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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff: S. Hudson
Staff Report: 8/21/97
Hearing Date: Sept. 9-12, 1997
Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-97-055

APPLICANT: Seva Corporation, D/B/A Anacapa View Estates
AGENTS: Fred Dean

PROJECT LOCATION: 5865 South Rambla del Orto, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: The applicant is requesting approval for two "after the fact" minor lot line adjustments involving seven (7) lots and one redivision of land involving four (4) lots which have occurred on eight (8) contiguous parcels over 27.81 acres.

LOCAL APPROVALS RECEIVED: Certificates of Compliance for Lot Line Adjustment, Los Angeles County.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-90-497 and 4-97-003.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with no special conditions. The applicant is requesting approval for two "after the fact" minor lot line adjustments involving seven (7) lots and one redivision of land involving four (4) lots. The lot line reconfigurations occurred on eight (8) contiguous parcels extending over 27.81 acres, under common ownership, and accomplished at different periods of time with accompanying Certificates of Compliance from Los Angeles County. No grading, changes to the septic system, or change in the number of existing lots has been proposed or carried out. At conclusion, each lot will have road access and will be no less in conformance with the Malibu/Santa Monica Mountains Land Use Plan than the previously existing lots.

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 conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

NONE

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

The applicant is requesting approval for two "after the fact" minor lot line adjustments involving seven (7) lots and one redivision of land involving four (4) lots which have occurred on eight (8) contiguous parcels over 27.81 acres, all of which are owned by the applicant. The project site is located west of Trancas Canyon, atop a southerly protruding ridge overlooking the Pacific Ocean, at the terminus of Rambla del Orto Drive. Topographically, slopes descend from the top of the ridge at an average gradient of 1.5:1 (H:V). The proposed lot line adjustment will not result in any change to the number of existing lots as shown in exhibit one. Only one of the subject lots is developed with a single family residence. The other seven lots are undeveloped with the exception of a paved road which provides access to six of the seven lots. Access to the seventh undeveloped lot is from Bailard road to the south of the project site. No identified streams or environmentally sensitive habitat areas cross the site.

The project site has been the subject of past permit action by the Commission. On September 12, 1990, the Commission approved Coastal Development Permit 5-90-497 (Anacapa View Estates) for the demolition of an existing 8000 sq. ft. single family residence and construction of a two-story single family residence with a 750 sq. ft. guesthouse, 11-car garage, cabana, swimming pool, and 737 cu. yds. of grading (327 cu. yds. cut and 410 cu. yds. fill) at the subject site. This permit was subject to five (5) special conditions regarding future improvements, color restrictions, landscaping, geology and assumption of risk. The above mentioned permit was amended eight times, all of which were determined to be immaterial. In addition Coastal Development Permit 4-97-003 was approved on March 13, 1997, for paving an existing access road located on seven of the eight lots.

B. Cumulative Impacts

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "cumulatively," as it is applied in Section 30250(a) to mean that:

...the incremental effects of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects

The Coastal Act requires that new development, including land divisions, be permitted within, contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. In past permit actions, the Commission has looked to the land use designations of the Malibu/Santa Monica Mountains Land Use Plan (LUP) for guidance on the maximum density and intensity of land use that may be permitted in any particular area. While the LUP is no longer legally binding with the City of Malibu, the land use designations are instructive on the level of density that the Commission has previously found allowable as consistent with the policies of the Coastal Act. In the case of this project, the 27.81 acre project site stretches across four different density categories as designated by the LUP land use map ranging from Rural Land III (1 dwelling unit/3 acres) to Mountain Land (1 dwelling unit/20 acres). The majority of the eight existing parcels are located in areas which require either 5 acres/unit or 20 acres/unit; however, all existing lots were created before the passage of the Coastal Act on January 1, 1977 and are therefore considered legal lots.

The Commission has reviewed land division applications to ensure that newly created or reconfigured lots are of sufficient size, have access to roads and other utilities, are geologically stable and contain appropriate building pad areas where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visible impacts, and impacts to environmentally sensitive habitat areas.

The applicant has previously received certificates of compliance dated 12/9/87, 12/3/90 and 3/20/91 from the County of Los Angeles for the proposed lot line adjustments. The proposed lot line adjustments and redivision will not result in any change in the number of existing lots. In addition, given the current LUP density standards, these reconfigured lots could not be further subdivided in the future. The 1987 and 1990 lot line adjustments (exhibits 3b and 3c) were very minor reconfigurations of Lots 2,3,5,6 and 8. The most significant change resulted from the adjustment of the parcel line between Lots Three (3) and Eight (8). Lot Three (3) was expanded from 2.40 acres to 4.11 acres and Lot Eight (8) was reduced from 8.97 acres to 7.07 acres. This adjustment was necessary because the existing single family residence straddled the property lines between Lots Three (3) and Eight (8). Furthermore, at that time, the applicant was planning to demolish the existing single family residence and construct a larger home on Lot Three (3) as approved by the Commission under Coastal Development Permit 5-90-497. The other lot line adjustments were carried out to provide "flag lot" access to the landlocked parcels.

The 1991 lot line adjustment, which is more properly characterized a redivision of land, had the effect of moving Lot Five (5) to the southern portion of Lot Eight (8). This location is less steeply sloping and has a higher LUP density designation than the former Lot Five (5) location. The size of Lot Five (5) is consistent with other lot sizes in this area which is located just off of Bailard Road. In addition, this

location would "cluster" a future residence with other residential development located just north of Bailard Road. Furthermore, the Commission has permitted several homes directly adjacent to this lot, all of which have adequate septic percolation rates and geologic stability. Therefore, this relocated lot will most likely have adequate geology and percolation rates. However, site specific geologic reports and percolation testing will be required at the time a residence is proposed through a separate coastal development permit application.

The eight lots included in these minor lot line adjustments and redivision of land are located in an area that is, for the most part, steeply sloping. Therefore, grading will be necessary to develop roads and residential pads on these lots. The proposed minor lot line adjustments and redivision does not result in parcels which would require any more grading, landform alteration, roads or building pads to develop than the previously existing lot configuration. However, the reconfiguration does provide road access to the previously landlocked parcels along an existing unimproved road. In addition, as mentioned above, the redivision relocates Lot Five (5) to a location which would cluster future residential development adjacent to an existing developed area and on a less steeply sloping site which will minimize the grading necessary to develop a residence. Furthermore, the subject parcels are located in a relatively built-out area which has been generally found to be geologically stable and where numerous septic systems are in use. The Commission has approved a number of homes directly adjacent to the subject parcels and one on Lot Three (3). Therefore, it is likely that these sites will have stable geology and adequate septic percolation rates. However, when homes are proposed on these lots, detailed geology and septic percolation testing will be necessary to address site specific geology and percolation rates.

In conclusion, the Commission finds that the proposed minor lot line adjustments and redivision will not have any individual or cumulative adverse impacts on coastal resources, each lot will have road access and will be no less in conformance with the Malibu/Santa Monica Mountains LUP than the previously existing lots. Therefore, the Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

C. Violations

The applicant is requesting approval for two "after the fact" minor lot line adjustments involving seven (7) lots and one redivision of land involving four (4) lots which have occurred on eight (8) contiguous parcels over 27.81 acres. All work was carried out previously without the benefit of a coastal development permit and constitutes a violation of the Coastal Act. The applicant has previously received certificates of compliance dated 12/9/87, 12/3/90 and 3/20/91 from the County of Los Angeles for the proposed lot line adjustments. The proposed lot line adjustments will not result in any change in the number of existing lots or be any less in conformance with the Malibu/Santa Monica Mountains LUP, than the previously existing lots.

Although the above mentioned development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

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 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 be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the development, as proposed, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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)(i) 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 impact which the activity may have on the environment.

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

SMH-VNT

File: SMH1/4-97-055

Lot Line Adjustment

Certificate of Compliance Number	Number of Lots			Size of Lots		
	Existing	Proposed New	Net Upon Completion	Lot Number (as per map)	Existing	Proposed
100518	2	0	2	8	8.97 Ac.	7.26 Ac.
100518				3	2.40 Ac.	4.11 Ac.
100878	5	0	5	3	4.11 Ac.	4.76 Ac.
100878				2	2.77 Ac.	2.47 Ac.
100878				8	7.26 Ac.	7.07 Ac.
100878				6	2.13 Ac.	2.13 Ac.
100878				5	2.87 Ac.	2.71 Ac.
100923	4	0	4	6	2.13 Ac.	4.54 Ac.
100923				7	1.36 Ac.	1.66 Ac.
100923				8	7.07 Ac.	5.60 Ac.
100923				5	2.71 Ac.	1.47 Ac.

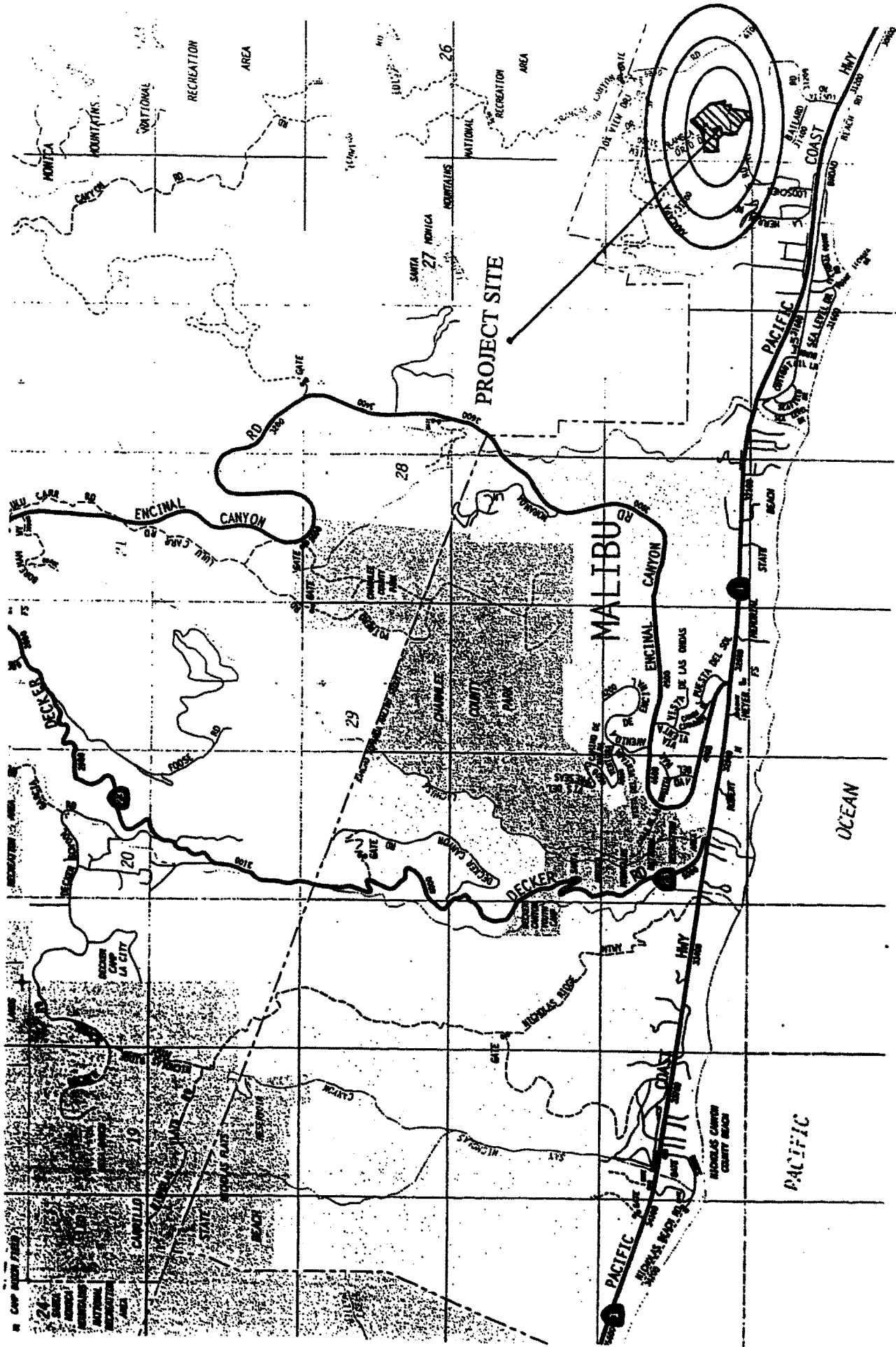


Exhibit No. 2: (4-97-055) Location Map

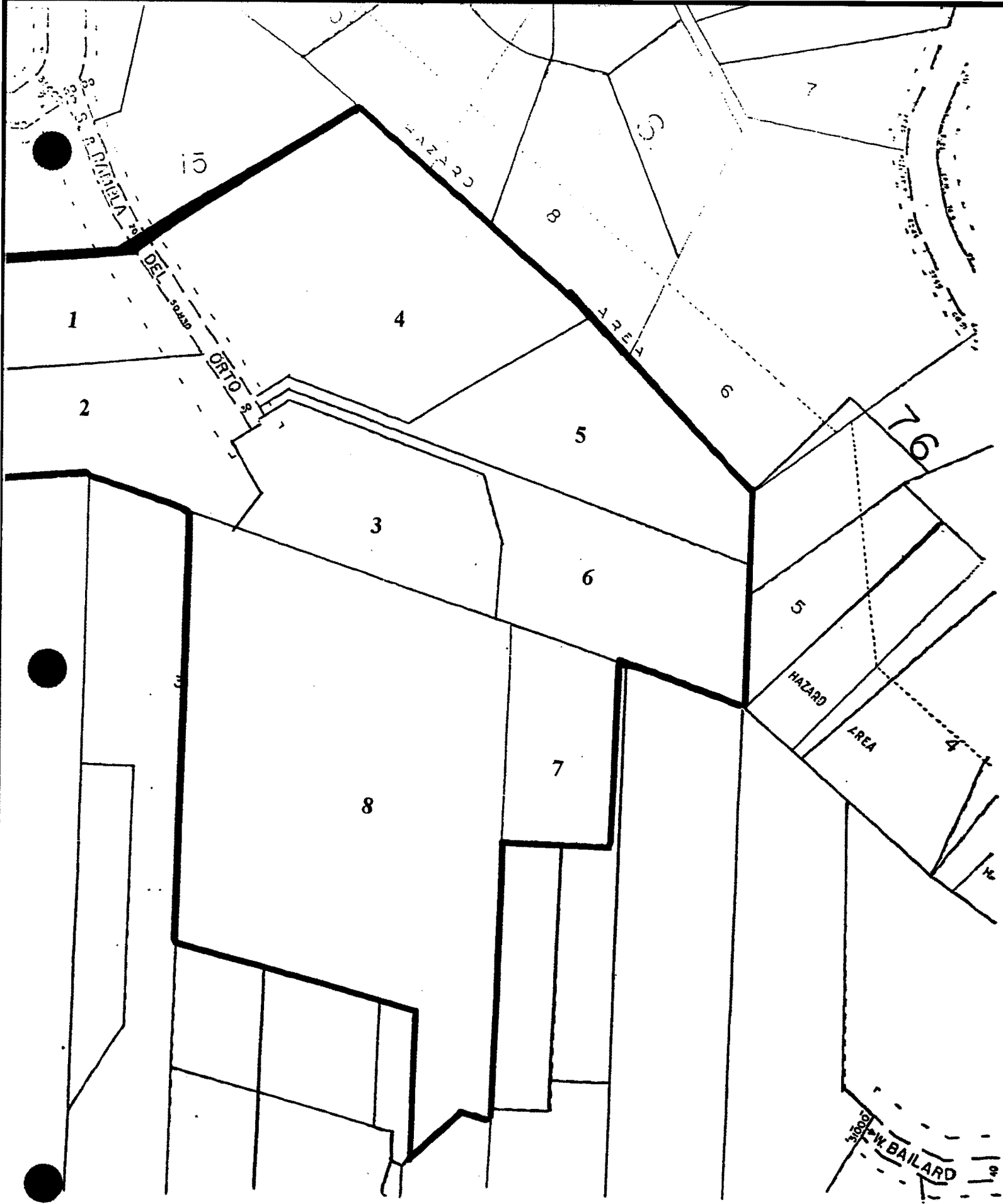


Exhibit No. 3a: (4-97-055) Original Lot line Configuration

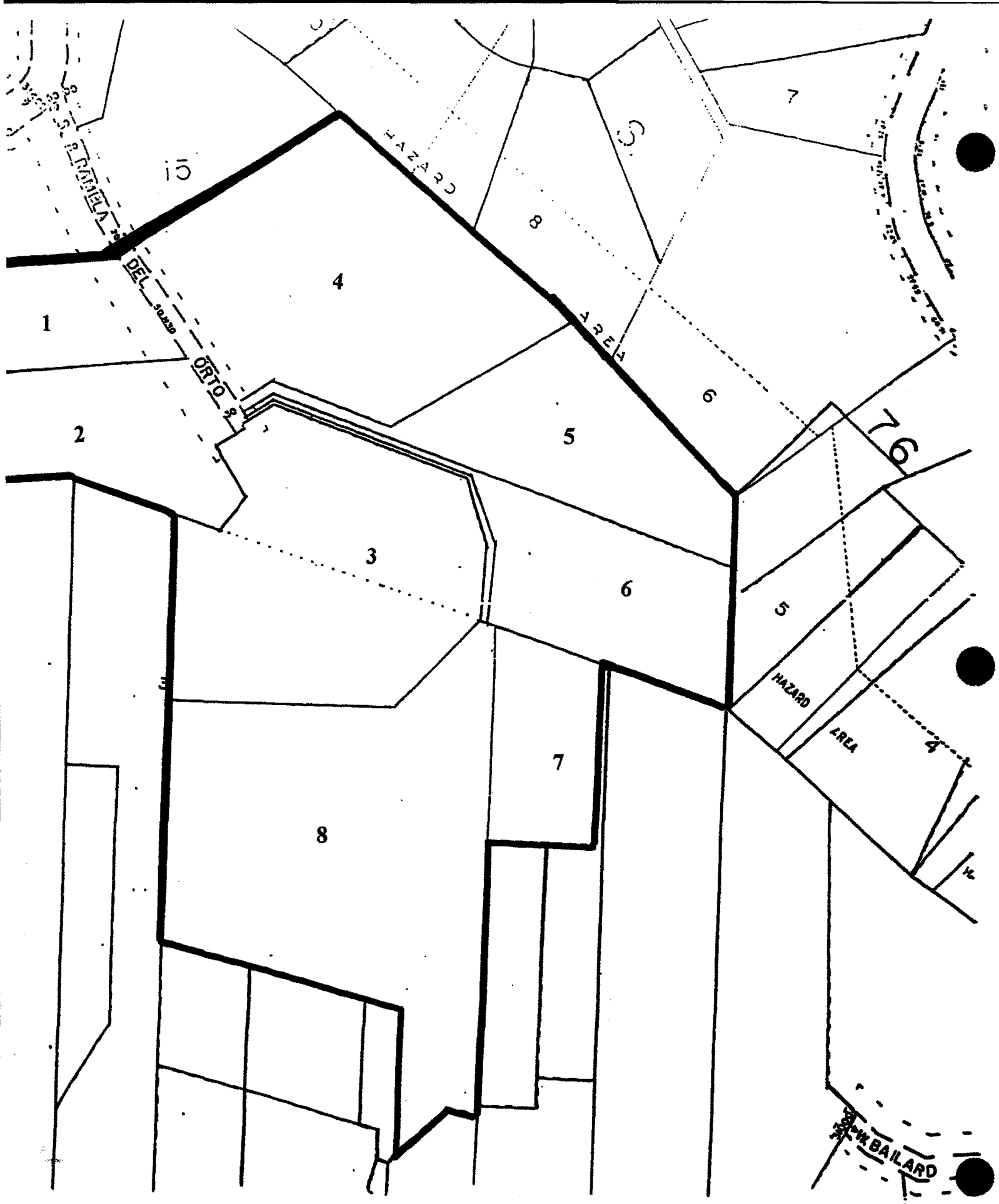


Exhibit No. 3b: (4-97-055) Lot line Configuration as of 1987 (C.C. No. 100518)

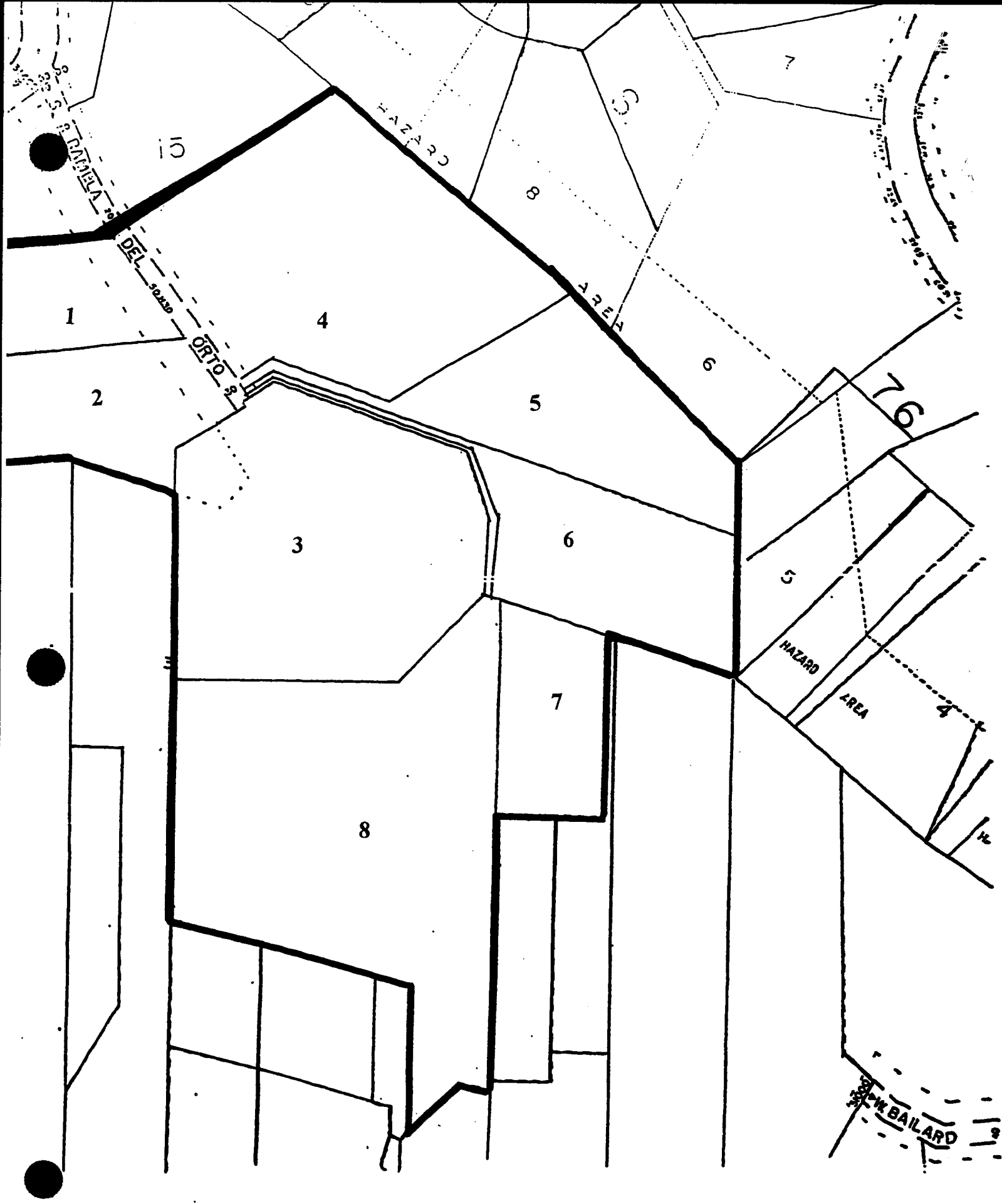


Exhibit No. 3c: (4-97-055) Lot line Configuration as of 1990 (C.C. No. 100878)

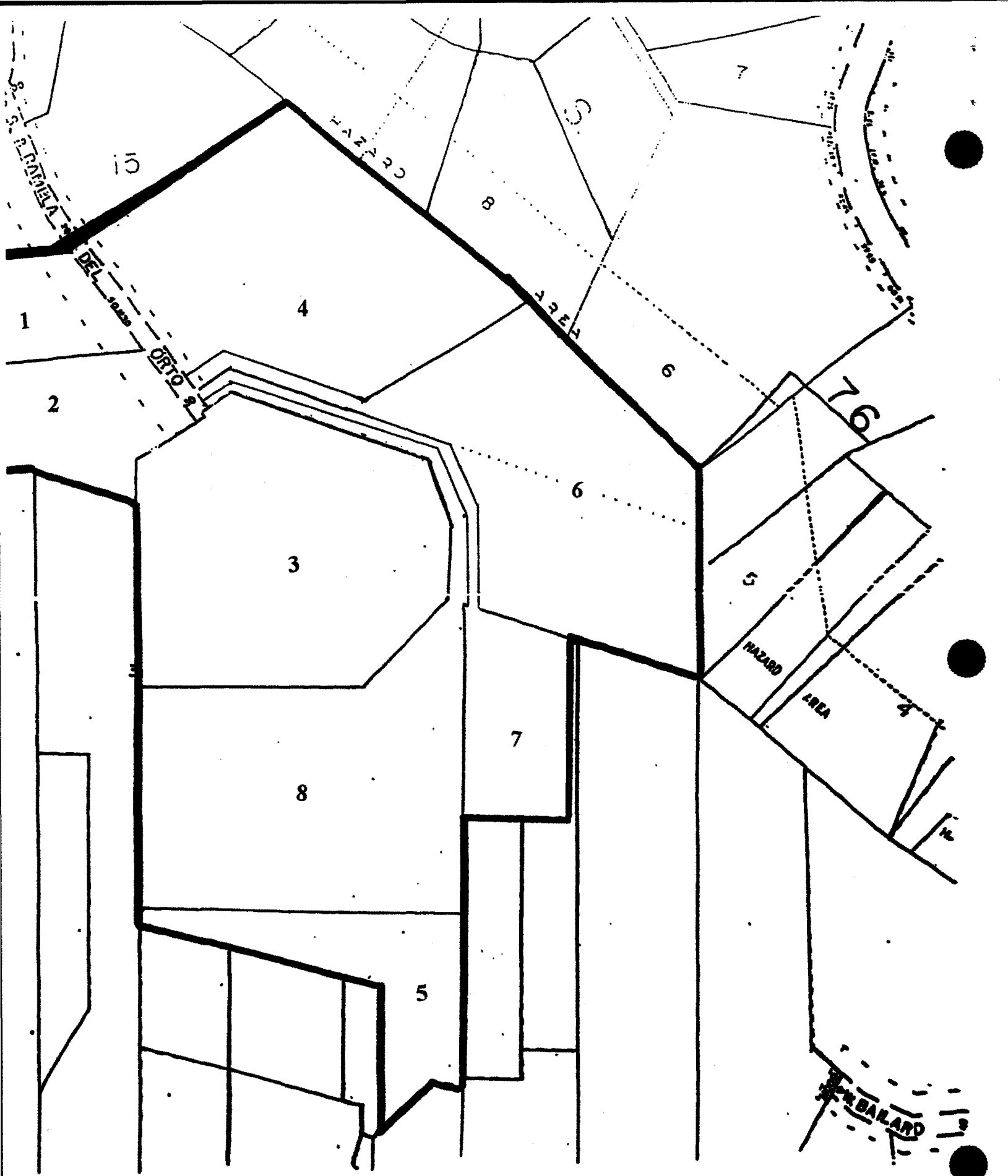


Exhibit No. 3d: (4-97-055) Present Lot line Configuration as of 1991 (C.C. No. 100923)