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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff Report: 6/20/96
Hearing Date: July 9-12, 1996
Commission Action:



STAFF REPORT: REGULAR CALENDAR

W24a

APPLICATION NO.: 4-95-155

APPLICANT: California Department of Transportation (Caltrans)

AGENT: Lou Bedolla - Caltrans / Coastal Commission Liason

PROJECT LOCATION: Pacific Coast Highway at the intersection of Pacific Coast Highway, City of Malibu, Los Angeles County.

PROJECT DESCRIPTION: Approximately 150,000 cubic yards of grading to remediate an active landslide on the coastal bluff on the inland side of the Pacific Coast Highway, at the intersection of PCH and Tuna Canyon Road. Project includes the creation of a staging area, new access road, and new drainage system. The project includes site restoration and revegetation.

LOCAL APPROVALS RECEIVED: None Required.

SUBSTANTIVE FILE DOCUMENTS: Malibu Local Coast Plan - Research Analysis and Appendices, Significant Ecological Areas of the Santa Monica Mountains Report (Friesen), Tuna Canyon Significant Ecological Area No. 10, prepared by Michael Brandman Associates for the County of Los Angeles Regional Planning Department, dated November, 1991, Erosion Control Description, dated May 2, 1996, prepared by Landscape Architecture Unit - Caltrans.

SUMMARY OF STAFF RECOMMENDATION:

The applicant seeks an after the fact coastal development permit for the grading of 150,000 cubic yards, all cut, to remediate a landslide on the coastal bluff located above PCH at the outlet to Tuna Canyon. The project involves the scraping and grading of an existing access road to the top of the bluff, the clearance of vegetation to create a staging area above the bluff,

and an access road on the east side of the project area. Two benches have been constructed across the bluff face to provide access to the bluff face and convey drainage off the slope. Staff is recommending approval of the proposed project subject to special conditions regarding a site restoration monitoring program and erosion control 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. 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, an outline for a five year (5) Monitoring Program which monitors site restoration efforts to ensure that revegetation efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of the site is adequate to provide 90% coverage by the end of the five year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The applicant shall submit, for the review and approval of the Executive Director, written annual reports, beginning after the first year following implementation of the restoration program, indicating the success or failure of the restoration program and include recommendations for mid-program corrections, if necessary. At the end of a five 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 above referenced 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.

2. Interim Erosion Control Plans

Prior to the issuance of a coastal development permit the applicant shall submit, for the review and approval of the Executive Director, an interim erosion control plan for all areas disturbed by development and grading activities (roads and staging areas), which includes:

1. Description of temporary drainage and erosion control features such as sandbagging, silt fencing, or any alternative best management practices to minimizing erosion from staging, construction areas, and access roads. The temporary plans shall also include an illustration of where these measures shall be applied on a site plan.
2. Time frame for the placement and removal of the temporary erosion control measures, and a maintenance schedule and criteria for maintenance.

3. Required Approvals

Prior to the issuance of a coastal development permit the applicant shall provide to the Executive Director of the Commission; a copy of a valid U.S. Army Corp of Engineers permit, California Regional Water Quality Board approval, California Department of Fish & Game Streambed Alteration Agreement, and/or letters of permission, or evidence that such approvals are not required.

4. Condition Compliance

The applicant is required to implement the proposed Restoration Program and the erosion control plans, as specified in the foregoing condition, prior to the 1996-1997 winter 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

The Commission hereby finds and declares:

A. Project Description

The applicant seeks an after the fact coastal development permit for the grading of 150,000 cubic yards, all cut, to reconstruct the slope and remediate a landslide on a coastal bluff located above PCH at the outlet of Tuna Canyon. The project involves the scraping and grading of an existing access road to the top of the bluff, the grading of a staging area above the bluff, and the grading of a new access road on the east side of the project area. Two benches have also been constructed which provide access to the bluff face and convey drainage off the slope. Most of the above referenced development has been conducted outside the State right of way; however, the applicant has submitted evidence that "permit(s) to enter and construct" have been approved by the affected property owners of the development site.

The applicant further proposes to construct a new drainage facility which will convey drainage, generated by the above referenced bench drains, through a culvert under Tuna Canyon Road and into Tuna Canyon Creek. This will prevent drainage from sheet flowing across Tuna Canyon Road and Pacific Coast Highway as it currently does. The applicant also proposes a site restoration plan which will incorporate the use of native plants to provide erosion control/site stability, and to restore the previously existing aesthetic qualities and habitat values of the development site.

Project Background

On March 27, 1995, the Commission issued an emergency coastal development permit to the applicant for the above referenced work. The applicant stated that the development was required to mitigate and remediate an active landslide located above PCH, which began moving during the 1994-95 rainy season. The applicant further stated that the landslide threatened access along PCH, which often required maintenance following winter rains due to mudslides. The applicant has submitted the following description of the pre-existing landslide:

Landslide Description

The landslide lies completely outside the State R/W but the toe of the slide is affecting the highway. It is approximately 200 meters (600 feet) long and extends vertically about 50 meters (150 feet) up the natural hillside. The eastern part of the slide became active and spread horizontally across all four lanes of the highway. Ground water was

observed during the review. Reactivation of this slide probably was due to a combination of factors such as the loss of vegetative cover during the Malibu-fire, a shear zone crossing through the natural slope, the high intensity rains from the last storms and rising ground water levels.

Emergency remediation work began during the winter of 1995 and continued through the spring and early summer of that same year. The applicant conducted preliminary revegetation of the bluff face with a hydroseed mix consisting of native species common to the coastal bluffs of the Santa Monica Mountains; however, this effort was completely unsuccessful. The other areas subject to development, such as the staging area and access roads, were not included in this preliminary revegetation effort, but are included in the proposed restoration program for the site.

Exhibits 3 & 4 illustrate the project site prior to development activities. Exhibit 5 illustrates the extent of new development on the bluff face. Exhibit 6 illustrates the proposed drainage improvements under Tuna Canyon Road.

Site Description

The project site is located above Pacific Coast Highway, between Tuna Canyon Road and Topanga Canyon Boulevard. The development site is highly visible along PCH from Las Tunas State Beach to Topanga State Beach. Prior to the commencement of the subject development the site was covered by coastal sage scrub and coast bluff vegetation, and provided a valuable source of habitat.

The subject development consists of a large 2:1 slope with two large benches that serve to provide drainage and access. A construction staging area was developed above the bluff face which is connected to the slope by a newly created access road along the east side of the bluff, and to a pre-existing access road to the north of the project site that extends down to Tuna Canyon Road approximately 1/2 mile from PCH. The newly created access road was developed on top of an existing un-named trail that extends from the top of the bluff down to PCH. Staff has reviewed aerial photographs from April and November 1993, and March 1994, and have confirmed the predevelopment conditions of the site. The existing access road and feeder trail are clearly indicated in these photographs. This pre-existing roadway was extended approximately 100 feet to the site of the newly developed staging area.

B. Environmentally Sensitive Resources & Habitat Areas.

Sections 30230 and 30231 of the Coastal Act are designed to protect and enhance, or restore where feasible the biological productivity and quality of coastal waters, including streams:

Section 30230:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Tuna Canyon Significant Watershed

The Tuna Canyon Significant Watershed is recognized for its various natural resource and unique habitat values. The Certified 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. 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 project's conformity with the Coastal Act policy. The Malibu/Santa Monica Mountains Land Use Plan (LUP) Research Analysis & Appendices describes the Tuna Canyon Watershed as follows:

Tuna and Pena Canyons

These two adjoining watersheds are nearly undisturbed with the exception of several concentrated ranch areas and a winding narrow road (Tuna Canyon Road). Tuna and Pena Canyons are considered sensitive because of a combination of factors including the presence of healthy vegetation, well developed riparian woodlands, year-round water, and the near lack of significant development (with the exception of upper Tuna Canyon).

In addition to dense stands of sycamore, oak and bay, these canyons also support white alders (lower half of Tuna Canyon), black cottonwood, and giant chain ferns (Los Angeles County Museum of Natural History Foundation, 1982).

The Significant Ecological Areas of the Santa Monica Mountains Report (R.D. Friesen Ph.D.) describes the significance of the Tuna Canyon Watershed as follows:

Tuna and Pena Canyons support extensive riparian areas dominated by Western Sycamores and Coast Live Oaks in their main canyon bottoms. Lateral canyons are drier, and dominated by California Bay-Laurel. Such riparian areas are uncommon in Los Angeles County. The stream in central Tuna Canyon is perennial and supports White Alders and Black Cottonwood. The Alders are strong indicators of perennial water flow. The understory of this riparian corridor supports a variety of shrubs, and herbs, indicating large specimens of the Giant Chain Fern (Woodwardia fimbriata).

The Tuna Canyon SEA also supports extensive Live Oak Woodlands in its southerncentral and northwest parts. Such woodlands are increasingly uncommon in Los Angeles County. The riparian and Live Oak Woodlands of Tuna Canyon SEA are particularly important habitat for a number of animals. A variety of small amphibians, reptiles, and mammals utilize the moist stream banks and litter scattered on the canyon bottoms. Other small animals utilize drier areas higher up slope. Larger wildlife species, including Mountain Lions, Mule Deer, and a variety of raptorial birds utilize these habitats regularly. Some species, such as Cooper's Hawk, forage in riparian habitat. Red-shouldered Hawks generally confine themselves entirely to Oak-Woodland - Riparian Woodland habitat. Other species utilize the trees as perching and nesting sites. The SEA is an important wintering and resting ground for many migratory birds utilizing the Pacific Flyway.

Present Impacts upon Ecological Resources in the Tuna Canyon SEA

Tuna and Pena Canyons have been relatively undisturbed by human activities generally because of the steep canyon walls and the lack of roads. The Chaparral and Coastal Sage Scrub communities are in good condition as are the Riparian and Oak Woodlands. For this reason, the Tuna Canyon SEA serves to preserve the diversity and integrity of these biological communities within Los Angeles County.

The Phase I Study for the Tuna Canyon Significant Ecological Area No. 10, prepared by Michael Brandman Associates for the County of Los Angeles Regional Planning Department, dated November, 1991, indicates the presence of Diegan Coastal Sage Scrub on the south facing bluffs above PCH. This habitat is described as follows:

The steep, generally south-facing slopes along the immediate coast within the SEA support coastal sage scrub vegetation. Large shrubs of laurel sumac in a matrix dominated by coastal sagebrush typify this community in the area. Other common shrubs in this community include California buckwheat (Eriogonum fasciculatum), ashy-leaved buckwheat (Eriogonum cinereum), black sage, and California bush sunflower. Spanish bayonet, California wishbone-bush (Mirabilis californica), giant wild rye, giant needlegrass (Stipa coronata), and small-flowered needle grass (Stipa lepida) are less conspicuous components of the coastal sage scrub. This fairly open vegetation supports a sparse cover of annual, non-native grasses and annual herbs.

ESHA Issue Analysis

The project site is located within the Tuna Canyon Significant Watershed Area, and is adjacent to Tuna Canyon Creek which is recognized by the Commission as an Environmentally Sensitive Habitat Area. Furthermore, the site itself is located within a fairly undisturbed section of Diegan Coastal Sage Scrub habitat. These habitat types are sensitive to development and impacts resulting from grading, increased sedimentation and soil compaction. The applicant seeks an after the fact coastal development permit for the grading of 150,000 cubic yards, cut, to remediate a landslide on the coastal bluff located above PCH at the outlet to Tuna Canyon. The project involves the scraping and grading of an existing access road to the top of the bluff, the clearance of vegetation to create a staging area above the bluff, and an access road on the east side of the project area. Two benches have been added to the bluff face that serve as access to the bluff face and provide drainage of the face of the slope. The applicant proposes to construct a new drainage facility to convey runoff, generated by the existing drainage devices, under Tuna Canyon Road and into Tuna Canyon Creek. This new device is proposed in order to prevent runoff generated by the existing devices to sheet flow across traffic on Tuna Canyon Road and PCH, as it does now.

On August 31, 1995, the applicant submitted the results of a biologic survey conducted on the bluff face and surrounding area. Based on this survey the applicant developed a revegetation program for the site that involved the hydroseeding the bluff face with native seeds indigenous to the area. This program was implemented shortly after the above referenced submittal and the success of the program was monitored following the 1995-1996 winter rain season. By the Spring of 1996 it became clear that the revegetation efforts has not been successful. Caltrans and Commission staff along with interested staff from the City of Malibu and County of Los Angeles met with restoration ecology specialist from San Diego State University to discuss alternatives to the first restoration attempt. Based on information generated by this meeting, the applicant developed a second restoration program for the site. The program proposed is as follows:

Erosion control is necessary to protect the slope from surface erosion. The materials for erosion control work will include straw incorporated into the slope, seed, fiber, commercial fertilizer, straw or mulch wattles, and one gallon size native plants. The plant palette includes plants of the Coastal Sage Scrub community that are typical for the area:

California Sagebrush	(<i>Artemisia californica</i>)
Ashy-leaf Buckwheat	(<i>Eriogonum cenereum</i>)
Laurel Sumac	(<i>Rhus laurina</i>)
Mulefat	(<i>Baccharis glutinosa</i>)
Purple Sage	(<i>Salvia leucophylla</i>)

Erosion control materials are applied in four (4) separate applications. Straw will be blown onto the slope and incorporated. After the straw is applied that native plants are installed in short rows along contours in a random pattern. Two foot basins around each plant filled with mulch reduces weed seed germination and retains moisture in the plant root zone. After plants are in the ground, the straw or mulch wattles are placed on the contours approximately 50' apart. Wattles are tubular shaped mesh bags

filled with straw or mulch. The same effect can be created by mounding mulch or straw in a row contour. The mound measures approximately 24" wide by 8" deep. Jute mesh covers the mound and is staked on both sides. Securing the wattles or mounds is done with wood stakes or cuttings. These inert materials are used to dissipate waterflow across the contours and reduce the loss of soil before the vegetation becomes established. Hydroseeding with seed, fiber and fertilizer is the last application or erosion control materials.

The combination of container plant material, hydroseeding and inert materials as an effective erosion control measure must also be timed with California's growing season and rainy weather. The plant material needs to be in the ground and maintained at the end of the growing season in September. Hydroseeding is most effective when applied just prior to the rainy weather. This does not usually occur until November or December (if the last 4 years can be presented as evidence to that fact). Both plants and seeds can survive the rainy season without further maintenance. One month after the last rain, continued contract maintenance through the hot growing season of 1997 can increase survivability of the plant material.

Prior to the landslide that destroyed this slope, the native or introduced plant material had been growing for many years. It had reached a mature size that provided adequate cover of the soil and minimized the effects of soil loss during storms. The best environment of survival for California native plants is one that provides supplemental water during the first year's dry season, then allows the plant to become "naturalized"; to live on the seasonal winter rains that are part of this state's normal weather patterns. It will take several years for this erosion control planting to reach the size and coverage of the vegetation that existed before the landslide (and development).

The project is located in the Tuna Canyon Significant Watershed area, which is a Commission designated sensitive resource area and is located adjacent to Tuna Creek a Commission designated Environmentally Sensitive Habitat Area. As previously mentioned, the applicant made an initial attempt to revegetate the bluff face. However, this attempt was not successful, and revegetation activities did not include the referenced staggng area or the access roads developed to conduct development activities on the upper bluff area. The new restoration proposal is a more progressive design than the previous and will be implemented prior to the winter rains to ensure a greater level of survivability. Furthermore, the proposed restoration program will also address the newly developed staggng area and access roads.

The Commission finds, in order to ensure these disturbed areas are restored to minimize any adverse environmental impacts resulting from erosion, the following special conditions are necessary. Special Condition No. 1 requires the applicant to submit, for the review and approval of the Executive Director, a five year (5) Monitoring Program which monitors site restoration efforts to ensure that revegetation efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of the site is adequate to provide 90% coverage by the end of the five year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. Furthermore, in order to mitigate the adverse impacts associated with increased erosion and sedimentation, prior to

the restoration of developed areas with vegetation, Special Condition No. 2 requires the applicant to submit erosion control plans which indicate the temporary use and location of best management practices used to contain sedimentation on site until such time the restoration activities are successful.

The applicant is proposing the construction of a drainage facility that will drain into Tuna Canyon Creek. To ensure the applicant secured all necessary Federal, State and local or authorization for work in the stream channel, Special Condition No. 3 requires that the applicant provide the Executive Director with a copy of a valid U.S. Army Corp of Engineers permit, California Regional Water Quality Board approval, and California Department of Fish & Game Streambed Alteration Agreement, prior to the issuance of a coastal development permit. If these permits or agreements are not required, then the applicant shall provide the Executive Director with evidence that such approvals are not required. And finally, in order to ensure that restoration of the site is conducted in a timely manner, Special Condition No. 4 requires the applicant to implement the restoration and monitoring program prior to the 1996-1997 winter rain season. Therefore, the Commission finds that the project, as conditioned is consistent with Sections 30230, 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, dated February 1, 1995, prepared by the District Materials Laboratory of CAL TRANS.

The February 1, 1995, Memorandum states:

Based in field observations and considering the slide geometry and the geologic data it is our opinion that unloading the head of the slide by regarding 10 meters (30 feet) beyond the main scarp parallel to the existing natural slope will temporarily reduce the slide movement. Benching of the slope at approximately mid-height is advisable.

We recommend covering the new slope with jute mesh or other erosion control method in order to avoid surface erosion due to rain-off. Ground water seeping from the slope should be intercepted by the placement of horizontal drains in intervals of 10 meters (30 feet).

The applicant also submitted a Slope Stability analysis for the cut slope dated December 4, 1995. This report states that a stability analysis was performed for a critical section of the graded slope and that this analysis indicated a minimum factor of safety of 1.38 and 1.05 for static and dynamic loading conditions respectively.

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..." The Cal Trans engineering geologist indicated that the pre-existing landslide was a geologic threat to the roadway and outlined the plan used to stabilize the slide area. This plan required the grading of the slope to unload the head of the slide to reduce slide movement. The grading was the minimum necessary to reduce the threat of the slide but did not completely eliminate the landslide threat. To completely stabilize and remediate the entire landslide would require massive grading which is not feasible for a number of reasons, including economic, environmental, physical constraints, etc.

The consulting engineer indicated that the new slope should be covered with jute netting or other erosion control methods in order to avoid surface erosion due to runoff. The applicant attempted to provide erosion control to the site following construction activities in the summer of 1995. These efforts, which involved the hydroseeding of the slope face with native seeds, proved to be entirely unsuccessful. The applicant now proposes the implementation of a restoration program involving container plantings, hydroseeding, wattle contouring and the placement of mulch and straw into the slope face. This effort will go beyond the recommended placement of jute netting, as well as the attempted hydroseeding, to provide erosion control and slope stability to the site. These efforts shall also be implemented on the newly created staging area, access road, and access road extension.

The Commission finds, in order to ensure these disturbed areas are restored to minimize any adverse environmental impacts resulting from erosion, it necessary to require the applicant to submit, for the review and approval of the Executive Director, a five year (5) Monitoring Program which monitors site restoration efforts to ensure that revegetation efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of the site is adequate to provide 90% coverage by the end of the five year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. Furthermore, in order to mitigate the adverse impacts associated with increased erosion and sedimentation, prior to the restoration of developed areas with vegetation, Special Condition No. 2 requires the applicant to submit an interim erosion control plans which indicate the temporary use and location of best management practices used to reduce erosion and contain sedimentation on site until such time the restoration activities are successful. Additionally, to ensure that restoration of the site is conducted in a timely manner, Special Condition No. 4 requires the applicant to implement the restoration and monitoring program prior to the 1996-1997 winter 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:

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 project site is located adjacent to Pacific Coast Highway (PCH), a designated scenic highway, and can be viewed from Las Tunas State Beach and Topanga State Beach. The project involves the grading, removal, of only those hazardous portions of the slope required to maintain a stable slope face. Therefore, the applicant has minimized grading and landform alteration to the maximum extent feasible. However, this large graded slope face is quite visible and if not adequately revegetated will adversely impact visual resources of this area. The applicant proposes a site restoration plan which will incorporate the use of native plants to provide erosion control/site stability, and to restore the previously existing aesthetic qualities and habitat values of the development site. As previously mentioned, the applicant attempted to revegetate the site in the Summer of 1995; however, these efforts were unsuccessful. The new restoration proposal is a more progressive design than the previous and will be implemented prior to the winter rains to ensure a greater level of survivability. Furthermore, the proposed restoration program will also address the newly developed staging area and access road, as well as the extended access road.

In order to restore the scenic and visual qualities of the site, the Commission finds it necessary to require the applicant to submit, for the review and approval of the Executive Director, a five year (5) Monitoring Program which monitors site restoration efforts to ensure that revegetation efforts at the project site are successful. Successful site restoration shall be determined if the revegetation of the site is adequate to provide 90% coverage by the end of the five year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. Additionally, to ensure that restoration of the site is conducted in a timely manner, Special Condition No. 4 requires the applicant to implement the restoration and monitoring program prior to the 1996-1997 winter rain season. The Commission finds that the project as proposed, and conditioned, is consistent with Section 30251 of the Coastal Act.

F. 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).

G. 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
2055M

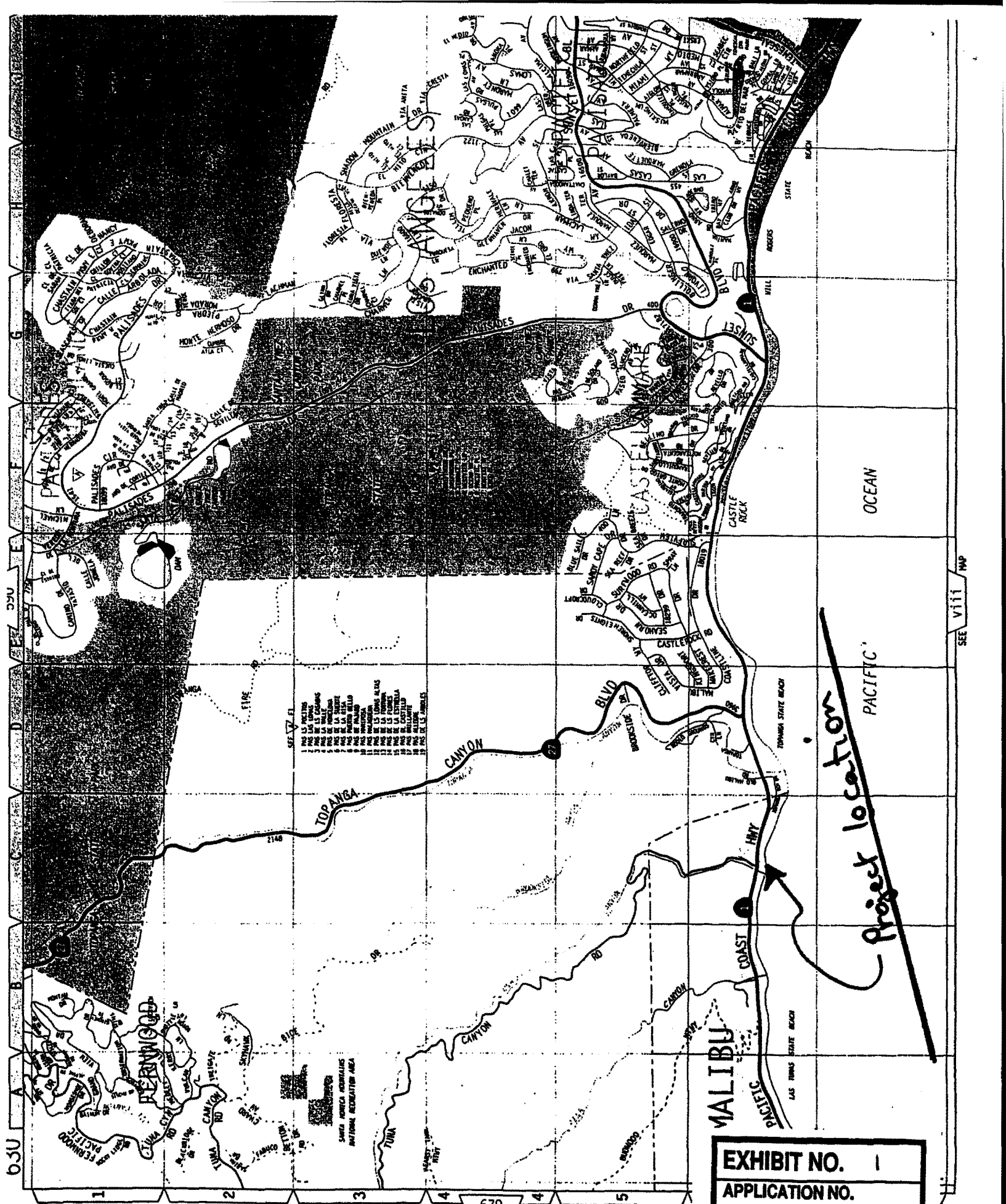


EXHIBIT NO. 1
APPLICATION NO.
4-93-155

SEE VIII MAP

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THE STANDARD PLANS APPLICABLE TO THIS CONTRACT INCLUDE, BUT ARE NOT LIMITED TO THOSE LISTED BELOW:


- A10A A10B A20A
- A20B A73C T1
- T2 T3 RS1
- RS2 RS4

STATE OF CALIFORNIA ER-2700(001)
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN LOS ANGELES COUNTY
IN MALIBU FROM TOPANGA CREEK BRIDGE
TO 0.2 MILE NORTH OF TUNA CANYON ROAD

To be supplemented by Standard Plans dated July, 1992

DIST	COUNTY	ROUTE	POST MILE TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	LA	1	40.9/41.4	1	14





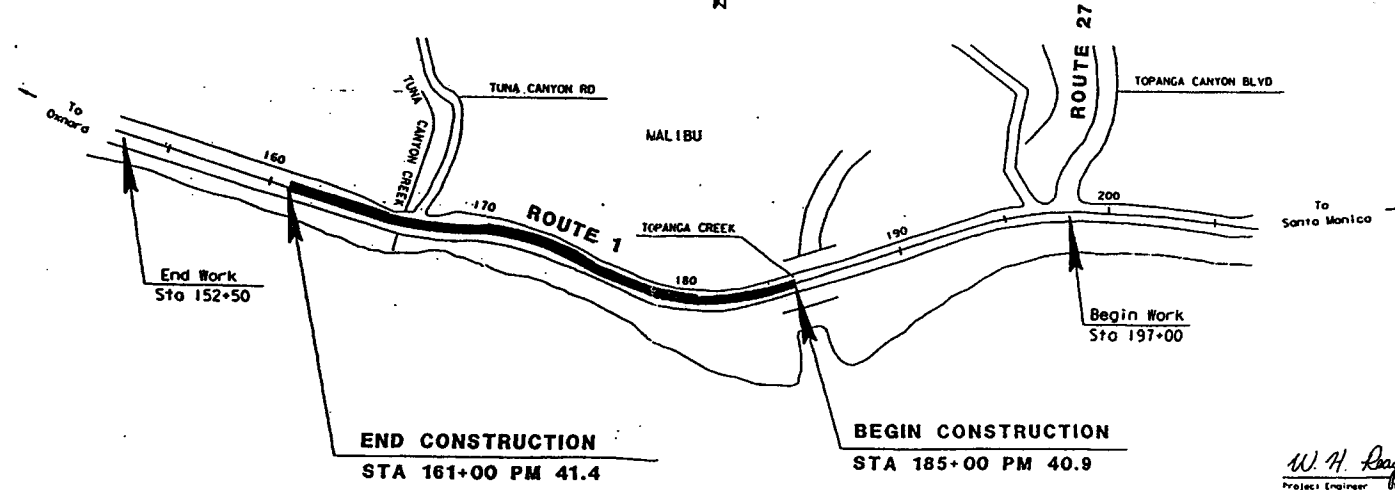
LOCATION MAP

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan set.

REDUCED PLAN
USE SCALE BELOW

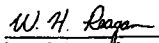


3 INCHES ON ORIGINAL PLAN



END CONSTRUCTION
STA 161+00 PM 41.4

BEGIN CONSTRUCTION
STA 185+00 PM 40.9



 Project Engineer *W.H. Reagan*
 Registered Civil Engineer
 February 6, 1995
 Plans approval Date

W.H. REAGAN
4638
FEB 26 1995
CIVIL
STATE OF CALIFORNIA

The Contractor shall possess the Class (or Classes) of license as specified in the "Notice to Contractors".

NO SCALE

FOR REDUCED PLANS
ORIGINAL SCALE IS IN INCHES



USERNAME: >> DDD
DOW FILE: >> /P/0004/P18/1818/1001.G

Contract No. 07-469104

CU 07265

EA 7 101

DATE PLOTTED: 05-FEB-1995 12:45
100-000000

EXHIBIT NO. 2

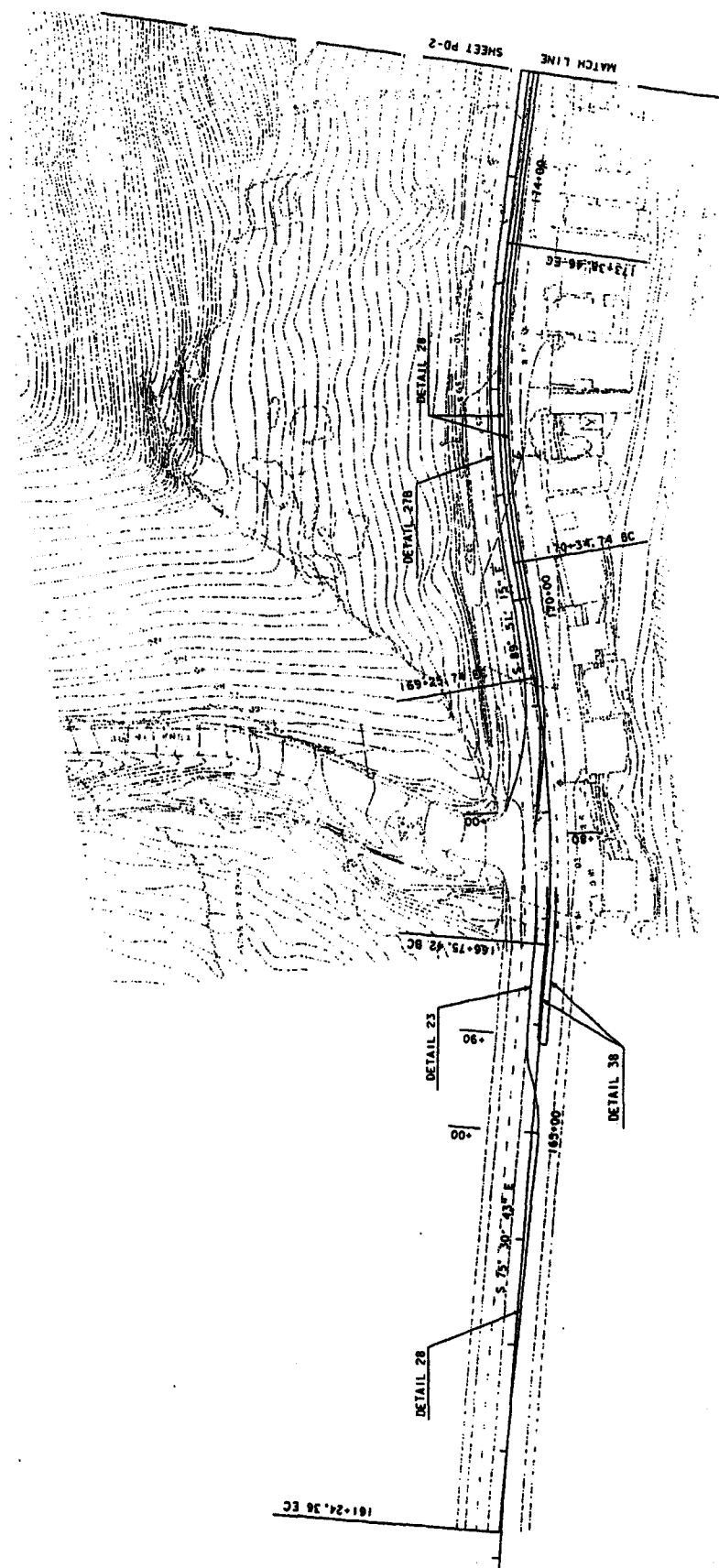
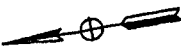
APPLICATION NO.

4-93-155

DIST	COUNTY	ROUTE	SECTION	SHEET NO.	TOTAL SHEETS
07	LA	1	40.3/41.4	7	14

W. H. Reagan
 REGISTERED CIVIL ENGINEER
 No. 46810
 EXPIRES 12-31-98
 CIVIL

2-6-95
 PLANT APPROVAL DATE
 The State of California or its officers or agents are not responsible for the consequences of the use of the information contained herein for any purpose other than that for which it was prepared.



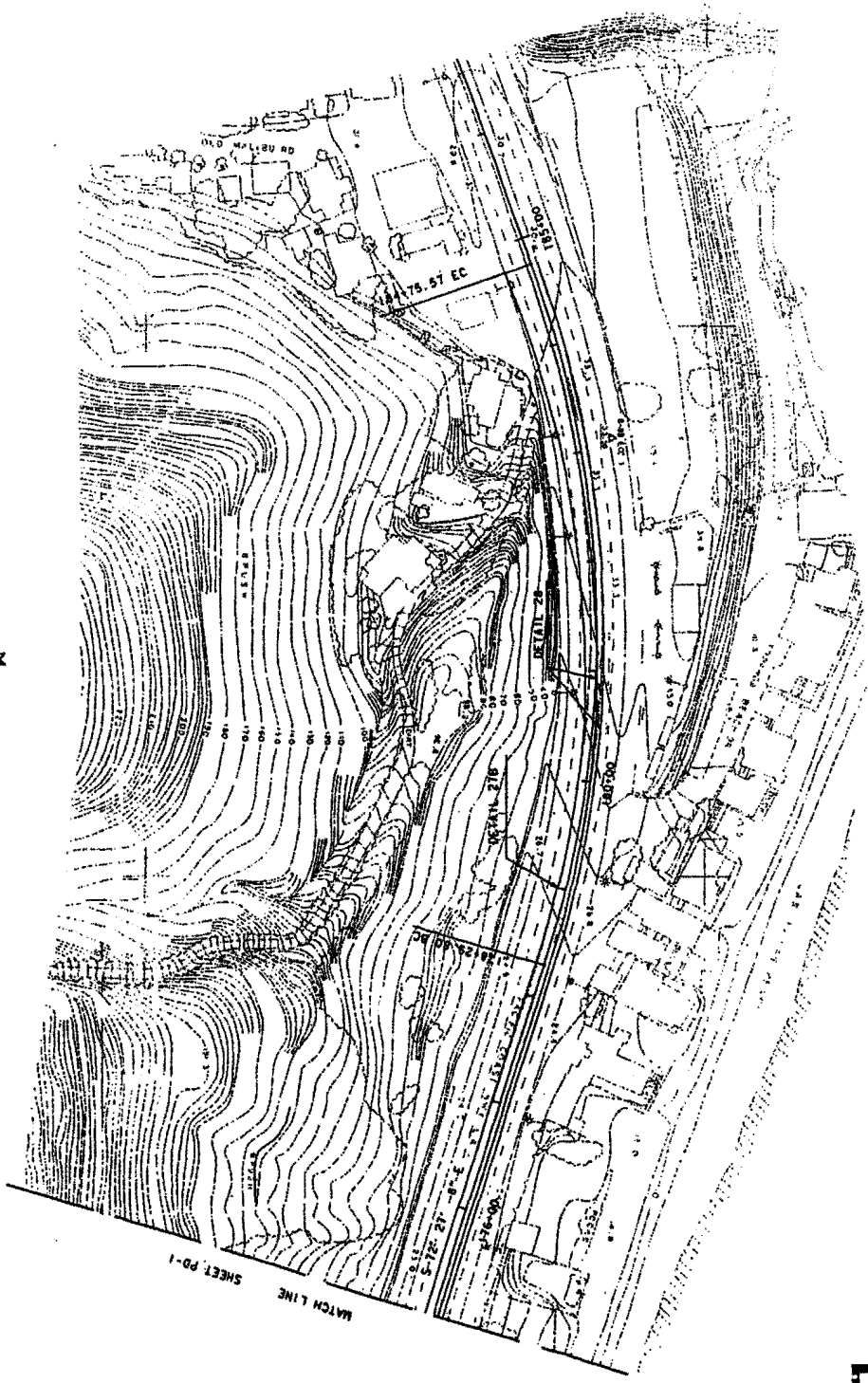
PAVEMENT DELINEATION PLAN
 (REMOVAL)
 SCALE: 1"=50'
PD-1

USER NAME: 11 D000
 DSN FILE: /D00/70000/P00/14810001.dgn
 CUI 07265
 EA 46810

PROJECT DEVELOPMENT	W. H. REAGAN	CHECKED BY	DATE REVISED
PROJECT ENGINEER		DESIGNED BY	DATE

EXHIBIT NO. 3
APPLICATION NO.
 4-95-155
 Pre Graded

DIST	COUNTY	ROUTE	POST MILES	SHEET TOTAL
07	LA	1	80.9741.4	8 14
W.A. Reagan REGISTERED CIVIL ENGINEER 2-6-95 PLANS APPROVAL DATE: 12-31-99				
<small>The State of California or its officers or agents shall not be held liable for any consequences or damages resulting from the use of these plans.</small>				



**PAVEMENT DELINEATION PLAN
(REMOVAL)**
SCALE: 1"=50'

PD-2

EA 469101

CU 07265

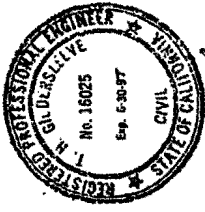
USE/NAME: J. Doherty
 DGN FILE: J:\usr\hobbs\PD\14891002.dgn

FOR REDUCED PLANS
 ORIGINAL SCALE IS IN INCHES

TIME PLOTTED: 05-FEB-1995 14:43

EXHIBIT NO. 4
APPLICATION NO.
4-95-155
Pre Graded

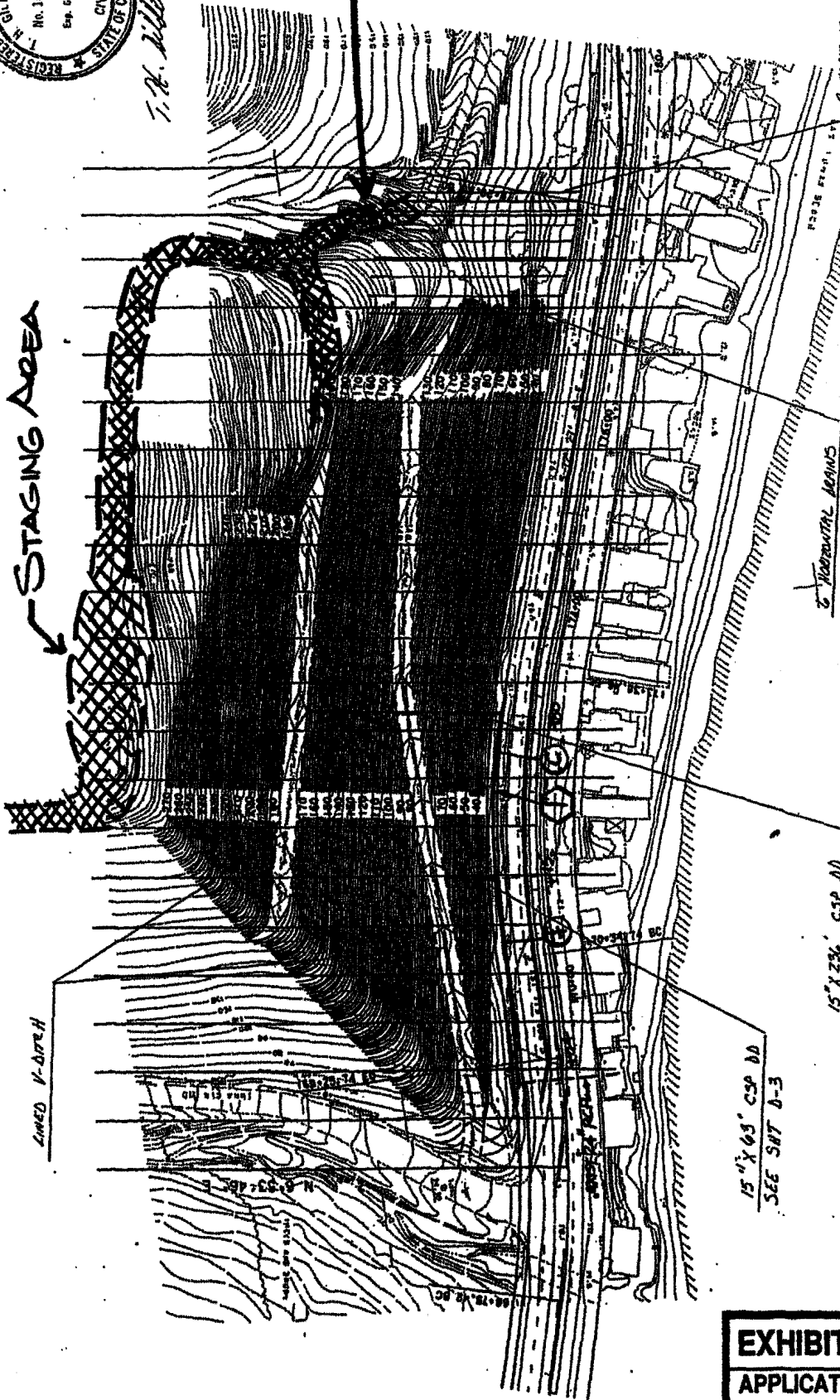
DEPARTMENT OF TRANSPORTATION	PROJECT ENGINEER	DESIGNED BY	DATE
W. H. REAGAN	W. H. REAGAN	CHECKED BY	DATE REVISED BY



T.R. Aldrich

NEW ACCESS ROAD

← EXTENDED ACCESS ROAD
← STAGING AREA



15' X 63' CSP DD
SEE SHT D-3

15' X 256' CSP DD
SEE SHT D-2

6 ROADSIDE DRAINS
STA 177+10 - 178+10
@ 20' INTERVALS
SEE SHT D-1

3 ROADSIDE DRAINS
STA 178+00 - 178+50
@ 10' INTERVALS
SEE SHT D-1

EXHIBIT NO. 5
APPLICATION NO.
4-95-165

