

P.C. RESOLUTION NO. 2006-47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING THE KHAKWANI APPEAL, DISMISSING THE RANSOM APPEAL AS UNTIMELY, AND UPHOLDING THE DIRECTOR'S MAY 2, 2006, DETERMINATION REGARDING THE REQUEST FOR CERTIFICATES OF COMPLIANCE FOR THIRTEEN (13) ASSESSOR'S PARCELS LOCATED WEST OF HAWTHORNE BOULEVARD AND NORTH OF ELMONT DRIVE ("ELMONT CANYON")

WHEREAS, on February 17, 2006, the applicant/appellant, Abdul Aziz Khakwani, submitted thirteen (13) certificate of compliance applications (Planning Case Nos. SUB2006-00004 through SUB2006-00016) for thirteen (13) Assessor's Parcels in Elkmont Canyon with the intention of proving that these Assessor's Parcels were each separate legal lots; and,

WHEREAS, the City Engineer and the City Attorney reviewed the applications and other supporting documents and material related to the applications for the thirteen (13) certificates of compliance; and,

WHEREAS, on May 2, 2006, based upon the review and analysis conducted by the City Engineer and City Attorney, the Director of Planning, Building and Code Enforcement determined that the applicant/appellant was entitled to a single conditional certificate of compliance for all thirteen (13) Assessor's Parcels as one (1) combined legal lot, rather than thirteen (13) separate certificates of compliance as requested; and,

WHEREAS, on May 17, 2006, Mr. Khakwani filed a timely written appeal of the Director's determination, accompanied by the required appeal fee; and,

WHEREAS, on May 18, 2006, Sonia Ransom filed an untimely written appeal of the Director's determination on behalf of Stratus Commercial, a potential purchaser of the Elkmont Canyon parcels, which was not accompanied by the required appeal fee; and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), Staff found no evidence that the City's review of the requested certificates of compliance would have a significant effect on the environment and, therefore, the proposed project has been found to be statutorily exempt (Section 15268); and,

WHEREAS, after notice issued pursuant to the requirements of the Rancho Palos Verdes Development Code, the Planning Commission held a duly-noticed public hearing

on August 22, 2006, to consider the Khakwani and Ransom appeals, at which time all interested parties were given an opportunity to be heard and present evidence;

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The Planning Commission finds that the Khakwani appeal is unwarranted and is, therefore, denied. The appeal raises no new issues and provides no information or evidence that warrants overturning the decision of the Director in determining that the Elkmont Canyon parcels qualify for a single, conditional certificate of compliance.

Section 2: The Planning Commission dismisses the Ransom appeal because it was not filed timely, nor was it accompanied by the required appeal fee.

Section 3: The Planning Commission finds that the Director's May 2, 2006, determination to issue one (1) conditional certificate of compliance rather than thirteen (13), as requested by the appellant, for the thirteen (13) Elkmont Canyon parcel fragments is consistent with both Section 16.04.060 of the Rancho Palos Verdes Subdivision Ordinance and Section 66499.35 of the Subdivision Map Act and is, therefore, upheld because:

The creation of the lot fragments by grant deeds constituted an illegal subdivision under both the State Subdivision Map Act and the relevant County subdivision regulations in effect in 1962 when the conveyances occurred (i.e., Los Angeles County Ordinance 4478, as amended by subsequent Ordinances 5584, 5883, and 7345). The applicable regulations defined a subdivision as "any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as **contiguous units**, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels within any one-year period."

Upon recordation of Tract Map No. 24719 on April 12, 1961, the subdivider held, *inter alia*, thirteen (13) contiguous pieces of property known as Lots 58 through 70, inclusive, of Tract Map No. 24719. Each of these pieces of property could have been sold as a whole without any violation of the State subdivision regulations because of recordation of the tract map. However, because the subdivider did not sell the entirety of each of the contiguous lots, the subdivider, through the series of deed transfers, divided the property into twenty-six (26) parcels in violation of the State subdivision regulations. As such, a map was required for this series of actions, and the thirteen (13) portions of lots for which certificates of compliance are now sought are each found to be illegal.

In addition to illegally creating the parcels within a 4-month period, the subdivider and subsequent owners of the property have transferred the portions of the thirteen (13)

parcels retained by the subdivider collectively, as a single block of land. For these reasons, the Planning Commission hereby rejects the appeal and affirms the Director's determination that one (1) conditional certificate of compliance should be issued, subject to the conditions that were imposed by the Director.

Section 4: Any interested person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Section 17.80.070(A) of the Rancho Palos Verdes Municipal Code, any such appeal must be filed with the City, in writing, setting forth the grounds of the appeal and any specific actions requested by the appellant, and accompanied by the appropriate appeal fee, no later than fifteen (15) days following August 22, 2006, the date of the Planning Commission's final action.

Section 5: For the foregoing reasons and based on the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby denies the Khakwani appeal, dismisses the Ransom appeal as untimely, and upholds the Director's May 2, 2006, determination regarding the request for certificates of compliance for thirteen (13) Assessor's Parcels located west of Hawthorne Boulevard and north of Elkmont Drive ("Elkmont Canyon").

PASSED, APPROVED, AND ADOPTED this 22nd day of August 2006, by the following vote:

AYES: Commissioners Karp, Lewis, Perestam and Ruttenberg, Vice Chairman Gerstner and Chairman Knight

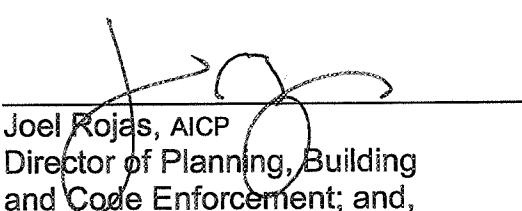
NOES: none

ABSTENTIONS: none

ABSENT: Commissioner Tetreault



Jim Knight
Chairman



Joel Rojas, AICP
Director of Planning, Building
and Code Enforcement; and,
Secretary to the Planning Commission