

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 6/12/98  
49th Day: 7/31/98  
180th Day: 12/9/98  
Staff: SMB-V *ja*  
Staff Report: 7/6/98  
Hearing Date:

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NO.:** 4-97-222-A1

**APPLICANT:** Lynn Call

**PROJECT LOCATION:** 19873 Mountain View Trail, Topanga; Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** 260 cubic yards of grading (149 cut and 111 cubic yards of fill) for the construction of a 10 foot wide, 403 foot long road for the purpose of soil testing.

**DESCRIPTION OF AMENDMENT:** The removal of a 10 feet long, 3 foot tall portion of an existing retaining wall located within the public road right-of-way.

**LOCAL APPROVALS RECEIVED:** Los Angeles County Department of Public Works "Approval-in-Concept"

**SUBSTANTIVE FILE DOCUMENTS:** Grading Site Plans prepared by Lynn Call, AIA; Malibu/ Santa Monica Mountains Land Use Plan; Coastal Development Permit 4-97-222 (Call).

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*
- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission determine that the proposed project as described within the coastal development permit amendment, is consistent with the requirements of the Coastal Act.

The underlying coastal development permit allows for 260 cubic yards of grading (149 cut and 111 cubic yards of fill) for the construction of a 10 foot wide, 403 foot long road for the purpose of soil testing. In the original permit application the applicant proposed to construct a ramp over the existing retaining wall. The impact caused by driving the drill rig over the retaining wall could potentially cause structural damage. The applicant could not determine if the stability of the retaining wall would be adequate to support the retaining wall. Therefore, the applicant proposes to remove a portion of the retaining wall ten feet in width and three feet in height to allow for access of the drill rig onto the subject site.

The subject site is located within Topanga Canyon immediately adjacent to Fernwood small lot subdivision. The adjacent property owners constructed a retaining wall located within the Los Angeles County road easement to protect their property from water run-off and mudslides. The existing wall blocks the road right of way leading from the subject site to Horseshoe Road, the only access to the property. Once the grading and drilling is completed the applicant proposes to construct a temporary wall sandbag swale with soil fill in the location of the removed portion of the wall to control erosion. The temporary sandbag swale wall will be as an erosion control measure to protect the downslope neighboring property until more permanent improvements can be made.

### **STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following resolution:

#### **I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**NOTE:** All standard and special conditions attached to the previously approved permit remain in effect.

## **II. Findings and Declarations**

The Commission hereby finds and declares:

### **A. Project Description and Background**

The applicant is requesting an amendment to their coastal development permit to include the removal of a 10 feet long, 3 foot tall portion of an existing retaining wall located within the Los Angeles County public road right-of-way in order to construct a temporary road for soil testing.

The subject site is a 9.49 acre vacant lot located within Topanga Canyon, adjacent to the Fernwood, small lot subdivision (Exhibit 1,2). The Malibu/ Santa Monica Mountains Land Use Plan designates this parcel as M2 land, which is defined as:

*Generally very rugged terrain and/ or remote land characterized by very low-intensity residential development. Principal Permitted uses would include very low-intensity residential development. Low-intensity recreational uses, the undeveloped or open space portions of rural and urban developments, and lower cost visitor residential and recreational uses designed for short-term visitor such as hostels, tent camps, recreational vehicle parks, and similar uses are permitted as a conditional uses, provided that any residential use for more than short term visitor occupancy shall not exceed the intensity of use of the equivalent residential density. The following maximum residential density standards shall apply:*

*Mountain Land- one dwelling unit per 20 acres average, consistent with other policies of the LCP.*

The site consists of a descending north-facing slope leading into a canyon. There is an existing County road easement that extends from Horseshoe Drive to the subject site, however no improvements have been made over this roadway.

The Commission previously approved 260 cubic yards of grading at the subject site to allow for a drill rig to access onto the parcel to conduct soil testing under Coastal Development Permit 4-97-222 (Call) subject to three (3) special conditions (Exhibit 3). The conditions included the removal of excavated material, erosion control/ drainage plan, and plans conforming to geologic recommendation. The special conditions have not been met at this time and, therefore, the coastal development permit has not been issued.

An existing retaining wall is located adjacent to the paved portion of Horseshoe Drive which blocks access to the site. In the original permit the applicant proposed to build a

ramp over the retaining wall in order to access the site with the drill rig. However, the ability of the wall to handle the weight and pressure of a tractor a drill rig driven over it was unable to be determined. Therefore, the applicant has proposed to remove a portion of the retaining wall approximately 10 feet in length and three feet in height to access the subject site (Exhibit 4,5).

On October 22, 1992, Commission staff signed off on the final plans of Coastal Development Permit 5-91-834 (O'Leary) for the construction of a 2,026, 35 foot high single family residence with detached garage, private septic system, driveway, and 207 cubic yards of grading. The site plans that were approved included the existing retaining wall even though a portion of the wall extended over the County road right-of-way (Exhibit 6). In addition, neither the Los Angeles County Department of Public Works or the Department of Building and Safety issued a permit for the construction of the retaining wall within the County road easement.

The applicant is proposing to remove only a small portion of the wall necessary to access the property. Los Angeles County Department of Public Works has reviewed the proposed project plans and stamped them "approval-in-concept." The applicant has also proposed to implement some short term erosion control measures to mitigate against the loss of that portion of the wall. These plans include the construction of a temporary sandbag swale in addition to reseeding the site upon completion of the drilling as required per Special Condition Two (2) of Coastal Development Permit 4-97-222.

## **B. Geologic Stability and Hazards**

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, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. Fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property. Erosional processes are often accelerated due to the loss of vegetation cover following a fire. The increase in erosion may result in a corresponding increase of eroded sediment, which reaches stream channels, increasing the volume of the stream flow and the potential for flooding. In addition, Section 30235 of the Coastal

Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and insure structural stability and structural integrity.

Coastal Development Permit 4-97-222 allows for 260 cubic yards of grading (149 cubic yards of cut and 111 cubic yards of fill) for the construction of a 10 foot wide, 403 foot long roadway for the purpose of soil testing. The applicant is proposing to amend Coastal Development Permit 4-97-222 to include the removal of a ten foot wide, three foot tall existing retaining wall that is blocking the road easement.

The modifications to the approved project are minor in nature and will not increase the amount of grading that was previously approved. The applicant proposes to implement erosion control measures after the grading and soil testing is completed. These measures include building a sandbag swale in the location of the removed portion of the retaining wall until more permanent measures can be implemented. The erosion control measures will minimize risks to the neighboring properties. Also, Special Condition Two (2) of the underlying coastal development permit requires the applicant to submit an erosion control/ drainage plan subject to the review and approval of the Executive Director which includes site specific measures to control run off and erosion. These measures include sandbagging, silt fencing, desilting basins, and seeding the graded area with native plant seeds.

The Commission finds that the proposed amendment is consistent with Sections 30253 of the Coastal Act.

### C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

*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 City's ability

to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

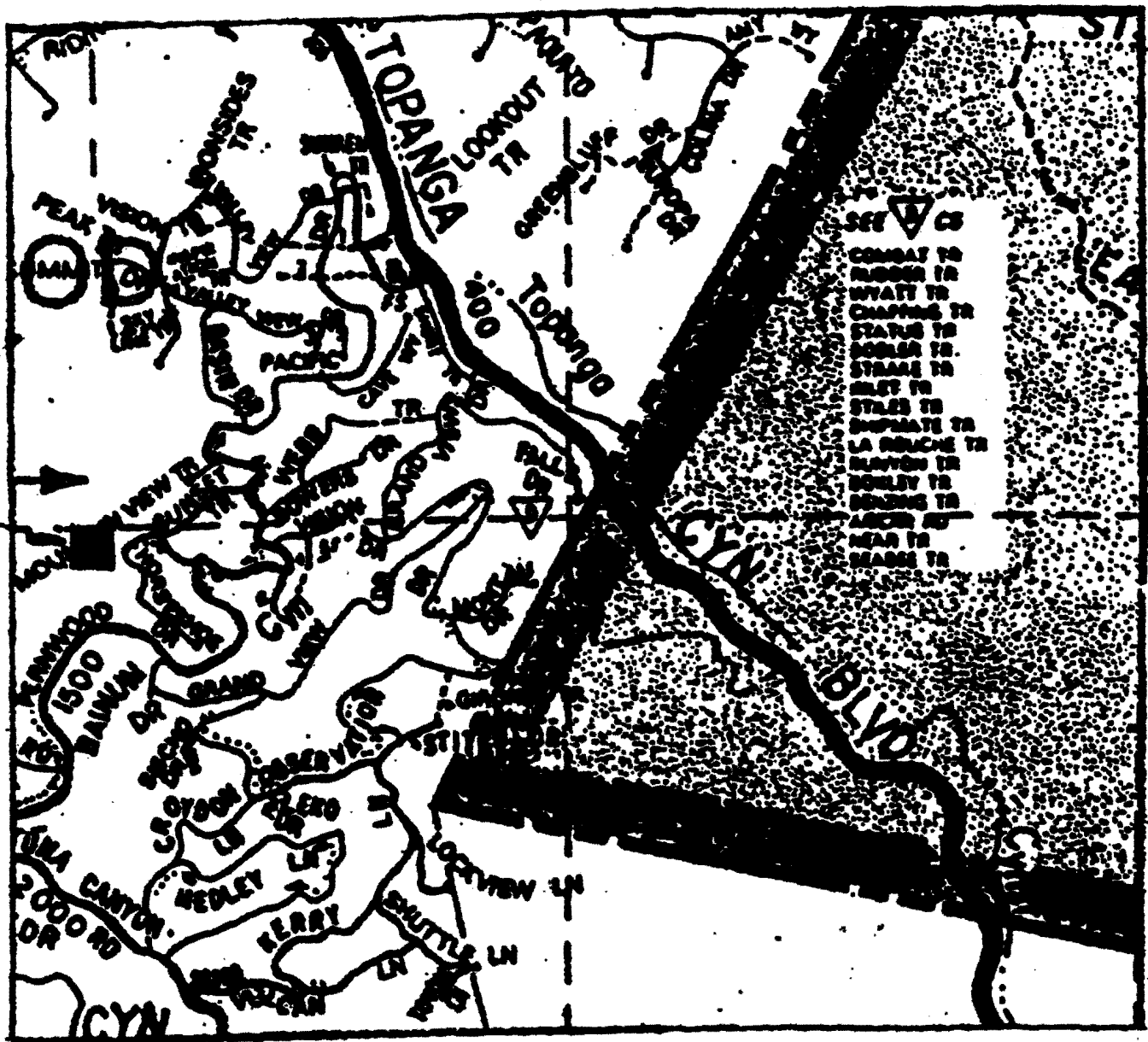
D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, 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 effects which the activity would have on the environment.

There proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



NORTH



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LA BELLE TR  
BLANCK TR  
BOWLEY TR  
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ACORN RD  
NEAR TR  
NEAR TR

Exhibit 1  
CDP 4-97-222-A1 (Call)  
Vicinity Map

**Page 1**

100

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**A PREV. ASST. SE: 496-4**

DEFENDANT'S MAP  
COUNTY OF LOS ANGELES, CALIF.

**Exhibit 2**  
**CDP 4-97-222-A1 (Call)**  
**Parcel Map**



**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA

89 SOUTH CALIFORNIA ST., SUITE 200

VENTURA, CA 93001

(805) 641-0142



Page 1 of 3

Date: May 18, 1998

Permit Application No. 4-97-222

**NOTICE OF INTENT TO ISSUE PERMIT**

On May 15, 1998, the California Coastal Commission granted to Lynn R. Call, permit 4-97-222, subject to the attached conditions, for development consisting of: 260 cu. yd. of grading (149 cu. yd. of cut and 111 cu. yd. of fill) for the construction of a 10 foot wide, 403 foot long road for the purpose of soil testing and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 19873 Mountain View Trail, Topanga.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1-3, imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS  
Executive Director

By: Sue Brooker  
Coastal Program Analyst

**ACKNOWLEDGMENT:**

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 4-97-222, and fully understands its contents, including all conditions imposed.

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Date

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Permittee

Please sign and return one copy of this form to the Commission office at the above address.

A5: 8/95

Exhibit 3  
CDP 4-97-222-A1 (Call)  
NOI CDP 4-97-222 (Call)

## **NOTICE OF INTENT TO ISSUE PERMIT**

Page 2 of 3  
Permit Application No. 4-97-222

### **STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **SPECIAL CONDITIONS:**

#### **1. Removal of Excavated Material**

Prior to the issuance of the Coastal Development Permit, the applicant shall provide for the review and approval of the Executive Director the location of the proposed disposal site. All excavated materials from the proposed project shall be removed from the subject site and taken to the approved disposal site. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

## NOTICE OF INTENT TO ISSUE PERMIT

Page 3 of 3  
Permit Application No. 4-97-222

### 2. Erosion Control/Drainage Plan

Prior to the issuance of the Coastal Development permit the applicant shall submit for the review and approval of the Executive Director, an erosion/drainage control plan for the proposed road, prepared by a licensed contractor or engineer. The plans shall include specific measures to control runoff and erosion off the proposed road including sandbagging, silt fencing, desilting basins or other best management practices. Within 30 days of completion of the geologic testing the road shall be seeded with native plant species (native grass species are acceptable) indigenous to the Santa Monica Mountains for erosion control. Planting shall be sufficient to provide 90 percent coverage with two years. The access road for geologic testing purposes shall remain vegetated until the Coastal Commission or successor agency approves a permanent residential access road.

### 3. Plans Conforming to Geologic Recommendation

*Prior to the issuance of the coastal development permit*, the applicant shall submit for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final plans pertaining to the grading and the proposed ramp.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Any changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

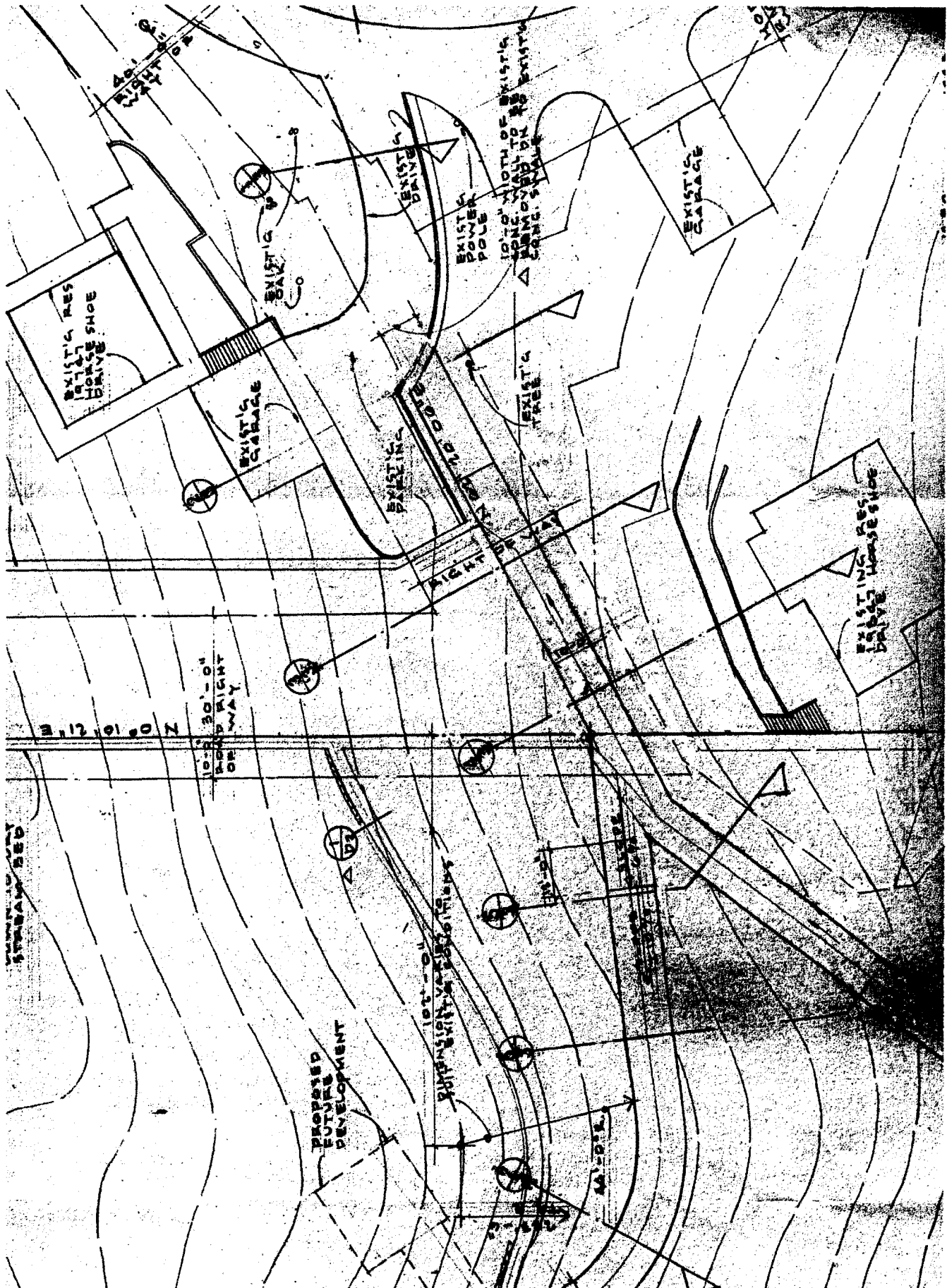
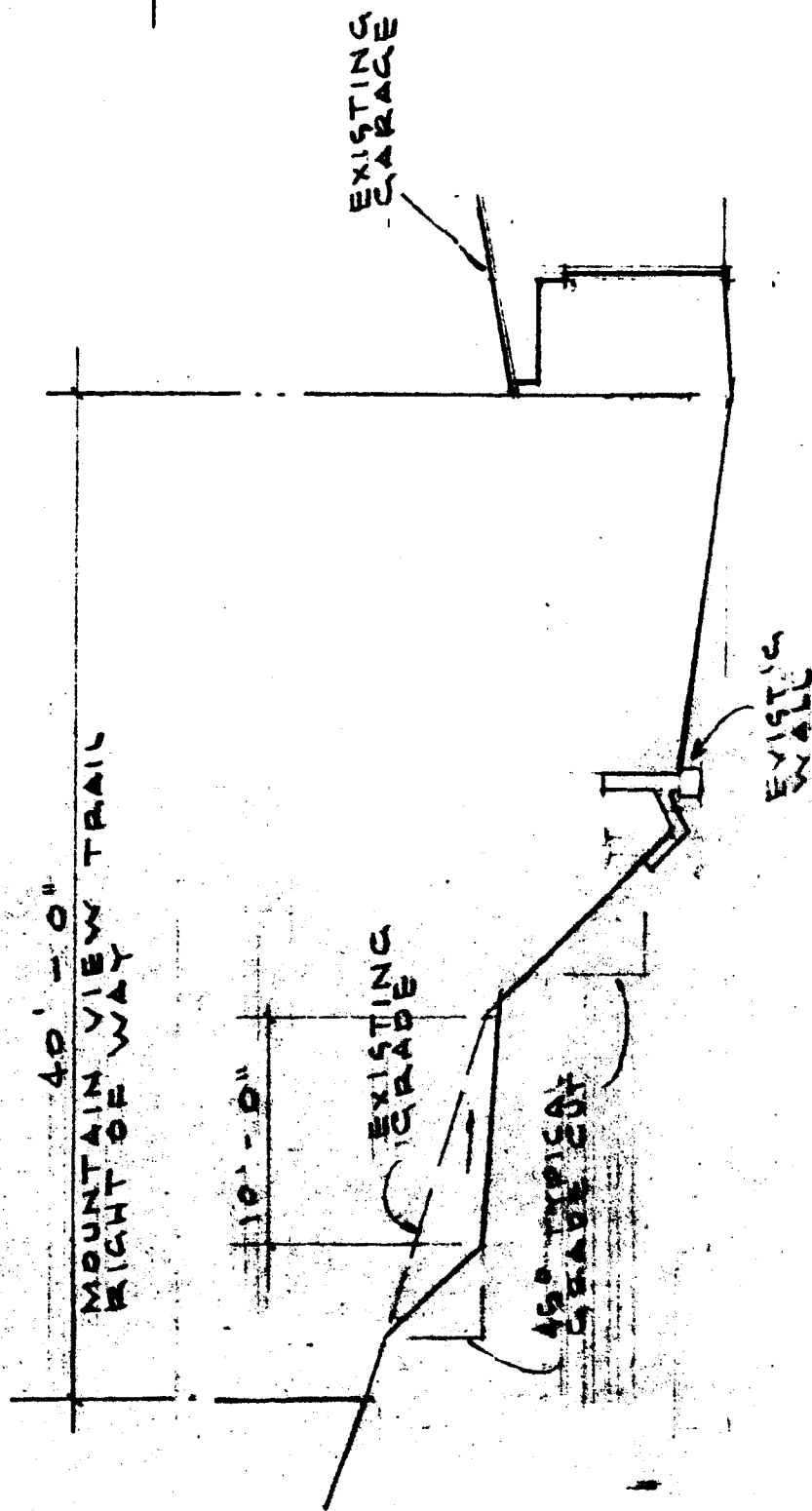


Exhibit 4  
CDP 4-97-222-A1 (Call)  
Site Plan



2

