

## CALIFORNIA COASTAL COMMISSION

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



Filed: 11/21/95  
49th Day: 1/9/96  
180th Day: 5/19/96  
Staff: TAD-VNT TAD  
Staff Report: 12/22/95  
Hearing Date: January 9-12, 1996  
Commission Action:

STAFF REPORT: CONSENT CALENDAR**TH9d**

APPLICATION NO.: 4-95-183

APPLICANT: Los Angeles County Public Works Department

AGENT: Jennifer Fang - LACPWD

PROJECT LOCATION: 23600 Saddle Peak Road, Topanga area of Los Angeles County.

PROJECT DESCRIPTION: The removal of approximately 800 cubic yards of over spill materials (soil & sediment) on a slope face. The project involves the replanting / restoration of vegetation destroyed by the project.

LOCAL APPROVALS RECEIVED: None.

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

---

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. Restoration & Monitoring Program

The applicant shall submit, for the review and approval of the Executive Director, restoration plans for all areas impacted and disturbed by development activities. These plans shall incorporate the use of native, indigenous, plant species associated with the site and the surrounding area to minimize the need for irrigation and to soften the visual impact of development. The plans shall include a restoration monitoring program for a period no less than three (3) years, to insure that restoration 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 restoration 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. Condition Compliance

The applicant is required to implement the Restoration & Monitoring Program specified in the foregoing conditions prior to the 1996-1997 rain season. Failure to comply with the requirements within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will nullify this permit approval.

## IV. Findings and Declarations.

### A. Project Description

The County of Los Angeles Public Works Department seeks an after the fact coastal development permit for the removal of 500 cubic yards of fill material (soils & sediment) from a slope below Saddle Peak Road. The project site is located in Hondo Canyon on property owned by the California Department of Parks and Recreation. The depositing of fill material into Hondo Canyon was the result of over-spill from a temporary stockpile site located on the road shoulder along Saddle Peak Road. During the winter rains of the 1994-1995 season, approximately 500 cubic yards of material accidentally was deposited into the canyon, covering the chaparral and coastal sage scrub habitat associated with the site, and presenting a risk of increased sedimentation to habitat located further into the watershed.

### 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 applicant seeks an after the fact coastal development permit for the removal of 500 cubic yards of fill material from a slope below Saddle Peak Road. The project site is located in Hondo Canyon on property owned by the California Department of Parks and Recreation. The depositing of fill material into Hondo Canyon was the result of over-spill from a temporary stockpile site located on the road shoulder along Saddle Peak Road. This proposed development site is located in the upper watershed of Topanga Canyon, and drains into, and is located directly adjacent to, an environmentally sensitive habitat area (ESHA) as well as an area recognized by the Commission as Significant Oak Woodlands.

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

#### 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 prey or 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.

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:

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.

### ESHA Issue Analysis

The applicant seeks an after the fact coastal development permit for the removal of 500 cubic yards of fill material from a slope below Saddle Peak Road. The project site is located in Hondo Canyon on property owned by the California Department of Parks and Recreation. The depositing of fill material into Hondo Canyon was the result of over-spill from a temporary stockpile site located on the road shoulder along Saddle Peak Road. The over-spilled material covered native vegetation which was in its second year of recovery following the Old Topanga Firestorm of 1993. This vegetation, and that located further down in the drainage of this watershed is sensitive to increased sedimentation.

The Coastal Act requires that the ESHAs associated with this canyon "be maintained, enhanced, and where feasible, restored." To ensure that the canyon's ESHAs are not impacted by the scope of development associated with this proposal 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 program shall incorporate the use of native indigenous plants species associated with the habitat of the project site. 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. The Commission finds that the project as conditioned has been mitigated to the greatest extent feasible. In order to ensure that restoration of the site is conducted in a timely manner, Special Condition #2 requires the applicant to implement the restoration and monitoring program prior to the 1996-1997 rain season. Therefore, the Commission finds that the project, as conditioned is consistent with Sections 30231 and 30240 of the Coastal Act.

### C. 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 Malibu/Santa Monica Mountains Land Use Plan policies regarding landform alteration and the protection of visual resources 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:

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- 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.
- P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade.
- P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:
  - be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.
  - minimize the alteration of natural landforms.
  - be landscaped to conceal raw-cut slopes.

The project site is located on Saddle Peak Road, a designate Scenic Highway. 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 implement a restoration and monitoring program for the site. This program shall incorporate the use of native indigenous plants species associated with the habitat of the project site. The applicant will further be required to monitor the individual sites for a period of 3 years in order to ensure that the visual resources impacted by the proposed development are restored and enhanced. In order to ensure that restoration of the site is conducted in a timely manner, Special Condition #2 requires the applicant to implement the restoration and monitoring program prior to the 1996-1997 rain season. The Commission finds that the project as proposed, and conditioned, is consistent with Section 30251 of the Coastal Act.

D. 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).

E. 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.

TAD-VNT  
1852M

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

**SADDLE PEAK ROAD AT MILE MARKER 0.69  
HONDO CANYON**

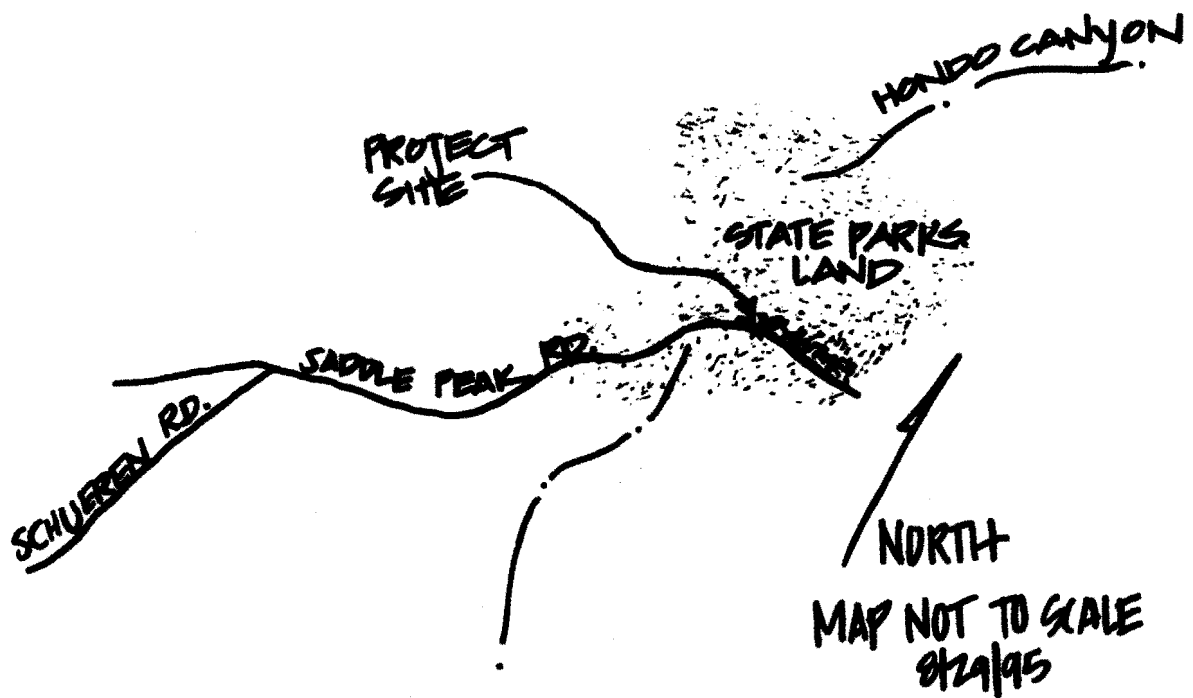


EXHIBIT NO. 1
APPLICATION NO.
4-95-183



LOS ANGELES COUNTY  
DEPARTMENT OF PUBLIC WORKS  
SADDLE PEAK ROAD NEAR C.M. 0.62  
ROAD SHOULDER REPAIR

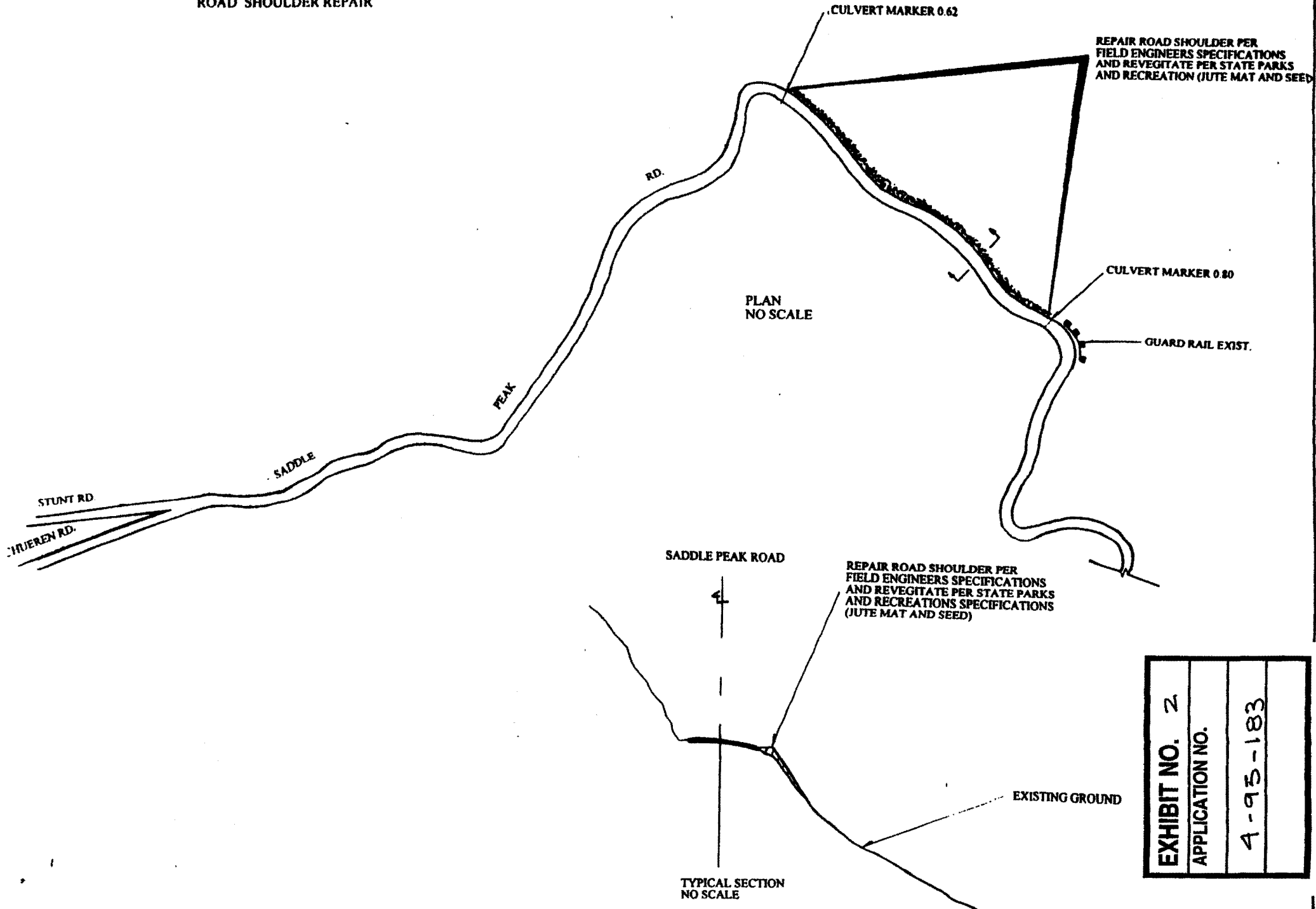
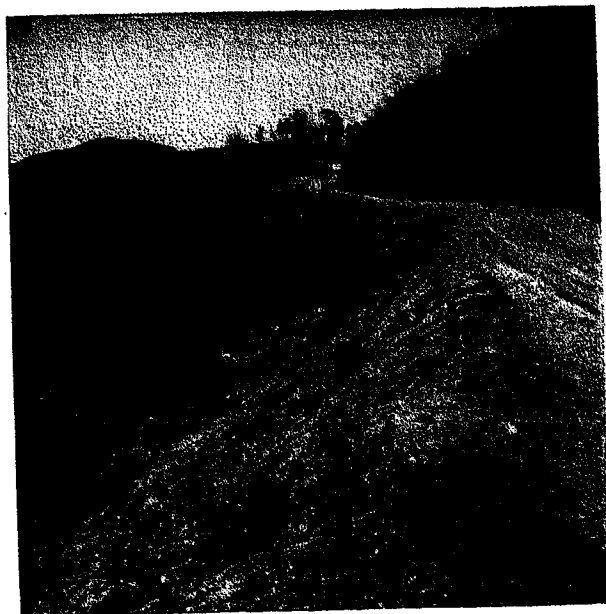
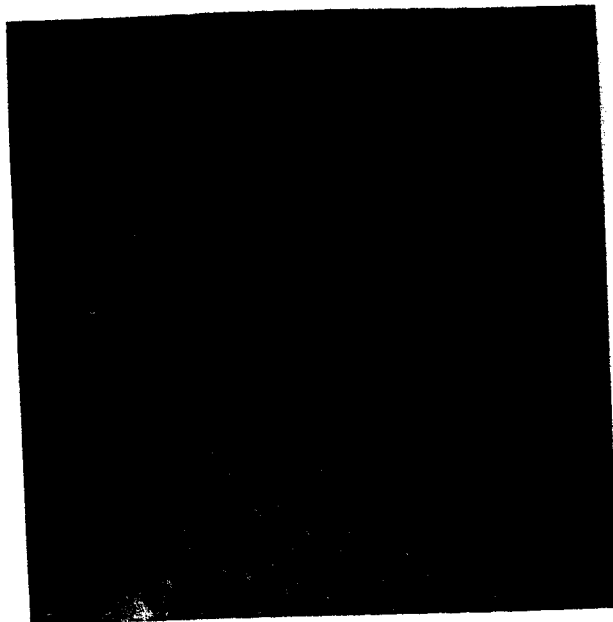


EXHIBIT NO. 2
APPLICATION NO.
4-95-183

Saddle Peak Road ~ Mile Marker 0.69  
Hondo Canyon

Looking north at state  
Parker land.  
08/23/95



Looking east alongside  
the project site  
Saddle Peak Road.  
Restoration in place 08/23/95

EXHIBIT NO. 3

APPLICATION NO.

4-95-183