

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.:	4-14-1688
Applicant:	Paul Maselbas
Location:	21274 Castlewood Dr. Santa Monica Mountains (APN 4453-012-014)
Project Description:	Demolition and removal of an existing single-family residence and carport, replacement of approximately 325 linear ft. of roadway to re-establish a road connection between Hume Road and Castlewood Drive, and 850 cu. yds. of grading (350 cu. yds. of fill, 500 cu. yds. of cut).
Staff Recommendation:	Staff recommends approval of the proposed development with two (2) special conditions regarding assumption of risk and site revegetation. The standard for review for the proposed project is the Santa Monica Mountains Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **approval** of the proposed coastal development permit with **two (2)** special conditions regarding: **1) assumption of risk and 2) revegetation plan.**

The project includes demolition and removal of an existing single-family residence and carport, replacement of approximately 325 linear ft. of roadway to re-establish a road connection between Hume Road and Castlewood Drive, and 850 cu. yds. of grading (350 cu. yds. of fill, 500 cu. yds. of cut). The project site is located in H3 habitat, as designated by the Certified Santa Monica Mountains Local Coastal Program and is dominated by native and ornamental landscaping.

The January 2005 winter storm season caused several landslides in the Santa Monica Mountains. One landslide cut off the Hume Road and Castlewood Drive loop, preventing through traffic on these roads. There are several landslides that already make access in and out of this area for the

public, residents, and emergency vehicles very difficult. Maintaining access on Hume/Castlewood Roads is therefore critical to public safety. To address this issue and allow for the Fire Department to access the residents of the area, Los Angeles County acquired a residential property to provide area for a new roadway. The proposed project includes demolishing the existing house and carport to create a connector road between Hume Road and Castlewood Drive. (Exhibit 4) The creation of this road segment reestablished an alternate egress path for residents and for emergency fire vehicle access.

Although this remediation project results in repairing a damaged road, the method by which this project is conducted is not exempt under Section 22.44.820 of the Santa Monica Mountains LIP due to the fact that the development includes the creation of a new segment of road. The construction of the new road, in particular, is new development that does not constitute repair or maintenance. Thus, this project requires a coastal development permit.

The project occurs in an area subject to an unusually high amount of geologic hazards including landslides and erosion. As such, Special Condition Two (2) requires the applicant to implement a revegetation plan that provides for the revegetation with native vegetation of all disturbed areas along the new road and all areas of the project site temporarily disturbed by grading and construction activities. Revegetation of disturbed areas will minimize erosion potential, thereby increasing geologic stability.

Even with revegetation of all disturbed areas of the site, no project is wholly without risks. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including erosion and slope failure, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. Through the assumption of risk condition (Special Condition 1), the applicant acknowledges the nature of the geologic hazard that exists on the site and that may affect the safety of the proposed development.

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, such as the subject application, 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 the policies and provisions of the certified LCP. The proposed project, as conditioned, is consistent with the applicable resource protection provisions of the Santa Monica Mountains LCP.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS:.....	4
III. SPECIAL CONDITIONS:.....	5
IV. FINDINGS AND DECLARATIONS:	7
A. PROJECT LOCATION & DESCRIPTION	7
B. GEOLOGIC HAZARDS	8
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	10

APPENDICES

[Appendix A](#) - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map
Exhibit 2 – Parcel Map
Exhibit 3 – SMM Biological Resources
Exhibit 4 – Site Plan
Exhibit 5 – Site Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 4-14-1688 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 of 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. **Assumption of Risk.** 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.

Prior to 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.

2. **Revegetation Plan**

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, a detailed Revegetation Plan and Monitoring Program, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director, for all areas of the project site temporarily disturbed by grading and construction activities. Within 60 days of the issuance of this coastal development permit, the applicant shall commence implementation of the approved Revegetation 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 Revegetation Plan shall provide for the following:

Revegetation for all areas of the project site temporarily disturbed by grading and construction activities. All invasive and non-native plant species shall be removed from the restoration area.

The plan shall include detailed documentation of conditions on site prior to the approved construction activity (including photographs taken from pre-designated sites annotated to a

copy of the site plans) and 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 area. Only native plant species appropriate for oak woodland and chaparral habitat and which are endemic to the Santa Monica Mountains shall be used, as listed by the California Native Plant Society - Santa Monica Mountains Chapter in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native 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. Site restoration shall be deemed successful if the revegetation of native plant species on site 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 and performance standards and specify the preferable time of year to carry out restoration activities and describe the interim supplemental watering requirements that will be necessary.

b. Monitoring Program

A monitoring program shall be implemented to monitor the project 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 Revegetation Monitoring Report, prepared by a qualified biologist or Resource Specialist that certifies whether the on-site revegetation is in conformance with the revegetation 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 and shall implement the approved version of the plan. 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.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The project site is located at 21724 Castlewood Drive in the Santa Monica Mountains (**Exhibits 1, 2**). In January 2005, heavy rainfall and run-off caused flooding, landslides, and property damage in the Santa Monica Mountains at 15 road sites. A 20-30 foot down-slope movement at the head scarp of a landslide caused approximately a 475-foot segment of Hume Road to collapse. This segment of road provided a one-way connection between Castlewood Drive and Hume Road and intersected with Briarbluff Drive. The landslide cut off the connection between Castlewood Drive and Briarbluff Drive. The Fire Department determined the resulting two-way traffic without turn-around capacity on the remaining narrow roads was not safe for emergency access.

The proposed project is designated as H3 habitat by the Santa Monica Mountains Land Use Plan SERA Map (**Exhibit 3**). H3 habitat is not a Sensitive Environmental Resource Area (SERA is considered by the Commission to meet the definition of ESHA under the Coastal Act) and consists of areas that would be designated as H2, but are disturbed. However, H3 habitat can support native vegetation and can be habitat areas that provide important biological functions. The vegetation identified by the Biological Reconnaissance Survey (referenced in the substantive file documents) for the sites includes native landscaping, ornamental landscaping, and disturbed vegetation. Additionally, Coastal Sage Scrub, Coastal Sage Scrub Restoration, Southern Mixed Chaparral, Disturbed Southern Mixed Chaparral, and Ruderal vegetation, and coast live oak trees are present in the site and vicinity. The nearby coast live oak trees have altered understories and are therefore not classified as a woodland community.

This CDP application is a follow-up to Emergency Permit No. 4-06-122-G, which was issued to Los Angeles County Department of Public Works on September 25, 2006. This CDP represents the permanent authorization of the work approved and conducted pursuant to Emergency Permit No. 4-06-122-G. The work approved by the Commission in the emergency permit included demolition and removal of an existing single family residence and carport and replacement of approximately 325 linear feet of roadway (in a different configuration than previously existed) in order to re-establish the road connection between Hume Road and Castlewood Drive that was destroyed by a landslide. In addition, 850 cu. yds. of grading (500 cu. yds. of cut and 350 cu. yds. fill) was included in the scope of work (**Exhibit 4, 5**).

Road Department representatives from Los Angeles County Department of Public Works met with disaster inspectors from the Federal Emergency Management Agency (FEMA) and California Emergency Management Agency, (Cal EMA) at the project site to assess the damage, consider repair alternatives, and to review and approve the recommended scope of work. Several alternatives to the proposed project were considered including constructing a replacement bridge across the failing slide area to restore Hume Road to its pre-disaster condition, stabilizing the slide area with four retaining walls to reconnect Hume Road, and the “no project” alternative. The first two were determined to not be feasible due to environmental and site conditions. It was also not feasible to

leave the un-stabilized landslide unaddressed due to public safety concerns and potential future failures that would endanger Los Flores Canyon Road. The landslide reconstruction alternative was deemed most feasible and the temporary Hume Road connection was deemed sufficient as a permanent repair. The slide material removal and buttress construction at the project location were approved under CDP 4-08-026.

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.

Coastal Permit Required for Repair and Maintenance with additions and expansions

The proposed work is designed to repair the existing road and restore it to a safe condition. The Santa Monica Mountains LCP recognizes that certain types of repair and maintenance work related to roads are exempt from permit requirements pursuant to Section 22.44.820 of the Santa Monica Mountains LIP. However, the exemptions provided by the above referenced section are limited. Section 22.44.820 (b) of the SMM LIP states that repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities are exempt (subject to certain exceptions). Since this project includes the construction of a new road segment, the method by which this project is conducted is not exempt and a permit is required.

B. GEOLOGIC HAZARDS

Chapter III of the Santa Monica Mountains LUP Safety and Noise Element states in part:

SN-1: All new development shall be sized, designed, and sited to minimize risks to life and property from geologic hazard.

SN-9: Allow the remediation or stabilization of landslides or other slope instability that affect existing structures or that threatens 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.

SN-11: 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.

The Santa Monica Mountains LIP states in part:

22.44.2100, Subsection A: The applicant shall submit a site-specific report geologic/soils/geotechnical study report ...that evaluates the nature of all hazards

affecting the proposed development and shall identify the portions of the project site containing the hazards.

1. The report shall indicate how the proposed development avoids the hazard(s), protects the proposed development from the hazard(s) or reduces the hazard(s) to an acceptable level.

22.44.2102(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 2005 winter storm season brought heavy rains to the area causing excessive soil saturation, which ultimately led to the landslide and road damage along 475 feet of Hume Road. The County determined that it was necessary to re-establish the one-way traffic circulation in order to maintain the public's ability to use Hume Road for vehicular access and emergency services for the developed residential communities. To do this, a new road connection needed to be constructed between Hume Road and Castlewood Drive.

In order to reestablish the road connection between Hume Road and Castlewood Drive, the applicant had to acquire a property that contained an existing single-family residence (APN 4453-012-014), demolish the existing house and carport, and construct approximately 325 feet of roadway in a new configuration. In addition, the project includes approximately 850 cu. yds. of grading (500 cu. yds. of cut and 350 cu. yds. of fill).

There is a high potential for erosion of disturbed areas on the project site and on the nearby steep slope. 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 habitat. Further, 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. The applicant proposes such revegetation as part of the project. In order to ensure the stability and geologic safety of the site, the Commission finds it necessary to require **Special Condition Two (2)** which 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 areas on the site are revegetated with native vegetation, has been designed to minimize erosion on site to the maximum extent feasible. However, the Santa Monica Mountains LCP recognizes that certain development projects located in geologically hazardous areas, such as the subject site, still involve the taking of some risk. Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from natural hazards, including erosion and slope failure, those risks remain substantial here. If the applicant nevertheless chooses to proceed with the project, the Commission requires the applicant to assume the liability from these associated risks. 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, **Special Condition One (1)** 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, 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 geologic hazards.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 County of Los Angeles found that the proposed project was statutorily exempt pursuant to Section 21080 (b) (3) of the California Environmental Quality Act in October 2005.

The Commission incorporates its findings on the project's consistency with the Santa Monica Mountains LCP 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 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 LCP to conform to CEQA.

Appendix A - Substantive File Documents

Results of the Biological Reconnaissance Survey for the LACDPW Emergency Repair Project Site Connector at Hume Road to Castlewood Drive Located in Malibu, CA prepared by Chambers Group, dated June 12, 2014; Certified Santa Monica Mountains Land Use Plan and Local Implementation Plan.



21724 Castlewood Dr.

Exhibit 1
4-14-1688
Vicinity Map



2072

PG
11PG
13

45 CASTLEWOOD

DR 44

OR 14313-381
PORIN 1/2 OF SE 1/4 OF SEC 27
T 1 S R 17 W

COUNTY
(900)
23630±5F

RD

40 HUME

Project Area

DEC 3 2 2011

Exhibit 2
4-14-1688
Parcel Map

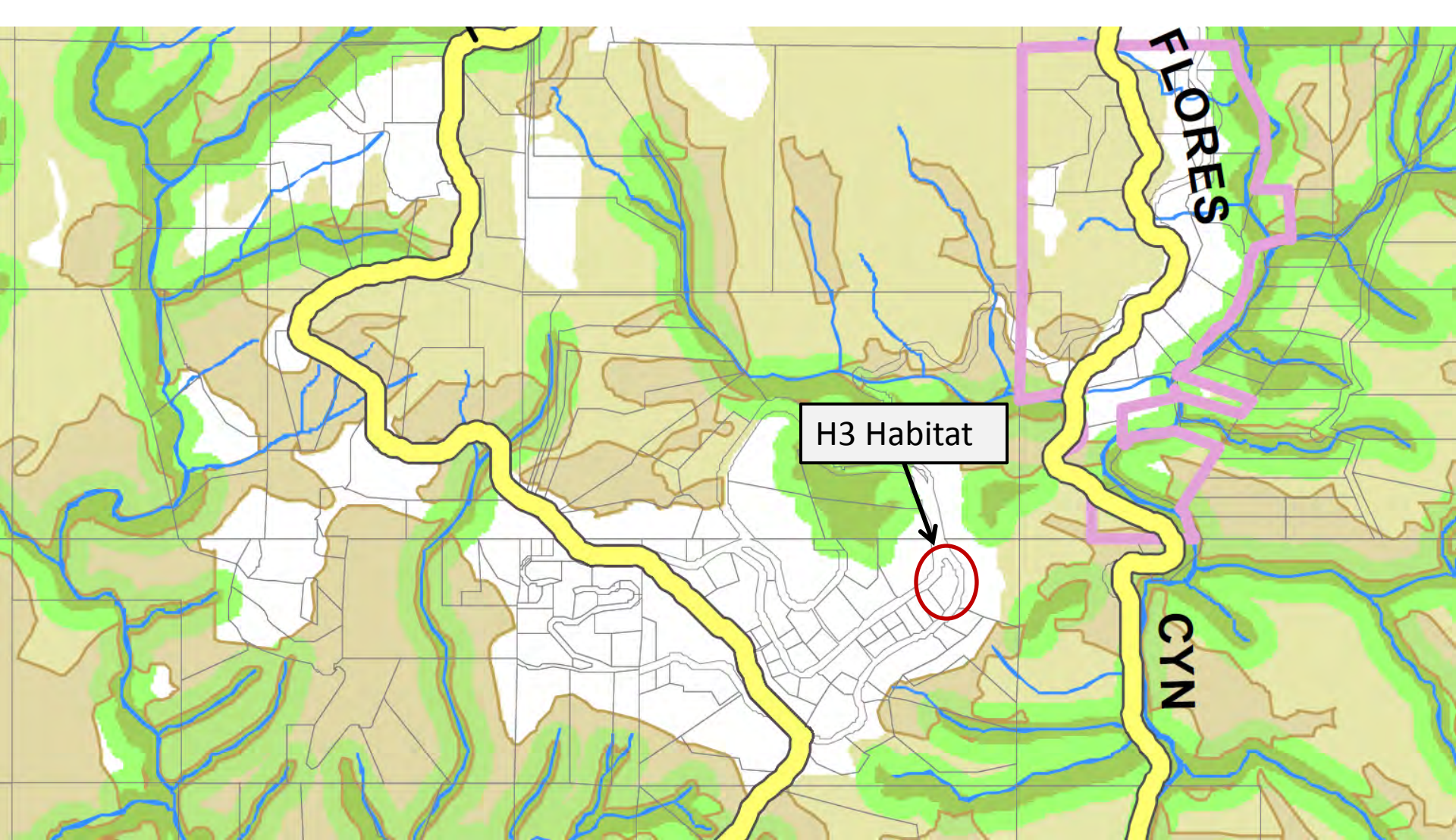
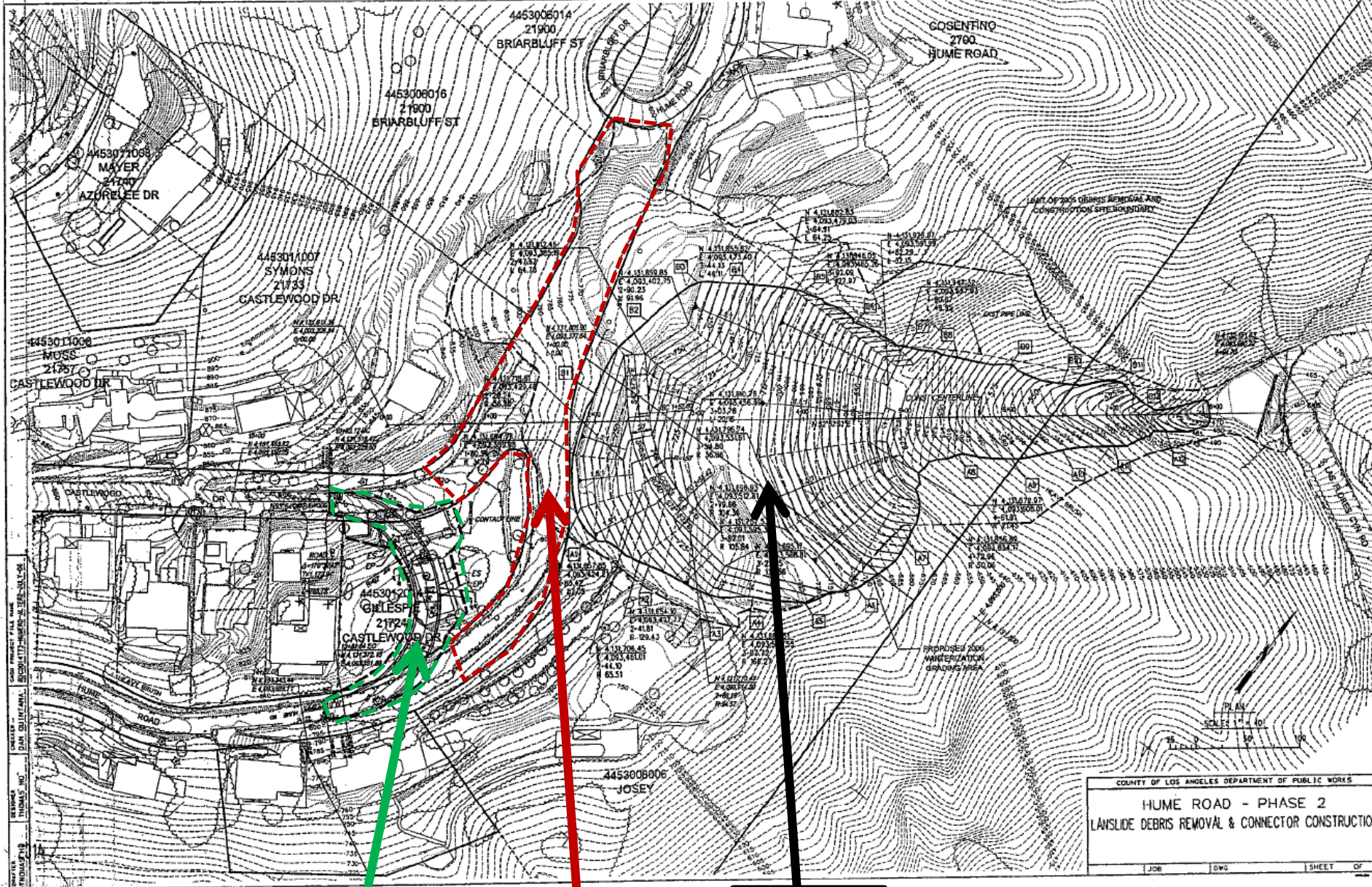


Exhibit 3
4-14-1688
SMM Biological Resources

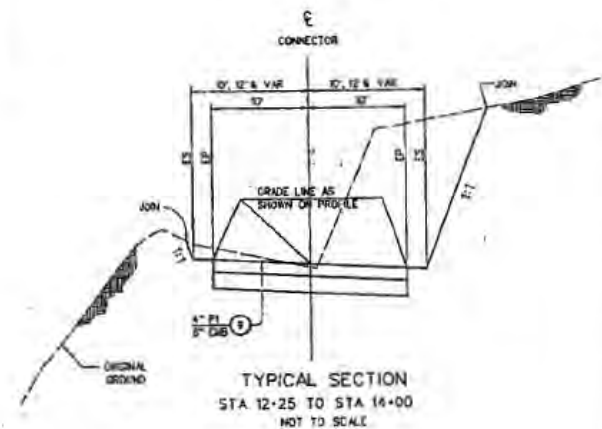
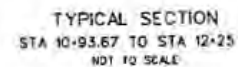
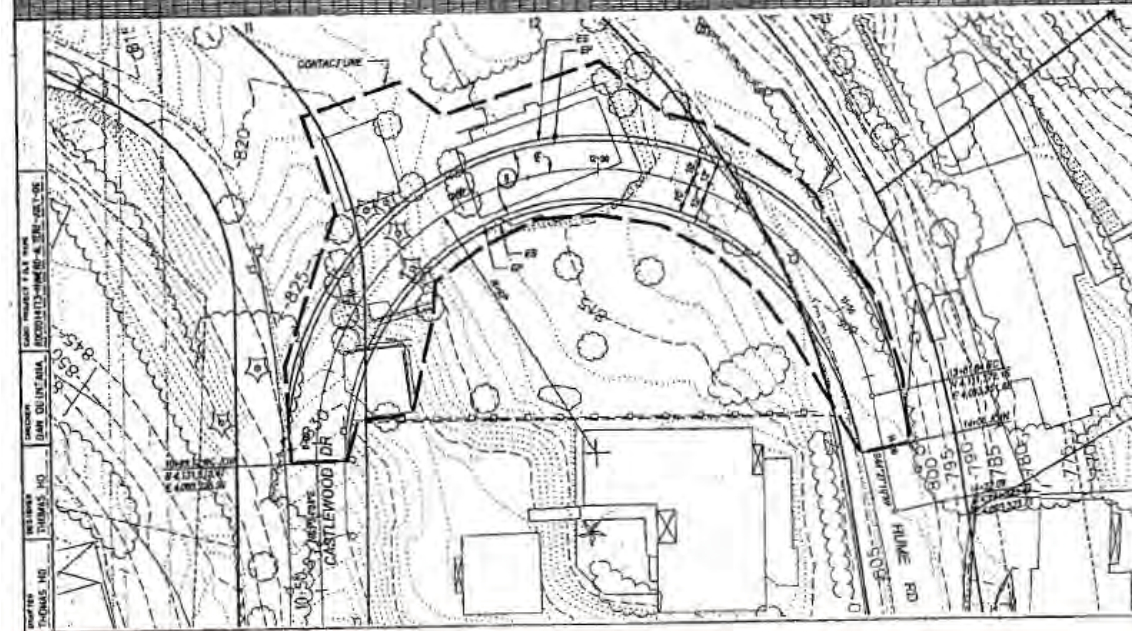


Hume
connector

Old road
damaged by
landslide

Landslide

Exhibit 4
4-14-1688
Site Plan



PLAN
SCALE: 1" = 20'

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

HUME ROAD - PHASE 2
CONNECTOR CONSTRUCTION

JOB #2100343	DWG.	SHEET 1 OF 1
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Exhibit 5
4-14-1688
Site Plan