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Staff:	M. Hudson
Staff Report:	11/20/14
Hearing Date:	12/11/14

STAFF REPORT: REGULAR CALENDAR

Application No.: **4-06-025**

Applicant: **Los Angeles County Department of Public Works**

Location: Greenleaf Canyon Road at Mile Marker 0.25, Santa Monica Mountains, Los Angeles County (APN: 4444-030-015)

Project Description: Authorization of repairs to a roadway and remediation of an active slope failure completed pursuant to an emergency coastal development permit. The project includes reconstruction of approximately 45 feet of roadway, including recontouring 1,600 sq. ft. of the outboard slope with 320 cu. yds. of fill grading; replacement of 20 ft. of an existing 18 in.-diameter corrugated metal pipe culvert; installation of approximately 600 sq. ft. of rip-rap at the culvert outlet and revegetation along Greenleaf Canyon Road at Mile Marker 0.25 within the Santa Monica Mountains, Los Angeles County.

Staff Recommendation: Staff recommends **approval** of the proposed coastal development permit, subject to three (3) special conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed coastal development permit with three (3) special conditions regarding: (1) a riparian habitat mitigation and restoration plan, (2) assumption of risk and (3) condition compliance.

The proposed project consists of repairs to approximately 45 feet of the existing developed roadway and the remediation of an active slope failure at the culvert adjacent to the road along Greenleaf Canyon Road at Mile Marker 0.25 in the Santa Monica Mountains of Los Angeles County.

During the January 2005 winter storm season, the roadway embankment slope, along this 45-ft. long section of Greenleaf Canyon Road, was subject to significant erosion as a result of increased amounts of stormwater runoff. The applicant has determined that the proposed project to remediate the eroding slope is necessary to ensure the continued stability of the slope supporting Greenleaf Canyon Road and to maintain the public's ability to use this road for vehicular access and as an emergency fire route for the nearby developed residential communities.

The proposed development is located within a sensitive environmental resource area (SERA) consisting of riparian, H1 and H2 habitat. These two categories of habitat are the equivalent of an "environmentally sensitive habitat area" (ESHA) under the Coastal Act and consequently, the Santa Monica Mountains LCP limits development in such areas to only those uses dependent upon the resource, with a few exceptions. In this case, public works projects that involve necessary repair or maintenance of drainage devices or road-side slopes may be allowed in H1 or H2 habitat, pursuant to Policy CO-95 and Subsection F of 22.44.1920 in the SMM LIP, when the following conditions apply: (1) the SERA cannot be feasibly avoided by siting or design, (2) the chosen design is the minimum necessary to protect existing development and minimize adverse impacts to coastal resources; (3) removal of habitat is minimized to the maximum extent feasible and mitigation applied; and (4) areas temporarily disturbed shall be revegetated with native plant species. Staff has concluded that the proposed reconstruction of a roadway and its adjacent embankment, meet these criteria as described in Section B, Sensitive Environmental Resource Areas.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Coastal Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified Local Coastal Program, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified Local Coastal Program.

Staff is recommending that the proposed project, as conditioned, is consistent with the applicable resource protection provisions of the Santa Monica Mountains Local Coastal Program.

This application was filed on July 11, 2014. Under the provisions of the Permit Streamlining Act, the latest possible date for Commission action is December 30, 2014. As such, the Commission must act on Coastal Development Permit Application No. 4-06-025 at the December 11, 2014 Hearing.

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APPENDIX

Substantive File Documents**:** Engineering Memo prepared by the Los Angeles County Department of Public Works, undated; Biological Reconnaissance Survey prepared by Chambers Group, dated May 11, 2014

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 4-06-025 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 the Santa Monica Mountains Local Coastal Program. 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

This permit is granted subject to the following 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 the 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

This permit is granted subject to the following special conditions:

1. Riparian Habitat Mitigation and Restoration 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 Habitat Mitigation and Restoration Plan, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site either temporarily disturbed by grading and construction activities, temporarily impacted by the installation of jute mesh netting or permanently displaced due to the installation of rip-rap. Within 60 days of the permit issuance, the applicant shall commence implementation of the approved riparian habitat restoration and mitigation plan. The Executive Director may grant additional time for good cause. The plans shall identify the species, extent and location of all plant materials to be removed or planted and shall incorporate the following criteria:

A. Technical Specifications

The Restoration Plan shall provide for the following:

Disturbed riparian habitat shall be restored to provide mitigation for all areas permanently displaced by the proposed development at a ratio of 3:1, including the approximately 600 sq. ft. area where rip-rap was placed. Therefore, the plan shall identify a minimum of 1,800 square feet (0.041 acres) of off-site riparian habitat restoration. The mitigation shall be implemented in a suitable location off-site, subject to the review and approval of the Executive Director, that is restricted in perpetuity from development or is public parkland. The mitigation area shall be delineated on a site plan and shall be located within the coastal zone of the Santa Monica Mountains. All invasive and non-native plant species shall be removed from the mitigation area. The restoration plan for off-site mitigation may be prepared and implemented in consultation with the Mountains Restoration Trust (MRT).

All areas where jute mesh netting has been placed, as well as any area within the footprint of the project site where riparian vegetation has been temporarily disturbed or removed due to construction activities, shall be revegetated. Only native plant species that are appropriate for a riparian habitat area shall be planted. All invasive and non-native plant species shall be removed from the riparian vegetation corridor within the revegetation area.

The plan shall specify restoration goals and specific performance standards to judge the success of the restoration effort.

The plan shall also provide information on removal methods for exotic species, salvage of existing vegetation, revegetation methods and vegetation maintenance. The plan shall further include details regarding the types, sizes and location of plants to be placed within the mitigation and revegetation areas. Only native plant species appropriate for a riparian environment and which are endemic to the Santa Monica Mountains shall be used, as listed by the California Native Plants Society, Santa Monica Mountains Chapter, in their document entitled "Recommended List of Plants for Landscaping in the Santa Monica Mountains" dated February 5, 1996. All plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized or maintained within the property. Successful site restoration shall be determined if the revegetation of native plant species onsite is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials and methods to be used to meet the approved goals, performance standards, the preferable time of year to carry out restoration activities and a description of the interim supplemental watering requirements that will be necessary.

B. Monitoring Program

A monitoring program shall be implemented to monitor the riparian habitat restoration/revegetation for compliance with the specified guidelines and performance standards. The applicant shall submit, upon completion of the initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/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.

Five years from the date of issuance of this coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Riparian Habitat Restoration Monitoring Report, prepared by a qualified biologist or Resource Specialist, that certifies the off-site restoration/mitigation and onsite revegetation is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the vegetation and restoration is not in conformance with, or has failed to meet, the performance standards specified in the restoration plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified biologist or Resource Specialist and shall specify measures

to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

2. Assumption of Risk.

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and slope failure; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses and amounts paid in settlement arising from any injury or damage due to such hazards.

B. Prior to the issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Condition Compliance.

Within 180 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The proposed project is located along Greenleaf Canyon Road at Mile Marker 0.25 in the unincorporated community of Topanga, California within the Santa Monica Mountains of Los Angeles County (**Exhibit 1** & **2**). The proposed project is located along a 45-ft. long section of road and embankment and extends 25 ft. below the embankment to include an adjacent drainage culvert. The proposed project site lies within riparian habitat in a north-south situated canyon surrounded by gentle rolling hills, oak trees and chaparral vegetation (**Exhibit 3**). Elevation onsite is 1,080 ft. above sea level. The subject site contains ornamental landscaping, jute netting,

and one culvert/drainage feature. Site disturbance includes heavy erosion and non-native invasive species.

The County proposes to repair the roadway above the drainage culvert by reconstructing approximately 45 feet of roadway and its surrounding embankment, including recontouring approximately 1,600 sq. ft. of outboard slope with 320 cu. yds. of fill grading (**Exhibit 5**). Additionally, the County proposes to repair the drainage culvert by replacing 20 ft. of an existing 18 in.-diameter corrugated metal pipe and installing approximately 600 sq. ft. of rip-rap at the culvert outlet (**Exhibit 5**). The County proposes the placement of jute mesh netting on both sides of the rip-rap extending from the roadway embankment to the toe of the rip-rap, as well as the revegetation of the netting with native mix seed.

During the January 2005 winter storm season, the roadway embankment slope along this 45-ft. long section of Greenleaf Canyon Road was subject to significant erosion as a result of increased amounts of stormwater runoff. The purpose of this project is to prevent further erosion and undermining of the roadway in future winter storm seasons.

According to the applicant's submitted biological reconnaissance survey by Chambers Group (dated May 11, 2014), the project site contains Coast Live Oak Woodland, Greenbark Ceanothus Chaparral, Southern Mixed Chaparral, and ornamental landscaping. Three mature Coast Live Oak trees are located in the immediate vicinity of the proposed project site; however, the mature trees are a sufficient distance away from the proposed work area such that encroachment is not anticipated. The survey identified nine sensitive plant species with either a moderate or high potential for occurrence at the project site. These sensitive plant species are listed in the Figure 1 below. Additionally, the survey identified two wildlife species designated as California Species of Special Concern with moderate potential for occurrence at the project site, namely the California Mountain Kingsnake and the San Diego Desert Woodrat.

Figure 1

Species	**Potential for Occurrence**	**Designation**
White-Veined Monardella (*Monardella hypoleuca* ssp. *hypoleuca*)	High	California Rare Plant Rank—plants rare and endangered in California and throughout their range
Plummer's Mariposa Lily (*Calochortus plummerae*)	High	California Rare Plant Rank—plants of limited distribution (watch list)
Santa Monica Dudleya (*Dudleya cymosa* ssp. *ovatifolia)*	High	Federally listed, endangered; California Rare Plant Rank—plants rare and endangered in California and throughout their range
Malibu Baccharis (*Baccharis malibuensis*)	Moderate	California Rare Plant Rank—plants rare and endangered in California and throughout their range
Lyon's Pentachaeta	Moderate	Federally listed, endangered; State listed,

(*Pentachaeta lyonii*)		endangered; California Rare Plant Rank—plants rare and endangered in California and throughout their range
Santa Susana Tarplant (*Deinandra minthornii)*	Moderate	State listed, rare; California Rare Plant Rank—plants rare and endangered in California and throughout their range
Slender Mariposa Lily (*Calochortus clavatus* var. *gracilis*)	Moderate	California Rare Plant Rank—plants rare and endangered in California and throughout their range
Marcescent Dudleya (*Dudleya cymosa* ssp. *marcescens*)	Moderate	Federally listed, threatened; State listed, rare; California Rare Plant Rank—plants rare and endangered in California and throughout their range
Braunton's Milvetch (*Astragalus brauntonii*)	Moderate	Federally listed, endangered; California Rare Plant Rank—plants rare and endangered in California and throughout their range

The proposed project site is situated on an undeveloped parcel (**Exhibit 4**). A portion of the proposed project is located outside of the public road right-of-way and on private property (Assessor Parcel Number 4444-030-015). The County obtained an easement before commencing work on the subject parcel.

The County has submitted an engineering and alternatives analysis for the proposed project, which indicates that installation of rock rip-rap below the drainage culvert is necessary to anchor/support the reconstructed slope and to provide long-term slope stability during future storm events. Without the placement of rip-rap, the repaired roadside slope could fail in future storm events. However, the proposed installation of rip-rap will result in the permanent loss of 600 sq. ft. of riparian woodland habitat area onsite. The submitted analysis identifies other alternatives to the proposed use of rip-rap to support the reconstructed slope including (1) the construction of a rail and timber pile wall and (2) gradual slope repair. Staff has reviewed the submitted alternatives analysis and concurs with the County that the two identified alternative repair strategies are either considered infeasible or not environmentally preferable to the proposed project because they would result in greater adverse impacts to sensitive habitat than the proposed project itself.

The visual impact of the proposed development is minimal, as the proposed project is not visible from the surrounding public trails and roads. The proposed development is visible in the immediate vicinity of the project site along Greenleaf Canyon Road, however, this minimal visual impact can be mitigated through Special Condition One that requires revegetation of the jute mesh netting onsite.

The Santa Monica Mountains Local Coastal Program was effectively certified by the Commission on October 10, 2014. Pursuant to Section 22.44.910 of the certified LCP, coastal development permit applications that were filed complete by the Commission on or before the certification date may, at the option of the applicant, remain with the Coastal Commission for

completion of review. The standard of review for such an application is conformity with the policies and provisions of the certified LCP.

Prior Commission Action – Emergency Permit No. 4-06-025-G

The Commission granted the Los Angeles County Department of Public Works an emergency permit for the construction of a 45-ft. long, 4-ft. in height above finished grade, rail and timber retaining wall in order to remediate an active slope failure on the downslope road shoulder of Greenleaf Canyon Road. However, the County did not adhere to the permitted alternative, but rather, utilized the slope grading with rip-rap slope protection alternative to remediate the proposed project site without any permitting approval from the Commission.

Coastal Permit Required for Repair and Maintenance within a Sensitive Environmental Resource Area

The proposed work is designed to maintain the existing road in a safe condition, and thus the project constitutes repair and maintenance work. Section 22.44.820 of the Santa Monica Mountains Local Implementation Program recognizes certain types of repair and maintenance work related to roads as exempt from permit requirements. However, the exemptions provided by the above referenced Section are limited. Accordingly, Section 22.44.820(A)(3)(b)(iii)(A) of the SMM LIP lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair and maintenance that involves a "risk of substantial adverse environmental impact", such as "any repair or maintenance…located in an H1 or H2 habitat area" or "within 20 feet of…streams" that will involve "placement or removal, whether temporary or permanent, of rip-rap, rocks…or any other forms of solid materials." Since this project would occur within such an area and include the permanent placement of rip-rap onsite, the method by which this project is conducted is not exempt, and a permit is required.

B. SENSITIVE ENVIRONMENTAL RESOURCE AREAS

Policy CO-33 of the Santa Monica Mountains Land Use Plan states, in relevant part:

> *Sensitive Environmental Resource Areas (SERAs) are areas containing habitats of the highest biological significance, rarity, and sensitivity. SERAs are divided into two habitat categories – H1 habitat and H2 habitat – that are subject to strict land use protections and regulations.*
>
> *1) H1 habitat consists of areas of highest biological significance, rarity, and sensitivity—alluvial scrub, coastal bluff scrub, dune, native grassland and scrub with a strong component of native grasses or forbs, riparian, native oak…streams…coast live and valley oak…H1 habitat also includes populations of plant and animal species (1) listed by the State or Federal government as rare, threatened or endangered…and identified as California Species of Special Concern.*
>
> *2) H2 habitat consists of areas of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains*

Mediterranean Ecosystem. H2 habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats.

Policy CO-41 states, in relevant part:

New non-resource dependent development shall be prohibited in H1 habitat areas to protect these most sensitive environmental resource areas from disruption of habitat values. The only exception is…public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

Policy CO-42 states, in relevant part:

Resource-dependent uses are only allowed in H1 and H2 habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP.

Policy CO-43 states, in relevant part:

New development shall avoid H2 habitat…where feasible, to protect these sensitive environmental resource areas from disruption of habitat values…Where it is infeasible to avoid H2 habitat, new development shall be sited and designed to minimize impacts to H2 habitat. If there is no feasible alternative that can eliminate all impacts to H2 habitat, then the alternative that would result in the fewest or least significant impacts to H2 habitat shall be selected. Impacts to H2 habitat that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated.

Policy CO-56 states, in relevant part:

New development, including but not limited to vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation, shall not be permitted within the H1 habitat buffer with the exception of resource-dependent uses and the following uses in very limited circumstances: (1) public works projects required to repair or protect existing public roads when there is no feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

Policy CO-87 states, in relevant part:

Mitigation for unavoidable permanent impacts to H1 habitat for one of the non-resource-dependent uses allowed by Policy CO-41 shall be provided, at a minimum, through the restoration and/or enhancement of like habitat type, at the ratio of…3:1 (acres of restored habitat to each acre of impacted H1 habitat) for all other H1 habitat types. Priority shall be given to onsite restoration or enhancement, unless there is not sufficient

area of disturbed habitat on the project site, in which case off-site mitigation may be allowed. The area of off-site habitat to be restored shall be permanently preserved through the recordation of an open space deed restriction or conservation easement. The County shall coordinate with other public agencies and/or qualified non-profit land preservation organizations to establish priorities for offsite restoration and enhancement efforts, where appropriate, for proposed development projects lacking adequate onsite mitigation opportunities.

Policy CO-95 states:

Public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat in order to repair or protect existing public roads, shall comply with the following requirements in addition to all other requirements of the LCP.

a. The development shall be the minimum design necessary to protect existing development in order to minimize adverse impacts to coastal resources.
b. The development shall avoid encroachment into H1 habitat, H1 habitat buffers, and H2 habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.
c. Habitat areas temporarily disturbed by grading and/or construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan.
d. The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval. The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the [Regional Planning Commission] or on-site or off-site restoration as a condition of approval.

Policy CO-101 states, in relevant part:

Any CDP for development that includes impacts to H1…[or] H2 habitat that are required to be reduced or mitigated through habitat restoration and/or enhancement shall include a condition requiring the preparation and implementation of a detailed habitat restoration/enhancement plan that, at a minimum, includes all of the following:

a. A detailed restoration or enhancement plan. The habit restoration area shall be delineated on a detailed site plan, to scale, that illustrates the parcel boundaries, topography, existing habitat types, species, size, and location of all native plant materials to be planted. The habitat restoration plan shall be prepared by a qualified resource specialist or biologist familiar with the ecology of the Santa Monica Mountains and shall be designed to restore the area in question for habitat function, species diversity and vegetation cover appropriate for the type of habitat impacted. The restoration plan shall include an evaluation of existing habitat quality, statement

of goals and performance standards, revegetation and restoration methodology, and maintenance and monitoring provisions; and

b. The habitat restoration/enhancement plan shall specify that habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific restoration objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the restoration. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. The restoration will be considered successful after the success criteria have been met for a period of at least two years without any maintenance or remedial activities other than exotic species control. At the County's discretion, final performance monitoring will be conducted by an independent monitor or County staff with the appropriate classification, supervised by the staff biologist and paid for by the applicant. If success criteria are not met within 10 years, the applicant shall submit an amendment proposing alternative restoration.

Section 22.44.1810(A) of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

H1 Habitat – This category consists of habitats of highest biological significance, rarity, and sensitivity—alluvial scrub, coastal bluff scrub…and scrub with a strong component of native grasses or forbs, riparian, native oak…Riparian habitat includes all vegetation (canopy and understory species) associated with a creek or stream including…coast live oak…In the Coastal Zone, where chaparral and/or coastal sage scrub occur within or adjacent to creeks or streams and function as riparian habitat, these areas are considered to be H1 riparian habitat…Coast live oak and valley oak…are all included in H1 habitat…H1 habitat also includes populations of plant and animal species (1) listed by the State or federal government as rare, threatened or endangered, assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern and/or (2) CNPS-listed 1B and 2 plant species, normally associated with H1 habitats, where they are found within H2 or H3 habitat areas.

H2 Habitat – This category consists of habitats of high biological significance, rarity, and sensitivity that are important for the ecological vitality and diversity of the Santa Monica Mountains Mediterranean Ecosystem. Connectivity among habitats within an ecosystem and connectivity among ecosystems is important for the preservation of species and ecosystem integrity. Large contiguous blocks of relatively pristine habitat facilitate natural ecosystem patterns, processes and functions such as water filtration, nutrient cycling, predator/prey relationships, plant and animal dispersal and animal migration, habitat and species diversity and abundance, and population and community dynamics (e.g., birth/death rates, food web structure, succession patterns). H2 Habitat includes large, contiguous areas of coastal sage scrub and chaparral-dominated habitats. Coastal sage scrub is dominated by soft-leaved, generally low-growing

aromatic shrubs…and chaparral is dominated by taller, deeper-rooted evergreen shrubs with hard, waxy leaves such as ceanothus (Ceanothus sp.). H2 habitat also contains (1) CNDDB-identified rare natural communities; (2) plant and animal species listed by the State or federal government as rare, threatened, or endangered; assigned a Global or State conservation status rank of 1, 2, or 3 by CDFW, per the methodology developed by NatureServe, and identified as California Species of Special Concern; and/or (3) CNPS-listed 1B and 2 plant species, normally associated with H2 habitats.

Section 22.44.1890 states, in relevant part:

Development is prohibited in the following habitats, with the exception of the permitted uses listed below…(C) H1 Habitat Area. (1) Resource-dependent uses…include…public works projects to repair or protect existing public roads.

Section 22.44.1920(F) states, in relevant part:

For public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads, a minor CDP is required. Such repair and maintenance projects that are located outside the road right-of-way or the "roadway prism" as defined by the Public Works Department, or are located within H1 or H2 habitat, are not exempt development…and require a permit. In addition to all other provisions of the LCP, the following requirements shall apply to these projects:

(1) The Development shall be the minimum design necessary to protect existing development to minimize adverse impacts to coastal resources.

(2) The development shall avoid encroachment into H1 Habitat…and H2 Habitat to the maximum extent feasible. Where it is determined to be infeasible to avoid habitat areas, removal of habitat shall be minimized to the extent feasible and all feasible mitigation measures shall be provided.

(3) Habitat areas temporarily disturbed by grading and construction activities shall be revegetated with native plant species appropriate for the type of habitat impacted, pursuant to a restoration plan that is required as a condition of approval.

(4) The adverse impacts to biological resources resulting from H1 habitat areas that are permanently removed or impacted shall be mitigated through either on-site or off-site restoration as a condition of approval, consistent with the habitat restoration mitigation requirements and ratios.

(5) The adverse impacts to biological resources resulting from H2 habitat areas that are permanently removed or impacted shall be mitigated through either the [Resource Conservation Program]…or on-site or off-site restoration…as a condition of approval.

The Santa Monica Mountains LCP requires sensitive environmental resource areas (SERAs) to be protected against significant disruption. Under the Coastal Act, sensitive habitat areas are

designated as “Environmentally Sensitive Habitat Areas” (ESHA). The equivalent terminology for sensitive habitat areas within the SMM LCP is “Sensitive Environmental Resource Areas” (SERAs). The LUP defines SERAs as “areas containing habitats of the highest biological significance, rarity, and sensitivity”. SERAs are further divided into two habitat categories: H1 habitat and H2 habitat, depending on the characteristics of the underlying habitat. Both of these habitat types are considered to be ESHA under the Coastal Act. LUP Policy CO-33 and Section 22.44.1810(A) of the LIP provide the distinction between the two habitat categories. In this case, the subject site is designated within the H1 and H2 habitat categories. SERA protection is implemented through policies CO-41,CO-42, CO-43, CO-56, CO-87, CO-95, and CO-101 of the SMM LUP and Sections 22.44.1810 and 22.44.1890 of the SMM LIP by prohibiting new development in H1 and H2 habitat.

SMM LIP Section 22.44.1830 defines the process for evaluating and designing on-site habitat categories and states “as part of the CDP process, the County shall determine the physical extent of habitats on the project site that meet the definition of any of the habitat categories of Section 22.44.1810, based on a site-specific biological inventory and/or biological assessment, available independent evidence, and review by the department biologist and ERB, as required in Section 22.44. 1830.” Therefore staff has evaluated the on-site habitat categories as part of this CDP based on the biological report provided by the applicant.

The applicant submitted a biological survey by Chambers Group (dated May 11, 2014) that found the following habitats on the project site: Coast Live Oak Woodland, Greenbark Ceanothus Chaparral, Southern Mixed Chaparral, which are cited as significant biological resources that make up H1 and H2 habitat in policy CO-33 of the SMM LCP and Section 22.44.1810 of the SMM LIP. Additionally, the biological report concluded that there are nine sensitive plant species with either a moderate or high potential for occurrence at the project site and two special status wildlife species with moderate potential for occurrence at the project site (see Section A, Project Description, above). The biological survey also reported exotic vegetation encroachments into the native habitats on the project site; however, the encroachment of this small amount of ornamental vegetation does not affect the overarching sensitivity of the native H1 or H2 habitat.

The primary habitat at the project site is native riparian woodland habitat. Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils. Partly because of its multi-layered vegetation, the riparian community contains the greatest overall biodiversity of all the SMM plant communities in the area. Additionally, the vegetation, available water supply, vegetative cover and adjacency to shrubland habitats, create an attractive habitat for many native wildlife species and provide essential functions in their lifecycles. During the long, dry summers in this Mediterranean climate, these communities are an essential refuge and oasis for much of the areas’ wildlife.

Riparian habitats and their associated streams form important connecting links in the Santa Monica Mountains. These habitats connect all of the biological communities from the highest elevation chaparral to the sea with a unidirectional flowing water system, one function of which is to carry nutrients through the ecosystem to the benefit of many different species along the

way. Riparian habitats, are therefore designated as H1 habitat under the LCP which reflects the habitats of highest biological significance, rarity, and sensitivity.

The proposed project consists of the remediation of an active slope failure along 45 feet of Greenleaf Canyon Road within Topanga Canyon and is located on a steep slope supporting several biological resources that are included in the description of H1 and H2 habitats as defined in policy CO-33 of the SMM LCP and Section 22.44.1810 of the SMM LIP. Additionally, the proposed project site is located within designated H1 and H2 habitat as depicted on Map 2 Biological Resources of the Santa Monica Mountains LUP ("Biological Resources Map"; Exhibit 3).

Policies outlined in the SMM LUP including CO-41 and CO-42 dictate that "new non-resource-dependent development shall be prohibited in H1 habitat areas" and that "only resource-dependent uses are allowed in H1 and H2 habitats." However, two exceptions do exist, including public works projects required to repair or protect existing public roads when there is not a feasible alternative, as long as impacts to H1 habitat are avoided to the maximum extent feasible, and unavoidable impacts are minimized and mitigated.

Policies CO-41, CO-42, CO-43, CO-56, CO-87, CO-95, and CO-101 of the SMM LUP and Sections 22.44.1810 and 22.44.1890 of the SMM LIP detail the manner in which new development shall be avoided in both H1 and H2 SERAs. However, pursuant to policies CO-41, CO-56 and CO-95 of the SMM LUP and Sections 22.44.1890 and 22.44.1920(F) of the SMM LIP, repair and/or maintenance to existing public works developments is permitted in H1 and H2 habitats, as long as the temporary and permanent environmental impacts are minimized and mitigated.

Specifically, Section 22.44.1890 in the SMM LIP identifies permitted uses in H1 habitat area, which includes "public works projects to repair or protect existing public roads consistent with subsection F of 22.44.1920." Subsection F of 22.44.1920 allows for public works projects that involve necessary repair and/or maintenance of drainage devices and road-side slopes within and adjacent to streams, riparian habitat, or any H1 or H2 habitat to protect existing public roads. Additionally, part 3 of this section specifies that habitat areas disturbed by grading and construction activities shall be revegetated with native plant species pursuant to a restoration plan that is required as a condition of approval and meets the requirements of subsection L of Section 22.44.1920. This project meets the LIP 22.44.1920 criteria as a public works project within and adjacent to streams, riparian habitat, or any H1 or H2 habitat necessary to protect existing public roads.

Given that this project addresses a slope failure in a fixed location, the siting of such development to avoid impacts in H1 and H2 habitat is necessarily constrained. In this case, the slope failure and culvert replacement are located within H1 habitat. As a result, it is not possible to relocate the proposed development in a manner that would avoid or provide a full buffer from the sensitive habitat areas. Therefore, it is essential to consider design options that would reduce impacts to H1, consistent with the SMM LUP. As discussed below, there are no other feasible

alternatives (such as rebuilding the previous slope configuration) to the proposed project that would result in less adverse impacts than the proposed project.

The County has submitted an engineering and alternatives analysis which asserts that the proposed roadway repairs and slope failure remediation are necessary to stabilize the outboard lane and avoid further displacement of the road shoulder and embankment from erosive forces. Three alternatives were considered for slope repair, namely (1) a rail and timber pile wall, (2) slope grading with rip-rap slope protection, and (3) gradual slope repair. The emergency permit approved the rail and timber pile wall alternative, however, the slope grading with rip-rap slope protection was completed onsite without a permit. The rail and timber pile wall was, initially, thought to have a smaller footprint than the slope grading with rip-rap slope protection alternative; however, the footprint of the rip-rap placement was modified and reduced from 1,100 sq. ft. to 600 sq. ft. to disturb only area within the slope easement and avoid impacts to the oak tree onsite. The third alternative was not utilized due to the size of its footprint and the increased right-of-way that would have been required. Staff has reviewed the analysis and concurs that there are no less environmentally damaging alternatives to stabilize the road.

Additionally, the proposed project is designed to avoid direct impacts to three mature Coast Live Oak trees that are located in the immediate vicinity of the proposed project site. Given the fixed location of the project site, the project cannot be located outside of the 100-foot buffer from the oak woodland, including these oak trees; however, the rip-rap has been engineered to avoid the protected zones of the trees, with a minimum of approximately ten feet from the toe of the rip-rap installation to the drip line of the closest oak tree.

Nonetheless, the proposed project is a necessary repair project partially located within a riparian woodland plant community and will result in both temporary and permanent adverse impacts to this H1 habitat. Although the proposed project is the environmentally preferred alternative, the placement of approximately 600 sq.ft. of rip-rap will result in permanent adverse impacts to the Sensitive Environmental Resource Area onsite and loss of riparian woodland habitat. Consistent with Policy CO-87 of the Santa Monica Mountains LCP, all sensitive riparian woodland habitat areas onsite that will be displaced as a result of proposed development shall be mitigated at a minimum 3:1 ratio. Therefore, the Commission finds that **Special Condition One (1)** is necessary to ensure that adverse effects to the riparian woodland habitat, both temporary and permanent, are minimized. In order to mitigate for the unavoidable adverse impacts to riparian, H1 and H2 habitat, Special Condition One (1) requires the applicant to implement a riparian habitat mitigation and restoration plan for all disturbed areas along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. The riparian habitat mitigation and restoration plan requires the applicant to compensate for permanent onsite impacts (600 sq. ft. of rip-rap placed below the culvert) with offsite riparian habitat restoration using a ratio of 3:1 or greater (a minimum of 0.041 acres of offsite riparian habitat restoration). The temporary impact of the jute mesh netting requires onsite mitigation through revegetation with native mix seed on top of the netting.

The Commission finds that the proposed project, only as conditioned, will serve to minimize impacts to Sensitive Environmental Resource Areas, and is consistent with the policies and

provisions of the Santa Monica Mountains LCP with regard to sensitive environmental resource areas.

C. HAZARDS AND GEOLOGIC STABILITY

Policy SN-1 of the Santa Monica Mountains Land Use Plan states:

> *All new development shall be sized, designed and sited to minimize risks to life and property from geologic hazard.*

Policy SN-9 states:

> *Allow the remediation or stabilization of landslides or other slope instability that affect existing structures or that threaten public health or safety. Analyze alternative remediation or stabilization techniques to determine the least-environmentally-damaging alternative. Maximum feasible mitigation shall be incorporated into the project to minimize adverse impacts to natural resources.*

Policy SN-11 states:

> *New development shall 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.*

Section 22.44.2102(A-B) of the Santa Monica Mountains Local Implementation Program states:

> (A) *All new development shall be sized, sited, and designed to minimize risks to life and property from geologic, flood, and fire hazard, considering changes to inundation and flood zones caused by rising sea level.*
> (B) *New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geological 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.*

Section 22.44.2102(F) states:

> *(F) Measures to remediate or stabilize landslides or unstable slopes that endanger existing structures or threaten public health shall be designed to be the least environmentally damaging feasible alternative, to minimize landform alteration, and to be visually compatible with the surrounding natural environment to the maximum feasible extent. Maximum feasible mitigation measures shall be incorporated into the design and construction of slope stabilization projects to minimize adverse impacts to sensitive resources to the maximum feasible extent.*

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant proposes to repair the roadway above the drainage culvert at Mile Marker 0.25 along 45 ft. of Greenleaf Canyon Road by reconstructing approximately 1,600 sq. ft. of road embankment with 320 cu. yds. of fill. Additionally, the County proposes to repair the drainage culvert by replacing 20 ft. of an existing 18 in.-diameter corrugated metal pipe and installing approximately 600 sq. ft. of rip-rap at the culvert outlet. The County proposes the placement of jute mesh netting on both sides of the rip-rap extending from the roadway embankment to the toe of the rip-rap, as well as the revegetation of the netting with native mix seed.

After the winter 2005 storm season, the hillside slope below the subject stretch of road eroded significantly and resulted in a damaged road, embankment and drainage culvert. The County has determined that the proposed project to stabilize the damaged road and roadside slope is necessary in order to ensure the continued stability of Greenleaf Canyon Road and to maintain the public's ability to use this road for vehicular access and emergency services/access for nearby developed residential communities.

Policies SN-1, SN-9 and SN-11 of the SMM LUP and Section 22.44.2102 (A, B and F) of the SMM LIP require development within a hazardous area to minimize risks by increasing slope stability to the maximum extent feasible. However, the Commission notes that the proposed development, although necessary to remediate a damaged road condition, will still not eliminate the potential for erosion of the slope on the subject site. The Commission finds that minimization of site erosion will add to the stability of the site. Erosion can best be minimized by requiring the applicant to plant all disturbed areas of the site with native plants compatible with the surrounding riparian and chaparral habitat. The project allocates the portion of the disturbed slope to be covered in jute mesh netting for revegetation with native vegetation to increase slope stability to the maximum extent feasible. In past permit actions, the Commission has found that invasive and non-native plant species are typically characterized as having a shallow root structure in comparison with their high surface/foliage weight and/or require a greater amount of irrigation and maintenance than native vegetation. The Commission notes that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize steep slopes, such as the slopes on the subject site, and that such vegetation results in potential adverse effects to the geologic stability of the project site. In comparison, the Commission finds that native plant species are typically characterized not only by a well-developed and extensive root structure in comparison to their surface/foliage weight but also by their low irrigation and maintenance requirements. Therefore, in order to ensure the stability and geologic safety of the site, **Special Condition One (1)** specifically requires that all proposed disturbed areas on subject site be stabilized with native vegetation appropriate for a chaparral habitat area.

The proposed project, as conditioned to ensure that the disturbed slopes on sites are revegetated with native vegetation, has been designed to ensure slope stability on site to the maximum extent feasible. However, the Santa Monica Mountains Land Use Plan recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still involve the taking of some risk. Santa Monica Mountains Land Use Plan policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

As such, the Commission finds that due to the foreseen possibility of erosion, and slope failure, the applicant shall assume these risks as a condition of approval. Therefore, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development. Therefore, **Special Condition Two (2)**, Assumption of Risk, is required to assure the projects consistency with policies SN-1, SN-9 and SN-11 of the Santa Monica Mountains Land Use Plan.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to hazards and geologic stability.

D. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site that is not consistent with the development that was given emergency authorization. The emergency permit granted by the Commission in March of 2006 (No. 4-06-025-G) authorized the construction of a rail and timber retaining wall to remediate the active slope failure along Greenleaf Canyon Road at Mile Marker 0.25. However, the alternative of slope grading with rip-rap slope protection was completed on the proposed project site instead. This application requests after-the-fact authorization for the above referenced unpermitted development.

In order to ensure that the unpermitted development component of this application is resolved in a timely manner, the Commission finds it necessary to require the applicant to fulfill all of the Special Conditions that are a prerequisite to the issuance of this permit, within 180 days of Commission action. Therefore, **Special Condition Three (3)**, Condition Compliance, is required to assure the projects consistency with all applicable policies and provisions of the Santa Monica Mountains LCP.

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 policies and provisions of the certified Santa Monica Mountains LCP. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute

an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission's enforcement division will evaluate further actions to address this matter.

E. 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 Santa Monica Mountains Local Coastal Program 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 development, as conditioned, is consistent with the policies of the Santa Monica Mountains LCP. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. 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 Santa Monica Mountains Local Coastal Program to conform to CEQA.

APPENDIX A

Substantive File Documents: Engineering Memo prepared by the Los Angeles County Department of Public Works, undated; Biological Reconnaissance Survey prepared by Chambers Group, dated May 11, 2014

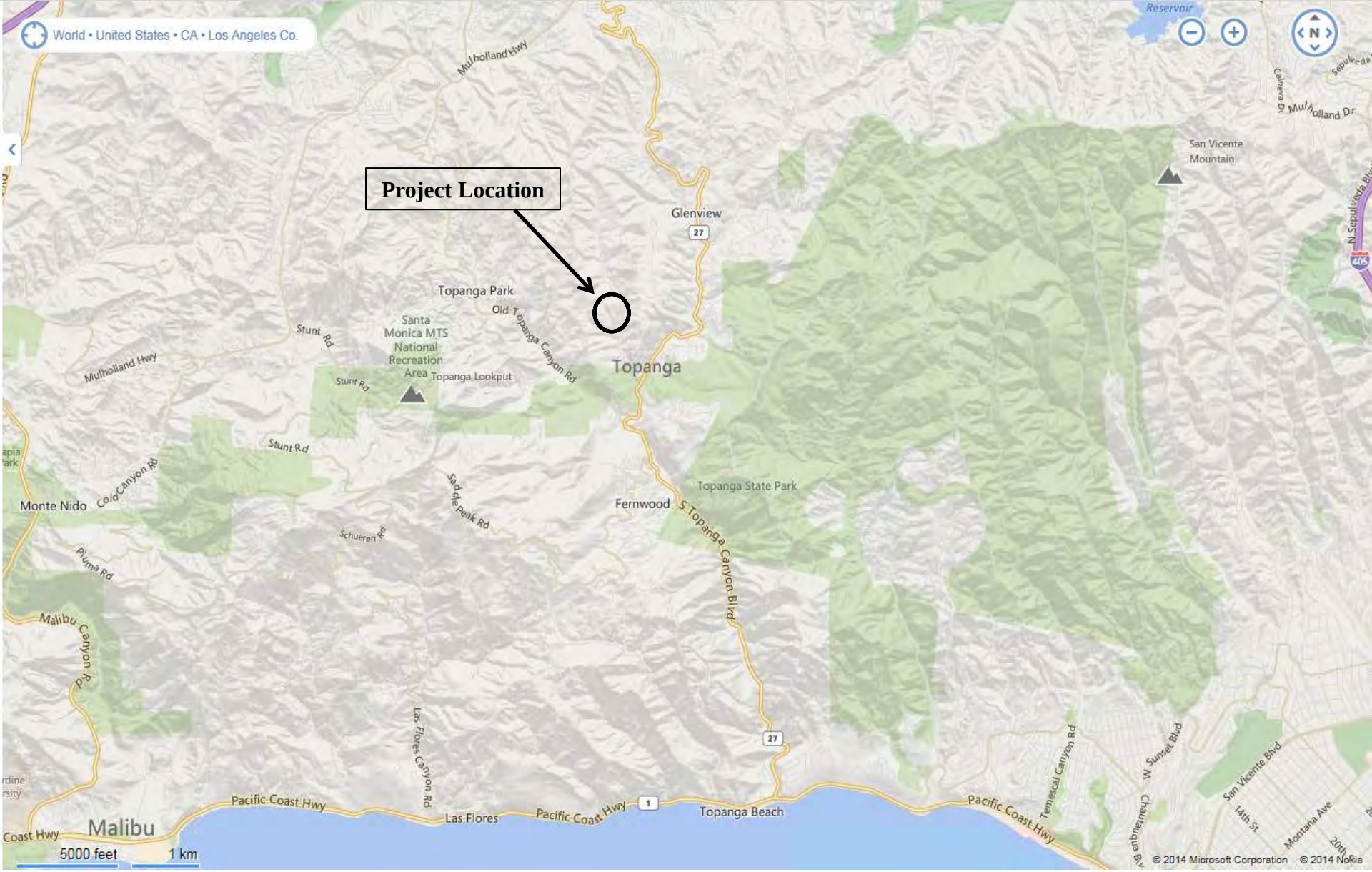

Exhibit 1
Vicinity Map
CDP 4-06-025

Exhibit 2
Aerial Photograph
CDP 4-06-025

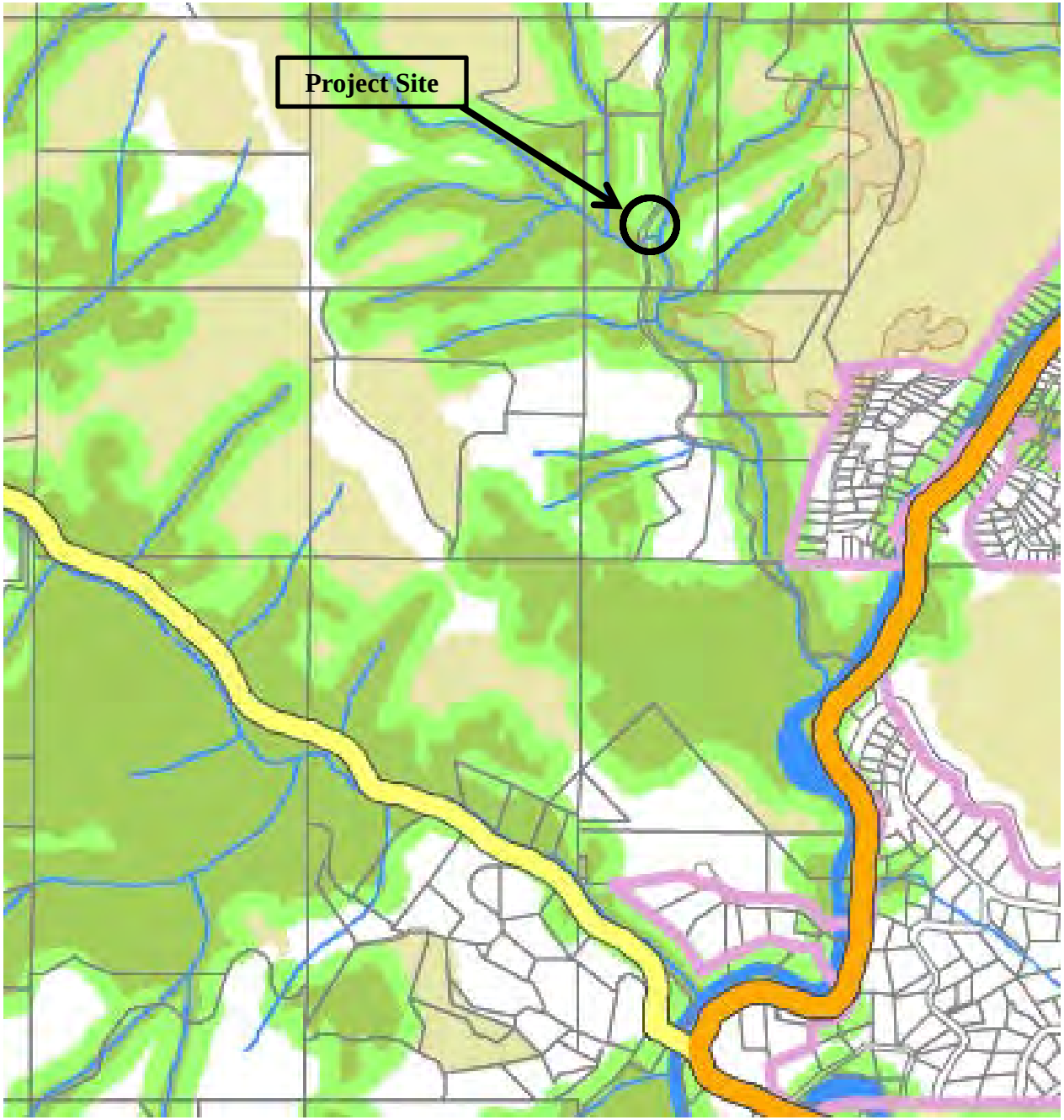

Exhibit 3
Biological Resources Map
CDP 4-06-025

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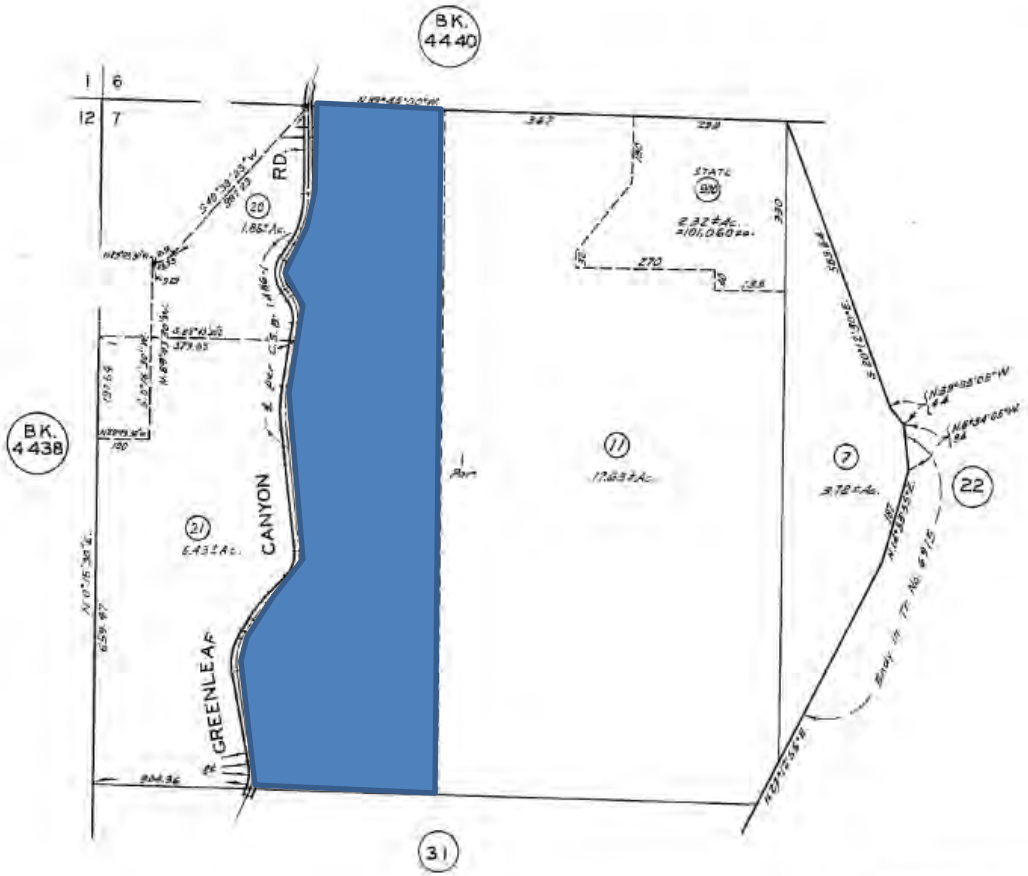
200'



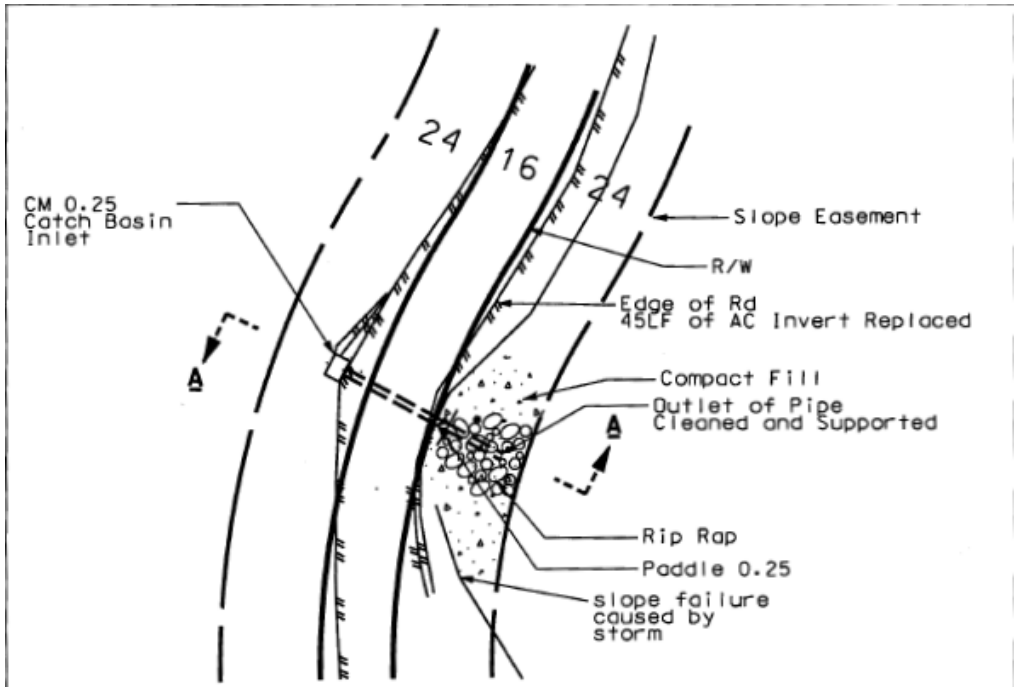
1853

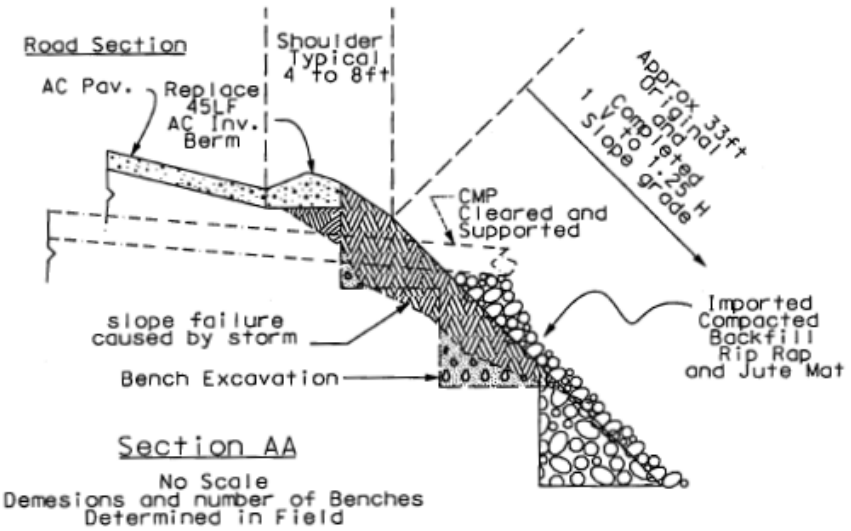
T.15., R.16W.

4444-30
4438-18

FEB 1 2 2013

Exhibit 4
Parcel Map
CDP 4-06-025





Section AA

No Scale
Demesions and number of Benches
Determined in Field

R831336066 (AS BUILT)
GREENLEAF CANYON ROAD @ CM 0.25

T.G. 590-A4

FEMA-1577-DR-CA
37-00000
DSR:
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Exhibit 5
Site Plan & Elevation
CDP 4-06-025