

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 3/15/04  
49<sup>th</sup> Day: n/a  
180th Day: n/a  
Staff: K. Kemmler  
Staff Report: 4/26/04  
Hearing Date: 5/13/04  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: PERMIT EXTENSION REQUEST**

**APPLICATION NO.:** 4-01-145-E1

**APPLICANT:** Hassan Pascal Hessami

**AGENT:** David Esmail Hessami

**PROJECT LOCATION:** 5960 Cavalleri Road, City of Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Request for time extension on previously approved coastal development permit to construct a new 6,535 sq. ft., 24 ft. high, two story single family residence with 836 sq. ft. attached garage, new driveway, pool/spa, new septic system and 980 cu. yds. of grading (490 cu. yds. cut and 490 cu. yds. fill).

**SUBSTANTIVE FILE DOCUMENTS:** "Opposition to Request for Extension," letter prepared by Alan Robert Block dated March 22, 2004.

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**PROCEDURAL NOTE:** The Commission's regulations require that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstance the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act (14 C.C.R. Section 13169).

If three (3) Commissioners object to the extension on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional year. Thus, if this extension is granted, the extended permit will expire on March 6, 2005.

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## **I. STAFF RECOMMENDATION:**

The staff recommends that the Commission find no changed circumstances, which results in **approval** of the request for a one year extension of the permit:

**MOTION:** *I move that the Commission determine that there are changed circumstances that affect consistency of the development proposed in Coastal Development Permit 4-01-145 with the Coastal Act and therefore the request for a one year extension of the permit is denied.*

## **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **NO** vote and adoption of the Resolution and Findings set forth below. If three Commissioners vote YES, the request for a one year extension of the permit is denied. If three Commissioners do not vote YES, the one year extension is granted.

## **RESOLUTION:**

The Commission hereby determines that there are no changed circumstances that affect the consistency of the development proposed in Coastal Development Permit No. 4-01-145 with the Coastal Act and therefore a one year time extension of the permit is granted.

## **II. STAFF ANALYSIS**

### **A. PROJECT DESCRIPTION**

On March 6, 2002, the Commission approved Coastal Development Permit No. 4-01-145 (Hessami). The coastal permit was issued and returned signed on February 26, 2003. The applicant has requested an additional one year extension of the previously approved coastal development permit to construct a new 6,535 sq. ft., 24 ft. high, two story single family residence with 836 sq. ft. attached garage, new driveway, pool/spa, new septic system and 980 cu. yds. of grading (490 cu. yds. cut and 490 cu. yds. fill). The permit was approved with seven special conditions regarding (1) geologic recommendations, (2) drainage and polluted runoff control, (3) landscaping and erosion control, (4) wildfire waiver, (5) future improvements, (6) color restriction and (7) condition compliance, which were satisfied prior to issuance of the permit.

The proposed project site is located on Cavalleri Road just north of Pacific Coast Highway and east of Kanan Dume Road in an existing developed neighborhood in the City of Malibu. The subject property is a nearly rectangular parcel encompassing approximately 1.9 acres. The property is relatively flat to gently sloping and descends from Cavalleri Road towards Kanan Dume Road and a branch of Walnut Canyon Creek to the south, a designated blueline stream. The Walnut Canyon Creek riparian corridor is a designated disturbed sensitive resource area when it crosses Pacific Coast Highway to the south of the subject property. The proposed project site can be viewed from various scenic resource areas, including a designated scenic highway and a public hiking and equestrian trail. In CDP 4-01-145, the Commission found that, as conditioned with the seven special conditions listed above, the project is consistent with all

relevant sections of the Coastal Act with respect to geologic and wildfire hazards, water quality and visual resources.

## **B. ANALYSIS OF OBJECTION TO EXTENSION REQUEST**

On February 13, 2004, the Coastal Commission received a time extension request for the original permit approval. On March 24, 2004, the Coastal Commission received a written objection to the extension of the subject permit filed by Alan Robert Block on behalf of Elliott Dolin, a neighbor (Exhibit 1). Mr. Dolin owns an adjacent lot upslope from the subject property and had appealed the project at the City level based on a private view issue. It was explained to Staff by Mr. Dolin's representative, Mr. Block, during previous correspondence, that Mr. Dolin had appealed the project at the City founded on a private view issue and subsequently withdrew the appeal based on an agreement between the applicant and himself to modify the height of the proposed residence to Mr. Dolin's satisfaction. Once the opportunity to appeal had passed, Mr. Dolin asserted that the topography survey submitted by the applicant to the City Planning Department and the Coastal Commission was inaccurate and consequently the proposed height of the residence was not as it had been represented to Mr. Dolin, therefore, the basis for his appeal withdrawal was erroneous, thus, he should have the right to reinstate his original appeal. Staff attempted to contact the City in order to ascertain the status of the appeal and the approval-in-concept for the project. Staff had a telephone conversation with Drew Purvis, Planning Director, on April 18, 2002 in which Mr. Purvis stated that the City had determined the submitted topography survey to be accurate and that the project did in fact have a valid approval-in-concept. Mr. Purvis informed Staff that the City was in the process of reviewing Mr. Dolin's claim to a right to appeal and that the City would decide on whether or not to grant the right to appeal in approximately 60 days. Mr. Block explains in the letter dated March 22, 2004 that Mr. Dolin's appeal of the Planning Director's site plan review determination was never heard by the City Planning Commission. Due to this fact, Mr. Dolin's position is that the applicant never had a valid approval-in-concept from the City of Malibu.

Along with the coastal permit application, the applicant submitted plans stamped with an approval-in-concept by the City of Malibu dated July 18, 2001. The Commission approved the proposed project on March 6, 2002. Staff confirmed that the applicant still had approval-in-concept on April 18, 2002. Thus, the applicant had a valid approval-in-concept from the City when the Commission reviewed and approved the project. Independent of that, as previously discussed, the Commission found that, as conditioned with the seven special conditions mentioned above, the project is consistent with all relevant sections of the Coastal Act.

Additionally, Mr. Block states that due to the subsequent expiration of the applicant's site plan review at the City, the applicant does not have a local approval-in-concept to build the Coastal Commission approved project. Mr. Block submitted a letter from Sheila Powers, Associate Planner, dated November 7, 2002, which confirms that the City site plan review for the applicant's project expired on July 18, 2002 (Exhibit 2). However, the Commission finds that the expiration of the City's approval-in-concept does not constitute changed circumstances that affect the project's consistency with the Coastal Act.

Staff investigation has identified no other possible changed circumstances. There have been no other changes to the proposed project or the project site which would cause the Commission to find the project inconsistent with the Coastal Act. The proposed project is consistent with the Coastal Act.

Accordingly, the Commission finds that there are no changed circumstances present, which have occurred since the project's approval that affect the project's consistency with the Coastal Act. Therefore, the Commission grants a one year extension of the coastal development permit.

LAW OFFICES

**ALAN ROBERT BLOCK**

A PROFESSIONAL CORPORATION

ALAN ROBERT BLOCK

OF COUNSEL  
MICHAEL N. FRIEDMAN

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LOS ANGELES, CALIFORNIA 90067-6001

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TELEFAX (310) 552-1850

March 22, 2004

RECEIVED

MAR 24 2004

VIA U.S. MAIL AND FAX (805) 641-1732

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission  
89 South California Street, Suite 200  
Ventura, California 93001

Attn: Ms. Kara Kemmler

Re: CDP Application No. 4-01-145 (Hessami)  
5960 Cavalleri Drive, Malibu  
**OPPOSITION TO REQUEST FOR EXTENSION**

Dear Ms. Kemmler:

As you know this office represents Mr. Elliot Dolin, the owner of the residence located at 5970 Cavalleri Road. Mr. Dolin's residence is located adjacent to and upslope from the above-referenced real property

I received notice today that Mr. Hessami on February 13, 2004 filed for an extension of his previously approved CDP. Please be advised that Mr. Hessami never had a valid Approval In Concept issued by the City of Malibu in that Mr. Dolin's appeal of the Planning Director's Site Plan Review ("SPR") determination on the Hessami application was never heard by the Planning Commission. As evidenced in the attached letter to Mr. Hessami from former City Associate Planner Sheila Powers, dated November 7, 2002, regardless of the Dolin appeal to the Planning Commission, Mr. Hessami's application for Site Plan Review expired and he does not have a local Approval In Concept to build any project.

Mr. Dolin opposes the Hessami extension application and herein requests notice of the scheduling of hearing on the extension application. It is my understanding that other neighbors within 100 feet of the property also oppose the extension application.

EXHIBIT NO. 1  
APP. NO. 4-01-145-E1  
OPPOSITION TO REQUEST FOR  
EXTENSION

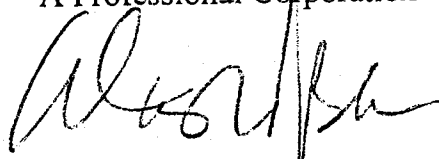
California Coastal Commission  
Re: CDP Application No. 4-01-145 (Hessami)  
March 22, 2004

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Thank you for your consideration of this matter. If you have any questions or comments regarding this matter, please call me at your earliest convenience.

Very truly yours,

**LAW OFFICES OF**  
**ALAN ROBERT BLOCK**  
A Professional Corporation

A handwritten signature in dark ink, appearing to read 'Alan Robert Block', is written over a horizontal line.

ALAN ROBERT BLOCK

cc: Elliott Dolin



# City of Malibu

23815 Stuart Ranch Rd. Malibu, California 90265-4816

(310) 456-2489 fax (310) 456-7650.

[www.malibuca.gov](http://www.malibuca.gov)

November 7, 2002

Mr. Pascal Hessami  
25437 Rey Canyon Rd  
Santa Clarita, CA 91355

*Reference:* PLOT PLAN REVIEW (PPR 99-142)  
SITE PLAN REVIEW (SPR 99-055)  
5960 Cavalleri Dr.  
New Single Family Residence

Dear Mr. Hessami:

On July 18, 2001, you received an approval in concept from the City of Malibu Planning Department and submitted your plans to the California Coastal Commission. A one year time extension was needed on July 18, 2002, to extend the processing time at the Coastal Commission in order for your Site Plan Review not to expire. A time extension has not been filed and therefore the Site Plan Review has expired.

You may re-submit your application for a Site Plan Review since your original review has expired. Please contact Drew D. Purvis for any questions at (310) 456-2489 x 243.

Sincerely,

Sheila M. Powers  
Associate Planner

Document2.

EXHIBIT NO. 2  
APP. NO. 4-01-145-E1  
CITY OF MALIBU SITE PLAN REVIEW  
EXPIRATION LETTER

