

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
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Filed: 05/05/03  
180th Day: 11/11/03  
Staff: JLA  
Staff Report: 8/22/03  
Hearing Date: 09/9-12/02



## RECORD PACKET COPY

### STAFF REPORT: PERMIT AMENDMENT

**APPLICATION NO.:** 4-96-167-A1

**APPLICANTS:** Simon T                      **Agent:** Alan Block

**PROJECT LOCATION:** Swenson Drive, 600 feet west of Saddle Peak Road (APN: 4448-024-028), Santa Monica Mountains, Los Angeles County

**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Subdivision of 17.9 acre lot into two parcels of 9.66 acres and 8.24 acres with 3,375 cubic yards of grading (2,850 cu. yds. cut, 525 cu. yds. fill) for the access road and building pads. No residences are proposed.

**DESCRIPTION OF AMENDMENT:** Revise grading plan to include overexcavation of existing fill slopes supporting the existing access road (1,425 cubic yards); remove approximately 3,200 cubic yards of existing fill not required to support the roadway to an appropriate site outside of the coastal zone; add a 3 - 5 foot high slough wall on top of the permitted 3 - 8 foot retaining wall along portions of the roadway; and a minor reconfiguration of a curve in the roadway. The applicant further proposes to color and texture the retaining walls to match the natural earth tones of the site.

**LOCAL APPROVALS RECEIVED:** Los Angeles Department of Regional Planning, Plot Plan Approval, 2/4/03.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit 4-96-167 (Simon T)

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

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

In this case, objection has been made to the Executive Director's determination of immateriality. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

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**Summary and Staff Recommendation:**

Staff recommends approval of the proposed amendment with a revised landscape and erosion control plan (Special Condition 5); a color and texture restriction for the retaining walls (Special Condition 7); and a deed restriction (Special Condition 8).

**I. STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 4-96-167-A1 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible



mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment

## **II. STANDARD AND SPECIAL CONDITIONS**

*Unless specifically altered by the amendment, all standard and special conditions previously applied to Coastal Development Permit 4-96-167 continue to apply. In addition, the following revised special condition is hereby imposed as a condition upon the proposed project as amended pursuant to CDP 4-96-167.*

### **SPECIAL CONDITIONS:**

#### **5. Revised Landscaping and Erosion Control Plans**

Prior to issuance of the Coastal Development Permit, the applicants shall submit landscaping, erosion control plans prepared by a licensed landscape architect or qualified resource specialist for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geologist to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

##### **A) Landscaping Plan**

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes at the conclusion of grading activities. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, compatible with the surrounding habitat, as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- 4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 5) The Permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the

Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the Coastal Development Permit, unless the Executive Director determines that no amendment is required.

- 6) The building pads shall be seeded for erosion control purposes with a native plant seed mix.

**B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should excavation or grading take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

**C) Monitoring**

Five years from the date of the receipt of the certificate of occupancy for the residence, the applicants shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.



If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

#### **7. Retaining Wall Texture and Color**

Prior to the issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a color palette and material specifications for the outer surface of the retaining walls authorized by the approval of coastal development permit 4-96-167-A1. The palette samples shall be presented in a format not to exceed 8½" X 11" X ½" in size. The palette shall include the colors and texture for the retaining walls. Acceptable colors shall be limited to colors compatible with the surrounding earth tones on the site

The approved retaining walls shall be colored with only the colors and textures authorized pursuant to this special condition. Alternative colors or materials for future repainting or resurfacing or new windows may only be applied to the structures authorized by coastal development permit 4-96-167-A1 if such changes are specifically authorized by the Executive Director as complying with this special condition.

#### **8. Deed Restriction**

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the properties (hereinafter referred to as the "Special Conditions"); and (2) imposing all Special Conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the properties. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject properties so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject properties.

### **III. FINDINGS AND DECLARATION**

The Commission hereby finds and declares:

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

The applicant is proposing to revise the grading plan to include overexcavation of the existing fill slopes supporting the permitted access road (1,425 cu. yds.); remove approximately 3,200 cubic yards of existing fill not required to support the roadway to an appropriate site outside of the coastal zone; add a 3 - 5 foot high slough wall on top of the permitted 3 - 8 foot retaining wall along portions of the roadway; and a minor reconfiguration of a curve in the roadway (Exhibit 2). The applicant further proposes to color and texture the retaining walls to match the natural earth tones of the site.

The proposed changes were made in response to the requirements of the Grading Section of the Los Angeles County Land Development Division. The proposed road is in the same location of the previously permit road with the exception of a minor realignment of a curve and fire turnout area. The proposed changes involve overexcavation of the existing fill slopes to ensure they are compacted to current code requirements; removal of unnecessary fill that is not required to support the road; and the addition of slough walls on top of portions of the permitted retaining walls to protect against rock fall hazards.

The subject 17.9 acre property is located on Swenson Road approximately 600 feet west of Saddle Peak Road in the Santa Monica Mountains (Exhibit 1).

On March 13, 1997 the Commission approved Coastal Development Permit 4-96-167 (Simon T) for the subdivision of a 17.9 acre parcel into two parcels and 3,375 cubic yards of grading (2,850 cu. yds. cut, 525 cu. yds. fill) for the construction of two building pads and improvements to an existing access road (Exhibit 3). The Commission approved the permit pursuant to six special conditions regarding: 1) Cumulative Impact Mitigation (Transfer of Development Credit or TCD), 2) Plans Conforming to Geologic Recommendations, 3) Assumption of Risk, 4) Drainage and Erosion Control Plans, 5) Landscaping Plans, and 6) Removal of Excavated Material. The permit conditions were satisfied and the permit was issued on December 5, 1997.

Pursuant to its subdivision ordinances, the County authorized a waiver of the requirement of filing a final map for the subdivision in Tentative Map No. 21006. Accordingly, on February 29, 2000, a grant of Waiver and Certificate of Compliance was recorded for the subdivision. The grant of Waiver and Certificate of Compliance was recorded before the permit expired and therefore the permit was exercised before it expired.



The applicant applied of the proposed amendment on May 6, 2003. Pursuant to Section 14 Cal. Admin. Code Section 13166(a)(2) staff sent out notice that the amendment was considered by the Executive Director to be immaterial. Two objection letters were received to this notice (Exhibits 4 & 5). One of the objectors, Mr. Roger Miller, has also filed a request to revoke the subject permit. This request for revocation is scheduled for September 2003 Commission meeting. The other objection letter received was from an anonymous person who did not identify any Coastal Act issues relative to the proposed amendment. The letter addressed matters related to the revocation request of permit 4-96-167. Mr. Miller objects to the proposed amendment on the basis that the proposed remedial overexcavation will destroy the existing road which he has easement rights over. In addition, he asserts that the proposed increase in grading (overexcavation of the existing fill slopes supporting the road & removal of excess fill) and increase in the height of the retaining walls will adversely impact the visual resources of the area.

## **B. Visual Resources**

Section 30251 of the Coastal Act states:

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

In the review of this project, the Commission reviews the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. The Commission examines the amount of landform alteration resulting from grading operations, the size and scale of any proposed structures and alternatives to minimize landform alteration to ensure the proposed development will not adversely impact the scenic resources of the area. In this case the Commission must consider whether the proposed overexcavation of existing road fill supporting the road, removal of excess fill from the site and increase in the height of the permitted retaining walls will adversely scenic views from public view points, public park lands, scenic roadways or trails in the area.

The subject site is located on the south face of a slope just below a prominent ridge line and just above Swenson Road in the Santa Monica Mountains (Exhibit 1). The subject site is vacant and has an existing access road created prior to the Coastal Act. The site is covered with native chaparral with some areas previously disturbed by grading and brush clearance activities that predate the Coastal Act. The surrounding area is

partially developed with residential development and there are several residences under construction in the immediate area.

The subject site is not visible from any scenic roadways, trails or public view points in the immediate vicinity. The site is visible from a distance from Tuna Canyon Road approximately one mile south of the site and public park land approximately 1.5 mile to the southwest.

The approved grading plan to improve the existing road way and construct the building pads required 3,375 cubic yards of grading (2,850 cu. yds. cut, 525 cu. yds. fill). Two retaining walls were approved as part of this plan to support a portion of the roadway and one of the building pads (Exhibit 3). The retaining wall system was designed to minimize the amount of cut required to improved both the existing road and the building pad. The permitted retaining wall supporting the cut slope on the northern portion of the road is 528 feet in length and ranges in height from 1 to 8 feet in height. The retaining wall supporting the cut slope on the building pad is 220 feet in length and ranges in height from 1 to 6 feet in height.

The applicant is proposing to amend the grading plan to incorporate changes required by the Grading Section of the Los Angeles County Land Development Division. These changes include 1) the overexcavation of the existing fill slopes (1,425 cu. yds.) supporting the existing road to ensure the road fill is compacted to current code requirements; 2) removal of approximately 3,200 cubic yards of existing fill not required to support the road; 3) add a 3 - 5 foot high slough or rock fall hazard wall to the top of portions of the permitted retaining walls; and 4) minor reconfiguration of a fire turnout on the access road (Exhibit 2). The road configuration with the exception of the minor change to a fire turn out area is the same as what was originally permitted by the Commission. The length of the retaining walls remains the same as originally permitted. The County is requiring a maximum 5 foot high slough or rock impact wall on top of the maximum 8 foot high retaining wall along a 240 foot stretch of the northern portion of the road to protect against rock fall hazards. In addition, a maximum 3 foot high slough wall is required on top of the 6 foot high (max.) permitted retaining wall supporting a cut slope on one of the building pads.

The proposed overexcavation of the existing fill slopes (1,425 cu. yds.) supporting the road will not result in any changes to the road or the fill slopes. The fill will be removed and recompacted to current code requirements. When the existing access road was originally constructed there were several areas where excess fill was placed adjacent to the road. The 3,200 cu. yds. of excess fill was placed in a geologically unstable area and the County is requiring this fill to be removed from the site. The applicant is proposing to remove this fill to a site outside the coastal zone and recontour these areas to match the natural contours of the natural terrain. The proposed overexcavation and removal of excess fill will not result in a significant alteration of the existing natural landforms onsite. The removal and recontouring of the fill areas will result in a more natural appearing landform. The recompaction and removal of the excess fill areas will



require the removal of some natural chaparral vegetation that has established itself on the manufactured slopes. The applicant is proposing to revegetate these disturbed areas with native vegetation. In addition, special condition 5 of the permit requires that all graded and disturbed areas be planted with native vegetation for erosion control and visual enhancement purposes. Special Condition 5 requires that a plan be submitted that illustrates the areas to be planted, plant types, erosion control measures and plant coverage requirements. The applicant submitted a landscape plan for the original grading plan and proposes to extend that plan to cover the additional areas to be disturbed as a result of the proposed overexcavation and fill removal. However, the applicant has not submitted a revised landscape plan for those additional areas that will be disturbed by the new grading activities. Therefore, the Commission finds that the applicant must submit a revised landscape and erosion control plan for all areas disturbed by grading activities as required by **Special Condition 5**.

Los Angeles County has also required the applicant to construct a 3-5 foot slough and rock fall hazard wall on top of portions of the permitted retaining walls. The purpose of the walls are to protect the road from rock fall hazards. This will result in maximum wall height of 13 feet along a portion of the road. In order to mitigate the potential visual impact of the increased wall heights the applicant is proposing to color and texture the walls to match the natural earth ones on the site. The retaining walls are not visible from public view areas, trails or scenic highways in the immediate vicinity. The walls on the upper portion of the road may be visible from a distance from Tuna Canyon Road and public park lands approximately 1 to 1.5 miles south of the site. There are no alternative designs or methods to support the road cuts that would result less visual impacts than the proposed retaining walls. Trimming or grading the slopes would result in a significant amount of landform alteration. Provided the proposed retaining and slough walls are colored and textured to match the natural earth tones of the site the walls will not be visible from a distance and will blend into the natural back ground. In order to implement the applicant's offer to color and texture the walls to match the natural earth tones of the site the Commission finds that it is necessary to require the applicant to submit a color and texture palette as required by **Special Condition 7**. In addition, **Special Condition 8** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit amendment as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Mr. Miller, the person who is objecting to the proposed amendment, is currently in a legal dispute with the applicant regarding access to his property over a road easement which aligns with the existing road on the applicant's property (Exhibit 4). Mr. Miller asserts that the proposed modifications to the grading plan will in some way affect his ability to use or develop a road to his property. He indicates in his letter that removal of the excess fill will compromise his ability to build improve a road to his property. However, it is not clear how removal of this fill would compromise Mr. Miller's ability to construct a road. The existing road and proposed improvements are located within a 40 to 80 foot wide road easement for the neighboring property owner. There is one area at



the second curve in the road north from Swenson Road where a portion of the existing and proposed road extends outside the road easement by 5 to 10 feet. However, the road previously permitted by the Commission also extended just beyond the road easement in this location. The road easement issue is a private civil matter between the applicant and the Mr. Miller and is not a Coastal Act issue. Therefore, Commission has no authority to address this private civil matter.

Mr. Miller is also concerned that the proposed grading and increased retaining walls will adversely impact the visual resources of the area. The proposed grading is remedial in nature and is generally in the same footprint as the original permitted road. There will not be a significant alteration of the landform beyond what has already been permitted by the Commission in the original project. The removal of the excess fill and overexcavation of the fill slopes supporting the road will result in the temporary loss of vegetation in these areas. The applicant is proposing to revegetate these areas and the Commission is requiring the applicant, through the revised Special Condition 5, to revegetate the areas disturbed by grading operations. The revegetation of these areas will mitigate the temporary visual impacts resulting from the loss of vegetation as a result of the grading operations.

As discussed above, the increased height of the retaining walls will not result in a adverse visual impact as seen from public view points, scenic highways, public trails or park lands provided the walls are colored and textured to match the natural earth tones of the site. The applicant is proposing and the Commission is requiring through Special Condition 7 that the proposed retaining walls be textured and colored to match the surrounding earth tones to mitigate any potential visual impacts resulting from the increase in the height of the retaining walls.

Mr. Miller also asserts that the applicant has constructed two steel gates, two gates consisting of steel posts and a chain and 24 steel posts on the applicant's property. In addition, he claims the applicant has installed a sandbags on the road to block his easement. Commission staff has confirmed the applicant has installed two steel gates, two steel post and twenty six 3 foot high bollards on the subject property without the benefit of a coastal development permit. These gates and bollards were placed on the site to prevent trespass on the property. The applicant has submitted a coastal development permit application 4-03-037 for these structures and this development will be addressed through that permit. The sand bags were placed on the road by the applicant because the neighboring property owner Mr. Miller bladed the existing access road with a tractor to remove vegetation and smooth the existing road. This development was done without the permission or knowledge of the applicant. The applicant placed the sand bags on the road to prevent erosion of the road from uncontrolled runoff. This type of erosion control is permitted under the original coastal development permit (4-96-167) for the subdivision and access road.



For the reasons cited above, the Commission finds that the proposed amendment, as conditioned, will not result adversely impact visual resources and is consistent with Section 30251 of the Coastal Act.

**C. Local Coastal Program**

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

*Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed amendment will be in conformity with the provisions of Chapter 3. The proposed amendment will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

Therefore, the Commission finds that approval of the proposed amendment will not prejudice the County's ability to prepare a Local Coastal Program for the Santa Monica Mountains area, which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**D. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit Amendment application to be supported by a finding showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

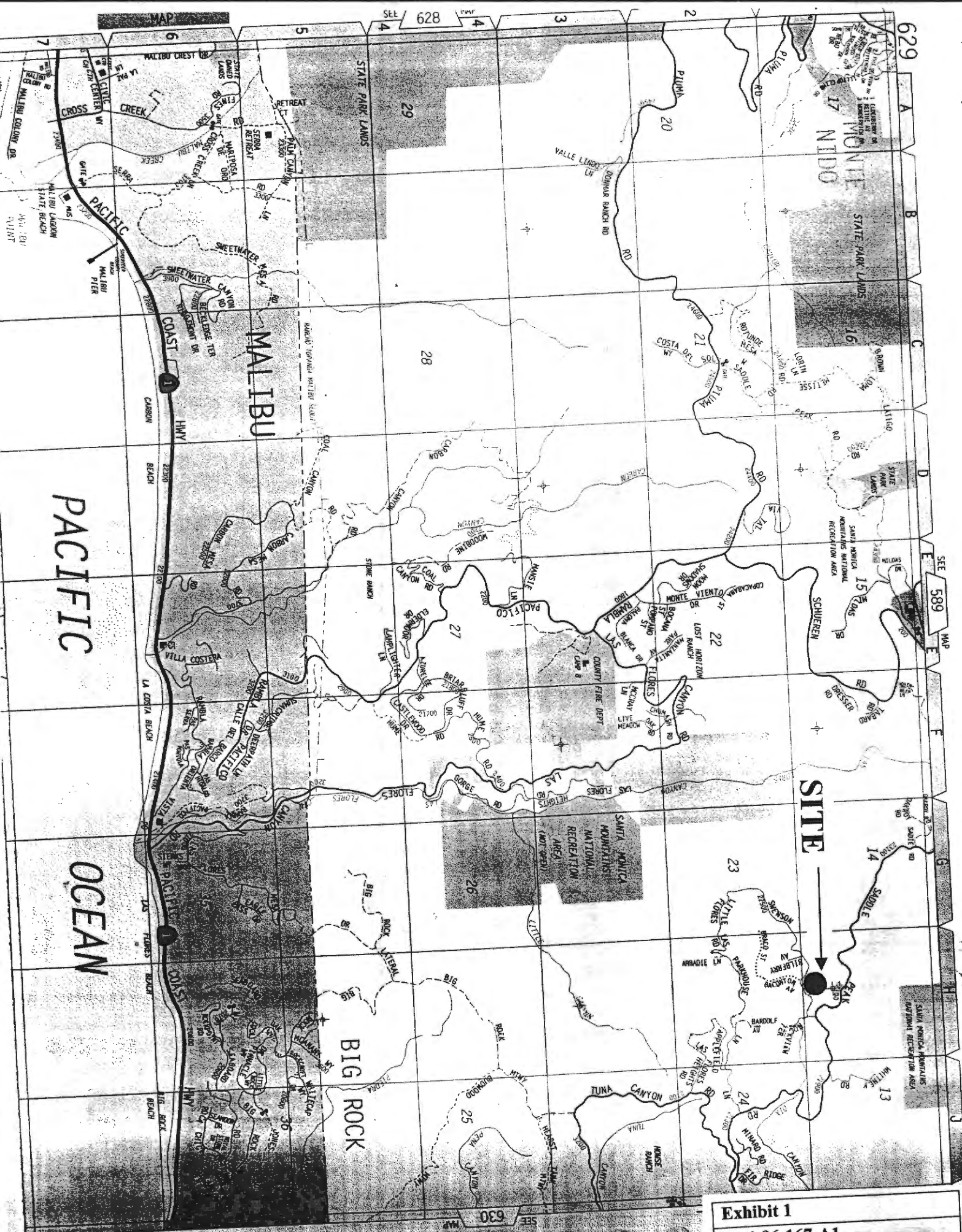
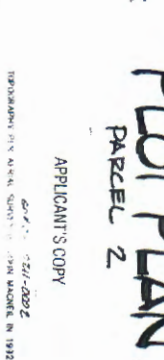
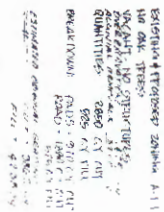
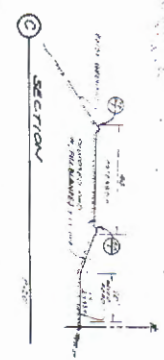


Exhibit 1  
R-496-167-A1  
Location Map





STATION 1+00 TO 1+100  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 1+100 TO 1+200  
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 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 5+800 TO 5+900  
 TOTAL DISTANCE 0.100 MILES  
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STATION 5+900 TO 6+000  
 TOTAL DISTANCE 0.100 MILES  
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STATION 6+000 TO 6+100  
 TOTAL DISTANCE 0.100 MILES  
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STATION 6+100 TO 6+200  
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STATION 6+300 TO 6+400  
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 TOTAL AREA 0.010 ACRES

STATION 6+400 TO 6+500  
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STATION 6+500 TO 6+600  
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STATION 6+700 TO 6+800  
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STATION 6+800 TO 6+900  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 6+900 TO 7+000  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 7+000 TO 7+100  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 7+100 TO 7+200  
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STATION 7+600 TO 7+700  
 TOTAL DISTANCE 0.100 MILES  
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STATION 7+700 TO 7+800  
 TOTAL DISTANCE 0.100 MILES  
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STATION 7+800 TO 7+900  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 7+900 TO 8+000  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 8+000 TO 8+100  
 TOTAL DISTANCE 0.100 MILES  
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STATION 8+100 TO 8+200  
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STATION 8+200 TO 8+300  
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STATION 8+400 TO 8+500  
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STATION 8+500 TO 8+600  
 TOTAL DISTANCE 0.100 MILES  
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STATION 8+600 TO 8+700  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 8+700 TO 8+800  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 8+800 TO 8+900  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

STATION 8+900 TO 9+000  
 TOTAL DISTANCE 0.100 MILES  
 TOTAL AREA 0.010 ACRES

REVISED GRADING PLAN  
 TENTATIVE MINOR LAND  
 DIVISION MAP NO 21006  
 TOTAL AREA - 11.9 ACRES  
**PLOT PLAN**  
 PARCEL 2  
 APPLICANT'S COPY  
 6/1/21-2022

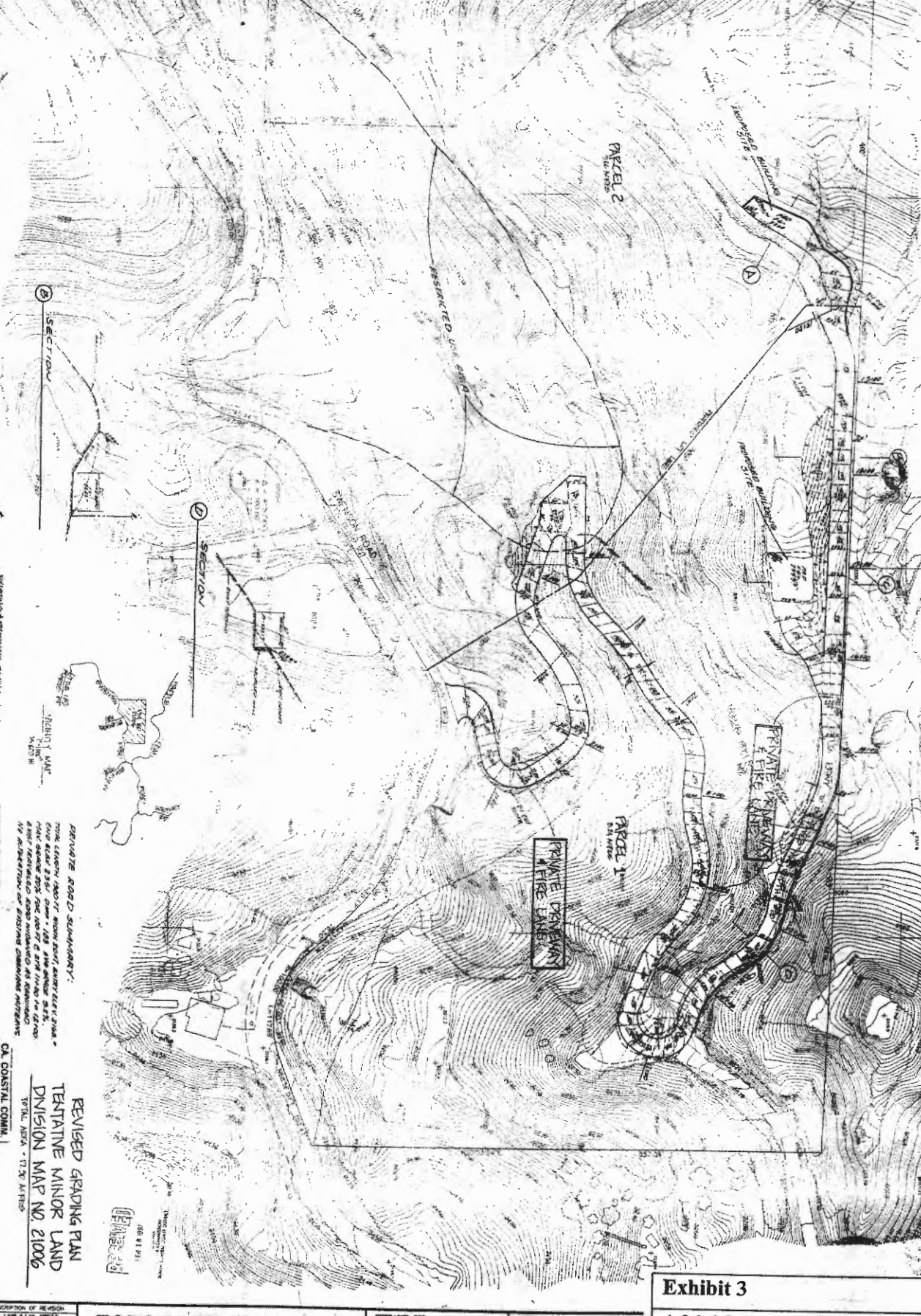
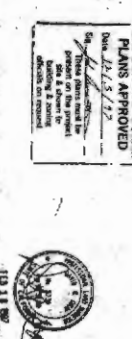
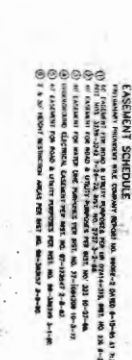
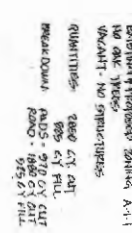
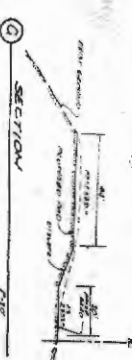
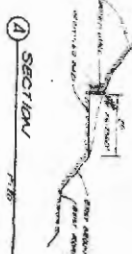
**TOPOGRAPHIC SURVEY**  
 PORTION OF THE NE 1/4, SEC 21, T15, R17E, S4M  
 IN THE COUNTY OF LOS ANGELES  
 STATE OF CALIFORNIA

PREPARED FOR:  
**SIMON T**  
 C/O WIRE LANE  
 12800 HAYTERAS LANE  
 VALLEY HILLS, CA 91607-1100  
 818-560-5488

**Exhibit 2**  
**4-96-167-A1**  
**Proposed Grading Plan**

PREPARED BY:  
**DAVID R. GRA**  
 5711 MORRIS AVENUE  
 CARLSBAD, CA 92008  
 619-436-5444 619-436-5447





**REVISIONS**

NO.	DATE	DESCRIPTION OF REVISION
1	8-28-27	1ST LANE & CUT FILL

**CA COASTAL COMM. PLANS APPROVED**  
 Date: 12/13/27  
 Seal: [Seal of the California Coastal Commission]

**TOPOGRAPHIC SURVEY**  
 PORTION OF THE NE 1/4, NE 1/4, SEC. 23, T15, R17N, S6W  
 IN THE COUNTY OF LOS ANGELES  
 STATE OF CALIFORNIA

**PREPARED FOR:**  
 SIMON T  
 C/O MIKE LANE  
 12600 MATTERAS LANE  
 VALLEY VILLAGE, CA 91607-1525  
 818-960-5485

**PREPARED BY:**  
 DAVID R. GRAY, INC.  
 2518 O'BRIEN CIRCLE  
 CAMARILLO, CA 93010  
 805-987-3045 805-987-1855 FX

**Exhibit 3**

**4-96-167**

**Permitted Grading Plan**



4-96-167 A1



May 16, 2003

MAY 20 2003

Mr. John Ainsworth  
California Coastal Commission

**RE: PROPOSED PERMIT AMENDMENT  
NO. 4-96-167 FOR SIMON T  
NEAR SADDLE PEAK RD. AND SWENSON DR.  
TOPANGA**

Dear Mr. Ainsworth,

I'm the owner of property next door to the east and have a recorded easement over the Simon T property for the only access to my building pad.

I REQUEST the Coastal Commission CONDITION the permit amendment to require the "Driveway-access road" conform to my existing easement to the proposed or "As built access road location."

In order to alleviate any possibility of two driveways being required to be built.

I'm very concerned that by allowing the removal of 3,200 cubic yards of existing fill that may be needed to support the access road in my easement area, my easement will be compromised and extensive retaining walls and importing, compaction and grading of vast amounts of dirt will be required to build the driveway to my building pad, or possible lengthy litigation for destruction of the existing road in my easement area.

I'm also very concerned that the executive director Peter Douglas would find "immaterial" chapter three per section 30251 the more than doubling the amount of grading. (8000 Cubic yards total) of mature Chaparral Hillsides and section 30253 raising the height to 6 to 13 feet for the retaining walls along one of the highest ridgelines in the Santa Monica Mountains.

I think this is a "VERY SIGNIFICANT" alteration of the existing landforms and very much will adversely impact the visual resources.

I would also like to remind you that Simon T's permit number 4-96-167 is under investigation for revocation from September 19, 2002.

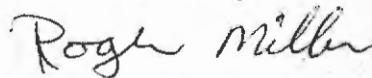
Pursuant to Article 16 section 13105(a) intentional inclusion of "ERRONEOUS" information for a permit application, "where accurate information would have caused the commission to require additional or different conditions on a permit."

Exhibit 4
CDP 4-96-167-A1
Objection Letter from Neighboring Property Owner

Starting in March 2002 and continuously to the present, Simon T has been VIOLATING chapter 7 section 30600, performing development in the coastal zone without obtaining a permit. Examples: March and April 2002, erection of (2) two very large steel gates also (2) two gates made of steel posts with large chains (4) (four gates total) erection of (2) two "no trespassing" signs; Nov. and Dec. 2002 (24) twenty four steel posts 42" high with steel cable that are violating (6" too high) a height restriction easement per inst. No. 90-383157 3-9-90 and placement of forty five (45) rows of sand bags, (20 feet wide and 2 to 3 bags high) to block my access easement.

I so hope the coastal commission will help me protect my easement rights and these beautiful hillsides from this conniving, unethical bully Simon T.

Sincerely



Roger Miller  
22210 Saddle Peak Rd.  
Topanga CA. 90290  
(818) 324-6507

P.S. See enclosed: Photos and work in progress petition.

EXHIBIT 4 CONT.



# PETITION

**WE oppose any development or property subdivision on Saddle Peak Road or Swenson Drive overlooking Topanga that allows Simon T. to build a helicopter pad. WE also oppose giving permits to anyone who has intentionally submitted false, inaccurate or incomplete information to the California Coastal Commission and the Los Angeles County Departments of Regional Planning and Public Works.**

Date \_\_\_\_\_

T. Z McPartlin	TIM MCPARTLIN	21201 Saddle Peak	3-9-03
Joanna McPartlin	JOANNA MCPARTLIN	21201 Saddle Peak Rd.	3/9/03
John Thompson	John Thompson	23225 Saddle Peak Rd	3/9/03
Ruth Ziemba	RUTH ZIEMBA	21530 Saddle Peak Rd	3/9/03
Greg Coleman	GREG COLEMAN	21625 Saddle Peak Rd.	3/9/03
Susan Slater	SUSAN SLATER	21625 Saddle Peak Rd.	3/9/03
Frank Quinones	FRANK T. QUINONES	21011 Saddle Peak Rd,	3/12/03
Jim Clement	JIM CLEMENT	21154 " " "	3-12-3
Forrest Rude	FORREST RUDE	21051 Saddle Peak Rd	3-16-03
Sam Bleakly	SAM BLEAKLY	21135 Saddle Peak Rd.	3-11
Steven M. Meyer	STEVEN M. MEYER	21839 Saddle Peak Rd.	3-11
John Adams	JOHN ADAMS	21853 Saddle Peak Rd	3-11-03
H. Zilka	H. ZILKA	21645 SADDLE PEAK RD	3-29-03
Jane Hoover	JANE HOOVER	19626 CAVE WAY TOPANGA	
Christie Boreto	CHRISTIE BORETO	2451 N. Topanga Canyon Bl.	#302
Martin Schmitt	MARTIN SCHMITT	20571 CHENEY	4/30/03
Brendan O'Brien	BRENDAN O'BRIEN	P.O. Box 1502 Topanga	4/30/03
Mark Moegness	MARK MOEGNESS	P.O. BOX TOPANGA CA 90290	
Todd Clark	TODD CLARK	23211 Saddle Peak Topanga	CA 90290
Jackline Sapir	JACKLINE SAPIR	5434 ZEIZAN AVE ENCLINO CA	9143

EXHIBIT 4 CONT. 51103

# PETITION

WE oppose any development or property subdivision on Saddle Peak Road or Swenson Drive overlooking Topanga that allows Simon T. to build a helicopter pad. WE also oppose giving permits to anyone who has intentionally submitted false, inaccurate or incomplete information to the California Coastal Commission and the Los Angeles County Departments of Regional Planning and Public Works.

Signature	Print Name	Address	Date
	CYNTHIA WELLS	23051 SADDLE PEAK RD.	4/29/03
	COLLEEN	23036 SADDLE PEAK RD.	4/29/03
	ARMINA KANTI	23012 SADDLE PEAK RD.	4/29/03
	ANTHONY W. MORRIS	843 Fernwood Pacific Topanga	5/06/03
	Tim Seaton	22067 Saddle Peak Top	5/06/03
	S. DIANA GONZALEZ	501 SADIE RD	5/06/03
	LARA PONZAK	2480 Tuna Canyon	5/06/03
	CRAIG HOUK	2630 Tuna Cyn. Rd.	5-06-03
	Margaret Senich	23012 Saddle Peak Rd.	5/9/03
	CLAIRE MENKEN	23224 SADDLE PEAK RD	5/9/03
	MAGDA BEST	23124 Saddle Peak Rd	5/9/03
	James S. W. Taylor	28809 CAGABRIA DR. AGES	5/9/03
	Geoff Shuman	2201 LITTLE LA PLATA TORRE	5/9/03
	ROGER MILLER	22210 SADDLE PEAK RD.	5/17/03



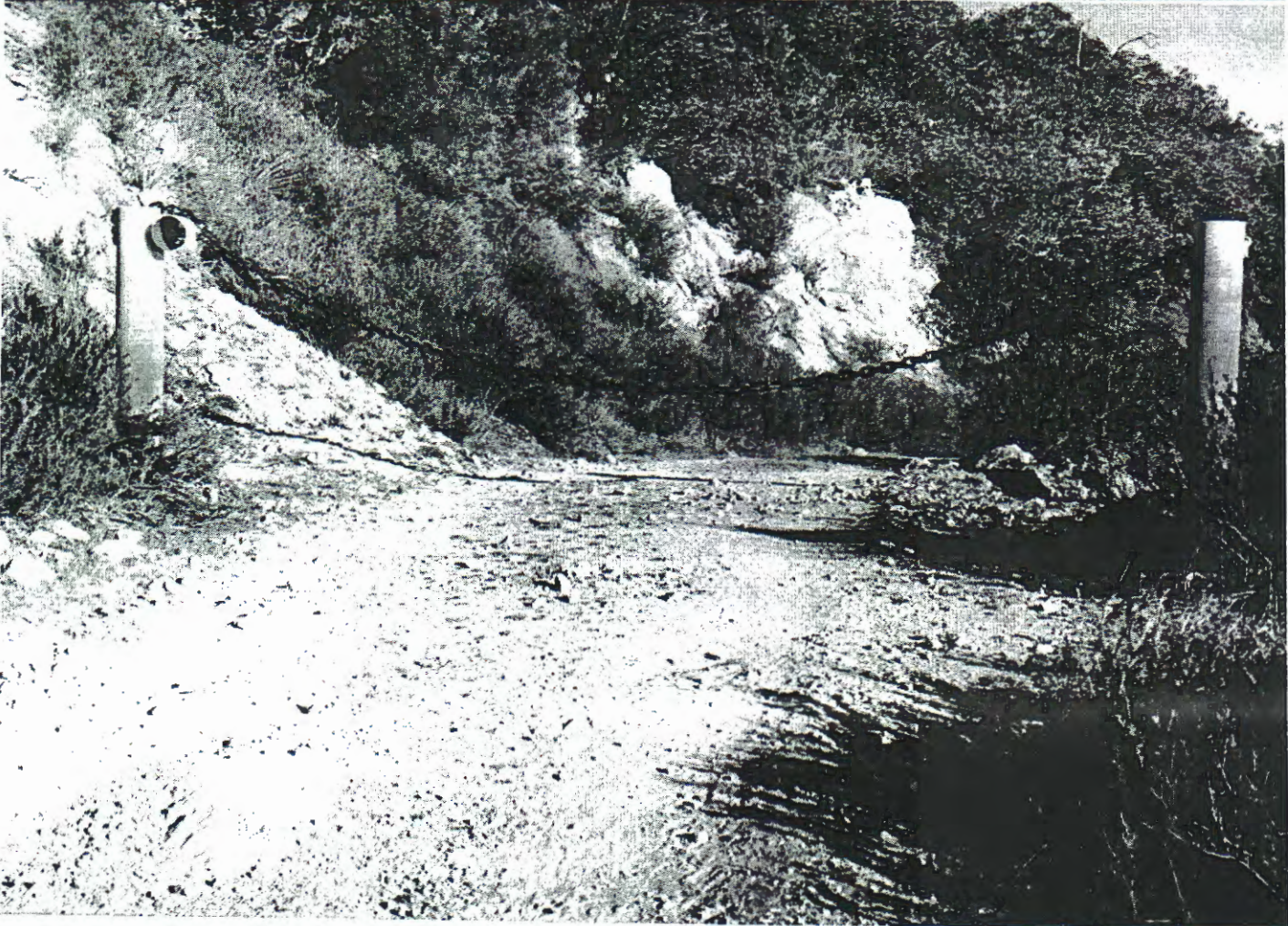
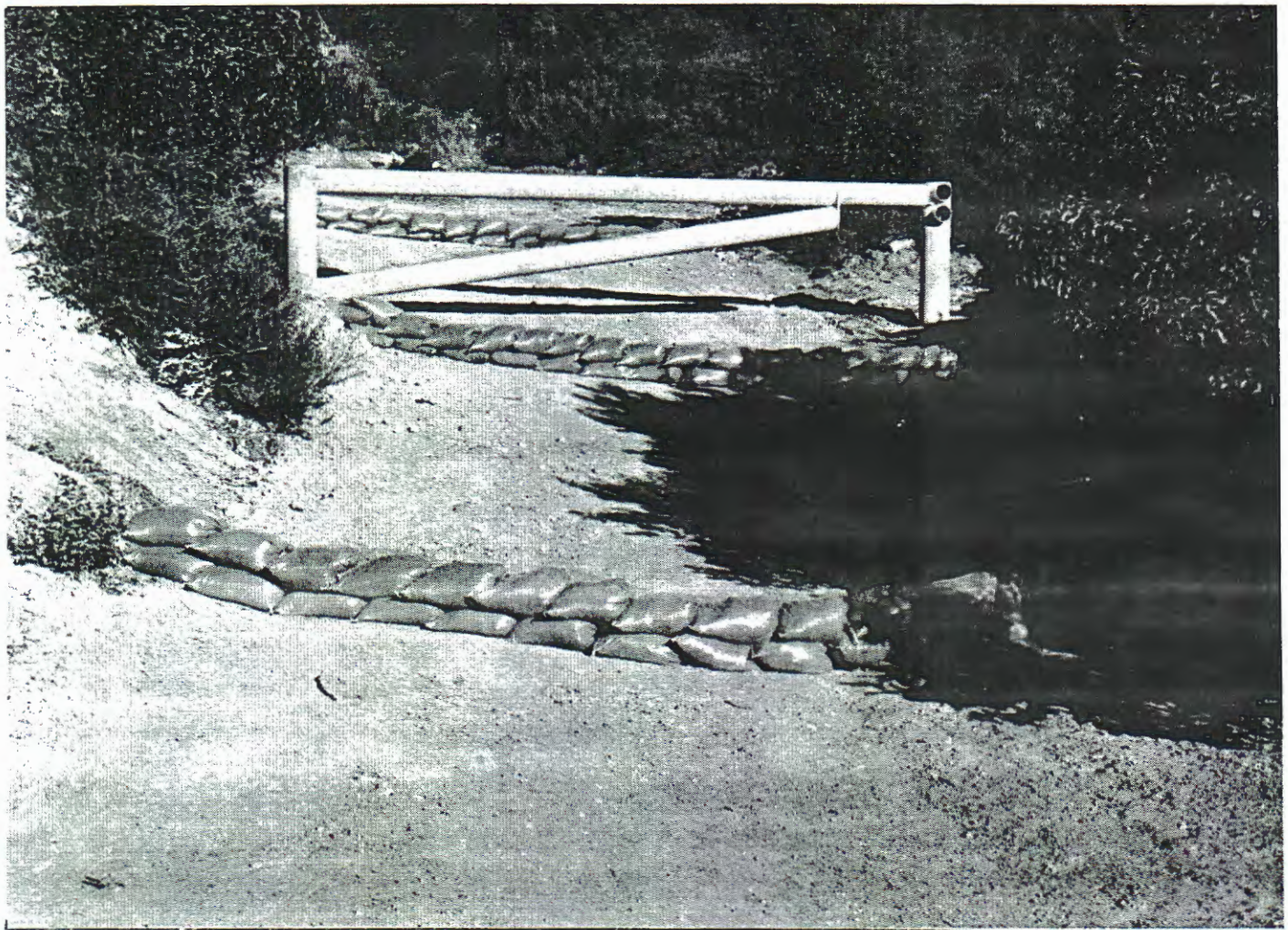


EXHIBIT  
4 CONT.





EXHIBIT 4  
CONT.



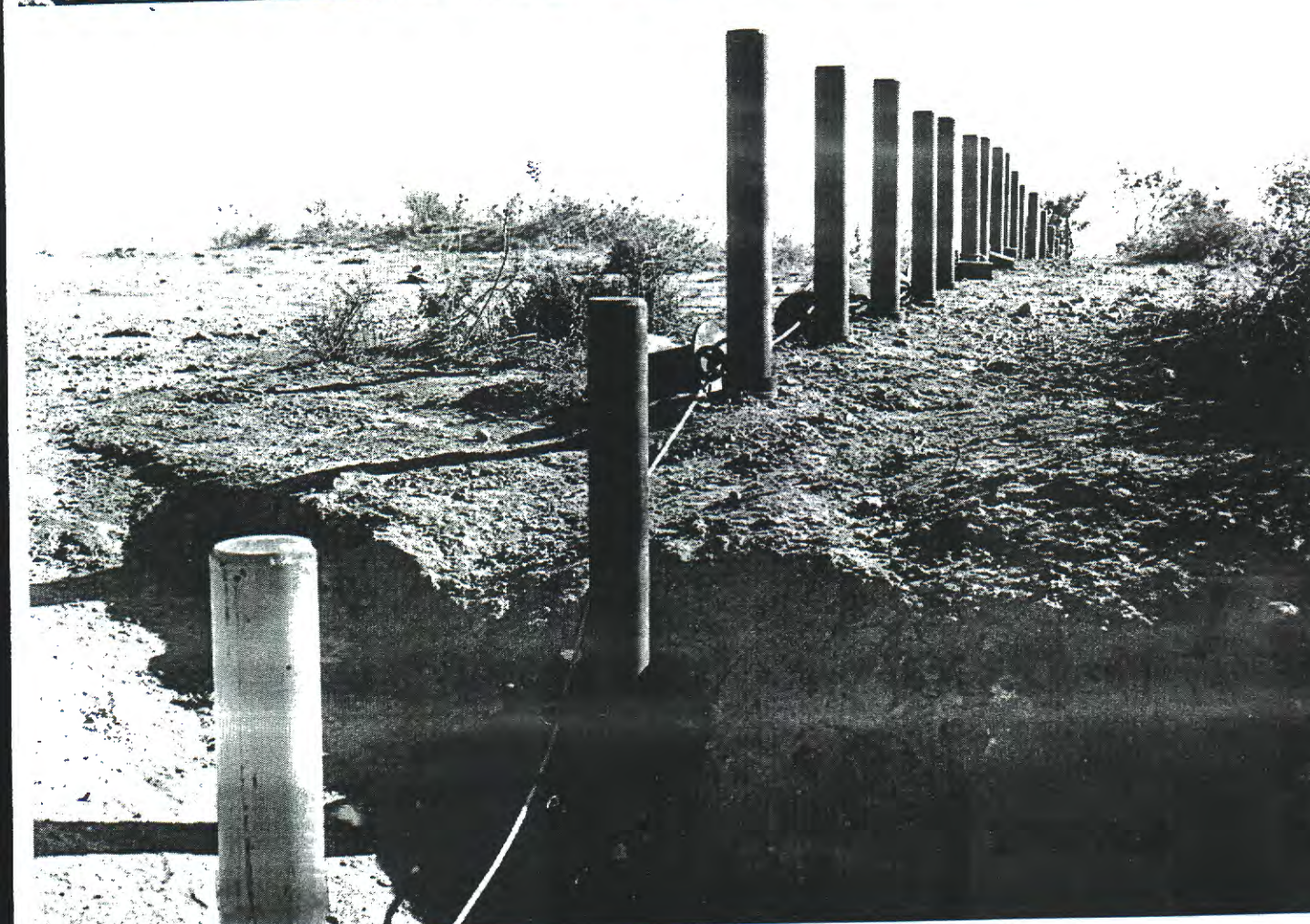


EXHIBIT  
107.



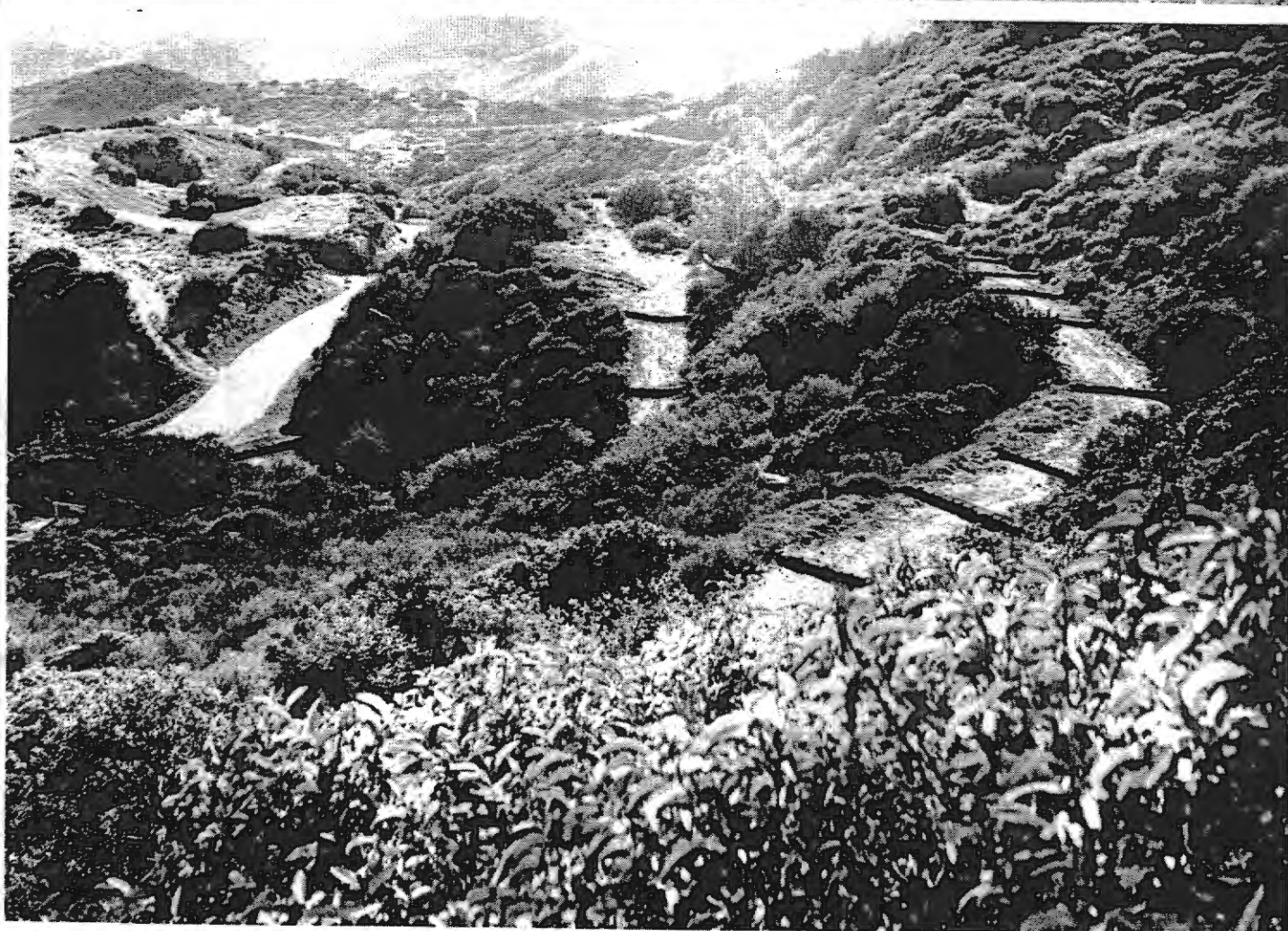


EXHIBIT  
4  
CONT.



To: California Coastal Commission  
89 California Street, ste 200  
Ventura, CA 93001

RE: Notice of Proposed Permit Amendment  
Developer: Simon T.

From: An anonymous concerned neighbor

Dear Mr. Tom St. Clair

Please accept this letter requesting that the California Coastal Commission not apply 14 Cal Admin. Code Section 13166 (a)(2) and that further Staff Investigation is implemented on the following grounds:

1. Please see attached letter dated October 2<sup>nd</sup>, 1992 and received by the California Coastal Commission on October 7<sup>th</sup>, 1992.
  - a. As you can see this letter states the concern that Tsien & Williams have pertaining to accessing their property now the Miller property. The developer/subdivider known as Simon T. is trying to prevent the access to the Miller property. The proposed amendment doubles the amount of grading from the original permit and may prove to render the Tsien & Williams property with out physical access. Precisely what Tsien & Williams beckoned the Coastal Commission not to permit the development of a road that would prevent their easement.
2. It is believed a letter dated October 24<sup>th</sup>, 1996 (Frisbol letter) submitted to the Coastal Commission as a part of the subdivision application is fictitious. ( this is not the issue but rather something that should be looked into to see if in fact true and be a basis by which to evaluate character ). Should it be determined that false information was rendered then the appropriate action should then be implemented.

I have tried to reach you and left messages for you at no avail. I simply ask you to take an honest approach and consider what it means for Mr. Miller should the Coastal Commission allow the permit in haste.

Apparently late notice was sent out dated May 5<sup>th</sup> 2003, the public has 10 days from that date to submit concerns in writing prior to the issuance. Today is the 10<sup>th</sup> day after the date of the notice and therefore it is within the time period. I certainly hope the Coastal Commission does the right thing and staff investigation is appropriated to accurately determine the impact that this proposed permit would have if permitted without the proper diligence. Perhaps you will personally take a look at what is going on, I would gladly share with you any information which I have.

I am concerned for my safety do not trust that the developer Mr. Simon T would not try to be vindictive by nature, therefore with your kind respect I choose to remain anonymous as is permissible. Please feel free to call me as you have my telephone number as I left it on your voice mail and also spoke with Barbara in reception. I am available to day all day till 5:30 pm.

Thank you for your consideration.

Sent via facsimile 5-15-2003  
Attachment

RECEIVED  
MAY 15 2003  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Exhibit 5
CDP 4-96-167-A1
Letter from Anonymous Person Objecting to the Amendment

TOD WILLIAMS  
BILLIE TSIEH  
AND ASSOCIATES

October 2, 1992

RECEIVED

OCT 7 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

California Coastal Commission  
South Coast Area  
245 West Broadway, Suite 38  
Long Beach, California 90802

RE: Permit No. 4-92-089  
Applicant: Boyd Iverson

Attention: Robin Ramez

Please be advised that we, (Tod Williams and Billie Tsien) have an easement across said property (see description). Part of the location of the proposed road is not within our easement. We have a legal right to the present easement to gain access to our property. It is our understanding the county cannot permit Mr. Iverson to do something which will prevent our easement. Therefore, it is imperative that our easement either be modified to accommodate such road, or that our access be guaranteed by Mr. Iverson.

The division of this land into lots of non-conforming size (i.e. less than the 10 acre zoning), requires a much more substantial road than we believe is appropriate to build according to the original terms of our easement grant which was based on a single ownership.

*Tod Williams*

Tod Williams

*Billie Tsien*

Billie Tsien

RECEIVED

MAY 15 2003

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

EXHIBITS CONT.