

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

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Hearing Date: 4/11-14/00

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 4-00-040**APPLICANT:** Andrew Rosenberg **AGENT:** Hans J. Giraud**PROJECT LOCATION:** 18101 and 18103 Coastline Drive, Malibu (Los Angeles County)**PROJECT DESCRIPTION:** Two lot land division on a 0.37 acre (net) parcel separating a single family residence and four unit apartment building .

Lot area:	16,466 sq. ft.; 0.37 acre (net)
LUP land use designation:	Residential IV B, 8 - 10 dwelling units/acre
Zoning designation:	Limited Multiple Residence, 5,000 sq. ft. minimum required area per dwelling unit

LOCAL APPROVALS RECEIVED: County of Los Angeles: Regional Planning Department, Parcel Map 25585 and CUP 99-93.**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains certified Land Use Plan; Coastal development permits P-1060 and 4-99-098 (Rosenberg).**SUMMARY OF STAFF RECOMMENDATION**

The proposal is a land division separating a detached single family residence from a four unit apartment with six attached covered garage spaces on a .37 acre lot (net). These buildings are located in an area of mixed single and multiple family residential development . The proposal does not change the density of existing development, a legally nonconforming use which has a density of 5 residential units on .37 acres, which is the equivalent of 16.23 dwelling units per acre. Staff recommends approval of the proposed land division.

I. STAFF RECOMMENDATION

MOTION: I move that the Commission approve Coastal Development Permit 4-00-040 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO APPROVE THE AMENDMENT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 term or 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 permute 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 proposes a two lot land division that will separate a detached single family residence from a four-unit apartment building with six attached covered garage spaces. A portion of an existing common private drive serving residences and apartments in the project area separates the two residential buildings. These buildings are located in an area with mixed single and multiple family residential development .

The proposal does not change the density of existing development of five units on .37 . acres, which is the equivalent of 16.23 dwelling units per (net) acre. The issue of density and land use regulations is discussed in greater detail below. Existing density is in excess of the density allowed by existing zoning and LUP standards, but allowable as a legally nonconforming use.

The project site is level to sloping down to Coastline Drive which is one parcel inland from the Pacific Coast Highway. Because of the location, topography and intervening development the subject mixed residential complex has insignificant impact on views from Pacific Coast Highway.

The immediate vicinity contains a single family residence to the west and apartment buildings to the north and east. The proposal is located in an unincorporated coastal area of Malibu to the east of the City Malibu. Surrounding development is a mixture of single family residential development and apartment units. The parcel is seven parcels west of the Los Angeles City limit. The project is located west and across the road from a portion of the Getty Museum, including a prominent landmark building overlooking Pacific Coast Highway.

B. Cumulative Impacts of Development

The applicant proposes a land division separating a detached single family residence from a four-unit apartment building with six attached covered garage spaces. As noted previously, the proposal does not change the density of existing development of five units. Existing density is in excess of that allowed by existing zoning and LUP standards, but allowable as a legally nonconforming use.

Section 30250 of the Coastal Act addresses the cumulative impacts of new development.

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 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 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 Coastal Act requires that new development be permitted only where public services are adequate and only where coastal resources will suffer adverse cumulative impacts from such development. The Commission has repeatedly emphasized the need to address the cumulative impact of new development in the Malibu/Santa Monica Mountains area in past permit actions. The cumulative impacts problem stems from the existence of thousands of undeveloped and poorly sited parcels in the mountains along with the potential for creating additional parcels and/or residential units through subdivisions and multi-unit projects.

Because of the large number of existing undeveloped lots and potential future development, the demands on road capacity, services, recreational facilities, and beaches could be expected to grow tremendously. The Commission examines the potential future impacts on coastal resources that might occur with any further development of the proposed structure or any change to residential use. Impacts such

as traffic, sewage disposal, recreational uses, and grading can affect the scenic quality and natural resources of the area and are associated with new development.

The density designations in the certified Malibu/Santa Monica Mountains LUP and local zoning allow calculation of the total number of units authorized on the existing and proposed lots (with fractional units rounded down). The following illustrates the intensity of development in terms of the existing use, LUP land use designations, and current zoning.

	<u>Existing Parcel</u>	<u>Proposed Single Family Parcel</u>	<u>Proposed Multiple Family Parcel</u>
<u>Lot Size (net)</u>	16,106 sq. ft.	4,955 sq. ft.	11,151 sq. ft.
<u>LUP (R IV B*)</u>	< 3.70 units	< 1.14 units	< 2.56 units
<u>Zoning Density (R-3**)</u>	< 3.22 units	< 0.99 units	< 2.23 units

* Residential IV B, 8 – 10 dwelling units per acre.

** Limited Multiple Residence, 5,000 square feet minimum required area.

The Malibu/Santa Monica Mountains certified Land Use Plan has been used as guidance in past Commission decisions in the County of Los Angeles. The above calculation results in an allowance of three dwelling units on the two proposed lots, even though five dwelling units presently exist. The proposed division of land will not change existing development on the property. Subsequent development, such as through removal and replacement of existing development, would be limited to one unit on the smaller proposed lot and two units on the larger proposed lot (for a total of three units) under both existing County zoning and the Malibu/Santa Monica Mountains LUP. This intensity of development is within the allowable intensity proposed by the certified LUP.

Because the proposed project is located in an existing developed area with adequate public services and is consistent with the size and scale of surrounding development, the Commission finds that the proposed land division will not have significant adverse effects either individually or cumulatively on coastal resources. The land division does not change the requirement under the certified LUP that future redevelopment on the two proposed lots be limited to one unit on the smaller proposed lot and two units on the larger proposed lot, for a total of three units. This will serve to ensure that the proposed development results in the development of the site that is consistent with and conforms to the Section 30250 of the Coastal Act.

Further, the Commission has addressed the cumulative impact of new development, including land divisions, by requiring as a special condition of development, participation by the applicant in a Transfer of Development Program (TDC program) as mitigation. The TDC program results in the retirement of development potential in existing, poorly situated lots in exchange for potential for development of projects in more developed areas. The intent has been to ensure the no net increase of residential units. In the case of this project, as discussed above, the actual number of units is less than the allowable number of units under existing zoning and the certified LCP land use designation. Consequently, the proposed development will not result in cumulative impacts of development on coastal access and road capacities and public services. Therefore, a TDC is not required in this case.

The Commission finds that the proposed land division, therefore, is consistent with Section 30250(a) and with all the applicable policies of the Coastal Act.

C. 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with 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 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, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of 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 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 that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, 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, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.

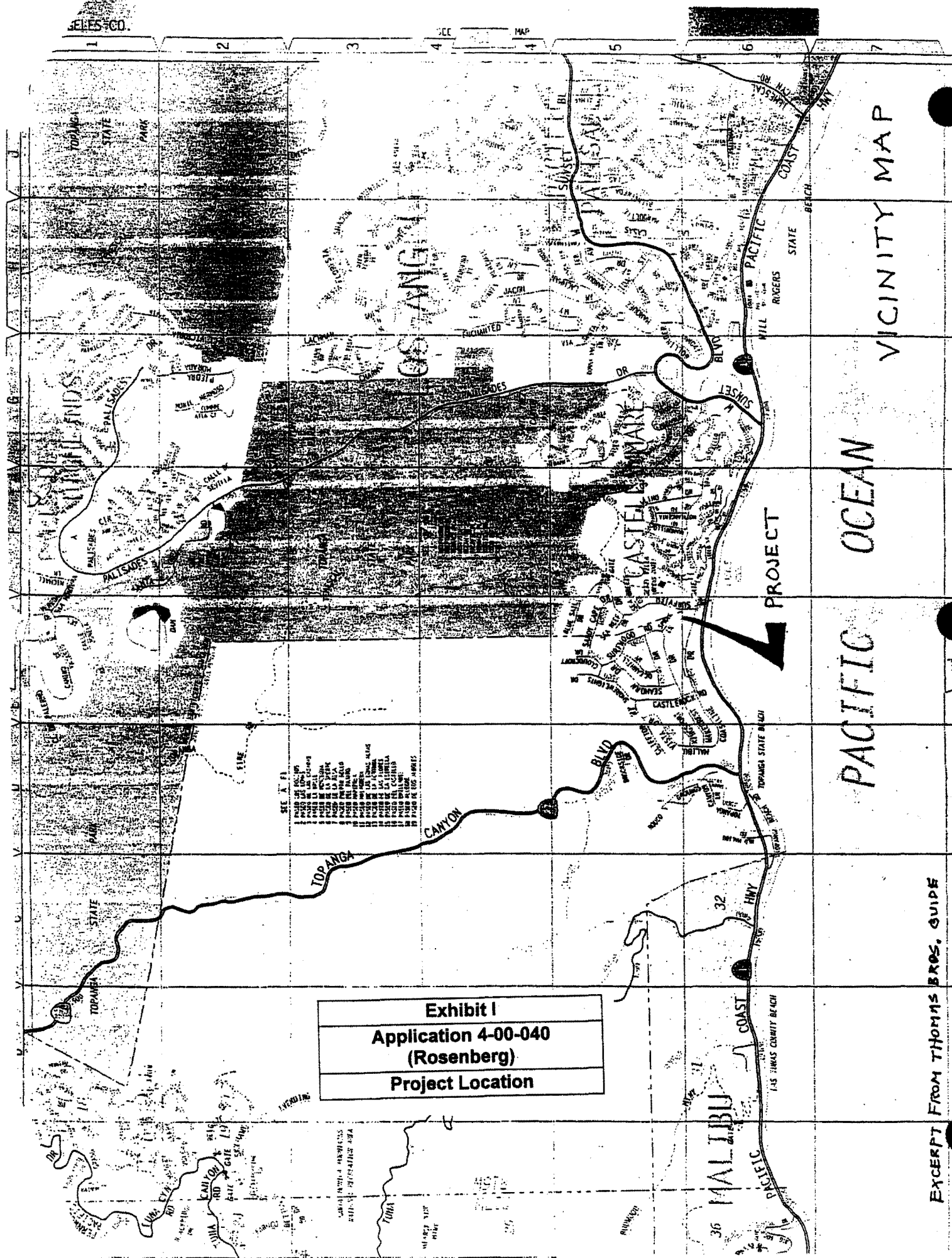
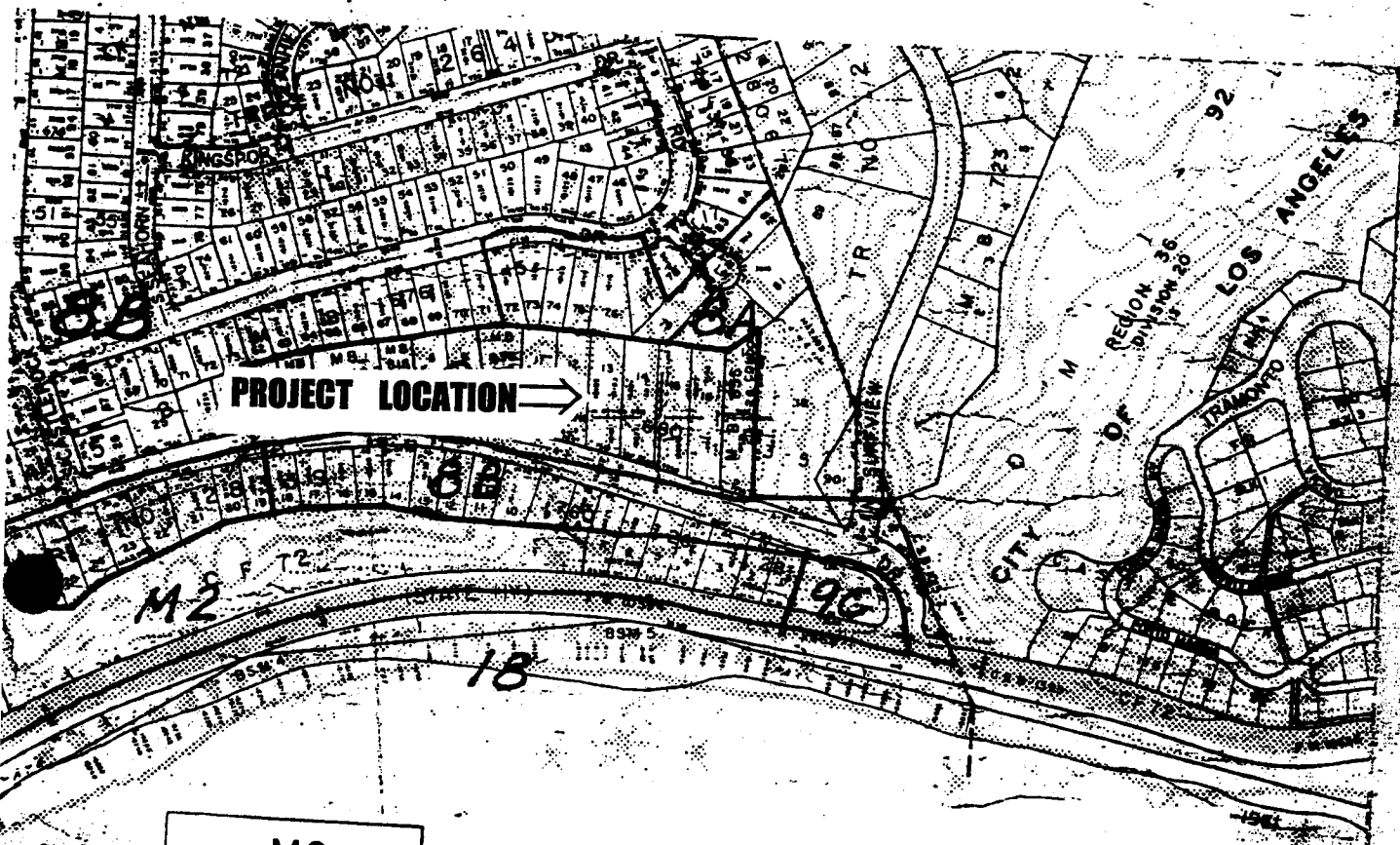


Exhibit I
Application 4-00-040
(Rosenberg)
Project Location



M2	Mountain Land	1DU/20AC
8A	Residential IIIA	2-4DU/AC
8B	Residential IIIB	4-6DU/AC
9A	Residential IVA	6-8DU/AC
9B	Residential IVB	8-10DU/AC

Exhibit II
 Application 4-00-040
 (Rosenberg)
 Land Use Plan Designations



