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STATE OF CALIFORNIA--THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff: CAREY *BC*
Staff Report: 11/13/96
Hearing Date: 12/10-13/96
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-150

APPLICANT: Robert Rein, Susan and David Brown, Thomas and Deborah Hudson, Larry Goodwin, Ana Betancourt, and Calvin Larson

PROJECT LOCATION: 1291 Will Geer Road, Topanga, Los Angeles County

PROJECT DESCRIPTION: Merger of sixteen existing lots comprising 92-acres and resubdivision into sixteen reconfigured parcels.

Lot area:	92 acres
Building coverage:	N/A
Pavement coverage:	N/A
Landscape coverage:	N/A
Plan designation:	M2 (1 du/20 ac), Rural Land I (1 du/10 ac), and Rural Land II (1 du/5 ac)
Ht abv fin grade:	N/A

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval In Concept

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan, 5-88-605 (Brown), 4-93-151 (Betancourt/Larson), Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the proposed project be approved as submitted. The proposed project includes the merger of sixteen existing lots comprising 92 acres and the resubdivision of the proposed project site into sixteen reconfigured parcels. The property includes eleven contiguous lots located within the Topanga Woods Small Lot Subdivision. The other five lots are larger lots which are contiguous with and just north of the small lot subdivision parcels. The proposed merger and resubdivision of sixteen existing parcels into sixteen reconfigured lots is consistent with the 50 percent and the average lot size criteria of Section 30250(a). While the proposed lot sizes will not be completely consistent with the guidance of the land use designations of the LUP, no additional lots will be created and the overall density of the proposed project site will not be increased. Finally, although site-specific evaluations will have to be made at the time that coastal development permit applications are submitted for structures on the reconfigured parcels, the proposed project will have no adverse impacts on coastal resources.

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 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.

The Commission hereby finds and declares:

A. Project Description.

The proposed project includes the merger of sixteen existing contiguous lots comprising 92 acres and the resubdivision of the proposed project site into sixteen reconfigured parcels. The property includes eleven contiguous small lots located within the Topanga Woods Small Lot Subdivision. The other five lots are larger lots which are contiguous with and just north of the small lot subdivision parcels. The applicants assert that the purpose of the proposed project is to provide parcels with better road access and building pad locations that can be developed with less grading. The proposed project site is located on a ridge between Topanga Canyon and Greenleaf Canyon in the Topanga area of the Santa Monica Mountains. Exhibit 1 shows the location of the proposed project.

Staff notes that the applicants have described and characterized the development which is the subject of this application as a series of lot line adjustments performed on sixteen contiguous parcels. Beginning with sixteen lots, a series of lot line adjustments would be made, resulting ultimately in sixteen reconfigured lots at the conclusion of all the adjustments. This description originally appeared in the applicants' "project description" and other parts of the application. The County of Los Angeles' Department of Regional Planning issued its approval in concept for development characterized as a series of lot line adjustments. Despite this characterization as a lot line adjustment, the Commission considers the subject development to be, effectively, for purposes of analysis under the Coastal Act and its Chapter 3 policies, a division of land consisting of a merger and resubdivision of contiguous parcels.

While the Commission is not bound by the definitions set forth in the California Subdivision Map Act when it considers proposed development, those definitions are useful here by way of illustration. For example, a lot line adjustment is described generally as an adjustment between two or more existing parcels, where the land taken from one parcel is added to an adjacent parcel. A merger and resubdivision is a type of subdivision. It differs from a lot line adjustment in that two or more separate, contiguous parcels that were previously subdivided are merged into one parcel and then resubdivided into a different configuration of parcels with different parcel boundaries. In this application, sixteen contiguous parcels are being merged into one parcel and then resubdivided into sixteen different parcels. In this way, a merger and resubdivision can differ from a first-time subdivision in that a merger and resubdivision may not, as with this application, involve an increase in the total number of parcels after the process has concluded. Although the County of Los Angeles characterized their approval in concept for the proposed project as a lot line adjustment, the validity of this approval is not affected by the Commission's finding that the project actually involves a lot merger and resubdivision.

1. Existing Lot Configuration.

The existing lot configuration of the proposed project site is shown in Exhibit 2. This exhibit is a composite of several assessor's parcel maps of different scales. The scales have been adjusted to allow the lots to be shown in relation to each other. The existing lots include 11 small lot subdivision lots which range in size from 3,580 sq. ft. to 6,800 sq. ft. These lots, which are all owned by Betancourt/Larson, are located within the Topanga Woods small lot subdivision. These lots are shown at the bottom of Exhibit 2. An enlargement of the small lot subdivision lots is provided in Exhibit 3.

The remaining five lots involved in the lot line adjustment are located north of the small lot subdivision. The following list shows the sizes of these larger lots and the ownership of each:

<u>Owner</u>	<u>APN</u>	<u>Size</u>
Betancourt/Larson	4444-022-001	37.55 acres
Rein	4440-007-017	20.9 acres
Goodwin/Hudson	4440-007-057	9.26 acres
Goodwin/Hudson	4444-030-010	2.32 acres
Brown	4440-007-016	16.96 acres

2. Proposed Lot Configuration.

The proposed project involves the reconfiguration of the existing parcels such that all sixteen lots will be merged into one parcel and then resubdivided into sixteen parcels with a new configuration. The proposed project will result in the same number of lots as currently exist. The following chart shows the proposed sizes of the proposed parcels:

<u>Lot Number</u>	<u>Size</u>
1	1.09 acres
2	2.12 acres
3	7.71 acres
4	7.22 acres
5	11.6 acres
6	9.1 acres
7	2.32 acres
8	5.54 acres
9	5.08 acres
10	6.51 acres
11	10.93 acres
12	3.68 acres
13	4.77 acres
14	2.78 acres
15	3.89 acres
16	4.4 acres

Exhibit 4 is an illustration that shows the proposed lot configuration in relation to the existing lot configuration. Exhibit 5 is the map submitted by the applicants which shows the proposed lot configuration with the topography

of the site. The proposed project would result in the existing small lots becoming one lot with one building site. The other fifteen lots will be provided along a ridge running north-south through the larger existing lots. Lot 1 will be composed of the existing small lots and will take access through the existing roads in the Topanga Woods Small Lot Subdivision. Lots 2 through 16 will be located along the ridge between Topanga and Greenleaf Canyons and each lot would take access from a road to be improved from Will Geer Road south across the project site. Although no roads, pads, or structures are proposed at this time, the applicants have indicated potential building pad locations for each lot for purposes of analyzing the proposed merger and resubdivision. The applicants have stated that the building pads would be located on the flatter portion of each proposed parcel in close proximity to existing dirt roads. The applicants have submitted a Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc. which addresses in a very preliminary manner, the geologic suitability of the proposed project site for residential development. The future development of roads, pads, and structures on the site must be analyzed at such time as the owners submit coastal development permits for such development. Full grading plans, geologic investigations, house plans, etc. will be necessary for that analysis.

B. Background.

The Commission has previously considered a permit application for development on the Betancourt/Larson parcel. Permit 4-93-151 was approved for the restoration and erosion control program for the unpermitted grading and clearance of vegetation on a 2,925 foot long section of abandoned road, as well as a 700 foot long section of newly created roadway.

The Commission has also approved a permit for a single family residence on the Brown parcel [5-88-605 (Brown)]. This parcel is the northernmost lot which is part of the proposed project site. In addition to a home, a guest house, barn and tennis court were approved with 900 cubic yards of grading. This residence has been constructed.

C. New Development/ Cumulative Impacts

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.

In addition, the certified Land Use Plan contains the following policies regarding land divisions and new development which are applicable to the proposed development. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act. Policy 271 states, 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 presents a base land use designation for all properties... 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.

Policy 273(d) provides 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, in past permit decisions, the need to address the cumulative impacts of new development in the Malibu/Santa Monica Mountains coastal zone. The Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain 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.

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. The potential development of thousands of existing undeveloped and poorly sited parcels in these mountains could create 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 applicants propose, as described above in the Project Description, to reconfigure a 92-acre site, composed of 16 existing parcels. The existing lot configuration includes a small area (approximately 1 acre) which is divided into eleven small lots. This area is part of the Topanga Woods Small Lot

Subdivision. There are a number of such small lot subdivisions throughout the Santa Monica Mountains which were subdivided in the 1920's and 30's into very small "urban" scale lots. These subdivisions are comprised of parcels of less than one acre but generally ranging in size from 2,000 to 5,000 square feet. The small lot subdivision portion of the proposed project site is extremely steep and the existing lots range in size from 3,580 sq. ft. to 11,000 sq. ft.

The remainder of the proposed project site is comprised of five larger parcels, ranging in size from 9 acres to 37 acres. The proposed reconfiguration will result in 16 lots which will range in size from 1 acre to 11 acres. Therefore, the applicants are proposing to reconfigure the proposed project site such that the size range of the 16 parcels will be less than the existing range. In other words, the proposed parcels will be more like each other in size instead of the existing configuration where some lots are quite large and some lots are extremely small. While this proposed project is not a typical subdivision whereby new lots are created, it does involve a merger and resubdivision which is considered a land division. As such, it must be analyzed for conformance with the provisions of Section 30250(a).

1. Malibu/Santa Monica Mountains Land Use Plan Designations.

In past permit actions, the Commission has looked to the land use designations of the certified Malibu/Santa Monica Mountains Land Use Plan for guidance on the maximum allowable density and intensity of land use that may be permitted in any particular area. The LUP designates the proposed project site for three density categories: 1) M2 which allows one dwelling unit per 20 acres; 2) Rural Land I which allows one dwelling unit per 10 acres; and 3) Rural Land II which allows one dwelling unit per 5 acres.

In past permit actions approving new subdivisions, the Commission has determined the maximum allowable density for the entire project site (based on the LUP density categories) and required that the number of new lots created conform to the maximum density on average. For example, each new lot created in an area designated for one dwelling unit per 10 acres is not required to contain exactly ten acres. Rather, the average of all new lots created must be no less than one unit per every ten acres of land. This allows for clustering of lots and innovative design of lots in order to minimize adverse impacts to coastal resources.

In this particular case, the proposed project is not a typical subdivision, but a merger and resubdivision of contiguous parcels. Based on the guidance of the LUP density designations, the proposed number of reconfigured parcels would not conform to the maximum allowable density of ten dwelling units. However, the proposed project site already contains sixteen existing legal lots. The proposed merger and resubdivision, unlike a typical subdivision, will not create any new lots. It would instead result in sixteen reconfigured lots. As such, while the proposed parcels will not conform to the LUP designations, no increase in the overall density of the proposed project site would result. Further the smallest lots will be increased in size to more closely conform to the density standards. Finally, the land use designations for the proposed project site will not allow for any future subdivisions so no additional density can be provided on the site. Therefore, there are unique factual circumstances at work in the proposed project which would lead the Commission to the conclusion that complete conformance with the LUP land use

designations is not of particular concern. Specifically, the proposed project would not provide for any additional density than what currently exists on the proposed project site.

2. Section 30250(a) Requirements.

Although the certified LUP provides standards for density and intensity of development, the Commission must also review land divisions for consistency with the Coastal Act. In this case, because the proposed project site is located outside the developed coastal terrace area, the criteria provided in Section 30250(a) are applicable. This section provides that land divisions shall be permitted when: a) 50 percent of the usable parcels in the area have been developed; and b) the created parcels would be no smaller than the average size of the surrounding parcels. These requirements are to ensure that development is located in close proximity to existing development in areas that have adequate public services. In other words, this policy is to prevent the "leap-frogging" of new development into undeveloped areas, thereby preventing the potentially significant adverse impacts of such development on coastal resources.

a. 50 Percent of Usable Parcels Criterion.

The first technical requirement of Section 30250(a) of the Coastal Act is regarding land divisions outside existing developed areas. That section requires that such land divisions be permitted only where 50 percent of the usable parcels in the area have been developed and where other criteria are met. The Commission has found, in past permit decisions, that "existing developed area" for the Malibu area applies only to the urbanized strip, or coastal terrace, along Pacific Coast Highway, and does not apply to the interior of the Santa Monica Mountains. The Commission has further found that the area addressed by the 50 percent criterion is the market area, amounting to the entire Malibu/Santa Monica Mountains coastal zone. Within that area, a majority of the existing parcels are not yet developed, thus causing all proposed land divisions outside the coastal terrace to fail the required 50 percent test of Section 30250(a).

Based on these concerns, the Commission, in the past, found no alternative to denial of a number of land division permits. It was only with the institution of the transfer of development credit program that the Commission found a mechanism by which the cumulative impacts could be mitigated and the 50 percent requirement could be met. The creation of new parcels is mitigated by the extinguishment of existing parcels, thereby ensuring that no net increase in the overall number of lots occurs within the market area. Since the number of usable parcels is not increased by land divisions, the 50 percent criterion is, in effect, met. In the case of the proposed project, sixteen existing parcels would be merged and resubdivided into sixteen reconfigured lots. As such, no additional parcels would be created. The maximum density allowed and the total number of residential units that could be permitted on the proposed project site would not be altered by the proposed project. Therefore, in keeping with the Commission's prior actions determining that ensuring no net increase in the overall number of lots met the 50 percent criterion, the proposed project is consistent with this requirement.

b. Average Lot Size Criterion.

With regard to the average lot size standard, the first step to making the determination required under Section 30250(a) of the Coastal Act is to choose a representative "surrounding area". Next, utilizing assessor's records, the number of parcels within the surrounding area would be determined. Lastly, an average lot size analysis would be made on the surrounding area. To determine the appropriate surrounding area in the Santa Monica Mountains, the Commission has, in past permit decisions, considered the average and median lot size within one-quarter of a mile, taking into account major topographic features. In the *Billings v. California Coastal Commission* case, the court examined the use of an arithmetic mean to determine the size of lots that was typical for a geographic area. In *Billings*, the court rejected the Commission's past use of the arithmetic mean to determine the "average" lot size and rather found the use of a median or mode to be more appropriate. The Commission has found that the mode as a method of calculating the average is of limited utility, and has determined that the median is the best method of determining the average lot size. In *Billings*, the court also rejected the arbitrary delineation of a 1/4 mile radius as the sole criterion for determining the appropriate surrounding area, and instead found that it was appropriate to also take into account major topographic features to delineate the surrounding area.

In this case, staff determined the appropriate "surrounding area" and calculated the "average" lot size. As noted above, the proposed project site is located on a ridge between Topanga and Greenleaf Canyons. Staff determined that the major topographic features that define the surrounding area are these canyons. As such, the surrounding area was defined as including the ridge and slopes down to the canyon bottoms. Within this surrounding area, which includes portions of two small lot subdivisions, staff identified 193 lots. The median lot size of the surrounding area was calculated to be 6,400 sq. ft. Based on this analysis, the reconfigured lots would be no smaller than the average size of surrounding parcels, consistent with Section 30250(a).

3. Transfer of Development Credit.

As noted above, the Commission has, in past permit decisions, consistently required that the cumulative impacts of new parcels created through subdivisions be mitigated by the retirement of an equivalent number of lots, through participation in the Transfer of Development (TDC) Program. The TDC program has resulted in the retirement from development of existing, poorly-sited, and non-conforming parcels at the same time that new parcels were created through subdivision. The intent is to ensure that no net increase in residential units results from the approval of new subdivisions while allowing development to proceed consistent with the requirements of Section 30250(a) of the Coastal Act.

In this case, the proposed project is not a typical subdivision but a merger and resubdivision of contiguous parcels. The proposed project site is comprised of sixteen existing parcels. The proposed merger and resubdivision will result in sixteen reconfigured lots. As such, no additional lots will be created and thus there will be no net increase in the number of potential residential units as a result of the approval of this resubdivision. If this proposed project involved an ordinary first-time subdivision of property creating additional parcels, or if the parcels involved were not contiguous,

the Commission would find it necessary to require mitigation for the cumulative impacts of creating the new parcels or newly configured parcels in order to ensure consistency with Section 30250(a). In this case, contiguous lots will be merged and resubdivided into the same number of reconfigured lots. Therefore, the Commission finds that a requirement to mitigate the creation of new lots through participation in the TDC program is not appropriate.

4. Coastal Resources.

In addition to the previously noted criteria, Section 30250(a) states that new development should be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. It is thus necessary to also review the proposed project for any significant impacts on coastal resources.

As discussed above, the applicants propose the subject lot reconfiguration in order to facilitate residential development of the proposed project site. The existing small lot subdivision lots are very small in size and very steeply sloping. It would be very difficult at best to provide a driveway, fire department turnaround, garage, septic system and home that could minimize impacts to coastal resources on each of these eleven lots. It is likely that large amounts of landform alteration would be necessary to develop the lots. The cumulative impacts of developing eleven homes in this small area would be substantial. Yet, the lots are existing legal lots.

Instead, the applicants are proposing to reconfigure the proposed project site such that only one home would be constructed in the small lot area. The remainder of the proposed project site would be resubdivided and a commensurate number of parcels provided across the property. The reconfigured parcels will allow for the provision of building pads along the crest of a ridge above the small lot subdivision. While many of the proposed lots will contain very steep areas, each one contains at least one flatter area where a building pad could potentially be developed. Of course, the ultimate location of roads, pads, and structures will have to be evaluated when final grading plans, geologic investigations, house plans, etc. are submitted as part of coastal development permit applications for future development of each reconfigured parcel. Following is a discussion of the proposed project's conformance with the applicable coastal resource protection policies of the Coastal Act.

a. Environmentally Sensitive Habitat Areas/Visual Resources.

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30251 of the Coastal Act states that:

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.

The proposed project site is located on a ridge between Greenleaf and Topanga Canyons. There are no environmentally sensitive habitat areas on the project site. However, both Topanga Creek and Greenleaf Creek are designated as ESHA's in the LUP. Additionally, there are areas at the bottom of each canyon that are designated as disturbed oak woodlands. Excessive grading or vegetation removal on the proposed project site could directly impact these ESHA's by contributing to increased runoff or sedimentation. Also, excessive landform alteration could adversely impact the visual resources of the area. The applicants have submitted a map of the project site which indicates potential road and building pad locations for each reconfigured parcel. These pads would be located on the flatter portion of each lot in close proximity to existing dirt roads. Staff's visit to the site confirmed that the proposed building pad locations are the flatter areas of the sites and that there are several existing dirt roads across the proposed project site. It appeared to staff that a driveway and home could be provided on each of the proposed sites which could minimize landform alteration. Of course, grading plans have not been submitted and the applicants do not propose grading for roads or pads at this time. At such time as applications for structures on each reconfigured parcel are reviewed, it will be necessary for the Commission to ensure that landform alteration, including grading and vegetation removal are minimized and that proper drainage is incorporated into the design to protect nearby ESHA's. However, the currently proposed merger and resubdivision will allow for reconfigured lots that are larger in size and are located along a ridge containing flatter areas. This will allow greater flexibility in siting future roads, pads and structures so that they minimize impacts to environmentally sensitive habitat areas and coastal resources. Therefore, the Commission finds that the proposed project is consistent with Sections 30240 and 30251 of the Coastal Act.

b. Geologic Stability.

Section 30253 of the Coastal Act states, in part, that 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 proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to this area include landslides, erosion, and flooding.

The applicants have submitted a Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc. for the proposed project site. While this evaluation is preliminary in nature and does not include any subsurface investigation, the report concludes that:

The proposed locations of the future residences, located along the upper portion of this southerly trending spur ridge, are considered to be geologically stable areas. Although landslides exist in the area, they are not located in sufficiently close proximity to the proposed building sites where they can have an adverse impact on the stability of the dwellings.

The applicants do not, at this time, propose any grading or construction of structures. At such time as coastal development permit applications are reviewed for development of the reconfigured lots, a full geologic evaluation which includes subsurface investigation will be necessary to ensure geologic stability. However, based on the preliminary geologic assessment, future residences can be located in geologically stable areas. Furthermore, the currently proposed merger and resubdivision will allow for reconfigured lots that are larger in size and are located along a ridge containing flatter areas. This will allow greater flexibility in siting future roads, pads and structures so that they minimize risks to life and property and assure stability. Therefore, the Commission finds that, based on the conclusions of the geologist, the proposed project is consistent with Section 30253 of the Coastal Act.

c. Septic Systems.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

The Commission recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. As noted above, the applicants have submitted a Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc. for the proposed project site. This report states that:

...on-site effluent disposal system are feasible in conjunction with single-family dwelling construction.

The applicants do not, at this time, propose any construction of structures or septic systems. At such time as coastal development permit applications are reviewed for development of the reconfigured lots, a full geologic evaluation which includes percolation testing will be necessary to ensure adequate percolation exists to accommodate effluent disposal for each future residence. However, based on the preliminary geologic assessment, future residences can be located such that adequate septic systems can be provided. Additionally, any proposed septic systems for structures on the reconfigured lots would be more widely spaced than if structures were constructed on the existing lots. For example, in the small lot portion of the proposed project site, only one septic system would need to be provided under the proposed reconfiguration. Under the existing lot configuration, eleven septic systems would need to be provided in the same area. The discharge of effluent from eleven homes in such a small area could exceed the capacity of the underlying formations to filter the discharge, adversely impacting coastal resources. The proposed project will allow for future septic systems to be more widely spaced and allow greater flexibility in siting the systems in locations where effluent will not adversely impact coastal waters, streams, or other coastal resources. As such, the Commission finds that based on the geologist's conclusions, the proposed merger and resubdivision is consistent with Section 30231 of the Coastal Act.

5. Conclusion.

In conclusion, the proposed merger and resubdivision of sixteen existing parcels into sixteen reconfigured lots is consistent with the 50 percent and the average lot size criteria of Section 30250(a). While the proposed lots will not be completely consistent with the land use designations of the LUP, no additional lots will be created and the overall density of the proposed project site will not be increased. Finally, although site-specific evaluations will have to be made at the time that coastal development permit applications are submitted for structures on the reconfigured parcels, the proposed project will allow for reconfigured lots that are larger in size and are located along a ridge containing flatter areas. This will allow greater flexibility in siting future roads, pads and structures so that they minimize adverse impacts to coastal resources. As such, the proposed project is consistent with Sections 30231, 30240, 30251, and 30253 of the Coastal Act and will have no adverse impacts on coastal resources. Therefore, the Commission finds that the proposed project is consistent with Section 30250(a) 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 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

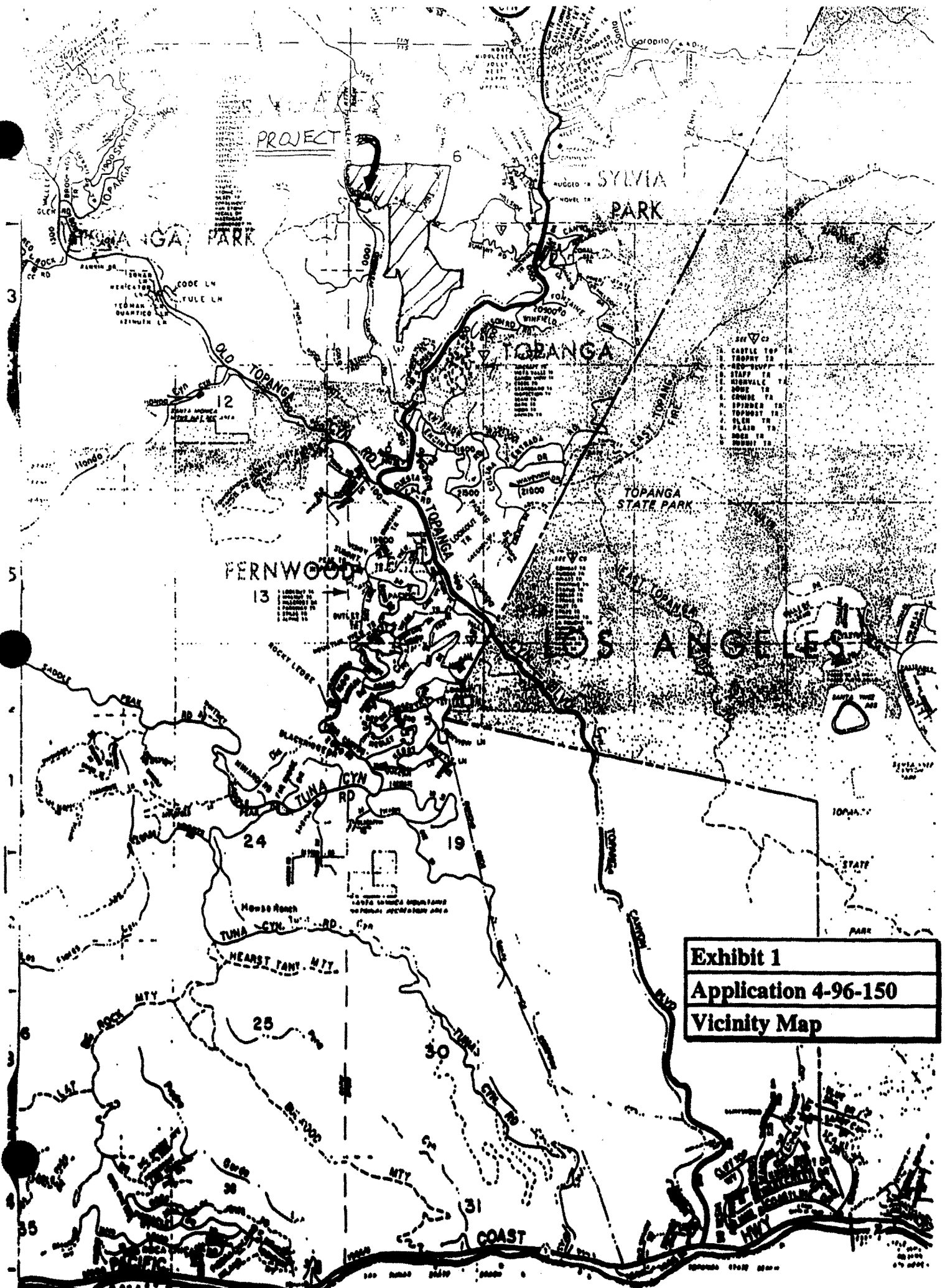
government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. On December 11, 1986, the Commission certified the Land Use Plan portion of Los Angeles County's Malibu/Santa Monica Mountains LCP. The certified LUP contains policies to guide the types, locations and intensity of future development in the unincorporated areas of the Santa Monica Mountains. Among these policies are those specified in the preceding sections regarding cumulative impacts. As discussed above, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the County's ability to prepare a certifiable Local Coastal Program that is consistent with all the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

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 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 which have not been adequately mitigated. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

2180M
BJC



PROJECT

SYLVIA PARK

TOPANGA PARK

TOPANGA

TOPANGA STATE PARK

FERNWOOD

LOS ANGELES

Exhibit 1
Application 4-96-150
Vicinity Map

COAST

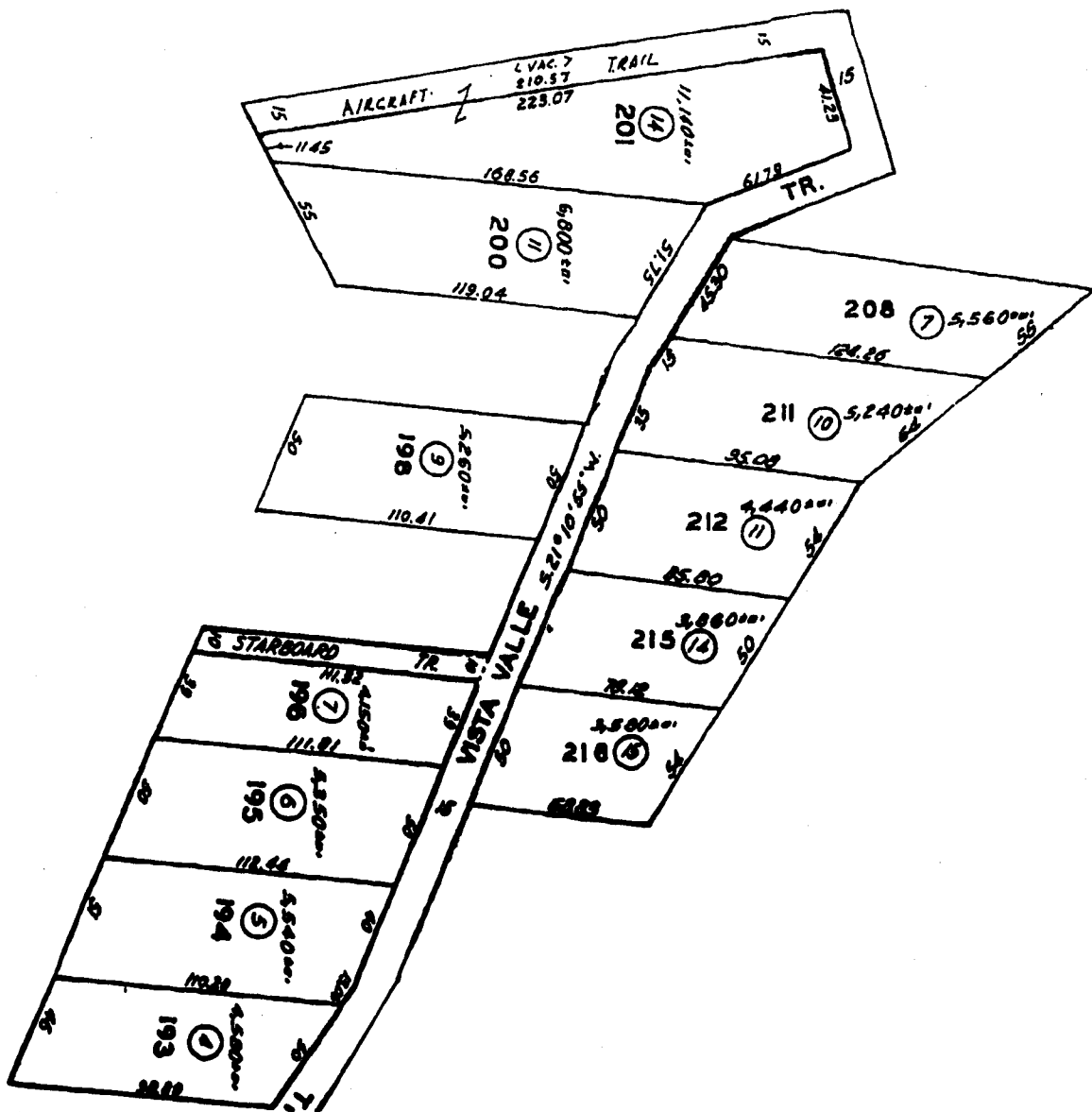
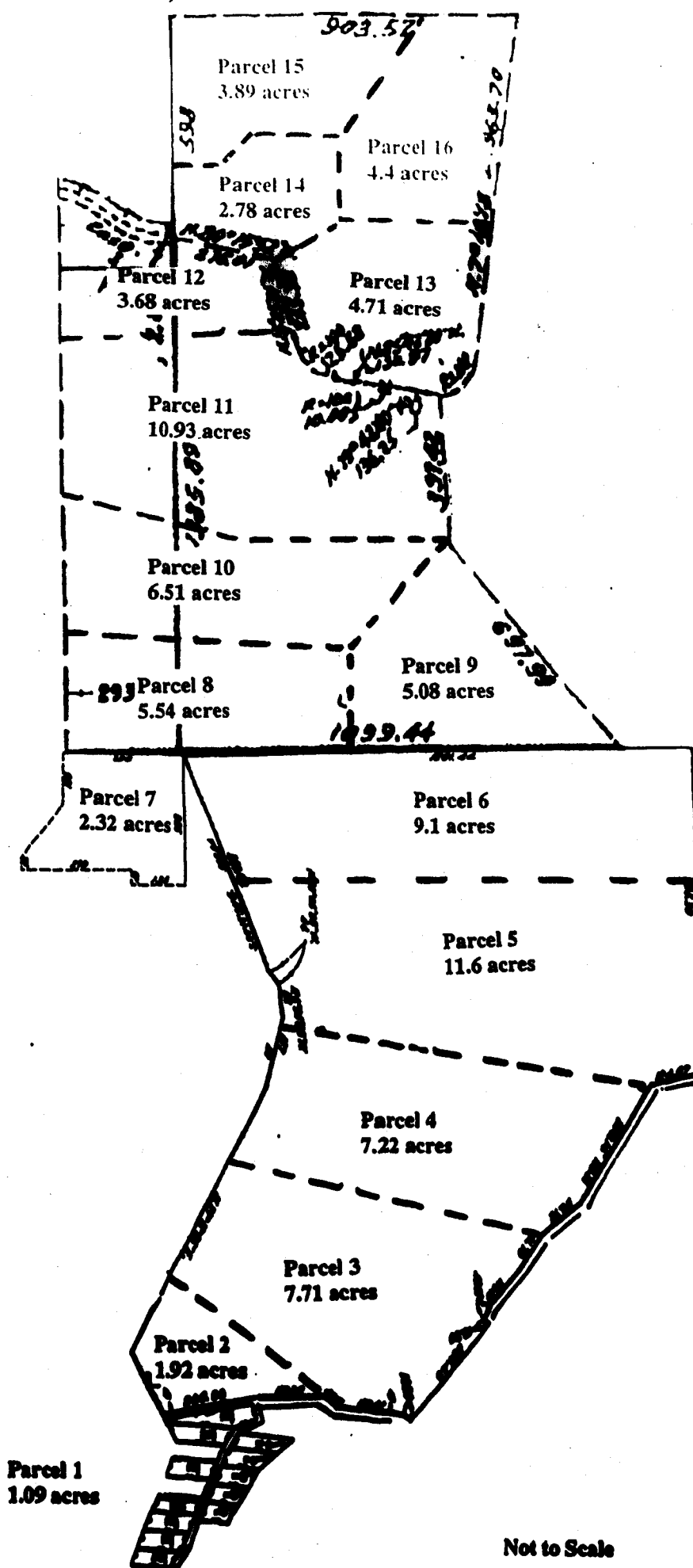


Exhibit 3
Application 4-96-150
Enlargement of
Existing Small Lots



For illustration purposes only.
Lot lines are approximate.

Not to Scale

Exhibit 4
Application 4-96-150
Illustration of Proposed
Lot Configuration

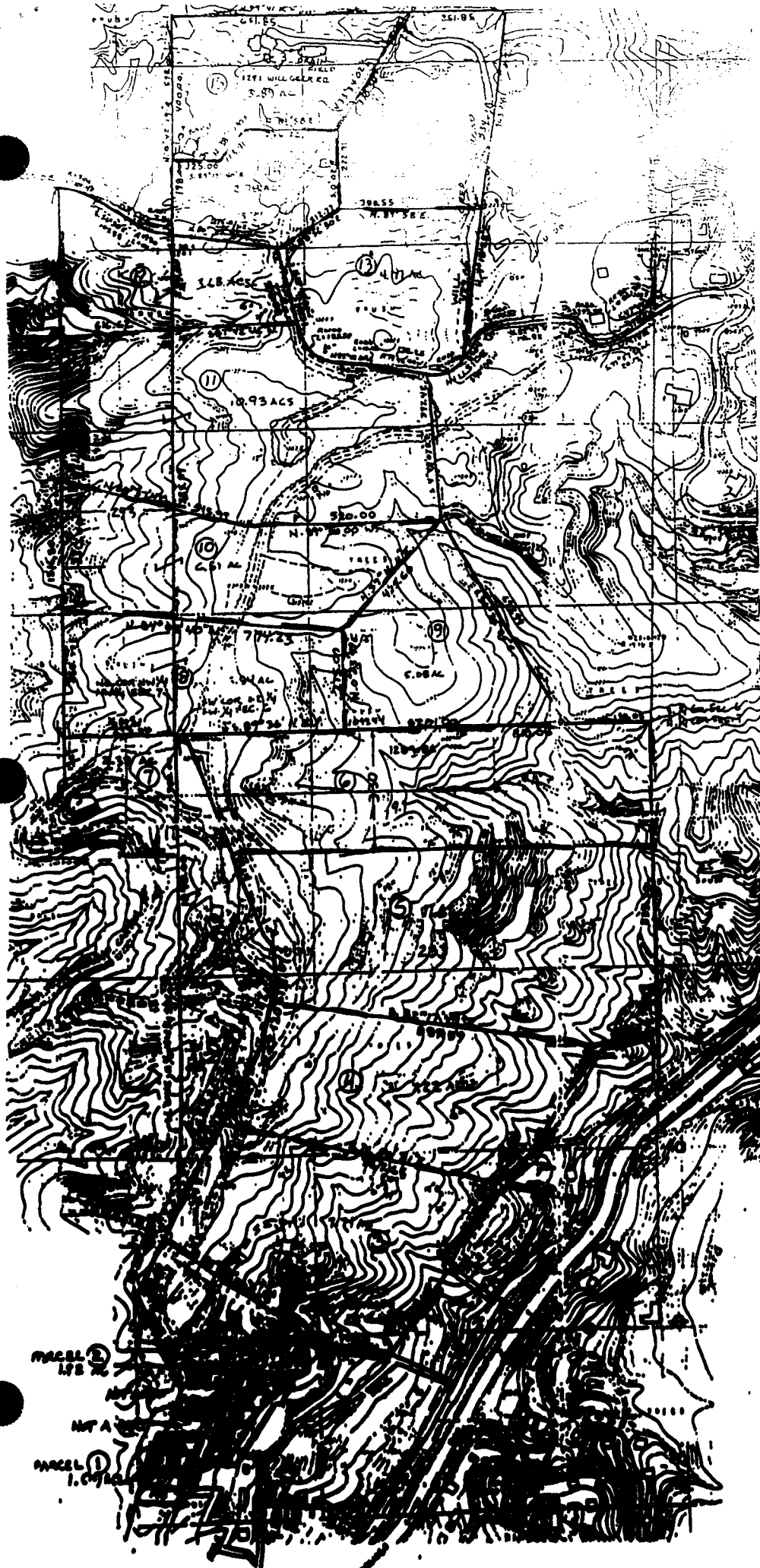


Exhibit 5
Application 4-96-150
Proposed Lot
Configuration

