

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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**RECORD PACKET COPY**

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 Staff Report: 04-22-98
 Hearing Date: May 15, 1998

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-97-222

APPLICANT: Mr. Lynn R. Call

PROJECT LOCATION: 19873 Mountain View Trail, Topanga; Los Angeles County
 (APN: 4438-034-053)

PROJECT DESCRIPTION: 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.

Lot area:	9.49 acres
Building coverage:	0 new proposed
Pavement coverage:	0 new proposed
Parking spaces:	0 new proposed
Landscape coverage:	0 new proposed
Plan Designation:	Mountain
Zoning:	1-du/ 20 acres

LOCAL APPROVALS RECEIVED: Approval-in-concept from Los Angeles County Building & Safety

SUBSTANTIVE FILE DOCUMENTS: Malibu/ Santa Monica Mountains Land Use Plan. Coastal Development Permit 4-94-111 (Laden), Coastal Development Permit 4-97-003 (Seva).

SUMMARY OF STAFF RECOMMENDATION:

The applicant is applying for 260 cu. yd. of grading (149 cu. yd. of cut and 111 cu. yd. of fill) to allow a drill rig access on the property for the purpose of soil testing. The project raises no adverse environmental or visual issues. Staff recommends that the Commission approve the project with special conditions regarding drainage and erosion control, removal of excavated material, and plans conforming to geologic recommendation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit, subject to the conditions below, 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 governments 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.

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 this permit is reported to the Commission. 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.

III. 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.

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.

IV. Findings and Declarations.:

A. Project Description and Background

The proposed project site is located within Topanga Canyon, in the unincorporated portion of Malibu within Los Angeles County. Currently, the subject site is a 9.49-acre vacant lot that lies adjacent to Fernwood, a small lot subdivision within Los Angeles County (Exhibit 1,2). The lot descends towards the north and is designated as M2 (1-du./ 20 acres) land (Exhibit 3). The applicant proposes to grade 260 cu. yd. (149 cu. yd. of cut and 111 cu. yd. of fill) for a 10 foot wide 403 foot long dirt access road (Exhibit 4). A portion of the proposed access road is located within the County of Los Angeles' road right of way. The purpose of this access is to allow a tractor mounted drilling rig onto the property to perform soil testing for future development of the site. The soil testing will consist of one test per each two-foot vertical lift for the purpose of accessing a

geological suitable site for future building.

On April 9, 1992 the Commission approved the construction of a 2,026-sq. ft., 35 foot high single family residence with detached garage, septic system, and private driveway located at 19847 Horseshoe Drive, which is adjacent to the subject property. This project also included a three-foot high wall separating the parking area from the hillside as a means of protecting the property from sedimentation and run off from the adjacent property. The driveway, wall, and parking area are partially located within Los Angeles County road easement. Therefore, the applicant proposes to access the subject property by building a ramp at the bottom of the neighboring driveway as a means of lifting the tractor mounted drill rig over the existing wall. The proposed grading will begin on the upward portion of the slope located adjacent to the neighboring parking area and extend up the slope. The applicant is proposing to remove some of the minor vegetation, however none of the existing trees or larger bushes will be removed at this time.

B. Geological Hazards & Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project 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. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant is proposing to grade 260 cu. yd. for the purpose of allowing a tractor mounted drilling rig onto the property to perform soil testing. The access road will be a total of 403 feet in length and will branch off into two different areas of the site. The applicant will be taking numerous soil samples at two-foot contours to determine the appropriate location for the future residence. The applicant's consulting geologist, Geoplan, Inc. states that the proposed grading is "the minimum

grading necessary to accommodate a drill rig or backhoe that will be utilized for subsurface exploration and percolation testing" (Exhibit 5). In addition, the applicant has submitted plans with approval in concept from the Los Angeles County Building & Safety/ Land Development Division Department of Public Works.

According to Section 30251 of the Coastal Act the scenic and visual qualities of coastal areas shall be considered and protected. This area is located in a rural setting characterized by a densely vegetated hillside. The slope of the site descends northerly at a ratio of approximately 2:1. The proposed site is located adjacent to a small-lot subdivision at the intersection of Mountain View Trail and Horseshoe Drive. Currently, neither of these streets extends to the site. Therefore, a portion of the proposed work will be performed on Los Angeles County's road right of way. As mentioned above, Los Angeles County's Department of Public Works has reviewed and approved the plans. The applicant is proposing to grade 260 cu. yards, the minimum amount necessary to provide access for the drilling rig. Although the site is not visible from any scenic highways or places of public recreation, the grading will be visible from Horseshoe Drive, a public road. In order, to minimize and soften visual impacts associated with the proposed grading, the Commission determines that it is necessary to require the applicant to seed the graded area with native species 30 days after the completion of the geologic testing. The access road shall remain vegetated until a permanent residential access road is approved by the Coastal Commission or successor agency (Special Condition 2).

Section 30253 of the Coastal Act requires that new development be designed so as not to create or contribute significantly to erosion. The proposed grading will result in some landform alteration and a loss of vegetation, which is important to protect the hillside from erosion. The applicant is proposing to grade 260 cu. yd., which is the minimum amount necessary to provide access for the drilling rig. The proposed grading will not create any significant cut or fill slopes and, therefore, will result in insignificant landform alteration. However, the disturbed slopes caused by grading has the potential to eroded and deposit sediment onto adjacent properties and into nearby drainage courses. Los Angeles County has required the applicant to carry out an erosion control plan on the site, including sand bagging at the entrance of the access road to prevent a potential increase in run-off to the adjacent property owner. The applicant has not provided the Commission with a detailed erosion control plan for the road grading. In order to ensure that an adequate erosion plan is carried out the Commission finds it is necessary to require the applicant to submit a detailed erosion/ drainage control plan for the proposed road, prepared by a licensed contractor or engineer, as requested in Special Condition 2.

In addition, excavated materials left on the site can conceivably cause additional landform alterations. These materials also have the potential to run onto adjacent properties as well as into natural drainage courses. Therefore, the Commission finds it essential that the applicant remove all excavated material from the site and provide evidence to the Executive Director of the location of the disposal site prior to the issuance of the permit, as specified within Special Condition 1. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

Furthermore, section 30253 of the Coastal Act states that new development neither create nor contribute to the geological stability or the destruction of the site or surrounding area. In order to access the site the applicant must utilize the neighboring driveway and build a ramp over the existing retaining wall. At this time the applicant has not submitted plans constructing the design of the ramp. Therefore, to ensure that the project will not damage the wall or destabilize the adjacent property, the Commission is requiring that the applicant submit plans reviewed and approved by an engineer for the ramp and grading as required per Special Condition 3.

The Commission finds that only as conditioned as set forth above is the proposed development consistent with Section 30251 and 30253 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 Los Angeles County's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. 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 effects that the activity may have on the environment.

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.

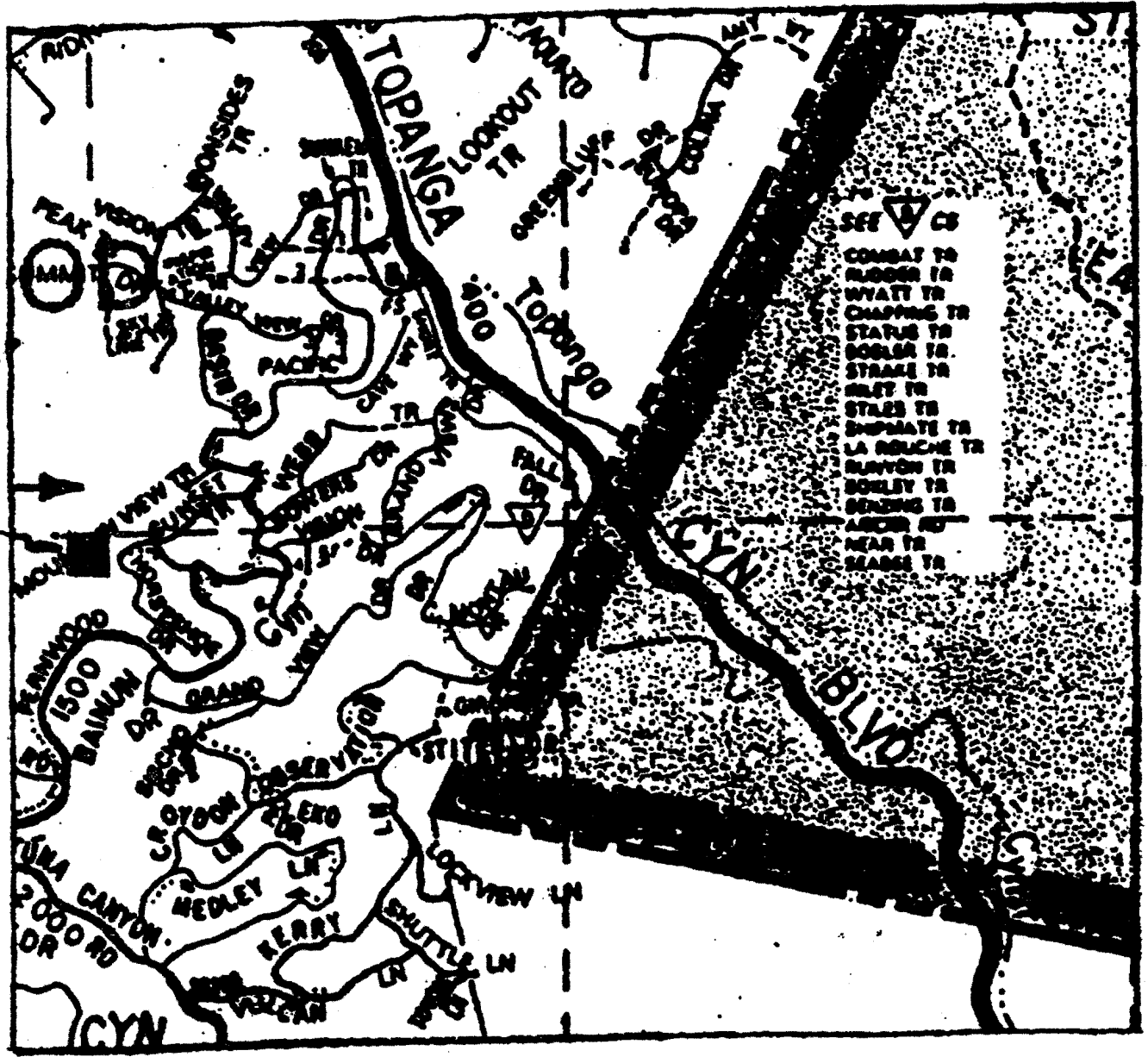
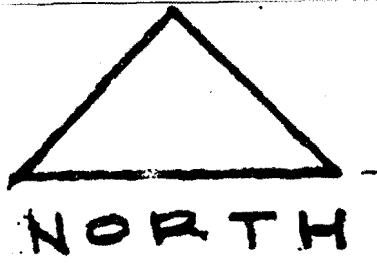


Exhibit No. 1
4-97-222 (Call)
Area Map

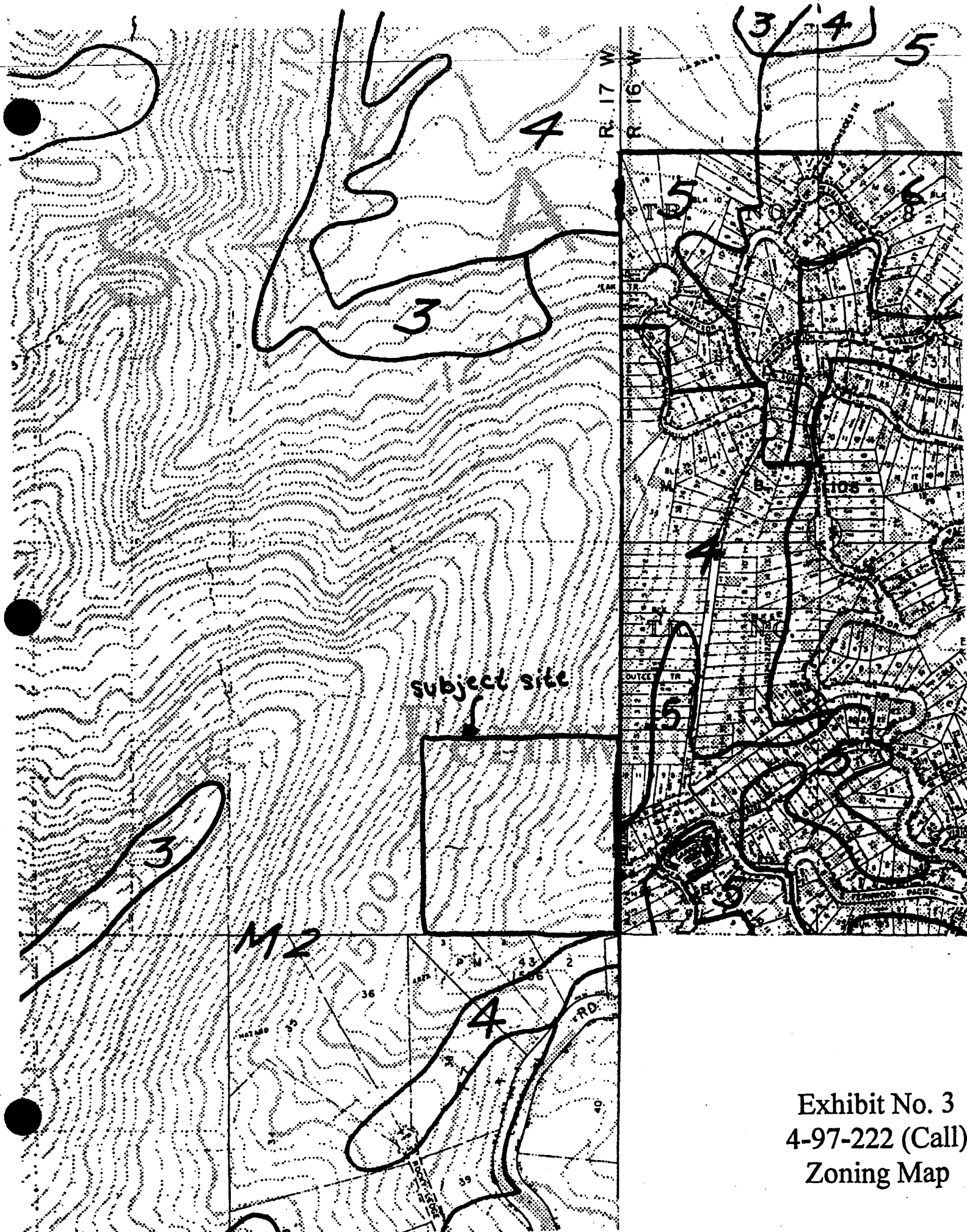


Exhibit No. 3
 4-97-222 (Call)
 Zoning Map

GEOPLAN, Inc.

consulting engineering geologists

18432 OXNARD STREET
TARZANA, CALIF. 91356

John D. Merrill, President

March 9, 1998

Engineering Geologic Memorandum
Proposed Access Road
Vicinity Mountain View Trail
APN 4438-034-053
Fernwood District
Topanga

CASE # 4-97-222

Lynn Call, Architect
7917 Hollywood Blvd., #2
Los Angeles, CA 90046

Dear Mr. Call:

Please be advised that the access road grading shown on Sheets D1A, D2A and D3A of your plans dated 6-26-97 (Rev. 1-08-98) is the minimum grading necessary to accommodate a drill rig or backhoe that will be utilized for subsurface exploration and percolation testing.

jdm:sam

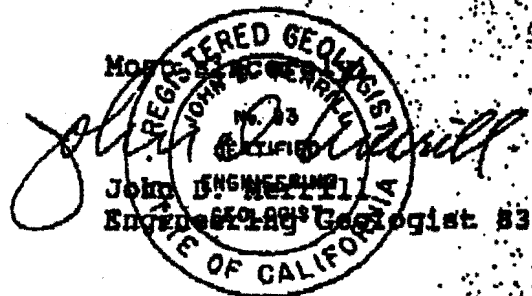


Exhibit No. 4-97-222 (Call)
Geologist Lette

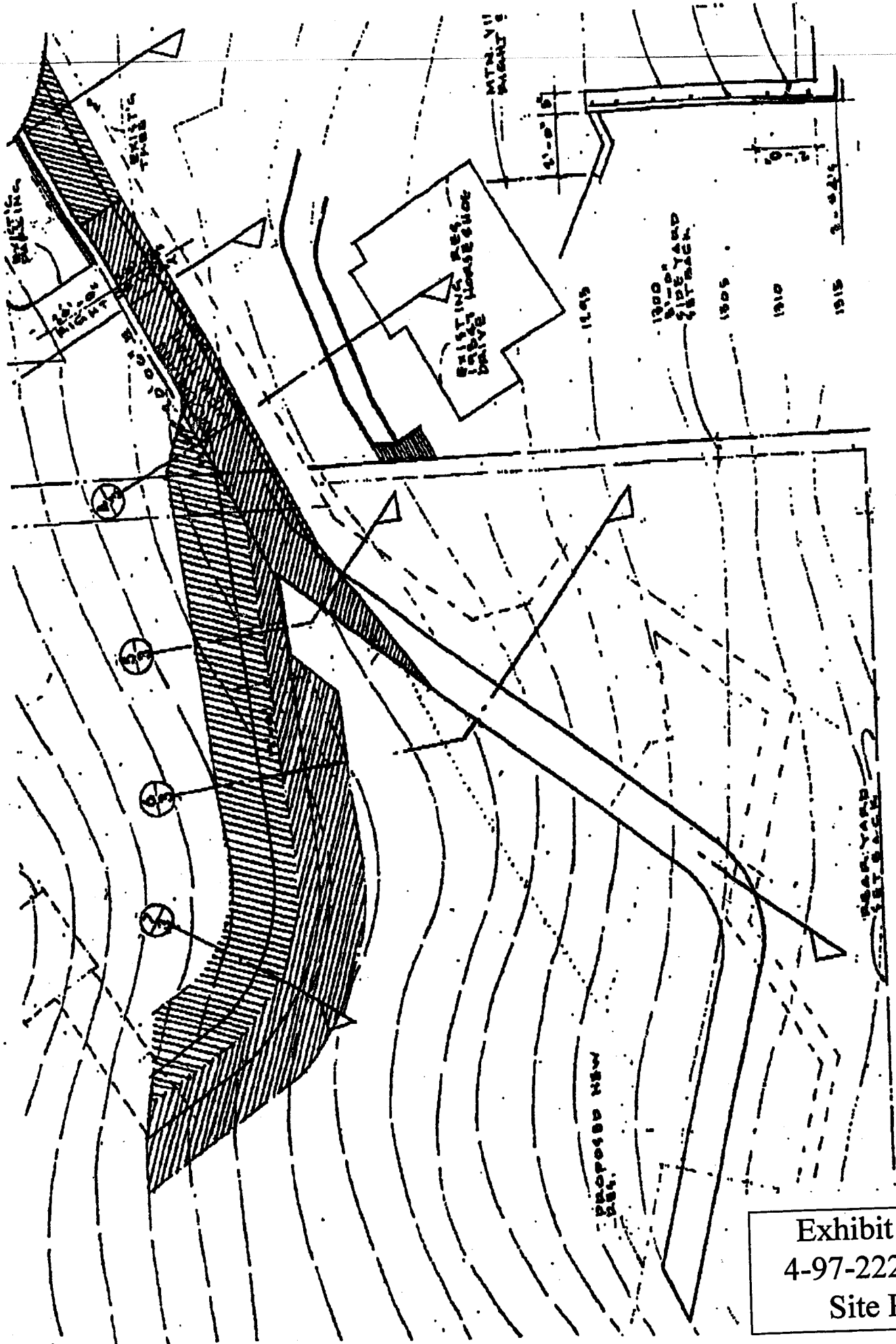


Exhibit No. 5
 4-97-222 (Call)
 Site Plan