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STAFF REPORT: REGULAR CALENDAR

Application No.:	**4-14-1685**
Applicant:	**Los Angeles County Department of Public Works**
Project Location:	**Latigo Canyon Road at Mile Marker 1.05 and 125 feet south of Mile Marker 1.14, Santa Monica Mountains, Los Angeles County (APN: 4464-026-010)**
Project Description:	**Authorization of repairs to remediate slope failures at two locations on the downslope road shoulder of Latigo Canyon Road; slope remediation at Location 1 (MM 1.14) involves excavation/recompaction of approximately 120 cu. yds. of on-site material; slope remediation at Location 2 (MM 1.05) involves placement/recompaction of approximately 111 cu. yds. of fill material and approximately 50 tons of rip-rap at the base of an existing drainage culvert pipe outlet.**

SUMMARY OF STAFF RECOMMENDATION

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

The proposed project consists of repairs to remediate slope failures at two locations on the downslope road shoulder of Latigo Canyon Road at Mile Markers 1.14 and 1.05 within the Santa Monica Mountains of Los Angeles County. Slope remediation at Location 1 (MM 1.14) will involve excavation and recompaction of approximately 120 cubic yards of on-site material. Slope remediation at Location 2 (MM 1.05) will involve placement and recompaction of approximately 111 cubic yards of fill material and approximately 50 tons of rip-rap at the base of an existing drainage culvert pipe outlet.

During the January 2005 winter storm season, the roadway embankment slopes at these two locations along Latigo Canyon Road, were 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 slopes is necessary to ensure the continued stability of the slopes supporting Latigo 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) H1 habitat. The H1 category of habitat is the equivalent of an "environmentally sensitive habitat area" (ESHA) under the Coastal Act and consequently, the Santa Monica Mountains Local Coastal Program (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 road-side slopes or drainage devices may be allowed in H1 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. The proposed slope repairs of the roadway meet these criteria as described in Section B, Sensitive Environmental Resource Areas.

The Commission granted the Los Angeles County Department of Public Works an emergency permit (4-06-019-G) for road repairs at the subject locations in 2006, however the County did not adhere to the permitted project description. Rather, the County reduced the scope of the proposed grading and installation of rip-rap without any permitting approval from the Commission. The Commission's review of the subject permit is based on the applicant's project description and reports regarding the as-built development. However, final project plans were not provided by the applicant. In order to ensure that temporary and permanent impacts to SERA are properly mitigated, the permit is conditioned to require that applicant to provide final project plans that accurately reflect the road repairs actually completed at the project sites.

The Santa Monica Mountains LCP was effectively certified by the Coastal 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 Commission for completion of review. The standard of review for such an application is the policies and provisions of the certified LCP.

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

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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. 4-14-1685 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

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

This permit is granted subject to the following special conditions:

1. Final Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of final revised full-size project plans. All plans must be drawn to scale with dimensions shown. The final revised project plans, including, but not limited to, site plans and grading plans, shall be consistent with the approved project description.

2. 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 an 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. 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 species shall be removed from the mitigation area. The restoration plan for off-site mitigation that will mitigate the permanent impacts of the rip-rap installation 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 that are 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 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.

3. 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is located along Latigo Canyon Road at Mile Markers 1.14 and 1.05, south of Mulholland Highway in Malibu, California within the Santa Monica Mountains of Los Angeles County (Exhibits 1 and 2). The site is situated within Vera Canyon, east of Kanan Road and between Castro Peak Motorway and Thrift Road. The proposed project area ranges from 2,000 to 2,100 feet in elevation.

The proposed project lies within riparian and H1 habitat (Exhibit 3). Location 1 and 2 are situated immediately adjacent to natural drainages and upslope of an unnamed tributary that drains into Vera Canyon which is itself a tributary of Zuma Canyon Creek. Locations 1 and 2 contain California walnut (*Juglans californica*) and Location 1 also contains Mexican elderberry (*Sambucus mexicana*), both of which are native plant species that are commonly found within riparian habitat.

The County proposes repairs to remediate slope failures at two locations on the downslope road shoulder of Latigo Canyon Road. Slope remediation at Location 1 (Mile Marker 1.14) will involve excavation and recompaction of approximately 120 cubic yards of on-site material.

Additionally, the County proposes to seal the cracks in the adjacent roadway pavement and smooth out the roughened surface of the road shoulder within an area of approximately 540 square feet.

Slope remediation at Location 2 (Mile Marker 1.05) will involve placement and recompaction of approximately 111 cubic yards of fill material within the outboard embankment and approximately 50 tons of rip-rap (an area of approximately 50 square feet) to serve as an energy dissipater at the base of an existing drainage culvert pipe outlet. The County further proposes the installation of approximately 5,000 square feet of jute mesh netting to the remediated slope.

During the January 2005 winter storm season, the roadway embankment slopes along these two sections of Latigo Canyon Road were 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 surveys by URS Corporation (dated February 16, 2005 and July 11, 2005), Location 1 (Mile Marker 1.14) is dominated by ceanothus chaparral and sparse California walnut woodlands. Native plant species are listed to include green bark ceanothus (*Ceanothus spinosus*), laurel sumac (*Malosma laurina*), California walnut (*Juglans californica*), Mexican elderberry (*Sambucus Mexicana*), orange bush monkey-flower (*Mimulus aurantiacus*) and scrub oak (*Quercus berberidifolia*).

The submitted biological reconnaissance survey submitted for Location 2 (Mile Marker 1.05) characterizes the vegetation onsite as ceanothus chaparral. Specifically, the report lists the native plant species as follows: green bark ceanothus (*Ceanothus spinosus*), laurel sumac (*Malosma laurina*), California buckwheat (*Erigonum fasciculatum*), sugar bush (*Rhus ovata*), California walnut (*Juglans californica*) and one coast live oak (*Quercus agrifolia*).

The proposed project sites are situated along 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 4464-026-010). The County obtained an easement from the land owner before commencing work on the subject parcel.

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 Latigo Canyon Road, however, this minimal visual impact can be mitigated through Special Condition Two 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.

B. PAST COMMISSION ACTION

In 2006, the Commission granted the Los Angeles County Department of Public Works an emergency permit (Emergency Permit No. 4-06-019-G) for remediation of active slope failures at two locations on the downslope road shoulder of Latigo Canyon Road. The emergency permit authorized slope remediation at Location 1 (Mile Marker 1.14), which entailed excavation of approximately 760 cubic yards of unstable slope material and recompaction of approximately 990 cubic yards of fill material (Exhibit 5). The emergency permit further authorized the installation of approximately 220 tons of rip-rap at the toe of the reconstructed slope (Exhibit 5). Slope remediation at Location 2 (Mile Marker 1.05) was authorized to involve recompaction of approximately 350 cubic yards of fill material and approximately 50 tons of rip-rap at the base of an existing drainage culvert pipe outlet (Exhibit 5). The emergency permit also authorized minor repairs to the damaged roadbed at Location 2, as well as the installation of jute mesh netting and revegetation of all disturbed areas at both Location 1 and 2.

However, the County did not adhere to the proposed and permitted project description. Based upon a site assessment of Location 1 during construction, restoration of the road shoulder and rip-rap installation were eliminated from the scope of work and the magnitude of road embankment work was reduced. Additionally, the amount of proposed grading at both sites was greatly reduced and the footprint of rip-rap proposed at Location 2 was also reduced.

C. 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…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.

D. SENSITIVE ENVIRONMENTAL RESOURCE AREAS AND WATER QUALITY

Policy CO-2 of the Santa Monica Mountains Land Use Plan states, in relevant part:

> *Site, design, and manage new development and improvements, including—but not limited to—landscaping, to protect coastal waters from non-point source pollution by minimizing the introduction of pollutants in runoff and minimizing increases in runoff rate and volume…*

Policy CO-4 states:

> *Minimize impervious surfaces in new development, especially directly-connected impervious areas. Require redevelopment projects to increase the area of pervious surfaces, where feasible.*

Policy CO-10 states:

> *Limit grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to create a building site, allow access, and provide fire protection for the proposed development. Monitor grading projects to ensure that grading conforms to approved plans.*

Policy CO-19 states, in relevant part:

> *Minimize the land disturbance activities of construction (e.g., clearing, grading, and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation.*

Policy CO-33 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.*

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…habitats where sited and designed to avoid significant disruption of habitat values, consistent with the policies of the LUP.*

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, in relevant part:

> *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…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.*

Policy CO-101 states, in relevant part:

> *Any CDP for development that includes impacts to H1…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 22.44.1340 of the Santa Monica Mountains Local Implementation Plan states, in relevant part:

> *A. Stream/Drainage course protection.*
>
> *1. New development shall provide a buffer of at least 100 feet in width from the outer edge of the canopy of riparian vegetation associated with a stream/drainage course…*
>
> *a. In no case shall the buffer be less than 100 feet, except when it is infeasible to provide the 100-foot buffer in one of the following circumstances…(2) for public works projects required to repair or protect existing public roads when there is no feasible alternative…*
>
> *3. (b) 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…habitat to protect existing public roads may be approved only where consistent with subsection F of Section 22.44.1920;*

Section 22.44.1810(A) 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.*

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…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…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…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.*

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 and the increase in impervious surfaces cause increases in runoff, erosion, and sedimentation, reductions in groundwater recharge and the introduction of pollutants. LUP Policy CO-2 requires that development is sited and designed to minimize the introduction of pollutants in runoff and minimize increases in runoff rate and volume. Further, new development is required to minimize impervious surfaces, convey drainage in a non-erosive

manner and infiltrate runoff on-site, where feasible, to preserve or restore the natural hydrologic cycle and minimize increases in stormwater or dry weather flows (CO-4).

The project sites are situated immediately adjacent to natural drainages and upslope of an unnamed tributary that drains into Zuma Canyon Creek. Consistent with LIP Section 22.44.1340(A)(1), all proposed road improvements and development must be located at a minimum of 100 feet from the outer edge of the canopy of riparian vegetation associated with a drainage course. However, the proposed development constitutes a public works project "required to repair or protect existing public roads" and thus qualifies as an exception to the required buffer as there is no feasible alternative for siting of the subject road repairs.

Consistent with Policies CO-10 and CO-19, the proposed project limits grading, soil compaction and removal of locally-indigenous vegetation to the minimum footprint needed to repair the slope failures and drainage culvert outlet in erosion areas to avoid detrimental water quality impacts caused by increased erosion or sedimentation.

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 include H1 and H2 habitat types. 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 define these habitat categories. In this case, the subject sites are designated within the H1 habitat categories, given the presence of riparian habitat associated with drainages on the sites. SERA protection is implemented through policies CO-41,CO-42, 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, with limited exceptions, in H1 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 for each project site by URS Corporation (Location 1 dated July 11, 2005; Location 2 dated February 16, 2005). Location 1 (MM 1.14) is dominated by ceanothus chaparral and California walnut woodlands. Native plant species are listed to include green bark ceanothus (*Ceanothus spinosus*), laurel sumac (*Malosma laurina*), California walnut (*Juglans californica*), Mexican elderberry (*Sambucus Mexicana*), orange bush money-flower (*Mimulus aurantiacus*) and scrub oak (*Quercus berberidifolia*). Location 2 (MM 1.05) is also characterized by ceanothus chaparral and California walnut woodlands. Specifically, the report lists the native plant species as follows: green bark ceanothus (*Ceanothus spinosus*), laurel sumac (*Malosma laurina*), California buckwheat (*Erigonum fasciculatum*), sugar bush (*Rhus ovata*), California walnut (*Juglans californica*), and one coast live oak (*Quercus agrifolia*).

Policy CO-33 of the SMM LCP and Section 22.44.1810 of the SMM LIP cites scrub oak, coast live oak, riparian habitat and chaparral that occurs near streams and functions as riparian habitat as significant biological resources that make up H1 habitat. Specifically, Locations 1 and 2 contain California walnut (*Juglans californica*) and Location 1 also contains Mexican elderberry (*Sambucus mexicana*), both of which are native plant species that are commonly found within riparian habitat. Additionally, the proposed project sites (Locations 1 and 2) are situated immediately adjacent to natural drainages and upslope of an unnamed tributary that drains into Zuma Canyon Creek.

The primary habitat at the project sites 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 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 active slope failures at two locations on the downslope road shoulder of Latigo Canyon Road at Mile Markers 1.14 and 1.05, which are steep slopes that support several biological resources that are included in the description of H1 habitat 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 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…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-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 H1 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 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 include "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 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 habitat necessary to protect existing public roads.

Given that this project addresses a slope failure in fixed locations, the siting of such development to avoid impacts in H1 habitat is necessarily constrained. In this case, the slope failures 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. Thus, there are no other feasible alternatives to the proposed project that would result in less adverse impacts than the proposed project.

The emergency permit authorized slope remediation at Location 1 (Mile Marker 1.14), which entailed excavation of approximately 760 cubic yards of unstable slope material and recompaction of approximately 990 cubic yards of fill material. The emergency permit further authorized the installation of approximately 220 tons of rip-rap at the toe of the reconstructed slope. Slope remediation at Location 2 (Mile Marker 1.05) was authorized to involve recompaction of approximately 350 cubic yards of fill material and approximately 50 tons of rip-rap at the base of an existing drainage culvert pipe outlet. The emergency permit also authorized minor repairs to the damaged roadbed at Location 2, as well as the installation of jute mesh netting and revegetation of all disturbed areas at both Location 1 and 2.

However, the County did not adhere to the proposed and permitted project description. Based upon a site assessment of Location 1 during construction, restoration of the road shoulder and rip-rap installation were eliminated from the scope of work and the magnitude of road embankment work was reduced. Additionally, the amount of proposed grading at both sites was greatly reduced and the footprint of rip-rap proposed at Location 2 was also reduced. Based on the information provided by the applicant, the Commission finds that the reduced scope of work carried out in the two subject locations served to minimize impacts to SERA and that there are no less environmentally damaging alternatives to stabilize the road. The Commission's review of the subject permit is based on the applicant's project description and reports regarding the as-built development. However, final project plans were not provided by the applicant. In order to ensure that temporary and permanent impacts to SERA are properly mitigated, the Commission finds it necessary to require the applicant to provide final project plans that accurately reflect the road repairs actually completed at the project sites. Special Condition No. 1 requires the submittal of final project plans.

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. The slope reconstruction resulted in the removal of native vegetation which is a temporary impact to SERA. Additionally, if not properly revegetated, these disturbed areas can

result in increased erosion of sediment from the slope and sedimentation in downslope drainages which could adversely impact water quality. Finally, although the proposed project is the environmentally preferred alternative, the placement of approximately 50 square feet 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 Two (2)** is necessary to ensure that adverse effects to water quality and the riparian woodland habitat, both temporary and permanent, are minimized. In order to minimize and mitigate for the unavoidable adverse impacts to H1 riparian habitat, Special Condition Two (2) requires the applicant to prepare and implement a riparian habitat mitigation and restoration plan for all disturbed areas, including those areas of the slope repair where jute mesh netting was placed, along the outboard slope and all areas of the project site temporarily disturbed by grading and construction activities. The restoration plan must detail the planting of native vegetation consistent with riparian habitat in the subject area. The riparian habitat mitigation and restoration plan also requires the applicant to compensate for permanent onsite impacts (50 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 0.003 acres of offsite riparian habitat restoration).

The Commission finds that the proposed project, only as conditioned, will serve to minimize impacts to Sensitive Environmental Resource Areas and water quality, and is consistent with the policies and provisions of the Santa Monica Mountains LCP with regard to water quality and sensitive environmental resource areas.

E. 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 slope failures along Latigo Canyon Road at two locations on the downslope road shoulder. Slope remediation at Location 1 (MM 1.14) involves excavation and recompaction of approximately 120 cubic yards of on-site material. Additionally, the County proposes to seal the cracks in the adjacent roadway pavement and smooth out the roughened surface of the road shoulder within an area of approximately 540 square feet. Slope remediation at Location 2 involves the placement and recompaction of approximately 111 cubic yards of fill material within the outboard embankment and approximately 50 tons of rip-rap (an area of approximately 50 square feet) to serve as an energy dissipater at the base of an existing drainage culvert pipe outlet. The County further proposes the installation of approximately 5,000 square feet of jute mesh netting on the remediated slope

After the winter 2005 storm season, the hillside slope below the subject stretches of roadway 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 Latigo 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 project includes provisions for the portion of the disturbed slope to be covered in jute mesh netting to minimize erosion and increase surficial slope stability. 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. 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, the Commission finds it necessary to require the applicant to prepare and implement a riparian habitat restoration and mitigation plan that includes the revegetation of all disturbed areas with native vegetation. **Special Condition Two (2)** specifically requires that all disturbed areas on subject site to be stabilized with native vegetation appropriate for a riparian 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 onsite 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 sites, 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 failures, 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. Thus, **Special Condition Three (3)**, 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.

F. 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 above, the proposed development, as conditioned, is consistent with the policies of the certified Santa Monica Mountains LCP. Feasible mitigation measures, which will minimize all adverse environmental effects, have been required as special conditions. The following special conditions are required to assure the project's consistency with Section 13096 of the California Code of Regulations:

Special Conditions 1 through 3

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 Santa Monica Mountains Land Use Plan and Local Implementation Plan; Engineering Memo prepared by the Los Angeles County Department of Public Works, undated; Biological Reconnaissance Survey prepared by URS Corporation, dated February 16, 2005; Biological Reconnaissance Survey prepared by URS Corporation, dated July 11, 2005; Emergency Coastal Development Permit No. 4-06-019-G

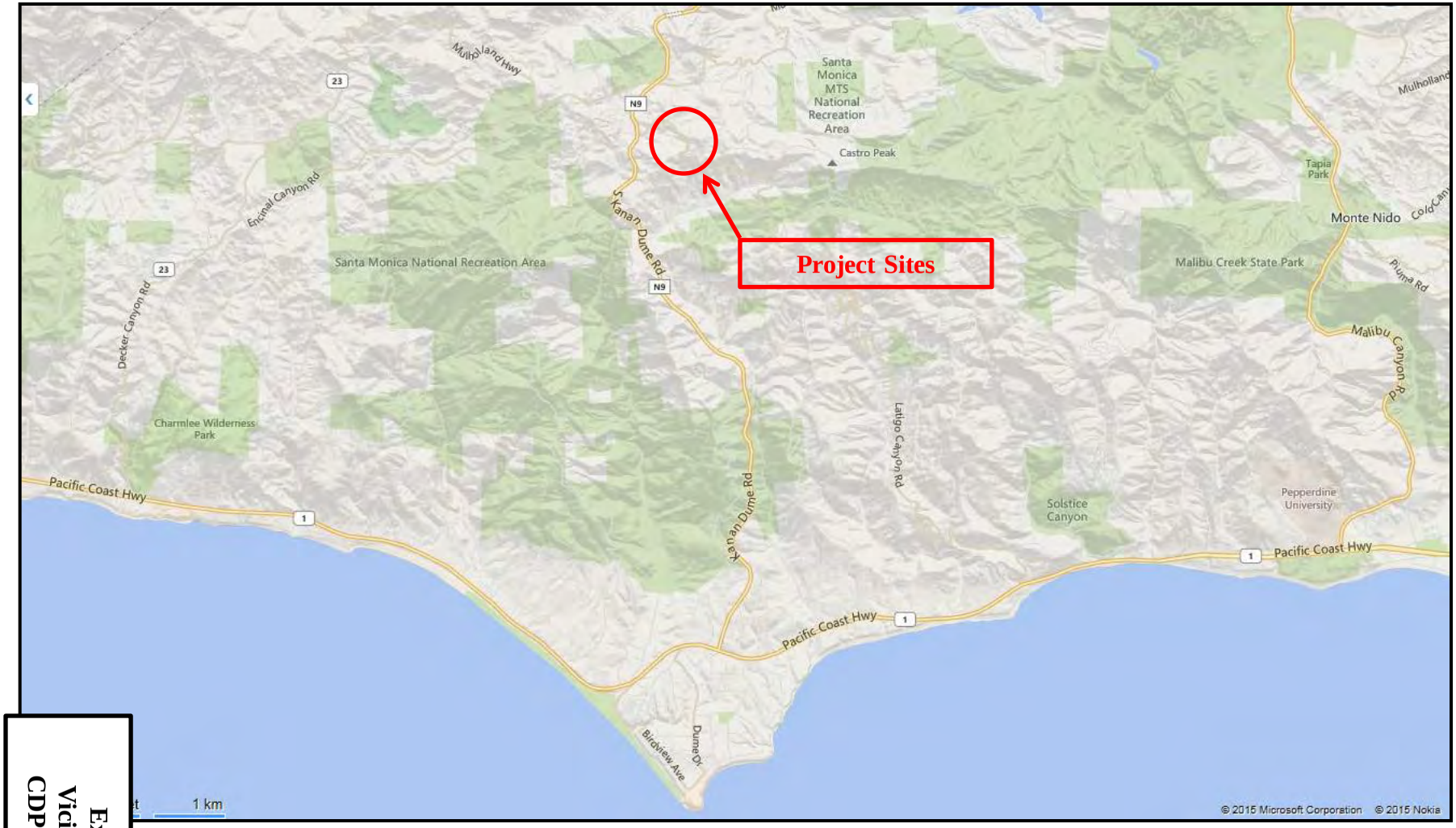


Exhibit 1
Vicinity Map
CDP 4-14-1685

Exhibit 2
Aerial Photograph
CDP 4-14-1685

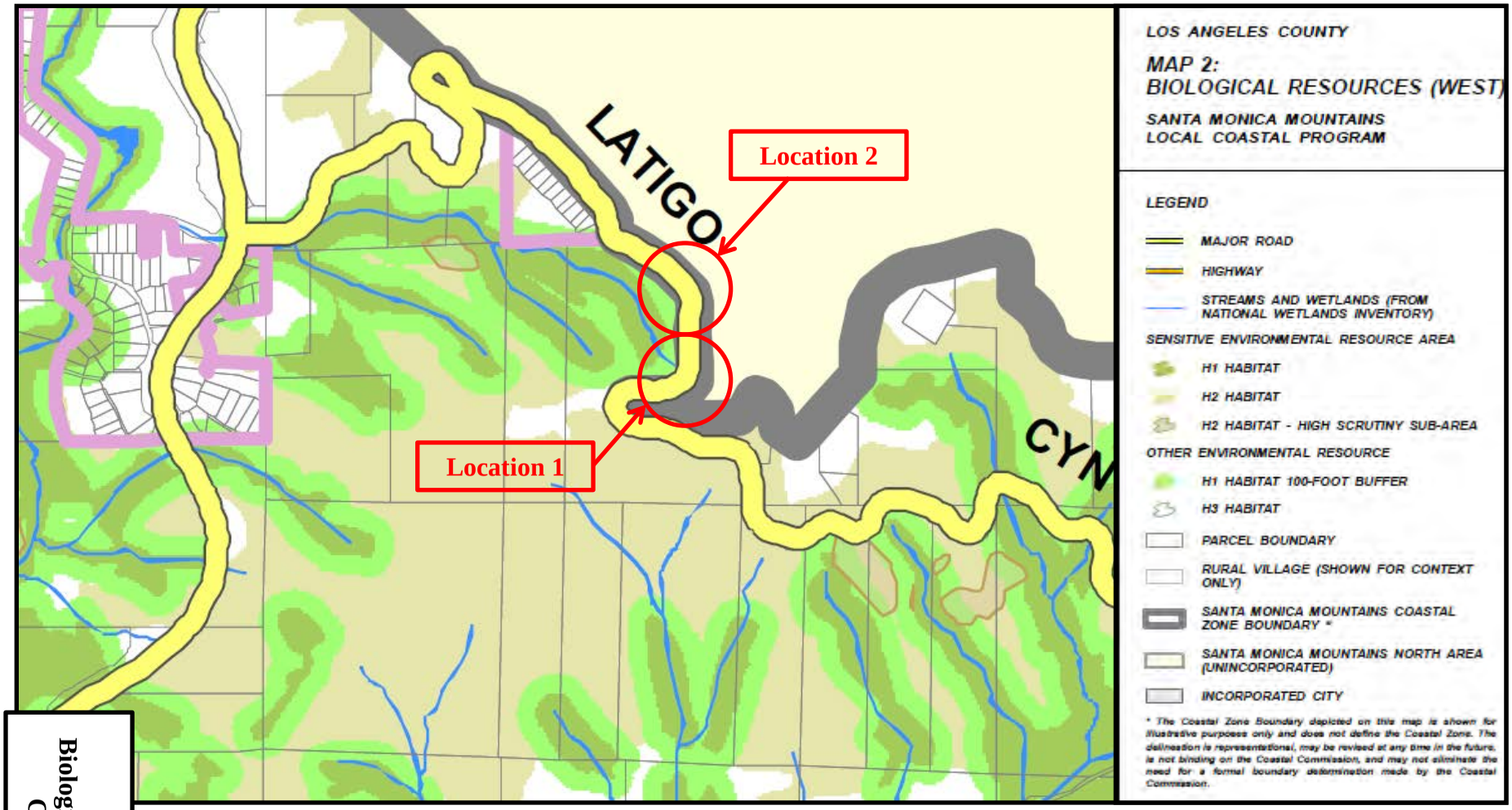
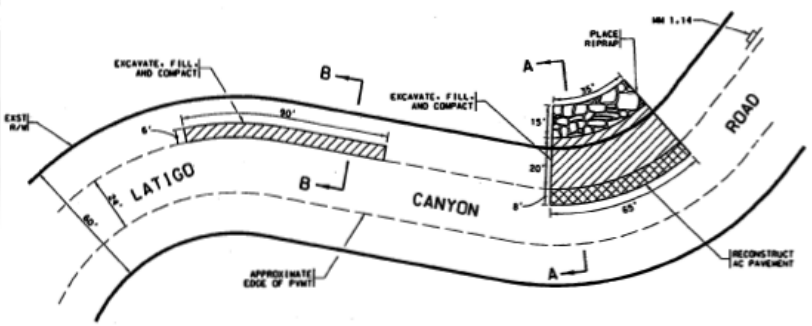


Exhibit 3
Biological Resources Map
CDP 4-14-1685

Exhibit 4
Parcel Map
CDP 4-14-1685



PLAN

NO SCALE

Los Angeles County Department of Public Works
The Information Shown Hereon is
PRELIMINARY
Unofficial and Subject to Change
08/19/2005

NOTE: ALL DIMENSIONS SUBJECT TO CHANGE IN THE FIELD

6124 T.G. 587-E7

ON ROAD FROM 125' TO 175' S/O MM 1.14

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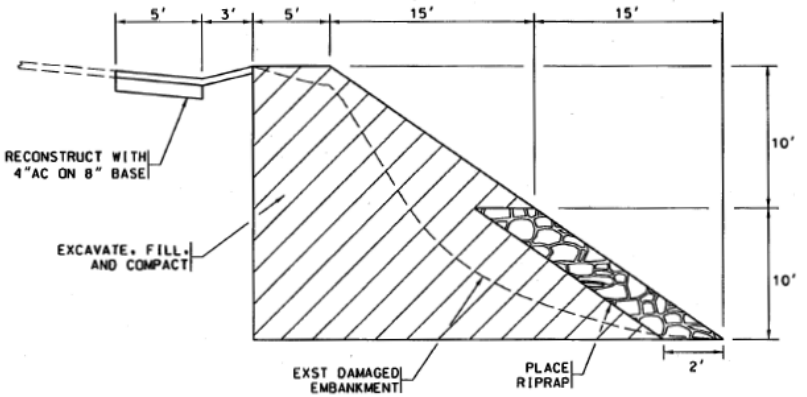

SECTION A-A

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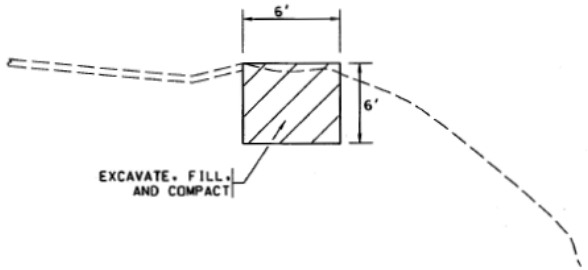

SECTION B-B

NO SCALE

Los Angeles County Department of Public Works
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08/19/2005

NOTE: ALL DIMENSIONS SUBJECT TO CHANGE IN THE FIELD

R831336124 T.G. 587-E7

LATIGO CANYON ROAD FROM 125' TO 175' S/O MM 1.14

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Exhibit 5
Project Plans-Location 1
CDP 4-14-1685

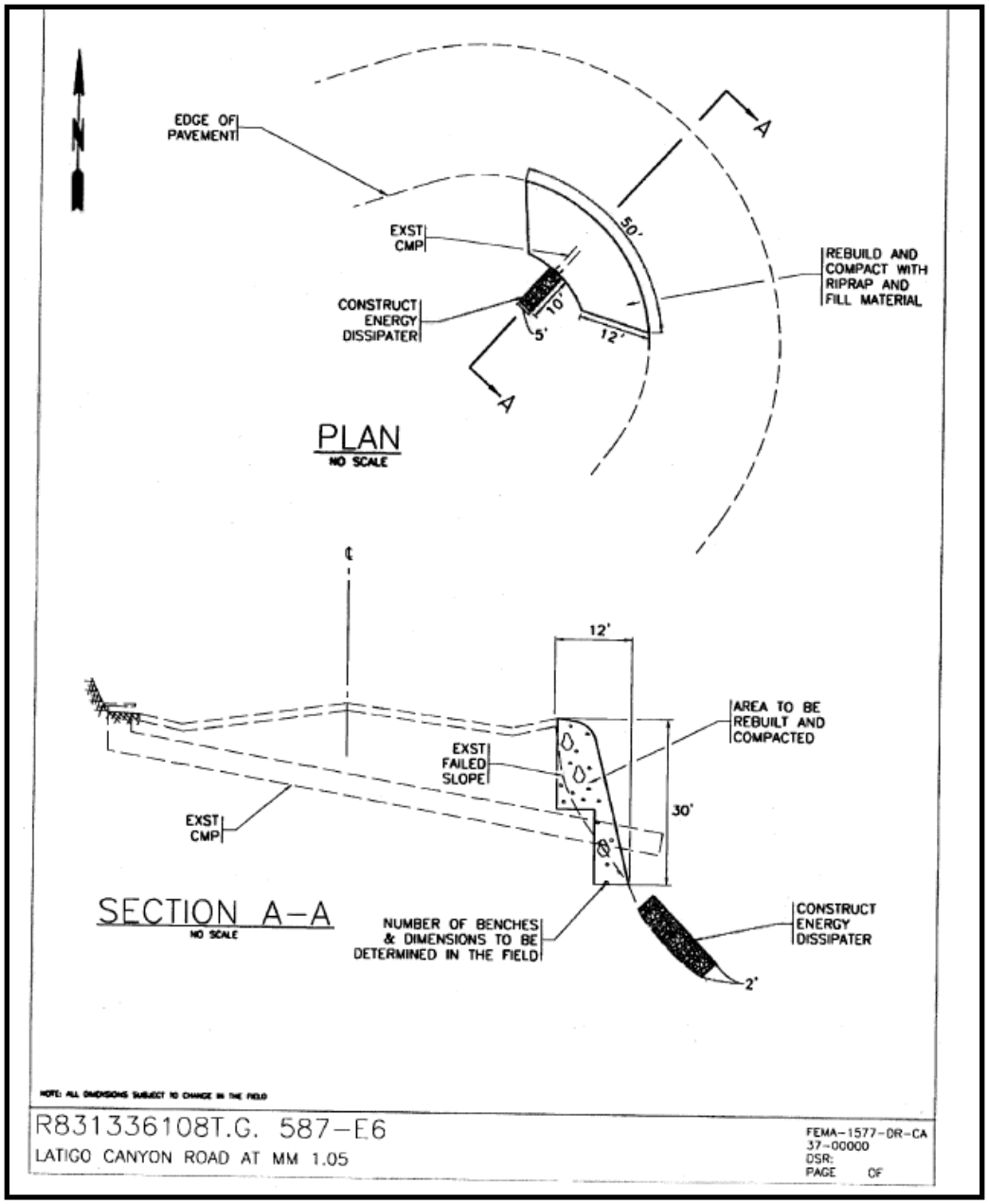

Exhibit 5
Project Plans-Location 2
CDP 4-14-1685