

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Filed: 10/4/96
49th Day: 11/22/96
180th Day: 4/2/97
Staff: J. Johnson
Staff Report: 11/22/96
Hearing Date: 12/10-13/96
Commission Action:
7565A

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-96-028

APPLICANTS: Allen Gottlieb, David Gottlieb, Lisa Gottlieb, Josephine Gottlieb, Ana Harberger, Arnold Harberger, Laura Mauch, Patrick Mauch, Helene Tagoni, Kenneth Vail, Gemma Vail, and Sol Vail

AGENT: John Mac Neil

PROJECT LOCATION: 1200, 1316, 1406, 1410, 1414 North Topanga Canyon Boulevard, Topanga, Los Angeles County

PROJECT DESCRIPTION: Four Lot Line Adjustments involving six lots, and a Lot Merger of eight (8) lots and resubdivision resulting in three (3) lots. No new parcels are proposed. The four lot line adjustments occurred between 1983 and 1988 without benefit of a coastal development permit.

	Existing Lot Area(gross)	Proposed Lot Area(gross)
Parcel 1:	3.41 acres	3.44 acres
Parcel 2:	3.08 acres	2.77 acres
Parcel 3:	2.17 acres	2.54 acres
Parcel 4:	19.79 acres	15.19 acres
Parcel 5:	0.57 acres	1.73 acres
Parcel 6:	0.17 acres	0.36 acres
Parcel 7:	0.19 acres	0.50 acres

Plan Designations: Residential I, Rural Land II and III
Zoning: 1 du/acre, 1 du/2 acres, 1 du/5 acres

LOCAL APPROVALS RECEIVED: Approval in Concept, County of Los Angeles Regional Planning Department, dated 1/29/96 for proposed Certificate of Compliance No. 101,401; Completed Certificate of Compliance Nos. 100,086, 100,270, 100,312, 100,614, recorded April 6, 1983, October 25, 1985, April 9, 1986, September 8, 1988, respectively, Department of Regional Planning, Los Angeles County.

SUBSTANTIVE FILE DOCUMENTS: Certified Malibu/Santa Monica Mountains Land Use Plan; Coastal Permit P-4946, Gottlieb; Coastal Permit 5-88-997, Vails; Coastal Permit Application 4-96-150, Rein et. al..

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the four (4), "after the fact", lot line adjustments, and a Merger of eight (8) contiguous lots and a resubdivision resulting in three (3) lots. The project site is located within

Topanga Canyon about four and one half (4 1/2) miles inland. A significant portion of some of these lots include oak woodland habitat designated as ESHA. A total of fourteen (14) parcels are reconfigured, many of which are restricted as transfer of development credit lots. After the four (4) lot line adjustments and the lot merger and resubdivision (involving eight (8) lots) are completed, seven (7) lots will remain; no new parcels are created. Each reconfigured parcel either has an existing residence or includes a building site(s) for a future potential residence. The resultant parcel sizes meet the minimum parcel size required in the Los Angeles County Land Use Plan, except for parcels 6 and 7 which each include an existing residence.

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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 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.

A. Project Description and History

The project site is located within Topanga Canyon on the east side of Topanga Canyon Creek and Road and west of Silvia Park, about four and half (4 1/2) miles inland from the coast (Exhibits I and II). The four "after the fact" lot line adjustments involving six (6) parcels (Exhibit III) include five (5) existing residences, each on a separate parcel (parcels with a residence are marked with an 'R'), and two (2) undeveloped or vacant parcels (parcels marked with a 'V'). Note: Parcels one through four are the original parcel numbers in the subdivision approved in 1979. For the purpose of this report and easier identification of the other three affected parcels, these parcels are numbered five, six and seven; these are not the actual parcel numbers in the original Tract Map approved around 1924.

In 1924, Tract No. 6943 created a large parcel about 28 acres in size surrounded by a large number of small lots to the west and south. Exhibit A identifies this large parcel in the Malibu/Santa Monica Mountains Build Out Study completed in 1978. Exhibit A identifies all existing parcels at that time.

In 1979, the Commission approved a four lot subdivision of this large 28 acre parcel, Coastal Permit P-4946, which created parcels one - four of Parcel Map No. 6501, recorded in 1981 as noted on Exhibit B. The Commission's approval required the recording of a deed restriction prohibiting further subdivision of these four lots, except for Parcel four which is prohibited from further subdivision until the applicable Local Coastal Program is certified.

In 1983, a Lot Line Adjustment was recorded affecting parcels one, three and four (Exhibit C). Parcels one and three were increased in size by reducing the size of parcel four. No coastal permit was approved for this Lot Line Adjustment recorded in 1983 and the next three lot line adjustments recorded in 1985, 1986, and 1988.

In 1985, a portion of parcel two was merged with an adjoining parcel (parcel seven), not a part of the original four lot subdivision (Exhibit D). This Lot Line Adjustment 'eliminated' a portion of parcel two through the merger with an adjoining lot of Tract No. 6943, marked on Exhibit D as parcel 7.

In 1986, a portion of parcel number four was merged with an adjoining parcel (marked as parcel 5 on Exhibit E), not a part of the original subdivision. This Lot Line Adjustment 'eliminated' a portion of parcel four through the merger with adjoining lots of Tract No. 6943.

In 1988, parcels one and three were enlarged by merging land from parcel four (Exhibit F).

Today, the applicant proposes to merge old parcel one with five existing Transfer of Development Credit (TDC) lots (lots which had development rights transferred to other lots and therefore have no development rights) and two unrestricted small lots and resubdivide the parcel into three (3) lots (Exhibit G). The applicant has characterized this as Lot Line Adjustment Number 5. The five TDC lots were connected to parcel one at the time the development rights were restricted.

The seven parcels resulting from the four lot line adjustments and the lot merger and resubdivision are noted in the following list identifying the sizes before and after the resultant parcel reconfigurations.

	Existing Lot Area(gross)	Proposed Lot Area(gross)
Parcel 1:	3.41 acres	3.44 acres
Parcel 2:	3.08 acres	2.77 acres
Parcel 3:	2.17 acres	2.54 acres
Parcel 4:	19.79 acres	15.19 acres
Parcel 5:	0.57 acres	1.73 acres
Parcel 6:	0.17 acres	0.36 acres
Parcel 7:	0.19 acres	0.50 acres

Staff notes that the applicants have described and characterized the lot merger and resubdivision as lot line adjustment number five (Tentative Lot Line Adjustment Map No. CC 101,401). As described by the applicant, beginning with eight (8) contiguous lots, a series of lot line adjustments and mergers would be made, resulting ultimately in three reconfigured lots at the conclusion of the adjustments. This description originally appeared in the applicant's "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 the purposes of analysis under the Chapter 3 policies of the Coastal Act, 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, eight contiguous parcels are being merged into one parcel and then the remaining parcel is resubdivided into three 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.

In summary, the four previous 'after the fact' lot line adjustments have resulted in the reconfiguration of six parcels. The proposed lot merger and resubdivision will now merge eight separate but contiguous parcels and result in three newly reconfigured lots, number 18 in Exhibit G to parcel labeled 6 (actually parcel number 17 in Tract 6943).

The Los Angeles County Land Use Plan designates portions of these parcels as: Residential I, one dwelling unit per acre; Rural Land II, one dwelling unit per two acres; and Rural Land III, one dwelling unit per five acres. The resulting parcel configurations meet the Land Use Plan densities with one exception. One non-conforming parcel, (actually parcel number 17) is proposed to be merged with another non-conforming parcel (actually parcel number 18) to increase its size; Parcel 6 (actually parcel number 17) already includes an existing residence. (Exhibit G) The resulting merged parcel will continue to be non-conforming at 0.5 acres within an area designated for one dwelling unit per acre. This parcel is located within a designated disturbed oak woodland.

Although the parcels are located within a designated disturbed sensitive resource area, a disturbed oak woodland, the lot line adjustments do not result in the removal of any trees or vegetation, or require any grading.

B. 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 lot line adjustments and land divisions 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 is inserted in the inside back pocket...

The land use plan map presents a base land use designation for all properties. Onto this are overlaid three resource protection and management categories: (a) significant environmental resource areas, (b) significant visual resource areas, and (c) significant hazardous areas. For those parcels not overlaid by a resource management category, development can normally proceed according to the base land use classification and in conformance with all policies and standards contained herein. 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. (emphasis added)

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 the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit actions. 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. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates 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 applicant proposes, as described above in the Project Description section, to adjust the lot lines of six existing parcels through four lot line adjustments, and a lot merger of eight contiguous lots and resubdivision resulting in three lots. The four lot line adjustments and lot merger and resubdivision reconfigure these parcels to expand the size of five of the existing parcels, while reducing the size of two of these parcels (parcel 2 and 4). The proposed lot merger and resubdivision (Exhibit G, Tentative Lot Line Adjustment Map Certificate of Compliance # 101,401) modifies the configuration of eight existing legal parcels, resulting in three new parcels. In the end, five of these parcels have existing residences while three parcels are vacant. (see composite adjustment map Exhibit H)

This area is part of the Topanga Canyon 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 1930's into very small 'urban' scale lots. These subdivisions consist 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 steep and includes numerous oak trees. These existing lots range in size from about 5,000 to 7,500 square feet. The remainder of the proposed project site consists of five larger parcels ranging in size from 0.57 acres to 19.79 acres. The proposed reconfiguration will result in seven parcels ranging in size from 0.36 acres to 15.19 acres. Therefore, the applicants are proposing to reconfigure the proposed project site so that the size range of the seven parcels will be less than the existing range. In other words, the proposed parcels will be more like each other in size rather than the existing configuration where some lots are quite large and some lots are extremely small.

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 Land Use Plan designated the the proposed project site for three density categories: one, Residential I which allows one dwelling unit per one acre of land; two, Rural Land II which allows one dwelling unit per two acres of land; and three, Rural Land III which allows for one dwelling unit per five acres of land.

Based on these density designations, the proposed reconfigured parcels do conform with the maximum allowable density, except for two parcels which are less than one acre in size. However, the reconfiguration will result in these two smaller parcels increasing in size with no overall increase in the density of the proposed project site. Further, these two small parcels will be increased in size to more closely conform to density standards. Lastly, only one parcel, Parcel number four, will continue to be of a size to potentially allow it to be divided into three parcels, according to the land use plan density designation of one dwelling unit per five acres.

2. Section 30250 (a) Requirements

Although the certified Land Use Plan 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) is applicable. This section provides that land divisions shall be permitted when: one, 50 percent of the usable parcels in the area have been developed; and two, the created parcels would be no smaller than the average size of the surrounding parcels. These requirements are to ensure that 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 extinguishing 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 characterized by the applicant as lot line adjustment number five, eight existing parcels would be merged and resubdivided into three 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 this portion of 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. The proposed project site is located on the east side of Topanga Canyon. Staff determined that the major topographic features that define the surrounding area is this canyon. As such, the surrounding area was defined as including the slopes of both sides of the canyon down to the canyon bottom. Within this surrounding area, which includes three small lot subdivisions, staff identified 581 lots. The median lot size of the surrounding area is about 6,500 sq. ft. Based on this analysis, even the smallest of the reconfigured lots at 15,682 sq. ft. 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 lot line adjustment 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 lot line adjustment number five is not a typical subdivision but a merger and resubdivision of contiguous parcels. This portion of the entire project site consists of three existing parcels. The proposed merger and resubdivision will result in three reconfigured lots. As such, no additional lots will be created. 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 on each of these very small lots, in particular for the parcel labeled number 6 which is actually lot number 18 (Exhibit G). It is likely that large amounts of landform alteration and oak tree removal would be necessary to develop the lot. The cumulative impacts of developing these small lots with residences 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 as lot numbers 17 and 18 would be merged together and known as parcel 6 in this report. The remainder of the proposed project site allow for the provision of building pads where residences could be built in the future on two of the remaining undeveloped parcels, numbers two and four.

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 the east side of Topanga Canyon. There are no environmentally sensitive habitat areas on the project site. However, Topanga Creek opposite Topanga Canyon Road beyond the project site is designated as ESHA in the Land Use Plan. Further, along the lower portion of the project site and along the bottom of the canyon the Land Use Plan designates the area 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. Additionally, excessive landform alteration could adversely impact the visual resources of the area. The entire project site includes road access to each reconfigured parcel from either Topanga Canyon Road or a private driveway accessed from Topanga Canyon Road. All of the resulting parcels are developed with a residence except for three parcels. Potential road access and building pad locations are identified for each reconfigured parcel (new parcels one and two, Exhibit G and old parcel four, Exhibit H). These pads would be located on the flatter portion of each lot in close proximity to existing the road. Staff's visit to the site confirmed that the proposed building pad locations are the flatter areas of the sites and that there is the potential to create driveways from the existing private road to each potential building 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 is minimized and that proper drainage is incorporated into the design. Therefore, as proposed the 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 resulting parcel reconfigurations will provide for potential development of three separate parcels that each have one and two flat building pads, respectively (new parcels one and two, Exhibit G) and continue to allow two potential building sites on old parcel four (Exhibit H). Regarding new parcel one, a coastal permit (5-88-997) was approved for the construction of a residence in 1989 by the Commission. No residence was constructed and the coastal permit has expired. The Commission found the site stable from a geologic standpoint and was able to accommodate a septic system consistent with plumbing code requirements. Two level building sites exist on the new proposed parcel two (Exhibit G). Two relatively level building sites exist on old parcel four. Given the close proximity to this building site on parcel one, these sites will also most likely have adequate geologic stability and percolation rates to accommodate a single family residence. If residential development is proposed on these sites in the future this development will require a more detailed geologic assesment to ensure the proposed structures are stable from a geologic standpoint.

However, based on the preliminary geologic assessment, future residences can be located in geologically stable areas. Therefore, as proposed the 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, one of these parcels, new parcel one included an approved coastal permit 5-88-997. The coastal permit included the construction of a sewage disposal system, as approved in concept by Los Angeles County Health Department. As noted above the residence and sewage disposal system was not constructed and the permit expired.

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 undeveloped lots, a full geologic evaluation which includes percolation testing will be necessary to ensure adequate percolation exists to accommodate effluent disposal. However, based on the staff's 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 the small lot portion of the proposed project site (parcel labeled 6, Exhibit G), only one septic system would need to be provided under the proposed reconfiguration. Therefore, the project as proposed is consistent with Section 30231 of the Coastal Act.

5. Conclusion.

In conclusion, the proposed merger and resubdivision of eight parcels into three parcels, and the four lot line adjustments discussed above is consistent with the 50 percent and the average lot size criteria of Section 30250(a). While two of 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. In fact the total number of lots will decrease. 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. Therefore, the Commission finds that the proposed project is consistent with Section 30250(a) of the Coastal Act.

In addition, the reconfigured parcels will be effectively prohibited from any further land divisions, with the exception of parcel four, because any further divisions would not be in conformance with the underlying land use plan density designations. The only parcel that could potentially be divided under the Land Use Plan designations is parcel four which is located in an area designated for five acre minimum parcels. Prior to these lot line adjustments, this parcel (Exhibits B and H) was 19.79 acres in size; in the end it will be 15.19 acres in size, thereby continuing to provide acreage for a potential of three lots. This parcel appears to have only two potential building sites, however. Therefore, the proposed four lot line adjustments and the parcel merger and resubdivision is in conformance with the guidance provided in the development policies of the Los Angeles County Land Use Plan and Chapter three policies of the Coastal Act.

C. Violation

Although development has taken place prior to submission of this permit application (lot line adjustments one, two, three, and four discussed above), consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

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).

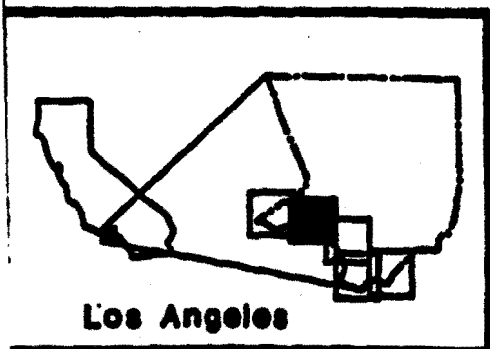
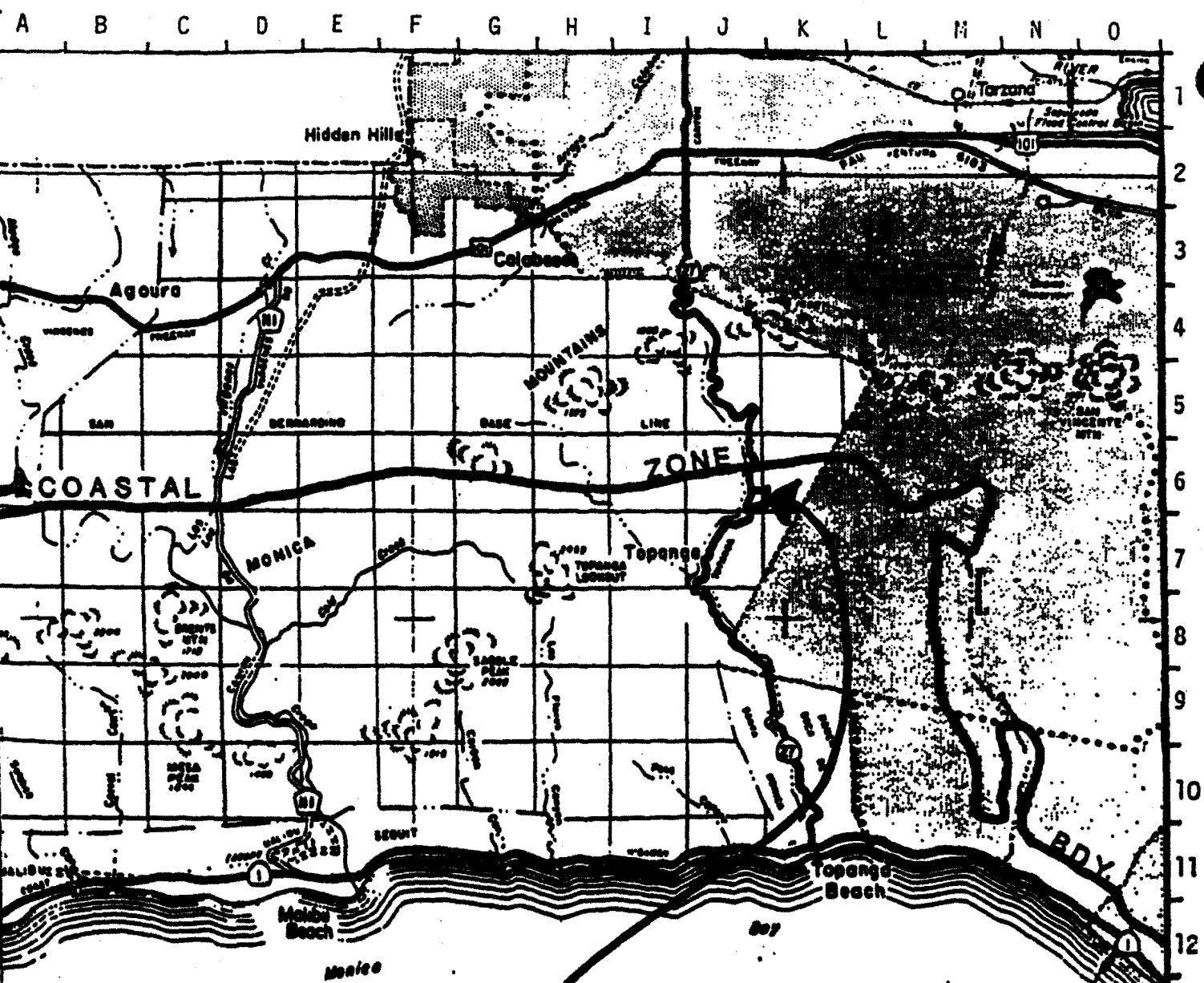
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3. The proposed development will not create adverse impacts 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 County of Los Angeles' ability to prepare a Local Coastal Program for this area of the Santa Monica Mountains that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. 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 to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse impacts that the activity may have on the environment.

There are no feasible alternatives or mitigation measures available which would lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project will mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of CEQA and the policies of the Coastal Act.

7565A



Project Site

EXHIBIT NO. I
APPLICATION NO. 4-96-28
Project
Site



LOCATION MAP



County of Los Angeles

Sheet 2 of 5



EXHIBIT NO. **II**

APPLICATION NO. **4-96-28**

Project Site



No Scale

1981
PARCEL NUMBERS
REFERENCE
STAFF REPORT
PARCELS 1-7
R- Residence
Exists 1996
V- Vacant

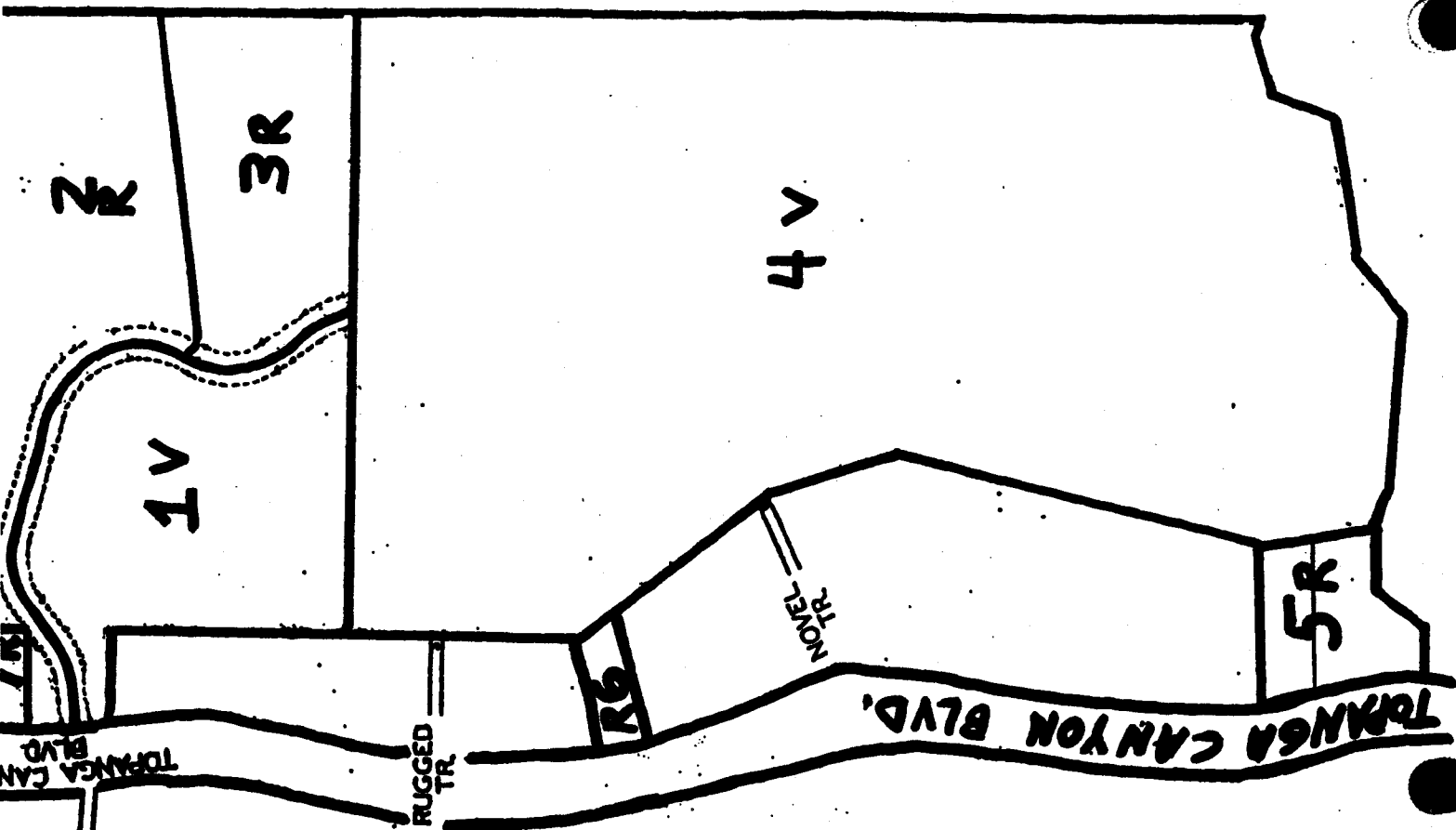


EXHIBIT NO. III
APPLICATION NO. 82-96-28
Parcels 1-7

1978 Malibu/Santa
Monica Mountains
Build-out Study
Existing Parcels

Project Site

Tract
No.
6943

EXHIBIT NO. A
APPLICATION NO. 4-96-28
Parcels
1978

HISTORY

1861

GOTTlieb SUBDIVIDES!

PROPERTY INTO

4 PARCELS

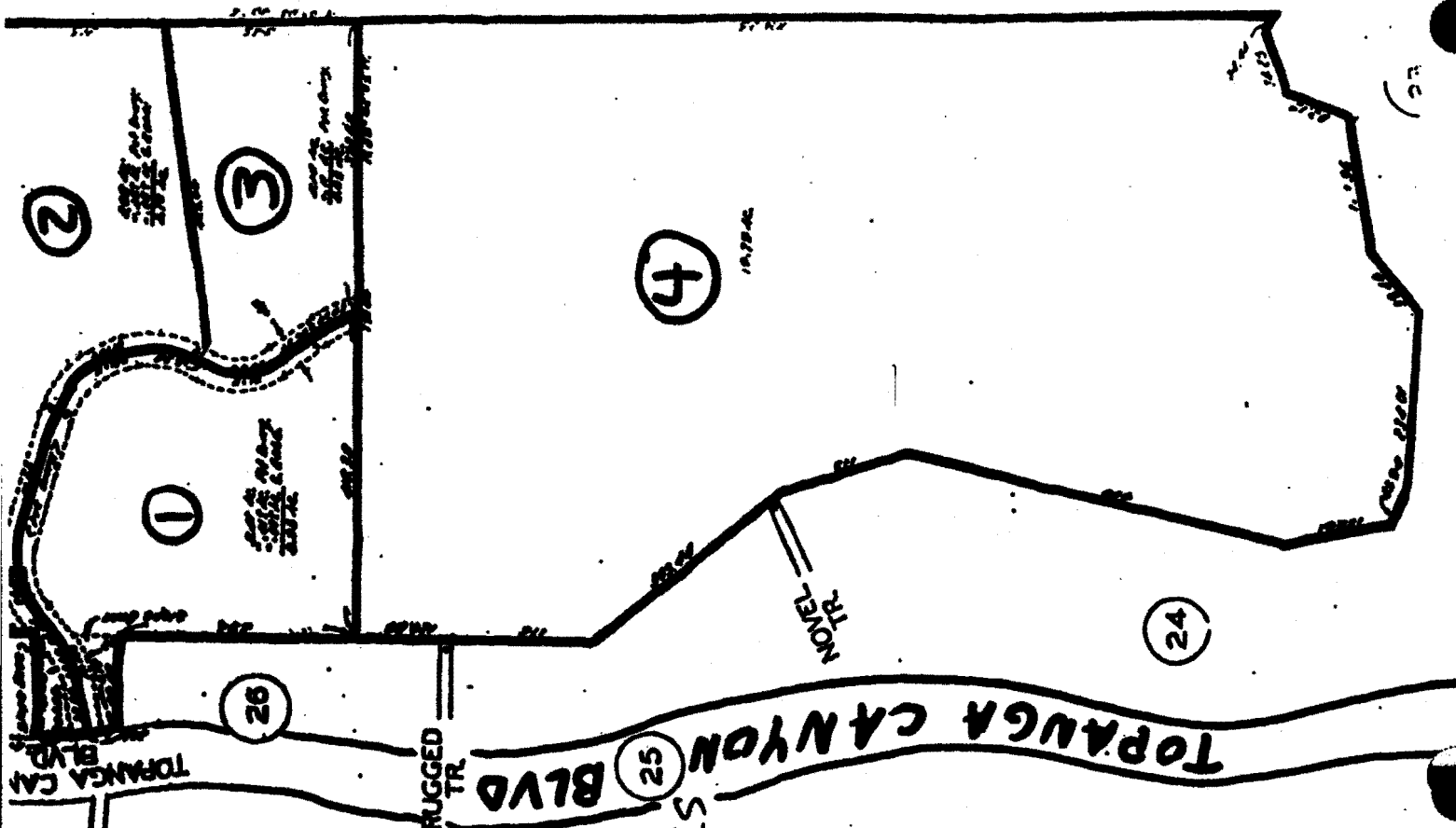
PARCEL MAP #6501

Coastal Permit

P-4946



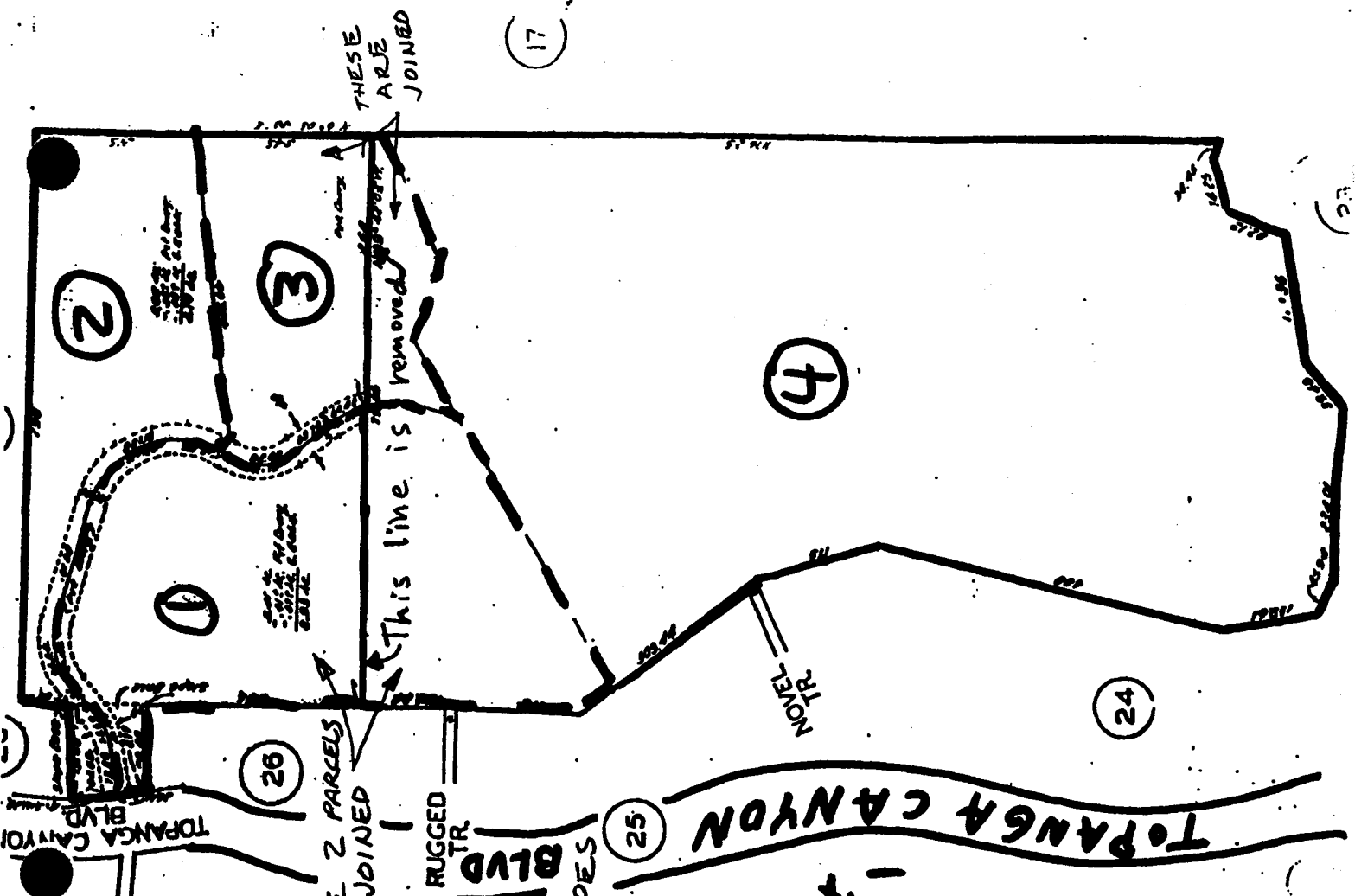
EXHIBIT NO. B
APPLICATION NO. 9-96-28
Parcel's
1981



ALERT - 2

EXHIBIT "C"

1983



Certificate of Compliance
#83-380979
STILL 4 PARCELS
JUST DIFFERENT SHAPES

LOT LINE ADJ. #1

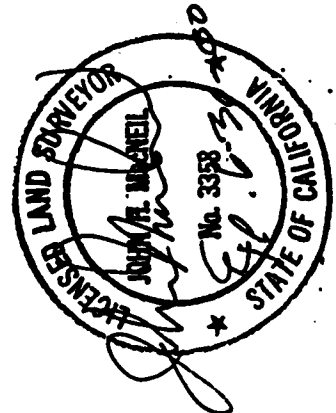


EXHIBIT NO.	C
APPLICATION NO.	9-96-28
LotLine Adj	
#1	1983

EXHIBIT "E"

BK
4440
KEELSON
DR.

TOPANGA CANYON
BLVD.

1986

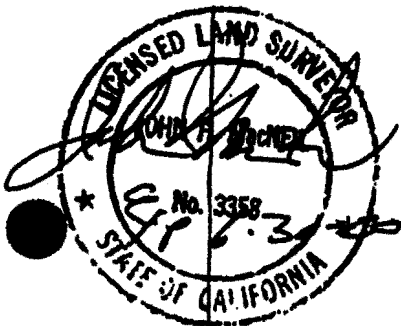
LOT LINE ADJ.
#3

RUGGED
TR.

Certificate of Compliance
#86-440891

STILL 4 PARCELS
JUST DIFFERENT SHAPES

THIS PORTION ELIMINATED
AND JOINED TO OLD
LOTS OF TRACT 6943



PARCEL MAP

P. M. I

EXHIBIT NO. E

APPLICATION NO.
4-96-28

Lot Line Adj.
#3 1986

LOT LINE ADJ.
#4

THESE 2 PARCELS
ARE JOINED AS
ONE PARCEL

Certificate of Compliance
88-1434632

STILL 4 PARCELS

START WITH 4 PARCELS
IN 1981, END WITH
4 PARCELS IN 1995
JUST DIFFERENT SHAPES

EXHIBIT NO. F
APPLICANT NO. 4441
Lot Line Adj. #4 1988

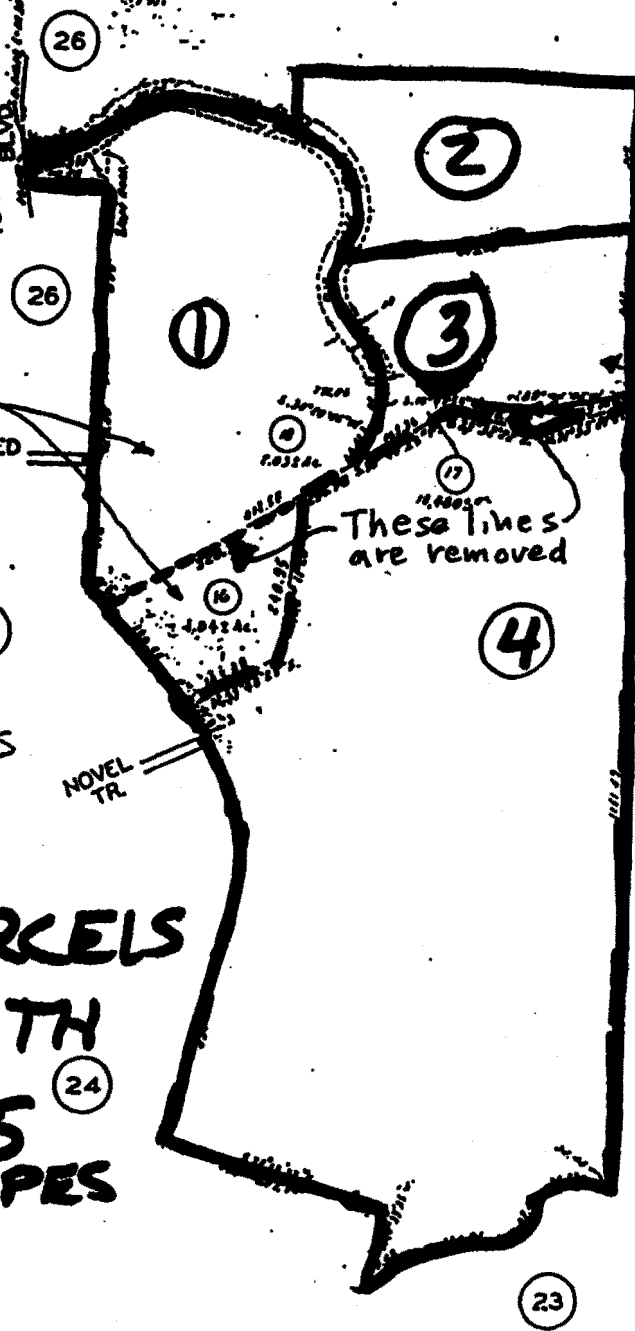
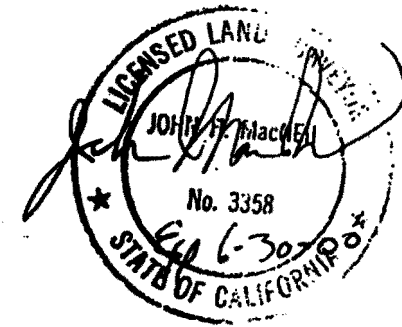
BK
4440
KEELSON
DR.
TOPANGA CANYON
BLVD

RUGGED
TR

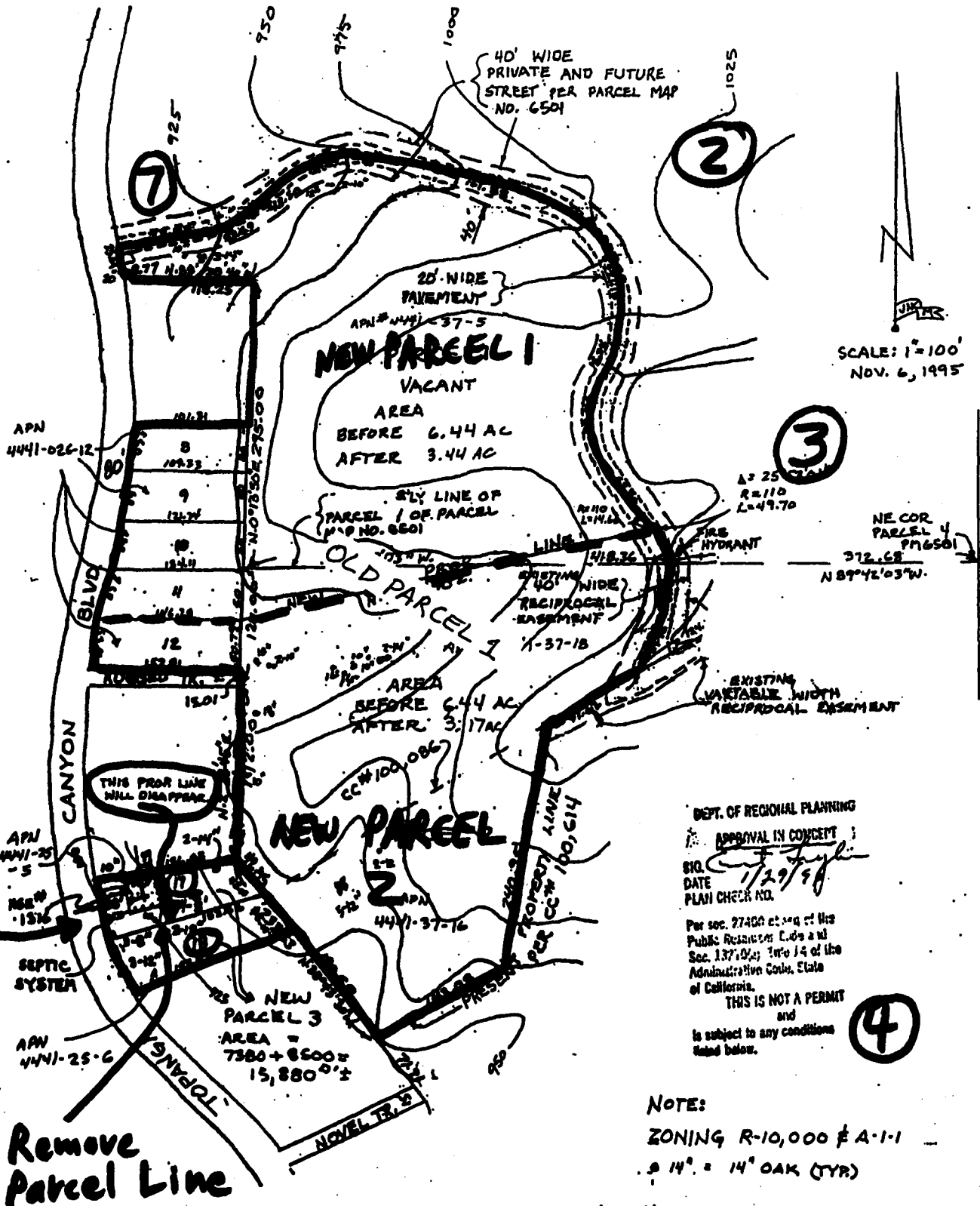
NOVEL
TR

PARCEL MAP

P. M. 141-15-16

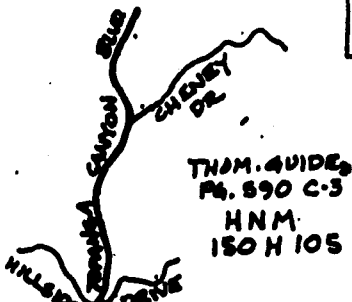


TENTATIVE LOT LINE ADJUSTMENT MAP No. CC 101,401
 LOTS 17 & 18, TRACT NO. 6143 & PARCELS 1 & A PORTION OF
 PARCEL 4, PARCEL MAP No. 6501



Remove
Parcel Line

VICINITY MAP



RECEIVED

EXHIBIT NO. G

APPLICATION NO.

9-96-028

Lot Line Adj.

#5 1996

DEPT. OF REGIONAL PLANNING

APPROVAL IN CONCEPT

SIG. *[Signature]*
 DATE 11/29/96
 PLAN CHECK NO.

Per sec. 27400 et seq of the
 Public Resources Code and
 Sec. 13710 et seq of the
 Administrative Code, State
 of California.

THIS IS NOT A PERMIT
 and
 is subject to any conditions
 stated below.

NOTE:

ZONING R-10,000 & A-1-1

9" 14" = 14" OAK (TYR)

No OAK TREES WILL BE
 REMOVED BY THIS LOT LINE ADJ.

START WITH 3 LOTS AND END
 WITH 3 LOTS.

THIS MAP IS TO BE USED ONLY
 FOR THIS LOT LINE ADJUSTMENT

JOHN H. MAC NEIL

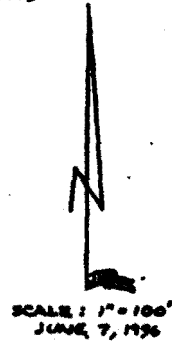
LICENSED LAND SURVEYOR NO. 9368

2000 N. TOPANGA CANYON BLVD.

COMPOSITE LOT LINE ADJUSTMENT MAP

CC # 100,270, 100,086, 100,912
100,614, 101,401

BEING BOUNDARY LINE ADJUSTMENTS
BETWEEN PARCELS 1, 2, 3 AND 4 OF
PARCEL MAP No. 6501 PER P.M.S. 141
PAGE 13 AND 16, BUT 1, 2, 3, 4, 11, 12, 16, 17, 18, 32
TRACT No. 6943



NOTES: SURVEYOR
JOHN MAC NEIL
2350 N. TOPANGA CYN. BLVD
TOPANGA, CA. 90790
213-455-2013
ZONING A-1-1, R10,000

PARCEL	AREAS BEFORE	AFTER
1	16.17	15.19
2	6.44	6.44
3	2.96	2.84

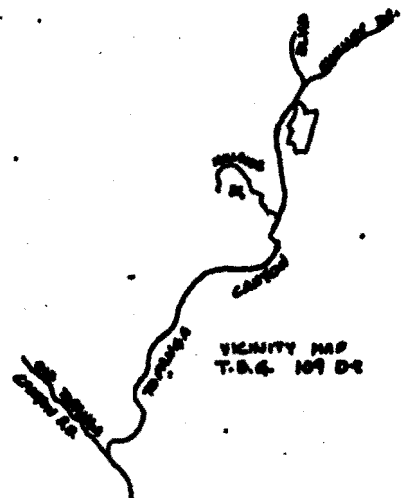


EXHIBIT NO. H
APPLICATION NO.
4-98-28
Composite
Lot Line Adj.

