

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 5-1-96
49th Day: 6-19-96
180th Day: 10-28-96
Staff: SPF-VNT *SPF*
Staff Report: 5-9-96
Hearing Date: June 11-14, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-073

APPLICANT: Bernard McDonald

AGENT: None

PROJECT LOCATION: Four vacant lots located at Corral Canyon Road and Lookout Drive (APNs 4461-005-003 (Lots 1 and 2) and 4461-005-004 (Lots 3 and 4))

PROJECT DESCRIPTION: Lot line adjustment of four approximately 20 acre lots into four lots of 22.3, 16.5, 26, and 12.3 acres.

Lot area:	approximately 80 acres total
Building coverage:	0
Pavement coverage:	0
Landscape coverage:	0
Parking spaces:	0
Zoning:	
Plan designation:	0
Project density:	1 du/20 ac., 1 du/10 ac., and 1 du/ 5 ac.
Ht abv fin grade:	0

LOCAL APPROVALS RECEIVED: Approval in concept for tentative tract map from Los Angeles County Department of Regional Planning

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit 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 this permit is reported to the Commission. 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 in the application for permit, subject to any special conditions 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 project during its development, 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.

A. Project Description and Background

The applicant is proposing the lot line adjustment of four approximately twenty acre parcels into four parcels of 22.3, 16.5, 26, and 12.3 acres. The land use designations for these four lots are Mountain Land (1 dwelling per 20 acres), Rural Land I (1 dwelling per 10 acres), and Rural Land II (1 dwelling per 5 acres). The applicant is proposing the changes in the lot lines between lots 1 and 2 and 3 and 4 to provide better future building sites. The changes result in moving the lot line between 1 and 2 toward two to make lot 1 slightly larger (22 acres) and lot 2 smaller (16.5) acres. The other lot line change moves the lot line toward lot 4 and puts a bend at the top of the lots between lots 3 and 4 to provide a better building site for lot 3; the resultant lot sizes are 26 acres and 12.3 acres respectively. Exhibits 3 and 4 illustrate the existing and proposed lot lines.

The project is located west of Corral Canyon Road. Access to the lots are by a dirt road off Lookout Drive and Schultz Motorway, which is off Corral Canyon Road. The lots are located in Dry Canyon, a smaller canyon between Corral Canyon and Solstice Canyon. The stream at the base of Dry Canyon is a recognized EHSA; this stream is not in the applicant's parcels. The southern portion of lot 1 is located within the Solstice Canyon Significant Watershed; the remainder of the lots are not located within the significant watershed.

B. Cumulative Impacts of New Development

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 or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either 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 surrounding parcels.

Section 30105.5 of the Coastal Act defines the term "Cumulatively," as it is used 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 Malibu/Santa Monica Mountains Land Use Plan provides in Policy 271, in part, that:

New development in the Malibu Coastal Zone shall be guided by the Land Use Plan Map and all pertinent overlay categories. The land use plan map is inserted in the inside back pocket...

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. Residential density shall be based on an average for the project; density standards and other requirements of the plan shall not apply to lot line adjustments. (emphasis added)

The Malibu/Santa Monica Mountains Land Use Plan provides in Policy 273(d) that:

In all other instances, land divisions shall be permitted consistent with

the density designated by the Land Use Plan Map only if all parcels to be created contain sufficient area to site a dwelling or other principal structure consistent with the LCP. All land divisions shall be considered to be a conditional use.

The Coastal Act requires that new development, including land divisions, be permitted only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. The Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit actions. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches could be expected to grow tremendously.

The Los Angeles County Land Use Plan generally states that development can proceed according to the base land use classification and in conformance with the Land Use Plan policies and standards, except that for lot line adjustments, the density standards and other requirements of the plan do not apply.

The applicant is proposing a lot line adjustment between four approximately twenty acre lots which will result in two lots larger than twenty acres, and two lots which are less than twenty acres. No other development is proposed at this time. There is some unpermitted grading on some of these lots; the restoration of this grading is being handled through an enforcement action. The applicant has stated that he will submit a separate coastal development permit application for the restoration of the unpermitted development which will be submitted to the South Central Coast office shortly.

The lots are designated in the certified Malibu/Santa Monica Mountains Land Use Plan as one dwelling per five acres (north end of lot 4) and one dwelling per ten acres (the majority of lot 1). However, most of all four lots is designated as Mountain land allowing one dwelling per 20 acres. The lot line adjustment is consistent with the Land use designations and will not create any unbuildable lots or any additional lots. The lot line adjustment will also not result in the ability for any lot to be subdivided in the future. The Commission notes that although the lot line adjustment is consistent with the land use designations, future development proposed for the site will have to be considered against the chapter three policies of the Coastal Act and the Malibu/Santa Monica Mountains Land Use Plan including those policies related to landform alteration, visual impacts, environmental impacts, geology and water quality.

The Commission finds that the proposed lot line adjustment does not create and adverse impacts and does not raise any substantial issues regarding future subdivisions or other buildout of the property. The lots, as existing contain buildable sites; the lot line adjustment will still provide buildable sites. The Commission finds that as proposed, the lot line adjustment is consistent with Section 30250(a) of the Coastal Act.

C. Violation

Although development has taken place prior to submission of this permit application on lot 1, 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 any violation of the Coastal Act that may have occurred.

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 section provides findings that the project as conditioned is in conformity with the provisions of Chapter 3. The proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will not prejudice the County's ability to prepare a Local Coastal Program for Malibu 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, 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.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

2022M

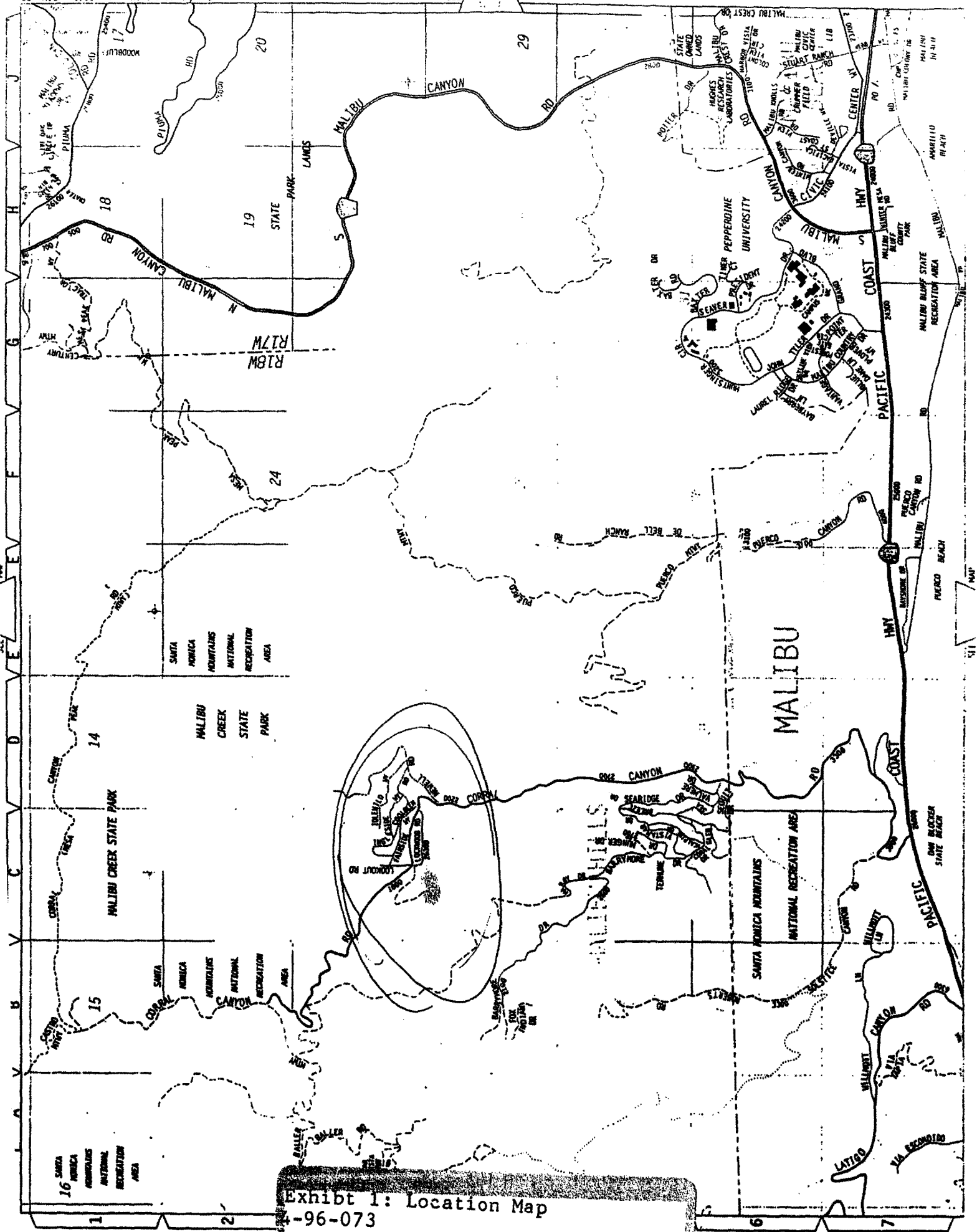


Exhibit 1: Location Map

4-96-073

1. M2: 100/200AC

2. M2: 100/100AC

3. M2: 100/50AC

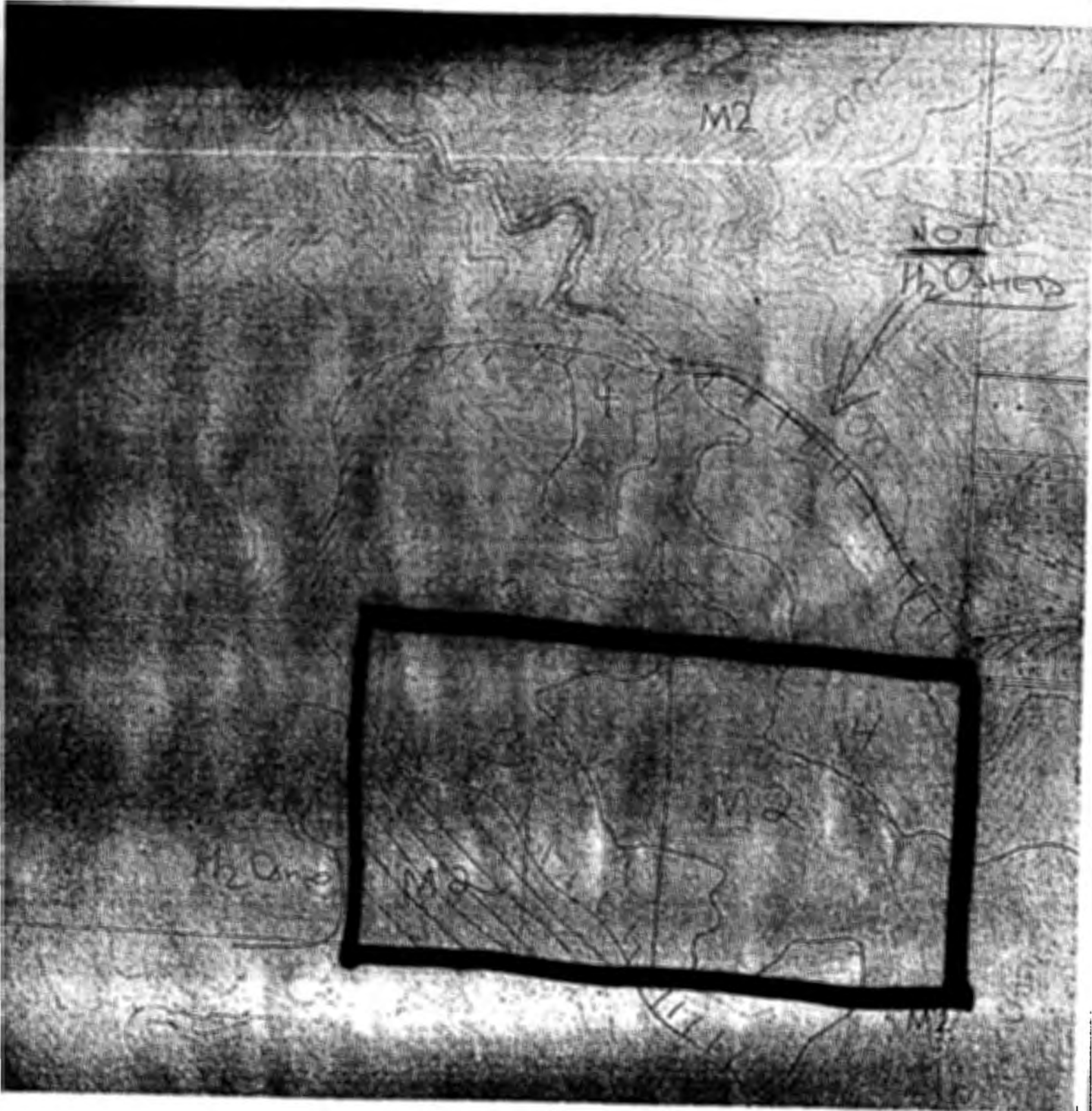


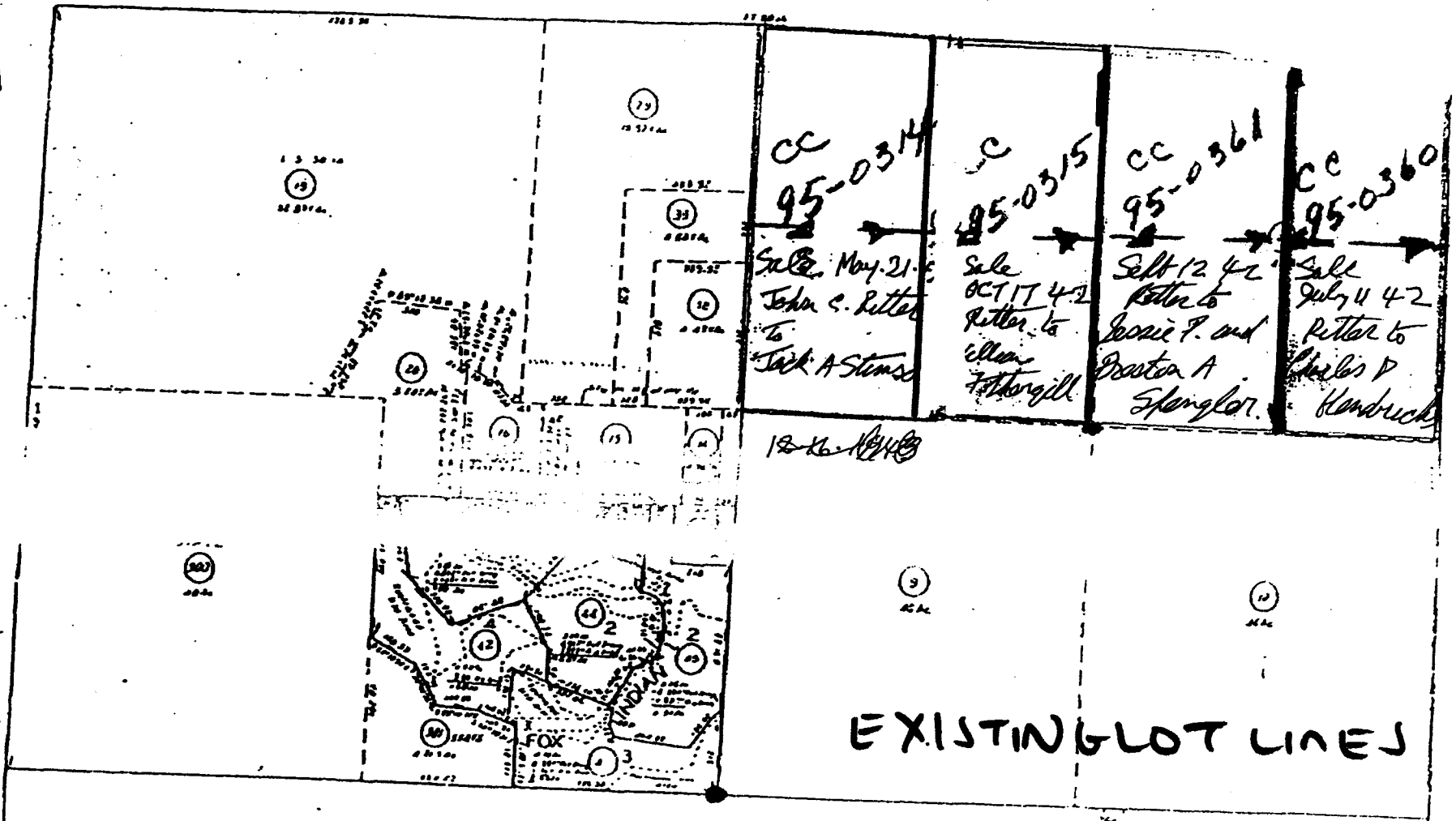
Exhibit 2: Land Use Designations
4-96-073

4461 | 5
SCALE 1" = 400'

4461-005-004
19 20 003

0317
0315
0360
0361

Exhibit 3: Parcel Map - existing
4-96-073



EXISTING GLOT LINES

THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREIN.

LODE 6663

FOR PREV. ASSMT SEE: 482-225

T 1 S., R. 18 W.

PARCEL MAP

P. M. 70-28-29

PARCEL MAP

P. M. 101-57-58

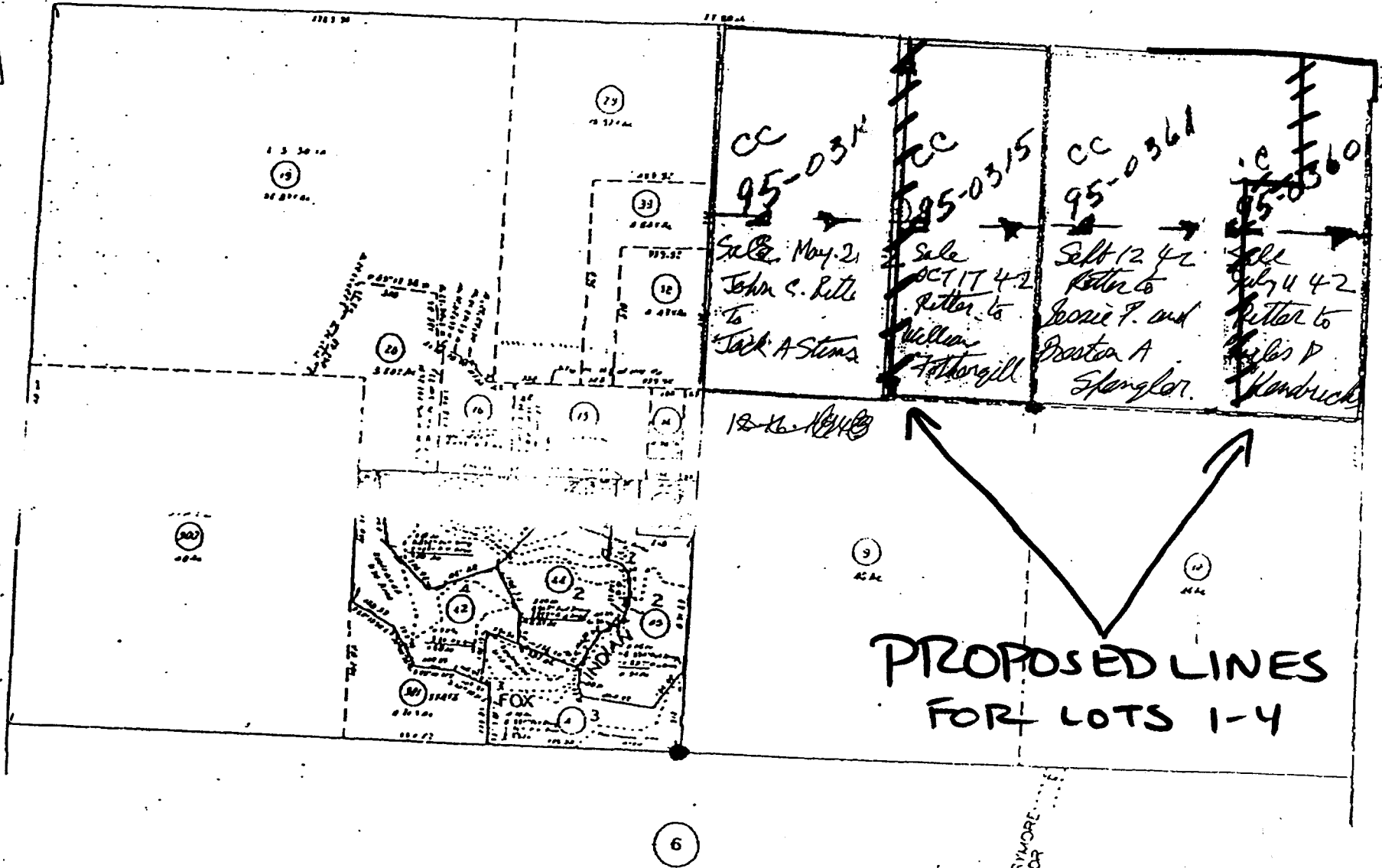
COUNTY

4461 | 5
SCALE 1" = 400'

4461-005-004
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0317
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Exhibit 4: Parcel Map - Proposed
4-96-073



PROPOSED LINES
FOR LOTS 1-4

LOOE
2563

T 1 S., R. 16 W.
PARCEL MAP - P.M. 70-28-29
PARCEL MAP P.M. 101-57-58

FOR PREV. ASSMT SEE:
462-223

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