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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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RECORD PACKET COPY

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Staff: MHC-V *fe*  
Staff Report 4/22/99  
Hearing Date: 5/11-14/99

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 4-99-037

APPLICANT: Los Angeles Co. Dept. Public Works

AGENT: Albert Anidi

PROJECT LOCATION: Zuma County Beach, 29600 Pacific Coast Highway (Los Angeles County)

PROJECT DESCRIPTION: Replace portion of an existing fair-weather crossing at Zuma County Beach

LOCAL APPROVALS RECEIVED: None

SUBSTANTIVE FILE DOCUMENTS: Application 4-99-037

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the project with special conditions relating to: *wavier of liability*.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development located between the first public road paralleling the sea and the sea on the grounds that the development, as conditioned, 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 effects 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. Waiver of Liability

Prior to the issuance of the Coastal Development Permit, the applicant shall submit a written document, in a form and content acceptable to the Executive Director, that shall provide that the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's

approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant proposes to reconstruct portions of a fair-weather crossing which provide vehicular access to Zuma County Beach. The proposed project consists of replacing two 25 by 24-foot by 6-inch thick concrete approaches to the fair-weather crossing, reconstructing a 150-foot long by 6 foot wide 6-foot deep gabion basket on the upstream side of the fair-weather crossing, and replacing a 150-foot long by 4-foot deep rip-rap (consisting of 36-inch diameter rock) on the downstream side of the fair-weather crossing.

The construction would occur during the dry season when there is no flow across the fair-weather crossing. Construction of the concrete approaches, gabion, and rock rip-rap would be conducted from the roadway to avoid impacting aquatic habitat.

The proposed project site is located at the entrance to Zuma County Beach, and provides public vehicular access to the County Beach. (See Exhibits 1 through 3.)

##### **B. Background**

The project site is subject to regular inundation from Zuma Creek during the rainy season. Because of unusually heavy and prolonged run-off during last year's El Nino rains, portions of the two concrete approaches to the fair-weather crossing were damaged by erosion. Additionally, the middle section of the fair-weather crossing was made vulnerable as a result of upstream and downstream scour. The fair-weather crossing experienced previous damage as a result of high run-off during the 1995 El Nino. The Commission granted a Coastal Development Permit (4-97-014) for the reconstruction of the downstream half of the middle section of the concrete roadway, the addition of a cut-off wall, and the placement of rock rip-rap on the downstream side of the fair-weather crossing.

##### **C. Environmentally Sensitive Habitats**

PRC Section 30231 provides, in relevant part, that:

The biological productivity and the quality of . . . streams . . . 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.

PRC Section 30235 provides, in relevant part, that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The section of Zuma Creek in which the fair-weather crossing is situated carries an ephemeral flow, principally during short periods of winter storm run-off. No ponding occurs on the project site, though a small lagoon forms immediately downstream of the fair-weather crossing. Adjacent vegetation is dominated by willow (*Salix* spp.), cattail (*Typha* spp.) and a variety of non-native weedy species.

The project would be confined to the existing road right-of way and would therefore not encroach onto or displace any existing native vegetation or aquatic habitat. All construction would be conducted from the existing roadway, and therefore not require or result in disturbance to existing habitat. Additionally, the construction would occur during the dry season (April 30 through October 30) and therefore not result in discharge of sediments or other contaminants into any downstream aquatic habitat or within the stream corridor.

The proposed project consists of replacing portions of an existing fair-weather crossing which have been damaged as a result of high flows. The proposed project is limited to the current footprint of the existing fair-weather crossing within the current road right-of-way, and is intended solely to ensure the safe public use of the entrance roadway to Zuma County Beach.

Because of the wide, low character of the stream corridor in this location, bridging the Zuma Creek crossing is not practicable. The proposed method of maintaining the existing fair-weather crossing is the least intrusive means of maintaining access and internal circulation within Zuma County Beach

The Commission therefore finds that the proposed project is consistent with an able to carry out the applicable provisions of PRC Section 30231 and 30236.

#### D. Public Access

PRC Section 30210 through 30214 provides, that:

. . . maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The fair-weather crossing which is proposed to be repaired and reconstructed constitutes the principal entrance road to Zuma County Beach, which is a major public access point to the Beach of Los Angeles County. Maintenance of this access roadway is essential to the maintenance of public beach opportunities along this section of coast. The proposed method of construction will not impede public access and the repair of the damaged portions of the fair-weather crossing will ensure continued access during all seasons of the year.

The Commission therefore finds that the proposed project is consistent with and able to carry out the provisions of PRC Sections 30210 through 30214.

#### E. Geologic Stability and Hazards

Section 30253 of the Coastal Act states in part that 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, 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 project is located across the lower reaches of Zuma Creek which lack surface flow during most of the year, but is subject to periodic flood flows. As noted above, because of unusually heavy and prolonged run-off during last year's El Nino rains, portions of the two concrete approaches to the fair-weather crossing were damaged by erosion. Additionally, the middle section of the fair-weather crossing was made vulnerable as a result of upstream and downstream scour. The fair-weather crossing experienced previous damage as a result of high run-off during the 1995 El Nino. The Commission granted a Coastal Development Permit (4-97-014) for the reconstruction of the downstream half of the middle section of the concrete roadway, the addition of a cut-off wall, and the placement of rock rip-rap on the downstream side of the fair-weather crossing.

Because the project is subject to damage or destruction from flooding, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the waiver of liability, the applicant acknowledges and appreciates the

nature of the flood hazard which exists on the site and which may affect the safety of the proposed development, as incorporated by special condition number one (1).

The Commission finds that only as conditioned above is the proposed project consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

*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 consistent with the applicable policies contained in Chapter 3.

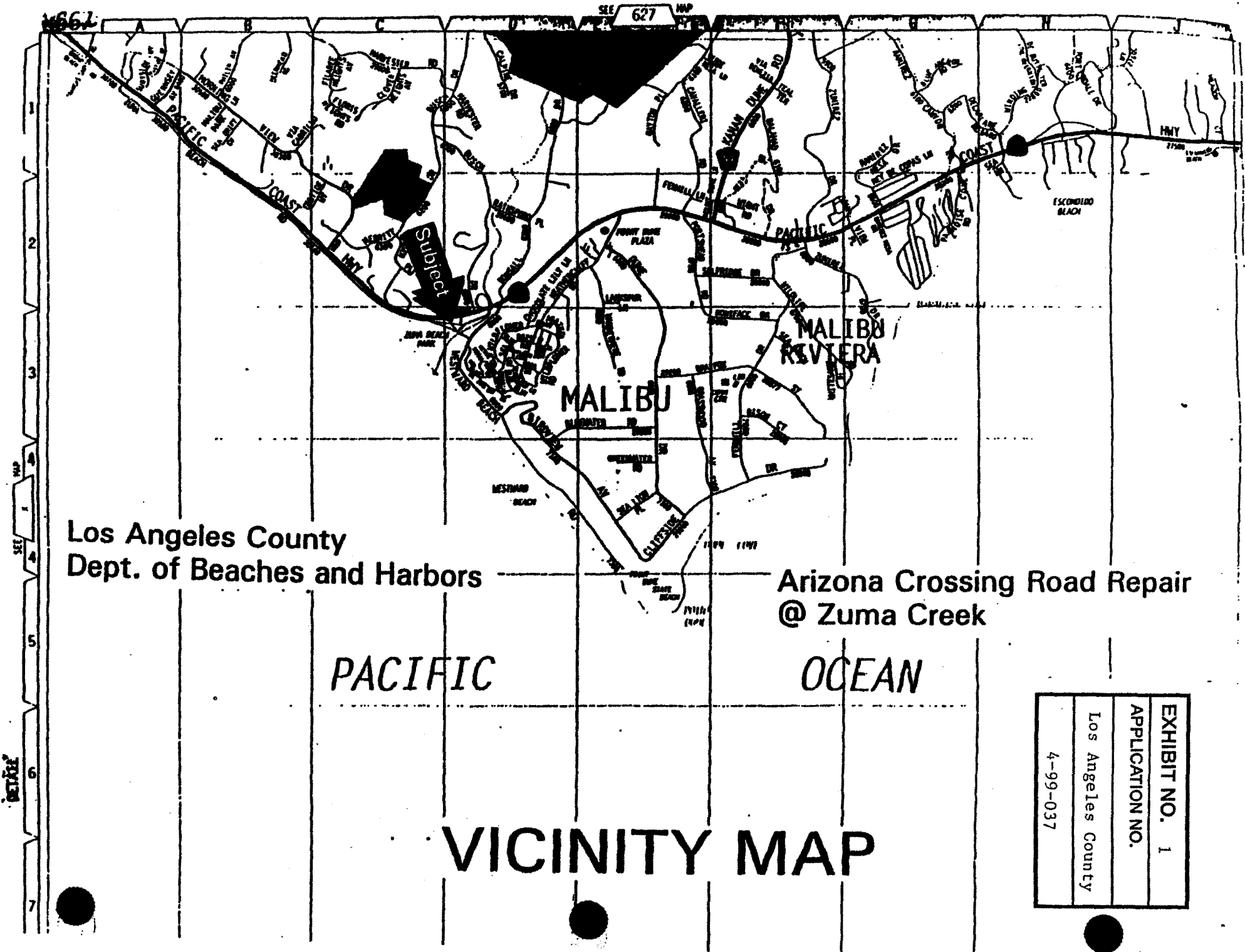
Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity would have on the environment.

The proposed development would not cause significant, adverse environmental effects which would not be adequately mitigated by the conditions imposed by the Commission.

Therefore, the proposed project, as conditioned, is found consistent with CEQA and with the policies of the Coastal Act.



Los Angeles County  
 Dept. of Beaches and Harbors

Arizona Crossing Road Repair  
 @ Zuma Creek

PACIFIC

OCEAN

# VICINITY MAP

EXHIBIT NO. 1
APPLICATION NO.
Los Angeles County
4-99-037

SEE MAP

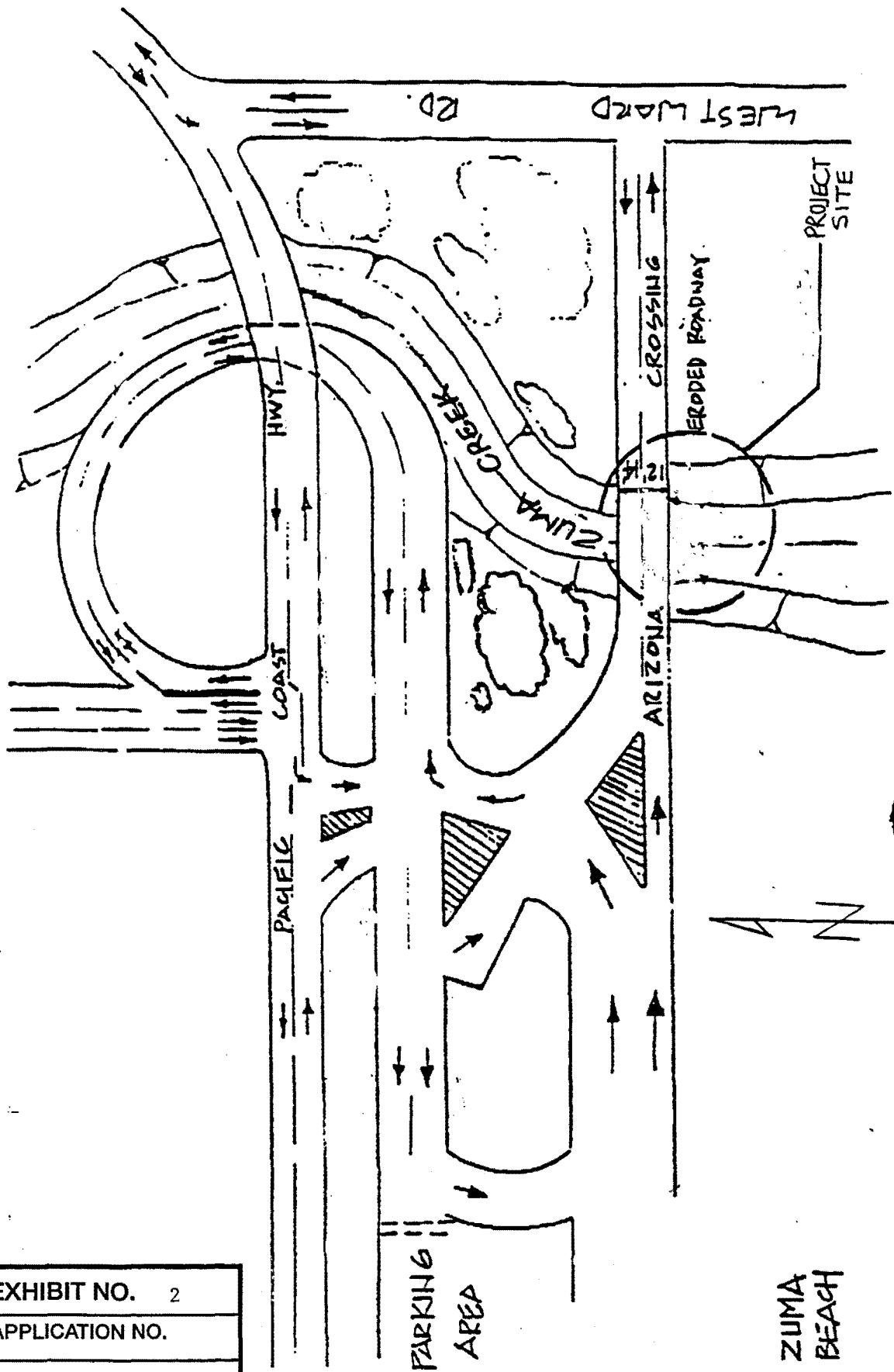
SEE 627 MAP

666



ZUMA BEACH AT ARIZONA DIP CROSSING

EXHIBIT NO. 2
APPLICATION NO.
Los Angeles County
4-99-037



ZUMA BEACH

PACIFIC OCEAN  
LOCATION MAP

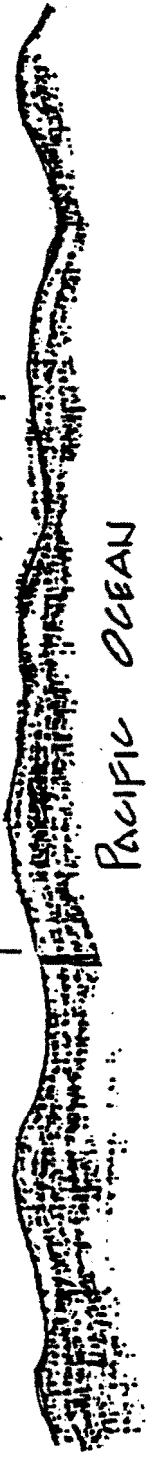


EXHIBIT NO. 3
APPLICATION NO.
Los Angeles County

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS  
**ZUMA BEACH - ARIZONA CROSSING**  
 ROADWAY REPAIR  
 PLAN AND REPAIR SECTION

PREPARED BY: E. SCHMIDT

