

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/7/99
49th Day: 6/25/99
180th Day: 11/3/99
Staff: J. Johnson-V
Staff Report: 5/19/99
Hearing Date: 6/7/99
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 4-96-022**APPLICANT:** Judy Martin**AGENT:** Lynn Heacox**PROJECT LOCATION:** 29637 Pacific Coast Highway, City of Malibu (Los Angeles County)**PROJECT DESCRIPTION:** Adjust lot lines among three existing lots; one lot includes an existing duplex. No new lots will be created.

Existing Parcel No. and Area	Proposed Parcel No.	Area
Parcel 1 1.87 acres	Parcel A	3.81 acres
Parcel 2 1.00 acre	Parcel B	2.16 acres
Parcel 3 8.51 acres	Parcel C	5.41 acres
Building coverage Lot 3:	3,175 sq. ft.	
Pavement coverage Lot 3:	22,000 sq. ft.	
Landscape coverage Lot 3:	20,000 sq. ft.	
Parking spaces Lot 3:	4	
Plan Designation: Residential I, 1 dwelling unit per acre		

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Malibu, dated 1/21/99; Approved, Environmental Health Department, City of Malibu, dated November 2, 1998; Geology Referral Sheet, City of Malibu, dated 10/22/98; Approved Fire Protection Plans and Coastal Commission Approval Only, Fire Department County of Los Angeles, dated 3/4/99.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Development Permit No. 4-97-055, Seva Corporation; Coastal Development Permit Waiver No. 4-98-66-W, Robinson; Coastal Development Permit No. 4-96-028, Gottlieb; Coastal Development Permit No. 5-89-187, Malibu Beach Development Group.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with no special conditions. The applicant requests approval of a lot line adjustment among three existing lots; no new lots are proposed. One lot includes an existing duplex while the other two lots are vacant. Although no grading is proposed, two building sites are identified on each of the vacant lots with one additional common driveway proposed for the future. The proposed lot line adjustment is in conformance with the land use designation of one dwelling unit per acre provided in the Malibu/Santa Monica Mountains Land Use Plan and is consistent with the applicable policies of the Coastal Act.

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, as conditioned, 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 governments 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 effects 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 of a lot line adjustment among three existing lots. One lot includes existing residential development, a duplex.

The subject site is located inland of Pacific Coast Highway and Zuma Beach Park (Exhibits 1 and 2). The site is surrounded by residential development located to the west and north and a commercial shopping center located to the east. The three existing and proposed adjusted lots front on Pacific Coast Highway. To the south of the site beyond Pacific Coast Highway is Zuma Beach Park. Driveway access to the three lots is directly from Pacific Coast Highway. The existing duplex is accessed by one driveway to the east, the two other vacant lots are proposed to be accessed by one common driveway located just off an existing driveway to the west leading from Pacific Coast Highway to residential development west of the subject site. The applicant submitted information that the property included a duplex in 1987, although Coastal Permit No. 5-89-187 (Malibu Beach Development Group) indicates that the residential structure was a single family residence in 1989. The structure continues to be a duplex according to the applicant.

It is important to note that the applicant does not propose any grading or any construction in this application. The subject site is not located within any designated environmentally sensitive habitat areas. The existing drainage on a portion of the property is not a mapped stream.

The Los Angeles County Land Use Plan designates these parcels as Residential I, one dwelling unit per acre. The proposed lot line adjustment meets these land use densities.

The project site has been the subject of previous permit actions by the Commission. On July 13, 1989, the Commission approved Coastal Development Permit No. 5-89-187 to demolish a single family residence, and subdivide three parcels into 10 residential lots and one common area lot for road and landscaping, construct 10 single family residences, 35 feet above existing grade, pools and decks, two parking courts, 45 parking spaces, septic systems and extension of Baden Place, a public street. The Commission in January 1992 extended this Coastal Permit for an additional year. Coastal Permit No. 5-89-187 expired in July 1993 and the project was never constructed.

B. Individual and Cumulative Impacts of Development on Coastal Resources

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 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.

Section 30251 of the Coastal Act provides that permitted development be sited to protect views to and along the ocean and minimize the alteration of natural land forms, and be visually compatible with the character of the surrounding areas:

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 Preservation 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 30253 of the Coastal Act provides that new development minimize risks to life and property in areas of high geologic and fire hazard:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

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 individually or cumulatively affected by such development. Section 30250 requires three tests to be met by the proposed development.

The new development proposed in this project consists of a Lot Line Adjustment among three lots, one lot includes an existing duplex residential development. This proposed project is not considered a land division. The proposed project is located within an existing residential subdivision that appears to have been created in 1949 prior to the effective date of the Coastal Act. The majority of the surrounding lots are developed with residences, except for a lot to the east that is developed as a small commercial shopping center. Because most of the surrounding lots are already developed, the Commission finds that the new development proposed in this application will be located within an existing developed area, and meets the first test.

The two vacant lots are already provided or are adjacent to public services, (i.e., public road access, water, electricity and telephone), therefore, the development is located in an area able to accommodate it and meets the second test. The third test, addressing whether or not the proposed project will have significant adverse effects, either individually or cumulatively, on coastal resources is discussed below. Potential individual impacts on coastal resources will be addressed first.

In past permit actions, the Commission has looked to the land use designations of the 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 in 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. The LUP also includes a New Development Policy, that notes new development in the Malibu coastal zone will be guided by the LCP Land Use Plan map and associated development standards and a program for the retirement of development rights and mitigation of the effects of non-conforming parcels. The LUP designation for this site is Residential I. In the Residential I land use category, residential use is the principal permitted use at a density of one (1) dwelling unit per acre. The result of the proposed Lot Line Adjustment will be three lots with 2.16, 3.81, and 5.41 gross acres of land each. The proposed lot sizes will be in conformance with the land use densities of the LUP. However, as noted in LUP Policy 271, the residential density standards and other requirements of the plan shall not apply to lot line adjustments. Since the subject application is for a Lot Line Adjustment, the land use density standards are not applicable.

The Commission has reviewed land divisions and lot line adjustments to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and include an appropriate potential building pad area 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 visual impacts, and impacts to environmentally sensitive habitat areas. In this case, the proposed lot is of sufficient size, as noted above. The two vacant lots have the potential for a common driveway to be created to serve potential building sites identified on the Lot Line Adjustment map, Exhibit 3.

As part of the proposed Lot Line Adjustment, the applicant does not propose any grading, there are no designated environmentally sensitive resources on site, and the site is not located within a sensitive watershed area.

The applicant submitted a soils and geology report that addressed the previous residential subdivision approved in Coastal Permit No. 5-89-187. The "Preliminary Soils and Engineering Geologic Investigation Report for Proposed Tentative Tract 46624, 29637 Pacific Coast Highway, Malibu, California", by California GeoSystems, dated 6-14-88, found that there are no known geologic hazards on the site. This geology report concluded that the site was considered suitable from a soils and engineering standpoint for the development of a 10-lot tentative tract subdivision provided their recommendations are included in the design and grading phases of the project. The applicant submitted a Geology Referral Sheet, dated 10-28-98 for the proposed three lot line adjustment. The City's Geologist determined that this proposed "project is geologically feasible and can proceed through the planning process". The applicant submitted a site plan approved by the City of Malibu Environmental Health Department dated November 2, 1998 for the lot line adjustment. The site plan indicates that the City has provided an approval in concept for the lot line adjustment relative to future residential sewage disposal development. The applicant also submitted a site plan stamped by the County of Los Angeles Fire Department and a letter, "Coastal Commission Approval Only", dated 3/4/99 indicating that the project is feasible in concept and the future driveway is required to be less than 20% grade and a minimum of 20 feet in width. Therefore, the proposed project raises no issues regarding geologic and fire hazards.

Regarding landform alteration, the applicant provided a conceptual grading plan prepared by a registered engineer indicating that approximately 1,600 cubic yards of cut is needed to create the common driveway for the two vacant lots. As noted on Exhibit 3, the future driveway will be a spur to the east of an existing driveway, cross a flat area, and then rise up about 45 feet to the building sites on proposed Lots A and B. A 20 foot wide consolidated driveway rising up a 17 % slope to the two future building sites will require 1,600 cubic yards of cut and will minimize the alteration of landform.

Regarding visual impact issues, the existing duplex residence and the two future building sites are visible from Pacific Coast Highway and Zuma Beach Park. The future building sites are located at an elevation of about 75 feet above sea level or about 50 feet above the road elevation of Pacific Coast Highway. Although the building sites will be visible from the Highway and Zuma Beach, the visibility will be reduced because the building sites are located near the most landward portion of the lot. These building sites are located about 340 and 380 feet landward from Pacific Coast Highway. The duplex and building sites do not appear to be visible from any existing or proposed public trail. Further, the proposed development to adjust lot lines, does not by itself, create any individual impacts on public views. Therefore, the

Commission finds that the proposed project, to adjust lot lines, will not create impacts to coastal resources on an individual basis.

The Commission has repeatedly emphasized the need to address the cumulative impacts of new development on coastal resources in the Malibu and Santa Monica Mountains area in past permit actions. The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains would create cumulative impacts on coastal resources and public access over time. Because of the larger number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities, and beaches is expected to grow tremendously.

Staff review indicates that there are no cumulative impacts resulting from the minor Lot Line Adjustment. Therefore, the impacts such as additional traffic, sewage disposal, recreational use needs, visual scenic quality and resource degradation associated with these lot line adjustments in this area are not applicable in this case. Of the existing lots, one is already developed with duplex and the other two are vacant.

The Commission finds that the proposed project will not create impacts to coastal resources on an individual or cumulative basis, and therefore, the Commission finds the project meets the third test of Section 30250. Thus, the Commission finds that the proposed project is consistent with the guidance provided in the Malibu/Santa Monica Mountains Land Use Plan, meets the three tests in Section 30250, and is consistent with Sections 30250, 30251, and 30253 of the Coastal Act.

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 as proposed by the applicant. The proposed development will not create adverse effects 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 City's ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

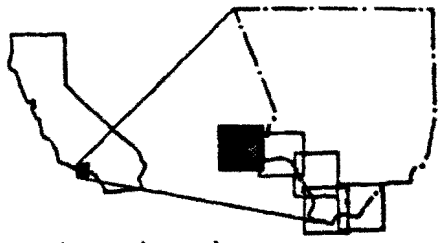
The Coastal Commission's permit process has been designated as the functional equivalent of California Environmental Quality Act (CEQA). Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the 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 effects which the activity may have on the environment.

The Commission finds that, the proposed project will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project is consistent with the requirements of CEQA and the policies of the Coastal Act.

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Los Angeles

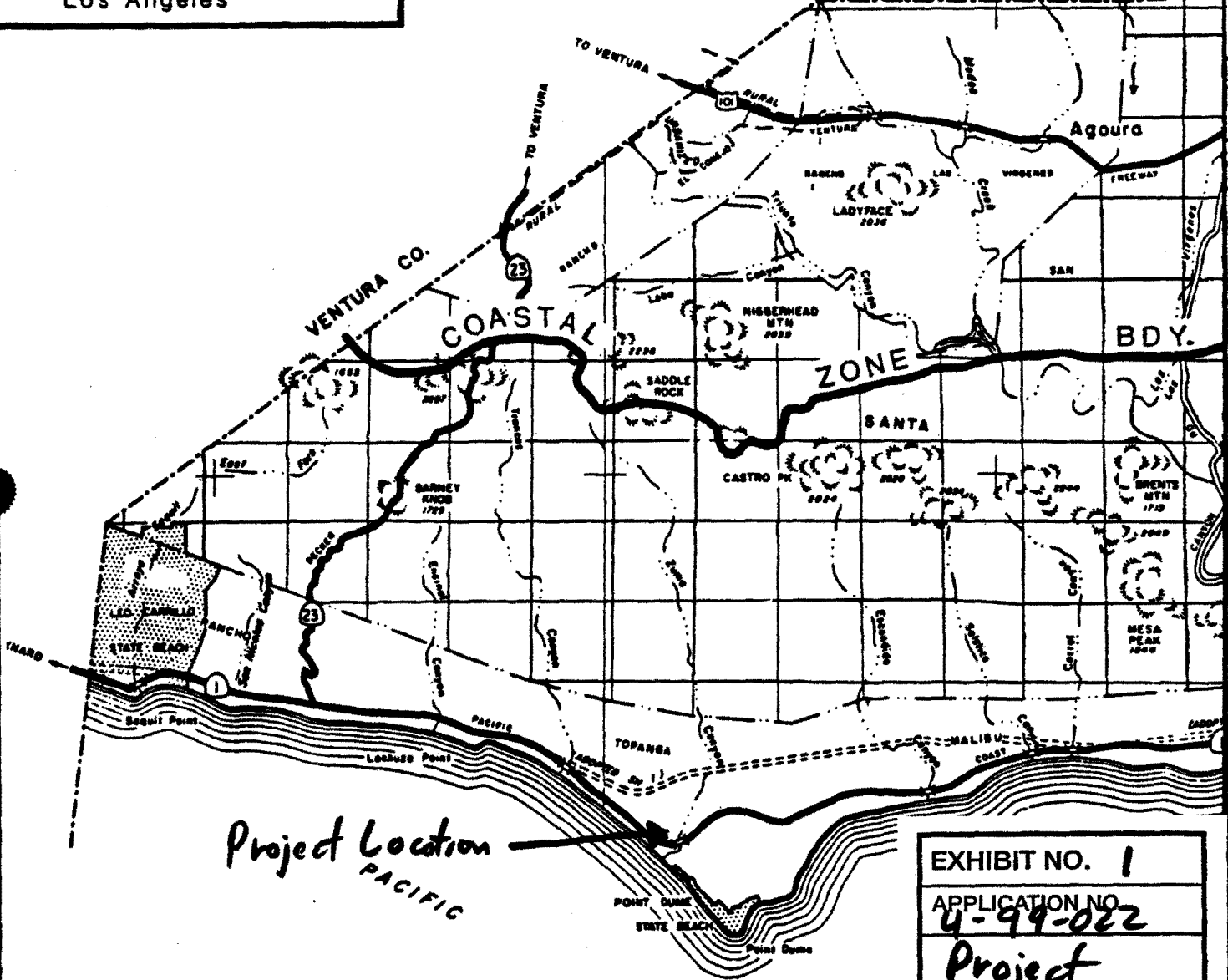


EXHIBIT NO. 1
APPLICATION NO. 4-99-022
Project Location

Project Location
PACIFIC

LOCATION MAP



California Coastal Commission

County of Los Angeles

Sheet 1 of 5

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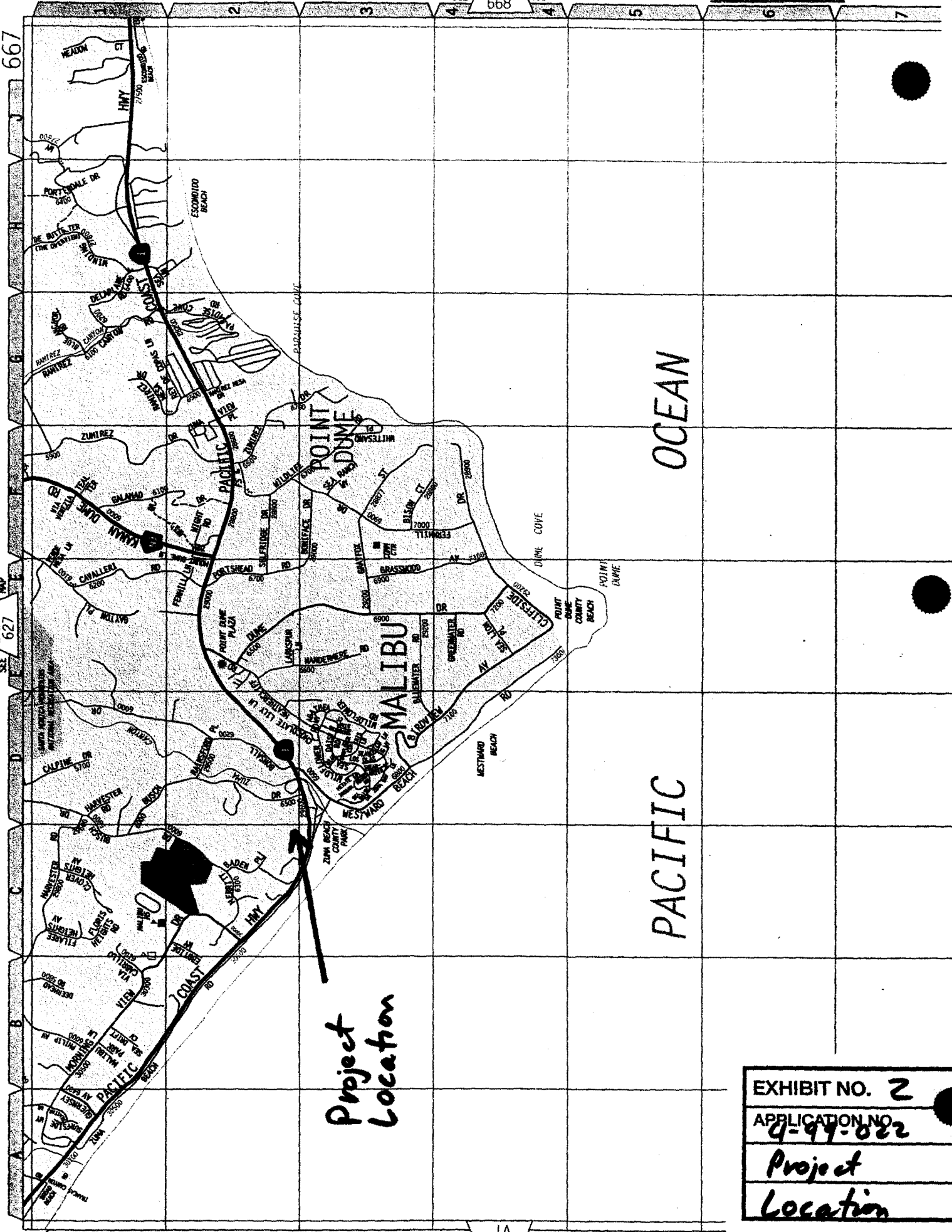
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Thomas But Map © COPYRIGHT 1997

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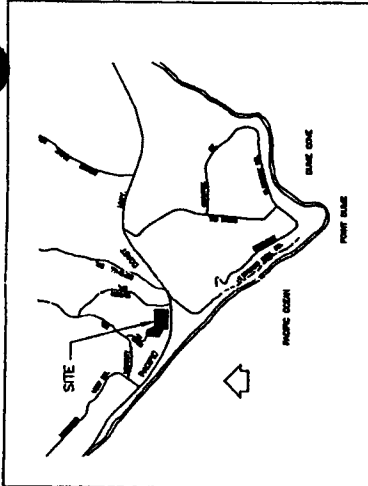
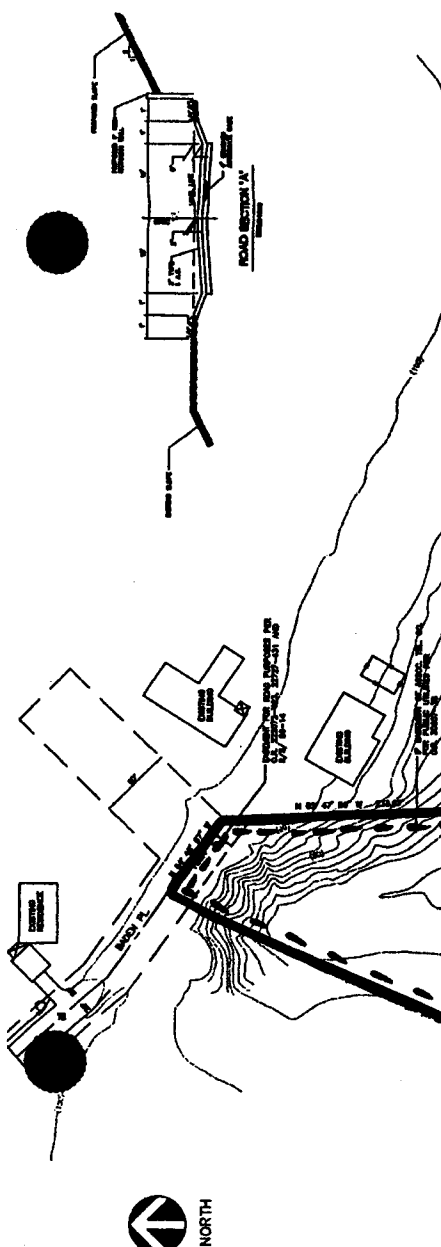


Project Location

OCEAN

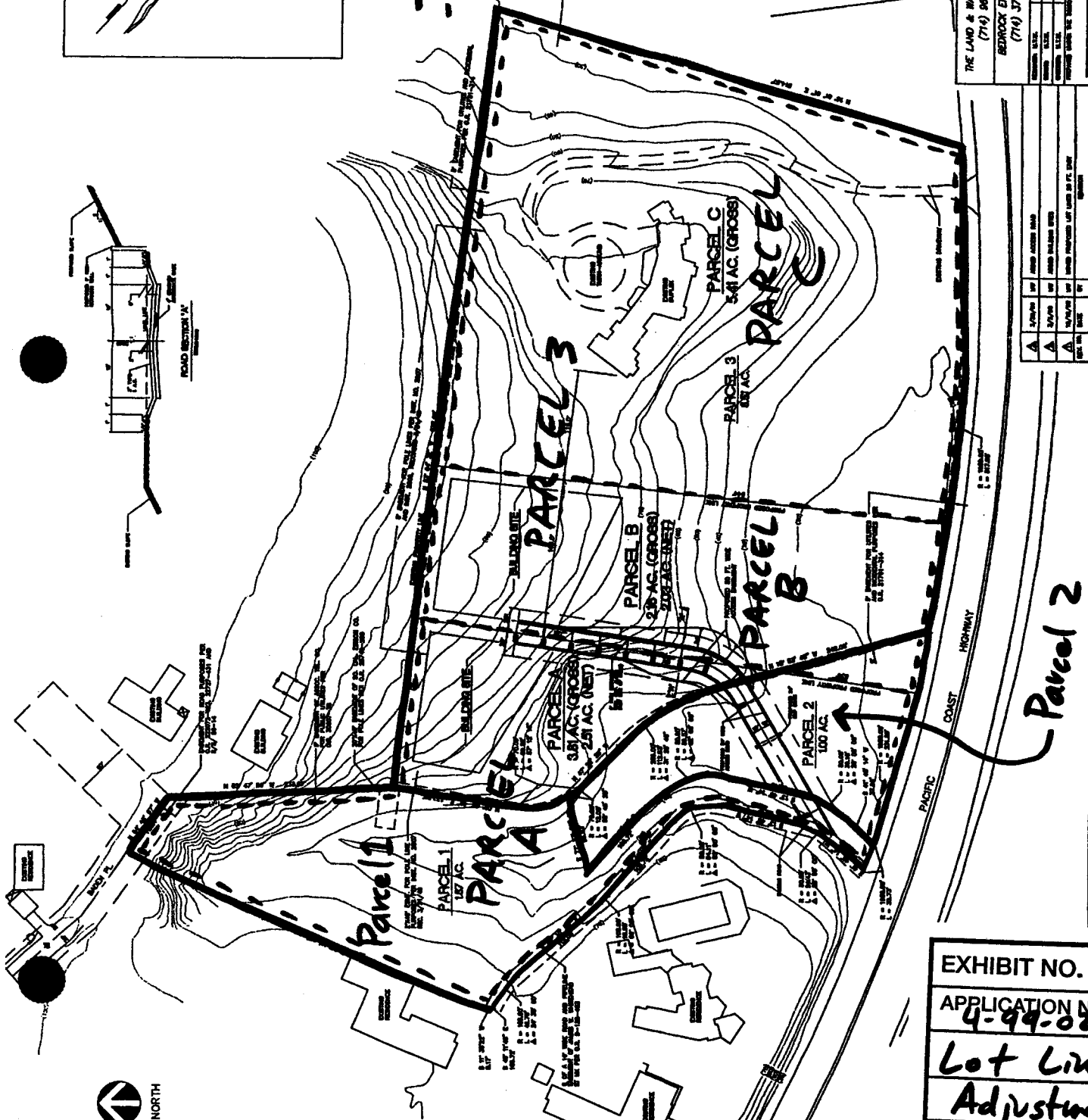
PACIFIC

EXHIBIT NO. 2
APPLICATION NO. 220-19-022
Project
Location



VICINITY MAP

— Existing Parcel Line
 --- Proposed Parcel Line



GROUNDING QUANTITIES	
GROUNDING RODS	1000 FT.
GROUNDING WIRE	1000 FT.
GROUNDING CLIPS	1000 FT.

ASSEMBLY NOTES:
 1. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CONTRACTOR.
 3. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CONTRACTOR.
 4. ALL DIMENSIONS ARE TO BE VERIFIED BY THE CONTRACTOR.

THE LAND & WATER COMPANY
 (714) 965-1622
 BEDROCK ENGINEERING
 (714) 375-0877

LOT LINE ADJUSTMENT
 MAP NO. _____
 206637 PACIFIC COAST HIGHWAY
 MALIBU CALIFORNIA

NO.	DATE	BY	REVISION
1	1/1/00	JL	ISSUE FOR PERMITTING
2	1/1/00	JL	ISSUE FOR PERMITTING
3	1/1/00	JL	ISSUE FOR PERMITTING

98-319-1

EXHIBIT NO. 3
 APPLICATION NO. 4-99-022
 Lot Line Adjustment Map