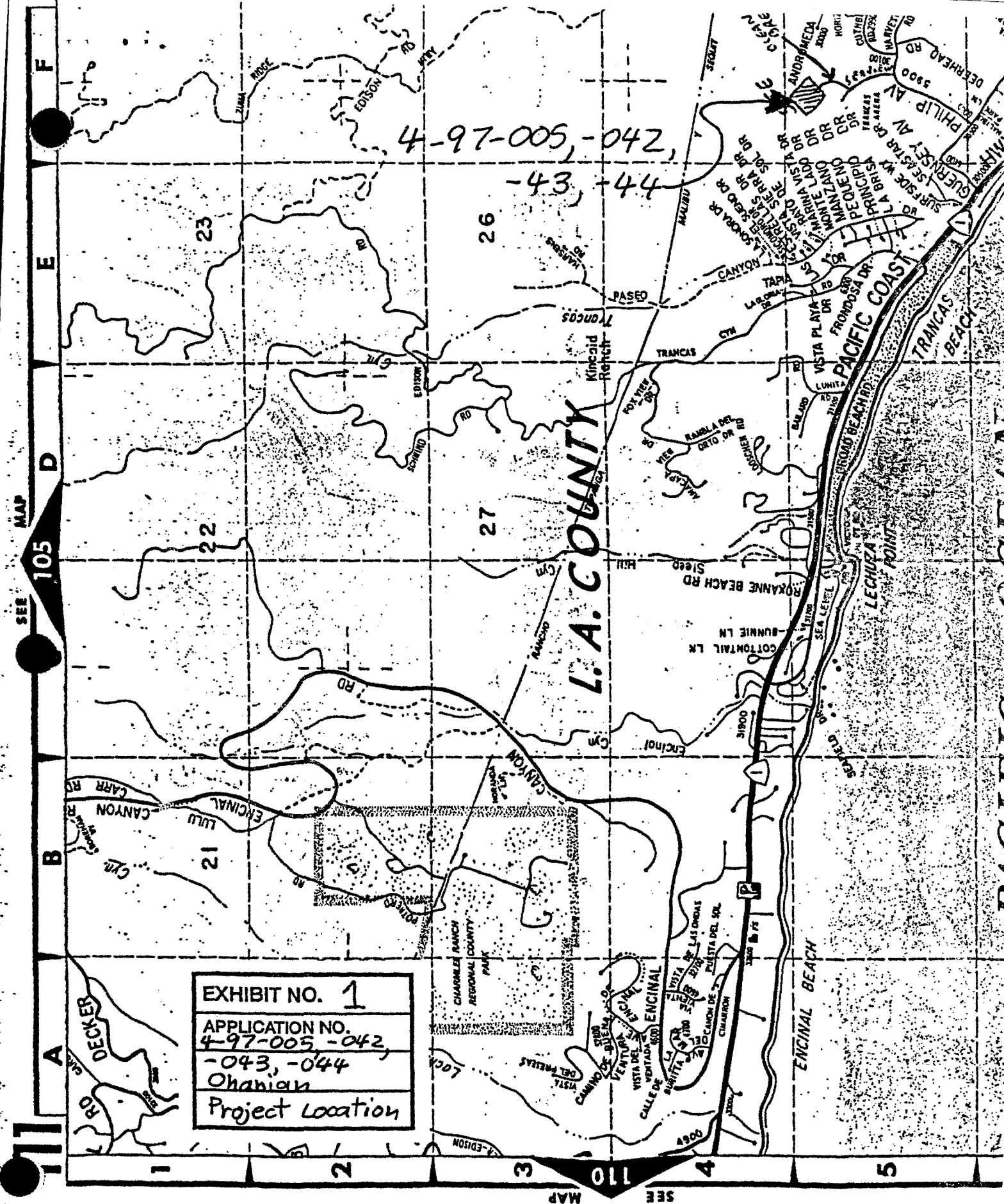


EXHIBIT NO. 1
APPLICATION NO. 4-97-005, -042, -043, -044
Ohanian
Project Location

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

L.A. COUNTY

PACIFIC OCEAN

ENCINAL BEACH

TRANCAS BEACH

LECHUGA POINT

PACIFIC COAST

ENCINAL CANYON

VISTA DEL SOL

VISTA DE LAS DUNAS

PUERTA DEL SOL

CALLE DE LA ENCINAL

VENTURA ENCINAL

CAMINO DE SUENA DE

VISTA DEL PUEBLO

LOCAL

EDISON

CHARLES RANCH REGIONAL COUNTY PARK

ENCINAL CANYON

ENCINAL CANYON

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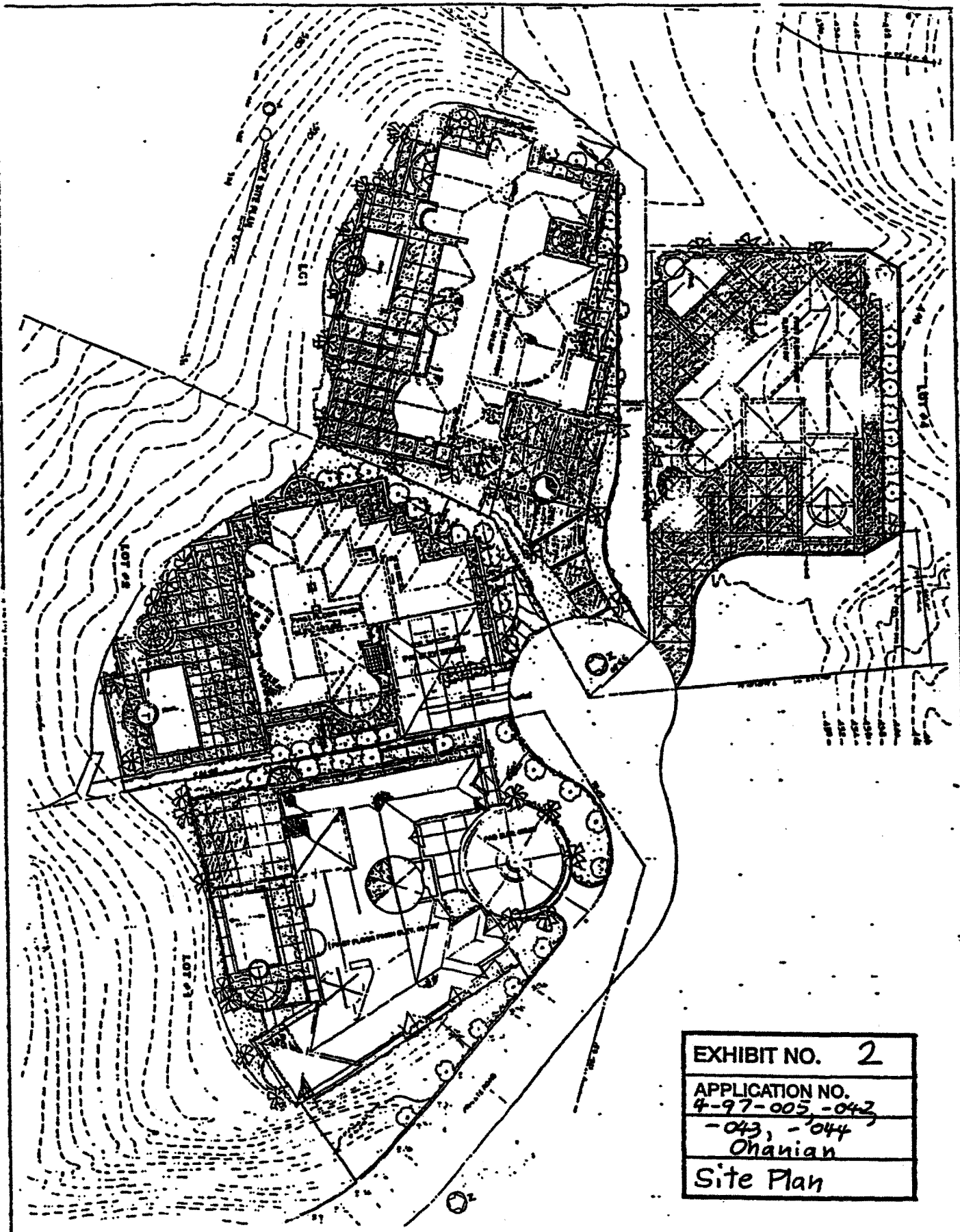
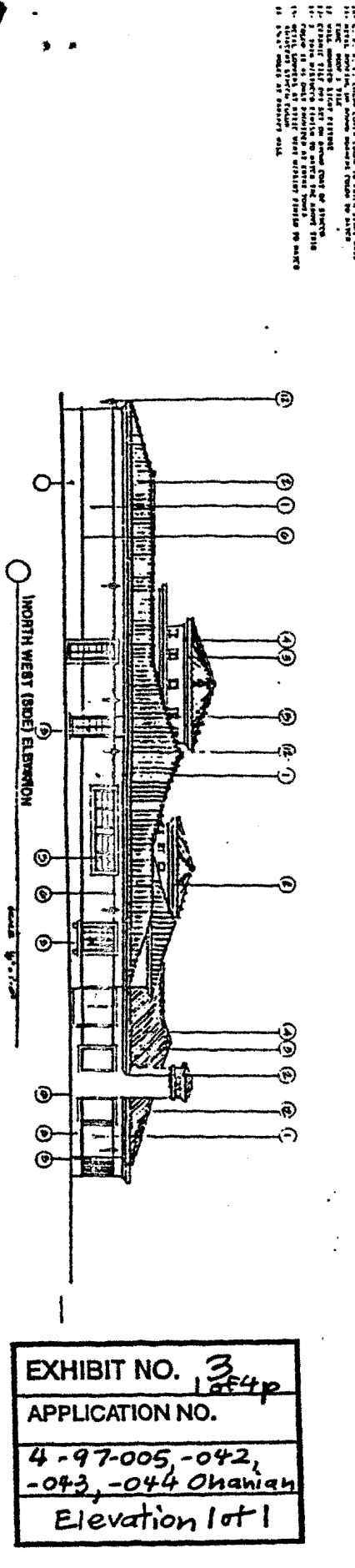
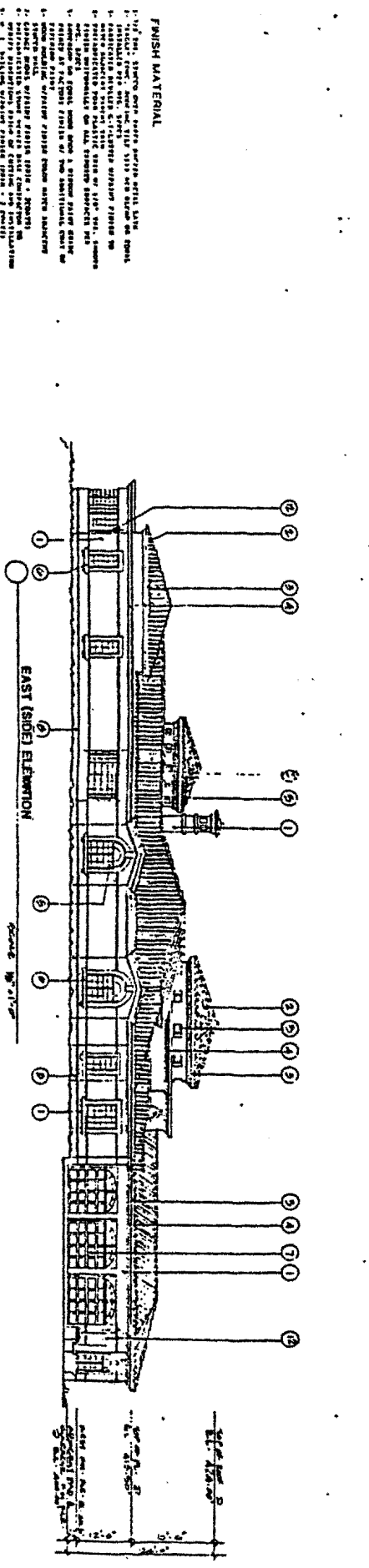
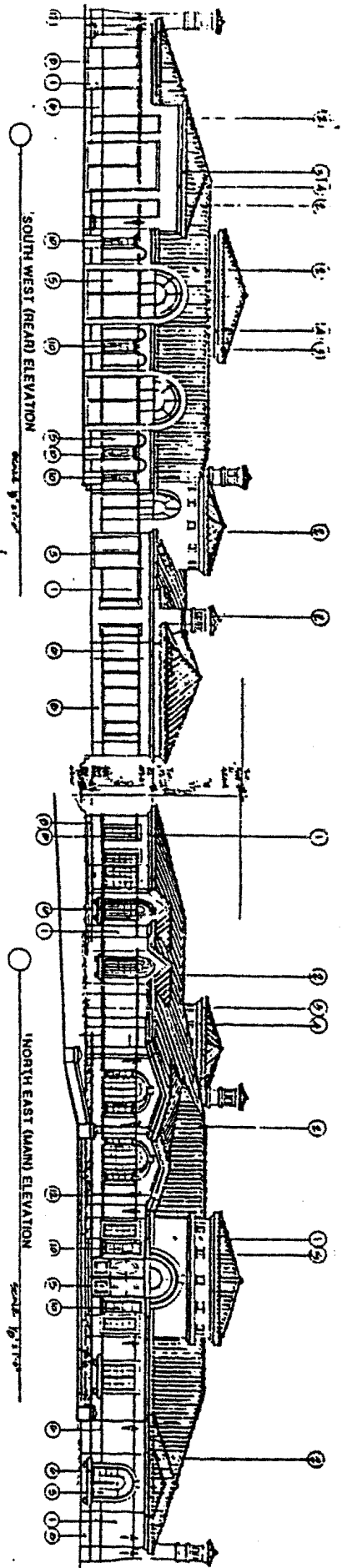


EXHIBIT NO. 2
APPLICATION NO. 4-97-005, -042, -043, -044 Ohanian
Site Plan

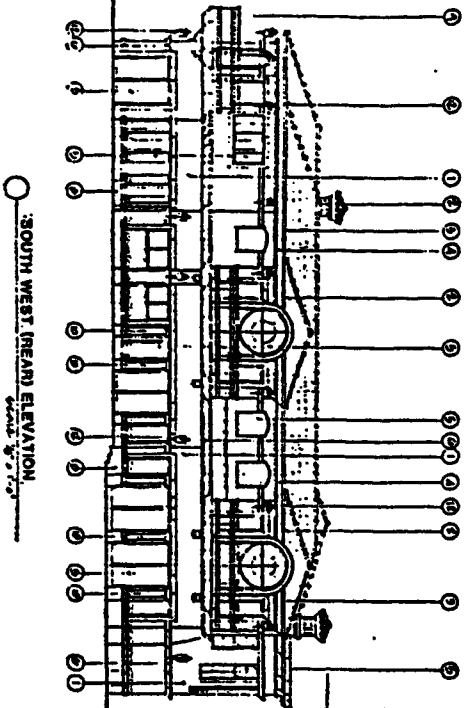
MASTER PLAN
 LOT #1, LOT #2, LOT #3, LOT #4
 OCEAN BREEZE DRIVE,
 MALIBU, CALIFORNIA.

	Alajajan Marcoosi Architects
	<small>600 W. Hollywood Suite 302 Burbank, CA 91502 Phone: 818-244-1008</small>

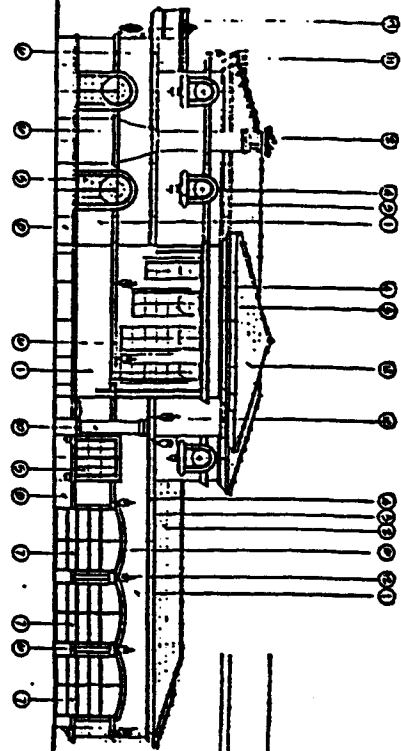


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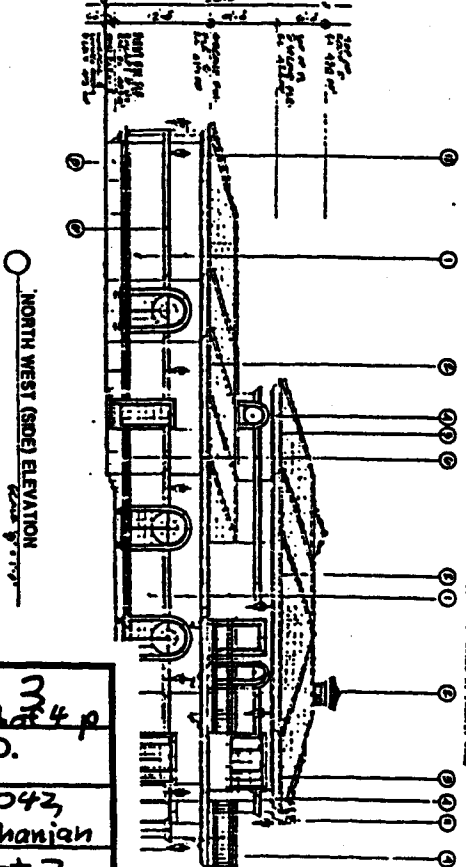
EXHIBIT NO. **3**
 APPLICATION NO. **1 of 4 p**
**4-97-005,-042,
 -043,-044 Ohanian**
 Elevation lot 1



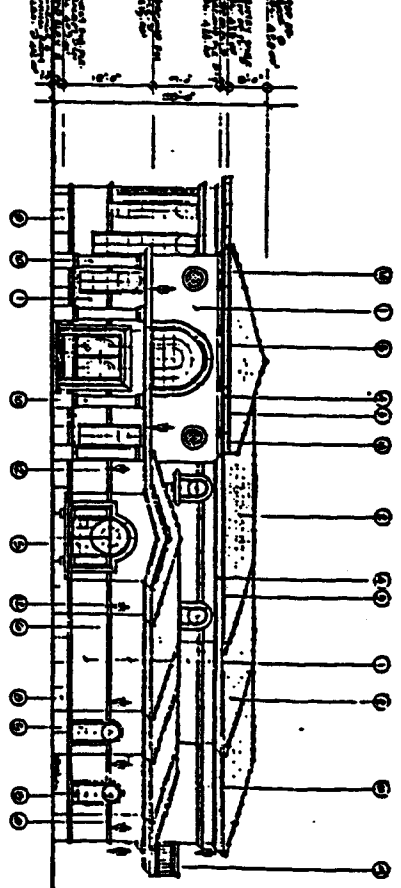
SOUTH WEST (REAR) ELEVATION
SCALE 3/8" = 1'-0"



SOUTH EAST (SIDE) ELEVATION
SCALE 3/8" = 1'-0"



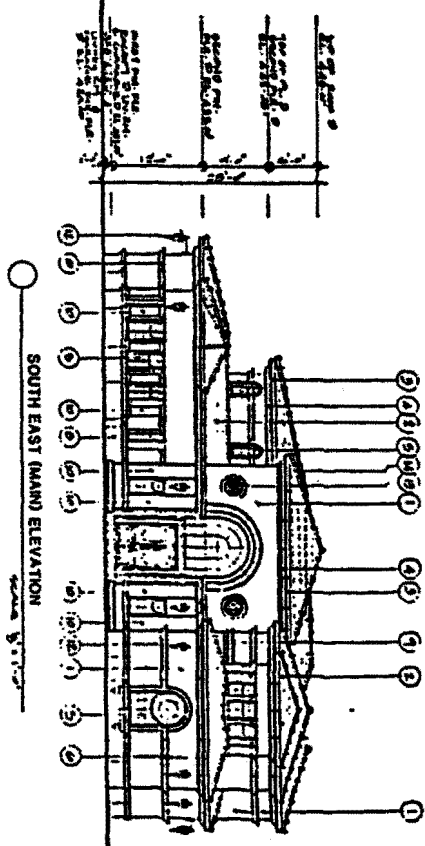
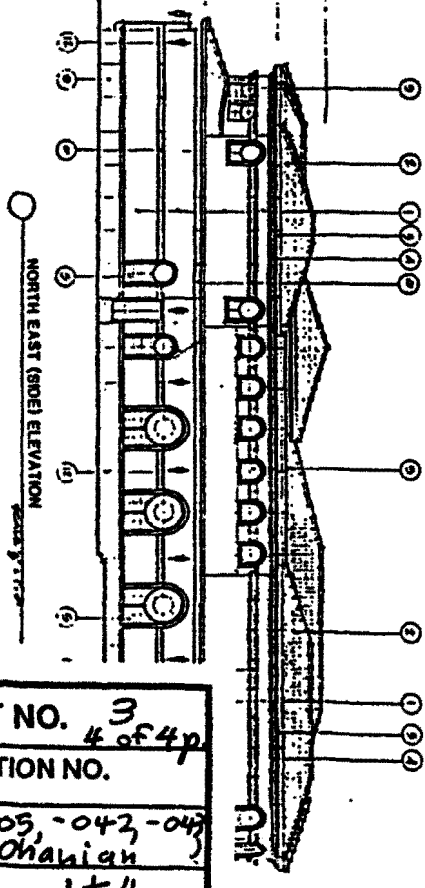
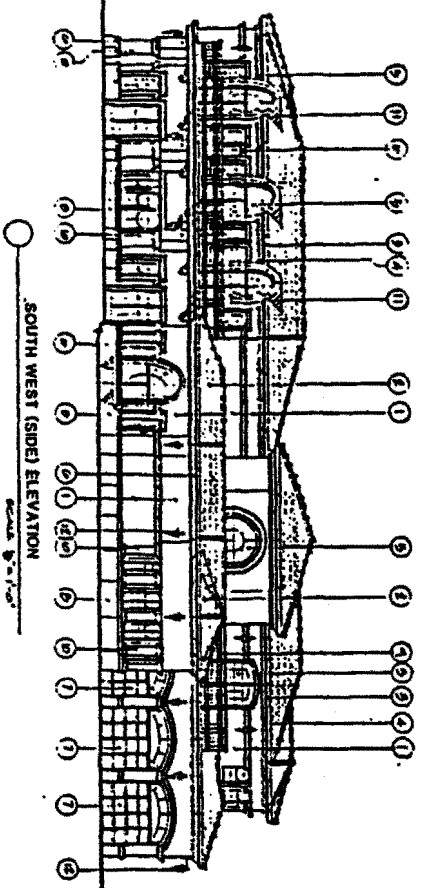
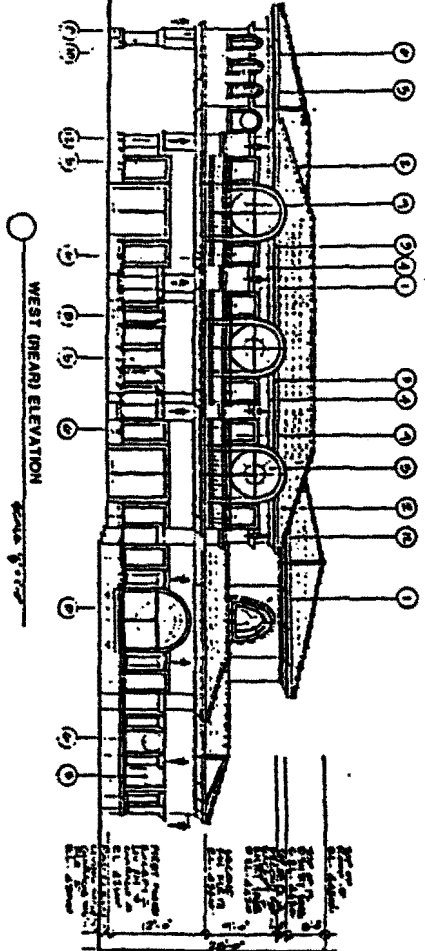
NORTH WEST (SIDE) ELEVATION
SCALE 3/8" = 1'-0"



NORTH EAST (REAR) ELEVATION
SCALE 3/8" = 1'-0"

- FINISH MATERIAL**
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EXHIBIT NO. 2024 p
 APPLICATION NO.
 4-97-005, -043,
 -043, -044 Chanjan
 Elevation lot 2



FURNISH MATERIALS

1. All items, fixtures and appurtenances shall be of the highest quality and shall be of the best material available.
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EXHIBIT NO. 3
4 of 4p
APPLICATION NO.
4-97-005, -042, -043
-044 Ohanian
Elevation lot 4

IONS

SEA VIEW DRIVE
LOT NO. 4



Alajajian-Marcoosi Architects
800 W Broadway
Suite 300
Culver City, CA 90230
Tel: (310) 244-9300 Fax: (310) 244-9304

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