CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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Filed: 5/2/03
180th Day: 10/29/03
Staff: J Johnson
Staff Report: 9/18/03
Hearing Date: 10/7/03
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-98-054

APPLICANT: Karen Walker Gindick **AGENT:** Cary Gepner, Gepner & Associates

PROJECT LOCATION: 19537 Cave Way, Topanga, Los Angeles County

PROJECT DESCRIPTION: Construct a one story, 400 sq. ft. single family residence on lot 015 with 400 sq. ft. detached carport on lot 014, new retaining wall, 'as built' septic system, and remove 'as built' storage shed on lot 015. Project also includes an 'as completed' demolition of existing residence and retaining wall.

Lot area:	5,599 sq. ft.
Building coverage:	780 sq. ft.
Pavement coverage:	600 sq. ft.
Landscaped Area:	1,040 sq. ft.
Ht. abv. fin. grade:	16.25 ft.
Parking spaces:	2 spaces

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **Denial** of the proposed project due to concerns about geologic stability. The proposed project with the applicant's information provided can not be found to be consistent with Coastal Act Section 30253 which requires that new development minimize risks to life and property in an area of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to geologic instability. The applicant has not submitted adequate information confirming the geologic stability of the proposed project located on a landslide feature. Beneath both lots is an ancient landslide mass about 20 feet thick located below a layer of natural soil. Additional information confirming the project geologic stability from the applicant and the County of Los Angeles was requested by staff since 1998 but has not been provided. In addition, alternative deepened foundation designs were not explored by the applicant to ensure the foundation is adequately secured into bedrock below the landslide feature.

The project site is located on the western slope of the Topanga Canyon Watershed near the intersection of Fernwood Pacific Drive and Cave Way. A prior residence was demolished on the site as a result of 1996 Los Angeles County demolition permit, and a 400 sq. ft. storage shed has existed at least since 1998 on the site, however, no coastal development permits were obtained for either the demolition or the shed.

STAFF NOTE

Due to Permit Streamlining Act Requirements the Commission must act on this permit application at the October 7-10, 2003 meeting to meet the requirements of the Permit Streamlining Act.

LOCAL APPROVALS RECEIVED: Approval in Concept (PP45689), Los Angeles County Regional Planning Department, dated 10/4/02; Approval in Concept for Sewage Disposal System, Los Angeles County Health Department, dated 10/11/01; Los Angeles County Fire Department "Coastal Commission Approval Only", dated 4/16/03.

SUBSTANTIVE FILE DOCUMENTS: Limited Geologic & Soils Engineering Exploration by Subsurface Designs Inc., dated December 1, 2002; Coastal Permit Application No. 4-02-159 (Sloggy); An Analysis of the Small Lot Subdivision with Regard to Santa Monica Mountains Comprehensive Planning Commission's Subdivision Policies, dated August 15, 1978, by Richard McClure and Dale Bricker.

I. STAFF RECOMMENDATION: PERMIT DENIAL

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-98-054 for the development proposed by the applicant.***

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description, Location and History

The subject lots are located on the west hillside of Topanga Canyon below Fernwood Pacific Drive in the Topanga area of County of Los Angeles. (Exhibit 1). The subject lots slope up from Cave Way with a physical relief of about 30 feet. There are two relatively flat pads where the proposed residence on lot 015 (APN 4446-028-015) and the 'as built' storage shed on lot 014 (APN 4446-028-014) where the proposed detached carport is located. The subject lots are within the Fernwood Small Lot Subdivision. Lot 014 with the proposed carport and lot 015 with the proposed residence are not proposed to be merged at this time.

The applicant proposes to construct a one story, 400 sq. ft. single family residence with 400 sq. ft. detached carport, new retaining wall, 'as built' septic system, and remove 'as built' storage shed where the new carport is proposed. Project also includes 'as completed' demolition of existing residence and retaining wall that was demolished in 1996 without benefit of a coastal permit (Exhibits 2-4). In the vicinity of the subject lots there are a number of residences located along Cave Way to the north and south and others along Fernwood Pacific Drive.

Based on the Commission's historic records the lots were created prior to 1978 as identified in "An Analysis of the Small Lot Subdivision with Regard to Santa Monica Mountains Comprehensive Planning Commission's Subdivision Policies" dated August 15, 1978, by Richard McClure and Dale Bricker. According to the applicant, the site included a house as early as 1930s and was identified on Los Angeles County Assessor records in 1948. A site plan stamped by the Department of Public Works Building and Safety Division, received July 16, 1998 from the applicant, indicates that a number of residential and deck additions to the original 400 sq. ft. cabin with chemical toilet and kitchen sink were made in 1993 by the prior owner. The applicant submitted a letter from Los Angeles District Attorney's office dated September 25, 1993 concluding the settlement of the case "People v. Paul F. C. Sylvester Case NO. 93 M00614. Attached to this letter was a list of Building and Safety Conditions requesting the owner to either demolish the structure or bring it into compliance in a timely manner. In 1995, the applicant after acquiring the property obtained a Los Angeles County Building Demolition Permit (BL 9503150002) to demolish the structure. The structure was demolished without benefit of a Coastal Development Permit in 1995. In 1996, the applicant obtained a Building Permit (BL 9605080037) to "convert home to original 400 sq. ft. / This permit is for bringing the existing structure to per-violation status only." However, it appears that the structure was demolished in 1995 prior to the applicant obtaining a building permit to construct a new residence.

The applicant submitted an application for a Coastal Development Permit on February 19, 1998 to replace a one room single family residence on a county maintained road and demolish an existing shed. The application indicated that the existing house was demolished at the request of Los Angeles County. Staff confirmed that the former structure was demolished at a February 28, 1998 site visit, although some remnants of the structure

remained on site. Staff determined that the application was incomplete in a letter dated March 19, 1998 requesting numerous additional information including a copy of a comprehensive, current, site specific geology and soils report prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists and Geophysicists (11/93). Due to a landslide feature identified on the subject lot, staff also requested a current County Building Department "Approved" Geologic Review Sheet indicating review and conceptual approval of the geology report and proposed project. On July 16, 1998, July 9, 2003 and February 3, 2003, staff received additional application materials partially addressing the information requested in the March 19, 1998 incomplete letter. However, to date the applicant has been unable to provide these two informational requirements confirming geologic stability. Staff filed the application as complete without the above information to allow the Commission the opportunity to consider an action on this project.

B. Geologic Hazards

Coastal Act Section 30253 provides 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, 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 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. In addition, 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.

1. Geology

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

As stated previously, the applicant proposes to construct a one story, 400 sq. ft. single family residence with 400 sq. ft. detached carport, new retaining wall, 'as built' septic system, and remove an 'as built' storage shed. Project also includes 'as completed' demolition of existing residence and retaining wall that was demolished in 1996 (Exhibits 1-4).

In response to the initial application submittal on February 19, 1998, staff requested in the incomplete letter to the applicant dated March 19, 1998 that the applicant provide a comprehensive and current site specific geology and soils report prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists and Geophysicists (11/93) and a current County Building Department "Approved" Geologic Review Sheet indicating review and conceptual approval of the geology report and proposed project. In response, the applicant stated in a letter received July 16, 1998 that the County Building and Safety would issue a "Slide Waiver" to allow this project to receive a Building Permit. The applicant stated:

> Regarding your request for geology and soils reports: Since I am rebuilding the 400-square-foot cabin that existed in 1948, using many of the footings that were poured then, as well as an existing wall of the original cabin, on the exact footprint of the 1948 cabin, county Building and Safety has determined that a slide waiver can be issued for this project.

The applicant's agent, Cary Gepner, submitted additional information on February 3, 2003 partially addressing the information requests identified previously. In this submittal, a copy of the above Limited Geologic & Soils Engineering Exploration by Subsurface Designs dated December 1, 2002 was provided. However, the submitted report did not confirm that the proposed development was geologically stable and would not adversely affect the site and adjoining properties. As an alternative, the staff in a letter dated February 27, 2003 suggested in an effort to complete the application that a copy of the "County Slide Waiver" be provided in lieu of a Section 111 statement. A County Slide Waiver may be issued for some projects, usually residential fire rebuilds, that are located on unstable geologic soil consisting of a landslide.

In response, the applicant's agent submitted a letter dated April 17, 2003 stating that:

> The only item of information not included is a copy of the "County Slide Waiver". On or about March 7, 2003, the District Engineer of the Calabasas office of the L. A. County Building Division, Ms. Soheila Kalhor, spoke with Jack Ainsworth to discuss the slide waiver matter. She clarified L. A. County policy regarding slide waivers as follows:
>
> > The County will not issue a waiver until all agencies, including Coastal Commission, have approved the project. Issuance of the waiver is the last step prior to issuing a building permit.

A slide waiver issued by the County of Los Angeles indicates that the project does not meet County Code requirements regarding geologic safety. Staff contacted Ms. Soheila Kalhor, District Engineer, for the Los Angeles County Public Works Department, Building and Safety Division, on September 17, 2003. Ms. Kalhor stated that the project qualifies for a 'Slide Waiver' consistent with Los Angeles Code Sections 110.2.3.3 or 110.2.3.4 after all agency permits are obtained. The slide waiver will be issued at the time the building permit is issued. Although the County indicated that it will issue a slide waiver and building permit for this project, the County has not made a determination that the project site will be free of

geologic hazardous and will not adversely affect adjoining properties. Therefore, the proposed project can not be confirmed to be geologically stable.

The applicant has submitted a "Limited Geologic & Soils Engineering Exploration, Proposed Cabin Reconstruction", dated December 1, 2002 by Subsurface Designs. This Exploration report **does not** include a statement that the proposed project meets the Los Angeles County Code Section 111, commonly required by the Commission to confirm that the proposed development is geologically stable. The applicant's engineering geologist and engineer in this Exploration Report **do not** conclude that the proposed development will be free of geologic hazards such as landslides, will not adversely affect adjoining properties, and that the development of the septic system will have no adverse effect on the subject site and adjoining properties.

This submitted Limited Geologic & Soils Engineering Exploration addresses slope stability by noting that the slopes on the site range from 1:1 to 2:1. This report identifies natural soil/slopewash deposits up to eight feet thick over an approximate twenty feet of landslide material consisting of fractured and broken sandstone. Under the soil and landslide debris on the site and surrounding areas is sedimentary bedrock known as the Fernwood member of the Topanga Formation. This bedrock consists of a yellowish-brown, very hard, cemented, fine to coarse-grained sandstone. This report also identifies a shallow, slump type soil failure behind the existing retaining wall along the northwest pad margin. This slope failure is about fifteen feet wide and twenty feet long. Saturation of soils within the steep cut behind the wall likely contributed to failure. The report discusses the landslide by stating:

> Geologic Structure
> According to the referenced geologic maps prepared by Yerkes and Campbell (1980) and Dibblee (1992), the subject property and majority of the Fernwood area are located within the confines of an ancient slide mass. The slide is a relatively old feature that is likely to be several thousand to tens of thousands of years old. The Fernwood slide mass is relatively stable and typically small failures occur within this area during periods of intense, heavy rainfall. The majority of failures that occur are surficial in nature in that they only involve the upper soil horizon.
>
> As noted above, the subject property and surrounding areas are underlain by a relatively thick sequence of landslide debris (28.0' in DH-01). The base of the slide is marked by a 1" wide, polished, clay gouge that exhibits a northeast strike accompanied by a dip of 28 degrees to the southeast. Bedrock increases dramatically in hardness and is well structured below the basal slip surface.
>
> Slope Structure
> Slopes were analyzed for stability on the basis of the cross-section prepared by this office. It is our opinion that this cross-section represents the most critical conditions. Saturated shear strength parameters are based on laboratory tests performed on samples selected which, in the opinion of the Soils Engineer, represent the existing conditions at the site. Calculations for slope stability are based on the ultimate, and residual, shear strength values of the tested material. Slope stability analysis on Section A-A' calculates a factor of safety in excess of 1.5 (refer to attached

calculations). The surficial slope failure described above should be trimmed to bedrock.

The potential for future erosion and soil slippage exists, therefore, it is recommended that the slope area(s) be planted with an erosion retardant ground cover adhering to the following criteria:

- Is effective in preventing surface erosion;
- Is drought tolerant;
- has a relatively low surface mass weight;
- has a fairly deep and extensive root system;
- requires a minimum of maintenance by owner;
- has a low irrigation demand.

It requires approximately 2 to 3 years before an adequate erosion-retardant ground cover can be established on a slope. It is recommended that you consult with a landscape architect to determine specific botanicals that will serve as an effective erosion-retardant ground cover for your area.

In addition, the submitted Exploratory Report does not specifically address potential adverse effects on the stability of the landslide by the use of the "as built" septic system. It is important to address the issue of the release of septic effluent into the landslide feature and its possible effects on increasing the instability of the landslide. The Report does not state that the proposed project, including the proposed septic system, will not have an adverse impact on the stability of adjacent properties.

On September 11, 2003, Staff contacted Mark Triebold, the engineering geologist (State of California Certified Engineering Geologist No. 1796) and Jon Mahn, Project Engineer (Registered Professional Engineer C60293) requesting information regarding the reason this consultant had not included in the December 1, 2002 Limited Geologic & Soils Engineering Exploration Report, the commonly required statement the project was consistent with Los Angeles County Code Section 111 and considered the alternative of deepened caissons embedded into underlying bedrock. The response provided by Jon Mahn, Project Engineer on September 18, 2003 was that this Los Angeles County Code Section couldn't be met because the project site is on top of a landslide. Regarding the issue of the deepened caisson alternative, Mr. Mahn stated that the bedrock effective slide is adequate for support of shallow lightly loaded footings. In effect, Mr. Mahn is stating that proposed foundation penetrating a few feet into the landslide feature is adequate for the proposed lightly loaded foundation of this small residential project and that the alternative foundation with deepened caissons extending through the slide plane is not needed.

Without a Code Section 111 statement such as the one noted below, as an example, the Commission cannot find that the proposed development is consistent with Section 30253 of the Coastal Act. The following is an example of a Code Section 111 statement which **was not** provided in the above Exploratory Report:

> Based upon our investigation, the proposed development will be free from geologic hazards such as landslides, slippage, active faults, and settlement. The proposed development and installation of the private sewage disposal system will have no adverse effect upon the stability of the site or adjacent properties provided the recommendations of the Engineering Geologist and Engineer are complied with during construction. (This statement was not provided in this application's Limited Geologic & Soils Engineering Exploration Report.)

It appears that because the proposed project is located directly on top of a landslide, it is not possible for the applicant's consultants to make this Code Section 111 statement in a site specific geology and soils report. Based on a review of the above information and the Exploratory Report prepared by the applicant's consulting engineering geologist and engineer, the Commission finds that the proposed development **will not** minimize risks to life and property from geologic hazards, **nor** assure stability and structural integrity, as required by Section 30253 of the Coastal Act. Therefore the Commission cannot find that the proposed development is consistent with Coastal Act Section 30253.

C. Alternative to Consider to Potentially Address Site Instability

The Commission notes that there may be an alternative that was not fully analyzed by the applicant that may adequately address the geologic instability of the site. A review of the Exploratory Report and the submitted geologic maps indicates that there is bedrock located below the top soil and landslide feature about 25 to 30 feet below the proposed residence. A possible feasible alternative is a caisson and grade beam foundation where caissons extend through the landslide feature secured to an adequate depth into the underlying bedrock. This alternative has been used in past projects the Commission has permitted to adequately address sites with unstable landslide debris, such as Coastal Permit No. 4-01-183, Kemper and Coastal Permit No. 4-01-113, Meyer. This deepened caisson alternative was not presented for consideration by the applicant. The applicant currently proposes to use existing foundations and possibly additional foundation piers that are at minimum three feet deep but do not appear to reach the underlying bedrock located 25 to 30 feet below the building pad. Therefore, the feasibility of an alternative foundation with deepened caissons extending through this large landslide should be fully explored by the applicant; it has not been fully addressed at this time. Accordingly, the Commission finds that the proposed project does not minimize risks to life and property in areas of high geologic, flood and fire hazard, as required by Coastal Act Section 30253(1).

D. Local Coastal Program

Section 30604 of the Coastal Act states:

> ***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).

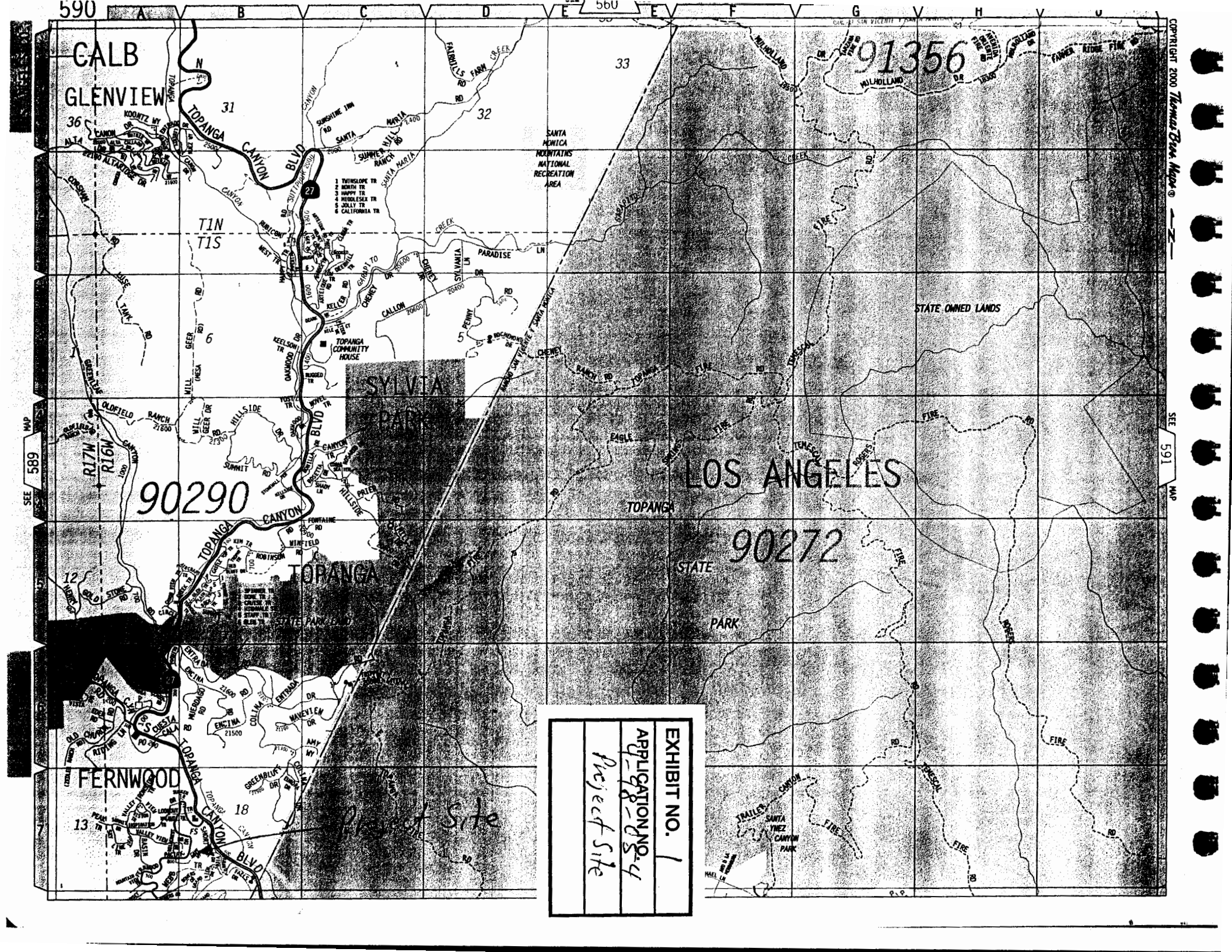
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will not be in conformity with the provisions of Chapter 3. The proposed development will create adverse impacts and is found to be inconsistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. CEQA

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 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 that the activity may have on the environment.

The Commission finds that the proposed project, will have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, is not the environmentally preferred alternative and as proposed has not been adequately mitigated to be inconsistent with CEQA and the policies of the Coastal Act.

498054gindickreport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FERNWOOD
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TOPANGA COMMUNITY HOUSE
SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA
STATE OWNED LANDS
STATE PARK
SEE MAP 589
SEE MAP 591
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R16W
Project Site
EXHIBIT NO. 1
APPLICATION NO. 4-88-479
Project Site

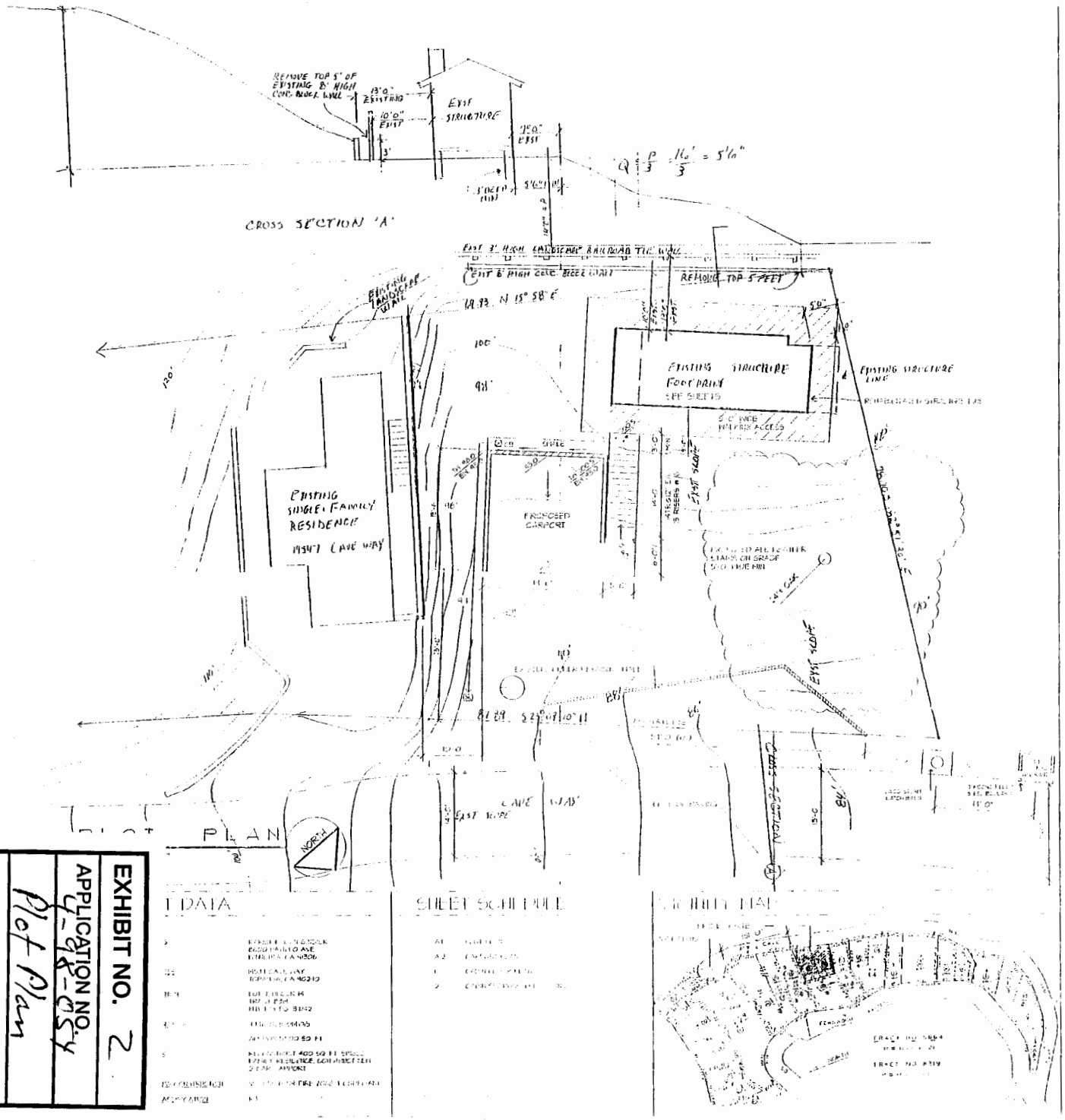

EXHIBIT NO. 2

APPLICATION NO. 98-054

Plot Plan

Cary W. Gepner & Associates, Architects

(818) 591-7172 - (818) 455-7215
FAX (818) 591-7179

Sheet Title

PLOT PLAN STATISTICS

Job Name

GRIMOR RESIDENCE 19947 CAVE WAY TOPANGA, CA 90290

Copyright

Date-Revs.

Sheet

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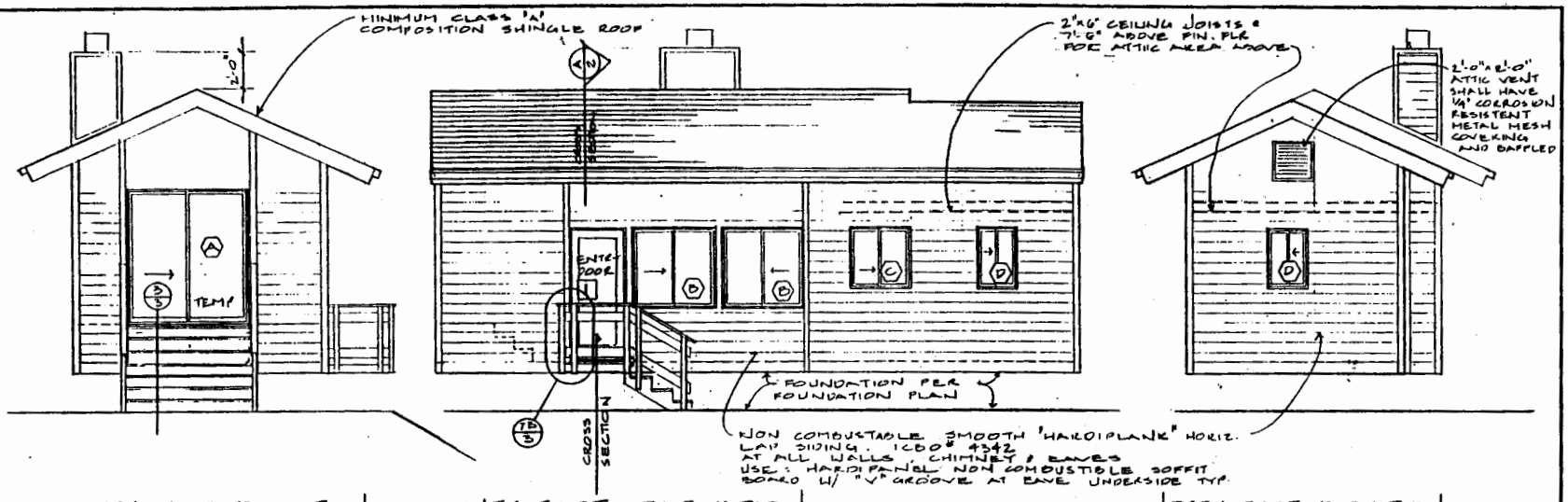


SOUTH WEST ELEVATION
SCALE : 1/4"=1'-0"

SOUTH EAST ELEVATION
SCALE : 1/4"=1'-0"

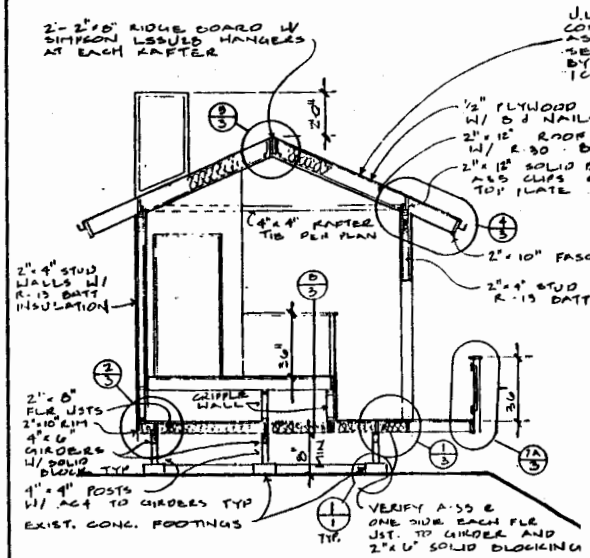
NORTH EAST ELEVATION
SCALE : 1/4"=1'-0"

DOOR SCHEDULE

NO	SIZE	THICK	CORE	MATERIAL	REMARKS
1	2'8"x6'8"	1 3/4	S.C.	STAIN GRD. FIR TEMP GLASS	
2	2'8"x6'8"	1 3/4	S.C	STAIN GRD FIR	
3	1'6"x6'8" BI FOLD	1 3/8	HC	STAIN GRD FIR	
4	2'6"x6'8" BI FOLD	1 3/8	HC	STAIN GRD FIR	

WINDOW SCHEDULE

NO	WINDOW	FIXED	OPEN	GLASS	SCRN.	REMARK
A	6'x6'8" SLIDER	1/2	1/2	CLR TEMP	YES	
B	4'x4' XO SLIDER	1/2	1/2	CLR	YES	
C	3'x3' XO SLIDER	1/2	1/2	CLR	YES	
D	2'x3' XO SLIDER	1/2	1/2	CLR	YES	



CROSS SECTION 'A'
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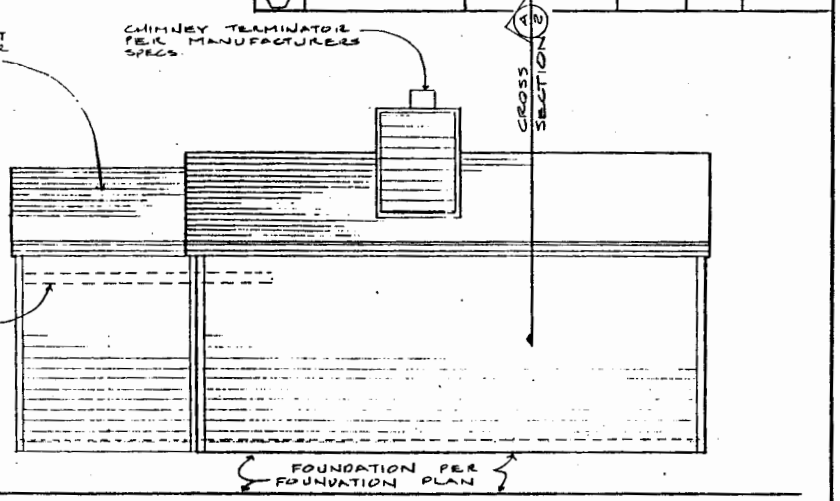


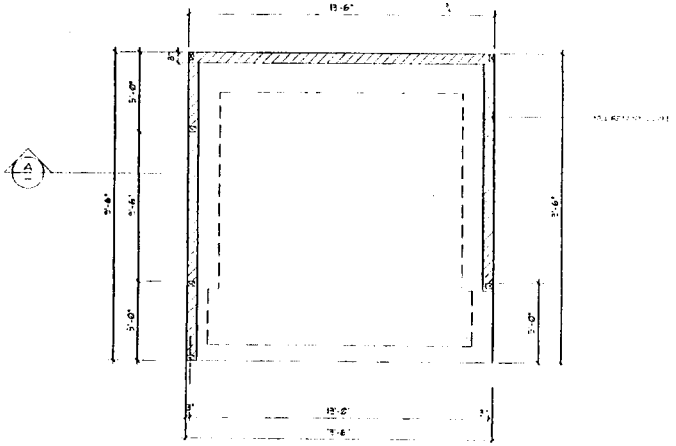
NORTH WEST ELEVATION
SCALE : 1/4"=1'-0"

EXHIBIT NO. 3
APPLICATION NO. 4-98-054
Elevations
Residence

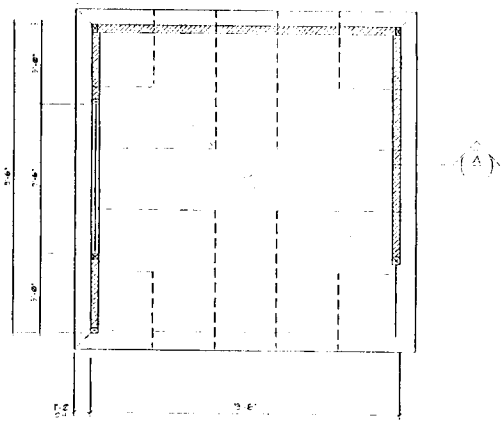
REVISIONS	BY
4-25-97	

EXTERIOR ELEVATIONS & CROSS SECTION
FOR
KAREN WALKER
CAVE WAY TOPANGA CAL 90290

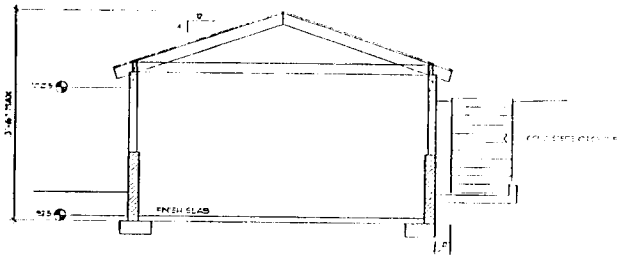
Date
Scale
Drawn
Job
Sheet 2
Of FOUR Sheets



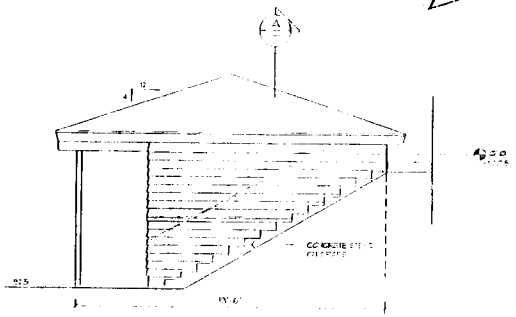
FOUNDATION PLAN



FLOOR PLAN



SECTION



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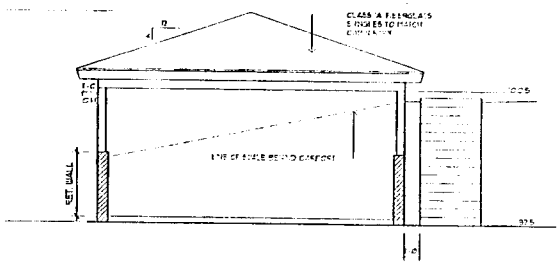
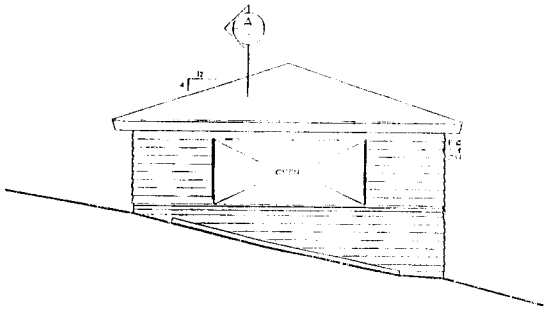


EAST ELEVATION



SOUTH ELEVATION

Cory W. Gepner & Associates
Architects
22211 Mulholland Highway - Suite 113
Calabasas - CA 91302
(818) 591-7172 - (310) 456-7215
FAX (818) 591 7179

Sheet Title

PLANS
ELEVATIONS
SECTION

Job Name

CARPORT
RESIDENCE
[illegible]
[illegible]

Copyright

Date-Revs.

Sheet

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of 2

EXHIBIT NO. 4
APPLICATION NO. 4-92-259
Carport Plans