

Tulba

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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 Staff: CAREY *[Signature]*
 Staff Report: 8/18/97
 Hearing Date: 9/9-12/97

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER: 4-95-182****APPLICANT:** Los Angeles County Department of Public Works**PROJECT LOCATION:** Piuma Road, ¼ mile east of Malibu Canyon Road (near 26200 Piuma Road), Malibu, Los Angeles County

PROJECT DESCRIPTION: The applicant proposes the placement of 1,700 tons of ungrouted rock riprap for a distance of 400 feet and the replacement of 450 tons of rock riprap along the top of this slope protection. The original riprap slope protection was placed along the road shoulder in 1992 after the slope was damaged during large winter storms. The replacement riprap was placed after severe storms in February and March 1995. The original riprap and replacement riprap was placed without benefit of a coastal development permit.

APPROVALS RECEIVED: California Department of Parks and Recreation Temporary Use Permit**SUBSTANTIVE FILE DOCUMENTS:** Malibu/Santa Monica Mountains Land Use Plan**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with Special Conditions relating to revegetation and evidence of other required approvals. The proposed project site is located adjacent to the Cold Creek environmentally sensitive habitat area and within the Malibu Creek Significant Watershed. The applicant states that no riparian trees or vegetation were removed as a result of the construction of the project. However, the riparian habitat area occupied by the riprap has been displaced and disturbed by the project. This impact can be minimized by requiring the applicant to revegetate all disturbed areas with riparian plants. Additionally, the applicant must submit evidence of the project's approval by all required regulatory agencies. As conditioned, staff recommends approval of the proposed project.

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 Acknowledgement.** 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. Revegetation Plan.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed riparian revegetation plan for all areas disturbed by grading or rock placement related to this project. Said plan shall be prepared by a qualified resource specialist and shall include the following:

Location and planting methods proposed to revegetate any disturbed areas and areas on the rock riprap slope that have not revegetated naturally using willow cuttings and other appropriate riparian species;

Provisions for the removal of exotic invasive vegetation from the project area;

Location and planting methods proposed for riparian tree replacement. Any riparian trees damaged or destroyed by placement of the rock riprap shall be replaced at a ratio of 3:1;

Plan for monitoring the project site to ensure that the revegetation is successful. The site shall be monitored for a period of no less than two years, with a report on the success of the revegetation submitted for the review and approval of the Executive Director on an annual basis.

2. Required Approvals.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of all necessary regulatory actions by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California Department of Fish and Game, etc. Alternatively, evidence that such approvals are not required may be submitted.

3. Condition Compliance.

All requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 90 days of Commission action. Failure to comply with this deadline, or in such additional time as may be granted by the Executive Director for good cause, will result in nullification of this permit approval.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description.

The applicant proposes the placement of 1,700 tons of ungrouted rock riprap for a distance of 400 feet and the replacement of 450 tons of rock riprap along the top of this slope protection. The original riprap slope protection was placed along the road shoulder/fill slope in 1992 after the slope was damaged during large winter storms. The riprap replacement was placed after severe storms in February and March 1995. During these storms, flows in Cold Creek rose above the confines of the banks and inundated Piuma Road to a depth of two to three feet. Water flowed southerly over Piuma Road, down the road shoulder and slope towards Malibu Creek. Severe erosion of the road shoulder and fill slope occurred, removing a portion of the top of the previously placed riprap slope. The applicant states, that as an emergency measure to protect the road from further erosion and possible failure, the damaged ungrouted riprap was replaced using two to four ton rock, a portion of the pre-existing riprap was reset, and the road shoulder was regraded to its previous condition. The work was carried out immediately after the damage was discovered without benefit of a coastal development permit. The applicant states that no vegetation or trees were removed as a result of the project.

The proposed project site is located adjacent to Piuma Road, just east of Malibu Canyon Road. The site is located within the Malibu Creek Significant Watershed, as designated by the Malibu/Santa Monica Mountains Land Use Plan (LUP). The LUP also designates Cold Creek and Malibu Creek in the area of the proposed project site as Environmentally Sensitive Habitat Areas (ESHA). The Backbone Trail is located immediately upstream of the proposed project site. While the work carried out in 1995 is located within the road right-of-way for Piuma Road, portions of the riprap placed in 1992 is located on State Park property within Malibu Creek State Park. The applicant has received a Temporary Use Permit, dated August 13, 1997 from the California Department of Parks and Recreation which allows the applicant to retain the existing rock riprap for a period of five years.

B. Environmentally Sensitive Habitat Areas.

Section 30230 of the Coastal Act states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30240 of the Coastal Act states that:

- (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.

In addition to the above noted Coastal Act policies, the certified LUP contains policies that address protection of ESHA and Significant Watershed areas. These policies are among the most strict and comprehensive found in the LUP. The Commission has, in certifying the LUP and in past permit decisions, found that these policies are protective of resources, consistent with the requirements of the Coastal Act. As such, the policies of the LUP provide guidance in the analysis of permit applications for conformity with the Coastal Act. Following are the applicable LUP policies:

P68 Environmentally sensitive habitat areas shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential use shall not be considered a resource dependent use.

P76 In accordance with Section 30236 of the Coastal Act, channelizations, dams or other substantial alterations of stream courses shown as blue line streams on the latest available USGS map should incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.

P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P179 Avoid major flood control improvements which would limit water flow to or cover groundwater recharge areas.

As described in detail above, the applicant proposes the placement of ungrouted rock riprap slope protection along the road shoulder of Piuma Road, just east of Malibu Canyon Road in Malibu. Rock was placed, first in 1992 and later in 1995, under emergency conditions to protect Piuma Road from further erosion. Under the LUP, Cold Creek, adjacent to the proposed project site is designated as an ESHA. Additionally, the proposed project site is located within the designated Malibu Creek Significant Watershed. The proposed site is located adjacent to the lower reach of Cold Creek, just below Piuma Road. Cold Creek joins Malibu Creek just southwest of the project site.

The Malibu Creek watershed, including Cold Creek has long been recognized as a significant resource with unique habitat values. In the Malibu Land Use Plan Research Analysis & Appendices, the Malibu Creek watershed is described as follows:

Malibu Canyon supports outstanding oak and riparian woodlands with an unusually large variety of riparian plant species. Black Cottonwood, California Bay, Leatherleaf Ash, White Alder, Arroyo Willow, Sycamore, Coast Live Oak, Wild Grape and Giant Chain Fern are all abundant. Much of the watershed is remote and undisturbed, particularly the northwest and central portions.

Malibu Creek is biologically distinctive due to the fact that it continues to sustain native steelhead trout populations below the reservoir, as well as many wildlife species declining in numbers, such as mountain lions and golden eagles. Furthermore, the mouth of Malibu Creek supports the only lagoon in Los Angeles County. This area provides a critical refuge for migratory shorebirds and waterfowl and supports populations of at least 18 native fishes.

As evidenced by photos supplied by the applicant as well as staff's visits to the proposed project site, Cold Creek and Malibu Creek in this area support large, lush stands of willow, sycamores and other riparian vegetation. Possible adverse impacts of the placement of rock riprap slope protection to significant riparian areas could include: disruption of fluvial processes, removal of riparian vegetation, temporary disturbance of vegetation, and permanent displacement of area available for riparian habitat. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters, including streams, be maintained and where feasible restored through, among other means, maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams. In addition, Section 30240 requires that ESHA's be protected against any significant disruption of habitat values and development in areas adjacent to ESHA shall be designed to prevent impacts which would significantly degrade these areas.

In this case, the rock riprap is on the fill slope supporting Piuma Road and is located sufficiently distant from the active channels of Cold Creek and Malibu Creek that it should not be acted upon except in extreme events. The applicant has stated that no trees or other vegetation were removed when the riprap was placed. However, the riprap now occupies an area where vegetation was presumably removed by the floodwaters. The areas upstream and downstream of the riprap contain significant vegetation. The subject area would eventually be recolonized by riparian vegetation on its own if riprap had not

been placed there. Additionally, rocks were placed around the trunks of several large trees, which could significantly impact the future growth of these trees or lead to their loss. Some riparian vegetation, particularly willows, can grow through rock riprap if the interstitial spaces are left ungrouted. In this case, the rock was left ungrouted. It appears that the original areas of riprap placed in 1992 have revegetated to an extent on their own. However, the areas replaced in 1995 are bare of vegetation. To ensure that the areas degraded and disturbed by construction activity and the placement of riprap are revegetated and the habitat reestablished, consistent with Sections 30231 and 30240, the Commission finds it necessary to require the applicant to develop and implement a riparian revegetation plan. As conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

C. Geologic Stability.

Section 30253 of the Coastal Act states, in part, that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The applicant proposes the placement of ungrouted rock riprap adjacent to the Piuma Road shoulder in order to rebuild damage to the road sustained in severe storms both in 1992 and 1995 as well as to protect the road from future erosion. In both cases, the rock was placed under emergency conditions, shortly after the damage occurred in order to protect Piuma Road from further damage or complete failure. In such cases, there is not sufficient time for the preparation of engineered design plans or geologic investigations prior to initiation of the project.

The applicant has submitted an "as built" sketch of the work, signed by the registered engineer who oversaw the placement of the riprap slope protection in the field. This sketch is a plan of the proposed project site, showing the proposed riprap slope protection. This plan was drawn after completion of the rock placement. The project engineer's signature attests to the project's construction under accepted engineering practices. The Commission's staff engineer has visited the proposed project site and commented that the riprap seems well sized for normal river velocities, although no specific information is available on the velocity or volume of past events in the subject creek.

The Commission concludes that the proposed ungrouted riprap slope protection was placed on an emergency basis without plans or studies. The proposed project was constructed under the direction of a registered engineer, according to accepted

engineering practices. These standards will assure stability and structural integrity in all but the most severe storm conditions. The riprap slope protection will minimize risks to life and property by protecting Piuma Road from damage or failure in moderate storm events. As such, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

D. Violation.

The proposed placement of ungrouted rock riprap slope protection was carried out, first in 1992 and later in 1995, under emergency conditions, without a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

E. Local Coastal Program.

Section 30604 of the Coastal Act states, in part, 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 government to prepare a local coastal 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. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding environmentally sensitive habitat areas and geologic stability. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if the recommended conditions are accepted by the applicant and incorporated into the proposed project. As conditioned, the proposed 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 development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program Implementation Plan for the Malibu/Santa Monica Mountains area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act.

Section 13096(a) of the Commission's Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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 would have on the environment.

The proposed development would not cause significant, adverse environmental impacts that would not be adequately mitigated by the conditions imposed by the Commission. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

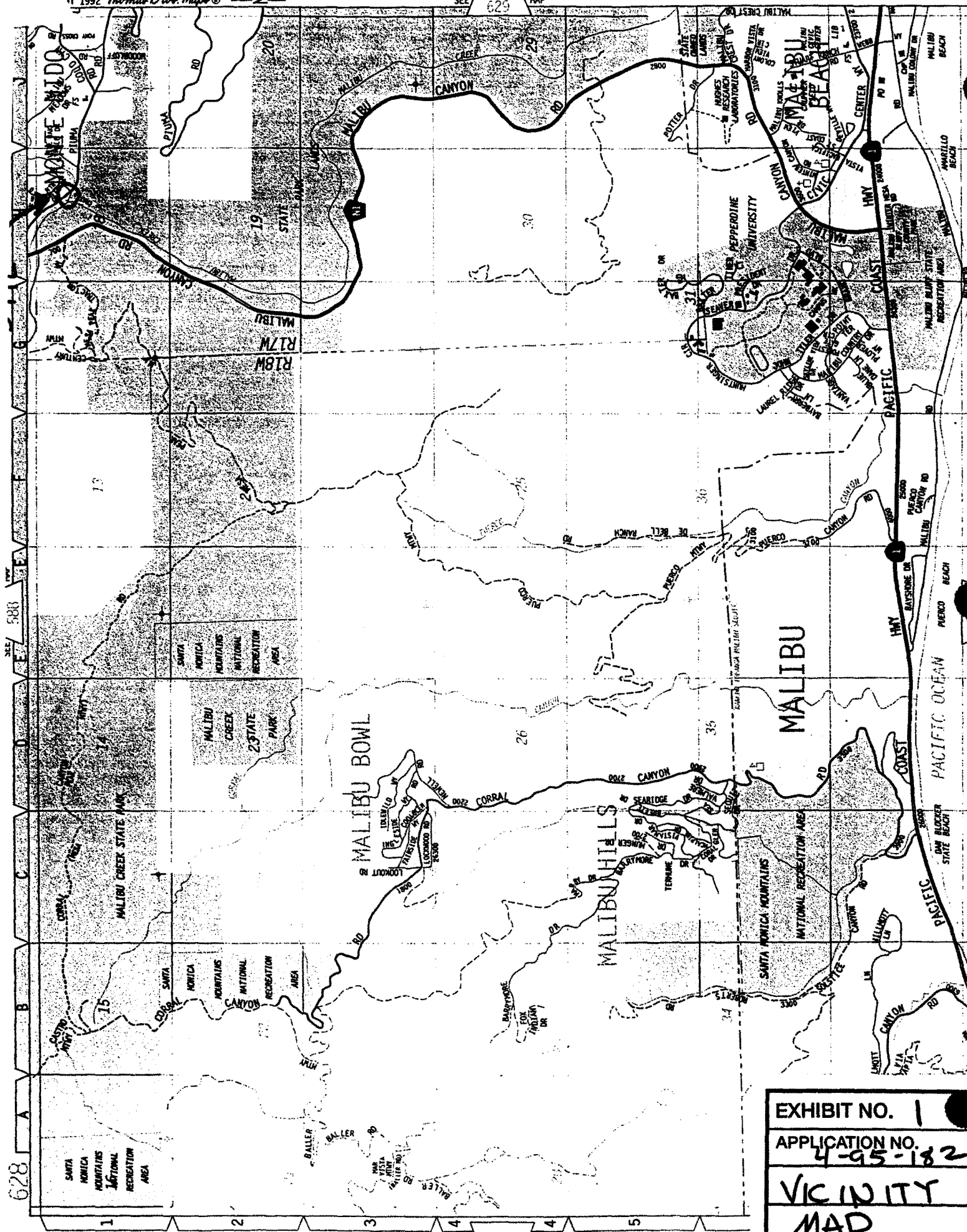
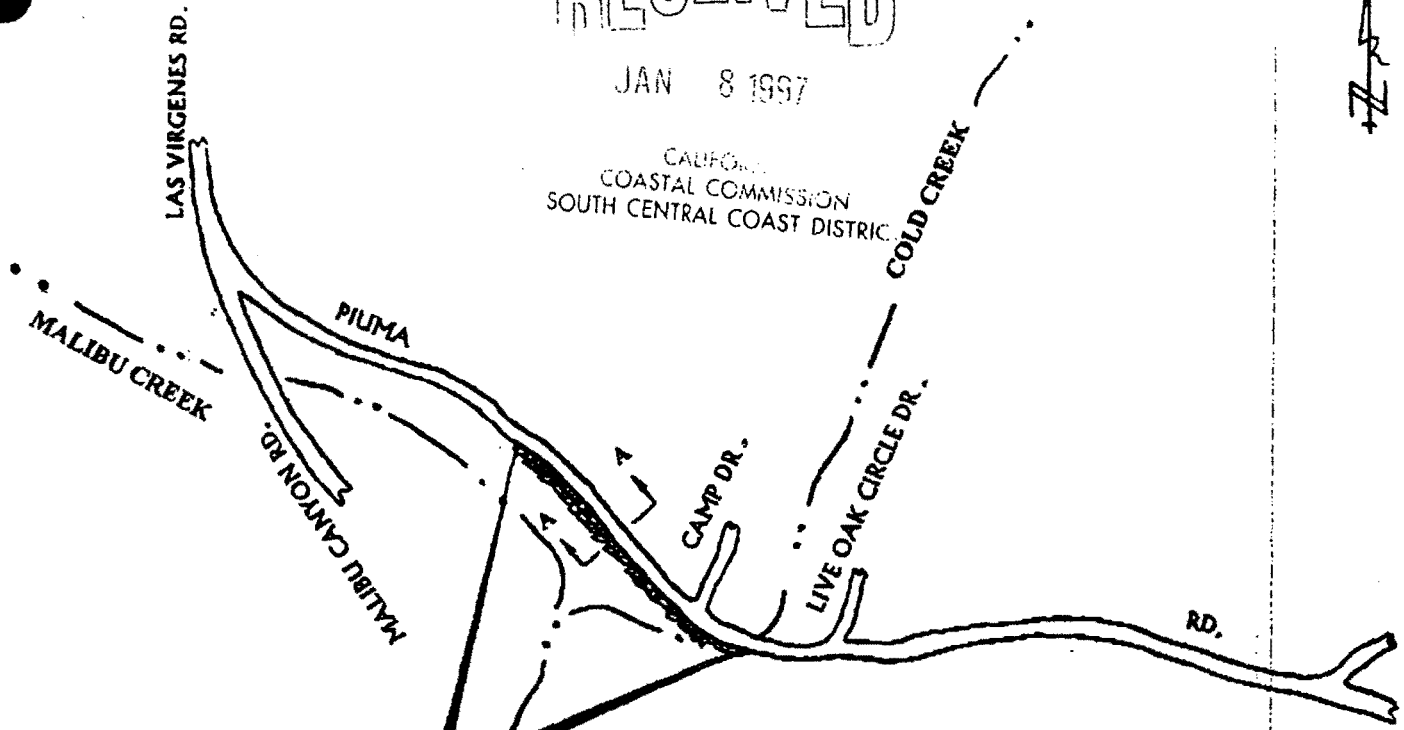


EXHIBIT NO. 1
 APPLICATION NO.
 4-95-182
 VICINITY
 MAP

RECEIVED

JAN 8 1997

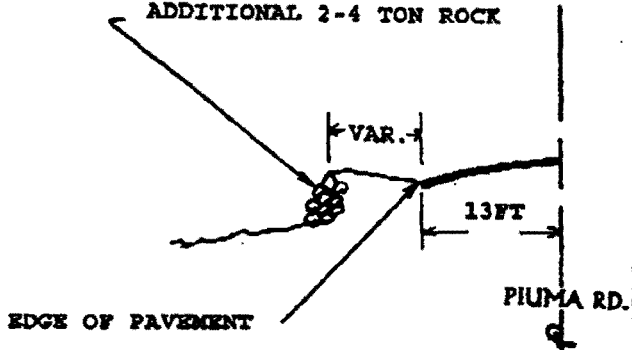
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



REPAIR EXIST. RIP RAP
ARMOURING AND PLACE
ADDITIONAL 2-4 TON ROCK
(APPROX. 300 FT.)

PLAN

REPAIR EXIST. RIP RAP
ARMOURING AND PLACE
ADDITIONAL 2-4 TON ROCK



SECTION A-A

RESTORE RIP-RAP AND ROAD SHOULDER TO
PRE-STORM CONDITIONS. REPAIRS SHOULD
BE ADEQUATE TO PROTECT THE ROAD DURING
MODERATE STORMS ONLY. SEVERE STORMS
COULD REDAMAGE THE RIP-RAP PROTECTION.

"AS BUILT SKETCH"

PROJECT ENGINEER <i>Ken H. Gilman</i> C.E. NO. <u>C18080</u>	LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS	
DRAWN BY <u>T. DOYLE</u>	ROAD MAINTENANCE DIVISION	JOB NAME PIUMA ROAD AT COLD CREEK REPAIR OF RIP-RAP ARMOURING
CHECKER <u>MASCHMEYER</u>	SCALE <u>NONE</u>	LIMITS C.C. NO.

EXHIBIT NO. 2
APPLICATION NO.
4-95-182
SITE PLAN