

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Staff Report: 12/22/95
Hearing Date: January 9-12, 1996
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TH 9a

APPLICATION NO.: 4-95-144

APPLICANT: City of Malibu Public Works Department

AGENT: Jeff Palmer - Public Works Department

PROJECT LOCATION: Latigo Canyon Road, at the Malibu/Los Angeles County Border line, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: The remediation of a large landslide which threatened to close Latigo Canyon Road. The project involved the grading of approximately 3,000 cubic yards and the installation of hydraugers and bench drains.

LOCAL APPROVALS RECEIVED: None Required.

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995.

SUMMARY OF STAFF RECOMMENDATION:

The applicant seeks an after the fact coastal development permit for the remediation of a landslide at Latigo Canyon Road. The landslide threatened to block traffic along two sections of Latigo Canyon Road above and below the landslide area. The project involved the grading, cut and fill balanced, of approximately 3,000 cubic yards of material, the installation of hydraugers, and the installation of bench drains. Staff recommends that the Commission determine that the proposed project, as conditioned, is consistent with the requirements of the California Coastal Act. Staff further recommends special conditions regarding a biological survey of the site, a habitat restoration and monitoring program, and drainage plans.

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.

III. Special Conditions.

1. Habitat Restoration & Monitoring Program

The applicant shall submit, for the review and approval of the Executive Director, habitat restoration plans for all areas impacted and disturbed by development activities. These program shall include a preliminary biological survey which includes a description of the site, its native habitat, 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, or expected to have occurred prior to development. Restoration activities shall incorporate the use of native, indigenous, plant species associated with the site and the surrounding area to minimize the need for irrigation, provide erosion control, and to soften the visual impact of development. The plans shall also include a habitat restoration monitoring program for a period no less than three (3) years, to insure that revegetation activities are successful. These plans shall provide an outline of proposed maintenance activities, including the removal of weeds, or mid-course corrections (additional plantings), should they be required. At the end of the three year period, the applicant shall submit a final revegetation monitoring report, for the review and approval of the Executive Director, which indicates the success or failure of restoration activities. If the report finds that restoration activities are in part, or in whole, unsuccessful, then the applicant shall be required to extent restoration activities for an additional two (2) years to insure that the site is adequately restored.

2. Final Drainage Plans

Prior to the issuance of a coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, drainage plans certified by a geotechnical engineer or civil engineer, which illustrate how runoff is conveyed from the slope face and into existing drainage facilities in the surrounding area such as culverts, storm drains, etc, and the location of all dewatering facilities (hydraugers) installed as a part of this development. Should the project drainage structures fail or result in any erosion, the applicant shall be responsible for any repairs and restoration.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Malibu proposes, after the fact, the remediation of a landslide above Latigo Canyon Road which threatened to close traffic on two sections of Latigo Canyon Road, which is a major access way for residents of the City of Malibu and the adjacent unincorporated section of Los Angeles County. The project involved the grading of 3,000 cubic yards of material (cut and fill balanced), the installation of hydraugers across the slope face to remove, or dewater, ground water from the slide plane, and the installation of bench drains. The landslide began to move once water from the heavy rains of 1994-95 saturated the slide plane. The project site is located in an area between a "hair-pin" turn (see Exhibit 2), and is within an area heavily vegetated with coastal sage scrub habitat.

B. Environmentally Sensitive Habitat Areas

Section 30231 of the Coastal Act is designed to protect and enhance, or restore where feasible 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.

ESHA Issue Analysis

The project site is located above, and drains into, an area recognized by the Commission as Significant Oak Woodland habitat. Furthermore, the site itself is located within Coastal Sage Scrub habitat. Both of these habitat types are sensitive to development and impacts resulting from increased sedimentation and soil compaction. The applicant proposes, after the fact, the remediation of a landslide at Latigo Canyon Road which threatened to close traffic on two sections of the the roadway. The project involved the grading of 3,000 cubic yards of material, (cut and fill balanced) and the installation of hydruagers and bench drains across the slope face to convey runoff from the slope face.

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 Biological Survey for the project area that identifies the indigenous vegetation associated with the proposed project site, and any significant vegetation to exist within the development area. This special condition further requires the applicant to impliment a habitat restoration program for the site, to ensure that the native vegetation and habitat associated with the project site is restored to a pre-development condition. This restoration will mitigate the negative affects of

sedimentation upon the adjacent Oak Woodland habitat, and relieve soil compaction and thus allow for the successful, and long term survivability of Coastal Sage Scrub habitat. Additionally, Special Condition #1 also requires the applicant to monitor revegetation activities for a period of no less than 3 years to insure the long term survivability of revegetation efforts. Therefore, the Commission finds that the project, as conditioned is consistent with Sections 30231 and 30240 of the Coastal Act.

C. Geologic Stability

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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 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 vegetation, thereby contributing to an increased potential for erosion and landslide on the property. The applicant has submitted a Memorandum titled the "Continuing Landslide Movement Affecting Latigo Canyon Road", dated April 15, 1995, prepared by the City of Malibu's Geologist Greg Silver. This memorandum states that the landslide was moving at a such a rate of speed that it threatened to remove existing dewatering wells, and created hazardous driving conditions. The consulting geologist recommended that, following recompaction of the slope, existing dewatering systems be repaired and that addition hydraugers be installed.

The Coastal Act requires that new development assure "stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area..." and "ESHA's shall be protected against any significant disruption of habitat values..." Based on the recommendations of the City's consulting geologists the Commission finds that the development is consistent with Section 30253 of the Coastal Act so long as all of the geologic consultant's recommendations where incorporated into the project development. The applicant states in the project description that additional hydraugers and bench drains where installed as a part of this project. Therefore, to ensure that the drainage and dewatering facilities were designed and installed consistent with the City geologist's recommendations, the Commission finds it necessary to require the applicant to 1) submit final drainage plans that 2) have been certified in writing by the consulting Engineering Geologist or Civil Engineer as conforming to their recommendations. These plans shall indicate the location of all drainage and dewatering facilities.

Additionally, in order to minimize erosion and provide geologic stability by inhibiting surface infiltration, the Commission finds it necessary to require the applicant to implement a habitat restoration program for the site. Furthermore, Special Condition #2 requires the applicant to monitor revegetation activities for a period of no less than 3 years to insure the long term survivability of revegetation efforts. Only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

D. Grading/Landform Alteration & Visual Resources

Section 30251 of the Coastal Act state:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The applicant proposes, after the fact, the remediation of a landslide at Latigo Canyon Road which threatened to close traffic on two sections of the roadway. The project involved the grading of 3,000 cubic yards of material, (cut and fill balanced) and the installation of hydraugers and bench drains across the slope face to convey runoff from the slope and into existing drainage facilities.

The project site is located within the Escandido/Latigo Canyon viewshed, an area recognized by the Commission as an area high in scenic and visual quality. In order to minimize erosion and restore the scenic and visual qualities of the site, the Commission finds it necessary to require the applicant to submit proof of a habitat revegetation program for the site. This program requires the applicant to restore native vegetation to the site for the purposes of providing erosion control, and to restore the scenic and visual qualities of the site. This condition further requires the applicant to monitor restoration activities for a period of no less than 3 years to insure the long term survivability of restoration efforts. The Commission finds that the project as proposed, and conditioned, is consistent with Section 30251 of the Coastal Act.

E. 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 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. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Malibu and the Santa Monica Mountains which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

F. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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)(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. The proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

TAD-VNT

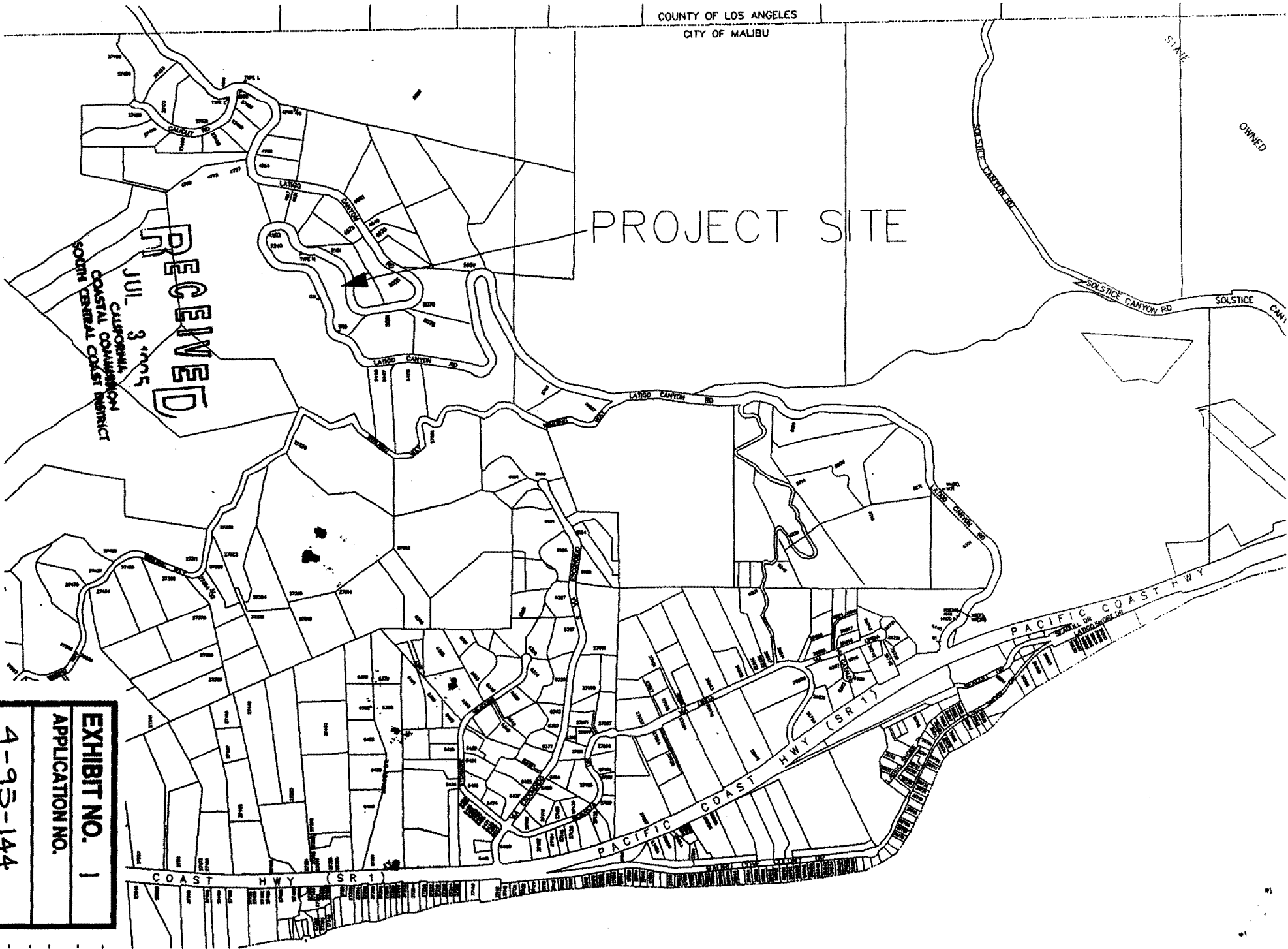
1844M

COUNTY OF LOS ANGELES
CITY OF MALIBU

PROJECT SITE

RECEIVED
JUL 3 1965
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 1
APPLICATION NO.
4-95-144



4459 2
SCALE 1" = 200'

1992

2-11-65 REVISED
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10-22-63
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780415063
780711101
770117004
850328807-6
510606

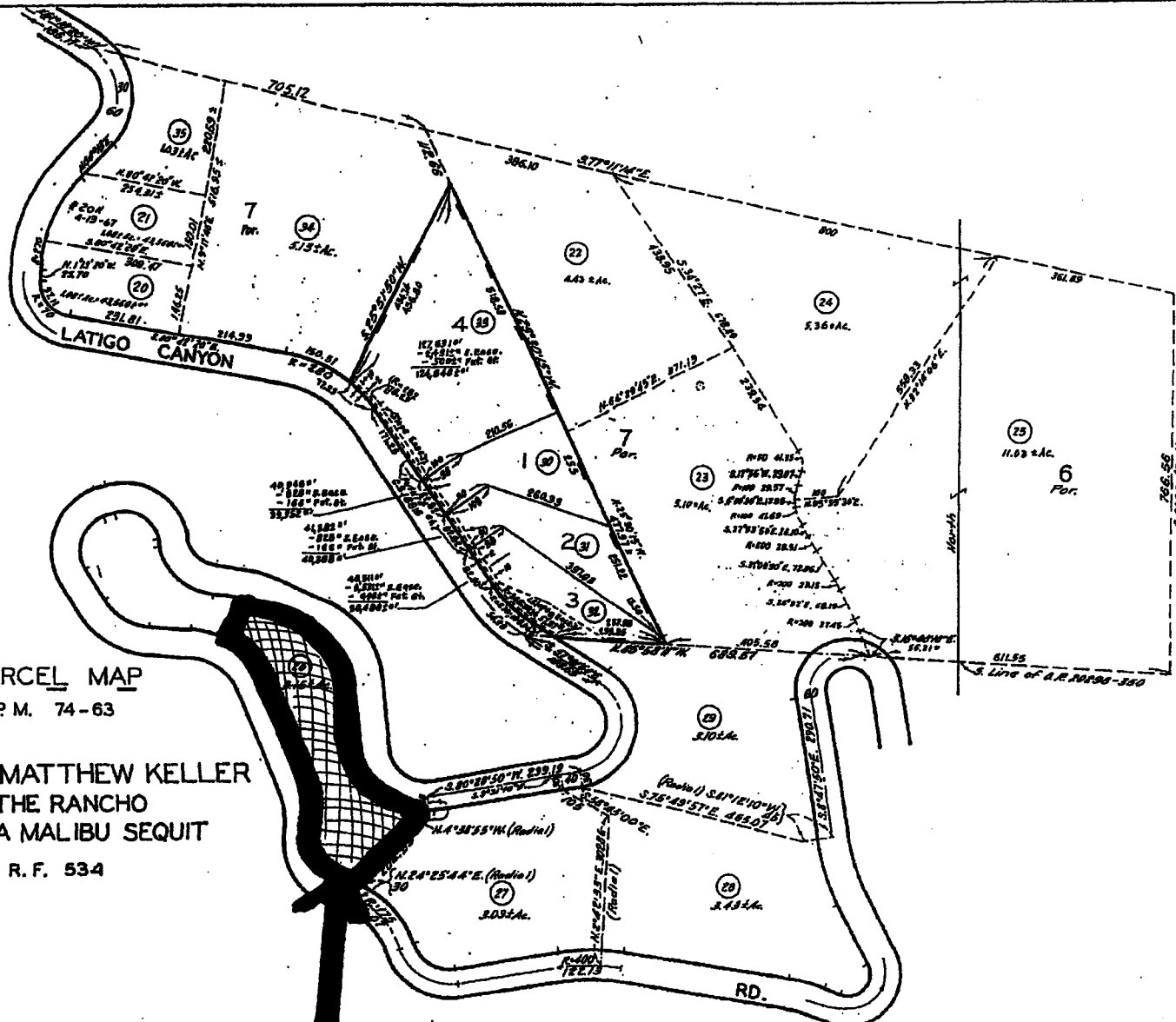
PARCEL MAP
P.M. 74-63

LAND OF MATTHEW KELLER
IN THE RANCHO
TOPANGA MALIBU SEQUIT
R.F. 534

T. SEE: 482-236

PROJECT SITE

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.



4-95-144

APPLICATION NO.

EXHIBIT NO. 2