

DIRECTORS'S REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	June 13, 2024	
HEARING DATE:	June 26, 2024	AGENDA ITEM: 5 (b)
PROJECT NUMBER:	PRJ2024-001829-(3)	
PERMIT NUMBER(S):	Emergency Coastal Development Permit ("Emergency CDP") No. RPPL2024002755	
SUPERVISORIAL DISTRICT:	3	
PROJECT LOCATION:	428 Fernwood Pacific Drive, Topanga	
OWNER:	Joan McArther	
APPLICANT:	Dina Arias	
CASE PLANNER:	Shawn Skeries, Principal Planner sskeries@planning.lacounty.gov	

DIRECTOR'S ACTION

The Director of Planning, by her action of May 21, 2024, has **APPROVED** the above-referenced project pursuant to the Emergency Projects provisions contained within County Code Section 22.44.960. This report is informational only; the decision to issue the Emergency CDP is solely at the direction of the Director. There is no appeal period for this decision.

PROECT DESCRIPTION

The project proposes the demolition and removal of interfering portions of an existing failed rock wall and concrete sidewalk and the construction of a new retaining wall with soil compaction. An Emergency CDP is required due to the immediate danger presented by the slope failure and continuing erosion on the subject parcel to the property of the single-family residence, including accessory structures, and to the life of the inhabitants. Within ninety (90) days of issuance of the Emergency CDP (**August 20, 2024**), the permittee shall submit a complete application for a CDP or comparable entitlement, consistent with the requirements of the Santa Monica Mountains Local Implementation Program.

Report
Reviewed By: 
Robert Glaser, Supervising Regional Planner

Report
Approved By: 
Mitch Glaser, Assistant Administrator

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Emergency CDP
EXHIBIT B	Approved Exhibit 'A'

EMERGENCY COASTAL DEVELOPMENT PERMIT

Approval Date: May 21, 2024

Expiration Date: August 20, 2024

Project No.: PRJ2024-001829-(3)

Permit No.: RPPL2024002755

Applicant: Dina Arias

Location: 428 Fernwood Pacific Drive, Topanga (Assessor's Parcel Number 4446-027-007)

Work Proposed: The Project proposes demo and remove interfering portions of existing failed rock wall and concrete walkway and construction of a new retaining wall with soil compaction.

By her action of May 21, 2024, the Director of Regional Planning authorized this Emergency Coastal Development Permit ("Emergency Permit") for the above-referenced work. An Emergency Permit is required due to the immediate danger to life and property of the single-family residence and the inhabitants presented by the slope failure and continuing erosion on the subject parcel. In accordance with Public Resources Code section 30624, and Local Implementation Program section 22.44.960(E), the Director of Regional Planning Department ("Director") hereby finds that:

RECITALS:

1. The slope to the southwest of the main residence has failed and continues to erode northward. If allowed to continue, this erosion will pose an immediate threat to the single-family residence and the inhabitants.
2. In order to address an immediate threat of structure damage, the applicant finds it necessary to conduct immediate emergency repair and restoration work for the failing slope.
3. The project entails demo and remove interfering portions of existing failed rock wall and concrete walkway and construction of a new retaining wall with soil compaction.
4. Based upon the circumstances it has been determined that an emergency exists and requires action more quickly than permitted by the procedures for a Coastal Development Permit ("CDP") administered pursuant to the provisions of Part 10 of Chapter 22.44 of the Los Angeles County Code and Public Resources Code section 30600.5.
5. Due to the existing hazardous access conditions that endanger public health and safety, the

Director finds that grading during the rainy season is permitted pursuant to Section 22.44.160 (H) of the Santa Monica Mountains Local Implementation Plan ("LIP").

6. Because the project will require coordination with multiple County agencies including Public Works and the Fire Department, the expiration date of this permit shall be ninety days from the date of approval.
7. The emergency nature of the request did not allow for public comment.
8. A biologist will be provided by the permittee to monitor on-site activities associated with the work proposed that will disturb existing vegetation.
9. The permit is adequately conditioned to ensure that the repair work is temporary in nature and the minimum necessary to stabilize the slope unless a CDP is approved formalizing its placement, a CDP will be required formalizing the work necessary, subject to the applicable provisions of the LIP.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

- A. An emergency exists and requires action more quickly than permitted by the procedures for CDPs administered pursuant to the provisions of this Chapter and Public Resources Code section 30600.5 and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit.
- B. Public comment on the proposed emergency action has been reviewed if time allows.
- C. The work proposed would be the minimal necessary to protect life and property and consistent with the requirements of the LCP.
- D. The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.
- E. The Director shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code section 30519(b) because a CDP application must be reviewed by the Coastal Commission pursuant to provisions of California Public Resources Code section 30600.5.

THE EMERGENCY WORK SHALL COMPLY WITH THE FOLLOWING CONDITIONS:

1. Only the emergency work specifically described above and for the specific locations listed above, subject to the conditions set forth below, are authorized. Any additional work requires separate authorization.
2. An Emergency Permit Acceptance Form must be signed by the applicant and returned to the Department of Regional Planning within fifteen (15) days of the approval date of this Emergency Permit.
3. The work authorized by this permit must be completed no later than **August 20, 2024**, the

expiration date of this permit.

4. Any development or structures constructed pursuant to this Emergency Permit shall be considered temporary until authorized by the subsequent entitlement. The issuance of this Emergency Permit shall not constitute an entitlement to the erection of permanent development or structures.
5. This Emergency Permit is valid until the issuance of a CDP or until it is revoked by the Director.
6. Within ninety (90) days of issuance of the emergency permit, the permittee shall submit a complete application for a regular CDP properly filed consistent with the requirements of the Santa Monica Mountains LIP. The emergency work authorized by this permit must be removed unless a complete application for a CDP is filed within ninety (90) days of approval of the emergency permit. The Director may extend the length of time for the permittee to submit a complete application, for good cause, if such an extension is requested and substantiated by the applicant.
7. The permittee shall submit a complete application for any additional requirements associated with the subject emergency work, including but not limited to, removal of environmentally sensitive habitat area, oak tree encroachments, or any other impacts or development activities requiring a permit.
8. If a CDP authorizing permanent retention of the development is denied, then the development that was authorized by this Emergency Permit, or the denied portion of the development, must be removed.
9. Should equipment staging and activity associated with the proposed emergency work interfere with or impact the protected zone of any native trees or native vegetation, a qualified biologist shall be present to document the pre-impact and post impact conditions.
10. Any impacts to native trees shall be documented with photographs and a detailed description of the tree species, diameter of pruned limbs, and total percent of the tree canopy removed by the pruning. Any impacts to native vegetation shall be documented with photographs, species of vegetation, and total area of vegetation impacted. The pre-impact and post-impact report(s) shall be submitted at the time of CDP application submittal pursuant to Condition No. 6 above.
11. A pre-construction nesting bird survey shall be conducted by a qualified biologist prior to any native vegetation removal or native tree impacts. If nesting birds are found, all work shall be postponed until the nest is vacated with further attempts at nesting are made, as determined by the qualified biologist and consistent with County Code section 22.44.1920.F.6.
12. The project shall implement any required erosion and sediment control plan and applicable best management practices pursuant to County Code section 22.444.1340, and as required by the Department of Public Works, to prevent erosion and sedimentation or pollution runoff resulting from the project.

MAY 21, 2024

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13. In exercising this permit, the applicant agrees to indemnify and hold harmless Los Angeles County, and its agents and employees from any liabilities or claims for damage to public or private properties or from personal injury that may result to any party from the project authorized herein.
14. The applicant shall obtain any necessary approvals from the Los Angeles County Department of Public Works, Fire Department, or Department of Public Health. Approvals from other County Departments may be needed prior to the issuance of a building or grading permit.
15. This Emergency Permit does not eliminate the need to obtain necessary authorizations and/or permits from other local, state and federal agencies including, but not limited to, the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers, California Regional Water Quality Control Board, and the State Lands Commission, as applicable.
16. The subject property shall be maintained and operated in full compliance with the conditions of this Emergency Permit and any law, statute, ordinance, or other regulations applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
17. If inspections are required to ensure compliance with the conditions of this Emergency Permit, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this Permit, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for inspections shall be \$441.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

For questions regarding this permit, please contact Shawn Skeries of the Coastal Development Services Section by email at sskeries@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services

Enclosures: Acceptance Form (Permittee's Completion)

c: DPW (Building and Safety), Coastal Commission (South Central Coast District office)

RG: SS