

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA STREET, SUITE 200
 VENTURA, CA 93001-2801
 (805) 641-0142

TH12a 

Filed: 10/21/96
 49th Day: 12/9/96
 180th Day: 4/19/96
 Staff: CAREY
 Staff Report: 3/24/97
 Hearing Date: 4/8-11/97
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-150

APPLICANTS: Robert Rein, Susan and David Brown, Thomas and Deborah Hudson, Larry Goodwin, and La Fe, Inc.

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

PROJECT DESCRIPTION: Redivision of 16 existing parcels comprising 92-acres into 16 reconfigured parcels.

Lot area:	92 acres
Plan designation:	M2 (1 du/20 ac), Rural Land I (1 du/10c), and Rural Land II (1 du/5 ac)

LOCAL APPROVALS RECEIVED: County of Los Angeles Approval In Concept

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the proposed project be denied. The proposed project includes the redivision of sixteen existing lots comprising 92 acres 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 redivision of sixteen existing parcels into sixteen reconfigured lots would result in ten additional parcels taking access from Hillside Drive, a road which is inadequate for provision of emergency vehicle access. The proposed project would thus not minimize risks to life and property in an area of high fire hazard, inconsistent with Section 30253 of the Coastal Act. Improvement of the existing access road or provision of a secondary access would require excessive landform alteration, inconsistent with Section 30251 of the Coastal Act.

adjustment may be described generally as a shift in the boundary lines between two or more existing parcels, where land taken from one parcel is added to an adjacent parcel.

Regardless of the applicant's characterization of the proposed project as a "lot line adjustment" exempt from the mapping requirements of the Subdivision Map Act and related County ordinances, the Commission finds it to be a development subject to the permit requirements of the Coastal Act. In relevant part, Section 30106 of the Coastal Act defines development to mean a "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." (Emphasis added.) this definition applies to the applicants' project which proposes to modify the existing property boundary lines to redivide the current 16 existing parcels into 16 wholly reconfigured lots. Moreover, as will be discussed in greater detail below, the project also would change the intensity of use of land by removing the potential for residential development from the Topanga Woods Subdivision and redistributing it in the fire hazard area of the Topanga Mesa.

The Commission noted that this determination that the applicants' project constitutes development within the meaning of the Coastal Act has no effect on the County's separate determination that the project constitutes a lot line adjustment for purposes of the subdivision Map Act and the County's local permit requirements.

1. Existing Lot Configuration.

The existing lot configuration of the proposed project site is shown in Exhibit 3. 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 La Fe, Inc., are located within the Topanga Woods small lot subdivision. Staff's review of Commission records indicate that none of the lots have been previously deed restricted for open space. 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 table shows the sizes of these larger lots and the ownership of each:

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Staff recommends that the proposed project be denied. The proposed project includes the redivision of sixteen existing lots comprising 92 acres 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 redivision of sixteen existing parcels into sixteen reconfigured lots would result in ten additional parcels taking access from Hillside Drive, a road which is inadequate for provision of emergency vehicle access. The proposed project would thus not minimize risks to life and property in an area of high fire hazard, inconsistent with Section 30253 of the Coastal Act. Improvement of the existing access road or provision of a secondary access would require excessive landform alteration, inconsistent with Section 30251 of the Coastal Act.

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., Progress Report Geologic Investigation for the Topanga Canyon Landslide, dated 2/23/94, prepared by the Geologic Investigation Section of Los Angeles County

Staff Note:

Staff notes that the subject permit application was originally scheduled for consideration at the December 1996 Commission meeting. A staff recommendation was prepared and hearing notices were distributed. Prior to the hearing, issues were identified with respect to fire hazards that could result from the proposed reconfiguration. Comments from the public regarding the proposed project which raised significant issues were also received. Several of the comments raised the issue of fire safety, especially as it relates to the existing access to the proposed project site. Staff determined that the issue was of such importance that further review and investigation of these issues was warranted in order to elicit the best possible information available so that the issue could be adequately analyzed. In order to have time to gather further information on the fire safety issue, the hearing was postponed. Since that time, staff has been in communication with the Los Angeles County Department of Regional Planning and the Los Angeles County Fire Department. As described in more detail below, the Regional Planning Commission has recently denied a different proposed three-lot subdivision of one of the parcels (Brown parcel) that is part of the proposed project site. This denial was based on the inadequacy of existing emergency access. Further, staff received a letter, dated March 19, 1997, from the Fire Department regarding its review of the proposed project. The letter indicates that the reconfiguration of lots proposed here would significantly increase the potential fire risk that exists in the area. In addition to communications with Los Angeles County, staff requested that the applicants provide any information they may have regarding the fire safety issue. Ms. Susan Brown provided information regarding the County's action on her proposed subdivision and the findings of the fire safety consultant that she retained at that time to evaluate the fire safety situation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Denial.

The Commission hereby denies a permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Project Description.

The proposed project includes the redivision of sixteen existing contiguous lots comprising 92 acres into sixteen reconfigured parcels (Exhibit 5). 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 than the existing lot configuration. The northern portion of the proposed project site is located on a mesa known as "Topanga Mesa" between Topanga Canyon and Greenleaf Canyon in the Topanga area of the Santa Monica Mountains. This mesa feature is quite wide and flat at its northern end (north of the proposed project site). This mesa narrows to the south, across the proposed project site, becoming what the project geologist has characterized as a "spur ridge". The slopes between the mesa/ridge and the canyons below on all sides are extremely steep. Exhibit 1 is a vicinity map that shows the location of the proposed project. Exhibit 6 is an enlargement of the U.S. Geological Survey Map of the mesa area that shows the existing topography.

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. The applicants contend that 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. The County of Los Angeles agreed with this characterization and processed the project without requiring that the applicants with the tentative map provisions of the Subdivision Map Act and related local ordinances. This description also originally appeared in the applicants' "project description" and other parts of the subject application for a coastal development permit. A lot line

adjustment may be described generally as a shift in the boundary lines between two or more existing parcels, where land taken from one parcel is added to an adjacent parcel.

Regardless of the applicant's characterization of the proposed project as a "lot line adjustment" exempt from the mapping requirements of the Subdivision Map Act and related County ordinances, the Commission finds it to be a development subject to the permit requirements of the Coastal Act. In relevant part, Section 30106 of the Coastal Act defines development to mean a "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." (Emphasis added.) this definition applies to the applicants' project which proposes to modify the existing property boundary lines to redivide the current 16 existing parcels into 16 wholly reconfigured lots. Moreover, as will be discussed in greater detail below, the project also would change the intensity of use of land by removing the potential for residential development from the Topanga Woods Subdivision and redistributing it in the fire hazard area of the Topanga Mesa.

The Commission noted that this determination that the applicants' project constitutes development within the meaning of the Coastal Act has no effect on the County's separate determination that the project constitutes a lot line adjustment for purposes of the subdivision Map Act and the County's local permit requirements.

1. Existing Lot Configuration.

The existing lot configuration of the proposed project site is shown in Exhibit 3. 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 La Fe, Inc., are located within the Topanga Woods small lot subdivision. Staff's review of Commission records indicate that none of the lots have been previously deed restricted for open space. 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 table shows the sizes of these larger lots and the ownership of each:

OWNER	APN	SIZE
La Fe, Inc.	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

Table 1

2. Proposed Lot Configuration.

The proposed project involves the reconfiguration of the existing parcels, comprising 92-acres such that all sixteen lots will be redivided into sixteen parcels with a wholly 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 after the reconfiguration:

LOT NUMBER	LOT SIZE
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

Table 2

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 eleven small lots becoming one lot (Lot 1) with one building site. The other fifteen lots (Lots 2-16) will be located along the most narrow portion of a mesa area known as the "Topanga Mesa"

running north-south through the larger existing lots. While, as previously noted, the proposed redivision will result in lot reconfiguration, but no increase in the total number of lots, the effect of the proposed project is to pick up ten lots which currently have street frontage and move them to a high fire hazard area without adequate access. The proposed reconfiguration would result in fifteen lots being located on the mesa area where there are currently five existing lots. The applicants submitted a plan which shows, in a very general way, potential locations for a building site on each proposed lot. Most of the potential building pad sites would be located on the flatter area of the proposed lots, and adjacent to existing dirt trails that traverse the proposed project site. Grading plans for building pad sites and roads were not provided, however, although requested by staff.

The applicants contend that the reconfiguration of the existing small lot subdivision lots along with the five larger lots would allow for larger building sites and better placement of building sites and roads and driveways. The Commission agrees that these lots are small and generally have steep slopes. These factors could complicate efforts to develop each one of these lots with a garage, driveway, septic system and home. Nonetheless, these parcels are legal and until permit applications are submitted it would be premature to attempt to determine the extent to which they may be developed.

In this regard, the Commission observes that a project was approved on the property located directly adjacent to the proposed project site. In Permit 4-94-114 (Ferris), the construction of a 2,131 sq. ft. single family residence, conversion of a greenhouse to a 500 sq. ft. guesthouse, 2-car garage, water tank, septic system, and 3,070 cu. yds. of grading on Vista Valley Trail in the Topanga Woods small lot subdivision. The project included the combination of five small lots to form the project site.

Further, in contrast to the applicant's contentions concerning the potential development benefits that might be derived from the proposed reconfiguration of the small lots in this area, and as discussed in greater detail below, any proposal that moves more building sites to the Topanga Mesa area also has the undesirable effect of expanding development in the area with limited access over steep terrain and a high fire hazard potential. These detrimental aspects of the project pose more serious and immediate development issues than the current small lot configuration.

3. Proposed Access.

The applicants have indicated that Lot 1 will take access through the existing roads in the Topanga Woods Small Lot Subdivision. The applicants have further indicated that Lots 2 through 16 would take access from a road to be improved from Hillside Drive to Will Geer Road and south across the project site, ending in

a cul-de-sac on the proposed Lot 2. The applicants have not submitted any grading plans which would indicate the specific location of such an access road or the volume of grading that would be necessary to construct it. Staff has conducted a field visit to the proposed project site with several of the applicants. During that visit, potential road access routes and potential building site locations were shown to staff by the applicants.

There are existing unimproved dirt jeep trails that traverse the mesa/spur ridge area of the proposed project site from north to south. The applicants indicated that most of the potential access road route across the mesa/spur ridge area of the site would follow these existing dirt jeep trails. Staff would note that although these jeep trails are existing, some grading would be necessary to widen them in order to provide an access road of an adequate width and grade. Most of the potential building pad sites would be located on the flatter area of the proposed lots. Therefore, it appeared that road access and pads could be provided to some of the proposed lots with a moderate amount of grading, given the flat nature of the top of the mesa. However, as discussed in greater detail below, in order to provide adequate access to the mesa/spur ridge area, substantial landform alteration would be required.

In addition to the jeep trails that traverse the mesa/spur ridge area of the proposed project site, the applicants also indicated to staff another existing dirt jeep trail of approximately 10 feet in width which traverses the steep slope from the southern end of the mesa (Lot 2) to the Topanga Woods subdivision below. This jeep trail is very narrow, very steep, and contains an almost vertical cliff portion at the bottom. Due to its condition of disrepair, and the vertical cliff area, this jeep trail is impassable.

When staff expressed concern that a massive amount of grading and landform alteration would be necessary in order to improve this trail to an adequate width and grade for an access road, the applicants indicated that the access road across the project site could be ended in a cul-de-sac on the ridge (Lot 2) to avoid this road improvement and its associated landform alteration. The applicants did not indicate any other potential secondary points of access. As such, no secondary access roads have been proposed to provide access to the proposed project site. More recent correspondence from the applicants states that: "One of the goals of the lot line adjustment is to provide a sufficient economic incentive to the owners of the parcels in question to warrant the development of additional means of ingress and egress". Staff requested that the applicants provide specific information on such additional access roads so that it could be considered by the Commission. To date, no such information has been provided.

4. Information Requirements.

The applicants submitted limited information as a part of their original permit application. Basically, a plan, including site topography, depicting the proposed reconfigured parcels, proof of legal interest, evidence of the County's approval-in-concept, and noticing materials were submitted. After the initial review of the application, staff required a plan depicting potential building site locations and any geologic information available for the proposed project site. In response to these requests, the applicants submitted a plan locating potential building pad sites. Additionally, the applicants submitted a Progress Report Geologic Investigation for the Topanga Canyon Landslide, dated 2/23/94, prepared by the Geologic Investigation Section of Los Angeles County. The applicants also submitted a Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc. for the proposed project site.

As staff began its analysis of the proposed project a need for additional information proved necessary in order to assess the impacts of the proposed development. Staff requested grading calculations or plans for the proposed roads and pads. However, the applicants declined to provide this information stating that such plans had not been prepared yet. As noted above, staff conducted a field visit with several of the applicants to assess the proposed project site and consider the potential location of roads and pads on the ground. Staff also requested that the applicants provide any information they may have regarding the fire safety issue. Ms. Susan Brown provided information regarding the County's action on her previously proposed separate subdivision of her lot into three lots and the findings of the fire safety consultant that she at that time retained to evaluate the fire safety situation. No other information regarding fire safety has been provided by the applicants.

Following is a list of the information that staff requested of the applicants that was not provided:

Grading Volumes or Plans

Fire Safety Information pertaining to the subject application

Secondary Road Access Plans

In addition to this information, staff also had several conversations with Fire Department Staff, met with Regional Planning and Fire Department staff, and requested that the L.A. County Fire Department review the proposed project and provide information on the proposed project's impacts, if any, on the risks from fire hazard. In a 2/27/97 letter from Mr. Rein (Exhibit 9), the applicants maintain

that such fire hazard information and information on road access improvements is irrelevant and premature in the Commission's review of the proposed redivision. They maintain that such issues would more appropriately be addressed at such time as structures are proposed. The response provided by the Fire Department refutes this contention. (See response attached as Exhibit 8). As discussed below, the Department concluded that serious fire safety and access issues are presented by this proposal to reconfigure the lot lines to increase the potential for residential development on the Topanga Mesa. These issues must be addressed prior to the approval of any redivision of the property.

B. Permit Background.

1. Proposed Project Site.

The Commission has previously considered a permit application for development on the La Fe, Inc. parcel. Permit 4-93-151 (Betancourt/Larson) was approved for restoration and an erosion control program to restore 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 subject road was located on the sloping, eastern portion of this 37-acre parcel. The applicants have, in compliance with Permit 4-93-151, restored the grade of the unpermitted road, to the maximum extent feasible, and revegetated the area with native vegetation.

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.

More recently, in February 1996, the County of Los Angeles Regional Planning Commission denied a three lot subdivision of the Brown parcel. In that action, the Planning Commission's sole basis for the denial was its finding that the access (Hillside Drive) to the project site was inadequate. Its findings for the denial state that:

- a. The access to the subdivision is inadequate to insure the safe evacuation of future residents of the proposed land division, and the deployment of fire equipment or other emergency equipment in an emergency condition.

b. The access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operations. In the event of a wildland fire, the access to the area would become even more difficult, due to decreased visibility and increased traffic flow...

In response to the fire safety and access road concerns raised during the postponed Brown subdivision, the Browns retained a Fire Management Consultant to develop mitigation measures for the proposed three lot subdivision. The consultant recommended that a one-acre fire safe area be created and maintained; that a helispot with 8000 gallons of water be provided adjacent to the fire safe area, and that a specific vegetation management plan be designed and implemented. However, the Planning Commission found that these measures were not adequate to off-set the lack of adequate road access. Susan Brown has indicated that the Planning Commission action was appealed to the Board of Supervisors.

2. Other Areas.

Staff has reviewed permit records to determine if the Commission has previously considered similar projects in the Malibu/Santa Monica Mountains area. Aside from subdivision requests where the number of lots increased, staff could identify no applications that involved such a major reconfiguration of lots such as that proposed here.

The only application that staff could identify which had any similarities to the subject application is Permit 4-93-103 (Murphy-O'Hara). The Murphy-O'Hara project had the opposite effect of the subject proposed project in that it reduced fire risk, reduced number of buildable sites, and reconfigured parcels to create building sites that would reduce coastal resource impacts while protecting ESHA. This permit was approved for a lot reduction whereby eight existing parcels comprising 146 acres was reconfigured into five parcels clustered around an existing developed access road. The project site that was the subject of this application extends from the north end of DeButts Terrace east to Escondido Canyon, a valuable environmentally sensitive habitat area. The Commission found that the proposed reconfiguration would provide for lots with direct road access, and clustered building sites, minimizing landform alteration for the development of future residences. Additionally, the reconfiguration resulted in the creation of a 94.8 acre lot, with a building site location near the road, which contained the environmentally sensitive riparian habitat area. The Commission found that the reconfiguration would allow for the protection of this ESHA area.

3. Comments Received.

As noted above, the subject proposed project was scheduled for hearing at the December Commission meeting. Since that time, staff has received a substantial number of comment letters from neighboring property owners, homeowners associations in the area, the Resource Conservation District of the Santa Monica Mountains, and the Santa Monica Mountains Conservancy. Some of the issues discussed in these letters relate to the location of the public hearing to ensure maximum opportunity for public participation, the inadequacy of the road access to support the development and minimize risks from fire hazard, impacts of the proposed project on environmentally sensitive habitat areas, the buildability of the existing small lots, CEQA compliance, Environmental Review Board review, prior violations on the project site, and noticing requirements. A representative sample of these letters are included as Exhibit 5.

C. Hazards/Landform Alteration.

The proposed development is located in the Santa Monica Mountains, an area which is commonly known to be subject to an unusually high amount of natural hazards. Geologic hazards common to this area include fire, landslides, erosion, and flooding.

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.

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.

1. Geologic Stability.

In addition to Section 30253(a) which requires that development minimize risks to life and property from fire hazard, the Malibu/Santa Monica Mountains Land Use Plan (LUP) contains the following policies that pertain to geologic stability. 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.

P147 Continue to evaluate all new development for impact on, and from, geologic hazard.

P148 Continue to limit development and road grading on unstable slopes to assure that development does not contribute to slope failure.

Staff requested information on the geologic stability of the proposed project site. The applicants submitted two geologic reports for the proposed project site. The applicants submitted a Progress Report Geologic Investigation for the Topanga Canyon Landslide, dated 2/23/94, prepared by the Geologic Investigation Section of Los Angeles County. The applicants also submitted a Preliminary Geologic Assessment, dated 10/11/96, prepared by Harley Tucker, Inc. for the proposed project site.

The active landslide considered in the County's report is located on the western slope of Topanga Canyon. The slide affects the eastern portion of the 37-acre La Fe, Inc. parcel as well as five small lots below it (not part of the proposed project site). The report notes that: "The Topanga Canyon landslide occurs on a 30 degree southeast-facing slope between elevations of 805 feet and 1220 feet above mean sea level. The slide is approximately 865 feet long, 200 feet wide, and 90 feet thick". The report also identifies another active landslide on the west slope of Topanga Canyon located 1700 feet to the southwest, which reactivated in 1980 and 1993.

The Harley Tucker evaluation is preliminary in nature and does not include any subsurface investigation. The report states that: "The scope of this preliminary geologic assessment is limited to evaluating and imparting geologic information derived from a visual site reconnaissance and an assessment of geologic data in our files, including geologic maps and aerial photographs. Based on his visual evaluation and literature search, Harley Tucker 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.

At such time as the owners would propose construction of residences on any of the lots that make up the proposed project site, a full geologic evaluation which includes subsurface investigation would be necessary to ensure geologic stability. However, based on the preliminary geologic assessment, future residences could be located in geologically stable areas. Furthermore, the proposed redivision would allow for reconfigured lots that would be larger in size and located along a ridge containing flatter areas. This would allow greater flexibility in siting future roads, pads and structures so that the development could be designed to assure geologic stability. However, as discussed below, the proposed redivision would not minimize risks to life and property from fire hazard. The provision of adequate emergency access would require massive landform alteration in areas where no information about the geologic stability has been provided.

2. Fire Hazard/Landform Alteration.

In addition to Section 30253(a) which requires that development minimize risks to life and property from fire hazard, the Malibu/Santa Monica Mountains Land Use Plan (LUP) contains the following policies that pertain to fire hazard and to grading and landform alteration. 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.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal

areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

be visually compatible with and subordinate to the character of its setting.

be sited so as not to significantly intrude into the skyline as seen from public viewing places.

P131 Where feasible, prohibit placement of structures that will break the ridgeline view, as seen from public places.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

P137 Clustering of development in suitable areas shall be encouraged as a means to facilitate greater view protection.

P142 New development along scenic roadways as designated in Figure 8 shall be set below the road grade on the down hill side wherever feasible, to protect designated scenic canyon and ocean views.

P156 Continue to evaluate all new development for impact on, and from, fire hazard.

P159 Continue present requirements on all new development for emergency vehicle access and fire-flow water supply as determined by the Forester and Fire Warden until such time as alternative mitigation measures providing an equivalent degree of safety are developed and implemented.

As noted above, the proposed project was scheduled for consideration for the December Commission meeting. Prior to that hearing, issues were raised with respect to fire safety. Additionally, staff received many comments from the public regarding the proposed project. Several comments raised the issue of fire safety, especially as it relates to the existing access to the proposed project site. Staff determined that the issue was of such importance that further review and investigation was warranted in order to elicit the best possible information available. Staff postponed the public hearing in order to have time to gather further information on the fire safety issue.

In order to analyze the fire hazard situation, staff undertook an investigation into the proposed project site. First, staff contacted County staff, including Regional Planning and the Fire Department. Staff met with County staff about the fire hazard issue. Staff also asked for pertinent information from the applicants. This information gathering process lasted several months due to the complexity of the issue.

Staff's inquiries to the County revealed that while the Fire Department had previously reviewed the proposed subdivision of the Brown parcel, it had not reviewed the proposed redivision. As discussed above in the Project Description Section, the applicants characterized the proposed development as a lot line adjustment in their applications to the County and the Coastal Commission. Due to this characterization, the County Fire Department did not have jurisdiction to review the proposed development. Under County processing and procedures, an application which is labeled a lot line adjustment does not trigger Fire Department review, but rather is only reviewed by the Regional Planning Department for an approval in concept that does not include fire safety issues or review. Therefore, under the County's limited authority and rules, the County officials, including the Fire Department were not able to express their views about the proposed development with respect to fire issues. The County had no vehicle in front of it that would trigger Fire Department review, contrary to the Brown subdivision, which had full review.

The Commission's review of this application under the Coastal Act, however, is broader than the scope of County review. Commission review must include all applicable policies of the Coastal Act which includes such issues as fire safety. For these reasons, until such time as the proposed project was submitted to the Commission, the Fire Department was unable to provide review of the proposed redivision. However, Commission staff consulted with the Fire Department for its expertise on the minimization of risks to life and property in order to evaluate the compliance of the proposed redivision with the policies of Chapter 3 of the Coastal Act.

Staff spoke with the staff of the Fire Department several times beginning in December 1996, requesting information about many issues, including their review of past projects, and the applicable fire code requirements for development. The purpose of these requests was to obtain sufficient information to assess whether the project could comply with Section 30253 of the Coastal Act. Staff's formal request for its review of the proposed redivision is included as Exhibit 7. The Fire Department provided information on their earlier review of the Brown subdivision request as well as the standards that would apply to the subject development. The County Fire Department's review and opinion as to the proposed redivision is stated clearly in its letter of March 19, 1997 (Exhibit 8).

a. Previous Brown 3-Lot Subdivision Application.

As noted above in the Background, the County of Los Angeles Regional Planning Commission has previously considered an application for the subdivision (Tentative Parcel Map No. 23547) of one of the parcels that makes up the proposed project site. This site, owned by David and Susan Brown (Brown parcel) is a 16.95-acre parcel which is the northernmost of the parcels that make up the subject project site. The Browns proposed to subdivide the parcel into three single family lots of 5.15, 5.2, and 6.6 acres in size.

The applicants retained Scott Franklin, a fire management consultant to assess the wildfire threat to the proposed project and recommend mitigation measures. Staff spoke with Mr. Franklin and analyzed the report he prepared for the proposed subdivision. The Franklin report (Exhibit 9) states that: "The whole of the Topanga area is classed as Fire Zone 4. Specific weather conditions exacerbate wildfire potential". The two weather conditions that affect the subject area are the "Santa Ana" wind condition which results in high air temperatures and low humidity, and the sub-tropical high which also results in very high temperatures and low humidity. The report states that: "The Topanga area exhibits some of the heaviest wildland fuel found in Los Angeles County". One of the chief reasons for the heavy brush is the fact that much of Topanga has not burned for many years. As noted in the Franklin report, Topanga Canyon to the east of the proposed project site has not burned since 1961. Greenleaf Canyon to the west has not burned since 1958. As such, the vegetative cover on the canyon slopes is dense, mature chaparral which carries a high fuel load. A prescribed burn was carried out on the mesa area just north of the Brown site in 1988 which significantly reduced the fuel load of that area.

The Franklin report addresses a secondary emergency access that the Browns had proposed as part of the subdivision request. This secondary access would

extend from the junction of Will Geer Road and Hillside Drive, westerly down into Greenleaf Canyon, to connect to Greenleaf Canyon Road. The road was to be called Oldfield Ranch Road. The report concludes that:

Unless a sixty foot road were built into Greenleaf Canyon, and the existing Greenleaf Canyon Road widened, this would be an extremely dangerous and deadly alternative. The fuel load from the western edge of the Brown property into Greenleaf Cyn. equals the heaviest fuel found in Los Angeles County. Modeling a fire through this saddle and down into Greenleaf Cyn. Produces some very frightening data. Flame lengths in excess of 70 feet are encountered, with down wind spotting of flaming material over 1.5 miles in advance of the flaming front. Oldfield Ranch Rd. is a design for disaster. A wildfire threat from the north or south would effectively seal off this access, trapping victims with no safe area alternative.

As such, Franklin recommended that in lieu of providing a secondary access, that the applicants create a "fire safe zone" that could be used as a staging area for fire strike teams and a safe area for residents during a wildfire. This fire safe zone would include a 1-acre parcel, cleared of all flammable vegetation, except for coast live oaks. A helicopter landing pad with 8,000 gallons of water would be provided. Additionally, Franklin recommended that 10 feet of chipped biomass be provided along each side of Will Geer Rd., with selective thinning along the sides of the road. Finally, he recommended that a 60 foot wide fuel break be created along the easement for Oldfield Ranch Rd. and that an annual report be provided to the Fire Department each year to ensure compliance with these provisions. All of these measures were recommended where only two additional lots were proposed for location on them mesa area taking access from Hillside Drive.

The Fire Department reviewed the proposed Brown subdivision, including the proposed fire safe zone. The Department recommended denial in a memo, dated November 14, 1995. (Exhibit 10) The denial recommendation states that:

The planning issues focus with the lack of access. At this time the single means of access has exceeded the maximum of 37 units. The proposed subdivision is both narrow and treacherous and would add substantially to life safety concerns in the immediate area.

The Fire Department also recommended denial from an operational standpoint. The memo states that:

- The access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operations. In the event of a wildland fire, the access to the area would become even more difficult, due to decreased visibility and increased traffic flow.
- The proposed helispot lacks adequate water and does not meet the Department's air operations standards.
- The designated safe refuge area is inadequate during severe fire conditions.
- The existing brush clearance of this property is marginal at best.

The Los Angeles County Regional Planning Commission considered this proposed subdivision at several public hearings in 1995. In February 1996, the Planning Commission denied the tentative parcel map request because: "the proposed access route to the subdivision is inadequate and it has not been demonstrated that the site is physically suitable for the type and density of development proposed". The findings of the Planning Commission, dated March 4, 1996, are attached as Exhibit 11. These findings address several issues relating to the access to be provided to the additional two parcels that, like the application here, the Browns proposed to take access from Hillside Drive. The Planning Commission found the following regarding Hillside Drive:

Primary off-site access to this subdivision is easterly from the subdivision via Hillside Drive to Topanga Canyon Boulevard, a distance of approximately 3,000 feet. Hillside Drive is a private street for approximately 500 feet easterly of the subject property and a dedicated street the remainder to the distance to Topanga Canyon Boulevard. The roadway is winding with steep grades up to 20% at some locations. The existing paving narrows to less than 15 feet in width at various locations, and has a maximum width of approximately 20 feet.

Hillside Drive passes through an existing small-lot subdivision and provides access to 39 existing residences and approximately 340 legal parcels. An analysis submitted by the applicant states that the development rights on 36 of these parcels have been retired and that topography and zoning limitations will render many parcels unbuildable or will require that they be merged with adjacent parcels to provide buildable sites. The applicant estimates that a maximum of 65 residences, including the existing residences, could be built using Hillside Drive for access.

With regard to the applicant's proposed improvement of Oldfield Ranch Road to provide secondary access to the proposed project site, the Planning Commission found that:

The applicant suggests that a possible second means of access exists westerly from the subdivision via Oldfield Road (aka Hillside Drive) to Greenleaf Canyon Road (a dedicated road), a distance of approximately 1,300 feet. Greenleaf Canyon Road connects to Topanga Canyon Road approximately 1 mile southerly of the subject property... The applicant proposes to voluntarily grade Oldfield Road between the southerly portion of the property and Greenleaf Canyon Road to a minimum width of 15 feet. However, the road would not be paved and would require regular maintenance to ensure that it would remain in a usable condition. Greenleaf Canyon Road, the second leg of the access, route, is a narrow, paved road which cannot accommodate two-way traffic except by use of turnouts.

Additionally, the Planning Commission findings include and were based upon the Fire Department recommendations on the subdivision that are above. Based on the Planning Commission's findings, it concluded:

1. That the existing and proposed access routes to the division of land are inadequate to accommodate the volume of traffic generated by the uses they serve and have the potential for blockage that could impede the safe evacuation of future residents and hinder the deployment of fire equipment or other services under emergency conditions; and
2. That the safety plan proposed by the applicant's consultant is not adequate to off-set the lack of adequate access to the division of land.

Therefore, the Regional Planning Commission denied the subdivision of the Brown property based on the risk to life and property from fire hazards. The basis of its findings is that the existing access to the site via Hillside Drive is not adequate for existing development and that two additional parcels would only exacerbate the existing conditions. Furthermore, the Planning Commission found that one of the applicant's proposals to mitigate the access deficiencies, the improvement of Oldfield Ranch Road into Greenleaf Canyon, would deliver residents or fire personnel to a narrow, restricted escape route that does not accommodate two-way traffic except by use of turnouts. The Brown's own consultant determined that evacuation by way of this proposed secondary access to Greenleaf Canyon would be a dangerous and deadly alternative. Finally, the Planning Commission found that the creation of the proposed fire safe zone would not be sufficient to mitigate the inadequate access to the proposed subdivision.

b. Lot Redivision Proposal.

As noted above, due to the applicant's characterization of the proposed project as a lot line adjustment, under the Los Angeles County's processing and procedures, the Fire Department was not afforded any opportunity to review the subject redivision of 16 lots comprising 92-acres and provide its recommendations. However, in order to make a determination about the proposed project's conformance with the Coastal Act, the Commission needs information about the fire safety of the proposed project, particularly access to the project site. The County Fire Department staff are experts on such fire safety issues. Typically, applicants provide evidence that the Fire Department has reviewed and provided their recommendations on proposed projects. The Commission relies on the Fire Department's expertise as part of its analysis of the conformity of development proposals with Section 30253 of the Coastal Act. As such, staff requested that they review the proposed project and provide their comments, if any. Staff's letter requesting this review is attached as Exhibit 7. Staff requested that the Fire Department staff address the risks, or lack thereof, of fire on the proposed project, including whether adequate emergency access to the site could be provided. The Fire Department's response, a March 19, 1997 letter from Fire Marshal Jesus Burciaga of the Fire Prevention Division, is attached as Exhibit 8.

With regard to the previous County action on the Brown parcel, the Fire Department recommendation letter states that:

Tentative Parcel Map 23547 (The Brown's Project) was denied by the County of Los Angeles Regional Planning Commission . The three lot subdivision (Tentative Parcel Map 23547) is one of the 16 parcels included in this lot line adjustment proposal. The Fire Department recommended denial of the Parcel Map, based on inadequate access, because there are too many units on Hillside Drive as it currently exists.

The recommendation letter concludes that Hillside Drive is inadequate to provide emergency access. The Fire Department states that:

Hillside Drive is a single means of access, and it is less than 12 feet wide in several areas. In order to mitigate this adverse impact on emergency access, the Department would require widening Hillside to a minimum of 28 feet paved width from Topanga Canyon Boulevard to the subject property, if it had the opportunity to perform discretionary review. This widening would allow up to 56 units to be developed on Hillside Drive.

The Fire Marshal concludes that: "The Fire Department could not support or recommend approval of any project that would add any additional buildable lots taking access from Hillside Drive without significant improvement of Hillside Drive".

From a planning standpoint, the Fire Department expresses concern that because the proposed project was characterized as a lot line adjustment, that did not trigger Fire Department review, a comprehensive solution to impacts will not be possible. The Department states that:

One of our concerns is that this "Lot Line Adjustment" will create sixteen new building sites which will not enable a subsequent review by County Departments, such as the Fire Department. If this Lot Line Adjustment is permitted to proceed, the Fire Department would be (sic) prevented from setting requirements until the building permit stage, and only on the individual lots as development proceeds. This procedure will prevent the Fire Department from uniformly requiring an adequate water system or access to the area...A comprehensive solution to adequate emergency service is essential and should not be replaced by ad hoc treatment of building permits on a lot by lot basis.

The Fire Marshal concludes that: "The inherent risk of development in this remote and high danger area can only be mitigated by comprehensive and early solutions. Such solutions, if available at all, cannot be applied on a lot by lot basis".

In response to staff's request for the applicable standards for emergency access, the Fire Marshal states that:

The Fire Departments standard road width is 36 feet paved width. However, that being impractical from both an environmental and geological standpoint, we have the latitude to reduce the paved width for a main access road to between 26 and 28 feet in width. Driveways serving individual lots from a through access road would be required to be a minimum of 20 feet paved width. A through access road must originate or terminate from a full width maintained roadway, otherwise the project would remain isolated in a very high fire hazard area.

Finally, the Fire Marshal concludes that:

The project would not be in conformance with standards for newly created lots. It moves lots (building sites) from street frontage, further into an extremely dangerous area without any form of mitigation. If permitted to move forward, it does nothing to minimize risks to life and property, but in fact puts additional life and property at risk.

c. Analysis.

While, as previously noted, the proposed redivision will result in lot reconfiguration, but no increase in the total number of lots, the effect of the proposed project is to "pick up" and relocate ten lots which currently have street frontage and move them to an area without adequate access. The proposed reconfiguration would result in fifteen lots being located on the mesa area where there are currently five existing lots. Furthermore, fifteen lots would be located in an area that takes access from Hillside Drive where five take access presently. As such, a net increase of ten potential building sites taking access from Hillside Drive would result. The Regional Planning Commission found in its denial of the Brown subdivision that the existing access to the area is inadequate to insure the safe evacuation of the residents of even of two additional building sites or the deployment of fire or other emergency equipment in an emergency. If the access is inadequate for two additional building sites, then it is even less adequate to provide access for ten more parcels. The Fire Department's recommendation letter regarding this project only underscores the increased danger.

Hillside Drive is currently the only access route to the mesa area where the fifteen reconfigured lots would be located. No passable secondary point of access currently exists. In conversations with staff, Fire Department staff indicated that, a through road would be necessary to provide emergency access to the proposed project site in order to reduce risks from fire hazard. To date, the applicants have not identified with any certainty potential locations of secondary access to the site. They have, in fact, made conflicting statements about potential locations of a second access road. As noted in the project description above, the applicants indicated to staff, in a field visit to the proposed project site, an existing trail of approximately 10 feet in width which traverses the steep slope from the southern end of the mesa (Lot 2) to the Topanga Woods subdivision below. When staff expressed concern that a massive amount of grading and landform alteration would be necessary in order to improve this trail to an adequate width and grade, the applicants indicated that the access road across the project site could be ended in a cul-de-sac on the mesa (Lot 2) to avoid this road improvement and its associated landform alteration. More recent correspondence from the applicants states that: "One of the goals of the lot line adjustment is to provide a sufficient economic incentive to the owners of the

parcels in question to warrant the development of additional means of ingress and egress". Staff requested that the applicants provide information on such additional access roads so that it could be considered by the Commission with respect to mitigation of potential fire safety issues. To date, no such information has been provided.

As discussed above, the applicants did not provide grading plans or grading volumes for any improvements to Hillside Drive or for the construction of a through road to provide secondary access from the mesa area. In fact, in correspondence from Robert Rein, he stated that the standards that the Fire Department would apply to future development of access roads and pads are not relevant to the consideration of the proposed redivision project. However, the Commission must evaluate the proposed project for conformance with Section 30253 of the Coastal Act. Such standards are therefore relevant. Based on the information provided by the Fire Department, and staff's analysis of available information regarding fire safety, Hillside Drive is not currently adequate to provide emergency access to the proposed project site. Even so, it should be noted that the Fire Department standards would require only a 20 foot wide access road from the end of Hillside Drive (Will Geer Road) to any new residential development on the four existing undeveloped lots on the mesa/spur ridge area. Staff estimates that such an access road could be constructed with a moderate amount of grading.

However, in this case, the applicants are proposing to reconfigure the proposed project site such that ten additional lots would be located on the mesa area. In order to provide adequate access, Hillside Drive must be improved and/or a secondary access must be provided. As such, staff has attempted to evaluate the potential of the applicants either improving Hillside Drive to an adequate standard or providing a through road from the proposed project site. Due to the applicant's lack of submitting information about such improvements, staff's analysis is somewhat rough, based on estimates obtained by review of available information. Staff's review is based on a field visit to the proposed project site, the topographic map provided by the applicant, the U. S. Geological Survey (U.S.G.S.) map of the area, slope maps prepared by the U.S.G.S. in conjunction with the L.A. County Engineer, and records on past road grading projects approved by the Commission. Three alternatives are analyzed below.

First, staff looked at the possibility of widening Hillside Drive. The Regional Planning Commission and the Fire Department have previously found that Hillside Drive is not adequate to provide access to the building sites which currently exist. Hillside Drive is a very steep, narrow, winding road which traverses extremely steep slopes up the west slope of Topanga Canyon. This

road is paved and extends from Topanga Canyon Road to Will Geer Road and to the proposed project site. Hillside Drive has a maximum width of 20 feet, but is as narrow as 12 feet in several areas. The areas where the road is narrowest are located on curves, which restricts the ability of cars traveling in opposite directions to pass each other without widening. It would be impossible for cars to pass Fire vehicles in these narrow areas and it would be extremely difficult for fire vehicles to traverse the roads, particularly with other vehicles using it. Neighboring property owners have indicated that Hillside Drive is very difficult for trucks to traverse and that trucks have become stuck on curves in the road. As noted above, the recommendation of the Fire Department would be that Hillside Drive be widened to a minimum of 28 feet in width in order to minimize risks from fire hazard on the proposed project.

Staff's review has revealed that such widening would be very difficult. The slopes in this area are very steep, ranging from 50% slopes (2:1) to 100% slopes (1:1). The most narrow portions of the existing road are those where widening would be the most problematic. In these areas, the road is cut into near vertical slopes. Major landform alteration would be necessary to construct such additional road width, raising issue with Section 30251 of the Coastal Act. Additionally, there are existing homes along Hillside Drive which are located very near the roadway. As such, road widening would require the removal or relocation of structures. Further, there are oak woodland areas that have been designated as environmentally sensitive habitat areas which are near Hillside Drive. Grading of slopes to support a widened roadway would impact these ESHA areas.

Staff also reviewed potential through roads that could be constructed to provide secondary emergency access in order to minimize risks from fire hazard. It appears that the provision of such an access road would be very difficult, given the topography of the proposed project site and the surrounding area. The northern area of the project site is located on the "Topanga Mesa", a flat topped feature which has very steep slopes descending to the canyons below. This mesa narrows to the south, across the proposed project site, becoming what the project geologist has characterized as a "spur ridge". This ridge constitutes the divide between Greenleaf Canyon and Topanga Canyon. The proposed project site includes steeply sloping areas, both along the eastern boundary, descending toward Topanga Canyon, and along the southern edge, where the project site descends into the Topanga Woods small lot subdivision below. Exhibit 2 depicts these topographic features.

Staff first reviewed the potential of providing a secondary access along the existing dirt trail that extends from the proposed Lot 2 to the Topanga Woods subdivision below. This area includes very steep slopes of 50% (2:1) to 100%

(1:1) and steeper. Near the bottom of the trail there is a near vertical cliff. In order for this trail to provide adequate access to the proposed project site, significant widening would be necessary. Significant improvement would be necessary to reduce the grade to an adequate standard. Additionally, the turning radius of each switchback would have to be significantly increased to provide adequate access.

All of these improvements would require massive alteration of the existing landforms. The existing 10-foot wide trail is at least 1,000 feet long from the proposed Lot 2 to the subdivision below. There is a minor drainage adjacent to the trail which would have to be filled. Staff would estimate that cut and fill slopes up to 100 feet in length from top to bottom would have to be constructed to support the road bed. Retaining or crib walls could be incorporated into the road construction to reduce the cut and fill slopes. However, staff estimates that such retaining walls would have to be of a significant height and would present significant adverse visual resource impacts. Further, it does not appear that the applicants own all of the property that would have to be improved to provide this road access, which could restrict its potential of being built if easements could not be obtained. Finally, based on the above noted factors, and the Commission's past experience with similar road grading projects proposed for similar topography, staff estimates that in excess of 100,000 cu. yds. of grading would be necessary to construct a secondary access road in this location.

In Permit 4-95-115 (Lauber, et. al.), the Commission considered a seven lot subdivision which included 69,150 cu. yds. of grading to construct a 42-foot wide, 1,150 foot long access road across the project site and 10,800 cu. yds. of grading to provide a 20-foot wide emergency access road to provide for emergency access out of the Ramirez Canyon area. The Lauber project site is far less steep than the proposed project site with slopes varying from 20% (5:1) to 50% (2:1). The road considered there has only one large sweeping curve in the main road, and two switchbacks for the emergency access portion. The maximum grade of the road was not to exceed 15%.

The Commission has also considered Permit 5-91-436 (Anden/VMS Rancho Malibu Venture) for a large (55-lot) subdivision project. While this project was much larger in scale than the proposed redivision project, the entry road approved for the project is comparable. The findings for this permit state that:

For the first 1,600 feet (from the entrance to the crest of the ridge) the grading plan indicates that approximately 521,000 cu. yds. of grading or 49% of the total grading is necessary. This portion of the road will cut approximately 50 vertical feet from the existing elevation, require the

construction of a 10 foot high crib wall, a 300 to 400 foot long bridge over a drainage course and approximately 40 feet of fill for the upper slope leading to the crest of the ridge.

The width of the entry road is 40 feet. While this may be somewhat wider than the width necessary to provide adequate access to the proposed project site, the slopes in the Anden project are less steep (15% to 50%).

As noted above, the applicant has not provided grading plans for the improvement of any secondary access road, including one that would follow the existing dirt trail at the southern end of the proposed project site. However, based on the steepness of the terrain, and past Commission experience with similar road grading projects, staff estimates that such an access road would require at least 100,000 cu. yds. of grading. Staff believes this estimate to be a conservative one. It appears that the total grading volume required may be much higher.

In addition to improving the existing dirt trail, staff also considered the potential for the applicants to provide a secondary access on the east side of the proposed project site, to Topanga Canyon Boulevard. The slopes descending into Topanga Canyon are very steep. Staff would estimate that 100,000 cu. yds. of grading would be necessary to create an access road down the east side of the proposed project site, if not more. Additionally, as discussed above, there is a large, active landslide on the eastern portion of the 37-acre La Fe, Inc. parcel. There is also an identified landslide on the same slope face, 1700 feet to the south. As such, there may be an increased likelihood that there are additional areas of geologic instability along these slopes.

Finally, staff analyzed the potential of the applicants constructing a secondary access from the western portion of the proposed project site, into Greenleaf Canyon below. As noted above, the Browns proposed to improve a secondary access (Oldfield Ranch Road) into Greenleaf Canyon from their property as part of their subdivision application. Further, when staff conducted a field visit to the proposed project site, the applicants indicated overgrown dirt trails that exist down the slopes on the west side of the property.

As on the other sides, the slopes into Greenleaf Canyon are extremely steep, varying from 50% (2:1) to 100% (1:1). A road constructed straight down the slope would be approximately 1,000 feet long. However, an access road would have to incorporate switchbacks in order to achieve an adequate grade. This would likely lengthen the road by 1 ½ to 2 times. Given the steep slopes and road length, staff would estimate that a secondary access constructed to

Greenleaf Canyon would require at least 100,000 cu. yds. of grading, and potentially much more. Further, any road descending the slope into Greenleaf Canyon would have to include a bridge across the stream in order to connect to Greenleaf Canyon Road. Finally, as noted above, the Brown's fire management consultant, Scott Franklin, found the construction of a secondary access into Greenleaf Canyon a dangerous alternative. This is because Greenleaf Canyon Road, only one lane wide in parts, is also inadequate to provide emergency access. He found that the construction of anything less than a sixty foot wide road down the slope and the widening of Greenleaf Canyon is "a design for disaster".

d. Visual Impacts.

In determining consistency of the proposed project with the visual resource protection provisions of Section 30251 of the Coastal Act, it is necessary to compare the visual aspects of the proposed project with the specific language of the section as well as to look to the policies of the Malibu/Santa Monica Mountains LUP for guidance. As noted above, Section 30251 requires the protection of the scenic and visual qualities of coastal areas. It specifically requires that permitted development minimize the alteration of natural landforms and that it be visually compatible with the character of surrounding areas. The LUP policies noted above require that grading and landform alteration be minimized, both to minimize the visual impacts of altering natural landforms and to minimize the potential impacts of increased runoff and erosion from grading natural sites and removing native vegetation.

The proposed project site, particularly the southern portion, is located on a prominent ridgeline. Portions of Topanga State Park are located to the southeast of the proposed project site. The applicant submitted a plan showing potential building pad locations, whereby the 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, with respect to the pads alone. However, the existing access to the site is inadequate for emergency access.

The Commission finds that the grading necessary to either improve Hillside Drive, or to provide a secondary access route, as described above, would result in massive landform alteration and consequently have significant adverse impacts on visual resources. While location of building pads on the proposed

reconfigured lots could, in staff's opinion, be accomplished consistent with Section 30251 of the Coastal Act, access improvements would be necessary in order to ensure that the proposed project would minimize risks from fire hazard. In any of the road alternatives analyzed above, such improvements would result in large manufactured slopes or retaining walls on high, steep slopes which are visible from great distances. If such road improvements were made on the southern or eastern portions of the proposed project site, they would have additional significant adverse visual impacts on Topanga State Park. As such, the proposed development will not minimize landform alteration or be visually compatible with the character of the surrounding area as required by Section 30251 of the Coastal Act and is therefore inconsistent with this Section.

e. Conclusion.

In conclusion, the Commission finds that proposed redivision project is inconsistent with Section 30253 of the Coastal Act. The Los Angeles County Regional Planning Commission denied the Brown subdivision because: "...the existing and proposed access routes to the division of land are inadequate to accommodate the volume of traffic generated by the uses they serve and have the potential for blockage that could impede the safe evacuation of future residents and hinder the deployment of fire equipment or other services under emergency conditions". The Brown subdivision would have added two additional parcels to the mesa/ridge area.

The proposed redivision, while it would not result in an increase in the total number of lots, would have the effect of "picking up" ten lots from the Topanga Woods small lot subdivision where they do have street frontage, and relocating them in the mesa/ridge area where the only access will be Hillside Drive. The Commission finds that the proposed project's effect of adding ten lots to the area would present a greater risk to life and property from fire hazard. The Los Angeles County Fire Department reviewed the subject project at the request of the Commission. The Fire Marshal reviewing the proposed redivision concluded that: "The Fire Department could not support or recommend approval of any project that would add any additional buildable lots taking access from Hillside Drive without significant improvement of Hillside Drive".

The Commission finds that, based on the information discussed in the previous section, the improvement of Hillside Drive, the sole access to the proposed project site, or the provision of a secondary access road would be extremely difficult at best. While there are relatively flat areas on the top of the mesa and spur ridge areas of the proposed project site, they are surrounded on all sides by very steep, high slopes. In effect, the flat portions of the proposed project site

are isolated from the surrounding area and emergency services necessary to protect life and property by the intervening terrain and by the lack of adequate access. Staff's estimates of the height of cut and fill slopes or retaining walls necessary to support the necessary roadways indicate that large, manufactured slopes would result. Staff estimates that at least 100,000 cu. yds. of grading would be necessary to provide a secondary access road leading from the mesa/ridge area to existing roads below. The Commission finds that such grading and the construction of large manufactured slopes would not minimize landform alteration and would have significant adverse impacts on visual resources. Therefore, the Commission finds that the proposed project is not consistent with Sections 30253 or 30251 of the Coastal Act or the applicable policies of the Malibu/Santa Monica Mountains Land Use Plan.

The Commission would note that the principal concern with the proposed project is that risks to the reconfigured lots from fire and other hazards are minimized to the greatest extent feasible. As discussed above, the subject proposed redivision would not provide for adequate emergency access to the majority of the reconfigured lots. As such, risks from the hazard of fire would not be minimized. However, the Commission is not opposed to every potential reconfiguration of the subject parcels. The Commission would certainly consider alternative reconfigurations that would include lots better placed for emergency access. The Commission's denial here does not indicate that the Commission would oppose all redivision proposals for the project site.

D. 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 Malibu/Santa Monica Mountains Land Use Plan (LUP) 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 within, contiguous, or in close proximity to existing developed areas, or if outside such areas, only where public services are adequate and only where public access and coastal resources will not be cumulatively affected by such development. In past permit actions, the Commission has found that for Malibu and the Santa Monica Mountains, the coastal terrace area represents the existing developed area. 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.

As noted in the project description, the proposed project involves the redivision of 16 existing lots into 16 reconfigured lots. As such, no increase in the total number of lots would result from the proposed redivision. In other words, the overall density of the proposed project site would not increase. Therefore, the density standards required under Policy 271 and 273(d) of the LUP are not at issue in this case.

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, the proposed project site is located outside the developed coastal terrace area, so the criteria provided in Section 30250(a) which require development outside existing developed areas to be located in areas with adequate public services and where it will not affect coastal resources are applicable. This section also provides that land divisions shall be permitted when 50 percent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of the surrounding parcels. 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.

The proposed project site is located outside of the coastal terrace area that the Commission has previously found constitutes the existing developed area for the Malibu/Santa Monica Mountains. As such, the provisions of 30250(a) apply. Staff has determined that the proposed redivision is consistent with the average lot size and 50% development of useable parcels criteria of Section 30250(a) of the Coastal Act. However, the proposed project must also be located in an area with adequate public services and where it will not have significant adverse effects on coastal resources. The proposed project site would be located in an area which does not have adequate public services.

The proposed project site is located on a mesa area isolated from the surrounding area by very steeply sloping hillsides. Only one extremely narrow, winding access road, Hillside Drive, provides vehicular access to the proposed project site. As discussed above, this access has been found by the L.A. County Regional Planning Commission and the Fire Department to be inadequate to provide emergency access to existing development.

While the proposed redivision will result in lot reconfiguration, but no increase in the total number of lots, the effect of the proposed project is to "pick up" ten lots which currently have better potential street frontage and move them to an area

without adequate access. The proposed reconfiguration would result in fifteen lots being located on the mesa/ridge area where there are currently five existing lots. Furthermore, fifteen lots would be located in an area that takes access from Hillside Drive where five take access presently. As such, a net increase of ten potential building sites taking access from Hillside Drive would result. As previously discussed, the Fire Department and Planning Commission determined in the denial of the Brown 3-lot subdivision request that Hillside Drive is inadequate to accommodate the additional traffic generated by two additional lots and could impede the safe evacuation of future residents and hinder the deployment of fire equipment or other services under emergency conditions. If the access is inadequate for two additional building sites, then it would be even less adequate to provide access for ten more parcels. Furthermore, the Fire Department has concluded, with regard to the proposed redivision, that: "If permitted to move forward, it does nothing to minimize the risk to life and property, but in fact puts additional life and property at risk". Based on these conclusions and its own analysis, the Commission finds that no adequate emergency access exists to this area. Emergency access is a critical public service in that it serves to minimize risks to life and property from fire hazard. Therefore, the Commission cannot find that the proposed development would be located in a area with adequate public services.

Furthermore, as discussed in greater detail above, the improvement of Hillside Drive and/or the provision of a secondary access road would require massive landform alteration, which would have significant adverse impacts on visual resources and lead to increased erosion, runoff, and sedimentation, impacting off-site environmentally sensitive habitat areas. Therefore, the Commission finds that the proposed redivision is not consistent with the public services or coastal resources provisions of Section 30251(a) of the Coastal Act.

E. Environmentally Sensitive Habitat Areas.

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.

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. Finally, there is a designated oak woodland located north of the proposed project site. Excessive grading or vegetation removal on the proposed project site could directly impact these ESHA's by contributing to increased runoff or sedimentation.

As noted above, the existing access to the proposed project is not adequate and the proposed project would not minimize risks to life and property from fire hazard without significant access improvements. Given the steep topography that surrounds the proposed project site, significant landform alteration would be necessary to construct access improvements. The massive cut and fill slopes required to support a secondary access road either to Greenleaf Canyon Road or Topanga Canyon Boulevard and the impervious roadway surfaces would significantly increase runoff and increase erosion. This increase in runoff and erosion would result in sedimentation and degradation of Greenleaf and Topanga Creeks which are designated ESHA's. Increases in runoff and erosion can result in the following adverse impacts:

1. Eroded soils contains nitrogen, phosphorus, and other nutrients. When carried into water bodies, these nutrients trigger algal blooms that reduce water clarity and deplete oxygen which lead to fish kills, and create odors.
2. Erosion of streambanks and adjacent areas destroys streamside vegetation that provides aquatic and wildlife habitats.
3. Excessive deposition of sediments in streams blankets the bottom fauna, "paves" stream bottoms, and destroys fish spawning areas.
4. Turbidity from sediment reduces in-stream photosynthesis, which leads to reduced food supply and habitat.
5. Suspended sediment abrades and coats aquatic organisms.
6. Removal of the small and less dense constituents of topsoil. These constituents, clay and fine silt particles and organic material, hold nutrients that plants require. Thus, reestablishment of vegetation is difficult and the eroded soils produces less growth.
7. Introduction of pollution, sediments and turbidity into marine waters and the nearshore bottom has similar effects to the above on marine life. Pollutants in offshore waters, especially heavy metals, are taken up into the food chain and concentrated (bioaccumulation) to the point where they are harmful to humans, as well as lead to the decline of marine species.

The Commission finds that the proposed redivision will not protect against significant disruption of the habitat values of these areas and would significantly degrade these ESHA's. Therefore, the Commission finds that the proposed project is not consistent with Section 30240 of the Coastal Act.

F. 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.

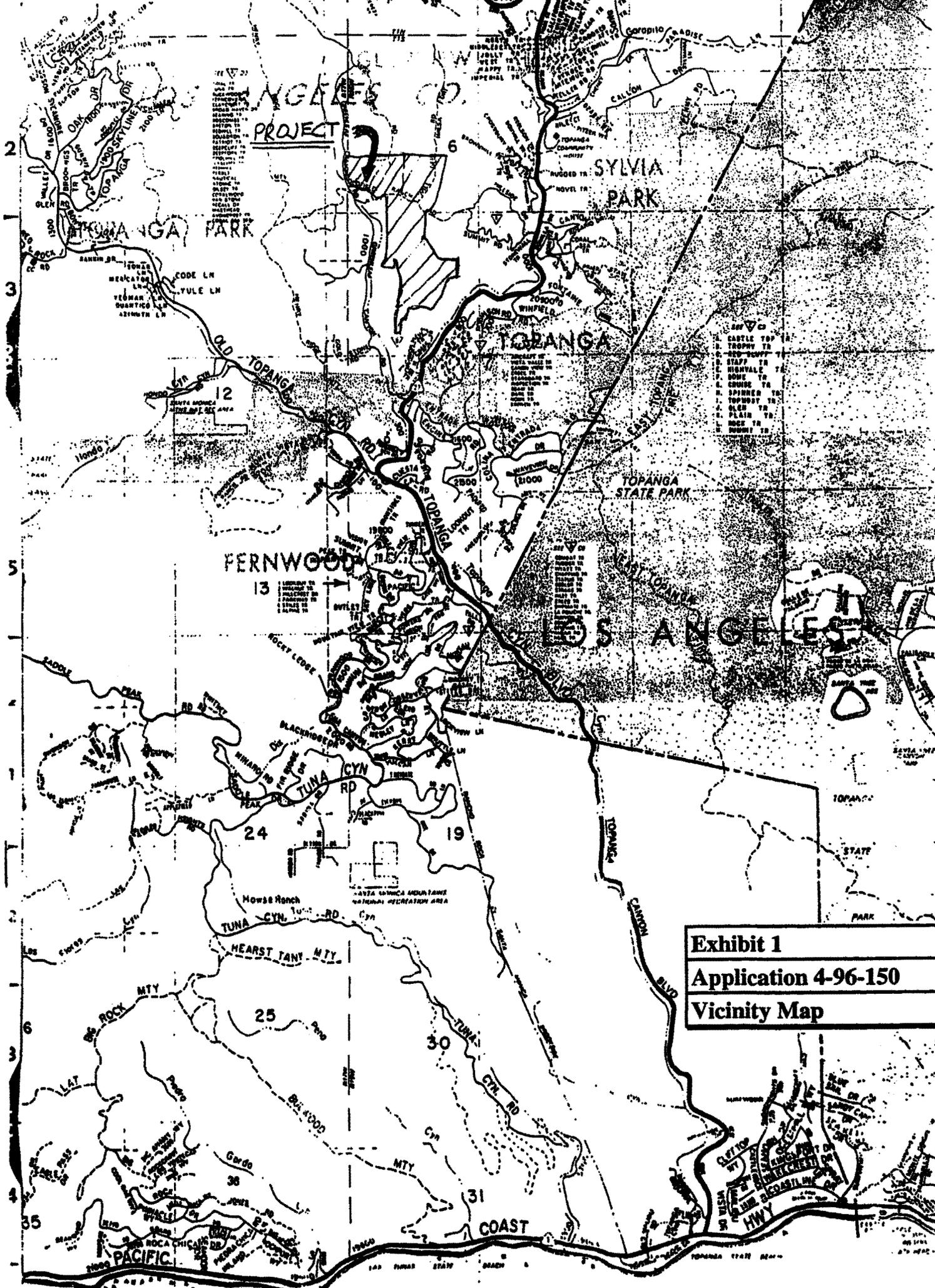
The applicants do not, at this time, propose any construction of structures or septic systems. At such time as coastal development permit applications would be reviewed for development of the reconfigured lots, a full geologic evaluation which includes percolation testing would be necessary to ensure adequate percolation exists to accommodate effluent disposal for future residences. However, based on the preliminary geologic assessment, future residences could be located such that adequate septic systems could be provided. The Commission finds that based on the geologist's conclusions and staff's analysis, the proposed redivision would be consistent with Section 30231 of the Coastal Act.

G. 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, hazards, and landform alteration. As discussed above, the proposed development will not minimize risks associated with fire hazard and is found to be inconsistent with the applicable policies contained in Chapter 3 of the Coastal Act, including Section 30251 and 30253 and the grading and hazard policies of the certified LUP. As such, the Commission finds that approval of the proposed development would prejudice the ability of the County of Los Angeles to prepare a certifiable Local Coastal Program that is consistent with all the policies of Chapter 3 of the Coastal Act.



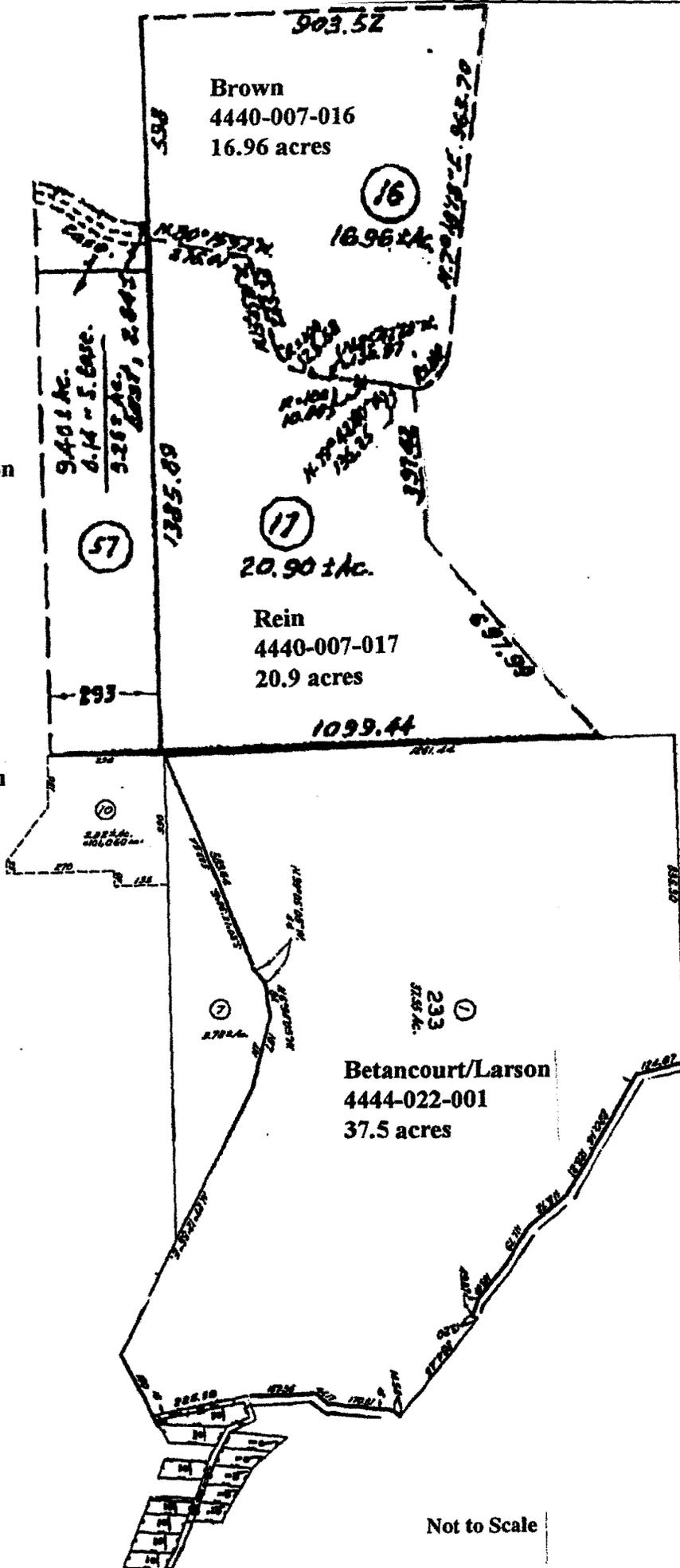
PROJECT

- 1. CASTLE TOP
- 2. TROPIC TR
- 3. POPPY TR
- 4. STAFF TR
- 5. HIGHVALE TR
- 6. BOHE TR
- 7. CRUISE TR
- 8. SPINNEY TR
- 9. TOPPOY TR
- 10. J. OLSEN TR
- 11. PLAIN TR
- 12. DOCK TR
- 13. M. BUSH TR

Exhibit 1
Application 4-96-150
Vicinity Map

Goodwin/Hudson
4440-007-057
9.26 acres

Goodwin/Hudson
4444-030-010
2.32 acres



Not to Scale

Exhibit 2
Application 4-96-150
Existing Lot
Configuration

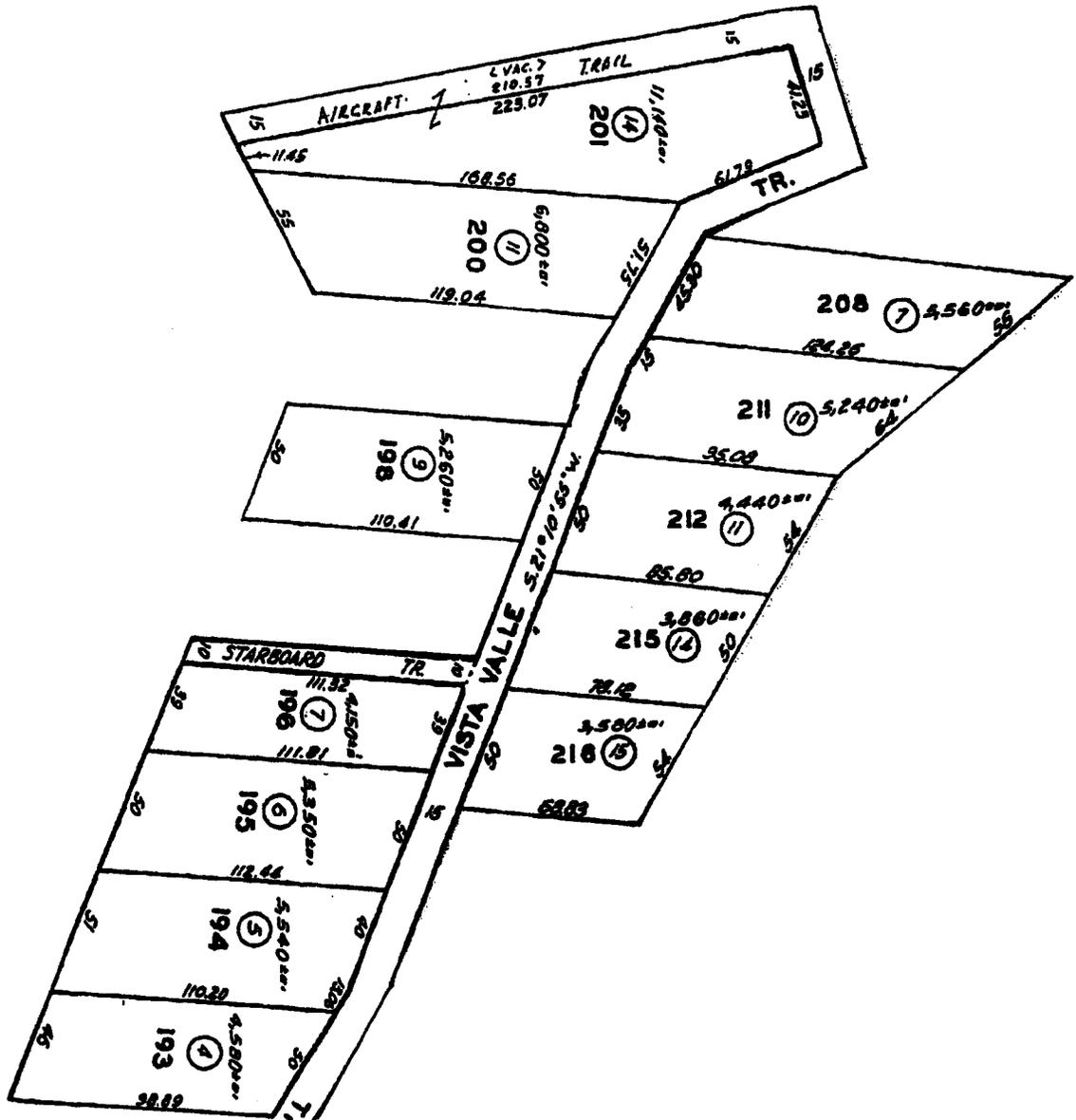
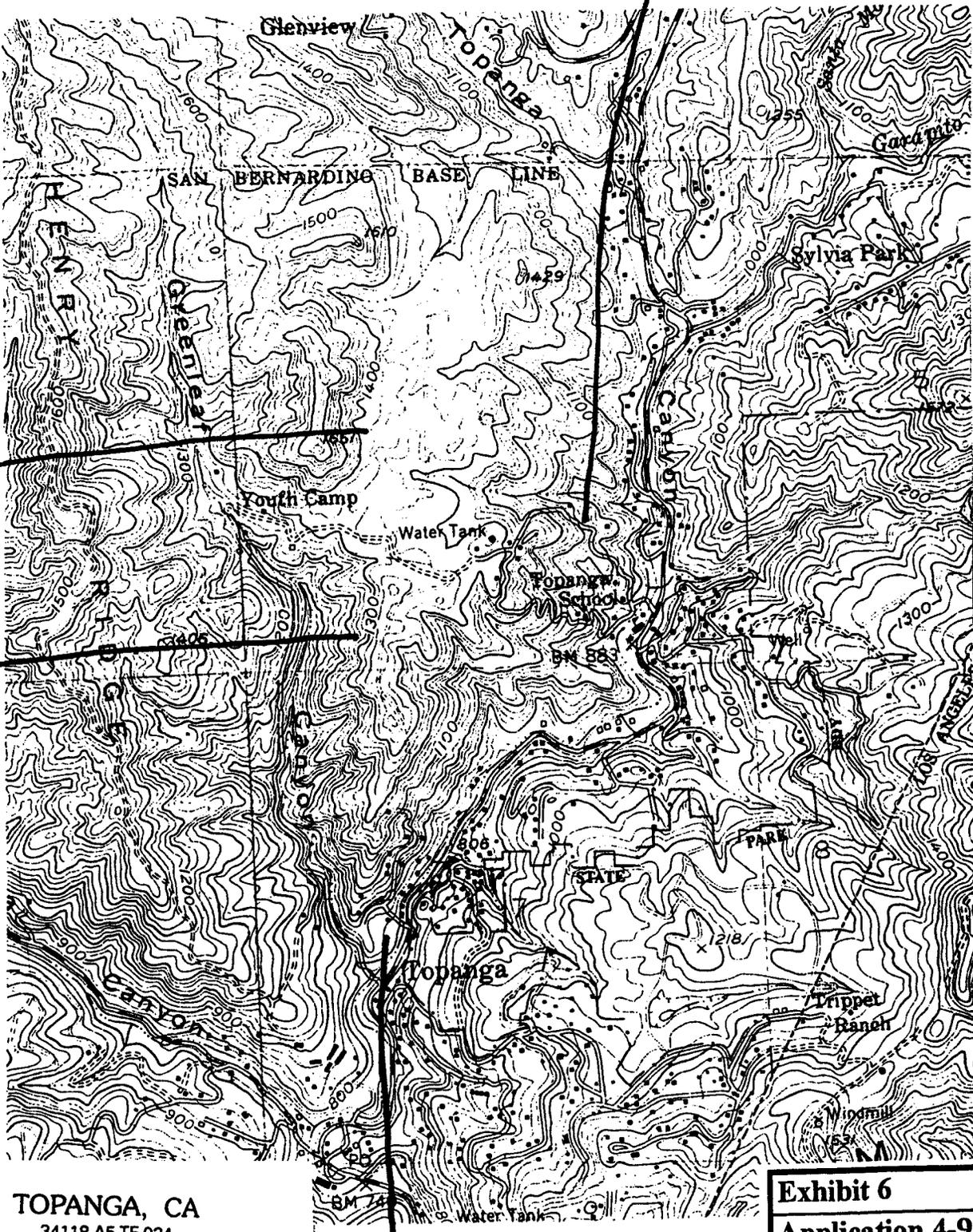


Exhibit 3
Application 4-96-150
Enlargement of
Existing Small Lots



Exhibit 5
Application 4-96-150
Proposed Lot
Configuration

Hillside Drive



TOPANGA, CA
34118-A5-TF-024

1991

DMA 2252 II SE-SERIES V895

Topanga
Woods

Exhibit 6
Application 4-96-150
U.S.G.S. Map-
Portion of Topanga
Quadrangle

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



February 14, 1997

Jesus Burciaga, Assistant Fire Chief
Los Angeles County Fire Department
5823 Rickenbacker Ave.
Commerce, CA 90040-3027

Subject: Lot Line Adjustment involving 16 lots proposed at 1291 Will Geer Road, Topanga

Dear Mr. Burciaga:

I am writing to formally request that your department review the subject project for conformance with the standards of the Fire Department, particularly the provision of emergency access. This letter will follow up on our earlier verbal request. Our office has been in communication with Captain Steve Borgogno of your staff with regard to this proposed project since December 1996.

In order to fully explain our request, it is necessary to relate some of the history of the proposed project site. The site is comprised of sixteen existing lots which are owned by five different owners. The owners have proposed to modify all of the lots, which would result in 16 reconfigured lots. The Owners have characterized the proposed project as a "lot line adjustment". The owners were granted an "Approval-in-Concept" for the proposed lot line adjustment by L.A. County Regional Planning in August 1996. As we understand it, such approval is a ministerial action which does not require review by other County departments, such as the Fire Department. The applicants applied to our office for a coastal development permit shortly thereafter. The application was originally scheduled for hearing before the Coastal Commission at their December 1996 meeting.

However, it was brought to the attention of staff that there were issues concerning fire safety in the area, especially the provision of emergency access to the proposed project site. The application was postponed in order to evaluate the emergency access issue. Since that time we have learned that the Regional Planning Commission previously denied a three lot subdivision (Tentative Parcel Map 23547) on one of the sixteen parcels included in the lot line adjustment proposal. In denying that subdivision, the Planning Commission found that the proposed access route to the subdivision is inadequate and that it had not been demonstrated that the site was physically suited for the type and density of development that was proposed. In your review of that proposed project, the Fire Department recommended denial of the subdivision because the access to the subdivision is inadequate to insure the safe evacuation of future residents and the deployment of fire or other emergency equipment in an emergency.

Exhibit 7
Application 4-96-150
Staff's Request for
Fire Department
Review

As you may be aware, the Coastal Commission evaluates and acts on development proposals in order to ensure that new development is consistent with the policies of Chapter 3 of the Coastal Act. One of these policies is Section 30253 which addresses the protection of life and property from hazards. Section 30253 states, in part, that:

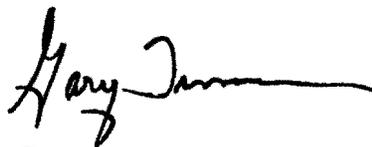
New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Our inquiry to the Los Angeles County Fire Department is made so that the Commission can have adequate information to determine if the proposed project is consistent with Section 30253 of the Coastal Act. To the extent that your comments can address the risks, or lack thereof, of fire on the proposed project, including whether, in your opinion, adequate emergency access to the site could be provided, the comments will be the most helpful. While the applicants have not provided definitive plans for access roads nor grading plans, their intention is to provide access to a majority of the reconfigured parcels via Hillside Drive. We would also appreciate your opinion on the Fire Department standards that, in your opinion would apply to development of access roads and pads.

Thank you in advance for your attention to this matter. The Commission must act on this proposed project by no later than the April 1997 hearing in order to meet a statutory deadline. As such, we need to know your comments, if any, by the middle of March 1997 in order to best be able to incorporate such comments into our staff recommendation. If you or your staff have any questions or need additional information, please feel free to call me or Barbara Carey in our Ventura Office.

Very Truly Yours,



Gary Timm
District Manager

cc: Robert Rein
Jim Hartl



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

(213) 890-4144

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

March 19, 1997

Coastal Commission
89 South California Street
Ventura, CA 93001

Dear Commissioners:

**SUBJECT: LOT LINE ADJUSTMENT INVOLVING 16 LOTS PROPOSED AT 1291 WILL
GEER RD., TOPANGA.**

This letter is in response to your letter dated February 28, 1997, Tentative Parcel Map 23547 (The Brown's Project) was denied by the County of Los Angeles Regional Planning Commission. The three lot subdivision (Tentative Parcel Map 23547) is one of 16 parcels included in this lot line adjustment proposal.

The Fire Department recommended denial of the Parcel Map, based on inadequate access, because there are too many units on Hillside Drive as it currently exists. Hillside Drive is a single means of access, and it is less than 12 feet wide in several areas. In order to mitigate this adverse impact on emergency access, the Department would require widening Hillside to a minimum of 28 feet paved width from Topanga Canyon Boulevard to the subject property, if it had the opportunity to perform discretionary review. This widening would allow up to 56 units to be developed on Hillside Drive.

The Fire Department could not support or recommend approval of any project that would add any additional buildable lots taking access from Hillside Drive without significant improvement of Hillside Drive.

One of our concerns is that this "Lot Line Adjustment" will create sixteen new building sites which will not enable a subsequent review by County Departments, such as the Fire Department.

If this Lot Line Adjustment is permitted to proceed, the Fire Department would be prevented from setting requirements until the building permit stage, and only on the individual lots as development proceeds. This procedure would prevent the Fire Department from uniformly requiring an adequate water system or access to the area. The project would not be in conformance with standards for newly created lots. It moves lots (building sites) from street frontage, further into an extremely dangerous area without any form of mitigation. If permitted to move forward, it does nothing to minimize risks to life and property, but in fact puts additional life and property at risk.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE

- | | | | | | |
|--------------|-------------|------------------|-----------|----------------------|------|
| AGOURA HILLS | CALABASAS | GLENDORA | LAKEWOOD | MAYWOOD | RAK |
| ARTEBA | CARBON | HAWAIIAN GARDENS | LA MIRADA | NORWALK | ROLL |
| AZUSA | CERRITOS | HIDDEN HILLS | LANCASTER | PALMDALE | ROLL |
| BALDWIN PARK | CLAREMONT | HUNTINGTON PARK | LA PUENTE | PALOS VERDES ESTATES | ROSI |
| BELL | COMMERCE | INDUSTRY | LAWNDALE | PARAMOUNT | SAN |
| BELLFLOWER | QUINCY | IRVINDALE | LOMITA | PICO RIVERA | SANI |
| BELLFLOWER | DIAMOND BAR | | | | |

Exhibit 8
Application 4-96-150
Fire Department
Review Letter

Coastal Commission
March 19, 1997
Page 2

A comprehensive solution to adequate emergency service is essential and should not be replaced by ad hoc treatment of building permits on a lot by lot basis. The inherent risk of development in this remote and high danger area can only be mitigated by comprehensive and early solutions. Such solutions, if available at all, cannot be applied on a lot by lot basis.

The Fire Departments standard road width is 36 feet paved width. However, that being impractical from both an environmental and geological standpoint, we have the latitude to reduce the paved width for a main access road to between 26 and 28 feet in width. Driveways serving individual lots from a through access road would be required to be a minimum of 20 feet paved width. A through access road must originate or terminate from a full width maintained roadway, otherwise the project would remain isolated in a very high fire hazard area.

Should you have any questions, please feel free to contact me at (213) 890-4144.

Sincerely yours,

Jesus Burciaga
JESUS BURCIAGA, FIRE MARSHAL
FIRE PREVENTION DIVISION

JB:fm

c: Ms. Ginny Kruger, Deputy, Third District

MICHAEL S. SAPHIER
ROBERT S. REIN
RICHARD E. WALDEN

LAW OFFICES
SAPHIER, REIN & WALDEN
10000 SANTA MONICA BOULEVARD
SUITE 312
LOS ANGELES, CALIFORNIA 90067
(310) 556-0100

TELECOPIER
(310) 556-1864

February 27, 1997

RECEIVED

MAR 03 1997

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Gary Timm
District Manager
California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, CA 93001

Re: Lot Line Adjustment Involving 16 Lots

Dear Mr. Timm:

On February 24, 1997, I received a copy of your letter dated February 14, 1997 to Jesus Burciaga, Assistant Fire Chief. I believe that the information requested from Mr. Burciaga is irrelevant for purposes of the Commission's approval of applicant's lot line adjustment. Furthermore, even if it were relevant, the information requested of Mr. Burciaga will not assist the Commission in evaluating the lot line adjustment.

In providing Mr. Burciaga information concerning the lot line adjustment, you correctly point out that the lot line adjustment was approved by the Los Angeles County Department of Regional Planning. You further correctly point out that this approval was given without the requirement of a review of the lot line adjustment by various county departments, such as the Fire Department. This is because the legislature, by statute, has determined that this type of information is not necessary in order for a lot line adjustment to be approved. The reason for this is that a lot line adjustment is not a division of land since it does not add lots to the property in question; it merely moves the boundary lines between the lots in question.

Your reference to the denial of a three lot subdivision by the Regional Planning Commission is irrelevant. The subdivision in question would have added two additional lots to the area. The proposed lot line adjustment does not add any additional lots. It merely reconfigures the boundary lines between existing lots. In

Exhibit 9
Application 4-96-150
Applicant's Letter

Mr. Gary Timm
District Manager
California Coastal Commission
February 27, 1997
Page 2

other words, prior to the lot line adjustment there exists 16 legal lots. After the lot line adjustment, there remains 16 legal lots. This does not create an additional burden on the area.

It is undisputed that there is a risk of fire in many areas of Topanga, including the property in question. Your reference to Section 30253 of the Coastal Act is misleading. Since the property is in an area with a substantial fire risk, the best way to minimize this risk is to deny all new development. However, this is neither permitted by applicable law nor one of the purposes of the Coastal Act.

It is undisputed that at the present time the only viable means of access to portions of the property is via Hillside Drive. If there were no lot line adjustment, the existing 16 lots could be developed, and the only access to some of these lots would be through Hillside Drive. As a result of the lot line adjustment, the lots will be reconfigured and some of the reconfigured lots will have access through Hillside Drive. This is not a substantive change. Your statement: "While the applicants have not provided definitive plans for access roads nor grading plans, their intention is to provide access to a majority of the reconfigured parcels via Hillside Drive" is not correct. One of the goals of the lot line adjustment is to provide a sufficient economic incentive to the owners of the parcels in question to warrant the development of additional means of ingress and egress. This would be a benefit not only to the lots in question, but to the entire area. We would think that this is a goal that the Fire Department would welcome.

In any event, your request for the opinion of the Fire Department as to standards that would apply to the development of access roads and pads is premature. These are issues that we would expect the Fire Department to deal with if and when requests for building permits are made. It is at that time that there would be a "development" within the meaning of the Coastal Act. Until then, as set forth in its recent Landgate decision, a lot line adjustment is not a development.

Until there is any building done on the reconfigured lots, the risk of fire and problems with access remain the same. Those portions of the project which have been developed remain developed; those portions which have not been developed remain

SAPHIER, REIN & WALDEN

Mr. Gary Timm
District Manager
California Coastal Commission
February 27, 1997
Page 3

undeveloped. There were 16 parcels before the lot line adjustment; there will be 16 parcels after the lot line adjustment. The only change that will take place is if and when the property is improved. It is at that time that the issues raised in your letter should be considered.

If you want information of the type requested in your letter of February 14, 1997, then we suggest that you broaden the inquiry to deal with the benefits that may come about from additional means of access, emergency and otherwise, that may result from the lot line adjustment. Even if no new means of access are created, there is virtually no downside. The number of additional parcels that would be serviced from Hillside Drive is minimal. In other words, the additional fire risk from this project is nominal. On the other hand, the economic incentive created by this project to develop other means of access is substantial. This additional access and the likelihood that it would come about is what is necessary to comply with the provisions of Section 30253 and minimize the risk to life and property (as well as members of the Fire Department) in this area.

Very truly yours,



Robert S. Rein

RSR:kz

cc: Jesus Burciaga, Assistant Fire Chief
La Fe, Inc. (w/enclosure)
Ms. Susan Brown (w/enclosure)

Scott E. Franklin
International Consultant
Urban-Wildland Fire Management
28089 Highspring Ave
Santa Clarita, CA 91321
Telephone: (805) 254-2376
FAX: (805) 254-2376

TM NO. 23547
TOPANGA MESA

Owners: David & Susan BROWN

Location: Topanga Canyon, Topanga Quad, T-1S, R-16W, Sec.6, SBM.
Access is from Topanga Canyon Blvd. westerly up W. Hillside Dr., a steep, narrow (Less than 30' ft.) paved road that intersects with Will Geer Rd., also a narrow (Less than 30' ft) essentially flat newly paved road (1987).

Will Geer Rd. presently serves six (6) local residents.

The owner of the parcel is requesting permission to subdivide 16.95 acres into 3 parcels.

Parcel 1 would be 6.60 acres. This parcel presently is developed with a house and out buildings. Water is from wells and 12,000 gallons of storage exists in two underground reservoirs.

Parcel 2 is 5.15 acres and is undeveloped.

Parcel 3 is 5.20 acres, is undeveloped with a well and a fire standpipe with 8,000 gallons of water available from Parcel 1. The proposed project will retire six lots, providing a total reduction of 4 lots from future development.

Wildfire Threat

The whole of the Topanga area is classed as Fire Zone 4. Specific weather conditions exacerbate wildfire potential. Two fire weather conditions are prevalent within the project area:

The first, the "Santa Ana" wind condition is created by a high pressure system over the Great Basin (Nevada) and a low pressure system south of San Diego. Winds move clockwise around a high pressure system, so that initially, the Santa Ana condition exhibits north west winds, then north winds, then north east winds and as the system breaks down, east winds.

The air temperature is heated through friction of air molecules. As the air heats, it also loses moisture. A typical Santa Ana condition may have temperatures exceeding 80° F. and relative humidity less than 10%. This drives off the fuel moisture in both dead and live fuel, creating extreme wildfire conditions.

The Santa Ana wind condition may occur at any time during the year, but is most prevalent in the fall months. November is the highest incidence month and August is the lowest incidence month for Santa Ana winds.

The second fire weather system that impacts Topanga Canyon is termed "Sub-tropical high aloft" or sub-tropical high.

This condition generally moves up from Baja California, bringing

Exhibit 10

Application 4-96-150

Scott Franklin

Wildfire Report

unusually high temperatures, above 100°F. and low relative humidity. Under certain circumstances, this system may create high afternoon or evening "Sundowner" winds. While the sundowner effect is most prevalent in Santa Barbara and Ventura counties, the Santa Monica Mountains are occasionally impacted. Sub-tropical high weather conditions may occur from late May through September. The Topanga area exhibits some of the heaviest wildland fuel found in Los Angeles county.

Wildfire History

The Topanga Mesa area last burned on New year's eve, 1958 (Mulholland Fire), under Santa Ana wind conditions. In 1984, (Viewridge Fire) burned directly to the north of the project area, under a sub-tropical high aloft weather condition. The 1993 Old Topanga Fire burned to the west and south of the Mesa area. Had the point of origin of the fire been a mere 100 yards to the east, the fire would have impacted Topanga Mesa. Wildfires have burned adjacent to the area in 1961 (Topanga-Santa Ynez), 1967, 1977. All of the latter fires were Santa Ana driven. A prescribed burn of the area immediately to the north of the site was accomplished in 1988-89, significantly reducing the fuel load of the mesa area. Topanga Canyon on the east side of the project has not burned since 1961. Greenleaf Canyon to the west has not burned since 1958.

Proposed Wildfire Mitigation

The entire Topanga Mesa area is served by public and private roads. W. Hillside Drive is a public road, maintained by the Department of Public works. Will Gear road is a private road, maintained by the residents it serves. A secondary access has been proposed from the junction of Will Gear Rd. and W. Hillside Dr., westerly into Greenleaf Canyon, tentatively named "Oldfield Ranch Rd." Unless a sixty foot road were built into Greenleaf Canyon, and the existing Greenleaf Canyon Road widened, this would be an extremely dangerous and deadly alternative. The fuel load from the western edge of the Brown property into Greenleaf Cyn. equals the heaviest fuel found in Los Angeles County. Modeling a fire through this saddle and down into Greenleaf Cyn. produces some very frightening data. Flame lengths in excess of 70 feet are encountered, with down wind spotting of flaming material over 1.5 miles in advance of the flaming front. Oldfield Ranch Rd. is a design for disaster. A wildfire threat from the north or south would effectively seal off this access, trapping victims with no safe area alternative.

Alternative Proposal

Topanga Mesa presently contains low volume fuel to the north and east of the Brown property, due to the prescribed burn of 1989. The existing structures all have adequate clearance, with some measure of defensible space.

However, there is no area on the mesa to stage a fire strike team.

In addition, there exists no "Fire safe zone" on the mesa for existing residents.

There exists no helicopter pad w/water.

In lieu of creating a potential disaster by paving Oldfield Ranch Rd., the developer proposes:

- Designating a 1 acre parcel, w/appropriate access, between parcels 1 & 3 as a fire safe area, for use as a staging area for Fire Strike teams and as a fire safe zone for local residents.
This area to be free of all flammable vegetation, except for coastal live oak (*Quercus agrifolia*) that would not impact air operations.
- Provide a helispot w/8000 gallons of water adjacent to the fire safe area.
- Exclusive of the ESHA's, provide 10 feet of chipped biomass along each side of Will Geer Rd., w/selective thinning up to the property line along the east side of the road, and thinning up to 40' feet along the west side of the road.
- Maintain a 60' foot wide managed fuel break along the existing easement for Oldfield Ranch Rd.
- Provide annual report to LACOFD that states the project is in compliance with the above.

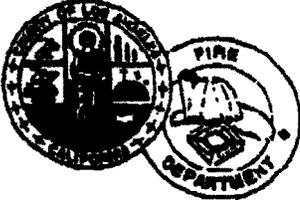
With the buildout of lots 2 and 3, a specific vegetation management plan would require 200' feet of managed clearance around each structure.

The effect would be to significantly reduce the fuel load on all three parcels.

Because the area is essentially flat, the selective thinning of wildland vegetation would act as a fuel break for areas to the south and west of the project. (Delta effect).

No Project Alternative

No project would fail to provide all of the above safety measures, while adding four additional parcels for future development.

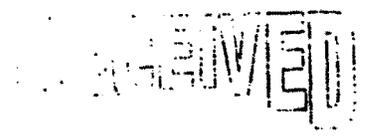


**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

1000 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90001-1994

(213) 890-4144

**P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN**



JAN 15 1997

**REGIONAL
FIRE COMMISSION
CENTRAL COAST DISTRICT**

November 14, 1995

**VIA FAX
(213) 626-0434**

**TO: REGIONAL PLANNING DEPARTMENT
LAND DIVISION

ATTENTION: JOHN HARTMAN, SECTION HEAD**

**FROM: PETER D. DOUTY, FIRE MARSHAL
ASSISTANT FIRE CHIEF
FIRE PREVENTION DIVISION**

SUBJECT: TENTATIVE TRACT MAP # 23547

After careful review of the planning and operational issues associated with Tentative Tract Map # 23547, I am recommending denial of this subdivision.

PLANNING ISSUES:

The planning issues focus with the lack of access. At this time the single means of access has exceeded the maximum of 37 units. The proposed subdivision is both narrow and treacherous and would add substantially to life safety concerns in the immediate area.

OPERATIONAL ISSUES:

Tentative Tract Map # 23547 has been reviewed by the jurisdictional fire chief and his staff. After a careful study of the proposed subdivision and vegetative management plan, they have recommended denial for the following reasons.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE C

- | | | | | | |
|--------------|-------------|----------------------|-----------|----------------------|------------|
| AGOURA HILLS | CALABASAS | GLENDORA | LAKEWOOD | MAYWOOD | RANCHO I |
| ARTESA | LIAMUN | HAWAIIAN GARDENS | LA MIRADA | NORWALK | ROLLING I |
| AZUSA | CERRITOS | HIDDEN HILLS | LANGSTON | PALMDALE | ROLLING II |
| BALDWIN PARK | CLAREMONT | HUNTINGTON PARK | LA PUENTE | RALDE VERDES ESTATES | ROSBREA |
| BELL | COMMERC | INDUSTRY | LAWDALE | PARAMOUNT | SAN DIMA |
| BELLFLOWER | COVANA | IRVINDALE | LOMITA | PICO RIVERA | SANTA CL |
| BELL GARDENS | DIAMOND BAR | LA CANADA FLINTRIDGE | MALESU | PUMONA | SIGNAL HI |
| BRADBURY | DUARTE | | | | |

Exhibit 11
Application 4-96-150
Fire Dept. Comments
on Brown Subdiv.

Regional Planning Department
November 14, 1995
Page 2

OPERATIONAL ISSUES (Cont.):

- The access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operations. In the event of a wildland fire, the access to the area would become even more difficult, due to decreased visibility and increased traffic flow.
- The proposed helispot lacks adequate water and does not meet the Department's air operations standards.
- The designated safe refuge area is inadequate during severe fire conditions.
- The existing brush clearance of this property is marginal at best.

If I can be of further assistance, please do not hesitate to contact my office at (213) 890-4144.

PDD:cq

c: Battalion Chief Ron Magnuson



Los Angeles County
Department of Regional Planning

Director of Planning, James F. Hattl, AICP



March 4, 1996

Spindler Engineering Corp.
16823 Saticoy Street
Van Nuys, California 91406

Gentlemen:

Subject: TENTATIVE PARCEL MAP NO. 23547

Public hearings on Tentative Parcel Map No. 23547 were held before the Regional Planning Commission on June 7, 1995, July 19, 1995 and November 1, 1995.

After considering the evidence presented, the Regional Planning Commission in its action on February 28, 1996, denied your tentative parcel map pursuant to Section 21.24.010 of the Los Angeles County Code (Subdivision Ordinance) and Sections 66274 (c) and (d) of the Subdivision Map Act, since the proposed access route to the subdivision is inadequate and it has not been demonstrated that the site is physically suitable for the type and density of development proposed. The findings for denial are attached.

Your attention is called to the following:

1. That the decision of the Regional Planning Commission regarding the tentative parcel map shall become final and effective on the date of decision, provided no appeal of the action taken has been filed with the Board of Supervisors within ten (10) days following the decision of the Planning Commission. Your appeal should be filed with the office of the Clerk of the Board, Room 383, Hall of Administration, 500 West Temple Street, Los Angeles, California 90012; and
2. That there is a fee for the appeal process, the amount of which may differ from each case. To determine the fee, please contact the Secretary of the Clerk of the Board at (213) 974-1432.

Exhibit 12

Application 4-96-150

Planning Commission

Findings-3/4/96

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FINDINGS OF THE REGIONAL PLANNING COMMISSION
FOR DENIAL OF
TENTATIVE PARCEL MAP NO. 23547

1. The tentative map proposes to create 3 single-family lots on 16.95 acres located on the north side of Oldfield Ranch Road (aka Hillside Drive) and on the west side of Will Geer Road (1291 Will Geer Road), in the Glenview community of the Malibu Zoned District.
2. The subject property is zoned A-1-1 (Light Agricultural Zone; minimum lot size of 1 acre). The proposed lot sizes are 5.15, 5.2 and 6.6 acres which are consistent with the area requirements of the zone.
3. The subject property is depicted within the Non-Urban (up to 1 dwelling unit per acre) category of the Countywide General Plan and in the Rural Land II category of the Malibu/Santa Monica Mountains Interim Area Plan. The subdivision proposes a project density of .18 dwelling units per acre. A maximum of 3 dwelling units is allowed by the General Plan.
4. Primary off-site access to this subdivision is easterly from the subdivision via Hillside Drive to Topanga Canyon Boulevard, a distance of approximately 3,000 feet. Hillside Drive is a private street for approximately 500 feet easterly of the subject property and a dedicated street the remainder to the distance to Topanga Canyon Boulevard. The roadway is winding with steep grades up to 20% at some locations. The existing paving narrows to less than 15 feet in width at various locations, and has a maximum width of approximately 20 feet.
5. Hillside Drive passes through an existing small-lot subdivision and provides access to 39 existing residences and approximately 340 existing legal parcels. An analysis submitted by the applicant states that the development rights on 36 of these parcels have been retired and that topography and zoning limitations will render many parcels unbuildable or will require that they be merged with adjacent parcels to provide buildable sites. The applicant estimates that a maximum of 65 residences, including the existing residences, could be built using Hillside Drive for access.
6. The applicant suggests that a possible second means of access exists westerly from the subdivision via Oldfield Road (aka, Hillside Drive) to Greenleaf Canyon Road (a dedicated road), a distance of approximately 1,300 feet. Greenleaf Canyon Road connects to Topanga Canyon Road approximately 1 mile southerly of the subject property. Oldfield Road westerly of the subdivision is designated as a private and future street (by a previous land division) and is currently rough graded and

TENTATIVE PARCEL MAP NO. 23547
FINDINGS FOR DENIAL

PAGE 2

narrow (10 feet) in width. A 50 foot section of the roadway has washed out and is not currently open to traffic.

7. Since this is a minor land division and the proposed lot sizes are each greater than 5 acres, the Subdivision Ordinance exempts the project from road improvement requirements which would upgrade the access.
8. The applicant proposed to voluntarily grade Oldfield Road between the southerly portion of the property and Greenleaf Canyon Road to a minimum width of 15 feet. However, the road would not be paved and would require regular maintenance to ensure that it would remain in a usable condition. Greenleaf Canyon Road, the second leg of the access route, is a narrow, paved road which cannot accommodate two-way traffic except by use of turnouts.
9. The applicant had a consultant with expertise in wildland fire management prepare a report on how to mitigate the wildfire hazard. That report recommended that a 1 acre area be set aside as a fire safety area, including the provision of a helispot with storage tanks containing 8,000 gallons of water, for use as a staging area for fire strike teams and as a fire safe zone for local residents. The report also recommended a specific vegetation management plan for the project.
10. Section 21.24.010 of the Los Angeles County Code (Subdivision Ordinance) requires that the access route from a subdivision to a highway shown on the Highway Plan "shall be adequate to accommodate the composition and volume of vehicular traffic generated by the land uses which it serves." The section continues "in determining the adequacy of a route of access, the advisory agency shall consider the potential for blockage of the route by flood, fire or landslide and the effect of such blockage on the safe evacuation of future users and occupants of the division and on the deployment of fire equipment or other services under emergency conditions."
11. Fire Department personnel have inspected the subject property, including the proposed access routes, and have reviewed the fire safety plan submitted by the applicant's consultant. The Fire Department recommends denial of the proposed project because:
 - a. The access to the subdivision is inadequate to insure the safe evacuation of future residents of the land division, and the deployment of fire equipment or other emergency equipment in an emergency condition.

**TENTATIVE PARCEL MAP NO. 23547
FINDINGS FOR DENIAL**

PAGE 3

- b. The access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operations. In the event of a wildland fire, the access to the area would become even more difficult, due to decreased visibility and increased traffic flow.
- c. The proposed helispot lacks adequate water and does not meet the Department's air operations standards.
- d. The designated safe refuge area is inadequate during severe fire conditions.
- e. The existing brush clearance of this property is marginal at best.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

1. That the existing and proposed access routes to the division of land are inadequate to accommodate the volume of traffic generated by the uses they serve and have the potential for blockage that could impede the safe evacuation of future residents and hinder the deployment of fire equipment or other services under emergency conditions; and
2. That the safety plan proposed by the applicant's consultant is not adequate to off-set the lack of adequate access to the division of land.

THEREFORE, THE REGIONAL PLANNING COMMISSION denies Parcel Map No. 23070 pursuant to Section 21.24.010 of the Los Angeles County Code (Subdivision Ordinance) and Sections 66474 (c) and (d) of the Subdivision Map Act, since the proposed access route to the subdivision is inadequate and the applicant has not demonstrated that the site is physically suitable for the type and density of development proposed.

Barbara Carey
Coastal Programs-California Coastal Commission
89 South California St., Suite #200
Ventura, CA 93001
806-641-0142

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DEC 16 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST

Ms. Carey 12/2/96

Permit # 4-96-150 before the Coastal Commission requires more time for Topanga Community [who is hearing of this request for the first time] to comprehend the complexity of this matter. I urge you to move the hearing to Ventura and postpone the 12/12/96 hearing until your next meeting date.

However, I would like the Commission to be aware of the following issues:

1] Even though the Brown family offered to complete an all weather surface on Hillside Dr. to Greenleaf, provide a heliport, widen the road and install a water tank for the Fire Departments exclusive use, the Fire Department denied the sub-division request made by the Browns for 3 lots on 18 acres, because there is not sufficient ingress and egress for them to serve additional houses on Hillside Drive.

2] Hillside Drive, when it enters, "The Mesa" is a private road. There is no legal easement at this time for this proposed development. The easements are for the benefit of the property holders [of which we are one] from the original sub-division. One can not assign their easement to anyone else, and especially not to a parcel outside the boundaries of the easement. Our Family has won this very case against a previous owner of property on the Mesa.

3] La Fe has been in violation of grading without a permit on the land in this proposal. Ordered by your Coastal Commission to clean up the mess they made, to this date it has not been done.

4] The proposal before the commission is a diversionary tactic to keep City and County agencies from seeing that up to 16 homes are to be built where only 1 can be constructed under the present conditions. And while I know it is not the intent of the State to deny construction, it is also not their intention to create lots for construction where they did not exist. The "lot line adjustment" proposal [regardless of what you call it] is a ruse to move the property lines from unbuildable lots on land that has untenable access, to land that can not be sub-divided but that has buildable land with private access. This proposal before the Commission is an attempt to avoid the scrutiny of the Planning and Fire Departments who are not informed of the over-the-counter paper procedure of lot line adjustments.

We do not wish to deny anyone the right to build, only to require that they follow the guidelines and procedures that we all accept in a democratic society. This project, as it is proposed, is in direct conflict with the rules, codes, laws, and wishes of the agencies held responsible for the development in the Santa Monica Mountains.

The matter before you is a sham, and it is your obligation to expose it as a way of circumventing the governmental process that has been established to protect and serve the people of this state; the same ones that denied the sub-division on the Mesa last year. We have faith in your ability to do the right thing and deny this project in its entirety.

The Leneman Family

21348 Hillside Dr.

310-455-327

Exhibit 13
Application 4-96-150
Comment Letters
(11 Pages)

Glory Fioramonti
1233 Greenleaf Canyon Road
Topanga, CA 90290
Telephone 310 455 3847
Telefax 310 455 8786

California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, CA 93001

RECEIVED

DEC 11 1996

Attn: Louis Calcagno, Chair and Ms. Barbara Carey

Fax (805) 641-1732

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

December 6 1996

Re: Application 4-96-150
1291 Will Geer Road
Topanga, CA 90290

Objections and Request for Postponement and Change of Venue

Hearing 12/12/96, 0900, 480 Sutter Street, San Francisco

Dear Mr. Calcagno and Ms. Carey:

I request that the hearing for development application 4-96-150 scheduled for 12/12/96 in San Francisco be postponed and rescheduled in Los Angeles for the following reasons:

1. Access has been—and again will be—sought over my land by the project developers.
2. I was first notified of this latest proposal the day before Thanksgiving (i. e. November 27 1996).
3. No public notice that was in public view had been posted at any place on or near the site as of December 5.
4. Scheduling the hearing in San Francisco on December 12 makes it impossible for me to represent the issues involving access over my land and overburdening existing roads.

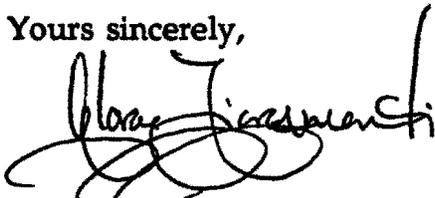
Ex13

5. The proposal does not conform to the Land Use Plan for our area and previous attempts to subdivide have already been denied on grounds of fire safety, adverse impact on coastal resources, and overburdening existing access.
6. The County has already closed one of the roads immediately adjacent to the proposed site development because of the hazardous conditions of the local environment.
7. Recent major slide activity in the immediate area ('Lake Topanga', already costing CALTRANS and taxpayers huge sums and a neighboring slide between Circle Trail and Greenleaf) raises questions concerning the feasibility of a major development project sited here.
8. The Coastal Commission Report, in rejecting the applicants' description of their project as a simple lot realignment, recognizes that the merger and subdivisions constitute a 92 acre development, a development that impinges on the fragile ecosystem of the ridge between Topanga and Greenleaf, a ridge, moreover, that, with the two canyons is cited as one of the most dangerous fire hazards in the Santa Monica Mountains.

In short, I am appalled that the Coastal Commission Staff Report would recommend approval of this application of a development that would have such a major impact on the coastal resources of Topanga in circumstances that prevent a full hearing by the citizens and community most affected by it. They need to voice their concerns and be given the time and opportunity to fully study and speak to the ramifications of this project in what is already known to be a particularly vulnerable area of the Southern California Coastline.

I therefore ask the Coastal Commission to postpone this hearing and reschedule it in Los Angeles so that the Commissioners can evaluate the application in full knowledge of all the issues involved.

Yours sincerely,



Glory Fioramonti

Chris Burden and Nancy Rubins
1780 Will Geer Road
Topanga CA 90290
TEL: 310 455 2176
FAX: 310 455 7153

RECEIVED

DEC 09 1996

December 6, 1996

Barbara Carey
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura CA 93001
FAX: 805 641 1732

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Ms. Carey,

It has very recently come to our attention that a large development, involving a complex land merger, is planned for our immediate neighborhood. This is Agenda Item #Thursday: 14C, Permit #4-96-150. The hearing for this proposal is scheduled to be held in San Francisco on the 12th of December, 1996.

Because this proposal involves the reconfiguring of 16 lots, many presently unbuildable, within 92 acres, into 16 buildable lots, this development will have a tremendous impact on our community. We ask that the hearing for this development be delayed and, preferably, be rescheduled for a Los Angeles County venue, in order that the community could have a greater opportunity to voice opinions.

For the record, we are opposed to this development for a variety of reasons, which are listed below.

1. Proper procedure was not followed. Notices were not posted on the actual properties where the development is to take place. Neighbors who were informed, were informed over the Thanksgiving holidays, leaving all those concerned with literally two to three days to respond. We feel this is clearly an unreasonable time to allow the community to respond.

2. The ingress and egress to this property is over a combination of County maintained roads and private easements. The County roads are substandard and extremely steep and narrow with many blind curves. In addition, this is an extremely high fire zone. Hillside Drive, in particular, which will service the proposed development, cannot conceivably handle the increase in traffic. The intent of this proposal

is to avoid the scrutiny of the Los Angeles County Fire Department and the Los Angeles County Regional Planning Department.

3. The Los Angeles County Fire Department recently rejected the subdivision of one of the parcels involved into three parcels because of the substandard roads and the extreme fire danger. If the County Fire Department rejected the approval of two additional developable lots in this area, does it make sense to create 16 more developable lots?

4. No government agency can assign or deny private easement rights. The reconfiguration of these 16 lots is clearly an attempt by the developers to give easements to the majority of the lots that do not presently have easements. A favorable decision concerning this development would undoubtedly result in civil litigation among the parties involved and possibly against government agencies.

5. One of the parties involved in the development, Ana Betencourt (La Fe Inc.) has already violated Coastal Commission regulations and Los Angeles County Building and Safety grading laws. This party was reflagged three times and fined \$50,000. This party has also, on numerous occasions, knowingly trespassed onto the private properties adjacent to her lots with grading equipment in an attempt to build an illegal road to her properties. The illegal grading on her lots resulted in a massive landslide that threatened to close Topanga Canyon Boulevard.

We think this development certainly deserves more scrutiny and that the hearing should be delayed and rescheduled for a hearing in Los Angeles County.

Sincerely,

Chris Burden

Chris Burden

Nancy Rubins

Nancy Rubins

cc: California Coastal Commission Staff

Marti Witter

643 Old Topanga Canyon Road
Topanga, California 90290
Ph: (310) 455-4049 FAX: (310) 455-0911

January 22, 1997

COPY

Mr. James Hartl, Director
Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Hartl:

I am concerned about a project in Topanga that was forwarded to the Coastal Commission with "Approval in Concept" from the Los Angeles County Department of Regional Planning. The project is a sixteen lot resubdivision (lot line adjustment) located at 1291 Will Geer Road.

I have reviewed the initial Coastal Commission staff report and am concerned about the impacts that this project will have on Environmentally Sensitive Habitat Areas (ESHAs) within and adjacent to the project area. Because of the need to mitigate the fire hazard that exists in the area, the revised lot configuration will cause significant habitat loss and habitat fragmentation that would not have occurred under the existing lot configuration. The specific impacts to sensitive plant and wildlife species have not been determined and need to be evaluated.

I believe that this is a project that should clearly have been reviewed by the County's Environmental Review Board (ERB) for environmental impacts before being forwarded to the Coastal Commission. Three separate ESHAs are located within 200' of the project boundaries. Ordinance 92-0037 regulating development in sensitive environmental resource areas of the Malibu coastal zone requires that all development projects with the potential to impact sensitive resource areas be reviewed by the ERB. Ordinance 92-0037 defines "development" in sensitive environmental resource areas as a "...change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act, 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 such use;...". The proposed project clearly meets the definition for development as both a change in the intensity of land use and as a category of land division.

I would like to respectfully request, as a member of the ERB, that Los Angeles County temporarily withdraw its approval in concept for this project until it can be reviewed by the ERB and the ERB's recommendation can be made available to your Department and the Coastal Commission.

Thank you for your consideration of this matter.

Sincerely,

Marti Witter, Member Los Angeles County Environmental Review Board

cc: Ginny Kruger, Third Supervisorial District

EX13

SANTA MONICA MOUNTAINS CONSERVANCY

STREISAND CENTER FOR CONSERVANCY STUDIES
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

February 3, 1997



FEB 21 1997

California Coastal Commission
South Central Coast Area
89 South California Street Suite 200
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Application No. 4-96-150
1291 Will Geer Road, Topanga, Los Angeles County

Dear Commissioners:

The Santa Monica Mountains Conservancy urges the Coastal Commission to deny the subject application to merge and then resubdivide the lot lines of 16 contiguous parcels totaling 92 acres in the Topanga Canyon watershed. We disagree with the conclusions of the November 13, 1996 staff report that the proposed project will have no adverse impacts on coastal resources.

The boundaries of Tentative Parcel Map No. 23547 are the same as the northernmost, 16.96-acre parcel (4440-007-016) in the proposed resubdivision. The principal access of the subject resubdivision proposes the same access as did PM No. 23547. In a March 4, 1996 decision for denial of that parcel map, the findings of the Los Angeles County Regional Planning Commission state as follows:

"The Regional Planning Commission denies Parcel Map No. 23547 since the proposed access route to the subdivision is inadequate and the applicant has not demonstrated that the site is physically suitable for the type and density of development proposed."

The parcel map was for the creation of just three lots. The County's decision letter further states, in concurrence with the County Fire Department, that:

"The access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operation. In the event of wildfire, the access to the area would become even more difficult, due to decreased visibility and increased traffic flow.

Based on these findings from the County regarding inadequate access to the proposed resubdivision area, it appears that the County's approval in concept of the resubdivision should be reconsidered. In addition, these findings regarding access provide significant grounds for your staff to reconsider its recommendation for approval of the project. It is our understanding that your staff is waiting for additional information from the County Fire Department regarding access conditions prior to the issuance of a revised staff report.

EX 13

Coastal Application No. 4-96-150 (1291 Will Geer Road)
February 3, 1997
Page 2

The proposed project is complex and threatens to set far reaching precedence. The following excerpt from the Commission staff report suggests a much greater level of potential adverse implications that are attributable to a subdivision than are addressed in the report:

"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."

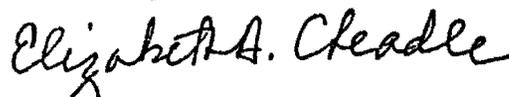
The mere fact that the number of lots would not increase only partially addresses, or alleviates, a broad range of potential growth inducing and development intensification impacts. The Commission staff report does not spell out that if the 11 lots in the small lot subdivision were built out, that the sum of impacts for those 11 dwellings would be contained within a one acre area. The proposed resubdivision would guarantee the distribution of development, of unknown scale and intensity, along a scenic, primary ridgeline. Until the grading, disturbance, and brush clearance footprints of the 16 proposed single family dwellings and their appurtenant facilities are known, no adequate interim conclusions can be drawn about the extent of environmental impacts.

The applicant's assertion 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 cannot withstand scrutiny from an environmental impact analysis standpoint. Viewshed, habitat loss, habitat intrusion, fuel modification, watershed quality, and growth inducing impacts are guaranteed to increase at least five fold under the proposed action. Even if the one acre containing 11 small lots was graded beyond recognition, those impacts pale in comparison to spreading much larger home sites, and their multi-hundred-foot -long access roads, along more than one-half-mile of ridgeline.

The proposed resubdivision poses numerous, potential, unavoidable, significant adverse impacts within the Coastal Zone and the Santa Monica Mountains ecosystem. The need for substantive environmental impact review is evidenced by the County's requirement of a Negative Declaration with project modifications in 1993 for the aforementioned PM No. 23547 which proposed just 3 lots on 17 of the 92 subject acres.

Approval of the proposed project, in regards to the Coastal Act, would essentially legitimize a potent new method of spreading out both the direct, and indirect, environmental impacts of a given number of single family residences within the Santa Monica Mountains ecosystem. We again urge the Commission to refer this application back to the County for a lack of adequate review under the California Environmental Quality Act.

Sincerely,



Elizabeth A. Cheadle
Chairperson



**RESOURCE CONSERVATION DISTRICT
OF THE
SANTA MONICA MOUNTAINS**

(formerly Topanga-Las Virgenes Resource Conservation District)

122 NORTH TOPANGA CANYON BOULEVARD TOPANGA, CALIFORNIA 90230

Office (310) 455-1030 FAX (310) 455-1172
Education Reservations (310) 455-1449

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KATHLEEN BULLARD
Executive Officer

13 January 1997

Delivered by FAX

Jack Ainsworth
Supervising Planner
California Coastal Commission
South Central Coast Area
89 South California Street, suite 200
Ventura, CA 93001

Post-it® Fax Note	7671	Date	5 Feb 97	# of pages	5
To	Barbara Caney	From	Rosi Dagit		
Co./Dept.	Coastal Comm	Co.	RCDSMM		
Phone #		Phone #	310-455-7528		
Fax #	805-641-1732	Fax #			

Re: Application No. 4-96-150
1291 Will Geer Road, Topanga

Dear Jack Ainsworth,

The Resource Conservation District was approached by numerous concerned homeowners in Topanga regarding the proposed lot line adjustments being considered under Application No. 4-96-150. After reviewing the Coastal Commission staff report and additional pertinent documents, a number of questions arose.

1. What feasibility analysis for the development of the 11 lots on 1 acre were required as part of the overall analysis?

While it is technically true that no new lots are being created, the 11 tiny paper lots located on a steep hill could probably not meet current Hillside Development and Slope formula density requirements for development without retiring at least some of these lots. A discussion of this analysis seems pertinent since the Coastal staff argument is that no new lots are being developed, when in reality, it appears that at least several of these lots would need to be retired under TDC requirements in order to develop any single one of those lots. It is difficult to understand the justification for the development of 6 additional homes (according to page 7 of the staff report the LUP maximum density for the 92 acre parcel would be 10 dwellings) when it is quite clear from the LUP and Coastal standards that the intent of the law is to minimize development density on steep areas and ridgelines.

2. Why are these lot line adjustments being considered separately from potential impacts associated with development of these parcels?

It appears that the staff report equivocates between referring to this project as a "lot-line adjustment" and "subdivision". If these 16 proposed parcels were being reviewed as a sub - division, would the potential grading, geological, drainage and biological impacts need to be addressed at this stage

RCDSMM comments

2

as a whole? Our concern is that while the lot line adjustment is considered as a whole, future site development will be addressed parcel by parcel, allowing for poor coordination of build out and greater cumulative impacts.

3. If a portion of this proposed parcel was previously denied permit for sub-division by LA County due to inadequate fire access, what mitigations have been proposed to address that issue, and have those met with the approval of the Fire Dept.?

Information in a letter to Regional Planning dated 14 November 1995 from the LA County Fire Dept., and reiterated in a letter to the project applicant from Regional Planning dated 4 March 1996, states that:

- the access to Hillside Drive is not just substandard, but difficult and dangerous during routine day-to-day operations. In the event of a wildfire, the access to the area would become even more difficult due to decreased visibility and increased traffic flow.

- The proposed helispot lacks adequate water and does not meet the Dept. air operations standards.

- The designated safe refuge area is inadequate during severe fire conditions.

- The existing brush clearance of this property is marginal at best.

If these concerns were the basis for denial of the development of 3 additional homes, what solutions have been proposed for an additional 16 homes?

4. CEQA Compliance - Since both the Coastal Act and CEQA require cumulative impact analysis, it seems inconsistent to evaluate the lot line adjustments without looking at the impacts associated with total buildout in a cumulative fashion. The argument used in the Coastal staff report is that each parcel would be individually reviewed for compliance. However, this seems in direct conflict with the intent of both the Coastal Act and CEQA, which attempt to identify and mitigate for potential impacts for projects as a whole. Since this lot line division is in reality a de-facto sub-division, a thorough analysis, including review by the LA County Environmental Review Board should be required before further action is taken.

5. Watershed Impacts - Topanga is in the process of developing a Watershed Management Plan that would provide guidelines for handling drainage, erosion and sedimentation issues related to development. At minimum, this Plan attempts to implement existing Best Management Practices. Review of this project in light of those standards should be required and appropriate mitigations recommended.

6. ESHA Impacts - No discussion of the impacts to the Greenleaf and Topanga ESHA's was included in the staff analysis. As noted in the previously denied sub-division of LA County Project 23547, portions of the property are adjacent

RCDSMM comments

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to or included in the ESHA's. How does the current lot line adjustment address the set back requirements and ensure protection of these sensitive resources?

7. Sensitive species - The area is well known habitat for the San Diego Horned Lizard (*Phrynosoma coronatum blainvillei*), a sensitive species with diminishing local habitat. A 1986 survey of watersheds in the Santa Monica Mountains identified Topanga as the last remaining viable population. What are the potential impacts to this species, and the associated biological resources of this proposed lot line adjustment?

This project is but one of several lot line adjustment currently or recently proposed in the Topanga/ Malibu area. We are concerned that the de-facto sub-development this produces are not subject to the planning and environmental constraints requirements associated with good planning and resource management.

This issue was brought to the attention of the Resource Conservation District Board on several occasions by numerous homeowners in reference to similar proposals such as Tuna Canyon and Topanga Canyon Blvd. (App. No. 4-96-028). Please refer to the attached letter to Ginny Kruger for more specifics. It is our hope that a consensus can be reached with both the County and Coastal Commission to resolve this disturbing trend in development practices.

We would also like to establish some mechanism so that the RCD can be notified of pending projects directly by the Coastal Commission prior to receipt of the hearing agendas.

We greatly appreciate your consideration of these concerns and look forward to your response.

Sincerely,



Rosi Dagit
Conservation Biologist

cc: Ginny Kruger, Supervisor Yaroslavsky
Susan Nissman, Supervisor Yaroslavsky
TASC
Topanga Canyon Town Council

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