

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-0142

Filed: 9-21-95  
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Staff Report: 10-24-95  
Hearing Date: Nov. 14-17, 1995  
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TJ 16C

APPLICATION NO.: 4-95-161

APPLICANT: Jerry Johnson

AGENT: None

PROJECT LOCATION: 975 Greenleaf Canyon Road, Topanga; Los Angeles County

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

Lot Area	6.3 acres
Building Coverage	5,250 sq. ft.
Pavement Coverage	10,000 sq. ft.
Landscape Coverage	40,000 sq. ft.
Parking Spaces	3 covered
Plan Designation	1 du/ 10ac.
Project Density	1 du
Ht abv fin grade	27 feet

LOCAL APPROVALS RECEIVED: Approval in Concept from Los Angeles County Department of Regional Planning

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit Application 4-92-242 (Johnson).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Conditions.

### 1. Landscaping and Fuel Modification Plans

Prior to the issuance of a coastal development permit, the applicant shall submit two sets of a landscaping and fuel modification plan prepared by a licensed landscape/architect or other qualified professional for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All disturbed areas on the subject site shall be planted and maintained for erosion control, habitat protection and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated January 20, 1992. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

- (b) Vegetation within 50 feet of the proposed house may be removed to mineral earth; the area may be landscaped if desired. Selective thinning, for purposes of fire hazard reduction, shall be allowed in accordance with an approved long-term fuel modification plan, reviewed and approved by the Los Angeles County Fire Department, which shall indicate all vegetation currently on site and what vegetation shall be removed or reduced in height or bulk to reduce the fuel load. The applicant shall be prohibited from clearing all vegetation further than fifty feet from the residence, except to the east where the clearing of chaparral species may be greater to avoid the removal of vegetation from the riparian corridor. In no case should vegetation thinning occur in areas greater than a 200 foot radius of the main structure.
- (c) The applicant shall identify the riparian corridor of the creek to the west of the building site on the plans and include the location of all oak, sycamore and other significant riparian trees. Oak trees, Sycamores trees and other significant riparian trees may be thinned out, but trees shall not be removed. Selective thinning of the understory vegetation shall be permitted if required by the Fire Department.

## 2. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-95-161 is only for the proposed development and that any future development, additions, or improvements to any portion of the property, made for any purpose, including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency whether or not such development, additions, or improvements, might otherwise be exempt from coastal development permit requirements. The removal of vegetation consistent with condition 1 is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

## 3. Geologic Recommendations

All recommendations contained in the Report of Professional Engineering Geologic Investigation dated January 20, 1992, prepared by Harley Tucker Incorporated, and contained in the Soils Engineering Investigation dated January 28, 1992 and prepared by SWN Soiltech Consultants Inc., shall be incorporated into all final design and construction including foundations, driveway, the septic system and drainage, and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicants shall submit evidence to the Executive Director of the Consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

#### 4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### IV. Findings and Declarations.

##### A. Project Description and Background

The applicant is proposing the construction of a two story, 4,350 square foot single family residence on two lots east of Topanga Canyon in Greenleaf Canyon. The applicant is also proposing a private septic system, water well, driveway and swimming pool on the subject site.

~~The site was previously graded under coastal development permit 4-92-242~~ (Johnson) which allowed for the grading of a driveway and building pad for the future residence. The coastal development permit 4-92-242 also included a lot line adjustment. This permit was approved with six special conditions which included the implementation of a landscaping plan and a drainage control plan, and required that all grading be consistent with the recommendations of the consulting geologist and soils engineer. All work was completed, including the installation of drainage devices, and the site was landscaped as required under the coastal development permit.

The site is located on the west side of Greenleaf Canyon Road; Greenleaf Canyon and the blueline stream at its base lie to the east of Greenleaf Canyon Road. The project site is located along the crest of a southerly trending spur ridge with elevations ranging from 975 feet to 1,100 feet above sea level. Slopes within and adjacent to the proposed site descend to the west, south, and east at slopes ranging from 3.6:1 to 1:1. To the west of the site there is a minor stream which is not a blueline stream. Although it is not recognized by the Commission as an inland ESHA, it does contain native riparian habitat, including oak trees. The proposed residence is setback from the centerline of the creek by 50 feet.

The site is designated Rural Land I, allowing for one residence per ten acres. The two lots combined, although less than ten acres, were created prior to the January 1, 1977 effectiveness date of the Coastal Act. Moreover, a lot line adjustment was done in 1992 which increased the two lots from 5.3 acres to 6.3 acres.

##### B. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Although this site is not located within an area designated by the Commission as an environmentally sensitive habitat area, the site is located within an area of environmental significance. The site is located approximately 200 feet east of Greenleaf Canyon Stream, a Commission designated ESHA. The east facing slopes on the applicant's property, west of the stream and Greenleaf Canyon Road are heavily vegetated, but do not contain an abundance of riparian vegetation. West of the applicant's building site is a minor creek with a well developed riparian corridor. The applicant is not proposing to remove any oak trees from the site.

Both the east facing slope and the creek to the west of the site are located within a 200 foot radius from the residence. For fire suppression, and protection of the residence, the Fire Department requires the reduction of fuel through the removal and thinning of vegetation for up to 200 feet from any structure. Specifically, the Fire Department requires that all development be removed for a 50 foot radius, except for landscaping, and that for the remaining 150 foot radius, the area be thinned of vegetation. The applicant has indicated on the site plan a 100 foot radius to be thinned of vegetation for fire protection, and an area within 30 feet of the residence to be landscaped with fire resistant plants. However, the specific species and locations to be used is not provided. Moreover, the plan does not show the thinning of vegetation for 200 feet around the residence. Finally, the creek to the west of the site is within the 200 foot radius; however, there is no direction as to what vegetation may be removed from the creek. The Commission finds that in order to protect and maintain the environmental value of the area, the applicant shall minimize to the greatest extent feasible, any removal of vegetation within the riparian corridor. Significant trees may be trimmed, but shall not be removed. In order to minimize the disturbance of the riparian corridor, the applicant may remove a greater percentage of chaparral vegetation on either side of the riparian corridor. The riparian corridor includes the stream bed and the riparian vegetation on either side, which extends at least from bank to bank. The applicant shall be required to provide a detailed landscaping and fuel modification plan, reviewed and approved by the Fire Department, which details the types and location of all landscaped material and incorporates the above noted modifications to the fuel modification plan. The applicant shall refrain from using any invasive plant material, and shall use primarily native, fire retardant plants within the 50 foot radius of the residence. The specifications of a landscaping and fuel modification plan are outlined in special condition 1.

As stated above, the residence is located only 50 feet from the riparian corridor. Any additions to the residence could encroach the riparian corridor. Any structures or development within the riparian corridor would negatively affect the habitat value of this pristine microhabitat. Therefore, the Commission finds it necessary to require the applicant to record a future improvements deed restriction which will require that the applicant obtain a coastal development permit for any improvements or additions to the residence. To ensure that the applicant and future owners do not deviate from

the fuel modification plan and clear significant vegetation in the riparian corridor, the future improvements deed restriction will also require any changes to the fuel modification or landscaping plan, be reviewed and permitted by the Commission. The Commission finds, that only as conditioned is the project consistent with Section 30240 of the Coastal Act.

### C. Geologic Hazards

Section 30253 of the Coastal Act states in part:

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 residence will be situated on a southerly trending ridge where a building pad was previously graded and drainage devices were installed under a coastal development permit. There is no new grading proposed for this residence. Landscaping and revegetation of the disturbed slopes were completed at the end of grading for the pads. This proposal, however, will cause those areas to be disturbed again for the construction of the residence and the clearance of vegetation for fire suppression.

The proposed development is located in the Santa Monica Mountains, an area which 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. The applicant is proposing to construct a single family residence.

Previously, the applicant's site was reviewed for the grading and the construction of the residence by a soils engineer and an engineering geologist. The consultants found that the grading of the site was feasible provided that the recommendations were followed. The applicant received the grading permit from the Commission and did perform the work according to the consultants recommendations. The consulting engineer prepared a final "As Graded Geologic Report" for the County of Los Angeles to address the conditions of the site after grading the pads. The consulting engineering geologist stated that the cut slopes on site are considered stable from the standpoint of gross bedrock stability. The consulting geologist noted that the site grading is approved from a geologic perspective; however, future residential foundation excavation will require approval by the consulting engineer. Most recently, the consulting engineer provided the applicant with an updated engineering geologic report for the proposed construction of the single family residence. The consulting engineer performed a geologic reconnaissance and concluded that:

Based on geologic reconnaissance of the subject property, the site has remained essentially in a similar condition as that which was reported in our November 2, 1992, As-Graded Geologic Report. Bedrocks on the property are exposed in the graded cut slopes and showed no evidence of instability, in spite of the heavy rains that occurred during the early part of this year, as well as the January 17, 1994, 6.8 Richter magnitude Northridge Earthquake....All future construction shall be conducted in accordance with the specific geotechnical recommendations provided by this office and SWN Soiltech Consultants, Inc. geotechnical engineers.

In addition to the engineering report prepared by the engineering geologist, the applicant also had a soils engineering report prepared for the initial grading of the site. In the initial report prepared on January 28, 1992, the consulting soils engineer noted that drainage control is imperative for the continued site stability of the area. The applicant was required, under 4-92-242, to submit a detailed drainage plan, reviewed by the soils engineer, which addressed the concerns and problems on site. This drainage plan was submitted, and the work was completed on site. The consulting soils engineer conducted a site visit after the completion of final grading and concluded that:

Based on the investigation described in the referenced report and addendum, and on the observation made as described in this report, it is our opinion that the proposed construction is feasible. The geologic investigation by Harley Tucker, Inc. has found favorable geologic conditions at the subject site. The potential for gross or large-scale surficial failure is considered to be low if the slopes are improved and maintained in accordance with our recommendations.

Based on the findings and recommendations of the consulting geologist and soils engineer, the Commission finds that the development should be free from geologic hazards so long as all recommendations for the construction of the proposed project are incorporated into project plans. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the consulting geotechnical consultant and the soils engineering consultants as conforming to their recommendations

Finally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

#### C. Septic Systems

The proposed development includes the installation of an on-site septic system to provide sewage disposal. The Commission recognizes that the potential build-out of lots in the Santa Monica Mountains, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area. Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The consulting engineer has performed percolation tests which resulted in favorable percolation. The engineer has concluded that the amount of water that percolates on site exceeds the minimum Los Angeles County standards and therefore, the County should authorize septic approval. The consulting engineer has further stated that the on-site septic system will not adversely affect the stability of the site, or off-site properties provided the recommendations stated in the geology report are followed. The applicant is already required to follow all recommendations of the consulting geologist, as stated in special condition 3, which was required in the preceding section. Therefore, the Commission finds that based on the tests and findings of the applicant's consultants, ~~the septic system will not adversely impact water quality~~ and therefore is consistent with Sections 30231 of the Coastal Act.

#### D. Local Coastal Program

Section 30604 of the Coastal Act states that:

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 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 project as conditioned is in conformity with the provisions of Chapter 3. As conditioned, the development 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 development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### E. CEOA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act



(CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

1801M



Exhibit 1: Location Map  
4-95-161 (Johnson)

LABASAS

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

818-225-9315

STATE OF CALIFORNIA  
REPRESENTED BY THE  
DIRECTOR OF PUBLIC WORKS

118°37'30"  
34°07'30"

351000 E. R. 17 W.

CANOGA PARK 6.8 MI.  
WOODLAND HILLS (U.S. 101) 4.5 MI.

R. 16 W.

353

35'

355

T. 1 N.

T. 1 S.

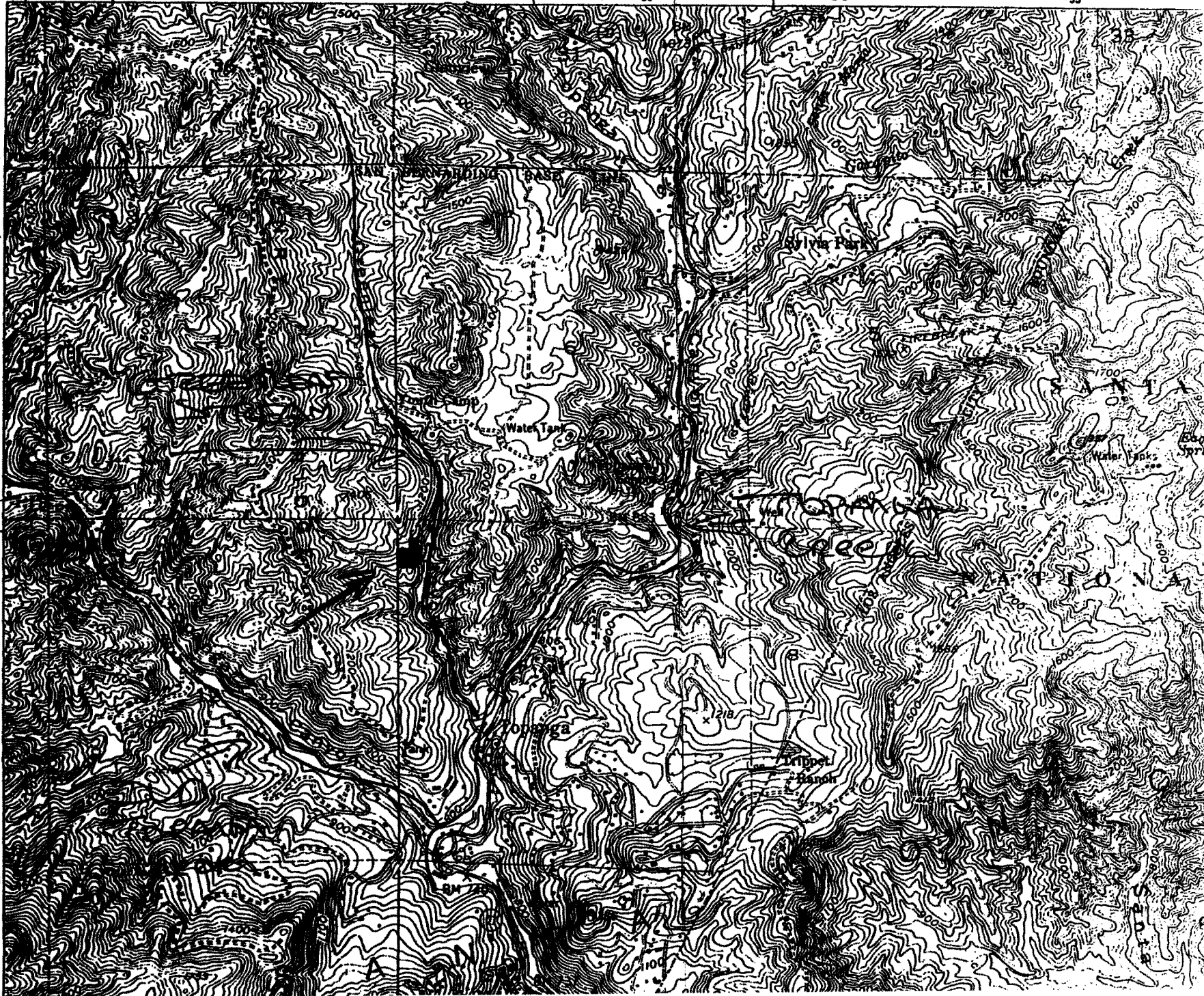
R. 16 W.

1.9 (U.S. 101) 0.3 MI.  
CALABASAS (U.S. 101) 0.3 MI.

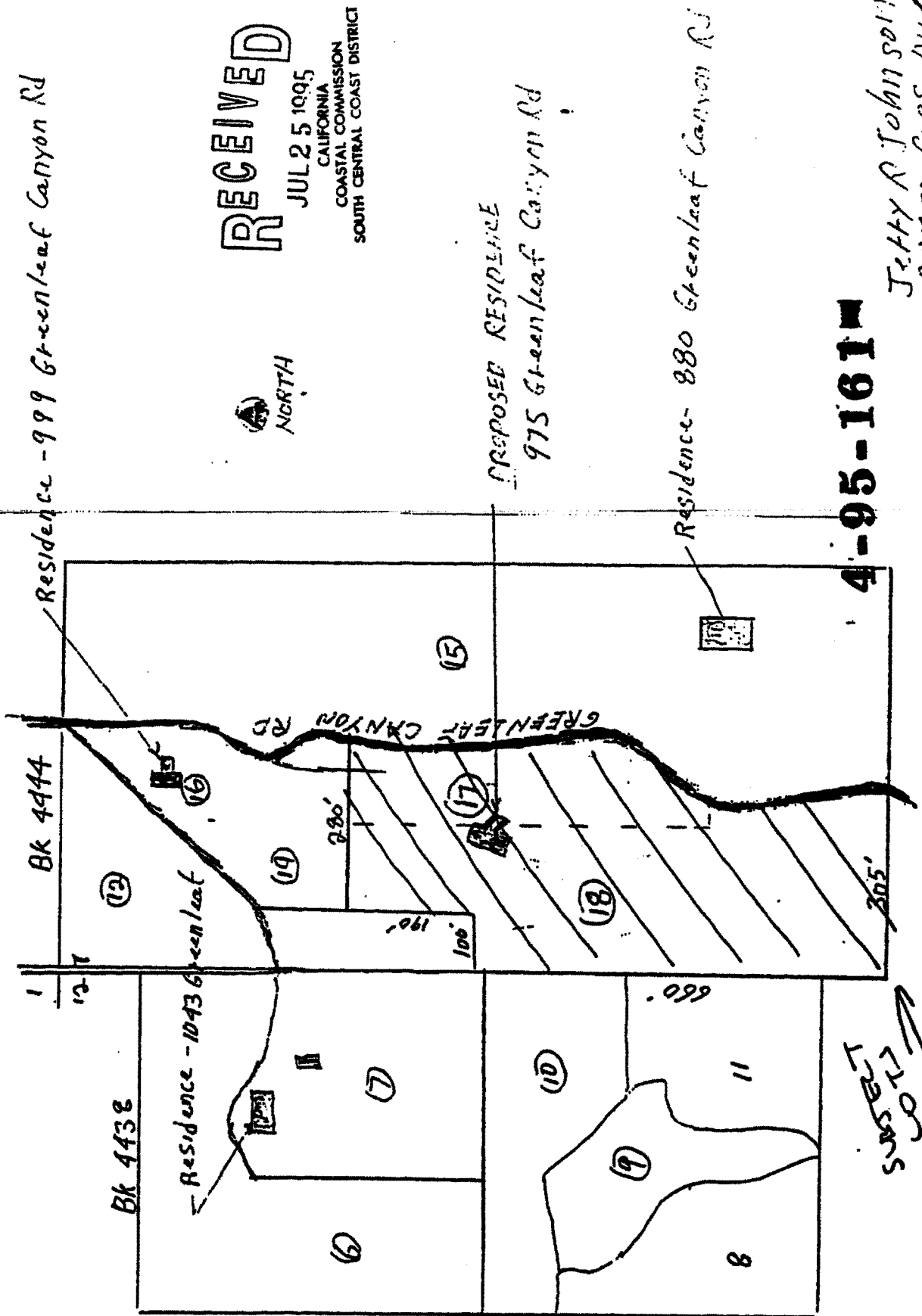
R. 16 W.

R. 16 W.

Exhibit 2: Resource Map  
4-95-161



# SURROUNDING LAND USE MAP

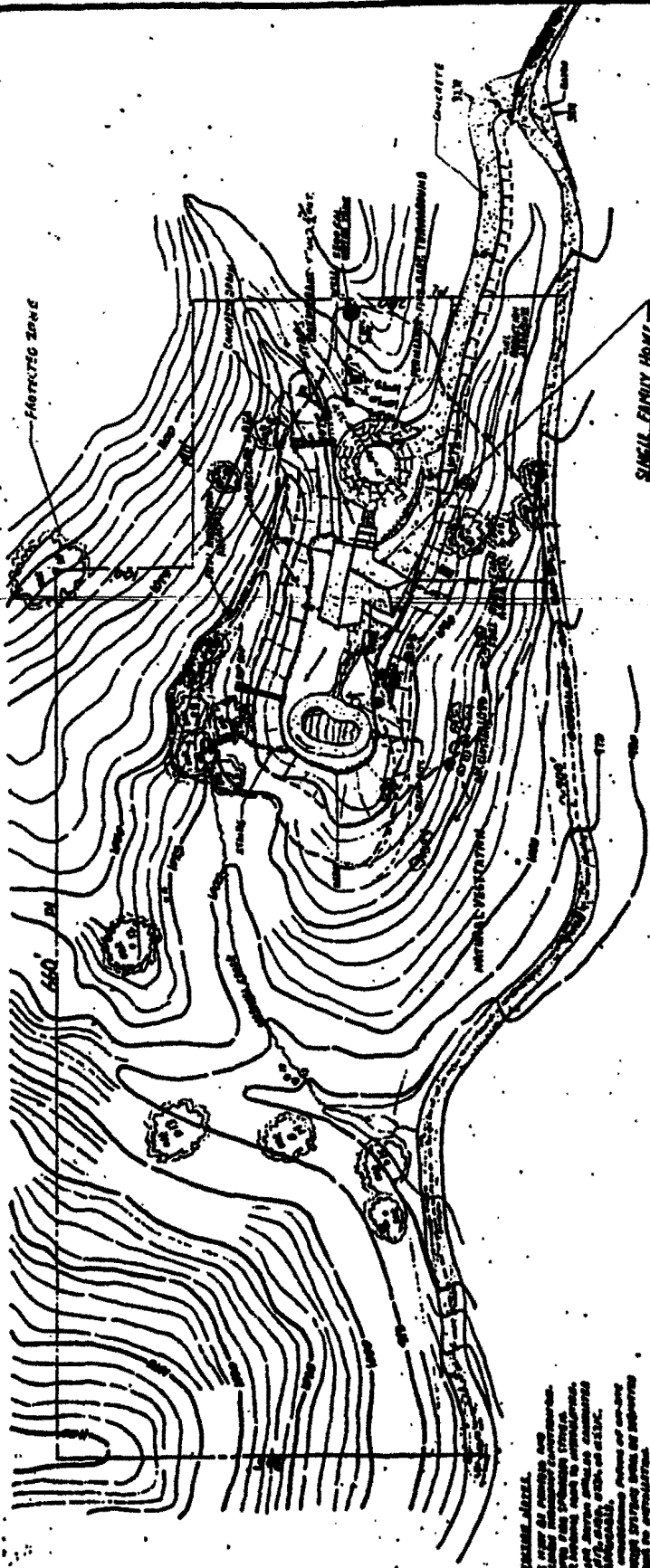



4-95-161

Jeffrey R Johnson  
32750 Cass Ave  
San Juan Capistrano, CA 92675

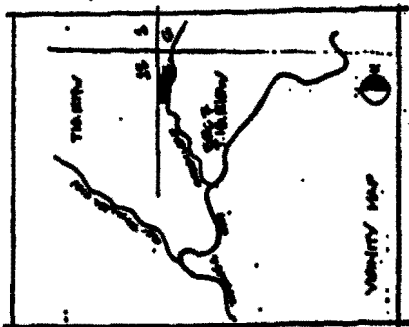
Exhibit 3: Parcel Map  
4-95-161 (Johnson)

SITE PLAN




**RECEIVED**  
 AUG 30 1995  
 CALIFORNIA  
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 SOUTH CENTRAL COAST DISTRICT

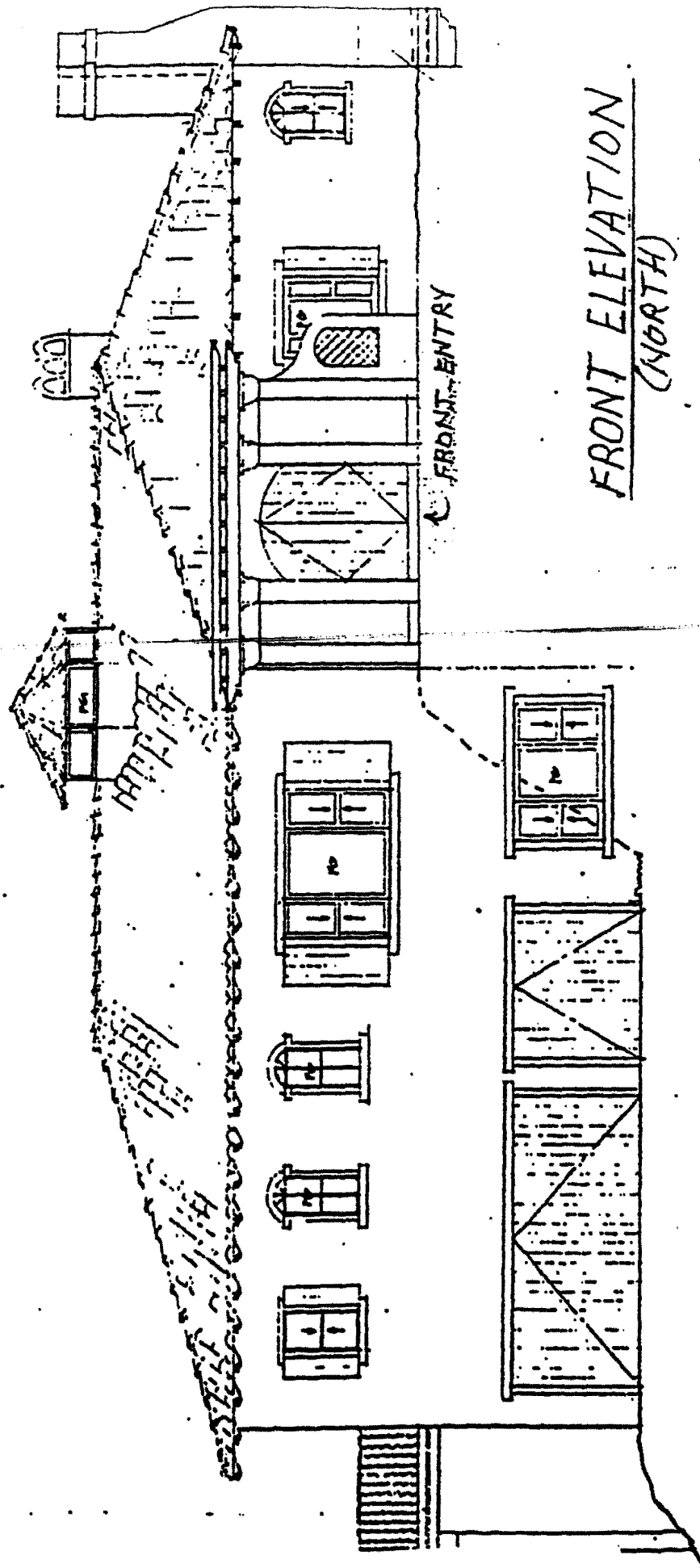
PLOT PLAN

[illegible][illegible]

**Exhibit 4: Site Plan  
4-95-161 (Johnson)**



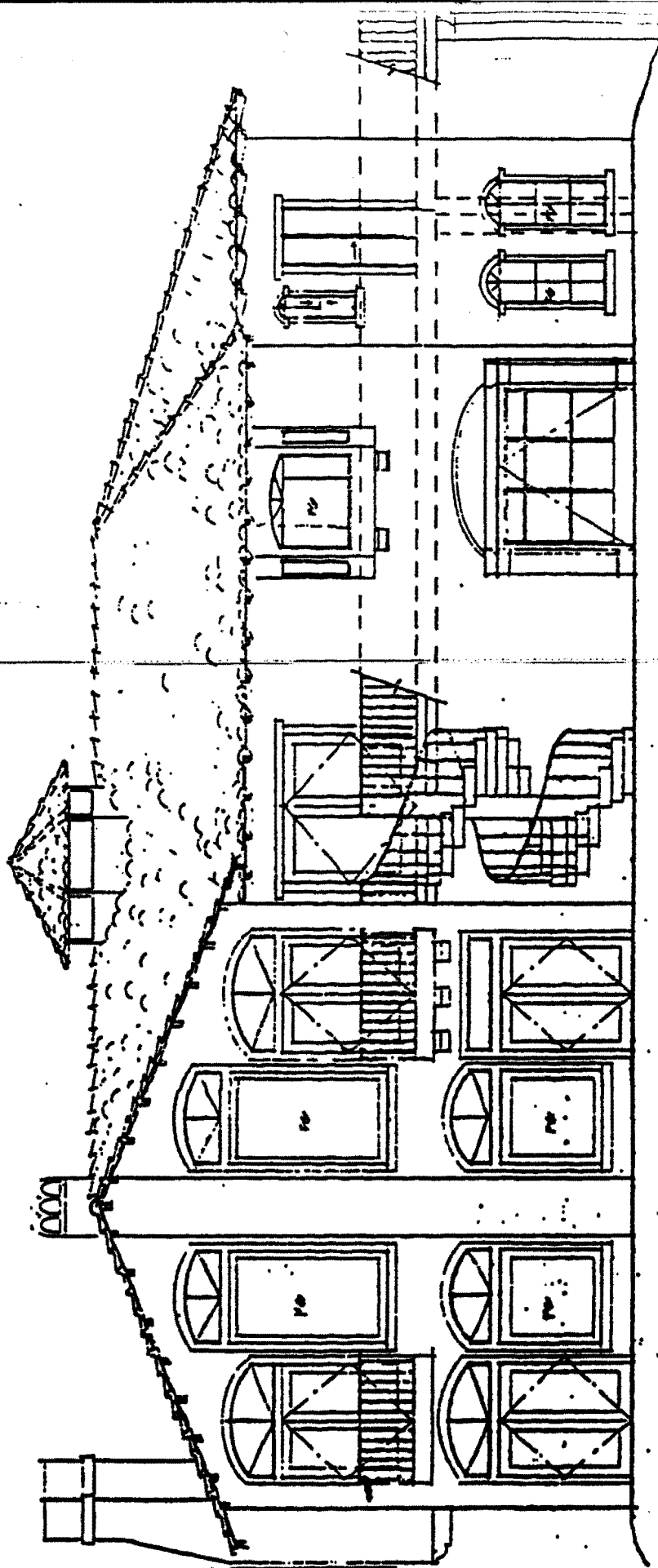




FRONT ELEVATION  
(NORTH)

975 GREENLEAF CANYON RD.

Exhibit 6: Elevations  
4-95-161 (Johnson)



REAR ELEVATION  
(SOUTH)

975 GREEN LEAF CANYON RD.