

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 100 SOUTH CALIFORNIA ST., SUITE 200
 SANTA ANA, CA 92701
 (805) 585-1800

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 Hearing Date: 3/4/03
 Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-214

APPLICANT: Milos and Trisha Douda AGENT: Don Schmitz

PROJECT LOCATION: 25257 Mulholland Highway, Calabasas, Los Angeles County

PROJECT DESCRIPTION: Construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material.

Lot area:	21.07 acres
Building coverage:	6,970 sq. ft.
Building Pad coverage:	16,300 sq. ft.
Pavement coverage:	24,394 sq. ft.
Landscape coverage:	12,415 sq. ft.
Parking spaces:	3
Ht abv fin grade:	35 ft.

SUMMARY OF STAFF RECOMMENDATION

The applicant requests approval to construct a single family residence, studio and garage on an existing parcel located along Mulholland Highway. The subject parcel includes chaparral, scrub oak, and coastal sage vegetation recovering from the 1993 Malibu fire which is considered a Environmentally Sensitive Habitat Area (ESHA). Although the applicant has reduced the proposed grading from initially 19,000 cubic yards of material to a total of 9,900 cubic yards of grading over the course of four site plans each reducing grading quantities under previous submitted site plan; this quantity is still considered to be an excessive amount of landform alteration on this site. The Commission approved a lot line adjustment for this and seven adjoining parcels in 1991 on the basis, in part, that it was possible to develop a residence on this parcel with an estimated 3,000 cubic yards of grading. Therefore, Staff recommends DENIAL of the proposed

project, as it is inconsistent with the visual resource, landform alteration requirements, and the protection of ESHA as required by the Coastal Act. There are alternatives to the proposed project outlined in this report that can bring this project into conformance with the Coastal Act.

IMPORTANT PROCEDURAL NOTE:

This application was filed as complete on August 28, 2002 and tentatively scheduled for the February 2003 Commission meeting. The applicant requested additional time to revise the project description and agreed to waive the time limits under the Permit Streamlining Act. The applicant provided revised project plans on January 29, 2003 and the project was then scheduled to be heard at the Commission meeting of March 4-7, 2003. The 270th day pursuant to the Permit Streamlining Act for Commission action on the subject application is April 14, 2003. Therefore the Commission must vote on Coastal Development Permit Application No. 4-01-214 no later than the April 8-11, 2003 hearing.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 11/26/2001; Los Angeles County Department of Health Services, dated 8/17/2001 for septic system; County of Los Angeles Fire Department, approval for driveway access, dated 4/2/2002; Los Angeles County Fire Department, Preliminary Fuel Modification Plan, dated June 20, 2002.

SUBSTANTIVE FILE DOCUMENTS: Geologic and Soils Engineering Investigation, dated December 15, 1999, by Alpine Geotechnical; Addendum Letter, Revised Septic System Design, dated June 10, 2001, by Alpine Geotechnical; Constraints Analysis Report for 25257 Mulholland Highway, dated February 4, 2003, by Schmitz & Associates; Coastal Permit No. 4-00-221, Clemens; Coastal Permit No. 4-00-125, Bomar; Coastal Permit No. 4-00-119, Deegan-Day; Coastal Permit No. 5-91-764, Douda.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-01-214 for the development proposed by the applicant.*

Staff Note: To deny a coastal development permit, the Commission must vote "no" on a motion to approve a permit for the proposed development. The permit will be denied if a majority of the Commissioners present fail to vote "yes." (Public Resources Code § 30604.)

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 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.

IV. Findings and Declarations.

A. Project Description

The applicant proposes to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material at 25257 Mulholland Highway, Calabasas (Exhibits 1-12). No information on the source of or storage of water was provided in the application. The access driveway is about 680 feet long from Mulholland Highway to the building pad and hammerhead turnaround area as identified on the Grading Plan (Exhibit 13). Grading to create this access driveway consists of 1,483 cubic yards of cut and 2,831 cubic yards of fill, a total of 4,314 cubic yards of material. A portion of the driveway is proposed to extend on the adjoining property to the west along an approximate 180 foot length. The building pad is proposed to be 16,310 sq. ft. in size and will require 3,617 cubic yards of cut and 1,969 cubic yards of fill, totaling 5,586 cubic yards of material. The total area for the building pad including slope grading but not including the area for the hammerhead turnaround area is estimated to be about 22,000 sq. ft.

The project site is located about four and one half miles inland of the coast along the north side of Mulholland Highway west of Cold Canyon Road. The 21.07 acre irregular shaped parcel extends over half a mile inland from Mulholland Highway and ranges from about 234 feet to 396 feet wide (Exhibit 2). The parcel includes gentle to moderate sloping hills on the southern portion of the property beginning at 875 feet above sea level rising to 906 feet above sea level at the building pad and then steeply to the top of the ridge at about 1,340 feet above sea level at the far north portion of the property.

The property includes a blue line stream along the western perimeter; a tributary to Cold Canyon Creek which includes riparian habitat designated an Environmentally Sensitive Habitat Area. The property appears to have burned in the 1993 Malibu Fire.

The chaparral and coastal sage on site is recovering since that fire. The property is located outside the Cold Creek Resource Management Area, designated ESHA by the Malibu/Santa Monica Mountains Land Use Plan. There is one public trail planned on the property along the far north side by Los Angeles County Parks and Recreation since 1983 (Exhibit 15). This planned trail is known as the Stokes Ridge Trail (Exhibit 15). According to the latest map identifying existing trails in the Santa Monica Mountains by Tom Harris dated 1993, the Stokes Ridge Trail does not exist as of that date on the subject property (Exhibit 14). However, in the Commission's 1998 RECAP Study the Stokes Ridge Trail is specifically identified along the northern portion of the subject site Exhibit 16).

A. Site History and Surrounding Development

This property was the subject of a Coastal Permit No. 4-93-203 (Kozma and Navaro) for a lot line adjustment of nine parcels totaling 231.8 acres of land, approved in 1994 by the Commission. This Coastal Permit consisted of a lot line adjustment of eight parcels located north of Mulholland Highway resulting in all eight with direct road frontage along Mulholland Highway. A ninth parcel located south of Mulholland Highway with nearly 47 acres remained in its present configuration. The purpose of the lot line adjustment of the eight parcels resulting in about 21 to 26 acres in size was to facilitate direct road access for four parcels that did not have direct road access prior to the adjustment. The approved lot configuration of eight adjoining narrow lots extending about one half mile inland from Mulholland Highway allowed for clustering future residential development closer to Mulholland Highway to minimize grading and potential erosion into two blue line streams draining as tributaries to Cold Canyon Creek, a designated ESHA. These applicants provided a cover letter dated January 10, 1994 (Exhibit 17) estimating that the average grading is a little over 3,000 cubic yards of grading would be required to construct building pad area and driveways to each of the eight parcels (Exhibit 18). These applicants also provided a preliminary grading plan prepared by Civic Engineering Corporation dated January 11, 1994. Further, and Coastal Permit No. 4-93-203 was amended (Coastal Permit Amendment No. 4-93-203-A) to allow minor adjustment of the lot line between lots 7 (subject property) and lot 8 (Exhibit 19). Its interesting to note that this preliminary grading plan identifies an access driveway up the ravine, then over the top of the small knob hill, turns east to a small irregularly shaped flat graded pad of about 5,100 sq. ft. In this subject application the flat graded pad is 16,300 sq. ft, over three times as large.

Vacant parcels located to the north, south, west and east surround the site. Of these eight parcels subject to the lot line adjustment, only one parcel is developed with a single family residence discussed below. In the immediate vicinity of the subject parcel, the Commission has approved two Coastal Permits to construct residential development on two separate sites. On these two sites, one application for a coastal permit was first denied on a parcel located about a half mile to the west beyond the subject parcel. In October 1991, the Commission denied Application No. 5-91-371 (Douda) to construct a 5,765 sq. ft. 35 foot high single family residence with a 3-car garage, septic system and 7,400 cubic yards of grading (6,200 cubic yards of cut and 1,200 cubic yards of fill) (Exhibit 20). The Commission denied this application because the proposed development did not comply with the landform alteration and visual

resource protection policies of the Coastal Act and Malibu LUP. The applicant subsequently revised the project to reduce the grading from a total of 7,400 cubic yards to a total of 3,900 cubic yards of material. In January 1992, the Commission approved Coastal Permit No. 5-91-764 (Douda) to construct a similar sized residence at 5,760 sq. ft., 35 feet high from existing grade with a 3-car garage, septic system and 3,900 cubic yards of grading (2,200 cubic yards of cut and 1,700 cubic yards of fill) (Exhibit 21).

On one of these eight parcels adjusted in Coastal Permit No. 4-93-203, a residence was approved on parcel 4. In June 1995, the Commission approved Coastal Permit No. 4-95-026 (Hutchinson) to construct on parcel 4 a two story 26 foot high, 4,800 sq. ft. single family residence, pool, 3-car garage, septic system, and 4,600 cubic yards of grading (2,300 cubic yards of cut and 2,300 cubic yards of fill) (Exhibit 22).

B. Applicant's Revisions to Proposed Project

The applicant submitted this application on November 29, 2001 proposing to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, and grade a total of 19,000 cubic yards of material on site. This site/grading plan is attached as Exhibit 23. Staff reviewed the submitted application requesting additional information in a letter dated December 26, 2001 and requested alternative site and grading plans for an alternative locating the residence closer to Mulholland Highway and reducing the total cut and fill grading to 2-3,000 cubic yards of material. In response, the applicant submitted a revised project on April 3, 2002 reducing the proposed grading to 12,000 cubic yards of grading while proposing the same residence at the original building site. This site/grading plan is attached as Exhibit 24. The applicant submitted an alternative site plan locating the proposed residence closer to Mulholland Highway as requested by Staff but with an onsite grading total of 13,500 cubic yards of material and an export of 12,500 cubic yards of material (Exhibit 25). The applicant did not submit an alternative site plan reducing the proposed grading to 2-3,000 cubic yards of material, request by staff in the December 26, 2001 letter, as the applicant believed it was not feasible to do so. Staff reviewed the revised application materials in a letter dated May 13, 2002, requesting information items requested in the December 26, 2001 letter that had not been received as of this date.

On July 29, 2002, the applicant submitted additional application materials for the revised project proposing the residence at the original building site with revised grading total of 12,000 cubic yards of material. This revised site/grading plan is attached as Exhibit 26. Staff reviewed this additional application material in a letter dated August 23, 2002 requesting one last information item requested since December 26, 2001. In this August 23, 2002 letter, Staff noted a continued concern regarding the large quantity of grading proposed for the building pad and driveway based on a review of recent permit actions by the Commission (Exhibit 27). Staff provided a copy of relevant pages of the staff report for Coastal Permit No. 4-93-203 (Kozma and Navaro) which resulted in the lot line adjustment of the subject parcel (Exhibit 27). In this August 23, 2002 letter, Staff also noted that the applicant's engineer estimated that this parcel could be developed with a maximum of 3,000 cubic yards of grading. Staff again suggested that the applicant redesign the proposed project to bring it into consistency with Coastal Act

Section 30251 that requires that landform alternation be minimized. It was suggested that the project be redesigned to reduce the size of the building pad, relocated the pad and driveway to substantially reduce the proposed grading.

On August 28, 2002, the applicant submitted the last item requested in the December 26, 2001 letter, as a result, the applicant was filed as complete on August 28, 2002 and tentatively scheduled for the Commission's February 2003 meeting. On January 9, 2003, the applicant contacted staff requesting additional time to revise the proposed grading and project. Due to the deadlines of the Permit Streamlining Act, Staff sent a letter on January 9, 2003 suggesting the if the applicant wished to extend the time under the Permit Streamlining Act to process a revised project, the form "An Agreement For Extension Of Time For Decision On Coastal Development Permit" would need to be signed and returned. In this January 9, 2003 letter Staff requested a signed copy of the driveway easement for the adjoining property. On January 12, 2003, Staff received a copy of this signed form extending the time for the Commission to make a decision on this coastal permit to April 14, 2003. On January 29, 2003, the applicant submitted a new set of revised plans locating the building pad in the same location, routing a portion of the driveway to the adjoining parcel, and further reducing the proposed grading to a total of 9,900 cubic yards of material, with an export of 300 cubic yards of material. This revised site/grading plan is attached as Exhibit 28 and appears to be the current proposed project. Staff sent a letter dated February 5, 2003 (Exhibit 30) requesting clarification of a few aspects of the revised project, including a confirmation that the site/grading plan submitted January 29, 2003 is the amended proposed project, and again requesting a copy of the signed driveway easement for the adjoining property. No response has been received to date.

C. Visual Resources and Landform Alteration

Section 30251 of the Coastal Act states:

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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires scenic and visual qualities to be considered and protected, landform alteration be minimized, and where feasible, degraded areas be enhanced and restored. The subject site is located within a rural and less developed area within the Cold Canyon Creek watershed traversed by Mulholland Road characterized by expansive, naturally vegetated significant ridgelines of mountains and hillsides that are traversed by two scenic highways, Mulholland Highway and Cold Canyon Road, in addition to two planned public trails, the Stokes Ridge Trail and Calabasas-Cold Creek Trail (Exhibits 15 and 16). The project site is highly visible by

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the public traversing Mulholland Highway (primarily eastbound) and from the planned public trails, the Stokes Ridge Trail and Calabasas-Cold Creek Trail.

The applicant proposes to construct a two story, 35 feet high, 5,804 sq. ft. single family residence with a 362 sq. ft. studio, 1,092 sq. ft. garage, driveway and entry gate, septic system, pool and spa, grade a total of 9,900 cubic yards of material and export of 300 cubic yards of material. The access driveway is about 680 feet long from Mulholland Highway to the building pad and hammerhead turnaround area. Grading to create this access driveway consists of 1,483 cubic yards of cut and 2,831 cubic yards of fill, a total of 4,314 cubic yards of material. A portion of the driveway is proposed to extend on the adjoining property to the west along an approximate 180 foot length. The building pad is proposed to be 16,310 sq. ft. in size and will require 3,617 cubic yards of cut and 1,969 cubic yards of fill, totaling 5,586 cubic yards of material. The total area for the building pad including slope grading but not including the area for the hammerhead turnaround area is unknown at this time, although specific square footage was requested in a letter dated February 5, 2003 to the applicant.

The subject property fronts approximately 234 feet of Mulholland Highway (MH) and extends approximately ½ mile inland (Exhibits 1 and 2). Topography at the subject 21.07 acre irregular shaped parcel includes gentle to moderate sloping hills on the southern portion of the property beginning at 875 feet above sea level at the driveway entrance from Mulholland Highway rising to 906 feet above sea level at the building pad and then steeply to the top of the ridge at about 1,340 feet above sea level at the far north portion of the property.

The property includes a blue line stream along the western perimeter; a tributary to Cold Canyon Creek which includes riparian habitat designated an Environmentally Sensitive Habitat Area. The property appears to have burned in the 1993 Malibu Fire. The chaparral and coastal sage on site is recovering since that fire.

The applicant proposes to construct a driveway from Mulholland Highway beginning at the southwest portion of the property traversing south and climbing along west slope of a small knob hill across the a portion of the adjoining property located to the west. (See Photo Exhibit 31). The driveway then turns east returning to the applicant's property and continuing to the eastern portion of the property located inland of the knob hill. At a location of about 370 feet inland from Mulholland Highway, the driveway is proposed to climb a filled slope located over and crossing a drainage gully to a proposed building pad with over 50% of the pad filled with cut material to a maximum depth of about 19 feet at the south-central edge of the building pad. The proposed residence is a two story 35 foot high from finished grade structure with attached three car garage and studio. The maximum cut required for this proposed 16,300 sq. ft. flat building pad is 21 feet near the northeast corner of the pad. Exhibit 28 identifies the cut/fill line on the proposed building pad at the 906 foot elevation. This grading plan identifies that creating the proposed approximate 680 foot long driveway requires 1,483 cubic yards of cut and 2,831 cubic yards of fill, totaling 4,314 cubic yards of grading. The grading plan identifies that 416 cubic yards of cut and 955 cubic yards of fill totaling 1,371 cubic yards of grading is needed for the "structures only". A careful review of this grading plan indicates that 3,617 cubic yards of cut and 1,969 cubic yards of fill are needed to

create the 16,300 sq. ft. building pad. Including the cut slope along the north and east sides of the building pad but not the south side where the driveway accesses the pad and hammerhead turnaround, the entire building pad is estimated by Staff to be about 22,000 sq. ft. in size.

Based on the above, the proposed residence, garage, studio, building pad area, and 680 foot long driveway, with a total of 9,900 cubic yards of grading will all create a highly visible development from Mulholland Highway and the proposed public trails noted above. Because the proposed development will be highly visible from public locations, and will involve a significant amount of grading and landform alteration, the development is found inconsistent with Coastal Act Section 30251 which requires that grading and landform alteration for new development be minimized, visually compatible with the surrounding area, and that the visual qualities of coastal areas shall be considered and protected as a resource of public importance.

D. Alternatives to Reduce Landform Alteration and Minimize Visual Impacts

The Commission notes that more limited development and landform alteration may be allowed on this site due to the constrained nature of the project site due to the gentle to moderate sloping topography on the site on the southern portion of the property closest to Mulholland Highway. New development on this property should be designed and located in a manner which minimizes grading and landform alteration together with development, reduces the size, bulk and scale of the structures, reduces the size and surrounding grading area needed to create the building pad, and reduces the length of the driveway and its associated cut and fill needed. The applicant has submitted three revisions to the original project design reducing the proposed grading to construct a large flat graded pad at a site located with center of the building pad at about 520 feet inland of Mulholland Highway all with similar driveways along about a 680 foot length.

1. Alternative Three Lot Subdivision

The applicant has stated that numerous alternative building sites have been considered on the subject site. As noted in Constraints Analysis Report, submitted February 4, 2003, the development potential of the subject parcel pursuant to the Malibu/Santa Monica Mountains Land Use Plan is a maximum of three single family residences with a total of 30,000 cubic yards of grading as compared to the current proposed 9,900 cubic yards of grading for the revised project. In addition, this report concludes that the site is capable of supporting three building pads consisting of a total of 48,930 sq. ft. as compared to the 16,310 sq. ft. currently proposed for the flat portion of the building pad. Clearly, three single family residences with a total of 48,930 sq. ft. of separate building pads and 30,000 cubic yards of grading is inconsistent with Section 30251 of the Coastal Act requiring minimizing landform alteration and compatibility with the character of surrounding areas.

2. Alternative Building Pad Closer to Mulholland Highway on Hill and Ridgeline

Although the applicant has revised the project proposing four alternative site/grading plans each reducing the proposed grading to access the same building pad, the applicant has submitted only one alternative design that relocates the proposed building pad closer to Mulholland Highway with a shorter driveway and one alternative relocating the building site to the west of the current proposed site (This later alternative is discussed below). The alternative located closer to Mulholland Highway is identified in Exhibit 25. A careful review of this alternative indicates that this proposed driveway would climb a ravine located between the small knob hill on the west and a ridge on the east to two separate flat building pads. The flat pad on the west is proposed to be cut onto the small knob hill (now at the 908.6 foot elevation) with a maximum of about 25 feet of cut to the 883 foot elevation to include the proposed residence and a hammerhead turnaround area. The flat pad on the east is proposed to be cut onto the descending ridgeline (now at about the 910 foot elevation) with a maximum of 17 feet of cut to the 893 foot elevation to include the proposed three car garage and detached studio. A substantial amount of the ridgeline landward of the garage would be proposed to be cut to create a 2:1 slope. The total grading proposed for this alternative is 13,500 cubic yards consisting of 13,000 cubic yards of cut, 500 cubic yards of fill, and 12,500 cubic yards of export material. Even if this alternative were to include a reduction in the size of the proposed residential development, a consolidation of the two building pads into one pad by attaching the proposed garage to the residence, and deletion of the proposed studio, it is unclear if it is possible to significantly reduce the amount of grading on top of this small knob hill to the 2-3,000 cubic yards of grading range as estimated in Coastal Permit No. 4-93-2083 (Kozma and Navaro) by that applicant's engineer who provided grading plans confirming that this parcel could be developed with a maximum of 3,000 cubic yards of grading to access a smaller building pad located further inland from this knob hill (Exhibit 18). What is clear is that the development of this knob hill would still result in significant landform alteration and significant scenic and visual impacts readily visible from Mulholland Highway. In this alternative, the proposed residence would be as close as about 160 feet and the proposed studio as close as about 60 feet from Mulholland Highway. Therefore, this alternative is not consistent with Section 30251 of the Coastal Act.

3. Alternative Building Pad Located On Flat Portion of the Site

In the applicant's "Constraints Analysis Report for 25257 Mulholland Highway" an alternative locating the building site to the west and to the south with a more direct driveway access route (Exhibit 29). This alternative building pad site is located closer to Mulholland Highway, as close as 300 feet landward of Mulholland Highway, as compared to the proposed project site located at 444 feet landward of Mulholland Highway. This alternative includes a more direct access driveway up and over the existing small knob hill and descending ridgeline and down the back side of this hill to a flat portion of the property. This alternative also appears to include a large flat graded pad that is comparable to the applicant's current proposed flat building pad at 16,300 sq. ft. and an estimated 22,000 sq. ft. size which includes grading necessary to create the entire pad. No information on grading quantities was provide for this alternative. The applicant has rejected this alternative based on the location of the flat graded pad located within 100 feet of the blue line stream, as close as 37 feet. Further, review of this alternative and other similar alternatives with a significantly reduced size building

pad, located beyond 100 feet of the blue line stream and the two access driveway routes (this subject direct 'over the hill' driveway access route and the proposed 'around the hill' driveway access route) is necessary.

4. Other Alternatives Sites and Designs

There are several further alternatives and revisions to the proposed project plans that are feasible and would significantly reduce the amount of landform alteration on site and minimize adverse effects to public views along the Mulholland Highway and planned public trails consistent with Coastal Act Section 30251. Such alternatives may include one or more of each of these alternative components: (a) substantially reduce the size, bulk and scale of the structures, (b) use a split-level or multiple-level design which follows the natural topography of the site rather than the proposed standard construction design which proposes the use of a large flat building pad, (c) relocate a reduced size, bulk and scale of the structures to alternative building site closer to Mulholland Highway, (d) delete the proposed studio, (e) consolidate the residence and garage as an attached structure, and (f) reduce the length of the driveway by located the structure closer to Mulholland Highway than currently proposed but further landward than on top of the small knob hill or descending ridgeline identified in the above alternative provided by the applicant. The Commission notes that implementation of many of the above alternative components to the proposed project would still allow for a reasonable size, bulk and scale residential development and minimize necessary landform alteration of the subject site and minimize adverse effects to public views of the site. Therefore, the proposed project is inconsistent with Section 30251 of the Coastal Act.

E. Environmentally Sensitive Resources

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 Act states:

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

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 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 among other means, 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, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination one must focus on three main questions:

- 1) Is a habitat or species rare or especially valuable?
- 2) Does the habitat or species have a special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

In making ESHA determinations, scale is important. Both temporal and spatial scales must be considered in determining ecologically sensitive habitat, and at different scales the conclusions may vary. Whereas on a local scale a small patch of degraded habitat might not be called ESHA, on a landscape scale its status might be different. For example, on a landscape scale it may form a vital stepping stone for dispersal of a listed species between larger habitat patches. At this scale it is valuable, performing an important role in the ecosystem and is easily degraded by human activities and developments, and so it fits the Coastal Act definition of ESHA. Similarly, habitats in a largely undeveloped region far from urban influences may not be perceived as rare or providing a special function, whereas a large area of such habitats surrounded by a dense urban area may be exceedingly rare and each constituent habitat within it an important functional component of the whole. Therefore, in order to appropriately assess sensitivity of habitats, it is important to consider all applicable ecological scales and contexts. In addition to spatial and temporal scales, there are species scales. For example, one can focus on single species (e. g., mountain lions, flycatchers or tarplants), or one can focus on whole communities of organisms (e.g., coastal sage scrub or chaparral) or interconnected habitats in a geographic region (e. g., the Santa Monica Mountains and its habitats). On a world-wide scale, in terms of numbers of rare endemic species, endangered species and habitat loss, the Malibu/Santa Monica Mountains area is part of a local hot-spot of endangerment and extinction and is in need of special protection (Myers 1990, Dobson et al. 1997, Myers et al. 2000).

In the case of the Santa Monica Mountains, its geographic location and role in the ecosystem at the landscape scale is critically important in determining the significance

of its native habitats. Areas such as the project site form a significant connecting links between the coast and large, undisturbed habitat areas in the Santa Monica Mountains such as the area of the project site. These areas are in turn connected by narrow corridors to the Sierra Madre, San Gabriel and San Bernardino Mountains to the north. Much of the ecological significance of the habitat at the site is the proximity to riparian corridors that connect large inland watersheds with the coast. These corridors are home to many listed species and are easily disturbed by development, and in fact some have already been subject to considerable development near the coast, e.g. Las Flores Canyon, Malibu Creek & Lagoon, Ramirez Canyon and Trancas Canyon. Proceeding inland from the coast, however, the quality of the habitat improves rapidly and soon approaches a relatively undisturbed environment consisting of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls.

The subject site includes three main habitat types and some of their common and sensitive species of plants and animals, including Chaparral, oak trees and coastal sage scrub. This habitat type above the habitat descriptions from Holland (1986) and also follow the list given in the NPS General Management Plan & Environmental Impact Statement for the Malibu/SMM area. Commission staff visited the site on February 6, 2003 confirming that the subject property consists of Chaparral plant. At very roughly the 1,000 ft. elevation above sea level the vegetation in the Malibu/Santa Monica Mountains shifts to more generally woody evergreen species with sclerophyllous leaves (hard with resinous or waxy coatings). Various sub communities of chaparral occur in the Malibu/SMM area and are described briefly below. The subject building site is located at the 906 foot elevation above sea level; the property extends to the 1380 foot elevation level at the far northern portion of the property.

Mixed chaparral is found on south facing slopes throughout the mountains. It commonly contains woody vines and large shrubs such as chamise (*Adenosoma fasciculatum*), scrub oak (*Quercus berberidifolia*), and various species of sages, among other chaparral plant species. In addition, there are numerous other non-native plant species covering this site recovering from the Malibu 1993 fire.

As explained above, the majority of the southern portion of this 21 acre parcel, about four acres where this proposed development is located, contains vegetation that constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. Section 30240 (a) requires that "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." Since the majority of the parcel constitutes an environmentally sensitive habitat area, Section 30240 restricts development on the parcel to only those uses that are dependent on the resource. The applicant proposes to grade a 680 foot long driveway and grade a 16,300 sq. ft. building pad (total estimated size is 22,000 sq. ft. with cut and fill slopes), construct a residence, garage, studio, septic system and grade a total of 9,900 cubic yards of material. As part of the proposed development of structures, a significant fuel modification area extending 200 feet beyond the residence, garage and studio on the 16,300 sq. ft. building pad would be required. The fuel modification activities within this ESHA consisting of thinning existing native chaparral vegetation. Redesigning the

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proposed project to cluster the structures, reduce the size bulk and scale of the structures, relocate the building pad closer to Mulholland Highway and shortening the length of the driveway will reduce the quantity of ESHA removed from this site and the surrounding fuel modification necessary to protect the structure(s).

The building site is located about 133 feet east of the blue line stream draining into the Cold Canyon Creek, which includes designated Environmentally Sensitive Habitat (ESHA), riparian plants species and oak woodlands. The proposed driveway is located as close as sixty (60) feet from this same blue line stream. This proposed building pad at 16,300 sq. ft. in size and the driveway is proposed in an area adjacent to ESHA located within this blue line stream drainage corridor. Section 30240 (b) requires that development in areas adjacent to environmentally sensitive habitat 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 areas. Although the location of the building pad is beyond 100 feet from the blue line stream and the proposed driveway is located more than 50 feet beyond the blue line stream, the quantity of grading at 9,900 cubic yards has the potential to create erosion and sedimentation impacts on the blue line stream, its ESHA and the designated ESHA located downstream in the Cold Canyon Creek.

Development within areas of ESHA, the Commission typically requires a maximum development or building pad of 10,000 sq. ft. (including necessary cut and fill slopes to create the pad), consolidate residentially related development, minimize the geographic extent of the required fuel modification area, shorten the access driveway to the maximum extent feasible. In this area, the Fire Department requires fuel modification in a 200-foot radius from all habitable structures to reduce the risks of wildfire. Construction of this large building pad, the length of the driveway, and the fuel modification requirements will cause significant disruption of habitat values in ESHA. In addition, the proposed project does have the potential to have indirect adverse effects as a result of site erosion and offsite sedimentation and water quality impacts to ESHA.

Commission staff concludes that this proposed project will adversely impact ESHA. Therefore alternatives to the propose project must be considered as noted above. The Commission thus concludes that this particular project design, as now proposed by the applicant is not the environmentally preferred alternative for residential development on this site. Therefore, the Commission finds that the proposed project is not consistent with Sections 30240 and 30231 of the Coastal Act.

F. Local Coastal Program

Section 30604 of the Coastal Act states that:

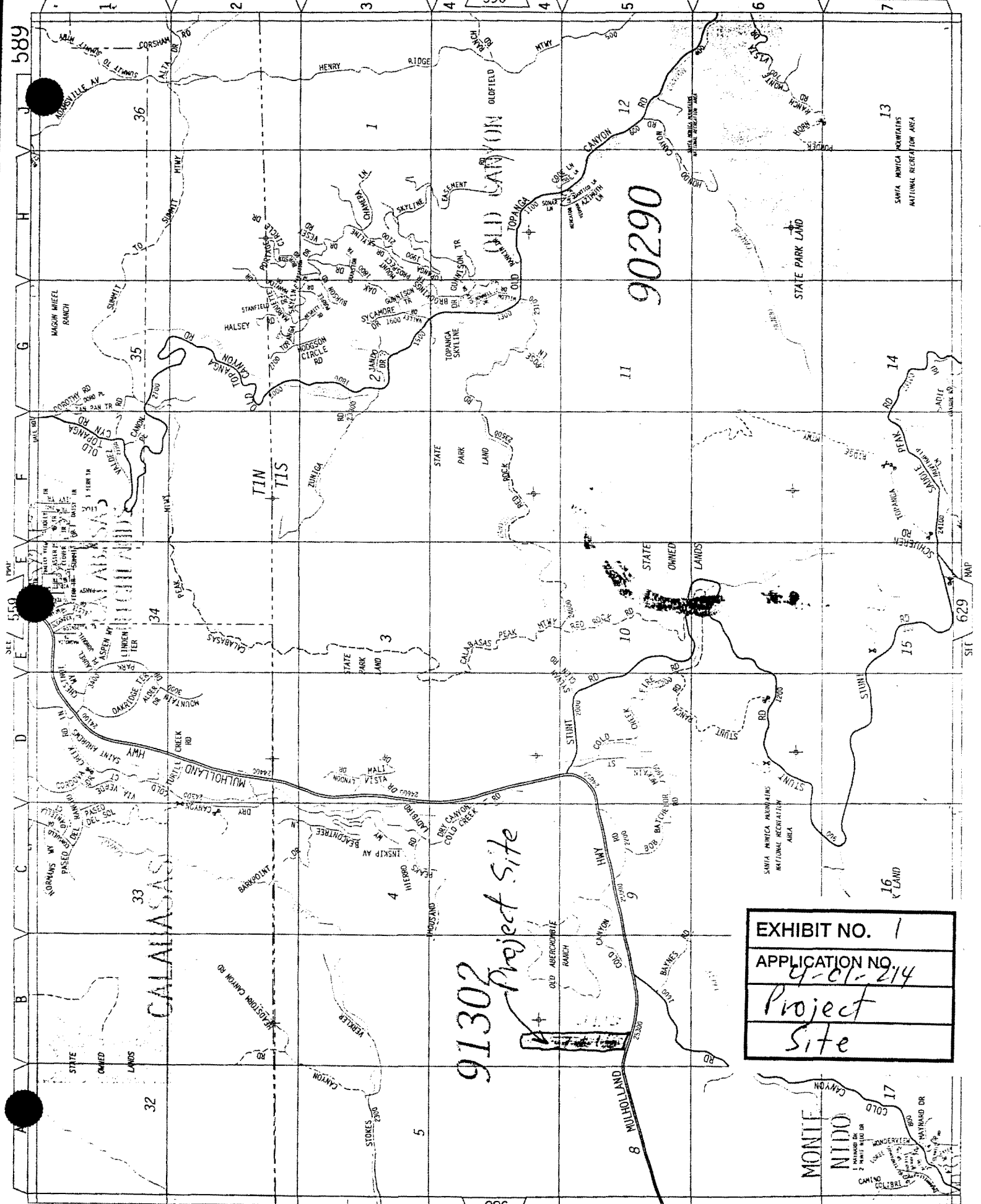
a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the 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 which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3. The proposed development will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act (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.

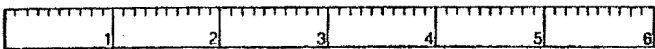
The Commission finds that, the proposed project will have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, is not the environmentally preferred alternative and as proposed has not been adequately mitigated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



91302
Project site

90290

EXHIBIT NO. 1
APPLICATION NO. 4-01-214
Project site



SCALE IN 1/10 OF AN INCH

4455 58

SCALE 1" = 400'
P.A. 4455-15,16

TRA
4988

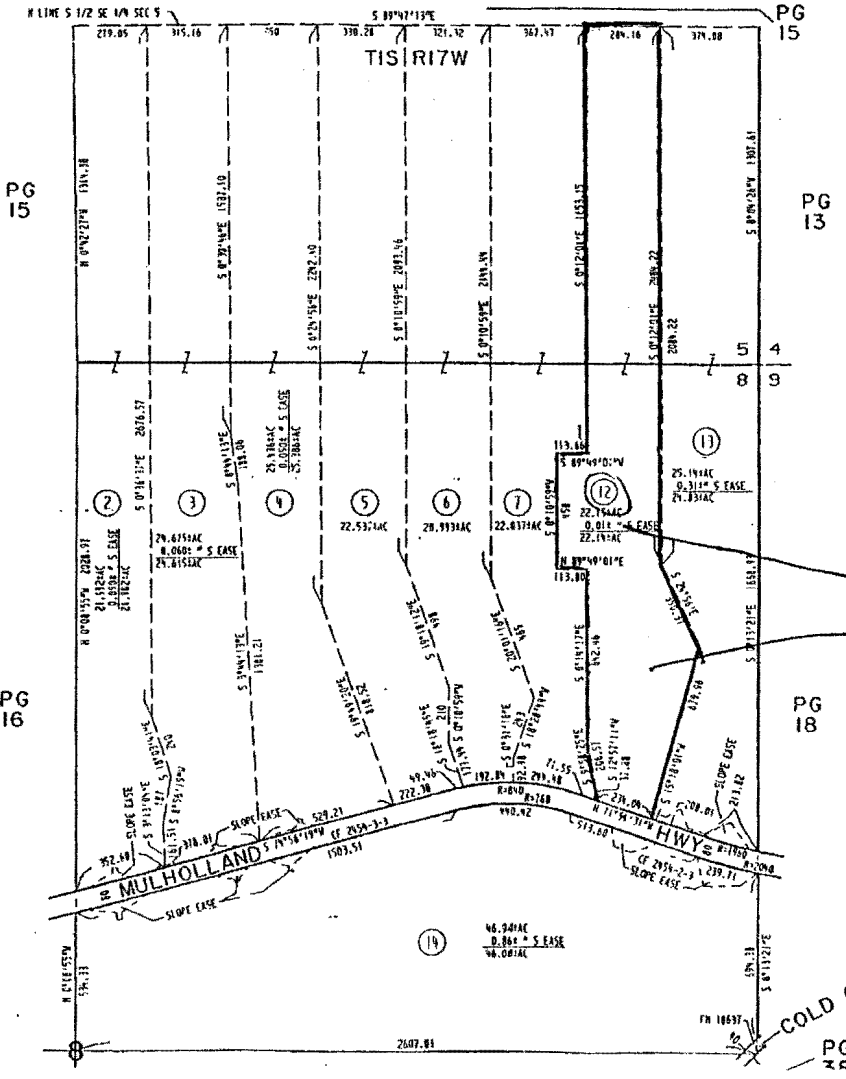
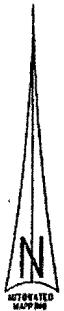
OFFICE OF ASSESSOR
COUNTY OF LOS ANGELES
COPYRIGHT © 1993

REVISED
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94062807003092-02

95021707004001-02
95021707004002-02
950301

500610000001-02

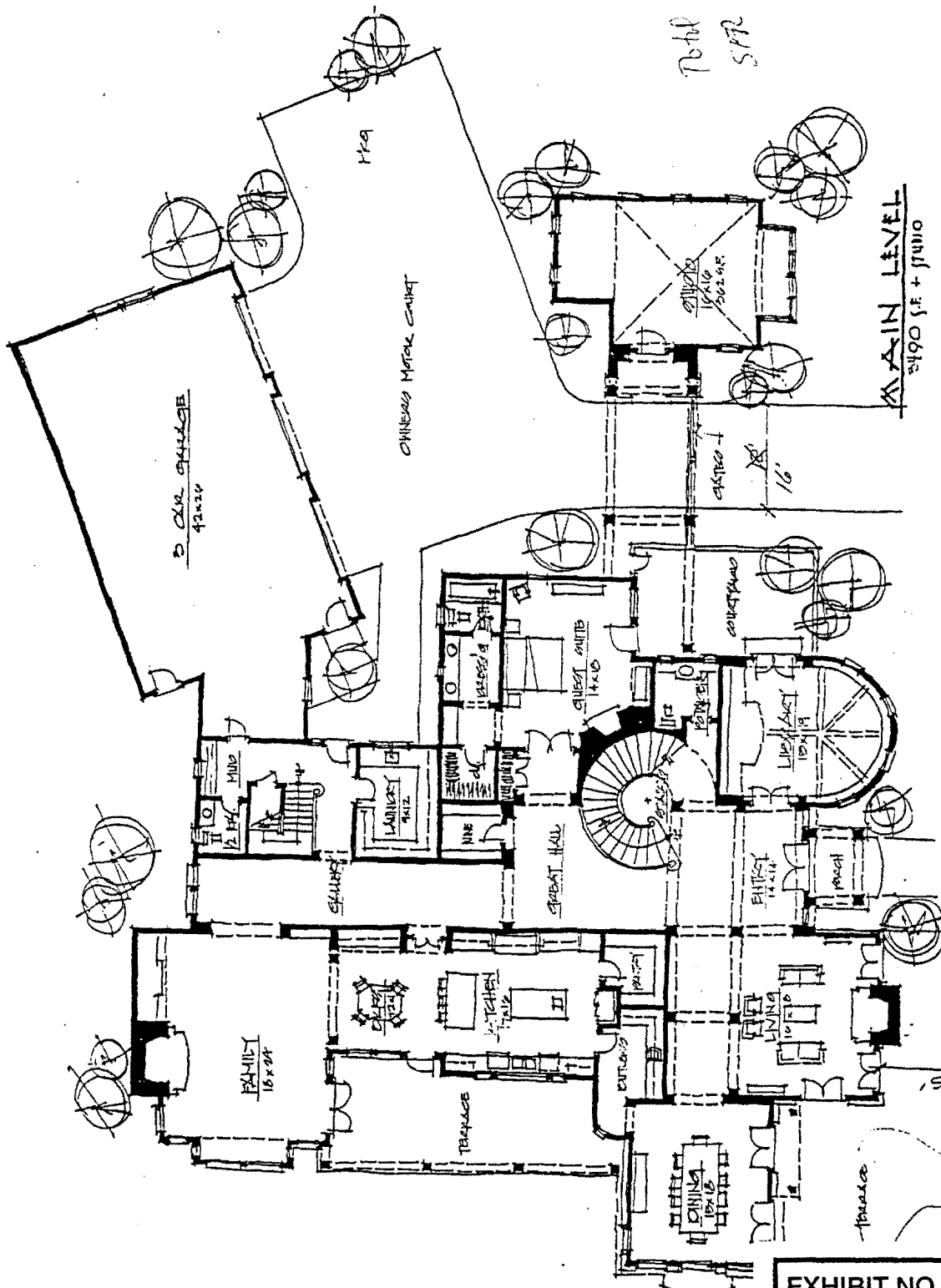
1997



*Subject Parcel
Building Site*

EXHIBIT NO. 2
APPLICATION NO.
4-01-214
Subject Parcel

JUN 28 1996



Total 725
 SFR 584
 141

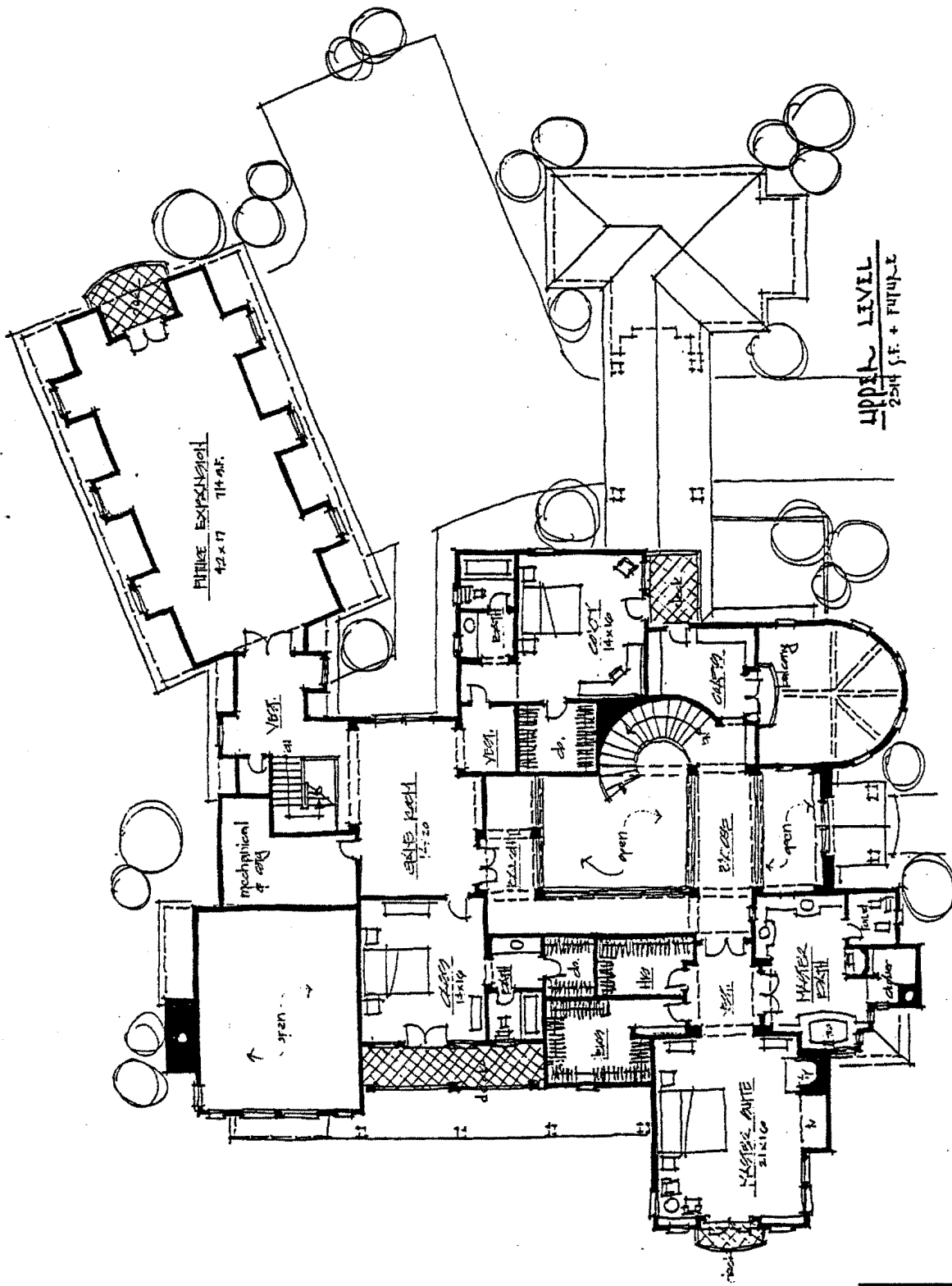
NTS
 8946684
Floor Plan
 CREDIT RE: [unclear]

MAIN LEVEL
 3190 SF + JUNIO

ROOPE - DOWDA R.T.
 SCALE: 1/8" = 1'-0"
 JAN. 2001

EXHIBIT NO. 3
APPLICATION NO. 9-01-214
First Floor
Level

Residence Design
 Homes of Distinction by Paul Beigh, Inc.
 2245 Avocat Place, Camarillo, CA



UPPER LEVEL
2514 SF. + PORCHES

PORCH EXPANSION
42 x 17 714 SF.

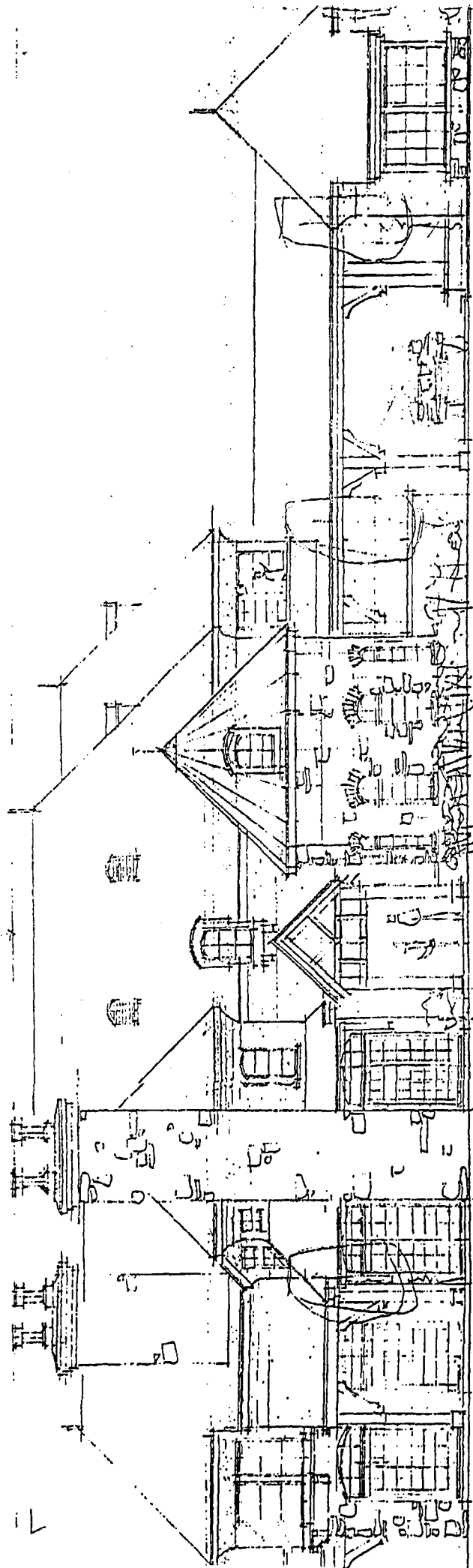
MOORE - DOWDA P.L.L.C.

SCALE: 1/8" = 1'-0"

JAN. 2001

Residence Design
Homes of Distinction by Paul Beight, Inc.
2243 Ascot Place, Camarillo, CA
805-482-1117

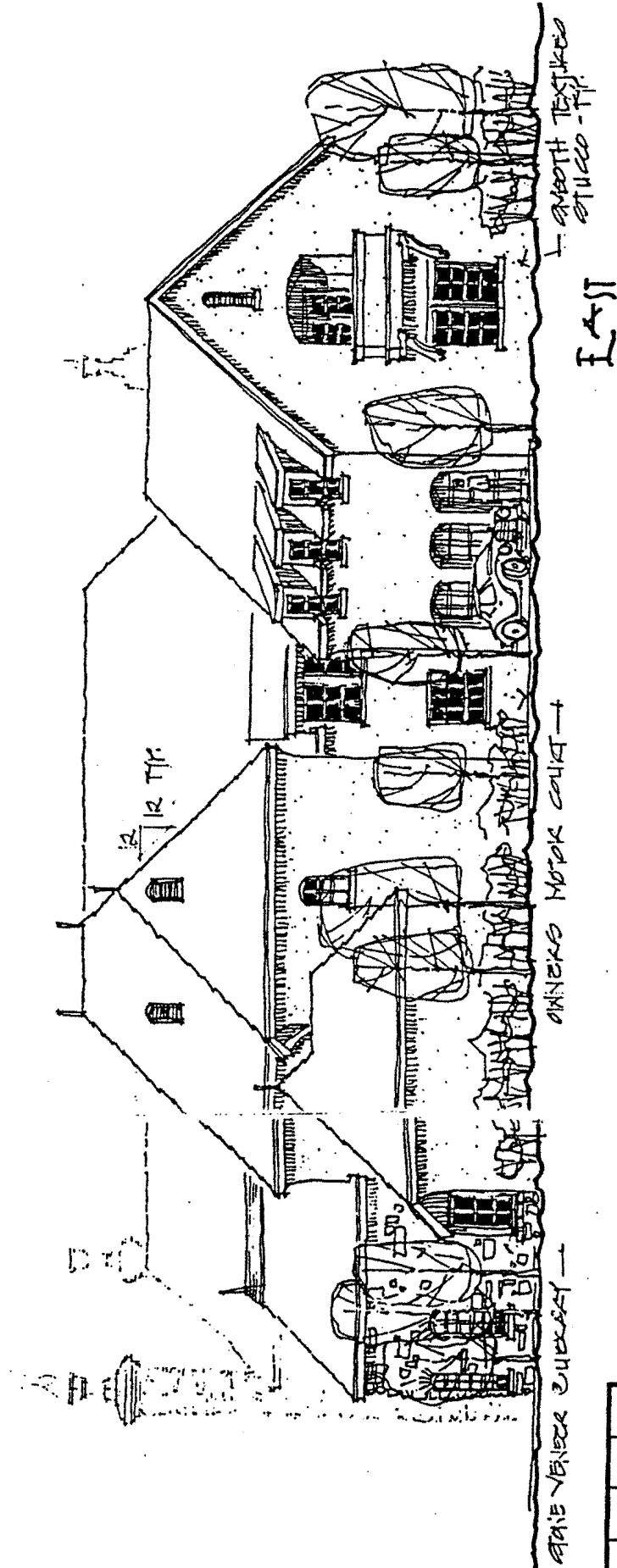
EXHIBIT NO. 4
APPLICATION NO. 9-81-214
Second Floor
Level



South

35

EXHIBIT NO.	5
APPLICATION NO.	4-09-214
South	
Elevation	

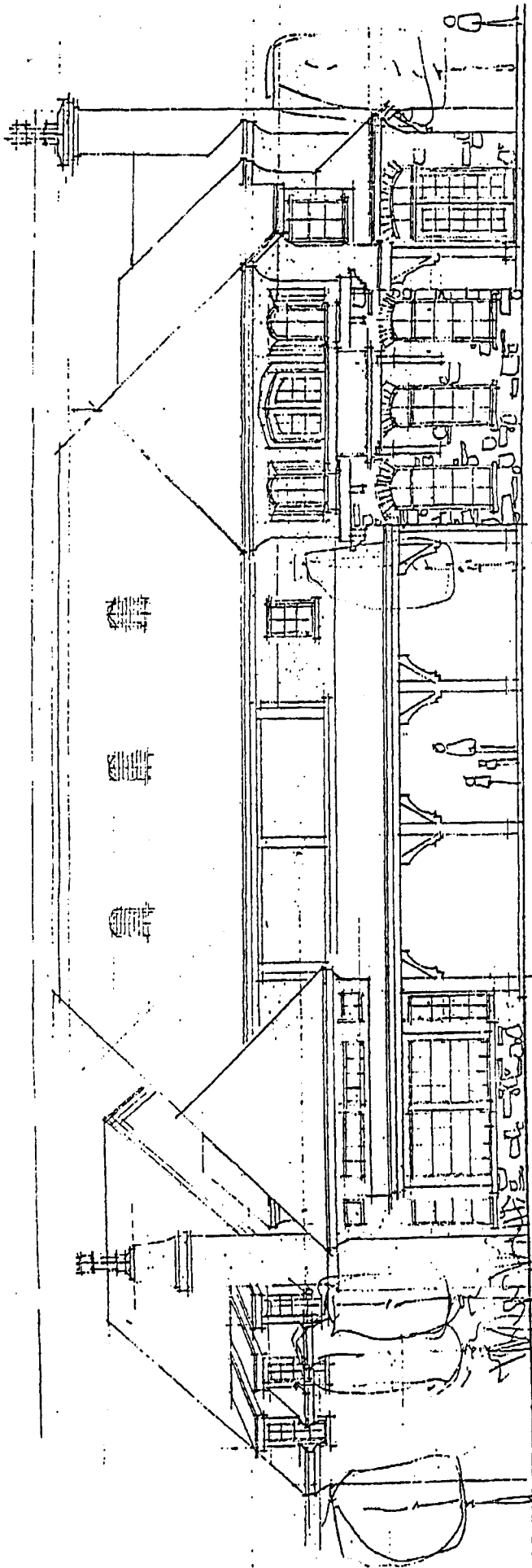


OPH - DOWDA RIF

SCALE: 1/8" = 1'-0"

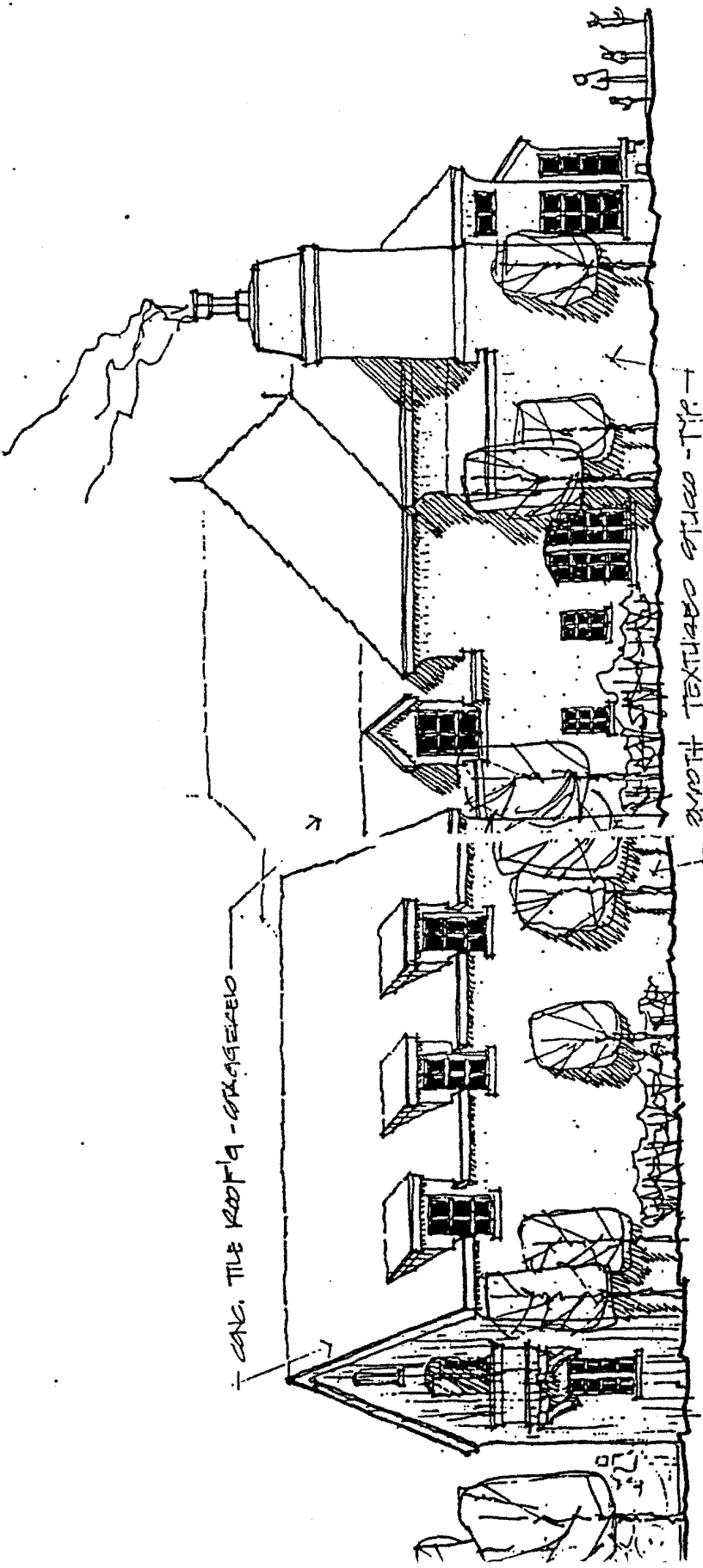
JAN. 2001

EXHIBIT NO. 6
APPLICATION NO. 4-01-214
East Elevation



WEST

EXHIBIT NO. 7
APPLICATION NO. 4-01-214
West Elevation



—SAG. TILE ROOF'g - CR. SHEDD

—ANOTH TEXTURED STUCCO - TYP

NORTH

EXHIBIT NO. 8
APPLICATION NO. 4-01-214
North Elevation

1/11/18 11:00 AM 1st fl

CROSS SECTION A

25' BUILDING ENVELOPE

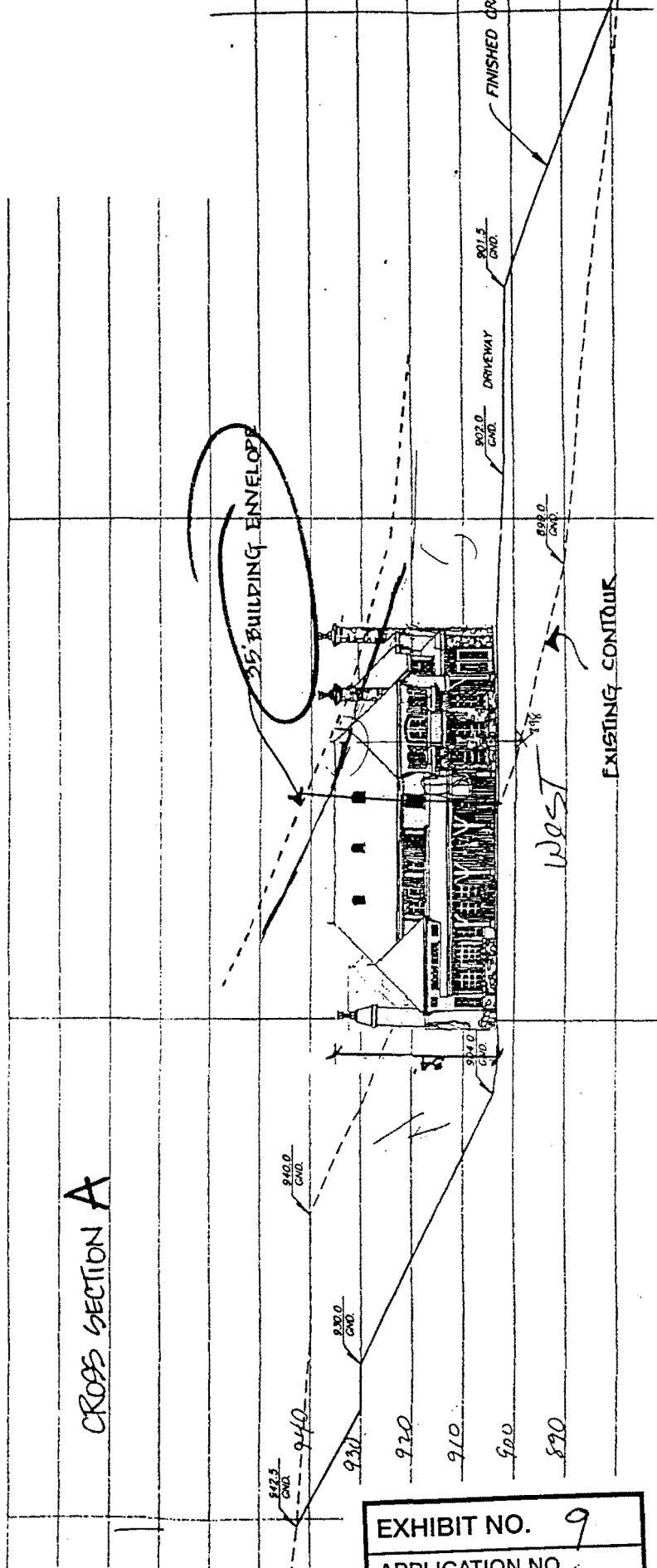
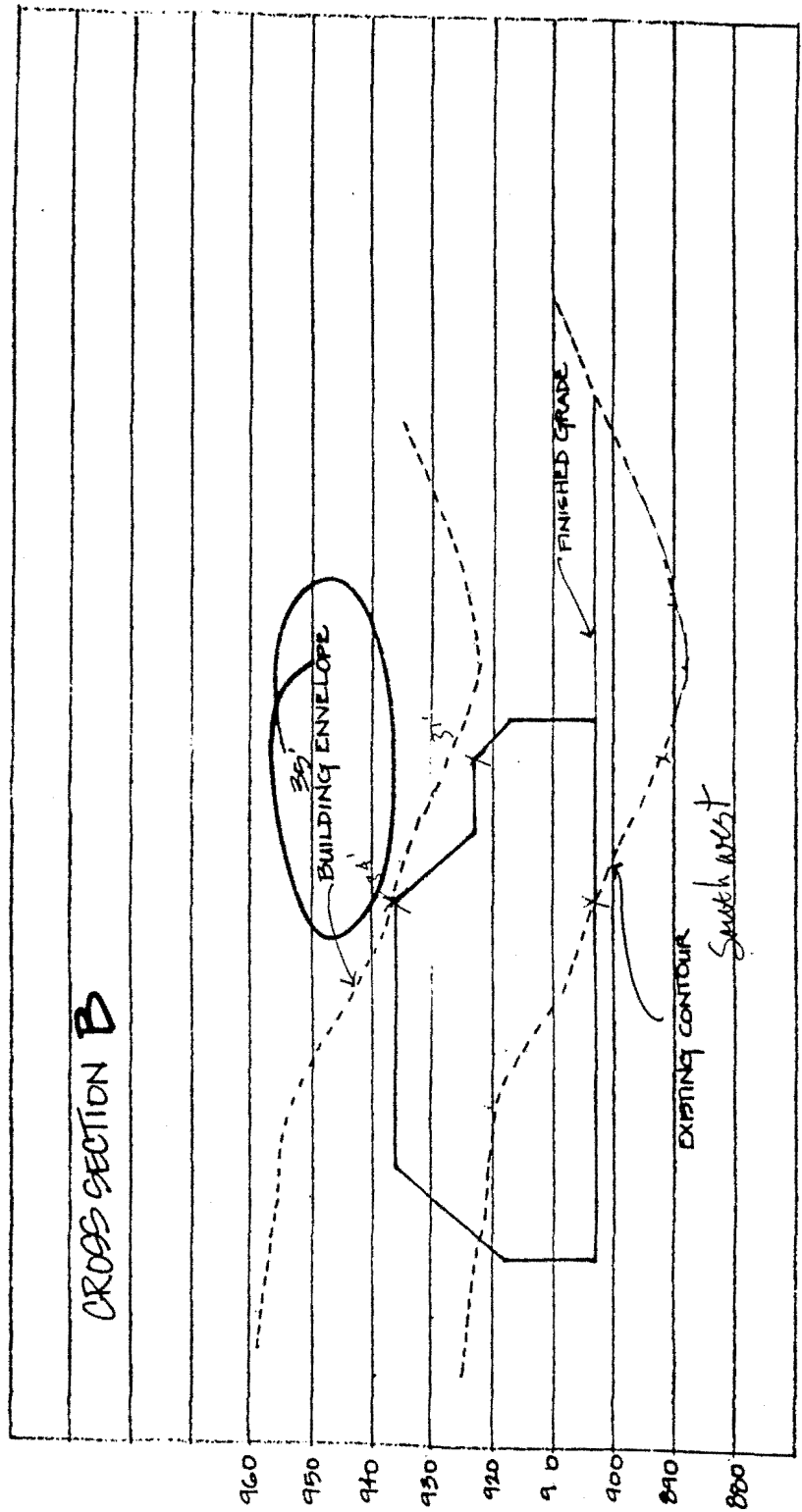


EXHIBIT NO.	9
APPLICATION NO.	21-01-214
Cross Section	
A	

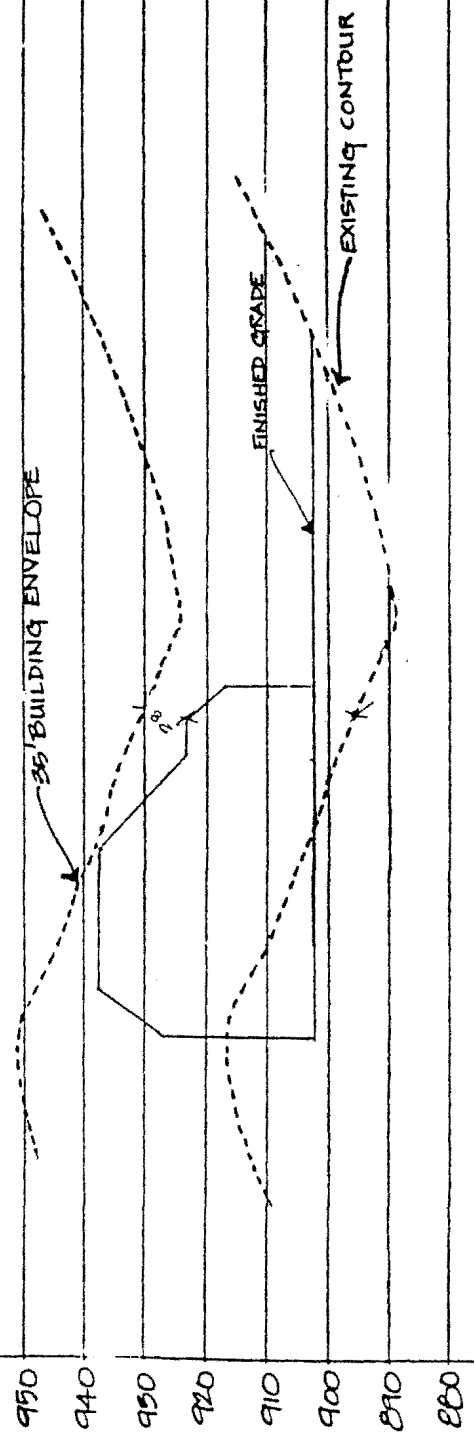
CROSS SECTION B



25257 MULHOLLAND HWY.
MOORE/DDUDA

EXHIBIT NO. 10
APPLICATION NO. 07-07-214
Cross Section
B

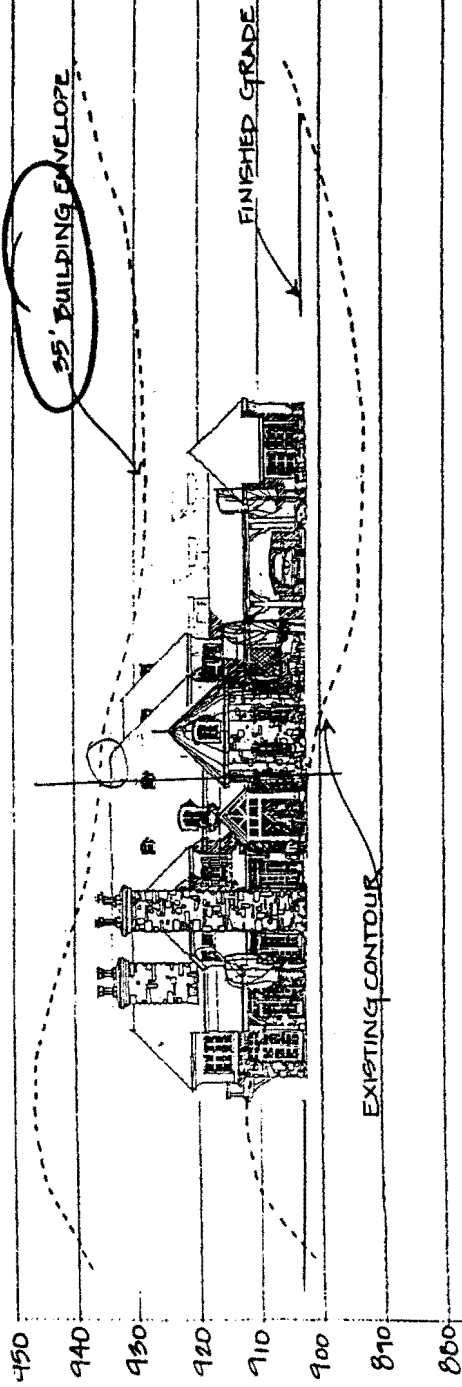
CROSS SECTION C



25257 MULHOLLAND HWY.
MOORE/DOUDA

EXHIBIT NO. 11
APPLICATION NO. 4-01-214
Cross Section
C

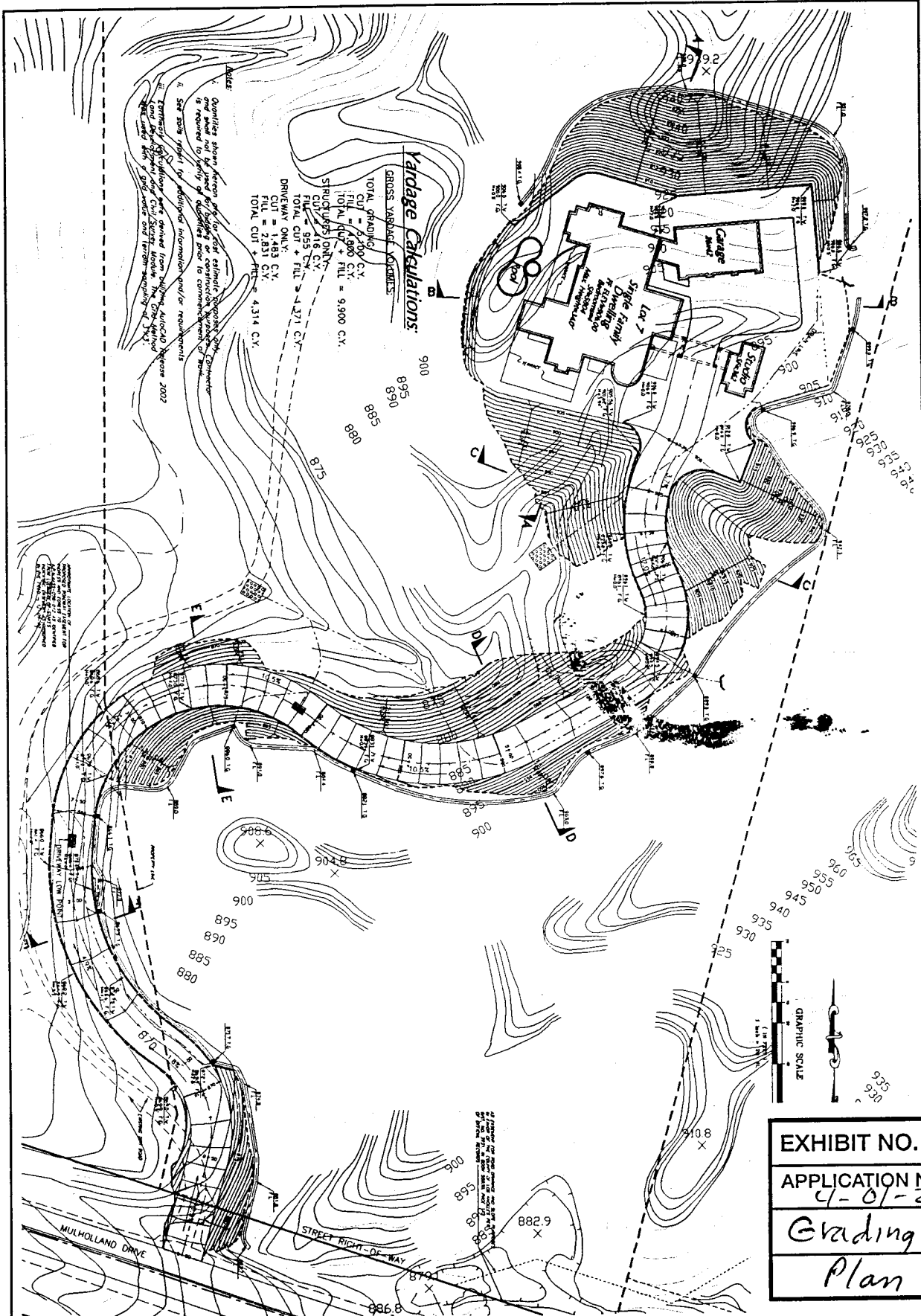
CROSS SECTION D



South

25257 MULTHOLLAND HWY.
MOORE/DOLDA

EXHIBIT NO. 12
APPLICATION NO. 4-01-214
Cross Section
D















Yardage Calculations:

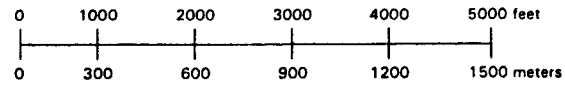
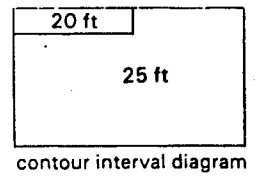
GROSS VOLUMES OF CUTS:
 TOTAL OPENING:
 CUT = 2,200 C.Y.
 FILL = 4,990 C.Y.
 TOTAL CUT + FILL = 9,900 C.Y.
 STRUCTURES ONLY:
 CUT = 116 C.Y.
 FILL = 955 C.Y.
 TOTAL CUT + FILL = 4,371 C.Y.
 DRIVEWAY ONLY:
 CUT = 183 C.Y.
 FILL = 2,831 C.Y.
 TOTAL CUT + FILL = 4,314 C.Y.

Notes:
 1. Quantities shown herein are for the site shown and are based on the existing ground conditions and are subject to change if the ground conditions are not as shown or if the site is not developed in accordance with the approved plans.
 2. Existing elevations were derived from the 1992 aerial photograph and the 1992 topographic map.
 3. Elevation of the finished ground surface is shown by the solid line and the existing ground surface is shown by the dashed line.
 4. See notes on adjacent sheets for additional information and requirements.

EXHIBIT NO. 13
APPLICATION NO. C-01-214
Grading Plan

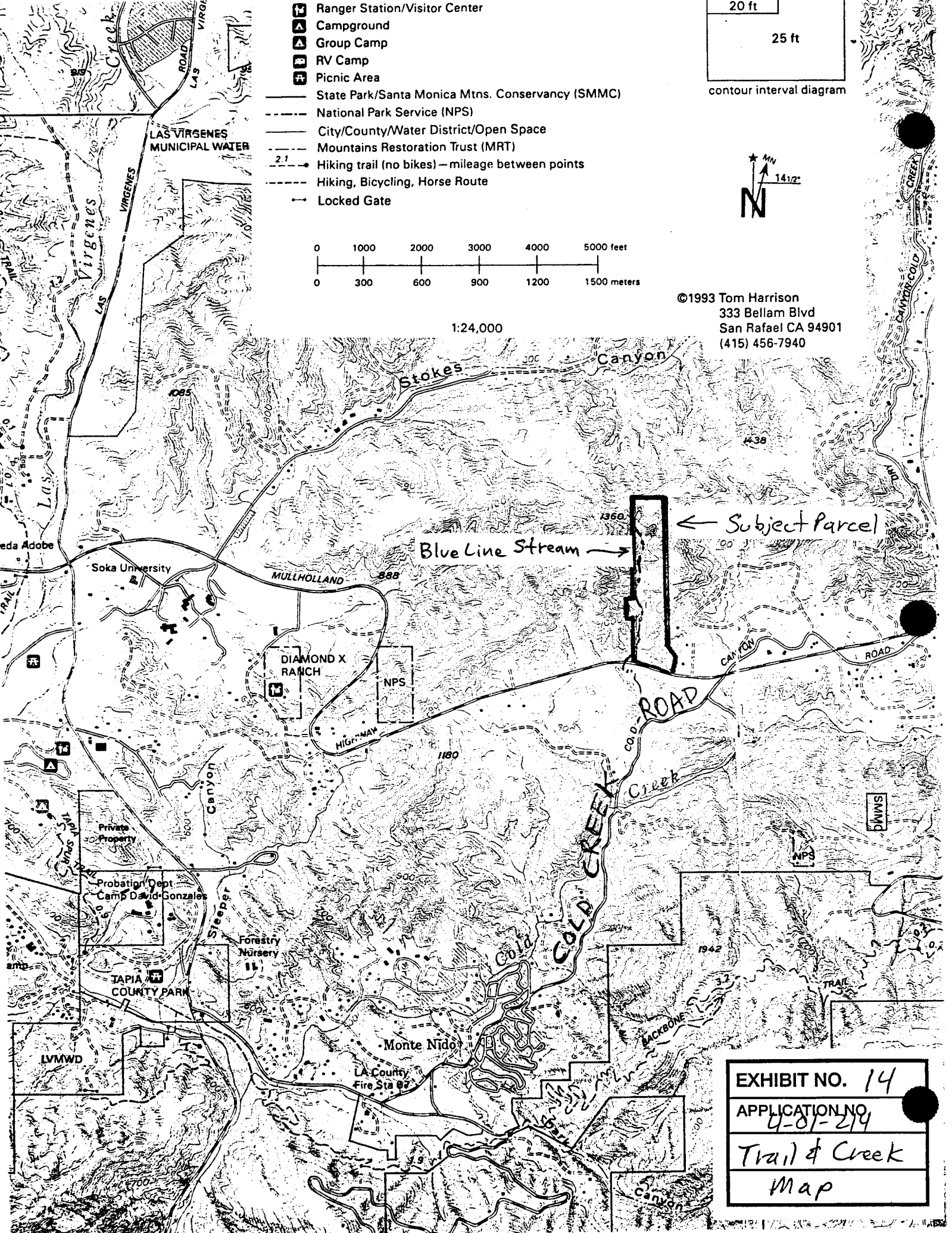
DESIGNED BY: [] CHECKED BY: [] SCALE: 1"=20' DATE: 1-8-03	APPROVED BY: [] DATE: []	REVISIONS [] [] []	SHEET TITLE GRADING STUDY	CLIENT MILOS DOUBA	PLAN PREPARED IN THE OFFICES OF: ROTHMAN ENGINEERING 21704 GOLDEN TRIANGLE RD., SUITE 104 SAUGUS, CALIFORNIA 91350 (861) 263-2011 Fax (861) 263-4911
				PROJECT	

-  Ranger Station/Visitor Center
-  Campground
-  Group Camp
-  RV Camp
-  Picnic Area
-  State Park/Santa Monica Mtns. Conservancy (SMMC)
-  National Park Service (NPS)
-  City/County/Water District/Open Space
-  Mountains Restoration Trust (MRT)
-  Hiking trail (no bikes) - mileage between points
-  Hiking, Bicycling, Horse Route
-  Locked Gate



©1993 Tom Harrison
333 Bellam Blvd
San Rafael CA 94901
(415) 456-7940

1:24,000

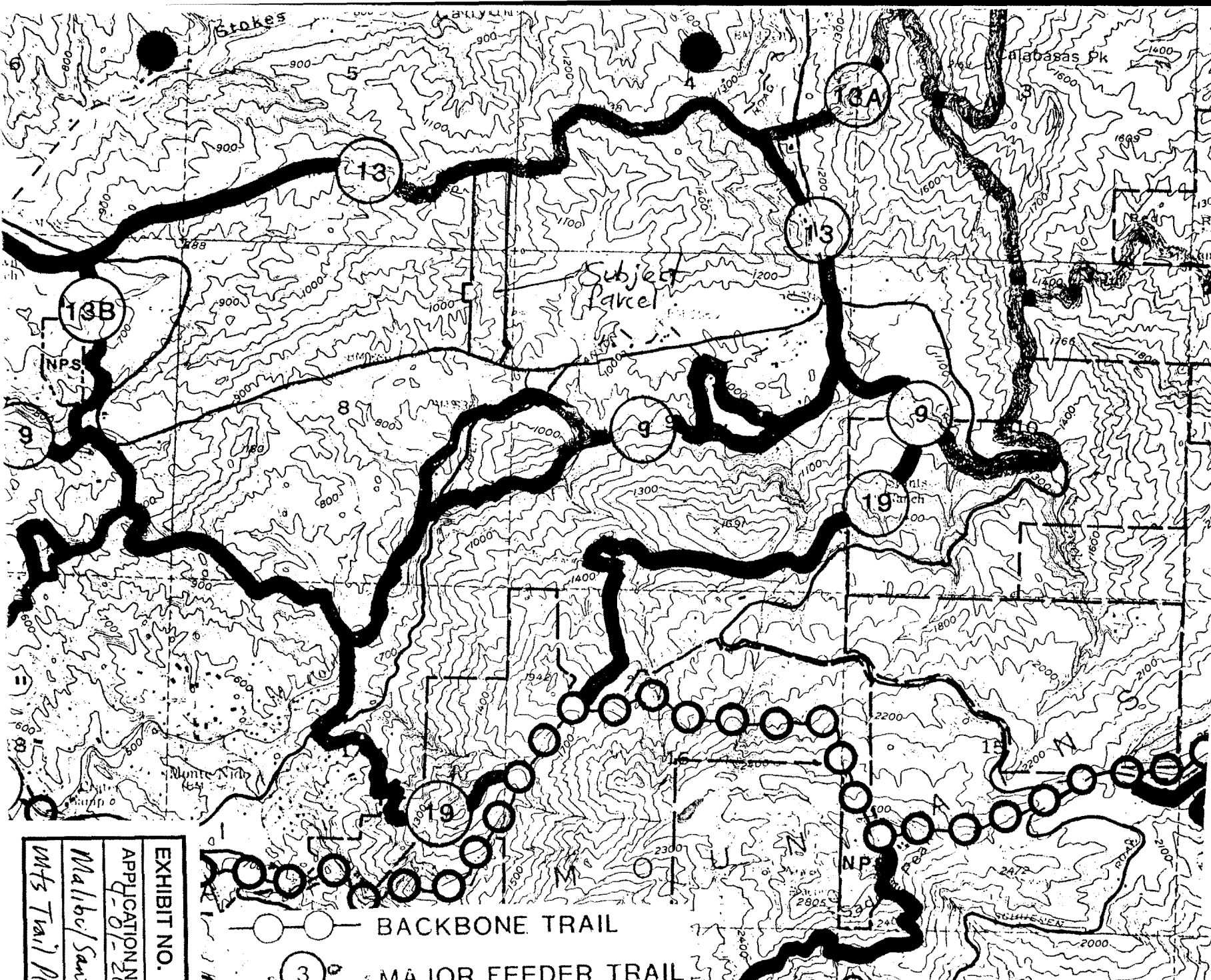


← Subject Parcel

Blue Line Stream →

EXHIBIT NO. 14
APPLICATION NO. 4-07-214
Trail & Creek
Map

MALIBU/SANTA MONICA MTS TRAIL SYSTEM



○ — ○ — BACKBONE TRAIL

③ MAJOR FEEDER TRAIL

3 CALABASAS-COLD CREEK TRAIL

9A To Zuma Ridge Trail

9B To Valley Circle Scenic Corridor Trail

13 STOKES RIDGE TRAIL

13A To Calabasas

13B Cold Creek & Stokes Ridge Connector Trail

EXHIBIT NO.	15
APPLICATION NO.	9-07-219
Malibu/Santa Monica	
Mts Trail Plan	

Subject Parcel

Stakes Ridge Trail

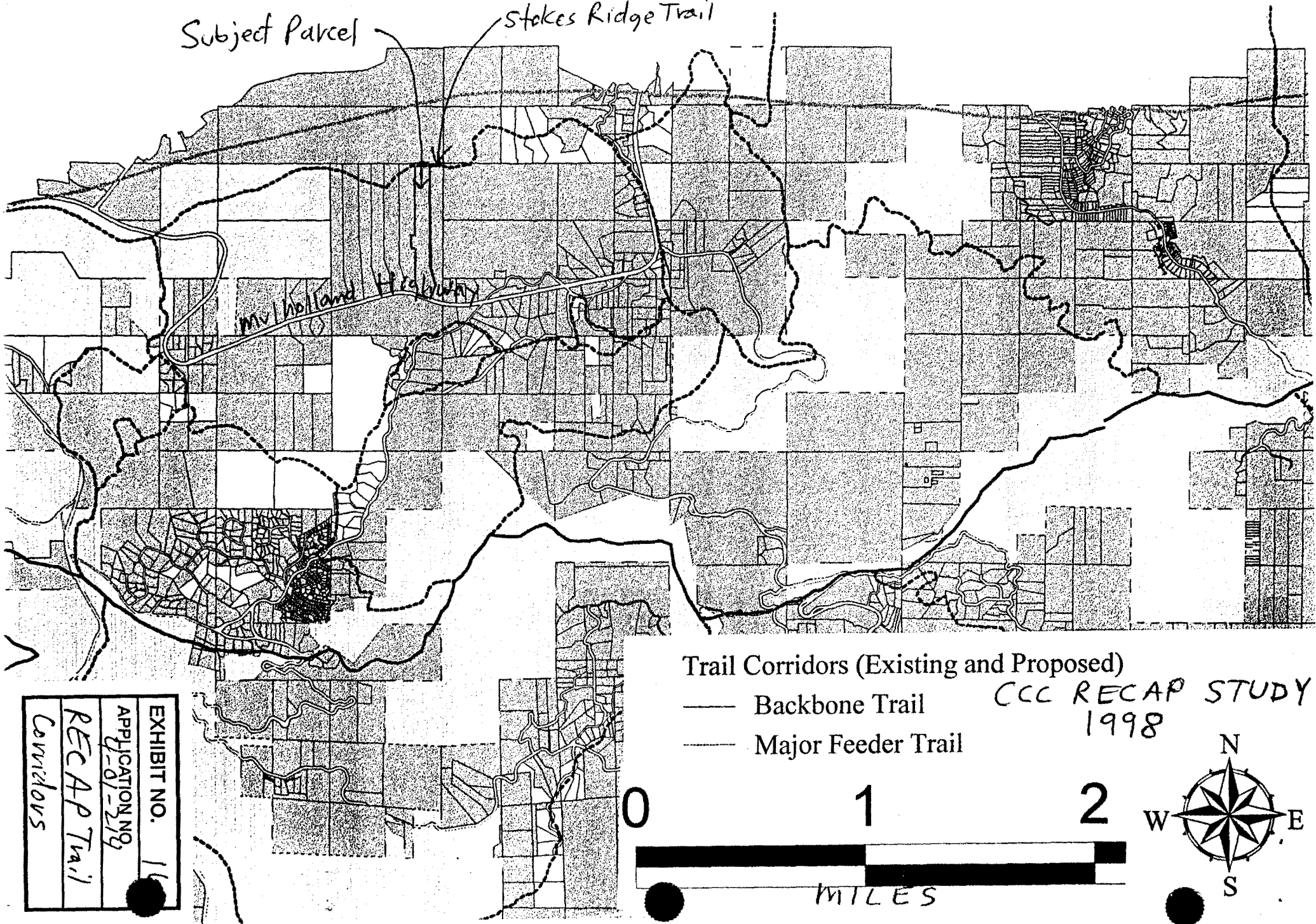
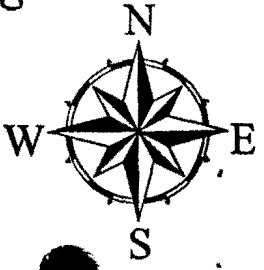
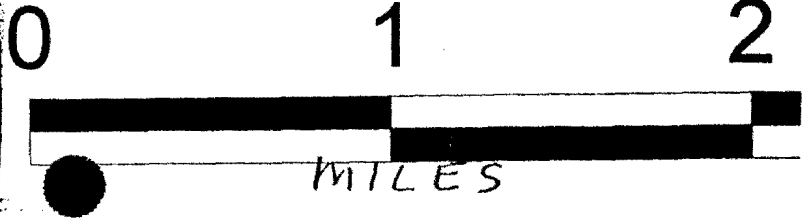
McClelland Highway

Trail Corridors (Existing and Proposed)

- Backbone Trail
- - - Major Feeder Trail

CCC RECAP STUDY
1998

EXHIBIT NO.	14
APPLICATION NO.	0-0-219
RECAP Trail Corridors	





CIVIC ENGINEERING CORPORATION

January 10, 1994

California Coastal Commission
89 S. California Street
Ventura, CA 93001

RECEIVED
JAN 12 1994
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ATTN: Barbara Carey - Coastal Development Analyst

RE: Permit #4-93-203 (Kozma)

Dear Ms. Carey:

We are the engineers for the project and our client Bill Kozma asked us to get you some material for your files.

Enclosed are two copies of our grading concept plan for the project. We have designed potential pads that are located as far as possible from Mulholland Highway to protect the Mulholland Scenic Corridor. These pads and driveways are a concept only but are required by L.A. County to demonstrate that each to-be-created lot is developable under current County Plans and Ordinances. We believe that these are approximately the optimum locations when all County and Commission factors are taken into account. The average grading per lot, both driveway and minimum pads, is a little over 3,000 cubic yards. These locations will minimize the visibility from Mulholland Highway as long as the individual houses are sensitively sited. My client does not propose to grade or build on any of these parcels. All grading and construction will require separate Coastal Development Permits.

I have also enclosed copies of the eight recorded certificates of compliance, issued by Los Angeles County.

If you have any questions please feel free to call me at anytime.

Sincerely,

CIVIC ENGINEERING CORPORATION

KARL HINDERER, AICP
Director of Planning

KH/kw

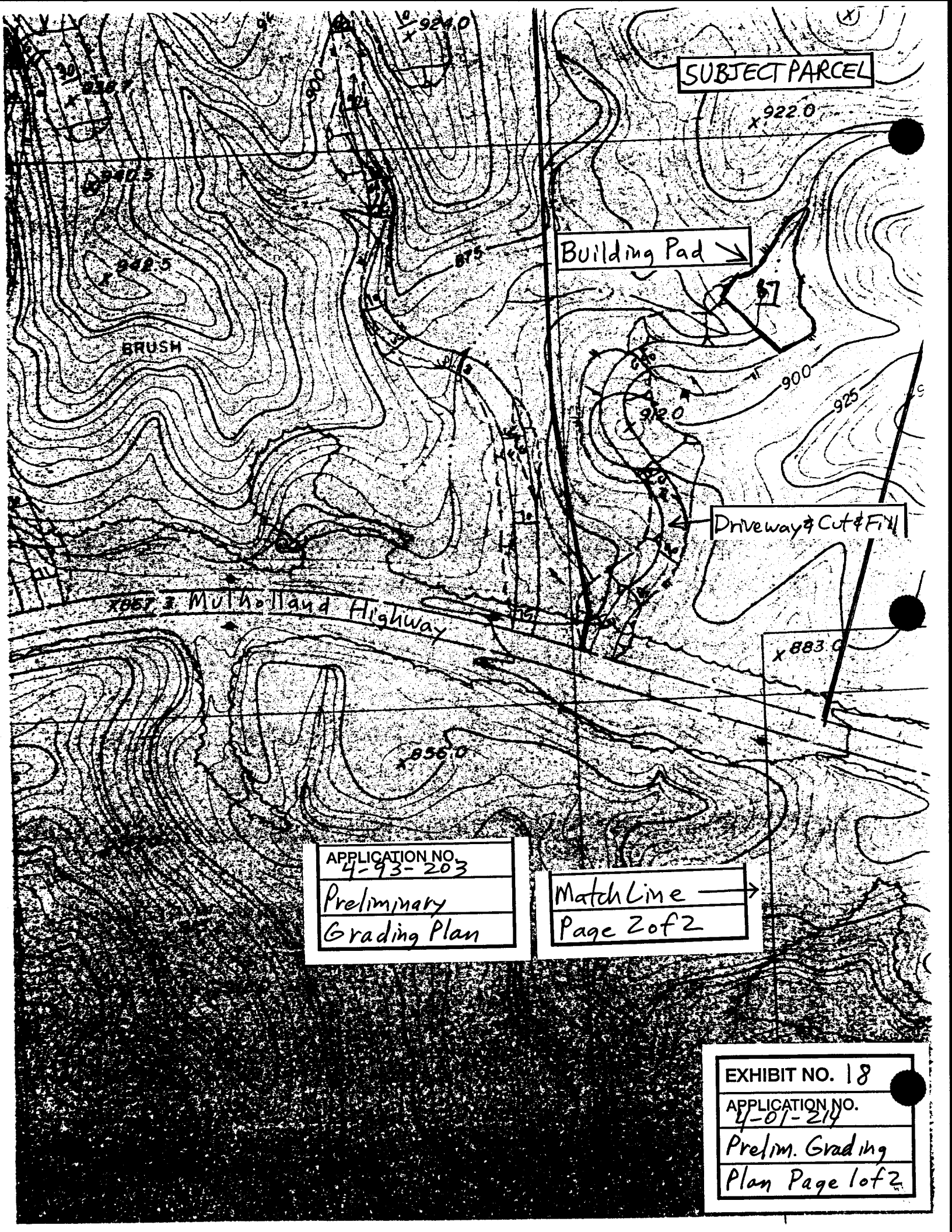
cc: Mr. Bill Kozma
Enclosures

EXHIBIT NO. 17
APPLICATION NO. 4-01-274
Cover Letter
Grading Estimate

CIVIL ENGINEERS • LAND PLANNERS • LAND SURVEYORS • CONSTRUCTION ADMINISTRATORS

7141 VALJEAN AVENUE
VAN NUYS, CA 91406
(818) 376-0550 FAX 376-0157

38626 9TH STREET EAST
PALMDALE, CA 93550
(805) 266-0550 FAX 266-3394



SUBJECT PARCEL

Building Pad →

Driveway & Cut & Fill

857 Mulholland Highway

APPLICATION NO.
4-93-203

Preliminary
Grading Plan

Match Line →
Page 2 of 2

EXHIBIT NO. 18

APPLICATION NO.
4-01-214

Prelim. Grading
Plan Page 1 of 2

X 883.0

X 1007.5

975

950

925

Mulholland Highway

← Match Line
Page 1 of 2

North

SCALE: 1" = 100'
NO 99-1077 BRUSH

1000
1006.0

975

950

925

PRELIMINARY GRADING STUDY

CIVIL ENGINEERING CORPORATION

CIVIL ENGINEERS, LAND SURVEYORS AND SUBSURFACE CONSTRUCTION ADMINISTRATORS
1711 VALLEJO AVENUE, Sausalito, CALIFORNIA 94965
B-113760650

EW 083 500 JAN 11 1991

OCT 8 1993

4-93-203

EXHIBIT NO. 18
APPLICATION NO. 4-01-204
Prelim Grading Plan Page 2 of 2

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., 2ND FLOOR
 VENTURA, CA 93001
 (805) 641-0142

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties
 FROM: Peter Douglas, Executive Director
 DATE: September 9, 1994
 SUBJECT: Permit No. 4-93-203A granted to William Kozma and Mary Navaro

for a lot line adjustment of eight existing parcels such that all lots will have road frontage.

at 25201 through 25599 Mulholland Highway, Malibu; Los Angeles County

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Minor adjustment of the lot lines between lots 7 and 8 which will change the lot sizes from 21.070 and 26.225 to 22.158 and 25.137 respectively.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The lot line adjustment will not result in a significant change to the size of the lots; the lots will remain consistent with the land use designations. The lot line adjustment will not affect the road frontage of the lots and will have no adverse impacts to the visual or environmental resources of the site. The proposed lot line adjustment is consistent with the applicable policies of the Coastal Act and the Malibu/Santa Monica Mountains LUp and will not prejudice the County's ability to prepare a certified local coastal program.

If you have any questions about the proposal or wish to register an objection, please contact Susan Friend at the Commission Area office.

1203M/SPF:VNT
 C2: 4/88

EXHIBIT NO. 19
APPLICATION NO. 4-01-214
CDP Amendment
4-93-203A

CALIFORNIA COASTAL COMMISSION

TH COAST AREA
 W. BROADWAY, STE. 380
 P.O. BOX 1450
 JONG BEACH, CA 90802-4416
 (213) 590-5071

Filed: 7/3/91
 49th Day: 8/22/91
 180th Day: 12/30/91
 Staff: CAREY
 Staff Report: 9/23/91
 Hearing Date: 10/8-11/91
 Commission Action: 2-9 10/91a.

STAFF REPORT: REGULAR CALENDAR

Monterey

APPLICATION NO.: 5-91-371

APPLICANT: Trisha Moore & Milos Douda

AGENT: Paul Beigh

PROJECT LOCATION: 25717 Mulholland Hwy., Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 5,765 sq. ft., 35 ft. high single family residence with 3-car garage, septic system, and 7,400 cu. yds. of grading (6,200 cu. yds. cut and 1,200 cu. yds. fill).

Lot area:	147,700 sq. ft.
Building coverage:	3,865 sq. ft.
Pavement coverage:	5,911 sq. ft.
Landscape coverage:	30,767 sq. ft.
Parking spaces:	5
Plan designation:	Rural Land III (1 du/2 ac) & M2 (1du/20 ac)
Ht abv ext grade:	35 ft.

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval in Concept

SUBSTANTIVE FILE DOCUMENTS:

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending denial of the proposed development because it does not comply with landform alteration and visual resource protection policies of the Coastal Act and Malibu LUP.

I. STAFF RECOMMENDATION

Staff recommends that the Commission Adopt the following resolution:

Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the abi

EXHIBIT NO. 20
APPLICATION NO. 4-01-219
Application
5-91-371

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(213) 590-5071

Filed: 11/14/91
49th Day: 1/2/92
180th Day: 5/13/92
Staff: CAREY BJK
Staff Report: 12/17/91
Hearing Date: 1/13-16/92
Commission Action: 1/20/92

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-91-764

APPLICANT: Trisha Moore and Milos Doua

AGENT: Paul Beigh

PROJECT LOCATION: 25717 Mulholland Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 5,760 sq. ft., 35 ft. high from existing grade single family residence with 3-car garage, septic system and 3,900 cu. yds. of grading (2,200 cu. yds. cut and 1,700 cu. yds. fill).

Lot area:	4.9 acres
Building coverage:	3,836 sq. ft.
Pavement coverage:	4,600 sq. ft.
Landscape coverage:	30,000 sq. ft.
Parking spaces:	3
Plan designation:	Rural Land III (1 du/2 ac) & M2 (1du/20 ac)
Ht abv ext grade:	35 feet

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: 5-91-371 (Moore & Doua)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with Special Conditions regarding geology and landscaping.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I.- Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that 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

EXHIBIT NO. 21
APPLICATION NO. 4-01-214
Coastal Permit
5-91-764

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/1/95
 49th Day: 6/19/95
 180th Day: 1/27/96
 Staff: MB-V
 Staff Report: 5/24/95
 Hearing Date: June 13 - 16, 1995

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-95-026

APPLICANT: Paul and Pamela Hutchinson AGENT: Stephanie A. Wagner

PROJECT LOCATION: 25461 Mulholland Highway, Calabasas, Los Angeles County

DESCRIPTION: Construct two story, twenty six foot high, 4800 sq. ft. single family residence, pool, 3 car garage, and septic system; 4,600 cubic yards of grading (2,300 cu. yds. cut and 2,300 cu. yds. fill)

Lot Area	25.44 acres
Building Coverage	4,800 sq. ft.
Pavement Coverage	13,214 sq. ft.
Landscape Coverage	14,350 sq. ft.
Parking Spaces	3 covered
Project Density	1 du/5 ac
Pad Elevation	909 ft.
Ht abv fin grade	27 feet

LOCAL APPROVALS RECEIVED: Los Angeles County Department of Regional Planning "Approval in Concept", Los Angeles County Fire Department approval, Los Angeles County Department of Health Services approval.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan, Coastal Permit Applications No. 4-94-122 (Schmitz), 4-94-098 (Kozma), 4-93-203 (Kozma), 4-93-148 (Lough), 4-93-058 (Buckner)

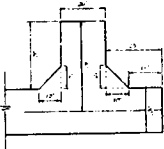
SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding landscaping, future improvements, geology, drainage and erosion control, structure color deed restriction, and wild fire waiver of liability. The applicant has reduced overall grading for the proposed project to bring the project into conformance with the visual resource, sensitive resource, geology and water quality policies of the Coastal Act.

EXHIBIT NO.	22
APPLICATION NO.	4-95-214
Coastal Permit	
#	4-95-026

↑ REMAINDER OF SITE TO REMAIN NATURAL

LOT 7 SUBDIVISION
 25527 Mulholland Highway
 APN 4455-059-012
 Certificate of Compliance
 No. 01736 PCL 7
 96-817985 PCL 7
 A/D 1/1/2008
 C/OB 1/1/2008
 1/1/2008



TYPICAL FIRE DEPARTMENT
 TURNAROUND

Grading Calculators:

By SLOTT GRADING SYSTEM (SLOTT GRAD)
 Cut = 900 cu yd - 14' x 2500' ft
 Fill = 2900 cu yd
 1/1/2008

Grading Cales

Cut 900 > Access Road

Fill 2900 > Building Site

Cut 5,500

Fill 2,200

Building Site

TYPICAL DRIVEWAY



UNDEVELOPED AREA

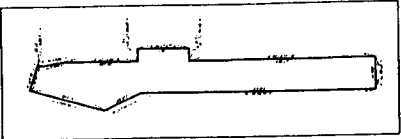
Street Right-of-Way

Mulholland Highway

EXHIBIT NO. 26

APPLICATION NO. 4-01-214

3rd Site Grading Plan



- Final Clearance
- Utilities
- Old Trees
- Landscaping

APPROVED BY: [Signature]

DATE: 1/1/2008

DESIGNED BY: [Signature]

DATE: 1/1/2008

CHECKED BY: [Signature]

DATE: 1/1/2008

PROJECT NO. 4-01-214

DIAMOND WEST ENGINEERING, INC.

CALIFORNIA COASTAL COMMISSION

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



August 23, 2002

Milos Douda
 6038 Fernwood Ave.
 Woodland Hills, CA 91367

RE: Coastal Permit Application No. 4-01-214; Douda, Proposed Construction of a Residence with Garage, Studio, Pool, Septic System, and grading located at 25257 Mulholland Highway, Calabasas, Los Angeles County

Dear Mr. Douda;

Staff received an application on November 29, 2001 for a coastal permit to construct a one story single-family residence with a garage, studio, pool, septic system, and grading located at 25257 Mulholland Highway, Calabasas, Los Angeles County. Based on a review of the application, we determined in a letter dated December 26, 2001 that the application was incomplete for the purpose of filing as complete and scheduling this project for a Commission agenda.

On April 3, 2002, staff received additional information partially addressing the information requested in the December 26, 2001 letter. We determined in a letter dated May 13, 2002 that the application was still incomplete for the purpose of filing and scheduling this project for a Commission agenda. On July 29, 2002 we received the following information:

1. Preliminary Fire Department approval of fuel modification plans.
2. Color topographic copies of the subject area with the grading proposed.
3. Two full size sheets of the plot plan and road section revising the proposed grading plan with a total of 12,000 cubic yards of material.

As a result of receiving revised full size grading plans, please send one copy reduced to 8 ½ by 11 inches in size.

As noted in our December 26, 2001 letter we still need the following information to complete this file and schedule it for a Commission agenda.

- Two sets of the east and north project elevation drawings with a set of reductions for these plans. The floor plans and elevations need to be drawn to scale and replaced as 2 sets (full size) with reductions as the County approved plans submitted note "N. T. S." (Not to scale?).

We require all project plans including all four elevations. We need the two missing elevations for the east and north elevations drawn to scale. Without them we will be unable to file this application.

We also note we continue to be concerned about the large quantity of grading proposed, 12,000 cubic yards of material for the building pad and driveway based on recent permit

EXHIBIT NO. 27

APPLICATION NO.
4-01-214

8/23/02 Letter

to Applicant

Page 1 of 2

actions by the Commission. In addition, staff has reviewed two permit actions by the Commission on prior coastal permits including the subject lot. These permits indicate that substantially less grading was considered feasible for development of this site. You may wish to review permit file numbers 4-93-203 and 203A. These permit files indicate that the Commission approved a prior project, a lot line adjustment, with conceptual grading plans identifying a modest building pad and driveway; a copy is enclosed as a courtesy. The staff report (copy enclosed), pages 8 and 9, for coastal permit 4-93-203 indicates that the applicant's engineer estimated that this and the other parcels could be developed with a maximum of 3,000 cubic yards of grading. Necessary remedial grading may be considered as an additional grading quantity. Our clerical staff can obtain these files for your review in our office during business hours from 8 – 5.

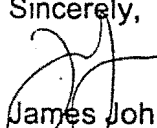
You may wish to redesign the proposed project to bring it into consistency with Coastal Act Section 30251 that requires that landform alteration be minimized. Section 30251 states:

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 reservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

We ask that you review these files and consider redesigning your project and possibly reducing the size of the building pad, relocate the pad and driveway to substantially reduce the proposed grading. If you wish to proceed with your proposed project you may certainly do so; we will process it once we received the above noted information. If you believe this alternative project conceptually identified in Coastal permit numbers 4-93-203 and 203A is infeasible, please provide a copy of a conceptual grading plan identifying this alternative with calculated grading quantities and any reasons you believe it is infeasible, in writing. We hope this information is helpful to you.

We recognize that completing this application is time consuming and sincerely appreciate your cooperation during our review of this information. Due to the high level of workload in this office we appreciate your patience. If you have any questions please call and or leave a message. We respond to inquiries and applications in the order received.

Sincerely,


James Johnson
Coastal Program Analyst

enclosures
401214doudaresidenceoincompleteletter82302

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

Filed: 1/3/94
49th Day: 2/21/94
180th Day: 7/2/94
Staff: CAREY *BJE*
Staff Report: 2/31/94
Hearing Date: 2/15-18/94
Commission Action:

STAFF REPORT: REGULAR CALENDAR

WIZK

APPLICATION NO.: 4-93-203

APPLICANT: William Kozma and Mary Navaro AGENT: NONE

PROJECT LOCATION: 25201 through 25599 Mulholland Highway, Malibu, Los Angeles County

PROJECT DESCRIPTION: Lot line adjustment of eight existing parcels such that all lots will have road frontage. The applicant's property comprises 231.8 acres. This acreage includes 9 existing parcels. The proposed lot line adjustment would affect the eight parcels which are located north of Mulholland Highway. The ninth parcel which is located south of the highway and contains 46.935 acres, will remain in its present configuration. The eight parcels which the applicant proposes to modify comprise 184.966 acres.

Lot area:	231 acres
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	N/A
Parking spaces:	N/A
Plan designation:	M2 (1 du/20 acres), Rural Land I (1 du/10 acres), Rural Land II (1 du/5 acres), and Rural Land III (1 du/2 acres)
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: County of Los Angeles Tentative Lot Line Adjustment 101267

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of

P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

The applicant proposes a lot line adjustment of eight existing parcels. The applicant's property comprises 231.8 acres. This acreage includes 9 existing parcels. The proposed lot line adjustment would affect the eight parcels which are located north of Mulholland Highway. The ninth parcel which is located south of the highway and contains 46.935 acres, will remain in its present configuration. The eight parcels which the applicant proposes to modify comprise 184.966 acres. The existing lots range in size from 19.619-acres to 29.016-acres. The proposed change will result in eight parcels ranging in size from 20.993-acres to 26.225-acres. The applicant has indicated that the lot line adjustment is proposed in order to facilitate road access to four of the parcels which currently do not front Mulholland Highway. The present lot configuration is such that four of the eight existing parcels front Mulholland Highway, with the other four parcels directly adjacent to the north. The proposed project is located on the north side of Mulholland Highway, just west of Cold Canyon Road in the Calabasas area of Los Angeles County.

The proposed project site is located just north of the Malibu/Cold Creek Resource Management Area. There are two drainage courses on the project site which are designated by the U.S. Geologic Service as blue-line streams. These streams are tributaries to Cold Creek. They are not designated as Environmentally Sensitive Habitat Areas (ESHA) by the LUP. The blue-line stream on the western side of the project site is located on the proposed Parcel 3. The other stream is located on the proposed Parcels 6 and 7.

Even though the two blue-line streams on the project site are not recognized as containing environmentally sensitive habitat areas, the LUP does provide protection for streams with regard to crossings, minimization of grading and erosion, controlling runoff, and requiring revegetation. Further, the Coastal Act requires the protection of the quality of coastal waters by controlling runoff, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. The Commission finds that it would be especially important to minimize grading and erosion on this site since the two streams are tributaries to Cold Creek, a stream which has been found in the past to contain critical habitat areas.

As the applicant has proposed to reconfigure the property, the resultant parcels would all front Mulholland Highway. This would allow the applicant to cluster future residences along the road, reducing the amount of grading and landform alteration necessary to provide driveways and building areas. As the lots are currently configured, significant grading and landform alteration would be required to access the four parcels which do not front on Mulholland. The applicants have submitted a preliminary grading study which shows that driveways and building pads could potentially be created on each of the proposed parcels. The applicant's engineer estimates that a maximum of 3,000 cu. yds. of grading would be required for each parcel. It is possible that there are alternative pad areas or driveway configurations, including the use of shared driveways for several parcels which could reduce the amount of grading. Additionally, the pad and driveway proposed for Parcel 3 is located too near the blue-line stream. Further, the driveway proposed for Parcel 6 crosses the other blue-line stream. No indication is given on the plans what

kind of stream road crossing would be proposed. At such time as the Commission reviews plans for any proposed residences on the project sites, the Commission may require that elements are included in the design that ensure that the project would be consistent with the policies of the Coastal Act and the LUP. This would include that grading and landform alteration are minimized, erosion and runoff controlled, that adequate setbacks from stream areas are provided, and that bridges are provided for any stream road crossings. As discussed in the section above, it is not appropriate to require such revisions as conditions of this lot line adjustment.

With regard to visual resources, the Commission has, in past permit actions, found that it is very important to protect the viewshed of Mulholland Highway as well as views from the Cold Creek area which is located just south of the eastern end of the project site. As the applicant has proposed to reconfigure the property, the resultant parcels would all front Mulholland Highway. This would allow the applicant to cluster future residences along the road, reducing the amount of grading and landform alteration necessary to provide driveways and building areas. As the lots are currently configured, significant grading and landform alteration would be required to access the four parcels which do not front on Mulholland. As discussed above, the applicants have submitted a preliminary grading study which shows that driveways and building pads could potentially be created on each of the proposed parcels. The applicant's engineer estimates that a maximum of 3,000 cu. yds. of grading would be required for each parcel. The engineer has also indicated that the proposed locations were chosen in order to minimize the visibility of future development from Mulholland Highway. It is possible that there are alternative pad areas or driveway configurations, including the use of shared driveways for several parcels which could reduce the amount of grading. The Commission finds that it will be necessary to require the applicant to perform a detailed visual analysis for any future development on the site in order to ensure that no adverse visual impacts will result. Further, it may be necessary to require open space easements and/or design elements such as reduction of building pad area, resiting of building pads, limiting the height of proposed structures, and color restrictions to protect visual resources. As discussed in the section above, it is not appropriate to require such easements or visual analysis as a condition of this lot line adjustment. In conclusion, the Commission finds that the proposed project is consistent with Sections 30230, 30231, 30240, and 30251 of the Coastal Act and the applicable policies of the LUP.

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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a

Correction of Lot Line Adjustment 5/1/56

Between Lots 7 & 8

PRELIMINARY GRADING STUDY

BRUSH N4,148,000

Page 6 of 7

OWNERS:

WILLIAM KOZMA JR.

811 STOKES CANYON ROAD
ALABASAS, CALIFORNIA 91302

DANCO INC.

2476 OVERLAND AVENUE #203
LOS ANGELES, CALIFORNIA 90064



CIVIC ENGINEERING COMPANY

CIVIL ENGINEERS (LAND PLANNING) LTD.
7141 WILSON AVENUE, SUITE 200, CULVER CITY
30204 9TH STREET EAST, PALMDALE CALIFORNIA 91354
P.O. BOX 1111
PALMDALE, CALIFORNIA 91354

22.037 AC.

22.50 AC.

2.31 AC.

2

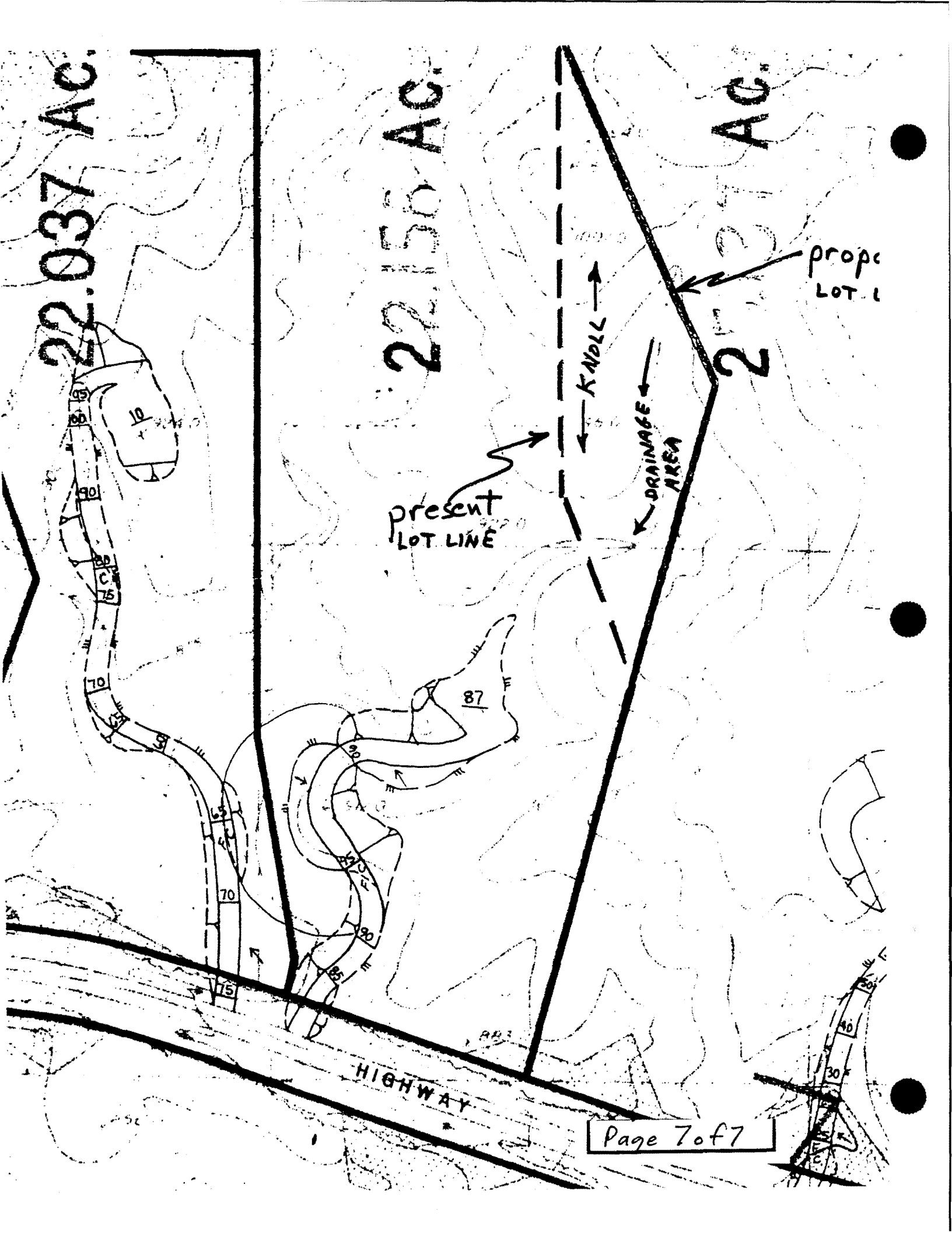
prop
LOT 1

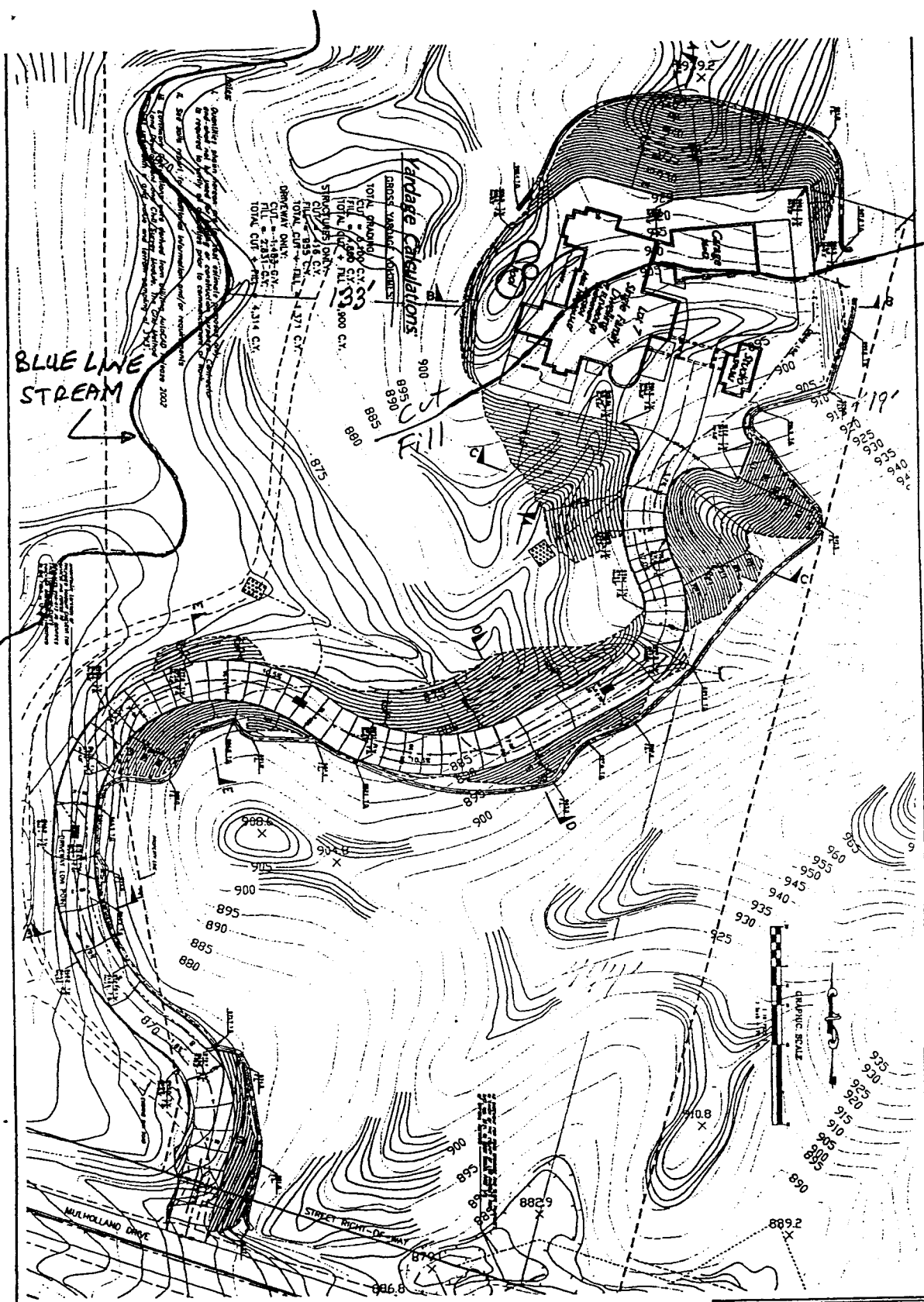
present
LOT LINE

KNOLL

DRAINAGE
AREA

HIGHWAY





APPROVED BY: CHECKED BY: DATE:	DESIGNED BY: DRAWN BY:	REVISIONS NO. DESCRIPTION DATE	SHEET TITLE GRADING STUDY
	SCALE: 1" = 20'	DATE: 7-18-01	DRAWN BY: LPT/BPT

EXHIBIT NO. 28
 APPLICATION NO.
 07-01-214
 4th Site/Grading
 Plan; Current Proposed Project

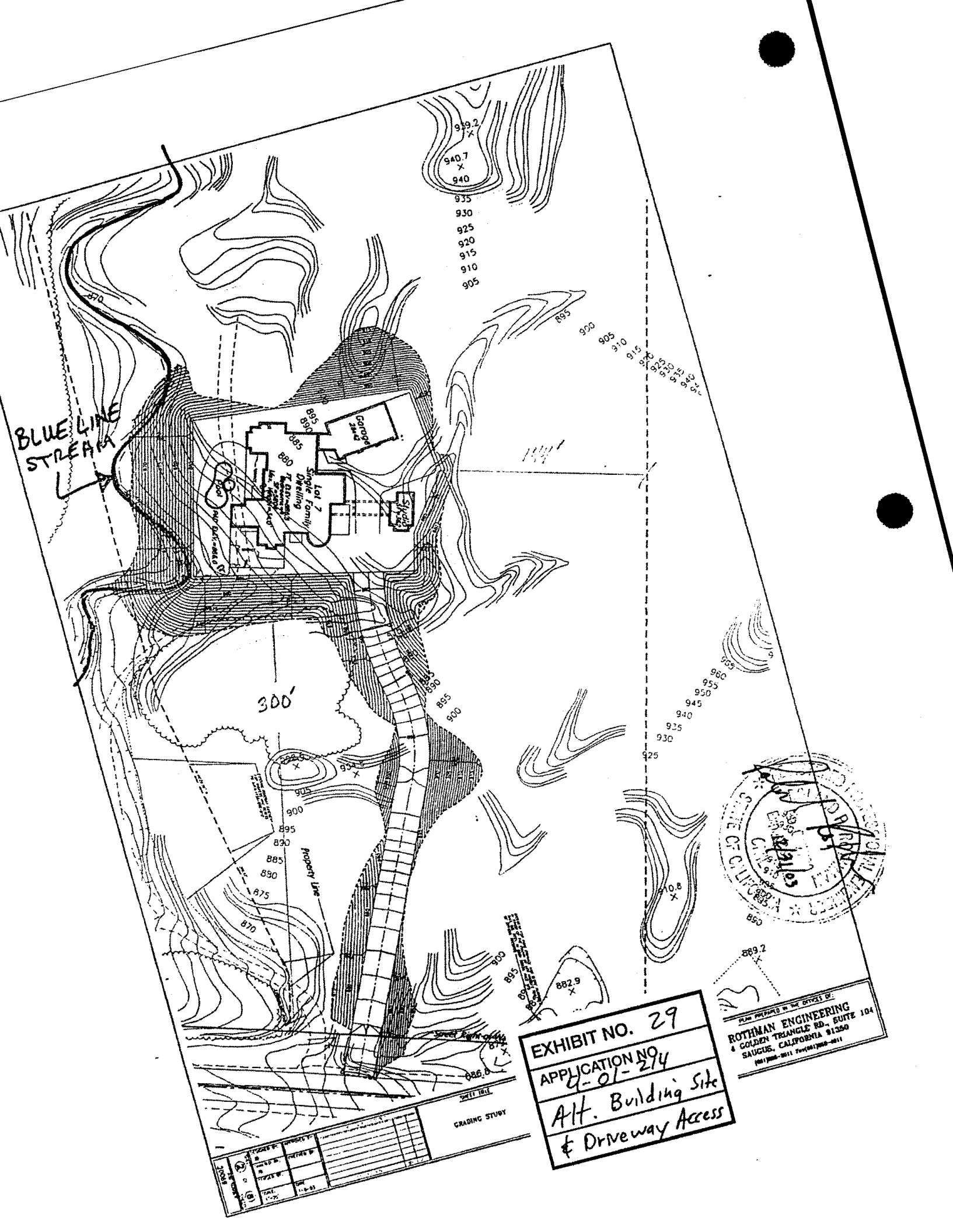
PLAN PREPARED IN THE OFFICE OF:
ROTHMAN ENGINEERING
 704 GOLDEN TRIANGLE RD., SUITE 104
 SAUGUS, CALIFORNIA 91350
 (661) 785-0811 Fax (661) 785-0811

56' Cut
Fill

BLUE LIME
STREAM

Volume Calculations
 Total Volume: 133,000 C.Y.
 Total Cut: 133,000 C.Y.
 Total Fill: 0 C.Y.





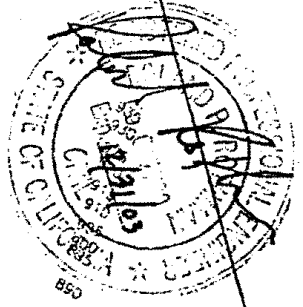
BLUE LINE STREAM

300'

NO.	DATE	DESCRIPTION
1	11-8-81	GRADING STUDY
2		
3		
4		
5		
6		
7		
8		
9		
10		

GRADING STUDY

EXHIBIT NO. 29
 APPLICATION NO. 9-01-214
 A.H. Building Site
 & Driveway Access



PLANS PREPARED BY THE OFFICES OF:
ROTHMAN ENGINEERING
 4 GOLDEN TRIANGLE RD., SUITE 104
 SAUCUS, CALIFORNIA 91350
 (909) 798-2011 Fax: (909) 798-2011

CALIFORNIA COASTAL COMMISSION

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



February 5, 2003

Milos Douda
22933 Califa Street
Woodland Hills, CA 91367

RE: Application No. 4-01-214, Douda

Dear Milos Douda,

This letter is to confirm the status of your application for a coastal permit. We have received a "Constraints Analysis Report for 25257 Mulholland Highway" from Schmitz and Associates on February 4, 2003 as suggested in our January 29, 2003 meeting. At this meeting we received two full size and one reduced to 8 1/2 by 11 inches of a revised site and grading plan. We understand that you propose to modify or revise the proposed project, however, to revise your proposed project we will need additional information as we requested in our January 29, 2003 meeting. We have not received a signed copy of the driveway easement allowing a portion of the proposed driveway to be located on the adjoining property to the west which you do not own, and a cover letter officially amending your proposed project as requested in our letter dated January 9, 2003 to you. At our meeting on January 29, 2003 we requested information on the square footage of the building pad including the entire perimeter of the cut and fill surrounding the pad. The above Constraints Report indicates that the size of the building pad is 16,310 sq. ft. Does this number include the entire perimeter of the building pad including the surrounding cut and fill necessary to create it? Lastly, what are the cut and fill quantities necessary to create and the size in square footage of the hammerhead turnaround area on the building pad? Based on a review of the revised grading plan, I will assume that a total of 5,586 cubic yard of cut and fill is necessary to create the building pad unless you believe a different number is more accurate. Unfortunately due to the delay in receipt of the requested information addressing your revised project which is different from the one originally filed on August 28, 2002, it may not be possible to complete the staff recommendation within our production time constraints for the March 4-7, 2003 Commission meeting in San Luis Obispo. As a result, this project may be delayed to the April 8-11, 2003 Commission meeting in Santa Barbara.

Sincerely,

James Johnson
Coastal Program Analyst
Cc: Don Schmitz
401214doudarevisedprojectletter

EXHIBIT NO. 30
APPLICATION NO. 4-01-214
Letter 2/5/03
to Applicant



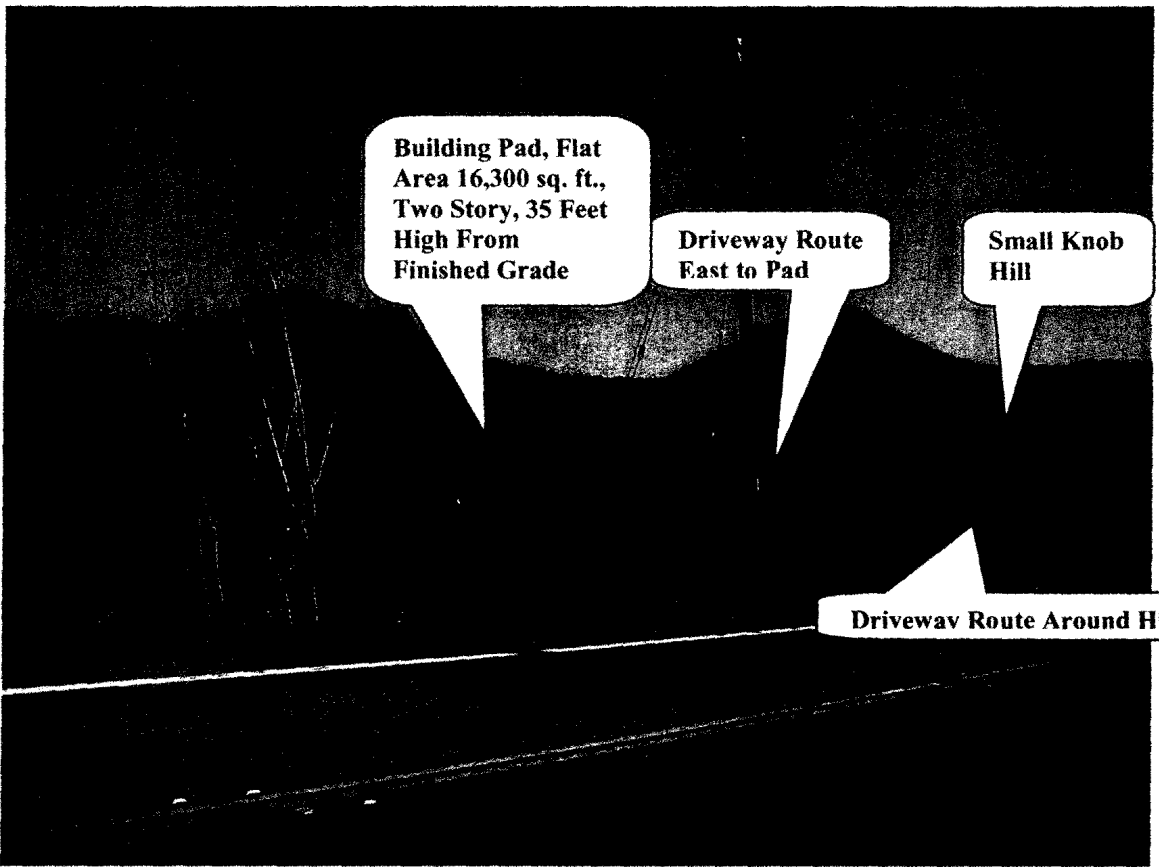
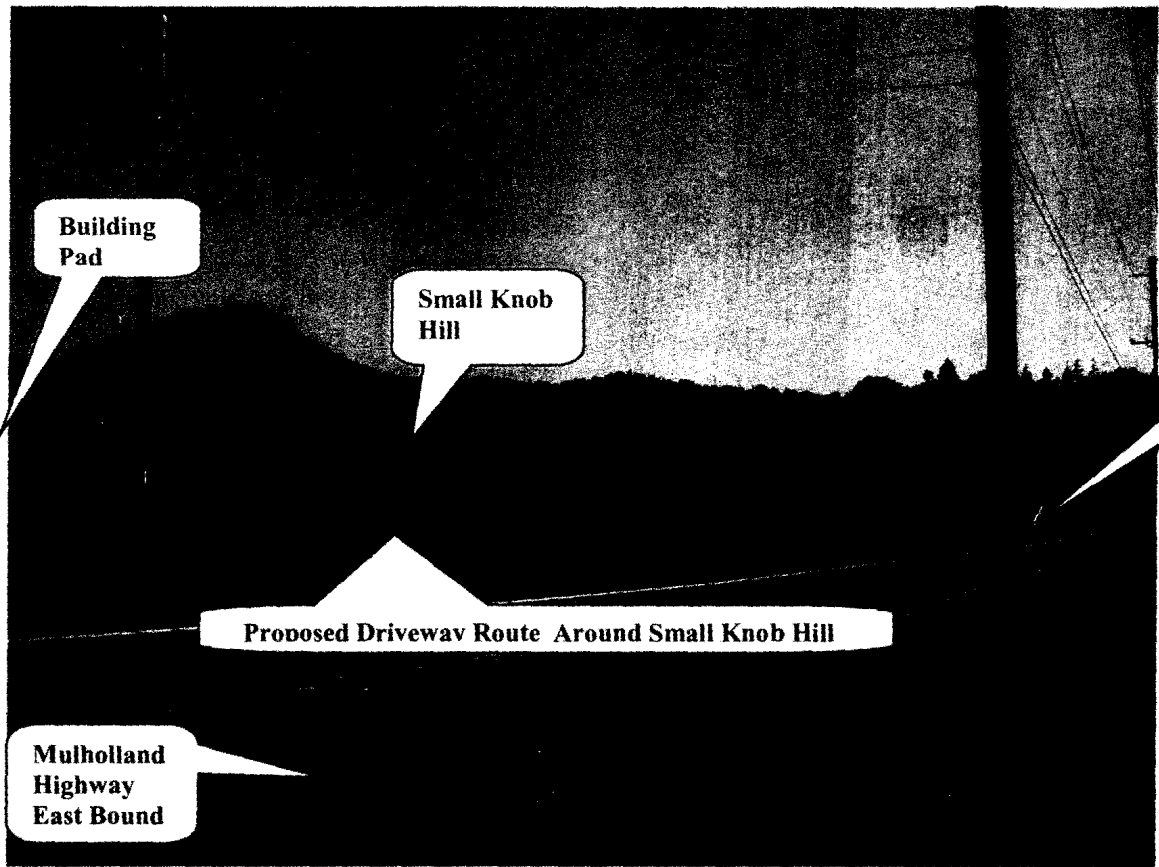


Exhibit 31
Application No. 4-01-214
Photos of site looking
north-east

