

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

TH9e

APPLICATION NO.: 4-95-186

APPLICANT: Los Angeles County Public Works Department

AGENT: Jennifer Fang - LACPWD

PROJECT LOCATION: 35800 Mulholland Highway, Malibu area of Los Angeles County, Leo Carrillo Beach State Park.

PROJECT DESCRIPTION: The remediation of slope undermined and eroded by flooding. The project involves the grading of 5,500 cubic yards in a 20,000 sq. ft. area, and the installation of a new 24" by 205' culvert. The project is located within Leo Carrillo Beach State Park.

LOCAL APPROVALS RECEIVED: None.

SUBSTANTIVE FILE DOCUMENTS: California Coastal Act of 1976, as of January 1995, Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, prepared by the Santa Monica Mountains Comprehensive Planning Commission, 1978, Malibu/Santa Monica Mountains LCP Research Analysis and Appendices, and Emergency CDP G4-95-186.

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 five (5) 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 five 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 a follow up coastal development permit for the remediation of a slope undermined and eroded by heavy runoff during the winter rains of 1994-1995. The applicant was granted an emergency CDP in September of 1995 to allow the applicant to repair the above referenced slope which threaten to close access along Mulholland Highway. The project involved the grading of approximately 5,500 cubic yards, and the installation of a new 24" diameter, 205' long corrugated steel drainage pipe, with grouted rock headwall, to replace a 70' long pipe also damaged by runoff. A grouted riprap energy reducing device was constructed at the outlet of the pipe to dissipate flow velocity and reduce erosion. The project is located within Leo Carrillo Beach State Park. The project site is also located within the Arroyo Sequit Significant Watershed, which contains Arroyo Sequit Creek, recognized by the Commission as an Environmentally Sensitive Habitat Area, and is located on Mulholland Highway, a designated Scenic Highway.

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.
- 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.

Arroyo Sequit Significant Watershed

In 1978, the Santa Monica Mountains Comprehensive Planning Commission prepared a report, Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, which describes the Arroyo Sequit Creek as follows:

The Arroyo Sequit Creek watershed includes 7,840 acers of land in portions of both Ventura and Los Angeles Counties. The main canyon is quite steep through the middle, but some large flatlands exist in the upper watershed. The lower canyon is contained within Leo Carrillo Beach State Park which provides camping and picknicking facilities.

Arroyo Sequit Creek is a perennial stream and supports riparian woodland communities and some uncommon flora, such as chain fern and stream orchis. With the existence of both Leo Carrillo Beach State Park and a large acreage Boy Scouts of America camp, most of the watershed is recommended as a necessary addition to the wildlife network,,linking the Park with the Zuma Canyon SEA (Significant Ecological Area) and with Point Mugu State Park. Soil erosion potential and fire hazard are most severe in the lower canyon, but remain high in most of the upper watershed.

The Arroyo Sequit Creek watershed contains significant ecological and recreational values which may be damaged by future development. The upper portions of the watershed contain portions of the watershed contain a number of lots under 5 acres and a few of only one acre, and erosion potential for the area is very high, with significantly increased runoff rates. However, road access is available to most parcels, and adverse impacts on the stream and on the Park downstream could be minimized with proper mitigation measures.

The Arroyo Sequit contains a fair amount of undisturbed riparian woodland. The Friesen 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 a follow up CDP for the remediation of a slope undermined and eroded by heavy runoff during the winter rains of 1994-1995. The project is located within Leo Carrillo Beach State Park. The project involved the grading of approximately 5,500 cubic yards, and the installation of a new 24" diameter, 205' long corrugated steel drainage pipe, with grouted rock headwall, to replace a 70' long pipe also damaged by runoff. A grouted riprap energy reducing device was constructed at the outlet of the pipe to dissipate flow velocity and reduce erosion. All work was located upslope of Arroyo Sequit Creek, and did not involve the removal of significant vegetation, such as oaks, sycamore, etc. However, the site did at one time contain coastal sage scrub habitat, and provided erosion and sedimentation control for the slope and the Arroyo Sequit Creek riparian habitat down stream of the project site.

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 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 5 years in order to ensure that the 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 conditioned has been mitigated to the greatest extent feasible. 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 applicant seeks a follow up CDP for the remediation of a slope undermined and eroded by heavy runoff during the winter rains of 1994-1995. The project involved the grading of approximately 5,500 cubic yards, and the installation of a new 24" diameter, 205' long corrugated steel drainage pipe, with grouted rock headwall, to replace a 70' long pipe also damaged by runoff. A grouted riprap energy reducing device was constructed at the outlet of the pipe to dissipate flow velocity and reduce erosion. 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 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..." 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 and monitoring program for the site. This program shall require the applicant to monitor revegetation activities for a period of no less than 5 years to insure the long term survivability of restoration efforts. 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. 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 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 applicant seeks a follow up CDP for the remediation of a slope undermined and eroded by heavy runoff during the winter rains of 1994-1995. The project involved the grading of approximately 5,500 cubic yards, and the installation of a new 24" diameter, 205' long corrugated steel drainage pipe, with grouted rock headwall, to replace a 70' long pipe also damaged by runoff. A grouted riprap energy reducing device was constructed at the outlet of the pipe to dissipate flow velocity and reduce erosion. The project is located within Leo Carrillo Beach State Park, a heavily used State Park within the coastal zone.. The project site is also located on, and highly visible from, Mulholland Highway and the Pacific Coast Highway, both of which are designate Scenic Highways. 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 5 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.

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 coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

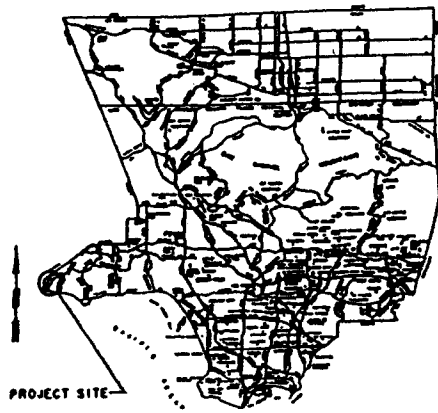
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. On December 11, 1986, 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).

F. CEQA.

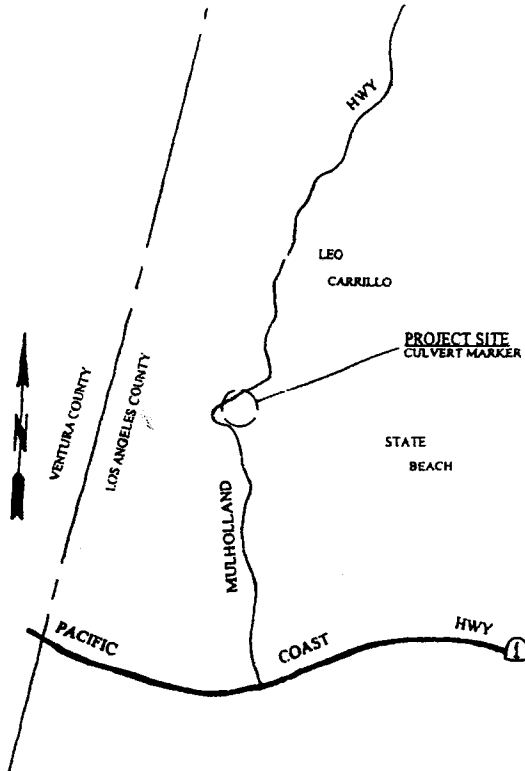
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). 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
1850M

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
FILL SLOPE AND CULVERT REPAIR
MULHOLLAND HIGHWAY
AT CULVERT MARKER 0.96**



LOCATION MAP



KEY MAP
NO SCALE

INDEX

SH.1 -- TITLE
SH.2 -- PLAN AND PROFILE
SH.3 -- DETAILS
SH.4 -- DETAILS

NOTES

ALL FILL SHALL BE COMPACTED TO
90% RELATIVE DENSITY AND PROPERLY
KEYED INTO EXISTING SLOPE

EROSION CONTROL SHALL CONSIST OF
MULCHING WITH STRAW, FERTILIZING
AND SEEDING WITH CALIFORNIA BUCKWHEAT

LOS ANGELES COUNTY DEPARTMENT OF
PUBLIC WORKS
THE INFORMATION SHOWN HEREON IS

PRELIMINARY JUL 24 1995

UNOFFICIAL AND SUBJECT TO CHANGES

APPROVED BY H. STONE DIRECTOR OF PUBLIC WORKS
DATE: _____

SUBMITTED BY DEPUTY DIRECTOR DATE: _____

ASST. DEPUTY DIRECTOR R.D. MAINT. DIV. DATE: _____

REVIEWED BY [Signature] DATE: 7-25-95
DISTRICT ENGINEER R.D. MAINT. DIST. 3 DATE: _____

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

MULHOLLAND HIGHWAY
AT C.M. 0.96

PROJECT NO. R8313486

SHEET OF 4

S94 B.D. 339

DESIGNER
T. DOYLE

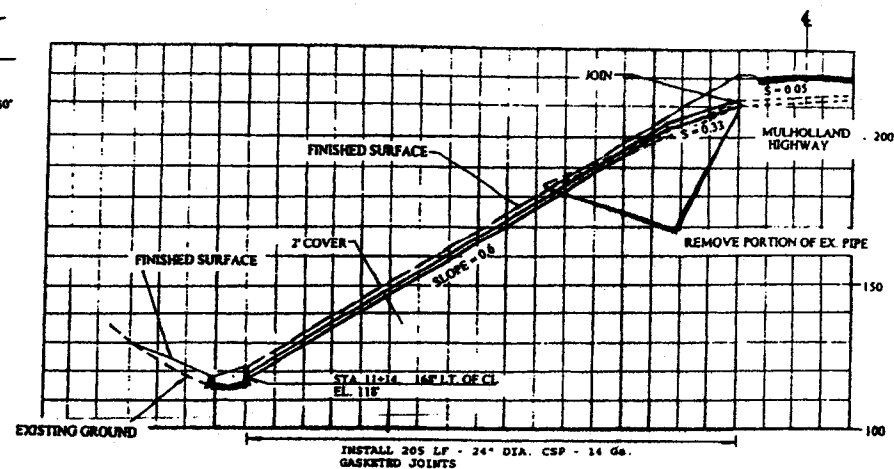
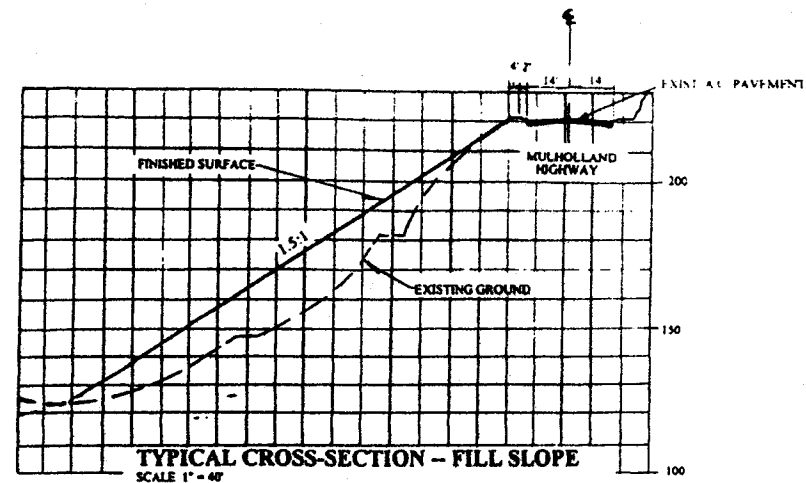
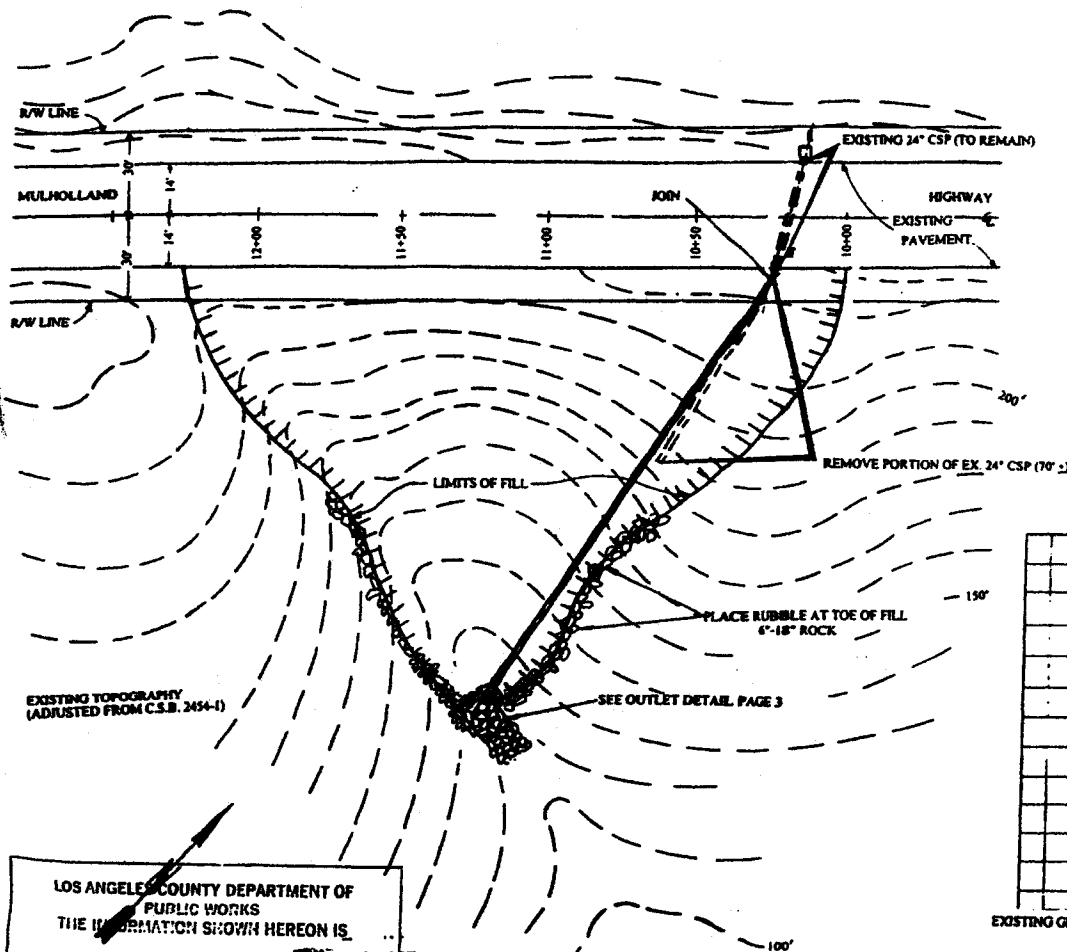
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TWO DAYS BEFORE YOU
DIG CALL USA TOLL FREE
1-800-422-4133

DATE MR. DESC.
REVISIONS

EXHIBIT NO. 1
APPLICATION NO.
4-95-186



PIPE PROFILE
SCALE 1" = 40'

LOS ANGELES COUNTY DEPARTMENT OF
PUBLIC WORKS
THE INFORMATION SHOWN HEREON IS

PRELIMINARY JUL 24 1995

SUBJECT TO CHANGES

PLAN
SCALE 1" = 40'

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COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

MULHOLLAND HIGHWAY
AT C.M. 0.96

PROJECT NO. R3313486

SCALE 1" = 40'

SH 2 OF 4

EXHIBIT NO. 2
APPLICATION NO.

4-93-18c



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EXHIBIT NO. 3
APPLICATION NO.

4-95-186



LOS ANGELES COUNTY DEPARTMENT OF
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MULHOLLAND HIGHWAY
AT C.M. 0.96
PROJECT NO. R313446

TWO DAYS BEFORE YOU
WILL CALL. USA TOLL FREE
1-800-422-4111

**CHECKER
J. DONV**

EXHIBIT NO. 4
APPLICATION NO.

4-95-186

Mulholland Hwy @ Milcanker 0.96
 Leo Carrillo State Beach

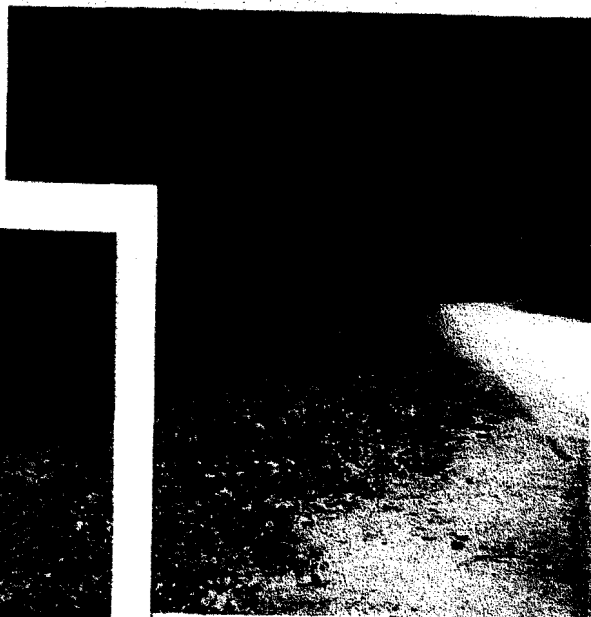
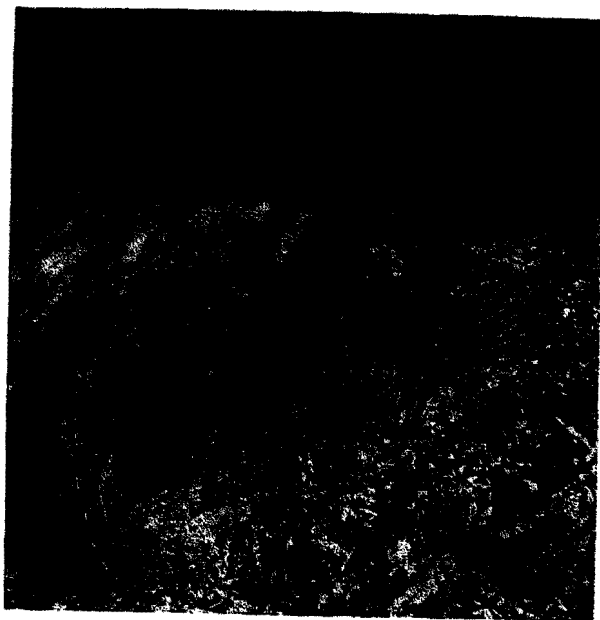
Looking North from
 project site to Mulholland
 Highway. 8/23/85



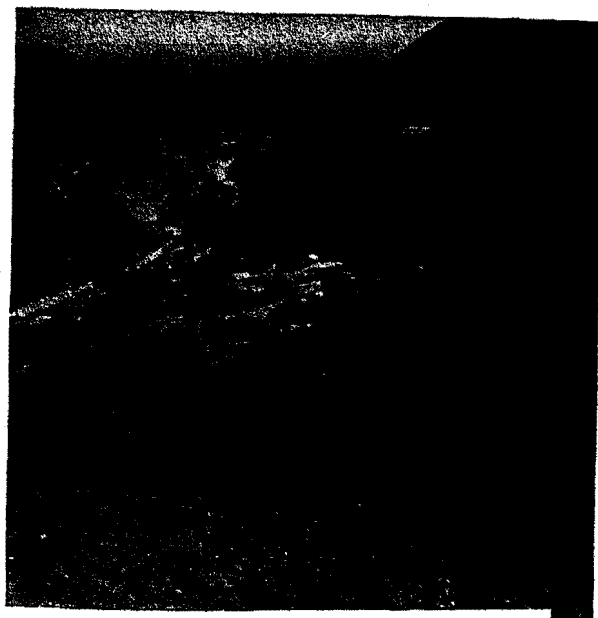
Looking south
 from north side
 of road at the
 project site. • Looking down
 at the damaged
 storm drain
 CMP 2/2/87



EXHIBIT NO. 5
APPLICATION NO.
9-95-186



Looking South at the
hillside where fill and
grading will take place *OK*



Looking South at the
project site (hillside)
some material - already
placed. *OK*

EXHIBIT NO.	6
APPLICATION NO.	
	4-93-186