

# FRI 10a

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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### RECORD PACKET COPY

Filed: 9/15/00  
49th Day: 11/03/00  
180th Day: 3/14/01  
Staff: MKH-V  
Staff Report: 9/29/00  
Hearing Date: 10/13/00  
Commission Action:



## STAFF REPORT: PERMIT EXTENSION REQUEST

**APPLICATION NO.:** 5-91-436 (Remand)-E4

**APPLICANT:** B.M.I.F./B.S.L.F./Rancho Malibu

**AGENTS:** Timothy A. Tosta, Esq. & Judy V. Davidoff, Esq., Baker & McKenzie

**PROJECT LOCATION:** Encinal Canyon Road, 2.3 miles north of Pacific Coast Highway, unincorporated Malibu area of Los Angeles County

**PROJECT DESCRIPTION:** Subdivision of a 254.5 net acre parcel on 8 separate parcels into 46 single family lots, 3 open space lots, 1 sewage treatment lot, and 1 road lot, development of equestrian trail, roads, building pads, utilities, on-site sewage treatment plant, and 1,542,004 cu. yds. of total grading (771,004 cu. yds. of cut, 771,000 cu. yds. of fill)<sup>1</sup>

**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).

The Executive Director has previously determined that there are changed circumstances since the Commission's approval of the project on August 11, 1993. These changes arise from a proposed amendment to the project, application number 5-91-436 (Remand)-A2, scheduled for hearing on the Commission's October 13, 2000

<sup>1</sup> The project description incorporates the additional grading that is the subject of a portion of a proposed amendment to the permit considered by the Commission on the October 13, 2000 agenda as Item FRI 9c. If the Commission denies the amendment for additional grading, the grading amount set forth in the project description will remain the originally approved 824,200 cu. yds. (412,100 cu. yds. cut and 412,100 cu. yds. fill).

agenda. The Executive Director has subsequently determined that the project, as amended pursuant to Part II of 5-91-436(Remand)-A2, and subject to the applicable revised and new special conditions set forth in the associated staff report for Agenda Item FRI 9c, is consistent with the Coastal Act and therefore, unless three (3) Commissioners object to the extension as explained below, the Executive Director will grant the extension request.

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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.

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**STAFF RECOMMENDATION:**

The staff recommends that, unless the Commission objects, the extension should be granted for the following reason:

While there have been changed circumstances since the approval of the subject development (these changes are the subject of CDP application no. 5-91-436 (Remand)-A2, Part II, discussed below), the changes, as conditioned, do not affect the project's consistency with the Coastal Act.

**Staff Analysis:**

**A. Project Description**

**Previously Approved Project Description (CDP 5-91-436 (Remand)):** On November 4, 1998, the Commission approved an amended project description<sup>2</sup> subject project which authorized the subdivision of a 254.5 net acre parcel into 46 single family lots, 3 open space lots, 1 sewage treatment lot, and 1 road lot, and 824,200 cu. yds. of grading (412,100 cu. yds. cut and 412,100 cu. yds. fill).

**B. Analysis of Changes Circumstances**

The Commission approved 5-91-436 (Remand) on August 11, 1993. On November 4, 1998, the Commission approved 5-91-436 (Remand)-A1, incorporating certain changes to the proposed project that resulted from litigation (in which the Commission was not involved) between the applicant and Los Angeles County).

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<sup>2</sup> See extensive discussion of permit history in background section of report for Agenda Item FRI 9c, October 13, 2000 agenda, Rancho Malibu.

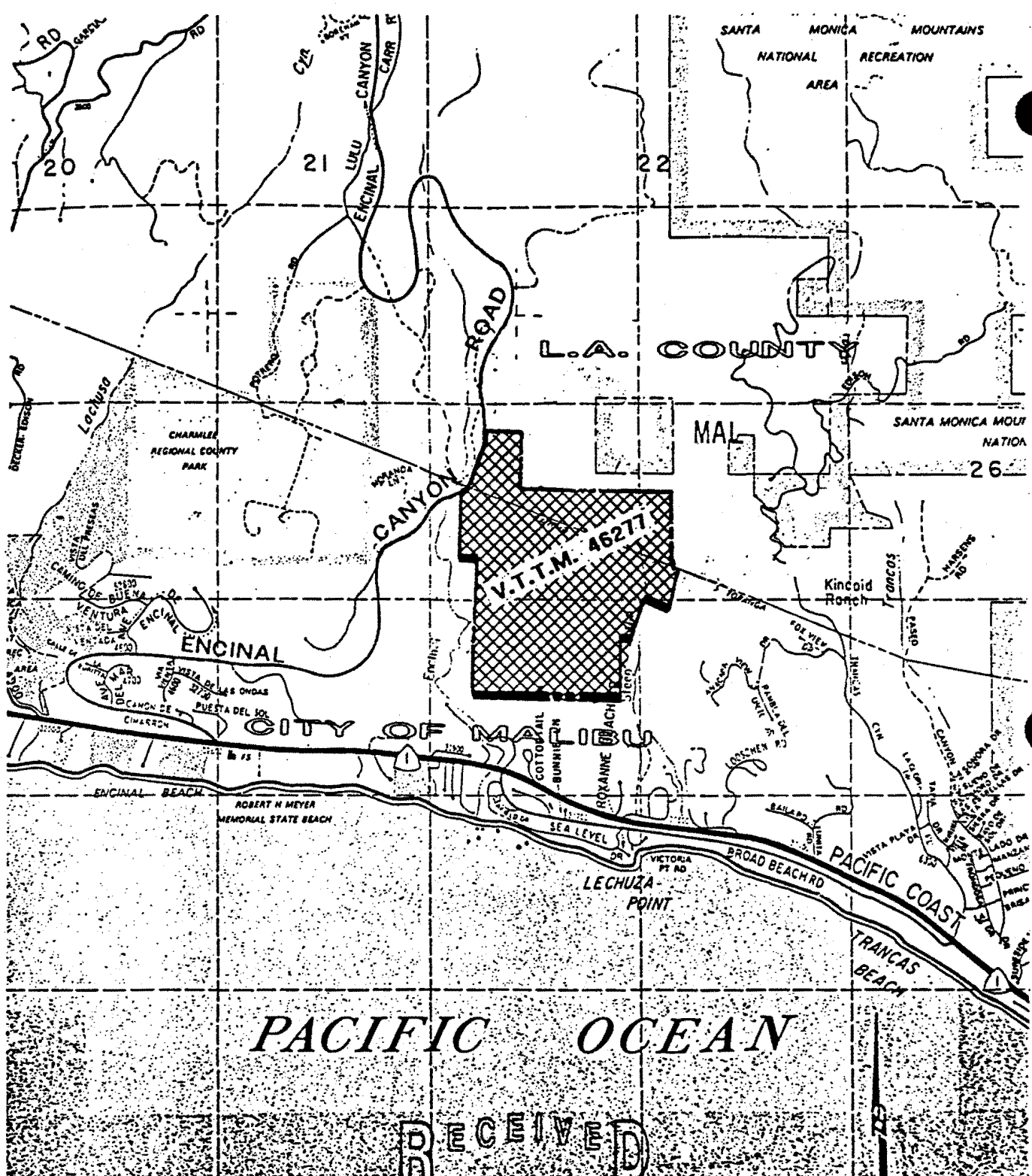
The applicant presently proposes to amend the approved project to incorporate additional remedial grading identified in revised grading plans received by Commission staff on July 28, 2000. The applicant also proposes to amend the TDC obligation under permit. The volume of the additional grading, combined with the applicant's request to amend certain aspects of the existing special conditions, constituted sufficient change since Commission approval of the underlying project description that the Executive Director determined that changed circumstances exist. The proposed grading amendment is scheduled for hearing by the Commission at the October meeting.

As discussed in the report for the applicant's proposed amendment, the Commission finds that the applicant's proposal to amend its TDC obligation for cumulative impacts mitigation (Special Condition 16) inconsistent with the requirements of Coastal Act Section 30250(a) and pursuant to Agenda Item 9c denies that portion (Part I) of the applicant's amendment request.

As further discussed in the report, subject to revised and additional special conditions, the Commission finds that the applicant's proposal to increase the total volume of grading necessary to undertake remedial preparation of the previously approved footprint of project grading consistent with the applicable policies of the Coastal Act (particularly Sections 30230, 30231, and 30253(a) and (b)).

### **C. Conclusion**

Staff concludes that although there have been no changes to the project site since the Commission's approval of CDP 5-91-436 (Remand), there are changed circumstances concerning the project in the form of a revised project description and proposed changes to certain applicable special conditions. Staff has evaluated the project in light of the changes posed by the amendment request number 5-91-436 (Remand)-A21 (scheduled for Commission hearing on the October 13, 2000 agenda, prior to this item) and has determined for the reasons noted above that the changes do not affect the project's consistency with the Coastal Act. Accordingly, if the Commission does not object to the requested extension described herein, the Executive Director intends to grant the applicant's request for a one year time extension as requested in application number 5-91-436 (Remand)-E4.



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|--------------------------------|
| EXHIBIT NO. /                  |
| APPLICATION NO.<br>4-91-436-E4 |
| Rancho Malibu                  |
| Vicinity Map                   |

JUL 26 1993

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

**VICINITY MAP**

Not to scale

Source: Thomas Guide

VESTING TENTATIVE TRACT  
MAP NO. 46277

DDC