

File

## CALIFORNIA COASTAL COMMISSION

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



Filed: 02/17/98  
49th Day: N/A  
180th Day: N/A  
Staff: SMB - VNT *ja*  
Staff Report: 12/11/98  
Hearing Date: January 12-16, 1998

**STAFF REPORT: PERMIT EXTENSION REQUEST****APPLICATION NO.: 4-95-200-E1****APPLICANT: Irwin Warsaw****PROJECT LOCATION:** 19551 Bowers Drive, Topanga; Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 28 ft. high, 1,525 sq. ft. single family residence on a 5,576 sq. ft. lot with attached garage and septic system. After-the-fact approval of 50 cu. yds. of grading, removal of vegetation, and construction of septic pits.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit 4-95-200 (Fenton); Coastal Development Permit 4-95-200-T1 (Warsaw); Engineering Geologic Report performed by Geoplan, Inc. dated July 18, 1995; Preliminary Geotechnical Investigation performed by Strata-Tech, Inc. dated August 25, 1995.

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**PROCEDURAL NOTE:** The Commission's regulations require that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstance the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act (14 C.C.R. Section 13169).

The Executive Director has previously determined that there are no changed circumstances since the Commission's approval of the project on January 11, 1996. The Executive Director has subsequently determined that the project is consistent with the Coastal Act and, therefore, unless three (3) Commissioners object to the extension as explained below, the Executive Director will grant the extension request.

On March 4, 1998 the Executive Director of the Coastal Commission determined that the proposed coastal development permit extension was immaterial. The Executive Director mailed notice of this determination to all interested parties. On March 16, 1998 the Executive Director received a written objection to this determination. Pursuant to the

Commission regulations the extension request is being referred to the Commission for a public hearing and action on this permit extension.

If three (3) Commissioners object to the extension on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three (3) objections are not received, the permit will be extended for an additional year.

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**STAFF RECOMMENDATION:**

The staff recommends that, unless the Commission objects, the extension should be granted for the following reason:

There have been no changed circumstances since the approval of the subject development.

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**Staff Analysis:****A. Project Description**

**Previously Approved Project Description (CDP 4-95-200 (Fenton)):** Construction of a two-story, 28 ft. high, 1,525 sq. ft. single family residence on a 5,576 sq. ft. lot with attached garage and septic system. After the fact approval of 50 cu. yds. of grading, removal of vegetation, and construction of septic pits.

**B. Background and Permit History**

The Commission approved 4-95-200 (Fenton) on January 11, 1996 subject to six (6) special conditions regarding landscaping and erosion control plans, irrigation plans, future improvements deed restriction, plans conforming to the geologic report recommendations, drainage plans, and wild fire liability (Exhibit 3-5). To date none of the special conditions have been met and, therefore, the coastal development permit has not been issued. On January 12, 1998 the Commission issued an assignment of permit to transfer the subject permit from Mr. Fenton to Mr. Warsaw, the applicant.

On January 9, 1998, the applicant sought a one-year time extension of coastal development permit 4-95-200-E1. The extension request was first scheduled to be presented to the Commission as an immaterial extension on March 4, 1998 (Exhibit 6). On March 16, 1998 a letter of objection was received at the South Central Coast office (Exhibit 7). As a result of the written objection, the extension request must be reported to the Commission as a material extension.

### C. Analysis and Conclusion

Staff has evaluated the proposed project described within Coastal Development Permit 4-95-200-E1 for the construction of a two-story, 28 ft. high, 1,525 sq. ft. single family residence with an attached garage and septic system. The project also includes after-the-fact approval for 50 cu. yds. of grading, removal of vegetation, and construction of septic pits.

The Commission received a letter on March 16, 1998 from a neighbor of the site indicating that the subject site is geologically unstable for development. The letter states that "a major fault approximately 69 feet deep" is located on APN 4447-005-014 which would also adversely affect the subject site (Exhibit 6). The letter further indicates that both the property on the east and west side of the subject site have had septic failures. However, staff notes that there has not been any documentation submitted to support these claims.

The applicant has submitted several geology reports which addresses the geologic issues of the subject site that were brought up in the objection letter received on March 16, 1998. The Preliminary Geotechnical Investigation Report performed by Strata-Tech, Inc. dated August 25, 1995 concludes:

*"Development of the site is considered feasible from a soils engineering standpoint..."*

In addition, the applicant has submitted an Engineering Geologic Report dated July 18, 1995 and an Engineering Geologic Memorandum dated August 5, 1998 performed by Geoplan, Inc. The report indicates that a steeply northwest-dipping fault exists near Webb Trail which *"appears to have contributed to a landslide in 1980 at the end of Bowers Drive. It does not affect stability of lot 5."* The report further indicates that *"there, are no active faults beneath lot 5 or in Topanga."* (Exhibit 8). In response to the neighbors letters of concern, Geoplan, Inc. submitted a memorandum letter dated August 5, 1998 which states *"no significant change in geologic conditions has taken place at lot 5 and its near environs"* (Exhibit 9).

Staff concludes that there have been no changes to the project site since the Commission's approval of Coastal Development Permit 4-95-200 (Fenton). Staff notes that both the minor amounts of grading and installation of a septic pit on subject site occurred on the property without the benefit of a coastal development permit. Coastal Development Permit 4-95-200 (Fenton) included an after-the-fact request for both the grading and septic pit. Both of these issues were investigated in the initial staff report as well as at the January 1995 Commission hearing. Staff has evaluated the project and has determined that for the reasons noted above the proposed is consistent with the Coastal Act. Accordingly, if the Commission does not object to the requested extension described herein, the Executive Director intends to grant the applicant's request for a one year time extension as requested in application 4-95-200-E1. The extension period shall commence on January 11, 2000.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

## VICINITY MAP

TOPANGA QUADRANGLE  
CALIFORNIA-LOS ANGELES F.D.  
7.5 MINUTE SERIES (TOPOGRAPHIC)

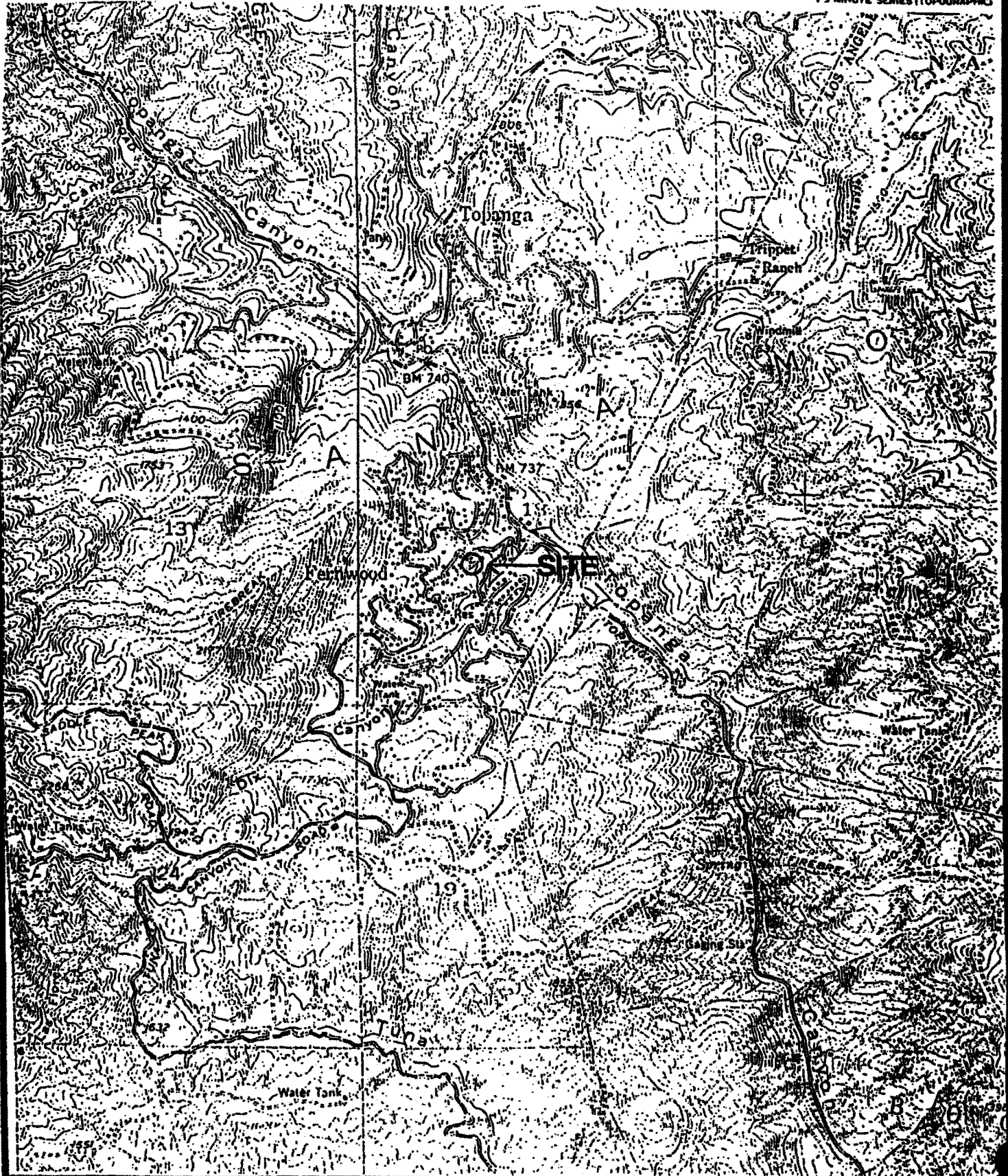


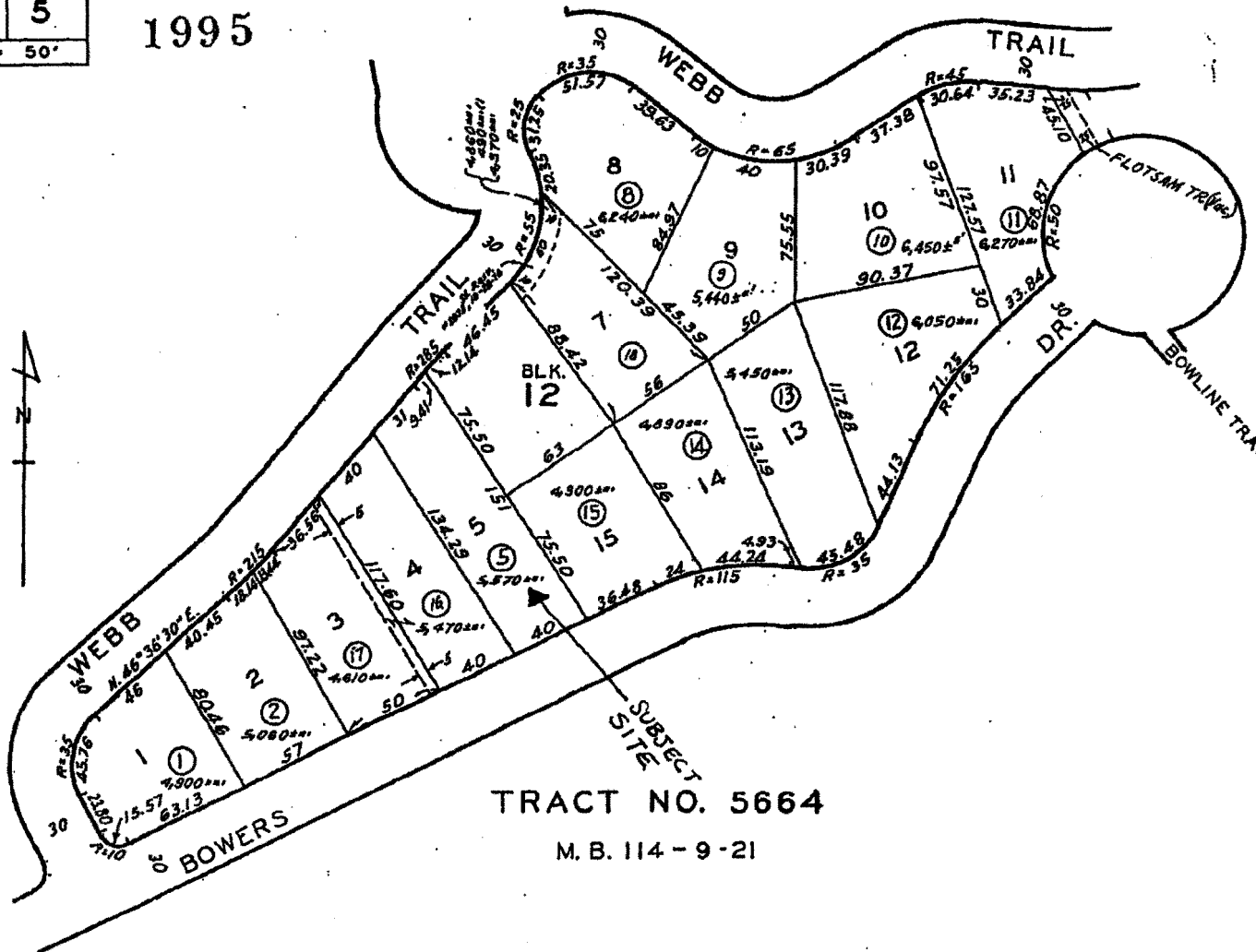
Exhibit 1  
CDP 4-95-200-E1 (Warsaw)  
Vicinity Map

4447 5

SCALE 1" = 50'

1995

Revised  
1-12-62  
3-27-63  
681017254  
681129  
690506504  
761209619  
3403290901001-27  
340505



TRACT NO. 5664

M. B. 114-9-21

MAY 20 1994

FOR PREV. ASSMT. SEE: 4447-5

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.

Exhibit 2  
CDP 4-95-200-E1 (Warsaw)  
Parcel Map

## CALIFORNIA COASTAL COMMISSION

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



Page 1 of 4

Date: January 17, 1996

Permit Application No. 4-95-200

NOTICE OF INTENT TO ISSUE PERMIT

On January 11, 1996, the California Coastal Commission granted to Lance Fenton Permit 4-95-200, subject to the attached conditions, for development consisting of:

Construction of a two story, twenty eight foot high, 1525 sq. ft. single family residence on a 5,576 square foot lot with attached garage and septic system. After the fact approval of grading of less than 50 cu. yds., vegetation removal, and construction of septic pits 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 19551 Bowers Dr., Topanga Canyon.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions 1 - 6, 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 on January 17, 1996.

PETER DOUGLAS  
Executive Director

By: Merle Betz  
Title: Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 4-95-200, and fully understands its contents, including all conditions imposed.

\_\_\_\_\_  
Date\_\_\_\_\_  
Permittee

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

A5: 8/95

Exhibit 3  
CDP 4-95-200-E1 (Warsaw)  
NOI for CDP 4-95-200 (Fenton)

## NOTICE OF INTENT TO ISSUE PERMIT

Page 2 of 4  
Permit Application No. 4-95-200

### 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. Landscape and Irrigation Plan.

Prior to the issuance of a Coastal Development Permit, the applicant shall submit a landscaping and irrigation plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plan shall delineate all existing contours and oak trees. The applicant shall also submit a letter or other evidence to the satisfaction of the Executive Director that the landscaping and irrigation plan, including the amount of water to be delivered to the slope surface, has been reviewed and found acceptable and consistent with all of the recommendations set forth by the geotechnical consultant or licensed engineer, including recommendations to ensure slope stability.

The plan shall incorporate the following criteria:

## NOTICE OF INTENT TO ISSUE PERMIT

Page 3 of 4  
Permit Application No. 4-95-200

- (a) all nonnative plants shall be removed and replaced by drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species, or species which require artificial irrigation beyond that necessary to establish new plantings, shall not be used. The applicant shall use a mixture of seeds and plants to increase the potential for successful slope stabilization.
- (b) The Landscape Plan shall incorporate short-term slope stabilization measures, such as the application of geotextiles, to minimize erosion while plants become established. The plan shall specify the measures to be implemented and the materials necessary to accomplish short-term stabilization.

### 2. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-95-200 is only for the proposed development and that any future development, additions, or improvements to any portion of the property, made for any purpose, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency whether or not such development, additions, or improvements, might otherwise be exempt from coastal development permit requirements. The removal of vegetation consistent with County Fire Department requirements is permitted. Any future improvements shall conform to the allowable Gross Structural Area (GSA) as defined by policy 271 in the certified Malibu/Santa Monica Mountains Land Use Plan. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

### 3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Preliminary Geotechnical Investigation (August 25, 1995) shall be incorporated into all final design and construction including grading, foundation and drainage. All plans must be reviewed and approved by the consultant. Prior to issuance of the permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.



## NOTICE OF INTENT TO ISSUE PERMIT

Page 4 of 4  
Permit Application No. 4-95-200

### 4. Drainage and Erosion Control Plan

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage and erosion control plan, designed by a licensed engineer. The drainage and erosion control plan shall include, but not be limited to, a system which collects run-off from the roofs, patios, driveways, parking areas, and other impervious surfaces, and discharges it in a non-erosive manner off site onto Bowers Drive and/or Webb Trail. Should the project's drainage structures fail of result in erosion, the applicant/landowner shall be responsible for any necessary repairs and restoration.

### 5. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

### 6. Condition Compliance.

All requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 120 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause will result in the nullification of this permit approval.

2997C/MB/drp

under the authority of the  
National Historic Preservation Act  
of 1966 (16 USC 470) and the  
Antiquities Act of 1906 (16 USC 431-433).

square foot,  
residence  
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opanga Canyon  
tract with  
backs and  
ral area.  
native  
area or within  
entally  
as designated  
stal Plan.  
within the 35  
owed by the  
. Proposed  
tilevered with  
Two standard  
d parking

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L

D SETBACK

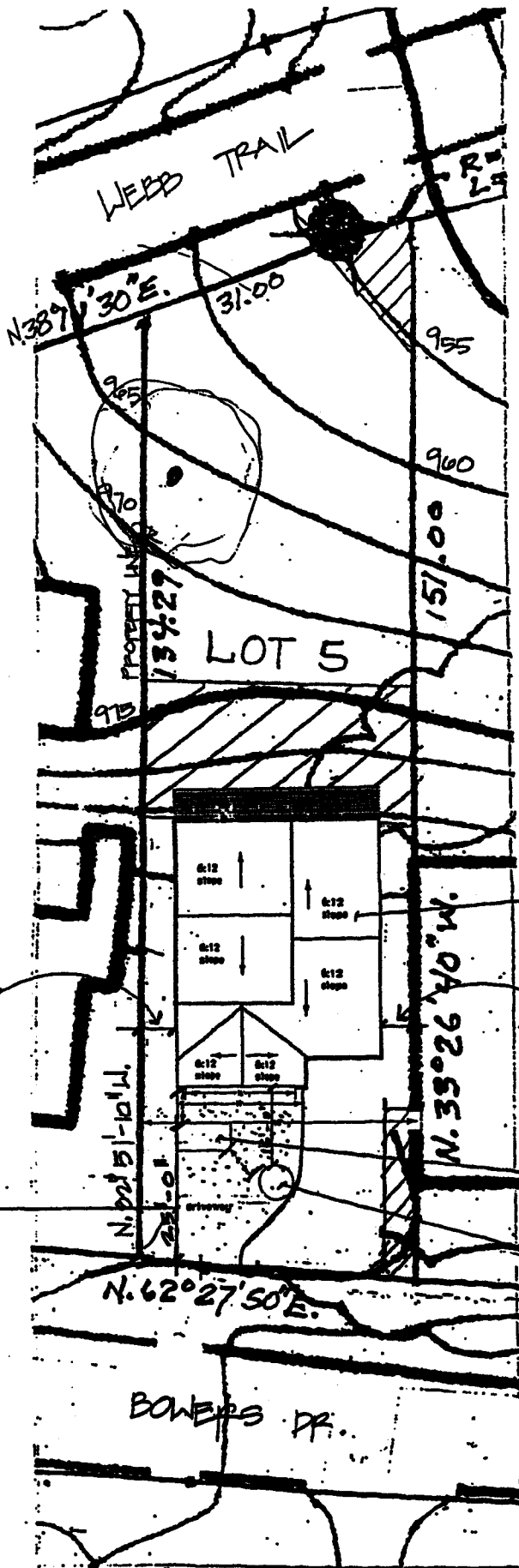
RD SETBACK

MS

A3

W

W



PROPOSED  
RESIDENCE

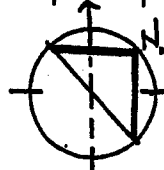
41 min. OK.

5 FT SIDEYARD SETBACK

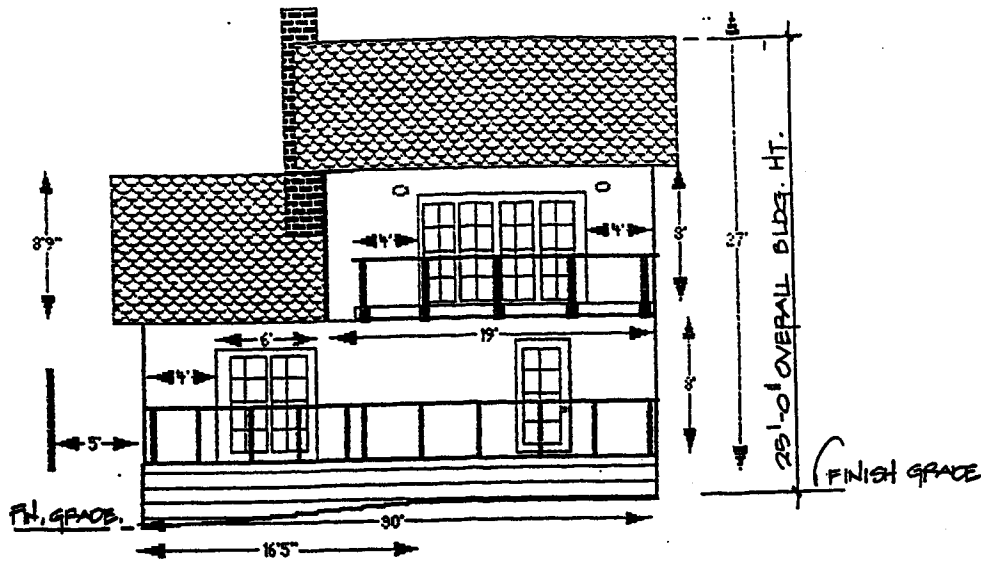
750 GALLON SEPTIC TANK.  
MIN 15' x 10' STRUCTURE.

PROPOSED SEEPAGE PIT.

DRAWING NORTH.



South Elevation



Sheet Title

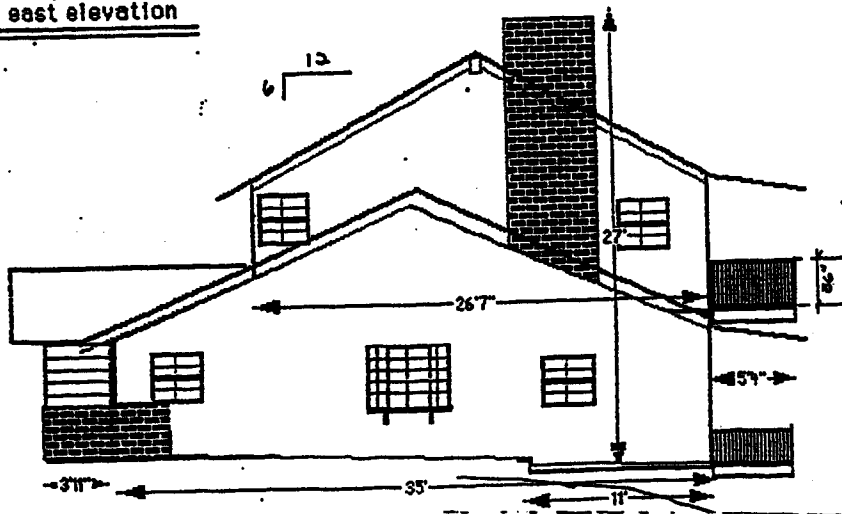
EXTERIOR  
ELEVATION

Job Name

FENTON  
RESIDENCE

19551 BOWER  
TOPANGA, CA

east elevation



Date-Revised

6.9.95

Sheet

Exhibit 5  
CDP 4-95-200-E1 (Warsaw)  
Elevations

**CALIFORNIA COASTAL COMMISSION**

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



March 4, 1998

## **NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that: Irwin Warsaw  
has applied for a one year extension of Permit No 4-95-200-E1  
granted by the California Coastal Commission on: January 11, 1996

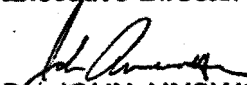
for **TIME EXTENSION ON A PREVIOUSLY APPROVED CDP for  
construction of a two story, 28 ft. high, 1525 sq. ft. SFR on a 5,576 sq.  
ft. lot with attached garage and septic system. After the fact  
approval of grading of less than 50 cu. yds., vegetation removal and  
septic pit construction**

at **19551 Bowers Drive, Topanga (Los Angeles County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: JOHN AINSWORTH  
Regulatory Supervisor

⑦  
Darlene L. Beaver  
19543 Bowers Dr  
Topanga, CA 90290-3101

3-12-98

RECEIVED

MAR 16 1998

COASTAL COMM.  
SOUTH CENTRAL COAST DIV.

California Coastal Commission  
89 So. California St., Suite 200  
Ventura Ca 93001

Attn: John Answorth

Re: Permit No. 4-95-200-E1, Irwin Warsaw

Dear Mr. Answorth:

I live in the house located next door to the subject property. I have tried to obtain a building permit to tear down and rebuild my own house. I have been stopped by negative geological reports. There is a major fault approximately 69' deep.

Mr. Warsaw's geologist has not explored to this depth. The problem that the Health Dept. sees is that release of effluent from septic systems could destabilize the slope on Bowers Drive. Building Safety is also concerned about Bowers Drive.

Both Chris Tragos, who resides in the house on the west side of the subject property, & myself, who is on the east side of this property, have experienced septic failures & difficulties. This brings into question whether the geology in the immediate vicinity can sustain an additional septic system or even if it's adequate to sustain any system at all.

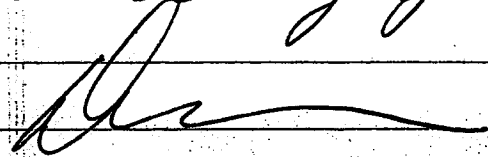
As you know, Mr. Warsaw has previously illegally graded this lot & installed a septic pit prior to obtaining a building permit or Coastal Commission approval. He currently has not posted on Bowers Lane a notice of the application pending before your Commission. It is my experience that he tries to get by with whatever he can without going through legal channels. I base this statement on twenty years of experience of living next door to him as a property owner.

(3)

Here are many documents to back up  
my statements - some rather bulky -  
which I would be glad to supply  
to you.

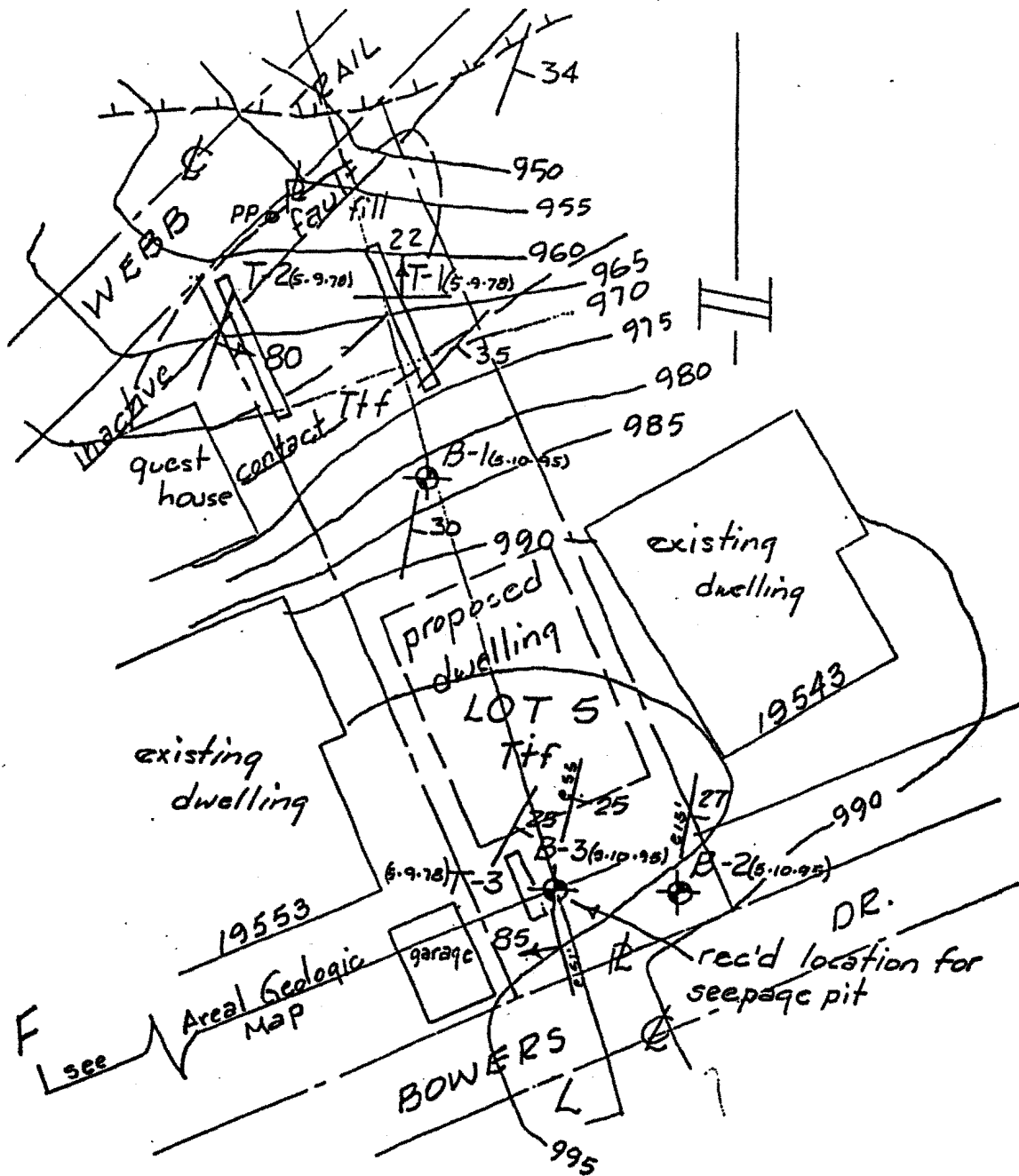
I sincerely hope you will reconsider  
granting an extension for development  
of this potentially hazardous &  
extremely offensive project to our  
neighborhood.

Sincerely yours,



Darlene L. Beaver  
19543 Bowers Dr  
Topanga, CA 90290-3101

# SITE PLAN



NOTE: Map compiled with tape, compass & hand level  
NOT A SURVEY

Scale: 1"=30'



(318) 887 2043

**GEOPLAN, Inc.**  
consulting engineering geologists

18432 OXNARD STREET  
TARZANA, CALIF. 91356  
John D. Merrill, President

August 5, 1998

Engineering Geologic Memorandum  
Proposed Residential Development  
Lot 5, Block 12, Tract 5664  
19551 Bowers Drive  
Topanga

Project 510063

Irwin Lake Warsaw  
P.O. Box 3512  
Santa Monica, CA 90408

Re: Renewal/Extension  
Coastal Permit No. 4-95-200-E1

Dear Mr. Warsaw:

This Engineering Geologic Memorandum is intended to characterize geologic conditions at 19551 Bowers Drive, Topanga.

The writer has prepared several reports describing geologic conditions at lot 5 and on neighboring properties. These reports concluded that lot 5 could be developed safely, within the framework of the County Building Ordinance and the requirements of the California Coastal Commission.

There has been no change in geologic conditions at lot 5 or in the opinion of the writer with respect to the feasibility of future development.

The statements made by neighbors objecting to proposed development of lot 5 are ambiguous and do not contain sufficient information upon which to prepare a rebuttal. However, the general tenor of the objections has been addressed in my reports and taken into account in their preparation.

GEOPLAN INC  
CONSULTING AND ENGINEERING GEOLOGISTS  
Project 510063, Page 2  
August 5, 1996

It is concluded that no significant change in geologic conditions has taken place at lot 5 and its near environs. Accordingly, plans should be prepared which implement the recommendations of the project geotechnical consultants as requested by the Commission.

Thank you for this opportunity to be of service. Please call if there are any questions regarding this memorandum.

JDM/b

