

CALIFORNIA COASTAL COMMISSION

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W37b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-13-020

Applicant: Mountains Restoration Trust and County of Los Angeles Parks Department

Agent: N/A

Project Location: 25208 Baynes Rd., Santa Monica Mountains, Los Angeles County

Project Description: Implementation of a Riparian Habitat Restoration and Public Access Trail Enhancement Program along a 200 linear ft. segment of Cold Creek and a 90 linear segment of a Cold Creek ephemeral tributary consisting of the removal of an existing 22.5 ft. long, 12 ft. wide concrete bridge, the removal of the abutments for a small 5 ft. high abandoned dam, removal of a 4,500 sq. ft. concrete pad and associated retaining wall, removal of an existing residential structure, and removal of an existing power pole and various debris on site. In addition, the project also includes construction of a new 30 ft. long by 6 ft. wide, free-span, wood and metal pedestrian bridge for the public Cold Creek Trail crossing, 34 cu. yds. of associated grading (17cu. yds. of cut and 17 cu. yds. of fill), and revegetation of all disturbed areas with native riparian plant species located at 25208 Baynes rd., Los Angeles County, Santa Monica Mountains, Los Angeles County.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with five special conditions as listed on pages 5-10.

The proposed project is for the implementation of a Riparian Habitat Restoration and Public Access Trail Enhancement Program along a 200 linear ft. segment of Cold Creek and a 90 linear segment of a Cold Creek ephemeral tributary consisting of the removal of an existing 22.5ft. long, 12 ft. wide concrete bridge, the removal of the abutments for a small 5 ft. high abandoned dam, removal of a 4,500 sq. ft. concrete pad and associated retaining wall, removal of an existing residential structure, and removal of an existing power pole and various debris on site. In addition, the project also includes construction of a new 22.5 ft. long by 6 ft. wide wood and metal pedestrian bridge for the public Cold Creek Trail crossing, 34 cu. yds. of associated grading (17cu. yds. of cut and 17 cu. yds. of fill), and revegetation of all disturbed areas with native riparian plant species. The project site is located on a 0.49 acre property within the Cold Creek Valley Preserve area of the Santa Monica Mountains.

The purpose of the project is to restore degraded riparian and oak woodland habitat that will be utilized by Southern California Gas Company to provide compensatory mitigation for the Sullivan Canyon Pipeline Protection Plan Project (pursuant to the permitting requirements established by the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the Los Angeles Regional Water Quality Control Board), which occurred in an area outside of the Coastal Zone and resulted in unavoidable adverse impacts to sensitive habitat areas. Overall, the proposed project will maintain, preserve, and enhance the oak woodland and riparian habitat, which constitute environmentally sensitive habitat area (ESHA) throughout the subject project site. However, removal of the existing creek dam abutments and old 12 ft. wide vehicular bridge, as well as construction of the proposed new smaller 6 ft. wide pedestrian bridge to provide for public access along the Cold Creek Trail, will involve work in and adjacent to riparian ESHA. Section 30240 of the Coastal Act limits development within environmentally sensitive habitat areas to development that is dependent upon that resource. In this case, all of the proposed development is for the purpose of habitat restoration and/or the enhancement of public hiking trails within natural areas which constitute resource dependent uses, consistent with Coastal Act Policy 30240. Furthermore, the removal of the existing dam abutments and larger 12 ft. wide bridge and replacement of the new proposed 6 ft. wide free-span pedestrian bridge for public trail access (located primarily within the existing disturbed footprint of the older 12 ft. wide vehicular bridge to be removed) will result in a net increase in the area of the site available for riparian habitat. The new pedestrian bridge will utilize a free-span design and will not require any fill or alteration of the creek bed. Further, all disturbed areas will be planted with native vegetation after completion of the pedestrian bridge as part of the proposed project. Overall, the proposed project will result in the restoration of approximately 2,500 sq. ft. of riparian ESHA and 5,300 sq., ft. of oak woodland ESHA on site. Additionally, the proposed pedestrian bridge will serve as a vital link between two segments of the existing public Cold Creek Trail.

As conditioned, the proposed project constitutes a resource dependent use consistent with the Section 30240 of the Coastal Act and is necessary for the continued use of the public Cold Creek Trail. Staff recommends approval of the proposed project with five (5) special conditions regarding: (1) final riparian and oak woodland habitat restoration plan, (2) herbicide restriction, (3) interim erosion control plans and construction responsibilities, (4) oak tree and native tree monitoring (5) protection of nesting and roosting Birds.

The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified Malibu – Santa Monica Mountains Land Use Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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APPENDICES

Appendix 1 Substantive File Documents

EXHIBITS

1. Vicinity Map
2. Parcel Map/Site Plan
3. Project Plans
4. Trail Map
5. Site Photos

LOCAL APPROVALS RECEIVED: County of Los Angeles Department of Regional Planning, Approval in Concept, dated 9/30/12; Department of Fish and Game Streambed Alteration Letter dated 6/11/13.

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 4-13-020 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. 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.

5. **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. Final Riparian and Oak Woodland Habitat Restoration Program

Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, a final, revised “Riparian Habitat Mitigation and Restoration Program” for the approximately 7,800 sq. ft. of restoration. Plantings shall be of native plant species appropriate for riparian and oak woodland areas and indigenous to the Santa Monica Mountains using accepted planting procedures. All native plant species shall be of local genetic stock. The program shall be prepared by a qualified biologist(s), ecologist(s), or resource specialist(s), hereafter, referred to as the Environmental Resource Specialist(s), with experience in the field of habitat restoration. The applicants shall provide the resource specialist’s qualifications, for the review and approval of the Executive Director, prior to plan development. The Program shall provide, at a minimum, for the following:

A. Restoration Plan

1. A baseline assessment of all native vegetation and habitat on site, including detailed documentation of existing conditions on site (including photographs taken from pre-designated sites annotated to a copy of the site plans. The plan shall delineate existing vegetation types, show the distribution and abundance of any sensitive species.
2. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage. The plan shall also document the performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working and the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
3. Native seeds shall also be collected in anticipation of future plantings. The plan shall specify the planting palette (seed mix and collected plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region or grown from seeds or vegetative materials obtained from the site or from an appropriate nearby location so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall 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 the revegetation requirements.
4. Where feasible, any oak tree roots temporarily exposed from project grading shall be wrapped with moist burlap and reburied following the completion of grading activities.
5. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of

exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.

6. Provisions for on-going habitat restoration maintenance and/or management for the term of this coastal development permit. At a minimum, semi-annual maintenance and/or management activities shall include, as necessary, periodic weeding of invasive and non-native vegetation and revegetation consistent with the approved restoration plan.\
6. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
7. The applicant shall commence implementation the final approved Habitat Restoration Plan upon issuance of the coastal development permit and complete the planting work within a one year period.

B. Monitoring Program

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards and shall provide the following:

1. Initial Monitoring Report: The permittees shall submit, upon completion of the initial revegetation, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) documenting the completion of the initial planting/revegetation work.
2. Interim Monitoring Reports: After initial revegetation is completed, the applicants shall submit, for the review and approval of the Executive Director, on an annual basis until the authorization for the approved development expires (5 years from the date of Commission action) a written monitoring report prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.
3. Final Report: Prior to the date that authorization for the approved development expires (5 years from the date of Commission action), a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this permit.

C. The Permittees shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Herbicide Restriction

Herbicides shall not be used within any portion of a stream channel as measured from toe of bank to toe of bank. Herbicide use shall be restricted to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within the project site for purposes of habitat restoration only. The applicants shall remove non-native or invasive vegetation by hand and the stumps may be painted with Glyphosate Aquamaster™ herbicide. Herbicide application by means of spray shall not be utilized. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

3. Interim Erosion Control Plans and Construction Responsibilities

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director an Interim Erosion Control and Construction Best Management Practices Plan, prepared by a qualified, licensed professional. The qualified, licensed professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan are in conformance with the following requirements:

1. Erosion Control Plan

- (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- (b) Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures
- (d) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant 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. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.

- (e) The 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.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and 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.
- (g) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

2. Construction Best Management Practices

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. The final Interim Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/ development plans approved by the Coastal Commission. Any necessary changes to the Coastal Commission approved site/development plans required by a qualified, licensed professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

4. Oak Tree and Native Tree Monitoring

To ensure that all oak trees and/or other native trees located on the subject parcel are protected during construction activities, temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and other native trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected. The permittee shall also follow the oak tree preservation recommendations that are enumerated in the Oak Tree Report referenced in the Substantive File Documents.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during all excavation, foundation construction, framing construction, and grading within 10 feet of any oak tree or other native tree (including, but not limited, to willows and sycamores). The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by this Coastal Development Permit. This monitor shall have the authority to require the applicant

to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicant shall retain the services of a biological consultant or arborist with appropriate qualifications acceptable to the Executive Director to monitor all oak trees that will be encroached upon (Oak Trees No. 1, 2, 3, 4, 5, 6, 7, 14, and 15), to determine if the trees are adversely impacted by the encroachment. Should any of the oak or other native trees be lost or suffer worsened health or vigor as a result of this project, the applicant shall plant replacement trees on the site at a rate of 10:1. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, an oak/native tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a ten-year monitoring program with specific performance standards to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree replacement area shall be submitted for the review and approval of the Executive Director for a minimum period of five years. Upon submittal of the replacement planting program, the Executive Director shall determine if an amendment to this coastal development permit, or an additional coastal development permit is required.

5. Protection of Nesting and Roosting Birds

A qualified independent biologist or environmental resource specialist shall prepare biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities), just prior to any demolition/construction activity excluding any revegetation/weeding work associated with the final approved habitat restoration plan, and once a week upon commencement of demolition/construction activity excluding any revegetation/weeding work associated with the final approved habitat restoration plan, that include grading or use of other heavy equipment, and that will be carried out between December 1st and September 30th, inclusive. Such surveys shall identify the presence of native raptors, or other sensitive species in or near the project site. All surveys conducted pursuant to this condition shall be submitted to the Executive Director of the Coastal Commission.

In the event that the surveys identify any native raptors, or other sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then the following measures shall be included in the development:

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities and tree/shrub removal. Noise generated by construction shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- B. A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to

minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.

- C. In the event that the environmental resources specialist reports finding that any native raptors, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is located on a 0.49 acre site, which extends across three different parcels, adjacent to the Cold Creek West preserve and in close proximity to the Cold Creek Valley Preserve along Baynes Road in the eastern portion of the Santa Monica Mountains (Exhibit 1). The site is managed by the Mountains Restoration Trust (MRT), a non-profit land trust dedicated to preserving natural land in the Santa Monica Mountains through restoration, education and land acquisition. The project area is comprised of three parcels: APN 4455-021-061 and APN 4455-018-902, which are owned by LA County, and APN 4455-021-057, which is owned by the Mountains Restoration Trust (Exhibit 2). The LA County assessor's office has allowed MRT to 'bracket' many of their properties together for tax purposes creating an alternate APN, which includes 4455-021-057 and is re-described as 4455-021-082, as shown on exhibit 2.

LA County is a co-applicant to this CDP application and has authorized the restoration plan proposed by the MRT. The Cold Creek Trail used by hikers and equestrians bisects the project site. This trail serves as a connector trail to the larger Cold Creek Canyon Preserve trail system (Exhibit 4).

The project site primarily supports oak woodland and riparian vegetation, although some small areas of native chaparral habitat are also present on site. Much of the 0.49 acre site is relatively disturbed due to the past use of the site as a residential property and contains an array of non-native and invasive plant species. Portions of the subject site were developed for residential use in the early 1900's and remnants of the original single family residence, associated accessory sheds and building foundations and creek bridge and dam abutments are still present on the subject site, although these structures have been abandoned. The proposed restoration project includes the removal of all remaining structures and concrete foundations on the property, except for the 80 sq. ft. foundation of an existing shed. Specifically, a 200 sq. ft. building, a tin shack, a 4,500 sq. ft. concrete pad area, and an approximately 15 ft. long, 1.5 ft. high retaining wall are proposed for removal and disposal as part of the proposed project. Additionally, the proposed restoration work will include the removal of an existing 12 ft. wide, 22.5 ft. long vehicular bridge which previously served as part of the driveway for the abandoned residence and its

foundations/abutments, which traverses a small ephemeral tributary near its confluence with Cold Creek on the project site.

In order to facilitate public access across the existing ephemeral creek channel and to connect two existing public trail segments of the Cold Creek Trail, MRT is also proposing to construct a new 6 ft. wide by 30 ft. long free-span pedestrian access bridge across the creek tributary, with associated support abutments to be located outside of the tributary channel. The streambanks along the tributary would be terraced and planted with native vegetation and the new trail bridge would span the top of the terraces. The streambanks will be stabilized with natural coconut fiber mat and willow stakes to provide for streambank erosion control and assist in the successful restoration/revegetation of riparian habitat. Removal of the existing dam and bridge structure and construction of a new pedestrian bridge in approximately the same footprint will require a minor amount of grading (17 cu. yds. of cut grading and 17 cu. yds. of fill). Authorization for all proposed work within the streambed has been received from the Department of Fish and Wildlife.

The subject site also contains a large amount of debris associated with the previous residential use of the property which includes discarded furniture items, lumber, railroad ties, bricks, an existing power pole, appliances, as well as a 60 ft. long chain link fence, which is still upright and currently restricts wildlife movement in the area. As part of the proposed restoration project the Mountains Restoration Trust (MRT) is proposing to remove and dispose of all of the existing debris on the subject site. The MRT also proposes to remove all of the debris by hand or with hand carts only through routes on site that will be replanted with native plant materials appropriate for riparian and oak woodland areas. To complete the habitat restoration on the subject site, MRT is proposing to remove all of the non-native/invasive plant species within the project area and to subsequently plant native vegetative materials grown from site-collected seeds and cuttings or sourced plant materials grown from local endemic plant species within the Cold Creek Drainage or larger Santa Monica Mountains region. The proposed restoration project will be focused on restoring the two dominant habitat types present within the 0.49 acre project area (oak woodland and riparian woodland).

The applicants propose to implement a riparian and oak woodland habitat restoration program on the subject site for the purpose of providing compensatory mitigation for the Southern California Gas Company Sullivan Canyon Pipeline Protection Plan Project that involved disturbance to native habitat areas outside of the Coastal Zone. The Army Corps of engineers, California Department of Fish and Game, and the Los Angeles County Regional Water Quality Control Board required the Southern California Gas Company to mitigate for the Sullivan Canyon pipeline project impacts through the payment of an in-lieu fee to the Mountains Restoration Trust to provide more long term mitigation for permanent impacts. The Mountains Restoration Trust, in coordination with LA County, has selected the subject site as the best area to implement the required habitat mitigation through a restoration program. Therefore, while the proposed project will be satisfying mitigation requirements for habitat impacts that occurred outside of the coastal zone, the proposed project is exclusively a habitat restoration project, not associated with or related to any mitigation required or proposed as part of a coastal development permit. Although Los Angeles County and the Mountains Restoration Trust (MRT) are joint applicants (as Los Angeles County owns portions of the subject project area), MRT will be responsible for the implementation and long term monitoring of the proposed habitat restoration.

The proposed project site was determined appropriate for the proposed restoration program by the County and MRT, as it contains disturbed areas of oak woodland and riparian woodland habitat types. Additionally, restoration and enhancement of the proposed project area would enhance the ecological function of the larger Cold Creek Valley Preserve region and improve the connectivity of public access in the region. In addition, the new pedestrian bridge will be designed in a manner that is visually consistent with the rural area and will not result in adverse impacts to visual resources on site or views from public areas.

There has only been one previous Commission action within the subject project site (Coastal Development Permit 5-88-253), which granted after-the fact authorization for construction of a 1,300 sq. ft. bridge across Cold Creek on APN 4455-021-057, within the proposed project boundaries. All other existing developments on site appear to have been constructed prior to certification of the Coastal Act.

2. HAZARDS AND GEOLOGIC STABILITY

Section 30253 of the Coastal Act states, in pertinent 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, 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 development is located in the Malibu/Santa Monica Mountains area, an area historically subject to significant natural hazards including, but not limited to, landslides, erosion, flooding and wild fire. The submitted Habitat Mitigation and Monitoring Report dated 11/2/12 and the proposed pedestrian bridge plan set dated 9/30/12 incorporate recommendations and measures to ensure the long term stability of the proposed pedestrian bridge. Additionally, to minimize erosion and ensure stability of the project site, the project must include adequate erosion control measures. In order to achieve these goals, the Commission requires the applicant to submit interim erosion control plans certified by a geotechnical engineer.

Further, to ensure stability and avoid contributing significantly to erosion, the project, as proposed, requires all slopes and disturbed areas of the subject site surrounding the proposed pedestrian bridge development to be planted with native plants, to stabilize disturbed soils and reduce erosion resulting from the development.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Section 30253 of the Coastal Act and as a response to the risks associated with the project:

Special Condition 3: Interim Erosion Control Plans and Construction Responsibilities

For the reasons set forth above, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

3. WATER QUALITY

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, minimizing alteration of natural streams.

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality and aquatic resources because changes such as the removal of native vegetation, the increase in impervious surfaces, and the introduction of new residential uses cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutants, as well as effluent from septic systems.

The proposed development will result in a decrease in impervious surfaces, which leads to an reduction in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries. Additionally, the proposed restoration plan, which includes the replanting and establishment of riparian vegetation along the existing creek banks within the project area, will reduce the amount of runoff entering the creek and ephemeral watercourse on the subject site and function to help improve their overall water quality. The proposed project will also improve water quality of the existing natural drainages within the project limits by removing existing debris and dilapidated eroding concrete foundations on site that have the potential to pollute and degrade the quality of these riparian corridors.

However, in order to minimize the potential any adverse impacts to water quality and aquatic resources associated with removal of the existing developments and construction of the subject pedestrian bridge, particularly from runoff both during construction and in the post-development stage, the Commission requires the incorporation of Interim Erosion Control Plans and Construction Best Management Practices designed to control the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site, including: 1) site design, source control and/or treatment control measures; 2) implementing erosion sediment control

measures during construction and post construction; and 3) revegetating all graded and disturbed areas with native landscaping.

The applicants also propose to remove exotic and invasive vegetation from the restoration site. In previous permit actions, the Commission has allowed for the use of Glyphosate Aquamaster™ when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes that Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and could result in some adverse effects to wildlife or non-targeted vegetation should overspray or downstream migration occur. In order to minimize the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation, Special Condition No. Two (2) restricts the use of herbicides to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of invasive vegetation located within the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

The following special conditions are required, as determined in the findings above, to assure the project's consistency with Sections 30230 and 30231 of the Coastal Act:

Special Condition 2: Herbicide Use

Special Condition 3: Interim Erosion Control Plans and Construction Responsibilities

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

4. ENVIRONMENTALLY SENSITIVE HABITAT

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.

Coastal Act Section 30240 affords protection of environmentally sensitive habitat areas as follows:

(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.

Section 30107.5 of the Coastal Act defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act mandates that coastal water quality shall be maintained and, where feasible, restored through, among other means, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

Pursuant to Section 30107.5, in order to determine whether an area constitutes an ESHA, and is therefore subject to the protections of Section 30240, the Commission must answer three questions:

1) Is there a rare species or habitat in the subject area?

2) Is there an especially valuable species or habitat in the area, which is determined based on:

a) whether any species or habitat that is present has a special nature, OR

b) whether any species or habitat that is present has a special role in the ecosystem;

3) Is any habitat or species that has met either test 1 or test 2 (i.e., that is rare or especially valuable) easily disturbed or degraded by human activities and developments?

If the answers to questions one or two and question three are “yes”, the area is ESHA.

The project site is located within the Mediterranean Ecosystem of the Santa Monica Mountains. The Coastal Commission has found that the Mediterranean Ecosystem in the Santa Mountains is rare, and valuable because of its relatively pristine character, physical complexity, and resultant biological diversity. Large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodland have many special roles in the Mediterranean Ecosystem, including the provision of critical linkages between riparian corridors, the provision of essential habitat for species that require several habitat types during the course of their life histories, the provision of essential habitat for local endemics, the support of rare species, and the reduction of erosion, thereby protecting the water quality of coastal streams. Additional discussion of the special roles of these habitats in the Santa Monica Mountains ecosystem are discussed in the March 25, 2003 memorandum prepared by the Commission’s Ecologist, Dr. John Dixon (hereinafter “Dr. Dixon Memorandum”), which is incorporated as if set forth in full herein.

Unfortunately, the native habitats of the Santa Monica Mountains, such as coastal sage scrub, chaparral, oak woodland and riparian woodlands are easily disturbed by human activities. As discussed in the Dr. Dixon Memorandum, development has many well-documented deleterious effects on natural communities of this sort. These environmental impacts may be both direct and indirect and include, but certainly are not limited to, the effects of increased fire frequency, of fuel modification, including vegetation clearance, of introduction of exotic species, and of night lighting. Increased fire frequency alters plant communities by creating conditions that select for some species over others. The removal of native vegetation for fire protection results in the direct removal or thinning of habitat area. Artificial night lighting of development affects plants, aquatic and terrestrial invertebrates, amphibians, fish, birds and mammals. Thus, large, contiguous, relatively pristine areas of native habitats, such as coastal sage scrub, chaparral, oak woodland, and riparian woodlands are especially valuable because of their special roles in the Santa Monica Mountains ecosystem and are easily disturbed by human activity. Accordingly, these habitat types meet the definition of ESHA. This is consistent with the Commission’s past findings in support of its actions on many permit applications and in adopting the Malibu LCP.

The proposed project is located on 0.49 acre site within the Cold Creek Valley Preserve along Baynes Road in the eastern portion of the Santa Monica Mountains. As discussed previously, the project site consists primarily of oak woodland and sensitive riparian habitat within and adjacent to an on-site blue-line stream (tributary to Cold Creek) and a 335 linear foot portion of Cold Creek, that is part of a large, contiguous block of pristine native ESHA. With the exceptions of the portion of the site that was previously developed with existing residence, all portions of the site constitute environmentally sensitive habitat area (ESHA).

However, there are several areas of the property that are disturbed and dominated by non-native and invasive plant species. The applicants have identified disturbed oak woodland and riparian habitat throughout the project site and have devised a plan to remove all existing structures on

site and within the stream channel and revegetate and restore all disturbed areas on site in order to maintain and enhance the ecological function of the riparian and oak woodland habitat on site. The plan involves removal of non-native and invasive species, planting of natives, temporary hand irrigation, and monitoring to ensure that all revegetation is successful. MRT would implement all work over a twelve month period. For all of the reasons discussed above, the Commission finds that the on-site stream and riparian and oak woodland areas of the proposed restoration sites meet the definition of ESHA under the Coastal Act.

Section 30240(a) of the Coastal Act limits activities within environmentally sensitive habitat areas (ESHAs) to only uses that are dependent on the resources of the ESHA. In addition, ESHA must be protected against any significant disruption of habitat values. Section 30240(b) requires that development in areas adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and that development shall be compatible with the continuance of those habitat and recreation areas. In this case, all of the proposed development is for the purpose of habitat restoration and/or the enhancement of public hiking trails within natural areas which constitute resource dependent uses, consistent with Coastal Act Policy 30240.

However, although the proposed habitat restoration plan would ultimately result in an enhancement of the existing environmentally sensitive habitat located on the subject site and within the larger Cold Canyon preserve, removal of the existing vehicular bridge and creek dam abutments and construction of the proposed pedestrian bridge, which will be installed across an existing ephemeral tributary, will result in some unavoidable temporary construction impacts to approximately 250 sq. ft. of existing riparian vegetation and will temporarily encroach into the root protection zones of four different oak trees.

However, all encroachments into the protected root zone of existing on site oak trees will be minor and mostly result from the removal of the existing concrete bridge foundations existing along the creek's banks, which will improve the soil conditions and drainage surrounding the existing oak trees. While no grading or fill is proposed to occur within the stream channel and all supporting abutments and foundation for the proposed pedestrian bridge are proposed to be located outside of the creek channel, the proposed pedestrian bridge will require a relatively minor amount of grading (17 cu. yds. of cut and 17 cu. yds. of fill) to occur along the top of the creek's banks.. All temporarily exposed or disturbed portions of the creek's banks surrounding the proposed pedestrian bridge site will be replanted after construction of the subject pedestrian bridge with appropriate native plant species and stabilized with coconut fiber erosion control matting to reduce potential impacts to water quality, enhance the riparian corridor in this area of the project site, and ensure increased stabilization of the creek banks and surrounding oak trees.

To be found consistent with Coastal Act Section 30240, the proposed minor disturbance to riparian vegetation and oak trees, necessary to facilitate the construction of a public pedestrian bridge on site, must be found as a resource dependent use. The Commission has a long history of approving public access trails and pathways in ESHA as resource-dependent developments. In

this case, the proposed project not only includes trails of this nature, but it will also result in the overall enhancement and expansion of oak woodland and riparian ESHA on the subject site. As discussed above, the proposed pedestrian bridge is both dependent on the ESHA resource for it to function as a public trail, and its installation is not expected to result in any significant long term disruption of habitat values. Additionally, the proposed pedestrian bridge will replace an existing 12 ft. wide bridge, which utilizes footings located within the stream channel, which currently impede the riparian habitat function in the immediate area. The proposed 6 ft. wide public pedestrian bridge will have a reduced footprint compared to the existing bridge and will not require any footings or stabilization devices to be constructed within the stream channel, thereby improving the habitat functionality in the creek bed and surrounding riparian corridor and resulting in a net increase in the area of site available for riparian habitat. Therefore, the project can be found consistent with section 30240 of the Coastal Act and no other feasible alternatives are available that would avoid or lessen the identified impacts, as the proposed pedestrian bridge is the minimum width necessary to provide for public trail accessibility.

However, although the proposed habitat restoration plan would ultimately result in an enhancement of the existing environmentally sensitive habitat located and a net increase in riparian habitat area, the project will also still result in some unavoidable impacts from construction/demolition activities to approximately 250 sq. ft. of existing riparian vegetation and will temporarily encroach into the root protection zones of four different oak trees. In past permit actions, the Commission has required that temporary impacts to riparian habitat be mitigated at a 1:1 ratio by revegetating all disturbed areas. In this case, the project, as proposed, will result in the restoration of all temporarily disturbed areas as well as more than 2,500 sq. ft. of restoration of riparian habitat and 5,300 sq. ft. of oak woodland habitat on site.

Although the applicant has submitted a preliminary restoration plan as part of the proposed project, the preliminary plan does not contain adequate specificity regarding all riparian and oak woodland restoration and monitoring requirements. Therefore, in order to ensure that the applicant's proposal for approximately 7,800 sq. ft. of riparian oak woodland habitat restoration is successfully implemented and that all disturbed areas on site are adequately revegetated, Special Condition No. 1, requires the applicant to submit a final revised Riparian and Oak Woodland Habitat Restoration and Monitoring Program for the approximately 7,800 sq. ft. of restoration. Plantings shall be of native plant species appropriate for riparian and oak woodland areas and indigenous to the Santa Monica Mountains using accepted planting procedures. All native plant species shall be of local genetic stock. The program shall be prepared by a qualified biologist(s), ecologist(s), or resource specialist(s), hereafter, referred to as the Environmental Resource Specialist(s), with experience in the field of habitat restoration. In addition, after initial revegetation is completed, the applicants shall submit, for the review and approval of the Executive Director, on an annual basis until the authorization for the approved development expires (5 years from the date of Commission action) a written monitoring report prepared by a monitoring resource specialist indicating the progress and relative success or failure of the restoration on the site.

In addition, to ensure that any unintentional adverse impacts to oak trees and native trees on site are minimized or avoided during construction, Special Condition 4 requires that an environmental resource specialist be on site during all construction/demolition activities and that temporary protective barrier fencing shall be installed around the protected zones (5 feet beyond dripline or 15 feet from the trunk, whichever is greater) of all oak trees and other native trees and retained during all construction operations. If required construction operations cannot feasibly be carried out in any location with the protective barrier fencing in place, then flagging shall be installed on trees to be protected.

Furthermore, the Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, Special Condition 3 requires the submittal of drainage and erosion control plans and the implementation of best management practices.

The applicants also propose to remove exotic and invasive vegetation from the restoration site. In previous permit actions, the Commission has allowed for the use of Glyphosate Aquamaster™ when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes that Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and could result in some adverse effects to wildlife or non-targeted vegetation should overspray or downstream migration occur. In order to minimize the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation, Special Condition No. Two (2) restricts the use of herbicides to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of invasive vegetation located within the project site for purposes of habitat restoration only. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.

In order to ensure that sensitive bird and raptor species are protected as part of the proposed project, Special Condition 5 is recommended which will require a qualified independent biologist or environmental resource specialist to prepare biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities), just prior to any demolition/construction activity excluding any revegetation/weeding work associated with the final approved habitat restoration plan, and once a week upon commencement of demolition/construction activity excluding any revegetation/weeding work associated with the final approved habitat restoration plan, that include grading or use of other heavy equipment, and

that will be carried out during the identified bird nesting season. If sensitive bird or raptor species are discovered nesting then certain protective measure are required through special condition 5 that will ensure that impacts to sensitive nesting bird and raptor species are avoided.

Therefore, in summary, the Commission finds that the restoration project, as proposed and conditioned, will avoid impacts to ESHA within the project boundaries to the maximum extent feasible and will maintain the biological productivity and functional capacity of the habitat consistent with the requirements of Coastal Act sections 30230, 30231 and 30240.

5. PUBLIC ACCESS

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by... (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Coastal Act mandates that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast.

Additionally, the Coastal Act mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In an effort to preserve and formalize the public's right to use these trails, Los Angeles County adopted the Riding and Hiking Trails Master Plan for the Santa Monica Mountains, which is adopted by ordinance into the highway element of the County's 1982 General Management Plan for the Santa Monica Mountains National Recreation Area as updated in 1984 as the Land Protection Plan. The trail system is mapped as part of the 1986 certified Land Use Plan (LUP) for the Malibu/Santa Monica Mountains Area, a component of the County's Local Coastal Program. This trail system has become an important and commonly used recreational asset and a means of providing access to and links between natural, scenic, and recreational areas in the mountains.

A portion of the Cold Canyon trail crosses the subject property. This trail provides an important link between the Cold creek West Preserve trail systems and the rest of the larger Cold Creek Canyon preserve public trail system (Exhibit 4). The MRT is responsible for maintaining and ensuring continued public access across the subject site to these public trail systems. Currently, within the subject site, the Cold Canyon trail uses the existing concrete and wood creek bridge to traverse an ephemeral watercourse, which is a tributary to the larger cold creek. The existing bridge is dilapidated and does not currently provide safe access across the ephemeral tributary. The proposed project would remove the existing 12 ft. wide and 22.5 ft. long aging bridge and replace it with a new free-span 6 ft. wide and 30 ft. long pedestrian bridge. Therefore, overall, the proposed project would improve the structural condition and safety of the existing public Cold Canyon trail and ensure continued public accessibility between the cold canyon trail and the rest of the Cold Creek Canyon Preserve trail system.

The Commission therefore finds that the proposed project, as proposed and conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, and 30252 of the Coastal Act.

6. LOCAL COASTAL PROGRAM PREPARATION

Section 30604(a) of the Coastal Act states:

- (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 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 Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program, which conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed projects will be in

conformity with the provisions of Chapter 3 if certain conditions are incorporated into the projects and are accepted by the applicant. As conditioned, the proposed development will avoid or minimize adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. The following special conditions are required to assure the project's consistency with Section 30604 of the Coastal Act:

Special Conditions 1, 3, 5 and 7

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

7. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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)(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 effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project is intended to restore the Oak Woodland and Riparian habitat on the subject site and to improve public access and public trail connectivity in the larger cold creek canyon preserve. Therefore, overall, the project will result in an enhancement of ESHA and improve public access in the area, while minimizing impacts to existing ESHA on the subject site to the greatest degree feasible.

The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1-5

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

Substantive File Documents

Certified Malibu/Santa Monica Mountains Land Use Plan; The March 25, 2003 Memorandum Regarding the Designation of ESHA in the Santa Monica Mountains, prepared by John Dixon, Ph. D; Mountains Restoration Trust Cold Creek Preserve California Rapid Assessment Method dated 9/10/10, Habitat Mitigation and Monitoring Program dated 11/2/12.

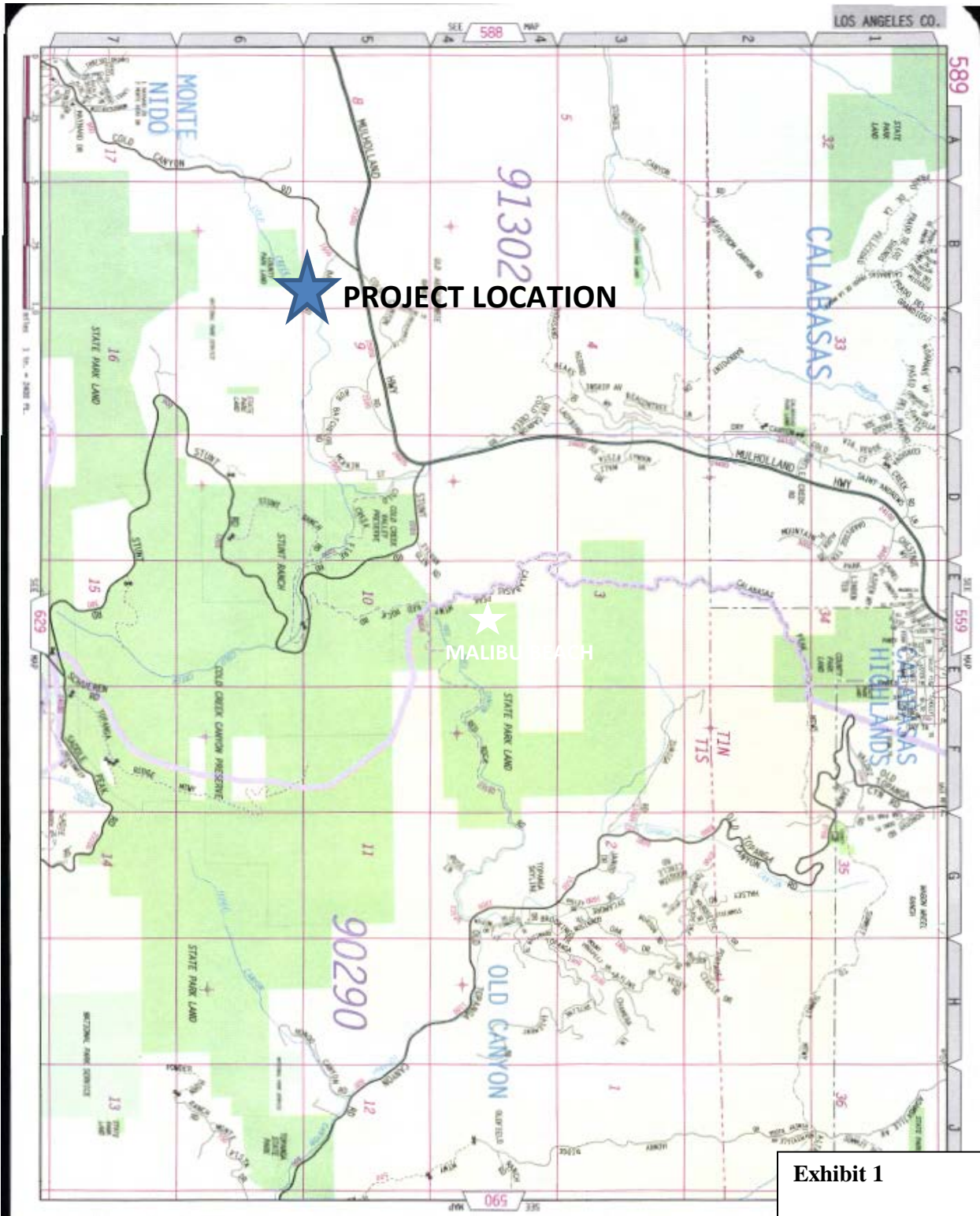


Exhibit 1
CDP 4-13-020
Location Map

Cold Creek West Preserve Restoration Project Mountains Restoration Trust

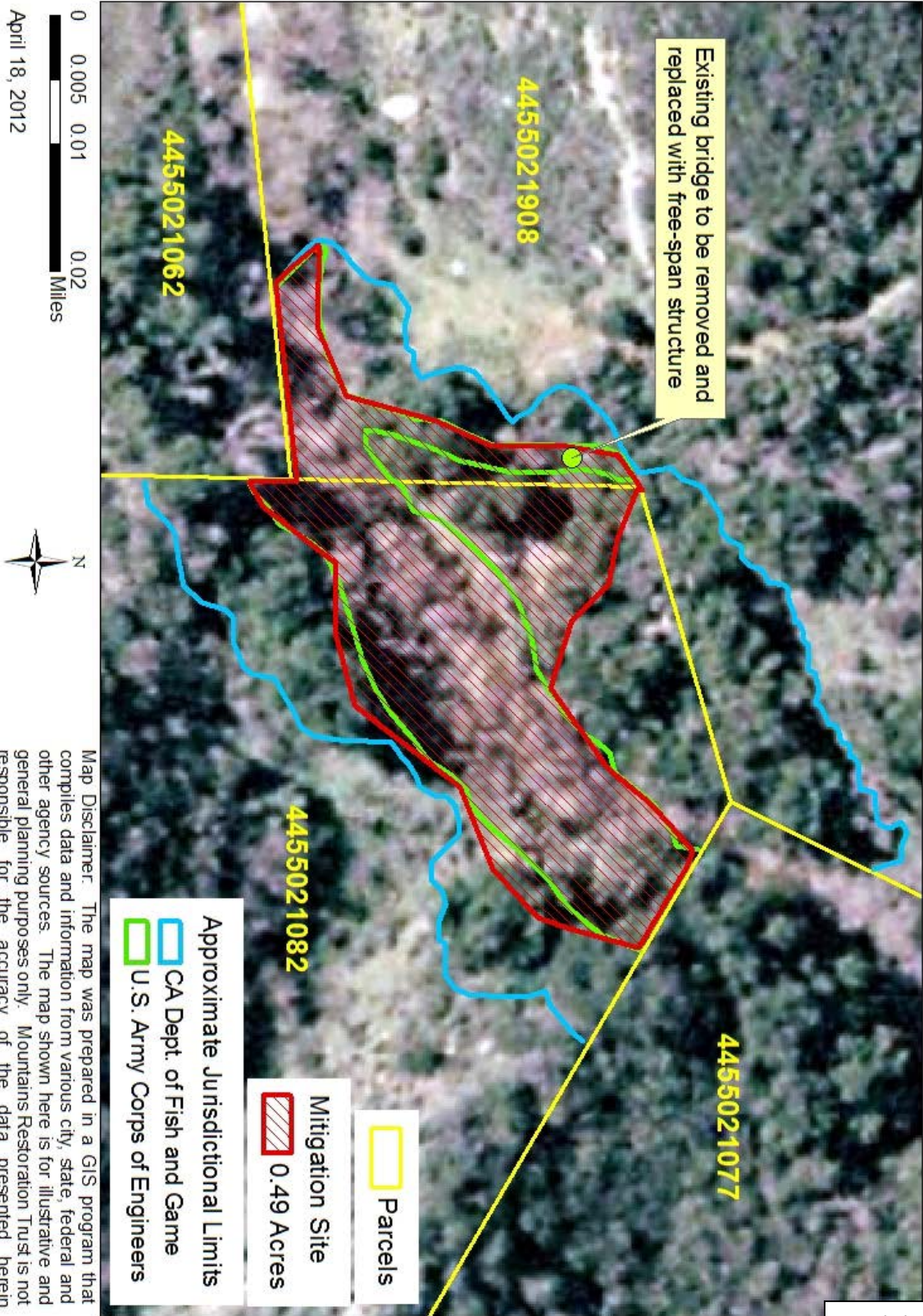


Exhibit 2
CDP 4-13-020
Parcel Map/Site Plan

Approximate Jurisdictional Limits

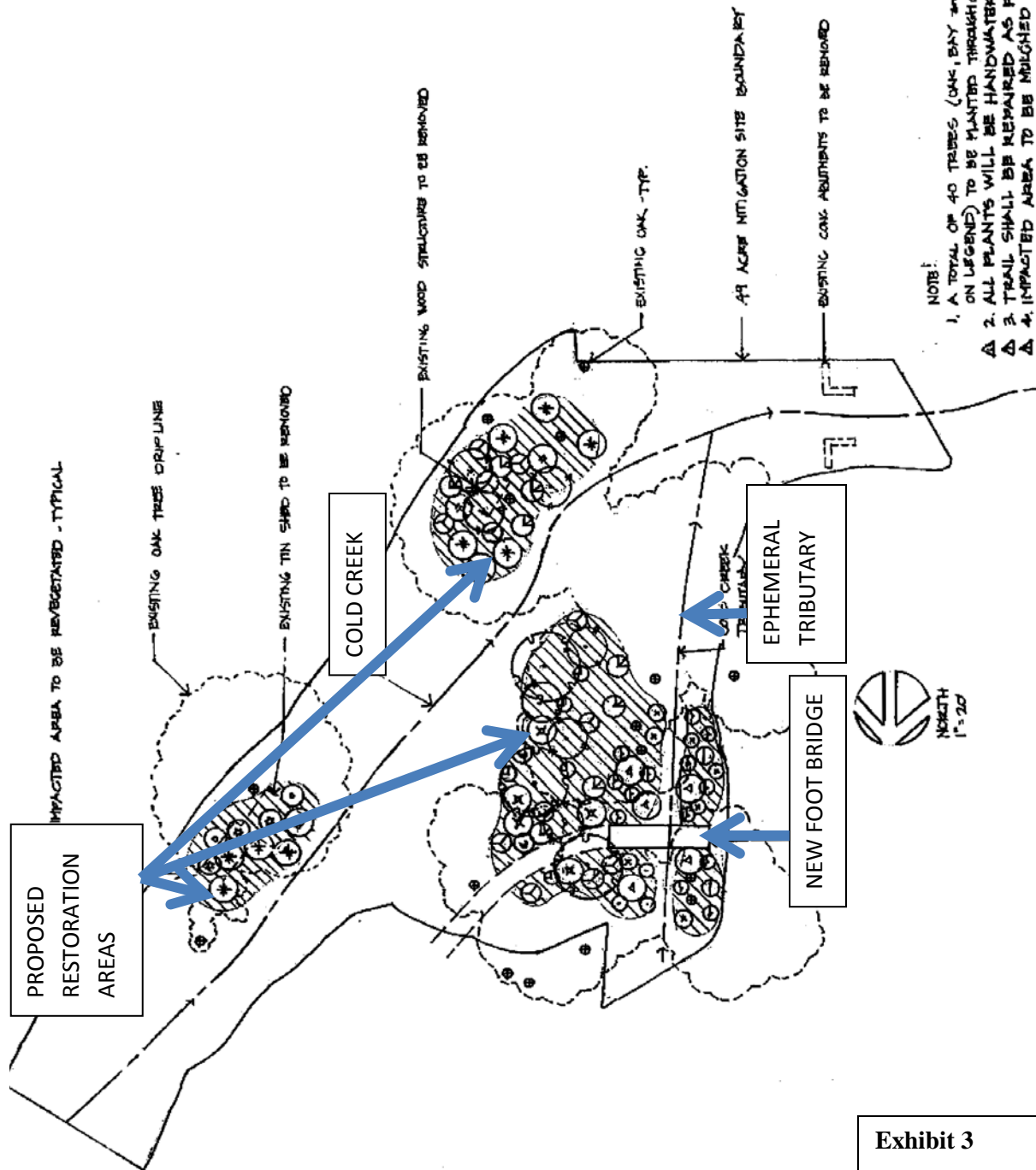
- CA Dept. of Fish and Game
- U.S. Army Corps of Engineers

Parcels

Parcels

Mitigation Site

0.49 Acres



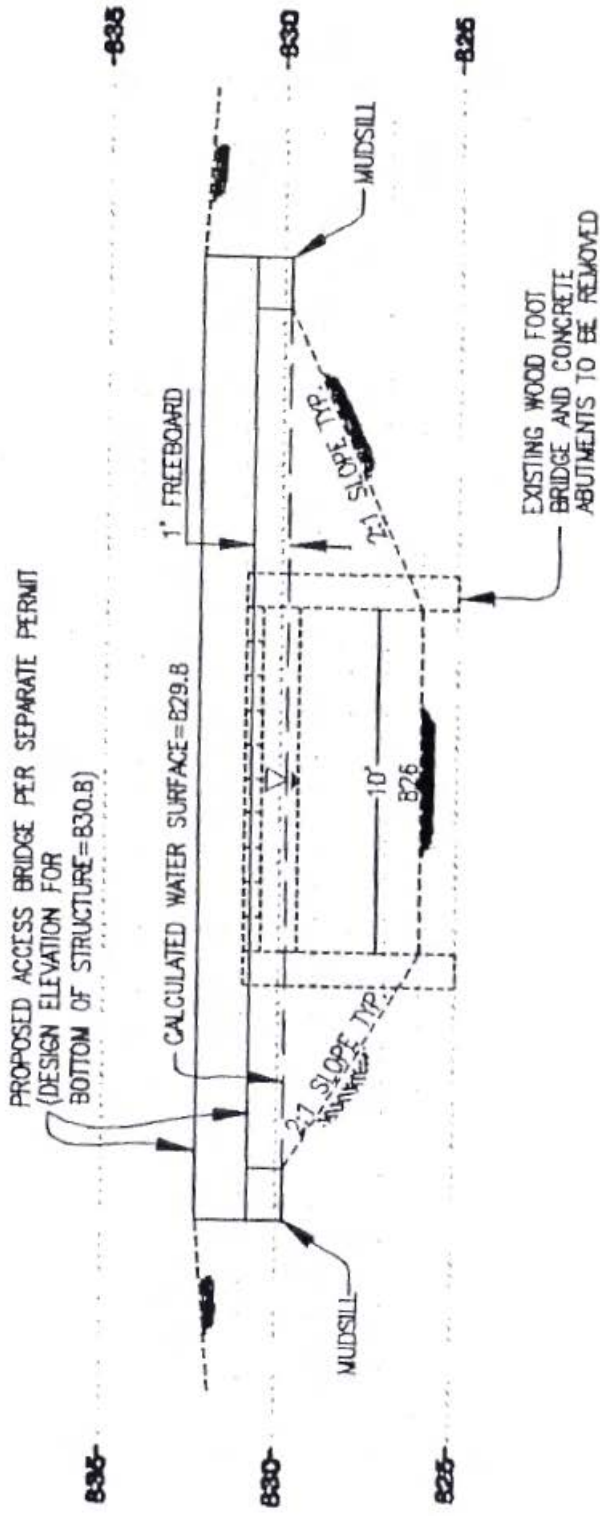
- NOTE:
1. A TOTAL OF 40 TREES (OAK, BAY AND WILLOW AS SHOWN ON LEGEND) TO BE PLANTED THROUGHOUT MITIGATION SITE
 2. ALL PLANTS WILL BE HANDWATERED UNTIL ESTABLISHED
 3. TRAIL SHALL BE REPAIRED AS PART OF PROJECT
 4. IMPACTED AREA TO BE MITIGATED



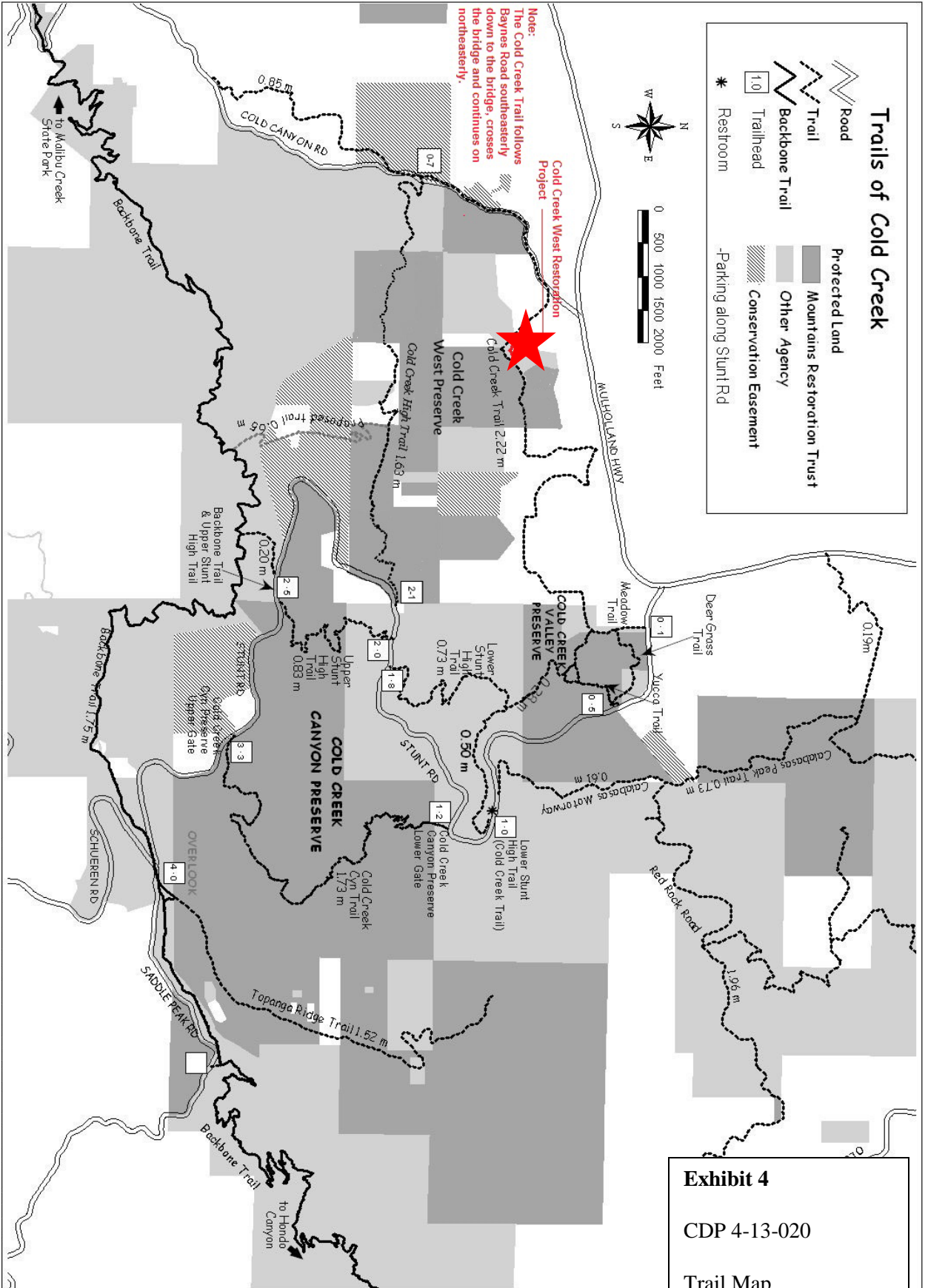
Exhibit 3

CDP 4-13-020

Project Plans, Page 1 of 2



SECTION "A" - "A"
CONCEPTUAL ACCESS BRIDGE
PER SEPARATE PERMIT
1" = 5'



Trails of Cold Creek

	Road		Protected Land
	Trail		Mountains Restoration Trust
	Backbone Trail		Other Agency
	Trailhead		Conservation Easement
	Restroom		Parking along Stunt Rd

Note:
 The Cold Creek Trail follows Baynes Road southeasterly down to the bridge, crosses the bridge and continues on northeasterly.

Cold Creek West Restoration Project

Exhibit 4
 CDP 4-13-020
 Trail Map

Disclaimer: This map was prepared by the GIS Department at Mountains Restoration Trust using ArcView 3.2a by ESRI. MRT is not responsible for the accuracy of the data presented herein. Verify all data before use. September 2006



Existing Creek Dam abutments, prosed for removal



Existing 200sq. ft. structure proposed for removal

Exhibit 5

CDP 4-13-020

Site Photos, Page 1 of 2



View upstream at small pool, boulder, and medium plant layer along channel



View upstream showing typical bank full limits, steep bank on north side, and unconfined floodplain on south side