

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 SOUTH CALIFORNIA ST., SUITE 200  
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 (805) 841 - 0142

RECORD PACKET COPY



Filed: 6/29/00  
 49<sup>th</sup> Day: 8/17/00  
 180<sup>th</sup> Day : 12/26/00  
 Staff: J Johnson-V  
 Staff Report: 7/26/00  
 Hearing Date: 8/8/00  
 Comm Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-00-041

APPLICANT: Marguerite Cook &amp; Michael Gilson AGENT: John Mac Neil

PROJECT LOCATION: 20132 &amp; 20146 Observation Drive, Topanga, Los Angeles County

PROJECT DESCRIPTION: Lot line adjustment to re-combine three lots into three parcels; two lots have existing residential development, the third is vacant. No development is proposed.

Lot number	Existing Lot Area (sf)	Proposed Parcel No.	Proposed Parcel Area (sf)
Lot 6,7,8 (combined)	19,540	Parcel 1	11,434
Old Parcel 1	16,209	Parcel 2	24,763
Lot 52	9,621	Parcel 3	9,173

Plan Designation: Rural Land III and Residential I  
 Zoning: 1du/2 acres and 1du/1 acre

**SUMMARY OF STAFF RECOMMENDATION**

The applicants request approval to adjust the lot lines among three lots to re-combine them into three parcels. Two of the resulting parcels have existing residential development, while the third will be vacant. Portions of one existing lot has recorded Transfer of Development Credit restrictions. Staff recommends approval with two Special Conditions addressing a restriction for additional subdivision of these parcels and obtaining approval in concept from Los Angeles County Department of Regional Planning for the revised project description. The project, as conditioned, will be consistent with the Coastal Act.

environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **II. Standard Conditions.**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **III. Special Conditions**

### **1. WAIVER OF FUTURE SUBDIVISIONS**

A. The applicants agree, on behalf of themselves and all successors and assigns, that reconfigured Parcels One, Two, and Three, approved pursuant to Coastal Development Permit 4-00-041, shall not be further subdivided at any point in the future and prior to issuance of the coastal development permit, a deed restriction will be recorded imposing this restriction.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development in the deed restriction and shall include legal descriptions of the applicant's three proposed parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall

an adequate rear yard setback consistent with Los Angeles County Zoning Ordinance requirements. Proposed Parcel 2 would become a little over a half acre in size and will include portions that are restricted as a TDC area. This portion of lot 52 is added to proposed Parcel 2 because the existing residence is physically located over the property boundary onto this parcel.

Regarding the third parcel, lot 52 is proposed to be reduced in size from 9,621 sq. ft. to 9,173 sq. ft. as a result of the adjustment to add the rear yard area to proposed Parcel 2. Proposed Parcel 3 is currently vacant. Although Lot 53 is relatively flat, it is above the adjacent access road, Kerry Lane, by at least a 40 foot grade difference. Proposed Parcel 3 is not restricted as a TDC lot. The applicant does not propose any development with this proposed Lot Line Adjustment. (Exhibits 3-5).

Initially, the proposed project description was to adjust the lot lines among five lots to re-combine them into three parcels. During the staff's review it was discovered that a lot re-combination had been done in conjunction with Transfer of Development Credit restrictions and recorded in 1999 on a portion of the subject property. As a result, the applicant has revised the project description to reflect this prior lot re-combination by revising this application as adjusting lot lines among three lots to re-combine them into three parcels. As a result, it is necessary for the applicant to submit a revised Tentative Lot Line Adjustment Map stamped by the Los Angeles County Regional Planning Department "Approved in Concept" reflecting the revised project description to adjust the lot lines among three lots and re-combining the lots into three parcels, as required by Special Condition Number Two.

The certified Malibu/Santa Monica Mountains Land Use Plan designates the subject site with two land use designations; about two thirds of the site is designated as Rural Land III (one dwelling unit for two acres) the other one third is designated as Residential I (one dwelling unit for one acre). The subject parcel is not located within a designated wildlife corridor or any designated Environmentally Sensitive Habitat Area (ESHA). There are no mapped hiking or riding trails crossing the subject property.

**B. New Development / Cumulative Impacts**

Section 30250(a) of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions,

significant resource value. Further, the Commission has repeatedly emphasized the need to address the cumulative impacts of new development in the Malibu and Santa Monica Mountains area in past permit action. 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 lot can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas.

Coastal Act Section 30250 provides for three tests to determine whether or new development is appropriately located from the standpoint of cumulative impacts and when land divisions outside developed areas are appropriate. The first test is whether or not the proposed new development is located within, contiguous, or in close proximity to an existing developed area. The second test is whether or not the location of the new development is in an area able to accommodate it or with adequate public services. The third test is whether or not the proposed project will or will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions located outside developed areas must meet a fourth test where land divisions shall be permitted where 50 percent of the usable parcel in the area have been developed and the created parcels would be no smaller than the average size of the surrounding parcels. The fourth test is not necessary in this case since the applicants propose a lot line adjustment and lot consolidation and not a land division.

1. Existing Developed Area

The subject site is located within the Fernwood Small Lot subdivision within the Topanga Canyon area. There are a number of such small lot subdivisions throughout the Santa Monica Mountains which were subdivided in the 1920's and 1930's into very small 'urban' scale lots. These subdivisions consist of parcels of less than one acre but generally ranging in size from 2,000 to 5,000 square feet. The subject site has a topographic relief of about 60 feet and is vegetated with native and non-native mature vegetation and trees, including oak and evergreen trees. The project site consists of three lots ranging in size from 9,621 to 19,540 square feet. Because the size of the subject lots are greater than those associated with a small lot subdivision, i.e. greater than 5,000 square feet, the density and development potential is less than if the subject lots were less than 5,000 square feet. The new development proposed in this project consists of a lot line adjustment and lot consolidation which will result in three parcels ranging in size from 9,173 to 24,763 square feet. The smallest parcel resulting from the proposed project will be nearly double the size usually associated with a small lot subdivision. However, the smallest lot will be reduced by 448 square feet as this quantity of land is proposed to be adjusted to the lot immediately to the north to provide for the existing residence and an adequate rear yard setback to the residence at 20132 Observation Drive located

Commission finds that the proposed project will not create adverse impacts to coastal resources on an individual basis.

The Commission has found that minimizing the cumulative impacts of new development is especially critical in the Malibu/Santa Monica Mountains area because of the large number of lots which already exist, many in remote, rugged mountain and canyon areas. From a comprehensive planning perspective, the potential development of thousands of existing undeveloped and poorly sited parcels in these mountains creates cumulative impacts on coastal resources and public access over time. Because of the large number of existing undeveloped parcels and potential future development, the demands on road capacity, public services, recreational facilities and beaches could be expected to grow tremendously.

As a means of mitigating the cumulative impact problem in past actions, the Commission has consistently required, as a special condition to development for land divisions and multi-unit projects, participation in the Transfer of Development Credit (TDC) program. (Coastal Permit No. 155-78, Zal; Coastal Permit No. 158-78, Eide; Coastal Permit No. 182-81, Malibu Deville; Coastal Permit No. 196-86, Malibu Pacifica; Coastal Permit No. 5-83-43, Heathercliff; Coastal Permit No. 5-83-591, Sunset-Regan; Coastal Permit No. 5-85-748, Ehrman & Coombs; and Coastal Permit No. 4-97-113, Eisenstein.) The TDC program resulted in the retirement from development of existing, poorly sited, and non-conforming parcels at the same time new parcels or units were created. The intent was to ensure that no net increase in residential units resulted from the approval of land divisions or multi-family projects while allowing development to proceed consistent with the requirements of Section 30250(a).

As discussed above, the Commission has approved new subdivisions, but has continued to require purchase of TDC's as one of the alternative mitigation strategies. Staff review of the proposed project indicates that there is no incremental contribution to cumulative impacts. However, the impacts such as additional traffic, sewage disposal, recreational use needs, visual scenic quality and resource degradation associated with the future development of this site are not applicable in this case. Two the resulting parcels are already each developed with residential development. The third lot is vacant. There are no new potential impacts to traffic, parking, sewage disposal, recreational use needs, visual scenic quality, and other coastal resources as a result of the proposed project.

Since the proposed project will not result in any new parcels or additional residential units, there is no need for a TDC in this case as there will be no potential for an additional residential unit and therefore no individual or cumulative impacts, as conditioned. The proposed project does not undermine the TDC restricted areas on the portions of former lots 7 and 8 re-combined in 1999 as a new lot, known as former lot 6, 7, and 8. (Exhibits 4 and 5). In addition, as required by Special Condition number 1, there will be no potential to create additional lots, thus, the project as

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles's ability to prepare a Local Coastal Program for this area of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**D. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

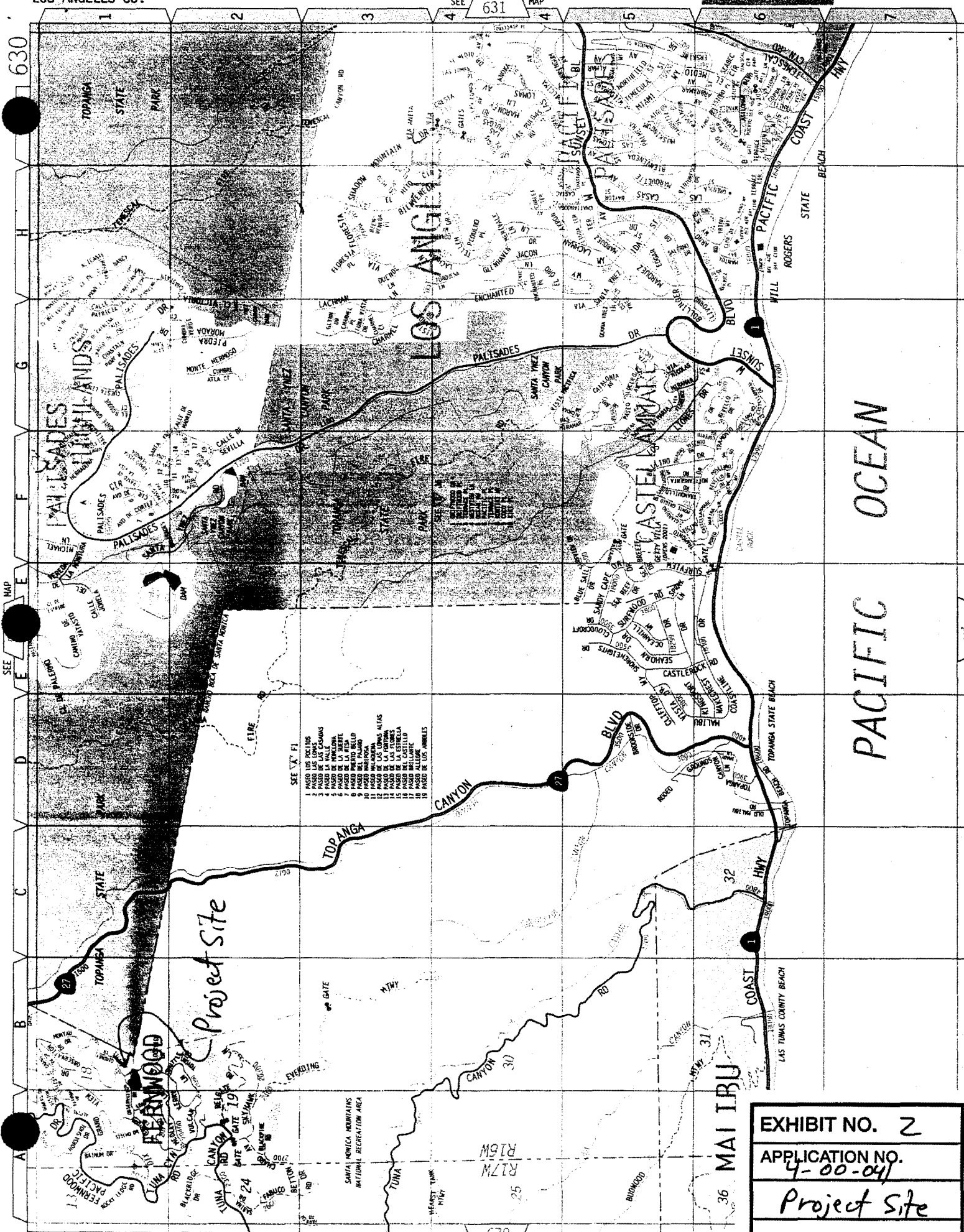
The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

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SEE MAP

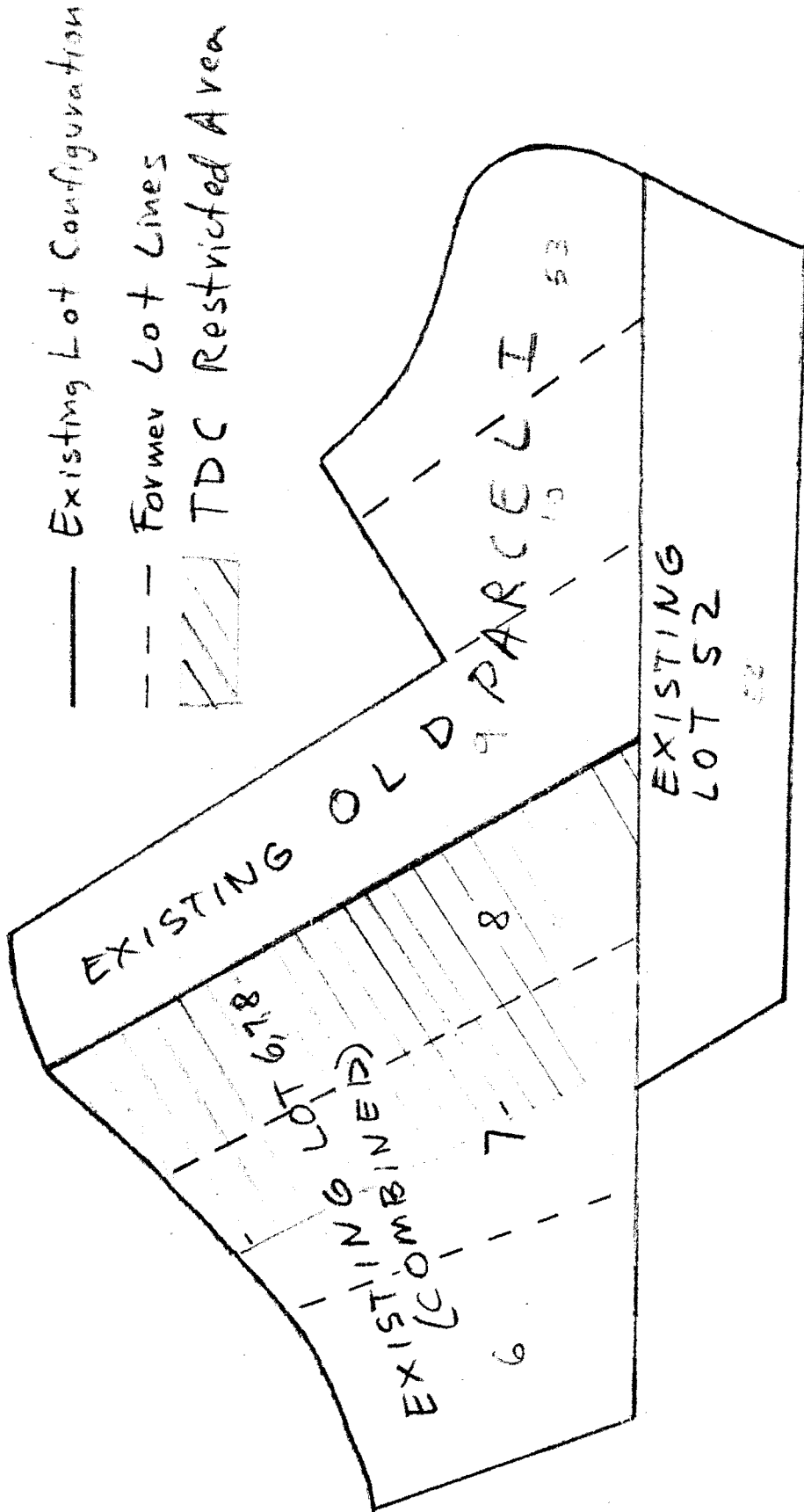
SEE V1 MAP



- SEE V.1 F1
- 1 PASO DE LOS ANGELES
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EXHIBIT NO. 2
APPLICATION NO. 140-00-4
Project Site

EXISTING LOT CONFIGURATION



↑ N  
No Scale  
All Lines and Area  
Are Approximate

EXHIBIT NO. 4
APPLICATION NO. 4-00-041
Existing Lot Configuration



County of Los Angeles  
Department of Regional Planning  
320 W. Temple Street, Room 1390  
Los Angeles, Ca 90012

California Coastal Commission  
89 S. California Street, 2<sup>nd</sup> Floor  
Ventura, Ca 93001

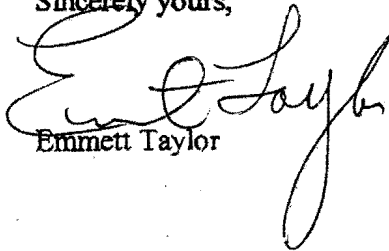
Date: March 27, 2000

Ref.: Your case No. 4-00-041

Our case No. LLA. No. 101.775 Attn: James Johnson

Lot Line Adjustment No. 101,775 did not require a Conditional Use Permit because it only moved 1 lot line, the line between Lot 7 and Lot 8. During this process, the surveyor discovered that 20132 Observation Drive had an illegal setback to Lot 52. Since the adjustment to legalize the setback was so minor, we allowed it to be processed under this same adjustment without a Conditional Use Permit. This Lot Line Adjustment does not foster any development and is in keeping with the spirit of the new Lot Line Adjustment ordinance.

Sincerely yours,



Emmett Taylor

101,773LT1 & 101774LT1

EXHIBIT NO. 6
APPLICATION NO. 4-00-041
Letter L.A. Co.
dated 3/27/00