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

TO: Commissioners and Interested Parties

FROM: John Ainsworth, Deputy Director
Ventura – South Central Coast District

SUBJECT: Addendum to Commission Meeting for March 15, 2007
South Central Coast

AGENDA#	APPLICANT	DESCRIPTION	PAGE #
DEPUTY DIRECTOR'S REPORT			
Item Th6a	**Port Master Plan Amendment 7**	Revisions to staff report	**1**
LOCAL COASTAL PROGRAMS			
Item Th8b	**City of Santa Barbara Amendment 1-06**	Revisions to staff report Changes to proposed LCP Amendment	**2-4**
Item Th8c	**City of Oxnard Amendment 1-07**	Letters of objections	**5-18**
Item Th8e	**Santa Barbara County Amendment 1-05-B**	Modify CEQA findings Letter of concern	**19-21**
Item Th8f	**Santa Barbara County Amendment 1-05-C**	Changes to staff report	**22-24**
Item Th8g	**UCSB NOID 4-06**	Minor modification	**25**
COASTAL PERMIT APPLICATIONS			
Item Th9a	**Ball**	Minor modification	**26**
Item Th9d	**Barrett**	Clarify project description Changes to staff report Letter of concern received	**27-44**

STATE OF CALIFORNIA – THE RESOURCES AGENCY

Arnold Schwarzenegger, Governor

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

ADDENDUM ITEM

Th 6a

March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Office

RE: **Port of Hueneme Port Master Plan Amendment No. 7**

This Addendum revises the Staff Report to include a motion to accept the Oxnard Harbor District Board of Harbor Commissioners's adoption on Page 1. This Addendum revises the Staff Report, by **adding new language** as follows:

Staff Recommendation:

MOTION: *I move that the Commission accept the Oxnard Harbor District Board of Harbor Commissioners's adoption of the Coastal Commission's certification of the Port of Hueneme Port Master Plan Amendment No. 7"*

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

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

DATE: March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item **Th 8b** Thursday, March 15, 2007, **City of Santa Barbara LCP Amendment MAJ-1-06** (Discretionary Process Changes)

The purpose of this addendum is to correct typos in the March 2, 2007 staff report and incorporate small changes to the proposed LCP amendment recommended by Commission staff in response to concerns voiced by the City of Santa Barbara.

Note: ~~Double strikethrough~~ indicates text to be deleted from the March 2, 2007 staff report and double underline indicates text to be added to the March 2, 2007 staff report.

1) Section IV.B Amendment Description on Page 15 of the March 2, 2007 staff report shall be modified as follows to correct a typographical error:

> The City of Santa Barbara proposes to amend the Implementation Plan portion of this LCP to remove the certified Coastal Zone Ordinance, Section 28.45.009 of the City's Zoning Ordinance, and replace the ordinance with a new ordinance which describes the S-D-3, Coastal Overlay Zone as a Special District codified in ~~Section~~ Chapter 28.44 of the City's Zoning Ordinance. The new ~~Section~~ Chapter 28.44 would, therefore, become the implementing ordinance of the City's LCP. The City is not proposing any changes to the LCP maps certified with the Implementation Plan. The new ordinance (~~Section~~ Chapter 28.44) has completely been reformatted from the previous version to make the planning process clearer to applicants and to be more consistent with the wording and language contained in the California Coastal Act and CA Code of Regulations. The proposed and existing ordinances are shown in Exhibits 2 and 3 respectively. Due to the extensive formatting changes proposed by the City, the proposed ordinance is shown in Exhibit 2 without indication of the City's proposed changes in strikeout and underline...

2) The header on all pages of the March 2, 2007 staff report shall be modified to read "City of Santa Barbara Local Coastal Program Amendment 1-06." Subject on Page 1 of the March 2, 2007 staff report shall be modified as follows to correct a typographical error:

> **SUBJECT:** City of Santa Barbara ~~County~~ Local Coastal Program Amendment No. MAJ-1-06 (Discretionary Process Changes) for Public Hearing and Commission Action at the Thursday, March 15, 2007, Commission Meeting in Monterey.

3) Suggested Modification Two (2) on page 11 of the March 2, 2007 staff report shall be modified as follows to correct a typographical error:

> *...C. CORDINATION AND PUBLIC NOTICE. Prior to issuance of an emergency coastal development permit, when feasible, the Community Development Director shall notify, and coordinate with, the South Central Coast District office of the California Coastal Commission as to the nature of the emergency and the scope of the work to be performed. This notification shall be in person or by telephone. The Community Development Director shall provide public notice of the proposed emergency action required by ~~Section 30624 of the Public Resources Code~~ Section 13329.3 of Title 14 of the California Administrative Code, with the extent and type of notice determined on the basis of the nature of the emergency itself.*

4) Suggested Modification Three (3) on Page 13 of the March 2, 2007 staff report shall be modified as follows to correct a typographical error:

> **3. SECONDARY DWELLING UNITS**
> Subsection C of Section 28.44.110 and Section ~~28.44.220~~ 28.44.120 of the City of Santa Barbara's Coastal Zone Ordinance amendment shall be modified as follows:...

5) The City of Santa Barbara currently does not contain any certified Sensitive Coastal Resource Areas (SCRAs) as defined in Section 30116 of the Coastal Act. In order to avoid confusion, the City has requested that the LCP Amendment be modified to delete references to SCRA's in the City Ordinance, particularly in the definition section of the ordinance. Commission staff support this request by the City based on the fact that no SCRAs currently exist in the City of Santa Barbara and further recommends that if any SCRAs are certified in the future that a LCP Amendment be processed at that time to include those areas as "appealable." Commission staff also recommend that the normal terms of use approved by the Commmision for the LCP maps be clarified in the definition of "appealable." Therefore, Special Modification Five (5) on Page 14 of the March 2, 2007 staff report shall be modified as follows (Note: The existing language of the certified Coastal Zoning Ordinance is shown in straight type. The proposed amended language to the certified LCP Implementation Plan is shown in *italics*.):

> **5. DEFINITIONS**
>
> Paragraph C. in Section 38.44.040 of the City of Santa Barbara's Coastal Zone Ordinance amendment shall be modified as follows:
>
> C. APPEALABLE DEVELOPMENT.
> 1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any

3.

beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the City not included within Paragraph 1 above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

~~*3. Developments approved by the City not included within Paragraphs 1 or 2 above that are located in a sensitive coastal resource area.*~~

4. Any development which constitutes a major public works project or a major energy facility.

The Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any appealable area, the matter should be referred to the City of Santa Barbara and/or the Executive Director of the California Coastal Commission for clarification and information. The Post-LCP Certification Permit and Appeal Jurisdiction Map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

Paragraph O. in Section 28.44.040 of the City of Santa Barbara's Coastal Zone Ordinance amendment shall be modified as follows:

O. MAJOR PUBLIC WORKS PROJECT OR MAJOR ENERGY FACILITY.

1. "Major public works" and "Major energy facilities" mean facilities that cost more than one hundred thousand dollars ($100,000) with an automatic annual increase every year following the baseline of one hundred thousand dollars set in 1983 in accordance with the Engineering News Record Construction Cost Index, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

2. Notwithstanding the criteria in Paragraph 1 above, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

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

Th 8c

ADDENDUM

DATE: March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central District Staff

SUBJECT: Agenda Item **Th 8c**
Local Coastal Program Amendment No. **OXN-MAJ-1-07 (Breakers Way Rezone)**

The purpose of this addendum is to attach the following correspondence to the Commission received from opponents to the proposed LCP amendment (**Exhibit 12**).

- Letter from Jay and Carol Vaughn, dated March 3, 2007.
- Letter from Patricia Einstein, dated March 7, 2007.
- Letter from Jean Roundtree, The Beacon Foundation, dated March 8, 2007.
- Letter from Concerned citizens of Oxnard (signed by 57 people), dated March 5, 2007.
- Letter from Susie Yovanno, dated March 12, 2007.

JAY AND CAROL VAUGHN
5344 DRIFTWOOD STREET
OXNARD, CA 93035

RECEIVED
MAR 06 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 3, 2007

California Coastal Commission
89 South California Street #200
Ventura, CA 93001

RE: City of Oxnard Local Coastal Program Amendment 1-07
Hearing: March 15, 2007 Item Th8c OPPOSED

Dear Commissioners:

The City of Oxnard and California Coastal Commission should be ashamed of themselves. How can you consciously allow the Oxnard Shores property Amendment 1-07 to be approved? Don't you realize how much new construction has ALREADY been approved within ONE BLOCK of this proposed development? The large development at Fifth and Harbor, three new townhouse developments on Driftwood Street, and just blocks away, the gigantic developments at Fifth and Victoria, and Wooley and Victoria. We moved into the immediate area two years ago and have not had a single day when we have not been inconvenienced by the noise and mess of construction. I cannot even imagine what the traffic will be like with new homes at each of these sites.

More importantly, the land proposed to be rezoned for development DID have "rare or endangered plant...species" before it was cleaned up and used as a parking lot for builders and city vehicles. This is an important fact being overlooked in protecting the land and maintaining its current zoning. The McGrath Family gave this land to the City of Oxnard trusting that it would retain its resource-protected designation. The greed with which the City has allowed development without concern for this request and concern for the infrastructure of our community is disgraceful.

Also, it is alleged that the property "does not maintain viable connections to the beach." But it is, in fact, the only paved sidewalk access to the beach for families living on Reef Way and Breakers Way. Using the streets to access the beach is dangerous as cars, garbage trucks, utility and construction vehicles pose a danger to children. There are no pedestrian sidewalks on these streets but the walkway accessed from the property is safe and free from motor vehicles.

Finally, the City builds parks everywhere but the beach. Beach children need parks, too. The only park available to our children is over a mile away. In keeping with the request of the McGraths, this area would avail itself perfectly as a naturally vegetated beach park where our children would have the opportunity to play and learn about the plants and vegetation unique to our community.

EXHIBIT NO. 12
APPLICATION NO.
LCPA No. OXN-MAJ-1-07
Additional Correspondence

We feel strongly that the vegetation be allowed to grow back on this land before you determine it meets the criteria for rezoning. Put up a fence to protect the land and you will see rare plants and ground cover continue to resurface. Just because you come in and clear off the plants does not mean they do not exist. This land is an "environmentally sensitive habitat" that has been temporarily destroyed by ruthless developers supported by greedy tax-motivated city officials. And, as a side note, how do you expect families to attend a hearing almost 300 miles away from home? I guess only the wealthy investors and politicians have the resources to testify.

Sincerely,

Carol Vaughn

Carol Vaughn

Jay Vaughn

Cc: John Ainsworth, Deputy Director, South Central Coast District
Barbara Carey, Supervisor, Panning and Regulation
Deanna Christensen, Coastal Program Analyst
Steve Blank, Commissioner
Sara Wan, Commissioner
Dr. William Burke, Commissioner
Steven Kram, Commissioner
Mary Shallenberger, Commissioner
Patrick Kruer, Chair
Khatchik Achadjian, South Central Coast Rep
Dr. Holden, Mayor, City of Oxnard
Dean Maulhardt, Mayor Pro Tem, City of Oxnard
John Zaragoza, Councilmember, City of Oxnard
Andres Herrera, Councilmember, City of Oxnard
Timothy Flynn, Councilmember, City of Oxnard
Curtis Cannon, Community Development Director, City of Oxnard

RECEIVED
MAR 08 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 7, 2007

Dear California Coastal Commission,

I am writing in regards to LCP Amendment MAJ-OX- 1-07 (Breakers Way Resource Protected Lot).

There are numerous reasons why this lot should not be rezoned from RP to RB-1. I just want to mention the top 4 reasons as to why this land should not be rezoned.

Reason 1 - This lot was a gift to the city of Oxnard. It was given to the city as Resource Protected land and it should stay Resource Protected. If the city does not want Resource Protected land, they should sell it to someone who does want RP land.

Reason 2 - The neighborhood has very limited parking for beach access and more homes would only increase the parking problem.

Reason 3 - No mitigation is being given for the loss this Breakers Way Lot. If the lot was in better conditions and there were species of concern on the land then the city would have to mitigate. They city of Oxnard helped to destroy this lot by annually cutting the plants with heavy equipment. This removed any ESHA over the past years. If you rezone the land it sends the message that in order to get RP land rezoned, it is a good thing to destroy it first.

Reason 4 - Even though only the Breakers Way RP lot has been submitted for rezoning, this land is still tied to the Whitecap ESHA lot. The city of Oxnard sold the two lots together on Jan. 9, 2007 to a Company named Elevar 7 so that both could be developed. I seriously doubt this development of non-residential to residential will have any percentage of low-income housing, which was of discussion at the last Coastal Commission hearing in San Diego. The city didn't even attempt to sell either lot to a conservancy for restoration and protection of these two coastal resources with any of the funding now available through Proposition 84.

Please do not rezone this land or Oxnard will continue to sell gifted land, neglect parking problems, destroy RP land and sell ESHA land so it can be destroyed rather than protected.

Please consider changing the staff recommendation and do not rezone Resource Protected land or at least mitigate the loss of the Breakers Way lot for the Protection on of the Whitecap ESHA lot.

Sincerely,

Patricia Einstein

Patricia Einstein
2014 Long Cove Dr.
Oxnard, CA. 93036

8.

The Beacon Foundation

PMB 352
3844 W Channel Islands Blvd
Oxnard, CA 93035

March 8, 2007

RECEIVED
MAR 08 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

The California Coastal Commission
89 S. California St., 2nd Floor
Ventura, Ca 93001

RE: Th 8C
Dear Commissioners:

The City of Oxnard seeks an amendment to their certified LCP for the rezoning of a Parcel on Breakers Way/Reef in Oxnard Shores from Resource Protected "(RP) to "Single Family Beach" (R-B-1)

Originally, they sought rezoning of this same parcel with another on Whitecap Way, considering them a package. Indeed they have already sold them together to the same developer. This arouses deep suspicion because while Breakers Way/Reef has been degraded, it is believed that it can still be habitat for the silvery legless lizard and the Horned lizard. The Whitecap Way parcel has already proven to be habitat.

If degradation is all it takes to reduce priceless Resource Protected land to pricey commercial development land, an owner can achieve that on one parcel while building 12 homes on the other. Construction debris and the parking of heavy equipment and other abuse is what destroyed the habitat value of Breakers Way/Reef.

We are asking the Commission to preserve Resource Protection on both parcels since they were sold to the City by the McGrath family with the promise that they would be preserved as open space. There is rampant development along Harbor Blvd. which borders Oxnard Shores. Open space is increasingly rare and a treasure for human as well as wild life. Oxnard Shores is densely populated, heavily trafficked, and like all beach areas devoid of parking. 12 large homes are planned for the Breakers Way/Reef space and likely as many for the Whitecap piece. With 2 to 3 cars for each residence, that's about 72 more cars in that packed community. And the last hope for open space habitat for the lizards and the many birds who forage there will be lost forever.

If the Commission can not agree to save both of these open spaces, it is imperative That Whitecap Way be protected with a permanent ESHA.

You have to ask yourself why a developer would buy a protected parcel unless he is assured he can make it buildable in time. It is this incremental erosion of protection that this Commission is the last hope of preventing. Please exercise that ability.
Gratefully, Jean Rountree
The Beacon Foundation...an all volunteer, grassroots environmental group focused on the protection of Ventura County's coastal resources.

RECEIVED
MAR 08 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 5, 2007

Dear California Coastal Commission,

We are writing in regards to LCP Amendment MAJ-OX- 1-07 (Breakers Way Resource Protected Lot).

The Oxnard Shores Community was designed prior to 1972 when most families only owned one car so a majority of the roads are called Ways and do not provide for public parking. Furthermore the community is very dense, and there are only five streets to accommodate public parking for access to the public beach.

We do not want to see Resource Protected Land rezoned for more houses. We want to protect the last remaining open spaces in this beach community.

We are disappointed that the Breakers Way Resource Protected Lot is being recommended for rezoning without mitigation. The city of Oxnard is stealing this land from the public. They city of Oxnard destroyed this lot and will be rewarded for it.

They annually cut down the native plants, which then allowed the non-native grasses to take over and killed any chance for the native coastal habitat to survive on the site. They also graded the site and dumped gravel on it so it could be used as a staging area for their heavy equipment when streets in the community were repaved.

The city of Oxnard never helped to protect this land. They only helped to remove any Environmentally Sensitive Habitat.

Please do not rezone this Resource Protected land without mitigation.

We would like to see the Whitecap Resource Protected lot, which the Coastal Commission found to be ESHA forever protected. We fear the city of Oxnard is desperate for money and will continue to ignore this precious coastal resource and will continue to destroy and neglect this land as it did to the Breakers Way Resource Protected Lot.

Please help to save the Whitecap ESHA Resource Protected Lot before it is forever destroyed.

We want to see the Whitecap ESHA Resource Protected Lot used as mitigation for the loss and rezoning of the Breakers Way Resource Protected Lot.

Thank you,

From the concerned citizens of Oxnard

1. WILLIAM L. TERRY 250 E. PLEASANT VALLEY RD #47
OXNARD, CA. 93033

2. EDMUND D ELLIS JR 515 DE ANZA WAY
OXNARD, CA 93033

3. Jerome S. Hopkins 2920 Peninsula Rd, Apt 668
Oxnard CA 93035

4. Avie Guerra 1151 West 5th Ave
Oxnard, CA 93033

5. Shirley Godwin 3830 San Simeon Ave.
Oxnard, CA 93033

6. Roger Parisean 1410 Juniperwood Way, Oxnard 93030

7. MANUE NAVARRO 4889232
311 Howell RD OXNARD
Manuel Navarro

8. Colora E. Roman
250 E. Pleasant Vly Rd.
Oxnard CA. 93033

9. TED SCHULTZ 485-6046

10 JOE AVELAR
1925 Falkhen pl. Ox
OX. CA 93033

11. MICHELLE J. SMITH
801 TRINIDAD WAY
Oxnard CA 93033

12.	Nancy Pedersen Nancy Pedersen	514 E. Kamala St. Oxnard, CA 93033
13.	BERNADETTE OSTROWSKI Bernadette Ostrowski	505 E OLIVE ST OXNARD, CA 93033
14.	DORIS O'CONNELL Doris E. O'Connell	3551 So. G St. OXNARD, CA 93033-6041
15.	Patricia V. Brown Patricia V. Brown	205 E. Driffill Blvd. #11 Oxnard, CA 93030
16.	Larry Godwin Larry Godwin	3830 San Simeon Ave Oxnard, CA 93033
17.	John Hazeltine John Hazeltine	7250 WOLVERINE ST Ventura, CA. 93003
18.	Denis Doherty	5249 REEF WAY OXNARD, CA. 93035
19.	Maggie Doherty	5249 Reef Way Oxnard, Ca 93035
20.	Joe Brocato Joe Brocato	5354 Reef Way Oxnard CA 93035

21. SHERI BROCATO
Sheri Brocato
5354 Reef Way
Oxnard, CA 93035

22. [illegible]
5403 REEF WAY
OXNARD, CA. 93035

23. Martha Scuria
Martha Scuria
5365 Reef Way
Oxnard, Ca. 93035

24. Nikki Scuria
Nikki Scuria
5365 Reef way
Oxnard, Ca 93035

25. RANDY SCURIA
Randy Scuria
5365 REEF WAY
OXNARD, CA 93035

26. Sarah Carinio
Sarah Carinio
5418 Reef Way
Oxnard, CA 93035

27. Kelly Carinio
Kelly Carinio
5418 Reef Way
Oxnard, CA 93035

28. HARRY CARINIO
H Carinio

" "

Sybil Ziv - SYBIL ZIV
5245 Seabreeze Way
Oxnard, CA 93035

30. 31. RANDY & PEGGY HAINES
5310 Seabreeze Way
Oxnard, CA 93035

32. Jacob Ziv (JACOB ZIV)
5245 SEABREEZE WAY
OXNARD CA 93035

33. JILL A. SINGER
1300 SW SIMOON CT. #2
Ventura, CA 93003

34. H. MILES LANG
10097 Jamestown ST
VENTURA, CA. 93004

35. GORDON R. BOHN
2622 W. Clark Ave.
Burbank, CA 91505
gowredskins@yahoo.com

36. 37. KEITH + PAM CAPSUTO
1421 LAKEHURST ST.
OXNARD, CA 93030
KeithCap@adelphia.net

38. DEBORAH SUTTON
2622 W. Clark Ave. Burbank
debby_sutton@yahoo.com

Craig Faulk

5244 Seabreeze Way
Oxnard, 93035

40. Sandra Beckman
3460 PENINSULA Rd #107
OXNARD CA

41. Maddie Faulk
5244 Seabreeze Way
Oxnard, CA 93035
805 652-1200

42. 43. 44. Hannah Bowen + Bill + Tatum
4828 Island View St.
Oxnard 93035
805 984-4987

45. G. Sewell 5261 Reef Way (805) 987-7316
Lived here since 1974 Age 99

46. Linda Winans
5255 Ref Way
Oxnard CA 93035
805-985-9321

47. Natasha Viands
5331 Reef Way
Oxnard CA 93035
985-0088

48. Esther Gideman
5318 Reef Way
Oxnard, CA 93035

49. Sig Doyle
5349 Reef Way
Oxnard CA 93035
805-382-7448
Sig D

50. FISCHER
3600 S. Harbor Blvd #300
OXNARD CA 93035
714 334 0704

52. George & Belle Evans
5359 Reef Way
Oxnard, CA 93035
Lived here since 1961

53. Robert MYERS
5528 Brooks way
oxnard, CA 93035

54. Mary Ellen Harwood
5242 Reef Way, Oxnard, CA 93035
985-9542 mehwood@usa.net

55. Jay Harwood
3600 S. Harbor Bl
#84, Oxnard Cal 93035

56. MICHAEL SMENT
5134 SEABREEZE WAY
OXNARD, CA 93035

57. Michelle Sment
5134 Seabreeze Way
Oxnard, CA 93035

1030 Mandalay Beach Rd
Oxnard, CA 93035
March 7, 2007

RECEIVED
MAR 12 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission

South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear Sir or Madame,

This letter is regarding LCP Amendment MAJ-OX- 1-07. I am opposed to the Breakers Way or Reef Lot being rezoned. The lot was a foredune with sensitive habitat prior to the city using it for a parking area during street repaving in 2003.

The majority of community members in Oxnard Shores would like to see all protected land remain protected. The quality of the environment decreases as neighborhoods and communities are overcrowded. Oxnard Shores has limited open space currently, and we would like to see it remain open space.

The vegetation on the Reef lot can renew, and any animals that lived there can return. Please do not let any development occur at this lot. Please deny any rezone applications.

Thank you for your time and consideration.

Sincerely,

Susie Yovanno, Oxnard Shores Home Owner

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

ADDENDUM

DATE: March 8, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 8e, Thursday, March 15, 2007, County of Santa Barbara Major Amendment 1-05-B (Height Calculation)

The purpose of this addendum is to: (1) modify the CEQA findings and (2) attach correspondence received by the public as of March 8, 2007:

1. The first two paragraphs under Section V, California Environmental Quality Act, on page 24 of the February 22, 2007 staff report shall be replaced with the following:

Pursuant to Section 21080.9 of the California Public Resources Code, within the California Environmental Quality Act ("CEQA"), local governments are exempt from the requirement to prepare an Environmental Impact Report ("EIR") in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program ("LCP"). Instead, the CEQA responsibilities are assigned to the Coastal Commission. The Secretary of Resources, in turn, has determined that the Commission's program of reviewing and certifying LCPs is functionally equivalent to the EIR process. It thus qualifies for certification under Section 21080.5 of CEQA, and it has been so certified, relieving the Commission of the responsibility to prepare an EIR.

However, the Commission does have to satisfy certain CEQA-related requirements in conjunction with its approval of an LCP amendment. Specifically, in addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists and that all feasible mitigation measures have been incorporated. See 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). These provisions of the Commission's regulations and Section 21080.5(d)(2)(A) of CEQA require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance (Coastal Zoning Ordinance). The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the certified Land Use Plan.

Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

2. Commission staff has received one letter from a resident regarding the proposed amendment, as of March 8, 2007:

   One letter, from Robert and Patricia Maxim, appeared to object to the amendment but did not state the basis for their objections.

Robert Maxim & Patricia Maxim
123 W. Yanonali Street
Santa Barbara, CA 93101-3523
Tel:805-962-9013

RECEIVED
MAR 06 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 2, 2007

California Coastal Commission
89 South California Street
Ventura, Ca 93001

RE: ITEM Th8e, SB Cnty Coastal Pgm Amend#Maj-1-05-B

Dear Commissioners:

We live in the West Beach area of the City of Santa Barbara. Therefore we are very concerned about modifications to the existing LCP. We concur with the recommendation of Staff and ask that you reject the proposed amendment.

Sincerely.

Signature On File
Robert Maxim

Signature On File
Patricia Maxim

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

ADDENDUM

Th8f

DATE: March 8, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 8f, Thursday, March 15, 2007, County of Santa Barbara Major Amendment 1-05-C (Telecommunications)

The purpose of this addendum is to: (1) correct typographical omissions in Suggested Modification Two; (2) modify Suggested Modification Four; and (3) modify the CEQA findings.

Note: Double ~~strikethrough~~ indicates text deleted from the February 28, 2007 staff report pursuant to this addendum and double underline indicates text added to the February 28, 2007 staff report pursuant to this addendum.

1. Suggested Modification Two on page 7 of the February 28, 2007 staff report shall be modified as follows:

2. Definition of Existing Utility Pole

UTILITY POLE, EXISTING: A pole or similar structures owned by a public body or utility that provides support for electrical telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto, and which was installed pursuant to all necessary permits and approvals. For the purposes of siting telecommunications facilities on existing structures, a new utility pole, approved pursuant to a coastal development permit, may be considered an existing utility pole. ~~A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.~~

2. The fourth full paragraph on page 34 of the February 28, 2007 staff report shall be modified as follows:

County staff has stated that the definition is not intended to avoid permitting the replaced poles, but rather to ~~but to~~ provide a link back to the sections that talk about placing antennas on "existing utility poles." This linkage is necessary because the utility company may require that the carrier actually replace the existing pole due to, for example, structural reasons or to provide separation between the proposed antennas and the existing wires supported by the pole. To ensure internal consistency of the LCP and clarify that the replacement of utility poles must go through the typical coastal development permit process, Suggested Modification Two clarifies that a new utility pole, approved pursuant to a coastal development permit, may be considered an existing utility pole only for purposes of siting telecommunications facilities on existing structures. Furthermore, in order to provide support for telecommunications equipment, existing utility poles must have been installed pursuant to necessary permits at the time of installation.

3. Suggested Modification Four on page 10 of the February 28, 2007 staff report shall be modified as follows

4. Communication Facility Development Standards (partial excerpt)

...

1. Telecommunication facilities shall comply in all instances with the following development standards:

...

f. The facility shall be unlit except for the following:

1) A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.

2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences and habitat.

...

4. The following paragraph shall be added after the third full paragraph on page 33 of the February 28, 2007:

In past actions, the Commission has found that night lighting of open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Given that this amendment is countywide and is non-specific with regard to projects or locations, it is possible that telecommunications facilities located in or near ESHA may introduce new artificial lighting to these areas. Therefore the proposed policy that requires the minimization and shielding of lighting to avoid impact to residences should also be applied to projects that may impact habitat as well. Therefore, Suggested Modification Four has been modified to stipulate, that where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences and habitat.

5. The first two paragraphs under Section V, California Environmental Quality Act, on page 35 of the February 28, 2007 staff report shall be replaced with the following:

Pursuant to Section 21080.9 of the California Public Resources Code, within the California Environmental Quality Act ("CEQA"), local governments are exempt from the requirement to prepare an Environmental Impact Report ("EIR") in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program ("LCP"). Instead, the CEQA responsibilities are assigned to the Coastal Commission. The Secretary of Resources, in turn, has determined that the Commission's program of reviewing and certifying LCPs is functionally equivalent to the EIR process. It thus qualifies for certification under Section 21080.5 of CEQA, and it has been so certified, relieving the Commission of the responsibility to prepare an EIR.

However, the Commission does have to satisfy certain CEQA-related requirements in conjunction with its approval of an LCP amendment. Specifically, in addition to making the finding that the LCP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists and that all feasible mitigation measures have been incorporated. See 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). These provisions of the Commission's regulations and Section 21080.5(d)(2)(A) of CEQA require that the Commission not approve or adopt a LCP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The proposed amendment is to the County of Santa Barbara's certified Local Coastal Program Implementation Ordinance (Coastal Zoning Ordinance). The Commission originally certified the County of Santa Barbara's Local Coastal Program Land Use Plan and Implementation Ordinance in 1981 and 1982, respectively. For the reasons discussed in this report, the LCP amendment, as submitted is inconsistent with the applicable policies of the Coastal Act, as incorporated by reference into the Land Use Plan, and the certified Land Use Plan and feasible alternatives and mitigation are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LCP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment to the Land Use Plan and Implementation Plan components of the LCP into conformity with the certified Land Use Plan. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.

Reasons for Changes to Suggested Modifications

Items 1 and 2, above, clarify that all existing utility poles must have been installed pursuant to necessary permits at the time of installation in order to be used for telecommunications equipment. Items 3 and 4, above, stipulate that where telecommunication facilities may adversely affect sensitive habitat due to lighting, such lighting shall be limited to the minimum required and shielded downward to minimize lighting effects on the neighboring habitat. Item 5 updates the California Environmental Quality Act finding.

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

Th 8g

ADDENDUM

DATE: March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 8g, Thursday, March 15, 2007, **UCSB Notice of Impending Development (NOID) 4-06** (University of California at Santa Barbara)

In order to correct an inadvertent typographical error, the text at the top of Page 5 of the staff report is modified as follows. Language to be ~~deleted~~ is shown in ~~line-out~~. New language to be inserted is shown **underlined**:

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS ~~SUBMITTED~~ **CONDITIONED**

The following findings support the Commission's approval of the Notice of Impending Development, as ~~submitted~~ **conditioned**. The Commission hereby finds and declares as follows:

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

Th 9a

ADDENDUM

DATE: March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 9a, Application No. 4-05-131 (Ball, Malibu), Thursday, March 15, 2007

In order to correct an inadvertent typographical error, the text at the bottom of Page 1 of the staff report is modified as follows. Language to be ~~deleted~~ is shown in ~~line out~~. New language to be inserted is shown **underlined**:

Staff recommends **APPROVAL** of the proposed project with ~~**ELEVEN (11)**~~ **TEN (10)** **SPECIAL CONDITIONS** regarding (1) geologic recommendations, (2) drainage and polluted runoff control plans, (3) landscaping and erosion control plans, (4) assumption of risk, ~~(5) removal of natural vegetation,~~ ~~(6)~~ **(5)** future development restriction, ~~(7)~~ **(6)** lighting restrictions, ~~(8)~~ **(7)** structural appearance, ~~(9)~~ **(8)** disposal of excavated material, ~~(10)~~ **(9)** deed restriction, and ~~(11)~~ **(10)** condition compliance.

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

DATE: March 12, 2007

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item Th 9d, Thursday, March 15, 2007, Coastal Development Permit Application No. 4-06-094 (Barrett)

The purpose of this addendum is to clarify the project description, make changes to the staff recommendation in response to the submittal of revised alternate plans by the applicant, and present a comment letter that have been received concerning the project.

Note: ~~Strikethrough~~ indicates text to be deleted from the March 2, 2007 staff report and <u>underline</u> indicates text to be added to the March 2, 2007 staff report.

1) The March 2, 2007 staff report had indicated that the applicant proposed a 3 story single family residence that at any given point would be a maximum of 32 feet above existing grade. Additionally, the staff report described the development as extending 43 feet in elevation from the highest point on the residence to the bottom of the retaining walls proposed to support a deck and pool planned below the main residence. On March 6, 2007 the applicant submitted additional cross sections and plans clarifying that due to the complex slope and contour pattern of the building site, what appeared to be a 32 foot high residence on the previously submitted plans, was indeed only 26 feet in height from existing grade at . Staff has extensively reviewed the plans and the new submittal and concurs with the applicant that the proposed residence would have a maximum height of 26 feet from any given point above the existing grade. Further clarification of the plans also revealed that due to retaining walls extending below the planned pool, the development would extend 47 feet (not 43 feet) in elevation from the highest point on the residence (approximately 1391 feet in elevation above sea level) to the bottom of the retaining walls (approximately 1344 feet in elevation).

   Therefore, the March 2, 2007 staff report shall be revised to change the stated height of the residence from 32 feet to 26 feet above existing grade at any given point. Additionally, all references to the development extending a total of 43 feet in elevation from highest point to lowest point shall be changed to 47 feet in elevation. Additionally, the project description on Page One of the March 2, 2007 staff report shall be modified as follows:

   PROJECT DESCRIPTION: The applicant proposes to construct a three story, ~~32~~ <u>26</u> foot high, 4,886 sq. ft. single family residence with attached 504 sq. ft. garage, pool, septic system, water well, retaining walls, driveway, turnaround,

vineyards, and approximately 1,740 cu. yds of grading (1,630 cu. yds cut and 110 cu. yds fill. The applicant also proposes to abandon an unpermitted trail leading from the residence to the west side of the property.

2) The applicant, on March 12, 2007, submitted revised plans for the single family residence in response to staff concerns regarding impacts to visual resources from the residence and impacts to environmentally sensitive habitat areas and visual resources from the proposed vineyards. The submitted March 12, 2007 "revised" plans remove the proposed vineyard from the plan and redesign the covered decks, open decks, and pool so that no development, including retaining walls, would be below 1356 feet elevation above sea level. This redesign, as shown in Exhibits 1-3 to the addendum, would mean that the house would remain a maximum height of 26 feet from existing grade at any given point, but that the elevation distance between the highest portion of the residence (approximately 1391') and the lowest portion of the development (1356') would be approximately 35 feet. This would be a 12 foot reduction from the originally proposed design which would have extended down the site 47 feet in elevation not including the previously proposed vineyards. This redesign is consistent with the intent of Special Condition Thirteen (13) included in the March 12, 2007 staff report to reduce potential impacts to visual resources and environmentally sensitive habitat areas. Therefore, Commission staff recommend the following changes be made to the March 2, 2007 staff report to reflect the applicant's submittal of an alternate design:

2a) Subsection A of Special Condition Thirteen (13) on Page 15 of the March 2, 2007 staff report shall be modified as follows:

13. Revised Plans

A. Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, two sets of final ~~revised~~ site plans and elevations, as well as revised grading and fuel modification plans prepared by a registered engineer, that reflect those architectural plans submitted by the applicant on March 12, 2007, and ~~incorporate~~ include the following components ~~changes~~:

1) ~~Eliminate all proposed~~ No development located below elevation 1,356 ~~1,360~~ feet above sea level, as shown on the proposed project plan, including the proposed lowest level deck, swimming pool, and associated retaining walls, stairs, and grading, as shown on Exhibit 3.

2) ~~Reduce t~~The height of the residence shall not exceed ~~to~~ a maximum of 26 feet above existing grade.

3) ~~Remove all~~ The plans shall not contain any references to the "dirt trail" that is shown on plans to lead from the building pad down to the southwest side of the property.

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4) ~~Remove all~~ The plans shall not contain any references to or depictions of vineyards.

2b) Summary of Staff Recommendation on Page 2-3 of the March 2, 2007 staff report shall be modified as follows:

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed project with **EIGHTEEN (18) SPECIAL CONDITIONS** regarding 1) plans conforming to geologic recommendation, 2) drainage and polluted runoff control plans, 3) landscaping and erosion control, 4) assumption of risk, 5) structural appearance, 6) lighting, 7) removal of excess excavated material, 8) removal of natural vegetation, 9) habitat impact mitigation, 10) future development restriction, 11) deed restriction, 12) open space conservation easement, 13) revised plans, 14) Los Angeles County approval of septic system, 15) approval to construct driveway, 16) unpermitted trail, 17) condition compliance, and 18) indemnification by applicant.

The proposed project site is located on an 6.1 acre property (APN 4472-006-038) located on the western portion of Mulholland Road, approximately 1,500 feet west of the intersection of Yerba Buena Road (Little Sycamore Road) and Mulholland Drive within the Santa Monica Mountains in Los Angeles County. The lot is located on a steep lot that is positioned on a secondary ridgeline and descends in a westerly direction down to the Arroyo Sequit Valley. The lot is vegetated with native chaparral considered Environmentally Sensitive Habitat Area. An unpermitted trail and building pad have been cleared on the lot. Additionally, the neighbor to the west of the residence has mistakenly built a portion of his house and driveway on the northwest corner of the lot.

Single family residences are located directly west, north, and south of the lot in the Arroyo Sequit valley. Aside from this development, the areas surrounding the project site to the northeast, east, and southeast are generally characterized by natural terrain vegetated with undisturbed chaparral. The site is visible from public viewing points on Mulholland Highway, a scenic highway as designated by the Los Angeles County Malibu/Santa Monica Mountains Land Use Plan, and public parkland located approximately 1,000 feet north of the property and across Mulholland to the south and east of the property.

The applicant proposes to construct a three story, ~~32~~ 26 foot high, 4,886 sq. ft. single family residence with attached 504 sq. ft. garage, pool, septic system, water well, retaining walls, driveway, turnaround, and approximately 1,740 cu. yds of grading (1,630 cu. yds cut and 110 cu. yds fill). The applicant also proposes to abandon an unpermitted trail leading from the residence to the west side of the property and allow the trail area to continue to regrow with chaparral vegetation. The applicant's submitted fuel modification/landscaping plans also

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include a proposal for a vineyard surrounding the northwest and west side of the residence.

The residence is designed to be stepped into the steep hillside in order to avoid significant grading for the construction of foundations. The result of this cascading design is that the residence has two stories at the top of the building pad, while the lower portion of the building contains a small third lower level basement area with guest rooms and deck. Stairs lead from this third basement story down to a lower "second deck" and pool area that is ~~7~~ 12 feet below the bottom of the main residence. The residence is designed to be approximately ~~32~~ 26 feet above existing grade. However, from most viewing points north of the residence, the development will effectively appear to cascade down the sloped building pad approximately ~~43~~ 47 feet from the highest point on the residence to the bottom of the retaining walls proposed to support a deck and pool planned below the main residence. Planned vineyards would also extend another 30 feet in elevation below the pool.

The proposed development would require the removal and thinning of environmentally sensitive habitat areas for construction of the residence, driveway, pool, decks, and vineyards, and fuel modification required for the residence. Additionally, the proposed development would obstruct views from a scenic highway, impact scenic vistas from public viewing locations on Mulholland Highway and public parkland, and does not conform with the character of the surrounding rural area. No other feasible location on the property would reduce the overall visual and biological impacts to coastal resources. Mitigation measures, however, and changes to the design of the development can minimize these impacts. On March 12, 2007, the applicant submitted revised plans for the project that would reduce potential impacts to visual and environmental sensitive resources. The new plans would eliminate the proposed vineyards from the plans and redesigning the decks and pools so that the elevation between the highest point of the house and the lowest retaining wall would be 35 feet instead of 47 feet. Special conditions to the permit, therefore, are proposed to require the applicant to submit ~~revised~~ final plans, for the review and approval of the Executive Director, that would: ~~reduce~~ keep the overall height of the residence to a maximum of 26 feet above existing grade; remove all lower level decks and pools; and remove the proposed vineyards. Additionally, the proposed special conditions would require the applicant to obtain Los Angeles County Health Department approval and revised geologic recommendations for a septic system proposed on the property that has been moved from its originally proposed location.

The standard of review for the proposed permit application is the Chapter Three policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

2c) Pages 45-47 of Section IV.G. Visual Resources in the March 2, 2007 staff report shall be modified as follows:

...

The applicant proposes to construct a three story, ~~32~~ 26 foot high, 4,886 sq. ft. single family residence with attached 504 sq. ft. garage, pool, septic system, water well, retaining walls, driveway, turnaround, and approximately 1,740 cu. yds of grading (1,630 cu. yds cut and 110 cu. yds fill). The applicant also proposes to abandon an unpermitted trail leading from the residence to the west side of the property and allow the trail area to continue to regrow with chaparral vegetation. While not officially included in the applicant's submitted project description, fuel modification/landscaping plans submitted by the applicant also include a proposal for a vineyard surrounding the northwest and west side of the residence. The vineyards would extend from approximately 50 feet downslope from the residence to approximately 80 to 140 feet downslope from the residence.

The residence is designed to be stepped into the steep hillside in order to avoid significant grading for the construction of foundations. The result of this cascading design is that the residence has two stories at the top of the building pad, while the lower portion of the building contains a small third lower level basement area with guest rooms and deck. Stairs lead from this third basement story down to a lower "second deck" and pool area that is ~~7~~ 12 feet below the bottom of the main residence. ~~The applicant has placed notes on their submitted plans indicating that the residence would be no more than 27'2" in height at any given point along the existing grade. Commission staff notes that measurement of the plans indicate that the maximum height from existing grade appears to be more on the order of 30-32 feet at any given point on the house. However, f~~From most viewing points north of the residence, including Mulholland Highway and public parkland, the development will effectively appear to cascade down the sloped building pad approximately ~~43~~ 47 feet from the highest point on the residence to the bottom of the retaining walls proposed to support the pool. So, although the proposed residence will not exceed approximately ~~30~~ 26 feet above existing grade at any given point, the visual effect of the structure (including three levels of living area, decks, and swimming pool retaining walls) will be much higher. In addition, developed vineyards would be visible an additional 30 feet downslope in elevation from the bottom of the pool.

The portion of Mulholland Highway directly adjacent to the proposed residence is approximately 1,380 to 1,370 feet above sea level in elevation. The top of the residence would extend to 1,391 feet in elevation. Therefore, the residence will obstruct approximately 11 to 21 feet of mountain views from portions of Mulholland Highway. However, a small hill lies directly between the residence and Mulholland. Therefore, were one to be directly adjacent to the house on Mulholland, the house would not be visible. As Mulholland Highway heads westward from the proposed building site, the road descends into the Arroyo Sequit Valley and wraps around to the western side of the property. On this side

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of the property, the Highway is at approximately 1,150 feet above sea level in elevation. The residence will be fully to partially visible from several viewing locations on Mulholland Highway and public parkland north, west, southwest, and east of the property. The proposed project would, therefore, impact scenic vistas and visual resources in the area.

As discussed in Section E. above, in chaparral and coastal sage scrub ESHA areas in the Santa Monica Mountains, the Commission has allowed development of single family residences on legal lots as long as the development is clustered on the lot and the building pad size does not exceed 10,000 sq. ft. to minimize impacts on the sensitive watershed habitat. This 10,000 sq. ft. is a maximum development area that may be reduced if needed to prevent adverse impacts on coastal resources. In this case, the proposed project has been sited and designed such that the proposed development area (excluding the driveway) is approximately 6,000 sq. ft., assuming the removal of the unpermitted trail and proposed vineyard from plans as proposed by the applicant and required in **Special Condition Thirteen (13)** and **Special Condition Sixteen (16)**. All proposed residential structures are located within the proposed 6,000 sq. ft. development area. The proposed residence is three-stories with maximum heights of ~~32~~ 26 feet from existing grade at any given point. The visibility of the residence as seen from Mulholland Highway and public parkland could be reduced by moving the structure further west, downslope in the valley area. However, the applicant does not have an agreement for access to his lot from the western portion of Mulholland through his neighboring properties. Therefore, this alternative would result in significant amounts of additional grading and landform alteration, as well as the removal of more ESHA.

In past permit actions, the commission has also required that new development located in highly visible, scenic areas be restricted to a height of anywhere from 18 to 26 feet in height from existing grade in order to protect visual resources. The applicant has proposed a three story residence that is approximately ~~32~~ 26 feet in height from existing grade that will be stepped into the hillside and is partially below the grade of Mulholland Highway. While the proposed height conforms to the maximum 35-foot height limit contained in the Malibu/Santa Monica Mountains Land Use Plan, the proposed structure and associated pool, decks, and vineyard will adversely impact scenic view and visual resources from public viewing areas. The Commission finds that it is, therefore, important that the residence not exceed the proposed 26 feet in height above existing grade ~~the proposed residence could be reduced to 26 feet above existing grade~~ in order to ~~reduce~~ minimize the public visibility of the residence~~, while still allowing a two story design~~. The Commission also finds that the proposed lower second deck and pool that will effectively increase the overall height of the development by another ~~10~~ 12 feet in elevation are amenities not necessary in order to allow for residential development to occur on the subject site. Similarly, the proposed vineyards that would be located an additional 30 feet below the pool area, is an amenity that is not necessary in order to allow for residential development to

32.

occur on the site. Removal of the lower deck, pool, and vineyards from the plans would significantly reduce the overall area of development visible from public viewing locations in the area.

The Commission staff has reviewed property data (Realquest, 2007) in the area surrounding the property to see whether the proposed development is in conformity with the character of the surrounding rural area. This analysis showed the development of several single family residences ranging in size from 1,300 sq. ft. to 4,300 sq. ft. in the area. Commission staff reviewed records for nine houses in the area and found five of those to be between 1,300-2,000 sq. ft.; two between 2,000-3,000 sq. ft., and two between 4,000-4,300 sq. ft. The majority of these houses, however, are clustered in the valley below the subject building location. The proposed residence would be 4,886 sq. ft. in size and, therefore, one of the largest residences in the area. Additionally, the location of the house on a secondary ridge above most other residential development in the area (except one house located on a higher ridge above the subject lot) will increase the visibility of the structure.

On March 12, 2007 the applicant submitted revised alternate plans in response to Commission staff concerns regarding potential impacts to visual resources. These plans include removal of the vineyards from the plans, as well as a redesign of the decks and pool so that the residence would remain 26 feet above existing grade, but the change in elevation from the highest point of the house and the lowest retaining wall would be 35 feet, instead of 47 feet. The highest portion of the house would still be at approximately 1391 feet above sea level, but the lowest retaining wall would now be at 1,356 feet above sea level instead of 1,344 feet above sea level. The Commission finds that ~~reduction of~~ keeping the height of the residence to 26 feet above existing grade and removal of the lower deck, pool, and vineyards from the development plans would modify the residence to conform more to the scale and character of the surrounding area and reduce impacts to scenic vistas. As such, the Commission finds it necessary to impose **Special Condition Thirteen (13)** that requires the applicant to submit a full set of revised final plans, for the review and approval of the Executive Director, that are in conformity with those plans submitted by the applicant in March 12, 2007 and which ~~reduce~~ keep the height of the residence ~~to~~ at a maximum of 26 feet above existing grade, remove all decks and pool areas below ~~1,360~~ 1,356 feet above sea level, and remove all references to and depictions of vineyards and a trail on the property...

3) Commission staff recommends that Special Condition Twelve (Open Space Conservation Easement) be revised to exclude the small area of the existing road and house on the northwestern corner of the property from the "open space area." As described in the staff report, a road constructed prior to 1977 and a portion of a residence constructed on the neighboring parcel extend onto the subject project site. It is unclear whether the property lines shown on plans approved for the neighboring residence (CDP 5-85-124) are inaccurate or whether the plans are accurate, but

additions and additional development to the house were not constructed in the approved location on that property. However, it is clear that the Commission did not approve that residence to extend onto the subject site. It is not known at this time how this unpermitted development will be resolved.

The modification to Special Condition Twelve will allow for the MRCA to accept the open space conservation easement without any delay related to the resolution of the unpermitted development. The newly proposed open space area is shown on Exhibit 4 of the addendum, which would supersede and replace Exhibit 4 of the March 2, 2007 staff report. Special Condition Twelve on Page 14 of the March 2, 2007 staff report shall, therefore, be revised as follows:

12. Open Space Conservation Easement

No development, as defined in Section 30106 of the Coastal Act, grazing, or agricultural activities shall occur outside of the approved development area, within the portion of the property identified as the "open space conservation easement area," which easement area ~~in~~excludes that portion of the western portion of the property occupied by a portion of a residence and road that were constructed by the owner of the adjacent lot with APN number 4472-006-053, as shown in **Exhibit 4,** except for:

1) Fuel modification required by the Los Angeles County Fire Department undertaken in accordance with the final approved fuel modification plan required by Special Condition Three, paragraph A.5, or other fuel modification plans required and approved by the Commission pursuant to a different CDP(s) issued by the Commission;

2) Drainage and polluted runoff control activities pursuant to Special Condition Two and Special Condition Three;

3) Construction and maintenance of public hiking trails, if approved by the Commission as an amendment to this coastal development permit or a new coastal development permit;

4) Construction and maintenance of roads, trails, and utilities pursuant to existing easements, if approved by the Commission as an amendment to this coastal development permit or in a new coastal development permit;

~~5) Removal of any unpermitted development associated with the single family residence on APN 4472-006-053 that extends onto the subject site (APN 4472-006-038) (including any development that was constructed in accordance with a valid coastal development permit that was issued in reliance on incorrect representations regarding the location of the boundary between the subject property and the lot immediately adjacent to it to the west, if any such development exists);~~

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~~6. Minor lot line adjustment between APN 4472-006-053 and the subject site (APN 4472-006-038), if the lot line adjustment is approved by the Coastal Commission in a new CDP and Exhibit 4 and the open space conservation easement is modified through a Coastal Commission approved amendment to this permit.~~

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, granting to the Mountains Recreation and Conservation Authority ("MRCA") on behalf of the people of the State of California an open space conservation easement over the "open space conservation easement area" described above, for the purpose of habitat protection. The recorded easement document shall include a formal legal description of the entire property; and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space conservation easement area, as generally shown on **Exhibit 4.** The recorded document shall reflect that no development shall occur within the open space conservation easement area except as otherwise set forth in this permit condition. The grant of easement shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed, and shall run with the land in favor of the MRCA on behalf of the people of the State of California, binding all successors and assigns.

4) The Commission has received a comment letter from Alison and Gary Richardson concerning the project. In this comment letter, which is attached as Exhibit 5, the Richardsons request that the Commission deny the proposed application.

Addendum
CDP 4-06-097
Exhibit 1
Revised Plans

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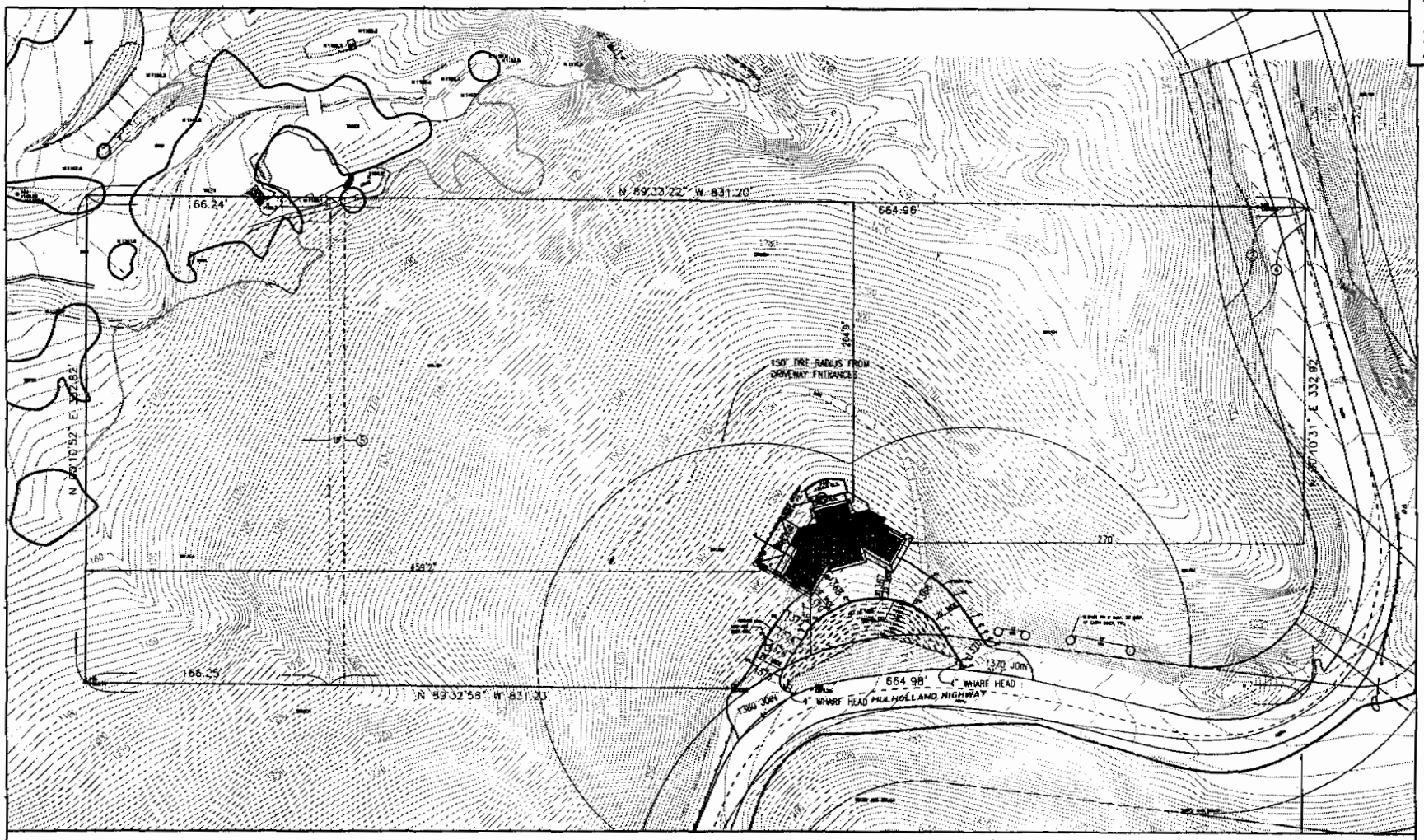

LEGAL DESCRIPTION

THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 1S0MPH, RANGE 19 WEST, SAN BERNARDINO MERIDIAN.

BENCH MARK

B.M. # [illegible] MARKED 38-16A DATED: [illegible]
ELEVATION = 1465.32

EASEMENTS:

② AN EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.
FOR: PUBLIC ROAD AND HIGHWAY
RECORDED: IN BOOK 7184 PAGE 332, OFFICIAL RECORDS.
AFFECTS: AS MORE PARTICULARY DESCRIBED THEREIN.

③ AN EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.
FOR: PUBLIC ROAD AND HIGHWAY
RECORDED: IN BOOK 13118 PAGE 287, OFFICIAL RECORDS.
AFFECTS: AS MORE PARTICULARY DESCRIBED THEREIN.

④ AN EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.
FOR: PUBLIC ROAD AND HIGHWAY
RECORDED: IN BOOK 13556 PAGE 296, OFFICIAL RECORDS.
AFFECTS: AS MORE PARTICULARY DESCRIBED THEREIN.

⑤ AN EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.
FOR: CONSTRUCTION, RECONSTRUCTION, REMOVAL, REPAIR, MAINTENANCE AND OPERATION OF WATER PIPE LINES AND APPURTENANCES
RECORDED: MAY 6, 1984 AS INSTRUMENT NO. 4558 IN BOOK D2461 PAGE 683 OFFICIAL RECORDS.
AFFECTS: AS MORE PARTICULARY DESCRIBED THEREIN.

BUILDING INFORMATION

PARCEL #4472-006-058
TRI-LEVEL SINGLE FAMILY RESIDENCE
TYPE VN CONSTRUCTION

MAX. HEIGHT - 26'
CUT/FILL - CU. YARDS
SET BACKS: FRONT 46'7"
SIDE 459'2"
SIDE 270'
REAR 204'9"

MAIN HOUSE SQUARE FOOTAGE:

BASEMENT	696 S.F.
FIRST FLOOR	2,225 S.F.
GARAGE	504 S.F.
SECOND FLOOR	1,965 S.F.
COVERED DECK & PORCH	484 S.F.
UNCOVERED DECKS & BALCONIES	1,062 S.F.
TOTAL DEVELOPMENT	-6,956 S.F.

LOT AREA - 266,576 S.F.

IMPERMEABLE LOT COVERAGE:

DRIVEWAY	4,422 S.F.
FIRST FLOOR	2,225 S.F.
GARAGE	504 S.F.
PORCH	91 S.F.
TOTAL IMPERMEABLE LOT COVERAGE	- 7,242 S.F.

Laura Hanson
DESIGN

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90403
310.829.9443
lm.hanson@verizon.net

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FILE	Cover Sheet
DRAWN	
REVIEWED	
CAD	A. Culver

ISSUE	DATE	BY
Issued for planning	[illegible]	[illegible]
Reissued for planning	[illegible]	[illegible]
Issued for plan check		
Issued for plan check corrections		
Issued for building		

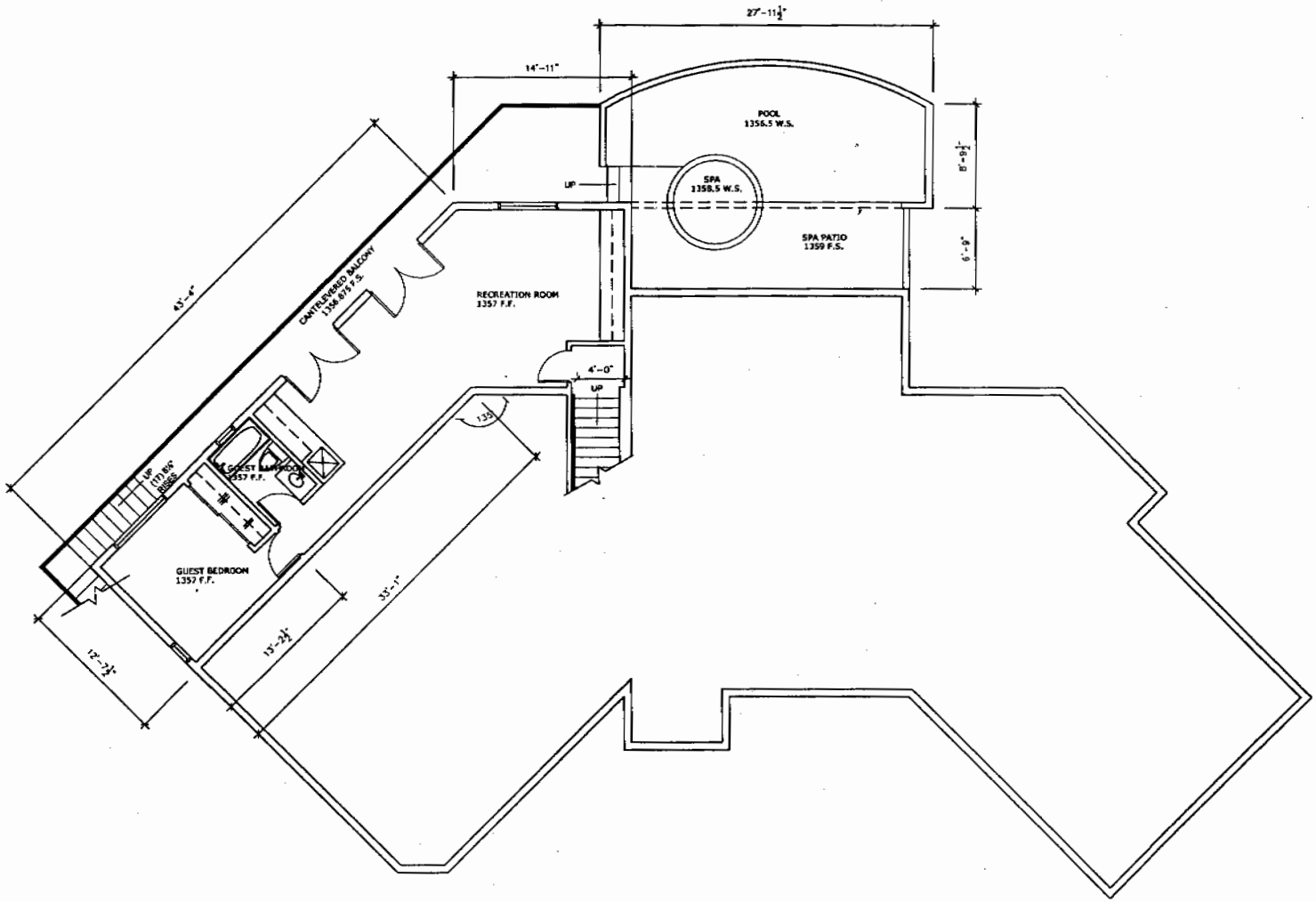
BARRETT HOUSE

Owner:
Rick Barrett
28927 Cove Place
Agoura Hills, CA 91301
(310) 317-9381

33800 Mulholland Hwy.
Malibu, CA
90265

PROJECT NO	[illegible]
SCALE	[illegible]
PRINTED	[illegible]
TITLE	SITE PLAN
SHEET	A-1.00

Addendum
CDP 4-06-097
Exhibit 2
Revised Plans



LOWER LEVEL

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TITLE	Cover Sheet
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CAD	

ISSUE	DATE	BY
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Issued for plan check corrections		
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BARRETT
HOUSE

Owner :
Rick Barrett
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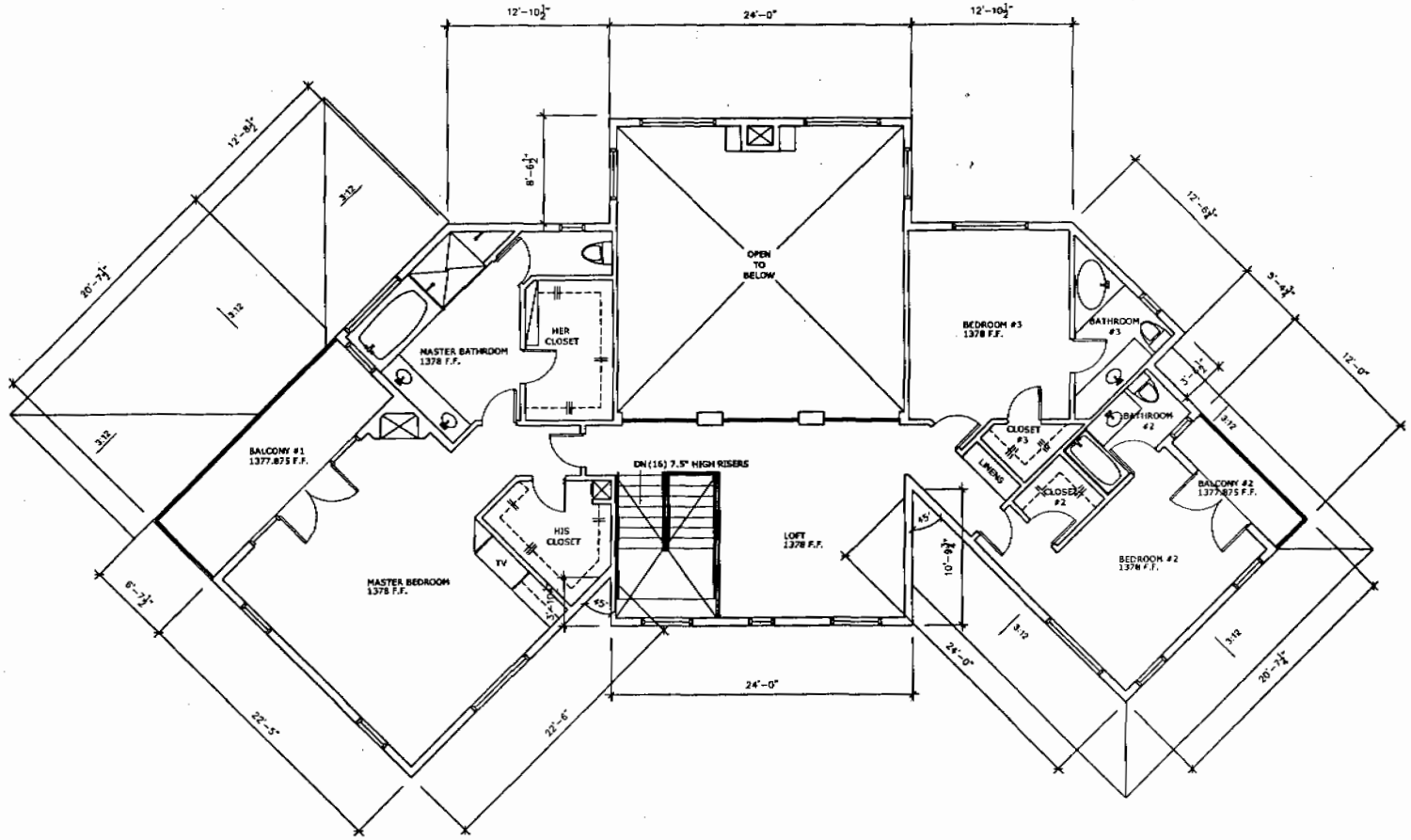
PROJECT NO	09.04.19
SCALE	1/4"=1'0"
PRINTED	11/14/06

TITLE
LOWER LEVEL

SHEET
A-2.00

37.

38.



UPPER LEVEL

Laura Hanson
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CAD	A. Oliver

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Issued for planning	[illegible]
Reissued for planning	[illegible]
Issued for plan check	
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Issued for bonding	

BARRETT HOUSE

Owner :
Rick Barrett
28927 Cove Place
Agoura Hills, CA 91301
(310) 317-9381

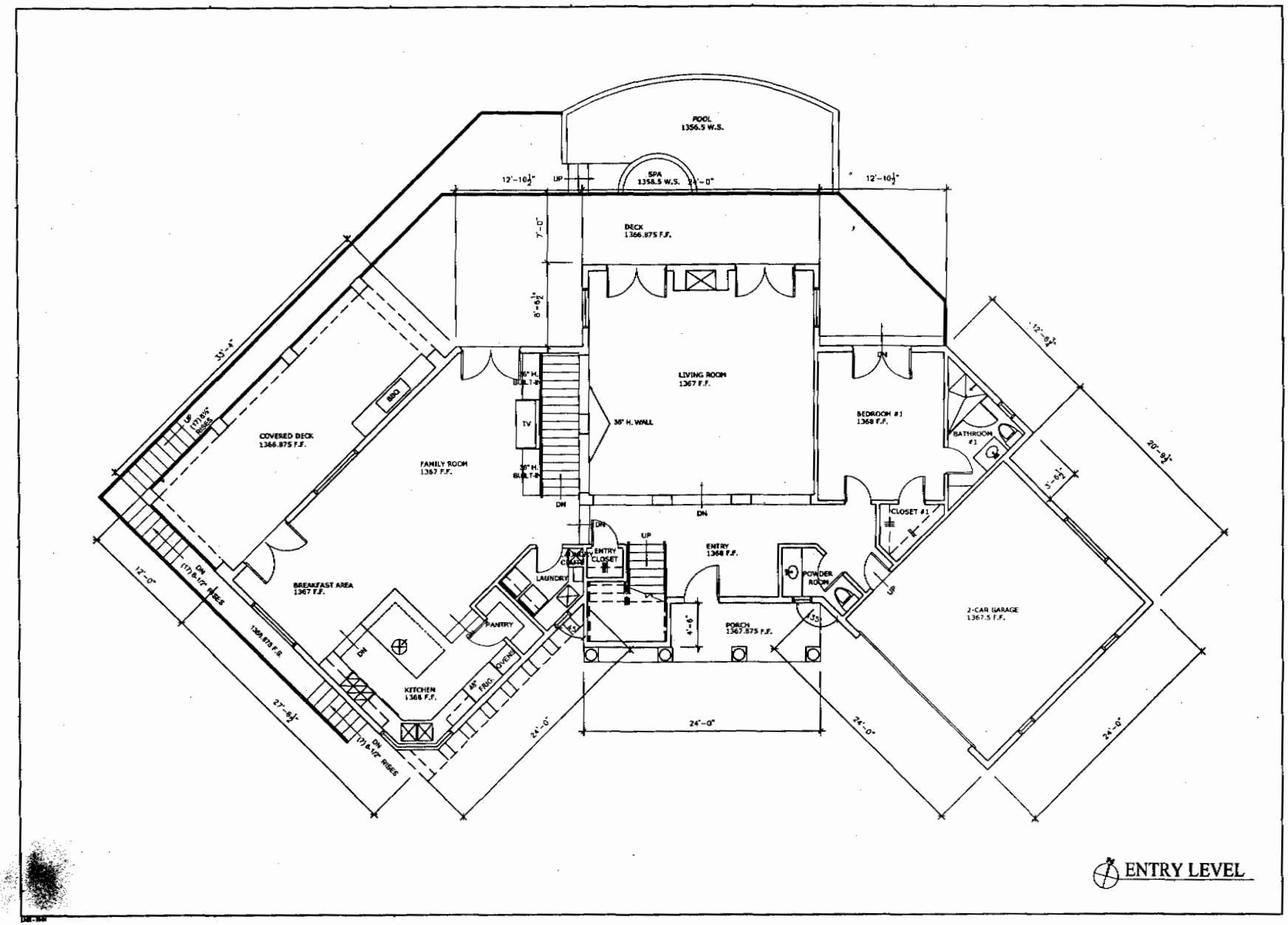
33800 Mulholland Hwy.
Malibu, CA
California 90265

PROJECT NO	[illegible]
SCALE	[illegible]
PRINTED	[illegible]
TITLE	

UPPER LEVEL

SHEET

A-2.02



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FILE	Cover Sheet
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Issued for planning		
Revised for planning		
Issued for plan check		
Issued for plan check corrections		
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BARRETT HOUSE

Owner :
Rick Barrett
28927 Cove Place
Agoura Hills, CA 91301
(310) 317-9381

33800 Mulholland Hwy.
Malibu, CA
90265

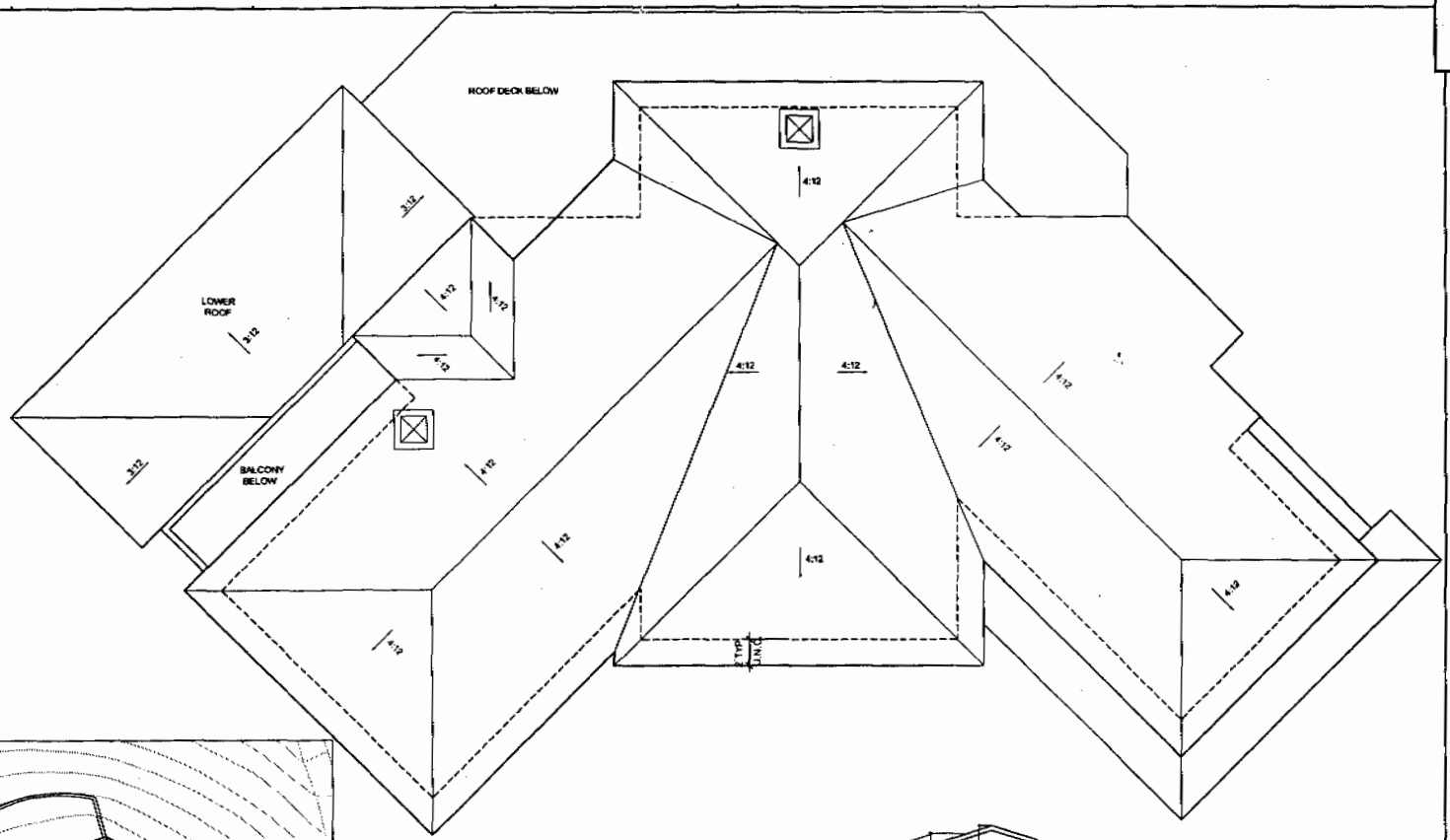
PROJECT NO	
SCALE	
PRINTED	

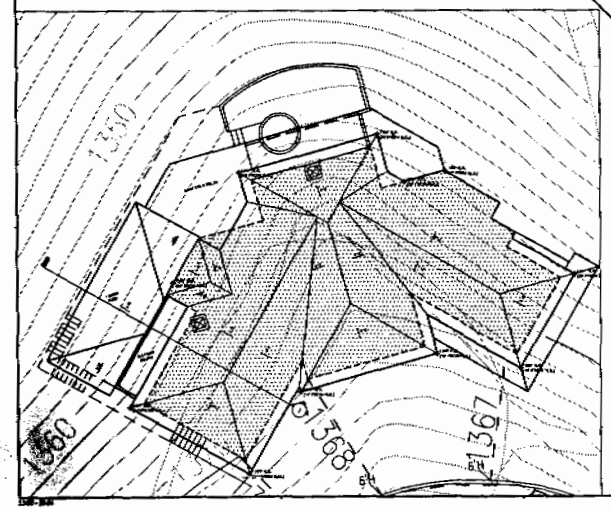
TITLE
ENTRY LEVEL

SHEET
A-2.01

Addendum
CDP 4-06-097
Exhibit 3
Revised Plans

40



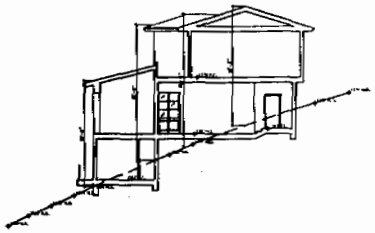


BUILDING HEIGHT DIAGRAM

SCALE : 3/32" = 1' - 0"

HEIGHT FROM SEA LEVEL

( ) HEIGHT FROM NATURAL GRADE



SECTION 1

SCALE : 3/32" = 1' - 0"

ROOF PLAN

Laura Hanson
DESIGN

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CAD	A. Gelver

ISSUE	DATE	BY
Issued for planning	[illegible]	[illegible]
Revised for planning	[illegible]	[illegible]
Issued for plan check		
Issued for plan check corrections		
Issued for building		

BARRETT HOUSE

Owner :
Rick Barrett
28927 Cove Place
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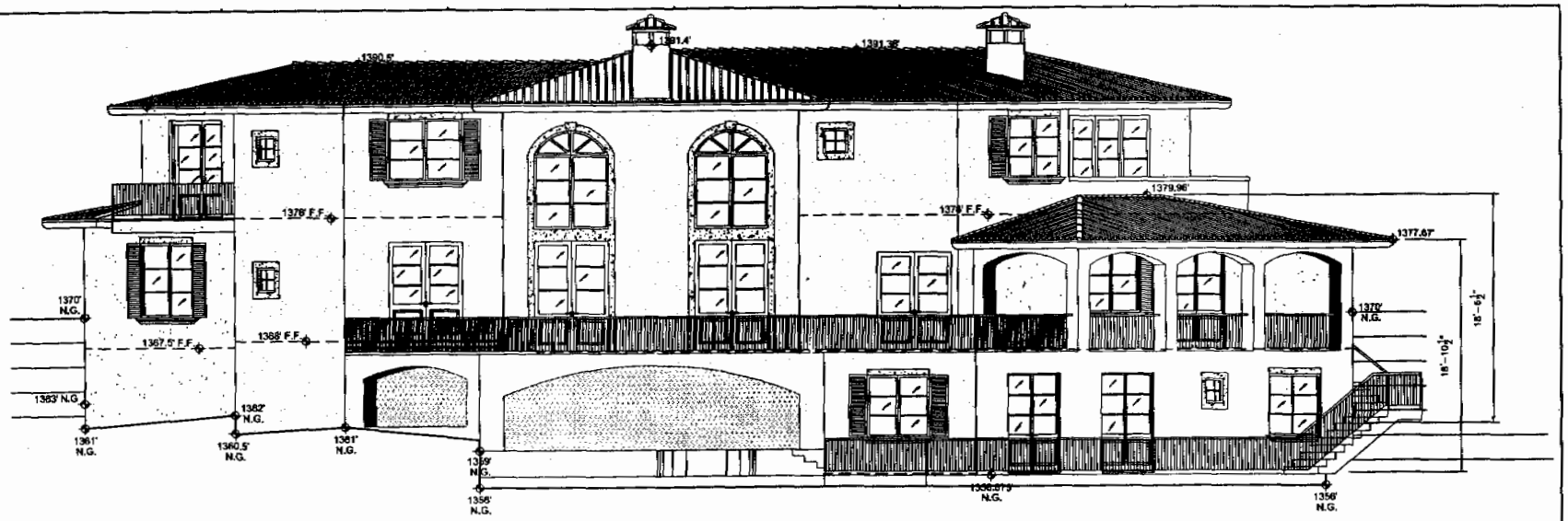
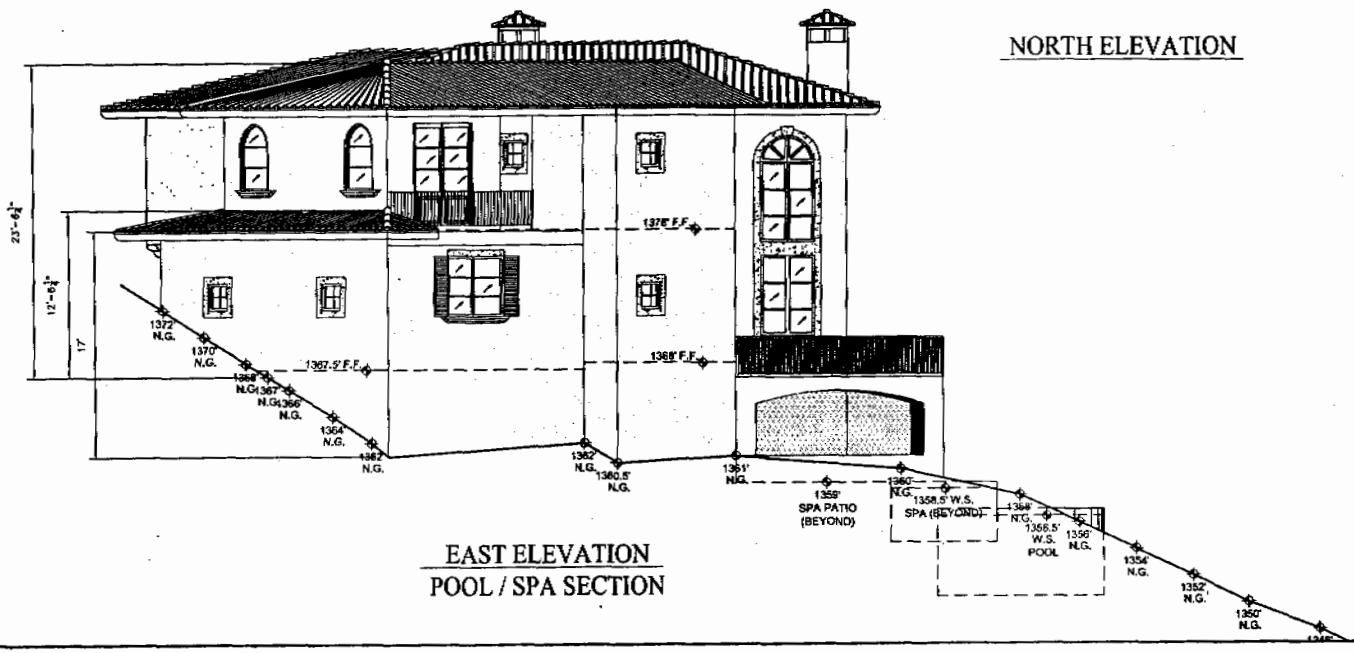
(310) 317-9381

33800 Mulholland Hwy.
Malibu, CA
90265

PROJECT NO	[illegible]
SCALE	[illegible]
PROVIDED	[illegible]
TITLE	ROOF PLAN
SHEET	A-2.03



NORTH ELEVATION



EAST ELEVATION
POOL / SPA SECTION

Laura Hanson
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FILE	Cover Sheet
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REVIEWED	
CAD	A. Carter

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Issued for planning	11/14/06	LM
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Issued for plan check corrections		
Issued for bidding		

BARRETT
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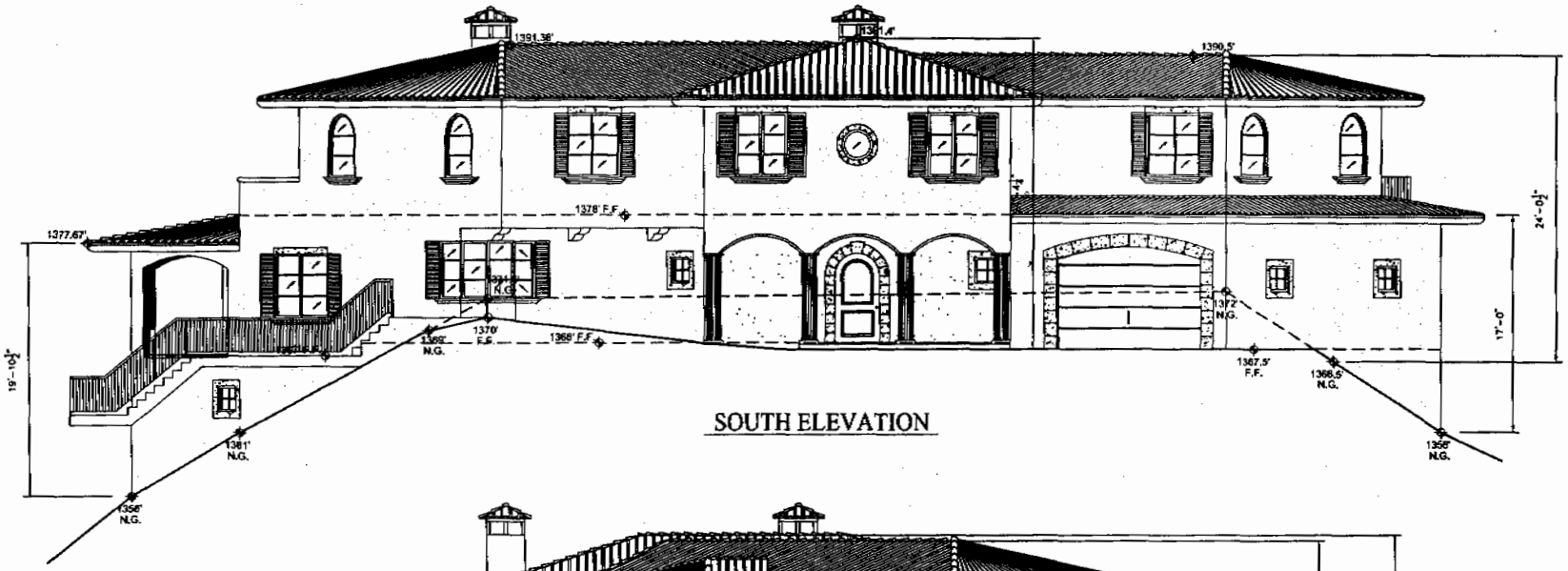
Malibu, CA
California 90265

PROJECT NO	03.04.19
SCALE	1/4"=1'-0"
PRINTED	11/19/08
TITLE	

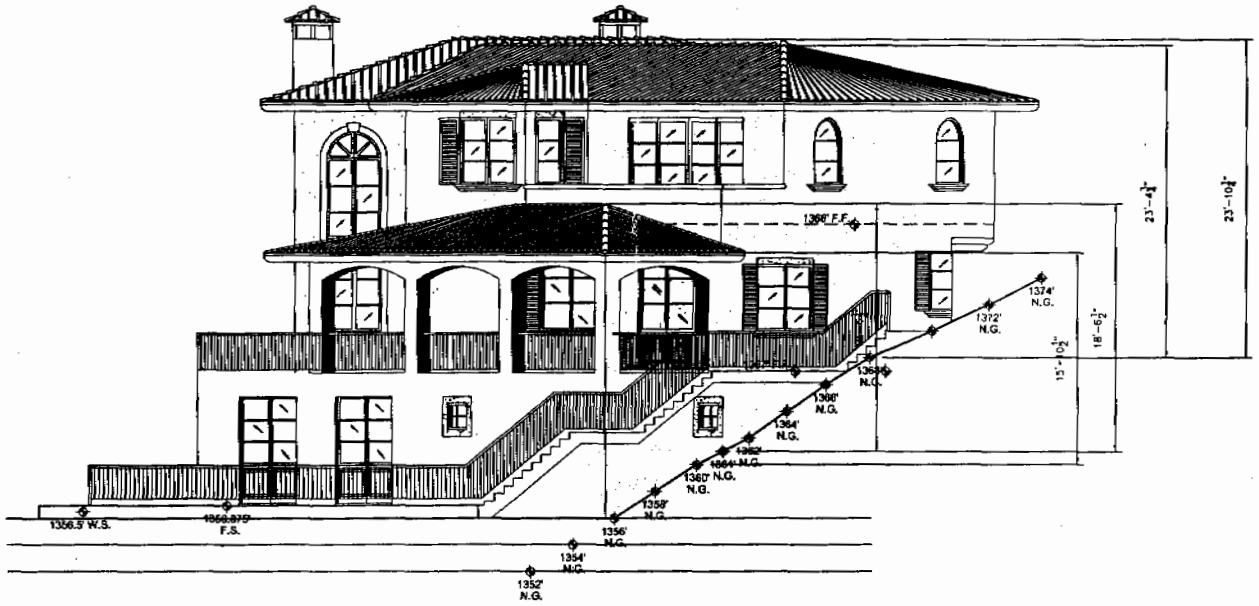
ELEVATIONS

SHEET

A-2.04



SOUTH ELEVATION



WEST ELEVATION

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FILE	Cover Sheet
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REVIEWED	
CAD	

ISSUE	DATE
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Reissued for planning	
Issued for plan check	
Issued for plan check comments	
Issued for bidding	

BARRETT
HOUSE

Owner :
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Malibu, CA
California 90265

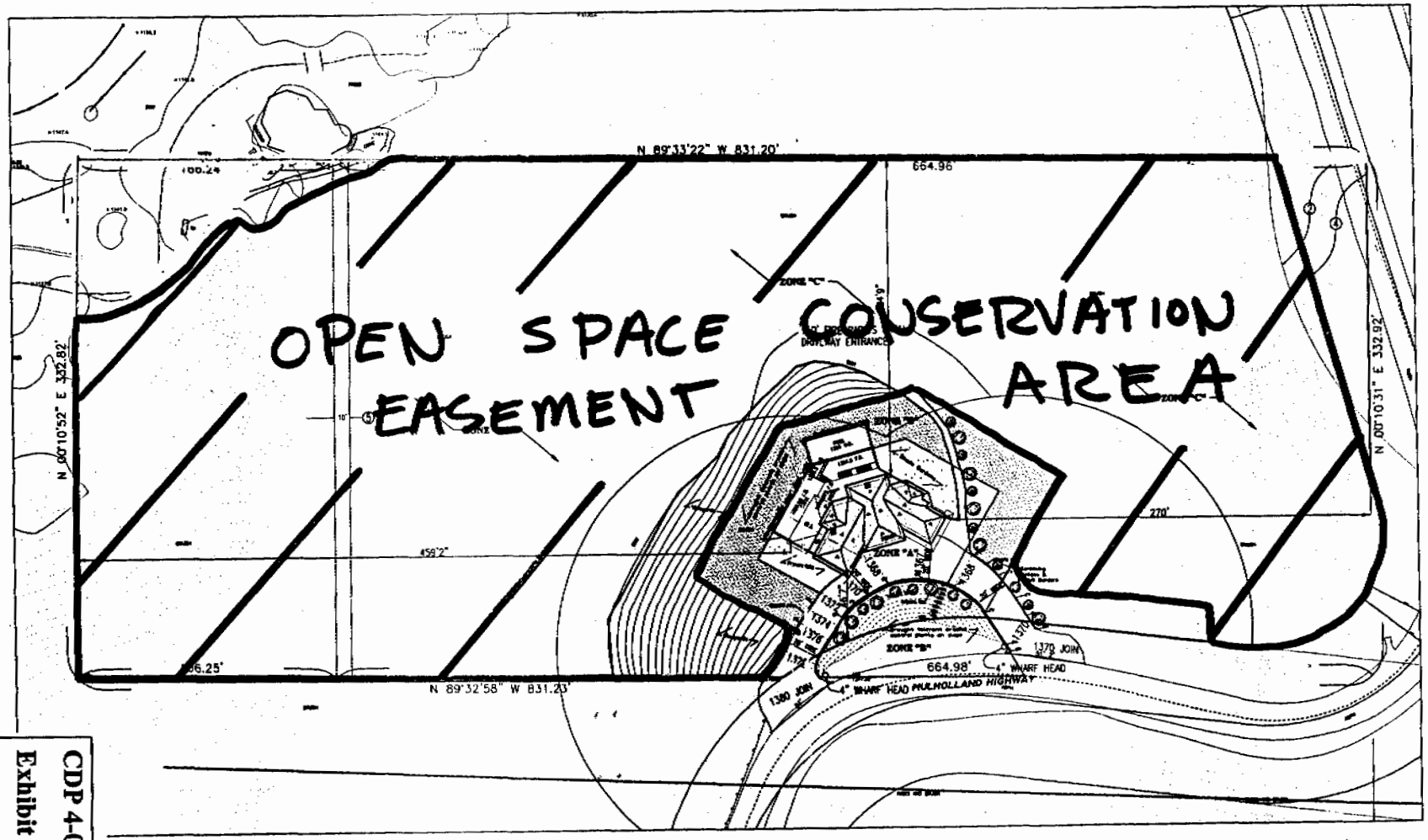
PROJECT NO	99.04.19
SCALE	1/4"=1'0"
PRINTED	10/15/04

TITLE

ELEVATIONS

SHEET

A-2.05



APN : 4473-007-005

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Malibu, CA
90265

FUEL MODIFICATION PLAN

L - 2.00

CDP 4-06-094
Exhibit 4
Open Space Easement Area

RECEIVED
MAR 12 2007
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Coastal Commission File #4-06-094
Gary & Alison Richardson and
W. Mulholland Hwy neighbors
Oppose this project
Item No: Th 9d

Dear Commissioner Blank,

As you will be able to tell from the Coastal Commission staff report we and our neighbors are strongly opposed to this project.

The enclosed photographs show the location of the above proposed project. Photograph #1 depicts the general area of the proposed project area with the red arrow showing the building site. In viewing this photograph, the left half of the photograph depicts property acquired by Mountain Recreation and Conservation Authority for preservation (MRCA). The upper right quarter is mostly the Santa Monica Arroyo Sequit Park (SMMRA). This area will always be preserved.

To have any type of development on this steep hillside adjacent to the Mulholland Scenic Corridor will forever impact this scenic section of Mulholland Hwy. This would be the most intrusive of any residence from Pacific Coast Highway at Leo Carillo Beach State park to Decker Canyon Road, a distance of approximately 8 miles.

Photograph #2 shows a closeup of this steep hillside knoll where the project will be built and how visible and impactfull it will be from Mulholland Hwy. This photograph also shows the steep terrain and points out the potential hazzards of erosion, de stabilization , slides, flooding and contaminated run off and its possible effects on the existing property owners below.

On paper, architects and engineers can calculate and design something that would pass inspection. However that does not mean that should be so, and reality often proves them wrong.

This project is completely out of character with the neighborhood and surrounding area.

We agree with the findings of the staff report, which in our opinion would suggest that this is not a suitable building site, consequently we disagree with the recommendation for approval.

We ask that this application be denied.

Thank you for your time in this matter
Respectfully,
Gary & Alison Richardson
34080 W. Mulholland Hwy
Malibu, Ca 90265
Tel: 818-991-1430

CDP 4-06-094
Addendum
Exhibit 5
Comment Letter
44