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CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 10/18/95
49th Day: 12/6/95
180th Day: 4/15/96
Staff: TAD-VNT
Staff Report: 10/27/95
Hearing Date: November 14-17, 1995
Commission Action:

STAFF REPORT: CONSENT CALENDAR

TU18c

APPLICATION NO.: 4-95-123

APPLICANT: Los Angeles County Public Works Department

AGENT: Paul Akamnonu - Public Works Department

PROJECT LOCATION: 971 Old Topanga Canyon Road, Topanga, Los Angeles County.

PROJECT DESCRIPTION: The excavation of approximately 50 cubic yards of material on the south bank of Topanga Canyon Creek, and the placement of approximately 4 tons of grouted rip-rap along creek bank to provide erosion control and protection of the Topanga Canyon Road Bridge.

LOCAL APPROVALS RECEIVED: No local approvals are required.

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995, California Department of Fish & Game Streambed Alteration Ageement #5-301-95, California Regional Water Quality Control Board Approval, Department of the Army - Army Corp of Engineers Approval.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

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

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. Special Conditions.

1. Riparian Habitat Restoration & Monitoring Program

Prior to the issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a detailed restoration program for all areas disturbed by grading and construction activities related to this project. This program shall be implemented by qualified biologists, ecologists, or resource specialists who are experienced in the field of restoration ecology, and whom have a background knowledge of the various habitats associated with the Santa Monica Mountains and the project sites. The restoration plan shall incorporate all terms of California Department of Fish and Game Streambed Alteration Agreement No. 5-301-95. The restoration program shall include, but not be limited to the following:

A. A Preliminary Biological Survey which is to include a description of the site, its native habitat, climate, and a list of the existing trees, shrubs, and herbs associated with this habitat, as well as those found to exist at the time of the survey. This survey shall include photographs of each site taken from predesignated photo

locations (annotated to a copy of the site plans). The same photo sites shall be used throughout the restoration and monitoring phase to provide a visual status of project progress. Additionally, the survey shall include a survey of all oak, walnut, sycamore, cottonwood, and alder trees regardless of caliper size, or height, impacted or removed as a result of development. These species and their locations shall be clearly marked on the site plans for the project site.

B. A Restoration Plan that presents the objectives of the restoration program and the approach to be used. This plan shall include a description of impacts due to grading, and a frame work for dealing with these impacts that includes the methods and techniques to be used to restore the site.

C. Technical Specifications shall be designed and implemented to address the findings of the preliminary survey, and proposed restoration plan. These specifications shall provide the framework for the installation, and be implemented as the approved plan for the restoration project. The specifications shall include a schedule of activities, a final list of plant materials, and description of the methods to be used during implementation of the plan. The specifications shall require, to the greatest extent possible, that all biological materials used on the project site be of local origin; that is, that seeds, cuttings, salvaged plants, microorganisms, and top soil originate on site or from the nearest possible source that matches the site in climatic and biologic factors. The specifications shall also include maintenance criteria for weeding, re-planting and other mid-program corrections.

D. A Monitoring Program shall be implemented which monitors the project for compliance with the guidelines and performance standards listed in the proposed survey and technical specifications. The applicant shall submit on an annual basis, for a period no less than three years in length, a written report indicating the success or failure of the restoration project. This report shall include further recommendations and requirements for additional restoration activities in order for the project to meet the criteria and performance standards listed in the proposed restoration plan, and technical specifications. These reports shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.

At the end of a three year period, a final detailed report shall be submitted for review and approval of the Executive Director. If this report indicates that the restoration project has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration program shall be processed as an amendment to this Coastal Development Permit.

During the monitoring period, all artificial inputs shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the long term survival of the project sites. If these inputs are required beyond the first two years, then the monitoring program shall be extended for an equal length of time so that the success and sustainability of the project sites is insured. Restoration sites shall not be considered successful until they are able to survive without artificial inputs.

2. Riparian Mitigation Plan

As a permanent loss of riparian habitat has occurred as a result of the proposed project, the applicant shall be required to submit, prior to the issuance of a coastal development permit, a detailed riparian mitigation plan, for the review and approval of the Coastal Commission. This plan shall be prepared by a qualified resource specialist or biologist, and shall contain, but not be limited to the following:

1. A site map for each area of permanent riparian loss which details the extent of lost riparian habitat, vegetation type removed and expected to occur on site naturally, and a vicinity map of the project site.

2. Mitigation at a 3:1 ratio of replacement area to impacted area for all areas of permanent riparian habitat loss.

3. Any existing Oak, Sycamore, Alder, Walnut, and other associated riparian tree species, with a diameter breast height (DBH) of 3 inches or greater, damaged or destroyed by development activities, shall be replaced, in kind, at a ratio of ten to one (10:1); or at a ratio of 3:1 for trees with a DBH of less than 3 inches..

4. Mitigation sites shall be adjacent to or nearby the project site. However, if the mitigation area cannot be provided in an adjacent area, the applicant shall provide mitigation off-site within the same watershed.

5. All requirements outlined under Special Condition 1 (A-D) shall be incorporated into the Riparian Mitigation Plan.

By acceptance of this permit the applicant agrees to mitigate the impacts of development on all existing Oak, Sycamore, Alder, Walnut, and other associated riparian tree species as outline above in part 2 of this condition.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The County of Los Angeles Public Works Department seeks an after the fact coastal development permit for the excavtion of approximately 50 cubic yards of grading from the bank of Topanga Canyon Creek, and the placement of approximately 4 tons of grouted quarry stone, rip-rap, 20' up and down stream of the Topanga Canyon Road Bridge. This project was conducted to provide protection of the bridge and its north abutment from continued erosion resulting from the heavy rains of the 1994/1995 winter season. The applicant states that a temporary 30' ditch was used during construction to direct flows away from the area of work, and that a minor amount of vegetation was removed

during construction. Once construction was completed the channel was recontoured to its pre-existing condition. The applicant further states that all excavated materials were desposed of in accordance with applicable laws.

B. Environmentally Sensitive Habitat Areas

Sections 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible, marine resources and the biological productivity and quality of coastal waters, including streams:

Section 30231:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values:

Section 30240:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Malibu/Santa Monica Mountains Land Use Plan policies addressing protection of ESHAs and Significant Watersheds are among the strictest and most comprehensive in addressing new development. Additionally these policies have been found to be consistent with the Coastal Act and, therefore, may be looked to as guidance by Commission staff in the analysis of a projects conformity with Coastal Act policy. The LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the developed proposed:

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

P78 Stream road crossings shall be undertaken by the least environmentally damaging feasible method. Road crossings of streams should be accomplished by bridging, unless other methods are determined by the ERB to be less damaging. Bridge columns shall be

located outside stream courses, if feasible. Road crossings of streams within Environmentally Sensitive Habitat Areas designated by the LCP may be allowed as a conditional use for the purpose of providing access to recreation areas open to the public or homesites located outside the ESHA where there is no feasible alternative for providing access. Wherever possible, shared bridges or other crossings shall be used for providing access to groups of lots covered by this policy.

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

P84 In disturbed areas, landscape plans shall balance long-term stability and minimization of fuel load. For instance, a combination of taller, deep-rooted plants and low-growing ground covers to reduce heat output may be used. Within ESHAs and Significant Watersheds, native plant species shall be used, consistent with fire safety requirements.

P85 Earthmoving operations within Environmentally Sensitive Habitat Areas, Significant Watersheds, and other areas of high potential erosion hazard (including areas with a slope exceeding 2:1) shall be prohibited between November 1 and March 31 unless a delay in grading until after the rainy season is determined by the Planning Director to be more environmentally damaging. Where grading begins before the rainy season, but extends into the rainy season for reasons beyond the applicant's control, measures to control erosion must be implemented at the end of each day's work.

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

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

P181 Develop road improvements which would provide for public safety and accommodate increased recreation traffic.

P188 Consistent with other policies of the LUP, encourage the development and maintenance of alternative access routes to each mountain and coastal community for use during emergencies such as earthquakes or fires.

The applicant seeks an after the fact coastal development permit for the excavtion of approximately 50 cubic yards of grading from the bank of Topanga Canyon Creek, and the placement of approximately 4 tons of quarry stone rip-rap 20 up and down stream of the Topanga Canyon Road Bridge. This project was conducted to provide protection of the bridge and its north abutment from continued erosion resulting from the heavy rains of the 1994/1995 winter season. This proposed development is within an environmentally sensitive habitat area (ESHA), as it is located within the Topanga Canyon stream channel, and the area is designated by the Malibu/Santa Monica Mountains LUP as Significant Oak Woodlands.

Topanga Canyon - Significant Oak Woodlands;

The LUP for Malibu states the following:

> Significant oak woodlands are woodlands (or savanahs) which are located outside Significant Watersheds (i.e., outside undisturbed watersheds). These woodlands are located much closer to existing roads and development (e.g., Red Rock Canyon area) and, consequently are not as heavily utilized by sensitive, secretive wildlife such as Golden eagles and other birds of preyor large mammals such as mountain lions and bobcats. In this sense, these woodlands are not quite as critical as remote, undisturbed woodlands. Nevertheless, any oak-dominated habitat is considered a biologically critical resource because of the large number of wildlife dependent upon oak trees and because of the declining nature of oak-dominated habitats in southern California.

The Significant Ecological Areas of the Santa Monica Mountains Report (R.D. Friesen Ph.D.) describes these woodlands as follows:

> This frequently savana-like, open oak woodland dominated by Coast Live Oak (Quercus agrifolia) on slopes with deep moist soils. Generally it is found in canyon bottoms and on moist north-facing slopes where other species such as the California Walnut (Juglans californica), and members of the California Lilacs (Ceanothus), Sumacs (Rhus), Currents (Ribes), and Poison Oak (Toxicodendron) intrude from adjacent chaparral areas. In open places within the woodland canopy, large tree-size shrubs such as Toyon (Heteromeles arbutifolia) and Blue Elderberry (Sambucus mexicana) frequently occur. In places, trees in this woodland are more scattered and have an understory of typical Southern California Grasslands, forming a typical oak savanna.
>
> Characteristic animals of this community are partly shared from adjacent communities, such as open grasslands or chaparral areas. This is especially true for savanna situations. Insects typical of Southern Oak Woodlands include the Ironclad Beetle (Phloedes pustulosus), California Sister (Adelpha bredowi),...amphibians, including the Arboreal Salamander (Aneides lugubris), Eschscholtz's Salmander (Ensatina eschscholtzi) ...Western Toad (Bufo boreas), are typical species. Typical reptiles include the Coast Horned Lizard (Phrynosoma coronatum),...Western Rattlesnake (Crotalus viridis). Birds, such as the Acorn Woodpecker, Plain Titmouse, Band-tailed Pigeon, Screech Owl, and Lawrence's Goldfinch, are typical inhabitants of this community. Mammals such as the Brush Mouse (Peromyscus boylei), Western Gray Squirrel (Sciurus griseus), Beechey Ground Squirrel (Citellus beecheyi), Raccoon (Procyon lotor), Bobcat (Lynx rufus), and a number of bat species (Myotis, Lasiurus, Eumops), also are typical inhabitants.
>
> In general, oaks are very sensitive to changes in the water table surrounding their extensive root systems. Compaction of the soils under the tree canopy itself can interfere with the normal physiological processes of these trees. The large trees in this woodland (20 to 60 feet tall) provide very important habitat for a number of animals.

To a varying degree these designated Significant Oak Woodlands contain a fair amount of riparian woodland as well. This is especially true in the upper sections of the Topanga Canyon watershed. The Friescen report refers to these areas in the following manner:

> A number of stream courses in the Santa Monica Mountains support a community of shrubs, semiaquatic trees, and herbs along their margins. Generally, these riparian woodlands are best developed alongside perennial streams where water runs near or above ground level all year round. These woodlands support trees such as Bigleaf Maple (Acer macrophyllum), Western Sycamore (Platanus racemosa), White Alder (Alnus rhombifolia), Coast Live Oak (Quercus agrifolia), and Fremont Cottonwood (Populus fremontii). An understory layer of shrubs frequently include Willows (Salix), Blue Elderbery (Sambucus mexicana), and Coyote Brush (Baccharis pilularis), but these shrubby species often occur alone, in the absence of trees. Another shrub frequently found in riparian situations of the Santa Monica Mountains is the Greenbark Ceanothus (Ceanothus spinosus). Frequently, a rich layer of herbs, grasses, and other plants are found below the canopy of the shrubs and trees. The Giant Chain Fern (Woodwardia fimbriata) and other ferns are frequently found in this setting. A large variety of microhabitats are provided within the riparian stream bottoms with its moist leaf litter, quiet pools, and damp stream banks. The canopy of trees and shrubs provide numerous resources for a great variety of bird species. Accordingly, riparian habitat is of great value as a wildlife habitat.
>
> A large variety of animal species utilize riparian communities. Typical species include insects such as Underwing Moths (Catocala spp.), the Sylvan Hairstreak (Strymon sylvinus)...Amphibians supported by this habitat include the California Newt (Taricha torosa),...and Pacific Treefrog. Reptiles include the Western Skink (Eumeces skitonianus)...Ring-necked Snake (Diadophis punctatus)...and the Pacific Pond Turtle (Clemmys marmorata). Bird species specifically associated with riparian areas include the Cooper Hawk and Red-shouldered Hawk. Mammals found in this community include the Broad-footed Mole (Scapanus latimanus), Ornate Shrew (Sorex ornatus), Western Harvest Mouse (Reithrodontomys megalotis), California Vole (Microtus californicus), White-footed Mice (Peromyscus spp.), Long-tailed Weasel (Mustela-frenata), Raccoon (Procyon lotor), and Striped Skunk (Mephitis mephitis). A number of bat species (Chiroptera) require riparian habitat for nightly feeding activity.
>
> Riparian woodlands are subject to destruction by urbanization, channelization of their water courses, and fire. Siltation and sedimentation frequently damage the root systems of riparian species, causing their early death. However, riparian communities are able to slowly recover (self-restoration) after floods and fires.

Oak woodlands, and associated riparian habitat, have been identified, by the Fish & Game Commission Hardwood Policies (adopted March 1, 1985), as "extremely important to the fish & wildlife resources of California." They are recognized for supporting a "wide variety of wildlife species by providing food, nesting, and roosting cover, and in many instances, important understory vegetation. In addition, hardwoods benefit fishery resources by preventing the erosion of hillsides and stream banks, moderating water temperatures by shading, and contributing nutrients and food-chain organisms to waterways."

ESHA Issue Analysis

The applicant seeks an after the fact coastal development permit for the excavtion of approximately 50 cubic yards of grading from the bank of Topanga Canyon Creek, the placement of approximately 4 tons of quarry stone rip-rap 20 feet up and down stream of the Topanga Canyon Road Bridge, and the temporary re-channelization of the creek. This area contains well established riparian resources, some of which was removed as a result of construction activities, and provides an important source of habitat, and a corridor for the wildlife of the Santa Monica Mountains.

The Coastal Act requires that environmentally sensitive habitat areas "be maintained, enhanced, and where feasible, restored." Special Condition #1 of the permit requires that the applicant submit for the review and approval of the Executive Director, a detailed Restoration & Monitoring Program, for the replacement and enhancement of all habitat damaged as a result of the proposed work. This restoration program shall include a preliminary biological survey of all project areas, and a proposed restoration plan which outlines the programs goals & objectives. Furthermore, technical specifications for site restoration and a monitoring program are required. The applicant will further be required to monitor the individual sites for a period of 3 years in order to ensure that the resources impacted by the proposed development are restored and enhanced.

Due to the intensity and velocity of creek flows the County has found it necessary to hold the rip-rap in place by grouting the boulders together so that they are not removed by flood waters. The boulders grouted together act as one cohesive unit and thus is less likely to be damaged by flood waters than is a seris of individual rocks and stones. However, the installation of development of this nature results in the permanent loss of riparian habitat. Specifically, as the grouted rip-rap placed onto the stream channel has created a condition where no riparian vegetation can now exist Special Condition #2 requires the applicant to mitigate this loss at an area ratio of three to one (3:1). This condition requires the applicant to submit for the review and approval of the Executive Director, a Riparian Habitat Mitigation Program, which includes plans to restore and enhance an area of riparian habitat within the project area, or another area of the Topanga Canyon Watershed, under the guidlines of special condition #1. Mitigation at a 3:1 ratio of replacement area to impacted area of permanent riparian habitat loss shall be required. This condition is consistent with past Commission requirements for a 3:1 mitigation ratio for unavoidable impacts to riparian vegetation associated with development where the impacts result in removal of the existing habitat. The applicant in further require to replace riparian tree species damaged or destroyed by development activities at a ratio of 10:1 for trees with a diameter breast height (DBH) of 3 inches or greater, and at a ratio of 3:1 for those trees with a DBH of less than 3 inches.

Although there have been impacts to the sensitive resources of the Santa Monica Mountains resulting from the placement of grouted rip-rap into Topanga Canyon Creek, specifically the permanent loss of riparian habitat, the Commission finds that the project as conditioned has been mitigated to the greatest extend feasible. Therefore, the Commission finds that the project, as conditioned is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

C. Local Coastal Program.

Section 30604 of the Coastal Act states that:

> (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains Local Coastal Program. The certified LUP contains policies to guide the types, locations, and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding environmentally sensitive resources. As conditioned, the proposed development, as conditioned, will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed development will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains which is consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA.

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

There are no negative impacts caused by the proposed development, as conditioned, which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found to be consistent with CEQA and the policies of the Coastal Act.

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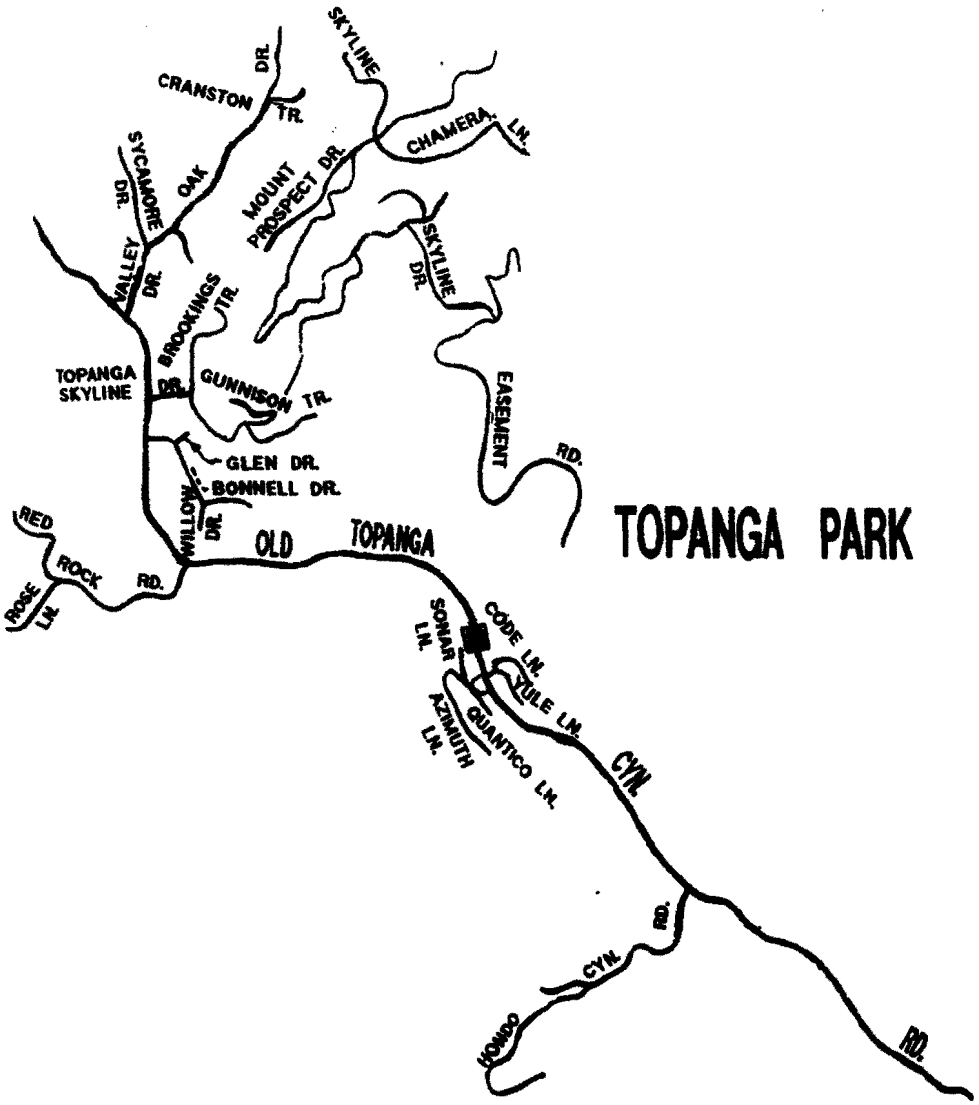
TAD-VNT

LOS ANGELES COUNTY

DEPARTMENT OF PUBLIC WORKS

OLD TOPANGA CYN. RD. @ TOPANGA CYN. CREEK



NO SCALE
04 / 17 / 95

LEGEND

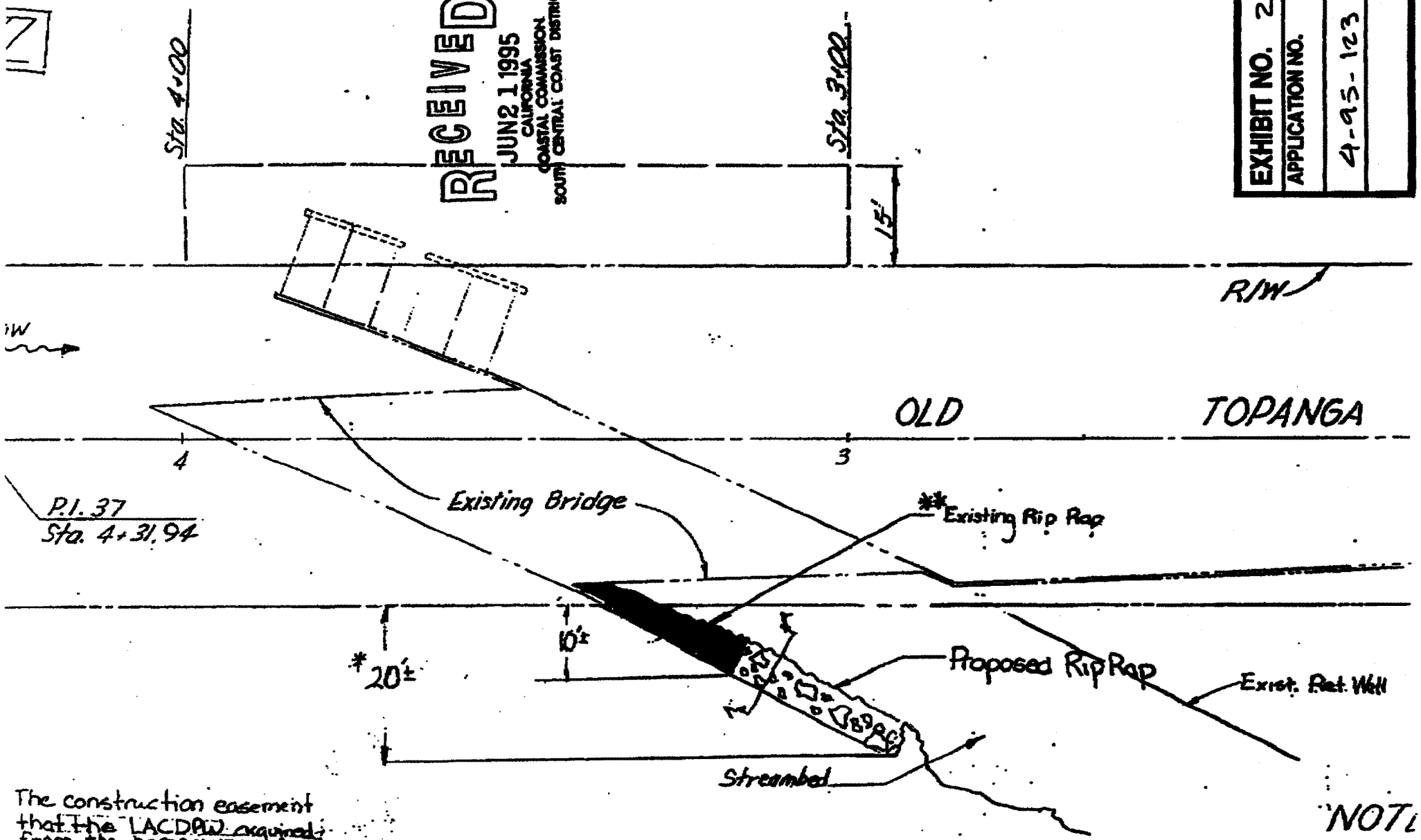
■ PROJECT LOCATION

LOCATION MAP

THOM. BROS. 589 / 114 _____ THOM. BROS. 109 / A3

EXHIBIT NO. 1
APPLICATION NO.
4-95-123

EXHIBIT NO. 2
APPLICATION NO. 4-95-123



Site Plan

The construction easement that the LACDPW acquired from the homeowner in 1968

* Existing Rip-Rap that extends from Northwest side of the abutment westward shall be replaced by the 2 to 3 ton rock and grout mixture.

NOTE
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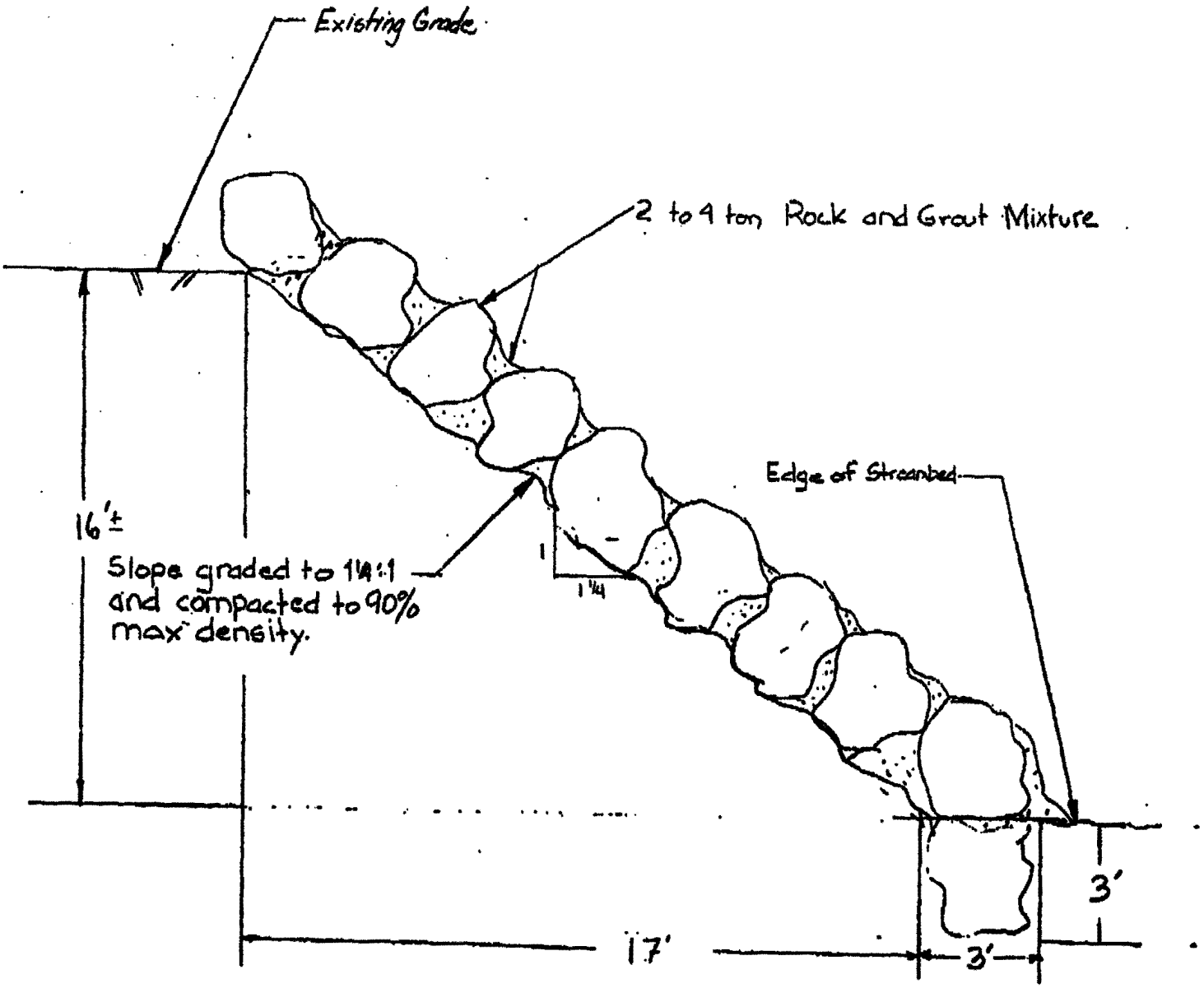
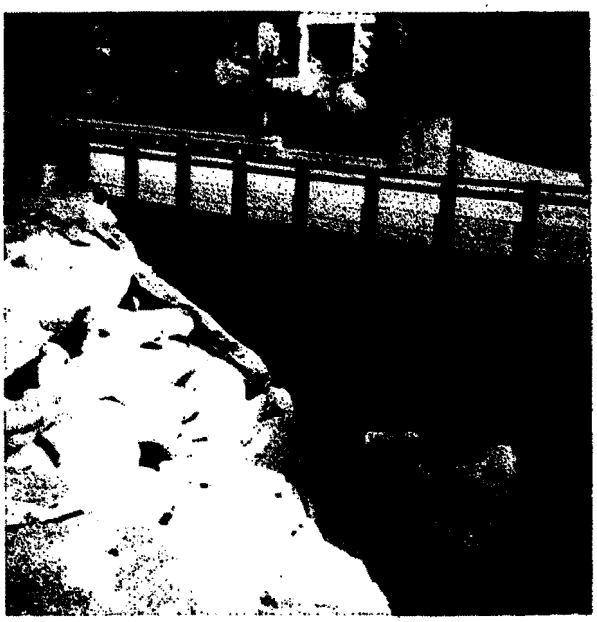


Section A-A

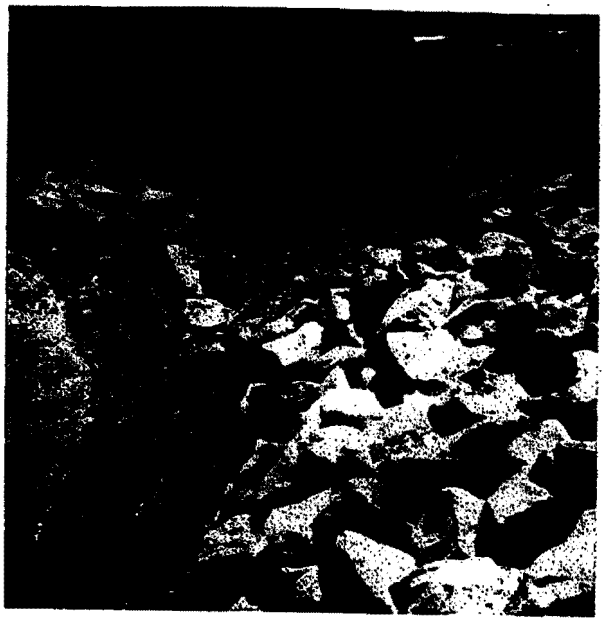
No Scale

EXHIBIT NO. 3
APPLICATION NO.
4-95-123

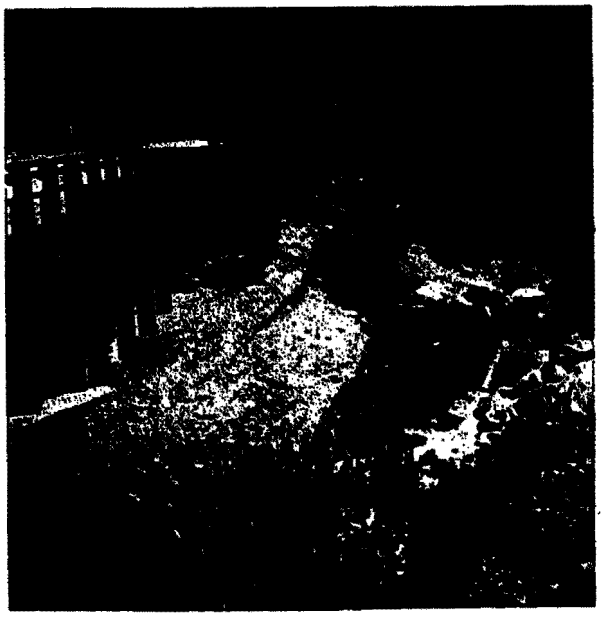
PHOTOGRAPHIC LOG
LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
PLANNING DIVISION: ENVIRONMENTAL UNIT
PROJECT: Old Topanga Cyn Rd @ Topanga Cyn Creek



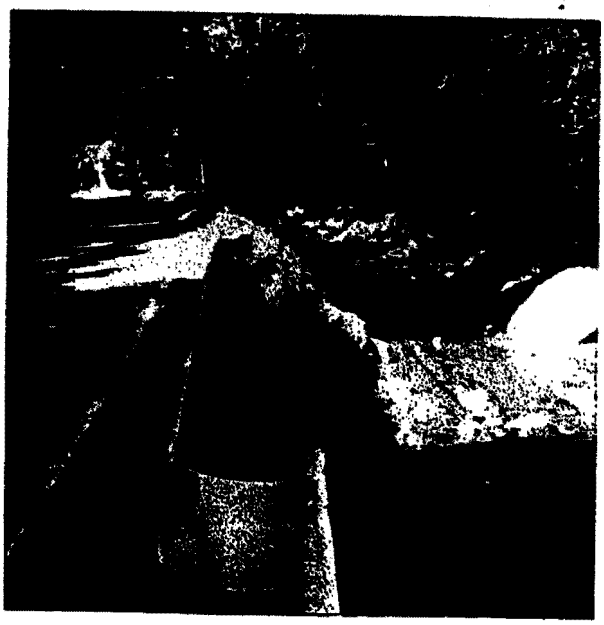
Riprap and Grouting at the westside of Streambed looking northeasterly



Riprap and Streambed, looking Southwesterly from bridge



Streambed and bridge looking Southwest.



Northeast Stream

DATE OF PHOTOS: 4/4/95
BY: POA

4-95-123

EXHIBIT NO. 4
APPLICATION NO.
4-95-123