

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CALIFORNIA 93001-2801
(805) 585-1800 FAX (805) 641-1732
WWW.COASTAL.CA.GOV



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South Central Coast District Deputy Director's Report for March 2023

Prepared March 1, 2023 (for the March 9, 2023 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Central Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the South Central Coast District Office are being reported to the Commission on March 9, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on March 9th.

With respect to the March 9th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on March 9, 2023 (see attached)

Waivers

4-22-0741-W, Ventura Port District (Ventura)

Immaterial Amendments

- 4-95-161-A1, Johnson (Los Angeles County)

Immaterial Extensions

5-90-314-E31, Rubinroit (Malibu)

Response to Objections Letters received for

4-14-0201-E7
4-14-0621-E7

Emergency CDP's, LCP Certification Reviews

None

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February 23, 2023

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 4-22-0741-W

Applicant: Ventura Port District

Location: 1400 Anchors Way Drive, City of Ventura, Ventura County
(APN: 080-0-240-245)

Proposed Development: Removal and replacement of two approximately 8-foot-by-180-foot floating docks with a frame made of aluminum or Ammoniacal Copper Zinc Arsenate treated wood, with foam floats enclosed in inert, polyethylene tubs and a rubber outer fender suitable for the aquatic environment and boat impacts. The floating docks are located at the Ventura Harbor Public Boat Launch Ramp Facility. No changes to the existing piles or abutments to the floating docks are proposed. The project includes construction best management practices to ensure the water quality of the harbor is not degraded by project activities.

Rationale: The proposed project is minor in nature as it is a replacement of floating docks associated with an existing public boat launch ramp facility and will not involve changes to the existing piles or abutments. The new floating docks will be the same sizes and in the same locations as the existing floating docks to be removed. In addition, the applicant has proposed implementation of best management practices to prevent impacts to open waters and has proposed to phase the floating dock replacements such that one dock will always be in operation during construction. Materials for the floating docks were chosen to not produce any adverse effects to the quality of the water and will not degrade as the construction of the docks will be designed for immersion in salt water and withstand boat impacts. Therefore, there are no individual or cumulative adverse impacts on coastal resources associated with this

Coastal Development Permit De Minimis Waiver
4-22-0741-W

project and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge
Executive Director

Original on File signed by:

Jonathan Hasbun
Coastal Program Analyst

cc: Commissioners/File

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties

FROM: Dr. Kate Huckelbridge, Executive Director

DATE: February 27, 2023

SUBJECT: Coastal Development Permit No. 4-95-161 granted to Jerry Johnson for the development described below at 975 Greenleaf Canyon Road, Topanga, Los Angeles County (APN: 4444-030-021) consisting of:

Construction of two story, 4,350 square foot single family residence with a private septic system, swimming pool, water well and water tank on a previously graded building pad (under a separate permit).

The Executive Director of the California Coastal Commission has reviewed a proposed amendment (4-95-161-A1) to the above referenced permit, which would result in the following change(s):

Modifications to the backyard and pool area of the residential development, consisting of reconfiguration of the approved pool, spa, and pool equipment pad within the approved development area; removal of an unpermitted above-ground pool, a 156 square foot garden shed, and 1,150 square feet of associated hardscape; installation of native, drought-resistant plants in areas disturbed by the removal of unpermitted development for erosion control purposes; and retention of an as-built, 5-foot high wildlife permeable fence around the approved development area (320 linear feet). The new in-ground pool dimensions would be 16 feet by 45 feet with an adjacent spa (6 feet by 9 feet) and 924 square feet of hardscape encompassing the pool area. All excess material and debris will be removed from the site and transported to an appropriate disposal facility outside of the coastal zone.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be **IMMATERIAL** and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed amendment consists of modifications to the approved residential development to change the configuration of the approved pool and associated hardscape, add fencing around the pool area, and to remove an unpermitted above-ground pool, storage shed, and associated hardscape. The new pool and spa would be located closer to the approved residence and the project changes will remain within the approved development envelope. The proposed amendment will not result in any different or additional adverse impacts to coastal resources including scenic resources, public access, and sensitive habitat resources that were not considered, minimized, and mitigated in the original conditional approval of the project. As such, the proposed amendment is consistent with all of the applicable policies of the Los Angeles County–Santa Monica Mountains Local Coastal Program.

If you have any questions about the proposal or wish to register an objection, please contact Jonathan Hasbun at the Commission’s Ventura office at Jonathan.Hasbun@coastal.ca.gov or (805) 585-1800.

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March 01, 2023

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

Notice is hereby given that Howard Rubinroit has applied for a one year extension of 5-90-314 granted by the California Coastal Commission on March 14, 1991

for: Adjust lot line and construct 4,665 sq.ft. 27-ft-high single-family home with 1,012 sq.ft. garage, water well, water tank, septic system, swimming pool, pool house and 1,355 cu.yds. of grading.

at: 25195 Piuma Rd, Malibu (Los Angeles County) (APN(s): 4456037004)

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

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

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Julie Reveles
Staff Services Analyst

cc: Commissioners/File

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**OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

Date: February 27, 2023
To: Commissioners and Interested Persons
From: Dr. Kate Huckelbridge, Executive Director
Re: Objection to Executive Director's Determination Regarding Extension of Coastal Development Permit (CDP) No. 4-14-0201 (Pepper Creek LP)

The applicant for the subject Coastal Development Permit requests a one-year time extension to CDP No. 4-14-0201 (Pepper Creek LP), which was previously approved by the Commission on February 12, 2015. This Permit is for:

Construction of a 30 ft. high, two-level with basement, 8,907 sq. ft. single family residence, with an attached 834 sq. ft. garage, swimming pool and spa, onsite wastewater treatment system, 18,000-gallon below ground water tank, 1,835 cu. yds. of grading (1,645 cu. yds. cut, 190 cu. yds. fill), and retaining walls.

at 3221 Serra Road, Santa Monica Mountains, Los Angeles County (APN 4457-003-020), and was amended on August 30, 2021, to include the following changes:

Modifications to the architectural style, floor plan, and layout of the approved structure within the same development envelope and elimination of the 1,511 sq. ft. basement portion of the residence. The size of the residence will decrease from 8,907 sq. ft. to 6,346 sq. ft. and the size of the attached garage will decrease from 834 sq. ft. to 778 sq. ft. The maximum structure height and required fuel modification will remain the same from what was previously approved. The proposed modifications will reduce grading from 1,835 cu. yds. (1,645 cu. yds. cut, 190 cu. yds. fill) to 1,245 cu. yds. (855 cu. yds. cut, 390 cu. yds. fill). The approved swimming pool and spa, onsite wastewater treatment system, 18,000-gallon below ground water tank, and site retaining walls remain unchanged.

The Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act, and notice of this determination was mailed on January 27, 2023, and posted at the project site. This determination will be reported to the Commission at the March 9, 2023, Commission meeting. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the

determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there are changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

On January 31, 2023, following notice of the Executive Director's Determination, a letter of objection to the time extension was received within 10 working days of the mailed notice (**Exhibit 1**). The letter is from Mr. Marc Kessler, an owner of the property located at 23333 Palm Canyon Lane (APN 4452-027-011), adjacent to the subject project. The letter states that Mr. Kessler and his wife object to the extension of the subject permit for reasons described in further detail below.

The letter states that the extension should not be granted because the applicant does not have an easement for access to the subject property from Serra Road and that it is unclear how emergency vehicles would be able to access the property. The letter also alleges that additional traffic from construction along Mr. Kessler's property easement on Palm Canyon Lane could result in safety issues, and presents concerns related to potential geological instability and negative environmental impacts from grading associated with the project and potential environmental impacts from the below ground water tank and onsite wastewater treatment system, which are part of the project.

In response, Commission staff would note that the subject application for residential development would be located on a parcel and existing building pad that was previously created pursuant to CDP No. 4-95-173, which was approved in 1996 (amended in 2007), and allowed for the subdivision of a 35.8 acre parcel into four single-family residential parcels along with the construction of four building pads, utilities, a shared private access driveway from Serra Road, and associated grading. After CDP No. 4-95-173 was approved, Los Angeles County approved a Final Parcel Map to effectuate the subdivision and the Final Parcel Map (No. 23897) identified an easement along Serra Road as providing access to the subject properties. Construction of the four approved building pads and shared private access driveway from Serra Road were also completed pursuant to CDP No. 4-95-173. In this case, the issue of easement rights along Serra Road is a private matter between property owners.

The geologic stability of the site and the approved development, including the residence, water tank, and wastewater treatment system was addressed by the Commission in the approval of the subject permit. The letter of objection regarding the subject extension request does not assert that there are any changed circumstances on the subject site that affect the development's consistency with the Coastal Act or the Los Angeles County-Santa Monica Mountains LCP. Staff is not aware of any changed circumstances.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances onsite that affect the development's conformity with the Coastal Act or the Los Angeles County-Santa Monica Mountains LCP. The Executive Director is reporting the time extension and the objection to the Commission pursuant to the above referenced regulation. If three Commissioners object to the Executive Director's determination on the time extension, it will be scheduled for hearing as a material permit extension at a subsequent meeting.

-----Original Message-----

From: Marc Kessler <marcjessler@gmail.com>

Sent: Tuesday, January 31, 2023 10:39 AM

To: Reveles, Julie@Coastal <Julie.Reveles@coastal.ca.gov>

Subject: 3212 Serra Road, Malibu, 90265 APN 4457003020

> Ms. Reveles:

>

> My wife and I are owners of 23333 Palm Canyon Lane, Malibu 90265

>

> We object to the permit request at 3221 Serra Road for the following reasons:

>

> 1) It is our understanding that there is no easement for access to the subject property from Serra Road. It is unclear how emergency vehicles would be able to access subject property. This poses a danger to all the surrounding homes.

>

> 2) There is already a tremendous amount of traffic on my property's easement on palm canyon lane. I am concerned that the additional traffic from construction will pose a danger to my 3 children's physical safety.

>

> 3) I am concerned about the geological instability and negative environmental impact that would be caused by the proposal to move 2140 cu. yards from a hill side that already has a lot of falling rocks. I am also concerned about the environmental impact to the neighborhood of the proposed 18,000 gallon below ground water and onsite waste water treatment site. There have been studies that indicate that existing onsite waste water facilities in the serra canyon area may be leaching into malibu creek or malibu lagoon.

>

> Please contact me with any questions.

>

> Marc Kessler 310 621 5093

Sent from my iPhone

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**OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

Date: February 27, 2023
To: Commissioners and Interested Persons
From: Dr. Kate Huckelbridge, Executive Director
Re: Objection to Executive Director's Determination Regarding Extension of Coastal Development Permit (CDP) No. 4-14-0621 (Rancho Tecolote, LP)

The applicant for the subject Coastal Development Permit requests a one-year time extension to CDP No. No. 4-14-0621 (Rancho Tecolote, LP), which was previously approved by the Commission on February 12, 2015. This Permit is for:

Construction of a 28'8" high (as measured from finished grade), three-level, 4,283 sq. ft. single family residence on an approximately 14 acre lot, with an attached 701 sq. ft. garage, swimming pool and spa, onsite waste water treatment system, 1,426 cu. yds. Grading (1,327 cu. yds. cut, 99 cu. yds. fill), and retaining walls.

at 3240 Cross Creek Road, Santa Monica Mountains, Los Angeles County (APN 4457-002-038).

The Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act, and notice of this determination was mailed on January 27, 2023, and posted at the project site. This determination will be reported to the Commission at the March 9, 2023, Commission meeting. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there are changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

On February 8, 2023, following notice of the Executive Director's Determination, a letter of objection to the time extension was received within 10 working days of the mailed notice (**Exhibit 1**). The letter is from Andy Ferguson, on behalf of 3200 Retreat Court LLC, the owner of the property located at 3200 Retreat Court (APN 4452-027-021), adjacent to the subject project. The letter states that 3200 Retreat Court LLC objects to the extension of the subject permit for reasons described in further detail below.

The letter raises concerns related to fire safety and access, slope stability, grading, and visual impacts related to the building height of the project. The letter mentions changes to Los Angeles County fire prevention and fire access codes and to geologic and geotechnical codes that could affect the project, but doesn't provide specific evidence.

The letter of objection regarding the subject extension request does not assert that there are any changed circumstances on the subject site that affect the development's consistency with the Coastal Act or the Los Angeles County-Santa Monica Mountains LCP. Staff is not aware of any changed circumstances. Commission staff would also note that if project changes are required by the County to obtain County building or grading permits in compliance with County code requirements, the subject CDP specifies that any changes to the Coastal Commission-approved final site/development plans for the project would require an amendment to the CDP, which would be analyzed for consistency with the certified Los Angeles County-Santa Monica Mountains LCP.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances onsite that affect the development's conformity with the Coastal Act or the Los Angeles County-Santa Monica Mountains LCP. The Executive Director is reporting the time extension and the objection to the Commission pursuant to the above referenced regulation. If three Commissioners object to the Executive Director's determination on the time extension, it will be scheduled for hearing as a material permit extension at a subsequent meeting.

February 8, 2023

California Coastal Commission
South Central Coast District Office
89 S. California St., Ste. 200
Ventura, CA 93001

Re.: Notice of Extension Request for Coastal Development Permit # 4-14-0621
Rancho Tecolote, LP
3240 Cross Creek Road
Malibu, CA 90265
APN 4457-002-038

Coastal Commission Staff,

I am contacting you on behalf of 3200 Retreat Court LLC, the property owner at 3200 Retreat Court, Malibu (APN 4452-027-021). This property is located directly south of the proposed property in the above reference Coastal Development Permit Extension Request.

My clients questions range from fire safety and access concerns to slope stability, grading and overall building height concerns.

Regarding the fire concerns, this development is located in the Very High Fire Zone and on a non-complying access road, which will need widening. My clients property runs adjacent to this access road (Cross Creek Rd.) and they have concerns regarding this widening and how it could impact their property. Has this street widening been addressed by staff for potential impacts? No said plan is part of the Staff Report.

Also, the proposed development plans show the fire department turnaround located in the proposed driveway. Due to steepness of the hillside and changes to the LACO Fire Prevention standards, the slope of the proposed driveway no longer meets the requirements of the LACO Fire Prevention turnaround. My client feels these items should be addressed prior to the extension, not only for life and safety concerns, but also grading quantities and overall building height could be impacted by changes to the driveway.

In regards to slope stability, my client feels the 2014 Preliminary Geologic and Geotechnical Engineering Investigation should be reviewed and updated by the geotechnical consultant of record. Since 2014, there have been code changes and upgrades that could impact the foundation system for the proposed house and/or retaining walls. This could increase the grading quantities approved in the original report. The staff report plans do not have detailed information on foundation systems or site stability piles/caissons, so it is difficult to verify accurate grading quantities and site stability for this proposed hillside construction.

My client also has concerns with the building height. The staff report notes the proposed structure height as 28'-8" (as measured from finish grade), but when viewed from Cross Creek Rd., it will look like a 45' high structure. Have visual impacts of this proposed hillside development been addressed by staff?

3200 Retreat Court LLC requests that these items be addressed prior to the one year extension being granted. If you have any questions or concerns, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Ferguson". The signature is fluid and cursive, with the first name "Andy" and last name "Ferguson" clearly distinguishable.

Andy Ferguson

andy@houseofmyooz.com
(323)605-7388