

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



November 9, 2009

Patrick H. West, City Manager  
City of Long Beach – Office of the City Manager  
333 West Ocean Boulevard – 12<sup>th</sup> Floor  
Long Beach, CA 90802

Re: Land Division is Development – Coastal Development Permit Requirements.

Dear Mr. West:

We have received a copy of a City memorandum (dated October 23, 2009) written by the City's Director of Public Works Michael Conway and addressed to you. The memo responds to concerns raised by the Los Cerritos Wetlands Trust relating to the proposed conveyance to the City of certain lands in the Los Cerritos Wetlands area. In the memo Mr. Conway asserts that a coastal development permit is not required to divide a property in order to convey to the City a four-acre portion of a larger lot located on the north side of Second Street.

We must rebut that opinion, for it is incorrect. The proposed subdivision, or lot split as it is referred to in the memo, is a type of development that requires a coastal development permit. It would create a new lot. All divisions of land, except for one narrow exception discussed below, are considered development, including lot line adjustments. The lot split at issue here is a type of development that requires a local coastal development permit.

Development is broadly defined by Section 30106 of the Coastal Act, which states:

**"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and *any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use*; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).**

The City of Long Beach certified LCP also defines land divisions as development, as follows:

**21.15.790 Development**

**A. "Development" means:**

1. The division of a parcel of land into two (2) or more parcels;
2. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
3. Any mining, excavation, landfill or land disturbance; or
4. Any use or extension of the use of land.

**B. This definition includes, but is not limited to:**

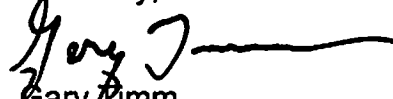
1. Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code);
2. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;
3. Change in the intensity of use of water, or of access thereto;
4. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
5. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

**C. As used in this Section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line.**

The definition of development includes an exception for cases where a land division is brought about in connection with the purchase of such land by a public agency for public recreational use, but the City has not taken any steps to dedicate the property or use it for public recreation. Therefore, the exception would not apply in this case.

The property subject to the proposed subdivision is located in part of the Los Cerritos Wetlands area that is not part of the certified City of Long Beach LCP. Therefore, the required coastal development permit for the development must be obtained from the Commission. The Commission will review the proposed development during the permit process in order to identify any potential adverse impacts to coastal resources. Please submit a completed coastal development permit application to our South Coast District office in Long Beach. Please call me or Charles Posner at (562) 590-5071 if you have any questions.

Sincerely,



Gary Pimm

Coastal Program Manager