

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VICTORIA, CA 93001
(805) 585-1800



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Comm Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-00-148

APPLICANTS: Robert Rein & Calvin Larson, La Fe, Inc.

PROJECT LOCATION: West of intersection of Hillside Drive with Will Geer Road and east of Greenleaf Canyon, Topanga, Los Angeles County

PROJECT DESCRIPTION: Redivide two parcels comprising of nearly 25 acres into two reconfigured parcels.

<u>Existing</u>		<u>Proposed</u>	
Parcel Number	Existing Area (acres)	Parcel No.	Proposed Area (acres)
Parcel 1	20.96	Parcel 1	6.74
Parcel 2	3.78	Parcel 2	18.0
Total	24.74		24.74

Plan Designation: Rural Land II, Rural Land I,
and Mountain Land
Zoning: 1dwelling unit / 5, 10, and 20 acres
Total Acreage of All Parcels: 24.74 acres

SUMMARY OF STAFF RECOMMENDATION

The applicants request approval to redivide two parcels comprised of nearly 25 acres into two reconfigured parcels. The staff recommends approval as proposed. The applicant's stated purpose for this proposed project is to allow future residential development of this property to occur on two existing graded pads located near Hillside Drive as preferred development sites. There are two existing roadways accessing a number of potential building pads on the larger parcel with frontage along Hillside Drive. The second smaller parcel is now accessed along an easement from Greenleaf Canyon Road located in the canyon to the west. The easement traverses east up the hillside along a narrow

dirt roadway to portions of two separate building pads on this smaller triangular shaped parcel. Substantial roadway grading would be required to access these building pads on this second smaller parcel from Greenleaf Canyon Road.

The applicants have provided an alternative siting analysis identifying alternative building sites on the larger parcel accessed from two existing roadways from Hillside Drive. The future development of these two proposed existing building sites from existing roadways would require the least amount of grading and avoid an existing oak tree as compared to the three other alternative sites studied. The future development of these proposed parcels after the redivision would require potential grading of 2,800 cubic yards for parcel 1 and 2,900 cubic yards for Parcel 2, however, the applicant's proposed conceptual size of the building pad and quantity of grading is considered only as an illustration of potential development in the future. In addition, one of the applicants also owns an easement, as an individual, allowing access across the private roadway portion of Hillside Drive to the public roadway portion of Hillside Drive and believes that this easement provides legal access for two building sites from Hillside Drive. The eastern portion of Hillside Drive within the small lot subdivision to Topanga Canyon Boulevard is a public road.

Staff recommends approval of the two-parcel redivision as proposed. Therefore, the project is consistent with the Coastal Act.

STAFF NOTE

This application was previously scheduled to be heard at the July 9-12, 2002 and subsequently, the August 6-9, 2002 Commission meeting, however, each time it was postponed by Staff due to other priority workload. The 180th Day pursuant to the Permit Streamlining Act for Commission action on the subject application is September 22, 2002. Therefore, the Commission must vote on this application for a Coastal Permit no later than the September 10-13, 2002 Commission meeting.

LOCAL APPROVALS RECEIVED: Approval in Concept: Los Angeles County Regional Planning Department dated 6/22/2000, Approval in Concepts: Los Angeles County Regional Planning Department Conditional Certificate of Compliance Nos. 90-1799, and 96-0085 recorded as document numbers 91-1223273 and 96-844729; Clearance of Conditions, Certificate of Compliance 90-1799 and Clearance of Conditions, Certificate of Compliance 96-0085 recorded as document number 96-1729116, Clearance of Conditions, Certificate of Compliance 96-0085 recorded as document number 02-1964000.

SUBSTANTIVE FILE DOCUMENTS: Coastal Permit Application No. 4-96-150, Rein and La Fe Inc., Coastal Permit No. 4-00-229, Landry; Coastal Permit No. 4-96-028, Harberger et. al.; Letter dated December 18, 2000 titled Lot Line Adjustment CC101839 from James Emerson, B & E Engineers

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 4-00-148 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the 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

None

IV. Findings and Declarations.

A. Project Description

The project site is located in Topanga Mesa area south of Hillside Drive and west of its intersection with Will Geer Road (Exhibit 1) about four and one half miles inland of the coast. The site is also located east of Greenleaf Canyon Road. The applicants propose to redivide two parcels (Exhibit 2) comprising of 24.74 acres into two reconfigured parcels. The Los Angeles County Department of Regional Planning has issued a Certificate of Compliance for Lot Line Adjustment No. 101839 for the proposed redivision (Exhibits 3, 5, and 9). There are no improvements or physical development proposed in this application.

Although the two parcels are vacant, there are existing graded roads on both with a few graded building pads established on both parcels before the effective date of the Coastal Act in this area in 1977. The subject parcels are located along a mesa and a ridge between Topanga Canyon and Greenleaf Canyon. The majority of site is located in Rural Land II Designation (no. 4) one residence per 5 acres (Exhibit 4). A limited portion of the subject site is located within two other Los Angeles County Land Use Plan Designations, one is the Mountain Land Designation (no. M2), which provides for one residence per 20 acres, the other is the Rural Land I Designation (no. 3) which provides for one residence per 10 acres .

The applicants and the County of Los Angeles Department of Regional Planning have described and characterized the proposed development which is the subject of this application as one lot line adjustment performed on these two parcels. The applicants proposed to move one line, about 30 feet long, bisecting the subject property in an west to east manner to a different location rather than merely adjusting this lot line between parcels by moving it a short distance. This 30 foot long dividing lot line is expanded and relocated as close as 449 feet away to the northeast and as far away as about 1,040 feet away to divide the larger parcel in a north to south manner along an approximate 990 foot length (Exhibit 3). The existing smaller parcel, as a result, would be attached to the western new redivided parcel. This applicants describe the proposed development in the application form as a:

"Lot line adjustment that involves two legal lots and an adjustment of one line. The result is that one lot's area is being decreased from 20.96 acres to 6.74 acres. The other lot is being increased in size from 3.78 acres to 18 acres. Los Angeles County Lot Line Adjustment 101839".

This description appears in other parts of the application. The County of Los Angeles agreed with this characterization and processed the project without requiring that the applicants process this development under the Tentative Map Provisions of the Subdivision Map Act and related local ordinances. The County of Los Angeles Department of Regional Planning issued its approval in concept for development describing this as a "Request for Certificate of Compliance for Lot Line Adjustment Certificate of Compliance No. 101839". A lot line adjustment may be generally described as a shift in the boundary line(s) between two or more existing parcels, where land taken from one parcel is added to an adjacent parcel.

Regardless of this characterization as a lot line adjustment, 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 applicant's project which proposes to modify the existing property boundary lines by redividing the existing two parcels into two wholly reconfigured parcels. In addition, the proposed project also has the potential to change the intensity of use of land by relocating the potential for residential development or use of the smaller southern parcel and access to it from Greenleaf Canyon Road to a potential building site for development further north on an existing building pad site accessed directly from Hillside Drive. The applicants also have the option to access the western reconfigured parcel from Greenleaf Canyon, in addition to accessing it from Hillside Drive.

The Commission finds that the applicant's project constitutes development within the meaning of the Coastal Act, the determination 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 government permit requirements. Therefore, the Commission finds that the subject development to be effectively, for purposes of analysis under the Coastal Act and its Chapter 3 policies, a division of land consisting of a redivision of adjoining parcels.

1. Existing Parcel Configuration

The existing parcel configuration is illustrated on Exhibit 2. This Exhibit is a composite of two Assessor Parcel Maps, one reduced in scale to match the size of the other.

The applicants have two existing parcels, APN 4440-007-017 (larger parcel) and 4444-030-007 (smaller parcel) (Exhibit 2). The following describes the applicants existing parcels.

<u>OWNER</u>	<u>APN</u>	<u>ACREAGE</u>
Rein	4440-007-017	20.96
La Fe	4444-030-007	3.78

2. Proposed Parcel Configuration

The proposed project will result in a redivision of the two existing parcels into two new parcels with a wholly new boundary configuration. The proposed project will result in the same number of parcels as currently exists. As noted above, the applicants have stated they propose one lot line adjustment to adjust one line between two parcels to allow two parcels to have road frontage along Hillside Road (Exhibit 3). The following describes the proposed sizes of the proposed parcels after the reconfiguration as identified on Exhibit 3:

<u>PARCEL No.</u>	<u>ACREAGE</u>
I	6.74
II	18

The proposed project will result in the potential of relocating the building site from the smaller existing parcel located to the south to a building site located further north and on the western portion of the existing larger parcel with direct access from Hillside Drive (Exhibits 3 and 5).

3. Proposed Access

The existing larger and northern parcel is accessed from Hillside Drive along two separate dirt roadways. The existing smaller and southern parcel is accessed from Greenleaf Canyon Road located to the west along a mostly narrow and winding dirt road (Exhibits 1, 5 and 9). The applicants have indicated that as proposed, the reconfiguration of the parcels will result in providing access to the two new parcels along the two existing dirt roadways to separate building sites (Exhibit 6). Although no grading of the roads or driveways, building pads, or the construction of any improvements or structures are proposed as this time, the applicants have identified potential building pad locations for the proposed parcel configurations for the purpose of analyzing the proposed project. The applicants have submitted a number of alternative building site plans with estimates of grading quantities. The revised copy received March 25, 2002 identifies two graded building pads with separate driveway access routes (Exhibit 6). Although not proposed in this application, the applicants have estimated a total of 2,900 cubic yards of graded material for the western proposed parcel and 2,800 cubic yards for the eastern proposed parcel. At the time an application for development of these parcels is received by the Commission,

alternatives that reduce this total grading quantity, the location and size of these and other alternative building pads and the length of the driveways will be further analyzed. In addition, the applicants may also consider a building site located on the flat portion of south area of the western resulting parcel that can be accessed from Greenleaf Canyon Road along the existing legal easement discussed above.

Therefore, the future development of roads or driveways, building pads and residential development, including the actual size of the building pads and residential development, will be analyzed at the time the owners submit coastal development permit applications for such future development.

4. Public Trails

A review of the Malibu/Santa Monica Mountains Trail System indicates that there are no existing or proposed public trails on or in the immediate vicinity of the subject parcels. A review of the Sensitive Resource Map from the Malibu/Santa Monica Mountains Land Use Plan indicates that there are no designated sensitive resources on the subject parcels, although there are chaparral plant species, an oak tree, and some grasses on the subject parcels.

5. History

In 1997, the Commission denied an application (Application No. 4-96-150, Rein, et. al.) to redivide 16 existing parcels comprised of 92 acres into 16 reconfigured parcels. The basis for the denial was that ten additional parcels would be accessed from Hillside Drive, which is inadequate for emergency vehicle access and its improvement or the provision of a secondary access would require excessive landform alteration. The result of that application was a proposal to redivide eleven small parcels with road access from the Topanga Woods Small Lot Subdivision/Circle Trail and Canyon View Trail to five larger parcels with road access from Hillside Drive. Only the larger parcel owned by Mr. Rein was involved in the 1997 application, the smaller parcel, owned by La Fe, Inc. was not a part of the 1977 application.

B. New Development / Cumulative Impacts

The proposed development is located in the Santa Monica Mountains, an area where development is severely constrained. 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.

Coastal Act Section 30250 states that:

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 used 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.

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. The basic goal of the Coastal Act is to concentrate development in or near developed areas able to accommodate it, thereby promoting infilling and avoiding sprawl into areas with 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 parcels can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas.

The project proposes to redivide two parcels into two parcels of a different configuration. As a result of the proposed redivision, there is no increase in the total number of parcels. A review of the Los Angeles County Land Use Plan density designations indicates that the parcels are divided by three land use designations, Rural Land II, Rural Land I, and Mountain Land, allowing one residence per five, ten and twenty acres of land, respectively (Exhibits 4 and 7). The following is a chart identifying the acreages of each applicable land use designation for the existing parcels and the proposed merged and redivided parcels.

EXISTING PARCELS (Exhibit 7)

	<u>REIN (acres)</u>	<u>La Fe, Inc. (acres)</u>
Rural Land II (1 dwelling unit / 5 acres)	14	0.72
Rural Land I (1 dwelling unit/10acres)	none	1.85
Mountain Land (1 dwelling unit/20 acres)	6.9	1.21
TOTAL (approximate)	20.9	3.78

PROPOSED REDIVIDED PARCELS (Exhibits 3 and 5)

	<u>PARCEL I (acres)</u>	<u>PARCEL II (acres)</u>
Rural Land II (1 dwelling unit / 5 acres)	2.56	12.24
Rural Land I (1 dwelling unit/10acres)	none	1.98
Mountain Land (1 dwelling unit/20 acres)	4.18	3.78
TOTAL (approximate)	6.74	18.0

The smaller Le Fe, Inc. parcel, which will become Parcel II is increased in size, while the larger Rein parcel, which will become Parcel I will be reduced in size (Exhibits 3 and 5). The reconfigured Parcel II with 18 acres has the potential to be divided into two new parcels, consistent with the Land Use Plan Designations noted above. However, the potential for dividing this parcel is also dependent upon resolving the emergency vehicle access constraints along either Hillside Drive or Greenleaf Canyon in addition to complying with applicable Coastal Act policies and Los Angeles County General Plan policies and Zoning Ordinance requirements.

In this case a review of whether or not these two parcels were created consistent with the Subdivision Map Act and local land division ordinances prior to 1977, the effective date of the Coastal Act, or the issue of parcel legality, is necessary.

The applicants submitted two Conditional Certificates of Compliance for each parcel recorded in 1991 and 1996. These Conditional Certificates of Compliance indicate, in general, that the local government had determined that the parcel was created inconsistent with the State Subdivision Map Act and County subdivision ordinances in effect at that time. These Certificates of Compliance include conditions addressing a paved vehicular access to a public street, an offer for future road right-of-way, easements for others nearby property owners and the public, and for the smaller parcel an offer for a drainage right-of-way. The Conditional Certificate of Compliances were recorded as Instrument No. 91-1223273, for the smaller parcel, and Instrument No. 96-844729 for the larger parcel. The issuance of these Conditional Certificates of Compliance indicates that the County believes the list of conditions must be met before the County will legalize the parcels. The applicants recorded Clearance of Conditions documents in 2000 indicating that the applicants have complied with these conditions required by the County.

Although the applicants have submitted Conditional Certificates of Compliance as requested by Staff, they have maintained that these parcels were legally created and the Conditional Certificates of Compliance issued in error by the County. As a result there was a dispute between the applicants and the County; although the applicants complied with the County's request to accept Conditional Certificates of Compliance and complete the Clearance of Condition documents.

Staff conducted a lengthy review of the legality of these parcels. The Commission's mapping resources include a parcel base map used by Commission staff in 1978 to

identify all known parcels that existed at that time as part of the preparation of a build out study (Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone). The two subject parcels are identified on this map (Exhibit 8) with solid and dashed lines. Both parcels each with solid lines usually indicated that that parcel was divided from the adjoining parcel through the County's subdivision process before 1977. However, the dashed lines usually indicate that the division from the adjoining parcel may have been created through Grant Deeds rather than any subdivision process before 1977. The larger parcel (Parcel APN 4440-007-017) has three such dashed lines along its boundaries; the smaller parcel (Parcel APN 4444-030-007) has one such dashed line.

Staff reviewed substantial information provided by the applicants and the County of Los Angeles Department of Regional Planning addressing the chain of title creating these subjects parcels. The applicants have submitted information on January 3, 2000 and August 12, 2002 addressing the chain of title for these two parcels. The Letter received January 3, 2000 included numerous recorded deeds, maps and surveys was prepared by James Emerson of B & E Engineers. The applicant also submitted additional information received by staff on August 12, 2002. At the request of Staff, the Los Angeles County Department of Regional Planning provided copies of the documents contained in their files on the legality of these parcels, which was received on July 5, 2002. The applicants continued to contend that all of these parcels were legally created and the Conditional Certificates of Compliance issued and recorded by the County in 1991 and 1996 were not required.

Staff met with Los Angeles County Department of Regional Planning Staff and the applicants on August 14, 2002 to discuss the legality of these parcels and clarify how these parcels were created. The issues of how these parcels were created through a review of the chain of title and the necessity for the Conditional Certificates of Compliance were discussed. The following provides a summary of the chain of title for these parcels. The County Staff confirmed that the two subject parcels were created legally and in a manner qualifying for Unconditional Certificates of Compliance.

A review of the applicants information and information obtained from the Staff of Los Angeles County Regional Planning Department indicates that both the larger and smaller parcels were derived initially from a 1852 land grant as the Township No. 1 South Range No. 16 West of the San Bernardino Meridian, California. The larger parcel was part of the east northwest quadrant of Section 6, about 80 acres, created in 1895. The larger parcel was then part of the eastern portion of the northwest Section 6 divided by grant deed into two parcels in 1960, one parcel of 20 acres in size, the other, 60 acres in size. In 1962, the 60-acre parcel was then divided by grant deed into four parcels ranging in size from 9.44, 12.70, 16.96, and 20.96 acres. The 20.96-acre parcel is the subject larger parcel in this application.

The County of Los Angeles Regional Planning Department Staff, Ramon Cordova, on August 20, 2002 provided the following detailed information how this larger parcel was created.

The subject property is located in Rancho Topanga Malibu Sequit. This synopsis is a breakdown of all parcels lying within the East half of the Southwest Quarter of Section 6, Township 1 South, Range 16 West, S.B.M., In the County of Los Angeles:

- 1). The East half of the Southwest Quarter of Section 6, Township 1 South, Range 16 West, S.B.M. (APN 4440-007-012,016,017,019 & 020). George H. Melcher grants to George H. Melcher and Marguerite E. Melcher, as joint tenants with right of survivorship, recorded on May 13, 1939, in Book 16563 pages 218 to 219 of Deeds, in the office of the County Recorder of said county. There was no violation of the existing subdivision ordinances.
- 2). The East 80 acres of the Southwest Quarter of Section 6, Township 1 South, Range 16 West, S.B.M. Excepting the North 20 acres of said land. (APN 4440-007-016,017,019 & 020). Marguerite E. Melcher grants to William V. Richardson, recorded on October 10, 1960, #286 of Official Records of said County Recorder. There was no violation of the existing subdivision ordinances.
- 3). A portion of the East 60 acres of the Section 6, Township 1 South, Range 16 West, S.B.M., (APN 4440-007-019 & 020). William V. and Sarah E. Richardson grants to Pyramid Investment Inc., recorded on February 9, 1962 #197, of Official Records of said County Recorder. There was no violation of the existing subdivision ordinances.
- 4). A portion of the East 60 acres of the Section 6, Township 1 South, Range 16 West, S.B.M. (APN 4440-007-017). William V. and Sarah E. Richardson grants to M.R. Development Corp., recorded on February 9, 1962, #198, of Official Records of said County Recorder. There was no violation of the existing subdivision ordinances.
- 5). A portion of the East 60 acres of Section 6, Township 1 South, Range 16 West, S.B.M. (APN 4440-007-016). William V. and Sarah E. Richardson grants to Robert W. and Barbara S. Sandison, Husband and Wife as community property, recorded on February 9, 1962, #199 of Official Records of said County Recorder. There was no violation of the existing subdivision ordinances.
- 6). A portion of the East 60 acres of Section 6, Township 1 South, Range 16 West, S.B.M. (APN 4440-007-019 & 020). Pyramid Investment Inc. grants to Eugene Kurchak, a single man, recorded on August 10, 1962, #1076 of Official Records of said County Recorder. There was no violation of the existing subdivision ordinances.

Transactions described in Item numbers 3, 4, 5 and 6 were authorized by Chapter 837, Statutes 1929, (Filing Act of 1929), which stated, "...Required tract map for subdivisions into 5 or more parcels of one acre or less in size created by any person within one calendar year..." This statute took effect on August 14, 1929 and remained in effect until 1963. When the reference to "one year period" was deleted from the Subdivision Map Act's definition of a subdivision.

Therefore, the larger existing parcel was determined by the County of Los Angeles to be created in a manner that did not violate existing subdivision ordinances in effect at that time.

The smaller parcel was part of the eastern northwest quadrant of Section 7, also about 80 acres, created in 1895. In 1924 Tract No. 6915 created a small lot subdivision of 232 lots and one large 37 acre parcel with one 3.78 acre parcel as a remainder parcel. This remainder parcel is the subject smaller parcel in this application. A review of the above noted grant deeds metes and bounds description was not done by staff.

Staff requested confirmation from the County of Los Angeles Regional Planning Department that the two subject parcels were issued Certificates of Compliance that were exempt from any conditions of approval. The County submitted a document received August 16, 2002 confirming that the larger of the two subject parcels were issued Clearance of Conditions, Certificates of Compliance No. 96-0085 (Exhibit 11). This document indicates that the prior required conditions were "eliminated". The County is in the process of preparing a similar document for the smaller parcel. This type of unconditional Certificate of Compliance indicates the parcels were legally created prior to 1972 and therefore, do not require a coastal development permit. In addition, consistent the Commission past precedents, the applicants are not required to purchase a Transfer of Development Credit lot as no new lot or parcel was created through a Conditional Certificate of Compliance in this case.

Coastal Act Section 30250 provides for three tests to determine whether or not 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. If the proposed project does not meet this test then a review of the second and third tests is necessary. In addition, because the proposed project is a redivision of two parcels, it is a form of a subdivision and requires a review of the average size of parcels in the surrounding 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. The proposed project site is located outside the developed coastal terrace area, an area where new development can be accommodated, therefore a review of the second and third tests are necessary.

1. Existing Developed Area

The subject site is located along the southern boundary of Hillside Drive and east of and beyond Greenleaf Canyon Road. The two subject parcels range in size from 3.78 acres to 20.96 acres (Exhibit 2) and will be resubdivided as proposed into two parcels of 6.74 and 18 acres in size (Exhibits 3, 5, & 9). The project site is located outside of a developed area, as a result, a review of the surrounding parcels is necessary to complete the first test. The Commission has found that the existing developed area for the Santa Monica Mountains area is the urbanized strip or coastal terrace along

Pacific Coast Highway and is not the inland area of the Santa Monica Mountains such as the proposed project site.

Section 30250 (a) provides that land divisions (including redivisions which are a form of a land division) shall be permitted when: a) 50 percent of the usable parcels in the area have been developed; and b) the created parcels would be no smaller than the average size of the surrounding parcels. These requirements ensure that development is located in close proximity to existing development in areas that have adequate public services, to prevent 'leap-frogging' new development into undeveloped areas.

The surrounding area of the project site and the average lot size was calculated by staff in application number 4-96-150 (Rein et. al.). This application included the larger subject parcel and other parcels adjoining or near the smaller parcel. This analysis defined the surrounding area as the ridges, slopes, and canyon bottoms of Topanga and Greenleaf Canyons as the major topographic features defining the surrounding area. Within this surrounding area are two small lot subdivisions and a few larger parcels, a total of 193 lots or parcels. The median lot or parcel size was calculated to be 6,400 sq. ft. Based on this analysis, the proposed parcels of 6.74 and 18 acres are no smaller than the average size of surrounding lots or parcels, and thus, are consistent with Section 30250 (a).

2. Adequate Public Services

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 and will not have significant adverse effects on coastal resources. The public services issues raised include, public road access, water, waste disposal, and other utilities.

The proposed parcel redivision is located in an area with limited road access, ie., narrow paved roads with only one access route to the primary arterial road, Topanga Canyon Road, that raise concerns for emergency vehicle access and fire hazards. Future improvements to these roads, Hillside Drive and Greenleaf Canyon Road, raise numerous issues related to landform alteration, visual resources, ESHA and water quality.

The larger existing parcel includes road frontage along a private road portion of Hillside Drive (Exhibits 3 and 2). Hillside Drive is a public road from Topanga Canyon through and to the western edge of the small lot subdivision located as close as about 300 feet to the east of the subject larger parcel. The applicant has an easement from this location along Hillside Drive which is privately owned by the adjoining parcel owner to the subject larger parcel. The public road portion of Hillside Drive from the western edge of the small lot subdivision east to Topanga Canyon Boulevard is an extremely narrow and steep winding road and has been found by the Los Angeles County Regional Planning Commission and Fire Department to be inadequate to provide emergency access to existing development in prior applications for development. The Commission found in Coastal Permit Application No. 4-96-150, (Rein, et. al.) that adequate emergency access does not exist to this area, and that

emergency access was a critical public service in that it serves to minimize risks to life and property from fire hazard. The Commission concluded that the Commission cannot find that the proposed development (the redivision of 16 existing parcels comprising 92 acres into 16 reconfigured parcels) was not consistent with the public services or coastal resource provisions of Section (30251sic) 30250 (a) of the Coastal Act. The Commission also found that it was not opposed to every potential reconfiguration of the parcels and would consider alternative reconfigurations that would include lots with better emergency access. The Commission also found that it would not oppose all redivision proposals for the project site, which includes the larger parcel in this subject application.

The smaller parcel is accessed from Greenleaf Canyon Road along an existing legal road easement from bottom of Greenleaf Canyon winding up to the Topanga Mesa area along a narrow existing paved and primarily unimproved narrow dirt roadway to a potential building site (Exhibits 5 and 9 identify this route). The applicant owns an easement providing such access from Greenleaf Canyon to the smaller parcel. Access along Greenleaf Canyon Road is also a narrow roadway leading south to Topanga Canyon Road and is considered hazardous for fire/emergency vehicles access due to the narrow width of the road.

As a result of the proposed redivision, the two resulting parcels will have the option of being accessed from the existing access routes, one from Hillside Drive and the other from Greenleaf Canyon Road, or both parcels from Hillside Drive. Along both Greenleaf Canyon Road and Hillside Drive there is public water, electrical and telephone service available together with public and private road service for the subject parcels.

Staff requested information on the potential and feasibility of future residential development on the resulting parcels including a site specific geology and soils report and percolation tests by an engineering geologist or geologist confirming each parcel is capable of accommodating a septic system. Alternative building sites and driveway routes minimizing the alteration of natural landforms were also requested. Although the applicants have not submitted a site specific geology and soils report as requested by staff in a letter dated July 26, 2000, the applicants have completed a Preliminary Geological Assessment, dated October 11, 1996, by Harley Tucker Incorporated, for the larger parcel with other nearby parcels but not the smaller subject parcel as part of a prior application (No. 4-96-150, Rein et. al.). This Preliminary Geological Assessment addressed these two subject building sites, in addition to others. The Assessment concluded that: "The proposed locations of the future residence, located along the upper portions 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." It is important to note that the proposed locations for future residences included the two suggested building sites identified by the applicants in the information submitted March 25, 2002 (Exhibit 6).

The applicants submitted at the request of Staff information on alternative building sites and driveway access to them. A review of the alternative sites concluded that

three other sites would require more landform alternation than the two building sites proposed by the applicants. In addition, one of these alternative building sites included an oak tree, further reducing its feasibility. The applicants submitted a conceptual grading plan indicating that the two proposed building sites accessed from two separate driveways from Hillside Drive along existing graded dirt roads would require a total of 2,800 cubic yards of grading for one parcel and 2,900 cubic yards for the other parcel (Exhibit 4). In addition, the applicant provided a copy, as requested by Staff, of the initial grading plan with draft grading calculations stamped and signed by the County of Los Angeles Fire Department Fire Prevention Engineering. This stamp indicates that the proposed conceptual grading plan with driveways, fire truck turnaround area, and building sites with access from Hillside Drive meets in concept the Los Angeles County Fire Department Fire Prevention requirements (Exhibit 10). Therefore, there are feasible building sites and access routes to these sites for future residential development. It is important to note that the Commission will review the proposed grading and may reduce the quantity of grading by relocating the access driveways and or the size and location of the building pads to reduce the quantity of grading necessary for the development of these sites at the time a future application is submitted.

In either access option, the two public roadways are inadequate for emergency vehicle access. Roadway improvements are necessary to bring them up to current County Public road standards. Any physical improvement of either Hillside Drive and Greenleaf Canyon Roads will require substantial landform alteration, have significant adverse effects on visual resources leading to increased erosion, runoff and sedimentation in environmentally sensitive habitat areas located within Greenleaf Canyon and Topanga Canyon Creeks. The access route from the bottom of the canyon along Greenleaf Canyon Road up the ridge to the subject parcel is now a very narrow dirt road or trail. The improvements necessary to access the parcel along this route would require substantial landform alteration (Coastal Act Section 30251), and significant effects on visual resources (Section 30251), ESHA (Section 30240) and significantly effect water quality (Section 30231) within the canyon creeks leading to the ocean. Therefore, the preferred alternative access route to access these two resulting parcels is from Hillside Drive, primarily because access to the proposed parcel already exists as a paved, albeit substandard roadway to Topanga Canyon Boulevard.

It is common in this area to provide wastewater disposal service through private on-site septic systems. Although the applicants have not submitted percolation tests indicating that each lot is capable of accommodating a septic system, as requested by staff in a letter dated July 26, 2000 to the applicants, other information was reviewed. The applicants had completed a Preliminary Geological Assessment, dated October 11, 1996, by Harley Tucker Incorporated, for the larger parcel with other nearby parcels but not the smaller subject parcel as part of a prior application (No. 4-96-150, Rein et. al.). This Preliminary Geological Assessment also addressed these two subject building sites, in addition to others, concluding that "Based on geologic studies performed by the writer in the vicinity of the property, on-site effluent disposal systems are feasible in conjunction with single-family dwelling construction. However, specific design criteria for a leachfield and/or seepage pit(s) will be required by the County of

Los Angeles. Percolation testing and evaluation of the bedrock will be necessary to provide specific design criteria for effluent disposal design."

Therefore, the proposed new development, a two parcel redivision, is located in an area able to accommodate it with adequate public services and therefore meets the second test.

3. Cumulative and Individual Impacts of Development

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. The new development proposed consists of a merger and redivision of two parcels.

The applicants do not propose any other development or grading with the potential for any individual or cumulative adverse impacts on coastal resources. The subject parcels are located within the Topanga Canyon Watershed; neither parcel has designated ESHA. Although, both parcels do include native chaparral plant species, the proposed project to redivide the parcels will not affect this ESHA. The future residential development of these parcels has the potential to reduce significant effects on ESHA and landform alteration by allowing for the potential of both building sites to be located near Hillside Drive. Future development of the existing smaller parcel from Greenleaf Canyon is not the preferred alternative as substantial landform alteration and significant effects on ESHA, visual resources and water quality would be necessary to improve that access route from Greenleaf Canyon Road.

The proposed project will not affect public views or create a parcel configuration that would result in increased public visual impacts associated with the future development of two single family residences.

The future development of both parcels will either be accessed from Hillside Drive or both Hillside Drive and Greenleaf Canyon Road. Vehicular access, and in particular emergency vehicle access is a constraint for the development of both parcels in either access alternative noted above. Since the parcels may be developed with access from both Hillside Drive and Greenleaf Canyon Road, the result of this proposed project will either not affect access or will effect access from Hillside Drive in a limited manner, ie., only one additional parcel may be accessed from Hillside Drive. However, the applicants have stated that access for the smaller parcel may be from either Greenleaf Canyon Road or Hillside Drive as a result of an easement the applicant owns to access the subject to Hillside Drive.

The proposed parcel configuration will allow a future project to minimize landform alteration and impacts to sensitive resources by allowing the siting of future residential building sites to be closer to Hillside Drive. These building sites are geologically stable and can adequately support septic disposal systems, as determined by the applicant's consulting engineering geologist. Therefore, the 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 effects, as no new parcels are being created. The effects 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. Both existing parcels are vacant and the proposal will create two reconfigured vacant parcels. 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. Further, the proposed project will not result in any increase in intensity of use or density. 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.

Therefore, the Commission finds that the proposed project will not create impacts to coastal resources on an individual or cumulative basis, and therefore, the Commission finds the project meets the third test of Section 30250. Thus, Commission finds that the proposed project is consistent with Section 30250 of the Coastal Act.

C. 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 the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 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 County of Los Angeles determined that this project was exempt from CEQA.

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.

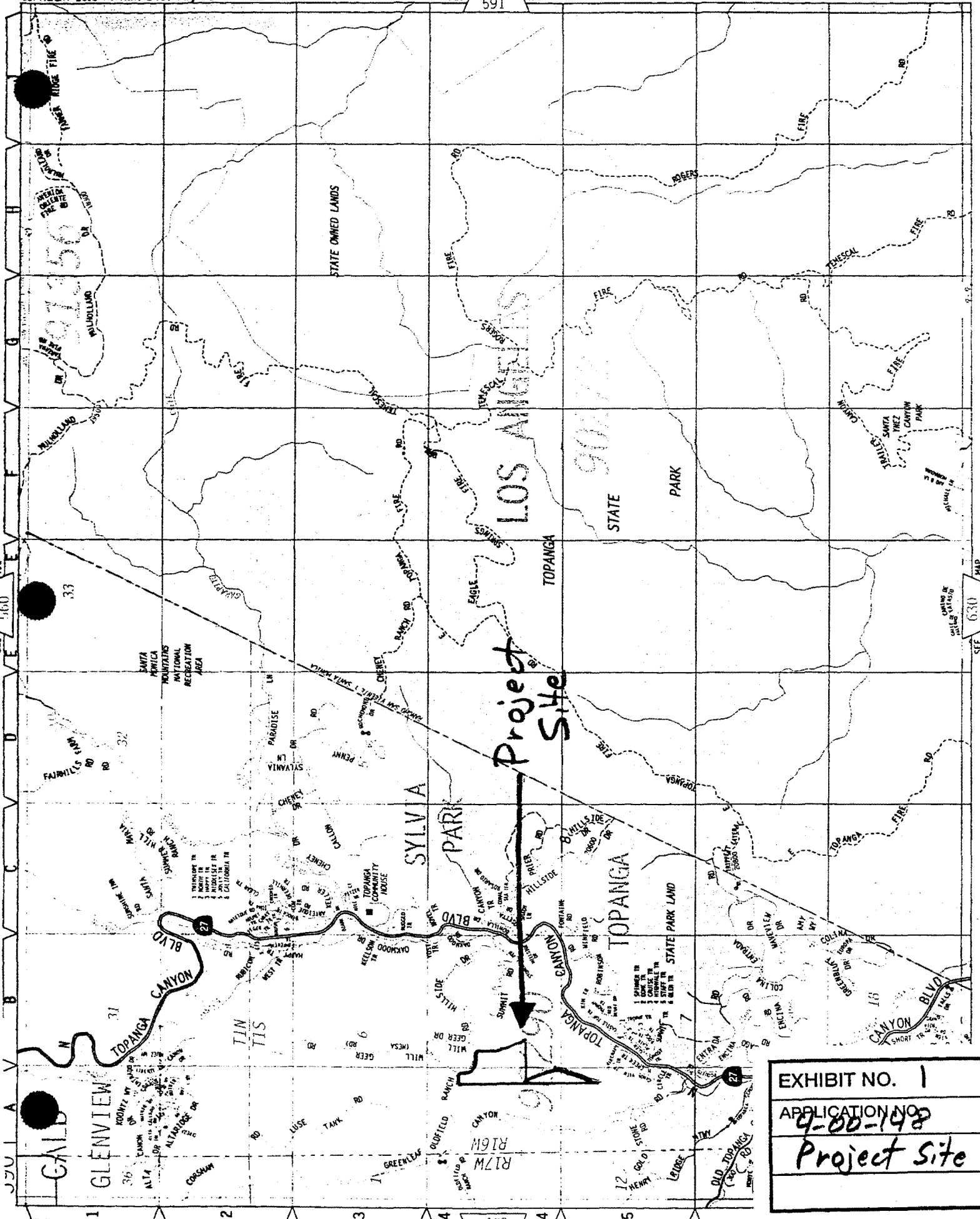
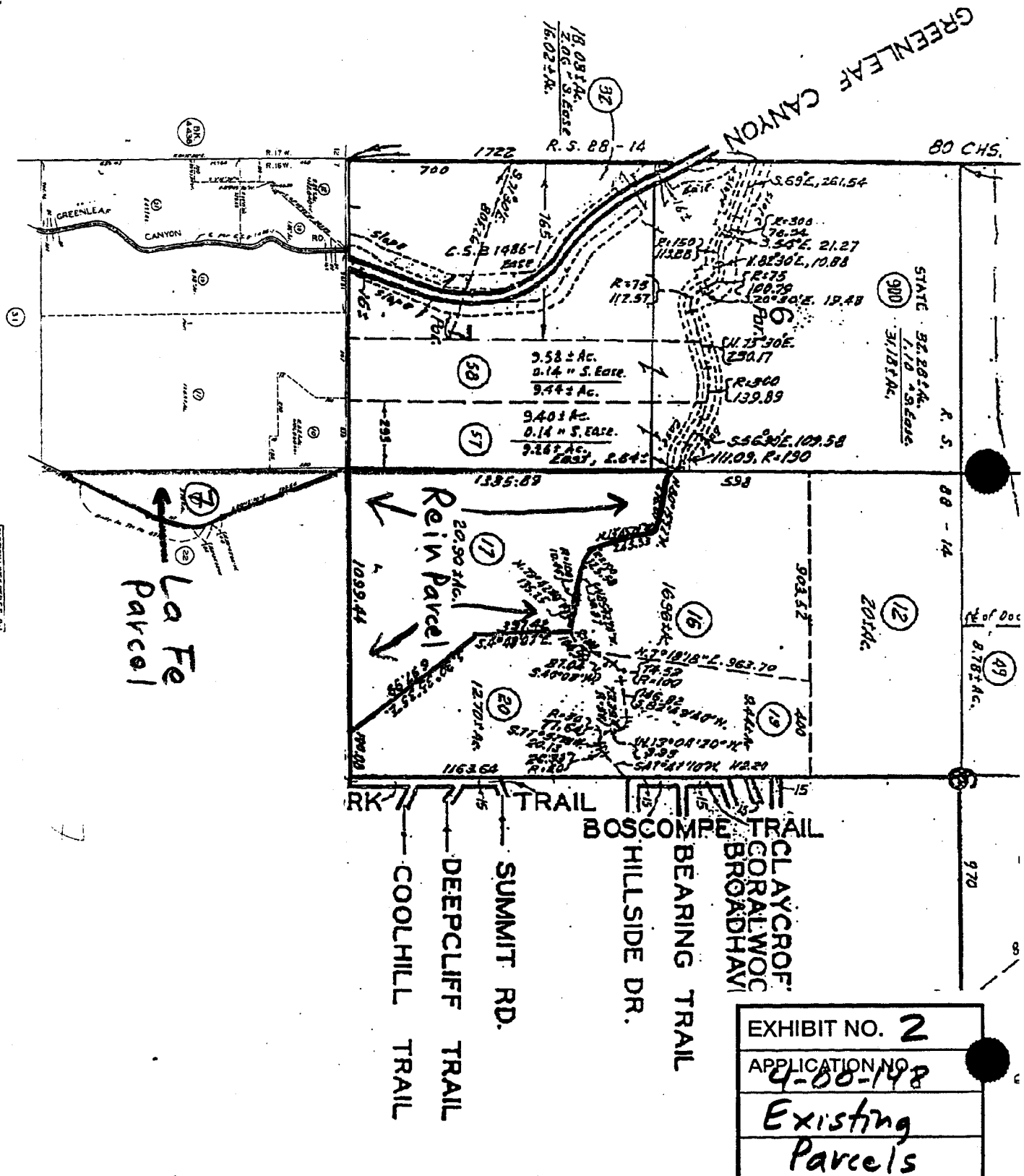


EXHIBIT NO. 1
APPLICATION NO. 9-88-148
Project Site

Existing Parcels

R.16W.



R. S. 88 - 14

281A.
10 S.Ease.
18

12

TENTATIVE
LOT LINE ADJUSTMENT
MAP NO, CC 101839

PORTIONS OF THE NW 1/4 SEC. 7 AND THE SW
1/4 SEC. 6, T.1S., R.16 W, S. B. M.
PARCEL No. 4440-007-017 & 4444-030-007

APPROVAL SIGNATURE
DATE 6/25/2000
PLAN CHECKING

Per sec. 3000 et seq of the
Public Resources Code and
Title 14 of the
Administrative Code, State
of California
THIS IS NOT A PERMIT
and
is subject to any conditions
listed below



NORTH

SCALE: 1" = 180'

APRIL 25, 2000

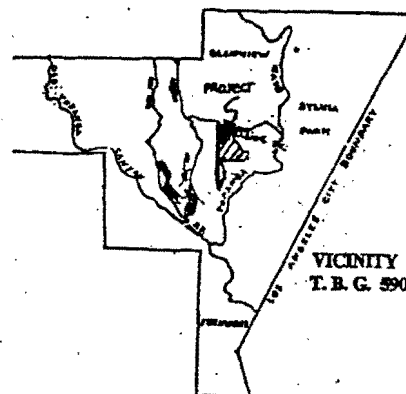
ZONING R-10,000 AND A-1-1

OAK TREES ARE NOT INVOLVED
IN THIS LOT LINE ADJUSTMENT

START WITH 2 PARCELS
END WITH 2 PARCELS

RECEIVED
JAN 03 2000

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



RECEIVED
JUN 27 2000
CLARENCE
SOUTH CENTRAL COAST DISTRICT

VICINITY MAP
T.B.G. 5904-B

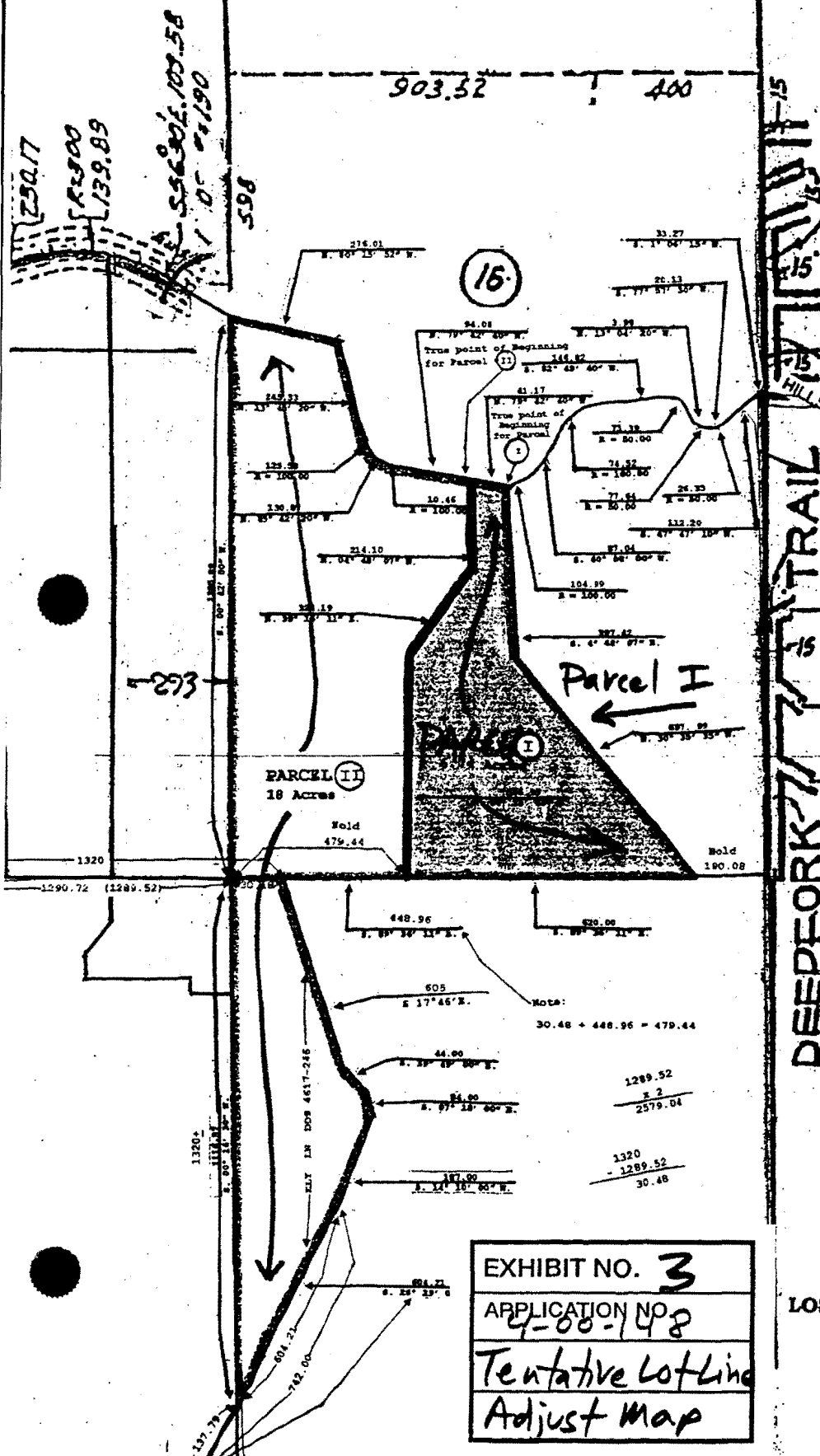
ROBERT S. REIN

1901 AVENUE OF THE STARS
SUITE 1060
LOS ANGELES, CALIFORNIA 90067-6046
TELEPHONE: (310) 556-0100
FACSIMILE: (310) 556-1564

EXHIBIT NO. 3

APPLICATION NO
4-88-148

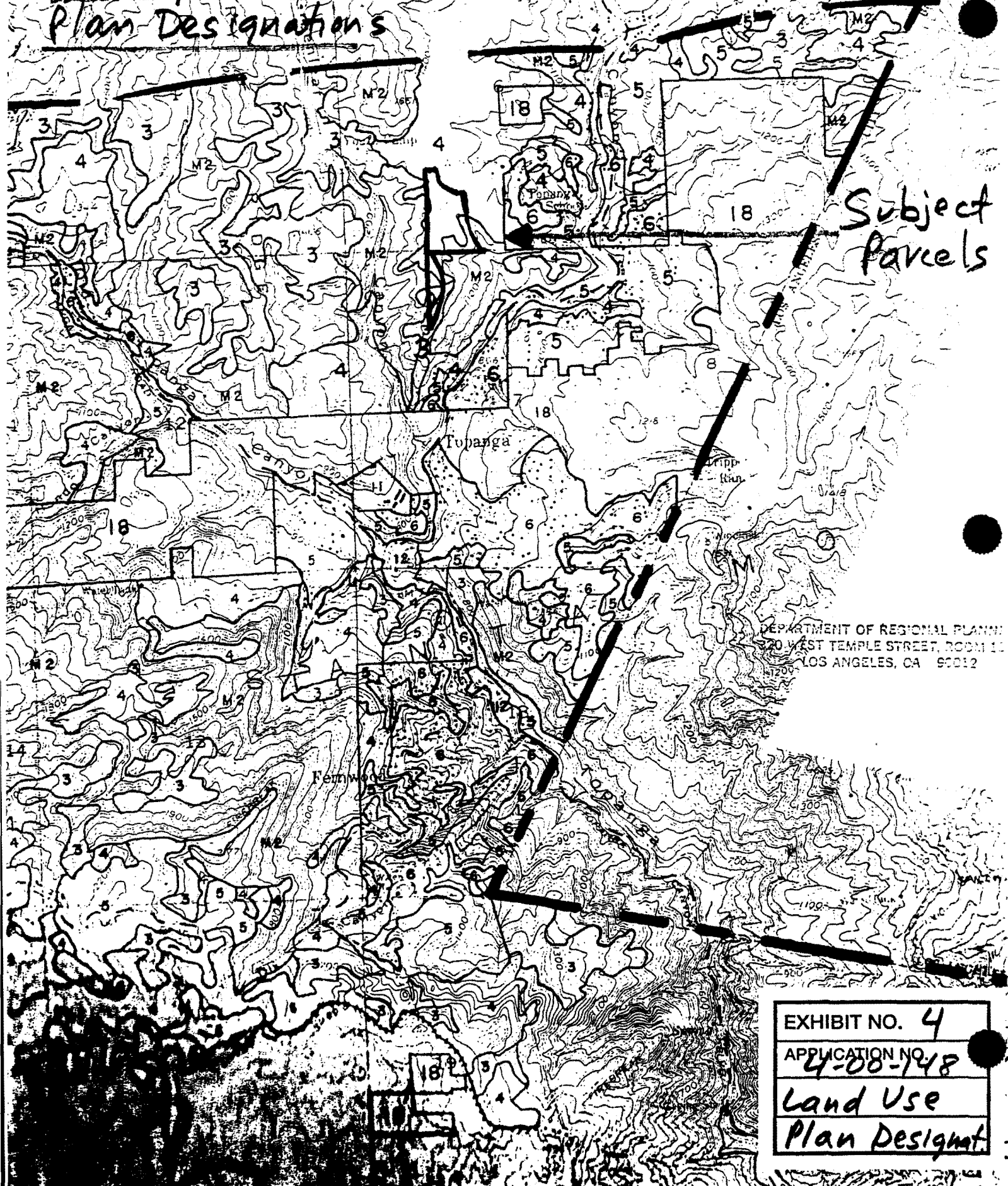
Tentative Lot Line
Adjust Map



M2, 3, 4

HERNANDEZ CASE LINE

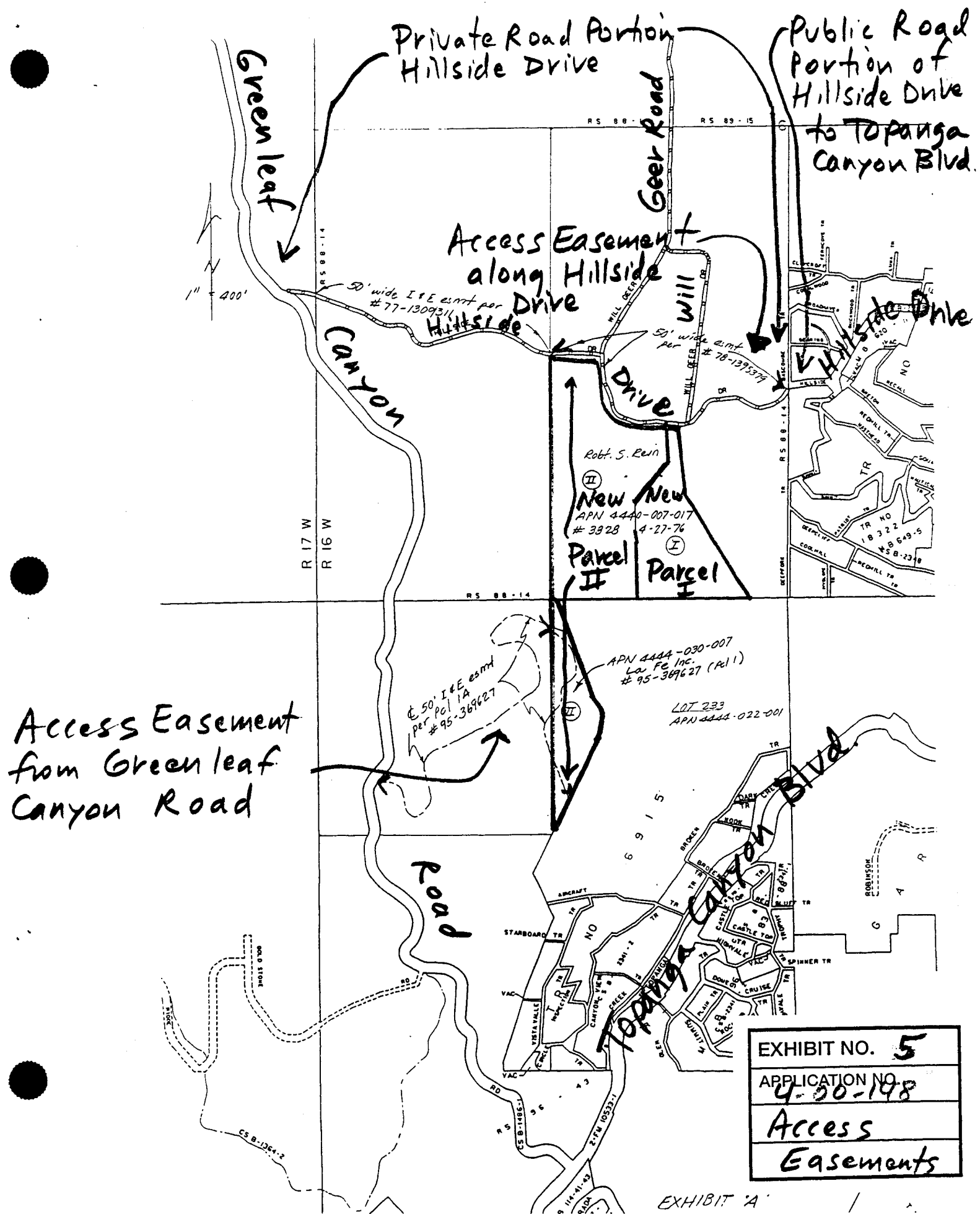
Malibu/Santa Monica Mountain Land Use Plan Designations

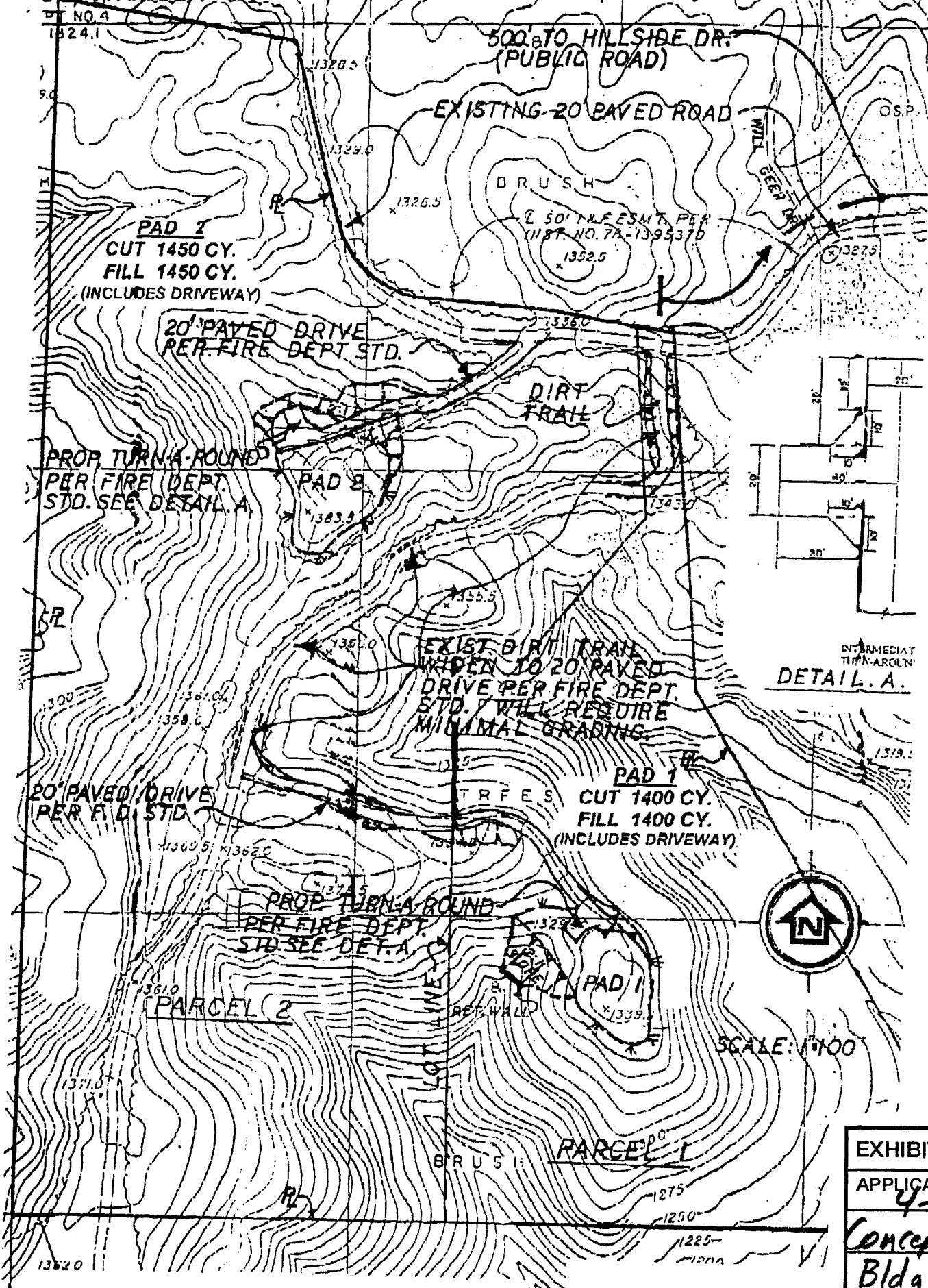


Subject
Parcels

DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET, ROOM 11
LOS ANGELES, CA 90012

EXHIBIT NO. 4
APPLICATION NO. 4-00-148
Land Use
Plan Designation





COASTAL PERMIT APPLICATION No. 4-00-148

LOT LINE ADJUSTMENT CC 101839

T.C. No. 590 - R-4

B & E ENGINEERS



Civil Engineering • Surveying
Land Planning

24 W. Main Joseph Street
Arcadia CA 91007-2854
Phone (626) 444-4400 • Fax (626) 444-0000

EXHIBIT NO.	6
APPLICATION NO.	4-00-148
Conceptual Grade	
Bldg Sites	

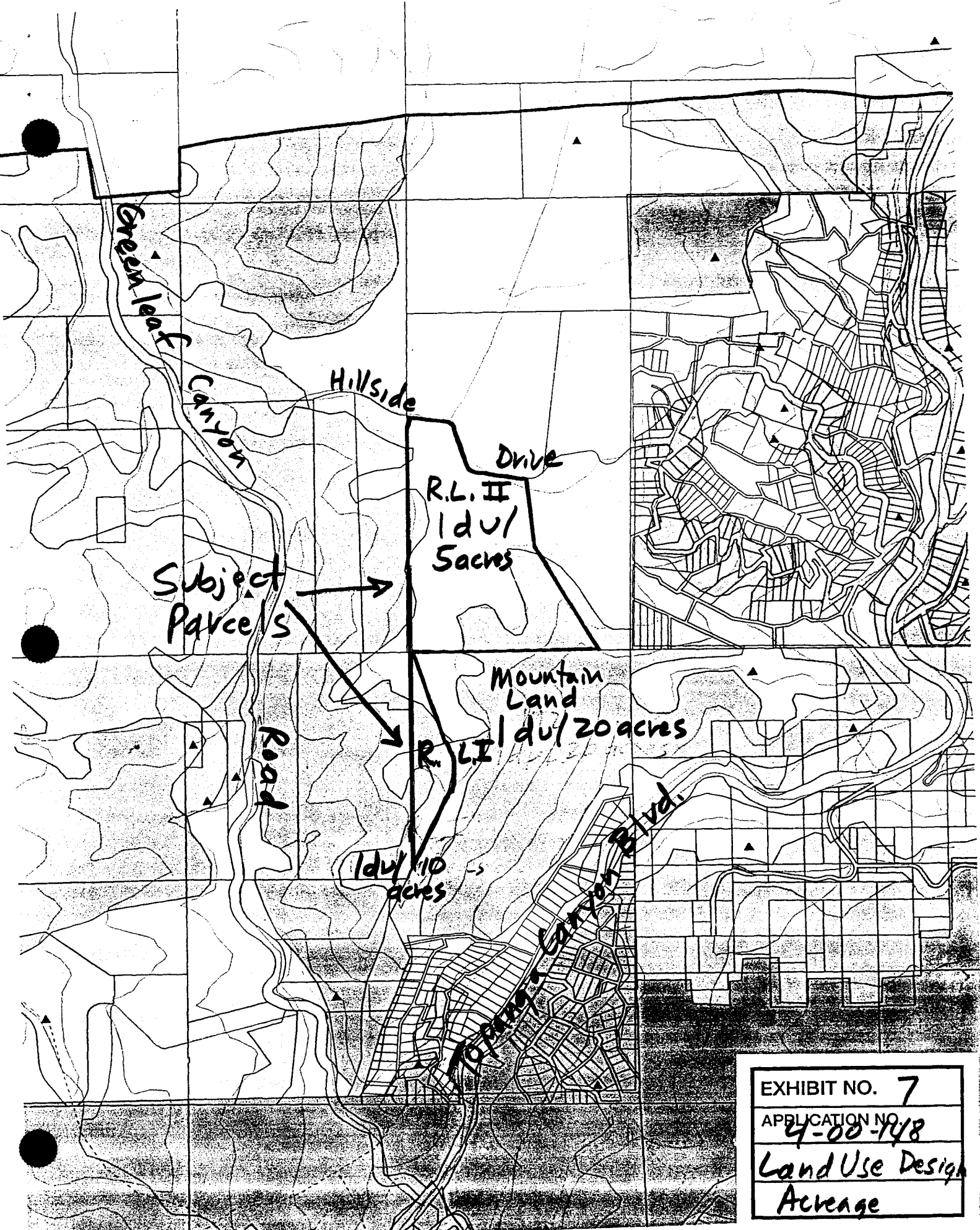


EXHIBIT NO. 7
APPLICATION NO. 4-00-148
Land Use Design
Acceage

Greenleaf Canyon

R. 17 W.
R. 16 W.

Road

Hillside Drive

Subject Parcel

Subject Parcel

255

6 9 1 5

EXHIBIT NO. 8

APPLICATION NO. 4-00-148

1978 Parcel
Base Map

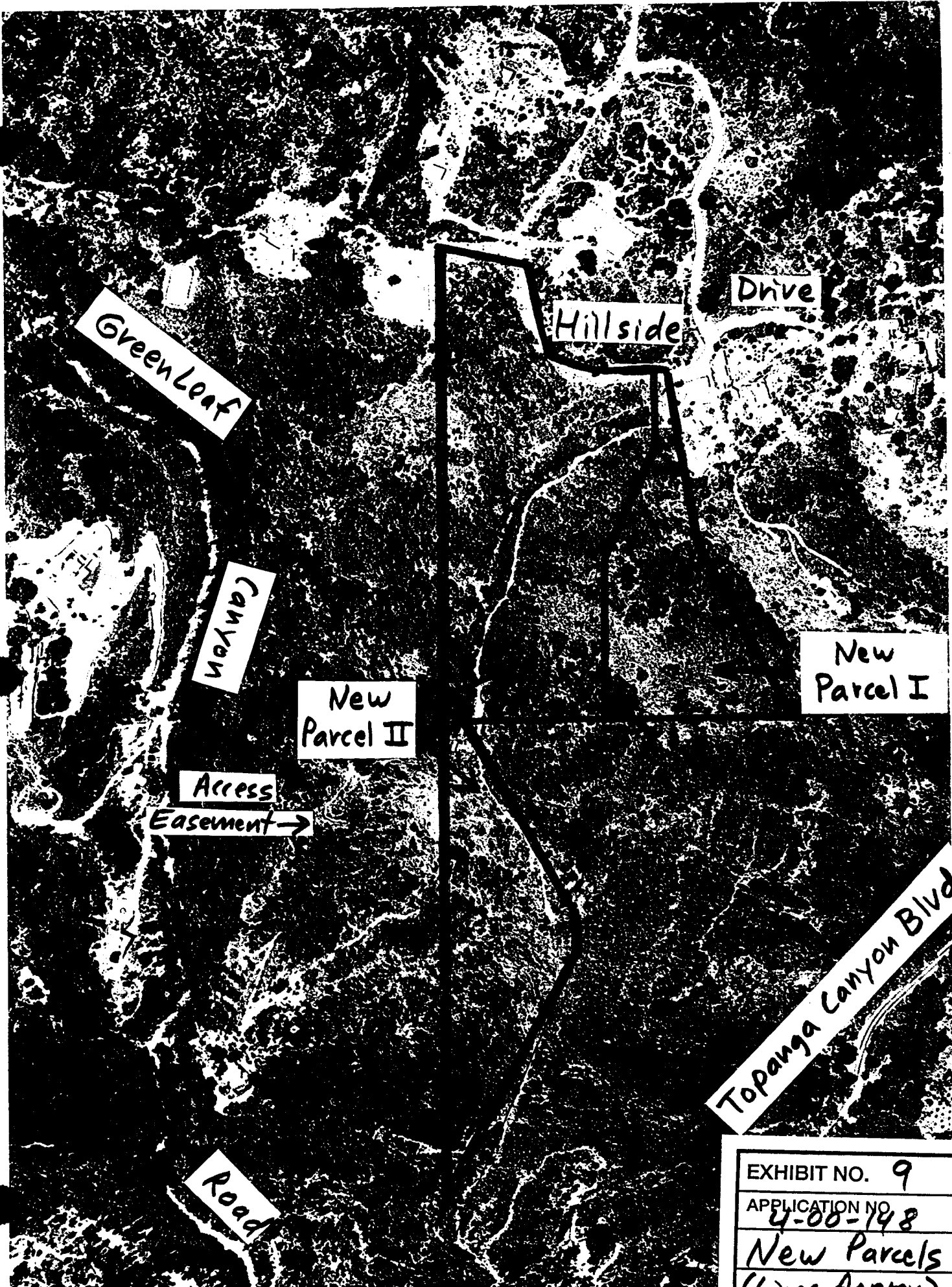
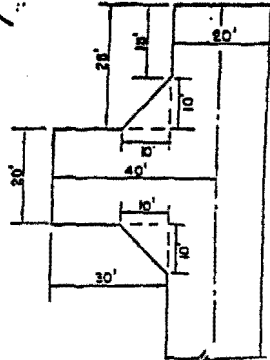
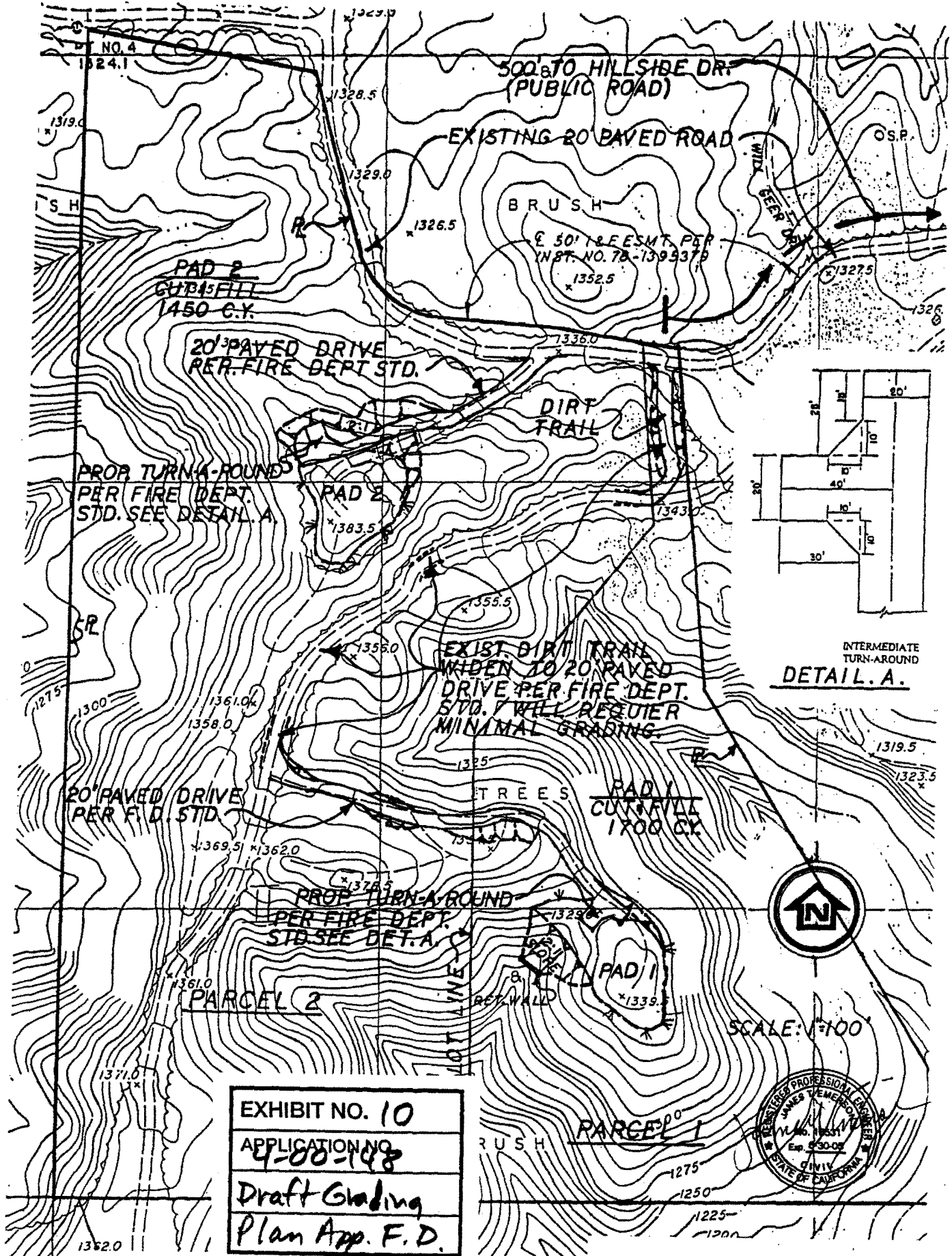


EXHIBIT NO. 9
APPLICATION NO. 4-00-148
New Parcels
(Lines Approx.)

6-28-02 580-7



INTERMEDIATE
TURN-AROUND
DETAIL. A.



SCALE: 1"=100'



EXHIBIT NO. 10
APPLICATION NO. 4-88-148
Draft Grading
Plan App. F.D.

RECORDING REQUESTED BY

Department of Regional Planning
320 West Temple Street
Room 1381, Hall of Records
Los Angeles, California 90012
AND WHEN RECORDED MAIL TO

Name: Robert Rein
Street: 1000 Santa Monica Blvd., Suite 312
Los Angeles, CA 90067-7007
City:

EXHIBIT NO.	11
APPLICATION NO.	4-00-198
Clearance of	
Conditions pg 1 of 2	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF COMPLIANCE

CLEARANCE OF CONDITIONS in CC 96-0085

The owner(s) and/or holder(s) of a title interest in the real property within the unincorporated territory of the County of Los Angeles, having satisfied the conditions as enumerated in the **CONDITIONAL CERTIFICATE OF COMPLIANCE**, Recorded as Document No. 96-844729, on 5-30-96; Complies with the provisions of the Subdivision Map Act (Sec. 66410 et seq., Government Code, State of California) the County Subdivision Ordinance (Ord. 4478, County of Los Angeles).

OWNER(S): Robert Rein

CONDITIONS 1, 2, AND 3 ARE ELIMINATED

NOTES:

Prior to authorization to build on this property, the applicant will be required to conform to the County Building regulations. Such regulations include, but are not limited to; programs for appropriate Sanitary Sewage Disposal, Water Supply for Domestic use and Fire Suppression.

GEOLOGIC, soils and/or Drainage Conditions may exist on the subject property which could limit development or necessitate that remedial measures be taken in order to obtain a Building Permit.

DETERMINATION OF COMPLIANCE

I hereby certify that the subject parcel complies with the applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance and may be developed and/or sold, financed, leased or transferred in full compliance with all applicable provisions of the Subdivision Map Act and of the County Subdivision Ordinance.

AMB: 4440-017-017

DEPARTMENT OF REGIONAL PLANNING

By: [Signature]
Title: Administrator, Land Use Reg. Div.
Date: [Signature]



DEPARTMENT OF REGIONAL PLANNING
County of Los Angeles, State of California
James E. Hartl, AICP
Director of Planning

RECORDING REQUEST BY

AUG 2 12002

WHEN RECORDED MAIL TO

Name: Robert Rein

Mailing

Address: 1000 Santa Monica Blvd., Suite 312

City, State

Zip Code: Los Angeles, CA 90067-7007

COPY of Document Recorded
02 1964000

Has not been compared with original.
Original will be returned when
processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

EXHIBIT NO. 11

APPLICATION NO. 96-0085

Clearance of
Conditions 8/20/02

Certificate of Compliance

96-0085 CLEARANCE