

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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# TH 8.a.

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Staff: J Johnson  
Staff Report: 11/07/03  
Hearing Date: 12/9-12/03  
Commission Action:



## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-98-054

**APPLICANT:** Karen Walker Gindick      **AGENTS:** Cary Gepner,  
Gepner & Associates,  
Don Schmitz, Schmitz  
and Associates

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

**PROJECT DESCRIPTION:** Construct a one story, 400 sq. ft. single family residence on one lot (APN 4446-028-015) convert an 'as built' 400 sq. ft. storage structure into a 400 sq. ft. detached carport, a new retaining wall, and the request for after-the-fact approval of a septic system and previously completed demolition of an 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**

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. Staff recommends **Denial** of the proposed project due to concerns about geologic stability. With the information provided by the applicant, the proposed project 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. The subject lot lies on an ancient landslide mass about 20 feet thick. The applicant has provided a "Clarification Letter" by SubSurface Designs dated October 23, 2003. This letter acknowledges that the site is underlain by an ancient landslide, but concludes that there has been no historic movement and that a slope stability analysis indicates the potential for the landslide to reactivate is considered to be remote. This letter and the original Limited Geologic & Soils Engineering Exploration dated December 1, 2002 by Surface Designs was reviewed by the

Commission's staff geologist, who concludes that there is insufficient information to establish the stability of the site. The slope stability analysis performed on this slide indicates a high factor of safety (1.834), but uses relatively high soil strength parameters not appropriate to movement along the existing ancient slide plane. The applicant's certified engineering geologist and registered professional engineer have not warranted that the landslide risk can be mitigated through a signed Los Angeles County Code Section 111 statement. It is likely that a caisson and grade beam and/or retaining wall system designed to resist active loads, could be designed as a mitigation measure, and could assure stability as required by Section 30253 of the Coastal Act. This alternative design was not, however, explored by the applicant's geologist and engineer. In addition, this lot could be merged with the applicant's adjoining residentially developed lot, the 'as built' storage structure converted to a detached carport or garage and the remains of the foundation of the former demolished residence be removed to create usable yard/open space on the merged lots.

**STAFF NOTE**

This application was scheduled for the Commission's October 7, 2003 meeting. The applicant extended the time for the Commission to act on this application an additional 90 days. The applicant has provided further information addressing the geologic and soils engineering concerns raised in the prior Staff Report dated September 18, 2003. Due to Permit Streamlining Act Requirements the Commission must act on this permit application at the December 9-12, 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); Clarification Letter by Subsurface Designs Inc., dated October 23, 2003; Coastal Permit No. 4-99-035, Login; Coastal Permit No. 4-00-142, Hosseini; Coastal Permit No. 4-02-048, Toberman; Coastal Permit No. 4-01-054 Malibu Hillside; 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.*

<b>Staff Note:</b>	To deny a coastal development permit, the Commission must vote "no" on a motion to approve a permit for the proposed development. The permit will be denied if a majority of the Commissioners present fail to vote "yes." (Public Resources Code § 30604.)
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**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 slopes 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 where the proposed detached carport is located. The subject lot is located within the Fernwood Small Lot Subdivision.

The applicant proposes to construct a one story, 400 sq. ft. single family residence on one lot (APN 4446-028-015) convert an 'as built' 400 sq. ft. storage structure into a 400 sq. ft. detached carport, new retaining wall, 'as built' septic system. The project also includes 'as completed' demolition of existing residence and retaining wall that was demolished in 1996 and an 'as built' septic system (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. The applicant owns the adjoining lot and residence located to the south of the subject lot.

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 the 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 pieces of information including 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 (1.1/93). Due to a landslide 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. On February 3, 2003, the applicant submitted the "Limited Geologic & Soils Engineering Exploration" by SubSurface Designs, dated December 1, 2002 (Exhibit 5). Staff filed the application as complete without the above information to allow the Commission the opportunity to consider an action on this project.

This application was scheduled for the Commission's October 7, 2003 meeting with a staff report recommending denial completed on September 18, 2003. The applicant extended the time for the Commission to act on this application an additional 90 days. The applicant has provided further information addressing the geologic and soils engineering concerns raised in the prior Staff Report dated September 18, 2003. On October 24, 2003, the applicant submitted a letter dated October 24, 2003 from Charles Santos, Schmitz & Associates (Exhibit 6), a "Clarification Letter" dated October 23, 2003 from SubSurface Designs Inc., a copy of the "Limited Geologic & Soils Engineering Exploration dated December 1, 2002 by SubSurface Designs Inc. (Exhibit 7), and a second set of site, foundation, floor and elevation plans stamped "Approved in Concept" by the Los Angeles County Department of Regional Planning.

**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 a storage shed. The project also includes the '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 conclude with a statement that the proposed development was geologically stable and would not adversely affect the site and adjoining properties. This 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. 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.

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 because the new structure is 400 square feet or less in size and is the replacement of a previous structure destroyed by fire. The slide waiver will be issued at the time the building permit is issued. Accordingly, the proposed project can not be confirmed to be geologically stable as required by section 30253 of the Coastal Act..

The applicant has submitted a "Limited Geologic & Soils Engineering Exploration, Proposed Cabin Reconstruction", dated December 1, 2002 by Subsurface Designs. that addresses slope stability. The report indicates 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 approximately twenty feet of landslide material consisting of fractured and broken sandstone. Under the soil and landslide debris 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.

The Exploratory Report does not conclude that the development will be free of geologic hazard related to landsliding. In Los Angeles County such a conclusion usually is reached by the inclusion of a "Code 111 Statement" such as:

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.)

A project that includes a Los Angeles County Code Section 111 statement means the State of California Certified Engineering Geologist and or State of California Registered Professional Engineer warrants that the site will not be subject to geologic hazard, including landslide hazard. Without a Code Section 111 statement, the Commission can not 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:

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 and it possible effects on increasing the instability of the landslide.

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 could not 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 slide debris is adequate for support of shallow lightly loaded footings. In effect, Mr. Mahn stated that a foundation with deepened caissons extending through the slide plane was not needed.

**a. Applicant's New Information**

On October 24, 2003, the applicant submitted a letter dated October 24, 2003 from Charles Santos, Schmitz & Associates (Exhibit 6), a "Clarification Letter" dated October 23, 2003 from SubSurface Designs Inc. (Exhibit 7), a copy of the "Limited Geologic & Soils Engineering Exploration dated December 1, 2002 by SubSurface Designs Inc. (Exhibit 5), and a set of site, foundation, floor and elevation plans stamped "Approved in Concept" by the Los Angeles County Department of Regional Planning.

The "Clarification Letter" dated October 23, 2003 from SubSurface Designs Inc. provides more information that was considered by the Commission staff geologist in addition to the original report titled "Limited Geologic & Soils Engineering Exploration" by SubSurface Designs Inc. dated December 1, 2002. The Clarification Letter describes the proposed development on the site as follows:

It is our understanding that proposed development will consist of reconstructing a 400 sq. ft. residence on an existing foundation system in a similar location as the pre-existing structure. The proposed area of construction is underlain by up to eight feet (8') of natural soil/slopewash deposits. Underlying the soil is approximately twenty feet (20') of ancient landslide affected bedrock that consists of fractured and broken sandstone. The slide is a relatively old feature which has had no historic movement. Underlying the soil and landslide debris on the subject site and surrounding areas is sedimentary bedrock assigned to the Fernwood member of the Topanga Formation.

The Clarification Letter continues by addressing the stability analysis and site stability issue as follows:

Slopes were analyzed for stability on the basis of the cross-section prepared by this office. Saturated shear strength parameters are based on laboratory tests performed on samples selected which, in the opinion of the Soils Engineer, represents the existing site conditions. Calculations for slope stability are based upon the ultimate, and residual, shear strength values of the tested material. Slope stability analysis on Section A-A' calculates a factor of safety of 1.834. This exceeds the minimum code standard of 1.5.

The site is underlain by a landslide. Thus, this office cannot state that the property is free of a landslide. However, slope stability analysis indicates that the potential for the existing landslide to reactivate is considered to be remote.

It is our understanding that the County of Los Angeles has indicated that they will issue a landslide waiver for reconstruction of the residence. Reconstruction of the residence will not create nor contribute significantly to geologic instability or destruction of the site or surrounding areas.

The Clarification Letter concludes as follows:

It is the finding of this firm, based upon the subsurface data and analysis, that the proposed development will not have an adverse effect on off-site property. Further, future settlement of the existing foundations will occur, however, settlement of the foundations is not anticipated to pose a life-safety risk for the occupants of the proposed structure.

Provided the future seepage pits are sealed below the landslide debris, it is the opinion of this office that the sewage disposal system will have no adverse effect upon the stability of the site or offsite properties.

Conclusions on building site stability, settlement, slippage, and its effects on off-site property are based on our visual examination, the placement of explorations, laboratory testing of samples obtained during explorations, analysis of our data, and our experience. It is our opinion that our standard-of-care analysis provides an adequate assessment of the site conditions. Our examination does not, however, imply that the subject property is risk free.

The Commission staff's geologist, Mark Johnsson has reviewed the above clarification letter, "Limited Geologic & Soils Engineering Exploration dated December 1, 2002 by SubSurface Designs Inc., and the proposed project plans.

The staff geologist concludes that it is undisputed that the site lies on a landslide, and apparently that landslide has not shown historic movement. A Section 111 statement is intended to warrant that the site will not be subject to geologic hazard, including landslide. It does not necessarily require that no landslide be present on the site; a professional geologist could responsibly sign a 111 statement even for development on a landslide if s/he believed that, pursuant to his/her recommendations, the landslide risk at the site could be mitigated. It is instructive that the CEG and CE for this project did not feel that they could sign such a statement.

Regarding the slope stability analysis, the staff geologist, concludes that the calculated factor of safety (FS) of 1.834, is far in excess of the industry standard of practice of 1.5. However, it appears that the shear strength parameters used in this analysis were collected from a sample of landslide debris collected at a depth of 5 feet in boring DH-01, far above the slide plane of the ancient landslide. Further discussions with Mr. Jon Mahn, project engineer for the applicant, indicate that this is in error; the shear strength parameters used in the analysis do not match the test results presented in the report. Accordingly, the relatively high shear strength values used in performing the analysis are not supported. The ultimate shear strength obtained from the sample taken at five feet is quite high, and the value used in the analysis also is quite high. It would be anticipated that the shear strength of material along the slide plane would be considerably lower. Further, as this is an existing slide plane, an ultimate shear strength is not the appropriate value, rather residual shear strength should be used. Finally, consideration should be given to using remolded samples of the slide gouge encountered at 26 feet to most accurately predict shear strengths. Justification should be provided as to the suitability of a drained test such as the direct shear test. For these reasons, staff cannot be confident that the FS of 1.8 obtained from the slope stability analysis accurately portrays the actual factor of safety against sliding along the existing slide plane.

The Coastal Commission, unlike the County of Los Angeles, generally requires that a seismic analysis of slope stability also be performed for habitable structures. A pseudostatic slope stability analysis is the most common (although not necessarily the best) means of assessing slope stability under seismic conditions. Generally, a factor of safety against sliding of greater than 1.1 using a seismic coefficient of 0.15g and undrained shear strength data is sufficient to assure stability under seismic loading. No such analysis has been submitted.

Based on a review of the above information and the December 1, 2002 Report and October 23, 2003 letter prepared by the applicant's consulting engineering geologist and engineer, the Commission can not find that the proposed development will minimize risks to life and property from geologic hazards, and 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 is 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 landslide, at 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 and are 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. These coastal permits include: 1) Coastal Permit No. 4-99-035, Login, where a one bedroom 588 sq. ft. residential unit was supported on a friction pile and grade beam foundation supported on underlying bedrock; 2) Coastal Permit No. 4-00-142, Hosseini, which included a residence with a deepened foundation embedded into bedrock above a landslide setback plane; 3) Coastal Permit No. 4-02-048, Toberman, which included a residence with a deepened foundation system structurally tied together with grade beams; and 4) Coastal Permit No. 4-01-054 Malibu Hillside, which included a residence with one of the following; a deep foundation with skin friction piles or end bearing caissons or landslide remediation, i.e., removal and recompaction of landslide material. The applicant chose the later in the Malibu Hillside Coastal Permit. An alternative with deepened caisson foundation with grade beams and or retaining walls were 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.

The Commission staff's geologist agrees that a caisson and grade beam and/or retaining wall system designed to resist active loads (static and pseudostatic) could assure stability, pursuant to Section 30253 of the Coastal Act.

Therefore, the feasibility of an alternative foundation with deepened caissons extending through this large landslide and/or a retaining wall system should be fully explored by the applicant.

**D. Alternative to Project Design to Avoid New Residential Development Risks**

The applicant owns the adjoining lot, a small lot (APN 4446-028-014) of about 5,500 sq. ft., located to the south of the subject lot (APN 4446-028-015) which is also a small lot of about 5,599 sq. ft. On this adjoining lot the applicant owns a two story single family residence with a lower level garage. On the subject lot there is an existing 'as built' storage structure which appears to be about 400 sq. ft. in size. As an alternative to the proposed project, the

applicant could convert this 'as built' structure into either a two car carport as currently proposed or an enclosed garage. This non-habitable carport or garage could be an accessory structure to the existing residence by merging these two small lots into a larger approximately 11,099 sq. ft. lot. The existing remains of the former residential foundation could also be part of a usable yard or open space area. Such an alternative would eliminate the proposal for a new habitable residence located on a potentially unstable landslide.

**E. Violation**

Unpermitted development occurred on the subject parcel prior to submission of this permit application consisting of the demolition of a one story, approximate 1,000 sq. ft. single family residence (most of this residence was enlarged over time by a previous owner without a valid coastal permit) and retaining wall and construction of an unpermitted 400 sq. ft. detached storage structure and 'as built' septic system. The subject application proposes to replace the former residence as a 400 sq. ft. residence and convert the storage shed into a carport, and retain the existing septic system. If the Commission denies the permit application, the Commission's enforcement division will evaluate further action to address this matter.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

**F. 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).

**G. 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.

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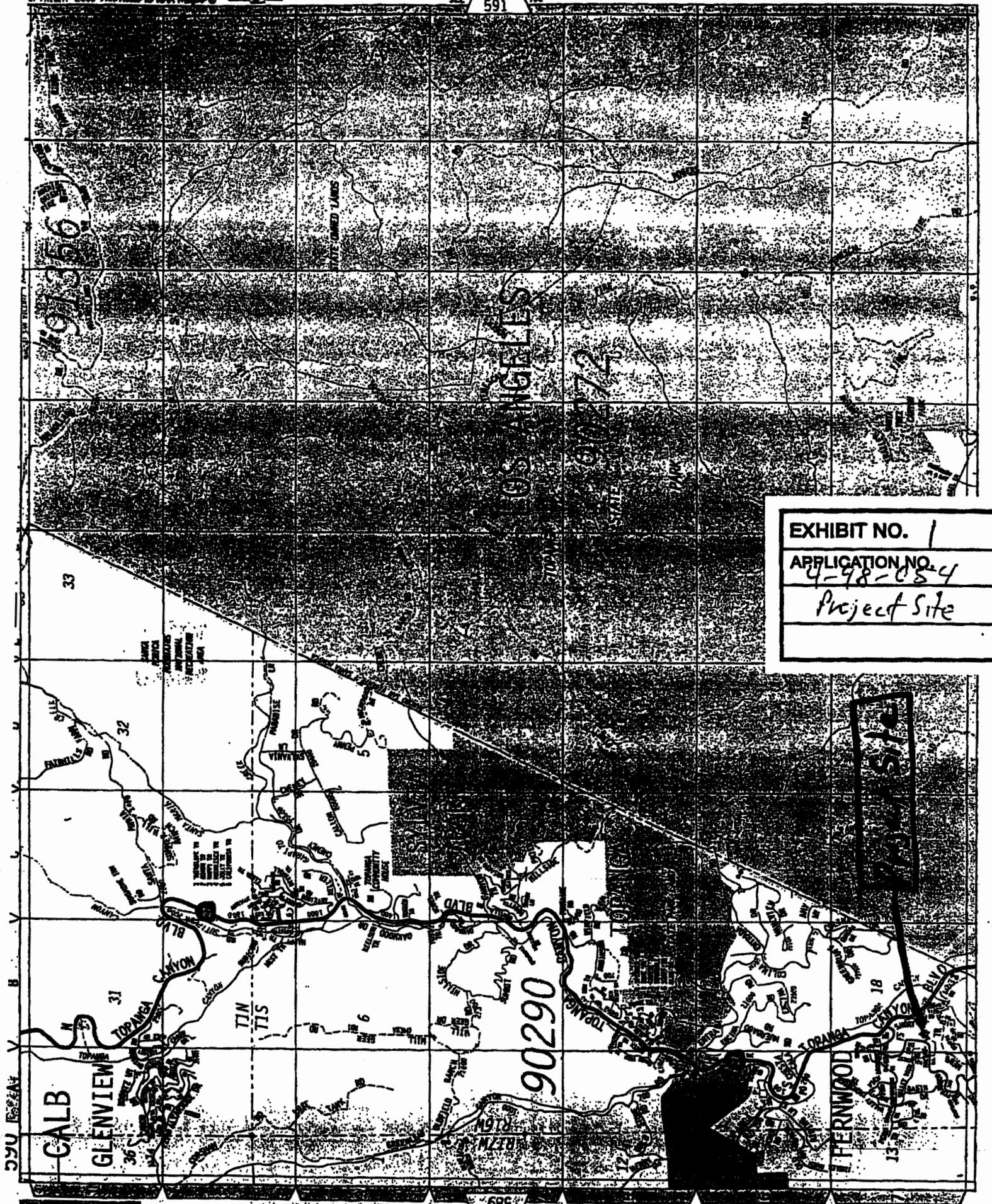


EXHIBIT NO. 1
APPLICATION NO. 4-98-054
Project Site



Cary W. Gepner & Associates,  
**Architects**  
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Sheet Title

PLOT PLAN  
 STATISTICS

Job Name

CHUDICK  
 RESIDENCE  
 19371 CAVE WAY  
 TOPANGA, CA  
 91340

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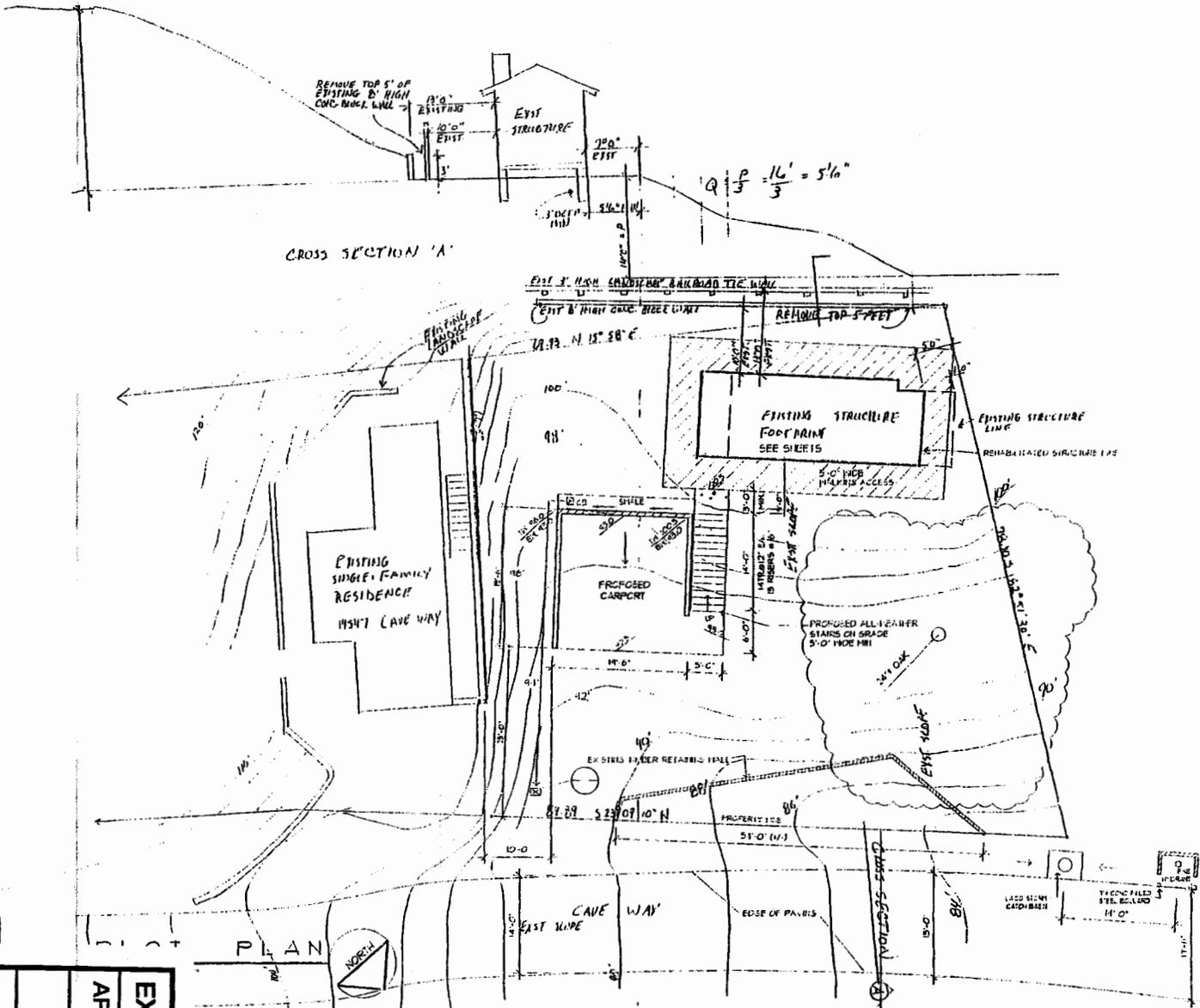
Date-Revs.

12/28/00  
 03/26/2002 RFD REV 1.0  
 08/15/2003 RFD REV 2.0

Sheet

A1

of 2



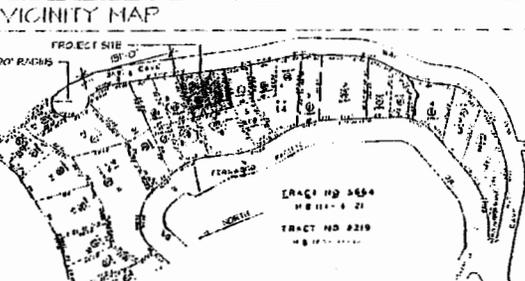
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
*9-98-054*  
*Plot Plan*

**1 DATA**

1	EXIST. & PROPOSED 8600 HAROLD AVE INTERNA, CA 91300
2	19371 CAVE WAY TOPANGA, CA 91340
3	LOT 1, BLOCK 14 19371 CAVE WAY NB. ACS TO 3142
4	4440 020 UMANS APPROX 8000 SQ FT
5	RECONSTRUCT AND GRAB STAIRS FRAME RESIDENCE, CONSTRUCT 12H 2-CAR CARPORT
6	V - ON HOR FEE 2016 1 CURT. 141 APPROX 8000 SQ FT

**SHEET SCHEDULE**

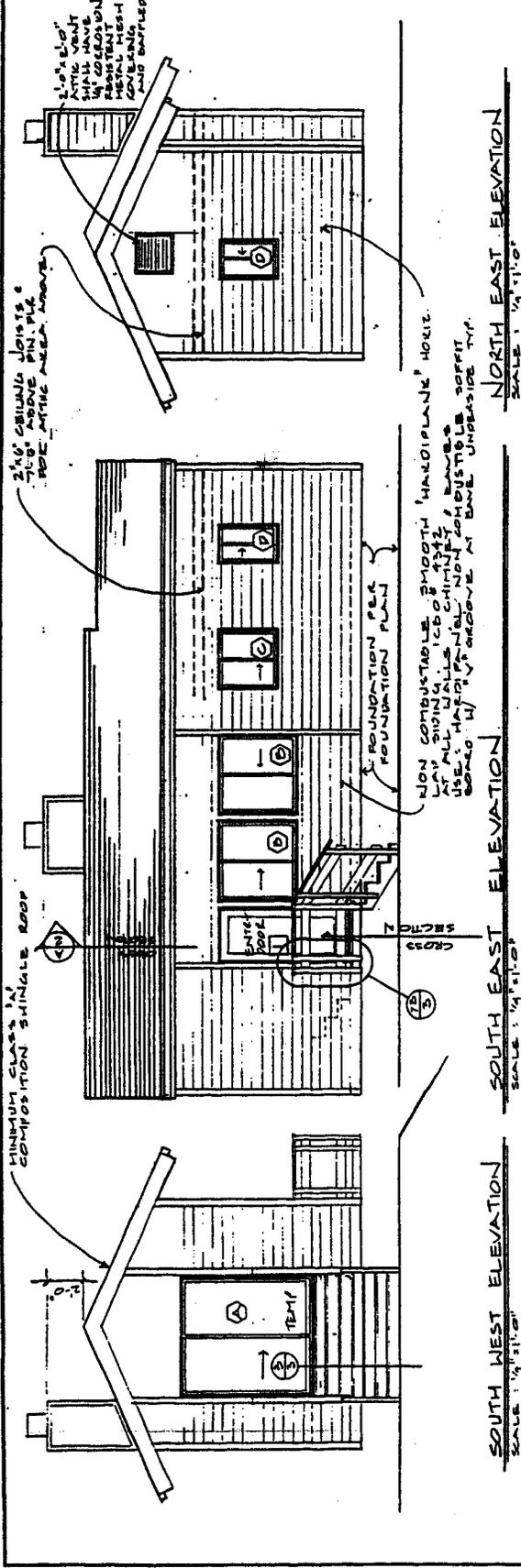
A1	PLOT PLAN
A2	CARPORT PLAN
1	CARPEN FLOOR PLANS
2	CERAMIC TILE, ELEVATIONS



REVISIONS	BY
1-25-17	

**EXTERIOR ELEVATIONS & CROSS SECTION**  
 FOR  
 KAREN WALKER  
 CARE LIGHT TOPAZNA CPL 40240

Date	
Scale	
Drawn	
Job	
Sheet	2
Of Total Sheets	

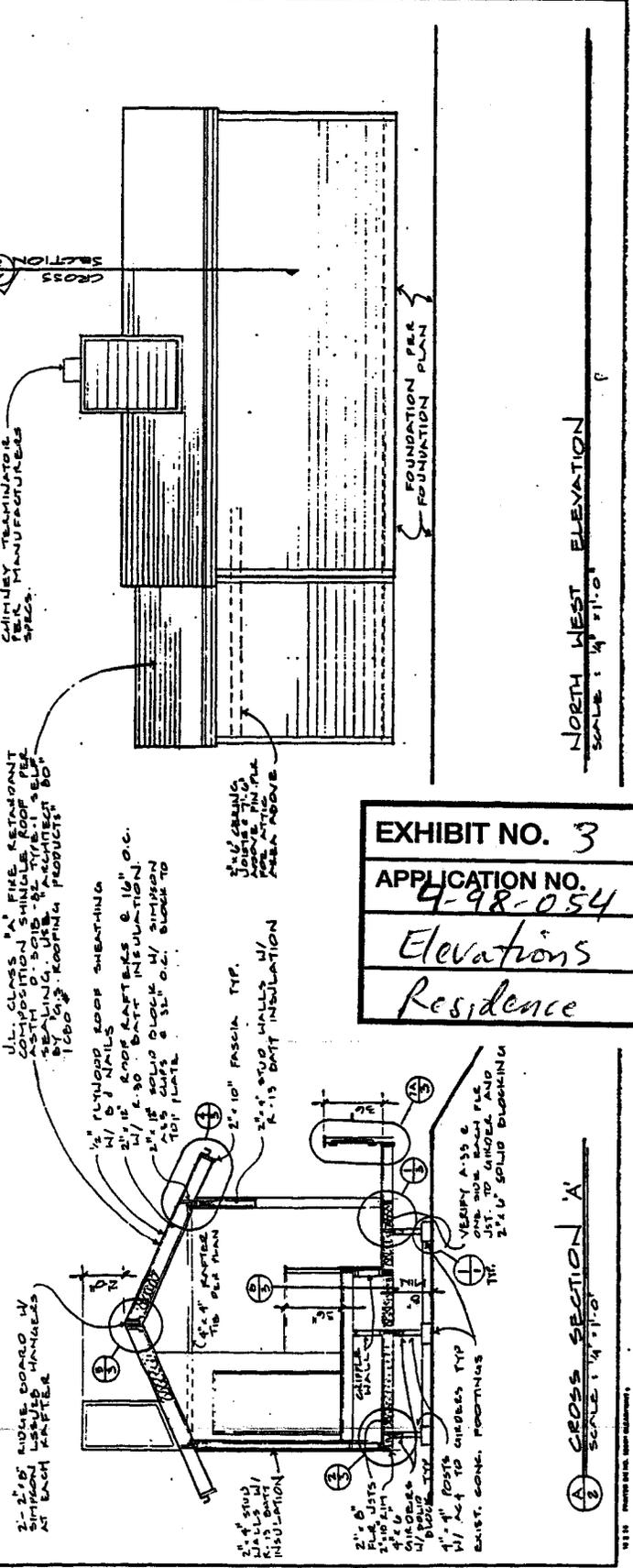


**WINDOW SCHEDULE**

NO	WINDOW	FIXED	OPEN	GLASS	SCALE	REMARKS
1	6" x 6" SLIP	1/2	1/2	CLX	YES	
2	4" x 4" SLIP	1/2	1/2	CLX	YES	
3	2" x 2" SLIP	1/2	1/2	CLX	YES	
4	2" x 2" SLIP	1/2	1/2	CLX	YES	

**DOOR SCHEDULE**

NO	SIZE	THICK	CORE	MATERIAL	REMARKS
1	20' x 0"	3/4"	S.C.	STAIN GRD FIE	
2	2' x 0"	1/4"	S.C.	STAIN GRD FIE	
3	1' x 0"	3/8"	HC	STAIN GRD FIE	
4	1' x 0"	3/8"	HC	STAIN GRD FIE	



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

**CROSS SECTION A**  
 SCALE: 1/4" = 1'-0"



**SubSurface  
Designs  
Inc.**

12872 Foothill Boulevard • Sylmar, California 91342  
(818) 898-1595 • (Fax) 898-4003

RECEIVED

OCT 24 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

December 1, 2002

PIN# 4176

Karen Gindick  
8600 Hatillo Avenue  
Winnetka, California 91306

Subject: Limited Geologic & Soils Engineering Exploration  
Proposed Cabin Reconstruction  
19537 Cave Way  
Topanga, California

Dear Ms. Gindick:

This report presents the results of our Limited Geologic & Soils Engineering Exploration performed at 19537 Cave Way in the Fernwood area of Topanga, Los Angeles County, California. The purpose of our investigation was to determine subsurface conditions as they relate to the proposed reconstruction of a cabin on the subject site. It is our understanding that the pre-existing cabin was demolished after being severely damaged by fire. This investigation is limited to the area of the proposed development and does not warrant the remaining portions of the property.

The subject property is located within the central portion of the uplifted Santa Monica Mountains in the central portion of Topanga Canyon, Los Angeles County, California. The site is a partially developed hillside parcel situated along the west side of Cave Way approximately six hundred feet (600') east of its intersection with Fernwood Pacific Drive. Improvements to the property are limited to a relatively level pad area and rough graded access driveway. Foundation remnants consisting of isolated concrete piers are all that remains of the previous structure. The pier footings extend to unknown depths below grade. A nine foot (9') high by sixty-seven foot (67') long, free-standing wall is located along the western margin of the building pad.

Slopes ascend above the free-standing wall to the west approximately forty-five feet (45') to Fernwood Pacific Drive, and continue to ascend above the road an additional sixty feet (60') to Summit Drive. Slopes descend from the building pad approximately one hundred feet (100') to Topanga Canyon Boulevard. The ascending and descending slopes exhibit slope ratios ranging from 1:1 (45°) to 2:1 (26°). Slope areas within property boundaries are covered with a moderate to dense growth of weeds, scattered shrubs and trees. For specific topographic conditions, refer to the attached Geologic Map, Plate A and Geologic Cross-Section, Plate B.

EXHIBIT NO. 5
APPLICATION NO. 4-98-054
Limited Geologic Exploration

page 1 of 24

It is our understanding that proposed development will consist of reconstructing the cabin in a similar location as the pre-existing structure. The existing concrete piers will be utilized to support the cabin. For reference, the location of the proposed cabin is shown on the attached Geologic Map, Plate A.

### Field Investigation

Site exploratory studies were conducted on October 9, 10 and 11, 2002. Field investigation consisted of geologic reconnaissance and mapping of the subject site and adjacent areas. Additionally, one (1) exploratory boring was excavated to a depth of thirty-five feet (35') below the proposed area of construction. For reference, the exploratory opening is located on the attached Geologic Map, Plate A.

Subsurface conditions encountered in these explorations were logged in detail by a representative of this office. Further, representative samples of the earth materials encountered were obtained. The explorations were backfilled with the excavated materials. However, backfill was not compacted and should be monitored for future settlement.

Undisturbed samples were obtained within the test borings with a Modified California (M.C.) ring sampler (ASTM D 3550 with a shoe similar to ASTM D 1586). The M.C. sampler has a 3" outside diameter and a 2.37" inside diameter. The samples were obtained by driving the sampler with successive drops of the Kelly bar dropping 30 inches in accordance with ASTM D 1586. The soil is retained in the brass rings of 2½" outside diameter and 1" in height.

Bulk samples were obtained for testing and analysis. All undisturbed and bulk samples were sent to the laboratory for examination, testing, and classification, using the Unified Classification system and group symbol.

### Geologic Conditions

Natural soil/slopewash deposits (Qsw) up to eight feet (8') thick were mapped in DH-01, and mantle slope areas not impacted by past grading activity. Natural soils, as observed in the boring, consist of a dark reddish-brown, medium dense, moist, porous, clayey sand (SC). Underlying the soil is approximately twenty feet (20') of landslide (Qls) affected bedrock that consists of fractured and broken sandstone. Underlying the soil and landslide debris on the subject site and surrounding areas is sedimentary bedrock assigned to the Fernwood member of the Topanga Formation (Ttf). Site bedrock consists of a yellowish-brown, very hard, cemented, fine- to coarse-grained sandstone. For approximate depths and more detailed descriptions, refer to the attached Exploration Log, Figure E.1.

Earth material profiles can only be obtained from individual explorations placed on the subject property. Care should be exercised when using these profiles to determine changes in depth or thickness of the earth materials between the explorations.

### Geologic Structure

A shallow, slump type soil failure was observed behind the wall located along the northwest pad margin. The failure is approximately fifteen feet (15') wide and twenty feet (20') long, and occurred within the upper portion of the soil. Saturation of soils within the steep cut behind the wall likely contributed to failure.

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° to the southeast. Bedrock increases dramatically in hardness and is well structured below the basal slip surface.

Site bedrock mapped along nearby outcrops and in the exploratory boring consists of massively bedded sandstone bedrock. Bedding planes (planar or nearly planar surfaces that visibly separate each successive layer of stratified rock) were typically mapped along pebble layers. Bedding mapped by this office along nearby outcrops and by other consultants in nearby borings, exhibits a dominant north strike accompanied by dips to the east ranging from 13° to 50°. Bedding depicted on the referenced geologic maps prepared by Yerkes and Campbell (1980) and Dibblee (1992) exhibits a dominant north strike accompanied by dips to the east ranging from 22° to 40°.

### Drainage and Groundwater

Site drainage comprises essentially of sheet flow runoff of precipitation derived primarily within property boundaries and contiguous properties to the west. Groundwater was not encountered to the maximum depth of the explorations. It must be noted that fluctuations in the level of the groundwater may occur. The depth to groundwater, if encountered in the explorations, is only valid for the date of exploration. Changes may occur in this groundwater level due to climatic conditions and/or alterations in the existing groundwater recharge area (i.e. changes in landscaping irrigation rates, surface drainage and surface water infiltration conditions).

### Slope Stability

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 upon 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 slope area(s) be planted with an erosion retardant ground cover adhering to the following criteria:

- is effective in preventing surface erosion;
- is drought resistant;
- 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 become 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.

### General Limitations

Subsurface conditions were determined on the basis of our field explorations and appear to be relatively uniform. Although, between exploratory excavations, soil deposits may vary in type, strength, and many other properties. The recommendations presented herein are for soil conditions encountered in specific locations. Other soil conditions due to non-uniformity of the soil conditions or manmade alterations may be revealed during construction. At that time, further recommendations may be made if required.

Conclusions and recommendations presented herein are based on our experience and background. Therefore, the conclusions and recommendations are professional opinions and are not meant to indicate a control of nature. This report makes no other warranty, either expressed or implied, concerning the advice presented herein.

Conclusions on building site stability, settlement, slippage, and its effects on off-site property are based on our visual examination, the placement of explorations, laboratory testing of samples obtained during explorations, analysis of our data, and our experience. It is our opinion that our standard-of-care analysis provides an adequate assessment of the site conditions. Our examination does not, however, imply that the subject property is risk free.

**SubSurface Designs, Inc.**

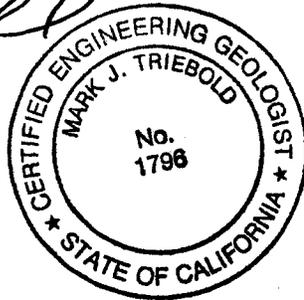
**Pin # 4176**

If you have any questions, please do not hesitate to contact this office.

Respectfully submitted:  
SUBSURFACE DESIGNS, INC.



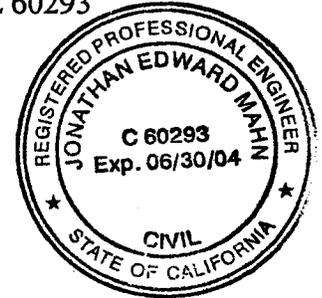
Mark J. Triebold  
Engineering Geologist  
CEG 1796



MJT/JEM/vr: 4176.01L

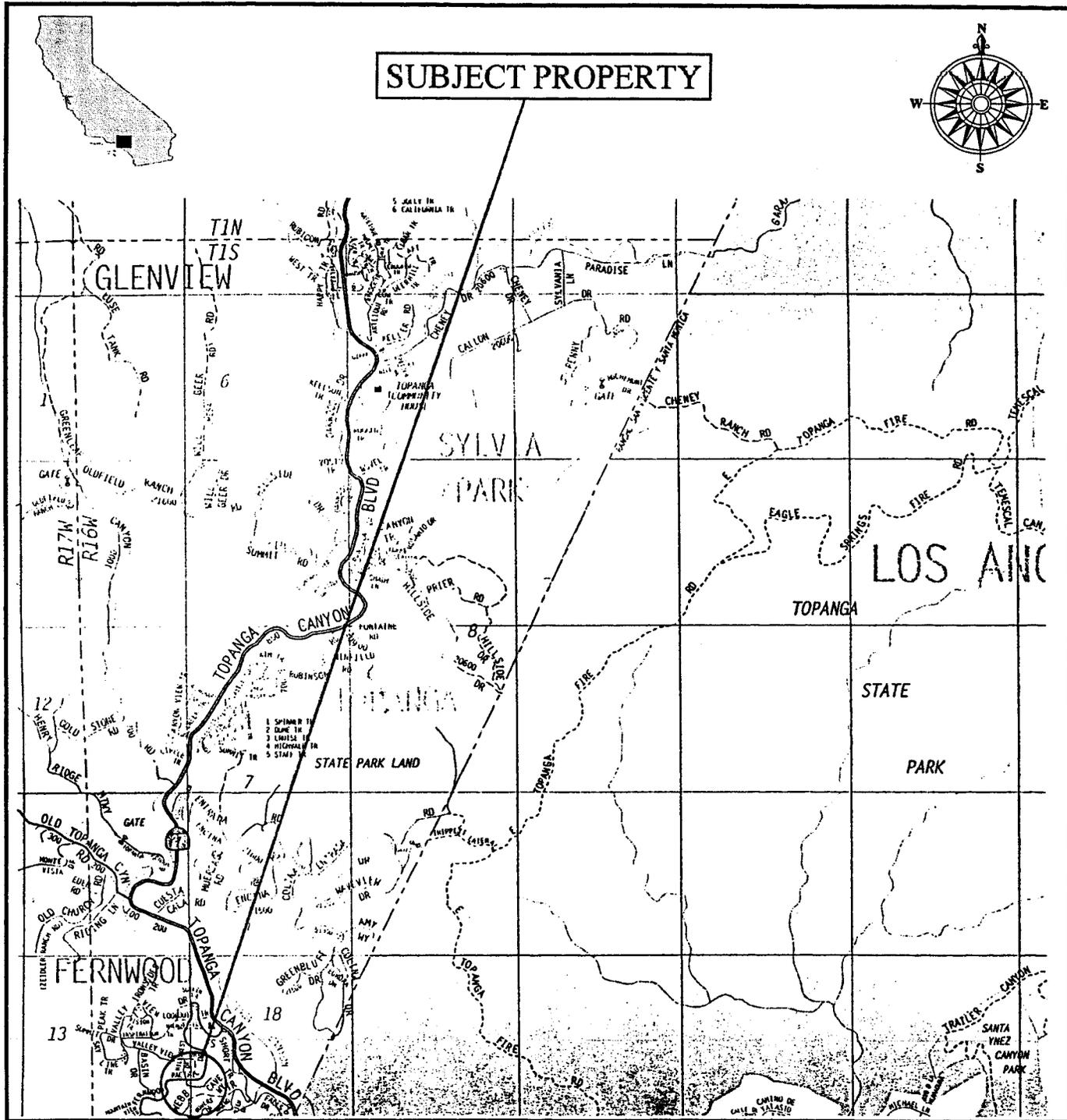


Jon Mahn  
Project Engineer  
RCE 60293



Encl: Vicinity Map  
Yerkes & Campbell Geologic Map  
Dibblee Geologic Map  
Exploration Log, DH-01, SubSurface Designs, Inc., 19537 Cave Way  
Exploration Log, J-1, Jeffrey A. Johnson, Inc., 19520 Cave Way  
Exploration Log, K-1, Donald B. Kowalewsky, Terminus of Cave Way  
Exploration Log, K-2, Donald B. Kowalewsky, 19547 Cave Way  
Exploration Log, K-3, Donald B. Kowalewsky, 692 Fernwood Pacific Drive  
Exploration Log, S-1, Solus Geotechnical, 19550 Cave Way  
Slope Stability Analysis  
Shear Strength Diagrams, S.1 & S.2  
Geologic Map, Plate A  
Geologic Cross-Section, Plate B

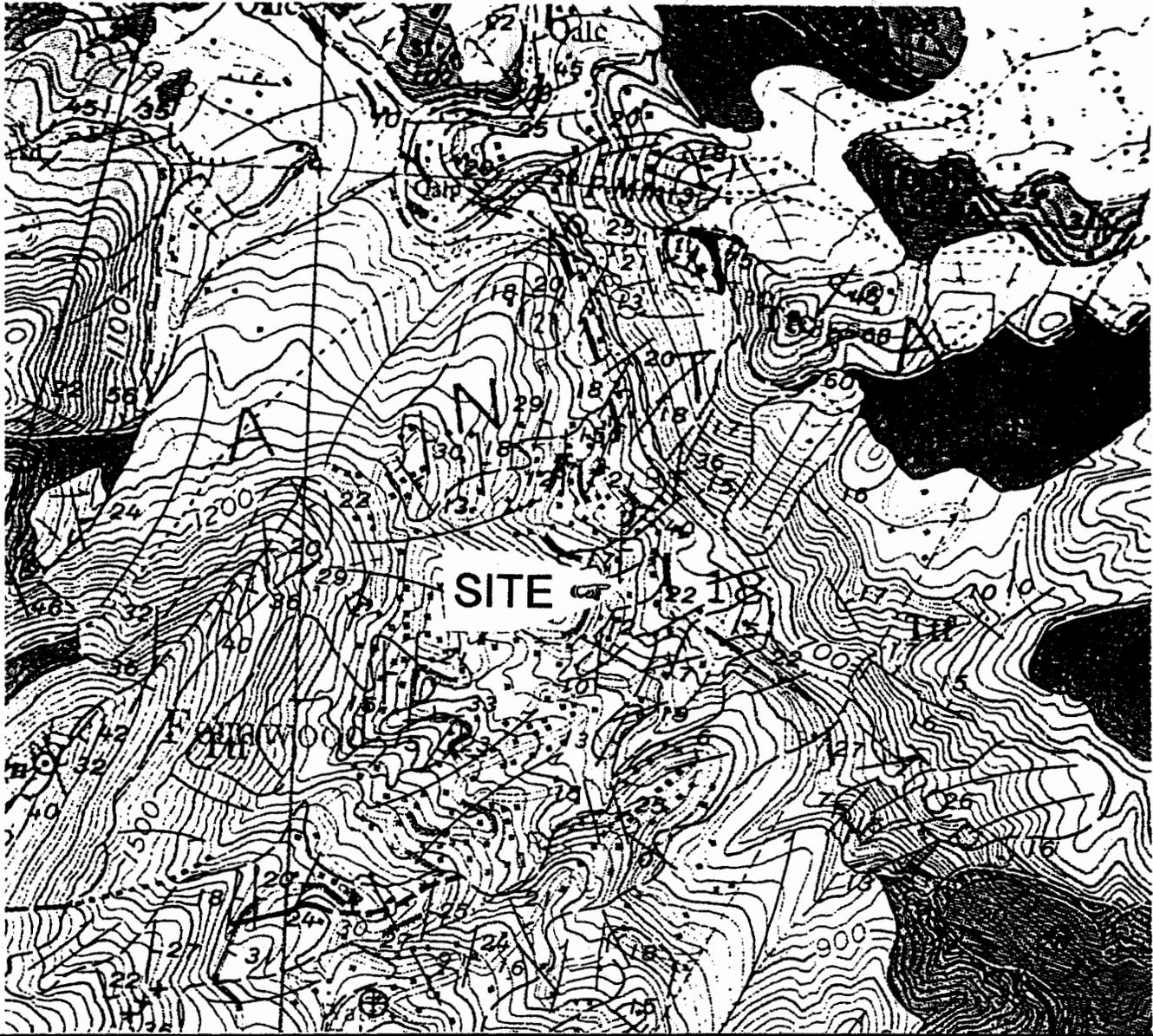
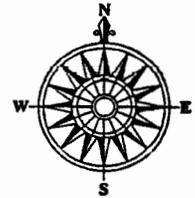
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<p><b>SubSurface Designs, Inc.</b> Geotechnical Engineers Engineering Geologists</p>	<p><b>Client:</b> Gindick</p>	<p><b>PIN#</b> 4176</p>
<p><b>Subject:</b> Vicinity Map <b>Ref:</b> Thomas Bros. Maps L. A. County, Page 590 <b>Scale:</b> 1" = 2400'</p>		



**YERKES & CAMPBELL**



**SubSurface Designs, Inc.**  
Geotechnical Engineers  
Engineering Geologists

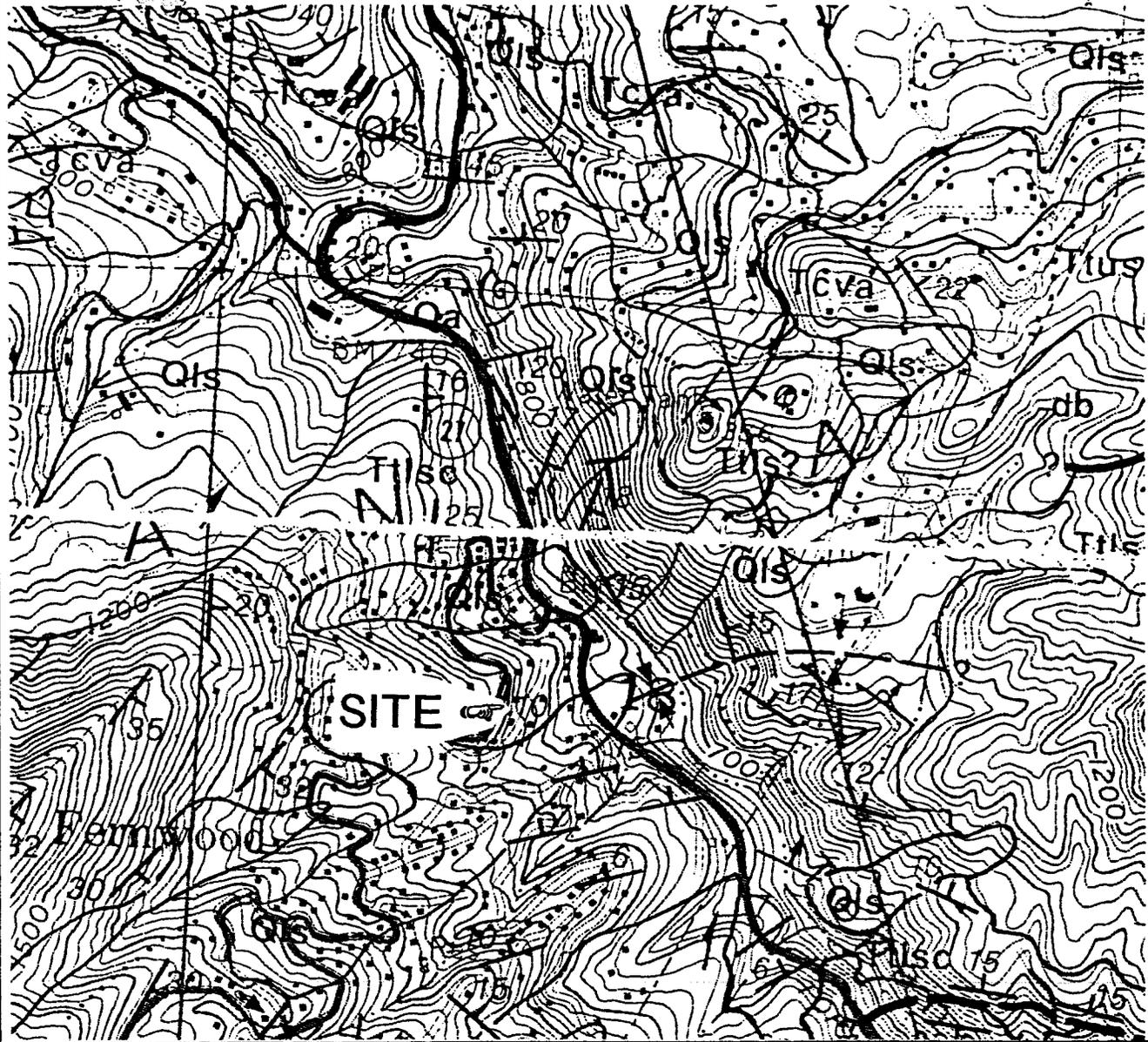
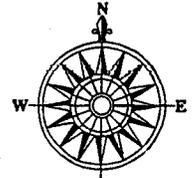
Client: Gindick

PIN# 4176

Ref: Modified from the Geologic Map of the East-Central Santa Monica Mountains, prepared by R.F. Yerkes and R.H. Campbell, 1980.

Scale: 1" = 1000'

# DIBBLEE GEOLOGIC MAP



**SubSurface Designs, Inc.**  
Geotechnical Engineers  
Engineering Geologists

**Client:** Gindick

**PIN#** 4176

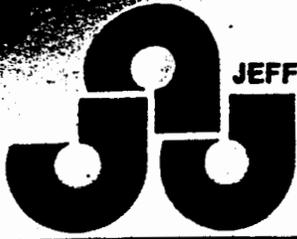
**Ref:** Modified from the Geologic Map of the Topanga & Canoga Park (South ½) Quadrangles, prepared by Thomas W. Dibblee, 1992.

**Scale:** 1" = 1000'

# EXPLORATION LOG

PROJECT NAME: <i>Gindick/Cave Wy.</i>				EXPLORATION NO: <i>DH 01</i>		PAGE 1 OF 1																																																																													
PROJECT NUMBER: <i>PIN 4176</i>			EXPLORATION EQUIPMENT: <i>Limited Access Drill-Rig</i>																																																																																
Comments: <i>See attached Geologic Map for location.</i>																																																																																			
Sample Graphics	Blow Count (Per Foot)	Moisture Content (%)	Unit Dry Wt. (pcf.)	Depth (ft.)	Lithologic Graphics	Logged By: <i>MJT</i>		Total Depth: <i>35.0'</i>																																																																											
						Date Started: <i>October 10, 2002</i>		Top Elevation (ft.):																																																																											
						Date Completed: <i>October 11, 2002</i>		Excavation Width: <i>24"</i>																																																																											
<b>LITHOLOGIC DESCRIPTION</b>																																																																																			
<div style="display: flex; justify-content: space-between;"> <div style="width: 25%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">2</td><td style="text-align: center;">19</td><td style="text-align: center;">9</td><td style="text-align: center;">119</td></tr> <tr><td style="text-align: center;">4</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">6</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">8</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">10</td><td style="text-align: center;">30</td><td style="text-align: center;">9</td><td style="text-align: center;">127</td></tr> <tr><td style="text-align: center;">12</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">14</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">16</td><td style="text-align: center;">33</td><td style="text-align: center;">5</td><td style="text-align: center;">110</td></tr> <tr><td style="text-align: center;">18</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">20</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">22</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">24</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">26</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">28</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">30</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">32</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">34</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">36</td><td></td><td></td><td></td></tr> <tr><td style="text-align: center;">38</td><td></td><td></td><td></td></tr> </table> </div> <div style="width: 75%;"> <p><b>Landslide Debris (Ql)</b> Natural Soil/Slopewash (Qsw) - Clayey Sand (SC) Dark reddish-brown, medium dense, moist, porous; numerous rootlets; gradational contact.</p> <p>----- Silty Sand (SM) - medium reddish-brown, moist, dense; abundant sandstone fragments.</p> <p>----- 16.0' - shear: N49E, 31SE; soft, brown, clay gouge: 1/4" in width; polished basal surface; few rootlets. Sandstone - light yellowish-brown, cemented, fine to medium grained; locally conglomeritic.</p> <p>----- 24.0' - slide gouge; N14E, 28SE; 4"-6" wide zone of crushed rock; locally open; abundant rootlets. Sandstone - light yellowish-brown, weakly cemented, clayey; fine to medium grained.</p> <p>----- 26.0' - slide gouge; N26E, 34SE; 1"-2" wide zone of crushed rock; few rootlets. 28.0' - base of slide: N18E, 28SE; clay gouge; 1" wide; polished basal surface; few rootlets</p> <p><b>Bedrock - Fernwood member of the Topanga Formation (Ttf)</b> Sandstone - yellowish-brown, very hard, cemented, fine to coarse grained.</p> <p>----- 35.0' - end of boring - refusal</p> </div> </div>								2	19	9	119	4				6				8				10	30	9	127	12				14				16	33	5	110	18				20				22				24				26				28				30				32				34				36				38			
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**JEFFREY A. JOHNSON, INC.**  
 1213 Rimmer Ave.  
 Pacific Palisades, Ca. 90272

Date Logged: 10/12/84  
 Service No: 83-01-123  
 Excavation No. B-1

**LOG OF EXCAVATION<sup>1</sup>**

Location: Tr. 8319, Lot 17, Cave Way, Los Angeles Co., Ca  
 See Plate I  
 Equipment Used: Drill-rig  
 Elevation: \_\_\_\_\_

<u>Depth(ft)</u>	<u>Description</u>
0-1½	<u>Artificial fill</u> -tan fine sand with rounded pebbles, some trash and vegetation
1½-3½	<u>Soil</u> -natural soil(colluvium?), silty sand, organic, med. to dark brown, roots, gradational contact with underlying bedrock
3½-55	<u>Bedrock</u> - <u>Topanga Canyon Formation</u> <u>Fernwood Member</u> -nonmarine, tan massive sandstone and pebbly sandstone, dry, roots, dense and tight, no evidence for gravity type failure <u>7ft</u> -tight, no fracturing or evidence of gravity type movement, moderately abundant subrounded to rounded pebbles <u>9ft</u> -rootlets <u>10ft</u> -a little lighter in color, massive sandstone tight, dense, undisturbed <u>12ft</u> -massive sandstone, light brown, dense, tight pebble bed continuous around boring NS, 30E <u>15ft</u> -slightly moist, massive sandstone and pebbly sandstone, undisturbed <u>21ft</u> -decrease in pebbles, darkening in color, fine to med. grained massive sandstone, undisturbed <u>22ft</u> -1/16 inch thick shale bed, brown N15W, 35NE, tight, dense, undisturbed <u>26ft</u> -dense, no fractures, no apparent evidence of gravity type movement, moderately abundant pebbles in pebbly sandstone <u>30ft</u> -thin shale bed(1/16"), dies out across boring, bedding undisturbed <u>33ft</u> -slight increase in moisture content <u>34ft</u> -massive pebbly sandstone, tight, undisturbed

<sup>1</sup>Note: The log of subsurface conditions shown hereon applies only at the specific excavation location and at the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

Figure 2



JEFFREY A. JOHNSON, INC.  
1213 Rimmer Ave.  
Pacific Palisades, Ca. 90272

Date Logged: 10/12/84  
Service No: 83-01-123  
Excavation No. B-1(continued)

LOG OF EXCAVATION<sup>1</sup>

Location: Tr.8319, Lot 17, Cave Way, Los Angeles Co.,Ca  
See Plate I  
Equipment Used: Drill-rig  
Elevation: \_\_\_\_\_

<u>Depth(ft)</u>	<u>Description</u>
3½-55	(Continued from Figure 2) 36ft-massive pebbly sandstone, large cobble 8 to 9 inches across 38ft-bedding NS,55E Fissure (open separation) parallel to bedding, no evidence for differential movement(gouge, slickensides,etc), fissure 1 inch wide and closes in up dip direction, driller notes harder drilling below 38ft, orange color banding along fissure, 4-5 inch thick pebble bed below fissure,dense, tight 42ft-1/4 inch wide fissure,discontinuous, 3 to 4 inches long, parallel to fissure at 38 ft, no evidence for lateral movement on walls of fissure, N10E,50SE on pebble bed below fissure 44ft-dense, tight,no fractures or fissures, med. grained massive sandstone, 1/4 inch thick red brown shale or claystone interbed continuous across boring, N10E,55SE 51-52ft-erosional contact(channel, angular unconformity?), N2W,45-50SE on contact, very moist at contact, change in bedrock to red brown, silty clay to green silty claystone with fine sandstone interbedded with orange brown coarse grained sandstone,no evidence of gravity type movement N15W,60NE @ 53ft Total depth 55 feet no ground water or seeps, no caving, hole left open for percolation test

<sup>1</sup>Note:The log of subsurface conditions shown hereon applies only at the specific excavation location and at the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

DATE: 8-13-89

BORING NO. 1

DONALD B. KOWALEWSKY ENVIRONMENTAL & ENGINEERING GEOLOGY  
GEOLOGY BORING LOG

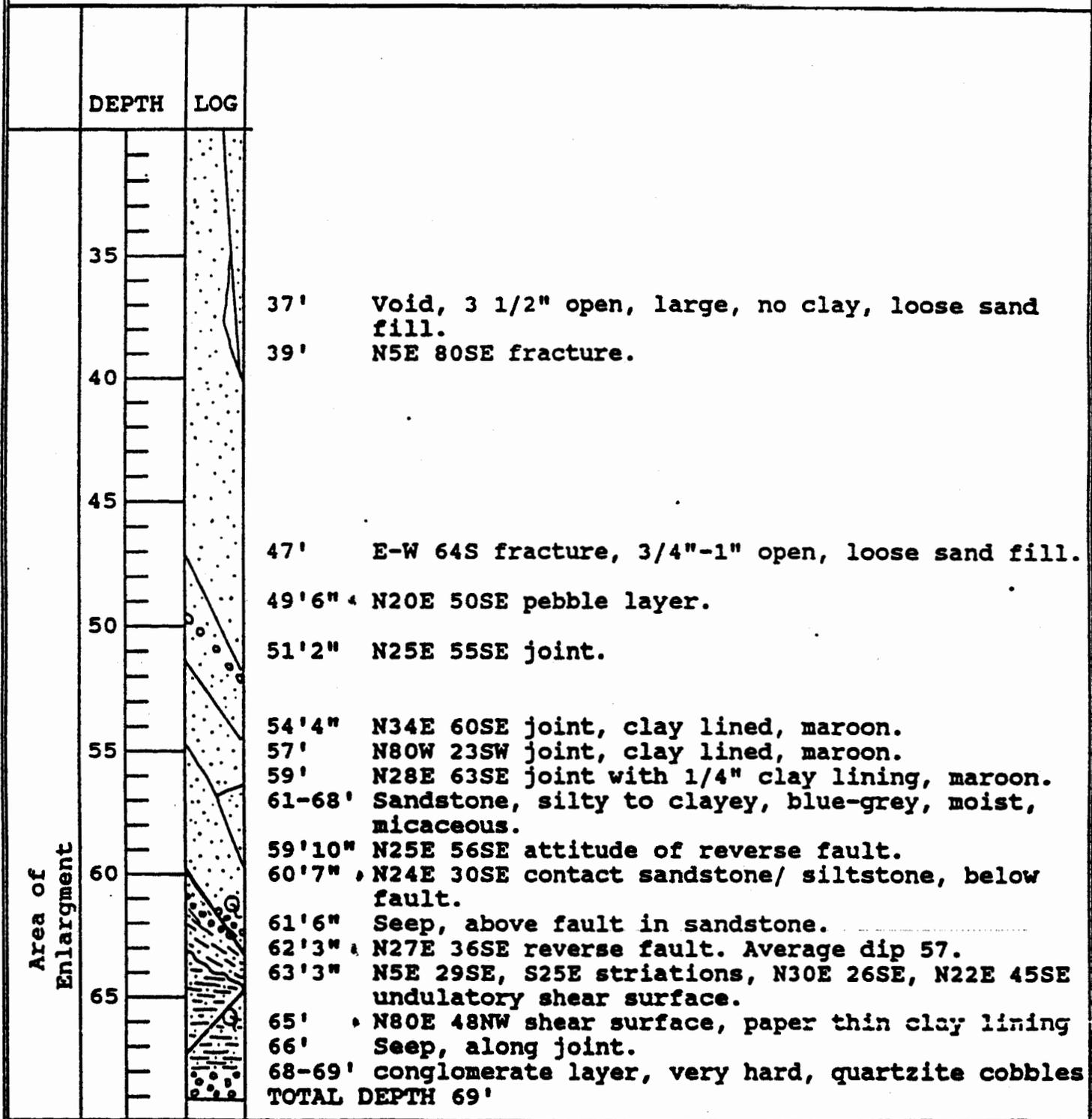
Sheet 1 of 2 Sheets

Job Description: Termination of Cave Way, Topanga  
 Job No. 89109C5.003 Logged By: D.B.K. Client: Berger  
 Elevation: 800' Boring Location: see map  
 Drilled By: Tri-Valley Rig: 24" Bucket Sampling Equip. Bulk samples  
 Auger with crowd

LITHOLOGIC DESCRIPTION

	DEPTH	LOG	
	5		0-69' Fernwood member of the Topanga Canyon Formation. Sandstone, coarse-grained, tan, dry, massive, very hard. Local pebbles and cobbles, rounded. Minor silty sandstone and conglomerate layers.
			0-61' Sandstone, coarse-grained, tan, dry, massive, well-indurated. Local pebbles and cobbles, rounded.
	9'		N50E 72SE fracture.
	15		17' N25E 52SE fracture, 4" open, abundant roots.
	20		19' Vertical splay of fracture.
	25		

LITHOLOGIC DESCRIPTION



DATE: 8-20-90

BORING NO. 1

DONALD B. KOWALEWSKY ENVIRONMENTAL & ENGINEERING GEOLOGY  
GEOLOGY BORING LOG

Sheet 1 of 2 Sheets

Job Description: 19547 Cave Way, Topanga  
 Job No. 90109C5.002 Logged By: D.B.K. Client: Karen Walker  
 Elevation: Boring Location: see map  
 Drilled By: Rig: 24" Bucket Sampling Equip. none  
 Auger

LITHOLOGIC DESCRIPTION

DEPTH	LOG
	<del>0-32' Ancient Landslide Debris.</del>
	32'-44' Fernwood Member of the Topanga Canyon Formation, conglomeratic sandstone.
	0-3' Topsoil, possibly fill or colluvium.
	3'-5' Sandstone.
5	5'-7' Siltstone.
	7'-9' Sandstone and mudstone. Mudstone contains roots.
10	9-10' Sandstone, medium to coarse grained, fractured. Contains mudstone stringers and blocks.
	10'-13' Firm, sandy mudstone.
	13'-15' Clayey mudstone, contains sandstone blocks.
15	15'-23' Mudstone, grey to brown, with blocks of cobbly sandstone.
20	
	23-26' Sandy mudstone, grey to brown, with chunks of sandstone.
	@26' Sandstone, coarse grained, one foot thick.
25	27'-32' Clay, maroon, soft and micaceous.

DATE 8-2-90  
Boring No. 1

LOGGED BY D.B.K.

Sheet 2 of 2  
JOB # 90109C5.002

LITHOLOGIC DESCRIPTION

	DEPTH	LOG
		<del>@321' N10E 23SE Sheared clay contact. Micaceous, sandy</del>
		mudstone.
	35	@33' N31E 65SE Shear zone.
		@34' Sandstone, hard conglomeratic, no visible fractures
	40	
	45	Total Depth--44'
	50	
	55	
	60	
	65	

DATE: 8-27-91

BORING NO. 1

DONALD B. KOWALEWSKY ENVIRONMENTAL & ENGINEERING GEOLOGY  
GEOLOGY BORING LOG

Sheet 1 of 3 Sheets

Job Description: 692 Fernwood Pacific Drive  
 Job No. 91109C5.005 Logged By: D.B.K. Client: Roberts  
 Elevation: 859' Boring Location: see map  
 Drilled By: Tri-Valley Rig: 24" Bucket Sampling Equip. split tube o  
 w/ crowds bulk x

LITHOLOGIC DESCRIPTION

	DEPTH	LOG
	0-1'	Weathered sandstone.
	1'-70'9"	Fernwood Member of Topanga Canyon Formation, silty sandstone, medium to coarse grained, layers of sandstone conglomerate, beige in color, massive.
x o	0-5'	@1' Sandstone, hard, massive.
	5-10'	@6' N55W 83SW, joint, clay lined. @6½' N48E 82NW, joint.
x	10-15'	
	15-20'	
o	20-25'	@20' N30E 18-19E, bands within sandstone, representative of bedding. Mudstone cobbles in sandstone. @23' N22E 17SE, bedding along cobble layer.
	25-30'	@26' Coarse grained sandstone with cobbles and pebbles.

DATE 8-27-91  
 Boring No. 1

LOGGED BY D.B.K.

Sheet 2 of 3  
 JOB # 91109C5.005

LITHOLOGIC DESCRIPTION

DEPTH	LOG	
35		<p>@31½' N16E 84E, fault. Fault wraps around cobbles. Sandstone conglomerate.</p>
		<p>@34' Dip direction of 82E along fault.</p>
40		<p>@36½' Crossbedding, beds dip at 47° and are truncated by beds with a dip of 18°.</p>
		<p>@37' Sandstone with pebbles.</p>
		<p>@38½' N10E 86W, fault has rolled over around a cobble.</p>
45		<p>@41½' Conglomerate layer, basal contact offset by fault.</p>
		<p>@47' Caliche lines fault surface.</p>
50		<p>@49'3" Silty sandstone bed, offset by fault. Offset is 8" from the high sides of the bed. Offset is 11" from the low sides of the bed. Normal and strike slip movement along fault.</p>
		<p>N25E 13E, bedding.</p>
		<p>@52½' N28E 80E, fault.</p>
55		<p>@53'2" N18E 17E, siltstone bed, offset by fault. Fault shows apparent normal movement and strike slip movement.</p>
		<p>@55' N26E 88E, fault, lined with a thin maroon clay.</p>
		<p>@56' N25E 77SE, fault, 1/8" thick, striae parallel to strike, exits hole.</p>
60		<p>@60' N50E 26SE, bedding along a black to orange band within sandstone.</p>
65		<p>@63'-65' Cobble layer, required coring.</p>

DATE  
Boring No. 1

LOGGED BY D.B.K.

Sheet 3 of 3  
JOB #91109C5.005

LITHOLOGIC DESCRIPTION

DEPTH	LOG	
		Total Depth 70'6"

Notes-

- 1) No groundwater or seeps were encountered.
- 2) Hole backfilled to 60' prior to percolation testing performed on 8/28/91-8/30/91.
- 3) No caving.
- 4) Drill rig with crowds and core barrel required for cobble layer at 63'-65'.

Depth  
(ft.)

Blow Count  
Graphic Log

BORING LOG # B-1

Page 1 of 4

0--			Fill: Sandy clay: mottled brown and tan with abundant sandstone rock fragments - placed for drill rig access.	
1--				
2--				
3--				
4--			Soil: Sandy clay: dark gray brown, moist, roots	
5--			Bedrock: Topanga Canyon Formation, Fernwood member, Lower middle Miocene, Non-marine sandstone, pebble sandstone, greenish gray, very hard, well cemented medium- to coarse-grained, massive.	
6--				
7--				
8--				sandstone, tan, well cemented, massive dry
9--				
10--				
11--				
12--				
13--				
14--				
15--				
16--				
17--				pebble sandstone, tan, coarse sand matrix with well rounded pebbles to 1/2 inch in diameter, well cemented, bedding very poorly developed, NS, 30E
18--				planar, massive, minor gypsum in small crystals
19--				sandstone, tan to buff, medium- to
20--				

The log of subsurface conditions shown hereon applies only at the specific location and the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

DRILL DATE: 4-12-91

SOLUS GEOTECHNICAL CORP.

DATE May 15, 1991

WORK ORDER # 91412

Depth  
(ft.)

Blow Count  
Graphic Log

BORING LOG # B-1 cont'd.

Page 2 of 4

Depth (ft.)	Blow Count	Graphic Log	Description
20--			coarse-grained, very well cemented, hard, massive.
21--			
22--			
23--			
24--			sandstone, rust orange, coarse-grained, massive, well cemented, bedding gradational observed by color and grain size change
25--			
26--			
27--			pebble lens, about 8-inches thick, pinches out on south side of hole.
28--			
29--			
30--			sandstone, fine-to medium-grained, very well cemented, very hard, contacts above and below gradational by hardness and change to light gray color, massive.
31--			
32--			
33--			
34--			
35--			
36--			
37--			
38--			
39--			
40--			

The log of subsurface conditions shown hereon applies only at the specific location and the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

DRILL DATE: 4-12-91

SOLUS GEOTECHNICAL CORP.

DATE May 2, 1991

WORK ORDER # 91412

Depth  
(ft.)

Blow Count Graphic  
Log

BORING LOG # B-1 cont'd.

Page 3 of 4

40--			sandstone, tan, medium-grained, moderately well cemented
41--			
42--			pebble conglomerate, medium brown, coarse sand matrix, moderately well cemented, bedding indistinct - gradational - lenticular
43--			
44--			
45--			zone of weaker cement, slightly punky, some minor fractures, closed, some secondary clay in small vugs, poorly developed striations - no preferred orientation, very tight, dry
46--			
47--			
48--			pebble sandstone, tan, moderately well cemented, massive
49--			
50--			sandy claystone, light brownish gray, v. slightly moist, bedding is planar and layer is about 1 inch thick, no shears, no slickensides, no caliche or gypsum pods or stringers, tight, upper contact N15W,31NE sharp, lower contact grades to sandy siltstone, tan, firm, moderately well cemented
51--			
52--			
53--			
54--			
55--			
56--			
57--			
58--			
59--			
60--			

The log of subsurface conditions shown hereon applies only at the specific location and the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

DRILL DATE: 4-12-91

SOLUS GEOTECHNICAL CORP.

DATE May 5, 1991

WORK ORDER # 91412

Depth  
(ft.)

Blow Count Graphic  
Log

BORING LOG # B-1

Page 4 of 4

60--  
-  
61--  
-  
62--  
-  
63--  
-  
64--  
-  
65--  
-  
66--  
-  
67--  
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74--  
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76--  
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77--  
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78--  
-  
79--  
-  
80--



sandstone, light brownish gray, moderately well cemented, hard, massive, krotovina 6-inches long and 2-inches in diameter,

TOTAL DEPTH 65 feet  
no water, no caving, fill to 4 feet.

The log of subsurface conditions shown hereon applies only at the specific location and the date indicated. It is not warranted to be representative of subsurface conditions at other locations and times.

DRILL DATE: 4-12-91

SOLUS GEOTECHNICAL CORP.

DATE May 15, 1991

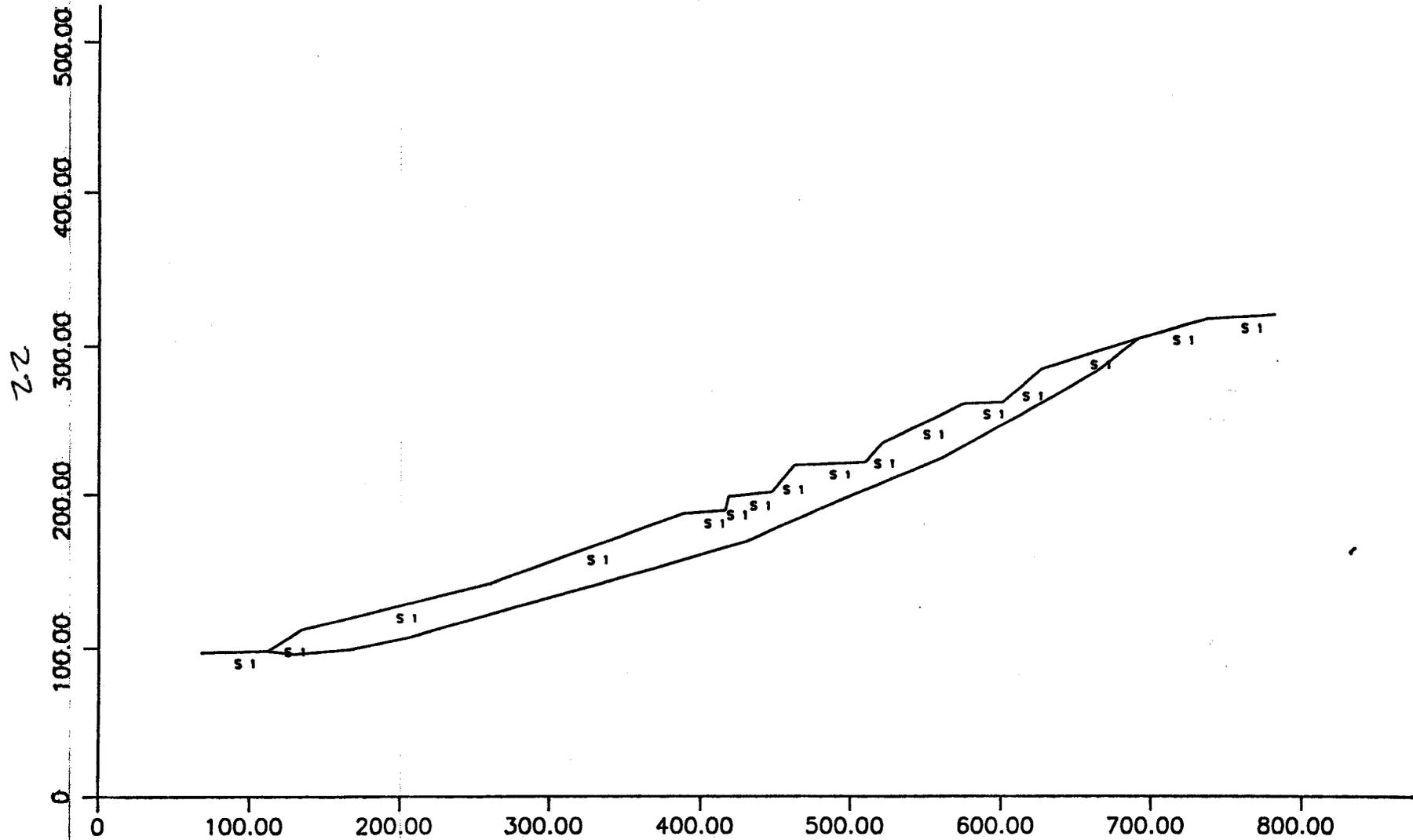
WORK ORDER # 91412

# Stability of Slide Section A-A'

4176AS

Soil	Moist Unit Weight	Saturated Unit Weight	Cohesion	Friction Angle
1	135.000	135.000	160.000	30.000

Minimum Factor of Safety 1.834



\*\* STABL/G \*\*

Slope Stability Program  
Portions of this program (c) 1992  
by  
GEOSOF  
1442 Lincoln Avenue, Suite 146  
Orange, CA 92665  
U.S.A.

--Slope Stability Analysis--  
Simplified Janbu, Simplified Bishop  
or Spencer's Method of Slices

Run Date: 12-12-2002  
Input Data Filename: 4176as.stb  
Output Filename: 4176as.OUT  
Plotted Output Filename: 4176as.PL1

PROBLEM DESCRIPTION Stability of Slide Section A-A'  
4176AS

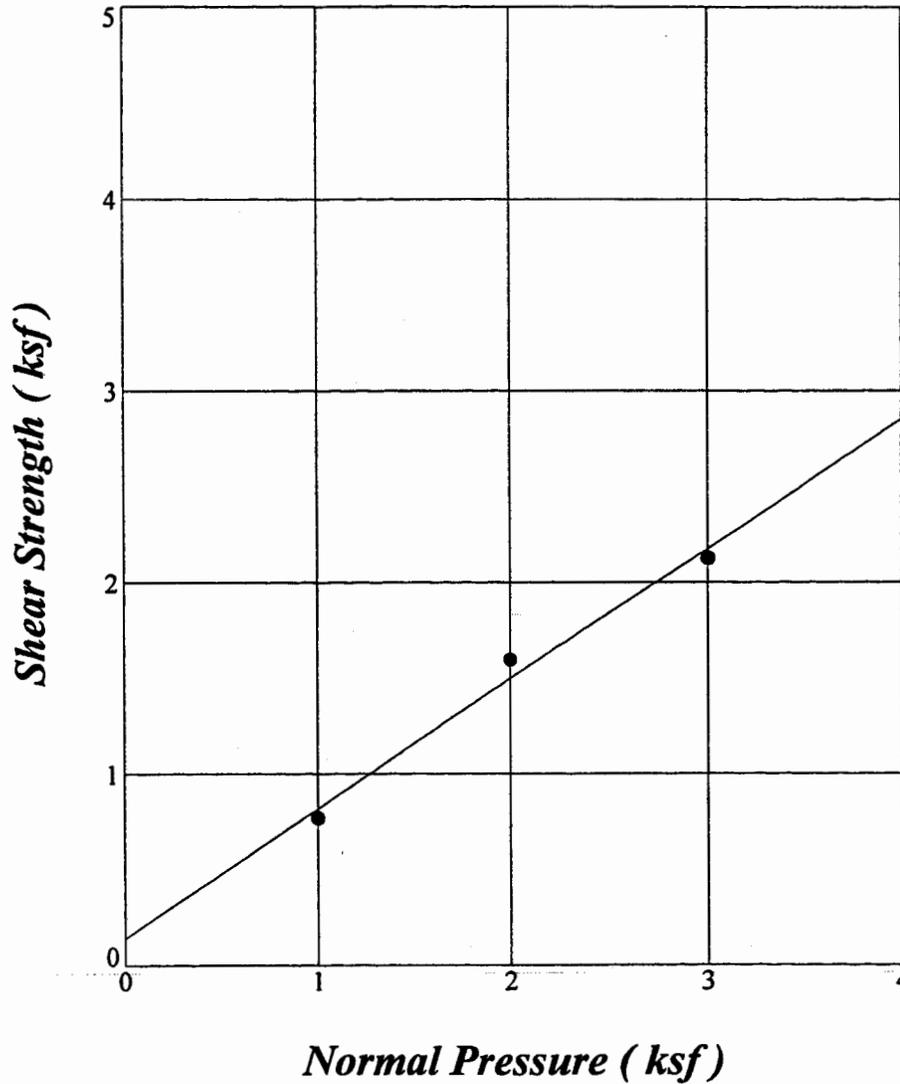
BOUNDARY COORDINATES

16 Top Boundaries  
16 Total Boundaries

Boundary No.	X-Left (ft)	Y-Left (ft)	X-Right (ft)	Y-Right (ft)	Soil Type Below Bnd
1	68.00	97.00	112.00	98.00	1
2	112.00	98.00	134.00	112.00	1
3	134.00	112.00	261.00	142.00	1
4	261.00	142.00	388.00	187.00	1
5	388.00	187.00	416.00	189.00	1
6	416.00	189.00	418.00	198.00	1
7	418.00	198.00	447.00	201.00	1
8	447.00	201.00	462.00	219.00	1
9	462.00	219.00	509.00	221.00	1
10	509.00	221.00	520.00	234.00	1
11	520.00	234.00	574.00	260.00	1
12	574.00	260.00	600.00	261.00	1
13	600.00	261.00	626.00	284.00	1
14	626.00	284.00	690.00	304.00	1
15	690.00	304.00	735.00	317.00	1
16	735.00	317.00	780.00	320.00	1

# SHEAR TEST DIAGRAM

PROJECT NAME: <i>Gindick/Cave Wy.</i>	SAMPLE ID: <i>DH 01 @ 5.00</i>
PROJECT NUMBER: <i>PIN 4176</i>	MATERIAL DESCRIPTION: <i>Landslide (Qls) - Soil</i>
TEST METHOD: <i>Ultimate Saturated Shear</i>	



MOISTURE CONTENT (%)	DENSITY (pcf)	RESULTS
In Situ: 8.6		Phi (deg.): 34.0
Saturated: 20.7	Dry Density: 119.3	Cohesion (kips): 0.140

**SubSurface Designs, Inc.**

GEOTECHNICAL ENGINEERS & ENGINEERING GEOLOGISTS

24

Figure S.1



October 24, 2003

Via Hand Delivery

RECEIVED

OCT 24 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission  
89 South California St. #200  
Ventura, CA 93001

Attn: James Johnson, Coastal Planner

Re: Coastal Development Permit No. 4-98-054.  
19537 Cave Way, Topanga, Los Angeles County (GINDICK)

Dear Mr. Johnson:

On behalf of Karen Walker Gindick, the applicant of the above-referenced CDP application, we would like to respond to the Coastal Commission Staff Report dated September 18, 2003. Please take the following comments into consideration when reviewing the following materials, copies of which have been forwarded to Coastal Commission Staff Geologist Mark Johnson, per your request:

1. Original, wet-stamped Geologic & Soils Engineering Exploration report
2. Clarification Letter (addendum) prepared by SubSurface Designs, Inc.
3. Plans stamped with LA County Department of Regional Planning approval

In page 5 of the above-referenced September 18, 2003 staff report, staff maintains that:

“ 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.”

**In response:** According to page 1 and 2 of SubSurface Designs’ Clarification Letter dated October 23, 2003:

“... slope stability analysis indicates that the potential for the existing landslide to reactivate is considered to be remote.”

EXHIBIT NO. 6
APPLICATION NO. 4-98-054
Agent Letter
Schmitz & Assoc.

page 1 of 3

“It is the finding of this firm, based upon the subsurface data and analysis, that the proposed development will not have an adverse effect on off-site property.”

“Provided the future seepage pits are sealed below the landslide debris, it is the opinion of this office that the sewage disposal system will have no adverse effect upon the stability of the site or offsite properties.”

“Slope stability analysis on Section A-A’ calculates a factor of safety of 1.834. This exceeds the minimum code standard of 1.5”

Further, in page 5 of the above-referenced September 18, 2003 staff report, staff maintains that:

“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 [hazards] and will not adversely affect adjoining properties. Therefore, the proposed project can not be confirmed to be geologically stable.”

**In response:** According to page 1 of SubSurface Designs’ Clarification Letter dated October 23, 2003:

“The slide is a relatively old [ancient] feature which has had no historic movement.”

“Slope stability analysis on Section A-A’ calculates a factor of safety of 1.834. This exceeds the minimum code standard of 1.5.” Therefore, the County is prepared to issue a slide waiver after the Coastal Commission approves/issues CDP No. 4-98-054 and before granting a building permit for this project.

Please note that the Geologic & Soils Engineering Exploration report and the Clarification Letter were prepared by Certified Engineering Geologist Mark Triebold and Registered Professional Engineer Jon Mahn of SubSurface Designs, Inc.

In addition, please note that according to the project engineer Jon Mahn, the proposed 400 square foot structure could be adequately supported with a foundation of three feet in depth.

In closing, we are hopeful that the additional information presented herein satisfies your stated concerns and is sufficient for Staff to recommend approval of the proposed one-story, 400 square-foot single-family residence. This is a very small-scale project surrounded by low-density, single-family dwellings in a relatively stable area. Aside from the supportive geological findings for this project, we also reiterate that the

proposed development will not adversely affect adjoining properties. Similarly, the as-built septic system has not had and will not have adverse effects on the subject site and adjoining properties. Again, we respectfully request that Staff reconsider its position and present a recommendation of approval to the Commission for CDP No. 4-98-054.

Thank you for your time and careful consideration of this matter. Please feel free to contact our office at (310) 589-0773 with any questions or comments.

Very truly yours,



SCHMITZ & ASSOCIATES, INC.

Charles Santos

Associate Planner

xc: Mark Johnson, CCC Staff Geologist  
Karen Gindick

**SubSurface  
Designs  
Inc.**

12872 Foothill Boulevard • Sylmar, California 91342  
(818) 898-1595 • (Fax) 898-4003

October 23, 2003

PIN# 4176

Ms. Karen Gindick  
4237 Escondido Drive  
Malibu, California 90265

RECEIVED

OCT 24 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Subject: Clarification Letter  
Proposed Residence Reconstruction  
19537 Cave Way  
Topanga, California

Dear Ms. Gindick:

This letter has been prepared to provide additional information to the California Coastal Commission for the proposed reconstruction of a residence on the subject site. Specifically, this letter addresses geologic and soils engineering concerns presented in the Staff Report dated September 18, 2003.

It is our understanding that proposed development will consist of reconstructing a 400 sq. ft. residence on the existing foundation system in a similar location as the pre-existing structure. The proposed area of construction is underlain by up to eight feet (8') of natural soil/slopewash deposits. Underlying the soil is approximately twenty feet (20') of ancient landslide affected bedrock that consists of fractured and broken sandstone. The slide is a relatively old feature which has had no historic movement. Underlying the soil and landslide debris on the subject site and surrounding areas is sedimentary bedrock assigned to the Fernwood member of the Topanga Formation.

Slopes were analyzed for stability on the basis of the cross-section prepared by this office. Saturated shear strength parameters are based on laboratory tests performed on samples selected which, in the opinion of the Soils Engineer, represent the existing site conditions. Calculations for slope stability are based upon the ultimate, and residual, shear strength values of the tested material. Slope stability analysis on Section A-A' calculates a factor of safety of 1.834. This exceeds the minimum code standard of 1.5.

The site is underlain by a landslide. Thus, this office cannot state that the property is free of a landslide. However, slope stability analysis indicates that the potential for the existing landslide to reactivate is considered to be remote.

It is our understanding that the County of Los Angeles has indicated that they will issue a landslide waiver for reconstruction of the residence. Reconstruction of the residence will not create nor contribute significantly to geologic instability or destruction of the site or surrounding areas.

EXHIBIT NO. 7
APPLICATION NO. 4-98-054
Applicants'
Clarification Letter

It is the finding of this firm, based upon the subsurface data and analysis, that the proposed development will not have an adverse effect on off-site property. Further, future settlement of the existing foundations will occur, however, settlement of the foundations is not anticipated to pose a life-safety risk for the occupants of the proposed structure.

Provided the future seepage pits are sealed below the landslide debris, it is the opinion of this office that the sewage disposal system will have no adverse effect upon the stability of the site or offsite properties.

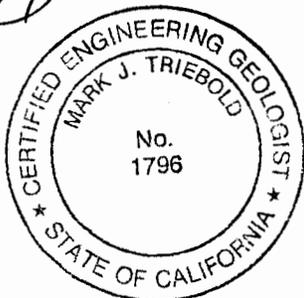
Conclusions on building site stability, settlement, slippage, and its effects on off-site property are based on our visual examination, the placement of explorations, laboratory testing of samples obtained during explorations, analysis of our data, and our experience. It is our opinion that our standard-of-care analysis provides an adequate assessment of the site conditions. Our examination does not, however, imply that the subject property is risk free.

If you have any questions, please do not hesitate to contact this office.

Respectfully submitted:  
SUBSURFACE DESIGNS, INC.



Mark J. Triebold  
Engineering Geologist  
CEG 1796



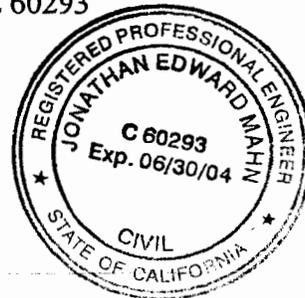
MJT/JEM/vr: 4176.02L

Encl: Coastal Commission Staff Report

Dist: (1) Addressee  
(4) Schmitz & Associates  
(1) File



Jon Mahn  
Project Engineer  
RCE 60293



STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
805.585.1800

**Tu 11a**

Filed: 5/2/03  
180<sup>th</sup> 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.

**Application No. 4-98-054  
Walker-Gindick**

**Page 2**

**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.

**Application No. 4-98-054  
Walker-Gindick**

**Page 3**

## **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

**Application No. 4-98-054  
Walker-Gindick**

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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).

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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. Sohella 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. Sohella 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

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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

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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:

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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*

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***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.

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